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NOTES

Transferring and Enjoining Suits Under the Federal Employers' Liability Act

THE VENUE provision¹ of the Federal Employers' Liability Act has been subjected to both judicial and Congressional modification since its enactment. Prior to its enactment, a plaintiff was often forced to bring suit in an inconvenient forum, since proper venue could only be laid in the state or federal district in which the defendant resided.² In many instances this required a plaintiff to travel long distances in order to maintain his action. The resultant inequity was clear. A heavy burden and expense in transportation of witnesses and evidence was imposed upon the injured party. The purpose of the special venue provision of the FELA, therefore, was to provide the plaintiff with a larger number of forums in which proper venue could be laid.

It appears evident from the Supreme Court cases and Congressional action following the enactment of the provision, however, that the balance

¹ "Under this chapter an action may be brought in a district court of the United States, in the district of the residence of defendant, or in which the cause of action arose, or in which the defendant shall be doing business at the time of commencing such action. The jurisdiction of the courts of the United States under this chapter shall be concurrent with that of the courts of the several states, and no case arising under this chapter and brought in any state court of competent jurisdiction shall be removed to any court of the United States." 35 STAT. 66 (1908), as amended, 36 STAT. 291 (1910), 45 U.S.C. § 56 (1946).

² *Cound v. Archison, T. & S.F. Ry.*, 173 Fed. 527 (W.D. Tex. 1909).