

United States v. Gibson.

have been recommended by the commissioners, or the register and receiver acting as such, be and the same are hereby confirmed." The treaty referred to in the above recited act, was evidently intended to be that of the 3d of September 1783, and the article is the fifth of that treaty, and not the third, as alleged in the petition.

In addition to the above laws and treaties, the petitioners have proved a possession, which constitutes a title by prescription, by the laws of Spain. It is, therefore, considered, adjudged and decreed, that the decree of the superior court of East Florida, be 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.* WILLIAM GIBSON *et al.*, Heirs [^{*494} of FRANCIS P. FATIO, deceased.

Florida land-claims.

Confirmation of the decree of the superior court of East Florida, in favor of a grant of land to Francis P. Fatio.

APPEAL from the Superior Court of East Florida.

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

MARSHALL, Ch. J., delivered the opinion of the court.—This was a grant made by Governor Grant, of East Florida, for 10,000 acres of land, whilst that province was under the dominion of Great Britain, and another grant made by Governor Tomyn, to Francis P. Fatio, for 760 acres. The first tract was conveyed by regular deeds to the ancestor of the petitioner. The same questions are involved as in the case of the heirs of Francis P. Fatio. It is, therefore, considered by the court, that the decree of the superior court of East Florida be 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.