transcript of the record lodged with the clerk by the appellants, which this court refused until he produced the certificate required by the 30th rule of this court, since when he had obtained the necessary certificate, and whereon the appeal had been regularly docketed and dismissed with costs: whereupon this court, not being now here sufficiently advised of and concerning what judgment to render in the premises, took time to consider.

Per curiam. On consideration of the motion made in this cause on a prior day of the present term of this court, to wit, on Saturday, the 16th instant, and of the arguments of counsel thereupon had, as well in support of as against the motion: It is now here ordered by the court that said motion be and the same is hereby granted, that said order be and the same is hereby rescinded and annulled; and that the appellants have leave to docket this appeal, upon the payment of the costs in this case, and filing the usual fee bond.

So ordered.

Mr. Sergeant for appellants. *Mr. Crittenden* for appellees.[1]

EX PARTE HARMON. IN RE DIXON *v.* MILLER.

ORIGINAL.

No. 2. December Term, 1845. — Decided December 30, 1845.

On application for mandamus on a Circuit Court, that court having made return, this court will not, on the suggestion of a third party, pass any order implying that the return was imperfect or might work injustice to the petitioner.

Rule on judges of the Circuit Court of the United States for the District Court of Columbia to show cause why a writ of mandamus should not issue. Motion of A. D. Harmon to be made a party respondent. The case is stated in the opinion.

Mr. Chief Justice Taney delivered the opinion of the court.

At the last term of this court a petition was filed by Turner Dixon setting forth that he obtained a judgment in the Circuit Court of the District of Columbia for the county of Alexandria against William Deane, Aaron D. Harmon and Joseph H. Miller, upon which, on the 5th of December, 1843, he sued out a *fieri*

[1] The cause was redocketed February 19, 1839, as No. 93 of January Term, 1839.

facias which was levied upon the goods and chattels of the said Miller; that further proceedings upon the execution were afterwards stayed by injunction; that various other proceedings, particularly set out in his petition, subsequently took place in relation to the said judgment in the Circuit Court sitting either as a court of equity or as a court of law; and that finally on the first of June, 1844, the Circuit Court, sitting as a court of law, made an order that no execution issued or to be issued on the said judgment, should be levied on the person or property of the said Miller; and the petitioner thereupon moved this court for a rule on the judges of the Circuit Court to show cause why a mandamus should not issue commanding them to permit an execution to be issued on the said judgment, and levied on the goods and chattels or body of the said Miller.

Upon this motion a rule returnable to this term was accordingly granted, and the judges have made their return, which is now on the files of the court.

In this state of the proceedings Harmon, one of the defendants against whom judgment was rendered as above mentioned, and against whom the *fi. fa.* issued, has filed his petition stating that an order was passed by the Circuit Court in relation to the execution against him, precisely similar to that in relation to Miller of which the relator complains; that he is equally interested with Miller in the proceeding here, but that his case is not brought up, nor the proceedings of the Circuit Court which show the order in relation to him. And upon this statement he and Miller jointly move the court to allow the judges of the Circuit Court to amend their return by adding thereto a statement of the proceedings in his case; a certified copy of which accompanies the petition.

We do not see any ground on which this motion can be maintained. The judges of the Circuit Court have made no application to this court for leave to alter or add to their return, and we are therefore bound to suppose that they are themselves satisfied with it; and that it contains everything that they deem proper to say or return in answer to the rule. This court ought not therefore to pass an order, upon the suggestion of a third party, which would seem to imply that the return was imperfect, and that it might on that account work injustice to the petitioner.

And as concerns the relator, he has undoubtedly a right to proceed if he thinks proper, against Miller alone, and cannot be

compelled to move against the other parties to the judgment in question unless he desires to do so. Whether he has made proper parties or not, and whether he can obtain the remedy he seeks for without including Harmon, are open questions which may be raised on the motion for the peremptory mandamus. But in this stage of the proceeding we certainly cannot inquire whether the necessary parties have all been brought before the court; nor can we require the relator against his will to add another when he himself elects to proceed against Miller alone.

The motion is therefore overruled.

Mr. Davis and *Mr. Brent* for relator. *Mr. Smith* and *Mr. Coxe* for respondent.

UNITED STATES *v.* LYNDE'S HEIRS. SAME *v.* PINTARD'S WIDOW. SAME *v.* DUPLANTIER. SAME *v.* ELKIN'S HEIRS. SAME *v.* CLARK'S EXECUTORS. SAME *v.* POWER'S HEIRS. SAME *v.* WIKOFF'S ADMINISTRATOR. SAME *v.* JOHNSON'S HEIRS. SAME *v.* FORTIER. SAME *v.* LEONARD'S WIDOW. SAME *v.* CITIZEN'S BANK.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF LOUISIANA.

Nos. 26, 43, 30, 34, 37, 38, 62, 70, 72, 75, 77. December Term, 1851. — Decided February 19, 1852.

Grants of land made by Spain after the Treaty of St. Ildefonso were void.

The case is stated in the opinion.

Mr. Chief Justice Taney delivered the opinion of the court.

These cases all depend on the same principle. The several grants were all made after the treaty of St. Ildefonso, by which the territory was ceded to the United States. This court has repeatedly decided that these grants are void. And the decisions of the District Court to the contrary in the within mentioned cases must all be reversed, and a mandate issued directing the several petitions to be dismissed.

Mr. Attorney General for appellant. *Mr. May* and *Mr. R. J. Brent* for appellees in No. 26. *Mr. Taylor* and *Mr. Louis Janin* for appellee in Nos. 43, 38 and 72. *Mr. Taylor*, *Mr. Janin* and *Mr. Coxe* for appellees in No. 37. *Mr. Fendall* for appellee in No. 63. No appearance for appellees in Nos. 30, 34, 70, 75 and 77.