

Muller Vs. Dows

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Court : US Supreme Court

Decided On : 1876

Appeal No. : 94 U.S. 277

Appellant : Muller

Respondent : Dows

Judgement :

Muller v. Dows - 94 U.S. 277 (1876)

U.S. Supreme Court Muller v. Dows, 94 U.S. 277 (1876)

Muller v. Dows

94 U.S. 277

APPEAL FROM THE CIRCUIT COURT OF THE UNITED

STATES FOR THE DISTRICT OF IOWA

SYLLABUS

Stipulations between counsel relative to the course of proceeding in a cause pending in this Court cannot be withdrawn by either party without the consent of the other except by leave of the Court upon cause shown.

MR. CHIEF JUSTICE WAITE delivered the opinion of the Court.

Stipulations between counsel relative to the course of proceeding in a cause pending in this Court cannot be withdrawn by one party without the consent of the other except by leave of the court upon cause shown. The counsel in this case stipulated in writing, on or before July 5, 1876, to submit the cause on printed arguments, under Rule 20, during the first ninety days of this term. This stipulation was filed here July 5, but, Oct. 21, the counsel for the appellants notified the counsel for the appellees that he withdrew his agreement.

The counsel for the appellees having filed a printed argument within the ninety days, now asks that the cause be taken up and considered by the Court as submitted under the rule.

This we might with propriety do, as, if the desired withdrawal is not assented to, application for the vacation of the stipulation ought to be made here in time to have it disposed of before the expiration of the ninety days. But as we have never before been called upon to settle the practice applicable to this class of cases, it is now ordered that the appellants cause a printed argument to be filed in their behalf on or before March 6 next or show good cause why the stipulation for submission made by their counsel should not be enforced against them, and in default that the cause be taken up and considered as submitted under the rule without argument by the appellants.