

List Vs. Pennsylvania

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Court : US Supreme Court

Decided On : Dec-10-1888

Appeal No. : 131 U.S. 396

Appellant : List

Respondent : Pennsylvania

Judgement :

List v. Pennsylvania - 131 U.S. 396 (1888)

U.S. Supreme Court List v. Pennsylvania, 131 U.S. 396 (1888)

List v. Pennsylvania

No. 984

Decided December 10, 1888

131 U.S. 396

ERROR TO THE SUPREME COURT

OF THE STATE OF PENNSYLVANIA

SYLLABUS

The death of the accused in a criminal case brought here by writ of error abates the suit.

The case is stated in the opinion.

PER CURIAM: The death of George B. List, the plaintiff in error in this cause, having been suggested in a communication from counsel for defendant in error to the clerk, and it appearing to the court that this is a criminal case, it is considered by the court that this cause has abated. Therefore, it is ordered and adjudged by the court that the writ of error in this cause be, and the same is hereby,

Dismissed.

Chicago, Burlington & Quincy Railway Company v. Gray

No. 878

Submitted March 11, 1889

Decided March 18, 1889

ERROR TO THE CIRCUIT COURT OF THE UNITED

STATES FOR THE SOUTHERN DISTRICT OF IOWA.

Since the Act of March 3, 1887, 24 Stat. 552, c. 373, took effect, no appeal or writ of error lies to this Court from a decision of a circuit court remanding a cause to a state court which had been removed from it, although the order remanding it was made before that act took effect.

Motion to dismiss for want of jurisdiction.

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There is only one point involved in this motion. The plaintiff in error caused the removal of the cause from the district court of Iowa to the United States Circuit Court.

The defendant in error moved to remand the cause to the state court. This motion was submitted before Justice Miller and Judge Lorr and the motion sustained. The cause was removed and also remanded prior to the Act of March 3d 1887, but the writ of error was not sued out until after the passage of that act. It follows that when the right to sue out a writ of error in a cause that had been remanded was cut off by the statute, there being no reservation in relation to any past orders the jurisdiction was cut off, and so writ of error will not lie.

PER CURIAM: This case is dismissed for want of jurisdiction.

Dismissed.

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