

Cameron Vs. Mcroberts

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Court : US Supreme Court

Decided On : 1818

Appeal No. : 16 U.S. 591

Appellant : Cameron

Respondent : Mcroberts

Judgement :

Cameron v. McRoberts - 16 U.S. 591 (1818)

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Cameron v. McRoberts

16 U.S. (3 Wheat.) 591

APPEAL FROM THE CIRCUIT COURT

FOR THE DISTRICT OF KENTUCKY

SYLLABUS

The circuit courts have no power to set aside their decrees in equity on motion after the term at which they are rendered.

Where McR., a citizen of Kentucky, brought a suit in equity in the Circuit Court of Kentucky against C.C., stated to be a citizen of Virginia, and E.J. and S.E., without any designation of citizenship, all the defendants appeared and answered, and a decree was pronounced for the plaintiff, it was *held* that if a joint interest vested in C.C. and the other defendants, the court had no jurisdiction over the cause. But that if a distinct interest vested in C.C. so that substantial justice, so far as he was concerned, could be done without affecting the other defendants, the jurisdiction of the court might be exercised as to him alone.

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John McRoberts, stated in the pleadings to be a citizen of the State of Kentucky, brought his suit in equity, in the District Court of Kentucky (said court then having by law the jurisdiction of a circuit court) against Charles Cameron, stated to be a citizen of Virginia, and Ephraim Jackson, Samuel Emerson, and other parties named in the bill, without any designation of citizenship. The defendant Cameron was not served with process, but appeared and answered the bill, as did the other defendants. The cause was heard, and at the November term of said court in 1804 a final decree was pronounced for the plaintiff McRoberts.

In 1805, the defendant Cameron filed a bill of review, which is now pending, and at the May term of the circuit court of 1811 moved the court to set aside the decree and to dismiss the suit because the want of jurisdiction appeared on the record, and upon the allegation that the said Jackson, Emerson, and the other parties to the bill, were in fact citizens of the State of Kentucky. On which motion the following questions arose:

1st. Has the circuit court power and jurisdiction over a judgment or decree, so as to set the same aside after the term at which it was pronounced?

2d. If it has, could it be exercised after the lapse of five years?

3d. Had the district court jurisdiction of the cause as to the defendant Cameron and the other defendants. If not, had the court jurisdiction as to the defendant

Cameron alone?

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Upon which question the judges of the circuit court being divided in opinion, the same were ordered to be certified to this Court.

At the present term of this Court it was ordered to be certified to the circuit court for the District of Kentucky as follows, *viz.*,

CERTIFICATE. This cause came on to be heard on the statement of facts contained in the record, and on the questions on which the opinions of the judges of the circuit court were opposed, and which were therefore, at the request of one of the parties, adjourned to this Court, and was argued by counsel. On consideration whereof this Court doth order it to be certified to the Circuit Court of the United States for the District of Kentucky.

1st. That in this case the court had not power over its decree, so as to set the same aside on motion after the expiration of the term in which it was rendered.

2d. Consequently, such power cannot be exercised after the lapse of five years.

3d. If a joint interest vested in Cameron and the other defendants, the court had no jurisdiction over the cause. If a distinct interest vested in Cameron, so that substantial justice (so far as he was interested)

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could be done without affecting the other defendants, the jurisdiction of the court might be exercised as to him alone.