

Devereaux Vs. Marr

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Court : US Supreme Court

Decided On : 1827

Appeal No. : 25 U.S. 212

Appellant : Devereaux

Respondent : Marr

Judgement :

Devereaux v. Marr - 25 U.S. 212 (1827)

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25 U.S. (12 Wheat.) 212

ON DIVISION OF OPINION AMONG THE JUDGES

OF THE CIRCUIT COURT OF WEST TENNESSEE

SYLLABUS

This Court cannot take jurisdiction of a question on which the opinions of the judges of the circuit court are opposed where the division of opinions arises upon some proceeding subsequent to the decision of the cause in that court.

In this case the judges of the Circuit Court of West Tennessee, after a judgment had been rendered in that court,

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divided in opinion upon the question as to the amount of the security bond to be given by the party applying for a writ of error, whether the amount of the bond ought to be sufficient to cover the whole debt, or only for the costs and increased damages on the party failing to prosecute his writ of error with effect. Whereupon the division of opinions was certified to this Court under the 6th section of the Judiciary Act of 29 April, 1802, ch. 291.

This Court was of opinion that it had no jurisdiction of the question on which the opinions of the judges of the circuit court were opposed, the division of opinions having arisen after the decision of the cause in that court.

Certificate accordingly.