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Ogden Vs. United States

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Court : US Supreme Court

Decided On : Mar-27-1893

Appeal No. : 148 U.S. 390

Appellant : Ogden

Respondent : United States

Judgement :

Ogden v. United States - 148 U.S. 390 (1893)
U.S. Supreme Court Ogden v. United States, 148 U.S. 390 (1893)

Ogden v. United States

No. 1184

Submitted March 20, 1893

Decided March 27, 1893

148 U.S. 390

APPEAL FROM THE CIRCUIT COURT OF THE UNITED

STATES FOR THE EASTERN DISTRICT OF LOUISIANA

SYLLABUS

The appeal in this case from a decree of the circuit court in a suit against the United States brought under the Act of March 3, 1887, 24 Stat. 505, c. 359, not having been taken until August 9, 1892, is dismissed.

The appellant brought this suit against the United States under the Act of March 3, 1887, 24 Stat. 505, c. 359. The amount claimed exceeded the sum necessary to give this Court jurisdiction on appeal. The bill was dismissed June 27, 1892. The application for appeal was made August 9, 1892. On behalf of the appellee, the following motion was made:

"And now, March 20, 1893, comes the Solicitor General, on behalf of the appellee, and moves the Court to dismiss the appeal herein for that such appeal is not authorized by the Act of March 3, 1891, 26 Stat. 826, entitled 'an act to establish circuit courts of appeals,' and so forth,and because such appeal is without the authority of law, and this court, therefore, is without jurisdiction of said appeal,"

and with this motion was also submitted a statement of the appellants' counsel in which, acknowledging notice of the motion, he said:

"I am anxious that the question shall be determined; the time you give me, however, is too short to prepare or file a brief. I accept your communication of the 13th as notice, and waive any other, asking you in making the motion to state to the Court that, so far as appellant is concerned, the case is submitted for construction of the statute conferring jurisdiction on the circuit courts in actions against the government, and whether that act conferring special jurisdiction with special procedure is affected by the general act creating the circuit courts of appeal. "

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THE CHIEF JUSTICE.

This appeal is dismissed upon the authority of *Bank v. Peters,* 144 U. S. 570 ; *Hubbard v. Soby,* 146 U. S. 56 , and cases cited.

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