

Syllabus.

time of the survey, extended westward, in front or to the north of them. . . . The issues of fact were clear and distinct, and having been submitted to the jury, there is no reason why their verdict should not preclude the plaintiff, as in other cases when a jury has passed upon a submitted question of fact."

As the case went off in the Oregon courts on this question of fact, it may be questionable whether any matter of Federal law is left open for our revision. However, as the plaintiff in error contended, in the courts below and in this court, that a proper construction of the survey and patents gave riparian rights covering the land in dispute, and that it was not competent to overcome such rights by evidence affecting the legal import of the plats and patents, we think a Federal question is thus presented.

For the reasons already given, we think that, while the plats are conclusive as to the meander line, and while if there was a lake abutting on or to the north of the lots, the plaintiff in error would take all land between the meander line and the water, and all accretions, it was competent for the defendant to show that there was not, at the time of the survey nor since, any such lake, and to contend that, in such a state of facts, there could be no intervening land and no accretion by reliction.

The judgment of the Supreme Court of Oregon is

Affirmed.

MR. JUSTICE HARLAN took no part in the decision of this case.

FRENCH-GLENN LIVE STOCK COMPANY v. COLWELL.

ERROR TO THE SUPREME COURT OF OREGON.

No. 125. Argued January 20, 21, 1902.—Decided April 7, 1902.

French-Glenn Live Stock Company v. Springer, ante, p. 47, affirmed and followed.

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THIS case was argued at the same time with *French-Glenn Live Stock Company v. Springer*, and by the same counsel.

MR. JUSTICE SHIRAS delivered the opinion of the court.

The French-Glenn Live Stock Company, a corporation of the State of California, brought an action in the Circuit Court of Harney County, State of Oregon, against James Colwell, to to recover lands in possession of the latter, under the homestead laws of the United States. There was a verdict and judgment in favor of the defendant, and that judgment was affirmed by the Supreme Court of Oregon. A writ of error was sued out to this court.

The questions of fact and law in this case are similar to those in the case of *French-Glenn Live Stock Company v. Alva Springer*, just decided, and, for the reasons expressed in the opinion in that case the judgment of the Supreme Court of Oregon is

Affirmed.

MR. JUSTICE HARLAN took no part in this decision.

WILSON v. ISEMINGER.

ERROR TO THE SUPREME COURT OF THE STATE OF PENNSYLVANIA.

No. 193. Argued March 19, 1902.—Decided April 7, 1902.

The seventh section of the act of Pennsylvania of April 27, 1855, is as follows: "That in all cases where no payment, claim, or demand shall have been made on account of or for any ground rent, annuity, or other charge upon real estate for twenty-one years, or no declaration or acknowledgment of the existence thereof shall have been made within that period by the owner of the premises, subject to such ground rent, annuity, or charge, a release or extinguishment thereof shall be presumed, and such ground rent, annuity, or charge shall thereafter be irrecoverable: *Provided*, That the evidence of such payment may be perpetuated by recording in the recorder of deeds' office of the proper county the duplicate of