

Lange Vs. Benedict

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Court : US Supreme Court

Decided On : 1878

Appeal No. : 99 U.S. 68

Appellant : Lange

Respondent : Benedict

Judgement :

Lange v. Benedict - 99 U.S. 68 (1878)

U.S. Supreme Court Lange v. Benedict, 99 U.S. 68 (1878)

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MOTION TO DISMISS WRIT OF ERROR TO THE

COURT OF APPEALS OF THE STATE OF NEW YORK

SYLLABUS

This Court having in [*Ex Parte Lange*](#), 18 Wall. 163, held that the judgment against him, rendered Nov. 8, 1873, was not authorized by law, he brought an action against the judge who pronounced it. The court below decided that even

though the judgment was unauthorized, the defendant having, in pronouncing it, acted in his judicial capacity and it not being so entirely in excess of his jurisdiction as to make it the arbitrary and unlawful act of a private person, was not liable in damages. *Held* that such decision does not present a federal question.

This action was brought by Edward Lange in the supreme court of the State of New York to recover damages for his alleged unlawful imprisonment by Charles L. Benedict, District Judge of the United States for the Eastern District of New York, who as such, by virtue of an act of Congress, held the Circuit Court of the United States for the Southern District of New York at the October Term thereof, 1873.

At that term, so held by said Benedict, Lange was tried upon an indictment consisting of twelve counts, some of them charging him with having feloniously stolen certain mail bags in use by the Post Office Department, others with having, for lucre and gain, feloniously appropriated certain other such mail bags, and others with having knowingly and unlawfully, for lucre and gain, conveyed away certain other such mail bags to the hindrance and detriment of the public service. The indictment was found under sec. 290 of the Act of June 8, 1872, 17 Stat. 320, which provides that the prisoner, on conviction of the offense, if the value of the property be less than \$25, shall be imprisoned not more than one year, or be fined not less than ten nor more than \$200. The jury found Lange guilty and the value of the property to be less than \$25. The court during the term sentenced him, November 3, to be imprisoned for the term of one year and to pay a fine of \$200. On the following day, there was paid into the registry of the court \$200 in full satisfaction of the fine imposed by the sentence, and on the 7th of that month, the clerk of the court deposited it at the office of

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the Assistant Treasurer in New York City to the credit of the Treasurer of the United States. On the same day a writ of habeas corpus was granted in favor of Lange, returnable the ensuing day, and during the same term of the court, he was produced in obedience to the writ, whereupon, after hearing, the court, on November 8, vacated and set aside the sentence pronounced against him on the

third day of that month and, proceeding to pass judgment anew, resented him to be imprisoned for the term of one year.

On the seventeenth day of December, an order for a rule returnable before said circuit court to show cause why a writ of habeas corpus should not issue, was granted by Judge Woodruff. On the 24th of that month, the rule was discharged. Thereupon a writ of habeas corpus was issued by Judge Blatchford, returnable December 29 before Judge Benedict. The latter, upon the return day, ordered that the prisoner be remanded and the writ dismissed.

On the 13th of January, 1874, writs of habeas corpus and certiorari were granted by this Court, and it subsequently adjudged that the sentence pronounced on the 8th of November, 1873, under which Lange was then held a prisoner, had been pronounced without authority. It was thereupon ordered and directed that he be discharged.

The imprisonment complained of was that suffered by Lange from the time of the second sentence until his discharge.

To the complaint, which set up the foregoing matters, the defendant demurred upon the ground that it appeared on its face that:

1. The court had no jurisdiction of the person of the defendant.
2. The court had no jurisdiction of the subject of the action.
3. The complaint did not state facts sufficient to constitute a cause of action.

The demurrer was overruled at the special term of the supreme court, but the judgment was reversed at the general term. Lange appealed to the Court of Appeals, where the judgment at the general term was affirmed and the complaint dismissed. He thereupon sued out this writ of error.

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MR. CHIEF JUSTICE WAITE delivered the opinion of the Court.

In [Ex parte Lange](#), 18 Wall. 163, we decided that the present plaintiff in error must be discharged from imprisonment because the sentence under which he was held was not authorized by law. In the present case, the Court of Appeals of New York held that even though such was the law, the defendant in error is not liable in damages for the false imprisonment because, in pronouncing the judgment under which the imprisonment was had, he acted as a judge in his judicial capacity, and not so entirely in excess of his jurisdiction as to make it the arbitrary and unlawful act of a private person. This is not a federal question, and it was the only question decided.

The writ must therefore be dismissed for want of jurisdiction, and it is

So ordered.