

SMITH *v.* HARPENDING AND ANOTHER.

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

November 4, 1887.

On Motion to Remand.

*G. M. Harwood*, for plaintiff.

*Robt. G. Ingersoll* and *Robt. Hi Griffin*, for defendants.

BENEDICT, J. This case comes up before the court upon a motion to remand. The facts bearing upon the question of removal are similar to the facts stated by this court in deciding the case of *Mary Beadleston* against the same defendants, (*ante*, 644.) The bill in this case differs from the bill in that

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case, but in this case, as in that, the state court has, after hearing the parties, decided that the bill does not disclose a separate controversy as to the defendant Alley. The reasons for: remanding the case stated in the case of Mary Beadleston are applicable here, and the same result must follow.

The motion to remand is granted.