

Opinion of the Court.

CHENEY v. HUGHES.

ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF NEBRASKA.

No. 741. Submitted January 5, 1891.—Decided January 12, 1891.

The court refuses to permit a plaintiff in error, at whose motion the cause has been dismissed at his cost, to withdraw the transcript of the record from the files of this court.

THE following motion signed by the counsel was made and submitted in this case on behalf of the plaintiff in error.

“Now comes Prentiss D. Cheney the plaintiff in error and moves the court for leave to withdraw the transcript of the record of the court below heretofore filed herein.

“A motion to dismiss at the cost of the plaintiff in error being also filed herewith.”

Mr. William A. McKenney for the motion. No appearance on the other side.

Mr. CHIEF JUSTICE FULLER delivered the opinion of the court.

The writ of error in this case was dismissed by plaintiff in error on the 5th of January, and at the same time a motion was made on his behalf for leave to withdraw the transcript of record heretofore filed herein. The transcript has become a part of the records of this court, which we cannot permit to be mutilated or destroyed. Its contents are accessible here, and the original record remains in the Circuit Court. If information is desired, either source may be resorted to.

The motion is denied.