

**Farmers' Bank of Alexandria Vs. Hoof**

**Farmers' Bank of Alexandria Vs. Hoof**

**SooperKanoon Citation :** [sooperkanoon.com/79392](http://sooperkanoon.com/79392)

**Court :** US Supreme Court

**Decided On :** 1833

**Appeal No. :** 32 U.S. 168

**Appellant :** Farmers' Bank of Alexandria

**Respondent :** Hoof

**Judgement :**

Farmers' Bank of Alexandria v. Hoof - 32 U.S. 168 (1833)

U.S. Supreme Court Farmers' Bank of Alexandria v. Hoof, 32 U.S. 7 Pet. 168 168 (1833)

**Farmers' Bank of Alexandria v. Hoof**

**32 U.S. (7 Pet.) 168**

*APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES OF*

*THE DISTRICT OF COLUMBIA FOR THE COUNTY OF ALEXANDRIA*

## **SYLLABUS**

R., being indebted to the Farmers' Bank of Alexandria on certain promissory notes, exceeding in amount \$1,000, conveyed to H. a lot of ground in Alexandria

exceeding \$1,000 in value devised to her by her husband to secure the payment of the said notes by sale of the lot. R. claimed an estate in fee in the property conveyed to the trustee. The sum due to the bank was reduced by payments to less than \$1,000, and R. being deceased, a bill was filed by the bank to compel the trustee to sell the property conveyed to him by R. for the payment of the balance of the debt. The circuit court decreed that R. held no other interest in the property than a life estate and dismissed the bill. The complainants appealed.

On a motion to dismiss the appeal for want of jurisdiction, the debt remaining due to the bank being less than \$1,000, the amount required to give jurisdiction in appeals and writs of error from the Circuit Court of the District of Columbia, it was held that the real matter in controversy was the debt claimed in the bill, and though the title of the lot might be inquired into incidentally, it does not constitute the object of the suit. The appeal was dismissed.

In the Circuit Court of the County of Alexandria, the appellants filed a bill setting forth that a certain Mary Resler, being indebted to the Farmers' Bank of Alexandria as maker of certain promissory notes amounting to \$1,267, which notes were renewed and were afterwards reduced by payments in order to secure the payment of the sum remaining due to the bank, on 10 September, 1823, made and executed a deed to John Hooff, one of the defendants, by which certain real estate in the City of Alexandria was conveyed to him in trust to secure the payment of the amount due on said notes. The title of Mary Resler to the property so conveyed was derived from the will of her deceased husband, and the bill claimed that she took a fee simple in the property, to be defeated by her marrying again, and she having died without marrying, the property was liable to her debts. The bill proceeded to state that James Galt and others, also

Page 32 U. S. 169

appellees, contended that Mary Resler took, under the will of her husband, no more than a life estate in the property so conveyed in trust, and that John Hooff, the trustee, declined making a sale of the property to satisfy the debt due to the appellants. The bill asked a discovery of the asserted title of the appellees, that the

equity of redemption set up by the appellees might be foreclosed, and that the trustee be decreed to sell the premises. The bill also asked for an account from the administrator of Mary Resler.

The answer of John Galt, one of the appellees, denied the title of Mary Resler in the property conveyed by the deed of trust to have been a fee simple in her, and asserted that the fee in the same descended to the respondent and to his brothers, and asserted, that Mary Resler took no more in the premises under the will of her deceased husband than an estate for life.

The circuit court, being of opinion, that Mary Resler took no more than an estate for life under the will of her deceased husband, and conveyed to the appellant by the deed no more than such an estate, dismissed the complainant's bill. 4 Cranch C.C. 323. From this decree the appellants appealed to this Court.

Page 32 U. S. 170

MR. CHIEF JUSTICE MARSHALL delivered the opinion of the Court.

This is a motion to dismiss an appeal from a decree of the Court of the United States for this District, sitting in the County of Alexandria, because the matter in controversy does not amount to \$1,000. The bill was filed for the purpose of obtaining a decree for the sale of a lot, on which a deed of trust had been given to secure the payment of a sum of money amounting with interest to less than \$1,000. The bill was dismissed, and from this decree an appeal was taken.

The appellant alleges, in support of the jurisdiction of the court, that the real question is whether the debtor be entitled to the lot, and as that is worth more than \$1,000, this Court may take jurisdiction though the sum claimed in the bill is less. The Court is of a different opinion. The real matter in controversy is the debt claimed in the bill, and though the title of the lot may be inquired into incidentally, it does not constitute the object of the suit. The appeal is dismissed.

*Appeal dismissed.*

