

Vigel Vs. Hopp

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Court : US Supreme Court

Decided On : 1881

Appeal No. : 104 U.S. 441

Appellant : Vigel

Respondent : Hopp

Judgement :

Vigel v. Hopp - 104 U.S. 441 (1881)

U.S. Supreme Court Vigel v. Hopp, 104 U.S. 441 (1881)

Vigel v. Hopp

104 U.S. 441

APPEAL FROM THE SUPREME COURT

OF THE DISTRICT OF COLUMBIA

SYLLABUS

Where the answer is responsive to the allegations of the complainant's bill, they must, to entitle him to relief, be sustained by the testimony of two witnesses, or of one witness corroborated by circumstances which are equivalent in weight to the

testimony of another witness.

The facts are sufficiently stated in the opinion of the Court.

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

This is a suit in equity begun by the appellee to set aside a deed executed by her to the appellant on the ground that the deed, though absolute on its face, was intended only as security for a debt, which has since been paid in full. There are numerous allegations of fraud, but the whole scope and purpose

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of the suit is to establish a trust and get back the property in that way. The answer denies every allegation of fraud and trust, and insists that the deed was intended as an absolute conveyance, and not as security. This is responsive to the bill, and before the relief can be granted which is asked, these denials must be overcome by the satisfactory testimony of two witnesses, or of one witness corroborated by circumstances which are equivalent in weight to another. 2 Story, Eq., sec. 1528. The appellee is the only witness in support of the bill, and the corroborating circumstances are not, in our opinion, sufficient to overcome the answer. It will serve no useful purpose to enter into analysis of the testimony.

Decree reversed and cause remanded with instructions to dismiss the bill.