

CASES DETERMINED

IN THE

SUPREME COURT OF THE UNITED STATES.

FEBRUARY TERM, 1804.

WOOD *v.* WAGNON.

Averments to confer jurisdiction.

The courts of the United States have not jurisdiction in cases between citizens of the United States, unless the record expressly states them to be citizens of different states.

ERROR from the Circuit Court of the district of Georgia. The judgment was reversed, because it did not appear upon the record, that the circuit court had jurisdiction of the case.

The proceedings stated, that "the petition of John Peter Wagon, a citizen of the state of Pennsylvania, showeth, that James Wood, of the state of Georgia," &c.

The objection taken was, that it did not appear that the plaintiff and defendant were citizens of different states, and on that ground, the judgment was reversed, upon the authority of *Bingham v. Cabot et al.*, 3 Dall. 382.

WILLIAMS and HODGES *v.* LYLES.

Forthcoming bond. — Variance.

In Virginia, a forthcoming bond which, in reciting the execution, states the costs to be \$20, instead of \$12, is not thereby vitiated, if the aggregate of debts and costs be truly stated, but will support a judgment, on motion.

THIS was a writ of error to a judgment of the Circuit Court of the district of Columbia, sitting at Alexandria, upon a forthcoming bond, taken under the laws of Virginia.

The execution, upon which the bond was taken, was for "\$143.67, also \$12.33, *and 355 pounds of tobacco at the rate of 13 shillings and [*10 four pence per cwt." The recital of the execution in the bond stated it to be for "\$143.67, also \$20.33, and 355 pounds of tobacco, at the