

United States v. Fleming's Heirs.

identity. But as this objection was not taken in the superior court for the district, where a survey could have been ordered, if deemed necessary ; as the testimony in favor of identity greatly preponderates ; and as the judge appears to have entertained no doubt that the survey represented truly the and granted ; this court thinks the judgment ought not to be reversed on that account. It is, accordingly, affirmed.

THIS cause came on to be heard, on the transcript of the record from the superior court for the eastern district of Florida, and was argued by counsel : On consideration whereof, it is ordered, adjudged and decreed by this court, that the decree of the said superior court in this cause be and the same is hereby affirmed in all respects.

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\*477] \*UNITED STATES, Appellants, v. EUSEBIO M. GOMEZ.

*Florida land-claims.*

The decree of the superior court of East Florida, confirming a grant of land to the appellee, affirmed.

APPEAL from the Superior Court of East Florida.

The case was submitted to the court by *Call*, for the United States ; and by *White*, for the appellee.

MARSHALL, Ch. J., delivered the opinion of the court.—This claim is for 12,000 acres of land, on Jupiter Island, in East Florida, for which a concession was made by Governor Estrada, on the 16th day of July 1815. The concession is for services, and is unconditional. It was declared valid by the district court to the extent of the grant. The decree is affirmed.

THIS cause came on to be heard, on the transcript of the record from the superior court for the eastern district of Florida, and was argued by counsel : On consideration whereof, it is ordered, adjudged and decreed by this court, that the decree of the said superior court in this cause be and the same is hereby affirmed in all respects.

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\*478] \*UNITED STATES, Appellants, v. GEORGE FLEMING'S HEIRS.

*Florida land-claims.*

The decree of the superior court of East Florida, confirming a grant of land to the ancestor of the appellees, affirmed.

APPEAL from the Superior Court of East Florida.

The case was submitted to the court by *Call*, for the United States ; and by *White*, for the appellees.

MARSHALL, Ch. J., delivered the opinion of the court.—This claim is for 20,000 acres of land, situated on the banks of the river St. Sebastian, to the south of Indian river, between the eastern coast of Florida and the river St. John's. The complete title was granted by Governor Coppinger to George Fleming, the ancestor of the plaintiffs, on the 24th of September