

Opinion of the Court.

The decree is reversed on the single ground that the suit should have been remanded to the state court, and, without passing on any of the other questions involved, the cause is remitted to the District Court, with instructions to send it back to the state court as a suit which had been improperly removed, and of which the District Court had no jurisdiction.

Reversed.

BURLINGTON, CEDAR RAPIDS & NORTHERN
RAILWAY *v.* DUNN.

ERROR TO THE SUPREME COURT OF THE STATE OF MINNESOTA.

Submitted April 1, 1887.—Decided April 4, 1887.

A case brought here in error from the Supreme Court of a state, in which the trial court refused to let go its jurisdiction on a petition for removal, and in which the Supreme Court of the state affirmed that ruling, is within the spirit of Rule 32, 108 U. S. 591-2, relating to the advancement of causes, and the court, on motion in such a cause, advances it to be heard under the rules prescribed by Rule 6, 108 U. S. 574-5, in regard to motions to dismiss.

THIS was a motion to advance.

Mr. William A. McKenney for the motion.

No appearance in opposition.

MR. CHIEF JUSTICE WAITE delivered the opinion of the court.

This case is within the spirit, although not within the letter of Rule 32. The state court refused to let go its jurisdiction on a petition for removal, and the Supreme Court of the State has affirmed the ruling of the trial court to that effect. The only question for our consideration on the writ of error is whether this decision was right. The case is advanced to be brought on for hearing in the way provided by Rule 32, that is to say, under the rules prescribed by Rule 6 in regard to motions to dismiss writs of error or appeals.

Motion granted.