

Jackson Vs. Twentyman

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Court : US Supreme Court

Decided On : 1829

Appeal No. : 27 U.S. 136

Appellant : Jackson

Respondent : Twentyman

Judgement :

Jackson v. Twentyman - 27 U.S. 136 (1829)

U.S. Supreme Court Jackson v. Twentyman, 27 U.S. 2 Pet. 136 136 (1829)

Jackson v. Twentyman

27 U.S. (2 Pet.) 136

ERROR TO THE CIRCUIT COURT OF

THE SOUTHERN CIRCUIT OF NEW YORK

SYLLABUS

The 11th section of the act of 1789 must be construed in connection with and in conformity with the Constitution of the United States. By this latter, the judicial power does not extend to private suits in which an alien is a party unless a citizen

be the adverse party, and it is indispensable to aver the citizenship of the defendants to show on the record the jurisdiction of the court.

The description of the parties on the record was "John Twentyman, a subject of the king of Great Britain vs. Daniel and Joseph Jackson," no citizenship of the defendants being argued.

The question was whether the circuit court, under the 11th section of the Judiciary Act of 1789, ch. 20, which gives jurisdiction, among other cases, "where an alien is a party," had jurisdiction of the cause without an assumpsit on the record of the citizenship of the defendants.

The Court was of opinion that the 11th section of the act must be construed in connection with and in conformity to the Constitution of the United States; that by the latter, the judicial power was not extended to private suits in which an alien is a party unless a citizen be the adverse party. It was indispensable, therefore, to aver the citizenship of the defendants in order to show on the record the jurisdiction of the court.

The omission so to do was fatal, and according to the known course of the decisions of the Court, the judgment of the circuit court must be

Reversed for want of jurisdiction.

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