

The CHARLES CARTER.

BLAINE v. The Ship CHARLES CARTER *et al.*

*Error.*

Whatever may be the original nature of the suit in a circuit court, it cannot be removed into the supreme court, except by writ of error.

THIS was an appeal from the Circuit Court of Virginia; and the preliminary question discussed was, whether such a process could be sustained? After argument—

THE COURT decided, that the removal of suits, from the circuit court into the supreme court, must be by writ of error, in every case, whatever may be the original nature of the suits.<sup>1</sup>

COURSE *et al.* v. STEAD AND WIFE, *et al.*

*Amendment.—Jurisdiction in error.—Averment of citizenship.—Judicial notice.*

The *teste* of a writ of error is amendable, of course.

The value of the land in controversy may be shown by affidavit, to sustain the writ of error, if it do not appear on the record.

If a new party and subject-matter be brought before the court, by supplemental bill, it must show that the court has jurisdiction, by reason of the citizenship of the parties to such supplemental bill.

The federal courts will take judicial notice, without proof, of the laws of the several states.

ERROR from the Circuit Court of the Georgia district, sitting in equity. On the record, it appeared, that upon the 5th of May 1795, an order has been made, in the case of *Stead et al., executors of Stead, v. Telfair et al.*, the legal representatives of Rae & Somerville, (a) "that 3634l. 14s. 7d. sterling, with interest at 5 per cent, from the 1st of January 1774, to the 5th of May 1795, deducting interest from the 19th of April 1775, until the 3d of September 1783, be paid to the complainants in that suit, with 5 per cent.

\*23] on the amount of principal and interest, \*for making the remittance to Great Britain. That the partnership property of Rae & Somerville, admitted by the defendants to be in their hands, be first applied to the payment of the complainants. That the lands belonging to J. Rae, or J. Somerville, deceased, referred to in the answers of the several defendants, and the title-deeds of which they admitted to be in their possession, be sold by the marshal, and the proceeds be applied to satisfy the decree; the deeds to be deposited with the clerk in three months."

On the 15th of November 1796, a second order was made by consent (PATERSON, Justice, presiding), upon the report of the clerk, that, on the 4th of January 1796, the re remained due to the complainants \$11,196.77; "that the

(a) The order was made when BLAIR, Justice, presided. The deduction of interest during the war (this being a British debt) has not received the sanction of all the federal judges. See 2 Dall. 104, in note.

<sup>1</sup> An appeal is allowed in cases of equity, admiralty and prize, by act of 3d March 1803 § 2 (2 U. S. Stat. 244); and R. S. § 692.