

## Syllabus.

stands we perceive no aspect in which that order can be treated as operating in limitation of the rights of defendant in error except in the particular of resort to the Circuit Court as above indicated.

From these considerations we conclude that there was no error in the result arrived at by the Supreme Court of Texas in the disposition of Federal questions, and its judgment is accordingly *Affirmed.*

TEXAS & PACIFIC RAILWAY v. GRIFFIN. TEXAS & PACIFIC RAILWAY v. OVERHEISER. Error to the Supreme Court of the State of Texas. Nos. 136 and 137. Argued with No. 138, *ante*, 81. MR. CHIEF JUSTICE FULLER: These cases are reported in 76 Texas, 437, 441, and involve here the same questions as those in the case above decided.

The judgments are, severally, *Affirmed.*

*Mr. John F. Dillon*, (with whom was *Mr. Winslow S. Pierce* on the brief,) for plaintiff in error.

*Mr. H. J. May*, (with whom was *Mr. C. A. Culbertson* and *Mr. A. H. Garland* on the brief,) for defendants in error.

## TEXAS AND PACIFIC RAILWAY COMPANY v. SAUNDERS.

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

No. 162. Submitted December 13, 1893. — Decided January 3, 1894.

This writ of error is dismissed because the judgment does not exceed the sum of \$5000, exclusive of costs, and the jurisdiction of the court below was not involved within the meaning of the act of February 25, 1889, 25 Stat. 693, c. 236, empowering this court to review the judgments of Circuit Courts when such is the fact.

An objection that an action is brought in the wrong district cannot be raised after the defendant has pleaded in bar.