Federal Venue Statute Regarding National Banking Associations

St. John's Law Review

Follow this and additional works at: https://scholarship.law.stjohns.edu/lawreview

Recommended Citation
Available at: https://scholarship.law.stjohns.edu/lawreview/vol39/iss2/31

This Recent Development in New York Law is brought to you for free and open access by the Journals at St. John's Law Scholarship Repository. It has been accepted for inclusion in St. John's Law Review by an authorized editor of St. John's Law Scholarship Repository. For more information, please contact lasalar@stjohns.edu.
ARTICLE 5 — VENUE

Federal venue statute regarding national banking associations deemed controlling.

Do the general venue provisions of the CPLR apply to national banking associations? A recent New York supreme court case has indicated that in an action against a national banking association, venue must be laid in the county where the bank is established. Hence, the general venue provision of the CPLR which allows a plaintiff to commence an action in the county where he or the defendant resides is inapplicable. The New York court deemed itself bound by a recent decision of the United States Supreme Court which construed the federal venue statute governing actions against national banks as being mandatory. Thus, it was held that the defendant bank could compel a change of venue from Sullivan County, where it had neither an office nor a branch, to Nassau County, the location of its established office. In giving the federal venue statute a mandatory reading, the court settled the prior division of authority on the question in New York.

ARTICLE 10 — PARTIES GENERALLY

CPLR 1006: Use of interpleader does not preclude jury trial.

When an individual is faced with two or more related claims, he may have recourse to interpleader, an equitable procedure

---

80 CPLR 503(a).
82 "Venue of suits. Actions and proceedings against any association under this chapter may be had . . . in any State, county, or municipal court in the county or city in which said association is located having jurisdiction in similar cases." 13 Stat. 108 (1864), as amended, 18 Stat. 320 (1875), 12 U.S.C. § 94 (1958).