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Moreland Vs. Page

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Court : US Supreme Court

Decided On : 1857

Appeal No. : 61 U.S. 522

Appellant : Moreland

Respondent : Page

Judgement :

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Moreland v. Page

61 U.S. (20 How.) 522

ERROR TO THE SUPREME COURT

OF THE STATE OF IOWA

SYLLABUS

This Court has not jurisdiction, under the twenty-fifth section of the Judiciary Act, to review the judgment of a state court where the question involved merely related to the proper boundary between two tracts of land, although the owners of both

had valid grants from the United States.

The case is stated in the opinion of the Court.

MR. JUSTICE GRIER delivered the opinion of the Court.

In a court which is not bound by law to ignore all species of actions, and use only the generic name, this would be called an action of ejectment. Plaintiff's statement alleges that

"He is owner of certain adjoining quarter sections of land, and that the northern boundary thereof is a line surveyed by Joel Baily, as per diagram annexed, and that plaintiff claims the line A B to be the true line, while defendant claims that the line C D is the proper line between them. The defendant, by his plea or answer, denies that A B is the true line, and avers that C D is. On this issue the parties went to trial without a jury, and the court decided in favor of plaintiff. But on appeal to the Supreme Court of Iowa, the judgment below was reversed and judgment entered for defendant establishing the line C D as the true line between the respective patents, according to a survey made by Edward James, 'a copy of a plat of a which is on file in the case, from the original deposited in the office of the Surveyor General.'"

We have searched this record in vain to discover any authority for this Court to assert its jurisdiction to review the judgment of the state court under the power granted by the twenty-fifth

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section of the Judiciary Act. The record does not show that it draws in question any treaty, statute, or authority exercised under the United States, or the validity of any state statute for repugnancy to the Constitution of the United States, or the construction of any clause of the Constitution or of a treaty or statute commission held under the United States. It is a mere question of boundary between two neighbors, both admitted to have valid grants from the United States. It is a question of fact, depending on monuments to be found on the ground, documents

in the land office, or the opinion of experts or surveyors appointed by the court or the parties. If the accident to the controversy that both parties claim title under the United States should be considered as sufficient to bring it within our jurisdiction, then every controversy involving the title to such lands, whether it involve the inheritance, partition, devise, or sale of it, may with equal propriety be subject to the examination of this Court in all time to come.

This question is not new; it was decided in the case of *McDonough v. Millaudon,* 3 How. 693, where this Court refused to entertain jurisdiction to review the judgment of a state court ascertaining the boundaries between complete grants under the French government as it did not call in question either the construction or the validity of the treaty or the title to the land held under it. *See also* *Kennedy v. Hunt,* 7 How. 593.

It is therefore ordered that this case be

Dismissed for want of jurisdiction.

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