had only an inchoate and equitable title, to obtain an absolute and legal one, by proceeding in the District Court in the manner prescribed. And when the title under which the party claims, would be a complete and absolute one, if granted by competent authority or established by proof, the District Courts have no jurisdiction under the acts of Congress above mentioned to decide upon its validity. The act of 1824 is very clear upon this point; and it has always been so construed by this court.

Upon this ground the decree of the District Court in each of these cases is erroneous and must be reversed and a mandate issued directing the petitions to be dismissed for want of jurisdiction.

But this decision is not to prejudice the rights of the respective petitioners or either of them in any suit where the absolute and legal title to these lands or any portion of them may be in question, or prevent them from showing if they can that the French grant was recognized as valid or confirmed by the Spanish authorities before the treaty of St. Ildefonso.

ORDER.

These causes came on to be heard on the transcript of the record from the District Court of the United States, for the Eastern District of Louisiana, and were argued by counsel. On consideration whereof, it is now here ordered, adjudged, and decreed by this court, that the decree of the said District Court in these causes, be, and the same is hereby reversed and annulled, and that these causes be, and the same are hereby remanded to the said District Court with directions to dismiss the petitions of the claimants for want of jurisdiction.

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*Alexander Crawford, Appellant, *v.* James Points, Assignee in Bankruptcy of Henry Hottle. [*11

An appeal does not lie to this court, from the decision of a District Court in a case of bankruptcy.

Even if it would, the decree of the District Court in this case is not a final decree.[1]

[1] Followed. *Humiston* v. *Stainthorp*, 2 Wall., 110. Cited. *Grant* v. *Phœnix Ins. Co.*, 16 Otto, 431.

THIS was an appeal from the District Court of the United States for the Western District of Virginia.

The facts in the case are stated in the opinion of the court so far as they bear upon the question of jurisdiction; and it is unnecessary to state the other facts.

It was argued in this court by *Mr. Fultz* for the appellant, and by *Mr. Stuart* for the appellee.

Mr. Chief Justice TANEY delivered the opinion of the court.

This case may be disposed of in a few words.

James Points, the appellee, was appointed assignee of Henry Hottle who had been declared a bankrupt, by the District Court of the United States for the Western District of Virginia. And, upon the petition of the assignee and the hearing of the parties concerned, certain settlements and transfers of property made between the bankrupt and the appellant, were declared to be fraudulent, and set aside by the court. From this decree Crawford appealed to this court.

It is very clear that the appeal cannot be sustained. The appellant endeavors to support it, upon the ground that there is no act of Congress now in force establishing a Circuit Court for the Western District of Virginia. But, assuming this to be the case, it does not follow that an appeal to this court can be taken from the decree of the District Court. For we can exercise no appellate power, unless it is conferred by law; and there is no act of Congress authorizing an appeal to this court from the decision of a District Court in a case of bankruptcy. It was so held in *Nelson* v. *Carland*, 1 How., 265, and in the case *Ex parte Christy*, 3 How., 314, 315.

Indeed, if an appeal would lie from a final decree of the District Court, this appeal cannot be maintained. For the decree is not final. An account is directed to be taken of the rents and profits of certain lands, with an option to the appellant to purchase them at a price named in the decree; and in that event he is to be discharged from the account for rents and profits. And, moreover, he is permitted to retain possession of certain slaves, until it should be ascertained whether the other assets of the bankrupt's estate would not be sufficient

*12] to pay *his debts; and an order to account for their hire and the profits of their labor is suspended in the mean time. While these things remain to be done, the decree is not final, and no appeal from it would lie to this court, even if it had been the decree of a Circuit Court exercising its ordinary equity jurisdiction.

Upon either ground, therefore, this appeal cannot be maintained, and is, therefore, dismissed for want of jurisdiction.

ORDER.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Virginia, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged, and decreed by this court, that this cause be, and the same is hereby dismissed for the want of jurisdiction.

JOHN DARRINGTON, LORENZO JAMES, AND ROBERT D. JAMES, PLAINTIFFS IN ERROR, *v.* THE BRANCH OF THE BANK OF THE STATE OF ALABAMA. JOHN DARRINGTON AND LORENZO JAMES *v.* SAME.

The bills of a banking corporation, which has corporate property, are not bills of credit within the meaning of the Constitution, although the State which created the bank is the only stockholder, and pledges its faith for the ultimate redemption of the bills.[1]

Where a State Court has, in fact, decided a federal question adversely to the plaintiff, error will lie, notwithstanding the State Court may have violated its own rules of practice in making such decision.

THESE cases were brought up from the Supreme Court of Alabama, by a writ of error issued under the 25th section of the Judiciary Act. The facts and pleadings are stated in the opinion of the court.

It was argued by *Mr. Campbell* for the plaintiffs in error, and *Mr. Hopkins* for the defendants.

Mr. Campbell contended that the transactions as described by the pleas, fell within the prohibitory clause of the Constitution of the United States, "that no State shall issue a bill of credit," and cited 4 Pet., 410; 11 Pet., 313; 7 Ala., 18.

Mr. Hopkins for the defendants in error.

In the case of *Briscoe* v. *The Bank of the Commonwealth of*

[1] FOLLOWED. *Veazie Bank* v. *Fenno*, 8 Wall., 553. CITED. *Curran* v. *State of Arkansas*, 15 How., 309, 318.

As to the right of *Congress* to issue bills of credit, and make them a legal tender for pre-existing debts, see *Hepburn* v. *Griswold*, Id., 603; *Martin* v. *Martin*, 5 C. E. Gr. (N. J.), 421; *Belloc* v. *Davis*, 38 Cal., 242; *O'Neil* v. *McKewn*, 1 So. Car., 147; *Legal Tender Cases*, 12 Wall., 457; *Breen* v. *Dewey*, 16 Minn., 136; *Barringer* v. *Fisher*, 45 Miss., 200; *Townsend* v. *Jennison*, 44 Vt., 715; *Kellogg* v. *Page*, Id., 356; *Longworth* v. *Mitchell*, 26 Ohio St., 334; *Troy* v. *Bland*, 58 Ala., 197.