

Hagan Vs. Foison

Hagan Vs. Foison

SooperKanoon Citation : sooperkanoon.com/79534

Court : US Supreme Court

Decided On : 1836

Appeal No. : 35 U.S. 160

Appellant : Hagan

Respondent : Foison

Judgement :

Hagan v. Foison - 35 U.S. 160 (1836)

U.S. Supreme Court Hagan v. Foison, 35 U.S. 10 Pet. 160 160 (1836)

Hagan v. Foison

35 U.S. (10 Pet.) 160

ERROR TO THE DISTRICT COURT OF THE UNITED

STATES FOR THE SOUTHERN DISTRICT OF ALABAMA

SYLLABUS

The *onus probandi* of the amount in controversy, to establish the jurisdiction in a case brought before the Court by writ of error is upon the party seeking to obtain a revision of the case. He may prove that the value exceeds two thousand dollars,

exclusive of costs. In this case, the matter in question is the ownership of one negro woman and two children, who are slaves, and it is not supposed their value can be equal to that sum. The writ of error was dismissed.

After the argument, the Court, on inspecting the record, became satisfied that the amount in controversy between the parties, was not sufficient to give the plaintiff a right to bring the case up by writ of error.

MR. JUSTICE STORY delivered the opinion of the Court.

The Court is not satisfied that this case is within its appellate jurisdiction. To support that jurisdiction, it is necessary that it should appear upon the face of the record or upon affidavits to be filed by the parties that the sum or value in controversy exceeds \$2,000, exclusive of costs. The *onus probandi* is upon the party seeking to obtain a revision of the case to establish the jurisdiction. Here the whole matter in controversy is the ownership of one negro woman and two children, who are slaves, and it is not supposed that their value can be equal to \$2,000. The bond in the case, in the nature of a forthcoming bond in a larger penalty, does not vary the result. But the plaintiff in error is at liberty to establish, if necessary, that the value exceeds that sum. But there are other cases on the docket between the plaintiff in error and other persons which involved the same points which have been argued in this case. If any of these cases involved a sum or value which entitles the Court to take jurisdiction, we will hereafter give an opinion upon those points.