Stafford v. *Watson*, 41 Arkansas, 1. But the appearance of the State did not cure the radical defect in the proceedings under which complainant purchased. The notice was essential in order to affect the rights of the owner of the property as against whom the proceedings were initiated and the sale was made. The appearance of the State did not, therefore, give the court jurisdiction or render the sale valid. There are other contentions urged, but they are all covered by what has been already said. They either arise from the erroneous postulate that the complainant's title is not void, but simply voidable, or are predicated on the equally unsound premise that one having no title can successfully invoke the aid of a court of equity to "remove a cloud" from such non-existent title; that is to say, can ask a court to subtract something from nothing.

Decree reversed and case remanded with directions to dismiss the bill.

BOBB *v.* JAMISON.

ERROR TO THE SUPREME COURT OF THE STATE OF MISSOURI.

No. 267. Submitted December 10, 1894. — Decided December 17, 1894.

Duncan v. *Missouri*, 152 U. S. 377, affirmed and followed.

MOTION to dismiss. This cause, after trial below, was argued before the Supreme Court of Missouri, Division No. 2, *in banc.* The organization of that court is set forth in the statement of facts in *Duncan* v. *Missouri*, 152 U. S. 377. After the court had given its opinion and announced its judgment, the plaintiffs in error for the first time raised a Federal question in the cause in a motion for a rehearing. That motion being denied, the case was brought here by writ of error, which writ the defendants in error moved to dismiss.

Mr. Thomas J. Rowe in support of the motion.

Mr. Michael Kinealy, (with whom was *Mr. James R. Kinealy* on the brief,) opposing.

THE CHIEF JUSTICE: The writ of error is dismissed on the authority of *Duncan* v. *Missouri*, 152 U. S. 377, and cases cited.

Writ of error dismissed.

AUSTIN v. UNITED STATES.

APPEAL FROM THE COURT OF CLAIMS.

No. 39. Argued October 26, 1894. — Decided December 17, 1894.

The act of March 3, 1883, c. 111, 22 Stat. 804, authorizing the Court of Claims to hear and determine the claims of the successors and representatives of Sterling T. Austin, deceased, for cotton alleged to have been taken from him in Louisiana by the authorities of the United States in 1863, 1864, and 1865, "any statute of limitation to the contrary notwithstanding, *provided, however*, that it be shown to the satisfaction of the court that neither Sterling T. Austin, Senior, nor any of his surviving representatives, gave any aid or comfort to the late rebellion, but were throughout the war loyal to the government of the United States," made the establishment of loyalty in fact, as contradistinguished from innocence in law produced by pardon, a prerequisite to jurisdiction, and the Court of Claims, having found that the claimant was not thus loyal, properly dismissed the petition.

CLAIMANT filed a petition in the Court of Claims, June 5, 1883, alleging that Sterling T. Austin, of the parish of Carroll, in the State of Louisiana, died in that State July 9, 1879; that March 20, A.D. 1883, claimant was duly appointed administratrix of the estate of said decedent, and duly qualified as such; and that her letters of administration were in full force.

The petition set up an act of Congress, approved March 3, 1883, c. 111, 22 Stat. 804, entitled "An act for the relief of the representatives of Sterling T. Austin, deceased," which referred the claims of the successors in interest and legal representatives of Sterling T. Austin for cotton taken by the military authorities of the United States during the war to the Court of