

Case No. 6,513. HINDLEY V. THE WELLINGTON.
[21 Int. Rev. Rec. 14.]

Circuit Court, N. D. Ohio.

Dec. 24, 1874.

APPEAL IN ADMIRALTY—DECREE PRO FORMA—HEARING.

{Appeal from the district court of the United States for the Northern district of Ohio.}

{This was a libel in admiralty by William Hindley against the schooner Wellington.}

It appearing in this case that no trial upon the merits was had in the court below, but a decree having been entered pro forma, it was held, that the circuit court would not hear and determine an appeal in admiralty where no hearing below was had, it being in admiralty cases an appellate court, not a court of original jurisdiction. By consent of parties, case remanded to district court for hearing.

Wiiley, Terrell & Sherman, J. E. Cary, and J. F. Weh, for libellant.

Estep & Burke, for respondent.