

Montalet Vs. Murray

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Court : US Supreme Court

Decided On : 1807

Appeal No. : 8 U.S. 46

Appellant : Montalet

Respondent : Murray

Judgement :

Montalet v. Murray - 8 U.S. 46 (1807)

U.S. Supreme Court Montalet v. Murray, 8 U.S. 4 Cranch 46 46 (1807)

Montalet v. Murray

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ERROR TO THE CIRCUIT COURT

OF THE DISTRICT OF GEORGIA

SYLLABUS

If it does not appear upon the record that the character of the original parties will support the jurisdiction of the court, it cannot be sustained.

A suit on a promissory note cannot be maintained in the courts of the United States in the hands of a subsequent holder if the original parties to the note could not sue or be sued in those courts.

The courts of the United States have not jurisdiction in a case where both parties are aliens.

In cases of reversal, costs do not go of course, but in cases of affirmance they do. When a judgment is reversed for want of jurisdiction, it must be without costs.

In the circuit court, Murray, a citizen of New York, instituted a suit against Montalet, an alien and citizen of the French Republic, upon certain promissory notes drawn by the defendant in St. Domingo, in favor of Cardeaux de la Caye.

The declaration contained no allegation of the residence, citizenship, or neutral character of the drawee of the notes. In the plea it was stated that he was an alien and subject of France. An objection to the jurisdiction was taken, the record not showing that a suit upon the notes could be prosecuted in the Circuit Court of Georgia.

It was suggested by the counsel for the defendant that it did not sufficiently appear that the original parties to the notes were aliens.

But MR. CHIEF JUSTICE MARSHALL said that if it did not appear upon the record that the character of the original parties would support the jurisdiction, that objection was equally fatal under the uniform decisions of this Court.

As to costs, the Court directed that in cases of reversal, costs do not go of course, but in all cases of affirmance they do, and that when a judgment is reversed for want of jurisdiction, it must be without costs.