

**Campbell Vs. Read**

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**SooperKanoon Citation :** [sooperkanoon.com/81235](http://sooperkanoon.com/81235)

**Court :** US Supreme Court

**Decided On :** 1864

**Appeal No. :** 69 U.S. 198

**Appellant :** Campbell

**Respondent :** Read

**Judgement :**

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**69 U.S. (2 Wall.) 198**

*ERROR TO THE CIRCUIT COURT*

*OF THE DISTRICT OF COLUMBIA*

## **SYLLABUS**

A question involving the construction of a statute regulating intestacies within the District of Columbia is not a question of law of "such extensive interest and operation" as that if the matter involved is not of the value of \$1,000 or upwards,

this Court will assume jurisdiction under the Act of Congress of April 2, 1816.

The Act of Congress of April 2, 1816, [ [Footnote 1](#) ] regulating appeals and writs of error from the Circuit Court of the District of Columbia to this Court, limits them to cases in which the matter in dispute is of the value of \$1,000 or upwards. It provides, however, that if "any questions of law of *such extensive interest and operation* as to render the final decision of them by the Supreme Court desirable" are involved in the alleged errors of the circuit court, the case may be heard here even though the matter in dispute is of less value than \$1,000; and any judge of the court, if he is of opinion that the questions are of such a character, may allow the writ or appeal accordingly.

With this statute in force, Campbell by will, left legacies to his widow and several illegitimate children, but, after paying them all, a fund of \$141 remained in the hands of the executor undisposed of, there being no residuary legatee named in the will, and no parents &c.;, legitimate children,

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or collateral relations, who had the right to claim it as next of kin in preference to the widow.

The widow accordingly claimed it under statute. Her claim was opposed by the executor in virtue of an act regulating such matters in the District, and which declares that

"every bequest of personal estate to the wife of a testator *shall be construed to be intended in bar of her share of the personal estate*, unless it be otherwise expressed in the will. [ [Footnote 2](#) ]"

Her right depended, therefore, upon a construction of this statute, and the point before this Court was, whether this question was a question of law of such extensive interest and operation as to render the final decision of it, in a case like the present one, by this Court, desirable. Under the impression that it might be, or under some misunderstanding, an *allocatur* had been allowed in vacation by one

of the Justices of this Court. The printed copy of the record showed no certificate that the papers it contained were a transcript of the record, though counsel put nothing on that ground, which was supposed to be an accident only.

At a subsequent day, THE CHIEF JUSTICE announced briefly the Court's opinion, that independently of the record's not showing a proper certificate -- this itself being a sufficient ground for dismissal -- the amount in controversy was insignificant, and that the court was satisfied, on an inspection of the papers, that the *allocatur* was inadvertently

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sanctioned. There was, he said, no principle involved of such extensive application as to bring the case within the act of Congress giving jurisdiction on a judge's *allocatur* when the amount in controversy is less than \$1,000. Notwithstanding the *allocatur*, therefore, the case was

*Dismissed.*

[ [Footnote 1](#) ]

3 Stat. at Large 261.

[ [Footnote 2](#) ]

Act of Maryland, 1798; Dorsey's Laws 406.