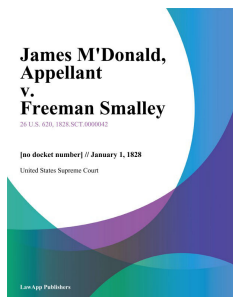


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JAMES M DONALD APPELLANT V FREEMAN SMALLEY EBOOKS 2019



Author: United States Supreme Court

Realese Date: Expected @@expectedReleaseDate@@

This suit was instituted in the Circuit Court of the United States for the seventh Circuit, and district of Ohio, to obtain a conveyance of a tract of land, lying in what is termed 'the military district;' claimed by the complainant under a patent, younger than that under which it is held by the defendants. The complainant is a citizen of Alabama, and claims the land under a conveyance from Duncan M'Arthur, who is a citizen of Ohio. The defendants objected to the jurisdiction of the Court; and after hearing the parties upon this point, the Court dismissed the bill, being of opinion that its jurisdiction could not be sustained. From this decree, the complainant has appealed, and the cause is now before this Court on the question of jurisdiction. The bill states the complainant to be a citizen and resident of the state of Alabama, and the defendants to be citizens and residents of the state of Ohio. It has not been alleged and certainly cannot be alleged, that a citizen of one state, having title to lands in another, is disabled from suing for those lands in the Courts of the United States, by the fact, that he derives his title from a citizen of the state in which the lands lie: consequently, the single inquiry must be, whether the conveyance from M'Arthur to M'Donald was real or fictitious?

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