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Coon Vs. Kennedy

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Court : US Supreme Court

Decided On : Jan-13-1919

Appeal No. : 248 U.S. 457

Appellant : Coon

Respondent : Kennedy

Judgement :

Coon v. Kennedy - 248 U.S. 457 (1919)
U.S. Supreme Court Coon v. Kennedy, 248 U.S. 457 (1919)

Coon v. Kennedy

No. 398

Argued December 11, 1918

Decided January 13, 1919

248 U.S. 457

ERROR TO THE COURT OF ERRORS AND APPEALS

OF THE STATE OF NEW JERSEY

SYLLABUS

Under Jud.Code, 237, as amended September 6, 1916, a writ of error does not lie to a judgment of a state court holding the state workmen's compensation Law inapplicable to a case of personal injuries governed by the maritime law and holding the Act of October 6, 1917, which changes the rule in that regard, inapplicable retrospectively.

Writ of error to review 91 N.J.L. 598 dismissed.

The case is stated in the opinion.

Memorandum opinion by MR. JUSTICE Mc REYNOLDS.

This writ of error runs to a judgment of the Court of Errors and Appeals of New Jersey filed March 4, 1918, 91 N.J.L. 598, denying relief to Rebecca Coon, who

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sued to recover under the New Jersey Workmen's Compensation Act on account of her husband's death by drowning in the navigable waters of that state while employed as a fireman on a tugboat.

The court held that, as the accident occurred August 4, 1915, the Act of Congress approved October 6, 1917, c. 97, 40 Stat. 395, "saving . . . to claimants the right and remedies under the workmen's compensation law of any state," was inapplicable, and that, under the doctrine announced in *Southern Pacific Co. v. Jensen,* 244 U. S. 205 , the rights of the parties depended upon the maritime law of the United States.

There was no decision against the validity of a treaty or statute of or an authority exercised under the United States, nor in favor of the validity of a statute of or an authority exercised under a state challenged because of repugnance to the Constitution, treaties, or laws of the United States. Consequently, under the Act of September 6, 1916, c. 448, 39 Stat. 726, the writ of error was improperly sued out, and must be

Dismissed.

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