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Syllabus.

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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.

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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.

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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.