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Ralston Vs. Bell

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Court : US Supreme Court

Decided On : 1792

Appeal No. : 2 U.S. 158

Appellant : Ralston

Respondent : Bell

Judgement :

RALSTON v. BELL - 2 U.S. 158 (1792)
U.S. Supreme Court RALSTON v. BELL, 2 U.S. 158 (1792)

2 U.S. 158 (Dall.)

Ralston Assignee
v.
Bell

Supreme Court of Pennsylvania

March Term, 1792

In 1785, a judgment was obtained in the Supreme Court, in a cause removed from Philadelphia Common Pleas, against

Charles Hamilton, who, in 1789, was declared to have become bankrupt, and by verdict was found to be so, from the 12th Feb. 1788. There was a reference under the judgment. A report was made on the 27th Nov. 1788, and confirmed. A Test. Fi. Fa. was afterwards issued to Lancaster County, and levied on certain lands, which had been sold by Hamilton subsequent to the judgment, but before his bankruptcy. On this case two questions arose: First, whether these lands could be affected by the judgment and execution issued after the bankruptcy? Second, whether a judgment in the Supreme Court, in a cause removed from Philadelphia County Common Pleas, binds lands in Lancaster County?

It was urged, that this was a dispute between two contending creditors, both of them having a lien, before the act of bankruptcy. The bankruptcy, therefore, cannot affect their rights. The act only says, that a judgment shall be no lien against the rest of the creditors, so as to affect them; and operates only where the claim is by the general creditors. The case in 1 Wms. 737, goes on this ground: 'That the legal estate never was vested in the purchaser, but in the assignees of the bankrupt, and therefore the Chancellor ordered the money unpaid to be paid into their hands.' The case cited then is in point. This is not the estate of Charles Hamilton that our execution is levied on. The opinion of Justice Shippen, in 1 Dall. 371, is full to this point.

As to second point, the powers of the Supreme Court are the same as those of the King's Bench, & the lien is commensurate with its jurisdiction. 1 Lilly Ab. 509. Cro. Fac. 246. It has been the general understanding, that judgment in the Supreme Court, in a cause removed, bound land in all the counties of the State.

On the other side, it was said, that as the judgment was not executed before the bankruptcy, the judgment creditor had no right to come against the purchaser. If it had not been for this purchaser, it is clear he must have come in with the rest of the creditors; and it is not reasonable, that he should defeat the purchase to benefit himself. So that his claim is both under, and in opposition to, the purchase. The distinction taken between legal and equitable estates cannot be the principle of the case in P. Wms. for the consequence of that would be, that he who has the legal estate would be in a worse situation, than he who has only the equitable

estate.

It was also said, that the analogy, between the Court of King's Bench, and the Supreme Court, was not perfect. This is a judgment in a cause removed, which can only be tried in the county from whence it is removed, and the whole purpose of removing is to bring the cause before other judges, and not to enlarge the effect of the judgment. This is illustrated by the fiction which authorized the issuing a Test. Fi. Fa. Besides, no case is produced

Page 2 U.S. 158, 160

to shew, that if a cause be removed from an inferior court in England, into the King's Bench, the judgment will bind generally.

The Court thought, that the first point had been fully decided, in the two cases cited by the counsel for the plaintiff, from P. Wms. and Dallas's Reports. The second they held under consideration, in order to enquire, what had been the practice in other counties; and, being satisfied in that respect, in September term, they were all of opinion, that a judgment in the Supreme Court, in a cause removed thither from any inferior court, was a lien on all the lands which the defendant had in the State. *

Having been of counsel in this cause, Justice Bradford gave no opinion. Footnotes

[Footnote *] Mr. Hale Graham, an eminent conveyancer, held, that these judgments in the Supreme court did not bind lands generally; and it has not been usual for persons living in the country, to apply to the Prothonotary of this court for lists of judgments; which Mr. Bird, on being asked by the Court, confirmed.

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