

MAIRER *v.* OLMSTEAD AND OTHERS.*Circuit Court, S. D. New York.*

April, 1885.

REMOVAL OF CAUSE—TIME OF  
REMOVAL—REPEAL OF REV. ST. § 639, CL. 2.

The second clause of section 639 of the Revised Statutes was repealed by the act of 1875.

Motion to Remand.

*J. D. McClelland*, for plaintiff.

*F. W. Angell*, for defendant.

WHEELER, J. The removal of this cause from the state court being after a term at which it could have been tried, and therefore too late <sup>194</sup> under the act of 1875, is sought to be sustained by the act of 1866, (subdivision 2 of section 639, Rev. St. U. S.) But that clause is held to be repealed by the act of 1875, (*Hyde v. Ruble*, 104 U. S. 407,) although it had been held otherwise previously, by various state and circuit courts.

Motion to remand granted.

This volume of American Law was transcribed for use  
on the Internet

through a contribution from [Google](#). 