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Opinion of the Court.

PEOPLE OF THE STATE OF ILLINOIS EX REL.
GERSCH, *v.* CITY OF CHICAGO ET AL.

ERROR TO THE SUPREME COURT OF THE STATE OF ILLINOIS.

No. 474. Submitted December 16, 1912.—Decided January 6, 1913.

Where the record does not contain the final judgment to which the writ of error is directed this court cannot assume that a judgment was entered and is without authority to exert jurisdiction.

THE facts are stated in the opinion.

Mr. John W. Beckwith and *Mr. W. H. Sexton*, for the defendants in error, in support of motion to dismiss or affirm.

Mr. Allen B. Chilcoat and *Mr. Stephen A. Day*, for the plaintiff in error, in opposition thereto.

Memorandum opinion, by direction of the court, by MR. CHIEF JUSTICE WHITE.

This is a companion case to *Preston v. City of Chicago*, No. 195, just disposed of. Unlike the record in the *Preston* case, however, the record in this case does not contain the final judgment to which the writ of error is directed. As we cannot assume that a judgment was in fact entered in the Supreme Court of Illinois, it results that we are without authority to exert jurisdiction.

Writ of error dismissed.