

tions are, in the opinion of the court, properly applicable to the case.

Your verdict should represent the opinion of each member of your body, after an intelligent and conscientious comparison and consideration in the jury room of the views of the individual jurors. Your investigation of the evidence should be marked with due deliberation, and your minds should remain open to conviction by arguments which commend themselves to your judgment. The very object of the jury system is to secure unanimity through comparison of the views and through arguments among the jurors themselves. If a large majority of the jurors, after deliberation in the jury room, differ in their conclusions with the minority, it is proper for those composing such minority, in view of the fact of such difference, to review the grounds of their own conclusions in order that, if possible, unanimity may be reached in accordance with the principles of law heretofore laid down. But no juror should acquiesce against his individual judgment in the conclusions reached by other jurors, whether constituting a majority or a minority of your whole body. For your verdict must represent the real opinion and judgment of each member of the jury. The guilt or innocence of the defendant is to be determined by you as intelligent and conscientious men, upon the evidence adduced in this case and upon that alone. A grave and solemn responsibility rests upon you. No public clamor, no sentiment of hostility or sympathy, no consideration of consequences which may result from your verdict, should be permitted in any manner to influence your deliberations or control your verdict. If upon all the evidence in the case you are not satisfied beyond a reasonable doubt of the guilt of the defendant on one or more of the counts of the indictment remaining open for your consideration, you should acquit him; but if upon all the evidence in the case you are satisfied beyond a reasonable doubt that the defendant is guilty in manner and form as he stands indicted on some one or more of those counts, you should return a verdict of guilty. If you so find a verdict of guilty it may be a general verdict of guilty or a verdict of guilty as to all or any of such counts now remaining in the indictment, as the evidence shall warrant.

The jury, after a deliberation of seventy-two hours, were unable to agree, and were discharged by the court.

JOHN J. KELLER & CO. v. UNITED STATES.
(Circuit Court, S. D. New York. January 4, 1896.)
No. 1,200.

CUSTOMS DUTIES—CLASSIFICATION—EXTRACT OF LOGWOOD.

Extract of logwood, mordanted with a salt of chromium, for printing colors on cotton fabrics,—the mixture being mechanical, and not chemical,—was dutiable under the description “extracts and decoctions of logwood,” “such as are commonly used for dyeing,” contained in paragraph 26 of the act of 1890, and not as a chemical compound, under paragraph 76.

This was an application by John J. Keller & Co. for a review of a decision of the board of general appraisers affirming the action of the collector of the port of New York in the classification for duty of certain imported merchandise.

Albert Comstock, for plaintiff.

James T. Van Rensselaer, Asst. U. S. Atty.

WHEELER, District Judge. This importation seems to be an extract of logwood, mordanted with a salt of chromium, for printing colors on cotton fabrics. It was assessed for duty as a chemical compound, under paragraph 76 of the tariff act of 1890. The testimony taken since shows it to be a mechanical mixture of the extract and salt, and not a chemical compound. As such, it does not come within the description of anything mentioned in paragraph 76. The protest refers to paragraph 26, which lays a lesser duty on "extracts and decoctions of logwood, and other dye-woods * * * such as are commonly used for dyeing, or tanning." This printing of colors upon cotton fabrics is an extension or branch of the art of dyeing; and this extract of logwood, so prepared with a mordant, which is necessary for fixing the colors, is commonly used in that branch of the art, "for dyeing." So, as this case now appears, the assessment should have been made under paragraph 26. Judgment reversed.

WM. J. MATHESON & CO. v. UNITED STATES.

(Circuit Court, S. D. New York. May 14, 1895.)

No. 929.

CUSTOMS DUTIES—CLASSIFICATION—COAL-TAR PREPARATIONS.

Oil of mirbane, or nitrobenzole, which is in fact a preparation of coal tar, and is not known commercially as an essential oil, was dutiable as a coal-tar preparation, under paragraph 19 of the act of 1890, and not as an essential oil or chemical compound, under paragraph 76.

This was an application by W. J. Matheson & Co. for a review of a decision by the board of general appraisers affirming the action of the collector of the port of New York in respect to the classification for duty of certain imported merchandise.

Albert Comstock, for importers.

James T. Van Rensselaer, Asst. U. S. Atty.

TOWNSEND, District Judge (orally). The article in question is oil of mirbane, or nitrobenzole. The board of general appraisers classified it for duty, under paragraph 76 of the act of 1890, at 25 per cent., as a product known as an essential oil, or as a chemical compound. The importers claim that the article should be classified at 20 per cent., under paragraph 19 of said act, as a coal-tar preparation, not a color or dye. The evidence shows that this is a coal-tar preparation in fact, and not a color or dye. It further appeared from the evidence that it is not generally known commercially as an essen-