

might throw much light upon the intent, which probably actuated him in becoming interested in any part of it.

Lovell
vs.
Briggs.

It may be proper, too, that the inquiry should take a broader range than his conduct, *afterwards*, concerning this particular purchase and this particular heir; because, as contended for by the plaintiff, the whole intestate estate was probably managed with similar views; and the disposition of the whole would be likely, in some degree, to be made subservient or conformable to his views and interest in a part.

Thus it is established practice to admit evidence concerning different sales of a debtor's estate, made at or about the same time, to show a fraudulent intent in the debtor to injure his creditors.(1) So, where the charge was the procurement of goods by a fraudulent conspiracy, testimony was admitted of other transactions of the supposed conspirators, *soon after*, to prove a probable intent and combination to defraud in the first case.(2) So, to prove a knowledge, that a bill is forged, or that the payee is fictitious, it is competent to show circumstances connected with the passing of other bills by the same party. 2 *Hen. Bl.* 288.—4 *Bos. & Pul.* 94-5.—1 *Phi. Ev.* 137. See, also, 1 *John.* 100, 103.—3 *Es. Ca.* 193.—2 *John. Ca.* 198.*

(1) Thrasher
vs. Haines,
Rock. Feb.
1822.

(2) 3 *John.*
237.

For these reasons, the verdict must be set aside, and a

New trial granted.



NATHAN ROBBINS vs. ISAAC APPLEBY.

The jurisdiction of the superior court to affirm judgments of inferior courts, from which an appeal has been claimed, but not prosecuted, is confined to cases where an appeal has been lawfully claimed.

THIS was a complaint filed by *Robbins vs. Appleby*, for not entering in this court an appeal claimed by the latter from a judgment of the court of common pleas in this county, ren-

* 16 Mass. Rep. 348, *Somes vs. Skinner*.—3 *Barn. & Ald.* 566, *Rex vs. Hunt et al.*

Robbins
vs.
Appleby.

dered at Sept. term, 1819, in favor of *Robbins*, for \$30 debt or damages, and \$ costs of suit. The action in which the judgment was rendered, was commenced in February, 1817, and the sum demanded in damages was \$30, and the title of real estate was not drawn in question in the case.

(1) 2 N. H.
Laws 47, sec.
11.

RICHARDSON, C. J. The statute of June 27, 1816,(1) declares, " that the several and respective courts of common pleas as " by this act established shall have final and conclusive jurisdiction of all pleas and actions wherein the sum demanded " in damages shall not exceed fifty dollars, except that in " which the title of real estate is drawn in question, so that " no appeal shall be granted in such personal actions as aforesaid, unless the plaintiff's demand shall exceed the sum of " fifty dollars." It is very clear in this case that no appeal was allowed by law from the judgment of the court below. The appeal was therefore a mere nullity.

(2) 1 N. H.
Laws 102, sec.
10.

By the statute of Feb. 9, 1791,(2) it is enacted, that " if any " such appellant shall neglect to enter his appeal at the " court appealed to, the justices of the last mentioned court " shall, on complaint made by the appellee, affirm the former judgment in whole or in part, in case the same was on " demurrer, as to them may seem just and reasonable, with " additional damages not exceeding the lawful interest and " costs."

Upon this clause in the statute, the present complaint is founded. But we are of opinion that the jurisdiction of this court to affirm judgments of the courts below, when an appeal is not prosecuted, is confined to cases, where an appeal has been lawfully claimed; and that in this case, as no appeal could be lawfully claimed, we have no jurisdiction either to affirm the judgment of the court below, or allow additional damages. 5 *Mass. Rep.* 379, *Campbell vs. Howard*.

Complaint dismissed.