

Rowe Vs. Phelps

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Court : US Supreme Court

Decided On : Mar-05-1894

Appeal No. : 152 U.S. 87

Appellant : Rowe

Respondent : Phelps

Judgement :

Rowe v. Phelps - 152 U.S. 87 (1894)

U.S. Supreme Court Rowe v. Phelps, 152 U.S. 87 (1894)

Rowe v. Phelps

No. 237

Argued and submitted February 1, 1894

Decided March 5, 1894

152 U.S. 87

ERROR TO THE CIRCUIT COURT OF THE UNITED

STATES FOR THE NORTHERN DISTRICT OF TEXAS

SYLLABUS

There being no assignment of errors, as required by Rev.Stat. § 997, and no specification of errors required by Rule 21, this case is dismissed.

This was, as in the preceding case, an action by the defendant in error to recover the rental value of certain sections of land alleged to have been depastured by the plaintiffs in error, constituting the firm of Rowe Bros.

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Upon the trial of the case, the jury returned a verdict for the plaintiff in the sum of \$7,739, for which judgment was entered, and defendant sued out this writ of error.

MR. JUSTICE BROWN, after stating the facts in the foregoing language, delivered the opinion of the Court.

There is no assignment of errors sent up with the record in this case, as required by Rev.Stat. § 997, and no "specification of the errors relied upon," as required by Rule 21 of this Court. This rule requires that the specification "shall set out separately and particularly each error assigned and intended to be urged," and there is no such "plain error not assigned or specified" as calls upon the Court to exercise its option to review the questions involved. It would seem that unless the statute and rule are to be entirely disregarded, this writ of error must be

Dismissed.