

## Statement of the Case.

LIST *v.* PENNSYLVANIA.

ERROR TO THE SUPREME COURT OF THE STATE OF PENNSYLVANIA.

No. 984. Decided December 10, 1888.

The death of the accused in a criminal case brought here by writ of error abates the suit.

THE case is stated in the opinion.

*Mr. W. P. Potter* for plaintiff in error.

*Mr. W. D. Porter* for defendant in error.

PER CURIAM: The death of George B. List, the plaintiff in error in this cause, having been suggested in a communication from counsel for defendant in error to the clerk, and it appearing to the court that this is a criminal case, it is considered by the court that this cause has abated. Therefore, it is ordered and adjudged by the court that the writ of error in this cause be, and the same is hereby,

*Dismissed.*

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CHICAGO, BURLINGTON AND QUINCY RAILWAY  
COMPANY *v.* GRAY.

ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE  
SOUTHERN DISTRICT OF IOWA.

No. 876. Submitted March 11, 1889. — Decided March 18, 1889.

Since the act of March 3, 1887, 24 Stat. 552, c. 373, took effect, no appeal or writ of error lies to this court from a decision of a Circuit Court remanding a cause to a state court which had been removed from it, although the order remanding it was made before that act took effect.

MOTION TO DISMISS for want of jurisdiction.

## Statement of the Case

*Mr. John F. Lacey* for the motion.

There is only one point involved in this motion. The plaintiff in error caused the removal of the cause from the District Court of Iowa to the United States Circuit Court.

The defendant in error moved to remand the cause to the state court. This motion was submitted before Justice Miller and Judge Lorr and the motion sustained. The cause was removed and also remanded prior to the act of March 3d, 1887, but the writ of error was not sued out until after the passage of that act. It follows that when the right to sue out a writ of error in a cause that had been remanded was cut off by the statute, there being no reservation in relation to any past orders the jurisdiction was cut off, and so writ of error will not lie.

No one opposing.

PER CURIAM: This case is dismissed for want of jurisdiction.  
*Dismissed.*

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DENT *v.* FERGUSON.

ORIGINAL MOTION IN AN APPEAL FROM THE CIRCUIT COURT OF  
THE UNITED STATES FOR THE WESTERN DISTRICT OF TENNESSEE.

No. 269. Submitted March 18, 1889. — Decided April 1, 1889.

Under the circumstances set forth in the motion papers below, the court, as to so much of the record as was printed by order of the court below, dispenses with the filing of ten of the twenty-five copies required by Rule 10 to be printed for the use of the court and counsel, and remits the clerk's fees for supervision of printing.

THIS was a motion, entitled in No. 269, "to suspend section 2, rule 10, and so much of the rules, as requires 25 copies to be filed, and allowing 15 copies to be filed instead." The motion and supporting papers were as follows: