

Syllabus.

acts fully authorized the issue and gave the power to tax to pay. But in the case at bar it appeared from the judgment records, or if not, from relator's petition, that the bonds were issued under an abrogated statute, and were consequently void, and that the respondents possessed no power to tax to pay them, because that power was given only by the statute which had so ceased to exist.

The power invoked is not the power to tax to pay judgments, but the power to tax to pay bonds, considered as distinct and independent, and therefore, when the relator is obliged to go behind his judgments as money judgments merely, to obtain the remedy pertaining to the bonds, the court cannot decline to take cognizance of the fact that the bonds are utterly void and that no such remedy exists. *Res judicata* may render straight that which is crooked, and black that which is white, *facit ex curvo rectum, ex albo nigrum*, (*Jeter v. Hewitt*, 22 How. 352, 364;) but where application is made to collect judgments by process not contained in themselves, and requiring, to be sustained, reference to the alleged cause of action upon which they are founded, the aid of the court should not be granted when upon the face of the record it appears, not that mere error supervened in the rendition of such judgments, but that they rest upon no cause of action whatever.

The judgment is reversed and the case remanded, with a direction to dismiss the petition.

NORTON v. COMMISSIONERS OF THE TAXING
DISTRICT OF BROWNSVILLE.

ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE
WESTERN DISTRICT OF TENNESSEE.

No. 1455. Submitted January 4, 1889. — Decided March 5, 1889.

The writ of error being brought December 28th, 1886, to review a judgment rendered November 29, 1886, the citation being returnable October Term, 1887, and the record being filed in this court December 20, 1888; *Held*, that the court was without jurisdiction.

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THE case is stated in the opinion.

Mr. Sparrel Hill, Mr. Henry Craft and Mr. L. P. Cooper for plaintiffs in error.

Mr. W. W. Rutledge and Mr. William M. Smith for defendants in error.

MR. CHIEF JUSTICE FULLER delivered the opinion of the court.

Judgment was rendered against the plaintiffs in error in the Circuit Court of the United States for the Western District of Tennessee on the 29th of November, 1886, and writ of error brought December 28th, 1886, accompanied by a citation to the adverse party, duly returnable to the October Term, 1887, and served in January and March of the latter year. But the record was not filed herein until December 20th, 1888, and the rule is settled that under such circumstances we do not entertain jurisdiction. *Grigsby v. Purcell*, 99 U. S. 505; *Credit Company v. Arkansas Central Railway Co.*, 128 U. S. 258; *Hill v. Chicago & Evanston Railroad Co.*, ante, 170; *Edmonson v. Bloomshire*, 7 Wall. 306.

The writ of error is

Dismissed.

McKENNA v. SIMPSON.

ERROR TO THE SUPREME COURT OF THE STATE OF TENNESSEE.

No. 767. Submitted January 4, 1889. — Decided March 5, 1889.

A state court has jurisdiction of an action brought by an assignee in bankruptcy to set aside, as made to defraud creditors, conveyances made by the bankrupt before the bankruptcy.

When an assignee in bankruptcy resorts to a state court to set aside a conveyance by the bankrupt as made to defraud creditors, and no question is raised there as to his power under the acts of Congress, or as to the rights vested in him as assignee, the judgment of the state court is subject to review here in the same manner and to the same extent as