

## Opinion of the Court.

enormous. A declaration by this court that such notes and bonds are void, because of the absence of *express* legislative authority to execute *negotiable* instruments for the money borrowed, will, we fear, produce incalculable mischief. Believing the doctrine announced by the court to be unsound, upon principle and authority, we do not feel at liberty to withhold an expression of our dissent from the opinion.

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RICE *v.* SANGER.

## ERROR TO THE SUPREME COURT OF THE STATE OF KANSAS.

No. 1400. Submitted March 21, 1892.—Decided March 28, 1892.

The judgment of the Supreme Court of a State in a case which is remanded by that court to the trial court and retried there, is not a final judgment which can be reviewed by this court.

MOTION TO DISMISS. The case is stated in the opinion.

*Mr. William A. McKenney* and *Mr. J. D. McCleverty* for the motion.

*Mr. E. F. Ware* opposing.

THE CHIEF JUSTICE: This was an action commenced by one Rice against Sanger *et al.* in the District Court of Bourbon County, Kansas, wherein judgment was rendered February 27, 1888, in favor of plaintiff. The cause was thereupon taken by the defendants to the Supreme Court of that State, the judgment reversed, and the cause remanded for further proceedings in accordance with the views of the court as expressed in its written opinion. To review this judgment, a writ of error from this court was allowed, but after that, the case went back to the state district court in accordance with the mandate of the Supreme Court, and was subsequently tried therein.

The judgment attempted to be brought here was not a final judgment, and the writ of error is *Dismissed.*