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Ex Parte Dugan

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Court : US Supreme Court

Decided On : 1864

Appeal No. : 69 U.S. 134

Appellant : Ex Parte Dugan

Judgement :

Ex Parte Dugan - 69 U.S. 134 (1864)
U.S. Supreme Court Ex Parte Dugan, 69 U.S. 2 Wall. 134 134 (1864)

Ex Parte Dugan

69 U.S. (2 Wall.) 134

ON PETITION FOR CERTIORARI TO THE

SUPREME COURT OF THE DISTRICT OF COLUMBIA

SYLLABUS

On a mere petition for a certiorari, the court, according to its better and more regular practice, will decline to hear the case on its merits even though the counsel for the petitioner produce a copy of the record admitted on the other side to be a true one. It will wait for a return, in form, from the court below.

On a petition for a certiorari to the Supreme Court of the District of Columbia to send up the record of their proceedings upon a habeas corpus issued from that court upon the application of the petitioner, it was stated by Mr. J. H. Bradley, counsel of the petitioner, that a copy of the record had been obtained, and he asked this Court, upon the admission of the Attorney General that the copy was a correct one, to hear the case without a return from the court below. The Attorney General, on the other hand, while admitting the copy of the record produced to be correct, moved the Court, for reasons which he laid, to continue the case.

BY THE COURT.

We think it the better as well as the more regular practice to await the return of the court below before taking any action on the merits. The certiorari will therefore be now awarded. Upon the coming in of the return, the case will be regularly before us, and the motion for continuance made by the Attorney General will then be disposed of.

Action accordingly.

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