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of the commissioners to accept any offer when not made by the owner in person.

If so, the commissioners were not authorized to make the sale in controversy, and the judgment must be

AFFIRMED.

TOWN OF OHIO v. MARCY.

A judgment affirmed because there was no question of law which this court could consider, in a case where a trial by jury was waived in writing and the case submitted to the court, where the finding of the court was general; where the bill of exceptions embodied all the testimony in the case, but where no exception was taken to the admission or rejection of testimony or to any ruling of the court on the trial, and where no question was raised in the case on the pleadings.

ERROR to the Circuit Court for the Northern District of Illinois.

Marcy brought assumpsit in the court below against the town of Ohio, in Illinois, on the interest warrants of certain bonds which the said town had issued, and which warrants it neglected to pay. The parties waived a jury in writing and submitted the case to the court. The finding of the court was general, namely, "That upon the matters submitted, the court finds the issue for the plaintiff, and assesses his damages at the sum of \$4286.60." Judgment was rendered for this sum.

A bill of exceptions embodied all the testimony in the case, but no exception was taken to the admission or rejection of evidence, or to any ruling of the court on the trial. The town brought the case here on error. No question was raised on the pleadings.

Messrs. M. T. Peters and J. B. Hawley, for the plaintiff in error; Messrs. Paddock and Ide, contra.

Mr. Justice MILLER announced the judgment of the

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court, AFFIRMING THE JUDGMENT below, because, upon the case as above given, there was nothing in the record which raised any question of law which this court could consider.

CASE OF THE SEWING MACHINE COMPANIES.

A case in which the plaintiff is a citizen of the State where the suit is brought and two of the defendants are citizens of other States, a third defendant being a citizen of the same State as the plaintiff, is not removable to the Circuit Court of the United States under the act of March 2d, 1867, upon the petition of the two foreign defendants.

ERROR to the Supreme Judicial Court of Massachusetts.

The Florence Sewing Machine Company, a Massachusetts corporation, sued, in assumpsit, in the court just named, three other sewing machine companies; one of them, like itself, a Massachusetts corporation, another a Connecticut corporation, and the third a New York corporation. The writ was returnable to April Term, 1871.

The purpose of the suit was to recover of the three defendant corporations an alleged overpayment which the plaintiff company alleged that it had made to them, under a license agreement which they had granted to it. Service of the writ was made upon all the defendants, according to the laws of Massachusetts; upon the two foreign corporations by attachment of the property of each within the State, &c. The Massachusetts corporation which was thus sued appeared at the April Term, 1871, by counsel, and filed its answer, and at the April Term, 1872, the Connecticut and New York corporations did the same.

At the said April Term, 1872, and before the trial of the case, the Connecticut corporation filed a petition, under the act of March 2d, 1867, hereinafter particularly set forth,* for the removal of the cause to the Circuit Court of the United

* *Infra*, p. 557-8.