

law of the state, upon the assent of two-thirds of the qualified voters thereof does not revoke any previous grants of similar authority.

James O. Broadhead and David P. Dyer, for plaintiff in error.

Clinton Rowell and Thomas K. Skinker, for defendant in error.

Cases cited in the opinion: Callaway Co. v. Foster, 93 U. S. 570; Scotland Co. v. Thomas, 94 U. S. 682; Henry Co. v. Nicolay, 95 U. S. 619; Ray Co. v. Vansycle, 96 U. S. 675; Schuyler Co. v. Thomas, 98 U. S. 169; Cass Co. v. Gillett, 100 U. S. 585.

#### Practice—Review on Writ of Error.

JONES and others v. BUCKELL and others, U. S. Sup. Ct., Oct. Term, 1881. Error to the circuit court of the United States for the northern district of Florida. The decision in this case was rendered on January 16, 1882. Mr. Chief Justice *Waite* delivered the opinion of the court affirming the judgment of the circuit court.

Where no issue was made directly by the pleadings, and no evidence is set forth or referred to in the bill of exceptions showing the materiality of the charge complained of, and the case presents only an abstract proposition of law, which may or may not have been stated by the court in a way to be injurious to the plaintiff in error, it will not be considered by the appellate court.

W. A. Beach, for plaintiffs in error.

C. W. Jones, for defendants in error.

Cases cited: Henderson v. Moore, 5 Cranch, 11; Railway Co. v. Heck, 102 U. S. 120; Dunlop v. Monroe, 7 Cranch, 270; Reed v. Gardner, 17 Wall. 409.

#### Jurisdiction—Collusive Assignment.

WILLIAMS v. NOTTAWA, U. S. Sup. Ct., October Term, 1881. Error to the circuit court of the United States for the western district of Michigan. The decision of the supreme court was rendered on December 5, 1881. Mr. Chief Justice *Waite* delivered the opinion of the court reversing the judgment.

Where various parties transferred negotiable securities to a non-resident for the purpose of conferring jurisdiction on the circuit court, it is the duty of the court to dismiss the case on its own motion as soon as such collusion appeared.

Hughes, O'Brien & Smiley, for plaintiff in error.

Charles Upson, for defendant in error.

Case cited in the opinion: Gordon v. Longest, 16 Pet. 104.

#### Lien of Judgment—Priority.

STEVENSON v. TEXAS & PAC. R. Co., U. S. Sup. Ct., Oct. Term, 1881. Appeal from the circuit court of the United States for the western district of Texas. The decision of the supreme court was rendered on May 8, 1882. Mr. Justice *Matthews* delivered the opinion of the court affirming the decree of the circuit court.

Under the laws of Texas the lien acquired by judgment and levy of execution is superior to an unrecorded deed; and the purchaser at the execution sale on judgments antedating the recording of a mortgage, and without notice of it, has a better title than the mortgagee, although the sale was made subsequent to the recording of the mortgage.

W. S. Herndon and A. Q. Keasbey, for appellants.

W. S. Davidge and James Lowndes, for appellees.

Cases cited in the opinion: Price v. Cole, 35 Tex. 461; Ayres v. Duprey, 27 Tex. 593; Grimes v. Hobson, 46 Tex. 416; Catlin v. Bennett, 47 Tex. 165; Mainwaring v. Templeman, 51 Tex. 205.

#### Appeal—Amount in Controversy.

LAMAR v. MICOU, U. S. Sup. Ct., October Term, 1881. Appeal from the circuit court of the United States for the southern district of New York. The case was decided in the supreme court on December 19, 1881. Mr. Chief Justice *Waite* delivered the opinion of the court dismissing the appeal, as the decree was for less than \$5,000; and the fact that the decree should have been for more than that amount cannot be urged, in order to confer jurisdiction on the supreme court.

Edward N. Dickenson and Charles Beaman, Jr., for appellant.

S. P. Nash, for appellee.

Cases cited: Thompson v. Butler, 95 U. S. 694; Sampson v. Welsh, 24 How. 207.

#### Tax Collector—Bond of.

UNITED STATES v. JACKSON, U. S. Sup. Ct., Oct. Term, 1881. Error to the circuit court of the United States for the eastern district of Virginia. The case was decided in the supreme court on October 31, 1881. Mr. Justice *Miller* delivered the opinion of the court affirming the judgment.

A bond of a collector of taxes, which does not bind the obligors on its face for the faithful performance by the principal of the duties of his office in any particular district, is not, for that reason, void as to the sureties. A declaration on such a bond must aver that he had been appointed collector of revenue for some district.

S. F. Phillips, Sol. Gen., for plaintiffs.

Shellabarger & Wilson, for defendants.

#### Practice—Affirmance—Appeal Taken for Delay.

MICAS v. WILLIAMS, U. S. Sup. Ct., Oct. Term, 1881. Error to the circuit court of the United States for the eastern district of Louisiana. The case was decided in the supreme court of the United States on January 16, 1882. Mr. Chief Justice *Waite* delivered the opinion of the court affirming the decision of the circuit court; it appearing that the writ of error had been taken for delay only, and contained no assignment of errors, as required by section 997 of the Revised Statutes.

Thomas J. Durant, for plaintiff in error.

Joseph P. Hornor, for defendant in error.