

Coddington Vs. Richardson

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Court : US Supreme Court

Decided On : 1870

Appeal No. : 77 U.S. 516

Appellant : Coddington

Respondent : Richardson

Judgement :

Coddington v. Richardson - 77 U.S. 516 (1870)

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Coddington v. Richardson

77 U.S. (10 Wall.) 516

ERROR TO THE CIRCUIT COURT FOR THE

SOUTHERN DISTRICT OF ILLINOIS

SYLLABUS

[Norris v. Jackson](#), 9 Wall. 125, and [Flanders v. Tweed](#), 9 Wall. 425, affirmed, and it is again decided that under the Act of March 3, 1865, authorizing parties to submit the issues of fact in civil cases to be tried and determined by the court, this

Court will not review a general finding upon a mass of evidence brought up, and that if a party desires to have then finding reviewed, he must have the court find the facts specially so that the case may come here as on a special verdict or case stated.

By section 4 of the Act of March 3, 1865, * it is provided that parties may submit the issues of fact in civil cases to be tried and determined by the court without the intervention of a jury. The act continues:

"The finding of the court upon the facts, which finding shall be general or special, shall have the same effect as the verdict of a jury. The rulings of the court in the progress of the trial, when excepted to at the time, may be reversed by the Supreme Court of the United States upon a writ of error or upon appeal provided the rulings be duly presented by a bill of exceptions. When the finding is special, the review may also extend to the sufficiency of the facts found to support the judgment."

With this enactment in force, Richardson sued Coddington in the court below in trover to recover damages for the conversion of certain horses and mules. The declaration contained two counts, the first for the conversion of the whole and the second for the conversion of the undivided half of sixty-four horses and forty-five mules. By consent, the case was tried by the court without the intervention of a jury on the plea of the general issue and joinder.

The court found on the 5th July, 1866,

"that the plaintiff was the owner of an undivided interest of one-half in forty-eight

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mules and fifty-two horses, part of the property described in the declaration, and that the defendant converted the said interest to his own use, and thereupon assessed the plaintiff's damages at \$5,000,"

and gave judgment accordingly. The defendant moved for a new trial, which being denied, he filed, with leave of the court, on the 30th of January, 1868, a bill of

exceptions. The bill began:

"Be it remembered that upon the trial of this cause, by agreement of the respective parties present in court and their attorneys, a jury was waived and the cause was tried by the court by stipulation in writing and all just and legal objections and exceptions which might be made were reserved by each party, and plaintiff, in order to maintain the issue in his behalf, introduced and read in evidence the depositions,"

&c.;

After setting forth a great deal of evidence, the bill ended thus:

"This was all the evidence offered or introduced in the cause by either of the parties, and the court thereupon found the issue for the plaintiff, and assessed his damages at the sum of \$5,000."

"Whereupon the defendant moved the court for a new trial upon the grounds following:"

"1st. The finding and judgment of the court is erroneous."

"2d. The damages were erroneously computed."

"3d. The finding as to the damages was not warranted by the evidence."

"Which motion the court overruled, and rendered judgment upon the finding against the defendant, to which several findings and rulings of the court, in finding the issue for the plaintiff, in assessing the damages for the plaintiff, and in overruling the motion for a new trial, and in rendering judgment for the plaintiff, the said defendant, by his counsel, severally excepted at the time of such finding, overruling, and judgment respectively, and prays that this his bill of exceptions may be signed and sealed by the court, which is done. "

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MR. JUSTICE NELSON delivered the opinion of the Court.

No exceptions were taken to the admission or rejection of evidence on the trial, nor any special statement of facts found by the court. The only statement after closing the evidence is "and the court thereupon found the issue for the plaintiff, and assessed his damages at the sum of \$5,000."

There is no question of law arising upon the pleadings or the trial. Those attempted to be raised refer to the evidence, as embodied in the record, but which, in a trial of the facts before the court, a jury being waived, we do not look into. We look into them only when found by the court.

Judgment affirmed.

* 13 Stat. at Large 501.

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