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British Queen Mining Co. Vs. Baker Mining Co.

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Court : US Supreme Court

Decided On : Mar-16-1891

Appeal No. : 139 U.S. 222

Appellant : British Queen Mining Co.

Respondent : Baker Mining Co.

Judgement :

British Queen Mining Co. v. Baker Mining Co. - 139 U.S. 222 (1891)

U.S. Supreme Court British Queen Mining Co. v. Baker Mining Co., 139 U.S. 222 (1891)

British Queen Mining Company v. Baker Silver Mining Company

No. 169

Argued March 13, 1891

Decided March 16, 1891

139 U.S. 222

ERROR TO THE CIRCUIT COURT OF THE UNITED

STATES FOR THE DISTRICT OF COLORADO

SYLLABUS

There being no exceptions to the rulings of the court in the progress of the trial, and the findings of fact by the court being general, the record raises no question open to revision.

The case is stated in the opinion. Argument was begun on behalf of the plaintiff in error, but the Court, on examining the record, declined to hear further argument.

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

This case was tried by the circuit court without a jury, and under 649, 700, Rev.Stat., the finding must be "either general or special." It cannot be both. Here there was a general finding.

The record contains a bill of exceptions, but no exceptions to the rulings of the court in the progress of the trial of the cause were thereby duly presented, and although, after reciting the evidence, it is therein stated that "the court thereafter and during the said term made the following findings of fact and judgment thereon," which is followed by an opinion of the court assigning reasons for its conclusions, this cannot be treated as a special finding enabling us to determine whether the facts found support the judgment, nor can the general finding be disregarded. [Dickinson v. Planters' Bank](#), 16 Wall. 250; [Ins. Co. v. Folsom](#), 18 Wall. 237; [Norris v. Jackson](#), 9

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Wall. 125; [Flanders v. Tweed](#), 9 Wall. 425; [Ins. Co. v. Tweed](#), 7 Wall. 44; [Miller v. Life Ins. Co.](#), 12 Wall. 285; [Ins. Co. v. Sea](#), 21 Wall. 158; *Martinton v. Fairbanks*, [112 U. S. 670](#) ; *Raimond v. Terrebonne Parish*, [132 U. S. 192](#) ; *Glenn v. Fant*, [134 U. S. 398](#) ; *Lloyd v. McWilliams*, [137 U. S. 576](#) .

The record raises no questions open to revision by us, and the judgment is

Affirmed.

