John C. Avery, for appellant.
W. A. Blount and A. C. Blount, Jr., for appellees.

Before PARDEE and McCORMICK, Circuit Judges, and BRUCE, District Judge.

PER CURIAM. While the award for salvage against the ship appears to be high in reference to some of the values sworn to by witnesses in the case, yet the evidence, taken as a whole, is not so conclusive on the side of the claimant that we can find therefrom that the court below erred in the valuation fixed as the basis of award. On that basis, considering the value of the salving vessel, the risk it encountered in rendering the salvage services, and the complete success attending such services, the amount awarded cannot be characterized as excessive to such a degree as to warrant our interference. The decree appealed from is affirmed.

THE BELLE OF THE COAST.

FIGGANS v. AIKEN.

(Circuit Court of Appeals, Fifth Circuit. May 28, 1895.)

No. 373.

LIBEL FOR PERSONAL INJURIES—EVIDENCE.

Appeal from the District Court of the United States for the Eastern District of Louisiana.

This was a libel by Baptiste Figgans against the steamboat Belle of the Coast to recover damages sustained by libelant, who was employed on board said boat, by reason of having his fingers crushed between the ends of two barrels while engaged in loading sugar at the landing at Pike's Peak, on the Mississippi river. The district court dismissed the libel, and the libelant has appealed.

W. W. Handlin, for appellant.
E. H. Farrar, B. F. Jonas, E. B. Kruttschnitt, and Hewes T. Gurley, for appellee.

Before PARDEE and McCORMICK, Circuit Judges, and BRUCE, District Judge.

PER CURIAM. Only facts are involved in this case. On the evidence, the district judge found against the libelant, and we find the same way. The decree appealed from is affirmed.

McCONNELL v. PROVIDENT SAVINGS LIFE ASSUR. SOC. OF NEW YORK.

(Circuit Court of Appeals, Sixth Circuit. July 2, 1895.)

No. 258.

PRACTICE—CASE IMPROPERLY HEARD IN EQUITY—OBJECTION FIRST RAISED ON APPEAL.

A case of a purely legal nature, involving no equitable feature and requiring no equitable relief, was brought in a state court, in the form of a bill in equity, under a local statute, and after removal to the federal court was conducted to its end by both parties under the forms of equity procedure, resulting in a decree dismissing the bill. From this decree the complainant took an appeal, and, by a motion to dismiss such appeal, made after the time for bringing a writ of error had expired, the respondent for the first time raised the objection that the proceeding was one at law, which could only be reviewed by writ of error. *Held*, that the decree should be reversed and the cause remanded, with instructions to redocket the case as one at law, and require the parties to reframe their pleadings to conform to the procedure at law.

Appeal from the Circuit Court of the United States for the Eastern District of Tennessee.

This is an appeal from a decree of the circuit court of the United States for the Eastern district of Tennessee. The cause was begun by an original bill filed in the chancery court at Knoxville, in Tennessee, by Mary F. McConnell, a citizen of Tennessee, against the Provident Savings Life Assurance Society, a corporation and citizen of the state of New York. The bill alleged that the complainant was the widow of one R. A. McConnell, deceased, who died July 28, 1893; that on the 27th of April, 1893, the said R. A. McConnell procured the defendant to issue to the complainant, his wife, a policy of $5,000 upon his life, which policy was filed and made a part of the bill. The bill further averred that proper proofs of death were forwarded to the defendant; that by the terms of the policy the defendant, within 60 days after the presentation of the satisfactory proofs, became liable to pay the face of the policy, but failed and refused to do so; that there was actually paid, at the time of the issuance and delivery of the policy, the sum of $20.65 on account of the premium thereon for the current year ending April 27, 1894; that the defendant was justly indebted to complainant in the full amount of the policy, less that portion of the premium due thereon for the current year ending April 27, 1894, which was the premium due for the whole year, less the $20.65 paid. The prayer of the bill was for process by subpoena according to the practice of the court, for judgment and decree in favor of complainants for the amount of the policy, with interest thereon, less the portion of the premium for the current year; and, if mistaken in her special prayer, she prayed for all such other, further, different, and general relief as the facts might warrant and as the ends of justice might require. Upon this bill subpoena was issued summoning the defendant to appear before the chancery court at Knoxville to answer the original bill which the complainant had filed against it. The subpoena was served upon the agent of the defendant. Thereupon the cause was removed by defendant to the court below, and on the 9th day of July thereafter the following motion was made in that court: "Came the Provident Savings Life Assurance Society of New York, by its solicitor, George H. Pepper, and moved the court to allow the transcript in the above-entitled cause from the chancery court of Knox county removed to this court, on bond and petition to be filed in this court. And, it appearing to the court that the law in regard to removals has in all things been complied with, the court is pleased to sustain said motion, and order that the same be filed and docketed. Thereupon the defendant filed its answer. The answer begins as follows: "To the Honorable Judges holding United States Circuit Court at Knoxville, Tennessee: The answer of the Provident Savings Life Assurance Society of New York to the bill filed against it in the chancery court of Knox county, Tennessee, and removed to