

Peck Vs. Sanderson

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Court : US Supreme Court

Decided On : 1855

Appeal No. : 59 U.S. 42

Appellant : Peck

Respondent : Sanderson

Judgement :

Peck v. Sanderson - 59 U.S. 42 (1855)

U.S. Supreme Court Peck v. Sanderson, 59 U.S. 18 How. 42 42 (1855)

Peck v. Sanderson

59 U.S. (18 How.) 42

APPEAL FROM THE CIRCUIT COURT OF THE UNITED

STATES FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SYLLABUS

This Court cannot grant a motion for the rehearing of a cause which has been transmitted to the court below.

This case was argued and decided at the last term, and is reported in 17 Howard.

Mr. Rush, of counsel for the appellee, now stated to the Court that a petition from the appellee was on file, verified by affidavit, and moved for a rehearing, which was opposed by Mr. Wahr, counsel for the appellant.

MR. JUSTICE Mc LEAN delivered the opinion of court.

This case was decided at the last term, on an appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania, and a motion is now made by Mr. Rush, counsel for the appellee, for a reargument, on the ground that he was prevented by sickness from attending the Court at the time of the hearing.

It is a subject of regret that any cause should be heard in the absence of counsel, and especially where the cause of absence, by a failure in the mail, was unknown to the Court.

In the above case, the brief of the counsel was before the Court, and it is not probable that an oral argument would have changed the result.

But in the case of [*Browder v. McArthur*](#), 7 Wheat. 58, it was held that this Court cannot grant a rehearing in a case which has been remitted to the court below, and in the case of [*Washington Bridge Company v. Stewart*](#), 3 How. 413, the same principle was recognized. The motion is

Overruled.