Opinion of the court.

The CHIEF JUSTICE delivered the opinion of the court.

The regular course, in cases of this description, is to affirm the judgments. The appeal is regularly here, and cannot be dismissed for want of jurisdiction. The motion, therefore, must be DENIED.

Counsel for the appellee has referred us to an order dismissing a writ of error at the last term, under circumstances like those of the case before us. This order must have been entered through inadvertence, and cannot be drawn into a precedent.

BLITZ *v.* BROWN.

A writ of error dismissed where the transcript contained only a blank form of a certificate of authentication, without the seal of the court below or the signature of its clerk. Leave was, however, granted to the plaintiff in error to withdraw the record, but not for the purpose of having it perfected and returned here and placed on the docket, as if it had been regularly filed.

IN this case—a writ of error to the Supreme Court of the District of Columbia—no authenticated transcript of the record had been filed. That which purported to be a transcript contained only a blank form of a certificate of authentication, without the seal of the court below or the signature of its clerk.

Two motions were now accordingly made; the first by *Mr. Carlisle, for the defendant in error*, to dismiss, the second by *Mr. Bradley, in behalf of the plaintiff in error*, for leave to withdraw the paper from the files, in order that the blank certificate might be duly signed and sealed, and that when thus perfected, the record might be returned and have its place on the docket, as if regularly filed, according to law and the practice of the court.

The CHIEF JUSTICE delivered the opinion of the court.

The filing of such a paper, as has been filed in this case, is not the filing of the transcript at the next term after the

issuing of the writ of error, without which we can have no jurisdiction of the case. The motion to dismiss must be allowed.

So much of the motion made in behalf of the plaintiff in error as asks leave to withdraw the record is granted; but the residue of the motion must be denied. The case can be brought here only by a new writ of error.

WASHINGTON COUNTY *v.* DURANT.*

Cases cannot be brought within the appellate jurisdiction of this court by agreement of parties, and without an appeal allowed or writ of error served.

THE record showed that this cause had been brought here from the Circuit Court for Iowa, as on a writ of error, *by agreement of parties, and without the issuing or service of such a writ.* Coming before this court on a printed argument for the defendant in error, and the fact above-mentioned being observed by the court, the appeal was DISMISSED; the CHIEF JUSTICE stating it to be the opinion of the court, that an appeal allowed or a writ of error served, was essential to the exercise of its appellate jurisdiction.

AUSTIN *v.* THE ALDERMEN.

If a State statute, passed in professed exercise of an authority given by Congress to the States to pass such a statute, does not deprive, contrary to the act of Congress, *the party to the suit*, of any right, nor work, as to him, any effect which the act of Congress forbids, this court cannot, on the case being brought here by such party, on the ground that the State statute violated the act of Congress, declare the State statute void.

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* Decided at December Term, 1865.