

Statement of Facts.

WELLS & Others v. WILKINS.

GOLDSTUCKER & Another v. SAME.

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

Submitted April 19, 1886.—Decided May 10, 1886.

The court does not find in the affidavits submitted, with the motions to reinstate, proof that the value of the property in dispute is sufficient to give it jurisdiction of the causes.

These were motions to reinstate six causes dismissed January 11, 1886. See 116 U. S. 393, 394.

The grounds for the motion were stated as follows:

“*First.* The affidavit taken by the defendant in error denying that the subject-matter in dispute was within the jurisdiction of this Honorable Court were taken *ex parte* and without any notice to the plaintiffs in error or their counsel of record.

“*Second.* That the subject-matter in dispute is of such value as to give this Honorable Court jurisdiction, and that the plaintiffs in error were taken by surprise in not having notice of any intention on the part of defendant in error to deny the jurisdiction.

“*Third.* The defendant in error having by his agreement submitted the case upon its merits, he is now estopped from raising any question of jurisdiction.”

The second ground for dismissal was supported by affidavits as to the value of the property in dispute.

Statement of Facts.

Mr. Alexander Porter Morse for the motion.

Mr. C. C. Yonge, Sr., opposing.

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

These motions are denied. The additional affidavits which have been filed failed to satisfy us that the value of the matter in dispute is sufficient to give us jurisdiction. While the aggregate of the values in all the suits may exceed \$5000, it is clear to our minds that the value of the property involved in no one of the suits reaches that sum, or anything like it.

Denied.

BOHANAN v. NEBRASKA.

ERROR TO THE SUPREME COURT OF THE STATE OF NEBRASKA.

Submitted April 12, 1886,—Decided April 19, 1886.

This court has jurisdiction to review a judgment of a State court convicting a person of a criminal offence, when the defendant sets up at the trial, specially, an immunity from a second trial for the same offence by reason of the Vth Amendment to the Constitution of the United States.

The court will not consider the merits of the question involved in a case, on a motion to dismiss unaccompanied by a motion to affirm.

This was a motion to dismiss. The motion was as follows:

“And now comes the defendant in error, and moves the court to dismiss the writ of error in this case for the reasons following, to wit:

“*First.* The court is without jurisdiction to review the judgment contained in the record, brought up in this cause, there being no Federal question therein presented.

“WM. LEESE,

Att’y-Gen’l of Nebraska,

for Defendant in Error.”

The grounds for the denial of jurisdiction were stated by the Attorney-General of Nebraska in the following language: