

Arcambel Vs. Wiseman

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Court : US Supreme Court

Decided On : 1796

Appeal No. : 3 U.S. 306

Appellant : Arcambel

Respondent : Wiseman

Judgement :

Arcambel v. Wiseman - 3 U.S. 306 (1796)

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Arcambel v. Wiseman

3 U.S. (3 Dall.) 306

ERROR TO THE CIRCUIT

COURT OF RHODE ISLAND

SYLLABUS

Counsel fees in the courts below cannot be allowed as damages.

Where they have been allowed in the circuit court, the charge may be expunged by entering a remittitur.

The decree of the Circuit Court for the District of Rhode Island was affirmed in this cause without argument, the principal question which it involved having been just decided upon the discussion of another writ of error. It appeared, however, by an estimate of the damages on which the decree was founded and which was annexed to the record that a charge of \$1,600 for counsel fees in the courts below had been allowed, to which Coxe objected, and Ingersoll contended that it might fairly be included under the idea of damages. But

By The court: We do not think that this charge ought to be allowed. The general practice of the United States is in opposition to it, and even if that practice were not strictly correct in principle, it is entitled to the respect of the Court, till it is changed or modified, by statute.

There are several ways in which the charge may be expunged, but we recommend as perhaps the easiest way that the counsel for the defendant in error should enter a remittitur for the amount.

A remittitur was accordingly entered.

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