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Young Vs. Grundy

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Court : US Supreme Court

Decided On : 1810

Appeal No. : 10 U.S. 51

Appellant : Young

Respondent : Grundy

Judgement :

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Young v. Grundy

10 U.S. 51

APPEAL FROM A DECREE OF

THE DISTRICT OF COLUMBIA

SYLLABUS

On an appeal from an interlocutory decree of the District of Columbia dismissing an injunction, it was decided that no writ of error or appeal lies to an interlocutory decree of the circuit court dissolving an injunction.

If the answer neither admits nor denies the allegations of the bill, they must be proved on the final hearing, but upon a question of dissolution of an injunction, they are to be taken to be true.

The decree dissolves the injunction with costs, which is a final decree as to the costs. 2 Wash. 200, *Davenport v. Mason.*

The material facts of the bill are not denied nor admitted by the answer; they are therefore to be taken as true. The court below must therefore have proceeded on the ground that the original equity between the maker and payee of the note did affect the endorsee.

MR. CHIEF JUSTICE MARSHALL.

If the answer neither admits nor denies the allegations of the bill, they must be proved upon the final hearing. Upon a question of dissolution of an injunction, they are to be taken to be true.

But the Court has no doubt upon the question.

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No appeal or writ of error will lie to an interlocutory decree dissolving an injunction.

Writ of error dismissed with costs.

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