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Moore Vs. Greene

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Court : US Supreme Court

Decided On : 1856

Appeal No. : 60 U.S. 69

Appellant : Moore

Respondent : Greene

Judgement :

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Moore v. Greene

60 U.S. (19 How.) 69

APPEAL FROM THE CIRCUIT COURT OF THE UNITED

STATES FOR THE DISTRICT OF RHODE ISLAND

SYLLABUS

In the present case, where a bill was filed to set aside titles for frauds alleged to have been committed in 1767, the bill does not make out a sufficient case, and the evidence does not even sustain the facts alleged. And the disability to sue arising

from coverture is not satisfactorily proved.

In case of alleged fraud, it is true that the statute of limitations does not begin to run until the fraud is discovered. But then the bill must be specific is stating the facts and circumstances which constitute the fraud, and in the present case, this is not done.

Where property was sold under an administrator's sale, the presumption is in favor of its correctness, and after a long possession under it, the burden of proof is upon the party who impeaches the sale.

The bill was filed by Elizabeth Moore a citizen of the State of New York, the great-grandchild of John Manton, of Rhode Island, who died in 1767. It alleged a series of frauds, beginning in 1757, when one of his sons-in-law prevailed upon him by fraud to make a deed; then that his three sons-in-law conspired together to have him declared *non compos mentis;* then that they fraudulently set aside his will; then that one of his sons-in-law cheated his own children out of their share of the estate, and the administrator became a party to the fraud; then that the town council, conniving with the sons-in-law, adjudged the paper not to be a lawful will, and that all the parties fraudulently prevented an appeal. These charges of fraud were made to include many other transactions which it is not necessary to specify. The claim of the complainant was that she was entitled to a share of the lands held by the defendants, and the prayer was that a partition might be decreed.

Hawkins filed his answer, saying that he had purchased property from Samuel W. King, who derived it from his father, Josiah King, who inherited it from his father, William B. King, and that he and the Kings had been in the uninterrupted

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and quiet possession of the property for more than twenty years before the filing of the bill, and therefore be pleaded the statute of limitations. He also denied all knowledge of the important facts stated in the bill.

Greene answered and explained the manner in which he had come into possession of the property -- *viz.,* from his father, Samuel Greene who was a devisee of his father, Joshua Greene who purchased it from Josiah King, administrator of John Manton, in 1770, since which time it had been in the possession of the family. He also denied all knowledge of the alleged frauds, and pleaded the statute of limitations.

After taking much testimony, the cause came up for hearing in November, 1854, when the circuit court dismissed the bill with costs. The complainant appealed to this Court.

MR. JUSTICE Mc LEAN delivered the opinion of the Court.

The bill was filed to set aside certain titles for frauds alleged to have been committed in the year 1767 by a father against his own children for the benefit of strangers. The frauds are stated to have been investigated and sanctioned, directly or indirectly, by the court of probate, by referees chosen by the parties to determine their matters of controversy, and by the highest courts of the state.

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The legal history of the case commences in July, 1767, by the execution of a deed by the administrator of John Manton to Waterman and Pearce. From this period, a series of events are detailed, genealogical and historical, sweeping over near a century. Acts are stated in the bill, as it would seem, from mere vague reports, and sometimes resting on conjectures. And many of the facts set forth, if proved and were of modern occurrence, would not be sufficient to avoid the titles enumerated; but the facts are denied generally by the answers and not sufficiently proved by the evidence.

The lands when sold were comparatively of little value, but, by the progress of time and the advance of improvements, they are now covered with large manufacturing establishments and flourishing villages. Generation after generation has risen up and passed away of individuals connected with these titles who increased the

value of the property by their large expenditures, and the property, by deed or will or by the law of descents, has been transmitted through the generations that have passed without doubt as to the legal ownership.

The bill was filed in 1851; its averments of facts, by which the lapse of time and the statute of limitations are sought to be avoided, are loose and unsatisfactory. The adverse entry is alleged to have been made under the deed of the administrator of Manton in 1767, and it appears that Betty Waterman, the complainant's grandmother, through whom the title is claimed to have descended, was born in 1756. She was of age in 1777, and in ten years afterward her right was barred by the statute. It is true, the date of her coverture does not appear, but as she was only eleven years of age in 1767, she could not then have been married, and if her marriage occurred subsequently, it was a cumulative disability which is not allowed by the statute of Rhode Island. The complainant became of age, as it appears, in 1815, and her ten years expired in 1825. Her disability of coverture -- and it was cumulative -- expired in 1840, more than ten years before the bill was filed.

The complainant avers that from the death of John Manton in 1767 to 1822-1823, and 1824, his estates were the subjects of legal controversy and litigation in courts of law, and that ever since, renewed and continued claims and demands, by the heirs of Lydia Thornton and Betty Carpenter, for their proportion of said estates, as his rightful heirs at law, upon the assignees of the Manton estate and upon all persons deriving title under them, have been continuously prosecuted. But prosecutions, to stop the operations of the statute, must be successful and lead to a change in the possession.

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When fraud is alleged as a ground to set aside a title, the statute does not begin to run until the fraud is discovered, and this is the ground on which the complainant asks relief. But in such a case the bill must be specific in stating the facts and circumstances which constitute the fraud, and also as to the time it was

discovered. This is necessary to enable the defendants to meet the fraud and the alleged time of its discovery. In these respects the bill is defective and the evidence is still more so.

The complainant's counsel seem to suppose that as the defendants in their answer admit the property, at least in part, was originally acquired under a sale of Manton's administrator, they are bound to show the proceedings were not only conformable to law, but that they must go further and prove the debts for which it was sold were due and owing by the deceased. So far from this being the legal rule under the circumstances of this case, the presumptions are in favor of the present occupants, and the complainants must show the administrator's sale was illegal and void. After an adverse possession of more than eighty years, when the facts have passed from the memory and, as in this case, the papers are not to be found in the probate court, no court can require of the defendants proof in regard to such sale. The burden of proof falls upon him who attempts to disturb a possession of ages transmitted and enjoyed under the forms of law.

Whether we consider the great lapse of time and the change in the value of the property or the statutes of limitation, the right of the complainant is barred.

The decree of the circuit court is affirmed.

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