

Case No. 10,584.

ORNER v. SAUNDERS.

{3 Dill. 284;¹ 1 N. Y. Wkly. Dig. 383; 2 Cent. Law J. 772; 22 Int. Rev. Rec. 48.}

Circuit Court, W. D. Missouri. Nov. Term, 1875.

REMOVAL OF SUITS—ACT OF MARCH 3, 1875—ACTION ON OFFICIAL BOND OF DEPUTY INTERNAL REVENUE COLLECTOR IS A SUIT “ARISING UNDER THE LAWS OF THE UNITED STATES.”

An action by the collector of internal revenue against the deputy collector on his official bond, may be removed from the state court into the federal court, under the act of March 3, 1875 [18 Stat. 470].

On motion to remand cause to the state court. The plaintiff was the collector of internal revenue for one of the districts of Missouri, and appointed the defendant his deputy. The defendant gave the bond which the plaintiff by the act of congress was authorized to require and accept. This action, brought in May, 1875, is upon this official bond, and alleges various breaches of the same. The plaintiff in due time, before answer filed, applied to remove the cause into this court under the act of March 3d, 1875, as one “arising tunder the constitution and laws of the United States.” The removal was ordered, and the defendant now moves to remand the cause.

Philips & Vest, for motion.

Mack J. Learning and Crittenden & Cockrell, contra.

Before DILLON, Circuit Judge, and KREKEL, District Judge.

DILLON, Circuit Judge. We have no doubt that the cause was properly removed. ⁸³⁰ It is one arising under the laws of the United States. Rev. St. § 3148; Act March 3, 1875, §§ 1-3; Act Feb. 8, 1875, § 12 (IS Stat. 309); *Osborn v. U. S. Bank*, 9 Wheat. [22 U.

S.] 739. Indeed, this last act gives this court original jurisdiction of such actions, concurrent with the state courts.

Motion denied.

¹ [Reported by Hon. John F. Dillon, Circuit Judge, and here reprinted by permission.]

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