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Syllabus.

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**HENNESSY v. SHELDON.**

A judgment affirmed with ten per cent. damages in addition to interest, under the 23d Rule of Court.

ERROR to the Circuit Court for the Eastern District of Texas.

Sheldon, a citizen of New York, sued Hennessy, a citizen of Texas, on two notes. The defendant pleaded the general issue and payment. Judgment was given for the plaintiff, and the defendant took this writ of error and gave bond to cause the writ to operate as a supersedeas. There was no bill of exceptions.

*Messrs. Albert Pike and R. W. Johnson, for the defendants in error,* asserting that the writ of error was manifestly frivolous, vexatious, and for delay, asked affirmance and damages at the rate of ten per centum under the 23d Rule of court.\*

*No opposing counsel.*

The CHIEF JUSTICE. There is nothing in the record which tends to show error in this judgment, or to repel the conclusion that the writ is prosecuted merely for delay. The judgment must, therefore, be

**AFFIRMED WITH TEN PER CENT. DAMAGES.**

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**WALKER v. DREVILLE.**

1. Notwithstanding the peculiarities of the Civil Code of Louisiana, the distinctions between law and equity must be preserved in the Federal courts in that State; and equity causes can only be brought to the Supreme Court for review by appeal, and cases at law by writ of error.

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\* See this rule, *supra*, 166.