

**Verden Vs. Coleman**

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**Court :** US Supreme Court

**Decided On :** 1859

**Appeal No. :** 63 U.S. 192

**Appellant :** Verden

**Respondent :** Coleman

**Judgement :**

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**Verden v. Coleman**

**63 U.S. (22 How.) 192**

*APPEAL FROM THE SUPREME COURT*

*OF THE STATE OF INDIANA*

## **SYLLABUS**

No appeal can be taken from the final decision of a state court of last resort under the 25th section of the Judiciary Act, to the Supreme Court of the United States. A writ of error alone can bring up the cause.

This was a case of foreclosure of a mortgage brought in the Benton Circuit Court (state court). In the progress of the trial, there was a bill of exceptions signed and sealed by the presiding judge, and the case then carried up by appeal to the supreme court of the state. That court affirmed the judgment of the court below, upon which an appeal was prayed to the United States Supreme Court, which prayer was granted. The appeal bond recited that Samuel Verden hath "prosecuted a writ of error to the Supreme Court of the United states," &c.;, but no writ of error was sued out.

It is not necessary to notice the nature of the case any further.

MR. JUSTICE CATRON delivered the opinion of the Court.

Coleman sued Verden in a state court of Indiana on a note of hand, and a mortgage of lands to secure its payment. On various pleadings and proofs, the cause was submitted for judgment to the court, the parties having dispensed with a jury. Judgment was rendered against Verden, who appealed to the Supreme Court of Indiana. There, the judgment of the circuit was affirmed.

This occurred on the 26th day of June, 1858. And then we find the following entry of record:

"And afterwards, to-wit, at a court began and held on the 24th of May, 1858, and continued from day to day till July 16th, 1858, at which time come the appellant, by Hon D. Mace, his attorney, and prays an appeal to the United States supreme court, which prayer is granted. "

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Bond was given to prosecute the appeal, and the clerk certifies the record to be a true copy of the proceedings.

No *appeal* can be taken from the final decision of a state court of last resort, under the twenty-fifth section of the Judiciary Act, to the Supreme Court of the United States. A writ of error alone can bring up the cause. We refer to the appendix of Curtis' Digest for the mode.

*It is ordered that the case be dismissed.*

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