

CHAPTER ELEVEN.

SUPREME COURT—JURISDICTION.

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SEC. 687. The Supreme Court shall have exclusive jurisdiction of all controversies of a civil nature where a State is a party, except between a State and its citizens, or between a State and citizens of other States, or aliens, in which latter cases it shall have original, but not exclusive, jurisdiction. And it shall have exclusively all such jurisdiction of suits or proceedings against ambassadors, or other public ministers, or their domestics, or domestic servants, as a court of law can have consistently with the law of nations; and original, but not exclusive, jurisdiction of all suits brought by ambassadors, or other public ministers, or in which a consul or vice-consul is a party. [See §§ 4063-4066.]

Original jurisdiction.

24 Sept., 1789, c. 20, s. 13, v. 1, p. 80.

States:

Fowler vs. Lindsey, 3 Dall., 411; *New York vs. Connecticut*, 4 Dall., 1; *U. S. vs. Peters*, 5 Cr., 115; *Cobens vs. Virginia*, 6 Wh., 264; *Osborn vs. U. S. Bank*, 9 Wh., 738; *Governor of Georgia vs. Madrazo*, 1 Pet., 110; *Cherokee Nation vs. Georgia*, 5 Pet., 1; *New Jersey vs. New York*, 5 Pet., 284; *Ex parte Madrazo*, 7 Pet., 627; *Rhode Island vs. Massachusetts*, 12 Pet., 657; *Rhode Island vs. Massachusetts*, 13 Pet., 23; *Rhode Island vs. Massachusetts*, 14 Pet., 210; *Rhode Island vs. Massachusetts*, 15 Pet., 233; *Rhode Island vs. Massachusetts*, 4 How., 591; *Missouri vs. Iowa*, 7 How., 660; *Florida vs. Georgia*, 17 How., 478; *Pennsylvania vs. Wheeling Bridge*, 18 How., 460; *Kentucky vs. Dennison, Gov.*, 24 How., 66; *Georgia vs. Stanton*, 6 Wall., 50; *Texas vs. White*, 7 Wall., 700; *Pennsylvania vs. Quicksilver Com.*, 10 Wall., 553; *Virginia vs. West Virginia*, 11 Wall., 39; *Commonwealth vs. Boutwell*, 13 Wall., 526.

Embassadors:

U. S. vs. Ravara, 2 Dall., 297; *U. S. vs. Ortega*, 11 Wh., 467.

SEC. 688. The Supreme Court shall have power to issue writs of prohibition to the district courts, when proceeding as courts of admiralty and maritime jurisdiction; and writs of mandamus, in cases warranted by the principles and usages of law, to any courts appointed under the authority of the United States, or to persons holding office under the authority of the United States, where a State, or an ambassador, or other public minister, or a consul or vice-consul is a party.

Writs of prohibition and mandamus.

24 Sept., 1789, c. 20, s. 13, v. 1, p. 80.

Prohibition:

U. S. vs. Peters, 3 Dall., 121; *Ex parte Christy*, 3 How., 292; *Ex parte Gordon*, 1 Bl., 503; *U. S. vs. Hoffman*, 4 Wall., 158; *Ex parte Warmouth*, 17 Wall., 67.

Mandamus:

Hayburn's Case, 2 Dall., 409; *U. S. vs. Lawrence*, 3 Dall., 42; *Livingston vs. Dorge-nois*, 7 Cr., 577; *Ex parte Burr*, 9 Wh., 529; *Bank of Columbia vs. Sweeney*, 1 Pet., 567; *Ex parte Bradstreet*, 4 Pet., 102; *Ex parte Crane*, 5 Pet., 190; *Ex parte Roberts*, 6 Pet., 216; *Ex parte Davenport*, 6 Pet., 661; *Ex parte Bradstreet*, 6 Pet., 774; *Ex parte Bradstreet*, 7 Pet., 634; *Ex parte Bradstreet*, 8 Pet., 588; *Life and Fire Insurance Com. vs. Adams*, 9 Pet., 571, 573; *Ex parte Hoyt*, 13 Pet., 279; *Ex parte Whitney*, 13 Pet., 404; *Ex parte Taylor*, 14 How., 3; *Ex parte William Many*, 14 How., 24; *Stafford vs. Union Bank of Louisiana*, 17 How., 275; *Ex parte Secombe*, 19 How., 9; *Mussina vs. Cavazos*, 20 How., 280; *Ex parte Ransom vs. City of New York*, 20 How., 581; *U. S. rel. vs. Addison*, 22 How., 174; *Ex parte Kentucky vs. Dennison*, 24 How., 66; *White's Admr. vs. U. S.*, 1 Bl., 501; *Ex parte Fleming*, 2 Wall., 759; *Commissioner of Patents vs. Whitely*, 4 Wall., 533-4; *Riggs vs. Johnson County*, 6 Wall., 188; *Ex parte De Groot*, 6 Wall., 497; *Ex parte Bradley*, 7 Wall., 364; *Ex parte Graham*, 10 Wall., 541; *Commonwealth vs. Boutwell*, 13 Wall., 526; *Ex parte Russell*, 13 Wall., 664; *Ex parte Newman*, 14 Wall., 152.

Issues of fact. SEC. 689. The trial of issues of fact in the Supreme Court, in all actions at law against citizens of the United States, shall be by jury.

24 Sept., 1789, c. 20, s. 13, v. 1, p. 80. Appellate jurisdiction. SEC. 690. The Supreme Court shall have appellate jurisdiction in the cases hereinafter specially provided for.

24 Sept., 1789, c. 20, s. 13, v. 1, p. 80. —*Semple vs. Hagar*, 4 Wall., 431.

Judgments in circuit court, on writ of error. SEC. 691. All final judgments of any circuit court, or of any district court acting as a circuit court, in civil actions brought there by original process, or removed there from courts of the several States, and all final judgments of any circuit court in civil actions removed there from any district court by appeal or writ of error, where the matter in dispute, exclusive of costs, exceeds the sum or value of two thousand dollars, may be re-examined and reversed or affirmed in the Supreme Court, upon a writ of error.

24 Sept., 1789, c. 20, s. 22, v. 1, p. 84. 3 March, 1803, c. 40, s. 2, v. 2, p. 244. 4 July, 1840, c. 43, s. 3, v. 5, p. 393.

Wilson vs. Daniel, 3 Dall., 401; *Williamson vs. Kincaid*, 4 Dall., 20; *Course vs. Stead*, 4 Dall., 22; *U. S. vs. McDowell*, 4 Cr., 316; *Durousseau vs. U. S.*, 6 Cr., 307; *Wise vs. Turnpike Co.*, 7 Cr., 276; *Peyton vs. Robertson*, 9 Wh., 527; *Gordon vs. Ogden*, 3 Pet., 33; *Smith T. vs. Honey*, 3 Pet., 469; *U. S. vs. Eighty-four boxes sugar*, 7 Pet., 453; *Lee vs. Lee*, 8 Pet., 44; *Hagan vs. Foison*, 10 Pet., 160; *Minor vs. Tillotson*, 1 How., 287; *Knapp vs. Banks*, 2 How., 73; *Matheson's Admr. vs. Grant's Admr.*, 2 How., 263; *Barry vs. Merceni*, 5 How., 103; *Mayberry vs. Thompson*, 5 How., 121; *Bayard vs. Lombard*, 9 How., 530; *Brooks vs. Norris*, 11 How., 204; *Connor vs. Peugh's Lessee*, 18 How., 394; *Stevens vs. Gladding*, 19 How., 64; *Dred Scott vs. Sanford*, 19 How., 393; *Doswell vs. De La Lanza*, 20 How., 29; *Payne vs. Niles*, 20 How., 219; *Suydam vs. Williamson*, 20 How., 427; *Warner vs. Norton*, 20 How., 461; *Roberts vs. Cooper*, 20 How., 467; *McFaul vs. Ramsay*, 20 How., 527; *Barton vs. Forsyth*, 20 How., 533; *Holcombe vs. McKusick*, 20 How., 552; *McCargo vs. Chapman*, 20 How., 555; *Rice vs. Minnesota, &c., Railroad*, 21 How., 82; *Richmond vs. Milwaukee*, 21 How., 391; *U. S., ex rel., vs. Addison*, 22 How., 174; *Kellogg vs. Forsyth*, 24 How., 186; *Hecker vs. Fowler*, 1 Bl., 95; *Pratt vs. Fitzhugh*, 1 Bl., 271; *Ex parte Gordon*, 1 Bl., 503; *Taylor vs. Morton*, 2 Bl., 481; *De Kraft vs. Burney*, 2 Bl., 704; *Pomroy's Lessee vs. Bank of Indiana*, 1 Wall., 592; *Ryan vs. Bindley*, 1 Wall., 66; *Burr vs. Des Moines R. R., &c.*, 1 Wall., 99; *Lee vs. Watson*, 1 Wall., 337; *Gregg vs. Forsyth*, 2 Wall., 56; *Heckers vs. Fowler*, 2 Wall., 123; *Cooke vs. U. S.*, 2 Wall., 218; *Marine Bank vs. Fulton Bank*, 2 Wall., 252; *Harvey vs. Tyler*, 2 Wall., 328; *Sparrow vs. Strong*, 3 Wall., 103; *Simpson vs. Dall*, 3 Wall., 460, (473); *Rogers vs. Burlington*, 3 Wall., 654; *U. S. vs. Dashiell*, 3 Wall., 688; *Walker vs. U. S.*, 4 Wall., 163; *Davidson vs. Lanier*, 4 Wall., 453; *Sparrow vs. Strong*, 4 Wall., 584; *U. S. vs. McMasters*, 4 Wall., 682; *Barton vs. Forsyth*, 5 Wall., 190; *Thompson vs. Riggs*, 5 Wall., 663; *McCane vs. Boon*, 6 Wall., 244; *City of Washington vs. Dennison*, 6 Wall., 495; *Ex parte McArdle*, 7 Wall., 506; *Washington County vs. Durant*, 7 Wall., 694; *Avendano vs. Gay*, 8 Wall., 376; *Morris's Cotton*, 8 Wall., 507; *Steamboat Burns*, 9 Wall., 237; *New Orleans Railroad vs. Morgan*, 10 Wall., 256; *Masterson vs. Herndon*, 10 Wall., 416; *Miller vs. U. S.*, 11 Wall., 268; *Cook vs. Burnley*, 11 Wall., 672; *Germain vs. Mason*, 12 Wall., 259; *Knox vs. Exchange Bank*, 12 Wall., 379; *Hampton vs. Rouse*, 13 Wall., 187; *Insurance Co. vs. Barton*, 13 Wall., 603; *O'Dowd vs. Russell*, 14 Wall., 402; *Merrill vs. Petty*, 16 Wall., 344; *Moore vs. Robbins*, 18 Wall., 588; *St. Clair County vs. Lovingson*, 18 Wall., 628.

Appeals in equity and admiralty cases. SEC. 692. An appeal shall be allowed to the Supreme Court from all final decrees of any circuit court, or of any district court acting as a circuit court, in cases of equity, and of admiralty and maritime jurisdiction, where the matter in dispute, exclusive of costs, exceeds the sum or value of two thousand dollars, and the Supreme Court is required to receive, hear, and determine such appeals.

3 March, 1803, c. 40, s. 2, v. 2, p. 244. 30 June, 1864, c. 174, s. 13, v. 13, p. 310.

U. S. vs. Brig Union, 4 Cr., 216; *The San Pedro*, 2 Wh., 132; *Conn vs. Penn.*, 5 Wh., 424; *Gordon vs. Ogden*, 3 Pet., 33; *Oliver vs. Alexander*, 6 Pet., 143; *U. S. vs. Nourse*, 6 Pet., 470; *Bank of Alexandria vs. Hooff*, 7 Pet., 168; *Owings vs. Kinkannon*, 7 Pet., 399; *U. S. vs. Eighty-four boxes of sugar*, 7 Pet., 453; *Stratton vs. Jarvis*, 8 Pet., 4; *Lee vs. Lee*, 8 Pet., 44; *Jackson vs. Ashton*, 8 Pet., 148; *Bank of U. S. vs. Daniel*, 12 Pet., 32; *Lea vs. Kelly*, 15 Pet., 213; *Young vs. Smith*, 15 Pet., 287; *Parish vs. Ellis*, 16 Pet., 451; *Forgay vs. Conrad*, 6 How., 201; *Perkins vs. Fourniquet*, 6 How., 206; *Bayard vs. Lombard*, 9 How., 530; *Gruner vs. U. S.*, 11 How., 163; *Spear vs. Place*, 11 How., 522; *Southard vs. Russel*, 12 How., 139; *Rich vs. Lambert*, 12 How., 347; *Perkins vs. Fourniquet*, 14 How., 328; *Stafford vs. Union Bank La.*, 16 How., 135; *Adams vs. Law*, 16 How., 144; *Shields vs. Thomas*, 17 How., 3; *Udall vs. Steamship Ohio*, 17 How., 17; *Verden vs. Coleman*, 18 How., 86; *Craighead vs. Wilson*, 18 How., 199; *Hudgins vs. Kemp*, 18 How., 530; *Beebe vs. Russel*, 19 How., 283; *Farrelly vs. Woodfolk*, 19 How., 288; *Brown vs. Shannon*, 20 How., 58; *McMickin vs. Perin*, 20 How., 133; *Richmond vs. Milwaukee*, 21 How., 80; *Vallance vs. Forsyth*, 21 How., 389; *Richmond vs. Milwaukee*, 21 How., 391; *U. S. vs. Fossatt*, 21 How., 450; *Rogers vs. Law*, 21 How., 526; *Nelson vs. Leland*, 22 How., 46; *Day vs. Washburn*, 23 How., 309; *Clifton vs. Sheldon*, 23 How., 481; *Gridley vs. Westbrook*, 23 How., 503; *Sampson vs. Welsh*, 24 How., 207; *Wabash and Erie Canal*

vs. Beers, 1 Bl., 54; *Pratt vs. Fitzhugh*, 1 Bl., 271; *Ship Marcellus*, 1 Bl., 414; *Cleveland vs. Chamberlain*, 1 Bl., 419; *U. S. vs. Knight's Admr.*, 1 Bl., 488; *Mississippi & Missouri R. R., vs. Ward*, 2 Bl., 485; *Callan vs. May*, 2 Bl., 541; *Sturgis vs. Clough*, 1 Wall., 269; *Malarin vs. U. S.*, 1 Wall., 282; *Blossom vs. Railroad Co.*, 1 Wall., 655; *U. S. vs. Gomez*, 1 Wall., 690; *Humiston vs. Stainthorp*, 2 Wall., 106; *Railroad Co. vs. Soutter*, 2 Wall., 440, 510; *Newell vs. Norton and Ship*, 3 Wall., 267; *Barrel vs. Transportation Co.*, 3 Wall., 424; *The Douro*, 3 Wall., 564; *Merryam vs. Haas*, 3 Wall., 687; *U. S. vs. Gomez*, 3 Wall., 752; *Seaver vs. Bigelows*, 5 Wall., 208; *Rubber Co. vs. Goodyear*, 6 Wall., 153; *The Grace Girdler*, 6 Wall., 441; *Edmonson vs. Bloomshire*, 7 Wall., 306; *Thompson vs. Dean*, 7 Wall., 342; *The Baltimore*, 7 Wall., 382; *Sheets vs. Selden*, 7 Wall., 416; *Ex parte McCardle*, 7 Wall., 506; *Railroad Co. vs. Bradleys*, 7 Wall., 575; *Washington County vs. Durant*, 7 Wall., 694; *The Lucy*, 8 Wall., 307; *Morris's Cotton*, 8 Wall., 507; *Latham's Appeal*, 9 Wall., 145; *Steamboat Burns*, 9 Wall., 237; *Hoe vs. Wilson*, 9 Wall., 501; *The Nonesuch*, 9 Wall., 504; *Herndon vs. Howard*, 9 Wall., 664; *Masterson vs. Herndon*, 10 Wall., 416; *Morgan vs. Thornhill*, 11 Wall., 65; *The Protector*, 11 Wall., 82; *French vs. Shoemaker*, 12 Wall., 86; *Bigler vs. Waller*, 12 Wall., 142; *Germain vs. Mason*, 12 Wall., 259; *Knox vs. Exchange Bank*, 12 Wall., 379; *Hall vs. Allen*, 12 Wall., 452; *Mead vs. Thompson*, 15 Wall., 635; *Merrill vs. Petit*, 16 Wall., 344; *Marin vs. Lalley*, 17 Wall., 14; *Ex parte Warmouth*, 17 Wall., 64; *Rodd vs. Heartt*, 17 Wall., 354; *Moore vs. Robbins*, 18 Wall., 588; *St. Clair County vs. Lovington*, 18 Wall., 628.

SEC. 693. Any final judgment or decree, in any civil suit or proceeding before a circuit court which was held, at the time, by a circuit justice and a circuit judge or a district judge, or by the circuit judge and a district judge, wherein the said judges certify as provided by law, that their opinions were opposed upon any question which occurred on the trial or hearing of the said suit or proceeding, may be reviewed and affirmed or reversed or modified by the Supreme Court, on writ of error or appeal, according to the nature of the case, and subject to the provisions of law applicable to other writs of error or appeals in regard to bail and supersedeas. [Sec § 652.]

SEC. 694. Nothing in the act of March three, eighteen hundred and seventy-three, relating to the circuit and district courts for the middle and northern districts of Alabama, shall affect the jurisdiction of the Supreme Court to hear and determine any cause or proceeding pending in said court at the date of said act on writ of error or appeal from the district courts of either of said districts.

SEC. 695. An appeal shall be allowed to the Supreme Court from all final decrees of any district court in prize causes, where the matter in dispute, exclusive of costs, exceeds the sum or value of two thousand dollars; and shall be allowed, without reference to the value of the matter in dispute, on the certificate of the district judge that the adjudication involves a question of general importance. And the Supreme Court shall receive, hear, and determine such appeals and shall always be open for the entry thereof. [Sec § 1009.]

enbury vs. United States, 5 Wall., 819; *The*

SEC. 696. An appeal shall be allowed to the Supreme Court from all final decrees of any circuit court in prize causes depending therein on the thirtieth day of June, eighteen hundred and sixty-four, in the same manner, and subject to the same conditions as appeals in prize causes from the district courts.

SEC. 697. When any question occurs on the hearing or trial of any criminal proceeding before a circuit court, upon which the judges are divided in opinion, and the point upon which they disagree is certified to the Supreme Court according to law, such point shall be finally decided by the Supreme Court; and its decision and order in the premises shall be remitted to such circuit court, and be there entered of record, and shall have effect according to the nature of the said judgment and order. [Sec § 651.]

vs. Ellzey, 2 Cr., 445; *U. S. vs. Tyler*, 7 Cr., 285; *Ross vs. Triplett*, 3 Wh., 600; *U. S. vs. Lancaster*, 5 Wh., 434; *U. S. vs. Daniel*, 6 Wh., 542; *Wayman vs. Southard*, 10 Wh., 1; *Devereaux vs. Marr*, 12 Wh., 212; *Wolf vs. Usher*, 3 Pet., 269; *Saunders vs. Gould*, 4 Pet., 392; *Grant vs. Raymond*, 6 Pet., 218; *U. S. vs. Bailey*, 9 Pet., 267; *Davis vs. Braden*, 10 Pet., 286; *Smith vs. Vaughan*, 10 Pet., 366; *Packer vs. Nixon*, 10 Pet., 408; *Adams vs. Jones*, 12 Pet., 207; *White vs. Turk*, 12 Pet., 238; *U. S. vs. Stone*, 14 Pet., 524; *U. S. vs. Briggs*, 5 How., 208; *Nesmith vs. Sheldon*, 6 How., 41; *Luther vs. Borden*, 7 How., 1; *U. S. vs. Chicago*, 7 How., 185; *Sadler vs. Hoover*, 7 How., 646; *Wilson vs. Barnum*, 8 How.,

Review of decisions of circuit court on certificate of division of opinion.

1 June, 1872, c. 255, s. 1, v. 17, p. 196.

Cases pending in Supreme Court from middle and northern districts of Alabama.

3 March, 1873, c. 223, s. 3, v. 17, p. 485.

Appeals in prize causes.

30 June, 1864, c. 174, s. 13, v. 13, p. 310.

3 March, 1803, c. 40, s. 2, v. 2, p. 244.

The Admiral, 3 Wall., 603; *With Alicia*, 7 Wall., 571.

Appeals in prize causes remaining in circuit courts.

30 June, 1864, c. 174, s. 13, v. 13, p. 310.

Points certified on division of opinion in a circuit court.

29 April, 1802, c. 31, s. 6, v. 2, p. 159.

Ogle vs. Lee, 2 Cr., 33; *Hepburn*

258; *Webster vs. Cooper*, 10 How., 54; *Dennistoun vs. Stewart*, 18 How., 565; *U. S. vs. City Bank Columbus*, 19 How., 385; *Ex parte Gordon*, 1 Bl., 503; *Silliman vs. Hudson River Bridge Co.*, 1 Bl., 582; *Ward vs. Chamberlain*, 2 Bl., 430; *Daniels vs. Railroad*, 3 Wall., 250; *Havemeyer vs. Iowa County*, 3 Wall., 294; *Brobst vs. Brobst*, 4 Wall., 2; *U. S. vs. Rosenburgh*, 7 Wall., 580; *Hannauer vs. Woodruff*, 10 Wall., 482; *U. S. vs. Avery*, 13 Wall., 251; *Insurance Company vs. Comstock*, 16 Wall., 258.

Transcripts on appeals.

3 March, 1803, c. 40, s. 2, v. 2, p. 244.
26 Feb., 1853, c. 80, s. 1, v. 10, p. 163.
30 June, 1864, c. 174, s. 13, v. 13, p. 310.

Conn vs. Penn., 5 Wh., 424; *Villabolas vs. U. S.*, 6 How., 81; *U. S. vs. Curry*, 6 How., 106; *U. S. vs. Gomez*, 3 Wall., 763, 766; *The Mabey*, 10 Wall., 419.

Writs of error and appeals, without reference to amount.

Patent and copyright cases.

8 July, 1870, c. 230, ss. 56, 107, v. 16, pp. 207, 215.—*Hogg vs. Maney*, 16 How., 98.

Actions for enforcement of any revenue law.

31 May, 1844, c. 31, v. 5, p. 658.—*Curry vs. Carr*, 8 How., 9; *U. S. vs. Bromley*, 12 How., 88; *Mason vs. Shannon*, 20 How., 55.

Actions against revenue officers.

27 March, 1868, c. 34, s. 1, v. 15, p. 44.

Cases on account of deprivation of rights of citizens or under the Constitution.

20 April, 1871, c. 22, ss. 1, 2, v. 17, p. 13, 1, 3, v. 14, p. 27.

Suits for injuries by conspirators against civil rights.

20 April, 1871, c. 22, s. 2, v. 17, p. 13.

Cases tried by the circuit court without the intervention of a jury.

3 March, 1865, c. 86, s. 4, v. 13, p. 501. See acts.

24 Sept., 1789, c. 20, s. 22, v. 1, p. 84.

3 March, 1803, c. 40, s. 2, v. 2, p. 244.—*Barnes vs. Zane's Admr.*, 8 How., 470; *Stimpson vs. Railroad*, 10 How., 329; *Graham vs. Bayne*,

SEC. 698. Upon the appeal of any cause in equity, or of admiralty and maritime jurisdiction, or of prize or no prize, a transcript of the record, as directed by law to be made, and copies of the proofs, and of such entries and papers on file as may be necessary on the hearing of the appeal, shall be transmitted to the Supreme Court: *Provided*, That either the court below or the Supreme Court may order any original document or other evidence to be sent up, in addition to the copy of the record, or in lieu of a copy of a part thereof. And on such appeals no new evidence shall be received in the Supreme Court, except in admiralty and prize causes. [See § 750.]

Steamer Virginia vs. West, 19 How., 182; *Mesa vs. U. S.*, 2 Bl., 721; *U. S. vs. Gomez*, 3 Wall., 763, 766; *The Mabey*, 10 Wall., 419.

SEC. 699. A writ of error may be allowed to review any final judgment at law, and an appeal shall be allowed from any final decree in equity hereinafter mentioned, without regard to the sum or value in dispute:

First. Any final judgment at law or final decree in equity of any circuit court, or of any district court acting as a circuit court, or of the supreme court of the District of Columbia, or of any Territory, in any case touching patents-rights or copyrights.

Emerson vs. Stimpson vs. Railroad, 10 How., 346; *Sizer vs. Brown vs. Shannon*, 20 How., 55.

Second. Any final judgment of a circuit court, or of any district court acting as a circuit court, in any civil action brought by the United States for the enforcement of any revenue law thereof.

Curry vs. Carr, 8 How., 9; *U. S. vs. Bromley*, 12 How., 88; *Mason vs. Shannon*, 20 How., 55.

Third. Any final judgment of a circuit court, or of any district court acting as a circuit court, in any civil action against any officer of the revenue for any act done by him in the performance of his official duty, or for the recovery of any money exacted by or paid to him which shall have been paid into the Treasury.

Fourth. Any final judgment at law or final decree in equity of any circuit court, or of any district court acting as a circuit court, in any case brought on account of the deprivation of any right, privilege, or immunity secured by the Constitution of the United States, or of any right or privilege of a citizen of the United States.

31 May, 1870, c. 114, ss. 16, 18, v. 16, p. 144. 9 April, 1866, c. 31, ss.

Fifth. Any final judgment of a circuit court, or of any district court acting as a circuit court, in any civil action brought by any person on account of injury to his person or property by any act done in furtherance of any conspiracy mentioned in section nineteen hundred and eighty, Title "CIVIL RIGHTS."

9 April, 1866, c. 31, s. 10, v. 14, p. 29.

SEC. 700. When an issue of fact in any civil cause in a circuit court is tried and determined by the court without the intervention of a jury, according to section six hundred and forty-nine, the rulings of the court in the progress of the trial of the cause, if excepted to at the time, and duly presented by a bill of exceptions, may be reviewed by the Supreme Court upon a writ of error or upon appeal; and when the finding is special the review may extend to the determination of the sufficiency of the facts found to support the judgment. [See § 649.]

Barnes vs. Williams, 11 Wh., 415; *Prentice vs. Zane's Admr.*, 8 How., 470; *Stimpson vs. Railroad*, 10 How., 329; *Graham vs. Bayne*,

18 How., 62; *Snydam vs. Williamson*, 20 How., 432; *Kelsey vs. Forsyth*, 21 How., 85; *Campbell vs. Boyreau*, 21 How., 223; *Cuculla vs. Emmerling*, 22 How., 83; *Burr vs. Des Moines Com.*, 1 Wall., 99; *Insurance Com. vs. Tweed*, 7 Wall., 44; *Basset vs. U. S.*, 9 Wall., 38; *Norris vs. Jackson*, 9 Wall., 125; *Flanders vs. Tweed*, 9 Wall., 425; *Copelin vs. Insurance Com.*, 9 Wall., 467; *Coddington vs. Richards*, 10 Wall., 516; *Smith vs. Sac County*, 11 Wall., 139; *Bethel vs. Mathews*, 13 Wall., 1; *Dirst vs. Morris*, 14 Wall., 484; *Dickinson vs. Planters' Bank*, 16 Wall., 250; *Insurance Com. vs. Folsom*, 18 Wall., 237; *Town of Ohio vs. Marcy*, 18 Wall., 552.

SEC. 701. The Supreme Court may affirm, modify, or reverse any judgment, decree, or order of a circuit court, or district court acting as a circuit court, or of a district court in prize causes, lawfully brought before it for review, or may direct such judgment, decree, or order to be rendered, or such further proceedings to be had by the inferior court, as the justice of the case may require. The Supreme Court shall not issue execution in a cause removed before it from such courts, but shall send a special mandate to the inferior court to award execution thereupon.

Judgment or decree on review.

1 June, 1872, c. 255, s. 2, v. 17, p. 196.
24 Sept., 1789, c. 20, s. 24, v. 1, p. 85.
3 March, 1803, c. 40, s. 2, v. 2, p. 244.
30 June, 1864, c. 174, s. 13, v. 13, p. 310.

Sheehy vs. Mandeville, 6 Cr., 266; *Martin vs. Hunter's Lessee*, 1 Wh., 304; *Lanusse vs. Barker*, 3 Wh., 147; *U. S. Bank vs. Smith*, 11 Wh., 182; *Fowle vs. Common Council of Alexandria*, 11 Wh., 324; *Barnes vs. Williams*, 11 Wh., 416; *McArthur vs. Porter's Lessee*, 1 Pet., 626; *Farrar vs. U. S.*, 5 Pet., 389; *U. S. vs. Hawkins*, 10 Pet., 125; *Mackey vs. U. S.*, 10 Pet., 342; *Ex parte Sibbold*, 12 Pet., 492; *West vs. Bradshaw*, 14 Pet., 51; *U. S. vs. Boyd*, 15 Pet., 209; *Garland vs. Davis*, 4 How., 131; *Cutler vs. Rae*, 7 How., 732; *Humphreys vs. Leggett*, 9 How., 297; *McNulty vs. Batty*, 10 How., 72; *Graham vs. Bayne*, 18 How., 63; *Snydam vs. Williamson*, 20 How., 440; *Taylor vs. Morton*, 2 Bl., 481; *Ex parte Dubuque & Pacific R. R.*, 1 Wall., 69; *Railroad vs. Soutter*, 2 Wall., 510; *Ex parte McCordle*, 7 Wall., 506; *Ex parte Morris & Johnson*, 9 Wall., 607; *Insurance Com. vs. Boykin*, 12 Wall., 433; *Insurance Com. vs. Piaggio*, 16 Wall., 378; *U. S. vs. Huckabee*, 16 Wall., 435; *Walbrun vs. Babbit*, 16 Wall., 577.

SEC. 702. The final judgments and decrees of the supreme court of any Territory, except the Territory of Washington, in cases where the value of the matter in dispute, exclusive of costs, to be ascertained by the oath of either party, or of other competent witnesses, exceeds one thousand dollars, may be reviewed and reversed or affirmed in the Supreme Court, upon writ of error or appeal, in the same manner and under the same regulations as the final judgments and decrees of a circuit court. In the Territory of Washington the value of the matter in dispute must exceed two thousand dollars, exclusive of costs. And any final judgment or decree of the supreme court of said Territory in any cause^(a) the Constitution or a statute or treaty of the United States is brought in question may be reviewed in like manner. [See §§ 1009, 1911.]

Writs of error and appeals from territorial courts.

Utah, 9 September, 1850, c. 51, s. 9, v. 9, p. 455; New Mexico, 9 September, 1850, c. 49, s. 10, v. 9, p. 449; Washington, 2 Mar., 1853, c. 90, s. 9, v. 10, p. 175; Dakota, 2 Mar., 1861, c. 86, s. 9, v. 12, p. 241; Arizona, 24 February, 1863, c. 56, s. 2, v. 12, p. 665; Idaho, 3 March, 1863, c. 117, s. 9, v. 12, p. 811; Montana, 26 May, 1864, c. 95, s. 9, v. 13, p. 88; Wyoming, 25 July, 1868, c. 235, s. 9, v. 15, p. 180.—*Sheppard vs. Wilson*, 5 How., 210; *United States vs. Vigil*, 10 Wall., 423; *Wells vs. McGregor*, 13 Wall., 188; *Bartemeyer vs. Iowa*, 14 Wall., 26.

SEC. 703. In all cases where the judgment or decree of any court of a Territory might be reviewed by the Supreme Court on writ of error or appeal, such writ of error or appeal may be taken, within the time and in the manner provided by law, notwithstanding such Territory has, after such judgment or decree, been admitted as a State; and the Supreme Court shall direct the mandate to such court as the nature of the writ of error or appeal requires.

When a Territory becomes a State after judgment or decree in territorial court.

12 June, 1858, c. 154, s. 18, v. 11, p. 328.

Hunt vs. Palas, 4 How., 589; *Freeborn vs. Smith*, 2 Wall., 160.

SEC. 704. The judgments or decrees of any district court, in cases transferred to it from the superior court of any Territory, upon the admission of such Territory as a State, under sections five hundred and sixty-seven and five hundred and sixty-eight, may be reviewed and reversed or affirmed upon writs of error sued out of, or appeals taken to, the Supreme Court, in the same manner as if such judgments or decrees had been rendered in said superior court of such Territory. And the mandates and all writs necessary to the exercise of the appellate jurisdiction of the Supreme Court in such cases shall be directed to such district court, which shall cause the same to be duly executed and obeyed. [See §§ 567, 569.]

Judgments and decrees of district courts in cases transferred from territorial courts.

22 Feb., 1847, c. 17, s. 1, v. 9, p. 128.
22 Feb., 1848, c. 12, s. 2, v. 9, p. 212.

Express Co. vs. Kountze Bros., 8 Wall., 342.

^(a)The word *where* omitted in the Roll.

Judgments and decrees of supreme court of District of Columbia.

3 March, 1863, c. 91, s. 11, v. 12, p. 764.

27 Feb., 1801, c. 15, s. 8, v. 2, p. 106.

Young *vs.* Bank of Alexandria, 4 Cr., 384; Carter's Heirs *vs.* Cutting, 8 Cr., 251; Peyton *vs.* Robertson, 9 Wh., 527; Brown *vs.* Wiley, 4 Wall., 165; Garnett *vs.* U. S., 11 Wall., 256; Smith *vs.* Mason, 14 Wall., 419.

Cases where matter in dispute exceeds \$100.

2 April, 1816, c. 39, s. 2, v. 3, p. 261.

3 March, 1863, c. 91, ss. 2, 11, v. 12, pp. 763, 764.

Lee *vs.* Lee, 8 Pet., 44; Campbell *vs.* Reed, 2 Wall., 198.

Appeals from the Court of Claims.

25 June, 1868, c. 71, s. 1, v. 15, p. 75.

3 March, 1863, c. 92, ss. 5, 11, v. 12, pp. 766, 767.

De Groot *vs.* U. S., 5 Wall., 419; U. S. *vs.* Adams, 6 Wall., 101; *Ex parte* Zellner, 9 Wall., 245; U. S. *vs.* Ayres, 9 Wall., 608; U. S. *vs.* Adams, 9 Wall., 661; *Ex parte* Roberts, 15 Wall., 384.

Time and manner of appeals from the Court of Claims.

3 March, 1863, c. 92, ss. 5, 11, v. 12, pp. 766, 767. 25 June, 1868, c. 71, s. 1, v. 15, p. 75.

Judgments and decrees of State courts on writ of error.

5 Feb., 1867, c. 28, s. 2, v. 14, p. 386.

24 Sept., 1789, c. 20, s. 25, v. 1, p. 85.

Olney *vs.* Arnold, 3 Dall., 308; Hepburn *vs.* Elzey, 2 Cr., 445; Gordon *vs.* Caldleugh, 3 Cr., 268; Matthews *vs.* Zane, 4 Cr., 382; O'wings *vs.* Norwood's Lessee, 5 Cr., 344; Martin *vs.* Hunter's Lessee, 1 Wh., 304; Inglee *vs.* Coolidge, 2 Wh., 363; Miller *vs.* Nichols, 4 Wh., 311; Gibbons *vs.* Ogden, 6 Wh., 448; Ewell *vs.* Van Ness, 8 Wh., 312; Williams *vs.* Norris, 12 Wh., 117; Montgomery *vs.* Hernandez, 12 Wh., 129; Gwynn's Heirs *vs.* Jackson, 12 Wh., 135; Hickie *vs.* Starke, 1 Pet., 94; Ross *vs.* Barland, 1 Pet., 655; Wilson *vs.* Blackbird Creek Marsh Com., 2 Pet., 245; Satterlee *vs.* Matthews, 2 Pet., 380; Weston *vs.* City Council Charleston, 2 Pet., 449; Harris *vs.* Dennie, 3

SEC. 705. The final judgment or decree of the supreme court of the District of Columbia, in any case where the matter in dispute, exclusive of costs, exceeds the value of one thousand dollars, may be re-examined and reversed or affirmed in the Supreme Court of the United States, upon writ of error or appeal, in the same manner and under the same regulations as are provided in cases of writs of error on judgments, or appeals from decrees rendered in a circuit court.

SEC. 706. The writ of error or appeal provided by the preceding section may be allowed in any case where the value of the matter in dispute, exclusive of costs, is less than one thousand dollars, but more than one hundred dollars, upon the petition in writing of either party, accompanied by a copy of the proceedings complained of, and an assignment of errors, exhibited to any justice of the Supreme Court, if said justice is of opinion that such errors involve questions of law of such extensive operation as to render a decision of them by the Supreme Court desirable. The allowance in such case shall be by the written order of said justice, directed to the clerk of the supreme court of said District, to allow the appeal or issue the writ of error.

SEC. 707. An appeal to the Supreme Court shall be allowed, on behalf of the United States, from all judgments of the Court of Claims adverse to the United States, and on behalf of the plaintiff in any case where the amount in controversy exceeds three thousand dollars, or where his claim is forfeited to the United States by the judgment of said court, as provided in section one thousand and eighty-nine.

SEC. 708. All appeals from the Court of Claims shall be taken within ninety days after the judgment is rendered, and shall be allowed under such regulations as the Supreme Court may direct.

SEC. 709. A final judgment or decree in any suit in the highest court of a State, in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of their validity; or where any title, right, privilege, or immunity is claimed under the Constitution, or any treaty or statute of, or commission held or authority exercised under, the United States, and the decision is against the title, right, privilege, or immunity specially set up or claimed, by either party, under such Constitution, treaty, statute, commission, or authority, may be re-examined and reversed or affirmed in the Supreme Court upon a writ of error. The writ shall have the same effect as if the judgment or decree complained of had been rendered or passed in a court of the United States; and the proceeding upon the reversal shall be the same, except that the Supreme Court may, at their discretion, proceed to a final decision of the case, and award execution, or remand the same to the court from which it was so removed. [See § 1017.]

The Supreme Court may re-affirm, reverse, modify, or affirm the judgment or decree of such State court, and may, at their discretion, award execution, or remand the same to the court from which it was removed by the writ.

Pet., 292; *Craig vs. Missouri*, 4 Pet., 410; *Fisher's Lessee vs. Cockerell*, 5 Pet., 248; *Maynard vs. Aspasia*, 5 Pet., 505; *Davis vs. Packard*, 6 Pet., 41; *City of New Orleans vs. Armas*, 9 Pet., 223; *Crowell vs. Randell*, 10 Pet., 368; *McBride vs. Hoey*, 11 Pet., 167; *Reed's Lessee vs. Marsh*, 13 Pet., 153; *Ocean Ins. Com. vs. Polleys*, 13 Pet., 157; *Mitchell vs. Lennox*, 14 Pet., 49; *Kentucky vs. Griffith*, 14 Pet., 56; *Holmes vs. Jennison*, 14 Pet., 540; *Fulton vs. McAfee*, 16 Pet., 149; *City of Mobile vs. Eslava*, 16 Pet., 234; *Armstrong vs. Treasurer of Athens Co.*, 16 Pet., 281; *Mills vs. Brown*, 16 Pet., 525; *Chouteau vs. Eckhart*, 2 How., 344; *Mackay vs. Dillon*, 4 How., 421; *Pepper vs. Dunlap*, 5 How., 51; *Walker vs. Taylor*, 5 How., 64; *Commercial Bank of Cin. vs. Buckingham's Exrs.*, 5 How., 317; *Scott vs. Jones*, 5 How., 343; *Erwin vs. Lowry*, 7 How., 172; *Smith vs. Hunter*, 7 How., 738; *Almonester vs. Kenton*, 9 How., 1; *Strader vs. Baldwin*, 9 How., 261; *Doe vs. Eslava*, 9 How., 421; *Doc vs. Mobile*, 9 How., 451; *Henderson vs. Tennessee*, 10 How., 311; *Clements vs. Berry*, 11 How., 398; *Webster vs. Reid*, 11 How., 437; *Gill vs. Oliver's executors*, 11 How., 529; *Miners' Bank vs. Iowa*, 12 How., 1; *Williams vs. Oliver*, 12 How., 111; *Kanouse vs. Martin*, 14 How., 23; *Lawler vs. Walker*, 14 How., 149; *State Bank of Ohio vs. Knoop*, 16 How., 369; *Poydras de la Land vs. Treasurer of Louisiana*, 17 How., 1; *Heirs of Poydras de la Land vs. Treasurer of Louisiana*, 18 How., 192; *Caleote vs. Stanton*, 18 How., 243; *United States vs. Booth*, 18 How., 476; *Maxwell vs. Newbold*, 18 How., 511; *Cousin vs. Blanc's Executor*, 19 How., 202; *Bell vs. Hearne*, 19 How., 252; *Michigan Central Railroad vs. Michigan Southern Railroad*, 19 How., 379; *Burke vs. Gaines*, 19 How., 388; *Wynn vs. Morris*, 20 How., 3; *Christ Church vs. County Philadelphia*, 20 How., 26; *Withers vs. Buckley*, 20 How., 84; *Moreland vs. Paige*, 20 How., 522; *Beers vs. Arkansas*, 20 How., 527; *Abelman vs. Booth*, 21 How., 507; *White vs. Wright*, 22 How., 19; *Verden vs. Coleman*, 22 How., 192; *Lytle vs. Arkansas*, 22 How., 193; *Berthold vs. McDonald*, 22 How., 334; *Medberry vs. State of Ohio*, 24 How., 413; *Porter vs. Foley*, 24 How., 415; *Reddall vs. Bryan*, 24 How., 420; *Maguire vs. Tyler*, 1 Bl., 195; *Attorney-General vs. Federal-street Meeting-House*, 1 Bl., 262; *Farney vs. Towle*, 1 Bl., 350; *Hoyt vs. Sheldon*, 1 Bl., 518; *Taylor vs. Morton*, 2 Bl., 481; *Congdon vs. Goodman*, 2 Bl., 574; *Randall vs. Howard*, 2 Bl., 585; *Minnesota vs. Batchelder*, 1 Wall., 116; *Bridge Proprietors vs. Hoboken Co.*, 1 Wall., 142; *Day vs. Gallup*, 2 Wall., 97; *The Binghamton Bridge*, 3 Wall., 51; *Lewis vs. Campeau*, 3 Wall., 106; *Mining Company vs. Baggs*, 3 Wall., 304; *Buck vs. Colbath*, 3 Wall., 334; *McGuire vs. The Commonwealth*, 3 Wall., 382; *Ex parte Milligan*, 4 Wall., 113; *Railroad Com. vs. Rock*, 4 Wall., 177; *Lanfier vs. Hunley*, 4 Wall., 209; *Ryan vs. Thomas*, 4 Wall., 603; *Green vs. Van Buskirk*, 5 Wall., 307; *Townsend vs. Greeley*, 5 Wall., 326; *Walker vs. Villavaso*, 6 Wall., 124; *Rector vs. Ashley*, 6 Wall., 142; *Reichart vs. Felps*, 6 Wall., 160; *Millengar vs. Hartupee*, 6 Wall., 258; *The Victory*, 6 Wall., 382; *Hamilton Com. vs. Massachusetts*, 6 Wall., 632; *The Banks vs. The Mayor*, 7 Wall., 16; *Twitchell vs. The Commonwealth*, 7 Wall., 321; *Austin vs. The Aldermen*, 7 Wall., 694; *Furman vs. Nicholl*, 8 Wall., 44; *Gibson vs. Chauteau*, 8 Wall., 314; *Aldrich vs. Etna Com.*, 8 Wall., 491; *Maguire vs. Tyler*, 8 Wall., 651; *Worthy vs. The Commissioners*, 9 Wall., 611; *Downham vs. Alexandria*, 9 Wall., 661; *Gleason vs. Florida*, 9 Wall., 779; *Carpenter vs. Williams*, 9 Wall., 785; *Messenger vs. Mason*, 10 Wall., 507; *Railroad Com. vs. McClure*, 10 Wall., 511; *Bethel vs. Demorest*, 10 Wall., 537; *Parmelee vs. Lawrence*, 11 Wall., 36; *Insurance Co. vs. The Treasurer*, 11 Wall., 204; *Runkin vs. The State*, 11 Wall., 380; *Knox vs. Exchange Bank*, 12 Wall., 379; *People vs. Central Railroad*, 12 Wall., 455; *Trebilcock vs. Wilson*, 12 Wall., 687; *West Tennessee Bank vs. Citizens' Bank*, 13 Wall., 432; *Dooley vs. Smith*, 13 Wall., 604; *Cockroft vs. Vose*, 14 Wall., 5; *Tennessee Bank vs. Bank of Louisiana*, 14 Wall., 9; *Palmer vs. Marston*, 14 Wall., 10; *Sevier vs. Haskell*, 14 Wall., 13; *Steines vs. Franklin*, 14 Wall., 15; *Kennebec Railroad vs. Portland Railroad*, 14 Wall., 23; *Bartemeyer vs. Iowa*, 14 Wall., 26; *Hurley vs. Street*, 14 Wall., 85; *Caperton vs. Bowyer*, 14 Wall., 216; *Caperton vs. Ballard*, 14 Wall., 238; *O'Dowd vs. Russell*, 14 Wall., 402; *Delmas vs. Insurance Com.*, 14 Wall., 661; *Railroads vs. Richmond*, 15 Wall., 3; *Railroad vs. Johnson*, 15 Wall., 8; *Tarver vs. Keach*, 15 Wall., 67; *Salomons vs. Graham*, 15 Wall., 208; *Pennywit vs. Eaton*, 15 Wall., 380; *Moses vs. The Mayor*, 15 Wall., 387; *Hall vs. Jordan*, 15 Wall., 393; *Commercial Bank vs. Rochester*, 15 Wall., 639; *Smith vs. Adsit*, 16 Wall., 185; *Bank vs. Turnbull*, 16 Wall., 190; *Marqueze vs. Bloom*, 16 Wall., 351; *Taylor vs. Taintor*, 16 Wall., 366; *Steamboat Com. vs. Chase*, 16 Wall., 522; *Crapo vs. Kelly*, 16 Wall., 610; *Tyler vs. Magwire*, 17 Wall., 253; *Miller vs. Joseph*, 17 Wall., 655.

SEC. 710. Cases on writ of error, to revise the judgment of a State court in any criminal case, shall have precedence, on the docket of the Supreme Court, of all cases to which the Government of the United States is not a party, excepting only such cases as the court, in its discretion, may decide to be of public importance.

Precedence of writs of error to State courts in criminal cases.

13 July, 1866, c. 184, s. 69, v. 14, p.

172. 24 Sept., 1789, c. 20, s. 25, v. 1, p. 85. 5 Feb., 1867, c. 28, s. 2, v. 14, p. 386.