

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

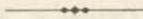
Statement of Facts.

part of a lot in Pensacola. A judgment was rendered in each case for the recovery of the premises sued for in that case. Neither the pleadings nor the evidence found in the records show the value of the property, but on suing out the writs of error the plaintiffs in error in each case filed two affidavits to the effect that the value was more than \$5000. Since the cases were docketed here, however, the defendant in error has filed counter affidavits which prove beyond all doubt that this is a mistake, and that the value in every one of the cases is very much less than our jurisdictional limit.

The writs of error are consequently all dismissed for want of jurisdiction.

Goldstucker & Another *v.* Wilkins. Wells & Others *v.* Wilkins. Wells & Others *v.* Wilkins. Wells & Others *v.* Wilkins. Wells & Another *v.* Wilkins. All in error to the Circuit Court of the United States for the Northern District of Florida. These cases were all submitted at the same time, and by the same counsel, with Wells *v.* Wilkins reported above, and are, for the reasons given in the above opinion, all

Dismissed for want of jurisdiction.

HUNT *v.* UNITED STATES.

APPEAL FROM THE COURT OF CLAIMS.

Submitted January 4, 1886.—Decided January 18, 1886.

Under the provisions of the act of July 16, 1862, 12 Stat. 586, ch. 183, § 16, an officer of the navy of a class subject by law or regulation to examination before promotion to a higher grade, was not entitled to be examined until his turn for promotion had arrived, or was near at hand.

If a naval officer was delayed in promotion for want of examination, and the examination was delayed by reason of absence on duty when entitled to promotion, the act of July 16, 1862, gave him the right to have the increased pay of the new grade begin when the examination should have taken place.

George P. Hunt, the appellant, a chief engineer in the navy, brought this suit in the Court of Claims to recover a balance of pay due him, as he alleged, from the United States.