

THE railroad company removed a suit brought against it and some of its employés for damages for personal injuries from the state court into the Federal court; the state court declined to surrender jurisdiction and the plaintiff in that suit (appellee here) recovered judgment which was affirmed. In the Federal court motions to remand were overruled and judgment entered in favor of the railroad company. Thereupon the railroad company brought this suit in equity in the Circuit Court of the United States to enjoin the enforcement of the judgment entered in the state court in favor of the appellee in this case. The Circuit Court dismissed the case for want of jurisdiction.

Mr. Plewett Lee and Mr. Edmund F. Trabue for appellant.

Mr. John G. Miller for appellee.

Per Curiam. Judgment affirmed with costs.

AMERICAN NATIONAL BANK OF WASHINGTON
v. TAPPAN.

ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR
THE DISTRICT OF MASSACHUSETTS.

No. 837. Submitted May 16, 1910.—Decided May 31, 1910.

Judgment of the Circuit Court dismissing a case for want of jurisdiction affirmed without opinion.

THIS case was dismissed for want of jurisdiction. In its brief plaintiff in error contended that this suit was properly brought in the Circuit Court upon the ground

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Syllabus.

that it is one arising under the laws of the United States, there being two reasons for so classifying it. The first reason being that this cause of action is given by the law of the District of Columbia, and that, as expressly decided by this court in the case of *Cohens v. Virginia*, 6 Wheat. 264, when a right given by the acts of Congress passed for the District of Columbia is asserted the case is one arising under the laws of the United States within the meaning of the Constitution and of the Judiciary Act.

The second reason is that a national bank having its habitat in the District of Columbia is entitled to sue in the Circuit and District Courts as a Federal corporation, its location exempting it from the operation of those acts which deny to national banks located in States the right to sue in the Circuit and District Courts on the ground of their Federal origin.

Mr. Benjamin S. Minor, Mr. Horace B. Stanton, Mr. Edward A. Adler, Mr. B. Devereux Barker, and Mr. Chandler M. Wood for plaintiff in error.

Mr. Alexander Wolf and *Mr. Edward S. Goulston* for defendant in error.

Per Curiam. Judgment affirmed with costs without opinion.

UNITED STATES *v.* SEWELL.

ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR
THE EASTERN DISTRICT OF KENTUCKY.

No. 181. Argued April 29, 1910.—Decided May 31, 1910.

United States v. Welch, 217 U. S. 333, followed.

Before the Government is required to pay for land held to have been taken by it, the owners should furnish a survey definitely ascertaining the land by metes and bounds.