

Rice Vs. Sanger

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Court : US Supreme Court

Decided On : Mar-28-1892

Appeal No. : 144 U.S. 197

Appellant : Rice

Respondent : Sanger

Judgement :

Rice v. Sanger - 144 U.S. 197 (1892)

U.S. Supreme Court Rice v. Sanger, 144 U.S. 197 (1892)

Rice v. Sanger

No. 1400

Submitted March 21, 1892

Decided March 28, 1892

144 U.S. 197

ERROR TO THE SUPREME COURT

OF THE STATE OF KANSAS

SYLLABUS

The judgment of the supreme court of a state in a case which is remanded by that court to the trial court and retried there, is not a final judgment which can be reviewed by this Court.

Motion to dismiss. The case is stated in the opinion.

THE CHIEF JUSTICE: This was an action commenced by one Rice against Sanger *et al.* in the District Court of Bourbon County, Kansas wherein judgment was rendered February 27, 1888, in favor of plaintiff. The cause was thereupon taken by the defendants to the Supreme Court of that state, the judgment reversed, and the cause remanded for further proceedings in accordance with the views of the court as expressed in its written opinion. To review this judgment a writ of error from this Court was allowed, but after that the case went back to the state district court in accordance with the mandate of the supreme court, and was subsequently tried therein.

The judgment attempted to be brought here was not a final judgment, and the writ of error is

Dismissed.