

Murray's Lessee Vs. Baker

Murray's Lessee Vs. Baker

SooperKanoon Citation : sooperkanoon.com/78806

Court : US Supreme Court

Decided On : 1818

Appeal No. : 16 U.S. 541

Appellant : Murray's Lessee

Respondent : Baker

Judgement :

Murray's Lessee v. Baker - 16 U.S. 541 (1818)

U.S. Supreme Court Murray's Lessee v. Baker, 16 U.S. 3 Wheat. 541 541 (1818)

Murray's Lessee v. Baker

16 U.S. (3 Wheat.) 541

ERROR TO THE CIRCUIT COURT

FOR THE DISTRICT OF GEORGIA

SYLLABUS

The terms "beyond seas" in the proviso or saving clause of a statute of limitations of the State of Georgia are equivalent to without the limits of the state where the statute is enacted, and the party who is without those limits is entitled to the

benefit of the exception.

This was an action of ejectment brought by the plaintiff in error in the Circuit Court for the District of Georgia, to recover the possession of certain lands lying in that state. At the trial, a special verdict was found as follows:

"We find that the lessors of the plaintiff have not been in the State of Georgia since the defendants or their ancestors came into possession of the premises sued for. We further find that the ancestor of the defendants possessed the land from about the year 1791 until his death, which happened about February last, and that the defendant, his children, and legal representatives have been in possession thereof from that time. If the court is of opinion that the case of the plaintiffs is excepted from the operation of the act of limitations of this state, passed 21 March, 1767, then we find for the plaintiffs, with ten cents damages, but if the court are of a contrary opinion, then we find for the defendant."

The judges of the court below divided on a motion that judgment should be entered up for the plaintiffs

Page 16 U. S. 542

on this verdict, and the question was thereupon certified to this Court.

The statute of limitations in question is as follows:

"Be it enacted, &c.;, that all writs of formedon in descender, remainder, and reverter of any lands, &c.;, or any other writ, suit, or action, whatsoever, hereafter to be sued or brought, by occasion or means of any title heretofore accrued, happened, or fallen, or which may hereafter descend, happen, or fall, shall be sued or taken within seven years next after the passing of this act, or after the title and cause of action shall or may descend or accrue to the same, and at no time after the said seven years. And that no person or persons that now hath or have any right or title of entry into any lands, &c.;, shall at any time hereafter make any entry but within seven years next after the passing of this act, or after his or their right or title shall or may descend or accrue to the same, and in default thereof,

such person so not entering, and his heirs, shall be utterly excluded and disabled from such entry after to be made. Provided nevertheless that if any person or persons that is or shall be entitled to such writ or writs, or that hath or shall have such right or title of entry be or shall be at the time of such right or title first descended, accrued, come, or fallen within the age of twenty-one years, *feme covert, non compos, mentis*, imprisoned, or beyond seas, that then such person or persons, and his and their heir and heirs shall or may, notwithstanding the said seven years are expired, bring his, her, or their action or make his, her, or their entry,

Page 16 U. S. 543

as he, she or they might have done before this act, so as such person, or persons, or his, her, or their heir and heirs, shall, within three years next after his, her, or their full age, discoveriture, coming of sound mind, enlargement out of prison, or returning from beyond seas, take benefit of, and sue for the same, and at no time after the said three years. "

Page 16 U. S. 545

MR. JUSTICE JOHNSON delivered the opinion of the Court.

This is an action of ejectment. The defense set up is the act of limitations of the State of Georgia. The only question which the case presents is whether the plaintiff, who resided in Virginia, comes within the exception in the act in favor of persons "beyond seas."

On this question, the Court is unanimously of opinion that to give a sensible construction to that act, the words "beyond seas" must be held to be equivalent to "without the limits of the state," and order this opinion to be certified to the Circuit Court of the District of Georgia.

Certificate for the plaintiff.

