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DILWORTH PAXSON PARTNER TO PARTICIPATE IN GEORGIA V. BRAILSFORD REENACTMENT

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Dilworth Paxson Partner **Linda Dale Hoffa** will participate in the reenactment of the first and only trial conducted before the U.S. Supreme Court - *Georgia v. Brailsford* - on September 19, 2016, as part of the United Kingdom – United States Legal Exchange. The reenactment will take place in Philadelphia's Old City Hall, which was the site of the original trial in 1794, and was conducted before U.S. Supreme Court Justices Bryer, Ginsberg and Alito and Justices from the United Kingdom.

Every ten years, the United Kingdom – United States Legal Exchange meets under the sponsorship of the American College of Trial Lawyers to exchange ideas. This year the Exchange will meet in Philadelphia.

Case Background

Samuel Brailsford was a British merchant who made a loan in 1774 to James Spalding, a Georgia colonist. In 1776, before Spalding paid his debt, the American colonies declared independence and went to war with Great Britain. In 1782, near the end of the Revolutionary War, the state of Georgia passed a Confiscation Act, which "sequestered" debts due to residents of Great Britain but confiscated property of Loyalists.

When the war was over, the State of Georgia argued that it had lawfully confiscated the debt owed to a foreign enemy and had become the rightful owner of the money Spalding was obligated to pay Brailsford. To further complicate matters, in 1783 the United States and Great Britain had signed a peace treaty concluding the war, the so-called Treaty of Paris. Article 4 of that Treaty provided that no "lawful impediments" would be placed in the way of either country's creditors in recovering pre-war debts.

Article III of the Constitution gave the Supreme Court's original jurisdiction, and this was the first and only trial before the U.S. Supreme Court. The issue argued was whether the debt had been "sequestered," that is, merely set aside until the end of hostilities, or whether it had been in fact been "confiscated" causing rights in that debt to have vested in Georgia long before the Treaty of Paris was enacted. Linda in the mock historic trial will represent Brailsford.