

Callan Vs. Bransford

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Court : US Supreme Court

Decided On : Mar-09-1891

Appeal No. : 139 U.S. 197

Appellant : Callan

Respondent : Bransford

Judgement :

Callan v. Bransford - 139 U.S. 197 (1891)

U.S. Supreme Court Callan v. Bransford, 139 U.S. 197 (1891)

Callan v. Bransford

Nos. 1271, 1594-1598, 1638

Submitted March 2, 1891

Decided March 9, 1891

139 U.S. 197

ERROR TO THE SUPREME COURT

OF APPEALS OF VIRGINIA

SYLLABUS

When the highest court of a state dismisses a case upon the ground that the matters involved were purely pecuniary, and that the amount in controversy was less than sufficient to give the court jurisdiction under the constitution of the state, no federal question arises.

When the court cannot pass upon a motion to dismiss without referring to the transcripts on file, it will deny the motion without prejudice.

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Motion to advance and motion to dismiss. The case is stated in the opinion.

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

These cases are brought here by writ of error to the Supreme Court of Appeals of the State of Virginia, except *Dillard v. Moorman*, No. 1,638, which is a writ of error to the corporation court for the City of Lynchburg. A motion is now made in each case by plaintiff in error to advance, and a motion to dismiss on behalf of defendant in error. It appears from the motion papers that *Callan v. Bransford*, No. 1,271, was carried to the Court of Appeals on writ of error to the Corporation Court of the City of Lynchburg, and that *Gregory v. Bransford*, No. 1,595, *Litchford v. Day v. Bransford*, No. 1,595, *Litchford v. Day*, No. 1,598, and *Lawson v. Bransford*, No. 1597, were taken to that court by appeal.

The writ of error in the one case and the appeals in the three others were dismissed by the Court of Appeals upon the ground that the matters involved were purely pecuniary, and that the amount in controversy in each case was less than sufficient to give the court jurisdiction under the constitution of the state. This being so, we are of opinion that the writs of error to that court must be dismissed, and it will be

So ordered.

The motion papers in *Jones v. Commonwealth*, No. 1,594, *Mallan Bros. v. Bransford*, No. 1,596, and *Dillard v. Moorman*, No. 1,638, are not such that we can pass upon the motions to dismiss without referring to the transcripts on file, which we ought not to be obliged to do. These motions and the motions to advance will be

Denied, but without prejudice.

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