

Syllabus.

severance or other equivalent proceeding. It follows that the writ must be dismissed, on the authority of *Williams v. Bank of the United States*, 11 Wheat. 414; *Masterson v. Herndon*, 10 Wall. 416; *Simpson v. Greeley*, 20 Wall. 152; and it is

*So ordered.*

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WOOLF *v.* HAMILTON et al.

IN ERROR TO THE SUPREME COURT OF THE TERRITORY OF UTAH.

Decided November 10th, 1882.

*Error—Practice—Statutes.*

A case not tried in a territorial court by a jury cannot be brought for review by a writ of error.

MR. CHIEF JUSTICE WAITE delivered the opinion of the court. This writ of error is dismissed on the authority of *Hecht v. Boughton*, 105 U. S. 235. The case was not tried in the court below by a jury. This, under the act of April 7th, 1874, c. 80, 18 Stat. 27, made it necessary to bring the judgment here for review by appeal and not by writ of error.

*Dismissed.*

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CITY OF NEW ORLEANS *v.* NEW ORLEANS, MOBILE & TEXAS RAILROAD COMPANY.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF LOUISIANA.

Argued November 14th and 15th, 1882.—Decided November 20th, 1882.

The board of liquidation of the city debt of New Orleans, a corporate body created by the legislature of Louisiana, created pending the appeal of this suit, appeared and claimed authority over the subject-matter of the controversy. The court refused to enter judgment according to the terms of stipulation made with the attorney of the city of New Orleans by authority of the city council, without first giving the board opportunity to be heard.