

# United States v. Tyler

11 U.S. (7 Cranch) 285

U.S. Supreme Court

LIVINGSTON, J. delivered the opinion of the Court as follows:

The defendant was indicted under the act to enforce the embargo laws passed 9 January, 1809, for loading on carriages within the District of Vermont nineteen barrels of pearl ashes with intent to transport the same without the United States, to-wit into the Province of Canada.

On a plea of not guilty, the jury returned the following written verdict, which was recorded.

"The jury find that the said John Tyler is guilty of the charge alleged against him in said indictment, and that the said pot ashes were worth two hundred and eighty dollars."

The defendant moved in arrest of judgment because the verdict was not sufficiently certain as to the value of the property charged in the indictment, the same having found the value of pot ashes, whereas the defendant was indicted for the intention of exporting pearl ashes.

Upon this motion, the judges being opposed in opinion, the same has been certified unto this Court for its direction in the premises.

The law which creates this offense provides that the party shall, upon conviction, be adjudged guilty of a high misdemeanor and fined a sum by the court before which the conviction is had equal to four times the value of the property so intended to be exported. The Court, then, is of opinion that, under this law, no valuation by the jury was necessary to enable the circuit court to impose the proper fine, and therefore

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that that part of the verdict which is objected to is regarded as surplusage, and cannot deprive the United States of the judgment to which it became entitled by the defendant's conviction of the offense laid in the indictment.

It must accordingly be certified to the court below that it proceed to render judgment for the United States on the verdict aforesaid.