cludes the seizure and forfeiture of vessels engaged in activities in violation of the laws of nations or municipal law, such as illicit trade,[892] infraction of revenue laws,[893] and the like.[894]

***Admiralty Proceedings.***—Procedure in admiralty jurisdiction differs in few respects from procedure in actions at law, but the differences that do exist are significant.[895] Suits in admiralty traditionally took the form of a proceeding *in rem* against the vessel, and, with exceptions to be noted, such proceedings *in rem* are confined exclusively to federal admiralty courts, because the grant of exclusive jurisdiction to the federal courts by the Judiciary Act of 1789 has been interpreted as referring to the traditional admiralty action, the *in rem* action, which was unknown to the common law.[896] The savings clause in that Act under which a state court may entertain actions by suitors seeking a common-law remedy preserves to the state tribunals the right to hear actions at law where a common-law remedy or a new remedy analogous to a common-law remedy exists.[897] Concurrent jurisdiction thus exists for the adjudication of *in personam* maritime causes of action against the owner of the vessel, and a plaintiff may ordinarily choose whether to bring his action in a state court or a federal court.

Forfeiture to the crown for violation of the laws of the sovereign was in English law an exception to the rule that admiralty has exclusive jurisdiction over *in rem* maritime actions and was thus considered a common-law remedy. Although the Supreme Court sometimes has used language that would confine all proceedings *in rem*

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[892] Hudson v. Guestier, 8 U.S. (4 Cr.) 293 (1808).

[893] *The Vengeance*, 3 U.S. (3 Dall.) 297 (1796); Church v. Hubbard, 6 U.S. (2 Cr.) 187 (1804); *The Schooner Sally*, 6 U.S. (2 Cr.) 406 (1805).

[894] *The Brig Ann*, 13 U.S. (9 Cr.) 289 (1815); *The Sarah*, 21 U.S. (8 Wheat.) 391 (1823); Maul v. United States, 274 U.S. 501 (1927).

[895] Gilmore & Black, supra at 30–33. There are no longer separate rules of procedure governing admiralty, unification of civil admiralty procedures being achieved in 1966. 7 A J. Moore's Federal Practice §§ .01 *et seq* (New York: 1971).

[896] *The Moses Taylor*, 71 U.S. (4 Wall.) 411 (1866); The Hine v. Trevor, 71 U.S. (4 Wall.) 555 (1867). *But see* Taylor v. Carryl, 61 U.S. (20 How.) 583 (1858). In Madruga v. Superior Court, 346 U.S. 556 (1954), the jurisdiction of a state court over a partition suit at the instance of the majority shipowners was upheld on the ground that the cause of action affected only the interest of the defendant minority shipowners and therefore was *in personam*. Justice Frankfurter's dissent argued: "If this is not an action against the thing, in the sense which that has meaning in the law, then the concepts of a *res* and an *in rem* proceeding have an esoteric meaning that I do not understand." Id. at 564.

[897] After conferring "exclusive" jurisdiction in admiralty and maritime cases on the federal courts, § 9 of the Judiciary Act of 1789, 1 Stat. 77, added "saving to suitors, in all cases the right of a common law remedy, where the common law is competent to give it. . . ." Fixing the concurrent federal-state line has frequently been a source of conflict within the Court. Southern Pacific Co. v. Jensen, 244 U.S. 205 (1917).