

Syllabus.

The question certified must be answered in the negative, and it is so ordered.

MR. JUSTICE HARLAN dissented.

SAVANNAH, FLORIDA AND WESTERN RAILWAY COMPANY *v.* FLORIDA FRUIT EXCHANGE. Appeal from the United States Circuit Court of Appeals for the Fifth Circuit. No. 141. Argued November 5, 1896. Decided May 24, 1897. MR. JUSTICE BREWER delivered the opinion of the court. The conclusions announced in the case just decided dispose of this; and for the reasons stated in that opinion, the judgment of the Court of Appeals is reversed, and the case remanded to the Circuit Court, with instructions to enter a decree for the defendant, dismissing the bill without prejudice.

MR. JUSTICE HARLAN dissented.

Mr. John E. Hartridge for appellant. *Mr. R. G. Erwin* was on the brief.

Mr. Charles M. Cooper for appellee.

WIGHT *v.* UNITED STATES.

ERROR TO THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

No. 494. Argued November 5, 6, 1896. — Decided May 24, 1897.

Hauling goods on the Pittsburgh, Cincinnati and St. Louis Railroad from Cincinnati to Pittsburgh and delivering them to a consignee in his warehouse from a siding connection, and hauling similar goods for him from and to the same cities on the Baltimore and Ohio Railroad, and delivering them to him from the station of that road in Pittsburgh, there being no siding connection, is transportation "under substantially similar circumstances and conditions," within the meaning of section 2 of the interstate commerce act of February 4, 1887, c. 104; and a rebate allowed him by the Baltimore and Ohio road to compensate for cartage to his warehouse is a discrimination against other shippers over that road to whom no rebate is allowed.

Whether the same words as used in section 4 of that act have a broader meaning or a wider reach than they do as used in section 2, is not determined.