

League Vs. De Young

League Vs. De Young

SooperKanoon Citation : sooperkanoon.com/80221

Court : US Supreme Court

Decided On : 1850

Appeal No. : 52 U.S. 185

Appellant : League

Respondent : De Young

Judgement :

League v. De Young - 52 U.S. 185 (1850)

U.S. Supreme Court League v. De Young, 52 U.S. 11 How. 185 185 (1850)

League v. De Young

52 U.S. (11 How.) 185

ERROR TO THE SUPREME

COURT OF TEXAS

SYLLABUS

Before the admission of Texas into the Union, that state passed many laws upon the subject of head rights to land, the general object of which was to ascertain and secure valid titles and prevent frauds by acts of limitation and by the establishment

of boards of commissioners to separate the bad from the good titles.

In the constitution adopted just before her admission into the Union, there was an article annulling fraudulent certificates, and opening the courts up to a certain day to suitors for the investigation of their claims.

It was perfectly competent for the people of Texas to pass these laws and adopt this constitution.

Moreover, they were all passed before the Constitution of the United States had any operation over Texas, and cannot therefore be in conflict with any of its provisions.

The plaintiff in error, Thomas M. League, applied to the District Court for the County of Galveston, in Texas state court, for a mandamus to be issued to John De Young, the surveyor, and his deputy, to compel them to survey a league and labor of land, which League alleged that he was entitled to by virtue of a certificate issued to Catin F. McRea by the Board of Land Commissioners of the county of San Augustine,

Page 52 U. S. 186

Republic of Texas, on 21 June, 1838, which certificate League alleged had been assigned to him.

Instead of tracing, chronologically the history of the laws, the reporter refers to the narrative given in the opinion of the court. The following is a list of the public documents set forth by the petitioner as exhibits to his petition, and which occupied upwards of a hundred printed pages of the record.

1. A decree of the Congress of the State of Coahuila and Texas. March 24, 1825.
2. Instructions to commissioners. September 4, 1827.
3. Decree of the Congress of the State of Coahuila and Texas. May 2, 1835.

4. Declaration of the People of Texas in General Convention assembled. November 7, 1835.
5. Establishment of a provisional government in Texas. November 13, 1835.
6. Declaration of Independence of Texas. March 2, 1836.
7. Constitution and Declaration of Rights of Texas. March 17, 1836.
8. An act entitled "An act to reduce into one act, and to amend, the several acts relating to the establishment of a General Land Office." December 14, 1837.
9. Joint Resolution respecting County Surveyors. December 29, 1837.
10. An act amending an act supplementary to an act entitled "An act to reduce into one act, and to amend, the several acts relating to the establishment of a General Land Office." January 26, 1839.
11. An act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants. January 23, 1840.
12. An act prohibiting the location of fraudulent land claims. February 5, 1840.
13. An act to provide for the return of surveys, for the collection of government dues on lands, and for other purposes. February 5, 1840.
14. An act defining the mode by which the holders of conditional certificates shall establish the same. January 15, 1841.
15. An act supplementary to an act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants. February 4, 1841.
16. An act supplementary to an act supplementary to an act to detect fraudulent land certificates and to provide for the issuing patents to legal claimants. 1843.
17. Ordinance of the Convention of Texas, accepting the proposal of the Congress of the United States to admit Texas into the Union. July 4, 1845.

18. Constitution of the State of Texas. 1845.

19. An act to establish a General Land Office for the State of Texas. May 12, 1846.

On 30 June, 1847, League filed his petition in the District Court for the First Judicial District of the State of Texas, in and for the County of Galveston.

On 1 December, 1847, the district court laid a rule upon the defendants to show cause why a peremptory mandamus should not issue as prayed, and on 21 December, 1847, the defendants filed a general demurrer and exception, upon the ground that the plaintiff's petition is not sufficient in law. The following is a summary of their answer.

1st. Because it does not appear that the plaintiff has any cause of action against the defendants.

2d. Because this is really a suit against the State of Texas, which has not given its consent to be so sued.

And for further special exceptions the defendants say:

1st. It does not appear from said petition that the people of Texas made any contract by which they were or are bound to concede, grant, or perfect title to any such land &c.;

2d. It does not appear that the said supposed rights and claims to land of persons residing in Texas on the day of the declaration of independence were ever vested and established, as the plaintiff in his said petition alleges and pretends.

3d. Because the Constitution of the Republic of Texas amounts to no contract between the people of Texas in their corporate capacity &c., and any persons or class of persons residing in Texas, as the plaintiff in his petition pretends, nor does it appear that the people of Texas, in their corporate political capacity, agreed,

contracted, or promised as the plaintiff alleges and pretends.

4th. It does not appear that the general land law of the Republic of Texas ever amounted to a contract between the people of Texas and any person in the petition mentioned, nor does it appear that said people, through their representatives, ever promised, contracted, or agreed that such certificate should be sufficient evidence to authorize any lawful survey, or for any person holding or owning such certificate to survey such lands as he might point out &c.;

5th. It does not appear that the said people contracted or agreed that such certificate should be sufficient evidence to authorize the surveyor &c.;, to survey any lands forming a portion of the public domain, or that they are bound to make such survey; or that by refusing so to do they are guilty of any neglect or breach of duty.

After reserving all exceptions &c.;, the defendants for plea

Page 52 U. S. 188

say the plaintiff ought not to have or maintain his action, for that the general land law is unconstitutional &c.;

And for further plea they say that the act "to detect fraudulent land certificates," and that "to prohibit the location of fraudulent land claims," &c.;, and the act "supplementary to the act to detect fraudulent land certificates," &c.;, were not made in violation of the Constitution of the Republic of Texas, as the said plaintiff pretends, nor do said acts, nor does the eleventh article of the Constitution of the State of Texas contravene the Constitution of the United States, as said plaintiff also pretends, and that the said plaintiff, as he admits, never established said certificate according to said acts or according to said eleventh article, nor has he attempted so to do.

For further plea he says the board of general and local commissioners under the first-mentioned act failed and refused to report this certificate as genuine; that its location was prohibited until so reported, or established under the said

supplementary act, or the said eleventh article, and that until it might be so established, the said plaintiff was entitled to no location or survey thereof.

That the said supplementary act, while it remained in force, and the said eleventh article, gave a sufficient and an adequate mode of establishing said certificate, which said plaintiff failed to adopt, and that he has not made the proof, nor complied with the requisites, prescribed by the said eleventh article of the Constitution of the State of Texas.

They answer that they were not bound to make said survey, and that their said refusal has violated no law nor any legal right of the plaintiff, and amounts to no breach or neglect of duty on their part.

The defendants annexed two exhibits to their answer; one was "An act to regulate proceedings in the district courts," consisting of 158 sections and occupying thirty pages of the printed record, and the other "Rules for the government of the district courts, adopted by the supreme court, 23 April, 1847."

On 22 December, 1847, the district court, after argument, dismissed the rule which had been laid *nisi* upon the defendants, and at December term, 1847, the Supreme Court of Texas, to which the case had been carried, affirmed the decision.

League sued out a writ of error and brought the case up to this Court.

Page 52 U. S. 200

MR. JUSTICE GRIER delivered the opinion of the Court.

A brief statement of the history of this case will be necessary to a correct apprehension of the points involved.

By the colonization laws of Mexico in force in the State of Texas before their revolution, every married man who became a settler or colonist was entitled to a square league of land. In 1835, when Texas declared her independence, the faith

of the republic was pledged that all who would perform the duties of citizens should receive the benefit of this law; accordingly, in the constitution of the new republic adopted on 17 March, 1836, it was provided that all white persons

"residing in Texas on the day of the declaration of independence should be considered citizens of the republic, and if they had not previously received land under the colonization laws, should be entitled, every head of a family, to one league and labor of land,"

&c.;

In 1837, December 14, an act of the Congress of Texas was passed establishing a land office and authorizing the appointment

Page 52 U. S. 201

of certain commissioners with power to grant certificates of claims to land to all persons who should make proof that they were entitled to them.

Immense numbers of these certificates were soon put in circulation, either forged or fraudulently obtained, which, if confirmed by surveys and patents, would soon have absorbed all the vacant land in the republic. To guard against such impositions, an act was passed on 29 January, 1840, entitled "An act to detect fraudulent certificates," by which a new board of commissioners was appointed "to inspect the board of land commissioners of each county and ascertain by satisfactory testimony what certificates were genuine and legal." All others not so reported were forbidden to be surveyed or patented. This was followed on 4 February, 1841, by a supplement in which persons holding certificates not reported genuine and legal by the board of commissioners were permitted to enter suit against the government and have a trial by jury to establish the genuineness and validity of their certificates, and if found valid and so certified by the court, the claimant should be entitled to a survey and patent.

In 1843, a statute of limitation was passed requiring all suits to establish certificates and claims to be instituted before 1 January, 1844.

Thus it appears that after 1 January, 1844, all claimants of these head rights under the constitution of the republic and its land law of 1837 were barred, and their certificates of no validity whatever unless suit had been brought and their genuineness established in a court of justice, and this continued to be the case till the adoption of the new constitution, previous to the admission of Texas as a state of the Union in 1845.

The eleventh article of that constitution provided as follows:

"SEC. 1. All certificates for head right claims, issued to fictitious persons or which were forged, and all locations and surveys thereon, are and the same were null and void from the beginning."

"SEC. 2. The district courts shall be opened until the first day of July, one thousand eight hundred and forty-seven, for the establishment of certificates for head rights not recommended by the commissioners appointed under the act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants, and the parties suing shall produce the like proof and be subject to the requisitions which were necessary and were prescribed by law to sustain the original applications for said certificates, and all certificates above referred

Page 52 U. S. 202

to not established or sued upon before the period limited shall be barred, and the said certificates and all locations and surveys thereon shall be forever null and void, and all relocations made on such surveys shall not be disturbed until the certificates are established as above directed."

This is a succinct history of the legislation complained of by the plaintiff. He instituted this action in the District Court of the State of Texas for the County of Galveston. It is a bill or petition for a mandamus to the defendants who are the surveyor and the deputy surveyor of the district, commanding them to make a survey of a certain certificate granted on 20 June, 1838, by the Land Commissioners of the County of San Augustine to Colin T. McRea for one league and labor of land &c.; The plaintiff claimed to be the assignee of this certificate.

The defendants alleged in their answer that they were forbidden by law to survey this certificate, as it had not been returned as genuine and legal by the commissioners under the Act of 29 January, 1840, nor had any suit been brought to establish its genuineness before the first day of July, 1847, according to the provisions of the constitution. The court refused to grant the mandamus, and on writ of error to the Supreme Court of Texas their judgment was affirmed.

To the judgment of the supreme court of the state this writ of error has been prosecuted under the twenty-fifth section of the Judiciary Act.

The sum of the argument on which the plaintiff founds his claim to our interference seems to be that the Republic of Texas was under obligation to make these grants of land. That all grants made by the land commissioners under the act of 1837 were in their nature judicial decisions, and whether fair or fraudulent, their validity could never after be inquired into. That such certificate constituted a perfect right to the quantity of land awarded, and all legislation of the Republic of Texas appointing new tribunals to examine their genuineness and legality or to limit the time within which the holder or assignee of a certificate may demand a survey and patent is void because it impairs the obligation of contracts, and the eleventh section of the Constitution of the State of Texas is void for the same reason.

If it were necessary for this Court to consider these arguments, it would be a sufficient answer to say,

1st. That the certificates are not in the nature of judicial decisions vesting title in the holders, whether forged or fraudulent.

2d. If they were judicial decisions, a state may grant new trials, and make new tribunals of review in order to detect

Page 52 U. S. 203

fraudulent grants or reverse fraudulent judgments without impairing the obligation of any contract.

3d. Judgments as well as grants obtained by fraud or collusion are void and confer no vested title, and a state may justly require those who claim that their grants are not of this character to make proof of their genuineness in some proper tribunal before they can be entitled to a survey or patent under them, and may limit the time within which suits may be instituted. The United States has pursued this course with regard to French and Spanish grants, and it has never been alleged that it thereby impaired their contract contained in the treaty to protect valid grants.

4th. The eleventh article of the Constitution of the State of Texas avoids none but forged and fraudulent certificates, and extends the time within which valid ones may be established by suits against the state, and therefore annuls no vested rights and impairs the obligation of no contract, but, on the contrary, confers a right which had been lost and forfeited by the laches of the party.

5th. And lastly, if the Congress of Texas had abolished all these certificates, whether fraudulent or genuine, or if the people of Texas had done the same thing by their Constitution adopted before their admission as a state of the Union, their right to do so could not be questioned by this Court under any power conferred upon them by the twenty-fifth section of the Judiciary Act.

There is no allegation that the Legislature of the State of Texas has passed any law impairing the obligation of contracts or affecting vested titles guaranteed by the treaty of union since that state has been admitted as one of the states of this Union. The Constitution of the United States was made by and for the protection of the people of the United States. The restraints imposed by that instrument upon the legislative powers of the several states could affect them only after they became states of the Union under the provisions of the Constitution and had consented to be bound by it. It surely needs no argument to show that the validity of the legislation of a foreign state cannot be tested by the Constitution of the United States, or that the twenty-fifth section of the Judiciary Act confers no power on this Court to annul their laws, however unjust or tyrannical. How far the people of the State of Texas are bound to acknowledge contracts or titles repudiated by the late republic is a question to be decided by their own tribunals, and with which this Court has no right to interfere under any power granted to them by the

Constitution and acts of Congress.

Page 52 U. S. 204

The judgment of the Supreme Court of Texas is therefore

Affirmed.

ORDER

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Texas and was argued by counsel. On consideration whereof, it is now here ordered, adjudged, and decreed by this Court that the decree of the said supreme court in this cause be and the same is hereby affirmed with costs.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com