

Swope Vs. Leffingwell

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Court : US Supreme Court

Decided On : 1881

Appeal No. : 105 U.S. 3

Appellant : Swope

Respondent : Leffingwell

Judgement :

Swope v. Leffingwell - 105 U.S. 3 (1881)

U.S. Supreme Court Swope v. Leffingwell, 105 U.S. 3 (1881)

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105 U.S. 3

ERROR TO THE SUPREME COURT OF MISSOURI

SYLLABUS

This Court has jurisdiction to reexamine the judgment of a state court involving the right of a national bank to purchase a promissory note secured by a deed of trust upon real estate. A motion to affirm will, however, be granted where that is the only federal question in the case and the decision below is in recognition of the right

This was a suit brought in the Circuit Court of St. Louis County, Missouri, against Leffingwell and the other defendants, to restrain and enjoin the sale of certain real estate in the City of St. Louis under a deed of trust executed to secure the payment of a promissory note whereof the Atlas National Bank of Boston became the purchaser. The case was ultimately determined by the supreme court of the state reversing the decrees of the subordinate courts, and directing that the bill be dismissed. Swope sued out this writ of error.

A motion was made to dismiss the writ for want of jurisdiction, upon the ground that there was no federal question involved; to which was united a motion to affirm.

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

We have jurisdiction of this case. The motion to dismiss is therefore denied; but as the only federal question presented on the merits was decided by the court below in accordance with our rulings in *National Bank v. Matthews*, [98 U. S. 621](#) , and *National Bank v. Whitney*, [103 U. S. 99](#) , the motion to affirm is

Granted.