

Opinion of the Court.

of insurance upon the iron for a voyage from Glasgow would not cover a voyage from Leith. *Murray v. Columbian Ins. Co.*, 4 Johns. 443; *Manly v. United Ins. Co.*, 9 Mass. 85.

This view of the case renders it unnecessary to consider the other questions raised at the trial and argued at the bar, and requires the

*Judgment of the Circuit Court to be reversed and the case remanded, with directions to order a new trial.*



BOSTON MINING COMPANY v. EAGLE MINING COMPANY.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF CALIFORNIA.

Submitted October 22, 1885.—Decided October 26, 1885.

There being no assignment of error or appearance for plaintiff in error, judgment below is affirmed on motion of defendant in error, without examining the record.

The facts which make the case are stated in the opinion of the court.

No appearance for plaintiff in error.

*Mr. George A. Nourse* for defendant in error.

MR. CHIEF JUSTICE WAITE delivered the opinion of the court.

When this cause was reached on the call of the docket it was submitted by the defendant in error on a printed brief. An assignment of errors was not annexed to or returned with the writ of error, as required by § 997 Rev. Stat. At the last term the counsel for the plaintiff in error was permitted to withdraw his appearance, and no one has taken his place. No argument has been submitted in behalf of the plaintiff in error, and no errors have been assigned in any form. We, therefore, affirm the judgment without opening the record.

*Affirmed.*