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Ryan Vs. Thomas

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Court : US Supreme Court

Decided On : 1866

Appeal No. : 71 U.S. 603

Appellant : Ryan

Respondent : Thomas

Judgement :

Ryan v. Thomas - 71 U.S. 603 (1866)
U.S. Supreme Court Ryan v. Thomas, 71 U.S. 4 Wall. 603 603 (1866)

Ryan v. Thomas

71 U.S. (4 Wall.) 603

ERROR TO THE SUPREME

COURT OF MISSOURI

SYLLABUS

Where a decision of the highest court of law or equity of a state is in favor of the validity of a statute of or an authority exercised under the United States drawn in question in such court, this Court, under the twenty-fifth section of the Judiciary

Act (by which alone it has jurisdiction of the judgments of state courts) has no revisory power.

Thomas brought suit against Ryan in the St. Louis Land Court, an inferior state court of Missouri, for a tract of land in that state. The only question was as to the validity of a patent granted by the United States to a fictitious person. The inferior court held that the patent was valid, but the supreme court of the state, in 1857, reversed the judgment and held that the patent to a fictitious person was a nullity. The case having been tried again in the inferior court, was again, in 1860, before the supreme court of the state, and it being proved that the supposed fictitious person was simply a false name assumed by an actual person, that court held that although a patent issued to a person not in existence was a nullity, yet that a patent to a person under an assumed name was not void, and if such person should, under such assumed name, transfer the land to a purchaser, the title would enure to the latter, and they again reversed the judgment of the Land Court. The case was a third time tried in the inferior court and, in 1864, a third time reached the supreme court, which affirmed the decision of that court and declared that no new point was presented. Ryan now brought the case by writ of error here, conceiving, apparently, that this Court had jurisdiction under the twenty-fifth section of the Judiciary Act, which authorizes a final judgment or decree in any suit in the highest court of law or equity of a state to be brought here on error in point of law, provided the validity of a statute of or an authority exercised under the United States is drawn in question in the state court and the decision is against that validity.

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THE CHIEF JUSTICE delivered the opinion of the Court.

We have no jurisdiction of the judgments of state courts except under the twenty-fifth section of the Judiciary Act, and upon examining the record we do not find that the case presented is within any clause of it.

The suit in the state court was for the recovery of a tract of land in St. Louis, Missouri. The proofs of the plaintiff consisted of a patent of the United States to one Johnson dated January 5, 1843; a certificate of entry by Johnson issued by the register of the St. Louis Land Office on the 19th of August, 1829; an assignment of the same date by Johnson and the plaintiff, endorsed upon the certificate, and a decree, upon default, of the St. Louis Land Court, in a suit by the plaintiff against Johnson adjudging and decreeing the title to be vested in the possessor.

The defense rested upon the ground that Johnson was a fictitious person, but the court held the patent not void if issued to a real person and transferred by his endorsement to the plaintiff, though such person in making the entry and obtaining the certificate used a fictitious name.

The patent offered by the plaintiffs seems to have been the only authority under the United States drawn in question in the state court, and the decision was in favor of its validity. It is only when, in such a case, the decision is against the authority that this Court has revisory jurisdiction.

It is suggested in the brief for the plaintiff in error that a subsequent patent was relied on by him when defendant in the state court, and that the decision having been against that patent may be reviewed here. But we find no such patent and no such decision in the record.

The writ of error must therefore be dismissed.

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