

Friend Vs. Wise

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Court : US Supreme Court

Decided On : May-05-1884

Appeal No. : 111 U.S. 797

Appellant : Friend

Respondent : Wise

Judgement :

Friend v. Wise - 111 U.S. 797 (1884)

U.S. Supreme Court Friend v. Wise, 111 U.S. 797 (1884)

Friend v. Wise

Submitted April 21, 1884

Decided May 5, 1884

111 U.S. 797

IN ERROR TO THE CIRCUIT COURT OF THE UNITED

STATES FOR THE DISTRICT OF CALIFORNIA

SYLLABUS

In ejectment in which several defendants are joined who hold separate tracts adversely to the plaintiff, this Court will not dismiss the writ of error because each separate tract is not of the jurisdictional value if their combined values are sufficient to give jurisdiction.

Motion to dismiss, with which a motion to affirm was united.

MR. JUSTICE WAITE delivered the opinion of the Court.

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These motions are denied. The value of the two sections of land which are in dispute is conceded to be more than \$5,000. The complaint alleges a joint entry and ouster, and answer does not set up separate claims to distinct parcels of the land by the several defendants. The judgment for the recovery of the possession is against all the defendants jointly. In this respect, the case is entirely different from those of *Tupper v. Wise* and *Lynch v. Bailey*, [110 U. S. 398](#) . We have jurisdiction therefore.

The questions arising on the merits are, some of them, of a character that ought not to be disposed of on a motion to affirm.

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