

Generes Vs. Bonnemer

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SooperKanoon Citation : sooperkanoon.com/81646

Court : US Supreme Court

Decided On : 1868

Appeal No. : 74 U.S. 564

Appellant : Generes

Respondent : Bonnemer

Judgement :

Generes v. Bonnemer - 74 U.S. 564 (1868)

U.S. Supreme Court Generes v. Bonnemer, 74 U.S. 7 Wall. 564 564 (1868)

Generes v. Bonnemer

74 U.S. (7 Wall.) 564

ERROR TO THE CIRCUIT

COURT FOR LOUISIANA

SYLLABUS

A judgment affirmed in a case where the only ruling of the court to be found in the record was a judgment rendered in favor of a plaintiff for the recovery of a sum of money, where there was no question raised in the pleadings no bill of exceptions

and no instructions or ruling of the court, and where what purported to be a statement of facts, signed by the judge, was filed more than two months after the writ of error was allowed and filed in the court, and nearly a month after the citation was issued.

In this case, which came on error to the circuit court for Louisiana, it appeared that the only ruling of the court to

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be found in the record was a judgment rendered in favor of plaintiff for the recovery of a sum of money. There was no question raised on the pleadings, no bill of exceptions, no instructions or ruling of the court.

There was what purported to be a statement of facts, signed by the judge, found in the record. It was filed more than two months after the writ of error was allowed and filed in the court, and nearly a month after the citation was issued by the judge. It did not appear to have been filed by consent of parties.

MR. JUSTICE MILLER delivered the opinion of the Court.

To permit the judge to make a statement of facts, on which the case shall be heard here, after the case is removed to this Court by the service of the writ of error, or even after it is issued, would place the rights of parties who have judgments of record entirely in the power of the judge, without hearing and without remedy. The statement of facts, filed without consent of the parties, must be treated as a nullity, and, as there is nothing on which error of the court below can be predicated, the judgment must be

Affirmed.