

CITY OF CLEVELAND v. HAWGOOD & AVERY TRANSIT CO. (Circuit Court of Appeals, Sixth Circuit. May 5, 1898.) No. 544. Error to the Circuit Court of the United States for the Eastern Division of the Northern District of Ohio. George L. Phillips and Miner G. Norton, for plaintiff in error. Harvey D. Goulder, for defendant in error. No opinion. Judgment affirmed.

CITY OF WABASHA v. CHICAGO, M. & ST. P. RY. CO. (Circuit Court of Appeals, Eighth Circuit. May 4, 1896.) No. 760. In Error to the Circuit Court of the United States for the District of Minnesota. A. H. Young and Daniel Fish, for plaintiff in error. H. H. Field and W. H. Norris, for defendant in error. Dismissed for want of jurisdiction, with costs.

CUYLER & WOODBURN R. CO. v. ANNISTON NAT. BANK. (Circuit Court of Appeals, Fifth Circuit. November 23, 1896.) No. 548. Appeal from the Circuit Court of the United States for the Southern District of Georgia. Docketed and dismissed pursuant to the sixteenth rule on motion of W. K. Miller, for appellees.

DEL MONTE MINING & MILLING CO. v. LAST CHANCE MINING & MILLING CO. (Circuit Court of Appeals, Eighth Circuit.) Questions of law certified to the supreme court of the United States. See 18 Sup. Ct. 895.

DEPOSIT BANK OF FRANKFORT v. STONE et al. (Circuit Court, D. Kentucky. June 4, 1898.) No. 275. Frank Chinn, for complainant. W. S. Taylor, Atty. Gen., for Samuel H. Stone and others. Ira & W. H. Julian, for city of Frankfort. James H. Polsgrove, for county of Franklin. Before HARLAN, Circuit Justice, and TAFT and LURTON, Circuit Judges.

TAFT, Circuit Judge. In an Injunction suit brought by the Deposit Bank of Frankfort against the county of Franklin, in the Franklin circuit court, to prevent the collection of any taxes under the revenue act of 1892 in excess of those imposed by the Hewitt act (Act Ky. May 17, 1886), it was expressly adjudged on appeal by the court of appeals that the bank had, by its due acceptance of the terms of the Hewitt act, an irrevocable contract of exemption from taxation in excess of that imposed in the Hewitt act, and that the revenue act of 1892 violated this contract. In a similar injunction suit brought by the bank against the city of Frankfort, a decree in all respects similar was entered on the same ground. In accordance with our decision in the case of Bank of Kentucky v. Stone (just decided) 88 Fed. 383, we must therefore grant the motion for a preliminary Injunction, and overrule the demurrer to the bill.

THE FAVORITE. (Circuit Court of Appeals, Sixth Circuit. May 12, 1898.) No. 576. In Error to the District Court of the United States for the Northern District of Ohio. Orestes C. Pinney, for plaintiff in error. Goulder & Holding, on brief for defendants in error. Dismissed for want of jurisdiction.

FLINT v. CHRISTALL. (Circuit Court of Appeals, Second Circuit.) Questions of law certified to the supreme court of the United States. See 18 Sup. Ct. 831.

FARMERS' BANK OF KENTUCKY v. STONE et al. (Circuit Court, D. Kentucky. June 4, 1898.) John W. Rodman and W. S. Pryor, for complainant. W. S. Taylor, for Samuel H. Stone, etc. Ira & W. H. Julian, for city of Frankfort. James H. Polsgrove, for county of Franklin. James F. Clay, for Henderson county. Before HARLAN, Circuit Justice, and TAFT and LURTON, Circuit Judges.

TAFT, Circuit Judge. This case is controlled by the points already decided. The Farmers' Bank, in prior adjudications with the county of Franklin, the city of Frankfort, and the city of Henderson, was conclusively adjudged to have an irrevocable contract under the Hewitt act, exempting it from any taxation in excess of that provided therein. There was no such adjudication, however, between the Farmers' Bank and either Scott county or Henderson county. It therefore follows from what has already been decided that as to Scott county and Henderson county the demurrers to the bill should be sustained, and the bill must be dismissed, while as to the other defendants the demurrers will be overruled, and the motions for a preliminary injunction granted.

FOLSOM v. UNITED STATES. (Circuit Court of Appeals, Eighth Circuit. May 4, 1896.) No. 579. In Error to the Supreme Court of the Territory of New Mexico. Dismissed for want of jurisdiction.

FRANTZ v. WEIGAND. (Circuit Court of Appeals, Fifth Circuit. May 17, 1897.) No. 575. In Error to the Circuit Court of the United States for the Eastern District of Louisiana. W. O. Hart, for plaintiff in error. Frank McGloin, for defendant in error. Dismissed pursuant to the twentieth rule.

GLYNN et al. v. KEYSER et al. KEYSER et al. v. GLYNN et al. (Circuit Court of Appeals, Fifth Circuit. May 24, 1898.) No. 652. Appeal and Cross Appeal from the District Court of the United States for the Northern District of Florida. J. P. Kirlin and John Eagan, for Dashper E. Glynn & Son. John C. Avery, for W. S. Keyser & Co. Before PARDEE and McCORMICK, Circuit Judges, and PARLANGE, District Judge.

PER CURIAM. The questions raised in this case are identical with those in *Wood v. Keyser*, 87 Fed. 1007, and *Steamship Co. v. Keyser* (just decided) 87 Fed. 1005, and for the same reasons the judgment of the district court is affirmed.

HOWISON v. ALABAMA COAL & IRON CO. (Circuit Court of Appeals, Fifth Circuit. December 21, 1896.) No. 541. In Error to the Circuit Court of the United States for the Northern District of Alabama. Alexander T. London, for plaintiff in error. John B. Knox and S. J. Bowie, for defendant in error. Dismissed pursuant to the twentieth rule.