

**United States Vs. Mcdowell**

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**Court :** US Supreme Court

**Decided On :** 1808

**Appeal No. :** 8 U.S. 316

**Appellant :** United States

**Respondent :** Mcdowell

**Judgement :**

United States v. McDowell - 8 U.S. 316 (1808)

U.S. Supreme Court United States v. McDowell, 8 U.S. 4 Cranch 316 316 (1808)

**United States v. McDowell**

**8 U.S. (4 Cranch) 316**

*ERROR TO THE DISTRICT COURT*

*FOR THE DISTRICT OF KENTUCKY*

## **SYLLABUS**

In deciding whether the matter in dispute be sufficient to sustain the jurisdiction of this Court, it will look to the sum due upon the condition of the bond, and not to the penalty.

Error to the District Court for the District of Kentucky in an action of debt for \$20,000, the penalty of an official bond given by the defendant, as marshal of that district, for the faithful execution of the duties of his office by himself and his deputies. The defendant pleaded performance generally. The United States, in its replication, assigned a special breach of the condition of the bond in nonpaying over to the United States the sum of \$328.

Page 8 U. S. 317

The judgment below was against the United States, who sued out the present writ of error.

But this Court, without argument, decided that it had no jurisdiction, the matter in dispute being of less value than \$2,000.

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