ing by way of estoppel, may cure irregularities in the execution of a statutory power, but they cannot create it. If, as in the present case, legislative authority was wanting, the bond has no validity.

The general act of April 19, 1872, is referred to in the declaration. But it does not avail in this case; for, although the bonds were issued after its passage, the subscription took place before, and the act applies only to future elections and subscriptions and authorizes only bonds bearing interest at seven *per cent.* per annum.

Judgment affirmed.

MOWER *v.* FLETCHER.

SAME *v.* SAME & Another.

IN ERROR TO THE SUPREME COURT OF THE STATE OF CALIFORNIA.

Submitted March 23, 1885.—Decided March 30, 1885.

A judgment of the Supreme Court of a State remanding a case to a State court with orders to enter a specified judgment is a final judgment for the purposes of a writ of error to this Court.

A judgment of a superior court remanding a case to an inferior court for entry of judgment, and leaving no judicial discretion to the latter, as to further proceedings, is final.

These were motions to dismiss two causes brought here in error from the Supreme Court of California. The grounds for the motions are stated in the opinion of the court.

Mr. M. D. Brainard and *Mr. James K. Redington* for the motions.

Mr. William J. Johnston, opposing.

Mr. Chief Justice Waite delivered the opinion of the court. These motions are made on the ground that the judgments

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for the review of which the writs of error were sued out are not final judgments. The judgment in each case is that the judgment of the State District Court "be, and the same is hereby, reversed with costs, with directions to the Superior Court of Los Angeles County to enter judgment upon the findings for the plaintiff as prayed for in his complaint."

That judgment is final for the purposes of a writ of error to this court, which terminates the litigation between the parties on the merits of the case, so that, if there should be an affirmance here, the court below would have nothing to do but to execute the judgment it had already rendered. *Bostwick* v. *Brinkerhoff*, 106 U. S. 3, and the numerous cases there cited. The judgments in these cases are of that character. The litigation is ended, and the rights of the parties on the merits have been fully determined. Nothing remains to be done but to require the inferior court to perform the ministerial act of entering the judgments in that court which have been ordered. This is but carrying the judgment of the Supreme Court which has been rendered into execution. Nothing is left to the judicial discretion of the court below. The cases relied on in support of the motions to dismiss were all judgments or decrees of reversal, with leave for further proceedings in the inferior court. Such judgments are not final, because something yet remains to be done to complete the litigation.

The motion in each of the cases is overruled.

BUTTERWORTH, Commissioner, *v.* HILL & Others.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF VERMONT.

Argued March 9, 1885.—Decided March 30, 1885.

The provision in § 739 that no suit shall be brought in a Circuit or District Court of the United States against an inhabitant of the United States, by original process, in any other district than that of which he is an inhabit-