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Lanfear Vs. Hunley

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Court : US Supreme Court

Decided On : 1866

Appeal No. : 71 U.S. 204

Appellant : Lanfear

Respondent : Hunley

Judgement :

Lanfear v. Hunley - 71 U.S. 204 (1866)
U.S. Supreme Court Lanfear v. Hunley, 71 U.S. 4 Wall. 204 204 (1866)

Lanfear v. Hunley

71 U.S. (4 Wall.) 204

ERROR TO THE SUPREME

COURT OF LOUISIANA

SYLLABUS

1. The Act of Congress of August 16, 1856, confirming claims in favor of Ambrose Lanfear, confirmed to him whatever he was entitled to by virtue of the original grant referred to in it, conceding that to have been valid. It neither enlarged nor

diminished what the grant gave. It extinguished all claim on the part of the United States to the land covered by the surveys, but as regards adverse claimants, it determined nothing, and concluded no one.

Page 71 U. S. 205

2. The twenty-fifth section of the Judiciary Act does not warrant the review of an adjudication upon a mere question of boundary; the fact that the land to which the boundary relates is held by a title derived from an act of Congress does not change the result. If the title be admitted as recognized by the act, its location upon the land is a subject wholly within the cognizance of the state tribunals, and it is not within the power of this Court to reverse their action. In such cases, its authority is limited to errors relating to the title.

Lanfear brought suit against Hunley in a state district court of Louisiana to recover the possession of certain land occupied and claimed by Hunley as his own. The plaintiff relied on a title derived from a Spanish grant in early times to Paul Toups and subsequently confirmed, as he alleged, by acts of Congress in 1807, 1814, 1820, and with greater particularity by an Act of August 18, 1856, to the children of Toups and to a certain Daspit St. Amand through whom he claimed. Toups' petition was made in 1795, and was for

"A grant of land on the place called 'Les Coteaux de France,' at a distance of about eleven leagues from the capital and about three and a half leagues from the river on the other bank, reaching to a bayou named Crocodile, which runs parallel with the river, and the said land to be taken from the crossing of said bayou as far as the large swamp on the other side of Bayou des Cannes -- the whole forming a strip of land about sixteen or eighteen arpents wide and about two leagues and a half long -- bounded on one side by floating prairies and on the other by lakes and marshes."

The land was granted as prayed for. But there having been, as the plaintiff alleged, several bayous in that neighborhood named in former times Bayou Crocodile, though with one exception no longer now so named, the question as to the line to

which the land extended -- a question of boundary alone -- became a disputed one.

The first act of Congress, that of 1807, relied on as confirming the claim as set up by Lanfear, the plaintiff, was a

Page 71 U. S. 206

general act authorizing commissioners to pass on claims to lands granted prior to 1803, limiting such grant to 2,000 acres, and leaving locations to be determined. Nor was there anything of a particular kind in the act of 1814 or that of 1820. In 1854, Hawke, a deputy surveyor of the United States, made a survey of the land granted to Toups and confirmed to his children, and so surveyed it as to cover the lands of the defendant, now in dispute, and on the 18th August, 1856, Congress, referring specifically to the survey as made by Hawke, declared the same "confirmed" in favor of Lanfear. The act contained these provisos:

" *Provided* that such confirmation shall only be construed into a relinquishment of title on the part of the United States, and shall not affect the rights of any third persons claiming title, either under adverse title or as preemptor; *and provided further that any person or persons who are now settled on said lands or any portion of the lands embraced in the said surveys shall be entitled to have and maintain an action to test the validity of said surveys,* and the extent of the said claims of the children of Paul Toups and of Daspit St. Amand, numbers 74 and 529, and to have the same determined judicially, in the same manner as though the land on which they are settled had been surveyed as public land, and they had been permitted to enter the same by way of preemption, it being the true intent and meaning of this act that no person who would be now entitled to a right of preemption to any part of said land if the same were the property of the United States shall be deprived of the same unless it is judicially decided that the surveys were made in conformity with the legal rights of said Ambrose Lanfear under the said confirmation."

The state court in which the suit was brought decided against the plaintiff, and the Supreme Court of Louisiana having confirmed that judgment, the case came here for reexamination under the twenty-fifth section of the Judiciary Act, which provides that a final judgment in the highest court of a state where is drawn in question the validity of a treaty or statute of, or an authority exercised under the United States, and the decision is against that validity, or

Page 71 U. S. 207

where is drawn in question the construction of any statute of the United States and the decision is against the right specially set up or claimed by either party under such statute may be reexamined in this Court, enacting further however that no other error shall be assigned or regarded as ground of reversal than such as immediately respects the before-mentioned questions of validity or construction.

MR. JUSTICE SWAYNE delivered the opinion of the Court.

We are met at the threshold of the investigation by the proposition, on the part of the defendant in error, that this Court has no jurisdiction of the controversy between the parties, and that the case must be dismissed.

The defendant in error holds the lands in controversy by the right of preemption under the laws of the United States, and it is admitted that his title is valid and must prevail unless his adversary has proved a better one. The plaintiff in error insists that such a title is shown in the record -- by a grant from the government of Spain to Paul Toups, in 1796, confirmed by the Acts of Congress of the 3d of March, 1807, of the 12th of April, 1814, of the 11th of May, 1820, and especially by the Act of the 18th of August, 1856.

None of these acts, except the one last mentioned, attempted

Page 71 U. S. 208

to fix definitely the locality and boundaries of the grant. That act refers to surveys made by Hawke in 1854 and confirms them. The plaintiff in error claims according to these surveys. They include the land in controversy. But the confirmation by this

act was accompanied by important conditions.

[The learned judge here read the provisos as given, *supra,* p. <71 U.S. 206|>206, in the statement of the case.]

These provisos expressly save the rights, whatever they may be, of the defendant in error.

The act, considered in its entirety, confirmed to the plaintiff whatever he was entitled to by virtue of the original grant, conceding that to have been valid. It neither enlarges nor diminishes what the grant gave him. It extinguishes all claim on the part of the United States to the land covered by the surveys, but as regards all adverse claimants, it determines nothing, and concludes no one. It gives to the settlers upon the land, in express terms, the right to institute and maintain the litigation necessary to enable them to test the validity of the surveys. It leaves adverse claimants otherwise where they were before Congress legislated upon the subject and in all respects as if this act had not been passed.

The defendant in error does not deny that a grant was made as alleged by the plaintiff in error, nor that it was confirmed by Congress, but he denies that its boundaries were properly defined by the surveys of Hawke, and he asserts, that if properly located it will not include the land in dispute. The plaintiff in error insists that these surveys conformed to the grant, and that they are made conclusive by the act of 1856.

The Supreme Court of Louisiana gave to this act the same construction which we have given, and proceeded to settle the rights of the parties according to the evidence.

The controversy in that court turned wholly upon the question of the locality of the eastern boundary of the grant. The plaintiff contended that it was a line eighty arpens from the west bank of the Mississippi River. The defendant alleged

that it was the Bayou Crocodile. If the plaintiff's claim prevailed, the tract would include the land in controversy; if the defendant's, the opposite result would follow. The court, after an elaborate examination of the subject, sustained the theory of the defendant, and gave judgment accordingly.

Has this Court jurisdiction to examine the grounds of this decision?

The case is brought here under the twenty-fifth section of the Judiciary Act of 1789. Our authority is derived from and limited by that section. This Court has repeatedly held, that it does not warrant the review of an adjudication upon a mere question of boundary. The fact that the land to which the boundary relates is held by a title derived from an act of Congress does not change the result. If the title be admitted as recognized by the act, its location upon the land is a subject wholly within the cognizance of the state tribunals, and it is not within the power of this Court to revise their action. In such cases, our authority is limited to errors relating to the title. If any such are committed, it is our duty to correct them. If there are none, we have no more authority to interpose than in any other case of alleged maladministration of justice by a state court. A party cannot, by setting up an unfounded claim of title, compel us, after deciding the claim against him, to take to ourselves a jurisdiction which, but for such claim, we could not have exercised. Such a result would make the jurisdiction depend, not upon the nature and merits of the case, but upon what the party may choose to allege. In this way, in every case where the title is derived from the United States, and a question of boundary is involved, this Court might be constrained to do what it has uniformly held to be beyond the sphere of its power.

In the case before us, the Supreme Court of Louisiana construed correctly the several acts of Congress relating to the subject of the controversy. No greater or different effect would have been given to them here if the case had been brought before us by appeal from a circuit court of the

United States. Full effect was given to the title. The error, if any were committed, was in locating it upon the land, and fixing its boundaries. In the performance of this function by that court, no treaty, act of Congress, or authority exercised under the United States, was drawn in question. We cannot, therefore, review the conclusions at which the court arrived. * The section referred to in express terms forbids it.

The decision having been correct upon the only question before us for consideration, the judgment below is affirmed.

* *McDonough v. Millandon,* 3 How. 707; *Doe v. Esclava,* 9 How. 448.

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