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Reed Vs. Gardner

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Court : US Supreme Court

Decided On : 1873

Appeal No. : 84 U.S. 409

Appellant : Reed

Respondent : Gardner

Judgement :

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U.S. Supreme Court Reed v. Gardner, 84 U.S. 17 Wall. 409 409 (1873)

Reed v. Gardner

84 U.S. (17 Wall.) 409

ERROR TO THE CIRCUIT COURT FOR

THE SOUTHERN DISTRICT OF GEORGIA

SYLLABUS

In passing upon the questions presented in a bill of exceptions, this Court will not look beyond the bill itself. The pleadings and the statements of the bill, the verdict and the judgment are the only matters that are properly before it. Depositions,

exhibits, or certificates not contained in the bill cannot be considered by the Court. The Court declares its intention to adhere to what is above presented as its practice, and declares further that the case of *Flanders v. Tweed,* 9 Wall. 425, was exceptional.

Gardner sued Reed in the court below. His declaration alleged that one Wilson had delivered to the defendant cotton upon an agreement that he, the defendant, would sell

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the same and out of the proceeds pay to him, Gardner, the plaintiff, $4,000, in which sum the said Wilson was indebted to Gardner; that the property was sold, that the net proceeds were $9,000, by means whereof the defendant became liable to pay to the plaintiff the $4,000, and that he refused to pay the same. To this the defendant interposed a general denial and several special pleas. A trial was had and, verdict and judgment having been given for the plaintiff, the defendant brought the case here.

The bill of exceptions contained no statement of the evidence or of the facts upon which the questions arose. It consisted only of the charge of the judge and of requests and refusals to charge. There was, however, in the transcript a number of depositions, exhibits, certificates &c.;, which appeared to have been used in the trial of the case.

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MR. JUSTICE HUNT delivered the opinion of the Court.

It has been frequently held by this Court that in passing upon the questions presented in a bill of exceptions, it will not look beyond the bill itself. * The pleadings, and the statements of the bill, the verdict, and the judgment, are the only matters that are properly before the court. Depositions, exhibits, or certificates not contained in the bill cannot be considered by the Court. The case of *Flanders v. Tweed* was exceptional. The Court intends to adhere to this practice.

Under this rule, there is then nothing whatever in the present case for the court to pass upon.

It is impossible upon a record such as this is that we should know whether the charge is correct or erroneous, or whether the refusals to charge as requested were justified, or whether they were improper.

As already said, there is absolutely nothing presented to this Court for consideration.

Judgment affirmed.

* *Norris v. Jackson,* 9 Wall. 125; *Lincoln v. Claflin,* 7 Wall. 136; *Leftwich v. Lecanu,* 4 Wall. 187; *Russell v. Ely,* 2 Black 580.

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