

LAZENSKY *v.* SUPREME LODGE KNIGHTS OF HONOR.

Circuit Court, S. D. New York.

August 20, 1887.

REMOVAL OF CAUSES—JURISDICTIONAL AMOUNT.

An action for the recovery of \$2,000, with interest, was commenced in the state court in December, 1886. On May 8, 1887, it was removed to the circuit court on petition of the defendant, and there tried, resulting in a verdict, June 21, 1887, in favor of the plaintiff. Defendant moved to remand on the ground that the amount in controversy did not *exceed, exclusive of interest and costs*, the sum of \$2,000. *Held*, that under the amendatory removal act of March 3, 1887, limiting the right to removal in actions of this kind to cases where the amount in dispute *exceeds* \$2,000, exclusive of interest and costs, the circuit court had no jurisdiction, of the cause, and it should be remanded.

On Motion to Remand.

Chas. Steckler, for Lazensky.

Morris Goodhart, for Supreme Lodge.

LACOMBE, J. This action was originally brought in the city court of the city of New York, and was for the recovery of \$2,000, with interest. Summons was served in December, 1886. On May 3, 1887, the cause was, on petition of defendant, removed into this court, where it was tried June 21, 1887, and judgment rendered for the plaintiff. The defendant now moves to remand said cause for the reason that the amount in controversy does not *exceed, exclusive of interest and costs*, the sum of \$2,000. At the time application for removal of the cause was made, the amendatory act of 1887 (approved March 3d) was in force. Since the passage of that act actions of this kind may not be removed from the state courts except where the amount in dispute *exceeds* \$2,000, exclusive of interest and costs. No jurisdiction to remove and dispose of controversies pending in the state courts (except as provided in the act) is conferred on the circuit courts. Inasmuch as there is in this case no mere irregularity, but a failure to show jurisdiction of the subject-matter, the motion to remand is granted.