

Rogers Vs. Law

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Court : US Supreme Court

Decided On : 1858

Appeal No. : 62 U.S. 526

Appellant : Rogers

Respondent : Law

Judgement :

Rogers v. Law - 62 U.S. 526 (1858)

U.S. Supreme Court Rogers v. Law, 62 U.S. 21 How. 526 526 (1858)

Rogers v. Law

62 U.S. (21 How.) 526

APPEAL FROM THE CIRCUIT COURT OF THE UNITED

STATES FOR THE DISTRICT OF COLUMBIA

SYLLABUS

After an appeal has been docketed and dismissed under the 63d rule of court at a prior term of the Court, the same case cannot again be docketed without a new appeal.

MR. JUSTICE Mc LEAN delivered the opinion of the Court.

The facts, as they appear of record, on the motion to dismiss this appeal, are as follows:

The decree of the circuit court was pronounced 21 January, 1856. An appeal was prayed from said decree and granted the same day, 21 January, 1856. This appeal was docketed and dismissed under the 63d rule of this Court, at December term, 1856, to-wit, 27 February, 1857, and a writ of *procedendo* was issued 19 May, 1857.

The appellants filed this record and docketed the case 3 April, 1857. The record in this case stated that an appeal had been prayed and allowed, but does not give any date. There is no statement of any prior appeal in this record. The appeal bond is dated 4 February, 1856. There is no citation in this record.

The appellants filed the citation and bond, 30 April, 1857, and directed the clerk to docket this case, to transfer the record filed in the last case to this, to attach said citation and bond to said record, and to print all the papers in this case. There is no statement of any other appeal than that set out, and this seems to be the appeal that was docketed and dismissed 27 February, 1857.

As the record now stands, it is not perceived how this appeal can be sustained.