

APPENDIX.

I.

JUDGMENTS AND DECREES,

INTERLOCUTORY AND FINAL, AT OCTOBER TERM, 1887, NOT
OTHERWISE REPORTED.

No. 374. *ALLIS v. FREEMAN*. Appeal from the Circuit Court of the United States for the Western District of Wisconsin. April 2, 1888: Dismissed, with costs, on the authority of the appellant and on motion of *Mr. R. D. Mussey* in behalf of counsel for appellant, *Mr. F. W. Cotzhausen* and *Mr. R. Mason*. No counsel appearing for the appellees.

No. 227. *ANDERSON TWINE Co. v. TOD*. Error to the Circuit Court of the United States for the Northern District of Ohio. April 13, 1888: Dismissed, with costs, as per stipulation. *Mr. John C. Lee*, *Mr. Aaron Blackford*, and *Mr. James A. Bope* for plaintiff in error. *Mr. Jacob F. Burkett* for defendant in error.

No. 1152. *BAINS v. DODGE*. Error to the Circuit Court of the United States for the Northern District of Texas. February 13, 1888: Dismissed, with costs, on motion of *Mr. A. H. Garland* in behalf of counsel for the plaintiffs in error. *Mr. Roger Q. Mills* for plaintiffs in error. No counsel appearing for the defendants in error.

No. 1300. *BAIRD v. BALDWIN*. Appeal from the Circuit Court of the United States for the Northern District of Illinois. November 15, 1887: Docketed and dismissed, with costs, on motion of *Mr. Eppa Hunton* for the appellees. No one opposing.

No. 35. BALTIMORE AND POTOMAC RAILROAD COMPANY *v.* DISTRICT OF COLUMBIA. Error to the Supreme Court of the District of Columbia. October 26, 1887: Dismissed, with costs, for failure to file the transcript of the record during the term to which the writ of error was returnable. *Mr. Enoch Totten* for the plaintiff in error. *Mr. Henry E. Davis* for the defendant in error.

No. 91. BALTZER *v.* BISCHOFFSHEIM. Appeal from the Circuit Court of the United States for the Southern District of New York. October 20, 1887: Dismissed as per stipulation. *Mr. C. A. Seward* and *Mr. Charles M. Da Costa* for appellants. *Mr. Joseph H. Choate* for appellee.

No. 852. BARKER *v.* KANSAS AND GULF SHORT LINE RAILROAD COMPANY. Appeal from the Circuit Court of the United States for the Eastern District of Texas. May 3, 1888: Dismissed, with costs, as per stipulation, on motion of *Mr. Stephen G. Clarke* in behalf of counsel. *Mr. E. Ellery Anderson* for appellants. *Mr. H. Chilton* for appellees.

No. 1405. BACHELOR *v.* KIRKBRIDE. Error to the Circuit Court of the United States for the District of New Jersey. April 2, 1888: Docketed and dismissed, with costs, on motion of *Mr. J. Hubley Ashton* for defendant in error. No one opposing.

No. 939. BAXTER MOUNTAIN GOLD MINING COMPANY *v.* PATTERSON. Error to the Supreme Court of the Territory of New Mexico. May 3, 1888: Dismissed, with costs, on motion of *Mr. J. H. Hoffecker, Jr.*, for the plaintiff in error. No counsel appearing for the defendants in error.

No. 232. BELL TELEPHONE COMPANY OF MISSOURI *v.* MISSOURI, *ex rel.* BALTIMORE AND OHIO TELEGRAPH COMPANY. Error to the Circuit Court of the United States for the Eastern District of Missouri. April 18, 1888: Dismissed, with costs, on the authority of the plaintiff in error. *Mr. Henry Hitchcock* and *Mr. G. A. Finckelnburg* for plaintiff in error. No counsel appearing for the defendant in error.

No. 393. *BIRDSEYE v. HEILNER.* Appeal from the Circuit Court of the United States for the Southern District of New York. May 4, 1888: Dismissed, as per stipulation, on motion of *Mr. J. M. Wilson* in behalf of counsel, *Mr. G. M. Plympton*, for appellants. *Mr. Livingston Gifford* for appellees.

No. 292. *BRANSCOM v. WOOD.* Appeal from the Circuit Court of the United States for the District of Kansas. May 4, 1888: Dismissed, with costs, pursuant to the 10th Rule. *Mr. Simon Wolf* and *Mr. Wm. F. Mattingly* for appellants. *Mr. A. Bergen* for appellee.

No. 63. *CALLENDER v. BATES.* Error to the Supreme Court of the Territory of Dakota. November 10, 1887: Dismissed, with costs, because the transcript of the record failed to show any service of the citation, but leave granted to the plaintiff in error to move within sixty days from the date of this judgment for the restoration of this cause to the docket. *Mr. W. K. Mendenhall* and *Mr. R. J. Wells* for plaintiff in error. No appearance for defendant in error.

No. 260. *CENTRAL PACIFIC RAILROAD COMPANY v. SANTA CLARA COUNTY.* Error to the Supreme Court of the State of California. March 20, 1888: Dismissed, with costs, on motion of *Mr. Creed Haymond* of counsel for plaintiff in error. *Mr. Henry Beard* for plaintiff in error. *Mr. Barclay Henley* for defendant in error.

No. 951. *CENTRAL PACIFIC RAILROAD COMPANY v. UNITED NICKEL COMPANY.* Error to the Circuit Court of the United States for the Northern District of California. March 20, 1888: Dismissed, with costs, on motion of *Mr. Creed Haymond* of counsel for the plaintiff in error. *Mr. M. A. Wheaton* for plaintiff in error. No counsel appearing for defendant in error.

No. 1362. *CHICAGO, BURLINGTON AND KANSAS CITY RAILWAY COMPANY v. SULLIVAN COUNTY.* Appeal from the Circuit Court of the United States for the Western District of Missouri. February 20, 1888: Docketed and dismissed, with costs, on motion of *Mr. John P. Butler* for appellee. No one opposing.

No. 136. *CLEVELAND v. LOCKWOOD*. Appeal from the Circuit Court of the United States for the District of New Jersey. January 19, 1888: Dismissed, with costs, as per stipulation. *Mr. J. D. Bedle* for appellants. *Mr. Causten Browne* for appellee.

No. 858. *COPPER QUEEN MINING COMPANY v. ARIZONA PRINCE COPPER COMPANY*. Error to the Supreme Court of the Territory of Arizona. February 2, 1888: Dismissed, with costs, on motion of *Mr. J. K. McCammon* in behalf of counsel for plaintiff in error *Mr. Thomas Mitchell*. No counsel appearing for defendant in error.

No. 287. *CROSBY v. HARDING*. Appeal from the Circuit Court of the United States for the Southern District of New York. May 4, 1888: Dismissed, with costs, pursuant to the 10th Rule. *Mr. Charles P. Crosby* for appellant. *Mr. W. S. Carter* and *Mr. W. B. Hornblower* for appellee.

No. 280. *DALE v. MARMELSTEIN*. Error to the Supreme Court of the State of Georgia. November 29, 1887: Dismissed, with costs, on motion of *Mr. George A. Mercer* for plaintiffs in error. No counsel appearing for defendant in error.

No. 281. *DALE v. WELLS*. Error to the Supreme Court of the State of Georgia. November 29, 1887: Dismissed, with costs, on motion of *Mr. George A. Mercer* for plaintiffs in error. No counsel appearing for defendant in error.

Nos. 1378 and 1379. *DISTRICT OF COLUMBIA v. MURDOCK*. *MURDOCK v. DISTRICT OF COLUMBIA*. Appeals from the Court of Claims. April 23, 1888: Judgment affirmed by a divided court. *Mr. Attorney General* and *Mr. Assistant Attorney General Howard* for the District of Columbia. *Mr. C. C. Cole* and *Mr. John C. Fay* for Murdock.

No. 245. *DUFF v. ST. LOUIS WOODEN WARE WORKS*. Appeal from the Circuit Court of the United States for the Eastern District of Missouri. April 20, 1888: Dismissed, with costs, pursuant to the 10th Rule. *Mr. George A. Christy* for appellants. No counsel appearing for appellees.

No. 128. *GRAHAM v. SPENCER.* Error to the Circuit Court of the United States for the District of Massachusetts. October 11, 1887: Judgment affirmed, as per stipulation, on motion of *Mr. J. Hubley Ashton* in behalf of *Mr. J. B. Richardson*, counsel for the plaintiff in error. *Mr. E. B. Hoar* for the defendant in error.

No. 88. *GRAND RAPIDS AND INDIANA RAILROAD COMPANY v. LILES.* Error to the Circuit Court of the United States for the District of Indiana. December 1, 1887: Dismissed, with costs, by authority of the plaintiff in error. *Mr. Thomas J. O'Brien* for plaintiff in error. No counsel appearing for defendant in error.

No. 2, Original. In the matter of *ALBERT GRANT.* Petition for a Writ of Mandamus. December 19, 1887: Dismissed for the want of prosecution. *Mr. B. F. Butler, Mr. S. S. Henkle, Mr. William Lawrence* and *Mr. H. W. Blair* for petitioner. No one opposing.

No. 1364. *GREENE v. MCARTHUR.* Appeal from the Circuit Court of the United States for the Southern District of Ohio. February 20, 1888: Docketed and dismissed, with costs, on motion of *Mr. Lawrence Maxwell, Jr.*, for appellees. No one opposing.

No. 1365. *GLENN v. MCARTHUR.* Appeal from the Circuit Court of the United States for the Southern District of Ohio. February 20, 1888: Docketed and dismissed, with costs, on motion of *Mr. Lawrence Maxwell, Jr.*, for appellees. No one opposing.

No. 81. *GOULD v. SPICER.* Appeal from the Circuit Court of the United States for the District of Rhode Island. November 29, 1887: Dismissed, with costs, pursuant to the 10th Rule. *Mr. Thomas Wm. Clarke* for appellant. *Mr. Benjamin F. Thurston* for appellees.

No. 270. *HARTRANFT v. ZEH.* Error to the Circuit Court of the United States for the Eastern District of Pennsylvania. May 2, 1888: Dismissed, with costs, on motion of *Mr. Solicitor General Jenks* for plaintiff in error. *Mr. Attorney General* for plaintiff in error. *Mr. F. P. Prichard* for defendants in error.

No. 1333. *HELBING v. CALIFORNIA.* Error to the Supreme Court of the State of California. January 13, 1888: Docketed and dismissed, with costs, on motion of *Mr. E. B. Stonehill* for defendants in error. No one opposing.

No. 325. *HOLT v. KENDALL.* Appeal from the Circuit Court of the United States for the Northern District of Illinois. May 4, 1888: Dismissed, with costs, on motion of *Mr. J. M. Wilson* in behalf of *Mr. Benjamin F. Thurston* and *Mr. John W. Merriam*, counsel for appellant. No counsel appearing on behalf of appellees.

No. 1391. *JONES v. NICHOLS.* Appeal from the Circuit Court of the United States for the Northern District of Alabama. March 20, 1888: Docketed and dismissed, with costs, on motion of *Mr. James L. Pugh, Jr.*, for appellee. No one opposing.

No. 211. *KAIN v. NELSON.* Error to the Circuit Court of the United States for the Eastern District of Tennessee. April 6, 1888: Dismissed, with costs, pursuant to the 10th Rule. *Mr. Enoch Totten* and *Mr. A. H. Pettibone* for plaintiff in error. *Mr. W. M. Baxter* for defendants in error.

No. 14. *KANSAS PACIFIC RAILWAY COMPANY v. LEWIS.* Appeal from the Circuit Court of the United States for the District of Kansas. November 3, 1887: Submission of this cause set aside, and appeal dismissed, with costs, on motion of *Mr. Samuel Shellabarger* for appellant. *Mr. J. P. Usher*, *Mr. John F. Dillon*, *Mr. Samuel Shellabarger* and *Mr. J. M. Wilson* for appellant. No counsel for appellee.

No. 37. *KENNEDY v. LAMB.* Appeal from the Circuit Court of the United States for the District of Nebraska. October 26, 1887: Dismissed, with costs, on motion of the appellants. *Mr. A. J. Poppleton*, *Mr. J. M. Thurston* and *Mr. John F. Dillon* for appellants. No counsel for appellee.

No. 236. *KENNEY v. EDDY.* Error to the Supreme Court of the Territory of Montana. April 18, 1888: Dismissed, with costs, pur-

suant to the 10th Rule. *Mr. John C. Robinson* and *Mr. M. F. Morris* for plaintiffs in error. No counsel appearing for defendants in error.

No. 138. *KIRK v. ELKINS MANUFACTURING AND GAS COMPANY.* Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania. January 9, 1888: Dismissed, with costs, on motion of *Mr. William A. McKenney* in behalf of *Mr. Hector F. Fenton*, counsel for the appellants. *Mr. John G. Johnson* for appellee.

No. 467. *DE LA MOTHE v. ANGUS.* Appeal from the Circuit Court of the United States for the Southern District of Illinois. March 20, 1888: Dismissed, with costs, on motion of *Mr. James H. Graham* of counsel for appellant. *Mr. A. L. Merriman* for appellant, *Mr. David Fales* and *Mr. Frank W. Hackett* for appellee. April 16, 1888: Decree of March 20, 1888, set aside and case restored to the docket.

No. 276. *LE CLAIRE v. MAY.* Appeal from the Circuit Court of the United States for the Southern District of Illinois. May 3, 1888: Dismissed, with costs, pursuant to the 10th Rule. *Mr. J. N. Rogers* for appellant. No counsel appearing for appellee.

No. 1292. *LEONARD v. LOVELL.* Appeal from the Circuit Court of the United States for the Western District of Michigan. October 31, 1887: Docketed and dismissed, with costs, on motion of *Mr. E. M. Marble* for appellee. No one opposing.

No. 241. *LOEBER v. WYKOFF.* Error to the Supreme Court of the Territory of Montana. April 19, 1888: Dismissed, with costs, pursuant to the 10th Rule. *Mr. Thomas L. Napton* for plaintiff in error. *Mr. Walter H. Smith*, *Mr. E. C. Ford* and *Mr. M. F. Morris* for defendant in error.

No. 806. *LORILLARD v. PRIDE.* Appeal from the Circuit Court of the United States for the Northern District of Illinois. May 4, 1888: Dismissed, as per stipulation, on motion of *Mr. J. M. Wilson* in behalf of *Mr. Rowland Cox*, counsel for appellants. *Mr. Samuel A. Duncan* and *Mr. Benjamin F. Thurston* for appellee.

No. 231. *Lynch v. Andrews*. Error to the Supreme Court of Appeals of the State of West Virginia. April 18, 1888: Dismissed, with costs, pursuant to the 10th Rule. *Mr. N. Goff, Jr.*, for plaintiffs in error. *Mr. Caleb Bogges* and *Mr. Charles Marshall* for defendant in error.

No. 146. *Mack v. Slatemann*. Error to the Circuit Court of the United States for the Eastern District of Wisconsin. November 15, 1887: Dismissed, with costs, as per stipulation, on motion of *Mr. Eppa Hunton* in behalf of *Mr. B. K. Miller*, counsel for plaintiffs in error. *Mr. F. W. Cotzhausen* for defendants in error.

No. 9. *McKay v. Stowe*. Appeal from the Circuit Court of the United States for the District of Massachusetts. October 18, 1887: Dismissed as per stipulation. *Mr. Elias Merwin* for appellants. *Mr. J. E. Maynadier* for appellees.

No. 318. *Marshall v. United States*. Appeal from the Court of Claims. April 30, 1888. *Mr. Justice Miller*:

The petition for rehearing in this case is granted, and the argument will be heard at the time of the regular call of the case on the docket at the next term. See 124 U. S. 391.

No. 247. *Mellon v. Smith-Davis Manufacturing Co.* Appeal from the Circuit Court of the United States for the Eastern District of Missouri. April 24, 1888: Dismissed, with costs, pursuant to the 10th Rule. *Mr. Clinton Rowell* for appellant. No counsel appearing for appellees.

No. 125. *Memphis and Little Rock Railroad Company*, (as reorganized,) *v. Dow*. Appeal from the Circuit Court of the United States for the Eastern District of Arkansas. January 9, 1888: Dismissed, with costs, on motion of *Mr. Wager Swayne* for appellant. *Mr. U. M. Rose* for appellees.

Nos. 115 and 164. *Memphis and Little Rock Railroad Company*, (as reorganized,) *v. Dow*, and *Dow v. Memphis and Little Rock Railroad Company*, (as reorganized.) Appeals from the Circuit Court of the United States for the Eastern District of

Arkansas. December 15, 1887: Dismissed as per stipulation. *Mr. John F. Dillon* and *Mr. Wager Swayne* for the Railroad Company. *Mr. U. M. Rose* for the trustees.

No. 452. **MEMPHIS AND LITTLE ROCK RAILROAD COMPANY**, (as reorganized,) *v. Dow*. Appeal from the Circuit Court of the United States for the Southern District of New York. May 3, 1888: Dismissed, as per stipulation, on motion of *Mr. Stephen G. Clarke* in behalf of *Mr. John F. Dillon* and *Mr. Wager Swayne*, counsel for appellant. *Mr. John M. Bowers* for appellees.

No. 324. **MEXICAN NATIONAL CONSTRUCTION COMPANY *v. FRY***. Error to the Circuit Court of the United States for the Eastern District of Texas. February 13, 1888: Dismissed, as per stipulation, on motion of *Mr. Samuel Shellabarger* in behalf of *Mr. Theodore F. H. Meyer*, counsel for plaintiff in error. *Mr. Wm. W. Boyce* and *Mr. Wm. E. Earle* for defendant in error.

No. 312. **MEXICAN NATIONAL CONSTRUCTION COMPANY *v. REUSENS***. Error to the Circuit Court of the United States for the Southern District of New York. February 13, 1888: Dismissed, as per stipulation, on motion of *Mr. Samuel Shellabarger* in behalf of *Mr. Theodore F. H. Meyer*, counsel for plaintiff in error. *Mr. Michael H. Cardozo* for defendant in error.

No. 13. **MURRAY *v. PARDEE***. Error to the Supreme Court of the Territory of Montana. October 18, 1887: Dismissed, with costs, pursuant to the 19th Rule. *Mr. E. W. Toole* for plaintiff in error. No counsel for defendant in error.

No. 862. **NAILOR *v. NAILOR***. Appeal from the Supreme Court of the District of Columbia. May 14, 1888: Dismissed for the want of jurisdiction. *Mr. Henry Wise Garnett* and *Mr. Walter D. Davidge* for appellants. *Mr. C. C. Cole* and *Mr. William A. Cook* for appellees.

No. 184. *PARK v. UNITED STATES.* Error to the Circuit Court of the United States for the District of Massachusetts. February 13, 1888: Dismissed on motion of *Mr. A. B. Wentworth* of counsel for plaintiff in error. *Mr. Attorney General* for defendant in error.

No. 152. *PATTERSON v. GERARDI.* Error to the Circuit Court of the United States for the Eastern District of Missouri. January 31, 1888: Dismissed, with costs, pursuant to the 10th Rule. *Mr. W. H. Bliss* for plaintiff in error. *Mr. Jeff. Chandler* for defendants in error.

No. 587. *PEOPLE'S BANK OF THE CITY OF NEW YORK v. MECHANICS' NATIONAL BANK OF NEWARK.* Appeal from the Circuit Court of the United States for the District of New Jersey. February 7, 1888: Dismissed, as per stipulation, on motion of *Mr. Thomas N. McCarter* in behalf of *Mr. Cortlandt Parker* and *Mr. R. Wayne Parker*, counsel for appellant. *Mr. A. Q. Keasbey* for appellees.

No. 716. *PEOPLE'S BANK OF THE CITY OF NEW YORK v. MECHANICS' NATIONAL BANK OF NEWARK.* Appeal from the Circuit Court of the United States for the District of New Jersey. February 7, 1888: Dismissed on authority of counsel for the appellant, on motion of *Mr. Thomas N. McCarter* in behalf of *Mr. Cortlandt Parker* and *Mr. R. Wayne Parker*, counsel for appellant. No counsel appearing for appellees.

No. 882. *PENNSYLVANIA RAILROAD COMPANY v. JANEWAY.* Error to the Circuit Court of the United States for the District of New Jersey. October 26, 1887: Dismissed, as per stipulation, on motion of *Mr. Enoch Totten* in behalf of *Mr. Edward T. Green*, counsel for plaintiff in error. *Mr. John R. Emery* for defendants in error.

No. 220. *PERRY v. EQUITABLE COÖPERATIVE FOUNDRY COMPANY.* Appeal from the Circuit Court of the United States for the Northern District of New York. April 12, 1888: Dismissed, with costs, pursuant to the 10th Rule. *Mr. Samuel A. Duncan* for appellants. *Mr. Theodore Bacon* for appellees.

No. 157. *POWER v. BAKER*. No. 307. *BAKER v. POWER*. Appeals from the Circuit Court of the United States for the District of Minnesota, February 2, 1888: Decree affirmed from the Bench, the appellants to pay the costs of their respective appeals in this Court. Cost of printing testimony improperly embodied in the transcript of the record, and clerk's fees for supervising the same, to be paid by the appellants in No. 157. *Mr. Edward G. Rogers*, *Mr. C. D. O'Brien* and *Mr. W. H. Bliss* for Power. *Mr. J. H. Davidson* and *Mr. H. L. Williams* for Baker.

No. 124. *PRICE v. MEYER*. Appeal from the Supreme Court of the Territory of Utah. October 31, 1887: Dismissed, as per stipulation, on motion of *Mr. B. H. Bristow* in behalf of *Mr. John F. Dillon* and *Mr. Wager Swayne*, counsel for appellant. *Mr. Lyman K. Bass*, *Mr. C. W. Bennett* and *Mr. Robert Harkness* for appellees.

No. 1335. *QUARLES v. SIMRALL*. Appeal from the Circuit Court of the United States for the Middle District of Tennessee. January 19, 1888: Docketed and dismissed, with costs, on motion of *Mr. William A. McKenney* for appellees. No one opposing.

No. 226. *RICHARDSON v. DAY*. Appeal from the Circuit Court of the United States for the Northern District of Illinois. May 14, 1888: Decree affirmed, with costs, by a divided court. *Mr. J. M. Flower* and *Mr. D. K. Tenney* for appellants. *Mr. S. D. Puterbaugh* for appellees.

No. 785. *ROBINSON v. WALL*. Appeal from the Supreme Court of the District of Columbia. January 9, 1888: Dismissed, with costs, as per stipulation, on motion of *Mr. J. J. Johnson* for appellants. *Mr. Randall Hagner* for appellee.

No. 131. *SARGENT v. MASSACHUSETTS HOSPITAL LIFE INSURANCE COMPANY*. Appeal from the Circuit Court of the United States for the District of Massachusetts. January 11, 1888: Decree affirmed, without costs, as per stipulation. *Mr. R. M. Morse, Jr.*, for appellants. *Mr. W. G. Russell* and *Mr. George Putnam* for appellees.

No. 101. *SLINEY v. UNITED STATES.* Error to the Circuit Court of the United States for the Western District of Pennsylvania. December 7, 1887: Dismissed, pursuant to the 10th Rule. *Mr. John M. Thompson* for plaintiffs in error. *Mr. Attorney General* for defendant in error.

No. 75. *SIMMONS HARDWARE COMPANY v. NATIONAL PUMP CYLINDER COMPANY.* Appeal from the Circuit Court of the United States for the Eastern District of Missouri. November 17, 1887: Dismissed, with costs, as per stipulation. *Mr. Frederic N. Judson* for appellant. *Mr. H. M. Pollard* and *Mr. S. N. Taylor* for appellee.

No. 259. *SOUTHERN PACIFIC RAILROAD COMPANY v. SANTA CLARA COUNTY.* Error to the Supreme Court of the State of California. March 20, 1888: Dismissed, with costs, on motion of *Mr. Creed Haymond* of counsel for the plaintiff in error. *Mr. Henry Beard* for plaintiff in error. *Mr. Barclay Henley* for defendant in error.

No. 261. *SOUTHERN PACIFIC RAILROAD COMPANY v. McCUSKER.* Error to the Supreme Court of the State of California. March 20, 1888: Dismissed, with costs, on motion of *Mr. Creed Haymond* of counsel for plaintiff in error. *Mr. Henry Beard* for plaintiff in error. *Mr. J. W. Cooksey* for defendants in error.

No. 262. *SOUTHERN PACIFIC RAILROAD COMPANY v. McCUSKER.* Error to the Supreme Court of the State of California. March 20, 1888: Dismissed, with costs, on motion of *Mr. Creed Haymond* of counsel for plaintiff in error. *Mr. Henry Beard* for plaintiff in error. *Mr. J. W. Cooksey* for defendants in error.

No. 489. *SOUTHERN PACIFIC RAILROAD COMPANY v. LOS ANGELES.* Error to the Supreme Court of the State of California. March 20, 1888: Dismissed, with costs, on motion of *Mr. Creed Haymond* of counsel for plaintiff in error. *Mr. George H. Smith* for plaintiff in error. No counsel appearing for defendant in error.

No. 142. *SPENCER v. McMASTER*. Appeal from the Supreme Court of the Territory of Wyoming. January 23, 1888: Dismissed, with costs, on motion of *Mr. Walter H. Smith* of counsel for appellants. *Mr. Walter H. Smith* and *Mr. C. W. Halcombe* for appellants. No counsel appearing for appellee. Decree of dismissal of January 23, 1888, set aside, on *Mr. Smith's* motion, and case restored to the docket on February 13, 1888. May 14, dismissed, with costs, on motion of *Mr. Smith*. No counsel appearing for appellee.

No. 196. *STITZEL v. ATHERTON*. Appeal from the Circuit Court of the United States for the District of Kentucky. December 12, 1887: Dismissed, with costs, as per stipulation, on motion of *Mr. B. F. Buckner* in behalf of *Mr. James A. Beattie*, counsel for appellants. *Mr. John Mason Brown*, *Mr. Alexander Pope Humphrey* and *Mr. George M. Davie* for appellees.

No. 1051. *THE SUFFOLK v. GOLDSMITH*. Appeal from the Circuit Court of the United States for the District of Maryland. January 18, 1888: Dismissed, with costs, as per stipulation, on motion of *Mr. M. F. Morris* in behalf of *Mr. John H. Thomas*, counsel for appellants. *Mr. Sebastian Brown* for appellee.

No. 736. *SWETTING v. AMERICAN EMIGRANT COMPANY*. Appeal from the Circuit Court of the United States for the Southern District of Iowa. May 14, 1888: Dismissed, with costs, on motion of *Mr. W. Hallett Phillips* in behalf of *Mr. J. H. Call*, counsel for appellants. No counsel appearing for appellee.

No. 1327. *TELFNER v. RUSS*. Error to the Circuit Court of the United States for the Western District of Texas. December 19, 1887: Docketed and dismissed, with costs, on motion of *Mr. John J. Weed* for defendant in error. No one opposing.

No. 487. *TEXAS AND PACIFIC RAILWAY COMPANY v. TOOTHMAN*. Error to the Circuit Court of the United States for the Eastern District of Texas. May 14, 1888: Judgment reversed, with costs, as per stipulation, on motion of *Mr. A. B. Browne* for plaintiff in

error. *Mr. John C. Brown, Mr. A. T. Britton, Mr. A. B. Browne* and *Mr. John F. Dillon* for plaintiff in error. *Mr. C. C. Cole* and *Mr. W. L. Cole* for defendants in error.

No. 93. TEXAS AND ST. LOUIS RAILWAY COMPANY IN MISSOURI AND ARKANSAS *v.* CLEVELAND ROLLING MILL COMPANY. Error to the Circuit Court of the United States for the Eastern District of Missouri. December 2, 1887: Dismissed, with costs, pursuant to the 10th Rule. *Mr. John P. Ellis* and *Mr. B. D. Lee* for plaintiff in error. *Mr. Henry Hichcock* for defendant in error.

No. 59. UNION PACIFIC RAILWAY COMPANY *v.* DYCHE. Error to the Supreme Court of the State of Kansas. November 8, 1887: Judgment reversed, with costs, and cause remanded with instructions to reverse the judgment of the District Court of Riley County, Kansas, as per stipulation, on motion of *Mr. J. M. Wilson* in behalf of *Mr. John F. Dillon*, counsel for plaintiff in error. *Mr. C. M. Dyche* in person.

No. 198. UNITED STATES *v.* COLGATE. Appeal from the Circuit Court of the United States for the Southern District of New York. April 2, 1888: Dismissed on motion of *Mr. Solicitor General* for appellant. *Mr. Attorney General* for appellant. No counsel appearing for the appellee.

No. 1386. UNITED STATES *v.* BAILEE. Appeal from the Court of Claims. April 23, 1888: Judgment affirmed by a divided court. *Mr. Attorney General, Mr. Assistant Attorney General Howard* and *Mr. F. P. Dewees* for appellant. *Mr. George A. King* and *Mr. I. G. Kimball* for appellee.

No. 188. WALKER *v.* DUN. Appeal from the Circuit Court of the United States for the District of Maryland. November 10, 1887: Dismissed, with costs, so far as it relates to the following named appellants, viz.: H. Crawford Black, John Sheridan and John Wilson, Jr., trading as Black, Sheridan & Wilson; M. J. Blake, Edward H. Lee, Melvin C. Gould, John W. Crowell, Thomas Martin, John Hurley, Nicholas Sandberg and Charles Melvin, on

motion of *Mr. Sebastian Brown* for appellants. *Mr. John H. Thomas, Mr. R. H. Smith* and *Mr. W. W. McFarland* for appellees.

No. 335. *WEIR PLOW COMPANY v. TURNBULL.* Appeal from the Circuit Court of the United States for the Northern District of Illinois. May 4, 1888: Dismissed, as per stipulation, on motion of *Mr. J. M. Wilson*, in behalf of counsel. *Mr. E. A. West* and *Mr. L. L. Bond* for appellant. *Mr. J. L. High* for appellees.

No. 1363. *WILSON v. McARTHUR.* Appeal from the Circuit Court of the United States for the Southern District of Ohio. February 20, 1888: Docketed and dismissed, with costs, on motion of *Mr. Lawrence Maxwell, Jr.*, for appellees. No one opposing.

No. 282. *WOODS v. ROSENBAUM.* Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania. May 3, 1888: Dismissed, with costs, pursuant to the 10th Rule. *Mr. David Hall Rice* and *Mr. Leonard Myers* for appellants. *Mr. W. J. Budd* for appellees.

II.

CASES DISMISSED IN VACATION,

PURSUANT TO RULE 28,

BETWEEN THE FINAL ADJOURNMENT AT OCTOBER TERM, 1886,
AND THE COMMENCEMENT OF OCTOBER TERM, 1887.

No. 367. *WOODMAN v. MISSIONARY SOCIETY OF THE METHODIST EPISCOPAL CHURCH.* Error to the Supreme Court of the State of Michigan. June 8, 1887: Dismissed pursuant to the 28th Rule. *Mr. Frank T. Lodge* and *Mr. De Forest Paine* for plaintiff in error. *Mr. E. L. Fancher* for defendant in error. See 124 U. S. 161, for subsequent proceedings in this case.

No. 58. *BISSELL v. NATIONAL LAFAYETTE AND BANK OF COMMERCE.* Error to the Circuit Court of the United States for the Eastern District of Missouri. June 27, 1887: Dismissed pursuant to the 28th Rule. *Mr. Upton M. Young* for plaintiff in error. *Mr. J. E. McKeighan* for defendant in error.

No. 87. *HENLINE v. PERRINE.* Appeal from the Circuit Court of the United States for the Southern District of Illinois. August 22, 1887: Dismissed pursuant to the 28th Rule. *Mr. Robert E. Williams* for appellants. *Mr. Mitchell J. Smiley* for appellee.

No. 123. *JENKINS v. ANN ARBOR AGRICULTURAL COMPANY.* Appeal from the Circuit Court of the United States for the Eastern District of Michigan. August 22, 1887: Dismissed pursuant to the 28th Rule. *Mr. Charles F. Burton* for appellants. *Mr. Ephraim Banning* and *Mr. Thomas A. Banning* for appellee.

No. 177. *LEWIS v. IMBODEN.* Appeal from the District Court of the United States for the District of West Virginia. June 20, 1887: Dismissed pursuant to the 28th Rule. *Mr. S. A. Miller* for appellants. *Mr. W. Mollohan* for appellee.

No. 712. NEW MEXICO AND ARIZONA RAILROAD COMPANY *v.* HOBSON. Error to the Supreme Court of the Territory of Arizona. August 23, 1887: Dismissed pursuant to the 28th Rule. *Mr. A. T. Britton* and *Mr. A. B. Browne* for plaintiff in error. *Mr. Barclay Henley* for defendant in error.

No. 183. PLIMPTON *v.* WINSLOW. Appeal from the Circuit Court of the United States for the District of Massachusetts. June 30, 1887: Dismissed pursuant to the 28th Rule. *Mr. Thomas Wm. Clarke* for appellant. *Mr. John L. S. Roberts* for appellee.

No. 110. RUMSEY *v.* BUCK. Appeal from the Circuit Court of the United States for the Eastern District of Missouri. July 11, 1887: Dismissed pursuant to the 28th Rule. *Mr. Robert H. Parkinson* for the appellants. *Mr. G. M. Stewart* for the appellees.

No. 332. UNDERWOOD *v.* WARREN. Appeal from the Circuit Court of the United States for the Eastern District of Missouri. July 11, 1887: Dismissed pursuant to the 28th Rule. *Mr. G. M. Stewart* for appellant. *Mr. Robert H. Parkinson* for appellees.

No. 535. SILL *v.* SOLBERG. Appeal from the Circuit Court of the United States for the Western District of Wisconsin. August 1, 1887: Dismissed pursuant to the 28th Rule. *Mr. Angus Cameron* for appellant. *Mr. S. U. Pinney* for appellee.

III.

ASSIGNMENT TO CIRCUITS.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1887.

ORDER.

There having been an Associate Justice of this Court appointed since the commencement of this term, It is ordered that the following allotment be made of the Chief Justice and Associate Justices of said Court among the Circuits, agreeably to the act of Congress in such case made and provided, and that such allotment be entered of record, viz. :

For the First Circuit, HORACE GRAY, Associate Justice.

For the Second Circuit, SAMUEL BLATCHFORD, Associate Justice.

For the Third Circuit, JOSEPH P. BRADLEY, Associate Justice.

For the Fourth Circuit, MORRISON R. WAITE, Chief Justice.

For the Fifth Circuit, LUCIUS Q. C. LAMAR, Associate Justice.

For the Sixth Circuit, STANLEY MATTHEWS, Associate Justice.

For the Seventh Circuit, JOHN M. HARLAN, Associate Justice.

For the Eighth Circuit, SAMUEL F. MILLER, Associate Justice.

For the Ninth Circuit, STEPHEN J. FIELD, Associate Justice.

January 23, 1888.

IV.

ASSIGNMENT TO CIRCUITS.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1887.

ORDER.

It is ordered that the following allotment be made of the Associate Justices of this Court among the Circuits, agreeably to the act of Congress in such case made and provided, and that such allotment be entered of record, viz. :

For the First Circuit, HORACE GRAY, Associate Justice.

For the Second Circuit, SAMUEL BLATCHFORD, Associate Justice.

For the Third Circuit, JOSEPH P. BRADLEY, Associate Justice.

For the Fourth Circuit, JOHN M. HARLAN, Associate Justice.

For the Fifth Circuit, LUCIUS Q. C. LAMAR, Associate Justice.

For the Sixth Circuit, STANLEY MATTHEWS, Associate Justice.

For the Seventh Circuit, JOHN M. HARLAN, Associate Justice.

For the Eighth Circuit, SAMUEL F. MILLER, Associate Justice.

For the Ninth Circuit, STEPHEN J. FIELD, Associate Justice.

April 2, 1888.

