

HIRSCHL v. J. I. CASE THRESHING MACH. CO.

*Circuit Court, S. D. Iowa, E. D.*

June 26, 1890.

REMOVAL OF CAUSES—CITIZENSHIP OF CORPORATIONS.

A petition for removal of a cause by a corporation of one state sued in the courts of another state is not sufficient unless it alleges, in addition to the usual averments as to citizenship, that it is a non-resident of the state in which it is sued.

At Law. On motion to remand.

The defendant is a corporation organized under the laws of Wisconsin. It was sued in the district court of this state, in and for Cedar county; service of process being made, under section 2613 of the Code of Iowa, upon an agent. The cause was removed to this court upon a petition which averred the necessary citizenship of the parties, but which contained no averment that defendant was a non-resident of the state of Iowa. Plaintiff moves to remand because of the absence of this averment.

*W. J. Roberts*, for plaintiff.

*Craig, McCrary & Craig*, for defendant.

MILLER, Justice. A corporation is a citizen of the state under whose laws it is organized. For the purpose of suing and being sued, it may become a resident of each state in which it does business under state law. The rule, under the removal act of August 13, 1888, as to natural persons, is applicable to corporations. When a corporation of one state is sued in the courts of another state, a petition for removal by it is not sufficient unless it alleges, in addition to the usual averments as to citizenship, that it is a non-resident of the state in which it is sued. The motion to remand is sustained.