

HOUSE No. 199.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 2, 1880.

The Committee on Federal Relations, to whom was referred the special communication of His Excellency, the Governor, transmitting joint resolutions of the General Assembly of the State of Connecticut, concerning the jurisdiction of United States courts over municipal corporations, report the accompanying resolution.

For the Committee,

GEO. W. PARK.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty.

RESOLUTION

Relating to the Jurisdiction of the Courts of the United States over Municipal Corporations.

Resolved, That, whereas, it has been proposed in the Congress of the United States to repeal the existing laws conferring jurisdiction upon the Courts of the United States in suits brought by the municipal corporations, citizens of one State against citizens of another State, and also in suits brought by individual citizens of one State against municipal corporations composed of citizens of another State, and

WHEREAS, joint resolutions have been adopted by some of the States of this Union requesting their Senators and Representatives in Congress to urge the enactment of such laws as may be necessary to prevent the exercise of jurisdiction by the Courts of the United States in proceedings by mandamus against municipal corporations in the several States, to compel the levy and collection of taxes wherewith to satisfy judgments rendered by such Courts;

It is declared to be the deliberate judgment of this legislature:

That the laws passed by Congress under the Constitution of the United States, conferring jurisdiction upon the Courts of the United States in controversies between citizens of different States, to the end that justice may be administered free from the influence of local interests and prejudices, are wise enactments, and ought to be preserved in their integrity.

That municipal corporations, being composed of individual

citizens, and having power to contract obligations with other corporations, and with individual citizens in the several States in this Union, there exists no reason for making any discrimination between them and individual citizens, so far as it regards the exercise of jurisdiction by the Courts of the United States.

That enactments annulling or impairing the jurisdiction of the Courts of the United States, so far as relates to past contracts are abhorrent to natural justice, since they deprive parties of important remedies for enforcing such contracts, to which they were entitled, and upon which they relied in making such contracts.

That municipal corporations, being composed of individual citizens, and having power to make contracts with other citizens, to hold them amenable to the jurisdiction of the Courts of the United States, upon writs of mandamus issued to compel the levy and collection of taxes wherewith to satisfy judgments rendered by such Courts, is not an interference with State rights, since in such cases such Courts do not seek to control the officers of such corporations in the discharge of their duty as State officers, but simply as trustees invested with a power in trust to be exercised for the benefit of creditors entitled by contract to the execution of such powers.

And his Excellency, the Governor, is hereby requested to transmit a copy of this Resolution, with the preamble, to each of our Senators and Representatives in Congress for their earnest consideration and action.

