

GENERAL RULES,

MADE AT DECEMBER TERM, 1865.

REGULATIONS UNDER WHICH APPEALS MAY BE TAKEN FROM THE COURT OF CLAIMS TO THE SUPREME COURT.

RULE I.

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.

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 Company*.*

RULE II.

IN all cases in which judgments or decrees have heretofore been rendered, when 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 peti-

* 1 Wallace, 102.

tion shall contain a distinct specification of the errors alleged to have been committed by said court in its ruling, judgment, or decree in the case. The court shall, if the specification of 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 I (except the statement of facts and law therein mentioned), shall constitute the record on which those cases shall be heard in the Supreme Court.

RULE III.

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.

AMENDMENT TO RULE XX

The first paragraph of the twentieth rule of this court is amended so as to read as follows :

In all cases brought here on appeal, writ of error, or otherwise, the court will receive printed arguments without regard to the number of the case on the docket, if the counsel on both sides shall choose so to submit the same within the first sixty days of the term ; but twenty copies of the arguments, signed by attorneys or counsellors of this court, must be first filed ; ten of these copies for the court, two for the reporter, three to be retained by the clerk, and the residue for counsel.

ORDER OF COURT

Ordered, That the several causes brought into this court by writs of error or appeals from the Circuit and District Courts for the several districts within the States declared to be in rebellion by the proclamation of the President of the United States, dated August 16, 1861, be called and disposed of at the next term of this court, under the rules thereof, and in regular order as they may stand upon the docket ; and the clerk is directed to cause a copy of this order to be published in three daily papers of the city of Washington.