

PLATT *v.* PHENIX ASSUR. CO. OF LONDON.

*Circuit Court, D. Vermont.*

March 14, 1889.

REMOVAL OF CAUSES—JURISDICTIONAL AMOUNT.

A declaration containing a special count on an insurance policy for \$2,250, alleging a total loss, and concluding to plaintiff's damage \$2,000, "for the recovery of which, with just costs, plaintiff brings Suit," and common money counts in *assumpsit* for \$2,000, concluding as in the first count, shows that the amount in dispute exceeds \$2,000, and the action is removable under the act of March 3, 1887

At Law. On motion to remand.

Action by Frederick S. Platt, assignee, against the PHENIX Assurance Company of London.

*George E. Lawrence*, for plaintiff.

*F. G. Swington*, for defendant.

WHEELER, J. This suit was begun in the state court, and removed to this court. The plaintiff has moved to remand upon the ground that the amount in controversy does not exceed the sum of \$2,000, required by the act of 1887. The declaration contains a special count upon a policy of insurance of \$2,250 on specific property, alleging a total loss, and concluding to the damage of the plaintiff \$2,000, "for the recovery of which, with just costs, the plaintiff brings suit;" also the common money counts in *assumpsit* for \$2,000, concluding to the damage of the plaintiff \$2,000, "for the recovery of which with just costs the plaintiff brings suit." These allegations of damages and claims of recovery, together, amount to \$4,000, which, so far as appears, is the amount in dispute which may be recovered in the suit. *Barry v. Edmunds*, 116 U. S. 550, 6 Sup. Ct. Rep. 501; *Hilton v. Dickinson*, 108 U. S. 165, 2 Sup. Ct. Rep. 424. The motion must therefore be overruled.