

Statement of the Case.

fault upon its part, were obliged to pay the value of this lot a second time.

The judgment of the court below must be

Reversed, and the case remanded, with directions to dismiss the petition.

CHICAGO AND NORTHWESTERN RAILWAY
COMPANY *v.* OSBORNE.

SAME *v.* JUNOD.

ORIGINAL.

Nos. 1238, 1239. Submitted November 21, 1892. — Decided December 5, 1892.

In each of these cases defendant in error sued plaintiff in error under the Interstate Commerce act, to recover alleged overcharges on the transportation of corn, and recovered judgment, to each of which judgments defendant sued out a writ of error to the Circuit Court of Appeals. The cases being heard there the judgment in each was reversed, upon the ground that the jury should have been instructed to find a verdict for the defendant, and the cases were remanded for further proceedings in accordance therewith. On petitions for writs of *certiorari* to the Court of Appeals to bring up the records and proceedings, *Held*, that the petitions should be denied.

THESE were petitions for writs of *certiorari*. The petitions set forth that the petitioners had commenced suit in the Circuit Court for the Southern District of Iowa to recover from the Chicago and Northwestern Railway Company damages for certain violations of the Interstate Commerce law of February 4, 1887, 24 Stat. 379, c. 104; that such proceedings took place therein that the plaintiffs recovered judgments against the defendant; that the defendant sued out writs of error to the United States Circuit Court of Appeals; that a hearing was had there; that the judgments were reversed; and that the court held that on the facts as they appeared the jury should have been instructed to find a

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verdict for the defendant, and reversed the judgment of the court below, and remanded the cases for further proceedings in accordance with its opinion. The petitioners prayed this court to issue writs of *certiorari* to the United States Circuit Court of Appeals for the eighth judicial circuit, commanding that court to certify to this court the record of its proceedings in the causes so pending and determined in that court. Copies of the record of the said causes in said Circuit Court of Appeals were filed and made a part of the applications.

Mr. C. C. Nourse for the petitioners.

Mr. W. C. Goudy opposing.

THE CHIEF JUSTICE: The petitions for writs of *certiorari* to the Circuit Court of Appeals for the eighth circuit are denied. *McLish v. Roff*, 141 U. S. 661; *Rice v. Sanger*, 144 U. S. 197; *Meagher v. Minnesota Thresher Manufacturing Co.*, 145 U. S. 608. *Denied.*

JOY v. ADELBERT COLLEGE.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR
THE NORTHERN DISTRICT OF OHIO.

No. 1014. Submitted November 28, 1892. — Decided December 5, 1892.

This court has no jurisdiction of an appeal from a judgment of a Circuit Court remanding to a state court a cause which had been improperly removed from it.

MOTION to dismiss. On behalf of the motion it was stated that the suit was originally brought in the Court of Common Pleas of Lucas County, Ohio, by the Adelbert College against the Toledo, Wabash and Western Railroad Company and other defendants, including the plaintiffs appellants; that on the 2d of December, 1890, petitions for its removal to the Circuit Court of the United States were filed by each of the present appellants on the ground that, "from prejudice or local