

Palmer Vs. Donner

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SooperKanoon Citation : sooperkanoon.com/81642

Court : US Supreme Court

Decided On : 1868

Appeal No. : 74 U.S. 541

Appellant : Palmer

Respondent : Donner

Judgement :

Palmer v. Donner - 74 U.S. 541 (1868)

U.S. Supreme Court Palmer v. Donner, 74 U.S. 7 Wall. 541 541 (1868)

Palmer v. Donner

74 U.S. (7 Wall.) 541

ERROR TO THE SUPREME COURT

OF THE STATE OF CALIFORNIA

SYLLABUS

A district judge has no authority to sign a citation upon a writ of error to a state court. When the citation has been thus signed, the writ of error will be dismissed on motion.

This was a motion, made by Mr. J. H. Bradley, to dismiss a writ of error directed to the Supreme Court of the State of California on the ground that the citation had been signed by a district judge, which the record showed was the fact.

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THE CHIEF JUSTICE delivered the opinion of the Court.

The revisory jurisdiction of this Court over the judgments of state tribunals is defined by the twenty-fifth section of the Judiciary Act of 1789. It is there provided that the citation must be signed by the chief justice or judge or chancellor of the court rendering or passing the judgment or decree complained of or by a justice of the Supreme Court of the United States. But the citation in the case before us was signed by a district judge. This was without authority of law, and the citation was therefore without effect. The case therefore is not properly in this Court, and the writ of error must be

Dismissed.