

Wiscart Vs. Dauchy

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Court : US Supreme Court

Decided On : 1796

Appeal No. : 3 U.S. 321

Appellant : Wiscart

Respondent : Dauchy

Judgement :

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Wiscart v. Dauchy

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ERROR TO THE CIRCUIT COURT

FOR THE VIRGINIA DISTRICT

SYLLABUS

In causes of equity or admiralty jurisdiction removed to this Court, accompanied with a statement of facts but without the evidence, the statement is conclusive as to all the facts which it contains. If such causes are removed with a statement of

facts and also with the evidence, still the statement is conclusive as to all the facts contained in it.

The original proceeding was on the equity side of the court below, where the defendant in error had filed a bill charging Adrian Wiscart and Augustine De Neusville, co-partners, with having fraudulently conveyed all their estate, real and personal, by three separate deeds to Peter Robert De Neusville (who was also made a defendant to the bill) with a view to prevent the complainant's recovering the amount of a decree, which he had formerly obtained in another suit against them. The answers averred the conveyances to be made *bona fide*, and for a valuable consideration, but after a full hearing of the case, the circuit court (consisting of Judges Iredell and Griffin) delivered the following opinion:

"That the deeds filed as exhibits in this cause, one dated 20 May, 1793, conveying the goods and chattels in the schedule thereunto annexed to the defendant P. R. De Neusville; another dated on the 17th of the same month conveying the slaves therein mentioned to the said P. R. De Neusville; and another, dated on the 20th day of the same month conveying to him the land therein mentioned, are fraudulent and were intended to defraud the complainant and to prevent his obtaining satisfaction for a just demand; that the said P. R. De Neusville was a party and privy to the fraud aforesaid; and that the said Deeds were void as to the complainant. Whereupon it is decreed and ordered

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that the said deeds be by him, the said P. R. De Neusville, delivered to the clerk of this court to be cancelled; that when thereunto required, he deliver up to the marshal of this court so much of the personal property in the said deeds mentioned or either of them as is now in his hands or possession, to the end that the complainant may have an execution thereon; that he do account before one of the commissioners of this court for the value of all the personal property mentioned in the said deeds or either of them which he shall not be able to deliver up from having disposed thereof or from any other cause. And it is further ordered that the defendants pay to the complainant his costs by him expended in the

prosecution of this suit. "

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On 12 August, THE CHIEF JUSTICE delivered the opinion of the Court upon the point whether there was, in this cause such a statement of facts as the legislature contemplated.

By the court:

The decree states that certain conveyances are fraudulent, and had it stopped with that general declaration, some doubt might reasonably be entertained whether it was not more properly an inference than the statement of a fact, since fraud must always principally depend upon the *quo animo*. But the court immediately afterwards proceed to describe the fraud, or *quo animo*, declaring, that "the conveyances were intended to defraud the complainant, and to prevent his obtaining satisfaction for a just demand," which is not an inference from a fact, but a statement of the fact itself. It is another fact illustrative of this position that "the grantee was a party and privy to the fraud."

We are therefore of opinion, that the circuit court has sufficiently caused the facts on which they decided to appear from the pleadings and decree in conformity to the act of Congress.

The decree affirmed.

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