

Mayer Vs. Walsh

Mayer Vs. Walsh

SooperKanoon Citation : sooperkanoon.com/84331

Court : US Supreme Court

Decided On : Dec-18-1882

Appeal No. : 108 U.S. 17

Appellant : Mayer

Respondent : Walsh

Judgement :

Mayer v. Walsh - 108 U.S. 17 (1882)

U.S. Supreme Court Mayer v. Walsh, 108 U.S. 17 (1882)

Mayer v. Walsh

Decided December 18, 1882

108 U.S. 17

APPEAL FROM THE CIRCUIT COURT OF THE UNITED

STATES FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

SYLLABUS

In the absence of a printed record the court will not grant a motion to dismiss when the motion papers disclose equitable reasons why it should not be granted.

MR. JUSTICE WAITE delivered the opinion of the Court.

This is a cross-appeal, and the record has not been printed. As the case is here on the original appeal by the present appellee, we are not inclined to grant this motion in the absence of the printed record. It appears from the motion papers that the present appellant pleaded prescription, and we infer that this plea was not sustained. By his other defenses, he defeated the claim in part. To review the decree, so far as it is affected by these defenses, the present appellee appealed. If on that appeal these defenses are overruled, it may be important to the present appellant to insist on his defense of prescription against a claim that will then amount to more than \$5,000. Had not the other side appealed, the present appellant could not, because the decree against him is less than \$5,000. Under these circumstances, it may be that this appeal was well taken. Without, however, deciding that question, we postpone the further consideration of the motion until the hearing on the merits.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com