

Cases Omitted in the Reports.

eral to a special appearance, so as to affect the rights of parties; and no such alteration or any withdrawal of appearance can be allowed in any case, without proper notice, and leave of the court first obtained. We must hold, therefore, that the general appearance supplied the defect of citation, and that the appeal is now regularly before us. *Motion denied.*

Mr. Attorney-General and *Mr. John A. Wills* for plaintiff in error.
Mr. W. W. Cope and *Mr. J. M. Carlisle* for defendant in error.

CRANDALL v. NEVADA.

ERROR TO THE SUPREME COURT OF THE STATE OF NEVADA.

No. 85. December Term, 1867.—Decided December 23, 1867.

The order remanding the petitioner became, by the certificate of the clerk, a part of the record in this case.

MOTION TO DISMISS. The case is stated in the opinion. See *Crandall v. Nevada*, 6 Wall. 35, for further proceedings in this case.

MR. CHIEF JUSTICE CHASE delivered the opinion of the court.

This is a motion to dismiss a writ of error to the Supreme Court of the State of Nevada.

The suit in the state court was by writ of *habeas corpus*, issued out of the Supreme Court, upon return of which the petitioner appears to have been discharged; but on the same day this order seems to have been reconsidered, and the petitioner remanded to custody.

The only question before us is, whether the certificate of the clerk appended to the order remanding the petitioner, made that order a part of the record.

The usual certificate, that the transcript contains all the orders and proceedings in the cause, precedes the certificate just referred to in the record. Then follows the certification of the order to remand.

We think that the order thus certified must be taken as a part of the record, precisely as it would be if it had been certified in obedience to a writ of *certiorari* issued upon a suggestion of diminution.

The motion to dismiss must, therefore, be *Denied.*

Mr. P. Phillips and *Mr. T. J. D. Fuller* for the motion.

No one opposing.