

County of Madison Vs. Warren

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Court : US Supreme Court

Decided On : Feb-05-1883

Appeal No. : 106 U.S. 622

Appellant : County of Madison

Respondent : Warren

Judgement :

County of Madison v. Warren - 106 U.S. 622 (1883)

U.S. Supreme Court County of Madison v. Warren, 106 U.S. 622 (1883)

County of Madison v. Warren

Decided February 5, 1883

106 U.S. 622

ERROR TO THE CIRCUIT COURT OF THE UNITED

STATES FOR THE SOUTHERN DISTRICT OF ILLINOIS

SYLLABUS

Where, in a case tried by the court below, the record does not affirmatively show a written stipulation waiving a jury, the questions decided at the trial cannot be reexamined here on a writ of error.

The case is stated in the opinion of the Court.

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

This is a case tried and determined by the court without the intervention of a jury. The record does not show any stipulation in writing waiving a jury. The errors assigned all relate to rulings of the court on the trial, excepted to at the time and presented by bill of exceptions. The rule is well settled that if a written stipulation waiving a jury is not in some way

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shown affirmatively in the record, none of the questions decided at the trial can be reexamined here on writ of error. [Kearney v. Case](#), 12 Wall. 274; *Gilman v. Illinois & Mississippi Telegraph Co.*, [91 U. S. 603](#) ; *Boogher v. New York Life Insurance Co.*, [103 U. S. 90](#) ; *Hodges v. Easton*, ante, p. [106 U. S. 408](#) .

For this reason, and without passing on any of the questions presented by the assignment of errors, the judgment is

Affirmed.