*We very readily admit, that the act establishing the seat of government, and the act appointing commissioners to superintend the public buildings, are laws of universal obligation. We admit, too, that the laws of any state to defeat the loan authorized by congress, would have been void, as would have been any attempt to arrest the progress of the canal, or of any other measure which congress may adopt. These, and all other laws relative to the district, have the authority which may be claimed by other acts of the national legislature; but their extent is to be determined by those rules of construction which are applicable to all laws. The act incorporating the city of Washington is, unquestionably, of universal obligation; but the extent of the corporate powers conferred by that act, is to be determined by those considerations which belong to the case.

Whether we consider the general character of a law incorporating a city, the objects for which such law is usually made, or the words in which this particular power is conferred, we arrive at the same result. The corporation was merely empowered to authorize the drawing of lotteries; and the mind of congress was not directed to any provision for the sale of the tickets beyond the limits of the corporation. That subject does not seem to have been taken into view. It is the unanimous opinion of the court, that the law cannot be construed to embrace it.

Judgment affirmed.

*448] *Judgment.—This cause came on to be heard, on the transcript of the record of the quarterly session court for the borough of Norfolk, in the commonwealth of Virginia, and was argued by counsel: on consideration whereof, it is adjudged and ordered, that the judgment of the said quarterly session court for the borough of Norfolk, in this case, be and the same is hereby affirmed, with costs.

Gibbons *v.* Ogden.

Error to state court.—Final judgment.

A decree of the highest court of equity of a state, affirming the decretal order of an inferior court of equity of the same state, refusing to dissolve an injunction granted on the filing of the bill is not a final decree, within the 25th section of the judiciary act of 1789, from which an appeal lies to this court.

Appeal from the Court for the Trial of Impeachments and the Correction of Errors of the State of New York.

This was a bill filed by the plaintiff below (Ogden) against the defendant below (Gibbons) in the court of chancery of the state of New York, for an injunction to restrain the defendant from navigating certain steam-boats on the waters of the state of New York, lying between Elizabethtown, in the *449] state of New Jersey, and the city of New York; *the exclusive navigation of which with steam-boats had been granted, by the legislature of New York, to Livingston and Fulton, under whom the plaintiff below claimed as assignee. On this bill, an injunction was granted by the chancellor, and on the coming in of the answer, which set up a right to navigate with steam-boats between the city of New York and Elizabethtown, under a license to carry on the coasting trade, granted under the laws of the United States, the defendant below moved to dissolve the injunction, which

motion was denied by the chancellor. The defendant below appealed to the court for the trial of impeachments and the correction of errors; the decretal order, refusing to dissolve the injunction, was affirmed by that court; and from this last order, the defendant below appealed to this court, upon the ground, that the case involved a question arising under the constitution, laws and treaties of the United States.

March 8th, 1821. The cause was opened for the appellant, by *D. B. Ogden;* but on inspecting the record, it not appearing that any final decree in the cause, within the terms of the 25th section of the judiciary act of 1789, had been pronounced in the state court, the appeal was dismissed for want of jurisdiction.

DECREE.—This cause came on to be heard, on the transcript of the record of the court for the trial of impeachments and the correction of errors of *the state of New York: on inspection whereof, it is ordered, that the appeal, in this cause, be and the same is hereby dismissed, it not appearing from the record that there was a final decree in said court for the correction of errors, &c., from which an appeal was taken.(*a*) [*450

SULLIVAN *et al. v.* FULTON STEAMBOAT COMPANY.

Averments to sustain the jurisdiction.

In order to maintain a suit in the circuit court, the jurisdiction must appear on the record; as if the suit is between citizens of different states, the citizenship of the respective parties must be set forth.[1]

APPEAL from the Circuit Court for the Southern District of New York. This was a bill in equity, filed in the court below, in which Sullivan, one of the plaintiffs, was described as a citizen of Massachusetts, and others of the plaintiffs, as citizens of Connecticut and Vermont, and the defendants were described as a corporate body incorporated by the legislature of the *state of New York, for the purpose of navigating, by steam-boats, the waters of the East river, or Long Island sound, in said state. [*451

The object of the bill was to obtain an injunction to prevent the defendants from so exercising the privileges granted to them by the said act, and by an assignment from Livingston and Fulton of their rights under certain other acts of the legislature of New York, as to obstruct the plaintiffs in the right claimed by them under the constitution and laws of the United States, and under a coasting license, of employing a certain steam-boat belonging to the plaintiffs, in the transportation of goods and passengers, in the waters of the states of Connecticut and New York. The defendants demurred to the bill, and a decree dismissing it, was entered *pro formâ*, by consent, and the cause was brought by appeal to this court.

March 8th, 1821. *Webster*, for the appellants, opened the record, from which it not appearing that the court below had jurisdiction, as the respective

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(*a*) See 4 Johns. Ch. 150, and 17 Johns. 488, where the learned reader will find the case reported, as decided in the state courts.

[1] See note to Emory *v.* Grenough, 3 Dall. 369.