

and is nothing more; and the complaints have not even the semblance of sufficiency as complaints prosecuted under said section 2103.

And we will, therefore, not pursue this feature of the case farther.

SUIT OUT OF A DEFENDANT'S DISTRICT UNLAWFUL.

We now turn to a distinct point in objection to this action, and which point is confined to the defendant, Crawford.

It is averred in each complaint that the defendant, Crawford, is a resident of Topeka, Kansas, a different district from that in which the suit is brought.

The last enactment by Congress upon the matter as to the district in which suits shall be prosecuted is that of August 13, 1888 (25 Stats. at Large, 434). Section 1 of that act, which is an amendment of the act of March 3, 1875, provides (in the only paragraph here material) in these words:

"But no person shall be arrested in one district for trial in another in any civil action before a circuit or district court; and no civil suit shall be brought before either of said courts against any person by any original process or proceeding in any other district than that whereof he is an inhabitant, but where the jurisdiction is founded only on the fact that the action is between citizens of different States suit shall be brought only in the district of the residence of either the plaintiff or defendant."

The present suit, of course, is not one prosecuted in the Federal court because of the citizenship of the parties being in different States, and is brought in the Federal courts because supposed to be based on an act of Congress.

Therefore the only provision of this section 1 of the act approved August 13, 1888 (25 Stats., 434), that we need here notice is that which reads: