
Statement of the case.

Messrs. Glover and Shepley opposed the motion.

Mr. Justice MILLER delivered the opinion of the court.

We are of opinion that the record presents no case for the jurisdiction of this court. The case turns solely on the personal identity of the individual to whom the recorder confirmed, or intended to confirm, the lot in question. It involves the construction of no act of Congress. The decision of the court below denies the validity of no act under the authority of the United States. It recognizes to its fullest extent the title confirmed by the act of Congress and the act of confirmation, and only determines to whom that confirmation was made.

It is a mistake to suppose that every suit for real estate, in which the parties claiming under the Federal government are at issue as to which of them is entitled to the benefit of that title, necessarily raises a question of Federal cognizance.

If this were so, the title to all the vast domain, once vested in the United States, could be brought from the State courts to this tribunal.

In the case before us, the rules which must determine the question at issue are common law rules, and the result cannot be varied by the application of any principle of Federal law or Federal authority.*

WRIT DISMISSED.

PIERCE v. Cox.

1. An appellant cannot ask to have an appeal dismissed for want of a citation when the appellee is in court represented by counsel, and makes no objection to the want of one.
2. But an appellee may ask the dismissal when the appeal has not been allowed, or when the case comes from the District of Columbia, and the amount in controversy is less than \$1000.

THIS was the case of two motions to dismiss an appeal from the Supreme Court of the District of Columbia; one

* Ryan v. Thomas, 4 Wallace, 604.

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of the motions being made by the appellant on the ground that no citation had been issued according to law, and the other by the appellee, because the amount in controversy was not of the value of \$1000. Moreover, there was no evidence in the record of an allowance of the appeal. As to the value of the amount in controversy, it appeared that it was a life interest in \$1200 of six per cent. stock of the corporation of Washington, and not worth \$1000.

Mr. Brent, for the appellant; Mr. Davidge, contra.

The CHIEF JUSTICE delivered the opinion of the court.

The motion on the part of the appellant to dismiss the appeal, on the ground that no citation was issued according to law, cannot be sustained. The appellee is in court represented by counsel, and makes no objection to the want of citation. By this appearance the citation is waived so far as the appellee is concerned, and the appellant cannot be heard to object the want of citation occasioned by her own negligence, and cured by voluntary appearance.

But the motion of the appellee must be granted on both the grounds presented.

The law does not give to this court jurisdiction of appeals from the Supreme Court of the District of Columbia when the amount in controversy is less than \$1000.

There is, moreover, no evidence in the record of any allowance of appeal; and without an allowance this court cannot acquire jurisdiction.

WRIT DISMISSED.