

United States Vs. Huertas

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Court : US Supreme Court

Decided On : 1834

Appeal No. : 33 U.S. 475

Appellant : United States

Respondent : Huertas

Judgement :

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33 U.S. (8 Pet.) 475

APPEAL FROM THE SUPERIOR

COURT OF EAST FLORIDA

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

The appellee had obtained a concession for ten thousand acres of land from Governor Kindelan in March, 1813. The petitioner, in his application to the governor, sets forth many and great services rendered to the government, in the

course of which he had sustained considerable loss in the last insurrection. He also states that he has ten children and fourteen slaves.

Governor Kindelan, in his decree making the concession, states his own knowledge of the facts set forth in the petition, but grants the ten thousand acres, with the precise condition to use the same for the purpose of raising cattle "without having the faculty of alienating the said tract without the knowledge of this government."

On 29 July, 1816, Governor Coppinger granted a complete title to this land. His grant recites the decree made by Governor Kindelan and the boundaries of the land. This claim was laid before the board of commissioners, and recommended for confirmation. Don Antonio Huertas presented his petition to the Court for the District of East Florida, by which tribunal his claim was adjudged valid. It was confirmed to him to the extent, and agreeably to the boundaries as in the grant, and the plat of the survey of said land, made by Andrew Burgevin, on 19 September, 1818, and filed in the cause.

No exception can be taken to this decree unless the survey

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made by Burgevin varies from the grant. The description in the survey corresponds in many respects with that in the grant, but does not pursue its calls with such regular precision as to prove completely their exact identity. But as this objection was not taken in the superior court for the district, where a survey could have been ordered, if deemed necessary, as the testimony in favor of identity greatly preponderates, and as the judge appears to have entertained no doubt that the survey represented truly the land granted; this court thinks the judgment ought not to be reversed on that account. It is accordingly

Affirmed.

This cause came on to be heard on the transcript of the record from the Superior Court for the Eastern District of Florida, and was argued by counsel, on

consideration whereof it is ordered, adjudged, and decreed by this Court, that the decree of the said superior court in this cause be, and the same is hereby affirmed in all respects.

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