

Farmers' Bank v. Hooff.

argued by counsel: On consideration whereof, this court is of opinion, that the genuine instrument, of which the said false, forged and counterfeited instrument, in the certificate of division mentioned, is in imitation, is not a bill issued by order of the president, directors and company of the Bank of the United States, according to the true intent and meaning of the 18th section of the act of congress, passed on the 16th day of April, in the year of our Lord 1816, entitled "an act to incorporate the subscribers of the Bank of the United States:" whereupon, it is ordered and adjudged by this court, that it be certified to the said circuit court of the district of Pennsylvania, that the genuine instrument, of which the said false, forged and counterfeited instrument in the certificate of division mentioned is in imitation, is not a bill issued by order of the president, directors and company of the Bank of the United States, according to the true intent and meaning of the 18th section of the act of congress, passed on the 16th day of April, in the year of our Lord 1816, entitled, "an act to incorporate the subscribers of the Bank of the United States."

*168] *FARMERS' BANK OF ALEXANDRIA, v. JOHN HOOFF *et al.*

Appellate jurisdiction.

R., being indebted to the Farmers' Bank of Alexandria, on certain promissory notes, exceeding in amount \$1000, conveyed to H. a lot of ground in Alexandria, exceeding \$1000 in value, devised to her by her husband, to secure the payment of the said notes, by sale of the lot; R. claimed an estate in fee in the property conveyed to the trustee. The sum due to the bank was reduced by payments to less than \$1000, and R. being deceased, a bill was filed by the bank to compel the trustee to sell the property conveyed to him by R., for the payment of the balance of the debt; the circuit court decreed that R. held no other interest in the property than a life-estate and dismissed the bill; the complainants appealed.

On a motion to dismiss the appeal for want of jurisdiction, the debt remaining due to the bank being less than \$1000, the amount required to give jurisdiction in appeals and writs of error from the circuit court of the district of Columbia, it was held, that the real matter in controversy was the debt claimed in the bill; and though the title of the lot might be inquired into incidentally, it did not constitute the object of the suit. The appeal was dismissed.

APPEAL from the Circuit Court of the district of Columbia for the county of Alexandria. In the circuit court of the county of Alexandria, the appellants filed a bill, setting forth, that a certain Mary Resler being indebted to the Farmers' Bank of Alexandria, as maker of certain promissory notes, amounting to \$1267, which notes were renewed, and were afterwards reduced by payments, in order to secure the payment of the sum remaining due to the bank, on the 10th of September 1823, made and executed a deed to John Hooff, one of the defendants, by which certain real estate, in the city of Alexandria, was conveyed to him, in trust to secure the payment of the amount due on said notes. The title of Mary Resler to the property so conveyed, was derived from the will of her deceased husband; and the bill claimed that she took a fee-simple in the property, to be defeated by her marrying again, and she having died without marrying, the property was liable to her debts. The bill proceeded to state, that

*169] James Galt and others, also *appellees, contended that Mary Resler took, under the will of her husband, no more than a life-estate in the property so conveyed in trust; and that John Hooff, the trustee, declined

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making a sale of the property to satisfy the debt due to the appellants. The bill asked a discovery of the asserted title of the appellees; that the equity of redemption set up by the appellees might be foreclosed; and that the trustee be decreed to sell the premises. The bill also asked for an account from the administrator of Mary Resler.

The answer of John Galt, one of the appellees, denied the title of Mary Resler in the property conveyed by the deed of trust to have been a fee-simple in her; and asserted, that the fee in the same descended to the respondent and to his brothers, and asserted, that Mary Resler took no more in the premises, under the will of her deceased husband, than an estate for life.

The circuit court, being of opinion, that Mary Resler took no more than an estate for life, under the will of her deceased husband; and conveyed to the appellant, by the deed, no more than such an estate, dismissed the complainant's bill. (4 Cr. C. C. 323.) From this decree, the appellants appealed to this court.

Fendall moved to dismiss the appeal; this court having no jurisdiction to entertain an appeal, unless the sum in controversy exceeds one thousand dollars. It was admitted, that the debt due to the bank from Mary Resler, at the time the bill was filed, did not exceed \$700; and an affidavit was exhibited to the court, to prove the estate held by the trustee exceeded \$1000 in value. Mr. Fendall cited *Columbian Insurance Company v. Wheelwright*, 7 Wheat. 534; *Meredith v. McKee*, 1 Pet. 248; and *Ritchie v. Mauro*, 2 Ibid. 248. He contended, that the only amount in controversy was the sum due to the appellants. It is the beneficial amount, that which will result to a party in the event of the suit, which gives jurisdiction.

Lee, contra, argued, that the title to the estate conveyed *to the trustee was the question in the court, and this court would look alone [*170 to the value of the estate.

MARSHALL, Ch. J., delivered the opinion of the court.—This is a motion to dismiss an appeal from a decree of the court of the United States for this district, sitting in the county of Alexandria, because the matter in controversy does not amount to \$1000. The bill was filed for the purpose of obtaining a decree for the sale of a lot, on which a deed of trust had been given, to secure the payment of a sum of money amounting with interest to less than \$1000. The bill was dismissed, and from this decree an appeal was taken.

The appellant alleges, in support of the jurisdiction of the court, that the real question is, whether the debtor be entitled to the lot, and as that is worth more than \$1000, this court may take jurisdiction, though the sum claimed in the bill is less. The court is of a different opinion. The real matter in controversy is the debt claimed in the bill; and though the title of the lot may be inquired into incidentally, it does not constitute the object of the suit. The appeal is dismissed.

Appeal dismissed.