5

ARCHIVES
OF THE STATE OF
MARYLAND.

COMMONWEALTH OF KENTUCKY.

In General Assembly, November 27th, 1804.

WHEREAS, owing to the manner of appropriating lands on the western waters, adopted by the state of Virginia previous to the erection of the state of Kentucky into an independent state; there are many conflicting claims to land, and the titles to real property in this state are thereby rendered precarious and unsettled; and inasmuch as many claims to lands in this commonwealth are held by non-residents, who have it in their election to have their suits tried in the state court, or in the court of the United States, which gives the non-resident a decided advantage, the resident having no such election; this advantage is more manifest, when it is considered that different principles of decision may be established by those different tribunals, and the nonresident has it in his power to resort to that court where former decisions favor his particular case; and this is not the only inconvenience which the citizens of this commonwealth are subjected to in consequence of our peculiar situation, the artful and wealthy land claimant, who is an inhabitant of this state, by a transfer of his title to a non-resident, may give jurisdiction to the court of the United States, and thereby put it out of the power of his indigent opponent to pursue or support his claim with success—This is sufficiently evident when we recollect the great distance which many of our citizens live from the district court of the United States, for the Kentucky district, and their inability to prosecute an appeal at the Federal City.

AND WHEREAS, serious and alarming consequences may ensue from contradictory adjudications in the supreme federal court, and the court of appeals in this state. And WHEREAS, the judiciary of each individual state ought to be considered as best qualified to decide upon the laws, enacted by the legislature of that state, more especially when the subject to be adjudicated on, is of such a nature as to require an intimate knowledge of the history of that state, and the particular mode of acquiring that property which is the subject of dispute.

Resolved therefore, That the senators in congress from this state be, and they are hereby instructed, and our representatives in congress are also requested to use their best endeavours to procure such an amendment to the constitution of the United States as will confine the judiciary power of the courts of the United States, to cases in law and equity arising under the constitution and laws of the United States, and treaties made or which shall be made under their authority; cases affecting ambassadors, other public ministers and consuls; cases of admiralty and maritime jurisdiction; controversies to which the United States shall be a party; to controversies between two or more states.

Resolved also, That the governor be, and he is hereby requested to forward the foregoing resolution to each of the senators, and representatives from this state in the congress of the United States; also, to the executive of each state in the union, that the same may be laid before their several legislatures, with a request for their co-operation in procuring the said amendment.

WILLIAM LOGAN, S. H. R.
THOMAS POSEY, S. S. P.

December 19th, 1804, Approved.

CHRISTOPHER GREENUP, Governor
of the commonwealth of Kentucky.

A Copy Attest

John Rowan
Secretary of State