

Case No. 11,403.

PREVOST v. GORRELL.

{3 Wkly. Notes Cas. 548; 24 Pittsb. Leg. J. 143.}

Circuit Court, E. D. Pennsylvania. April 7, 1877.

TRANSFER OF CAUSE FOR TRIAL—CONVENIENCE
OF PARTY AND WITNESSES—INSUFFICIENT
GROUNDS FOR REMOVAL.

Petition by defendant to remove cause from Pittsburgh, in the Western district of Pennsylvania, to Williamsport, in the same district.

The petition set forth that the suit was case for damages done to the plaintiff's colliery in Columbia county; that this suit was brought for the same cause of action as in the case of *Prevost v. Gorrell*, originally brought in common pleas No. 2 of Philadelphia county (reported in 2 Wkly. Notes Cas. 440), the latter action having been held by the supreme court of Pennsylvania to have been a local action, and therefore wrongly brought in the common pleas of Philadelphia county (reported 3 Wkly. Notes Cas. 366); that the trial of said cause had occupied several weeks, and that this would probably occupy an equal time; that the witnesses resided in Columbia county, and that it would be burdensome to the defendant and to his witnesses to take them to Pittsburgh, when the case might as readily be tried in Williamsport, which was more than a hundred miles nearer the residence of all parties interested.

H. M. Shick, for the petition.

A. Sydney Biddle, contra.

MCKENNAN, Circuit Judge. Without the consent of both sides, I will not order a cause to be removed from where it had been brought unless for some extraordinary reason. Petition refused.

{See note to Case No. 11,404.}

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