

8 S.Ct. 1135
Supreme Court of the United States.

JOHNSON
v.
CHRISTIAN *et al.*

May 14, 1888.

Appeal from the Circuit Court of the United States for the Eastern District of Arkansas.

On petition by appellees for rehearing. For former opinion see *ante*, 989.

West Headnotes (1)

[1] **Federal Courts**

 Remedies and enforcement of judgment

A bill in a federal court to restrain the enforcement of a judgment by such court in ejectment between the same parties, on account of an equitable defense that could not be pleaded in ejectment, need not allege the citizenship of the parties, since no other court than the one which rendered the judgment could stay process in it on the grounds set forth.

[9 Cases that cite this headnote](#)

Attorneys and Law Firms

**1135 *643 *U. M. Rose*, for appellees.

Opinion

*645 BLATCHFORD, J.

In this case, on the 16th of April last, this court made a decree reversing with costs the decree of the circuit court, and remanding the case to that court for further proceedings. *Ante*, 989. This was done upon **1136 the view that the record contained no evidence of the jurisdiction of the circuit court arising out of the citizenship of the parties; but the fact was over looked that the bill states that the defendant had obtained a judgment in ejectment in the same court, (the circuit court of the United States for the Eastern district of Arkansas,) and was seeking to oust the plaintiffs from the possession of the land involved, by a writ of possession founded on the judgment. The bill further sets forth that the plaintiffs in this suit, who are the appellants, had not been admitted to interpose in the ejectment suit an equitable defense to the same, which they state with particularity in the bill in this suit, and which they seek to avail themselves of herein. One of the prayers of the bill is for a perpetual injunction restraining the defendant from enforcing or attempting to enforce against the land the judgment in ejectment. The answer admits the recovery of the judgment in the same court. *646 This is sufficient to give the circuit court jurisdiction of the case, without any averment of the citizenship of the parties; and not only is the present suit in equity merely an incident of and ancillary to the ejectment suit, but no other court than the one which rendered the judgment in the ejectment suit could interfere with it, or stay process in it, on the grounds set forth in the bill. *Minnesota Co. v. St. Paul Co.*, 2 Wall., 609, 633; *Krippendorf v. Hyde*, 110 U. S. 276, 4 Sup. Ct. Rep. 27; *Railroad Co. v. Railway Co.*, 111 U. S. 505, 4 Sup. Ct. Rep. 583. The decree made by this court on the 16th of April last is therefore vacated, and the case will stand for hearing on the merits at the next term of this court, in its order on the docket.

Parallel Citations

8 S.Ct. 1135, 31 L.Ed. 820