had not paid the tax or received the license for carrying on his business which was then required by the statutes of the United States. The court excluded this evidence, and exceptions were duly taken to this ruling. This constituted the only Federal question in the case. The defendant moved to dismiss the writ of error for want of jurisdiction; or to affirm the judgment below on the ground that the writ had been sued out merely for delay.

Mr. Chief Justice Waite delivered the opinion of the court.

A Federal question is presented by this record, but it is so frivolous as to make it manifest that the writ was taken for delay merely. The motion to dismiss for want of jurisdiction is therefore overruled, but the motion to affirm under Rule 6, as amended May 8, 1876, is granted. *Affirmed.*

Mr. Courtlandt Parker for the motions. *Mr. Jacob Vanatta* and *Mr. Francis Kernan* opposing.

GERMANICA NATIONAL BANK *v.* CASE.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF LOUISIANA.

No. 784. October Term, 1876. — Decided January 15, 1877.

This court has jurisdiction of an appeal from a decree of a Circuit Court, requiring stockholders in an insolvent national bank to pay a given percentage on their stock which the comptroller of the currency had ordered collected, and such further sums as may be necessary to pay the debts of the bank.

Motion to dismiss. The case is stated in the opinion.

Mr. Chief Justice Waite delivered the opinion of the court.

If the decree asked and obtained in this cause had been confined to an order for the payment of the seventy per cent upon the amount of the stock held by the appellants respectively, which the comptroller of the currency has already instructed the receiver to collect, the objection taken by the appellee to our jurisdiction might have been good; but the decree as given goes further, and, after providing for the seventy per cent, adjudges that each of the appellants shall be liable to further contribution as stockholders until a sufficient sum is realized to pay the debts of the bank, and that the bill be retained until it shall be certain that no further contribution will be required. This fixes the liability of each of these appellants to contribute in this suit to the extent of the nominal amount of his stock if neces-

sary, and as the bill alleges that at least twenty-five per cent more will be required, it is apparent that the "matter in dispute" is not alone the amount already decreed but a sum in addition that may amount to thirty per cent of the stock, and is now expected to reach twenty-five per cent. Their liability generally as stockholders to make contribution has been finally established. That can never again be contested in this suit except under this appeal. For the purposes of jurisdiction we may consider that as in dispute which would be settled by the decree if it had not been appealed from.

It follows that these motions to dismiss must be *Denied.*

Mr. Charles Carr for the motion. *Mr. R. H. Marr*, *Mr. Thomas J. Durant* and *Mr. C. W. Hornor* opposing.

VAN NORDEN *v.* BENNER.

ERROR TO THE SUPREME COURT OF THE STATE OF LOUISIANA.

No. 794. October Term, 1876. — Decided April 30, 1877.

The case presents no question of Federal law.

The case is stated in the opinion.

Mr. Chief Justice Waite delivered the opinion of the court.

We find no Federal question in this record. The plaintiffs in error in their answer below claimed no "title, right, privilege, or immunity" under the bankrupt law, but only that the defendant in error availed himself of his rights under that law to force them to execute the note sued upon in order to avoid an adjudication of bankruptcy against a corporation in the existence and prosperity of which they were largely interested. The case as presented by the pleadings seems to be that the defendant in error, owning stock in and having a debt against the corporation, commenced proceedings in bankruptcy to wind up its affairs. This he had the right to do. The plaintiffs in error, fearing that he would be successful in his application and believing that their interests would be injuriously affected if he was, preferred to assume his debt and purchase his stock, in the hope thereby of saving themselves. This they had the right to do, and all that can be said against the transaction is that the defendant in error may have taken advantage of their necessities to secure himself against probable loss. This presents no question of Federal law.

The writ is dismissed for want of jurisdiction.