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Miller Vs. Mckenzie

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SooperKanoon Citation : sooperkanoon.com/81912

Court : US Supreme Court

Decided On : 1870

Appeal No. : 77 U.S. 582

Appellant : Miller

Respondent : Mckenzie

Judgement :

Miller v. McKenzie - 77 U.S. 582 (1870)
U.S. Supreme Court Miller v. McKenzie, 77 U.S. 10 Wall. 582 582 (1870)

Miller v. McKenzie

77 U.S. (10 Wall.) 582

ERROR TO THE DISTRICT COURT FOR

THE NORTHERN DISTRICT OF MISSISSIPPI

SYLLABUS

A writ of error dismissed as defective in respect to parties where the suit was against four persons by name, and the writ recited that it was against two which it named, "and others."

Pitzer Miller brought suit in the court just named against Larkin McKenzie, James Hamer, Joseph Hamer, and Ezekiel Wall, to recover the value of several bales of cotton.

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Such proceedings were had that a judgment was rendered for the defendants, whereupon the plaintiff brought this writ of error, the writ reciting that the proceedings were between "Peter Miller, Larkin McKenzie, and others."

MR. JUSTICE NELSON delivered the opinion of the Court.

It appears, from an inspection of the record that the writ of error is defective in respect to the parties. It is therein recited that the proceedings are between Pitzer Miller and Larkin McKenzie *and others.* This defect has been held so many times in this Court as fatal to its jurisdiction that it need be but mentioned to require a dismissal of the case.

Motion granted.

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