

**La Roche Vs. Jones**

**La Roche Vs. Jones**

**SooperKanoon Citation :** [sooperkanoon.com/80133](http://sooperkanoon.com/80133)

**Court :** US Supreme Court

**Decided On :** 1850

**Appeal No. :** 50 U.S. 155

**Appellant :** La Roche

**Respondent :** Jones

**Judgement :**

La Roche v. Jones - 50 U.S. 155 (1850)

U.S. Supreme Court La Roche v. Jones, 50 U.S. 9 How. 155 155 (1850)

**La Roche v. Jones**

**50 U.S. (9 How.) 155**

*ERROR TO THE CIRCUIT COURT OF THE UNITED*

*STATES FOR THE SOUTHERN DISTRICT OF MISSISSIPPI*

## **SYLLABUS**

After the cession by Georgia to the United States, in 1802, of all the territory north of 31 north latitude and west of the Chatahoochee River, Congress passed an act, 2 Stat. 229 confirming certain titles derived from the British or Spanish

governments and appointing commissioners to hear and decide upon such claims, whose decision was declared to be final.

In 1812, another act was passed, 2 Stat. 765, confirming the title of those who were actual residents on 27 October, 1795, and whose claims had been filed with the register and reported to Congress.

Page 50 U. S. 156

A grant of land on the north side of latitude 31, issued in 1789 by the Governor General of Louisiana and West Florida was void because the United States owned all the country to the north of latitude 31 under the treaty of 1782. Consequently, no title to land so granted could pass by descent.

But the subsequent legislation of Congress conferred a title emanating from the United States and vested it in the person to whom the commissioners awarded the land.

This title is conclusive against the government, and a court of law cannot now inquire into previous facts in a collateral action with a view of impeaching that title. It is equivalent to a patent.

This was an ejectment brought by Richard Jones and wife, against the plaintiffs in error to recover eight hundred acres of land in Wilkinson County in the State of Mississippi.

The suit was brought in 1823, and in 1825 a verdict was rendered by agreement in favor of the plaintiff, subject to the opinion of the court upon the whole facts in the case. The judgment of the court below was in favor of the plaintiff.

The facts in the case are all recited in the opinion of the court, and need not be repeated.

Page 50 U. S. 167

MR. JUSTICE CATRON delivered the opinion of the Court.

The original suit out of which this writ of error arises was an action of ejectment, brought in the District Court of the United States for the District of Mississippi at October term, A.D. 1823, by John Doe, lessee of Richard Jones and Mary, his wife, citizens of Kentucky, against Thomas Ellis and Mary Ellis, to recover a tract of land in Wilkinson County in the State of Mississippi, alleged to have been originally granted by the Spanish government to William Cocke Ellis, by a patent dated 16 February, 1789. It was admitted that the defendants were in possession of the tract of land in question, and that the land described in the Spanish grant, and in the declaration in this suit, were the same.

The proceedings in the case, and the facts as exhibited in the evidence offered by the plaintiffs -- no evidence being offered by the defendants -- are as follows.

In the year 1773 or 1774, Richard Ellis removed from Amelia County, Virginia, to the Mississippi country, then claimed and occupied by Spain as part of Louisiana and West Florida, where he continued to reside till his death in 1792.

Richard Ellis was accompanied by two sons -- John Ellis, the grandfather of the defendants, and William Cocke Ellis, who afterwards married Mary Jones, the lessor of the plaintiff.

John Ellis continued to reside in Mississippi till his death in 1808.

William Cocke Ellis returned to Virginia about the year

Page 50 U. S. 168

1784 or 1785, and continued to reside there till his death, in 1790, never having gone back to Mississippi.

On 11 February, 1789, Trudeau, the Surveyor General of Louisiana and West Florida, issued a certificate of survey, with a figurative plan, of a tract of land of eight hundred square arpents on Buffalo Creek in the District of Natchez

"in favor of Don William Cocke Ellis, the delimitation measurement having been made by virtue of the decree of his Excellency, Don Stephen Miro, Governor General, under date of 20 March, 1783."

On 16 February, 1789, a grant of the said tract, which was stated to adjoin land of John Ellis, was made to William Cocke Ellis by Governor Miro, "in order that, as his own, he might dispose and make use of it."

The situation of the tract is north of the 31st degree of latitude in the former County of Adams and present County of Wilkinson in the State of Mississippi.

On 2 April, 1789, William Cocke Ellis, who was then residing in Virginia, married Mary Cocke, afterwards Mary Jones, and lessor of the plaintiff.

In January, 1790, William Cocke Ellis and Mary, his wife, had a child born who was named Richard Cocke Ellis.

In August, 1790, William Cocke Ellis died in Virginia intestate, leaving his wife Mary Ellis and his child Richard Cocke Ellis surviving him and residing in Virginia.

In April, 1791, the child Richard Cocke Ellis died in Virginia, an infant.

On 17 October, 1792, Richard Ellis of Mississippi made his will, wherein he devised to his son John Ellis the tract of land in question, and died shortly afterwards.

On 2 July, 1795, Mary Ellis widow of William Cocke Ellis married, in Virginia, Richard Jones, lessor of the plaintiff, and they continued to reside in Virginia.

On 27 October, 1795, by the treaty between the United States and Spain, the latter admitted the parallel of 31 N.Lat. to be the north boundary of the Spanish possessions -- as it had always been claimed to be by the United States since the treaty of peace in 1782, where it is so expressly declared, 8 Stat. 138.

On 7 April, 1798, an act of Congress established the Mississippi territory, bounded on the south by 31 N.Lat., and constituted a board of commissioners to receive a

cession from Georgia of her territory west of the Chatahoochee, and north of 31 N.Lat., and to adjust all differences in regard thereto 1 Stat. 549.

Page 50 U. S. 169

On 24 April, 1802, an agreement was made between the United States and Georgia and a cession by Georgia of all claims to territory north of 31 and west of the Chatahoochee. It was therein expressly covenanted that all persons who were, on 27 October, 1795, actual settlers within the territory ceded should be confirmed in their grants made by the Spanish government before that day. 1 Laws of the United States 489.

On 3 March, 1803, an Act of Congress was passed, 2 Stat. 229, which provided that --

1. All persons, and the legal representatives of persons, who were resident in the Mississippi territory on 27 October, 1795, who had before then received from the British or Spanish government a warrant or order of survey, and who on that day actually inhabited and cultivated the land in the warrant, should be confirmed in their titles if they were twenty-one years of age or heads of a family at the date of the warrant.
2. All persons, and their legal representatives, who, at the time of the Spanish evacuation in 1797, were twenty-one years of age or heads of families and actually inhabited and cultivated a tract of land in the Mississippi territory not claimed under the preceding section or any British grant, or the agreement with Georgia, should be entitled to a donation of such tract.
3. All persons and their legal representatives who, at the time of passing this act were twenty-one years of age or heads of a family and inhabited and cultivated a tract of land in said territory not claimed as aforesaid should be entitled to a preemption right therefor.
4. All persons claiming lands by virtue of the preceding sections or of a British grant or under the agreement with Georgia were required to file their claims and

evidence with the Register before 31 March, 1804, and if this was not done, all their right was forever barred.

5. commissioners were appointed to ascertain the rights of persons claiming under the agreement with Georgia or under this act; they were to hear and decide in a summary manner all matters respecting such claims and to determine them, and their determination, so far as the right was derived under the agreement with Georgia or the acts of Congress, was declared to be final. They were to give certificates to claimants who should appear to them entitled, stating that they are confirmed in their titles thereto, which certificate, being recorded, was to be a relinquishment forever of all claim on the part of the United States.

Page 50 U. S. 170

Thereupon John Ellis presented and filed his claim to be confirmed in the tract of land in question.

By endorsement on the original Spanish grant in this case, it appears that it was duly recorded in the Register's book C of written evidence of claims, folio 534.

He also produced and filed the will of his father, Richard Ellis, dated 17 October, 1792, devising the tract to him.

On 19 June, 1805, his title thereto was absolutely confirmed and a certificate of confirmation was issued by the commissioners "to John Ellis, for the tract mentioned in the Spanish grant, dated 16 February, 1789, to William Cocke Ellis," and which had been, as they certified, "legally conveyed to the said John Ellis."

On 3 July, 1807, the report of the commissioners was made to the Secretary of the Treasury stating, among others, the confirmation of the tract in controversy to John Ellis, and 2 January, this, with numerous other reports on the Mississippi land titles, was reported to Congress. See Gales & Seaton's documents, Public Lands, Vol. I. 868

On 30 June, 1812, an act of Congress was passed, which declared that all persons and their legal representatives claiming lands in the Mississippi territory under British or Spanish warrants or orders of survey, granted before 27 October, 1795, who were actual residents on that day, and whose claims had been filed with the Register and reported to Congress, were thereby confirmed in the lands so claimed, and should receive patents. 2 Stat. 765.

On this state of facts, it was submitted to the circuit court whether the lessor of the plaintiff Mary Jones could recover; that court having pronounced her title legal and valid, judgment was rendered for the plaintiff, and the only question presented for our consideration is whether that judgment was a proper conclusion of law on the facts agreed by the parties. That the grant of 1789, made by Miro, Governor General of Louisiana and West Florida, was void for want of power in the Spanish authorities to grant lands north of the thirty-first degree of north latitude is not open to controversy at this time. It was so held in [\*Henderson v. Poindexter\*](#), 12 Wheat. 539, and again in the case of [\*Hickey v. Stewart\*](#), 3 How. 756, and the same doctrine has been affirmed in several other cases. It necessarily follows that on the death of William Cocke Ellis in 1790, his infant son Richard took no title by descent, nor did the mother of Richard take any title by descent on the death of her son in 1791. Her right to recover must therefore

Page 50 U. S. 171

depend on the compact between the State of Georgia and the United States of 1802, or on the legislation of Congress. The compact only provided for persons who actually inhabited and cultivated the land claimed on 27 October, 1795, and the lessor of the plaintiff, not having done so, was not provided for, and in the next place Congress intended by the act of 1803 to confer United States titles on claimants, and to this end instituted a board of commissioners, with powers to adjudge on the facts, whether such claim as was recognized by the compact existed, and who the proper claimant then was, whether by assignment or otherwise, and especially to ascertain and decide whether the land claimed had been actually inhabited and cultivated by the person who preferred the claim on 27 October, 1795. On the necessary facts' being found to satisfy the compact and the

act of Congress, the land was adjudged to the applicant, and a certificate of the judgment was delivered to him, which, on being recorded, divested the title of the United States and vested it in the individual in whose favor the judgment was given. And this title is conclusive as against the government, nor can a court of law inquire into previous facts, reaching behind the judgment given by the commissioners, thereby to impeach its validity, as this would be assuming jurisdiction to overthrow that judgment in a collateral action. As a source of individual title, the judgment and recorded certificate stand on the foot of a patent and merge all previous requirements and all future inquiry into such requirements when the grant is relied on, as here, in defense of an ejectment. John Ellis; heirs having the conclusive legal titles, Mary Jones has no standing in court, and such, in effect, is the decision of *Hickey v. Stewart*. We deem the judgment then pronounced conclusive of the present controversy, and, for the reasons then given and here given, order that the judgment of the circuit court be

*Reversed and that one be entered for the defendants below and plaintiffs in error here.*

## **ORDER**

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi and was argued by counsel. On consideration whereof it is now here ordered and adjudged by this Court that the judgment of the said circuit court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said circuit court with directions to enter a judgment in this cause in favor of the defendants in that court and plaintiffs in error here.