

Saunders Vs. Gould

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Court : US Supreme Court

Decided On : 1830

Appeal No. : 29 U.S. 392

Appellant : Saunders

Respondent : Gould

Judgement :

Saunders v. Gould - 29 U.S. 392 (1830)

U.S. Supreme Court Saunders v. Gould, 29 U.S. 4 Pet. 392 392 (1830)

Saunders v. Gould

29 U.S. (4 Pet.) 392

ON CERTIFICATE OF DIVISION OF OPINION BY THE JUDGES

OF THE CIRCUIT COURT FOR THE DISTRICT OF RHODE ISLAND

SYLLABUS

Where the whole cause, and not a point or points in the cause, has been adjourned from the circuit court to this Court, the case will be remanded to the circuit court.

The case was admitted to be essentially the same with that of [Gardner v. Collins](#), 2 Pet. 58, but the counsel for the plaintiff relied on evidence adduced to show a settled judicial construction of the act of the Legislature of Rhode Island relative to descents different from that which had been made in this Court. "The court is not convinced that the construction of the act which prevails in Rhode Island is opposed to that which was made by this Court."

MR. CHIEF JUSTICE MARSHALL stated,

When this case was brought before the Court, it was admitted by the counsel to be essentially the same with [Gardner v. Collins](#), 2 Pet. 58, but he relied on certain evidences which he exhibited of a settled judicial construction of the act on which the cause depended different from that which had been made by this Court. Had the Court been satisfied on this point, that settled construction would undoubtedly have been respected. But the Court was not convinced that the construction which prevails in Rhode Island is opposed to that which was made by this Court. On communicating this decision to the bar, counsel declined arguing the cause, and a certificate similar to that which was given in the former case was about to be prepared, but on inspecting the record, it was perceived that the judges of the circuit court, instead of dividing on one or more points, had divided on the whole cause, and had directed the whole case to be certified to this Court. Considering this as irregular, the Court directs the cause to be

Remanded to the circuit court that further proceedings may be had therein according to law.