

The Attorneys for the State of Louisiana did not consider the legacies to the Cities of New Orleans & Baltimore sustainable under one law, and believed that the only chance of maintaining the validity of the Will, was under the residuary clause to the States of Maryland & Louisiana.

The State of Louisiana would not probably have taken the initiative in the proceedings intended to test the validity of the Will in the State Courts, had it not become apparent that the heirs at law would institute their proceedings in the United States Court.

There were many objections to trying the case in that tribunal. 1st The very long delay likely to ensue before its final determination. The suit in that Court, would probably last some eight or ten years and possibly much longer.

The whole property of the succession would probably have been placed in the hands of Receivers and the costs of administration greatly increased. In the State Courts the probability now is that the whole contest as to the validity of the testament will be settled in less than twelve months.

2^d The State tribunals are much the most appropriate for the trial of this cause.

The questions of law involved in the case are peculiar to our own jurisprudence — The principles are to be deduced from the very depths of the Civil law. — The authorities most applicable are the Roman, Spanish and French, and the decisions of our own Supreme Court. — Judges who have devoted their lives to the investigation of such questions and such authorities, are certainly better prepared for the decision of the cause. The State of Louisiana therefore took immediate steps to anticipate the action of the heirs in the United States Court. — The State Courts are now vested with the jurisdiction of the case, and the United States Court cannot divest them of their jurisdiction.

In order to give the State of Maryland, the same advantages, if she desired them, the State of Louisiana made her a party to the suit. This was not compulsory upon the State of Maryland to become a party, but was intended to secure her equal advantages in the case she did so.

As the Supreme Court of the United States, will not probably differ from the Supreme Court of Louisiana upon a question to be determined by our peculiar jurisprudence, the decision of the Court in the suit brought by the State of Louisiana, will control the questions arising under the Will. If the State of Louisiana gains the case, she will at once enter into possession of her share of the property.

If the State of Maryland is not a party to the suit, she will be forced to go into the United States Court and litigate her right to the property with the legal heirs. As we have before stated this will probably take years of litigation, without the slightest probability of a result different from that arrived at in the State Courts.

Under these circumstances after consultation with the other Council we have called to our assistance, we have endeavored to have the rights of the State of Maryland passed upon at the same time with those of Louisiana.

Owing to the late period at which we were authorized to represent the State of Maryland, we shall have to encounter questions of practice which may