

CASES

v.30F, no.1-1

ARGUED AND DETERMINED

IN THE

United States Circuit and District Courts.

MASSA *v.* CUTTING, JR., AND OTHERS.

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

February 22, 1887.

REMOVAL OF CAUSES—AMOUNT IN DISPUTE. 18 ST. U. S. 470.)

Where suit is brought in a state court by one of a large number of owners of stock, in behalf of himself and all others similarly situated, and the decree sought on behalf of the orator is less than \$500, the defendant is not entitled to have the cause removed to the United States circuit court, under act of March 3, 1875, (18 St. U. S. 470, § 2,) no others having become plaintiffs, and there being no matters in dispute beyond what plaintiff claims in his own behalf.

In Equity.

*Daniel Nason*, for plaintiff.

*C. M. Da Costa*, for defendants.

WHEELER, J. This suit was brought in the state court by the orator, as one of a large number of owners of stock, in behalf of himself and all others similarly situated who may become plaintiffs. The amount for which a decree is sought by the orator in his own behalf is much less than \$500. The amount to which all similarly situated would be entitled, according to the allegations of the bill, is more than \$90,000. The defendants removed the cause into this court. The plaintiff moves to have it remanded to the state court, on the ground that the matter in dispute does not exceed the sum or value of \$500. Act of March 3, 1875, (section 2, 18 St. 470.) No others having become plaintiffs, nothing can be decreed to them, and neither they nor the defendants will be bound by any decree which may be made in the case, as it stood at the time of removal, and now stands. There is no matter in dispute yet beyond what the plaintiff claims in behalf of himself. As that is less than \$500, the case has not yet been one in which the matter in dispute exceeds that sum. Upon these considerations the motion to remand must be granted. Motion granted.