
Statement of the case.

RYAN *v.* THOMAS.

Where a decision of the highest court of law or equity of a State is *in favor* of the validity of a statute of or an authority exercised under the United States, drawn in question in such court, this court, under the twenty-fifth section of the Judiciary Act (by which alone it has jurisdiction of the judgments of State courts), has no revisory power.

THOMAS brought suit against Ryan, in the St. Louis Land Court, an inferior State court of Missouri, for a tract of land in that State. The only question was as to the validity of a patent granted by the United States to a fictitious person. The inferior court held that the patent was valid; but the Supreme Court of the State, in 1857, reversed the judgment, and held that the patent to a fictitious person was a nullity. The case having been tried again in the inferior court, was again, in 1860, before the Supreme Court of the State, and it being proved that the supposed fictitious person was simply a false name assumed by an actual person, that court held that, although a patent issued to a person not in existence was a nullity, yet that a patent to a person under an assumed name was not void; and if such person should, under such assumed name, transfer the land to a purchaser, the title would enure to the latter; and they again reversed the judgment of the Land Court. The case was a third time tried in the inferior court, and, in 1864, a third time reached the Supreme Court, which affirmed the decision of that court, and declared that no new point was presented. Ryan now brought the case by writ of error here, conceiving, apparently, that this court had jurisdiction under the twenty-fifth section of the Judiciary Act, which authorizes a final judgment or decree in any suit in the highest court of law or equity of a State to be brought here on error in point of law, provided the validity of a statute of or an authority exercised under the United States is drawn in question in the State court, and the decision is *against* that validity.

Mr. Coffey, for the defendant in error, moved to dismiss the case for want of jurisdiction, there being, as he argued, no

Opinion of the court.

question which, under the Judiciary Act, could give this court appellate jurisdiction of the case.

Mr. Blair, contra.

The CHIEF JUSTICE delivered the opinion of the court.

We have no jurisdiction of the judgments of State courts except under the twenty-fifth section of the Judiciary Act, and, upon examining the record, we do not find that the case presented is within any clause of it.

The suit in the State court was for the recovery of a tract of land in St. Louis, Missouri. The proofs of the plaintiff consisted of a patent of the United States to one Johnson, dated January 5th, 1843; a certificate of entry by Johnson, issued by the register of the St. Louis Land Office, on the 19th of August, 1829; an assignment of the same date by Johnson and the plaintiff, indorsed upon the certificate, and a decree, upon default, of the St. Louis Land Court, in a suit by the plaintiff against Johnson, adjudging and decreeing the title to be vested in the possessor.

The defence rested upon the ground that Johnson was a fictitious person, but the court held the patent not void, if issued to a real person and transferred by his indorsement to the plaintiff, though such person in making the entry and obtaining the certificate used a fictitious name.

The patent offered by the plaintiffs seems to have been the only authority under the United States drawn in question in the State court, and the decision was in favor of its validity. It is only when, in such a case, the decision is against the authority that this court has revisory jurisdiction.

It is suggested, in the brief for the plaintiff in error, that a subsequent patent was relied on by him when defendant in the State court, and that the decision having been against that patent may be reviewed here. But we find no such patent and no such decision in the record.

The writ of error must therefore be

DISMISSED.