

## Syllabus.

*Mr. J. B. Heiskell*, for the motion, cited *Lorymer v. Hollister*, Strange, 693; 1 Tidd's Practice, 241, 1163; *Green v. Watkins*, 6 Wheat. 260; *Wicket v. Cremer*, 1 Ld. Raym. 439; *State v. McLean*, 8 Heiskell, 289.

PER CURIAM: It is ordered that

*The decree of this court of November 26, 1888, be made absolute against the heirs and representatives of Sallie S. Blackburn, deceased.*

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MENKEN *v.* ATLANTA.

ERROR TO THE SUPREME COURT OF THE STATE OF GEORGIA.

No. 674. Decided April 18, 1889.

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. Hoke Smith* for plaintiff in error.

*Mr. S. W. Packard* for defendant in error.

PER CURIAM: The death of Fritz Menken, the plaintiff in error in the cause having been suggested by *Mr. Pope Barrow*, in behalf of *Mr. Hoke Smith* of counsel for the said plaintiff in error, 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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FREELAND *v.* WILLIAMS.

ERROR TO THE SUPREME COURT OF APPEALS OF THE STATE OF WEST VIRGINIA.

No. 267. Argued April 17, 18, 1889. — Decided May 13, 1889.

The provision in the constitution of West Virginia of 1872 that the property of a citizen of the State should not "be seized or sold under final process