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*Verden v. Coleman.*

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SAMUEL VERDEN, APPELLANT, *v.* ISAAC COLEMAN.

No appeal can be taken from the final decision of a State court of last resort, under the 25th section of the judiciary act, to the Supreme Court of the United States. A writ of error alone can bring up the cause.

THIS was an appeal from the Supreme Court of the State of Indiana, purporting to be brought up under the twenty-fifth section of the judiciary act.

It was a case of foreclosure of a mortgage brought in the Benton Circuit Court, (State court.) In the progress of the trial, there was a bill of exceptions signed and sealed by the presiding judge, and the case then carried up by appeal to the Supreme Court of the State. That court affirmed the judgment of the court below, upon which an appeal was prayed to the United States Supreme Court, which prayer was granted. The appeal bond recited that Samuel Verden hath "prosecuted a writ of error to the Supreme Court of the United States," &c., but no writ of error was sued out.

It is not necessary to notice the nature of the case any further.

Mr. Justice CATRON delivered the opinion of the court.

Coleman sued Verden in a State court of Indiana, on a note of hand, and a mortgage of lands, to secure its payment. On various pleadings and proofs, the cause was submitted for judgment to the court, the parties having dispensed with a jury. Judgment was rendered against Verden, who appealed to the Supreme Court of Indiana. There the judgment of the circuit was affirmed.

This occurred on the 26th day of June, 1858. And then we find the following entry of record: "And afterwards, to wit, at a court began and held on the 24th of May, 1858, and continued from day to day till July 16th, 1858, at which time come the appellant, by Hon. D. Mace, his attorney, and prays an appeal to the United States Supreme Court, which prayer is granted."

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*Lytle et al. v. State of Arkansas et al.*

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Bond was given to prosecute the appeal, and the clerk certifies the record to be a true copy of the proceedings.

No *appeal* can be taken from the final decision of a State court of last resort, under the twenty-fifth section of the judiciary act, to the Supreme Court of the United States. A writ of error alone can bring up the cause. We refer to the appendix of Curtis's Digest for the mode.

It is ordered that the case be dismissed.

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ROBINSON LYTLE AND LYDIA L. HIS WIFE, NATHAN H. CLOYES, AND OTHERS, PLAINTIFFS IN ERROR, *v.* THE STATE OF ARKANSAS, CHARLES B. BERTRAND, AND OTHERS.

Where the decision of a State court was against the validity of an entry of land which had been allowed by the proper officers of the United States, this court has jurisdiction, under the 25th section of the judiciary act, to revise that judgment, whether the invalidity was decreed upon a question of fact or of law.

The adjudication of the register and receiver is subject to revision in the courts of justice, on proof, showing that the entry was obtained by fraud and the imposition of false testimony on those officers, as to settlement and cultivation. This court has so decided heretofore.

Over the questions raised in the court below, of the effect of a bona fide purchase and of the statute of limitations, this court has no jurisdiction.

But the evidence shows that the entry was obtained by false affidavits as to residence and cultivation. The judgment of the Supreme Court of Arkansas is therefore affirmed.

This case was brought up from the Supreme Court of the State of Arkansas by a writ of error issued under the 25th section of the judiciary act. It was a chancery case, but correctly brought up by writ of error. See preceding case of *Verden v. Coleman*.

It was before this court at a preceding term, and is reported in 9 Howard, 314. It will be perceived, by referring to that case, that this court decided that the pre-emption act of 1830 conferred certain rights upon settlers upon public lands, upon proof of settlement or improvement being made to the satis-