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Opinion of the court.

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## JONES v. LA VALLETTE.

A judgment in the Circuit Court of Louisiana in the ordinary action by petition and summons upon a promissory note cannot be brought into this court *by appeal*. It must come here, if at all, on writ of error.

A JUDGMENT had been rendered in the Circuit Court of the United States for the Eastern District of Louisiana, in favor of La Vallette against Jones, in the ordinary action by petition and summons, upon a promissory note. The defendants below took an *appeal*, seeking to bring the case into this court in that way.

*Mr. Janin* now moved to dismiss the appeal, contending that *appeal* was not the proper form of bringing up the case.

*Mr. Durant, contra.*

The CHIEF JUSTICE delivered the opinion of the court.

The Judiciary Act of 1789 gave appellate jurisdiction to this court by writ of error, and it was held that under that act no cause could be brought here by appeal.\*

The act of 1803 gave appellate jurisdiction by appeal "from final judgments and decrees in cases of equity, of admiralty, and maritime jurisdiction, and of prize or no prize." No other cases can be brought here in this mode, and the case in the record is of neither class. It must come here, if at all, upon writ of error.

The appeal must therefore be

DISMISSED FOR WANT OF JURISDICTION.

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\* *Blaine v. Ship Charles Carter*, 4 Dallas, 22.