

Syllabus.

and Amos Tenney's interests in the claim of the partnership against the town, acquired no interest in the claim of the partnership against the railroad company, or in the judgment recovered upon that claim, and should not therefore be parties to this bill.

In fine, the whole interest in any claim of the partnership against the town was in Pierce, either as the receiver of Young's estate in insolvency, or as the assignee of his estate in bankruptcy, and in William D. Judson and his pledgee Edward G. Judson, and in Amos Tenney and his pledgees William A. Tenney and Sutherland Tenney; and no part of that interest was in the plaintiff Stebbins. The whole interest in any claim of the partnership against the railroad company was in Stebbins, as assignee of Young's interest in this claim, and in William D. Judson and Amos Tenney; and no part of this interest was in the plaintiffs Edward G. Judson, William A. Tenney and Sutherland Tenney. Two alternative claims, each belonging to many persons, one of whom has no interest in one claim, and others of whom have no interest in the other claim, cannot be joined in one bill in equity.

Decree affirmed.

JOHNSON & Another *v.* WILKINS.

ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF FLORIDA.

Submitted January 4, 1886.—Decided January 11, 1886.

The plaintiff in error having failed to show, either from the record, or by affidavits, that the matter in dispute exceeds five thousand dollars, the Court dismisses the writ for want of jurisdiction.

The facts are stated in the opinion of the court.

Mr. J. D. Thompson for plaintiffs in error.

Mr. C. C. Yonge, Sen'r, for defendant in error.

Opinion of the Court.

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

There is nothing in this record from which it can fairly be inferred that the value of the matter in dispute exceeds five thousand dollars. The suit was ejectment, begun in a State court and removed to the Circuit Court of the United States, for a lot in Pensacola and the profits thereof since January 1, 1880, of the yearly value of five hundred dollars. The value of the lot is not stated in any of the pleadings, but in the petition for the removal of the suit it is put at "more than five hundred dollars." The recovery was of the lot and rent at fifteen dollars per month from January 1, 1880, until March 1, 1883, or five hundred and seventy dollars in all. If this rental is to be taken as an indication of the value of the property, it certainly must be less than our jurisdictional limit. As it rests on the plaintiffs in error to show our jurisdiction either from the record or by affidavits, and this has not been done,

The writ of error is dismissed for want of jurisdiction.

WELLS & Others *v.* WILKINS.

ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF FLORIDA.

Submitted January 4, 1886.—Decided January 11, 1886.

The court receives affidavits from plaintiffs in error, and counter affidavits from defendants in error, to determine the value of tracts of land sued for in ejectment (neither pleadings nor evidence in the record showing it), and dismisses the case.

The facts are stated in the opinion of the court.

Mr. J. D. Thompson for plaintiffs in error.

Mr. C. C. Yonge, Sen'r, for defendant in error.

MR. CHIEF JUSTICE WAITE delivered the opinion of the court. These are suits in ejectment, each for a separate and distinct