

LAW ENFORCEMENT

BY THE

UNITED STATES COAST GUARD



PREPARED AT

U. S. COAST GUARD HEADQUARTERS

WASHINGTON, D. C.

INTRODUCTION

Law enforcement has become today the primary duty of the Coast Guard. This particular phase of our duty has always been an important branch of the work of the Service, but the last fifteen years have witnessed a remarkable growth in this field, so great that at the present time it is a major activity of the Service. Not only has this branch grown to a point where it overshadows all other phases, but indications are that future growth of the Service will be in fields relating to law enforcement. Legislation now pending or contemplated, giving additional duties to the Coast Guard, will add to the law enforcement work. Further, with the Federal Government assuming more and more control over diversified activities of the country at large, activities that heretofore were considered primarily State matters, more and more regulatory statutes will be added to the Federal laws. It is probable that where this Federal control involves anything concerning maritime matters, or control over navigable waters of the United States, the Coast Guard, as the primary law enforcement agency of the Federal Government afloat, will be charged with additional responsibility.

While all of this points to a gradual enlargement of the Service as new duties are added, and would theoretically indicate an active future for the Coast Guard, the Service can only be sure of such a future if the personnel of the Service is prepared to carry out the present law enforcement work, and such additional duties as may be required, in a manner in keeping with the traditions of the Service.

In order to develop the study of law enforcement by the personnel of the Service, especially among those whose rank or rating is such that, normally, they will be directly charged with the execution of the laws that the Coast Guard is under a duty to enforce. Headquarters has adopted a program of instruction embodying the following features:

(1) The issuance of a digest of all information pertinent to Coast Guard law enforcement problems. Since it will virtually be a Coast Guard textbook, it is being subjected to critical scrutiny and test. Therefore, its final publication in a printed form will be delayed for some time.

(2) The future addition of questions on law enforcement to promotion examinations for officers up to and including the grade of Lieutenant Commander. The satisfactory completion of such an examination will also be made a requisite to advancement to certain Chief Petty Officer ratings. It is desired that the field submit to Headquarters practical questions on problems encountered in the execution of law enforcement duty. Every effort will be made to publish all questions received, with the answers thereto, and such questions and answers will be incorporated into the correspondence course described hereafter.

(3) A modification of the present Boarding Manual, bringing it up to date and incorporating such revisions as are indicated by recent changes of laws.

(4) The establishment of a correspondence school of instruction in law enforcement. An appropriate course is required to be taken by:

(a) All commissioned officers up to and including the rank of Lieutenant Commander.

(b) All Chief Boatswains and Chief Boatswains (L).

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(c) All Boatswains and Boatswains (L), both permanent and acting.

(d) All men in the following enlisted ratings, both permanent and acting:

C.B.M.	B.M. 1c
C.B.M. (L)	B.M. 1c (L)
C.Mo.M.M. (L)	Mo.M.M. 1c (L)
	Mo.M.M. 2c (L)

The correspondence course of which this is the first assignment will comprise seven assignments, each of which will be mailed separately to all personnel affected for study at intervals of about one month. Approximately three weeks after the distribution of each assignment of study material, a written examination covering the matter contained in the last assignment will be given. The scope of these examinations will vary according to the rank or rating of the officer or enlisted person to whom they are given. The questions contained in this examination will be answered by each student and returned to Headquarters within ten days of receipt thereof.

The scope of the course covers the whole field of law enforcement work in the Coast Guard. Naturally, in a brief course of this type, it is not possible to cover every phase in detail, and theoretical matters or problems involving situations seldom likely to arise have been slighted in favor of more practical problems of boarding and attendant procedure.

The course has been divided into seven assignments which follow in logical sequence.

ASSIGNMENT I - LAW IN GENERAL BIBLIOGRAPHY

Obviously, no attempt can be made, nor is there any desire, to teach the subject of law, but for an intelligent comprehension of the matter that is to follow some brief introductory information is deemed essential. Further, there must be a ready understanding of the publications containing the law, the purpose served by each publication, and how to go from one source to another. Therefore, the *Statute at Large*, the *Revised Statutes*, the *United States Code*, the *Navigation Laws of the United States*, and supplementary publications, such as Regulations issued by heads of departments, i.e., Secretary of Commerce, etc., are described and explained.

ASSIGNMENT II - NAVIGATION LAWS

Assignment II deals with specific navigation laws in which the Coast Guard is interested, and the extent to which they involve enforcement problems of the Service.

ASSIGNMENT III - CUSTOMS LAWS

Assignment III contains a general discussion of particular Customs Laws, in the enforcement of which the Coast Guard participates, and related problems.

ASSIGNMENT IV - CRIMINAL AND MISCELLANEOUS LAWS

This assignment contains a discussion of the authority of the Coast Guard to enforce certain specific laws, the extent to which the Service may go in carrying out such enforcement, and the area over which jurisdiction is effective.

ASSIGNMENT V - JUDICIAL PROCEDURE

Under this heading an explanation of customary court procedure, and the procedure in prosecuting seizures will be given. Matters relating to arrests and forfeitures and the obtaining of necessary evidence will also be discussed.

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ASSIGNMENT VI - VESSELS

As a preliminary to Assignment VII, a survey of laws applicable to vessels is made. This will include a discussion of tonnages, the measurement of vessels, the inspection of vessels, vessels' documents, and manifests.

ASSIGNMENT VII - BOARDING

This assignment will be devoted to a discussion of actual boarding of vessels and problems involved therein. This will deal with methods of procedure, what to look for, what action to take in case a violation is found, and the proper submission of violation reports. An analysis of the Oil Pollution and similar acts, as considered from the standpoint of boarding, will be included.

It is to be expected that there will be some overlapping in subjects, particularly between the study of laws in which the Coast Guard is interested and the matters of jurisdiction of the Coast Guard. Likewise, between the mechanical proposition of boarding and the matter of judicial procedure. This inevitable repetition is not considered a disadvantage, however, as it will serve to impress important points more decisively.

As stated before, the purpose of the course is to present to the personnel concerned, a synopsis of the law enforcement work of the Coast Guard. A studied effort has been made to avoid being too technical and it will be noted by a study of space given to the various subjects that approximately half of the course is devoted to the practical matter of actual enforcement work and its attendant subject of legal procedure. While much matter covered may be material with which everyone is familiar, it is believed that the presentation of this material, correlated with the actual authority of the Coast Guard, will give a broader understanding of the entire problem of law enforcement. It is hoped that upon completion of the course the personnel of the Service will be able to approach the problems discussed therein with a better basic knowledge, and that this correspondence school will encourage and stimulate a more thorough study of the subject of law enforcement by the Coast Guard.

GENERAL

Before one can undertake to successfully understand the problems involved in the law enforcement work of the Coast Guard, it is necessary that he have some conception of what is meant by the term "law", and to appreciate the sources from whence we draw our law. Definitions of the term "law" are numerous, and easy to find. None are particularly satisfactory, since invariably they seem to fall short of being sufficiently comprehensive. Probably the best approach would be to speculate as to what the average layman understands by the term. If you, as individuals were asked to define the term, your answer would probably be that law represents a rule of conduct set by a superior authority, which imposes a duty on you and which you are bound to follow or incur a penalty. This concept would not be far wrong and, in fact, contains the elements of the definition given by Blackstone, to wit:

"Law, in its most general and comprehensive sense, signifies a rule of action which is prescribed by some superior and which the inferior is bound to obey".¹

Unfortunately, this rule is a generalization and to generalize is to omit. It paints a picture of a rule of conduct standardized in a code written and handed down by a superior authority, and which the courts follow in making their decisions. For the purpose of the Coast Guard and for reasons that will appear later, this picture would be eminently satisfactory if nothing else was involved, since the Federal law under which we operate is statutory. However, the law of our country is an outgrowth of the Anglican system and this had its inception in custom. There are countries, mainly in continental Europe, whose legal systems are entirely codified. Such countries usually operate under the Roman or Civil Law, and their approach to legal problems is entirely different than ours. Even though the general growth of our law in recent years has been towards codification by statute, nevertheless our approach to judicial and legal matters is still predicated on the law of custom, or as it is ordinarily referred to, the common law. Let us examine briefly the growth of the common law systems.

One can readily visualize that in very early days, people banded together in small groups for mutual protection. There was no central or sovereign government, and there was no law, other than that imposed by common consent for the general good of all. By custom, for instance, there grew up the rule of conduct that one's property should be immune from seizure or theft by another. Probably at first the injured party took the matter in his own hands and punished the wrongdoer himself, but with the advance of civilization, probably a council of the elders of the village sat in judgment on the offender in order to preserve peace in the community. In a crude form, this constituted a court. One can pass over the effect of the early waves of conquest that at various times swept over England subjugating the inhabitants. Each left some impression on the natives, but none was actually sufficient to present a unified or comparatively permanent centralized government until the Norman conquest of the Eleventh Century. The Normans had a gift for organization, and as part of the government set up, courts were established. These courts, while crude, were far superior to the independent courts previously existing, and which had no common tie with similar courts in other communities. Further, the Normans and their followers were natural law givers. The profession of law was an honored one and its study was fostered.

The thing to note, however, is that even with the creation of a more centralized government, the courts resulting therefrom, still did not base their decisions on written statutes given by the sovereign. Rather, they operated under his will and by his direction, but their decisions were based on their interpretation of the custom or precedent of the community for the particular crime or offense charged. In other words, the elements of the various offenses were established by the court coordinating the customs and desires of the community. Gradually, these court decisions made up a body of law which established precedents almost as rigid as if they were codified or statutory. These decisions set the limits of rights, powers, privileges and immunities with attendant duties, liabilities and disabilities of individuals, and these limits became the nucleus of the common law.

¹ Blackstone, Commentaries (1715) 38.

It will thus be seen from the above that a law or rule of action was not prescribed by a superior authority directly, unless the will of the people as interpreted by the courts represented such authority. It could, of course, be argued that the court decisions, since they set the standards of conduct for individuals, really did represent a superior authority, but actually the courts passed on offenses in retrospect and the standard of conduct set by them was, through precedent, voicing the custom, not by a written code outlining it. Statutes were in the early days few and far between. They were generally enacted only to relieve situations where the courts, either through conservatism or misinterpretation of the customary law had rendered decisions which popular opinion found unjust. The statutes were thus passed to either curb arbitrary decisions of the court or to cut through the knot of red tape in which the courts had, by their technical decisions, involved themselves.

The American colonies were, of course, English and their legal systems were patterned on the Anglican system. Common law prevailed in the colonial courts, even in the colonies which were largely settled by colonists from countries other than England. This is natural when we remember that the jurisdiction was none the less English, and that those practicing the legal profession were mainly trained in England.

When the colonies revolted, and through the medium of the American Revolution achieved independence, no radical changes were made in the courts. No attempt was made to create a new standard of laws. The common law was adopted by the individual states and, in fact, they seemed to feel that this system was their greatest heritage from England. For example, "on the very eve of the colonial revolution, in 1774, the Continental Congress, 'asserting and vindicating their rights and liberties' deem it fitting to 'declare that the respective colonies are entitled to the common law of England'".² Further, in the individual states there were few, if any, new statutes adopted, the people being content to rely on the standard of relations laid down by the courts. Such statutes as were then extant in England and applicable to the needs of the individual states were adopted as part of the legal system.

The first government of the United States was only a confederation of states and as such was decentralized. That is, federal control was weak and under the confederation no federal court was provided for and presumably no need for one was anticipated. But the Confederation was not a feasible form of government, due to the lack of centralized control, and the leaders of the new union saw the necessity of remedying this defect. Accordingly, the Constitutional Convention was called and the Constitution of the United States as we now know it, except for such amendments as have been added from time to time, created.

The Constitution, in effect, created a national government since the Confederation was hardly worthy of that name. Do not make the mistake of assuming that the result was necessarily a strong national government, for, on the contrary, it was comparatively weak. About the best that can be said for it is that it was stronger than the Confederation. Even so, there was considerable opposition to the adoption of the Constitution because of the antipathy to a centralized government on the part of the citizens of the respective states. Having just thrown off the yoke of oppressive English rule, the people, as a whole, were generally reluctant to create a new government which they felt might be equally oppressive. It took considerable propaganda and salesmanship on the part of the adherents of the Constitution to sell the idea to the populace and insure the adoption of the Constitution. The famous "Federalist" papers are examples of this effort. As a result of this propaganda, the Constitution was adopted and our present federal government was born.

From the above, it is apparent why the expression is oftentimes heard that "the Federal Government is one of limited powers". The framers, in drafting the Constitution, gave to the national government only sufficient powers to enable it to function. Unless a particular power is either expressly or impliedly accorded the national government, then that power is denied it, and under the popular view, reserved to the states. The express powers given are generally listed under Article 1, sec. 8 of the Constitution. Further, some powers are specifically denied the Federal government, and these are found under Article 1, sec. 9. Also, in Article 1, sec. 10, certain powers are denied the states. Thus, in these three sections, the authority for the bulk of the Federal statutes may be found. Occasionally these sections, interpreted in conjunction with other parts of the Constitution, impliedly

² Panorama of The World's Legal Systems. Wigmore. P. 1100.

justify the validity of certain federal statutes, for which express authority cannot be found in the Constitution. An example of where such interpretation is necessary is the motor boat laws. Reference to this particular case will be made later.

Another expression commonly heard with respect to the national government is that it is a government of "checks and balances", and occasionally a reference to the "separation of powers doctrine" is found. It has been seen that the opposition to a centralized federal government on the part of the populace was predicated on a fear of recreating a tyranny comparable with that just thrown off. The Constitution, therefore, attempted to create a national government which consisted of three coordinating but independent departments, namely the legislative, the executive, and the judicial. Each had its particular duty and as long as these three powers, thus separated, were not lodged in any one body, it was conceived that the departments would be checks on one another and no tyranny could result. Thus if the legislature passed an act oppressive on an individual and depriving him of certain rights under the Constitution, the judiciary could relieve him, if the act was unconstitutional. Or, if the judiciary imposed a sentence which was oppressive, the executive, by independent action, could pardon the offender. Again if the executive exceeded the power given by law, he might be curbed by the judiciary. Thus we see that through the separation of powers, a system of checks and balances was set up which guaranteed freedom from tyrannical control of a strong federal government. "The Coast Guard is a part of the executive branch of the Federal Government, a part of one of the three (equal) branches. It bears its share of the execution of the Federal laws and power. It may not exercise judicial powers with relation to the lives, liberty and property of the average citizens, in fact, strictly, it may exercise no judicial power at all. This is the answer to the occasionally expressed belief that, in our law enforcement work, we should both arrest and try the offending vessel or person."³

It has just been noted that the Constitution created a federal judiciary. It was provided for as follows:

"The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may, from time to time, ordain and establish

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One of the first acts passed by the First Congress was the Judiciary Act of 1789, which in substance exists in our law today. But the federal courts were restrained by the very method of their creation to matters which were the subject of statutes passed by Congress under the powers conferred on it by the Constitution. In other words, the federal courts could not take jurisdiction of common law offenses. That is why earlier reference was made to the fact that from the federal standpoint, the original definition of law as given was satisfactory, since offenses against the United States must be statutory. However, the mistake must not be made of assuming that the common law is entirely disregarded by the federal courts. On the contrary, it plays a very important part in furnishing the definition of many substantive offenses. For example, by the statutes of the United States, the crime of rape is, under certain circumstances, an offense cognizable by the Federal Government, but the crime of rape is not defined by the statutes. Therefore, the court applies the common law elements of the offense in determining whether it has been committed. Another example, more familiar perhaps to Service personnel, is the offense of *smuggling*. This is not defined by statute and the definition must be sought in the common law. It means thereunder, the landing of dutiable goods upon *the shore* in fraud of revenue.⁵ The offense is not complete until the goods are landed and this element, established by the common law, is controlling. Note, however, that the court acquired its jurisdiction in the case by reason of the statute and not by the fact that the substantive offense was considered so by common law or custom in the community.

Before considering further the federal judicial system operating under statute, it might be well to mention that the states maintained their independent court systems operating largely on the common law. With the passage of years, statutes more and more supplanted the precedents of common law. Some states have completely codified their laws. California is an example. Others have met the need for new law by enacting necessary statutes

³ Informal Notes on Coast Guard Law Enforcement. Parker. p. 10.

⁴ Article 3, Section 2, Constitution, United States.

⁵ McGill v. U. S. 58 F (2) 522.

to supplement the common law and many have passed statutes which are simply declaratory of the common law. The tendency is definitely to codify and we may prophesy a future where-in all rules of conduct or duty are codified.

The authority for our federal law is, as heretofore said, the Constitution. It is generally referred to as the supreme law of the land. Actually, it is more a source of law than it is a reference for specific law. Thus, predicated on this source, we have treaties as well as innumerable statutes enacted by Congress all of which constitute a body of written law for our guidance. Further, in many instances, Congress as a short cut to making necessary laws, has delegated part of its legislative function to other bodies or individuals, who publish regulations for a particular purpose. A familiar example to Service personnel is the Regulations, U. S. Coast Guard, which the Secretary of the Treasury has issued as an agent of Congress. For certain purposes, these Regulations have the effect of statutory law and also form a part of the written law. Thus, the Constitution, treaties, statutes and regulations are all written sources of our law and, assuming the validity of the last three classifications, are primary and imperative authority. In addition to these primary sources, case or unwritten law made up of decisions of federal courts or administrative bodies are also primary sources. While such decisions are entitled to equivalent respect with written sources, since the meaning of a particular statute or regulation is dependent on the interpretation of the courts, to individual personnel of the Service, they are not so directly important. So for purposes of the Coast Guard, it may be assumed that written laws appearing in the sources mentioned constitute rules of the superior authority which the Coast Guard, as a law enforcing agency, enforces.

It might be well to mention that in addition to the primary sources, there are numerous secondary authorities, such as:

- (1) Expositions of the law (treatises proper, legal periodicals, appeal briefs in decided cases and parts of some encyclopedias).
- (2) Compilations (most of all encyclopedias, digests, text books and dictionaries).
- (3) Indexes (citation books, subject indexes, tables of cases and statutes, and parallel reference tables).⁶

These secondary sources are generally of importance to one in the field only in case he is forced with the necessity of immediate interpretation of a statute, the wording of which may be confusing.

Primary and secondary sources, as well as proper interpretations of statutes are the subject of the part entitled, "Bibliography" and will be given comprehensive study therein.

Before leaving the subject of the Constitution and the necessity of finding authority for all federal statutes or acted therein, it might be well to emphasize the matter by a hypothetical problem based upon a particular set of laws with which Coast Guard personnel are generally familiar. Suppose you were asked where these laws could be found. Undoubtedly, you would take a copy of the Navigation Laws of the United States, 1935, and point to Chapter XXXII, pages 231 and 233.

This, of course, is not the original source, as the Statutes at large must be looked to for that, but it is the ready text that we all have available. Suppose, however, that the inquirer asks, "But where does Congress get the power to pass such laws?" You would probably hazard a guess that the Constitution gives such power, but if you had a copy of the document available, a thorough search would fail to disclose any mention of motor boat laws. In fact you would not even find the word "navigation" mentioned. Then where does Congress get its power to pass such laws? We have already seen that unless the power can be found in the Constitution, it is denied to the Federal government.

Here our statutes must be supported by implication since the power to enact them is not expressed. In the first place, the word "navigation" was definitely omitted from the

⁶Hicks' Materials and Methods of Legal Research (1923) pp. 43-44.

Constitution for specific reasons, and navigation laws from the beginning have been passed and held valid under the commerce clause, which states that Congress shall have power "to regulate foreign and interstate commerce".⁷ Since many of the first Congressmen were members of the Constitutional Convention, we may rest assured that this was their intent. But is a motor boat running around pleasure-bent, an object of commerce? Further it may never leave state waters. We can argue that since Congress regulates the movement of commerce on the navigable waters of the United States, by rules of the road, then it can insure the safety of that commerce by regulating vessels such as motor boats, which might constitute a danger thereto. "The power of Congress to regulate commerce and navigation embraces, the control for that purpose, and to the extent necessary, of the public navigable waters of the United States, including the power to keep them open and free from obstruction. *It extends to all ships navigating thereon, regardless of type, motive power, or character of their business and authorizes all appropriate legislation regulating their national character and privileges, their form, size, equipment and inspection, their use and navigation and their rights and liabilities.*" (Gibbons & Ogden 9 Wheat. 1. 6 L Ed. 23) (Italics ours). However, it would not be necessary to rely on this alone, Article 3, Section 1 of the Constitution says that the Judicial power of the United States shall extend to "all cases of admiralty and maritime jurisdiction". Since, therefore, the Constitution gives the judicial power in these cases, and since the courts established by either the Constitution or the Acts of Congress, have jurisdiction over maritime matters, it follows as a logical corollary that Congress should have unlimited power to pass the necessary statutes of which these self same courts are to take cognizance. For example, it has been said in a leading case that, "The Constitution, in defining the powers of the courts of the United States extends them to 'all cases of admiralty and maritime jurisdiction'. It defines how much of the judicial power shall be exercised by the Supreme Court only, and it was left to Congress to ordain and establish other courts, and to fix the boundary and extent of their respective jurisdictions. Congress might give any of these courts the whole or so much of the admiralty jurisdiction as it saw fit; it might extend their jurisdiction over all navigable waters, and *all ships or vessels thereon*, or over some navigable waters, and vessels of a certain description only." (Jackson vs. The Steam Boat *MAGNOLIA*, 20 How. 300, 15 L. Ed. 909) (Italics ours). Thus it can be seen that Congress may enact motor boat laws under a power implied from the Constitution. Naturally, as heretofore stated, it is not necessary for Coast Guard personnel to go behind the actual written statutes as has been done here, nor is it even advisable. The example has been inserted merely to emphasize the authority for our statutes and the importance of recognizing exactly what is meant by a government of limited powers. Oftentimes, from the Service there comes the query, "Why doesn't Congress pass a law to enable us to do this or that?". From the above it is clear that statutes enacted by Congress must conform to powers impliedly or expressly given by the Constitution. These Constitutional limitations not only operate to prescribe the bounds beyond which Federal legislation may not extend, but likewise they impose certain restrictions on Federal officers engaged in law enforcement work. The first ten Amendments of the Federal Constitution, often referred to as the Bill of Rights, contain many restrictions on Federal powers. If these restrictions are not incorporated in the Constitution of an individual state the officers of such state are not as restricted in action as Federal officers. While this disparity will be noted again, it is mentioned here to show that the Federal government is not an omnipotent organization, but one whose jurisdiction is limited to decidedly definite boundaries. This then accentuates the necessity for a clear conception on the part of Coast Guard personnel of Federal powers.

Having considered the bases of the common law and the Federal Statutory law, it is advisable to consider classifications of law. It is generally said that law falls into two divisions, public law and private law. Public law relates to proceedings by or against the state by individuals or other states. Private law is concerned with litigation between subject and subject. Both public and private law are divided into substantive law and adjective law, the former dealing with the creation of rights, duties, etc., and the latter with the procedural rules by which they are judicially determined. The customary classifications of substantive law are as follows:

⁷ U. S. Constitution, Art. 1. Sec. 8.

1. Public Law.
 - (a) Constitutional law.
 - (b) Administrative law.
 - (c) Criminal law.
2. Private Law.
 - (a) Law of persons commonly called torts.
 - (b) Law of property and this applies to both real and personal property.
 - (c) Law of obligation, commonly called contracts.

Today, many subjects not listed above are included under public law, for example, federal procedure and jurisdiction, taxation, etc. Of the above, Service personnel is, in law enforcement duties, only interested in public law, and of this only administrative and criminal law and federal procedure and jurisdiction. Of these, the enforcement of criminal law will probably present the greatest difficulty. For this reason it is advisable to have a good concept of the subject and it will be dealt with in detail in a later section.

Another classification of law commonly made is that of civil and criminal. Civil law (do not confuse the term as here used, with the Roman or Civil law of Europe; the two are entirely distinct) covers the above classification of "Private Law" and such parts of "Public Law" as do not involve a criminal aspect. Criminal law, of course, covers that phase of law only. The reason for the distinction is that in a criminal case, because a man's life and liberty are involved, his guilt *must be shown beyond a reasonable doubt*, whereas a civil case turns on the *preponderance of the evidence*. In other words, the burden of proof in a civil case is not as exacting as in a criminal case. It is well to get this distinction firmly in mind, because it will simplify later discussion and show why it is necessary to have far more persuasive evidence in a criminal case where an arrest is involved than in a civil case where a fine, seizure, or forfeiture is made.

Another classification of law to which occasional reference will be found is "equity". This is essentially civil and for that reason it is not of great importance to Service personnel. "Equity is said to have had its origin in the deficiency of the English common law, which, by reason of its strict rules and the inflexibility of its forms of action, failed to provide remedies in new cases. When the law furnished no remedy, or an inadequate one, or when its strict enforcement would work grave injustice, the aggrieved party's only recourse was to seek relief by petitioning the King, later the Lord Chancellor, and still later the chancery judges. Its source was judicial decision, not custom or legislation, and each chancellor made equity for himself and his successors. At first, precedents were not followed, but in the early part of the nineteenth century the doctrine of *stare decisis* became an established part of the system and today is followed almost as rigidly as in law cases. Equity owes much to ecclesiastical court rules."⁸ The principal difference between law and equity is that a trial in the latter was not by jury but by the chancellor or a council of judges. "In colonial America there was some aversion to the deprivation of jury trial and the 'one-man power' of adjudication in equity courts, but at the time of the Revolution equitable remedies were administered by a separate tribunal, in some cases the governor alone, or with his council, in all of the colonies except Pennsylvania."⁹

Today, there is a tendency to abolish the distinction between actions at law and suits in equity, as well as the forms of such actions and suits, and requiring uniform forms of pleading and procedure. The systems of equity administration vary in the different states, but the federal equity system is uniform in all states. While it is administered by the same judges, it is separate from the law side of the court and the system is administered under rules¹⁰ laid down by the United States Supreme Court.

Another classification of law which is of importance to Service personnel is that of admiralty. "The jurisdiction of admiralty courts in the United States includes only maritime causes, or such as arise out of commerce and navigation upon the high seas or the navigable waters of the United States. The test of such jurisdiction is the nature of the claim

⁸ Legal Research, John D. Alexander, p. 9.

⁹ Ibid.

¹⁰ 28 U.S.C. 723.

on which the suit is founded and not the form of remedy resorted to."¹¹ "The principles of equity rather than the strict rules of common law are the controlling principles upon which the courts of admiralty act" ¹² Similar to equity, the admiralty procedure is extremely informal. The case is tried to the judge and not to a jury unless one is provided for by statute. Independently of statute there is no right to a trial by jury in civil cases in admiralty.

It might be well to consider a few definitions of terms that will be encountered in later discussions. A crime is a wrongful act or omission to act which is defined and punished by law, and which is prosecuted by the state in its own name. Thus the same act may be both an offense against the state as a crime and an offense against a person. As heretofore stated, there are no crimes punishable by the United States as a state or sovereign, unless the offense has been specifically designated a crime by statute.

Crimes are ordinarily divided into two classifications, felonies and misdemeanors. Common knowledge defines the term "felony" as a "crime of a graver or more atrocious nature than those designated as 'misdemeanors'." ¹³ Under the Statutes of the United States, a felony is any offense which may be punished by death or imprisonment for a term exceeding one year; any other offense is a misdemeanor. ¹⁴ Note that in some instances, the statutes provide a penalty of imprisonment in excess of one year, but nevertheless specify that the offense for which it is imposed is a misdemeanor. To this extent then, the above cited statute may be considered modified.

The word "offense", as used in 18 U.S.C. 541, should be qualified by the word "criminal" because not all offenses against the United States are criminal, but are merely penal. That is, there is a definite distinction between *criminal* and *civil liability*. For example, "If the master of a vessel is made liable to a fine only for an offense, it is true that the statute imposing the fine is *penal* but is not *criminal*. A criminal statute imposes imprisonment or execution as a punishment upon the person. The mere imposition of a fine, particularly under the system with which we are now dealing, does not constitute the offense subject to penalization, a *criminal* act. Money penalties are collected in a civil, not a criminal action in the Federal courts." ¹⁵

The action taken against a violator of the criminal laws constitutes criminal procedure. The elements of such procedure are arrest, indictment, trial, judgment, and execution. The terms, all of which are self-explanatory, will be discussed in detail in a later assignment.

There are practically no definitions under civil actions at law or civil actions in admiralty that require any extended discussion. Preference is often found to actions in personam and actions in rem. The first, as one would suppose from the word "personam" is simply an action against the person. The action in rem is against a thing or inanimate object. To illustrate, the distinction, suppose A, owner of ship X, contracts with and buys supplies from B, a ship chandler, and then fails to pay for same. B has a contract action against A in personam for the money. This is an action in personam. Or, he may libel A's vessel X, and proceed against it as if it were an individual. This is an action in rem. "It is true that, in a strict sense, a proceeding in rem is one taken directly against property, and has for its object the disposition of property, without reference to the title of individual claimants; but, in a larger and more general sense, the terms are applied to actions between parties, where the direct object is to reach and dispose of property owned by them or some interest therein." ¹⁶

Occasional reference, especially in admiralty cases, to the "res" is found. "In modern usage, the term is particularly applied to an object, subject matter, or status, considered as the defendant in an action, or as the object against which, directly, proceedings are taken. Thus, in a prize case, the captured vessel is the *res*." ¹⁷

¹¹ 1 Corpus Juris, 1251, Admiralty Sec. 16.

¹² 1 Corpus Juris, 1252, Admiralty Sec. 18.

¹³ Black's Law Dictionary.

¹⁴ 18 U.S.C. 541.

¹⁵ Informal Notes on Coast Guard Law Enforcement, Chapter IV, page 49.

¹⁶ Pennoyer & Neff, 95 U.S. 734. 24 L. Ed. 565.

¹⁷ Black's Law Dictionary.

Generally, such other legal terms or phrases as will be encountered in routine service duties are either well known or self-explanatory. In the event it is desired to find a term not satisfactorily explained by an ordinary dictionary, Black's Law Dictionary is recommended as a source of information since the definitions contained therein are not generally as technical as those found in the more comprehensive law dictionaries.

Another matter might be mentioned in closing. In the green pamphlet entitled "Law Enforcement at Sea", issued several years ago by the Coast Guard, appears the following statement: "The expression *high seas* is usually understood to comprise those waters which are outside the marginal seas of nations." From the preceding text material of the pamphlet marginal seas are synonymous with territorial waters. This particular definition, which is only partially correct, may cause some misapprehension. From an international law standpoint this is the commonly accepted definition; the term "high seas" being understood as those waters over which no nation can claim jurisdiction and which are free to all. From the standpoint of admiralty and maritime jurisdiction, however, the term is incorrect, as by court decision the term is meant to include those waters below the low water mark on the open sea and not included within the jaws of the land.

"The term 'high seas', as used by legislative bodies, the courts, and text writers, has been construed to express a widely different meaning. As used to define the jurisdiction of admiralty courts, it is held to mean the waters of the ocean exterior to low water mark. As used in international law, to fix the limits of the open ocean, upon which all peoples possess common rights, the 'great highway of nations', it has been held to mean only so much of the ocean as is exterior to a line running parallel with the shore and some distance therefrom, commonly such distance as can be defended by artillery upon the shore, and therefore a cannon shot or a marine league (three nautical or four statute miles)."¹⁸

The judicial interpretation of what constitutes "high seas" for the purpose of admiralty and maritime jurisdiction are demonstrated by the following:

"The term 'high seas' in its usual sense expresses the uninclosed ocean, or that portion of the sea which is without the fauces terrae of the sea coast, in contradistinction to that which is surrounded or inclosed waters of the ocean, or the open, uninclosed waters of the sea."¹⁹

For the purpose of this course, "high seas" will be used as adopted by the courts in the above definition, and where it is desired to use the international law definition, specific mention of the fact will be made.

It might be noted that now, through judicial decision²⁰ the Great Lakes are considered high seas and this should be borne in mind whenever questions involving jurisdiction on high seas are discussed.

Another matter to which reference may be found is the "doctrine of hot pursuit". This doctrine pertains to international law and has a limited application. Occasionally the conception of some individuals seems to be that the doctrine is applicable in any case where the pursuit of an offender is undertaken; regardless of circumstances. Actually it pertains to situations where a vessel of a foreign sovereign commits an offense within the territorial waters of another sovereign, and the offending vessel is pursued out of the territorial waters. The elements of such hot pursuit are that it must be continuous and must be concluded before the fleeing vessel enters territorial waters either of its own or a neutral country.²¹ But the doctrine is not applicable if a fugitive flees from justice across a boundary, "for a crime committed in port a vessel may be chased into the high seas and there arrested, without a suspicion that territorial rights have been violated, while to chase a criminal across the borders and seize him on foreign soil is a gross offense against sovereignty."²²

¹⁸ Vol. II, Moore's International Law Digest, Chapter VIII, Section 308, p. 885.

¹⁹ U.S. v. Grush, 5 Mason, 290.

²⁰ United States v. Rodgers, 14 Sup. Ct. 109, 150 U.S. 249.

²¹ The ITATA II, Moore's Digest, 985-986, or The Law of Territorial Waters and Maritime Jurisdiction, Jessup, p. 110.

²² Woolsey, International Law, Sec. 58.

Officers

Immunity 14 § 68

Pennants

Firing at Vessels 14 § 68

Seizure of Vessels 14 § 68

Vessels

Stopping Vessels for Examination, authority and immunity of officers 14 § 68.

It is readily seen that some of these subjects such as "Ensign," or "Pennant" are not such suggestive subjects as to cause them to be uppermost in one's mind, but the fact that there are at least six different subjects which do refer to the necessary citation makes the index sufficient for ordinary subjects. This example also shows the necessity of a systematic search of the index under different subject headings, in order to get a complete analysis of the problem.

The Code Supplement is printed in the same order as the Code so that a law found in the index of the Code will be found in the same manner in the Supplement. There is one thing to remember though, in your search of the Supplement, and that can be best illustrated by referring to the section above noted. 19 U.S.C., 1581. Originally, the law covered by this section was found under 19 U.S.C., 481. This was repealed by the Tariff Act of 1930 and the re-enactment of this law became 19 U.S.C., 1581, so if you look in the Supplement for 19 U.S.C., 481, you will not find this particular section as it is no longer referred to. What you would have found in the Code proper would have been that 19 U.S.C., 481 was repealed, and a reference made to 19 U.S.C., 1581 in the fine print beneath the heading. Your analysis can not be complete until you have checked the Supplement not only for the section which you are checking but the general index. 19 U.S.C., 1581 was amended by the Anti-Smuggling Act and the amended law will be found both under 19 U.S.C., 1581, or under the general index, Anti-Smuggling Act in the Supplement.

The fourth method of getting into the Code is from a direct reference to it or by some other citation. Many times you will have some reference to a law, and, as we have seen, that might be to the Act, the revised Statute section, the Statute at Large or the Code. If the Code citation is given there is no difficulty because you can go directly to the Code but if one of the other three citations are given you must resort to the parallel reference table in the Code in order to find the corresponding Code citation. The parallel reference tables begin on page 2277 of the U. S. Code and are complete as to all laws, beginning Dec. 1, 1814.

Table I, entitled, Revised Statutes, 1878, lists the Revised Statutes in their numerical order in column one. Directly opposite a Revised Statute in column two is the corresponding Code Title and Section. This table may be used where only the Revised Statute is given. An examination of this table reveals the fact that many of the Revised Statutes have been divided into several sections in the Code so that a citation of a Revised Statute may only be a broad reference. For example, R.S. 531 is referred to in 13 different sections of Title 28, U.S.C. The Revised Statutes are law and one is correct in referring to them for statutory authority, but to be more specific, you should also refer to the Code Title and Section.

Table II, entitled, Statutes at Large, lists all acts passed in their chronological order. Opposite each act will be found the corresponding citation in the Statutes at Large and the U. S. Code. Any reference to an act may be legally correct but yet tell little because an act generally covers a broad field; for example, the Anti-Smuggling Act. Any reference to this act in a violation report, for example, is not sufficient to give an intelligent report, consequently, the citations of the Acts alone should never be placed on a boarding report. The specific Code Title and Section should always be given. From the above explanation of Table II, it is apparent that if you have only the Act given, some search will be necessary in order to find the specific law referred to.

Much time has been given to an explanation of the Code and it may seem that we are approaching the problem from the hard side or that we are getting the "cart before the horse," but the Code is our primary reference because it is the only comprehensive publication to which the average officer has access. Practically all information distributed by Headquarters and the various other departments refers to the Code as the place where authority

will be found. Then again much of our work requires a smaller and more "handy" book, such as the "Boarding Manual," which gives nothing more than a violation followed by the citation, so if one does not have a working knowledge of the Code it is confusing to try to use the Manual. Unless you understand what is referred to by the different citations and how to find those citations, it is almost certain that errors will be made on Boarding Reports, and Reports of Violations.

After the officer has become thoroughly familiar with the Code, the next step is to learn the use and purpose of various other publications. Most departments instead of issuing the Code generally to the field have compiled all the laws which concern their departments and published them in separate publications; for example, the Department of Commerce has compiled the "Navigation Laws of the United States;" Bureau of Customs, the "Customs Regulations," etc. You might wonder why the Treasury Department has not compiled the laws which we must enforce but the fact that the Coast Guard is a general law-enforcing agent and must cooperate with all these departments would make any such publication almost a duplication of the Code. Then again, we have access to all these publications so that it is only necessary to learn the names and use of these publications.

Some of these publications are provided for by Congress and are the law, while others are merely compilation of laws. An example of the first of such publications is the "General Rules and Regulations" prescribed by the "Board of Supervising Inspectors," provided for by Chapter 14 of Title 46, U. S. Code. An example of the second is the "Navigation Laws of the United States." The most important compilations, such as "Navigation Laws of the United States" and "Customs Regulations" are supplied to all ships and stations and will probably be easier to use than the Code but it must be remembered that all these publications, including the Code, are only *prima facie* evidence of law, and although the probabilities of error in copying or analyzing the Statutes are small, still those probabilities exist and the true law remains the "Statutes at Large" or "Revised Statutes." See 46 U.S.C., 361.

Circular No. 126, "Coast Guard Duties and Doctrines" outlines the duties to be performed by the Coast Guard and the policy of Headquarters as to enforcing them. As stated in paragraph 1, "Nothing contained in this circular is to be regarded as specific authority for duty to be performed by the Coast Guard." Such authority and manner of performing these duties will be found in the Code and official publications of Departments, also Regulations and Instructions made in conformity therewith.

By publications we mean such books as "Navigation Laws" and "Customs Regulations." By "Regulations" we mean those rules and regulations which are laid down by the various departments, in accordance with the authority given by Congress. For example, 46 U.S.C., 222, states "No vessel of the United States subject to the provisions of this chapter or Chapters 14 or 15 of this title or to the Inspection Laws of the United States shall be navigated, unless she shall have in her service and on board such complement of licensed officers and crew, including certificated lifeboat men, separately stated, as may in the judgment of the local inspectors, who inspect the vessel, be necessary for her safe navigation." In accordance with this law the Department has drawn up "General Rules and Regulations" prescribed by the "Board of Supervising Inspectors," which have the force of law. Then too, Coast Guard Regulations have the force of law except where so stated. It will be noted that the Regulations proper are signed by the Secretary of the Treasury, in accordance with the rules laid down by Congress. Circular Letters, such as 126, are signed by the Commandant and are regulations of the Coast Guard and in one sense law, but not a Federal law, such as Regulations proper when signed by the Secretary of the Treasury. Most of the necessary publications are aboard ship, where boarding officers may have access to them, especially those including Navigation and Customs Laws.

In connection with Circular Letter 126, the following publications will be sufficient to enable an officer to find all the necessary law pertaining to a particular Department.

Treasury Department:

U. S. Code General Title 19 and 14;
Customs Regulations;
Coast Guard Regulations;

(Treaty Series No. 910 - Safety of Life at Sea)
The Whaling Act;
Treasury Decisions.

War Department:

Anchorage Grounds for the Port of.....
(Regulations Relating Thereto);
War Department Regulations;
Coast Guard Regulations;
U.S. Code Title 33, Sec. 415; 431-437;
U.S. Code Title 14, Sec. 63;

Navy Department:

Navy Regulations;
Coast Guard Regulations.

Department of Justice:

Instructions to United States Attorneys, Marshals, Clerks and Commissioners in
Alaska;
Coast Guard Regulations, U.S. Code Title 48, Secs. 24, 108, 110;
Alaskan Code.

Post Office Department:

Coast Guard Regulations;

Department of the Interior:

U.S. Code Title 48, Sec. 46A;
Coast Guard Regulations.

Department of Agriculture:

Coast Guard Regulations; U. S. Code, Title 48, Sec. 192, Regulations Relating to
Game Laws, Fur Animals and Birds in Alaska (Current Issue).

Department of Commerce:

Coast Guard Regulations;
Navigation Laws of the United States, and Supplement;
General Rules and Regulations Prescribed by the Board of Supervising Inspectors;

1. Ocean and Coastwise, Form 801 A.
2. Great Lakes, Form 801 B.
3. Bay, Sounds and Lakes, other than Great Lakes, Form 801 C.
4. Rivers.
5. Tank Vessels.
6. Tankermen.

Pilot Rules;
Laws Relating to Shipping & Merchant Marine.

Department of Labor:

Immigration Laws and Rules;
Coast Guard Regulations;
Employment of Forces by the President, Presidential Proclamation;
Duties not specifically allotted to any department of the Government;
Coast Guard Regulations;
U.S. Code Title 14, Sec. 26;
Presidential Proclamation.

We have dealt with the problem of finding the law in the individual publication but frequently the problem confronting the officer will involve several different phases of law, and the use of more than one publication will be necessary to get the law which covers the problem, so it is necessary to learn to use the Volumes together. Some of the volumes have parallel reference tables which enable one to use them in connection with each other. The following example demonstrates this.

In the Volume, "Navigation Laws of the United States" on page 1, under the sub-heading, "Vessels of the United States," you will find R.S. 4131 - 46 U.S.C., 221 at the beginning of the paragraph and at the end of the paragraph the date of the act which is May 28, 1896, Sections 1 and 3, which give most of the information as to where the law will be found. But let us suppose, as often happens, you only get one citation, for example, R.S. 4131, and you wanted to find the law and the subject matter involved. In the front of this Volume you will find the Tables of Laws included in the Volume classified under three tables, A, B, and C, which are parallel reference tables.

Table A gives the section of the Revised Statutes, numerically arranged, with dates of original acts and the corresponding United States Code sections included in this volume. Given the citation R.S. 4131, and following down the left hand column of Table A, we find R.S. 4131 on page VIII; opposite this, R.S. number will be found the date of the act, which is Dec. 31, 1792. Next, the page of the Volume, which is 1, and then the Code Title, and Section, which is 46 U.S.C., 221.

Table B gives the dates of acts, subsequent to the Revised Statutes (Dec. 1, 1873), chronologically arranged, and the corresponding United States Code sections, included in this Volume so that, given the date of the act, you can easily find the remaining information on the act.

Table C gives the titles and sections of the United States Code, numerically arranged, with the corresponding sections of the Revised Statutes and acts subsequent thereto, included in this Volume.

The Navigation Laws of the United States also have a Supplement, which must be consulted before a complete analysis of these laws can be made. This Supplement is 1937 Edition and, evidently, the first Supplement to the "Navigation Laws." It should be kept with the Volume for reference thereto.

We have taken up only official government publications so far because they are the ones to which officers have access. As will be seen, it is no easy matter to sit down and get a complete picture of your problem from these publications. Because of this fact, private publishing companies have attempted to clarify the situation somewhat by printing first, the Statute, then a general explanation of it, according to the intent of Congress and Court interpretations. Such a publication as this is the "United States Code, Annotated." First, there is given an Historical Note on the Statute, which cites the Statutes that have preceded the one in force at present and what has been done with the Statute, such as repeal or rendered inoperative by a later act or a Supreme Court Decision. Next is the cross reference, which is helpful because it gives all other citations which bear on the same point or give further provisions concerning the enforcing authority.

Next follows "Notes of Decisions," which give short summaries as to what Courts have said as to this particular Statute. It is well to note here that most of the Court interpretations of Statutes which are of interest to the Coast Guard are distributed to the field in the Intelligence Office Circulars, which should be read and studied by all officers. Heretofore, all Intelligence Office Circulars (IOC's) have been *confidential* and kept in the ship's safe. Because of this confidential nature, it is probable that these Circulars have not been available to all officers and consequently they have not devoted the proper amount of study to them. These IOC's have been reclassified and all of them which are not strictly confidential should be placed in a binder and left in the wardroom where officers may familiarize themselves with same.

It is necessary for officers to read and study these circulars in order to efficiently perform their law-enforcement duties. Also they must be studied carefully in connection with the Statutes which are quoted because most of them are interpretations of Statutes;

Plainly the master is not relieved of all responsibility.

This analysis is not intended to affect the vigor of our enforcement of the laws but to illustrate how many points a statute may contain and how readily some may be overlooked. It is not generally realized how unique this statute is. Its parallel is difficult to find applicable to any other organization or to pursuits upon shore not involving the apprehension of a felon.

Let us set down the steps indicated as necessary by this statute:

- (1) A vessel
- (2) Liable to seizure or examination,
- (3) Does not bring to,
- (4) On being required to do so, or
- (5) On being chased,
- (6) By a cutter or boat,
- (7) After the appropriate pennant and ensign has been hoisted and a gun has been fired.

These preliminaries condition the eligibility to the immunities set forth later in the statute.

The law spoken of heretofore is known as statutory law or that laid down by Congress. Many references are made to cases in which interpretations of these various Statutes have been made so the following article will be devoted to an explanation of the so-called unwritten law, which is that laid down by the federal courts:

The Constitution provides that the "judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish." Under this provision Congress has established the United States Circuit and the District Courts, the latter being trial courts, the former reviewing or appellate courts. Originally the Supreme Court Justices sat with circuit judges, but in 1801, when the Supreme Court was several years behind in its work, its members were relieved of their circuit court duties, the circuit courts were abolished and in their place the Circuit Courts of Appeals, which are now final federal appellate courts, in a great many cases, were established. There are ten federal circuit courts of appeal, and one or more district courts for each state, in addition to the courts of the territories and the district of Columbia.

The decisions of these courts, especially the Supreme Court, and Circuit Courts of Appeal, we might say, throw the wrappings from the statutes and expose it to our view; but they do more because the law is what the judges declare it to be. Thus, if a statute says "a smuggler may be seized within the twelve-mile limit," and we seized suspects accordingly, such action would be mere time wasted because the courts would say, "but the suspect is not a smuggler until he has introduced foreign manufactured goods into the United States without paying the revenue tax."

Supreme court decisions:

From the beginning of the Supreme Court its decisions have been compiled according to some system, official or unofficial. The first ninety Volumes of the official reports are known and cited by the names of the reporters. For example:

- 1789-1900 Dallas, 4 Volumes
- 1801-1815 Cranch, 9 Volumes
- 1816-1822 Wheaton, 12 Volumes
- 1828-1842 Peters, 16 Volumes
- 1843-1860 Howard, 24 Volumes
- 1861-1862 Black, 2 Volumes
- 1863-1874 Wallace, 23 Volumes
- 1875 to date, United States Supreme Court Reports beginning with Volume 91.

Dallas and Cranch were unofficial reporters. Wheaton, in 1817, was appointed official reporter, and since that date the decisions of the court have been reported by an official reporter. The reports from 1789 to 1874, inclusive, are cited as Volumes 1 to 90,

United States Supreme Court Reports, as well as by the name of the reporter. The reports since 1875 are not cited by the name of the reporter. So, for any citation of a case which was decided by the Supreme Court between 1789 to 1875, the citation would be as follows:

- 1 Dallas, page
- 2 Cranch, " etc., or
- 1 U.S., "
- 2 U.S., " etc.

After 1875 all citations will be 92 U.S., page.....; 138 U.S., page..... etc. There are several unofficial reporters such United States Supreme Court Reporter, United States Supreme Court Reporter, Lawyers Edition.

Federal cases:

They are similarly arranged except a little more comprehensive but the official reporter is sufficient for all practical purposes.

U. S. Circuit and district courts:

The decisions of the United States Circuit and United States District Courts were not published in a systematic manner until the *Federal Reporter* was begun in 1880. Theretofore the decisions of some circuits were published by reporters whose names were given to the reports, and some of these series had only one or two volumes. Now only occasional reference will be found to the reports antedating the *Federal Reporter*. There are no official reports of the decisions of the federal inferior courts, but they may be found in the following West Publishing Company publications:

Federal Cases cited (3 Fed. Cas page) etc.

Federal Reporter cited (36 Fed. page.....) etc., up to 300 volumes. These reports are supplemented by *Federal Reporter*.

Second Series cited (36 Fed. 2nd) page...) etc., which begins where the 300 volumes left off.

Beginning in 1932, with Volume 61 of the *Federal Reporter*, Second Series, the Federal Reporter contains only the opinions of the United States Circuit Court of Appeals, all other cases, such as the Court of Customs and Patent Appeals, the United States Court of Appeals for the District of Columbia, the District Court and Court of Claims, being reported in the *Federal Supplement*.

The state systems of reporting cases are governed by the individual state, the collection of cases being known as "State Reports"; citations (11 Iowa page.....) etc. Generally only those cases decided by the State's Highest Court or Appellate Courts are reported. All the Appellate Cases of the states are taken from the State Reports and reported in a sectional reporter, which covers anywhere from five to fourteen states, for example; The Northeastern Reporter covers:

- Illinois (Sup. Ct.)
- Indiana (Sup. Court) (App. Ct.)
- Massachusetts
- New York
- Ohio

Pacific Reporter covers:

- Arizona
- California
- Colorado
- Idaho
- Kansas
- Montana
- Nevada
- New Mexico

Oklahoma
 Oregon
 Utah
 Washington
 Wyoming.

The system divided all the states into seven groups and publishes the decisions of each group in a separate set of reports, such as the above examples.

It must be remembered that we have but touched upon the various ramifications of the systems of finding the law. A more extensive study of this particular phase of the law may be obtained by a systematic study of a law library.

