

RIVER MACHINE & BOILER CO. v. DUFFY et al. (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. O. C. Pinney, for plaintiff in error. Dismissed for want of jurisdiction.

SOUTHERN RY. CO. v. AVERA. (Circuit Court of Appeals, Fifth Circuit. April 22, 1897.) No. 586. In Error to the Circuit Court of the United States for the Northern District of Georgia. R. T. Dorsey and Sanders McDaniel, for plaintiff in error. Dismissed pursuant to the twentieth rule.

THIRD NAT. BANK v. STONE et al. SAME v. CITY OF LOUISVILLE. (Circuit Court, D. Kentucky. June 4, 1898.) Nos. 6,573 and 6,574. Helm & Bruce, for complainant. W. S. Taylor, Atty. Gen., for Samuel H. Stone and others. Henry L. Stone, for city of Louisville. Before HARLAN, Circuit Justice, and TAFT and LURTON, Circuit Judges.

TAFT, Circuit Judge. These cases present the same question which arose in the case of Louisville Banking Co. v. Same Defendants (already decided) 88 Fed. 988. The suit against the city of Louisville relates to the taxes under the revenue act of 1892 for the years 1893 and 1894, and the suit against Stone and others and the city of Louisville relates to the taxes for 1895, 1896, 1897, and 1898. In the prohibition suit brought by the Third National Bank against the judge of the police court, to which the city of Louisville became a party on appeal, it was held by the court of appeals of Kentucky (31 S. W. 1013) that the Third National Bank, by its formal acceptance of the provisions of the Hewitt act, had acquired a contract right, irrevocable by the state, exempting it from all taxes except those provided under the Hewitt act, and that the license tax imposed by the city of Louisville under a statute of the state was therefore a violation of the contract, and void under the constitution of the United States. The demurrers to the bills are therefore overruled, and the motions for preliminary injunction against the defendants are granted.

THE THREE FRIENDS. (Circuit Court of Appeals, Fifth Circuit. February 1, 1897.) No. 563. Appeal from the District Court of the United States for the Southern District of Florida. No opinion. Taken to the supreme court of the United States before argument by writ of certiorari, and by that court reversed, and remanded to the district court. See 166 U. S. 1, 17 Sup. Ct. 495.

UNITED STATES v. BOWERSOCK et al. (Circuit Court of Appeals, Eighth Circuit. December 11, 1893.) No. 306. In Error to the Circuit Court of the United States for the District of Kansas. Solon O. Thatcher, for defendants in error. Dismissed for failure to print record, pursuant to the twenty-third rule.

UNITED STATES v. SALAMBIER. (Circuit Court of Appeals, Second Circuit.) Questions of law certified to the supreme court of the United States. See 18 Sup. Ct. 771.

VOGEMANN v. KEYSER et al. KEYSER et al. v. VOGEMANN. (Circuit Court of Appeals, Fifth Circuit. May 31, 1898.) No. 656. Ben. C. Tunison, for H. Vogemann. John C. Avery, for W. S. Keyser & Co. Before PARDEE and McCORMICK, Circuit Judges, and PARLANGE, District Judge.

PARLANGE, District Judge. The issues in this case are the same as those in case No. 655, decided this day (Schmidt v. Keyser, 88 Fed. 799), and involving the construction of the "cesser clause," identical in language with that in case No. 655. The decree appealed from is affirmed.

WHITMIRE v. HUDSON et al. (Circuit Court of Appeals, Fifth Circuit. May 24, 1898.) No. 658. Appeal from the District Court of the United States for the Northern District of Florida. W. A. Blount and A. C. Blount, for appellant. B. C. Tunison, for appellees. Before PARDEE and McCORMICK, Circuit Judges, and PARLANGE, District Judge.

PER CURIAM. This is a libel in personam to recover salvage for services in saving 550 sticks of timber adrift on the tide waters of Escambia Bay. The case is in all respects like that of Whitmire v. Cobb (just decided) 88 Fed. 91, and for the same reasons the decree of the district court is affirmed.

END OF CASES IN VOL. 88.