

Hook v. Linton.

The court doth, therefore, finally order, adjudge and decree, that the decree of the district court of Missouri be and the same is hereby annulled and reversed, except as to such part or parts of the land surveyed to the said Soulard, pursuant to the aforesaid concession, as had been sold by the United States, before the filing of the petitions in this case, as to which the decree of the district court is hereby affirmed, and the land so sold confirmed to the United States. And this court, proceeding to render such decree as the district court ought to have rendered, doth further order, adjudge and decree, that the title of the petitioners to all of said land embraced in said concession and survey, which has not been so sold by the United States, is valid by the laws and treaty aforesaid, and is hereby confirmed to them, agreeable to said concession and survey. And the court doth further order, adjudge and decree, that the surveyor of the public lands in the state of Missouri shall cause the land specified therein, and in this decree, to be surveyed at the expense of the petitioners, and to do such other acts thereon as are enjoined by law on such surveyor. Also, that such surveyor shall certify on the plats and certificates of such survey to be so made, what part or *106] parts of *the original survey of such land has been sold as aforesaid by the United States, together with the quantity thereof. Which being ascertained, the said petitioners, their heirs or legal representatives, shall have the right to enter the same quantity of land as shall be so certified to have been so sold by the United States, in any land-office in the state of Missouri, after the same shall have been offered for sale, which entry shall be made conformable to the act of congress in such case made and provided.

*107] *HARRIET E. HOOK and others, Appellants, v. JOHN LINTON, Curator.

Practice.

The death of the appellee having been suggested, and the counsel for his executor offering to enter his appearance for the executor, the court sustained a motion to dismiss the cause, as no person appeared to prosecute the suit for the appellants.

BILL in Equity from the District Court of Louisiana, brought by appeal to this court, from a decree of a district court dismissing the bill upon a demurrer.

It was suggested by *Porter*, as counsel for appellee, that Linton was dead, and he was ready to enter his appearance for his executor, and to revive the suit; and as no person appeared to prosecute the suit for the appellants, he moved for a dismissal of the appeal.

THE COURT took the motion into consideration, and on the succeeding day, directed the appeal to be dismissed.