debtor to avoid the necessity of further notice to all creditors in case such an examination is allowed. Only one such examination as respects the discharge should ordinarily be had; since the statute in requiring that all creditors shall have notice of it, presumably intends that all should be equally allowed to participate in it, once for all, and not further harass the bankrupt. In re Vogel, 5 N. B. R. 396, 397, Fed. Cas. No. 16,984.

For the present examination, if a new notice to all creditors is required through lack of previous notice, the new notices and examination must be at the expense of the applicants; for which I allow to the referee for necessary clerical aid, as a necessary expense, considering that there are 50 creditors or upwards, $7.50, which the applicants should deposit in advance, as well as pay the cost of clerical or stenographic aid in taking the testimony on the examination.

UNITED STATES v. LOEB et al.

(Circuit Court, S. D. New York. January 18, 1899.)

No. 2,474.

CUSTOMS DUTIES—CLASSIFICATION—HEMSTITCHED LAWNS.

Certain hemstitched lawns *held* to be dutiable as manufactures of cotton not otherwise provided for, under paragraph 355 of the act of 1890, and not as "partly made cotton wearing apparel," under paragraph 349.

This was an application by the United States for a review of a decision of the board of general appraisers in respect to the classification for duty of certain goods imported by Loeb & Schoonfeld.

The merchandise consisted of certain hemstitched lawns, which were classified for duty by the collector as "partly made cotton wearing apparel," at 50 per cent. ad valorem, under paragraph 349 of the act of October 1, 1890. The importers protested that the goods were manufactures of cotton not otherwise provided for, dutiable at 40 per cent. ad valorem, under paragraph 355 of the same act. No evidence was taken before the board of general appraisers, which found and decided that the merchandise in question was hemstitched lawns, and sustained the claim of the importers; the board referring to the case In re Mills, 56 Fed. 820. The government appealed, upon the record as sent up by the board.

James T. Van Rensselaer, Asst. U. S. Atty.
W. Wickham Smith, for appellees.

WHEELER, District Judge. The classification of these hemstitched lawns, appealed from, appears to have been made in accordance with In re Mills, 56 Fed. 820. The protest is criticised as misleading, but as it referred to the right paragraph, and claimed the correct rate, it appears to have been sufficient, notwithstanding the alleged misdescriptions of the goods. Decision affirmed.

WING WO CHUNG v. UNITED STATES.

(Circuit Court, S. D. New York. January 19, 1899.)

No. 2,769.

CUSTOMS DUTIES—CLASSIFICATION—DRIED FRUIT—LYCHEE.

The Chinese fruit called "lychee," which consists of a shell dried, but not edible, and an interior pulp, in its natural state, which is edible for children, is dutiable as a dried fruit, under paragraph 559 of the act of 1897, and is not included among "other edible fruits dried," provided for in paragraph 262.

This was an application by Wing Wo Chung for a review of a decision of the board of general appraisers in respect to the classification for duty of certain imported merchandise. The goods in question consisted of dried lychee, invoiced as dried fruits, and were returned by the appraisers as dried fruits, two cents per pound, under paragraph 262 of the act of 1897, as "other edible fruits dried." The importer protested, claiming that the merchandise was free of duty, under paragraph 559 of that act, as fruits ripe or dried. The board of general appraisers found that they were edible fruits dried, and affirmed the collector's decision.

Howard T. Walden, for appellant.
Henry C. Platt, Asst. U. S. Atty.

WHEELER, District Judge. This is a Chinese fruit called "lychee," consisting of a shell which is dried, but not edible, and an interior pulp, in its natural state, which is edible for children. The edible part is not dried, and the dried part is not edible. Therefore it does not appear to be an edible dried fruit, which necessarily implies that the edible part is itself dry. Decision reversed.

UNITED STATES v. ROSENSTEIN et al.

(Circuit Court, S. D. New York. December 17, 1898.)

No. 2,770.

CUSTOMS DUTIES—CLASSIFICATION—RUSSIAN SARDINES.

Herrings, pickled and spiced, imported in small kegs, and commercially known as Russian sardines, but which are not commercially known as sardines, and are not sardines in fact, are dutiable, under paragraph 260 of the tariff law of 1897, as "herring, pickled," and not under paragraph 258, as "fish known or labeled as * * * sardines."[1]

This was an appeal by the United States from the decision of the board of general appraisers sustaining the protest of Rosenstein Bros. as to the classification of certain imported fish.

H. P. Disbecker, Asst. U. S. Atty.
Albert Comstock, for importers.

[1] As to interpretation of commercial and trade terms in general, see note to Dennison Mfg. Co. v. U. S., 18 C. C. A. 545.