

BALLIN AND OTHERS V. LEHR AND OTHERS.

*Circuit Court, S. D. New York.*

April, 1885.

REMOVAL OF CAUSE—ACT OF  
1875—CITIZENSHIP—ALIENS.

A., a citizen of New York, and B., a citizen of Hew Jersey, sued C., a citizen of Maryland, and D., a subject of Prussia, in the state court. *Held*, that the suit was removable to the United States circuit court.

Motion to Remand.

*David Leventritt*, for plaintiffs.

*Samuel W. Weiss*, for defendants.

WHEELER, J. One of the plaintiffs is a citizen of New York, and the other of New Jersey; one of the defendants is a citizen of Maryland, and the other a subject of Prussia. The act of 1875, (Supp. Rev. St. 174,) makes suits removable in which there is a controversy between citizens of different states, or between citizens of a state and foreign citizens or subjects. There are no citizens of the same state, nor citizens or subjects of the same foreign country, on opposite sides of the controversy in this suit. Each person on one side is a citizen of a state, and each person on the other is a citizen of another state or country. The statute uses the plural number only, but this includes the singular, and does not imply that there must be more than one citizen of the same state on one side of every controversy to make the suit removable. A suit in favor of one citizen of one state against one citizen of another state, or an alien, would be none the less removable, because there were not more than one of each class. There is no person here, as a party to this controversy or suit, who is not within the description of the statute as to all of his opponents. There is no occasion for any severance

of causes of action or parties; the statute covers the whole. *Removal Cases*, 100 U. S. 457.

Motion to remand denied.

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