

Robinson Vs. Campbell

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Court : US Supreme Court

Decided On : 1818

Appeal No. : 16 U.S. 212

Appellant : Robinson

Respondent : Campbell

Judgement :

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Robinson v. Campbell

16 U.S. (3 Wheat.) 212

ERROR TO THE DISTRICT

COURT OF EAST TENNESSEE

SYLLABUS

By the compact of 1802, settling the boundary line between Virginia and Tennessee and the laws made in pursuance thereof, it is declared that all claims and titles to lands derived from Virginia, North Carolina, or Tennessee, which have

fallen into the respective states, shall remain as secure to the owners thereof, as if derived from the government within whose boundary they have fallen, and shall not be prejudiced or affected by the establishment of the line. Where the titles both of the plaintiff and defendant in ejectment were derived under grants from Virginia to lands which fell within the limits of Tennessee, it was held that a prior settlement right thereto which would, in equity, give, the party a title, could not be asserted as a sufficient title, in an action of ejectment brought in the Circuit Court of Tennessee.

Although the state courts of Tennessee have decided that under their statutes declaring an elder grant founded on a junior entry to be void, a junior patent, founded on a prior entry, shall prevail at law against a senior patent founded on a junior entry; this doctrine has never been extended beyond cases within the express purview of the statute of Tennessee, and could not apply to the present case of titles deriving all their validity from the laws of Virginia, and confirmed by the compact between the two states.

The general rule is that remedies in respect to real property are to be pursued according to the *lex loci rei sitae*. The acts of the two states are to be construed as giving the same validity and effect to the titles in the disputed territory as they had or would have in the state by which they were granted, leaving the remedies to enforce such titles to be regulated by the *lex fori*.

The remedies in the courts of the United States at common law and in equity are to be not according to the practice of state courts, but according to the principles of common law and, equity, as distinguished and defined in that country from which we derive our knowledge of those principles. Consistently with this doctrine it may be admitted that where, by the statutes of a state, a title which would otherwise be deemed merely equitable is recognized as a legal title, or a title which would be valid at law is, under circumstances of an equitable nature, declared void, the right of the parties in such case may be as fully considered in a suit at law, in the courts of the United States, as in any state court.

A conveyance by the plaintiff's lessor during the pendency of an action of ejectment can only operate upon his reversionary interests, and cannot extinguish the prior lease. The existence of such lease is a fiction, but it is upheld for the purposes of justice. If it expire during the pendency of a suit, the plaintiff cannot recover his term at law without procuring it to be enlarged by the court, and can proceed only for antecedent damages.

In the above case, it was held that the statute of limitations of Tennessee was not a good bar to the action, there being no proof that the lands in controversy were always within the original limits of Tennessee, and the statute could not begin to run until it was ascertained by the compact of 1802 that the land fell within the jurisdictional limits of Tennessee.

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This was an action of ejectment brought by the defendant in error (the plaintiff's lessor in the court below) against the present plaintiff and S. Martin on 4 February, 1807, in the District Court for the District of East Tennessee, which possessed circuit court powers. The defendant in that court pleaded separately the general issue, as to 400 acres, and disclaimed all right to the residue of the tract specified

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in the declaration. A verdict was given for the plaintiff in October term, 1812. From the statement contained in the bill of exceptions taken at the trial of the cause, it appears that the land for which the action was brought, is situated between two lines run in 1779 by Walker and Henderson as the boundary lines of Virginia and North Carolina. The former state claimed jurisdiction to the line run by Walker, and the latter to the line run by Henderson. After the separation of Tennessee from North Carolina, the controversy between Virginia and Tennessee, as to boundary, was settled in 1802, by running a line equidistant from the former lines. The land in dispute fell within the State of Tennessee. Both the litigant parties claimed under grants issued by the State of Virginia, the titles to lands derived from the said state having been protected by the act of Tennessee, passed in 1803 for the settlement

of the boundary line.

The plaintiff rested his title on a grant (founded on a Treasury warrant) to John Jones, dated August 1, 1787, for 3,000 acres, 1,500 acres of which were conveyed to the lessor by Jones on 14 April 1788, and proved possession in the defendant when the suit was commenced.

The defendant, to support his title to the said 400 acres, offered in evidence a grant for the same to Joseph Martin dated January 1, 1788, founded on a settlement right and intermediate conveyances to himself. He also offered in evidence that a settlement was made on said land, in 1778, by William Fitzgerald, who assigned his settlement right to the said Joseph

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Martin; that a certificate in right of settlement was issued to Martin by the commissioners for adjusting titles to unpatented lands, on which certificate, and on the payment of the composition money, the above grant was issued. This evidence was rejected by the court below. The defendant also offered in evidence a deed of conveyance from the plaintiff's lessor to Arthur L. Campbell dated January 2, 1810, for the land in dispute, but the same was also rejected. He also claimed the benefit of the statute of limitations of the State of Tennessee on the ground that he and those under whom he claims had been in continued and peaceable possession of the 400 acres since the year 1788.

The court decided that the statute did not apply. The cause was then brought before this Court by writ of error.

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MR. JUSTICE TODD delivered the opinion of the Court, and after stating the facts, proceeded as follows:

The first question is whether the circuit court were right in rejecting the evidence offered by the defendant to establish a title in himself under the grant of Joseph

Martin that grant being posterior in date to the grant under which the plaintiff claimed, and this depends upon the consideration, whether a prior settlement right, which would, in equity, give the party a title to the land, can be asserted also, as a sufficient title in an action of ejectment.

By the compact settling the boundary line between Virginia and Tennessee, and the laws made in pursuance thereof, it is declared that all claims and titles to lands derived from the governments of Virginia, or North Carolina, or Tennessee, which have fallen into the respective states, shall remain as secure to the owners thereof, as if derived from the government within whose line they have fallen, and shall not be in any wise prejudiced or affected in consequence of the establishment of the said line. The title both of the plaintiff and defendant in this case were derived under grants from Virginia, and the argument is that as in Virginia no equitable claims or rights antecedent to the grants could be asserted in a court of

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law in an ejectment, but were matters cognizable in equity only, that the rule must, under the compact between the two states, apply to all the suits in the courts in Tennessee, respecting the lands included in those grants.

The general rule is that remedies in respect to real estates are to be pursued according to the law of the place where the estate is situate. Nor does the Court

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perceive any reason to suppose that it was the intention of the legislature of either state, in the acts before us, to vary the application of the rule in cases within the compact. Those acts are satisfied by construing them to give the same validity and effect to the titles acquired in the disputed territory, as they had, or would have, in the state by which they were granted, leaving the remedies to enforce such titles to be regulated by the *lex fori*.

The question then is whether in the circuit courts of the United States, a merely equitable title can be set up as a defense in an action of ejectment. It is

understood that the state courts of Tennessee have

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decided that under their statutes, declaring an elder grant founded on a younger entry, to be void, the priority of entries is examinable at law, and that a junior patent founded on a prior entry, shall prevail in an action of ejectment against a senior patent founded on a junior entry. But this doctrine has never been extended beyond the cases which have been construed to be within the express purview of the statutes of Tennessee. The present case stands upon grants of Virginia, and is not within the purview of the statutes of Tennessee; the titles have all their validity from the laws of Virginia, and are confirmed by the stipulations of the compact. Assuming, therefore, that in the case of entries under the laws of Tennessee, the priority of such entries is examinable at law, this Court do not think that the doctrine applies to merely equitable rights derived from other sources.

There is a more general view of this subject, which deserves consideration. By the laws of the United States, the circuit courts have cognizance of all suits of a civil nature at common law, and in equity, in cases which fall within the limits prescribed by those laws. By the 24th section of the Judiciary Act of 1789, it is provided that the laws of the several states, except where the Constitution, treaties, or statutes of the United States, shall otherwise require or provide, shall be regarded as rules of decision in trials at common law in the courts of the United States, in cases where they apply. The act of May, 1792, confirms the modes of proceeding then used in suits at common law in the courts of the United States, and declares that the modes of proceeding in

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suits of equity, shall be "according to the principles, rules, and usages which belong to courts of equity, as contradistinguished from courts of common law," except so far as may have been provided for by the act to establish the judicial courts of the United States. It is material to consider whether it was the intention of Congress, by these provisions, to confine the courts of the United States in their

mode of administering relief to the same remedies, and those only, with all their incidents, which existed in the courts of the respective states.

In other words, whether it was their intention to give the party relief at law, where the practice of the state courts would give it, and relief in equity only, when according to such practice, a plain, adequate, and complete remedy could not be had at law. In some states in the union, no court of chancery exists to administer equitable relief. In some of those states, courts of law recognize and enforce in suits at law, all the equitable claims and rights which a court of equity would recognize and enforce; in others, all relief is denied and such equitable claims and rights are to be considered as mere nullities at law. A construction, therefore, that would adopt the state practice in a its extent, would at once extinguish, in such states, the exercise of equitable jurisdiction. The acts of Congress have distinguished between remedies at common law and in equity, yet this construction would confound them. The Court therefore thinks that to effectuate the purposes of the legislature, the remedies in the courts of the United States, are to be, at common law or in equity, not

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according to the practice of state courts, but according to the principles of common law and equity, as distinguished and defined in that country from which we derive our knowledge of those principles. Consistently with this construction, it may be admitted that where by the statutes of a state, a title, which would otherwise be deemed merely equitable, is recognized as a legal title, or a title which would be good at law, is under circumstances of an equitable nature declared by such statutes to be void, the rights of the parties, in such case, may be as fully considered in a suit at law in the courts of the United States, as they would be in any state court.

In either view of this first point, the Court is of opinion that the circuit court decided right in rejecting the evidence offered by the original defendant. It was matter proper for the cognizance of a court of equity, and not admissible in a suit at law.

The next question is whether the circuit court decided correctly in rejecting the deed of conveyance from the plaintiff's lessor to Arthur L. Campbell for the land in controversy, made during the pendency of the suit. The answer that was given at the bar is deemed decisive; although an action of ejectment is founded in fictions, yet to certain purposes it is considered in the same manner as if the whole proceedings were real, for all the purposes of the suit the lease is to be deemed a real possessory title. If it expire during the pendency of the suit, the plaintiff cannot recover his term at law without procuring it to be enlarged by the court, and can proceed only for antecedent damages. In the present case, the lease is to

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be deemed as a good subsisting lease, and the conveyance by the plaintiff's lessor during the pendency of the suit could not operate upon his reversionary interest, and consequently could not extinguish the prior lease. The existence of such a lease is a fiction, but it is upheld for the purposes of justice, and there is no pretense that it works any injustice in this case.

The last question is whether the statute of limitation of Tennessee was a good bar to the action. It is admitted that it would be a good bar only upon the supposition that the lands in controversy were always within the original limits of Tennessee, but there is no such proof in the cause. The compact of the states does not affirm it, and the present boundary was an amicable adjustment by that compact. It cannot, therefore, be affirmed by any court of law, that the land was within the reach of the statute of limitations of Tennessee until after the compact of 1802. The statute could not begin to run until it was ascertained that the land was within the jurisdictional limits of the State of Tennessee.

The judgment of the circuit court is affirmed with costs.