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Simpson *v.* The United States.

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## ORDER.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Florida, and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this court, that the judgment of the said District Court in this cause be, and the same is hereby, reversed and annulled, for the want of jurisdiction in that court, and that this cause be, and the same is hereby, remanded to the said District Court, with directions to quash the indictment and discharge the prisoner.

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**EZEKIEL SIMPSON, PLAINTIFF IN ERROR, *v.* THE UNITED STATES.**

In error to the District Court of the United States for the Northern District of Florida.

Mr. Justice NELSON delivered the opinion of the court.

This is a writ of error, under the eighth section of the act of Congress passed February 22, 1847, to bring up the judgment of the United States District Court for the Northern District of Florida for review.

The indictment upon which the prisoner was convicted was founded upon the act of Congress passed March 2, 1831, and the case, as appears from the record, agrees in all respects with the case of *Forsyth v. The United States*, just decided, and to the opinion in which we refer for our judgment in this case.

The motion on behalf of the Attorney-General to dismiss the writ of error for want of jurisdiction is denied, and the judgment of the court below reversed, and the proceedings remitted to the court, with direction to quash the indictment and discharge the prisoner from his recognizance, or imprisonment, as the case may be.

## ORDER.

This cause came on to be heard on the transcript of the \*record from the District Court of the United States for the Northern District of Florida, and was argued by coun-  
sel. On consideration whereof, it is now here ordered [<sup>\*579</sup> and adjudged by this court, that the judgment of the said

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Cotton *v.* The United States.

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District Court in this cause be, and the same is hereby, reversed and annulled, for the want of jurisdiction in that court, and that this cause be, and the same is hereby, remanded to the said District Court, with directions to quash the indictment and discharge the prisoner.

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**LOFTIN COTTON, PLAINTIFF IN ERROR, *v.* THE UNITED STATES.<sup>1</sup>**

In the preceding case of *Forsyth v. The United States*, this court decided that the act of Congress passed on the 22d of February, 1847 (Sess. Laws, 1847, ch. 17), gave jurisdiction to this court to review certain classes of cases brought up from the Territorial courts of Florida.

A motion to dismiss one of these cases, for want of jurisdiction, must be denied.

IN error to the District Court of the United States for the Northern District of Florida.

Mr. Justice NELSON delivered the opinion of the court.

This is a motion on the part of the Attorney-General, to dismiss the writ of error for the want of jurisdiction.

The suit was brought by the United States against the defendant in the Superior Court of the District of West Florida, in the late Territory of Florida, for a trespass on government lands.

The declaration was filed in December term, 1844; and the plea of not guilty, in the vacation thereafter, on the 26th of March, 1845.

The cause remained pending in said court, or without any further proceedings therein, until the 15th of January, 1848, when the records and papers in the same were transferred to, and filed in, the United States District Court for the Northern District of Florida, in pursuance of the act of the 22d of February, 1847 (Sess. Laws, ch. 17, § 8), and at the January term of the court, 1848, held at Tallahassee, it was ordered that the cause be docketed and stand for trial at the next March term of the said court, to be holden at Pensacola, notice of which order was given to the defendant. At the March term, the defendant appeared, and on leave filed a

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<sup>1</sup> See further decision, 11 How., 229.