

**Hagar Vs. California**

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**SooperKanoon Citation :** [sooperkanoon.com/83443](http://sooperkanoon.com/83443)

**Court :** US Supreme Court

**Decided On :** Nov-12-1878

**Appeal No. :** 154 U.S. 639

**Appellant :** Hagar

**Respondent :** California

**Judgement :**

Hagar v. California - 154 U.S. 639 (1878)

U.S. Supreme Court Hagar v. California, 154 U.S. 639 (1878)

**Hagar v. California**

**No. 898**

**Submitted October 16, 1877**

**Decided November 12, 1878**

**154 U.S. 639**

*ERROR TO THE SUPREME COURT*

*OF THE STATE OF CALIFORNIA*

## SYLLABUS

This Court has no jurisdiction over a judgment of a state court when it does not appear that a federal question was raised, and that it was either decided or necessarily involved in the judgment pronounced.

Motion to dismiss. The case is stated in the opinion.

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

It nowhere appears from this record that any federal question was actually decided by the court below. None is specifically made by the pleadings, and we cannot find that any was raised under the general allegations in the answer or demurrer. The whole defense seems to have been predicated upon a supposed repugnancy between the law authorizing the assessment and the state constitution, and upon certain alleged irregularities in the proceedings under the law. It is not enough that a federal question might have been raised. We have no jurisdiction unless it actually was raised and either decided or necessarily involved in the judgment pronounced. Mr. Justice Story, in [Crowell v. Randall](#), 10 Pet. 368, decided in 1836, after reviewing all the cases down to that time, thus states the rule:

"It is not sufficient to show that a question might have arisen or been applicable to the case unless it is further shown on the record that it did arise and was applied by the state court to the case."

To the same effect is [Edwards v. Elliott](#), 21 Wall. 532, [88 U. S. 558](#) .

*The motion to dismiss is granted.*

*KEOGH v. ORIENT FIRE INS. CO.*

*No. 917*

*Submitted January 14, 1878*

*Decided January 28, 1878*

*APPEAL FROM THE SUPREME COURT*

*OF THE DISTRICT OF COLUMBIA*

The facts stated in the opinion show that there is not a sufficient amount involved in this case to give this Court jurisdiction.

The case is stated in the opinion.

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

We have no jurisdiction in this case. The litigation below involved in the appeal was between Keogh and the Orient Fire

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Insurance Company as to the ownership of a fund in court for distribution, amounting to \$1,411.44. Each of the parties claimed the whole, but the court divided it between them, giving Keogh \$729.16 and the Insurance Company \$682.29. Keogh alone appeals. The Insurance Company is satisfied. It is clear, therefore, that the value of the matter in dispute here is only \$682.29. To give us jurisdiction in appeals from the Supreme Court of the District of Columbia, the matter in dispute must exceed \$1,000 -- Rev.Stat. Sec. 705.

*Appeal dismissed.*