

St. Clair County Vs. Lovington

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SooperKanoon Citation : sooperkanoon.com/82472

Court : US Supreme Court

Decided On : 1873

Appeal No. : 85 U.S. 628

Appellant : St. Clair County

Respondent : Lovington

Judgement :

St. Clair County v. Lovington - 85 U.S. 628 (1873)

U.S. Supreme Court St. Clair County v. Lovington, 85 U.S. 18 Wall. 628 628 (1873)

St. Clair County v. Lovington

85 U.S. (18 Wall.) 628

ERROR TO THE SUPREME

COURT OF ILLINOIS

SYLLABUS

No judgment is final which does not terminate the litigation between the parties. A judgment reversing the judgment of an inferior court and remanding the cause for

such other and further proceedings as to law and justice shall appertain does not do this. A writ of error to such a judgment dismissed on the authority of *Moore v. Robbins, supra*, p. [85 U. S. 588](#) .

The County of St. Clair, in Illinois, sued Lovington in the circuit court of the county and got judgment against him. The Supreme Court of Illinois reversed this judgment and remanded the cause "for such other and further proceedings as to law and justice shall appertain." To that judgment the county took this writ of error.

MR. JUSTICE STRONG delivered the opinion of the Court.

The writ of error in this case must be dismissed on the authority of *Moore v. Robbins*, decided at this term. The judgment of the supreme court of the state cannot be regarded as a final judgment in the sense in which the term was used in the Judiciary Acts. No judgment is final which does not terminate the litigation between the parties to the

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suit. The issue between the parties may be again tried in the circuit court, and another judgment may be recovered which may be removed to the supreme court for revision. Consequently, then, there has been no final determination of the case.

Writ dismissed.