

Caillot Vs. Deetken

Caillot Vs. Deetken

SooperKanoon Citation : sooperkanoon.com/85160

Court : US Supreme Court

Decided On : Jan-26-1885

Appeal No. : 113 U.S. 215

Appellant : Caillot

Respondent : Deetken

Judgement :

Caillot v. Deetken - 113 U.S. 215 (1885)

U.S. Supreme Court Caillot v. Deetken, 113 U.S. 215 (1885)

Caillot v. Deetken

Submitted January 12, 1885

Decided January 26, 1885

113 U.S. 215

I N ERROR TO THE CIRCUIT COURT OF THE UNITED

STATES FOR THE DISTRICT OF CALIFORNIA

SYLLABUS

This Court can acquire no jurisdiction under a writ of error where the return to it is made by filing the transcript of the record here after the expiration of the term of this Court next succeeding the filing of the writ in the circuit court.

The facts are stated in the opinion of the Court.

Page 113 U. S. 216

MR. JUSTICE MILLER delivered the opinion of the Court.

It has been repeatedly decided by this Court that where no return has been made to a writ of error by filing the transcript of the record here, either before or during the term of the court next succeeding the filing of the writ in the circuit court, this Court has acquired no jurisdiction of the case, and, the writ having then expired, can acquire none under that writ, and it must therefore be dismissed. [Villabolas v. United States](#), 6 How. 81; [Castro v. United States](#), 3 Wall. 46; [Mussina v. Cavazos](#), 6 Wall. 358; [Murdock v. Memphis](#), 20 Wall. 624.

In the case before us, the writ of error was filed in the circuit court in which the record was March 16, 1882, and the transcript that was returned with it was filed in this Court November 28, 1884. Two full terms of the Court had passed, therefore, between the filing of the writ of error in the circuit court and its return with the transcript into this Court.

It must therefore be

Dismissed for want of jurisdiction.