

SHIRLEY v. TITUS.

{1 Sumn. 447.}¹

Circuit Court, D. Massachusetts. Oct. Term, 1833.

APPEAL—TO CIRCUIT COURT—AMOUNT IN DISPUTE.

No appeal lies by any party from a decree of the district court, unless on his part the matter in dispute exceeds the sum or value of fifty dollars, under the acts of congress.

{Cited in brief in *Lubker v. The A. H. Quimby*, Case No. 8,586.}

{Appeal from the district court of the United States for the district of Massachusetts.}

Libel in personam for seamen's wages. At the hearing in the district court, there was a decree for the libellant [James Titus] for twenty-eight dollars, and costs, the original demand being over fifty dollars. [Case unreported.] The respondent [Charles Shirley] appealed, but there was no cross appeal by the libellant.

B. Sumner, for appellant.

C. G. Loring, for appellee.

STORY, Circuit Justice. This court has no jurisdiction in the case. The acts of congress² give no appeal from the district court, except in cases where the matters in dispute, exclusive of costs, exceed the sum or value of fifty dollars. Here, there being no cross appeal by the libellant, the only matter in dispute is the twenty-eight dollars awarded by the district court to the libellant. It would have been different, if there had been a cross appeal by the libellant, since he demanded more than fifty dollars by his libel. Appeal dismissed.

¹ [Reported by Charles Sumner, Esq.]

² Act Sept 24. 1789, c. 20, § 21 [1 Stat. 83]; Act March 3, 1803, c. 93, § 2 [2 Story's Laws, 905; 2 Stat. 244, c. 50].

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