

50812 3 2 1 The U. S. District Courts have admiralty jurisdiction over criminal offenses committed on a U. S. flag vessel on the high seas. And, in the 1933 case of United States v. Flores, this jurisdiction was extended to crimes committed on U.S. vessels even while such vessels are within the territorial jurisdiction of other nations. The Defendant, Mr. Flores, was a U.S. citizen indicted for murder of another U.S. citizen aboard a U.S. flag steamship while discharging a cargo in Matadi, Belgium Congo, some 250 miles upriver from the ocean. In the Flores case, the U.S. Supreme Court upheld admiralty criminal jurisdiction of the federal courts over crimes on U.S. vessels in other countries.

In seeming contradiction is Wildenhus's Case. A homicide was committed aboard a Belgian vessel lying in New Jersey waters and the Belgian consul claimed jurisdiction. A treaty between Belgium and the U.S. gave consular officers of the sovereignty of the vessel sole cognizance of offenses on board ship, except those of a nature to disturb the tranquility and public order on shore. In this case, the U.S. Supreme Court stated, "It may not be easy at all times to determine to which of the two jurisdictions a particular act of disorder belongs . . . but all must concede that felonious homicide is a subject for the local jurisdiction, and that if the proper authorities are proceeding with the case in a regular way, the consul has no right to interfere to prevent it."

These cases support an interpretation of concurrent jurisdiction over serious crimes committed aboard a vessel while in the waters of a foreign country and the right of the local sovereign to act unless he chooses to yield. Had the local

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authorities in Matadi chosen to prosecute Flores, the Belgium Congo would have had criminal jurisdiction and could have done so. Of course, even conviction of a crime under the criminal laws of Belgium Congo, would not have kept the U.S. consul in Belgium Congo or a U.S. District Court in the United States from exercising jurisdiction and prosecuting Flores for violation of U.S. criminal admiralty law.

As my daddy used to say, "Give thanks early. Give thanks often. You never know how close you are to real trouble."

More next week on The Admiralty Docket. Until then, remember your rights and responsibilities may change as you approach the shore and may God Almighty grant you pleasant sailing. 50812

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