

Case No. 3,429.

CROSS v. BLANFORD.

[2 Cranch, C. C. 677.]¹

Circuit Court, District of Columbia.

May Term, 1826.

JURISDICTION OF JUSTICE OF THE PEACE—APPEAL.

If the justice of the peace had not jurisdiction of the cause, his judgment may be reversed, upon appeal, although the cause was tried before him by a jury.

This was an appeal from the judgment of a justice of the peace in a cause tried before him by a jury, under the act of March 1, 1823 (3 Stat. 743), extending the jurisdiction of justices of the peace, &c. The suit was brought upon an account for damages sustained by Blanford, the plaintiff below, by reason of false imprisonment, at the instance of the defendant Cross. There was a trial by jury, before the justice. The defendant objected to the jurisdiction of the justice because the real cause of action was a tort, the damages being only an incident. The justice stated the facts in the nature of a bill of exceptions.

THE COURT (MORSELL, Circuit Judge, absent) was of opinion that, although the verdict of the jury was conclusive as to the facts of the case, yet this court had a right to look into the facts upon a question of jurisdiction; and having done so, and being of opinion that the real ground of action, before the justice of the peace, was a tort, they reversed the judgment with costs.

¹ [Reported by Hon. William Cranch, Chief Judge.]