

Public Schools Vs. Walker

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Court : US Supreme Court

Decided On : 1869

Appeal No. : 76 U.S. 603

Appellant : Public Schools

Respondent : Walker

Judgement :

Public Schools v. Walker - 76 U.S. 603 (1869)

U.S. Supreme Court Public Schools v. Walker, 76 U.S. 9 Wall. 603 603 (1869)

Public Schools v. Walker

76 U.S. (9 Wall.) 603

ON MOTION FOR REHEARING

SYLLABUS

Where counsel desire to have a case reheard, they may -- if the Court does not, on its own motion, order a rehearing -- submit without argument a brief written or printed petition or suggestion of the point or points which *they think* important. If upon such petition or suggestion any judge who concurred in the decision thinks proper to move for a rehearing, the motion will be considered. If not so moved, the

rehearing is denied as of course.

This case was argued at an earlier part of the term, and the Court, after advisement, having announced its judgment of affirmance, [[Footnote 1](#)] Messrs. Blair and Dick, for the plaintiffs in error,

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now submitted, without oral argument, a printed brief asking for rehearing and setting forth certain points of the case, including a fundamental fact, on which as they conceived, the Court had fallen into misapprehension.

Having taken time to examine the brief,

THE CHIEF JUSTICE now delivered the opinion of the Court.

No member of the Court who concurred in the judgment desires a reargument, and the petition must therefore be denied.

The rule on this subject, long since established, was stated by Chief Justice Taney at the December Term 1852, in these words:

"No reargument will be granted in any case unless a member of the Court who concurred in the judgment desires it, and when that is the case, it will be ordered without waiting for the application of counsel."

The grounds of this rule were fully explained in that case, and need not be restated. [[Footnote 2](#)]

Where the Court does not on its own motion order a rehearing, it will be proper for counsel to submit without argument, as has been done in the present instance, a brief written or printed petition or suggestion of the point or points thought important. If upon such petition or suggestion any judge who concurred in the decision thinks proper to move for a rehearing, the motion will be considered. If not so moved, the rehearing will be denied as of course.

[[Footnote 1](#)]

Supra, <76 U.S. 290|>290.

[[Footnote 2](#)]

[*Brown v. Aspden*](#), 14 How. 25; [*United States v. Knight's Adm.*](#), 1 Black 489.

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