
Florida *v.* Georgia.

town of Huntsville, in said district, on the fourth Monday in November, A. D., 1850, in a certain cause therein pending in said court, wherein Early Boyd was plaintiff, and William Scott and William Greene were defendants, judgment was rendered therein in favor of said defendants against said plaintiff, for the costs of suit, amounting to the sum of dollars, and that from the said judgment the said Early Boyd, on the 29th day of November, A. D., 1850, prayed and obtained a writ of error to the then next term of the Supreme Court of the *United States, and on the day last afore-
 *293] said entered into bond in the penalty of one thousand dollars with Silas Parsons his security, payable to the said William Scott and William Greene, conditioned that, if the said Early Boyd should prosecute the said writ of error to effect, and should also pay and satisfy the judgment which shall be rendered in said cause by the Supreme Court of the United States, then the said obligation should be void, else remain in full force and virtue.

“In testimony whereof, I hereto subscribe my name and affix the seal of the said District Court, at office, in the town of Huntsville, in the District aforesaid, this the 24th day of January, A. D., 1851, and of the independence of the United States of America the seventy-fifth.

“B. T. MOORE, *Clerk.*”

moved the court for a rule on the plaintiff in error, to file the record on or before the day of , and that on failure the case be dismissed. On consideration whereof, it is now here ordered by the court, that the said motion be, and the same is hereby, overruled.

Per MR. CHIEF JUSTICE TANEY.

THE STATE OF FLORIDA, COMPLAINANT, *v.* THE STATE OF
 GEORGIA.
Bill in Chancery.

A bill by the State of Florida against the State of Georgia ordered to be filed, and process of subpoena directed to be issued against the State of Georgia.¹

MESSRS. JOHNSON and WESTCOTT, solicitors for the complainant, moved the court for leave to file the bill of complaint

¹ Further decision, 17 How., 478.

Hogan et al. v. Ross.

in the cause and for a writ of subpoena, or such process as to the court may seem proper. Whereupon this court, not being now here sufficiently advised of and concerning what order to render in the premises, took time to consider.

On consideration of the motion made in this case yesterday, by the solicitors for the complainant, it is now here ordered by the court that this bill of complaint be filed, and that process of subpoena be, and the same is hereby, awarded, as prayed for by the complainant, and that said process issue against "The State of Georgia."

***GEORGE W. PHILLIPS, PLAINTIFF IN ERROR, v. JOHN S. PRESTON.** [*294]

A writ of error abated where the death of a plaintiff in error was suggested, and leave granted to make proper parties at December term, 1846, representatives not yet having been made.

THIS cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Louisiana. And it appearing to the court here that, upon the suggestion of the death of the plaintiff in error by his counsel, leave was granted by this court to make the representatives of the deceased parties at a prior term of this court, to wit, at December term, 1846, and that the proper representatives have not yet been made, it is thereupon now here ordered and adjudged by this court, that this writ of error be, and the same is hereby, abated, and that this cause be, and the same is hereby, remanded to the said Circuit Court, to be proceeded in according to law and justice.

SMITH HOGAN, ARTHUR S. HOGAN, AND REUBEN Y. REYNOLDS, PLAINTIFFS IN ERROR, v. AARON ROSS, WHO SUES FOR THE USE OF ROBERT PATTERSON.

Where a case was dismissed by this court for want of a citation, and the plaintiff in error sued out another writ, and applied to this court for a supersedeas to stay execution in the court below, the application cannot be granted. This court is not authorized to grant a supersedeas unless the writ of error has been sued out within ten days after the rendition of the judgment, and in