dence, as distinguished from an occasional lodger or visitor." Imperial Dict. "Inhabitant: 2. (Law.) One who has a legal settlement in a town, city, or parish; a resident." Webster. "Inhabitant: A dweller or householder in any place." Toml. Law Dict. I am not aware that the term "inhabitant," as applicable to a corporation in a case like this, has ever been judicially defined, but it seems to me a corporation must be held to be an inhabitant of the place where it has its principal place of business, where its corporate offices and records are kept, and its corporate meetings are lawfully held. A corporation, like an individual, may have agents representing it in a district of which it is not an inhabitant; and no reason is perceived why it can be sued outside of the district where its principal corporate business is done by service on its agent, which would not allow an individual to be so sued. And if a natural person, charged with the infringement of a patent, can only be sued in the district of which he is an inhabitant, I can see no good reason why a corporation is not entitled to the same protection under this law. This defendant is a corporation created by the laws of the state of Connecticut. The bill also avers that it is a citizen of the state of Massachusetts, and has its principal office in the city of Boston, in that state, and hence, by the showing of the bill, it may be an inhabitant of Boston; although I do not intend to pass on that question here. Waiving the question whether a corporation can be a citizen or inhabitant of any state except that from which it has obtained its corporate rights and existence, it is quite clear to me that it cannot be a citizen or inhabitant of more than one place; and although the bill states that this defendant does business in this district, that cannot make the corporation an inhabitant of the district so long as its principal offices are elsewhere. It seems to me that, according to this bill, this corporation is either an inhabitant of Connecticut or Massachusetts, and therefore it can only be sued in those states. Certain states have enacted statutes which require that corporations, like insurance companies, incorporated in other states, shall, as a condition upon which they will be permitted to do business in the state enacting such statutes, appoint agents upon whom process may be served; but there is no such statute in this state which applies to this defendant. I am therefore of opinion that this cause should be dismissed for want of jurisdiction.

WOLCOTT *et al.* *v.* ASPEN M. & S. CO. *et. al.*

(*Circuit Court, D. Colorado.* May 4, 1888.)

REMOVAL OF CAUSES—SEPARABLE CONTROVERSY.

Where plaintiffs' title to the product of a mine has been established by a decree in a state court, a proceeding by plaintiffs against the same and other defendants, to obtain possession of their rights under the decree, although independent in form and involving a defendant who claims a superior title by purchase, is in effect merely a supplementary proceeding, inseparably connected with the original decree, and therefore not removable to the United States court.

On Motion to Remand.

J. T. Vaile, for complainants.

Geo. J. Boal, for defendants.

BREWER, C. J. In *Wolcott and others* v. *The Aspen Mining & Smelting Company and others* there is a motion to remand. Three grounds are presented. The first and third are passed with the single observation that very properly an interrogation mark might be put at the end of each of the questions presented. The second I consider more fully, because I think it the more important, and it is decisive. The proposition in that is that this suit or proceeding in the state court was merely ancillary to a case already determined in the district court, and transferred by appeal and now pending in the supreme court of the state. The facts are these: In a suit in the state court, in which these plaintiffs were intervenors, their title was adjudicated to a fraction of interest in the Emma mine. Some of these defendants were defendants in that suit. One J. B. Wheeler was the owner of a large portion of the adverse interests. After that decree an appeal was taken to the supreme court, and it is there pending. That decree, as I said, established the title of the present plaintiffs to a fractional interest in the Emma mine. This complaint, which is in the nature of a bill in equity in this court, was filed as an independent complaint; and yet the form in which these things are pursued is immaterial; we always go back to the substance of the transaction. It is a proceeding to enforce possession of the same fractional share of the product of that mine as was given by the decree. It sets forth the decree. It shows there has been a certain amount of product from that mine; and is a proceeding to enforce plaintiffs' right to that proportionate share of the product of the mine. The Aspen Mining & Smelting Company, principal and removing defendant, purchased, as alleged, after that decree, from Wheeler. In its answer, not denying that decree or those proceedings or its purchase, it sets up ownership in this ore by reason of a purchase of the apex of the vein, and, of course, that interjects into this litigation that controversy between other parties which was compromised a week ago. Now, it is settled that a proceeding which is merely ancillary, and for the purpose of carrying into effect an existing judgment or decree, is not removable; the case in which the