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Hancock Vs. Holbrook

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Court : US Supreme Court

Decided On : Jan-10-1887

Appeal No. : 119 U.S. 586

Appellant : Hancock

Respondent : Holbrook

Judgement :

Hancock v. Holbrook - 119 U.S. 586 (1887)
U.S. Supreme Court Hancock v. Holbrook, 119 U.S. 586 (1887)

Hancock v. Holbrook

Submitted December 13, 1886

Decided January 10, 1887

119 U.S. 586

APPEAL FROM THE CIRCUIT COURT OF THE UNITED

STATES FOR THE EASTERN DISTRICT OF LOUISIANA

SYLLABUS

A suit cannot be removed from a state court to a circuit court of the United States on the ground of prejudice or local influence, under subsection 3 of § 639 Rev.Stat., unless all the plaintiffs or all the defendants are citizens of the state in which the suit was brought and of a state other than that of which those petitioning for the removal are citizens.

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This was an appeal from an order of the circuit court remanding to a state court a cause removed thence to the circuit court. The case is stated in the opinion of the Court.

MR. CHIEF JUSTICE WAITE delivered the opinion of the Court.

The order remanding this case is affirmed. A suit cannot be removed from a state court to a circuit court of the United States under subsection 3 of § 639 of the Revised Statutes on the ground of "prejudice or local influence" unless all the plaintiffs or all the defendants are citizens of the state in which the suit was brought and of a state other than that of which those petitioning for the removal are citizens. Here it appears that Hancock, the plaintiff, on whose petition the removal was had, is a citizen of New York, and Eliza Jane Holbrook and George Nicholson, two of the defendants, and those principally interested in the litigation, citizens of Mississippi, while R. W. Holbrook and Richard Fitzgerald, the other defendants, are alone citizens of Louisiana, where the suit was brought. These Louisiana defendants are necessary parties to the suit, but, according to the record, those who are citizens of Mississippi are the real parties in interest.

Affirmed.

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