

Case No. 18,101.

{Pet. C. C. 220.}¹

WRIGHT v. WELLS.

Circuit Court, D. Pennsylvania.

April Term, 1816.

REMOVAL FROM STATE COURT—JURISDICTIONAL AMOUNT—RELEASE OF PART OF CLAIM.

If a cause be removed from a state court by the defendant, and the plaintiff declares in the circuit court of the United States for more than five hundred dollars, the plaintiff cannot, by a release of part of his debt, so as to reduce it to less than five hundred dollars, take away the jurisdiction of the circuit court.

{Cited in Ladd v. Tudor, Case No. 7,975.}

Rule to show cause why this suit, which had been removed from the state court, should not be remanded, on a suggestion that the sum demanded is less than five hundred dollars. After this suit was entered in the state court, and before a declaration was filed, the defendant filed his petition, praying that the cause might be removed into this court, which was directed accordingly. On an appearance being entered in this court, the plaintiff filed a declaration, and laid his damages at one thousand dollars.

Mr. Rawle showed cause, and relied upon the damages in the declaration, as being sufficient to maintain the jurisdiction of this court. It was answered by Mr. Lewis, for the plaintiff, that the sum really demanded is less than five hundred dollars, as is admitted by the plaintiff on the record.

BY THE COURT. The state court was not bound to grant the petition for removal, unless it was satisfied, that the sum in dispute amounted to five hundred dollars. Having done so, it follows, that that court was so satisfied. In this court the plaintiff has laid his damages at five hundred dollars, which is sufficient for the jurisdiction of this court, and it cannot be ousted by the plaintiff's releasing so much of his demand, as to reduce it below that sum. Rule discharged.

¹ [Reported by Richard Peters, Jr., Esq.]