

Wallach Vs. Rudolph

Wallach Vs. Rudolph

SooperKanoon Citation : sooperkanoon.com/90857

Court : US Supreme Court

Decided On : May-16-1910

Appeal No. : 217 U.S. 561

Appellant : Wallach

Respondent : Rudolph

Judgement :

Wallach v. Rudolph - 217 U.S. 561 (1910)

U.S. Supreme Court Wallach v. Rudolph, 217 U.S. 561 (1910)

Wallach v. Rudolph

No. 14

Argued April 12, 13, 1910

Decided May 16, 1910

217 U.S. 561

ERROR TO THE COURT OF APPEALS

OF THE DISTRICT OF COLUMBIA

SYLLABUS

Jurisdiction to review, when dependent on amount, is determined by the amount directly, and not contingently, involved in the decree sought to be reviewed.

A writ of error will not lie to review a judgment of the Court of Appeals of the District of Columbia confirming assessments for less than \$5,000, even though plaintiff in error may be contingently liable in case the judgment stands for other assessments exceeding \$5,000, in the same proceeding on other lots disposed of pending the proceeding.

Writ of error to review 31 App.D.C. 130 dismissed.

The facts, which involve the validity of certain assessments in the District of Columbia, and the jurisdiction of this Court to review judgments of the Court of Appeals of the District of Columbia, are stated in the opinion.

MR. JUSTICE LURTON delivered the opinion of the Court.

This case was argued with the case of *Columbia Heights Realty Co. v. The Commissioners of the District of Columbia*, and the questions presented are substantially the same. The plaintiffs in error were interested as owners of certain lots or parts of lots involved in the general

Page 217 U. S. 562

proceeding for the condemnation of property for the extension of Eleventh Street, and an assessment for benefits was confirmed as to the property owned by them. They were allowed to prosecute a separate writ of error to the Court of Appeals for the District of Columbia from so much of the award as affected them, where the judgment was affirmed, and from that affirmation this writ of error has been sued out. The aggregate of the amounts which affect these plaintiffs in error, and in respect of which they have assigned error, is only \$2,450.

Jurisdictional limit upon writs of error and appeals to or from the Court of Appeals of the District of Columbia is \$5,000, exclusive of interest and costs. See Act of

Feb. 9, 1893, 27 Stat. 436, c. 74.

To sustain the jurisdiction, an affidavit has been filed to show that plaintiffs in error are contingently liable for an amount in excess of \$5,000, if this judgment is sustained, by reason of like assessments in the same proceeding upon certain other lots or parts of lots, under other subdivision numbers, and standing in the name of different owners, being lots disposed of pending the proceeding, under an undertaking to remove the lien of any assessment for benefits which might be made herein. It does not follow as matter of law that such assessments against such other lots, to other parties, will be determined by this review. But, however this may be,

"jurisdiction is to be determined by the amount directly involved in the decree appealed from, and not by any contingent demand which may be recovered, or any contingent loss which may be sustained, by either one of the parties, through the probative effect of the decree, however direct its bearing upon such contingency."

Hollander v. Fechheimer, [162 U. S. 326](#) , [162 U. S. 328](#) .

The motion to dismiss for want of jurisdiction must be granted, and the writ is accordingly

Dismissed.