in the cause and for a writ of subpœna, 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 subpœna be, and the same is hereby, awarded, as prayed for by the complainant, and that said process issue against " The State of Georgia."

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*George W. Phillips, Plaintiff in error, *v.* [*294 John S. Preston.

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