

## Statement of the Case.

Adopting the reasoning and the language of the opinion of the Circuit Court of Appeals above referred to, we hold that, upon the face of the act of 1883, and according to the clear and unambiguous meaning of its words, no wools, indeed, are included in class 2, except combing wools or wools fit for combing; but that there is no such restriction with regard to hair, and that "all hair of the alpaca, goat, and other like animals" is subjected to a uniform duty of ten cents a pound, to whatever uses or purposes it is or may be adapted; and that goat's hair, being thus specified as subject to a particular rate of duty, is not comprehended in the clause relating to hair "not specially provided for in this act."

The judgment of the Circuit Court

*Is reversed, and the case remanded with directions to award a new trial.*

---

NEEL v. PENNSYLVANIA COMPANY.

ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE  
NORTHERN DISTRICT OF OHIO.

No. 188. Submitted January 23, 1895.—Decided March 11, 1895.

When a defendant in a state court removes the cause to a Circuit Court of the United States on the ground of diverse citizenship, and the Circuit Court gives judgment for the defendant, and the plaintiff below brings the case here, and it appears, on examining the record, that the pleadings do not disclose of what State the plaintiff was a citizen, this court will of its own motion reverse the judgment, remand the cause to the Circuit Court with costs against the defendant in error, and further adjudge that defendant must also pay costs in this court.

This action was brought in the Court of Common Pleas of Richland County, Ohio, and removed into the Circuit Court by the defendant. The petition for removal stated: "First. The plaintiff was at the time of the commencement of this action and still is a resident of the State of Ohio, in the county of Richland. Second. The Pennsylvania Company, the de-

## Syllabus.

defendant herein, is a corporation duly incorporated under and by virtue of the laws of the State of Pennsylvania, and was at the commencement of this action and still is a citizen of that State, and was not then, nor has it ever been, a citizen of the State of Ohio. Third. The matters in controversy in this suit are wholly between citizens of different States, and the amount in dispute, exclusive of costs, exceeds the sum of two thousand dollars, and is to recover the sum of ten thousand (\$10,000) dollars."

The record failed to show of what State plaintiff was a citizen.

*Mr. Darius Dirlam* for plaintiff in error.

No appearance for defendant in error.

THE CHIEF JUSTICE stated the case, and said: On the authority of *Grace v. American Central Insurance Co.*, 109 U. S. 278, 283, 284; *Continental Insurance Co. v. Rhoads*, 119 U. S. 237; and *Mansfield, Coldwater & Lake Michigan Railway v. Swan*, 111 U. S. 379, 388, the judgment of the Circuit Court will be reversed, with instructions to remand the case to the state court with costs against defendant in error, which must also pay the costs in this court. *Hanrick v. Hanrick*, 153 U. S. 192, 198.

*Judgment reversed accordingly.*

---

BEUTTELL *v.* MAGONE.

ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE  
SOUTHERN DISTRICT OF NEW YORK.

No. 118. Argued December 19, 1895. — Decided March 11, 1895.

A request made to the court by each party to instruct the jury to render a verdict in his favor, is not equivalent to the submission of the case to the court without the intervention of a jury, within the intent of Rev. Stat. §§ 649, 700.