

Board of Commissioners of Knox County Vs. Wallace

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Court : US Supreme Court

Decided On : 1858

Appeal No. : 62 U.S. 546

Appellant : Board of Commissioners of Knox County

Respondent : Wallace

Judgement :

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Board of Commissioners of Knox County v. Wallace

62 U.S. (21 How.) 546

ERROR TO THE CIRCUIT COURT OF THE UNITED

STATES FOR THE DISTRICT OF INDIANA

SYLLABUS

The decision of the court in the preceding case again affirmed.

This case was similar in most of its aspects to the preceding case. In this case there was no notice whatever of the increase of the stock made by the board at their meeting on 26th February, 1849, and also it was shown that less than a majority of the whole vote of the county was polled.

MR. JUSTICE NELSON delivered the opinion of the Court.

The suit was brought by Wallace against the board, upon several coupons, for installments of interest which had been attached to certain bonds issued by the defendants to the Ohio & Mississippi R. Co. The coupons were owned by the plaintiff, and had been duly presented for payment, which was refused. The defendants plead the general issue, and six special pleas, to which there were replications, except the second and sixth pleas, to which there were demurrers.

The court sustained the demurrers. There were afterwards amendments and demurrers to pleadings not very intelligible in the record, and seem not to have been relied on by either party. The case was tried upon the general issue, and the facts disclosed upon the trial were substantially the same, *mutatis mutandis*, as those which were proved or admitted in the previous case of *Aspinwall and others* against these same defendants. After the evidence was closed, the defendants presented ten prayers to the court, upon each of which instructions were given. It is unnecessary to go through them; the questions involved have already been examined in the case above mentioned, and the result there arrived at affirms the judgment in this case.

Judgment affirmed.

MR. JUSTICE DANIEL dissented.