in the state of New York. It is further admitted, that the said John Dewhurst in all things complied with the said statutes of bankruptcy before referred to, and that on the 11th of August 1792, he obtained a certificate of bankruptcy duly executed.

"Upon the above state of the case, it is submitted to the supreme court of the United States, to determine whether the certificate issued under the laws of Pennsylvania, operates as a discharge of the said debt, notwithstanding its being contracted in another state, where there was no bankrupt law, and while the defendant was resident in the said state of New York. If the court should be of opinion that it does, it is agreed that judgment be entered for the defendant; otherwise, for the plaintiff, for $1120 damages, and six cents costs."

The Court, on the ensuing morning, returned the state of the case, declaring, that they could not take cognisance of any suit or controversy, which was not brought before them, by the regular process of the law.

Motion refused.

Ex parte Hallowell.

Attorneys.

An attorney of the supreme court may be transferred to the roll of counsellors.

Mr. Hallowell had been admitted, originally, as an attorney of this court; but now *Lewis* moved, that his *name should be taken from the roll of attorneys, and placed on the list of counsellors.

*411]

The Court directed the transfer to be made; and Mr. Hallowell was qualified, *de novo*, as counsellor.

Fowler *et al. v.* Lindsey *et al.*

Fowler *et al. v.* Miller.

Certiorari.—States as parties.

A *certiorari* does not lie to remove a canse, on account of the absence of jurisdiction in the court in which it is pending.

The fact that the land which is the subject of controversy was granted by, and is claimed under, a state, does not make the state a party to the suit; nor does an issue, whether it be within the limits of a state.[1]

A rule had been originally obtained in these actions (which were depending in the circuit court for the district of Connecticut), at the instance of the defendants, requiring the plaintiff to show cause why a *venire* should not be awarded to summon a jury from some district, other than that of Connecticut or New York; but it was changed, by consent, into a rule to show cause why the actions should not be removed by *certiorari* into the supreme court as exclusively belonging to that jurisdiction.

On showing cause, it appeared, that suits, in the nature of ejectments had been instituted in the circuit court for the district of Connecticut, to re-

[1] And see United States Bank *v.* Planters' Bank, 9 Wheat. 904; Bank of Kentucky *v.* Wister, 2 Pet. 318.