

United States Vs. Gordon

United States Vs. Gordon

SooperKanoon Citation : sooperkanoon.com/78558

Court : US Supreme Court

Decided On : 1813

Appeal No. : 11 U.S. 287

Appellant : United States

Respondent : Gordon

Judgement :

United States v. Gordon - 11 U.S. 287 (1813)

U.S. Supreme Court United States v. Gordon, 11 U.S. 7 Cranch 287 287 (1813)

United States v. Gordon

11 U.S. (7 Cranch) 287

SYLLABUS

Decided: a writ of error does not lie to carry to the Supreme Court of the United States a civil cause which has been carried from the district to the circuit court by writ of error.

This was an action of debt brought in the District Court of the United States for the District of Virginia, upon an embargo bond, dated 2 November, 1808, conditioned to reland the cargo of the *Essex* in some port of the United States, the danger of

the seas only excepted.

The defendants, among other things, pleaded the following plea, *viz.*:

"And the said defendants for further plea why the United States ought not to have and maintain the said action, say that the said bond was given and executed for more than double the value of the vessel and cargo mentioned in the recital and condition of the said bond, to-wit in a sum of \$8,000 more than double the said value, and the said last mentioned defendants aver that the obligors were constrained to execute the said bond by the refusal of the collector of the port of Tappahannock to clear and permit the said vessel and her cargo to depart from the port and district of Tappahannock until the same bond was executed as aforesaid, and this they are ready to verify."

To this plea there was a general demurrer, which was overruled by the district judge (Tyler). The

Page 11 U. S. 288

United States carried the cause up to the circuit court by writ of error, where the judgment was affirmed by Mr. Justice Marshall.

The United States brought another writ of error to the Supreme Court of the United States, which was dismissed for want of jurisdiction upon the authority of the case of *United States v. Goodwin* at the last term.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com