

Opinion of the Court.

District of New York to set aside an order granting a motion to remand a suit against him, which he had caused to be removed from a state court, and to proceed to a rehearing, on the ground that at the former hearing the court did not have before it and did not see the complaint in the case on which he relied to show his right to a removal. The petition makes it apparent that the motion was submitted by both parties, and decided on the papers then furnished. If, in point of fact, the complaint was not included among those papers, and it had been omitted by mistake, a rehearing might have been granted in the discretion of the court upon a showing to that effect, but this court has no power to require that court to do so by mandamus.

UNION MUTUAL LIFE INSURANCE COMPANY *v.*
WATERS.

ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE
NORTHERN DISTRICT OF OHIO.

Announced January 23, 1888.

In accordance with a stipulation of the parties the judgment of the court below is reversed and a mandate issued.

Mr. J. O. Winship for plaintiff in error.

Mr. J. H. Hoyt for defendant in error.

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

In this case the parties have stipulated as follows:

"The controversy between the parties hereto, having been amicably adjusted, it is now stipulated and agreed between us, that as to the proceedings now pending in the Supreme Court of the United States, docketed as case No. 356, wherein the Union Mutual Life Insurance Co. of Maine is plaintiff in error, and Electa L. Waters is defendant in error, an entry shall be made by said court, as upon the trial thereof, that the judgment of the Circuit Court of the United States for

Statement of the Case.

the Northern District of Ohio, Eastern Division, shall be reversed and the said cause remanded to the Circuit Court, and a judgment be entered against said defendant for costs herein, and that said mandate shall be issued at once."

It is, therefore, on motion, ordered that the judgment be, and the same is hereby, reversed, costs in this court to be paid by the plaintiff in error, and the cause remanded, with instructions to proceed in accordance with such stipulation.

IN RE CRAFT.

ORIGINAL.

Submitted January 16, 1888. — Decided January 23, 1888.

An injunction restraining the prosecution of an action of replevin in a court established under the authority of the United States involves of itself no question of the validity of an authority exercised under the United States.

MR. R. H. STEELE, of counsel for petitioners, moved the court for leave to file a petition, for a writ of mandamus to the Supreme Court of the District of Columbia to compel the allowance of an appeal in accordance with the prayer of the petitioners; whereupon, the Chief Justice announced that an application had been made to him for the allowance of an appeal in the cause, which application he now refers to the court for its consideration, and directed that counsel for the moving parties file a brief in behalf of their application.

Thereupon the counsel filed a paper entitled "brief," of which the following are the material parts.

"Your petitioners respectfully represent and submit the following:

"That the cause herein considered is entitled on the docket record of the Supreme Court of the District of Columbia, the court below, as Mary F. Crist, Complainant, *v.* Henry C. Craft, Philip A. Crist, and Albert A. Wilson, Defendants, Equity, No. 10036, Cal., No. 80.

"That, upon June 11th, 1886, the above named complainant