

ORDER IN REFERENCE TO APPEALS FROM THE COURT OF CLAIMS.¹

REGULATIONS PRESCRIBED BY THE SUPREME COURT OF THE
UNITED STATES UNDER WHICH APPEALS MAY BE TAKEN FROM
THE COURT OF CLAIMS TO SAID SUPREME COURT

RULE 1.

In all cases hereafter decided in the Court of Claims in which, by the act of Congress, such appeals are allowable, they shall be heard in the Supreme Court upon the following record, and none other:

1. A transcript of the pleadings in the case, of the final judgment or decree of the court, and of such interlocutory orders, rulings, judgments, and decrees as may be necessary to a proper review of the case.

³ Wall. vii; and see order of October Term, 1882, extending this rule, *post*, p. 507.

²2. A finding by the Court of Claims of the facts in the case established by the evidence in the nature of a special verdict, but not the evidence establishing them; and a separate statement of the conclusions of law upon said facts, upon which the court founds its judgment or decree. The finding of facts

¹ Originally promulgated December Term, 1865.

² Par. 2 of Rule I, as originally promulgated December Term, 1863, 3 Wall. 7, was as follows:

2. A finding of the facts in the case by the said Court of Claims, and the conclusions of law on said facts on which the court founds its judgment or decree.

The finding of the facts and the conclusion of law to be stated separately, and certified to this court as part of the record.

The facts so found are to be the ultimate facts or propositions which the evidence shall establish, in the nature of a special verdict, and not the evidence on which these ultimate facts are founded. See *Burr v. Des Moines Co.*, 1 Wall. 102.

and conclusions of law to be certified to this court as a part of the record.

17 Wall. xvii; 107 U. S. vii.

RULE 2.

In all cases in which judgments or decrees have heretofore been rendered, where either party is by law entitled to an appeal, the party desiring it shall make application to the Court of Claims by petition for the allowance of such appeal. Said petition shall contain a distinct specification of the errors alleged to have been committed by said court in its rulings, judgment, or decree in the case. The court shall, if the specification of the alleged error be correctly and accurately stated, certify the same, or may certify such alterations and modifications of the points decided and alleged for error as, in the judgment of said court, shall distinctly, fully, and fairly present the points decided by the court. This, with the transcript mentioned in Rule 1 (except the statement of facts and law therein mentioned), shall constitute the record on which those cases shall be heard in the Supreme Court.

3 Wall. vii.

RULE 3.

In all cases an order of allowance of appeal by the Court of Claims, or the chief-justice thereof in vacation, is essential, and the limitation of time for *granting* such appeal shall cease to run from the time an application is made for the allowance of appeal.

3 Wall. vii.

RULE 4.

In all cases in which either party is entitled to appeal to the Supreme Court, the Court of Claims shall make and file their finding of facts, and their conclusions of law therein, in open court, before or at the time they enter their judgment in the case.

9 Wall. vii.

RULE 5.¹

In every such case, each party, at such time before trial and in such form as the court may prescribe, shall submit to it a request to find all the facts which the party considers proven and deems material to the due presentation of the case in the finding of facts.

9 Wall. vii; 97 U. S. viii.

OCTOBER TERM, 1882.

Ordered, That Rule 1, in reference to appeals from the Court of Claims, be, and the same is hereby, made applicable to appeals in all cases heretofore or hereafter decided by that court under the jurisdiction conferred by the act of June 16, 1880, c. 243, "to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes."

107 U. S. vii; 21 Stat. 284.

¹ Rule 5 was originally promulgated at December Term, 1869, in the following form. 9 Wall. vii:

5. In all such cases either party, on or before the hearing of the cause, may submit to the court a written request to find specifically as to the matter of fact which such party may deem material to the judgment in the case, and if the court fails or refuses to find in accordance with such prayer, then such prayer and refusal shall be made a part of the record, certified on the appeal, to this court.