

Matthews Vs. Zane

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Court : US Supreme Court

Decided On : 1822

Appeal No. : 20 U.S. 164

Appellant : Matthews

Respondent : Zane

Judgement :

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Matthews v. Zane

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APPEAL FROM THE SUPREME

COURT OF THE STATE OF OHIO

SYLLABUS

Where a party claiming title to lands under an act of Congress brought a bill for a conveyance, and stated several equitable circumstances in aid of his title, and, the state court where the suit was brought having dismissed the bill and the cause

being brought to this Court by appeal under the twenty-fifth section of the Judiciary Act of 1789, c. 20, upon the ground of an alleged misconstruction of the act of Congress by the state court, *held* that this Court could not take into consideration any distinct equity arising out of the contracts or transactions of the parties and creating a new and independent title, but was confined to an examination of the plaintiff's title as depending upon the construction of the act of Congress.

The lands included within the Zanesville District by the Act of Congress of 3 March 1803, c. 343, s. 6, could not, after that date, be sold at the Marietta Land Office.

A statute for the commencement of which no time is fixed commences from its date. The decision of this Court in [Matthews v. Zane](#), 5 Cranch 92, revised and confirmed.

The bill filed by the plaintiff, Matthews in the state court was brought for the purpose of obtaining from the defendants, Zane and others, a conveyance of a tract of land to which the plaintiff alleged that he had the equitable title under an entry prior to that on which a grant had been issued to the defendants.

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The validity of his entry descended on the construction of the Act of Congress of May 19, 1800, c. 209., the 6th section of the Act of March 3, 1803, c. 343., and the Act of 26 March, 1804, c. 388, all relating to the sale of the public lands in the territory northwest of the River Ohio. The case stated that on 7 February, 1814, the plaintiff applied to the register of the Marietta District and communicated to him his desire to purchase the land in controversy. The office of receiver being then vacant, no money was paid, and no entry was made; but the register took a note or memorandum of the application. On 12 May, 1804, soon after the receiver had entered on the duties of his office, the plaintiff paid the sum of money required by law and made an entry for the land in controversy with the register of the Marietta District. In pursuance of the 12th section of the Act of 26 March, 1804, c. 388, and of instructions from the Secretary of the Treasury, the sale of the lands in the District of Zanesville (which had been formed out of the Marietta District and

included the land in controversy) commenced on the 3d Monday of May, 1804, and on the 21st of that month the defendants became the purchasers of the same land. There were several charges of fraud in the bill, and a contract between the parties was alleged, but as the opinion of this Court turned exclusively on the title of the parties under the act of Congress, it is deemed unnecessary to state these circumstances. The state court having determined against the validity of the plaintiff's title under the act of Congress, and dismissed his bill, the cause was brought by appeal to this Court.

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MR. CHIEF JUSTICE MARSHALL delivered the opinion of the Court.

This suit was brought in the state court of Ohio for the purpose of obtaining a conveyance of a tract of land to which the complainant supposed himself to have the equitable title, founded on an entry prior to that on which a grant had been issued to the defendants. The state court decreed that the bill should be dismissed and that decree is now before

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this Court on the allegation that the court of the state has misconstrued an act of Congress.

The plaintiff has stated several equitable circumstances in aid of the title given by his entry, but unless his entry be in itself valid, there can have been no misconstruction of an act of Congress in dismissing the bill, and this Court cannot take into consideration any distinct equity arising out of the contracts and transactions of the parties and creating a new and independent title.

The validity of the plaintiff's entry depends on the land laws of the United States.

In May, 1800, Congress passed an act dividing an extensive territory northwest of the River Ohio into four districts and establishing a land office in each for the sale of the public lands within that district. This act prescribes the time, place, and

manner in which the lands of each district shall be offered at public sale, and directs also the manner and terms in which those not sold at public sale may be disposed of at private sale. The lands of the district comprehending the tract in controversy were to be offered for public sale at Marietta on the last Monday of May, 1801.

On 3 March, 1803, Congress passed an act the 6th section of which creates a fifth district and enacts that the lands contained within it

"shall be offered for sale at Zanesville under the direction of a register of the land office and receiver of public moneys, to be appointed for that purpose, who shall reside at that place."

This district includes the land in controversy.

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On 26 March, 1804, Congress passed an act entitled "an act making provision for the disposal of the public lands in the Indiana territory and for other purposes."

This act comprehends the lands directed to be sold under the act of 1800 and 1803, as well as the lands in Indiana.

The 5th section enacts that

"All the lands aforesaid [except certain enumerated tracts, of which the land in controversy forms no part] be offered for sale to the highest bidder under the direction of the Surveyor General or Governor of the Indiana Territory, of the register of the land office, and of the receiver of public moneys at the places respectively where the land offices are kept, and on such day or days as shall, by a public proclamation of the President of the United States, be designated for that purpose."

On 7 February, 1804, Matthews applied to the register of the Marietta District and communicated to him his desire to purchase the land in controversy. The office of

receiver being then vacant, no money was paid and no entry was made, but the register took a note or memorandum of the application.

The counsel for the plaintiff insists that the title of his client commences with this application.

The law authorizes the respective registers to sell at private sale all the lands which may remain unsold at the public sales, and says the sales

"shall be made in the following manner, and under the following conditions, to-wit:
"

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"1. At the time of purchase, every purchaser shall, exclusively of the fees hereafter mentioned, pay six dollars for every section, and three dollars for every half section he may have purchased, for surveying expenses; and deposit one-twentieth part of the amount of purchase money, to be forfeited if within forty days one-fourth part of the purchase money, including the said twentieth part, is not paid."

The payment of the money required by the act is obviously indispensable to the purchase. Without such payment, the sale prescribed by law could not be made, and certainly no sale, had the register attempted to make one, could be valid if made in opposition to the law. But the register has not attempted to sell, nor could Mr. Matthews have so understood the transaction. He took a note of the land the plaintiff intended to purchase, and, had the receipt of the receiver been produced, might perhaps have made the entry. In so doing, he would have acted in the double character of register and agent of the purchaser.

That there was no receiver was undoubtedly not the fault of Mr. Matthews, but this circumstance as completely suspended the power of selling land in the Marietta District as if there had been neither register nor receiver -- as if there had been no land office.

The transactions then between Mr. Matthews and the register on 9 February, 1804, may be put entirely out of the case.

On 12 May, 1804, soon after the receiver

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had entered on the duties of his office, Matthews paid the sum of money required by law and made an entry for the land in controversy with the register of the Marietta District. The 12th section of the Act of 26 March, 1804, directed that "the lands in the District of Zanesville should be offered for public sale on the third Monday of May." In pursuance of this act and of instructions from the Secretary of the Treasury, the sale of the lands in the district did commence on that day, and on the 26th day of that month, the defendants became the purchasers of the land in controversy.

There are many charges of fraud in the bill, and a contract between the parties is alleged. But this Court cannot look into those circumstances unless they had induced the court of Ohio to determine against the person having the title under the laws of the United States. As this case stands, the opinion of the state court on the fraud and the contract is conclusive, and the only question to be discussed here is the title of the plaintiff under the acts of Congress. This depends entirely on the validity of his entry made on the 12th of May, 1804.

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This question has already been decided in this Court.

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The plaintiff brought an ejectment against the defendants for the lands in controversy, and, the judgment of the state court being against him, the cause was brought by writ of error into this Court.

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In February, 1809, the judgment of the state court was affirmed, this Court being of opinion that the erection of the Zanesville District suspended the power of selling the lands lying within that district at Marietta.

The counsel for the plaintiff contends that several material circumstances which are now disclosed did not appear in that case. But the Court is of opinion that the additional circumstances relied on in argument can in no degree affect the point decided in that case, which was that the power of selling at Marietta ceased when the new district was established so far as respected the land in that district.

This point has been reargued with great labor and talent, and has been reconsidered by the Court. The result of that reconsideration is that the original opinion is correct. We still think that on the passage of the act by which the District of Zanesville was created and the land within it directed to be sold at that place, the power of selling the same land at Marietta necessarily ceased.

It is, we think, impossible to look at these acts without perceiving that the lands lying in one district could not be sold in any other. Their words and their policy equally forbid it. The land in controversy might have been sold at Marietta by the register and receiver of that place previous to 3

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March, 1803, because it lay in the district the lands of which were directed by law to be sold at that place by those officers. Had the land been out of that district, it could never have been sold at that place or by those officers. When by law a new district was formed comprehending this land, and its sale was directed at a different place and by different persons, the land is placed as entirely without the District of Marietta, as if it had never been within it. The power of the officers of the land office at Marietta to sell is expressly limited to the lands within the district, and land which ceases to be within the district is instantly withdrawn from that power.

That the effect of this construction is to suspend the sales of land in the new district until the proper officers should be appointed does not, we think, operate against it. An immense quantity of land was in the market, and the laws furnish no

evidence in support of the opinion that the eagerness to keep the whole continually within the reach of every purchaser was so great as to hazard the confusion which might arise from any uncertainty respecting the office at which any portion of it might be acquired. If this intention had been so predominant, the legislature would certainly have provided that the lands in the Zanesville District might still be sold at Marietta until some day to be fixed in the law by which it might be supposed that the office at Zanesville would come into operation. The omission to make such a provision forbids the opinion that Congress considered the necessity of keeping all their lands in

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a state to be instantly acquired as being so urgent that a court would be justified in construing one of their statutes contrary to its words. The known rule being that a statute for the commencement of which no time is fixed commences from its date, the Act of 3 March, 1803, separated this land from the Marietta District on that day and withdrew it from the direction and power of the officers of that district. It was legally competent to those who possess the power of appointment immediately to appoint necessary officers to carry on the sales at Zanesville, and Congress did not think proper to provide for continuing the sales at Marietta until such officers should be appointed.

This Court, then, retains its opinion that independently of the Act of 26 March, 1804, the entry made by Matthews on 12 May, 1804, would be invalid. That opinion is still further strengthened by the act last mentioned. That act, considering its 5th and 12th sections together, directs all the lands in the Zanesville District to be sold under the authority of the proper officers on the third Monday of the ensuing May. Consequently there could be no power to sell any of the land within that district at Marietta.

The case of the plaintiff may be and probably is a hard one. But to relieve him is not within the power of this Court. We think the plaintiff is not entitled under the laws of the United States to the land he claims, and that the decree ought to be

Affirmed with costs.

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