The CHTY

The state of the property of the pro

soundaring, it is also settled that seems is such process.

Such being the state of the case, on the 10th of July 1868, the relator obtained an alternative wit of mandanus from this court, requiring the Board of Supervisors of Lee county to leave that to pay off the three judgments are covered by him, or to ments and coats, recovered by him, or to show cause, on the first Monday of October next the cafe, they they did not make such levy. This writ was duly served on the Su-pervisors by the Marshal of lows, in the month of September. No cause was shown or apparent nelice taken of this writ by the Board of Supervisors, and their default was entered on the 14th of October. On the 29th of October, 1868, the relator obtained from this quitt a peremptory with of many downs against the Superviser; of Lee county (it having been shown that the levy had not been made) requiring them to forthwith impressed to policy without day the tax for It have been to be the county of the indigenents, and in this county of the indigenents of the superviser. On the county of the indigenents of the many of compelling payment, and when he had been any steps taken to remove the case to the Supreme Court of the and gave a true copy of the same to each member while the Board was in open season. No return has ever been made by the defendants to this writ. Onathe same day that the write was served, the Board, as appears

the win was served, the Board, as appears by the published manutes of their proceedings, on the suggestion "of counsel for Lee counts in railroad boad suits," adopted the following preamble and resolutions:

WHEREAS, A manufacture of the United States ex rel. T. Edgar Thompson, against Lee county, has this day been acreed upon the manufacture of the Board, communing the levy of taxes for the payment of a certain judgment in two of mid Thompson and Lee county, rendered upon certain bonds is sued by and county and the country to a side of the construction of a certain railroad; and n of a certain railroad; and WHENELS, This Board has been hereto-

to news, and Board has been herefore perpetually enjoined by the Supreme Court of fows from levying any taxes for the payment of any of said bonds, and the said injunction was in force and duly served upon this Board before the said mandanus was applied for or issued:

fendants could have taken their course without some reason for believing that they would be assained. Indeed, they distinutly say, situated as they are, they rely upon the court of the State, as well as of the nation, for support. It is difficult to comprehend by what mode of reasoning they reached the conclusion they could rely upon a Federal Court for protection as a last two consumers. For a court that cannot and will not enforce its decree is shorn of one of its principal attributes. The judgments of the relator would become valueless without the means of compelling payment, and when he asks for any appropriate and legal process to effect that result, the Court ought not to withhold it.

If there had been any steps taken to remove the case to the Supreme Court of the United States, to the end the questions of so much doubt, and about which there has been so great a difference of opinion at the bar and on the bench, might be re examined, the parties there would be some ground for declining to act. But forting of the kind has been attempted. The parties have contested unsuccessfully, all these points so often before the courts of the United States, that they have abandoned further controversy in argument, and now hope to interpose as a shield the order of a State court. As has been seen, such order is of no avail, and the hope, to every one who can examine the subbeen seen, such order is of no avail, fand the hope, to every one who can examine the subject unafected by teeling, must appear to be tounded on a mere fallacy. Other cases aimilar to these now under consideration, were treateure from Java to this State some years since, because of the alleged interest of the Judge of the Circuit Court of the United States for that District in the questions involved, and thus this Court has been connected with the untoward controversy which has arisen between the Courts of the United States for that Bute, and where at that time to order to execute the judgments rendered, the Judges of this court were called on to issue a peremptory writ of mondame to parties under injunction from the State court, though admitting it was an appropriate process, they, under the circumstances, were unwilling to do anything to produce a seculiar and therefore admits to

were unwilling to do anything to produce a conflict, and therefore declined to issue the

was applied for or issued:

"Resolved, That we believe our oaths require us to obey the said injunction, issued by the Supreme Court of Iowa and duly served as aforesaid.

"Resolved, That we are therefore unable to comply with the order contained in said writ of mendamus without violating the constitution or laws of Iowa are endrued by the courts of Joica. And also doing violence to our oaths of office as we understand it, and rendering ourselved in the courts of our country, and do not wish to be in contempt of any, but situated as we are, we are compelled to obey all orders of the courts of our country, and do not wish to be in contempt of any, but situated as we are, we are compelled to obey said integring and the courts of our government and the court of the state and bear and to rely upon the justice of our government and the court of this suit and had been served with process, all are one-and I name him to his honor. The presiding officer apparently not being required by the rules in such to the process of the United States, are to any his

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