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*Field v. Seabury et al.*

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State of California, (Cal. Laws, 764,) makes a direct grant of all lands of the kind, and within the limits mentioned in the act, which had been sold or granted by any alcalde of the city of San Francisco, and confirmed by the ayuntamiento, or town or city council thereof, and also *registered or recorded in some book of record which was at the date of the act in the office or custody or control of the recorder of the county of San Francisco, on or before the third day of April, one thousand eight hundred and fifty.* The words of the statute are, "that all the lands mentioned in the first section of it are hereby granted and confirmed to the purchaser or purchasers, or grantees aforesaid, by the State relinquishing the use and occupation of the same, and her interests therein, to the said purchasers or grantees, and each of them, their heirs and assigns, or any person or persons holding under them, for the term of ninety-nine years from and after the passage of the act." This language cannot be misinterpreted. The intention of the Legislature is without doubt, and we cannot make it otherwise by supposing any condition than those expressed in the act; and we also think that the registry of an alcalde's grant, in the manner and within the time mentioned in the act, is essential to its confirmation under the act. In this particular, the Kearney grant, under which the plaintiff claimed, was deficient, and so the court should have instructed the jury upon the prayer of the defendant, without the qualification that the entry made of it in the district records was a registry within the meaning of the act. We do not deem it necessary to say more in this case, than that, in our view, the defendants have brought themselves, by their documentary evidence, completely within the confirming act of the 26th March, 1850, and that the court should have so instructed the jury, as it was asked to do by their counsel.

The judgment of the court below is reversed.

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EDWARD FIELD, PLAINTIFF IN ERROR, *v.* PARDON G. SEABURY ET AL.

The decision in the preceding case of *Field v. Seabury*, again affirmed.

THIS, like the preceding case, was brought up, by writ of error, from the Circuit Court of the United States for the district of California. It was argued in connection with the preceding case.

Mr. Justice WAYNE delivered the opinion of the court.

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*Bryan et al. v. Forsyth.*

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This case was like the preceding, and they were argued together.

For the reasons given in the first of them, the court directs the reversal of the judgment in the court below, in this case.

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WILLIAM F. BRYAN AND RUDOLPHUS ROUSE, PLAINTIFFS IN  
ERROR, *v.* ROBERT FORSYTH.

By the acts of Congress passed on the 15th of May, 1820, and March 3d, 1823, provision was made, that each of the settlers in Peoria, Illinois, should be entitled to a village lot, and the surveyor of public lands was directed to designate upon a plat the lot confirmed to each claimant.

The act of 1823 conferred on the grantee an incipient title; and when the survey was made and approved, by which the limits of the lot were designated, the title then became capable of sustaining an action of ejectment, even before a patent was issued.

In the interval between 1823 and the survey, a patent was taken out, which was issued subject to all the rights of persons claiming under the act of 1823. This patent was controlled by the subsequent survey.

But although it was controlled by the subsequent survey, yet the patent was a fee-simple title upon its face, and sufficient to sustain a plea of the statute of limitations in Illinois, which requires that possession should be by actual residence on the land, under a connected title in law or equity, deducible of record from the United States, &c.

The American State Papers, published by order of Congress, may be read in evidence, in the investigation of claims to land.

THIS case was brought up, by writ of error, from the Circuit Court of the United States for the northern district of Illinois.

The facts of the case are stated in the opinion of the court.

It was argued by *Mr. Ballance* and *Mr. Johnson* for the plaintiffs in error, and submitted on a printed argument by *Mr. Williams* for the defendant.

Mr. Justice CATRON delivered the opinion of the court.

Forsyth sued Bryan and Rouse in ejectment for part of lot No. 7, in the town of Peoria, in the State of Illinois. The action was founded on a patent to Forsyth, from the United States, dated the 16th day of December, 1845, which patent was given in evidence on the trial in the Circuit Court. It was admitted that the defendants were in possession when they were sued, and that they held possession within the bounds of the patent. To overcome this *prima facie* title, the defendants gave in evidence a patent from the United States to John L. Bogardus, containing twenty-three acres, dated January 5th, 1838, which included lot No. 7. To overreach this elder patent, the plaintiff relied on an act of Congress, passed May 15,