

## Cases Omitted in the Reports.

been broken by the other." This disposes of the first ground upon which our jurisdiction is invoked in this case. The law complained of simply provides for divorces in certain cases after hearing by a court of competent jurisdiction.

The suit in Louisiana was one affecting the personal status of the defendant in error, a citizen of that State. The contract of marriage from which he sought to be liberated had been entered into in that State when both parties were citizens of the State. The question presented for decision below, and decided, was not what would be the rights of the plaintiff in error if she had been a citizen of the State of New York when the suit was commenced against her in Louisiana, but whether she was a citizen of New York. The court decided she was not. Such a decision of the state court does not present a question of which we have jurisdiction.

*The motion to dismiss is granted.*

*Mr. Thomas J. Durant and Mr. C. W. Hornor* for the motion.  
*Mr. D. D. Lord* opposing.

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KNOX COUNTY *v.* UNITED STATES *ex rel.* HARSHMAN.

ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE  
EASTERN DISTRICT OF MISSOURI.

No. 712. October Term, 1878.—Decided January 29, 1879.

A defective *supersedeas* bond is vacated and a proper one ordered to be filed.

THIS was a motion to vacate a *supersedeas*. The case is stated in the opinion.

MR. CHIEF JUSTICE WAITE delivered the opinion of the court.

The *supersedeas* bond in this case is clearly defective. It recites a judgment rendered, at the March Term, 1878, of the Circuit Court, against the defendant, "in a suit depending in said court between George W. Harshman, plaintiff, and Knox County, in the State of Missouri, defendant." That is not a true description of the judgment awarding the mandamus upon which the writ of error was sued out, or of either of the judgments for the collection of which the mandamus was awarded.

We think the case a proper one for the allowance of an amendment of the bond, *O'Reilly v. Edrington*, 96 U. S. 726, and it is accordingly ordered that the *supersedeas* be vacated, unless the plaintiffs in error shall, on or before the first Monday in January

Phillips, Petitioner.

next, file with the clerk of this court a new bond in the penal sum of twenty thousand dollars, with good and sufficient security, conditioned according to law.

*So ordered.*

*Mr. T. K. Skinker* for the motion. *Mr. David P. Dyer* opposing.

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PHILLIPS, PETITIONER.

ORIGINAL.

No. 11. Original. October Term, 1879.—Decided November 10, 1879.

The court declines to hear an argument whether mandamus shall issue to the Circuit Court directing it to order stipulators for value and sureties on an appeal bond in an admiralty suit to appear for examination concerning their property: whether it has the power to issue the writ in such case *quære*.

THIS was a motion for a writ of mandamus. The case is stated in the opinion.

**MR. CHIEF JUSTICE WAITE** delivered the opinion of the court.

The petitioner shows that, having recovered a summary judgment in an admiralty suit against the stipulators for value and the sureties on an appeal bond, he moved the Circuit Court for an order on such stipulators and sureties to appear "for examination concerning their property, according to the laws and practice of the State of New York;" and also for an order that they "disclose all information concerning their property, with a view to the sequestration thereof, and that they be directed to convey all their said property to a sequestrator to be appointed by the court," and also that they "be punished for their contempt in not performing their stipulations and failing to comply with the provisions of the decrees." These motions were overruled by the court, and we are now asked for an order on that court to show cause why a mandamus should not issue commanding it to exercise the power and grant the remedy sought.

Even if we have the power to grant a mandamus in a case like this, the reasons assigned by the circuit judge in his opinion for refusing the motion are so satisfactory and show so clearly that he was right in what he did, that we think it quite unnecessary to hear an argument, and, therefore, deny the application for the rule.

*Rule denied.*

*Mr. H. J. Scudder* and *Mr. Frank W. Hackett* for the petitioner.  
No one opposing.