

Strawbridge v. Curtiss.

court be reversed, and that the cause be remanded to the circuit court, that an account may be taken, in order to a final decree.

Reversed.

DECREE.—This cause came on to be heard, on the bill, answers, exhibits and other testimony in the cause, and was argued by counsel; on consideration whereof, the court is of opinion, that there is error in the decree of the circuit court, in directing the bill of the complainants to be dismissed, and that the same ought to be reversed and annulled. And this court doth farther direct and order, that the said cause be remanded to the circuit court, that accounts may be taken of the assets which are in the hands of the defendant, Thomas Young, of the payments which have been made to Enoch Silsby, and of the sums which are due to the complainants, and of such other matters as may be necessary to a final decree.

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Jurisdiction.

If there be two or more joint plaintiffs, and two or more joint defendants, each of the plaintiffs must be capable of suing each of the defendants, in the courts of the United States, in order to support the jurisdiction.¹

THIS was an appeal from a decree of the Circuit Court for the district of Massachusetts, which dismissed the complainants' bill in chancery, for want of jurisdiction. Some of the complainants were alleged to be citizens of the state of Massachusetts. The defendants were also stated to be citizens of the same state, excepting Curtiss, who was averred to be a citizen of the state of Vermont, and upon whom the *subpoena* was served in that state.

The question of jurisdiction was submitted to the court, without argument, by *P. B. Key*, for the appellants, and *Harper*, for the appellees. On a subsequent day—

MARSHALL, Ch. J., delivered the opinion of the court.—The court has considered this case, and is of opinion, that the jurisdiction cannot be supported.

The words of the act of congress are, “where an alien is a party, or the suit is between a citizen of a state where the suit is brought, and a citizen of another state.” The court understands these expressions to mean, that each distinct interest should be represented by persons, all of whom are entitled to sue, or may be sued, in the federal courts. That is, that where the interest is joint, each of the persons concerned in that interest must be competent to sue, or liable to be sued, in those courts.

But the court does not mean to give an opinion in the case where several parties represent several distinct interests, *and some of those parties are, and others are not, competent to sue, or liable to be sued, in the courts of the United States.

Decree affirmed.

¹ *New Orleans v. Winter*, 1 Wheat. 91; *Coal Co. v. Blatchford*, 11 Wall. 172; *Bissell v. Horton*, 3 Day 281; *Ward v. Arredondo*, 1 Paine 410; *Anderson v. Bell*, 2 Id. 426; *Ketchum v. Farmers' Loan and Trust Co.*, 4 McLean 1; *Bargh v. Page*, Id. 10; *Tuckerman v. Bigelow*, 21 Law Rep. 208.