

Cooper Vs. Newell

Cooper Vs. Newell

SooperKanoon Citation : sooperkanoon.com/87960

Court : US Supreme Court

Decided On : Jan-07-1895

Appeal No. : 155 U.S. 532

Appellant : Cooper

Respondent : Newell

Judgement :

Cooper v. Newell - 155 U.S. 532 (1895)

U.S. Supreme Court Cooper v. Newell, 155 U.S. 532 (1895)

Cooper v. Newell

No. 129

Submitted December 18, 1894

Decided January 7, 1895

155 U.S. 532

ERROR TO THE CIRCUIT COURT OF THE UNITED

STATES FOR THE EASTERN DISTRICT OF TEXAS

SYLLABUS

Horne v. George H. Hammond Co., [155 U. S. 393](#) , affirmed and applied.

Trespass to try title. The premises in dispute were alleged in the plaintiff's petition to be "of the value of fifty thousand dollars." The allegations therein respecting the citizenship of the parties were as follows:

"The petition of Stewart Newell, a resident citizen of the City of New York, in the State of New York, hereinafter styled plaintiff, complaining of Eliza Cooper, B. P. Cooper, and Fannie Westrope, all residents of Galveston County, in the State of Texas, and hereinafter styled defendants."

No other allegations on this point were made below, and no question of jurisdiction was raised there. Verdict and judgment for plaintiff. Defendant sued out this writ of error. In his brief filed in this Court, the counsel for the plaintiffs in error said:

"We here assign as ground for reversal the further error that the court had no jurisdiction of the cause, in that the citizenship of the defendants is not disclosed by the record. The petition complains of defendants 'all residents of Galveston County, in the State of Texas.' Nothing further on the subject is reflected by the record. "

Page 155 U. S. 533

THE CHIEF JUSTICE.

The judgment is reversed and the cause remanded to the Circuit Court for further proceedings, upon the authority of *Horne v. George H. Hammond Company, ante*, [155 U. S. 393](#) , and cases cited.

Reversed.