

**Town of Ohio Vs. Marcy**

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**SooperKanoon Citation :** [sooperkanoon.com/82464](http://sooperkanoon.com/82464)

**Court :** US Supreme Court

**Decided On :** 1873

**Appeal No. :** 85 U.S. 552

**Appellant :** Town of Ohio

**Respondent :** Marcy

**Judgement :**

Town of Ohio v. Marcy - 85 U.S. 552 (1873)

U.S. Supreme Court Town of Ohio v. Marcy, 85 U.S. 18 Wall. 552 552 (1873)

**Town of Ohio v. Marcy**

**85 U.S. (18 Wall.) 552**

*ERROR TO THE CIRCUIT FOR THE*

*NORTHERN DISTRICT OF ILLINOIS*

## **SYLLABUS**

A judgment affirmed because there was no question of law which this Court could consider in a case where a trial by jury was waived in writing and the case submitted to the court, where the finding of the court was general, where the bill of

exceptions embodied all the testimony in the case, but where no exception was taken to the admission or rejection of testimony or to any ruling of the court on the trial, and where no question was raised in the case on the pleadings.

Marcy brought assumpsit in the court below against the Town of Ohio, in Illinois, on the interest warrants of certain bonds which the said town had issued and which warrants it neglected to pay. The parties waived a jury in writing and submitted the case to the court. The finding of the court was general -- namely, "That upon the matters submitted, the court finds the issue for the plaintiff, and assesses his damages at the sum of \$4,286.60." Judgment was rendered for this sum.

A bill of exceptions embodied all the testimony in the case, but no exception was taken to the admission or rejection of evidence or to any ruling of the court on the trial. The town brought the case here on error. No question was raised on the pleadings.

MR. JUSTICE MILLER announced the judgment of the

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Court affirming the judgment below because, upon the case as above given, there was nothing in the record which raised any question of law which this Court could consider.