

Lloyd Vs. Mcwilliams

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SooperKanoon Citation : sooperkanoon.com/86351

Court : US Supreme Court

Decided On : Dec-15-1890

Appeal No. : 137 U.S. 576

Appellant : Lloyd

Respondent : Mcwilliams

Judgement :

Lloyd v. McWilliams - 137 U.S. 576 (1890)

U.S. Supreme Court Lloyd v. McWilliams, 137 U.S. 576 (1890)

Lloyd v. McWilliams

No. 109

Argued and submitted December 10, 1890

Decided December 15, 1890

137 U.S. 576

ERROR TO THE CIRCUIT COURT OF THE UNITED

STATES FOR THE DISTRICT OF RHODE ISLAND

SYLLABUS

When a trial by jury in a circuit court is waived by agreement and the case is tried by the court, no questions are open for revision here unless the record shows a finding of facts in accordance with the provisions of Rev.Stat. §§ 649, 700, and in such case, when brought here, the judgment of the circuit court will be presumed to be right and will be affirmed if it appears that that court had jurisdiction of the subject matter and of the parties.

This was an action to recover duties alleged to have been illegally exacted. When the cause was reached on the docket, argument was begun on the part of the plaintiff in error, but the court interrupted the counsel and declined to hear further argument. The case is stated in the opinion.

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

In this cause, trial by jury was waived by agreement of the parties in writing, duly filed, and the case was tried by the court. But the record discloses no finding upon the facts, either general or special, in accordance with the statutes (Rev.Stat. §§ 649, 700), and no questions are therefore open to our revision as an appellate tribunal. As the circuit court had jurisdiction of the subject matter and the parties, its judgment must be presumed to be right, and on that ground

Affirmed.