

United States Vs. Evans

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Court : US Supreme Court

Decided On : 1809

Appeal No. : 9 U.S. 280

Appellant : United States

Respondent : Evans

Judgement :

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ERROR TO THE DISTRICT COURT

FOR THE KENTUCKY DISTRICT

SYLLABUS

In this case it was decided:

It is not a ground for a writ of error that the judge below refused to reinstate a cause after nonsuit.

In the court below, the judge at the trial rejected certain testimony which was offered by the attorney for the United States, who thereupon took a bill of exceptions, and became nonsuit, and afterwards, at the same term moved the court to set aside the nonsuit and grant a new trial upon the ground that the judge had erred in rejecting the testimony. But the court overruled the motion and refused a new trial, whereupon the attorney for the United States sued out his writ of error.

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MR. CHIEF JUSTICE MARSHALL delivered the opinion of the Court that in such a case, where there has been a nonsuit and a motion to reinstate overruled, the Court could not interfere.

Judgment affirmed.