

United States Vs. Broadhead

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Court : US Supreme Court

Decided On : Apr-30-1888

Appeal No. : 127 U.S. 212

Appellant : United States

Respondent : Broadhead

Judgement :

United States v. Broadhead - 127 U.S. 212 (1888)

U.S. Supreme Court United States v. Broadhead, 127 U.S. 212 (1888)

United States v. Broadhead

Nos. 233, 234

Argued April 18, 1888

Decided April 30, 1888

127 U.S. 212

ERROR TO THE CIRCUIT COURT OF THE UNITED

STATES FOR THE DISTRICT OF CALIFORNIA

SYLLABUS

On the authority of *United States v. Hill*, [123 U. S. 681](#) , it is *held* that an action against sureties to recover on a bail bond conditioned for the appearance of the principal to answer to an indictment for making and forging checks against an assistant treasurer is not a case for the enforcement of a revenue law within the intent of Rev.Stat. 699.

No interest can be recovered in an action by the United States upon a bail bond conditioned for the appearance of a person to answer to an indictment for forgery.

These were actions against sureties on bail bonds. The case is stated in the opinion of the court.

MR. JUSTICE MILLER delivered the opinion of the Court.

These cases are suits brought upon two bonds given by John F. Broadhead and his sureties conditioned for his appearance in the District Court of the United States for the

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District of California to answer two separate indictments for making and forging checks on the Assistant Treasurer of the United States at San Francisco. The penalty of each of these bond was \$5,000, and according to well settled principles, no interest can be recovered in such a suit as this, nor can any recovery be had beyond the amount prescribed in these instruments, except for costs.

Section 3 of the "Act to facilitate the disposition of cases in the Supreme Court of the United States, and for other purposes," approved February 16, 1875, 18 Stat. 315, c. 77, 3, fixing the amount necessary to give jurisdiction to this Court of writs of error from the circuit courts at a sum in excess of \$5,000, applies to the United States as well as to other parties, except in the cases enumerated in 699 of the Revised Statutes. None of these exceptions applies to the present cases.

It was attempted in *United States v. Hill*, [123 U. S. 681](#) , *ante*, to establish the proposition that that case was for the enforcement of a revenue law, and therefore came within the exceptions specified. It was, however, overruled by this Court, and the opinion in that case forbids the idea that these cases can be treated as an exception to the general rule.

As the act of 1875 above cited requires that there shall be an amount in controversy, exclusive of costs, exceeding \$5,000, and as no such recovery can be had in the cases now under consideration,

The writs are dismissed.

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