

EDWIN H. WARNER, PLAINTIFF AND APPELLEE, VS. 771 OBJECTORS AND APPELLANTS.

G.R. No. 2631. November 18, 1905

Ponente: WILLARD, J.

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WILLARD, J.:

The appellants have presented a petition asking that the case be removed to the Supreme Court of the United States by a writ of error. There are several reasons why the petition should be denied. The order of the court below allowing the appellants to prosecute their appeal to this court as paupers does not give them that right in the Supreme Court of the United States. They would not be entitled to a supersedeas without giving the security required by law.

The petition is not in proper form, and it does not appear that any assignment of error has been filed.

No ground for removing the case is alleged. Neither the Constitution nor any statute, treaty, title, right, or privilege of the United States is involved in the case.

Each one of the 771 appellants filed a separate answer in the court below, in which he claimed ownership of a certain tract of land. No one of the appellants has or claims any interest in the tracts of land claimed by the other appellants. Under these circumstances no one of them has a right to remove the case to the Supreme Court of the United States unless the tract of land of which he claims to be the owner exceeds in value \$25,000 in money of the United States. The fact that all of the different tracts of land claimed by the different appellants exceed in value that sum does not give them the right to such removal. (*Tupper vs. Wise*, 110 U. S., 398.)

The petition for a writ of error is denied, and the case will be remanded to the Court of Land Registration, from which it proceeded, ten days after the entry of judgment in this case. So ordered.

Arellano, C.J., Torres, Mapa, Johnson, and Carson, JJ., concur.

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