

## Syllabus.

have not been able to find any evidence of the value of the land in controversy, which is the subject of this suit. It is therefore

*Dismissed for want of jurisdiction.*

Mr. Haskell, on the 26th April, 1888, submitted a motion to reinstate the cause, accompanied by affidavits of the value of the property in dispute.

No appearance for opposition.

MR. JUSTICE MILLER: This case was dismissed by the court on April 9, 1888, because there was no evidence of there being a sufficient amount in controversy to give this court jurisdiction. A motion is now made to reinstate it, and affidavits submitted on the part of the appellant intended to show that the value of the land in controversy is over \$5000. Although notice was given to the opposite party by telegraph, there has been no sufficient opportunity or time for them to produce counter affidavits, nor are we entirely satisfied with the sufficiency of those produced by the appellant. This motion to reinstate the case is, therefore, continued until the next term of the court, with leave for either party to file additional affidavits on this subject.

---

MARCHAND v. LIVANDAIS.

ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE  
EASTERN DISTRICT OF LOUISIANA.

No. 1077. Submitted January 4, 1888. — Decided April 16, 1888.

A *feme covert* was sued in Louisiana to recover upon notes said to have been executed by her with the authority and consent of her husband. The husband was made a party to the suit under the Code, although without interest in the suit. Judgment being given for defendant, the plaintiff sued out a writ of error against the wife only, but serving it on the husband also. On motion by defendant in error to dismiss the writ: *Held*, that the motion should be denied.

## Statement of the Case.

MOTION TO DISMISS. The case is stated in the opinion.

*Mr. Edgar H. Farrar* and *Mr. Ernest B. Kruttschnitt* for the motion.

*Mr. C. W. Hornor* and *Mr. W. S. Benedict* opposing.

MR. JUSTICE MILLER: A motion is made to dismiss this cause because Charles Lafitte, the husband of the defendant in error, is not named in the writ of error as a party to the proceedings. The judgment was in favor of his wife Josephine, and he was a party authorizing her in the suit below, according to the forms of the Louisiana law, which require that the husband must be joined with the wife when she sues, whether he has any interest or not; and the plaintiff in error has served a citation on Lafitte, although he was not named in the writ of error. It may be doubtful whether Lafitte is a necessary party in this court, seeing he was not a party to the judgment. If for conformity's sake he ought to have been brought here to aid his wife in the writ of error, the citation to him is sufficient for that purpose. The motion to dismiss the case is overruled.

---

WESTERN AIR LINE CONSTRUCTION COMPANY  
v. MCGILLIS.

ORIGINAL MOTION IN A CAUSE BROUGHT HERE BY WRIT OF ERROR  
TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE NORTH-  
ERN DISTRICT OF ILLINOIS.

No. 1283. Submitted April 9, 1888. — Decided April 16, 1888.

The court, for reasons stated in its opinion, denies a motion to vacate a supersedeas or to make an order that the appeal bond filed in the case does not operate as a supersedeas.

THE defendants in error made the following motion?

“And now come the defendants in error in the above cause, by John S. Cooper, their attorney and counsel, and move the