

The Patapsco

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Court : US Supreme Court

Decided On : 1870

Appeal No. : 79 U.S. 451

Appellant : The Patapsco

Judgement :

The Patapsco - 79 U.S. 451 (1870)

U.S. Supreme Court The Patapsco, 79 U.S. 12 Wall. 451 451 (1870)

The Patapsco

79 U.S. (12 Wall.) 451

MOTION TO DISMISS

SYLLABUS

Upon a decree in the circuit court for a sum less than \$2,000, "with interest from a date named," an appeal lies here under the statute which gives an appeal "where the sum in dispute . . . exceeds \$2,000," provided that the sum for which the decree is given and the interest added to it together exceed \$2,000.

Boyce filed a libel in the District Court for the Southern District of New York against the steamer *Patapsco*, claiming \$1,724. That court dismissed the libel, but, on

appeal, the circuit court reversed the decree and sent the case to a master, to report the amount due. The master, on the 15th July, 1868, reported \$1,982. The circuit court confirmed the report, and on the 11th February, 1870, decreed in favor of the libellant for the amount reported, *with interest from the date of the report*. Adding the one year, six months, and twenty-six days' interest to the amount given by the report the sum was \$2,200 and upwards.

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THE CHIEF JUSTICE:

The decree of the circuit court was for the amount reported due the libellant on the 15th July, 1868, \$1982, and interest from the date of the report. We think that interest to the date of the decree must be computed as a part of the sum for which the decree was rendered. The sum thus computed exceeds \$2,000, and the motion must therefore be

Denied.

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