

Amendment of Decrees.

EXPRESS CASES.

ST. LOUIS, IRON MOUNTAIN & SOUTHERN RAILWAY COMPANY *v.* SOUTHERN EXPRESS COMPANY.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF MISSOURI.

MEMPHIS & LITTLE ROCK RAILROAD COMPANY
v. SOUTHERN EXPRESS COMPANY.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF ARKANSAS.

MISSOURI, KANSAS & TEXAS RAILWAY COMPANY
v. DINSMORE, PRESIDENT & SHAREHOLDER IN
ADAMS EXPRESS COMPANY.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF KANSAS.

Entered April 9, 1886.

The parties having filed a stipulation concerning the method of adjusting the accounts under the decree of the court the decree is modified in accordance therewith.

The judgment and decree in these cases were announced with the opinion of the court on the 1st March last. *Ante* 1-29. On the 9th April

MR. CHIEF JUSTICE WAITE announced as follows :

In pursuance of a stipulation of counsel for the respective parties filed in these cases, it is ordered by the court that the decrees entered by this court in these cases be, and they are hereby, amended by adding thereto the following :

It is further ordered that said reversal shall be without prejudice to the proceeding already had in adjusting the accounts between the parties of the business done while the injunction therein granted by that court was in force, but not to fix any

Syllabus.

particular standard of compensation in respect of the transactions in question; and proceed with the adjusting of such accounts and to make proper orders for the speedy adjusting of the same, to the end that just compensation may be made to the defendant below on dismissing said bill for services performed pending the suit; and to that end the master heretofore appointed therein, or such other master as the court may appoint in his place, may consider all the proofs relevant thereto heretofore taken in the cause, whether before or since a final hearing, and such other proofs as may be adduced relating to the extent and value of the service rendered by the defendant below for the complainant, and the payments made on account thereof, and relating to such other matters, necessary to be inquired into, in order to adjust said accounts between the various parties, to the end that a proper final decree may be entered in accordance with the opinion of this court.

ALABAMA & Others *v.* MONTAGUE & Another.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR
THE EASTERN DISTRICT OF TENNESSEE.

Submitted March 31, 1886.—Decided April 12, 1886.

By an act of the Legislature of Alabama the State loaned its credit to the Alabama & Chattanooga Railroad Company, upon condition that the company should first give to the State "a first mortgage upon the lands granted by the United States to said Railroad Company" and a first mortgage "on the telegraph line and telegraph offices along the line of said road belonging to said company; also on the machine shops and all other property in the State and in Georgia, Tennessee and Mississippi belonging to said company; also on all coal mines now opened or hereafter to be opened and worked, belonging to said company; also upon all iron or other mineral lands, and all iron-manufacturing establishments now in operation and hereafter to be constructed." The company made a mortgage to the State in which the words of description were identical with the language of the statute. In a suit in equity brought to foreclose the mortgage, as covering some town lots in Tennessee not granted by the United States to the company, and not coming within either of the specified classes, *Held* :