

Lane v. Wallace.

LANE v. WALLACE.

ERROR TO THE SUPREME COURT OF THE STATE OF LOUISIANA.

No. 1016. October Term, 1881. — Decided November 21, 1881.

When the highest court of a State dismisses a suit brought up from the trial court for want of jurisdiction, the Federal question, if there be one in it, was decided by the trial court, and the writ of error should be directed to that court.

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

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

The judgment of the Supreme Court of Louisiana in this case was one dismissing the suit for want of jurisdiction. Consequently that court could not have decided the Federal question presented to and passed upon by the District Court. All it did was to determine that the District Court was the highest court of the State in which a decision in the suit could be had. The writ of error should, therefore, have been directed to that court instead of the Supreme Court. Such a writ can now issue if applied for and allowed in time.

*The motion to dismiss is granted.*

Mr. W. W. Handlin for the motion. Mr. Joseph P. Hornor opposing.