

APPENDIX.

I.

JUDGMENTS AND DECREES,

INTERLOCUTORY AND FINAL, AT OCTOBER TERM, 1886, NOT
OTHERWISE REPORTED.

CHESAPEAKE AND OHIO RAILWAY *v.* WHITE. (Docket No. 16.) Error to the Supreme Court of Appeals of West Virginia. October 12, 1886: Dismissed on motion of *Mr. W. J. Robertson* for plaintiff in error. No one opposing.

LOUISIANA SUGAR REFINING COMPANY *v.* TODD ET AL. (Docket No. 685.) Error to the Circuit Court of the United States for the Eastern District of Louisiana. October 12, 1886: Dismissed on motion of *Mr. S. T. Wallis* for plaintiff in error. No one opposing.

CAUSTEN *v.* YOUNG. (Docket No. 1209.) Appeal from the Supreme Court of the District of Columbia. October 18, 1886: Docketed and dismissed on motion of *Mr. H. H. Wells* for appellants. No one opposing.

TRAYER *v.* FRANK. (Docket No. 1210.) Error to the Second Circuit Court of Appeals, Concordia Parish, Louisiana. October 18, 1886: Docketed and dismissed on motion of *Mr. James Lowndes* for defendant in error. No one opposing.

DENVER, SOUTH PARK & PACIFIC RAILWAY *v.* FITZGERALD. (Docket No. 180.) Error to the Circuit Court of the United States

for the District of Colorado. October 18, 1886: Dismissed on motion of *Mr. John F. Dillon* for plaintiff in error. *Mr. T. M. Marquette* for defendant in error.

MILLER v. UNION PACIFIC RAILWAY. (Docket No. 215.) Appeal from the Circuit Court of the United States for the District of Nebraska. October 18, 1886: On motion of appellee dismissed per stipulation. *Mr. C. J. Phelps* for appellant. *Mr. John F. Dillon* for appellee.

CONTINENTAL LIFE INSURANCE COMPANY v. PUMPHREY. (Docket No. 1228.) Error to the Circuit Court of the United States for the District of Maryland. October 20, 1886: Docketed and dismissed on motion of *Mr. Michael Bannon* for the defendant in error.

NEW YORK MUTUAL GAS LIGHT COMPANY v. THORP. (Docket No. 239.) Error to the Circuit Court of the United States for the Southern District of New York. October 21, 1886: Dismissed as per stipulation. *Mr. T. M. Wheeler* for plaintiff in error. *Mr. W. C. Witter* for defendant in error.

WASATCH AND JORDAN VALLEY RAILROAD v. SNELL. (Docket No. 1.) Error to the Supreme Court of the Territory of Utah. October 22, 1886: Dismissed, with costs, pursuant to Rule 19. *Mr. J. R. McBride* and *Mr. J. G. Sutherland* for plaintiff in error. No appearance for defendant in error.

HAYES v. SETON. (Docket No. 3.) Appeal from the Circuit Court of the United States for the Eastern District of New York. October 22, 1886: Dismissed, with costs, pursuant to Rule 19. *Mr. J. H. Whitelegge* and *Mr. Livingston Gifford* for appellant. *Mr. G. G. Frelinghuysen* and *Mr. John Davis* for appellee.

MUTUAL LIFE INSURANCE COMPANY OF NEW YORK v. WACKERLE. (Docket No. 116.) Error to the Circuit Court of the United States for the Eastern District of Missouri. October 25, 1886: Dismissed on motion of *Mr. Benjamin H. Bristow*, in behalf of counsel for the

plaintiff in error. *Mr. John F. Dillon* and *Mr. Wager Swayne* for plaintiff in error. No one opposing.

EASTMAN v. ECKER. (Docket No. 139.) Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania. October 25, 1886: Dismissed on motion of *Mr. H. Howson* for appellants.

NEW ORLEANS v. SHEPHERD. (Docket No. 7.) Error to the Circuit Court of the United States for the Eastern District of Louisiana. October 25, 1886: Dismissed pursuant to Rule 19. *Mr. C. F. Buck* for plaintiff in error. *Mr. F. J. Semmes* and *Mr. C. W. Hornor* for defendant in error.

LEVINE v. WILSON. (Docket No. 13.) Appeal from the Circuit Court of the United States for the Eastern District of Louisiana. October 25, 1886: Dismissed with costs by appellant. *Mr. J. R. Beckwith* for appellant.

HALE v. EVERETT. (Docket No. 41.) Error to the Supreme Court of the State of Pennsylvania. November 1, 1886: Dismissed per stipulation. *Mr. George W. Biddle* and *Mr. George Harding* for plaintiff in error. *Mr. E. C. Mitchell* and *Mr. W. P. Bowman* for defendant in error.

SCHINDELHOLZ v. NEW YORK AND COLORADO MINING AND MILLING COMPANY. (Docket No. 958.) Appeal from the Circuit Court of the United States for the District of Colorado. November 1, 1886: Dismissed, with costs, on motion of *Mr. Leigh Robinson* for appellant. No one opposing.

ARTHUR v. BARBOUR. (Docket No. 26.) Error to the Circuit Court of the United States for the Southern District of New York. November 3, 1886: Dismissed on motion of *Mr. Assistant Attorney General Maury* for plaintiff in error. *Mr. M. W. Divine* for defendants in error.

UPSHUR v. BRISCOE. (Docket No. 1278.) Error to the Supreme Court of Louisiana. November 8, 1886: Docketed and dismissed on motion of *Mr. Assistant Attorney General Maury* for defendant in error.

ST. LOUIS IRON MOUNTAIN AND SOUTHERN RAILWAY v. CROSNOE. (Docket No. 701.) Error to the Supreme Court of Missouri. November 8, 1886: Dismissed on motion of *Mr. A. B. Browne* for plaintiff in error. No one opposing.

MISSOURI PACIFIC RAILWAY v. SNODDY. (Docket No. 702.) Error to the Supreme Court of Missouri. November 8, 1886: Dismissed on motion of *Mr. A. B. Browne* for plaintiff in error. No one opposing.

FOWLE v. HAY. (Docket No. 383.) Appeal from the Circuit Court of the United States for the Eastern District of Virginia. November 9, 1886: Dismissed on motion of *Mr. H. O. Claughton* for appellant. *Mr. F. L. Smith* for appellee.

GOODRICH v. SCHOEFFER. (Docket No. 232.) Appeal from the Circuit Court of the United States for the Western District of Missouri. November 11, 1886: Dismissed on motion of *Mr. M. F. Morris* for appellee, as per stipulation. *Mr. C. O. Tichenor* for appellant.

ELY v. MITCHELL. (Docket No. 44.) Error to the Circuit Court of the United States for the Southern District of New York. November 12, 1886: Dismissed under Rule 10. *Mr. Moses Ely* for plaintiff in error. *Mr. John E. Parsons* for defendant in error.

KLEIN v. SPALDING. (Docket No. 1169.) Error to the Circuit Court of the United States for the Northern District of Illinois. November 15, 1886: Dismissed without prejudice, as per stipulation. *Mr. Percy L. Shuman* for plaintiff in error. *Mr. Attorney General* for defendant in error.

NORTH BLOOMFIELD GRAVEL MINING COMPANY v. WOODRUFF. (Docket No. 1289.) Appeal from the Circuit Court of the United States for the Northern District of California. November 15, 1886: Docketed and dismissed on motion of *Mr. A. B. Browne* for appellee.

ARTHUR v. BARBOUR. (Docket No. 26.) Motion to rescind the judgment of dismissal entered November 3, 1886, and to enter one of affirmance with costs and interests. *Mr. M. W. Divine* for the motion. *Mr. Assistant Attorney General Maury* opposing. November 23, 1886. **MR. CHIEF JUSTICE WAITE:** This motion is denied.

CELLULOID MANUFACTURING COMPANY v. S. C. NOYES & CO. (Docket No. 1299.) Appeal from the Circuit Court of the United States for the District of Massachusetts. November 24, 1886: Docketed and dismissed on motion of *Mr. E. B. Smith* for appellees.

CELLULOID MANUFACTURING COMPANY v. AMERICAN ZYLONITE COMPANY. (Docket No. 1300.) Appeal from the Circuit Court of the United States for the District of Massachusetts. November 24, 1886: Docketed and dismissed on motion of *Mr. E. B. Smith* for appellees.

EBBINGHAUS v. KILLIAN. (Docket No. 644.) Appeal from the Supreme Court of the District of Columbia. November 29, 1886: Dismissed as per stipulation. *Mr. P. E. Dye* for appellant. *Mr. H. Wise Garnett* for appellees.

STOCKWELL v. BOYCE. (Docket No. 230.) Error to the Circuit Court of the United States for the Southern District of New York. December 2, 1886: Dismissed as per stipulation. *Mr. M. H. Cardozo* for plaintiff in error. *Mr. Wm. G. Wilson* for defendant in error.

NATIONAL LIFE INSURANCE COMPANY v. SCHEFFER. (Docket No. 70.) Error to the Supreme Court of Minnesota. December 2, 1886: Dismissed pursuant to Rule 10. *Mr. Frederick Allis* for plaintiff in error.

LANIER v. NASH. (Docket No. 200.) Appeal from the Circuit Court of the United States for the Northern District of Ohio. The opinion of the court, in announcing the final judgment in this case, is reported at 121 U. S. 404. The following interlocutory proceedings are not reported there.

Mr. David Stuart Hunshell, on behalf of the appellees, filed a motion to dismiss the appeal; and also filed a motion to restrain proceedings on an execution issued on a judgment recovered in the Court of Common Pleas of Logan County.

MR. CHIEF JUSTICE WAITE, on the 6th of December, 1886, said: The motion to dismiss is denied. We cannot dismiss a case for want of jurisdiction here because the court below ought to have dismissed it. That is a question which goes to the merits of the appeal. The further consideration of the motion for stay of execution is continued for notice to the other side to appear and show cause to the contrary on the third Monday of the present month. Service is to be made by delivering a copy of the motion and of the brief which has been filed in support of it and of this order on the counsel in the court below of William Goodrich, against whom the stay is asked, at least one week before the day fixed for the hearing.

On the 17th January, 1887, on the motion to restrain Goodrich from proceeding on his judgment, MR. CHIEF JUSTICE WAITE said: This motion is denied. The motion papers do not show any necessity for the order which is asked, as there is no proof of any attempt on the part of Goodrich, since the appeal, to cause his judgment to be carried into execution. In the absence of anything to the contrary it is to be presumed that the parties to a suit submit to a supersedeas obtained upon an appeal to this court. See *post*, 637.

ORMSBY v. WEBB. (Docket No. 1154.) Error to the Supreme Court of the District of Columbia. December 6, 1886: Motion to dismiss or affirm. *Mr. Enoch Totten* for the motion. *Mr. Wm. Stone Abert* and *Mr. J. J. Johnston* opposing. MR. CHIEF JUSTICE WAITE: Each of these motions is denied.

PHILLIPS v. MOUND CITY LAND AND WATER ASSOCIATION. (Docket No. 819.) December 6, 1886: Error to the Supreme Court of California. Motion to dismiss. *Mr. A. T. Britton*, *Mr. A. B.*

Browne, and *Mr. Walter H. Smith* for the motion. *Mr. Geo. H. Smith* and *Mr. Geo. F. Edmunds* opposing. *Mr. CHIEF JUSTICE WAITE*: This motion is continued for hearing with the case on its merits.

HUISKAMP v. MOLINE WAGON COMPANY. (Docket No. 194.) December 13, 1886: Motion to dismiss. *Mr. C. M. Osborn* for the motion. *Mr. James Hageman* opposing. *Mr. CHIEF JUSTICE WAITE*: This motion is denied. (This case is reported in 121 U. S. 310.)

ALLEN v. TEXAS AND PACIFIC RAILWAY. (Docket No. 1310.) Error to the Circuit Court of the United States for the Eastern District of Louisiana. December 14, 1886: Docketed and dismissed on motion of *Mr. J. H. Kennard* for defendant in error.

BURKE v. WOOD. (Docket No. 99.) Error to the District Court of the United States for the District of West Virginia. December 16, 1886: Dismissed pursuant to Rule 10. *Mr. G. D. Camden* for plaintiff in error. No one opposing.

CREEGAN v. ANDREWS. (Docket No. 101.) Appeal from the Circuit Court of the United States for the Southern District of New York. December 16, 1886: Dismissed as per stipulation. *Mr. Wm. A. Senger* for appellant. *Mr. J. C. Clayton* for appellees.

TARVER v. FICKLIN. (Docket No. 456.) **FICKLIN v. TARVER.** (Docket No. 457.) Appeals from the Circuit Court of the United States for the Southern District of Georgia. December 17, 1886: Dismissed as per stipulation. *Mr. Wm. Garrard* and *Mr. R. K. Hines* for Tarver. *Mr. H. J. Robertson* for Ficklin.

PACIFIC RAILWAY IMPROVEMENT CO. v. VON HOFFMAN. (Docket No. 337.) Error to the Circuit Court of the United States for the Southern District of New York. December 17, 1886: Dismissed as per stipulation. *Mr. John F. Dillon* for plaintiff in error. *Mr. Henry T. Wing* for defendant in error.

SUN MUTUAL INSURANCE CO. v. THE KOUNTZ LINE. (Docket No. 136.) December 13, 1886: Motion to dismiss or affirm. *Mr. R. H. Browne* and *Mr. C. B. Singleton* for the motion. *Mr. O. B. Sansum* opposing. December 20, 1886. MR. CHIEF JUSTICE WAITE: Each of these motions is denied. (The opinion and judgment of the court in this case are reported *ante*, page 583.)

RAYMOND v. BILLGERY. (Docket No. 106.) Appeal from the Circuit Court of the United States for the Eastern District of Louisiana. December 21, 1886: Dismissed pursuant to Rule 10. *Mr. G. A. Breaux* for appellant. No one opposing.

BURLINGTON, CEDAR RAPIDS AND NORTHERN RAILWAY v. DUNN. (Docket No. 977.) Error to the Supreme Court of Minnesota. Motions to dismiss or affirm. *Mr. Enoch Totten* for the motions. *Mr. Eppa Hunton* and *Mr. Jefferson Chandler* opposing. January 10, 1887. MR. CHIEF JUSTICE WAITE: Each of these motions is denied. The claim that the case was removed to the Circuit Court of the United States under Sub-section 3, § 639 of the Revised Statutes, presents a Federal question of too much practical importance to be decided on a motion to affirm. See 121 U. S. 182.

MAAG v. HYDE. (Docket No. 1273.) Appeal from the Circuit Court of the United States for the District of Indiana. December 20, 1886: Motion to dismiss submitted. *Mr. A. W. Hatch* and *Mr. Lewis Wallace* for the motion. *Mr. D. V. Burns* opposing. January 10, 1887. MR. CHIEF JUSTICE WAITE: This record has not been printed and the motion papers do not present the case in a way to enable us to act understandingly without reference to the transcript on file. *Waterville v. Van Slyke*, 115 U. S. 290. The motion is therefore overruled, without prejudice to its renewal after the record is printed, or so much thereof as may be necessary for the determination of the question of jurisdiction.

LAWRENCE v. REED. (Docket No. 812.) Appeal from the Circuit Court of the United States for the Western District of Michigan.

gan. January 10, 1887: Dismissed on motion of *Mr. N. H. Stewart* for appellant. *Mr. M. D. Leggett, Mr. B. F. Thurston, and Mr. Wm. G. Howard* for appellees.

CHASE v. REED. (Docket No. 813.) Appeal from the Circuit Court of the United States for the Western District of Michigan. January 10, 1887: Dismissed on motion of *Mr. A. H. Stewart* for appellants. *Mr. M. D. Leggett, Mr. B. F. Thurston, and Mr. Wm. G. Howard* for appellees.

BALTIMORE AND OHIO RAILROAD v. MILLER. (Docket No. 1239.) Error to and appeal from the Circuit Court of the United States for the District of West Virginia. January 10, 1887: Dismissed, with costs, on motion of *Mr. E. J. D. Cross* for plaintiff in error and appellant. *Mr. Alfred Caldwell* for defendants in error and appellees.

BALTIMORE AND OHIO RAILROAD v. BOARD OF PUBLIC WORKS OF WEST VIRGINIA. (Docket No. 1240.) Error to and appeal from the Circuit Court of the United States for the District of West Virginia. January 10, 1887: Dismissed, with costs, on motion of *Mr. E. J. D. Cross* for plaintiffs in error and appellants. *Mr. Alfred Caldwell* for defendants in error and appellees.

SANTA ANNA v. HAMLIN. (Docket No. 441.) Error to the Circuit Court of the United States for the Southern District of Illinois. January 11, 1887: Dismissed with costs.

KELLY v. WATSON. (Docket No. 123.) Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania. January 12, 1887: Dismissed with costs pursuant to 10th Rule.

DUNTON v. SMEDLEY. (Docket No. 124.) Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania. January 12, 1887: Dismissed with costs pursuant to 10th Rule.

JEFFRIES *v.* HERMAN. (Docket No. 131.) On motion of *Mr. J. M. Wilson*, for defendant in error, dismissed with costs pursuant to 16th Rule. January 13, 1887.

GIBSON *v.* SHUFELDT. (Docket No. 868.) Appeal from the Circuit Court of the United States for the Eastern District of Virginia. Motion to dismiss. *Messrs. W. W. Crump* and *John A. Coke* in behalf of motion. No one opposing. January 17, 1887. MR. CHIEF JUSTICE WAITE: This motion is denied. The record has not been printed, and the motion papers do not present the case in a way to enable us to act understandingly without reference to the transcript on file. (The opinion and judgment of the court in this case is reported *ante*, page 27.)

NEWCASTLE NORTHERN RAILROAD *v.* SIMPSON. (Docket No. 670.) Appeal from the Circuit Court of the United States for the Western District of Pennsylvania. January 17, 1887: Dismissed, with costs, on motion of *Mr. R. B. McComb* for appellant. No one opposing.

HURD *v.* GILL CAR MANUFACTURING COMPANY. (Docket No. 201.) Error to the Circuit Court of the United States for the Northern District of Ohio. January 19, 1887: Dismissed on motion of *Mr. Walter H. Smith* pursuant to stipulation. *Mr. C. H. Scribner* for appellant. *Mr. E. L. Taylor* for appellee.

HELENA BRIDGE COMPANY *v.* KING. (Docket No. 140.) Appeal from the Circuit Court of the United States for the Western District of Texas. January 19, 1887: Affirmed with costs. *Mr. M. F. Morris* for appellant. *Mr. H. E. Davis* for appellee.

BACKUS WATER MOTOR COMPANY *v.* TUERK. (Docket No. 141.) Appeal from the Circuit Court of the United States for the Northern District of Illinois. January 19, 1887: Dismissed pursuant to the 10th Rule. *Mr. S. S. Henkle* for appellant. No one opposing.

SEALE *v.* MADISON. (Docket No. 1237.) Appeal from the Circuit Court of the United States for the Western District of Louisi-

ana. January 21, 1887: Dismissed on motion of *Mr. S. Prentiss Nutt* for appellant. *Mr. F. P. Cuppy* for appellee.

SEALE v. HOLMES. (Docket No. 1238.) Appeal from the Circuit Court of the United States for the Western District of Louisiana. January 21, 1887: Dismissed on motion of *Mr. S. Prentiss Nutt* for appellant. *Mr. F. P. Cuppy* for appellee.

EGGLESTON v. CENTENNIAL MUTUAL LIFE ASSOCIATION. (Docket No. 261.) Error to the Circuit Court of the United States for the Eastern District of Missouri. January 21, 1887: Dismissed on motion of *Mr. James O. Broadhead* in behalf of counsel for plaintiffs in error.

GERMAN-AMERICAN HAIL INSURANCE COMPANY v. F. J. SCHREIBER. (Docket No. 146.) In error to the Circuit Court of the United States for the District of Minnesota. January 24, 1887: Dismissed pursuant to the 10th Rule. *Mr. John B. Sanborn* for the plaintiff in error.

BARNARD AND LEAS MANUFACTURING COMPANY v. MILLIKEN. (Docket No. 147.) Appeal from the Circuit Court of the United States for the Southern District of Illinois. January 24, 1887: Dismissed pursuant to the 10th Rule. *Mr. W. G. Rainey* for appellants.

REA v. THE STEAMER ECLIPSE. (Docket No. 1331.) Appeal from the Supreme Court of the Territory of Dakota. January 24, 1887: Docketed and dismissed, with costs. March 28, 1887. Order rescinded, and leave granted to docket cause.

WINTHROP IRON COMPANY v. MEEKER. (Docket No. 154.) Appeal from the Circuit Court of the United States for the Western District of Michigan. January 26, 1887: Reversed and remanded pursuant to stipulation on file, on motion of *Mr. R. D. Mussey* for appellants. *Mr. Frederic Ullman* for appellees.

ST. LOUIS, FORT SCOTT, AND WICHITA RAILROAD *v.* DRUSMORE. (Docket No. 281.) Appeal from the Circuit Court of the United States for the District of Kansas. January 31, 1887: On motion of *Mr. Walter H. Smith* reversed and remanded pursuant to stipulation on file. *Mr. J. C. Brown* and *Mr. J. F. Dillon* for appellant. *Mr. Clarence A. Seward* for appellees.

HOME INSURANCE COMPANY *v.* NEW YORK. (Docket No. 14.) February 7, 1887: Petition for a rehearing of the cause decided at this term and reported 119 U. S. 129, granted; judgment of November 15, 1886, herein rescinded and annulled, and the cause restored to its place on the docket. *Mr. B. H. Bristow* for the motion.

CRESCENT CITY LIVE STOCK LANDING AND SLAUGHTER HOUSE COMPANY *v.* BUTCHERS' UNION SLAUGHTER HOUSE AND LIVE STOCK LANDING COMPANY. (Docket No. 825.) Error to the Supreme Court of the State of Louisiana. February 7, 1887: On motion of *Mr. William A. Maury*, of counsel for the plaintiff in error, (consent of *Mr. B. R. Forman* for the defendant in error having been filed,) this cause was stricken from the docket.

THURBER *v.* WOODWARD. (Docket No. 498.) Appeal from the Circuit Court of the United States for the Southern District of Iowa. February 7, 1887: Dismissed, with costs, on motion of *Mr. W. C. Goudy* for appellants. *Mr. C. C. Nourse* for appellees.

THURBER *v.* WOODWARD. (Docket No. 499.) Appeal from the Circuit Court of the United States for the Southern District of Iowa. February 7, 1887: Dismissed, with costs, on motion of *Mr. W. C. Goudy* for appellants. *Mr. C. C. Nourse* for appellees.

THE SELMA, ROME AND DALTON RAILROAD COMPANY *v.* THE UNITED STATES. (Docket No. 1014.) Appeal from the Court of Claims. March 7, 1887: Affirmed by a divided court. *Messrs. George A. King* and *W. W. Belknap* for appellant. *Mr. Attorney General* and *Mr. Assistant Attorney General Howard* for appellee. March 28, 1887: Petition for a rehearing granted. Order of

March 7, 1887, rescinded and annulled, and cause restored to its place on the docket for a reargument before a full bench.

URBANA v. SANFORD. (Docket No. 677.) Error to the Circuit Court of the United States for the Southern District of Illinois. March 7, 1887: Dismissed, with costs, on motion of *Mr. J. H. Rowell* on behalf of *Mr. J. O. Cunningham* for plaintiff in error.

BISELL v. PLUMB. (Docket No. 782.) Appeal from the Circuit Court of the United States for the Western District of Michigan. March 7, 1887: Dismissed, with costs, pursuant to stipulation on file. *Mr. John W. Stone* for appellant. *Mr. Edward Taggart* for appellee.

SPENCER v. MERCHANT. (Docket No. 1304.) March 7, 1887: Ordered by the court that the submission of this cause be set aside and the cause restored to its place on the docket.

WRIGHT v. DUBOIS. (Docket No. 1352.) Appeal from the Circuit Court of the United States for the District of Colorado. March 7, 1887: Docketed and dismissed, with costs, on motion of *Mr. G. G. Symes* for appellee.

BOUGHTON v. CHARTER OAK LIFE INSURANCE COMPANY. (Docket No. 1353). Appeal from the Supreme Court of the District of Columbia. March 7, 1887: Docketed and dismissed, with costs, on motion of *Mr. S. R. Bond* for appellees.

LANIER v. NASH. (Docket No. 200.) Appeal from the Circuit Court of the United States for the Northern District of Ohio. March 14, 1887: Motion of John and Ellen Nash for a stay of execution on a judgment against them in favor of William Goodrich, pending this appeal. (See 121 U. S. 404, and *ante*, 630.) *Mr. D. S. Hounshell* and *Mr. Wm. Lawrence* for the motion. No one opposing. MR. CHIEF JUSTICE WAITE: This motion is denied. The judgment in favor of Goodrich is involved in this appeal only to the extent that it is a lien on the property covered by the mortgage which is the subject matter of the suit. The executions

which are complained of were issued after the appeal and levied on other property. There is no such merger of the judgment nor supersedesas in this case as will operate to stay a proceeding against other property not involved herein.

GILSON v. DAYTON. (Docket No. 1308.) Error to the Circuit Court of the United States for the Northern District of Illinois. March 14, 1887: On motion to dismiss or affirm. *Mr. G. S. Eldredge* for the motion. *Mr. G. A. Sanders* opposing. **MR. CHIEF JUSTICE WAITE:** These motions are denied. The bond is sufficient, and the questions involved in the merits are not such as ought to be disposed of on a motion to affirm.

CISSEL v. DUTCH. (Docket No. 437.) Appeal from the Supreme Court of the District of Columbia. March 14, 1887: On motion to dismiss. *Mr. J. Parker Jourdan* for the motion. *Mr. T. A. Lambert* opposing. **MR. CHIEF JUSTICE WAITE:** This motion is denied. The affidavits show by a fair preponderance of evidence that the value of the property in dispute exceeded two thousand five hundred dollars at the time of the decree and the appeal.

LAKE SHORE AND MICHIGAN SOUTHERN RAILROAD v. SCHOFIELD. (Docket No. 1290.) March 14, 1887: On motion to dismiss or affirm. *Mr. J. E. Ingersoll* for the motion. Motion to dismiss postponed to hearing on merits.

VICKSBURG, SHREVEPORT AND PACIFIC RAILROAD v. SMITH. (Docket No. 1309.) Error to the Circuit Court of the United States for the Western District of Louisiana. March 14, 1887: On motion to dismiss. *Mr. A. J. Falls* and *Mr. S. F. Phillips* for the motion. *Mr. E. M. Johnson* opposing. **MR. CHIEF JUSTICE WAITE:** This motion is continued for hearing with the case on its merits. The record has not been printed, and the motion papers do not present the questions involved in a way to enable us to act understandingly without reference to the transcript on file.

DODGE v. THE SUPREME COURT OF THE DISTRICT OF COLUMBIA. On motion for leave to file a petition for a writ of prohibition. *Mr.*

O. D. Barrett for the motion. March 14, 1887: *Mr. Chief Justice Waite*: This motion is denied. The petition which is presented does not on its face show facts sufficient to entitle the petitioner to the writ he seeks.

BELDEN MINING COMPANY v. HARVEY. (Docket No. 209.) Error to the Circuit Court of the United States for the District of Colorado. March 15, 1887: Dismissed on motion of *Mr. Chapin Brown*, pursuant to stipulation on file. *Mr. Chapin Brown* for plaintiff in error. *Mr. C. S. Thomas* and *Mr. T. M. Patterson* for defendant in error.

JOLIET v. FOSTER. (Docket No. 1114.) Appeal from the Circuit Court of the United States for the Northern District of Illinois. March 21, 1887: Affirmed by a divided court. *Mr. Thomas Dent* and *Mr. Melville W. Fuller* for appellant. *Mr. James L. High* for appellees.

DAVIES v. CORBIN. (Docket No. 237.) Error to the Circuit Court of the United States for the Eastern District of Arkansas. March 21, 1887: Dismissed on motion of *Mr. Attorney General* for plaintiff in error. *Mr. W. Hallett Phillips*, *Mr. B. C. Browne*, *Mr. E. W. Kimball*, and *Mr. C. P. Redmond* for defendants in error.

GAINES v. CORBIN. (Docket No. 496.) Error to the Circuit Court of the United States for the Eastern District of Arkansas. March 21, 1887: Dismissed on motion of *Mr. Attorney General* for plaintiffs in error. *Mr. W. Hallett Phillips* and *Mr. C. P. Redmond* for defendants in error.

ROBERTSON v. MATHESON. (Docket No. 401.) Error to the Circuit Court of the United States for the Southern District of New York. March 21, 1887: Dismissed on motion of *Mr. Attorney General* for plaintiff in error. *Mr. Edward Hartley* and *Mr. W. H. Coleman* for defendants in error.

MOSES v. WOOSTER. (Docket No. 151.) Appeal from the Circuit Court of the United States for the Southern District of New York. March 21, 1887: Dismissed on call pursuant to stipulation on file. *Mr. H. P. Allen* for appellants. *Mr. Frederic H. Betts* for appellee.

AMERICAN IRON COMPANY v. ANGLO-AMERICAN ROOFING COMPANY. (Docket No. 162.) Appeal from the Circuit Court of the United States for the Southern District of New York. March 24, 1887: Dismissed pursuant to the 10th Rule. *Mr. L. W. Frost* for appellant. *Mr. E. C. Webb* for appellee.

CENTRAL CONSTRUCTION COMPANY v. PAUL. (Docket No. 164.) Error to the Circuit Court of the United States for the Northern District of Illinois. March 24, 1887: Dismissed pursuant to the 10th Rule. *Mr. Henry G. Miller* for plaintiff in error. *Mr. W. W. Upton* for defendant in error.

WHITE v. BENEDICT AND BURNHAM MANUFACTURING COMPANY. (Docket No. 166.) Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania. March 25, 1887: Dismissed pursuant to the 10th Rule. *Mr. M. D. Connolly* for appellant. *Mr. John K. Beach* for appellee.

KIBBIE v. JENNINGS (Docket No. 152.) and **DOLAN v. JENNINGS** (Docket No. 153). Appeals from the Circuit Court of the United States for the Southern District of New York. *Mr. John R. Bennett* for appellants. *Mr. Arthur v. Briesen* for appellees. March 28, 1887. **MR. CHIEF JUSTICE WAITE:** The decree in each of these cases is affirmed. No further opinion will be delivered.

DISTRICT OF COLUMBIA v. O'HARE. (Docket No. 158.) Appeal from the Court of Claims. *Mr. Attorney General* and *Mr. F. P. Deweese* for appellant. *Mr. William A. Cook* and *Mr. C. C. Cole* for appellee. March 28, 1887. **MR. CHIEF JUSTICE WAITE:** This judgment is affirmed. No further opinion will be delivered.

BAXTER MOUNTAIN GOLD MINING COMPANY *v.* PATTERSON. (Docket No. 1363.) Error to the Supreme Court of the Territory of New Mexico. March 28, 1887: Docketed and dismissed, with costs, on motion of *Mr. Henry Wise Garnett* for defendants in error. May 2, 1887: On motion to reinstate. *Mr. J. H. Hoffecker, Jr.*, for the motion. No one opposing. MR. CHIEF JUSTICE WAITE: This motion is granted on payment of the costs of the motion to docket and dismiss, and of this motion.

BRUNET *v.* CLEMENT. (Docket No. 171.) Appeal from the Circuit Court of the United States for the Eastern District of Louisiana. March 30, 1887: Dismissed pursuant to the 10th Rule. *Mr. J. P. Hornor* and *Mr. Charles Louque* for appellant.

BUSH *v.* UNITED STATES. (Docket No. 1221.) Error to the Circuit Court of the United States for the District of Massachusetts. April 4, 1887: Authority of the plaintiff in error to dismiss this cause having been filed, it is, on motion of *Mr. Assistant Attorney General Maury*, dismissed. *Mr. W. A. Munroe* for plaintiff in error.

CONTINENTAL INSURANCE COMPANY *v.* JOHNSON. (Docket No. 979.) Error to the Circuit Court of the United States for the Eastern District of Louisiana. April 4, 1887: Dismissed pursuant to stipulation on file, on motion of *Mr. Charles W. Hornor*. *Mr. O. B. Sansum* for plaintiff in error. *Mr. W. I. Benedict* and *Mr. Charles W. Hornor* for defendant in error.

POAGE *v.* McGOWAN. (Docket No. 185.) Appeal from the Circuit Court of the United States for the Southern District of Ohio. April 4, 1887: Dismissed pursuant to the 10th Rule. *Mr. L. M. Hosea* for appellant. *Mr. Arthur Stern* for appellees.

MANNY *v.* OYLER. (Docket No. 190.) Appeal from the Circuit Court of the United States for the Eastern District of Missouri. April 6, 1887: Dismissed pursuant to stipulation on file. *Mr. H. M. Pollard* for appellant, and *Mr. L. L. Bond* for appellee.

MANNY *v.* ST. LOUIS MALLEABLE IRON COMPANY. (Docket No. 191.) Appeal from the Circuit Court of the United States for the Eastern District of Missouri. April 6, 1887: Dismissed pursuant to stipulation on file. *Mr. H. M. Pollard* for appellants. *Mr. L. L. Bond* for appellees.

MANNY *v.* FURST AND BRADLEY MANUFACTURING COMPANY. (Docket No. 192.) Appeal from the Circuit Court of the United States for the Eastern District of Missouri. April 6, 1887: Dismissed pursuant to stipulation on file. *Mr. H. M. Pollard* for appellants. *Mr. L. L. Bond* for appellees.

GAUTHIER *v.* COLE. (Docket No. 193.) Error to the Circuit Court of the United States for the Eastern District of Michigan. April 6, 1887: Dismissed pursuant to stipulation on file. *Mr. C. E. Warner* for plaintiff in error. *Mr. Ashley Pond* for defendants in error.

PILE *v.* WILSON. (Docket No. 195.) Error to the Circuit Court of the United States for the Western District of Pennsylvania. April 7, 1887: Affirmed, with costs and interest. *Mr. G. A. Endlich* for plaintiff in error. *Mr. H. W. Weir* and *Mr. W. H. Ruppel* for defendant in error.

POST *v.* CARR. (Docket No. 198.) Appeal from the Circuit Court of the United States for the Eastern District of Texas. April 7, 1887: Dismissed on motion of *Mr. James Lowndes* pursuant to the 16th Rule of this court. *Mr. T. N. Wall* for appellants.

FIRST NATIONAL BANK OF WASHINGTON COURT HOUSE *v.* CONTINENTAL LIFE INSURANCE COMPANY. (Docket No. 202.) Appeal from the Circuit Court of the United States for the Southern District of Ohio. April 7, 1887: Dismissed pursuant to the 10th Rule. *Mr. M. J. Williams* for appellants.

BULLOCK *v.* FARWELL. (Docket No. 176.) Appeal from the Supreme Court of the Territory of Dakota. April 11, 1887: Affirmed by a divided court. *Mr. Wm. R. Steele* and *Mr. Daniel*

McLaughlin for appellants. *Mr. Attorney General, Mr. J. W. Lewis*, and *Mr. R. A. Burton* for appellee.

NEW v. BARBER. (Docket No. 223.) Appeal from the Circuit Court of the United States for the Southern District of New York. April 14, 1887: Dismissed pursuant to the 10th Rule of this court. *Mr. A. H. Evans* for appellant. *Mr. W. Niles* for appellee.

MEMPHIS AND LITTLE ROCK RAILROAD (as reorganized) *v. SMITH*. (Docket No. 224.) Error to the Circuit Court of the United States for the Western District of Tennessee. April 14, 1887: Dismissed pursuant to stipulation on file. *Mr. U. M. Rose* for plaintiff in error. *Mr. Luke U. Wright* for defendant in error.

MORRISON v. McCoy. (Docket No. 225.) Error to the Supreme Court of the State of California. April 14, 1887: Dismissed pursuant to the 10th Rule of this court. *Mr. James A. Johnson* for plaintiff in error. *Mr. W. Drummond* and *Mr. R. H. Bradford* for defendant in error.

UNITED STATES, EX REL. WILLIAM W. WARDEN v. WILLIAM E. CHANDLER, Secretary of the Navy. (Docket No. 218.) Error to the Supreme Court of the District of Columbia. April 18, 1887. *Mr. W. W. Warden* in person. No one opposing. **MR. CHIEF JUSTICE WAITE**: This is a writ of error for the review of a judgment of the Supreme Court of the District of Columbia refusing a mandamus against William E. Chandler, Secretary of the Navy, to require of him the performance of certain alleged official duties. Mr. Chandler is no longer Secretary, and the office is now filled by his successor. The suit has therefore abated, and it is dismissed on the authority of *United States v. Boutwell*, 17 Wall. 609.

WEBSTER ELECTRIC COMPANY v. ODELL. (Docket No. 236.) Appeal from the Circuit Court of the United States for the Northern District of Illinois. April 20, 1887: Dismissed pursuant to stipulation on file. *Mr. Geo. P. Barton* for appellant. *Mr. James L. High* for appellee.

EAGLE LOCK COMPANY v. ANDRESS. (Docket No. 240.) Error to the Circuit Court of the United States for the Northern District of Ohio. April 20, 1887: Dismissed pursuant to the 10th Rule. *Mr. E. W. Laird* for plaintiff in error. No one opposing.

PALMER v. GATLING GUN COMPANY. (Docket No. 246.) Appeal from the Circuit Court of the United States for the District of Connecticut. April 21, 1887: Dismissed pursuant to the 10th Rule. *Mr. R. C. Daniel* for appellant. *Mr. Wm. E. Simonds* for appellee.

MORRISON v. WITHERS. (Docket No. 248.) Appeal from the Circuit Court of the United States for the Southern District of Mississippi. April 21, 1887: Dismissed pursuant to the 10th Rule. *Mr. J. Z. George* for appellants. *Mr. M. F. Morris* for appellees.

HUKILL MINING COMPANY v. ELLSWORTH. (Docket No. 249.) Appeal from the Circuit Court of the United States for the District of Colorado. April 21, 1887: Dismissed pursuant to the 10th Rule. *Mr. C. J. Hillyer* for appellant. *Mr. E. O. Wolcott* for appellee.

UNION METALLIC CARTRIDGE COMPANY v. UNITED STATES CARTRIDGE COMPANY. (Docket No. 256.) Appeal from the Circuit Court of the United States for the District of Massachusetts. April 22, 1887: Dismissed pursuant to the 10th Rule of this court. *Mr. Causten Browne* for appellant. No one opposing.

WELLS v. PARKER. (Docket No. 1052.) Appeal from the Circuit Court of the United States for the Northern District of Ohio. April 25, 1887: Dismissed pursuant to authority of appellant on file, on motion of *Mr. W. Hallett Phillips* in behalf of counsel. *Mr. Henry Newbegin* of counsel for appellant.

SEELIGSON v. TEXAS TRANSPORTATION COMPANY. (Docket No. 851.) Appeal from the Circuit Court of the United States for the Eastern District of Texas. April 25, 1887: Dismissed on motion of *Mr. Wm. E. Earle* for appellant. No one opposing.

NEWARK MACHINE COMPANY *v.* HARGETT. (Docket No. 1381.) Appeal from the Circuit Court of the United States for the District of Maryland. April 25, 1887: Docketed and dismissed, with costs, on motion of *Mr. Samuel Shellabarger* for appellees.

FIRST NATIONAL BANK OF COBLESKILL *v.* WABASH, ST. LOUIS AND PACIFIC RAILWAY. (Docket No. 1281.) Appeal from the Circuit Court of the United States for the District of Indiana. April 27, 1887: Dismissed pursuant to stipulation on file. *Mr. J. E. McDonald* and *Mr. M. Butler* for appellants. *Mr. Wager Swayne*, *Mr. Wm. Allen Butler*, and *Mr. Wells H. Blodgett* representing other parties in interest.

DETROIT CITY RAILWAY *v.* DETROIT. (Docket No. 291.) Appeal from the Circuit Court of the United States for the Eastern District of Michigan. April 29, 1887: Dismissed on motion of *William A. McKenney*, in behalf of counsel; clerk's costs in this court to be paid by the appellant.

DAUPHIN *v.* TIMES PUBLISHING COMPANY. (Docket No. 294.) Error to the Circuit Court of the United States for the Eastern District of Pennsylvania. April 29, 1887: Dismissed pursuant to authority of plaintiff in error on file, on motion of *Mr. William A. McKenney* in behalf of counsel. *Mr. B. F. Fisher*, *Mr. C. W. Moulton*, and *Mr. Jeff Chandler* for plaintiff in error. *Mr. R. E. Shapley* for defendant in error.

LOUISVILLE AND NASHVILLE RAILROAD CO. *v.* DUFFY. (Docket No. 637.) Error to the Circuit Court of the United States for the Middle District of Alabama. April 29, 1887: Dismissed on motion of *Mr. William A. McKenney* in behalf of counsel for plaintiff in error. *Mr. T. G. Jones* and *Mr. Russell Houston* for plaintiff in error.

BLUE RIDGE *v.* ST. JOHN. (Docket No. 760.) Error to the Circuit Court of the United States for the Southern District of Illinois. April 29, 1887: Dismissed on motion of *Mr. William A. McKenney* in behalf of counsel for the plaintiff in error. *Mr. John McNulta* for plaintiff in error, *Mr. T. C. Mather* for defendant in error.

GATES *v.* BOSTON AND NEW YORK AIR LINE RAILROAD. (Docket No. 1097.) Error to the Supreme Court of Errors of the State of Connecticut. April 29, 1887. On motion of *Mr. William A. McKenney* in behalf of counsel. Dismissed pursuant to stipulation on file. *Mr. W. W. McFarland* of counsel for plaintiff in error. *Mr. Simeon E. Baldwin* for defendant in error.

MOLINE WAGON COMPANY *v.* ARAM. (Docket No. 1213.) Appeal from the Circuit Court of the United States for the Northern District of Illinois. Dismissed pursuant to authority of appellant on file, on motion of *Mr. William A. McKenney* in behalf of counsel. *Mr. L. L. Coburn* for appellant.

LEES *v.* FOWLER. (Docket No. 174.) Appeal from the Circuit Court of the United States for the Northern District of Illinois. May 2, 1887: Affirmed by a divided court. *Mr. M. W. Fuller* for appellants. *Mr. Geo. F. Edmunds* and *Mr. W. R. Page* for appellee.

SALOY *v.* BLOCH. (Docket No. 1019.) Error to the Circuit Court of the United States for the Eastern District of Louisiana. Motions to dismiss or affirm. *Mr. C. W. Hornor* and *Mr. W. S. Benedict* for the motion. *Mr. E. H. McCaleb* opposing. May 2, 1887. MR. CHIEF JUSTICE WAITE: Each of these motions is denied. The amount in dispute is:

1. The judgment in favor of Bloch,	\$3812.50
Less the judgment in favor of defendant,	312.50
	<hr/>
	\$3500.00
2. The amount of the claim in reconvention:	
1. For rent,	\$6017.00
2. For rice seed,	350.00
	<hr/>
	\$6367.00
Less allowed in judgment,	312.50
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	\$6054.50
In all,	\$9554.50
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The questions involved are too important for consideration on a motion to affirm.

POWELL *v.* PENNSYLVANIA. (Docket No. 1359.) In error to the Supreme Court of the State of Pennsylvania. Motion to dismiss or to affirm. *Mr. Wayne MacVeagh* for the motions. *Mr. D. T. Watson* opposing. May 2, 1887. MR. CHIEF JUSTICE WAITE: Each of these motions is denied.

UNITED STATES *v.* WHITE. (Docket No. 274.) Appeal from the Circuit Court of the United States for the District of California. May 2, 1887: On consideration of the transcript of the record, it not appearing to the court that the amount in controversy exceeds the sum of \$5000, the cause is dismissed for the want of jurisdiction, and remanded to the Circuit Court of the United States for the Northern District of California. *Mr. Solicitor General* for appellant. *Mr. J. K. Redington* for appellee.

HARWOOD *v.* DICKERHOFF. (Docket No. 587.) Appeal from the Circuit Court of the United States for the Northern District of Florida. May 3, 1887: Dismissed pursuant to stipulation on file, on motion of *Mr. Henry Jackson* for appellants. *Mr. Charles J. Babbitt* for appellees.

UNION PACIFIC RAILROAD *v.* BREWER. (Docket No. 1012.) Error to the Supreme Court of the State of New York. May 4, 1887: Dismissed pursuant to a stipulation on file, on motion of *Mr. Edward F. Bullard* in behalf of counsel. *Mr. John F. Dillon* for plaintiff in error.

STRONG *v.* DISTRICT OF COLUMBIA. (Docket No. 833.) Error to the Supreme Court of the District of Columbia. May 5, 1887: Dismissed pursuant to authority of plaintiff in error on file, on motion of *Mr. O. D. Barrett* for plaintiff in error. No one opposing.

LOUISVILLE AND NASHVILLE RAILROAD *v.* HOBART. (Docket No. 343.) Error to the Circuit Court of the United States for the Southern District of New York. May 9, 1887: Dismissed pursuant to stipulation on file, on motion of *Mr. William A. McKenney* in behalf of counsel. *Mr. John L. Cadwalader* for plaintiff in error. *Mr. A. G. Fox* for defendant in error.

FAZENDE *v.* MAYOR OF HOUSTON. (Docket No. 1318.) Error to the Circuit Court of the United States for the Eastern District of Texas. May 9, 1887: Dismissed pursuant to stipulation on file, on motion of *Mr. William A. McKenney* in behalf of counsel. *Mr. Farrar* and *Mr. Kruttschnidt* for plaintiffs in error. *Mr. T. N. Waul* and *Mr. C. Anson Jones* for defendants in error.

FAZENDE *v.* MAYOR OF HOUSTON. (Docket No. 1319.) Error to the Circuit Court of the United States for the Eastern District of Texas. May 9, 1887: Dismissed pursuant to stipulation on file, on motion of *Mr. William A. McKenney* in behalf of counsel. *Mr. Farrar* and *Mr. Kruttschnidt* for plaintiffs in error. *Mr. T. N. Waul* and *Mr. C. Anson Jones* for defendant in error.

BROWN *v.* McCONNELL. (Docket No. 1394.) Appeal from the Supreme Court of Washington Territory. May 23, 1887: Docketed and dismissed, with costs, on motion of *Mr. Attorney General* for appellee.

LA RUE *v.* WINTER. (Docket No. 695.) Appeal from the Supreme Court of the Territory of New Mexico. May 23, 1887: Dismissed on motion of *Mr. William Penn Clark* in behalf of counsel for appellants. *Mr. O. D. Barrett* for appellants. *Mr. H. P. Bennet* for appellee.

EVANSVILLE *v.* PORTLAND SAVINGS BANK. (Docket No. 932.) Error to the Circuit Court of the United States for the District of Indiana. May 23, 1887: Dismissed pursuant to stipulation on file, on motion of *Mr. William A. McKenney* in behalf of counsel. *Mr. John M. Butler* for plaintiff in error. *Mr. T. B. Reed* and *Mr. T. H. Haskell* for defendant in error.

HEWETT *v.* WESTERN UNION TELEGRAPH COMPANY. (Docket No. 1395.) Appeal from the Supreme Court of the District of Columbia. May 23, 1887: Docketed and dismissed on motion of *Mr. J. Hubley Ashton* for appellees.

BIRTH *v.* BIRTH. (Docket No. 1157.) Appeal from the Supreme Court of the District of Columbia. May 23, 1887: Dismissed

on motion of *Mr. W. H. Smith* of counsel for appellants. *Mr. William A. Coulter* also for appellants. No one opposing.

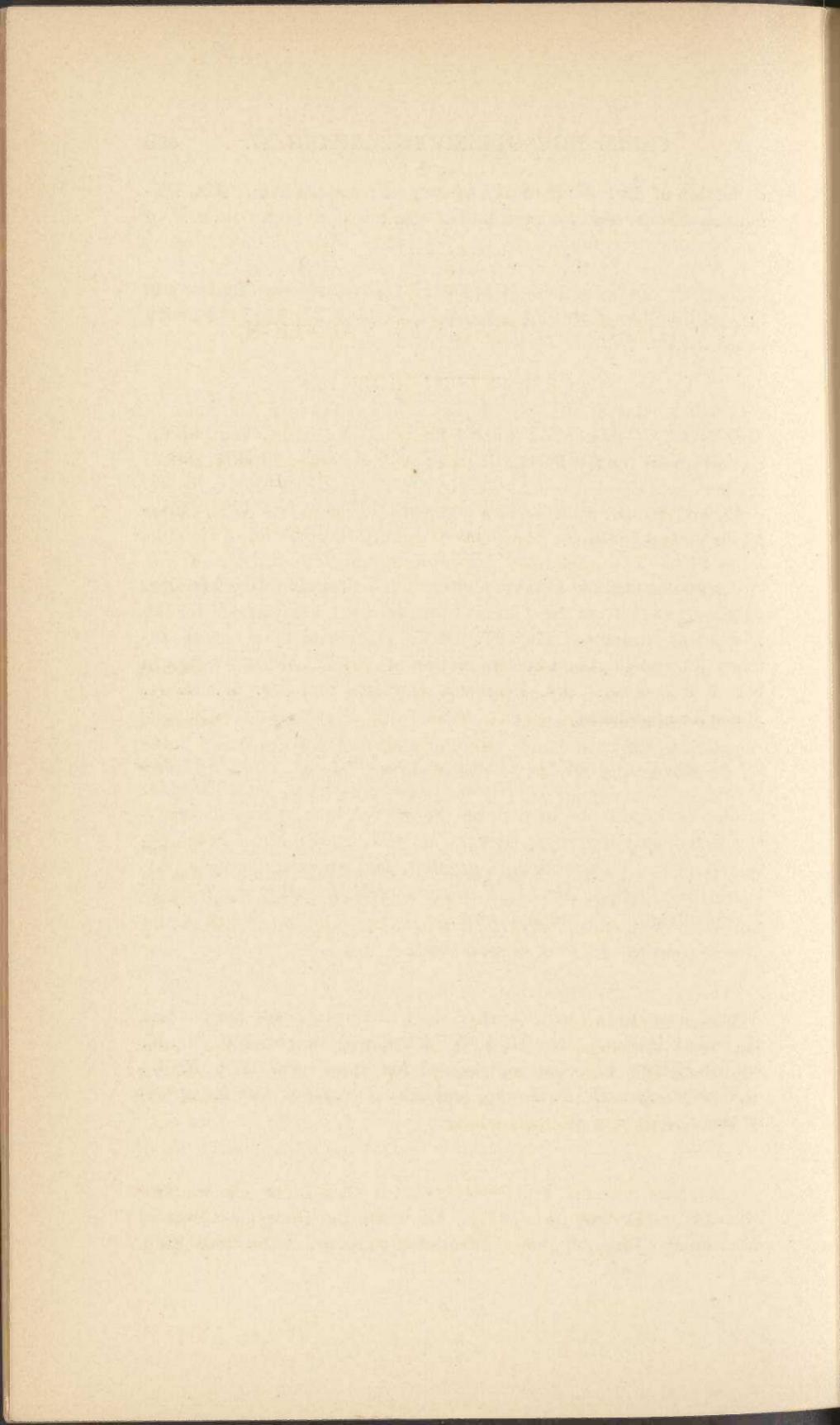
Ex parte: In the matter of GEORGE K. GROVE. Motion for leave to file petition for a writ of mandamus. May 27, 1887: Petition denied. *Mr. Solicitor General* for petitioner.

CENTRAL RAILROAD AND BANKING COMPANY OF GEORGIA *v.* MCKENZIE. (Docket No. 300.) Error to the Circuit Court of the United States for the Middle District of Alabama. May 27, 1887: affirmed by a divided court. *Mr. A. R. Lawton*, *Mr. J. D. Roquemore*, and *Mr. M. F. Morris* for plaintiff in error. *Mr. G. L. Comer* for defendant in error.

COMMISSIONERS OF GRANT COUNTY *v.* KIMBALL. (Docket No. 520.) Appeal from the Circuit Court of the United States for the District of Indiana. May 27, 1887: Dismissed pursuant to authority of appellants on file, on motion of *Mr. W. Hallett Phillips* in behalf of counsel. *Mr. Benjamin Harrison* and *Mr. W. H. H. Miller* for appellants.

CAMDEN *v.* MAYHEW. (Docket No. 650.) Appeal from the Circuit Court of the United States for the District of West Virginia. Motion by appellants to dismiss the appeal in part and to vacate correspondingly the supersedeas. May 27, 1887: *Mr. CHIEF JUSTICE WAITE*: This motion is granted, and an order may be entered accordingly. *Mr. J. E. Kenna* and *Mr. Attorney General* for appellants. No one opposing.

COGHLAN *v.* SOUTH CAROLINA RAILROAD. (Docket No. 1089.) Appeal from the Circuit Court of the United States for the District of South Carolina. May 27, 1887: Dismissed on motion of *Mr. W. Hallett Phillips* in behalf of counsel for appellants. *Mr. F. W. Whitridge*, *Mr. H. E. Young*, and *Mr. James Lowndes* for appellants.



II.

CASES DISMISSED IN VACATION,

PURSUANT TO RULE 28,

BETWEEN THE FINAL ADJOURNMENT AT OCTOBER TERM,
1885, AND THE COMMENCEMENT OF OCTOBER TERM, 1886.

PENNSYLVANIA COMPANY v. FERGUSON. (Docket No. 478.) Error to the Circuit Court of the United States for the District of Indiana. June 14, 1886: Dismissed pursuant to the 28th Rule. *Mr. S. Stansifer* for plaintiff in error. *Mr. J. E. McDonald* for defendant in error.

CALL v. NORTHWESTERN MUTUAL LIFE INSURANCE CO. (Docket No. 178.) Appeal from the Circuit Court of the United States for the Southern District of Iowa. June 19, 1886: Dismissed pursuant to the 28th Rule. *Mr. John H. Call* for appellant. *Mr. C. C. Nourse* and *Mr. B. F. Kauffman* for appellee.

CALL v. NORTHWESTERN MUTUAL LIFE INSURANCE CO. (Docket No. 179.) Appeal from the Circuit Court of the United States for the Southern District of Iowa. June 19, 1886: Dismissed pursuant to the 28th Rule. *Mr. John H. Call* for appellant. *Mr. C. C. Nourse* and *Mr. B. F. Kauffman* for appellee.

WESTHAM GRANITE CO. v. CHANDLER. (Docket No. 570.) Appeal from the Supreme Court of the District of Columbia. June 19, 1886: Dismissed pursuant to the 28th Rule. *Mr. M. F. Morris* and *Mr. Wm. John Miller* for appellants. *Mr. F. W. Jones* and *J. Holdsworth Gordon* for appellees.

LOUISIANA, EX REL. THE NEW ORLEANS GAS LIGHT CO. v. NEW ORLEANS. (Docket No. 533.) Error to the Supreme Court of Louisiana. June 22, 1886: Dismissed pursuant to the 28th Rule.

Mr. Thomas J. Semmes for plaintiff in error. *Mr. W. H. Rogers* and *Mr. Henry C. Miller* for defendants in error.

THEBERATH v. RUBBER AND CELLULOID HARNESS TRIMMING Co. (Docket No. 108.) Appeal from the Circuit Court of the United States for the District of New Jersey. July 10, 1886: Dismissed pursuant to the 28th Rule. *Mr. Phillip W. Cross* for appellant. *Mr. J. C. Clayton* for appellee.

ST. LOUIS IRON MOUNTAIN AND SOUTHERN RAILWAY v. SOUTHERN EXPRESS Co. (Docket No. 315.) Appeal from the Circuit Court of the United States for the Western District of Tennessee. July 13, 1886: Dismissed pursuant to the 28th Rule. *Mr. R. J. Morgan* for appellant. *Mr. Geo. Gillham* for appellee.

DEMPSEY v. MANISTEE RIVER IMPROVEMENT Co. (Docket No. 312.) Error to the Supreme Court of Michigan. July 22, 1886: Dismissed pursuant to the 28th Rule. *Mr. M. J. Smiley* for plaintiffs in error. *Mr. Benton Hanchett* for defendant in error.

ALLEN v. HICKLING. (Docket No. 726.) Error to the Circuit Court of the United States for the Northern District of Illinois. August 6, 1886: Dismissed pursuant to the 28th Rule. *Mr. L. H. Bisbee*, *Mr. John P. Ahrens*, and *Mr. Henry Decker* for plaintiff in error. *Mr. Lyman Trumbull* for defendant in error.

THE STEAM TUG E. LUCKENBACK v. BEARD. (Docket No. 355.) Appeal from the Circuit Court of the United States for the Eastern District of New York. September 15, 1886: Dismissed pursuant to the 25th Rule. *Mr. William Allen Butler*, *Mr. T. E. Stillman*, and *Mr. T. H. Hubbard* for appellants. *Mr. W. W. Goodrich* for appellees.

KEHLOR MILLING COMPANY v. JOHN T. NOYE MANUFACTURING COMPANY. (Docket No. 407.) Error to the Circuit Court of the United States for the Southern District of Illinois. October 4, 1886: Dismissed pursuant to the 28th Rule. *Mr. G. M. Stewart* for plaintiff in error. *Mr. Azel F. Hatch* for defendant in error.

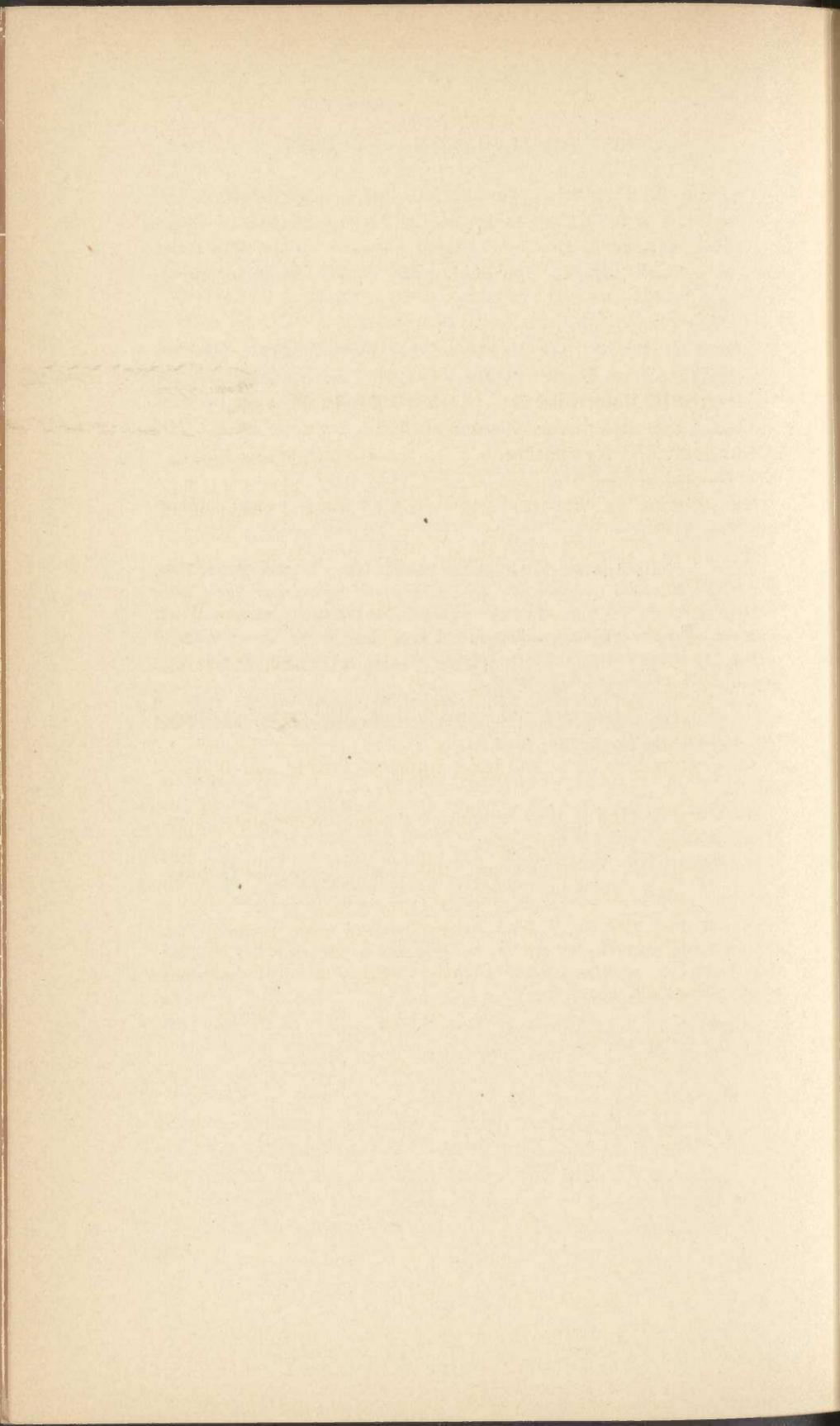
CURRY v. McCUALEY. (Docket No. 301.) Appeal from the Circuit Court of the United States for the Western District of Pennsylvania. October 8, 1886: Dismissed pursuant to the 28th Rule. *Mr. Geo. Shiras, Jr.*, for appellant. *Mr. A. H. Clarke* for appellees.

NEW YORK BELTING AND PACKING COMPANY v. SIBLEY. (Docket No. 109.) Appeal from the Circuit Court of the United States for the District of Massachusetts. October 9, 1886: Dismissed pursuant to the 28th Rule. *Mr. Thomas H. Talbot* for appellants. *Mr. Frederick P. Fish* for appellee.

The following is a summary statement of the business of the Supreme Court of the United States for the October Term, 1886, which closed on May 27.

Number of cases on the docket at the close of the October Term, 1885, not disposed of, 900; number of cases docketed during October Term, 1886, 496; total, 1,396. Number of cases disposed of at the term just closed, 451; number of cases remaining undisposed of, 945. Number of cases continued under advisement from October Term, 1885, 11; argued orally, 213; submitted, 119; continued, 29; passed, 7.

Number of cases affirmed, 205; reversed, 95; dismissed, 47; cases in which questions were answered, 5; docketed and dismissed, 15; settled and dismissed by the parties, 84; total, 451.



III.

ASSIGNMENTS TO CIRCUITS FOR 1887.

MR. JUSTICE GRAY: 1st Circuit, Rhode Island, Massachusetts, New Hampshire, and Maine.

MR. JUSTICE BLATCHFORD: 2d Circuit, Vermont, Connecticut, and New York.

MR. JUSTICE BRADLEY: 3d Circuit, Pennsylvania, New Jersey, and Delaware.

MR. CHIEF JUSTICE WAITE: 4th Circuit, Maryland, Virginia, West Virginia, North Carolina, and South Carolina.

MR. JUSTICE HARLAN: 5th Circuit, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas.¹

MR. JUSTICE MATTHEWS: 6th Circuit, Ohio, Michigan, Kentucky, and Tennessee.

MR. JUSTICE HARLAN: 7th Circuit, Indiana, Illinois, and Wisconsin.

MR. JUSTICE MILLER: 8th Circuit, Nebraska, Minnesota, Iowa, Missouri, Kansas, and Arkansas.

MR. JUSTICE FIELD: 9th Circuit, California, Oregon, and Nevada.

¹ May 27, 1887, THE CHIEF JUSTICE announced an order assigning MR. JUSTICE HARLAN to the 5th circuit, made vacant by the death of Mr. JUSTICE WOODS, in addition to his assignment to the 7th circuit, to which he was already assigned.

