

OMITTED CASES IN THE REPORTS OF THE DECISIONS OF THE SUPREME COURT OF THE UNITED STATES.

Our researches have discovered three hundred and fifty-one such unreported cases. Three hundred and ten opinions were given in these cases, the same opinion being sometimes applied to several cases. Many of these opinions were very short, often not more than two or three lines. Some of them were given in announcing the entry of judgment on the stipulation of the parties, or for incompleteness in the record, or for noncompliance with the rules of the court, with neither facts nor law involved. Some were occupied entirely with a discussion of the facts on which the issue turned, with no question of law involved. Some contained neither facts nor law, but ordered judgment to be entered on the authority of some other case or cases referred to; and some were decided partly on the facts and partly on authority. It would be presuming too much upon the good nature of the profession to print such opinions at length. Therefore, after printing the cases which do not come under either of these categories, (one hundred and thirty in all, with one hundred and twelve opinions,) two hundred and twenty-one cases will be grouped together in a tabulated statement, which shows as to each whether it was decided on the facts, or on the stipulation of the parties, or on the authority of another case; and if so, of what case.

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WEST v. BRASHEAR.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF KENTUCKY.

No. 93. January Term, 1839. — Decided February 19, 1839.

The court on appellant's motion reinstate a case which had been docketed and dismissed on motion of appellees.

Mr. Sergeant, of counsel for the appellants, having stated to the court that the appellants had lodged the transcript of the record of this cause with the clerk of this court some time in the month of January in the year 1838, more than a twelve-month since, but had not been able to obtain the fee bond to the clerk required by the 37th rule of this court until since this appeal had been at the present term of this court docketed and dismissed, but that the appellant was now prepared to give the usual fee bond, and to have the record filed and docketed, now here moved the court to strike out and rescind the order entered in this case on the 19th January of the present term of this court, and for leave to file the record and docket the cause; which was opposed by *Mr. Crittenden*, of counsel for the appellees, who stated that at the last term of this court he applied to have this appeal docketed and dismissed on the