

Statement of the case.

directed might do, and probably would have done, as the collection of costs, or otherwise enforcing the sentence.

Here the return shows that nothing is left to be done in the case. It is altogether gone out of the court.

These views are supported by the following cases:

In *United States v. Peters*,* which was an application for prohibition to the admiralty, this court suspended its decision to give the libellant an opportunity to dismiss his libel. The court finally issued the writ, but there seems no reason to doubt, from the report of the case, that it would have considered such action by the libellant as an answer to the request for the writ.

In the case of *Hall v. Norwood* †—a very old case, when writs of prohibition were much more common than now—a prohibition was asked to a court of the Cinque Ports at Dover. While the case was under consideration, the reporter says: “On the other hand the court was informed that they had proceeded to judgment and execution at Dover, and therefore that they move here too late for a prohibition, and of this opinion was the court, since there is no person to be prohibited, and possessions are never taken away or disturbed by prohibitions.” The marginal note by the reporter is this: “Prohibition will not lie after the cause is ended.”

The rule heretofore granted in this case is

DISCHARGED.

WALKER v. UNITED STATES.

The jurisdiction of this court to re-examine judgments of the Circuit Courts is limited to cases where the matter in dispute exceeds \$2000. Where it but equals that sum the jurisdiction does not exist.

THE United States had recovered judgment against Walker in the Circuit Court for the Eastern District of Louisiana, “for the sum of \$2000, with interest thereon at the rate of

* 3 Dallas, 121.

† Siderfin, 166.

Opinion of the court.

six per cent.," &c., and the case was now here on writ of error. Mr. Ashton, Assistant Attorney-General, citing the twenty-second section of the Judiciary Act of 1789, which gives a right to review in this court over judgments of the Circuit Courts "where the matter in dispute *exceeds* the sum or value of \$2000," now moved to dismiss the writ; the matter in dispute, as he argued, not *exceeding* \$2000, but being just equal to it. He observed that in *Knapp v. Banks*, in this court,* where the motion was to dismiss a writ where the judgment was for \$1720, but with interest added exceeded \$2000, the court granting the motion had indeed said in its order, "that where the plaintiff in the court below claims \$2000 or more, and the ruling is for a less sum, he is entitled to a writ." But this, the counsel argued, was said *obiter* only, and could not be maintained.

No one appeared against the motion.

The CHIEF JUSTICE delivered the opinion of the court.

By the terms of the twenty-second section of the Judiciary Act the jurisdiction of this court to re-examine the judgments of the Circuit Court, is limited to cases where the matter in dispute exceeds the sum or value of two thousand dollars.

It has been a good deal controverted whether the sum or value in controversy is to be determined by reference to the amount claimed or the amount of the judgment, or the amount in dispute in this court. It has been long settled, however, that when the judgment is for the defendant or for the plaintiff, and for less than two thousand dollars, and the *plaintiff* sues out the writ of error, this court has jurisdiction if the damages claimed in the declaration exceed that sum; but that if the judgment is for plaintiff and not more than two thousand dollars, and the *defendant* prosecutes in error, this court has not jurisdiction, for the amount in controversy, as to the defendant, is fixed by the judgment.† In deter-

* 2 Howard, 73.

† *Cooke v. Woodruff*, 5 Cranch, 13; *Wise v. Columbian Turnpike Co.*, 7 Id. 276; *Gordon v. Ogden*, 3 Peters, 33; *Smith v. Honey*, Id. 469.

Syllabus.

mining the jurisdictional sum or amount it is obvious that neither interest on the judgment nor costs of suit can enter into the computation, for costs form no part of the matter in dispute, and interest on the judgment can only arise after rendition, while the jurisdictional amount, if determined by the judgment, is fixed at rendition. And this was settled in *Knapp v. Banks*.^{*} In that case some expressions in the opinion and in the order seem to support the idea that if the amount of the matter in controversy is precisely two thousand dollars a writ of error will lie. But the attention of the court was not directed to such a case, and we are not aware that such a case until now was ever before the court. But there is nothing doubtful in the rules applicable to it. This court has no appellate jurisdiction, except such as is defined by Congress. The act of Congress limits this jurisdiction to cases where the matter in dispute *exceeds* two thousand dollars. We can no more take jurisdiction where the matter does not exceed than we can where it is less than that sum. The amount in controversy in the case before us, ascertained in conformity with the settled principles of the court, does not exceed two thousand dollars. We have, therefore, no jurisdiction of the writ of error, and it must be

DISMISSED.

BROWN v. WILEY.

1. Under the act of March 3d, 1863, establishing the Supreme Court of the District of Columbia, the action of that court can be examined here in no case in which like action in the Circuit Court of the district, whose place it supplies, could not be re-examined.
2. Hence, it can be examined only in those cases where there has been a final judgment, order, or decree.
3. The certificate of the finding of a jury on certain issues involving paternity, marriage, and legitimacy, sent from the Orphans' Court to the Supreme Court of the district, which certificate of finding is transmitted

* 2 Howard, 73.