

Statement of the case.

ful review of the testimony, we think the error was with the schooner Eveline, and that the libel should not have been dismissed.

DECREE REVERSED and record remitted with instructions to enter judgment for libellants, and for further proceedings

IN ACCORDANCE WITH THIS OPINION.

[See the preceding case.]

MARQUEZE *v.* BLOOM.

A case brought here as within the 25th section of the Judiciary Act dismissed; neither the record nor the opinion of the Supreme Court, which was in the records, showing any question before that court, except one relating to the interruption of a "prescription" (statute of limitations) set up as a defence, and the opinion showing that this question was decided exclusively upon the principles of the jurisprudence of the State.

ON motion to dismiss a writ of error to the Supreme Court of the State of Louisiana.

Marqueze & Co. brought this suit in the Fourth District Court of the Parish of Orleans, in Louisiana, on the 19th of April, 1866, against Bloom, Kahn, and Levi, trading as Bloom, Kahn & Co. The petition was for the recovery of money alleged to be due to the plaintiffs, for certain merchandise sold to the defendants during the first six months of 1861, amounting with interest, to \$1045. The defendants, except Levi, pleaded the prescription of three years. Levi pleaded the same prescription, averring that at the time of the sale of the goods and since, until the commencement of the suit, he resided in the city of New Orleans. The District Court gave judgment against all the defendants. Levi alone appealed to the Supreme Court, and the judgment as to him was reversed.

The opinion of the Supreme Court was in the record, and it appeared that the only question before that court related

Syllabus.

to the interruption of prescription, and that this was decided exclusively upon the principles of the jurisprudence of the State.

The CHIEF JUSTICE:

No Federal question is referred to in the record or in the opinion. We have, therefore, no jurisdiction of the case,* and the writ of error must be

DISMISSED.

MCNITT v. TURNER.

- Under the statute of Illinois authorizing the sale of the real estate of a decedent, and directing the executor or administrator to make out a petition to the county court "stating therein what real estate the said testator or intestate may have died *seized of*;" a statement of the real estate which he died "*leaving*" is a sufficient compliance with the statute.
- Where a statute of Illinois enacted that "in all cases where an intestate shall have been a non-resident or without a widow, &c., but having property in the State, administration should be granted to the public administrator of the proper county, and to no one else:" *Held*, that where a person to whom letters of administration on the estate of a non-resident applied, under the statute referred to in the paragraph above, to have a sale of his property, and the court, having jurisdiction of the subject, ordered the sale, it would not be presumed that he was not the *public* administrator.
- Where, under the same statute (the one referred to in the first of the above two paragraphs), an administrator gave public notice that he meant to apply to have a power to sell the decedent's lands, stating that it belonged to him, and describing the several pieces in this way:

Parts of Sections.	Township.	Range.
S. E. 4	1 S.	4 W.
S. W. 24	3 N.	8 W.

"All the above lands being *recorded* north or south of the base line, and east and west of the fourth principal meridian."

And the petition prayed to sell the decedent's land, describing it as—

S. E. 4	1 S.	4 W.
S. W. 24	3 N.	8 W.

* *Gibson v. Chouteau*, 8 Wallace, 314; *Worthy v. The Commissioners*,⁹ *Id.* 613; *Northern Railroad v. The People*, 12 *Id.* 384.