

U. S. DISTRICT COURT, DISTRICT OF WISCONSIN.

MEMORIAL

OF THE

LEGISLATURE OF WISCONSIN,

IN RELATION TO

*The jurisdiction of the United States district court for the district of Wisconsin.*

APRIL 13, 1852.

Referred to the Committee on the Judiciary, and ordered to be printed.

MEMORIAL to the Congress of the United States, relative to the jurisdiction of the United States district court for the district of Wisconsin.

The memorial of the Legislature of the State of Wisconsin respectfully represents :

That by the existing laws of the United States the district court for the district of Wisconsin has original cognizance, concurrent with the State courts, of all suits of a civil nature, at common law or in equity, where the matter in dispute exceeds, exclusive of costs, the sum or value of five hundred dollars, and the United States are plaintiffs or petitioners, or an alien is a party, or the suit is between a citizen of the State where the suit is brought and a citizen of another State ;

That the merging of the jurisdiction of a United States circuit court into the district court, which, without this, possessed and could exercise all the powers and jurisdiction of a district court under the act to establish the judicial courts of the United States, necessarily invests the judge thereof with powers exceeding those of any judge of the United State courts in any of the original States, and is utterly repugnant to the principles established by the people of this State, and incorporated in their judiciary system ;

That nearly all the suits between citizens of other States and citizens of the State of Wisconsin are commenced and prosecuted in the district court, where the adjudication and judgment is final and conclusive, and cannot be appealed from, or reviewed, upon writ of error, unless the amount in dispute exceeds the sum or value of two thousand dollars ; thus, in most cases, placing the fortune and interests of the people at the disposal of one man, who is conscious that his judgment and proceedings cannot be reviewed by any other tribunal, and one whose appointment or removal is placed entirely beyond the control of the people whose interests are involved in the question of his fitness and capacity for exercising such extraordinary powers and

jurisdiction. A court thus organized, naturally excites the jealousy and distrust of the people, who believe that no injustice would be done by compelling citizens of other States to resort to the State courts of this State for legal remedies, which afford adequate facilities for securing substantial justice, and at the same time are so guarded as to protect the rights of all parties equally.

Your memorialists do therefore respectfully pray your honorable body to restrict the jurisdiction of the said district court, so that it shall not have cognizance of any case where the suit is between a citizen of this State and a citizen of another State, and is of a civil nature, at common law or in equity, unless the matter in dispute exceeds, exclusive of costs, the sum of two thousand dollars, leaving the jurisdiction in all other respects the same as now fixed by law.

*Resolved by the Senate and Assembly of the State of Wisconsin, That our senators in Congress be instructed, and our representatives requested, to use their influence to secure the passage of a bill restricting the jurisdiction of the district court of the State of Wisconsin within the limit contemplated by the above memorial.*

*Resolved, That the governor be requested to forward forthwith to the President of the United States, and to our senators and representatives in Congress, a copy of the memorial and these resolutions.*

J. McM. SHAFTER,

*Speaker of the Assembly.*

TIMOTHY BURNS,

*Lt. Governor and President of the Senate.*

Approved, March 4, 1852.

LEONARD J. FARWELL.

STATE OF WISCONSIN, *Secretary's Office, ss:*

I, Charles D. Robinson, Secretary of State, hereby certify that I have compared the foregoing memorial with the original deposited in this office, and that the same is a correct copy thereof, and the whole of said original.

[L. s.] Witness my hand and the great seal of the State, at the Capitol in Madison, this 5th day of March, A. D. 1852.

CHARLES D. ROBINSON,

*Secretary of State.*