

JAMES *v.* MCCORMACK.

An appeal, dismissed under rule 16, will not be reinstated, unless good cause therefor be shown.

MOTION to reinstate an appeal from the Circuit Court of the United States for the Western District of Virginia.

*Mr. John Ambler Smith* in support of the motion.

*Mr. John W. Johnston* and *Mr. John A. Campbell*, *contra*.

MR. CHIEF JUSTICE WAITE delivered the opinion of the court.

When the appellant was called and his appeal dismissed, the case had been nearly three years on the docket of this court. He had no brief on file, and was not present, either in person or by counsel. Under these circumstances the appellees were entitled, under Rule 16, to a dismissal. No notice of their intention to enforce the rule was necessary. The appellant has not excused himself for his default, and his case is clearly within that of *Hurley v. Jones* (97 U. S. 318), in which we announced our intention to enforce rigidly this salutary rule, and not to set aside defaults growing out of the neglect of counsel or parties, except for very good cause.

*Motion denied.*

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 KEYSER *v.* FARR.

1. Where, after the allowance of an appeal, the required *supersedeas* bond was duly approved and the cause entered here, the court below had no longer any control over the decree, and its subsequent order vacating that allowance is void.
2. *Goddard v. Ordway* (101 U. S. 745) distinguished.

APPEAL from the Supreme Court of the District of Columbia. Motion on the part of the appellants for a writ of *supersedeas*, and on the part of the appellees to dismiss.

*Mr. A. C. Bradley* and *Mr. West Steever* for the appellants.

*Mr. W. Hallett Phillips* and *Mr. William A. Maury* for the appellees.