

Hall Vs. Jordan

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Court : US Supreme Court

Decided On : 1872

Appeal No. : 82 U.S. 393

Appellant : Hall

Respondent : Jordan

Judgement :

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Hall v. Jordan

82 U.S. (15 Wall.) 393

ON MOTION TO DISMISS FOR

WANT OF JURISDICTION

SYLLABUS

On a bill to enforce a vendor's lien where the vendee set up that the deed which the complainant had given him was insufficiently stamped (which fact, if true, would under an act of Congress prevent its being used in evidence), the supreme

court of a state, disregarding the objection, enforced the lien. The vendee brought the case here as within the 25th section of the Judiciary Act. *Held* that however frivolous the objection of the vendee, it raised a question under the section.

Jordan, on the 1st November, 1866, sold a tract of land to Hall and Conley, they paying him \$6,500 in gold and giving him their obligation to pay him on the 25th December, 1867, "an amount in the legal currency of the United States sufficient to purchase \$6,890 of the present gold coin of the United States." Jordan made them a deed accordingly, in which, however, the consideration was stated to be "thirteen thousand dollars" to the grantor then in hand paid, and the receipt of which the deed acknowledged.

An Act of Congress of June 30, 1864, * enacts that on deeds of land there shall be a stamp of \$1 for each \$1,000 of consideration money, and fifty cents for every fraction of the sum last named, and that no deed not properly stamped shall be received in evidence. It makes provision for the rectification of unintentional error on the subject.

The stamp on this deed was one of \$13. The amount sufficient to purchase \$6,890 of the then gold coin of the United States not being paid to Jordan on the 25th of December, 1867 (gold coin being then about 32 percent above currency), he filed a bill in one of the state courts of Tennessee setting forth the fact of his sale, and appending a copy of the deed with the \$13 stamp, alleging that about \$8,000 in currency value was still due and unpaid, praying that his lien as vendor against the land be enforced, an account

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be taken, and the land sold. The defendant set up, among other defenses, that Jordan was seeking to recover more than the amount of \$13,000 and interest thereon, the original purchase money, and more than the amount covered by the revenue stamps attached to the deed, and that if he was allowed to do so, the deed executed would be absolutely null and void and convey no title to them by reason of its being insufficiently stamped. And they prayed that if he was allowed

to collect more than \$13,000 in all, he should be compelled to execute a deed sufficiently stamped to be valid and binding.

The court ordered the lien to be enforced, and that the vendor recover \$8,741 (an amount reported due by a master), and that sale should be in default of payment. The supreme court of the state affirmed this decree, and Hall and Conley appealed to this Court under the assumption that they had set up a right under an act of Congress, and that it had been decided against; a state of things when a power of review by this Court is given by the third paragraph of the Judiciary Act, quoted *supra*, p. [82 U. S. 3](#) .

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THE CHIEF JUSTICE:

The defendant claimed that a deed offered in evidence was void because the stamps upon it amounted only to \$13 when they should have been \$13.50. The court admitted the deed, although the act of Congress provided that no deed not properly stamped should be received in evidence. The decision was against the right claimed by the defendant under the act of Congress, and necessarily involved its construction.

However frivolous the objection, it undoubtedly raised a question under the 25th section of the Judiciary Act, the decision of which may be revised in this Court upon a writ of error.

Motion to dismiss denied.

* 15 Stat. at Large 295.