

Syllabus.

EVANS, Plaintiff in Error, *v.* BROWN.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR
THE DISTRICT OF NEVADA.

Practice.

On motion to dismiss, with which is united, under Rule 6, a motion to affirm, the motion to affirm will be granted when it appears that the questions presented are frivolous, and that the case is brought here for delay only.

MR. CHIEF JUSTICE WAITE delivered the opinion of the court. The writ of error in this case was not made returnable on any particular day. This, if the defect is not cured by amendment, entitles the defendant in error to a dismissal, but the plaintiff in error asks leave, under the authority of sec. 1005, Rev. Stat., to amend the writ by inserting the proper return day. That leave we grant, and therefore overrule the motion to dismiss, but on looking into the record we find the case was manifestly brought here for delay only. All the questions presented are so frivolous as not to need further argument. The motion to affirm is granted.

Judgment affirmed.

WINTHROP IRON CO. and Another *v.* MEEKER and
Another.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR
THE WESTERN DISTRICT OF MICHIGAN.—MOTION TO DISMISS
THE APPEAL.

Submitted October 15th, 1883.—Decided November 5th, 1883.

Appeal—Final Judgment.

Stockholders in a corporation filed a bill praying to have proceedings at a meeting of stockholders in the corporation and proceedings of the board of directors, under a supposed authority derived therefrom, set aside as fraudulent and void, and a receiver appointed. The court below made a