

Case No. 14,275a.

TUTT v. IDE.

{3 Blatchf. 255, note.}¹

Circuit Court, N. D. New York.

Sept. 1, 1859.

NEW TRIAL.

On a motion, made by the defendants for a new trial.

NELSON, Circuit Justice. I am entirely satisfied with the opinion of Judge Hall in *Tutt v. Ide* [Case No. 14,275b]. delivered on the decision of the demurrer to the declaration, and which he followed on the trial of the issue of ³⁹⁴ fact, and must, therefore, deny the motion for a new trial, and give judgment for the plaintiffs upon the verdict. The opinion in the case of *Converse v. Coit* [unreported], delivered by me in the state court, and referred to on the argument, turned upon a different question from the one involved in this case.

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