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The United States v. Livingston et al.

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District of Louisiana, and was argued by counsel. On consideration whereof, it is the opinion of this court, that the title set up of the petitioners is neither a legal nor equitable claim, and is null and void. Whereupon, it is now here ordered and decreed by this court, that the decree of the said District Court in this cause be, and the same is hereby, reversed and annulled, and that this cause be, and the same is hereby, remanded to the said District Court, with directions to dismiss the petition of the claimants.

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THE UNITED STATES, APPELLANTS, v. LOUISE LIVINGSTON, THE WIDOW AND SOLE EXECUTRIX OF THE LAST WILL AND TESTAMENT OF EDWARD LIVINGSTON, DECEASED, AND CORA LIVINGSTON, THE ONLY CHILD AND FORCED HEIR OF SAID EDWARD LIVINGSTON, AND THE WIFE OF THOMAS BARTON.

THIS was an appeal from the District Court of the United States for the District of Louisiana, and was a claim under the Bastrop grant. It was included in the opinion of the court in the preceding case of the *United States v. The Cities of Philadelphia and New Orleans*,—which see.

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THE UNITED STATES, APPELLANTS, v. ANN M. CALLENDER, ELIZABETH CALLENDER, CHRISTOPHER G. CALLENDER, AND STANHOPE CALLENDER, OF THE STATE OF NEW YORK, AND FRANCES CALLENDER, THE WIFE OF THOMAS SLIDELL, AND CAROLINE CALLENDER, THE WIFE OF EDWARD OGDEN, OF THE STATE OF LOUISIANA, SAID PERSONS BEING THE WIDOW AND HEIRS OF THE LATE THOMAS CALLENDER; SIDONIA PIERCE LEWIS, WIFE OF PETER K. WAGNER, JOHN LAWSON LEWIS, LOUISA MARIA LEWIS, THEODORE LEWIS, ELIZA CORNELIA LEWIS, ALFRED HAMPDEN LEWIS, ALGERNON SIDNEY LEWIS, GEORGE WASHINGTON LEWIS, BENJAMIN FRANKLIN LEWIS, AND JOSHUA LEWIS, A MINOR, REPRESENTED BY ELIZA MAGIONI, THE WIDOW OF ALFRED JEFFERSON LEWIS, HIS MOTHER AND NATURAL TUTRIX, ALL OF THE STATE OF LOUISIANA; THE SAID PERSONS HEREIN ACTING AS THE

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The United States v. Turner et al.

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HEIRS OF THE LATE JOSHUA LEWIS AND AMERICA LAWSON, HIS WIFE, AND ALSO THE COHEIRS WITH MARY P. BOWMAN OF COLUMBUS LAWSON; MARY P. LAWSON, \*663] THE WIFE OF JOHN \*BOWMAN, OF THE STATE OF TENNESSEE, COHEIR WITH THE LAST ABOVE-NAMED PERSONS OF COLUMBUS LAWSON; CATHARINE PAULINE BAKER, THE WIDOW OF BLAIZE CENAS, AND NOW THE WIFE OF WILLIAM CHRISTY, AND HILARY B. CENAS, AUGUSTUS HENRY CENAS, AND AUGUSTUS ST. JOHN, RICHARD BRENEN BLANCHÉ, AND GEORGE CHRISTY, THE LAST FOUR BEING MINORS, AND REPRESENTED BY PAULINE ST. JOHN, THE WIDOW OF PETER CENAS, THEIR MOTHER AND NATURAL TUTRIX, ALL OF THE STATE OF LOUISIANA; JONATHAN MONTGOMERY AND MICHEL MUSSON, THE TESTAMENTARY EXECUTORS OF THE LATE WILLIAM NOTT, OF THE STATE OF LOUISIANA, AND THE HEIRS OF NATHANIEL AMORY, OF THE STATE OF RHODE ISLAND.

THIS, like the two preceding cases, was an appeal from the District Court of the United States for the District of Louisiana, and involved the validity of the Bastrop grant. It was argued together with that of the United States against the Mayor, Aldermen, and Inhabitants of Philadelphia and New Orleans, and was included in the same judgment. See the concluding part of the opinion of the court in the last-named case.

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THE UNITED STATES, APPELLANTS, v. SARAH TURNER, THE WIFE OF JARED D. TYLER, who is AUTHORIZED AND ASSISTED HEREIN BY HER SAID HUSBAND; ELIZA TURNER, WIFE OF JOHN A. QUITMAN, who is IN LIKE MANNER AUTHORIZED AND ASSISTED BY HER SAID HUSBAND; HENRY TURNER, AND GEORGE W. TURNER, HEIRS AND LEGAL REPRESENTATIVES OF HENRY TURNER, DECEASED.

The decision of this court in the case of the *United States v. King and Coxe* (3 How., 773, and 7 How., 833) again affirmed, viz. that the contract between the Baron de Carondelet and the Marquis de Maison-Rouge conveyed no interest in the land to Maison-Rouge, but was merely intended to mark out by certain and definite boundaries the limits of the establishment which he was authorized to form.<sup>1</sup>

The contract must be judged of according to the laws of Spain; but under those laws, whenever there was an intention to grant private property, words were always used which severed the property from the public domain.

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<sup>1</sup> FOLLOWED. *United States v. Coxe*, 17 How., 41.