Semple Vs. Hagar

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Court : US Supreme Court

Decided On : 1866

Appeal No. : 71 U.S. 431

Appellant : Semple

Respondent : Hagar

Judgement :

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Semple v. Hagar

71 U.S. (4 Wall.) 431

SYLLABUS

1. When a want of jurisdiction is patent or can be readily ascertained by an examination of the record in advance of an examination of the questions on the argument of the merits, this Court will entertain and act upon a motion to dismiss for want of jurisdiction.

2. Where two parties held patents for land from the United States under Mexican grants both of which included the same lands in part, and one of the parties

brought a suit in a state court to vacate the patent of the other to the extent of the conflict of title, and the state court refused to entertain jurisdiction of the question, and dismissed the complaint, this Court has no jurisdiction, under the twenty-fifth section of the Judiciary Act, to review the judgments.

Semple filed a bill against Hagar in one of the state courts of California. The bill alleged that he, the complainant

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Semple, had obtained a patent from the United States for a tract of land, based upon a Mexican grant for the same land known as the "Colus" grant; that the land so granted had been surveyed by the United States, and included certain lands enumerated; that the defendants claimed part of the same land under a Mexican grant known as the "Jimeno" grant, for which a patent had also been issued by the United States to the defendants; that the surveys of the said grants overlapped; that the grant of the "Jimeno" tract had been obtained by fraud, and was a cloud on the complainant's title. The prayer of the bill was that the court might declare "the said fraudulent grant, commonly called the *Jimeno Rancho' void and of no effect as issued upon false suggestions and without authority of law."*

The defendant demurred to this bill, setting forth nine several grounds of demurrer, and among them these:

1st. That the court had no jurisdiction of the subject of the action.

2d. That there was a defect of parties plaintiff.

3d. That there was a defect of parties defendant.

The court below made a decree dismissing the bill, a decree which on appeal the Supreme Court of California, the highest court of equity of the state, affirmed.

The case was then brought here as being within the twenty-fifth section of the Judiciary Act, which enacts that the final decree in the highest court of law or equity of a state &c.;, where there is drawn in question the validity of an authority

exercised under the United States and the decision is against the validity, or drawn in question the construction of any clause of a statute of commission held under the United States, and the decision is against the title specially set up by either party under such statute or commission, may be reviewed in this Court.

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MR. JUSTICE GRIER delivered the opinion of the Court.

In all cases of a motion to dismiss the writ of error for want of jurisdiction, the court must necessarily examine the record to find the questions decided by the state court. But in many cases the question of jurisdiction is so involved with the other questions decided in the case, that this Court cannot eliminate it without the examination of a voluminous record,

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and passing on the whole merits of the case. In such instances, the court will reserve the question of jurisdiction till the case is heard on the final argument on the merits.

In the case before us, the want of jurisdiction is patent; it requires no investigation of a long bill of exceptions. It was not decided by the court below on its merits, if it had any. It furnishes no reason for a postponement of our decision of the question.

If, in such cases, the court would postpone the consideration of the question of jurisdiction, we would put it in the power of every litigant in a state court to obtain a stay of execution for three years, or more, by a frivolous pretense that it comes within the provisions of the twenty-fifth section of the Judiciary Act. In many states, all the land titles originated in patents from the United States, and if every question of boundary, of descent, of construction of wills, of contracts &c.;, and which may arise in state courts may be brought here on the mere suggestion that the party, against whom the state court gave their judgment, derived title under a patent from the United States, we should enlarge our jurisdiction to thousands of cases and increase unnecessarily the burdens of this Court, with no corresponding benefit to

the litigant. It is plain that in such cases, there is not "drawn in question the validity of a treaty, or statute of, or an authority exercised under, the United States."

We have here a very brief record, and, on the facts of the case, we cannot shut our eyes to the total want of jurisdiction, under the twenty-fifth section, or any other section of the Judiciary Act.

It is plain, that if the court had assumed jurisdiction, and had declared the defendant's patent void, for the reason alleged in the bill, the defendant would have had a case which might have been reviewed by this Court, under the twenty-fifth section, and one on which there might have been a question and difference of opinion. But it is hard to perceive how the twenty-fifth section could apply to a judgment of a state court, which did NOT decide that question,

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and refused to take jurisdiction of the case. The matter is too plain for argument.

Motion granted.