

CASES

v.42F, no.1-1

ARGUED AND DETERMINED

IN THE

United States Circuit and District Courts.

UHLE *ET AL.* V. BURNHAM *ET AL.*  
FISCHL *ET AL.* V. SAME.

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

April 14, 1890.

REMOVAL OF CAUSES—CITIZENSHIP.

Under the act of March 3, 1887, an action pending in a state court may be removed by defendant to the federal court, although neither party is a resident of the district. Following *Kansas City & T. R. Co. v. Interstate Lumber Co.*, 37 Fed. Rep. 3.

At Law. On motion to remand.

The plaintiffs in both actions are aliens, and the defendants are residents of the state of Missouri. Both actions were commenced by the service of a summons in the supreme court of New York. Within the 20 days allowed by the law of New York for defendants to answer or plead, they removed the cases into this court. Plaintiffs move to remand.

*Chas. Putzel*, for plaintiffs, cited: *Denton v. International Co.*, 36 Fed. Rep. 1; *Galvin v. Boutwell*, 9 Blatchf. 470; *Meyer v. Herrera*, ante, 65; *Halstead v. Manning*, 34 Fed. Rep. 565; *Harold v. Mining Co.*, 33 Fed. Rep. 529.

*David A. Sullivan*, (*Don M. Dickinson*, of counsel,) for defendants, cited: *Kansas City, etc., Ry. Co. v. Interstate Lumber Co.*, 37 Fed. Rep. 5; *Burck v. Taylor*, 39 Fed. Rep. 581; *Cooley v. McArthur*, 35 Fed. Rep. 372; *First Nat. Bank v. Merchants' Bank*, 37 Fed. Rep. 657; *Gaines v. Fuentes*, 92 U. S. 10; *In re Schollenberger*, 96 U. S. 369; *Sayles v. Insurance Co.*, 2 Curt. 212; *Barney v. Bank*, 5 Blatchf. 107; *Bushnell v. Kennedy*, 9 Wall. 387; *Green v. Custard*, 23 How. 484; *Wilson v. Telegraph Co.*, 34 Fed. Rep. 561; *Loomis v. Coal Co.*, 33 Fed. Rep. 353; *Fales v. Railroad Co.*, 32 Fed. Rep. 673.

LACOMBE, J. It seems unnecessary to add anything to the full discussion of the questions raised on this motion which will be found in

UHLE et al. v. BURNHAM et al.FISCHL et al. v. SAME.

*Kansas City, etc., Ry. Co. v. Interstate Lumber Co.*, 37 Fed. Rep. 3, (by Judge BREWER,) and *Burck v. Taylor*, 39 Fed. Rep. 581, (by Judge MAXEY.) The motion to remand is denied. See, also, *First Nat. Bank v. Merchants' Bank*, 37 Fed. Rep. 657.