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Jackson Vs. Ashton

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Court : US Supreme Court

Decided On : 1836

Appeal No. : 35 U.S. 480

Appellant : Jackson

Respondent : Ashton

Judgement :

Jackson v. Ashton - 35 U.S. 480 (1836)
U.S. Supreme Court Jackson v. Ashton, 35 U.S. 10 Pet. 480 480 (1836)

Jackson v. Ashton

35 U.S. (10 Pet.) 480

APPEAL FROM THE CIRCUIT COURT OF THE UNITED

STATES FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SYLLABUS

After a case has been dismissed for want of jurisdiction, the pleadings having been technically defective, the Court will not, at a subsequent term, allow them to be amended an the case to be reinstated on the docket. It would be in effect a

reversal of the former decree after the case had been finally disposed of in this Court.

There will be no difficulty in making the amendment in the circuit court in such a case if that court shall see fit, in its discretion, to allow it to be done, and the cause may then be reheard there and a decree, newly rendered, may be brought up on appeal to this Court, or a decree may be there rendered by consent of parties in order to bring up the case without delay.

This case was before the Court at January term, 1834, on an appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania, and was dismissed for want of jurisdiction, the complainants, Thomas Jackson and others, in the circuit court having omitted to state in the body of the bill, filed on the equity side of the court, that the defendant was a citizen of the State of Pennsylvania. 33 U. S. 8 Pet. 148.

MR. JUSTICE STORY delivered the opinion of the Court.

A motion has been made to allow an amendment of the record of this case, by inserting an allegation of the citizenship of the parties, and to reinstate this cause on the docket under the following circumstances:

The cause came before this Court at the January term, 1834, and, as will be found in the eighth volume of Mr. Peters' Reports 33 U. S. 148 -149, was then reversed for want of jurisdiction of the circuit court by reason of the omission to allege that the parties were citizens of different states, the appeal to this Court was dismissed, and the decree of this Court was ordered to be certified to the circuit court.

We are of opinion that under these circumstances, the record cannot be amended or the cause reinstated in this Court. It would in effect be a reversal of the former decree of this Court. We have no power over the decrees rendered by this Court after the term has

passed and the cause has been dismissed or otherwise finally disposed of here.

But in our opinion there is no difficulty in making the proposed amendment in the circuit court if that court shall see fit in its discretion to allow it to be done. The cause may then be reheard there, and upon the decree newly rendered an appeal can then be taken to this Court, or a decree may be there rendered by consent of the parties in order to enter the cause without any delay to this Court.

This Court, in rendering its former decree, had no authority (not having any jurisdiction but to reverse for the want of jurisdiction of the circuit court) to send the cause back for further proceedings with liberty to amend the bill. But the mandate was not understood by us to apply, except to the record in its then state, and we entertain no doubt that notwithstanding anything in the former decree of reversal, it is entirely competent for the circuit court, in its discretion, to allow the amendment now proposed to be made and to reinstate the cause in that court. But we have no authority in the matter. The motion is therefore

Overruled.

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