

Tracy Vs. Holcombe

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Court : US Supreme Court

Decided On : 1860

Appeal No. : 65 U.S. 426

Appellant : Tracy

Respondent : Holcombe

Judgement :

Tracy v. Holcombe - 65 U.S. 426 (1860)

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Tracy v. Holcombe

65 U.S. (24 How.) 426

ERROR TO THE SUPREME COURT

OF THE STATE OF MINNESOTA

SYLLABUS

Where the judgment of the court below reverses the decision of the inferior court and awards a new trial, it is not a final judgment from which a writ of error will lie to this Court.

The record showed that a suit was brought by Tracy as surviving partner against Holcombe, and on the 30th of December, 1857, the judgment of the court was entered that he should recover \$2,340.71, with costs.

On the 13th of July, 1859, the supreme court ordered that "the judgment of the court below be, in all things, reversed, and a new trial granted."

On the 8th of October, 1859, a writ of error was issued pursuant to section third of the Act of Congress entitled, "An act for the admission of Minnesota into the Union," passed May 11, 1858, and section eighteen of the Act of Congress entitled, "An act making appropriations for sundry civil expenses of the government for the year ending 30th June, 1859," passed June 12, 1858.

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MR. CHIEF JUSTICE TANEY delivered the opinion of the Court.

This case has been brought here by a writ of error directed to the Supreme Court of the State of Minnesota. But upon looking into the transcript, it appears that the judgment which it is proposed to revise is a judgment reversing the decision of the court below and awarding a new trial. There is, therefore, no final judgment in the case, and the writ must be dismissed for want of jurisdiction in this Court.

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