

Rhode Island v. Massachusetts.

and against the awarding and issuing of the said writ of *mandamus*, and upon consideration of the arguments of counsel, as well on your behalf, showing cause as aforesaid, as on behalf of the said demandant, in support of the said rule, it was considered by the said supreme court, that you had certified and returned to the said court an insufficient cause for having dismissed the said actions, and against the awarding and issuing of the said writ of *mandamus*, pursuant to the rule aforesaid; the said supreme court being of opinion, and having determined and adjudged upon the matter aforesaid, that in cases where the demand is not made for money, and the nature of the action does not require the value of the thing demanded to be stated in the declaration, the practice of the said supreme court, and of the courts of the United States, is to allow the value to be given in evidence; that, in pursuance of this practice, the demandant in the suits dismissed by order of the judge of the district court, had a right to give the value of the property demanded in evidence, either at or before the trial of the \*650] cause, and would have a right to give it in evidence \*in the said supreme court; consequently, that she cannot be legally prevented from bringing her cases before the said supreme court; and it was also then and there considered by the said supreme court, that the peremptory writ of the United States issue, requiring and commanding you, the said judge of the said district court, to reinstate and proceed to try and adjudge, according to the law and right of the case, the several writs of right and the *mises* therein joined, lately pending in your said court between the said Martha Bradstreet, demandant, and Apollos Cooper and others, the tenants aforesaid: Therefore, you are hereby commanded and enjoined, that immediately after the receipt of this writ, and without delay, you reinstate and proceed to try and adjudge according to the law and right of the case, the several writs of right and the *mises* therein joined, lately pending in your said court between the said Martha Bradstreet, demandant, and the said Apollos Cooper and others, the tenants herein-above named, so that complaint be not again made to the said supreme court; and that you certify perfect obedience and due execution of this writ to the said supreme court, to be held on the first Monday in August next. Hereof fail not, at your peril, and have then there this writ.

Witness the honorable John MARSHALL, chief justice of said supreme court, the second Monday of January, in the year of our Lord one thousand eight hundred and thirty-three.

W. T. CARROLL,

Clerk of the Supreme Court of the United States.

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\*651] \*STATE OF RHODE ISLAND, Complainant, v. STATE OF MASSACHUSETTS.

MR. *Robbins*, solicitor for the complainant, having renewed his motion of last term, in this case, prayed the court to award such process, and in such form, as the court may deem proper.

ON consideration of the motion made in this case, it is now here ordered by the court that process of *subpoena* be and the same is hereby awarded, as prayed for by the complainant, and that said process issue against "The Commonwealth of Massachusetts."