

**Hubbard Vs. Soby**

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**Court :** US Supreme Court

**Decided On :** Oct-31-1892

**Appeal No. :** 146 U.S. 56

**Appellant :** Hubbard

**Respondent :** Soby

**Judgement :**

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U.S. Supreme Court Hubbard v. Soby, 146 U.S. 56 (1892)

**Hubbard v. Soby**

**No. 109**

**Submitted October 17, 1892**

**Decided October 31, 1892**

**146 U.S. 56**

*ERROR TO THE CIRCUIT COURT OF THE UNITED*

*STATES FOR THE DISTRICT OF CONNECTICUT*

## SYLLABUS

This Court has no jurisdiction over a writ of error sued out June 11, 1892, from a judgment rendered by a Circuit Court of the United States against a collector of customs in a suit brought to recover back an alleged excess of duties paid upon an importation of goods made prior to the going into effect of the Act of Congress of June 10, 1890, "to simplify the laws in relation to the collection of the revenues," 26 Stat. 131, c. 407.

Motion to dismiss. The motion, entitled in the cause, was as follows:

"Charles Soby, defendant in the cause above entitled, moves the court to dismiss the writ of error therein, for want of jurisdiction in this Court to hear and determine the same."

"This is a suit between two citizens of Connecticut, brought October 9, 1890, in the Circuit Court of the United States for the District of Connecticut by said Charles Soby against said Charles C. Hubbard, to recover an alleged excess of duties upon imports exacted by said Hubbard, in his capacity of collector of customs of the port of Hartford, from said Charles Soby, the jurisdiction of said Circuit Court being entirely dependent upon the federal question thus arising under the customs revenue laws of the United States. The circuit court found the exaction to be illegal, and gave judgment for the plaintiff below, defendant in error here, on the 27th day of February, 1892. Thereupon, on the 11th day of June, 1892, the present plaintiff in error sued out the writ of error which brings the proceedings here."

"Inasmuch as, under the sixth section of the Act of March 3, 1891, 26 Stat. c. 517, pp. 826, 828, no writ of error to this Court lies to such final judgment of said circuit court, the said defendant in error now moves that said writ be dismissed with costs. "

The material part of the sixth section of the Act of March 3, 1891, "to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States," is as follows:

"The circuit courts of appeals established by this act shall exercise appellate jurisdiction to review by appeal or writ of error final decision in the district court and the existing circuit courts in all cases other than those provided for in the preceding section of this act unless otherwise provided by law, and the judgments or decrees of the circuit courts of appeals shall be final in all cases in which the jurisdiction is dependent entirely upon the opposite parties to the suit or controversy, being aliens and citizens of the United States or citizens of different states; also in cases arising under the patent laws, under the revenue laws, and under the criminal laws and in admiralty cases, excepting . . ."

etc.

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

This was a suit brought October 9, 1890, in the Circuit Court of the United States for the District of Connecticut to recover an alleged excess of duties upon imports exacted by plaintiff in error in his capacity of collector of customs of the port of Hartford prior to the going into effect of the Act of Congress of June 10, 1890, entitled "An act to simplify the laws in relation to the collection of the revenues." 26 Stat. 131. Judgment was given for defendant in error February 27, 1892, and on June 11, 1892, the pending writ of error was sued out. The motion to dismiss the writ must be sustained upon the authority of *Lau Ow Bew v. United States*, [144 U. S. 47](#) ; *McLish v. Roff*, [141 U. S. 661](#) .

*Writ of error dismissed.*