

Mccarthy Vs. Provost

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Court : US Supreme Court

Decided On : 1880

Appeal No. : 103 U.S. 673

Appellant : Mccarthy

Respondent : Provost

Judgement :

McCarthy v. Provost - 103 U.S. 673 (1880)

U.S. Supreme Court McCarthy v. Provost, 103 U.S. 673 (1880)

McCarthy v. Provost

103 U.S. 673

APPEAL FROM THE CIRCUIT COURT OF THE UNITED

STATES FOR THE DISTRICT OF LOUISIANA

SYLLABUS

In a suit for partition, the value of the undivided part in controversy, and not of the lands, determines the appellate jurisdiction of this Court.

APPEAL from the Circuit Court of the United States for the District of Louisiana.

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

We have no jurisdiction in this case. The suit was brought to recover one two hundred and fortieth part of certain lands, and for a partition so as to set off to the appellant in severalty that interest. It is averred in the bill that "the value of the property sought to be partitioned amounts to more than \$5,000," but the matter in dispute on this appeal is only one two hundred and fortieth part of the whole property, as that is all the appellant claims. Our jurisdiction therefore depends on the value of that part, which certainly is not shown to be more than \$5,000.

Appeal dismissed.

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