

Case No. 357. ANDERSON ET AL. V. JACKSON ET AL.
 [2 Paine 426.]¹

Circuit Court, Second Circuit.²

COURTS—RECORD MUST SHOW JURISDICTION.

To give the court jurisdiction, all the parties must be capable of suing; and the record must show affirmatively that the court has jurisdiction.

{At law, Ejectment by Jackson, on the demise of Bell and others, against Benjamin Anderson and others. Judgment for plaintiffs. Defendants appeal. Reversed.}

THOMPSON, Circuit Justice. The case is put entirely upon the want of jurisdiction. James Jackson cannot be considered a party within the sense of the constitution and the act of congress. All the parties must be capable of suing. Some of the lessors are citizens of New York, or at least there is no averment of citizenship; and it must appear upon the face of the record, affirmatively, that the court has jurisdiction.

The court gives no opinion upon the other points. Judgment reversed.

¹ [Reported by Elijah Paine, Jr., in 2 Paine, which covers the period from 1827 to 1840. Date of this opinion not given.]

² [Reversing an unreported decree of the district court.]