

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.

*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.

*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

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1816. The court decided that it was a valid title, and confirmed it to the plaintiffs to the extent, and agreeable to the boundaries, as set forth in the grant. The judgment 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.

*UNITED STATES, Appellants, v. MOSES E. LEVI.

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Florida land-claims.

The decree of the superior court of East Florida, confirming grants of land claimed by the appellee affirmed in part.

APPEAL from the Superior Court of East Florida.

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

MARSHALL, Ch. J., delivered the opinion of the court.—Moses E. Levi presented his petition to the superior court for the district of East Florida, praying that his claim to 65,000 acres of land might be declared valid, and confirmed to him, according to several different grants and surveys under which he derived title. He is not himself a grantee of any one of the tracts, but is a purchaser from various persons.

The first claim stated in his petition, is to 20,000 acres of land, derived from Philip R. Younge. On the 22d of February 1817, Governor Coppinger granted, in full title, to Philip R. Younge, for services, "twenty-five thousand acres of land, south of the place known by the name of Spring Garden, in this form: twelve thousand acres of them, adjoining the lake or pond called Second, and known by the name of Valdes, and the remaining thirteen thousand acres on the pond farther above the preceding, known by the name of Long Pond, the whole west of the river St. John's." This survey was made on the 2d of August 1819, under an order granted by the governor, of the 25th of May of the same year. The certificate and plat of the surveyor, show that the 12,000 acre tract lies on the lake called Second, but omits to state that it was also known by the name of Valdes. The 13,000 acre tract is stated to be on the long lake, called in the grant, Long Pond. The fair presumption, under all circumstances, no objection *to identity having been made in the superior court for the district, is, that the places are the same. The surveyor has returned another [*480] plat, describing 8000 acres, part of the 13,000 acre tract, which, with the 12,000 acre tract, were sold to the petitioner by William Travers, who purchased the same from the grantee.

The second claim stated in the petition, is to 10,400 acres of land, part of a larger tract of 15,000 acres, for which Antonio Huertas obtained a concession from the governor of East Florida, on the 15th of September 1817. This land was divided into four tracts, one of which, amounting to 10,400 acres, was sold and conveyed by Huertas to the petitioner. The concession