

**United States Vs. Moore**

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**Court :** US Supreme Court

**Decided On :** 1805

**Appeal No. :** 7 U.S. 159

**Appellant :** United States

**Respondent :** Moore

**Judgement :**

United States v. Moore - 7 U.S. 159 (1805)

U.S. Supreme Court United States v. Moore, 7 U.S. 3 Cranch 159 159 (1805)

**United States v. Moore**

**7 U.S. (3 Cranch) 159**

*ERROR TO THE CIRCUIT COURT OF THE*

*DISTRICT OF COLUMBIA AT WASHINGTON*

## **SYLLABUS**

An appeal in a criminal case does not lie to the Supreme Court from the Circuit Court of the District of Columbia.

An affirmative description of the powers of the Supreme Court of the United States by an act of Congress must be understood as a regulation under the Constitution prohibiting the exercise of other powers than those described.

The words "matter in dispute" in the act of Congress respecting appeals to the Supreme Court seem appropriated to civil cases where the subject in contest is of a value beyond the sum mentioned in the act. But in criminal cases, the question is the guilt or innocence of the accused. And although he may be fined upwards of \$100, yet that is, in the eye of the law, a punishment for the offense committed, and not the particular object of the suit.

Error to the Circuit Court of the District of Columbia, sitting at Washington, upon a judgment in favor of the traverser on a demurrer to an indictment for taking unlawful fees as a justice of the peace for the County of Washington.

The indictment was as follows:

"United States, District of Columbia and County of Washington, to-wit:"

"The jurors for the United States for the District of Columbia and County of Washington aforesaid, upon their oath present that Benjamin More, late of the County of Washington, aforesaid, gentleman, on 10 December, 1802, then being one of the justices of the peace of the United States for the County of Washington aforesaid at the County of Washington aforesaid, by color of his said office, unlawfully and unjustly did demand, extort, receive and take of and from one Richard Spalding, constable, acting for and on behalf, of one Joseph Hickman, the sum of twelve cents and a half cent, lawful current money of the United States, for and as his fee for executing and doing the duties of his said office, to-wit, for rendering and giving judgment upon a warrant for a small debt in a case between the said Joseph Hickman, plaintiff, and one Joseph Dove, defendant, in contempt of the law, to the great damage of them, the said Richard Spalding and Joseph Hickman, and against the peace and government of the United States."

"JOHN T. MASON"

"United States Attorney, for the District of Columbia"

Page 7 U. S. 160

To this indictment there was a general demurrer and joinder, and judgment in the court below for the traverser at July Term 1803.

Page 7 U. S. 172

MR. CHIEF JUSTICE MARSHALL delivered the opinion of the Court as follows:

This is an indictment against the defendant for taking fees under color of his office, as a justice of the peace in the District of Columbia.

A doubt has been suggested respecting the jurisdiction of this Court in appeals on writs of error from the judgments of the circuit court for that district in criminal cases, and this question is to be decided before the Court can inquire into the merits of the case.

In support of the jurisdiction of the Court, the Attorney General has adverted to the words of the Constitution, from which he seemed to argue that as criminal jurisdiction was exercised by the courts of the United States, under the description of, "all cases in law and equity arising under the laws of the United States," and as the appellate jurisdiction of this Court, was extended to all enumerated cases, other than those

Page 7 U. S. 173

which might be brought on originally, "with such exceptions, and under such regulations, as the Congress shall make," that the Supreme Court possessed appellate jurisdiction in criminal as well as civil cases over the judgments of every court whose decisions it would review unless there should be some exception or regulation made by Congress which should circumscribe the jurisdiction conferred by the Constitution.

This argument would be unanswerable if the Supreme Court had been created by law without describing its jurisdiction. The Constitution would then have been the only standard by which its powers could be tested, since there would be clearly no congressional regulation or exception on the subject.

But as the jurisdiction of the Court has been described, it has been regulated by Congress, and an affirmative description of its powers must be understood as a regulation, under the Constitution, prohibiting the exercise of other powers than those described.

Thus the appellate jurisdiction of this Court from the judgments of the circuit courts is described affirmatively. No restrictive words are used. Yet it has never been supposed that a decision of a circuit court could be reviewed unless the matter in dispute should exceed the value of \$2,000. There are no words in the act restraining the Supreme Court from taking cognizance of causes under that sum; their jurisdiction is only limited by the legislative declaration that they may reexamine the decisions of the circuit court where the matter in dispute exceeds the value of \$2,000.

This Court therefore will only review those judgments of the Circuit Court of Columbia, a power to reexamine which is expressly given by law.

On examining the act "concerning the District of Columbia," the Court is of opinion that the appellate jurisdiction granted by that act is confined to civil cases. The words, "matter in dispute," seem appropriated to civil cases, where the subject in contest has

Page 7 U. S. 174

a value beyond the sum mentioned in the act. But in criminal cases the question is the guilt or innocence of the accused. And although he may be fined upwards of \$100, yet that is, in the eye of the law, a punishment for the offense committed, and not the particular object of the suit.

*The writ of error therefore is to be dismissed, this Court having no jurisdiction of the case.*

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