

Statement of the Case.

practice prevailing in the courts of the State in which the trial is had. *Missouri Pacific Railway Co. v. Chicago & Alton Railroad Co.*, 132 U. S. 191.

The only exception in respect to which plaintiff assigns error here was to the overruling of her motion for a new trial, which is not the subject of exception, according to the practice of the courts of the United States.

Various objections to the charge of the court were set out as grounds for the motion for new trial, but it nowhere appears that exceptions were taken to any of these matters, save as involved in the overruling of that motion, nor does the record show that the action of the Circuit Court was invoked upon the ground that there was no evidence to sustain the verdict.

Our right of review is limited to questions of law appearing on the face of the record, and we find none such presented here.

The judgment must therefore be

Affirmed.

Mr. B. F. Dunwiddie (with whom were *Mr. I. C. Sloane* and *Mr. B. Dunwiddie* on the brief) for plaintiff in error.

Mr. John W. Cary and *Mr. Burton Hanson* for defendant in error.

LA CONFIANCE COMPAGNIE ANONYME D'AS-
SURANCE v. HALL.

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

No. 11. Argued and submitted October 21, 1890. — Decided November 3, 1890.

In a petition for the removal of a cause from a State court on the ground of diverse citizenship, the failure to state the existence of such citizenship at the commencement of the suit as well as when the removal was asked is a fatal defect.

THE case is stated in the opinion.

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Mr. Charles B. Alexander (with whom was *Mr. John J. McCook* on the brief) for plaintiff in error.

Mr. Given Campbell for defendant in error.

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

This action was commenced by plaintiff in error in a State court, and removed to the Circuit Court of the United States for the Eastern District of Missouri upon petition of the defendant, on the ground that the plaintiff was an alien and citizen of France and the defendant a citizen of Missouri. The existence of such diverse citizenship at the commencement of the suit, as well as when the removal was asked, did not appear affirmatively in the petition for removal or in the record when that was filed.

We are compelled to reverse the judgment, with costs, and remit the cause to the Circuit Court, with a direction to remand to the State Court. *Stevens v. Nichols*, 130 U. S. 230; *Crehore v. Ohio and Mississippi Railway Co.*, 131 U. S. 240; *Jackson v. Allen*, 132 U. S. 27.

Reversed and ordered accordingly.

WASHINGTON MARKET COMPANY v. DISTRICT
OF COLUMBIA.

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

No. 10. Submitted October 21, 1890. — Decided October 27, 1890.

The court dismisses without costs to either party an appeal, the subject matter of which has been settled elsewhere, leaving only the disposition of costs involved.

IN EQUITY. The case is stated in the opinion.

PER CURIAM: This is an appeal from the decree of the Supreme Court of the District of Columbia dismissing the bill of