

**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.

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**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.

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**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.

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**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.

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**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.

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**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.

INTERSTATE SAV., LOAN & TRUST CO. v. SHAW et al. (Circuit Court of Appeals, Sixth Circuit. May 12, 1898.) No. 579. In Error to the Circuit Court of the United States for the District of Kentucky. Michael G. Heintz, for plaintiff in error. E. C. Pyle, for defendants in error. No opinion. Affirmed.

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JOHNSON v. CITIZENS' ST. R. CO. OF INDIANAPOLIS, IND. (Circuit Court of Appeals, Sixth Circuit. May 10, 1898.) No. 568. In Error to the Circuit Court of the United States for the Eastern Division of the Northern District of Ohio. W. B. Sanders, for plaintiff in error. W. H. H. Miller, for defendant in error. No opinion. Affirmed.

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LOUISVILLE BANKING CO. v. CITY OF LOUISVILLE. (Circuit Court, D. Kentucky. June 4, 1898.) No. 6,562. Helm & Bruce, for complainant. Henry L. Stone, for city of Louisville. Before HARLAN, Circuit Justice, and TAFT and LURTON, Circuit Judges.

TAFT, Circuit Judge. This case presents the same questions as are presented in the case of Louisville Banking Co. v. Stone, *infra*, already disposed of, but involves the taxes for 1893 and 1894. The taxes for 1895, 1896, 1897, and 1898 were involved in the prior case. The order will be that the preliminary injunction prayed for shall issue, and that the demurrers to the bills be overruled.

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LOUISVILLE BANKING CO. v. STONE et al.

SAME v. CITY OF LOUISVILLE.

(Circuit Court, D. Kentucky. June 4, 1898.)

Nos. 6,561 and 6,562.

RES JUDICATA.

Helm & Bruce, for complainant.

W. S. Taylor, Atty. Gen., for Samuel H. Stone, etc., board of valuation and assessment of the state of Kentucky.

Henry L. Stone, for city of Louisville.

Before HARLAN, Circuit Justice, and TAFT and LURTON, Circuit Judges.

TAFT, Circuit Judge. These cases present substantially the same questions as those already passed upon in the case of Bank of Kentucky v. Same Defendants, 88 Fed. 383. The complainant company was a corporation organized after the act of 1856, but before the Hewitt act. It duly accepted the provisions of the Hewitt act. After the passage of the revenue act of November, 1892, and the adoption of the ordinance by the city of Louisville imposing a license upon the gross receipts of banks doing business within its limits, a warrant was sued out by the city of Louisville, in its police court, against the Louisville Banking Company, for a failure to pay the license. This bank filed a petition for a writ of prohibition in the circuit court of Jefferson county against R. H. Thompson, the police judge, averring that the ordinance of the city of Louisville was void, as impairing an obligation of the complainant's contract with the state under the Hewitt act, and that any authority given to the city of Louisville to pass such ordinance by the revenue act of November, 1892, was likewise void, as impairing the obligation of the contract. The petition prayed that the police judge might be prohibited from taking jurisdiction of the proceeding against complainant for a violation of the ordinance. Issue was joined on this petition by the