

United States Vs. the Union

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Court : US Supreme Court

Decided On : 1808

Appeal No. : 8 U.S. 216

Appellant : United States

Respondent : The Union

Judgement :

United States v. The Union - 8 U.S. 216 (1808)

U.S. Supreme Court United States v. The Union, 8 U.S. 4 Cranch 216 216 (1808)

United States v. The Union

8 U.S. (4 Cranch) 216

APPEAL FROM THE DECREE OF

THE CIRCUIT COURT OF DELAWARE

SYLLABUS

It is incumbent upon the plaintiff in error to show that this Court has jurisdiction of the case.

This Court will permit *viva voce* testimony to be given of the value of the matter in dispute.

The appraisal made by order of the district judge by three sworn appraisers is not conclusive evidence of the value, but it is better evidence than the opinion of a single witness examined *viva voce* in open court.

After deciding the question of value upon the weight of the evidence, the Court will not continue the cause for the party to produce further evidence as to the value.

These were three separate libels against these three vessels which were seized by the collector of the District of Delaware for a supposed breach of the revenue laws. The sentence of the court below being in favor of the claimants, the United States appealed.

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MR. CHIEF JUSTICE MARSHALL,

The appraisal is not conclusive evidence of the value, but in this case it is the best evidence. It was made by officers of the court under its order, and was regularly returned and filed. It does not impeach the credibility of the witness now examined, for the value is a matter depending upon opinion, and with respect to which the judgments of men may honestly vary. The appraised value would have been the matter in dispute if the property had been delivered up to the claimants upon security given.

The appeals were all dismissed for want of jurisdiction in this Court.