

Gibbons Vs. Ogden

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Court : US Supreme Court

Decided On : 1821

Appeal No. : 19 U.S. 448

Appellant : Gibbons

Respondent : Ogden

Judgement :

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Gibbons v. Ogden

19 U.S. (6 Wheat.) 448

APPEAL FROM THE COURT FOR THE TRIAL OF IMPEACHMENTS

AND THE CORRECTION OF ERRORS OF THE STATE OF NEW YORK

SYLLABUS

A decree of the highest court of equity of a state affirming the decretal order of an inferior court of equity of the same state refusing to dissolve an injunction granted on the filing of the bill is not a final decree within the twenty-fifth section of the

Judiciary Act of 1789, ch. 20, from which an appeal lies to this Court.

This was a bill filed by the plaintiff below (Ogden) against the defendant below (Gibbons) in the Court of Chancery of the State of New York for an injunction to restrain the defendant from navigating certain steamboats on the waters of the State of New York lying between Elizabethtown, in the State of New Jersey, and the City of New York,

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the exclusive navigation of which with steamboats had been granted by the Legislature of New York to Livingston and Fulton, under whom the plaintiff below claimed as assignee. On this bill an injunction was granted by the chancellor, and on the coming in of the answer, which set up a right to navigate with steamboats between the City of New York and Elizabethtown under a license to carry on the coasting trade, granted under the laws of the United States, the defendant below moved to dissolve the injunction, which motion was denied by the chancellor. The defendant below appealed to the Court for the Trial of Impeachments and the Correction of Errors; the decretal order, refusing to dissolve the injunction, was affirmed by that court, and from this last order the defendant below appealed to this Court upon the ground that the case involved a question arising under the Constitution, laws, and treaties of the United States.

The cause was opened for the appellant, by Mr. D. B. Ogden, but on inspecting the record, it not appearing that any final decree in the cause, within the terms of the 25th section of the Judiciary Act of 1789, c. 20, had been pronounced in the state court, the appeal was dismissed for want of jurisdiction.

DECREE. This cause came on to be heard on the transcript of the record of the Court for the Trial of Impeachments and the Correction of Errors of

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the State of New York. On inspection whereof it is ORDERED that the appeal in this cause be and the same is hereby dismissed, it not appearing from the record

that there was a final decree in said court for the Correction of Errors, &c.;, from which an appeal was taken.

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