

"Q. Did you give any orders for her to cast off— A. No.

"Q. Do you know who did give the order to cast the lighter off? A. No.

"Q. Did you hear the order given? A. No.

"Q. Did you ask any one to cast the lighter off from the Millard? A. No."

It is difficult to tell precisely what is intended by some of these questions and answers. The pleadings speak of casting off twice; first, from the tug Millard; and afterwards, from the Dumois. The answer to the first question above quoted cannot be exact; for it is certain the master did not give any order to the Millard to cast the lighter off when it came alongside. In another passage he says that "the lighter was not cast off from the Millard by any order from any one aboard the ship;" and that "he did not direct when the lighter was to be cast off;" and that "that was none of his business." As that is undoubtedly correct, the only order to "cast off" which he could have given, and which, in answer to the first question quoted, he says he did give, must have been after the lighter was alongside, as the respondents' four witnesses all assert. The master's first answer is some confirmation of the respondents' witnesses, though afterwards on re-examination he denies having given any such order. Aside from this, however, and even if this passage in the master's testimony be wholly disregarded as a mistake, the preponderance of proof is so clearly on the side of the respondents' witnesses, that the libel must be dismissed, with costs.

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STOVER BICYCLE CO. v. UNITED STATES.

(Circuit Court of Appeals, Seventh Circuit. June 4, 1893.)

No. 84.

Appeal from the Circuit Court of the United States for the Northern District of Illinois.

Proceeding by the Stover Bicycle Company to review a decision of the board of general appraisers in the classification for duty of certain rims for bicycle wheels. The circuit court affirmed the decision of the board, and the importer appeals. Affirmed.

Percy L. Shuman, for appellants.

Thomas E. Milchrist, for the United States.

Before GRESHAM and WOODS, Circuit Judges, and BUNN, District Judge.

PER CURIAM. The decree appealed from is affirmed upon the grounds stated in the opinion of this court in cause No. 83, Stone v. U. S., 56 Fed. Rep. 826.

[END OF CASES IN VOL. 56.]