

in dispute exceeded in value the jurisdictional amount, the Circuit Court could not take cognizance of the case or dispose of it upon its merits. 4. That least of all does this court have jurisdiction to determine the merits of this case. 5. That when a case comes here upon a certificate as to the jurisdiction of a Circuit Court, this court may not forbear to decide that question, and determine the merits of the case upon a record which does not show jurisdiction in the Circuit Court.

As these are my views as to the jurisdiction of this court, upon this record, I will not formulate and discuss my views upon the merits of this case. But to avoid misapprehension, I may add that my conviction is that upon the facts alleged in the bill (if the record showed a sufficient value of the matter in dispute) the plaintiff is entitled to relief in respect of his right to be registered as a voter. I agree with MR. JUSTICE BREWER that it is competent for the courts to give relief in such cases as this.

SENA *v.* UNITED STATES.

No. 40. Petition for modification of judgment and for rehearing. June 1, 1903.

The opinion of the court in this case is reported *ante*, p. 233.

MR. JUSTICE BROWN: *It is ordered by the court* that the decree of affirmance in this case be amended by adding the following words: "so far as such decree orders that the petition be dismissed, but without prejudice to such further proceedings as petitioner may be advised to take."