

UNITED STATES *v.* EARNSHAW.<sup>1</sup>

*District Court, E. D. Pennsylvania.*

April 19, 1887.

CUSTOMS DUTIES—APPRAISEMENT—ADJOURNMENT OF HEARING—REFUSAL.

Where appraisers have fixed a time for a hearing, and given notice thereof to the parties interested, the refusal to postpone the hearing at the request of one of the parties is within their discretion, and the court will not interfere.

*Sur* motion for judgment for the defendant won *obstante veredicto*.

*Richdrd C. McMurtrie*, for the motion.

*John K. Valentine*, U. S. Dist. Atty., *contra*.

BUTLER, J. The defendant's only substantial ground of complaint is the appraiser's refusal to adjourn the hearing until a future time. Proper notice was sent him, in pursuance of which his representative attended, and requested an adjournment. This request was refused. Whether it should have been granted the court cannot consider. The appraisers were the sole judges of this. I cannot assume that they abused their authority,—acted arbitrarily; without exercising the discretion committed to them; and on this ground treat the appraisal as void.

Judgment must therefore be entered on the verdict for the plaintiff.

<sup>1</sup> Reported by C. Berkeley Taylor, Esq, of the Philadelphia bar.