

## BANKING ASSOCIATION v. INSURANCE ASSOCIATION.

1. An appeal will be dismissed when it appears from the record, taken as a whole, that the amount actually in controversy is not sufficient to give the court jurisdiction.
2. *Gray v. Blanchard* (97 U. S. 564) reaffirmed.

APPEAL from the Circuit Court of the United States for the District of Louisiana.

The facts are stated in the opinion of the court.

*Mr. J. D. Rouse* and *Mr. William Grant* for the appellant.

*Mr. Charles B. Singleton, Jr.*, *contra*.

MR. CHIEF JUSTICE WAITE delivered the opinion of the court.

From this record it appears affirmatively that the only dispute between the parties is as to the right of the insurance association to withhold a transfer of stock until an indebtedness of a stockholder to it for \$2,074.36 is paid. Such being the case, we have no jurisdiction of this appeal. In *Gray v. Blanchard* (97 U. S. 564) we held that a writ of error must be dismissed when it appears from the record, taken as a whole, that the amount actually in controversy between the parties was not sufficient to give us jurisdiction.

*Appeal dismissed.*

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 HAYES v. FISCHER.

1. An appeal is the only mode by which the appellate jurisdiction of this court can be exercised in equity suits, brought in the courts of the United States, and it does not lie before a final decree has been rendered.
2. A proceeding in the court below for contempt cannot be re-examined here by an appeal or a writ of error.

MOTION to dismiss a writ of error to the Circuit Court of the United States for the Southern District of New York.

The facts are stated in the opinion of the court.

*Mr. Charles F. Blake* in support of the motion.  
*Mr. J. H. Whitelegge, contra.*

MR. CHIEF JUSTICE WAITE delivered the opinion of the court.

Fischer, the defendant in error, brought a suit in equity in the Circuit Court of the United States for the Southern District of New York, to restrain Hayes, the plaintiff in error, from using a certain patented device. In this suit an interlocutory injunction was granted. Complaint having been made against Hayes for a violation of this injunction, proceedings were instituted against him for contempt, which resulted in an order by the court that he pay the clerk \$1,389.99 as a fine, and that he stand committed until the order was obeyed. To reverse this order, Hayes sued out this writ of error, which Fischer now moves to dismiss, on the ground that such proceedings in the Circuit Court cannot be re-examined here.

If the order complained of is to be treated as part of what was done in the original suit, it cannot be brought here for review by writ of error. Errors in equity suits can only be corrected in this court on appeal, and that after a final decree. This order, if part of the proceedings in the suit, was interlocutory only.

If the proceeding below, being for contempt, was independent of and separate from the original suit, it cannot be re-examined here either by writ of error or appeal. This was decided more than fifty years ago in *Ex parte Kearney* (7 Wheat. 38), and the rule then established was followed as late as *New Orleans v. Steamship Company*, 20 Wall. 387.

It follows that we have no jurisdiction.

*Motion granted.*