

Blitz Vs. Brown

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Court : US Supreme Court

Decided On : 1868

Appeal No. : 74 U.S. 693

Appellant : Blitz

Respondent : Brown

Judgement :

Blitz v. Brown - 74 U.S. 693 (1868)

U.S. Supreme Court Blitz v. Brown, 74 U.S. 7 Wall. 693 693 (1868)

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74 U.S. (7 Wall.) 693

ERROR TO THE SUPREME COURT

OF THE DISTRICT OF COLUMBIA

SYLLABUS

A writ of error dismissed where the transcript contained only a blank form of a certificate of authentication, without the seal of the court below or the signature of its clerk. Leave was, however, granted to the plaintiff in error to withdraw the

record, but not for the purpose of having it perfected and returned here and placed on the docket, as if it had been regularly filed.

In this case -- a writ of error to the Supreme Court of the District of Columbia -- no authenticated transcript of the record had been filed. That which purported to be a transcript contained only a blank form of a certificate of authentication, without the seal of the court below or the signature of its clerk.

Two motions were now accordingly made, the first by Mr. Carlisle, for the defendant in error, to dismiss, the second by Mr. Bradley, in behalf of the plaintiff in error, for leave to withdraw the paper from the files in order that the blank certificate might be duly signed and sealed, and that when thus perfected, the record might be returned and have its place on the docket, as if regularly filed, according to law and the practice of the court.

THE CHIEF JUSTICE delivered the opinion of the Court.

The filing of such a paper, as has been filed in this case, is not the filing of the transcript at the next term after the

Page 74 U. S. 694

issuing of the writ of error, without which we can have no jurisdiction of the case. The motion to dismiss must be allowed.

So much of the motion made in behalf of the plaintiff in error as asks leave to withdraw the record is granted, but the residue of the motion must be denied. The case can be brought here only by a new writ of error.