

Cases not Otherwise Reported.

CASES ADJUDGED IN THE SUPREME COURT OF
THE UNITED STATES,

AT OCTOBER TERM, 1888, NOT OTHERWISE REPORTED, INCLUDING
CASES DISMISSED IN VACATION PURSUANT TO RULE 28.

No. 103. *ADAMS v. HATCH.* Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania. December 4, 1888: Dismissed, with costs, pursuant to the 10th rule. *Mr. W. G. Griffith* for appellant. *Mr. F. P. Pritchard* for appellee.

No. 509. *ADAMS v. TOWN OF LANSING.* Error to the Circuit Court of the United States for the Northern District of New York. January 4, 1889: Dismissed, with costs, per stipulation, on motion of Mr. Clarence A. Seward in behalf of counsel. *Mr. James R. Cox* for plaintiff in error. *Mr. Francis Kernan* for defendant in error.

No. 78. *AMBROSE v. BOARD OF COMMISSIONERS OF PILOTS.* Error to the Supreme Court of the State of New York. May 19, 1888: Dismissed pursuant to the 28th rule. *Mr. Coles Morris* and *Mr. Michael H. Cardozo* for plaintiffs in error. *Mr. Wm. Allen Butler* for defendant in error.

No. 741. *AMERICAN DIAMOND ROCK BORING COMPANY v. SHELDON et al.* No. 742. *SAME v. RUTLAND MARBLE COMPANY.* No. 957. *SAME v. GILSON et al.* No. 958. *SAME v. SUTHERLAND FALLS MARBLE COMPANY.* No. 959. *SAME v. SHERMAN et al.* No. 960. *SAME v. HAWLEY et al.* No. 961. *SAME v. FLINT et al.* No. 962. *SAME v. KELLEY.* No. 963. *SAME v. HOLLISTER.* No. 964. *SAME v. FREEDLEY et al.* No. 965. *SAME v. COLUMBIAN MARBLE COMPANY.* No. 966. *SAME v.*

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CUTTER MARBLE COMPANY. Appeals from the Circuit Court of the United States for the District of Vermont. December 20, 1888: Dismissed, with costs, pursuant to the 10th rule. *Mr. E. G. Thompson* for appellants. *Mr. E. T. Rice* for appellees.

No. 146. AMERICAN DIAMOND DRILL COMPANY *v.* SULLIVAN MACHINE COMPANY. Appeal from the Circuit Court of the United States for the Southern District of New York. December 20, 1888: Dismissed, with costs, pursuant to the 16th rule, on motion of *Mr. E. T. Rice* of counsel for appellee. *Mr. E. G. Thompson* for appellant. *Mr. E. T. Rice* for appellee.

No. 228. AMERICAN NATIONAL BANK OF NASHVILLE *v.* MAYOR AND CITY COUNCIL OF NASHVILLE. Appeal from the Circuit Court of the United States for the Middle District of Tennessee. March 29, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. Edward Baxter* for appellant. No appearance for appellees.

No. 9. AMERICAN RAILWAY IMPROVEMENT COMPANY *v.* CARPENTER. Error to the Circuit Court of the United States for the Eastern District of Louisiana. April 22, 1889: Dismissed, with costs, per stipulation, on motion of *Mr. William A. McKenney* in behalf of counsel. *Mr. W. W. Howe* for plaintiff in error. *Mr. A. H. Leonard* for defendants in error.

No. 1125. ARBUCKLE *v.* QUIGLEY. Error to the Supreme Court of the State of Tennessee. March 18, 1889: Judgment reversed, with costs, and cause remanded with instructions to enter judgment for the plaintiff in error pursuant to a stipulation of counsel. *Mr. T. B. Turley* and *Mr. Luke E. Wright* for plaintiff in error. *Mr. Isham G. Harris* for defendant in error.

No. 289. ARNSEN *et al. v.* MERRITT. Error to the Circuit Court of the United States for the Southern District of New

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York. March 5, 1889: Dismissed on motion of *Mr. Edwin B. Smith* for plaintiffs in error. *Mr. Attorney General* for defendant in error.

No. 1179. *ARTHUR'S EXECUTORS v. RICHARD AND BOAS.* Error to the Circuit Court of the United States for the Southern District of New York. January 28, 1889: Judgment affirmed, with costs, and interest, by a divided court. *Mr. Attorney General* and *Mr. Assistant Attorney General Maury* for plaintiffs in error. *Mr. Stephen G. Clarke* for defendants in error.

No. 216. *BALDWIN v. MARYE.* Error to the Circuit Court of the United States for the Eastern District of Virginia. March 19, 1889: Dismissed, with costs, on authority of counsel for the plaintiff in error. *Mr. William L. Royall* for plaintiff in error. *Mr. R. A. Ayers* for defendant in error.

No. 1166. *BALTIMORE AND POTOMAC RAILROAD COMPANY v. CROWN.* No. 1167. *SAME v. KNIGHT.* No. 1168. *SAME v. ANDERSON.* No. 1169. *SAME v. ROWLAND.* No. 1170. *SAME v. STROEBEL.* No. 1171. *SAME v. NEITZY.* No. 1172. *SAME v. RICHARDS.* Error to the Supreme Court of the District of Columbia. April 17, 1889: Dismissed for the want of jurisdiction on the authority of the decision of this court in the case of *Baltimore and Potomac Railroad v. Hopkins*, 130 U. S. 210, on motion of *Mr. S. S. Henkle* for defendants in error, as per stipulation. *Mr. Enoch Totten* for plaintiffs in error. *Mr. Samuel Maddox* and *Mr. S. S. Henkle* for defendants in error.

No. 1174. *BALTIMORE AND POTOMAC RAILROAD COMPANY v. KENT.* Appeal from the Supreme Court of the District of Columbia. April 1, 1889: Dismissed, per stipulation, on motion of *Mr. William A. McKenney* in behalf of counsel for appellant. *Mr. Enoch Totten* for appellant. *Mr. Linden Kent* for appellees.

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No. 1438. *BATCHELDER v. BRICKELL.* Error to the Supreme Court of the State of California. November 19, 1888: Docketed and dismissed, with costs, on motion of *Mr. James Lowndes* for defendant in error. No one opposing.

No. 136. *BAUER, A MINOR, ETC. v. TEXAS AND PACIFIC RAILROAD COMPANY.* Error to the Circuit Court of the United States for the Eastern District of Arkansas. January 7, 1889: Judgment affirmed with costs, by a divided court. *Mr. Sol. F. Clark* and *Mr. Samuel W. Williams* for plaintiffs in error. *Mr. J. C. Brown*, *Mr. John F. Dillon* and *Mr. Winslow S. Pierce* for defendants in error.

No. 654. *BIER v. NEW ORLEANS.* Error to the Circuit Court of the United States for the Eastern District of Louisiana. October 22, 1888: Dismissed, with costs, as per stipulation, on motion of *Mr. E. B. Kruttschnitt* of counsel for plaintiff in error. *Mr. E. H. Farrar* and *Mr. E. B. Kruttschnitt* for plaintiff in error. *Mr. Henry C. Miller* for defendant in error.

No. 252. *BOARD OF COUNTY COMMISSIONERS OF LABETTE COUNTY et al. v. UNITED STATES ex rel. Moulton.* Error to the Circuit Court of the United States for the District of Kansas. April 16, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. B. W. Perkins* for plaintiffs in error. No appearance for defendant in error.

No. 731. *BONN v. McLANE.* Error to the Supreme Court of the State of Iowa. April 22, 1889: Dismissed, with costs, pursuant to authority of counsel for plaintiff in error, on motion of *Mr. William A. McKenney* in behalf of counsel. *Mr. P. Henry Smyth* for plaintiff in error. *Mr. W. E. Blake* and *Mr. S. W. Packard* for defendant in error.

No. 1414. *BOUGHTON v. CHARTER OAK LIFE INSURANCE COMPANY.* Appeal from the Supreme Court of the District of Co-

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lumbia. October 22, 1888: Docketed and dismissed, with costs, on motion of *Mr. S. R. Bond* for appellees. No one opposing.

No. 1200. *BROOKS v. AHRENS*. Error to the Court of Appeals of the State of Maryland. November 26, 1888: Dismissed, with costs, on motion of *Mr. Frank P. Clark*, in behalf of counsel for the plaintiff in error. *Mr. Skipwith Wilmer* for plaintiff in error. No appearance for defendant in error.

BRYANT et al. v. WHITE. Appeal from the Circuit Court of the United States for the Northern District of Illinois. December 19, 1888: Dismissed, with costs, pursuant to the 10th rule. *Mr. O. H. Horton* and *Mr. Hugh L. Mason* for appellants. *Mr. Thomas Dent* and *Mr. Robert T. Lincoln* for appellees.

No. 451. *BULLION, BECK, AND CHAMPION MINING COMPANY v. EUREKA HILL MINING COMPANY*. Appeal from the Supreme Court of the Territory of Utah. September 29, 1888: Dismissed pursuant to the 28th rule. *Mr. Arthur Brown* for appellant. *Mr. Moses Kirkpatrick* for appellees.

No. 1528. *CASE v. McARTHUR*. Appeal from the Circuit Court of the United States for the Southern District of Ohio. March 21, 1889: Docketed and dismissed, with costs, on motion of *Mr. Lawrence Maxwell, Jr.*, for the appellees. No opposition.

No. 171. *CHICAGO AND EASTERN ILLINOIS RAILROAD COMPANY v. DENNISON*. Appeal from the Circuit Court of the United States for the Northern District of Illinois. January 22, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. Wm. Armstrong* for appellant. *Mr. Edwin Walker* for appellee.

No. 172. *CHICAGO AND EASTERN ILLINOIS RAILROAD COMPANY v. SANGER*. Appeal from the Circuit Court of the United

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States for the Northern District of Illinois. January 22, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. Wm. Armstrong* for appellant. *Mr. Edwin Walker* for appellee.

No. 852. CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY *v.* LOURDEN. Error to the Circuit Court of the United States for the Northern District of Illinois. January 2, 1889: Dismissed, with costs, on motion of *Mr. Edwin Walker* of counsel for plaintiffs in error. *Mr. Edwin Walker* for plaintiffs in error. No counsel entered for defendant in error.

No. 104. CHRIST *v.* FITZSIMMONS. Error to the Circuit Court of the United States for the Western District of Pennsylvania. December 4, 1888: Dismissed, with costs, pursuant to the 10th rule. *Mr. H. C. Parsons* for plaintiffs in error. No appearance for defendant in error.

No. 301. CLARKE *v.* REYBURN. Appeal from the Circuit Court of the United States for the Northern District of Illinois. December 10, 1888: Dismissed, per stipulation, on motion of *Mr. C. M. Osborn* of counsel for appellees. *Mr. George W. Smith* for appellant. *Mr. C. M. Osborn* for appellees.

No. 139. CONTINENTAL INSURANCE COMPANY OF NEW YORK *v.* WRIGHT. Error to the Circuit Court of the United States for the Southern District of Illinois. January 7, 1889: Judgment affirmed, with costs and interest, by a divided court. *Mr. John M. Palmer* and *Mr. Henry Jackson* for plaintiff in error. *Mr. L. H. Bisbee*, *Mr. John P. Aherns* and *Mr. Henry Decker* for defendant in error.

No. 753. CONTINENTAL LIFE INSURANCE COMPANY, ETC. *v.* RHOADS. Error to the Circuit Court of the United States for the Eastern District of Pennsylvania. October 25, 1888:

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Dismissed, as per stipulation, on motion of *Mr. Joseph K. McCammon* in behalf of counsel for the plaintiff in error. *Mr. Samuel C. Perkins* for plaintiff in error. *Mr. R. T. Cornwell* for defendant in error.

No. 272. *CREHORE v. OHIO AND MISSISSIPPI RAILWAY COMPANY.* Error to the Circuit Court of the United States for the District of Kentucky. April 24, 1889: Judgment reversed, with costs, (from the bench,) and cause remanded with directions to remand the case to the state court. *Mr. John Mason Brown, Mr. Alexander Pope Humphrey and Mr. George M. Davie* for plaintiff in error. *Mr. W. M. Ramsey, Mr. Lawrence Maxwell, Jr., and Mr. Mortimer Matthews* for defendant in error.

No. 696. *CRAPSEY v. GAGE COUNTY.* Error to the Circuit Court of the United States for the District of Nebraska. May 13, 1889: Dismissed, per stipulation, on motion of *Mr. William A. McKenney*, in behalf of counsel. *Mr. J. M. Woolworth* for plaintiff in error. *Mr. Charles F. Manderson and Mr. Robert S. Bibb* for defendant in error.

No. 156. *DAVEY v. DUGGAN.* Appeal from the Supreme Court of the Territory of Dakota. January 8, 1889: Dismissed, with costs, pursuant to the 10th Rule. *Mr. William R. Steele* for appellants. No appearance for appellees.

No. 161. *DAVIS v. SOUTH CAROLINA.* Error to the Supreme Court of the State of South Carolina. January 10, 1889: Dismissed, with costs, pursuant to the 10th Rule. *Mr. James Lowndes* for plaintiff in error. No appearance for defendant in error.

No. 192. *DE LA MOTHE v. ANGUS.* Appeal from the Circuit Court of the United States for the Southern District of

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Illinois. March 12, 1889: Dismissed, with costs, pursuant to the 10th Rule. *Mr. A. L. Merriman* and *Mr. J. H. Graham* for appellant. *Mr. David Fales*, *Mr. F. W. Hackett* and *Mr. Guy C. Noble* for appellee.

No. 251. *DES MOINES NAVIGATION AND RAILROAD COMPANY v. CANDEE*. Appeal from the Circuit Court of the United States for the Northern District of Iowa. April 16, 1889: Dismissed, with costs, per stipulation. *Mr. C. H. Gatch* for appellants. *Mr. George Crane* for appellee.

No. 424. *DE VRIES v. MARSH*. Appeal from the Circuit Court of the United States for the Northern District of Illinois. May 13, 1889: Decree reversed on the stipulation of the parties and cause remanded for such order as the Circuit Court may see fit to make in the premises. *Mr. N. T. N. Robinson* and *Mr. J. S. Stevens* for appellant. *Mr. Attorney General* and *Mr. W. G. Ewing* for appellees.

No. 153. *Du Bois v. Boarmen*. Appeal from the Supreme Court of the District of Columbia. December 20, 1888: Dismissed, with costs, pursuant to the 10th rule. *Mr. S. S. Henkle* for appellant. No counsel entered for appellees.

No. 1431. *DISTRICT OF COLUMBIA v. BREWER*. Appeal from the Supreme Court of the District of Columbia. May 13, 1889: Dismissed for the want of jurisdiction, the amount involved being below the jurisdictional sum. Motion to dismiss submitted April 22, 1889, by *Mr. A. L. Merriman* and *Mr. W. Willoughby* for appellee. No one opposing. *Mr. Henry E. Davis* entered for appellant.

No. 84. *EAMES v. BICKFORD*. Error to the Supreme Judicial Court of the State of Maine. November 15, 1888: Dismissed, with costs, on the authority of counsel for the plaintiff

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in error. *Mr. George F. Holmes* for plaintiff in error. No counsel appearing for defendant in error.

No. 83. *EAMES v. SAVAGE*. Error to the Supreme Judicial Court of the State of Maine. November 15, 1888: Dismissed, with costs, on the authority of counsel for the plaintiff in error. *Mr. G. F. Holmes* for plaintiff in error. No counsel appearing for defendant in error.

No. 299. *EVANSVILLE v. AUGUSTA SAVINGS BANK*. Error to the Circuit Court of the United States for the District of Indiana. April 26, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. John M. Butler* for plaintiff in error. No appearance for defendant in error.

No. 297. *EVANSVILLE v. MOULTON*. Error to the Circuit Court of the United States for the District of Indiana. January 24, 1889: Dismissed, with costs, per stipulation, on motion of *Mr. Walter H. Smith* in behalf of counsel. *Mr. John M. Butler* for plaintiff in error. *Mr. T. C. Mather* for defendant in error.

No. 298. *EVANSVILLE v. POST*. Error to the Circuit Court of the United States for the District of Indiana. April 26, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. John M. Butler* for plaintiff in error. *Mr. T. C. Mather* for defendant in error.

No. 1485. *FARMER v. COBBAN*. Error to the Supreme Court of the Territory of Dakota. January 14, 1889: Docketed and dismissed, with costs, on motion of *Mr. S. S. Burdett* for defendant in error. No one opposing.

No. 140. *FIRE ASSOCIATION OF PHILADELPHIA v. WRIGHT*. Error to the Circuit Court of the United States for the Southern District of Illinois. January 7, 1889: Judgment affirmed,

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with costs and interest, by a divided court. *Mr. John M. Palmer* and *Mr. Henry Jackson* for plaintiff in error. *Mr. L. H. Bisbee*, *Mr. John P. Ahrens* and *Mr. Henry Decker* for defendant in error.

No. 538. FIRST NATIONAL BANK OF ST. JOHNSBURY *v. HENDEE*. Error to the Circuit Court of the United States for the District of Vermont. October 18, 1888: Judgment affirmed for the sum of twenty-nine thousand four hundred and fifty-four dollars and eighty-four cents, without costs, on motion of *Mr. J. D. Rouse*, in behalf of the parties, as per stipulation signed by the parties.

No. 332. FISHER *v. UNION TRUST COMPANY*. Appeal from the Circuit Court of the United States for the District of Minnesota. April 22, 1889: Dismissed, with costs, per stipulation, on motion of *Mr. William A. McKenney* in behalf of counsel. *Mr. F. B. Hart* and *Mr. F. H. Boardman* for appellants. *Mr. H. C. Whitney* and *Mr. Consider H. Willett* for appellee.

No. 270. FRANKFORT AND STATE LINE RAILROAD COMPANY *v. LEONARD*. Appeal from the Circuit Court of the United States for the District of Indiana. April 23, 1889: Dismissed, with costs, pursuant to authority from counsel for appellant. *Mr. A. C. Harris*, *Mr. W. H. Calkins* and *Mr. Clarence Brown* for appellant. *Mr. Robert G. Ingersoll* for appellees.

No. 337. GAFF *v. KIEFER*. Error to the Circuit Court of the United States for the Eastern District of New York. March 15, 1889: Dismissed, with costs, on motion of *Mr. N. Dumont* in behalf of counsel for the plaintiffs in error, as per stipulation. *Mr. Miron Winslow* for plaintiffs in error. *Mr. M. L. Towns* for defendant in error.

No. 1429. GEST *v. SOUTH COVINGTON AND CINCINNATI STREET RAILWAY COMPANY*. Error to the Circuit Court of the United

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States for the Southern District of Ohio. March 28, 1889: Dismissed, with costs, on motion of *Mr. George Hoadly* for plaintiff in error. No appearance for defendant in error.

No. 241. *GIBSON v. MILL CREEK DISTILLING COMPANY.* Appeal from the Circuit Court of the United States for the Eastern District of Virginia. September 14, 1888: Dismissed pursuant to the 28th rule. *Mr. Legh R. Page* for appellant. *Mr. Jno. A. Coke* for appellee.

No. 587. *GOODELL v. KRIECHBAUM.* Error to the Supreme Court of the State of Iowa. December 14, 1888: Judgment reversed, with costs, per stipulation, on motion of *Mr. J. M. Wilson* in behalf of counsel, and cause remanded with an instruction to enter a judgment discharging the plaintiff in error from custody. *Mr. Wirt Dexter* for plaintiff in error. *Mr. A. J. Baker* for defendant in error.

No. 328. *GRAIN DRILL MANUFACTURERS COMPANY v. REINSTEDLER.* Appeal from the Circuit Court of the United States for the Eastern District of Missouri. November 19, 1888: Dismissed with costs, on motion of *Mr. Edward Boyd* for appellant. *Mr. E. E. Wood* and *Mr. Edward Boyd* for appellant. *Mr. Arthur Stem* for appellee.

No. 160. *GRAIN DRILL MANUFACTURING COMPANY v. RUDE.* Appeal from the Circuit Court of the United States for the District of Indiana. November 19, 1888: Dismissed, with costs, on motion of *Mr. Edward Boyd* for appellant. *Mr. E. E. Wood* and *Mr. Edward Boyd* for appellant. *Mr. Arthur Stem* for appellees.

No. 177. *GRANT v. CENTRAL TRUST COMPANY OF NEW YORK.* Appeal from the Circuit Court of the United States for the District of Indiana. January 25, 1889: Dismissed, with costs,

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pursuant to the 10th rule. *Mr. Bluford Wilson* for appellant. *Mr. R. G. Ingersoll* for appellees.

No. 430. *GRAVES v. CORBIN*. Appeal from the Circuit Court of the United States for the Northern District of Illinois. October 29, 1888: Appeal of James M. Flower, Curtis H. Remy and Stephen S. Gregory, three of the appellants in this cause, dismissed with costs, as per stipulation, on motion of *Mr. J. M. Flower* for appellants. *Mr. J. M. Flower* for appellants. *Mr. Wm. J. Manning* for appellee.

No. 1529. *GRAY v. McARTHUR*. Appeal from the Circuit Court of the United States for the Southern District of Ohio. March 21, 1889: Docketed and dismissed, with costs, on motion of *Mr. Lawrence Maxwell, Jr.*, for appellees. No opposition.

No. 702. *GREEN v. HAYES*. Error to the Supreme Court of the State of California. March 6, 1889: Dismissed, with costs, on motion of *Mr. W. J. Johnston* for plaintiff in error. *Mr. W. J. Johnston* for plaintiff in error. *Mr. G. Wiley Wells* and *Mr. Walter Van Dyke* for defendants in error.

No. 1452. *HILL v. SHARON*. Appeal from the Circuit Court of the United States for the Northern District of California. December 14, 1888: Docketed and dismissed, with costs, on motion of *Mr. Henry E. Davis* of counsel for appellee. No one opposing.

No. 363. *HOCKETT v. INDIANA*. Error to the Supreme Court of the State of Indiana. March 15, 1889: Dismissed, with costs, on motion of *Mr. Joseph E. McDonald* for plaintiff in error. *Mr. Joseph E. McDonald* and *Mr. John M. Butler* for plaintiff in error. No one entered for defendant in error.

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No. 601. *HUBBARD v. CRANE*. Appeal from the Circuit Court of the United States for the Northern District of Iowa. December 18, 1888: Dismissed, with costs, per stipulation, on motion of *Mr. D. B. Henderson* in behalf of counsel. *Mr. C. H. Gatch* and *Mr. William Connor* for appellant. *Mr. George Crane* for appellee.

No. 102. *JACKSON COUNTY v. NINTH NATIONAL BANK*. Error to the Circuit Court of the United States for the Western District of Missouri. December 17, 1888: Judgment affirmed, with costs and interest, by a divided court. *Mr. C. O. Tichenor* and *Mr. E. P. Gates* for plaintiff in error. *Mr. John B. Henderson* for defendant in error.

No. 257. *KAHLER v. HOE*. Appeal from the Circuit Court of the United States for the Southern District of New York. January 23, 1889: Dismissed, per stipulation, on motion of *Mr. B. F. Lee*, of counsel for appellant. *Mr. B. F. Lee* for appellant. *Mr. M. B. Philipp* for appellees.

No. 126. *KENTUCKY CENTRAL RAILROAD COMPANY v. BOURBON COUNTY*. Error to the Court of Appeals of the State of Kentucky. December 12, 1888: Dismissed, with costs, pursuant to the 10th rule, on motion of *Mr. Alvin Duvall* of counsel for defendant in error. *Mr. J. W. Stevenson* for plaintiff in error. *Mr. Alvin Duvall* for defendant in error.

No. 184. *LEONARD v. CHATFIELD*. Appeal from the Circuit Court of the United States for the Eastern District of Arkansas. March 6, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. T. W. Brown* for appellants. *Mr. Van H. Manning*, *Mr. Jno. B. Jones* and *Mr. J. W. C. Watson* for appellee.

No. 185. *LEONARD v. OZARK LAND COMPANY*. Appeal from the Circuit Court of the United States for the Eastern District

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of Arkansas. March 6, 1889: Dismissed, with costs, per stipulation of counsel. *Mr. T. W. Brown* for appellants. *Mr. Van H. Manning, Mr. Jno. B. Jones* and *Mr. J. W. C. Watson* for appellee.

No. 600. *LEWIS v. CLARK*. Appeal from the Circuit Court of the United States for the District of Nebraska. June 5, 1888: Dismissed pursuant to the 28th rule. *Mr. J. M. Woolworth* for appellant. *Mr. Nathan S. Harwood* and *Mr. John H. Ames* for appellee.

No. 1365. *LEWIS v. WITTERS*. Appeal from the Circuit Court of the United States for the District of Vermont. May 13, 1889: Dismissed, per stipulation, on motion of *Mr. William A. McKenney*, in behalf of counsel. *Mr. A. G. Safford* for appellants. *Mr. Albert P. Cross* for appellee.

No. 111. *LOUISVILLE, CINCINNATI AND LEXINGTON RAILWAY COMPANY v. SWITZERLAND MARINE INSURANCE COMPANY*. Error to the Circuit Court of the United States for the Southern District of Ohio. December 10, 1888: Judgment affirmed, with costs, by a divided court. *Mr. T. D. Lincoln* for plaintiff in error. *Mr. C. B. Matthews* for defendant in error.

No. 906. *LOUISVILLE CITY RAILWAY COMPANY v. CENTRAL PASSENGER RAILROAD COMPANY*. Appeal from the Circuit Court of the United States for the District of Kentucky. April 22, 1889: Dismissed, with costs, per stipulation, on motion of *Mr. John Mason Brown* for appellee. *Mr. Alexander Pope Humphrey* for appellant. *Mr. John Mason Brown* for appellee.

No. 170. *MCHENRY v. NEW YORK, LAKE ERIE AND WESTERN RAILROAD COMPANY*. Error to the Circuit Court of the United States for the Southern District of New York. June 19, 1888: Dismissed pursuant to the 28th rule. *Mr. Henry*

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Arden for plaintiff in error. *Mr. Wm. G. Choate* for defendant in error.

No. 242. *MACKINNEY v. ROSENBAUD*. Error to the Circuit Court of the United States for the Southern District of New York. April 10, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. S. F. Kneeland* for plaintiff in error. No appearance for defendants in error.

No. 314. *MATTHEWS v. FLOWER*. Appeal from the Circuit Court of the United States for the Eastern District of Michigan. January 10, 1889: Dismissed, with costs, per stipulation, on motion of *Mr. George L. Roberts* of counsel for appellants. *Mr. George L. Roberts* for appellants. *Mr. E. J. Hill* for appellees.

No. 237. *MEMPHIS AND LITTLE ROCK RAILROAD COMPANY* (as reorganized) *v. Overton*. Appeal from the Circuit Court of the United States for the Eastern District of Arkansas. April 5, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. John F. Dillon* and *Mr. B. C. Brown* for appellant. *Mr. U. M. Rose* for appellees.

No. 748. *MILLER v. COLE*. Error to the Circuit Court of the United States for the District of Nebraska. August 10, 1888: Dismissed pursuant to the 28th rule. *Mr. Geo. E. Pritchett* for plaintiff in error. *Mr. J. M. Woolworth* for defendant in error.

No. 62. *MYERS v. SMITH*. Appeal from the Circuit Court of the United States for the Eastern District of New York. November 5, 1888: Dismissed, as per stipulation, on motion of *Mr. George Ticknor Curtis* of counsel for the appellant. *Mr. John A. Grow* and *Mr. George Ticknor Curtis* for appellant. *Mr. Samuel A. Duncan* for appellee.

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No. 87. *NASHUA MANUFACTURING COMPANY v. SOUTH CAROLINA RAILWAY COMPANY.* Error to the Circuit Court of the United States for the District of South Carolina. November 16, 1888: Dismissed, with costs, pursuant to the 16th rule, on motion of *Mr. Theodore G. Barker* of counsel for the defendant in error. *Mr. William E. Earle* for plaintiff in error. *Mr. William Allen Butler, Mr. Samuel Lord, and Mr. Theodore G. Barker* for defendant in error.

No. 89. *NATCHEZ, JACKSON AND COLUMBUS RAILROAD COMPANY v. STONE.* Error to the Supreme Court of the State of Mississippi. November 20, 1888: Dismissed, with costs, on the authority of counsel for the plaintiff in error. *Mr. W. L. Nugent* for plaintiff in error. No counsel entered for defendants in error.

No. 258. *NATIONAL FEATHER DUSTER COMPANY v. DEARBORN FEATHER DUSTER COMPANY.* Appeal from the Circuit Court of the United States for the Northern District of Illinois. April 17, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. J. A. Sleeper* and *Mr. H. K. Whiton* for appellant. *Mr. J. H. Peirce* and *Mr. G. P. Fisher, Jr.*, for appellees.

No. 248. *NORTHERN PACIFIC RAILROAD COMPANY v. GATES.* Error to the Supreme Court of the State of Wisconsin. December 3, 1888: Dismissed, with costs, on motion of *Mr. James McNaught* of counsel for the plaintiff in error. *Mr. James McNaught* for plaintiff in error. No appearance for defendant in error.

No. 138. *OSMER v. THE J. B. SICKLES SADDLERY COMPANY.* Appeal from the Circuit Court of the United States for the Eastern District of Missouri. November 16, 1888: Dismissed, with costs, on motion of *Mr. R. A. Bakewell* in behalf of counsel for the appellant. *Mr. William H. Bliss* and *Mr. Paul Bakewell* for appellant. No counsel appearing for appellee.

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No. 1464. *PACETTI v. FREY*. Appeal from the Circuit Court of the United States for the District of Maryland. March 28, 1889: Dismissed, with costs, on motion of *Mr. George Hoadly* in behalf of counsel for appellant. *Mr. John H. Handy* for appellant. No appearance for appellee.

No. 158. *PARKER v. DENNY*. Appeal from the Supreme Court of the Territory of Washington. January 8, 1889: Dismissed, with costs, on motion of *Mr. John H. Mitchell* of counsel for appellant. *Mr. John H. Mitchell* for appellant. No appearance for appellee.

No. 1486. *PARKER v. DENNY*. Appeal from the Supreme Court of the Territory of Washington. January 15, 1889: Docketed and dismissed, with costs, on motion of *Mr. James H. Hoffecker, Jr.*, for the appellee. No one opposing.

No. 312. *PHILADELPHIA AND READING RAILROAD COMPANY v. PATENT*. Error to the Court of Common Pleas of the city of Philadelphia, State of Pennsylvania. January 7, 1889: Dismissed, with costs, on motion of *Mr. William A. McKenney* in behalf of counsel for the plaintiff in error. *Mr. Thomas Hart, Jr.*, for plaintiff in error. No counsel entered for defendant in error.

No. 120. *PILLA v. GERMAN SCHOOL ASSOCIATION AND FREE COMMUNITY OF ST. LOUIS AND BREMEN*. Appeal from the Circuit Court of the United States for the Eastern District of Missouri. December 19, 1888: Dismissed, with costs, pursuant to the 10th rule, on motion of *Mr. Linden Kent* in behalf of counsel for the appellee. *Mr. W. H. Clopton* and *Mr. W. Hallett Phillips* for appellants. *Mr. Henry Hitchcock* and *Mr. G. A. Finkelnburg* for appellee.

No. 124. *PINCKNEY v. SOUTH CAROLINA*. Error to the Supreme Court of the State of South Carolina. December 12,

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1888: Dismissed, with costs, pursuant to the 10th rule. *Mr. Jno. Ficken* for plaintiff in error. No appearance for defendant in error.

No. 274. *Post v. T. C. RICHARDS HARDWARE COMPANY*. Appeal from the Circuit Court of the United States for the District of Connecticut. April 23, 1889: Dismissed, with costs, per stipulation. *Mr. Wm. E. Simonds* for appellants. *Mr. C. E. Mitchell* for appellee.

No. 655. *PRENTISS v. NEW ORLEANS*. Error to the Circuit Court of the United States for the Eastern District of Louisiana. October 22, 1888: Dismissed, with costs, as per stipulation, on motion for *Mr. E. B. Kruttschnitt* for plaintiff in error. *Mr. E. H. Farrar* and *Mr. E. B. Kruttschnitt* for plaintiff in error. *Mr. Henry C. Miller* for defendant in error.

No. 1554. *PREScott v. ADAMS*. Error to the Circuit Court of the United States for the Western District of Pennsylvania. April 22, 1889: Docketed and dismissed, with costs, on motion of *Mr. William A. McKenney* for the defendant in error. No opposition.

No. 32. *PULLMAN'S PALACE CAR COMPANY v. PENNSYLVANIA*. Error to the Supreme Court of the State of Pennsylvania. October 18, 1888: Judgment reversed, with costs, as per stipulation. *Mr. E. S. Isham*, *Mr. William Burry* and *Mr. M. E. Olmsted* for plaintiff in error. *Mr. W. S. Kirkpatrick* and *Mr. John F. Sanderson* for defendant in error.

No. 491. *RANDOLPH v. QUIDNECK COMPANY*. Appeal from the Circuit Court of the United States for the District of Rhode Island. November 19, 1888: Motion to dismiss, in pursuance of the 15th rule, submitted on behalf of appellee, no one opposing. November 26th: Motion granted, and cause dismissed with costs. *Mr. B. F. Butler* and *Mr. A. D. Payne*

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for appellant. *Mr. C. Frank Parkhurst* and *Mr. Charles H. Parkhurst* for appellee. December 3, 1888: Motion to rescind and annul the decree of dismissal of November 26, 1888, and to restore cause to the docket, submitted by *Mr. Benjamin F. Butler* in behalf of the executors of Evan Randolph, deceased. December 10, 1888: Motion to rescind and annul the decree of dismissal of November 26, 1888, granted upon the executors of Evan Randolph, deceased, being duly made parties, and their appearance, under the rule, within thirty days, and the payment of costs. December 12, 1888: John S. Jencks, William H. Jencks and Charles Rhoades, executors of Evan Randolph, deceased, made the parties appellants in this cause and decree of dismissal of November 26, 1888, vacated and set aside and cause restored to the docket.

No. 286. REPUBLICAN VALLEY RAILROAD COMPANY *v.* STATE OF NEBRASKA *ex rel.* MATTOON. Error to the Supreme Court of the State of Nebraska. April 25, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. T. M. Marquette* for plaintiff in error. *Mr. T. F. Burke* for defendants in error.

No. 162. RICHARDSON *v.* BRESNAHAN. Appeal from the Circuit Court of the United States for the District of Massachusetts. September 17, 1888: Dismissed pursuant to the 28th rule. *Mr. William A. Macleod* for appellant. *Mr. Chas. Allen Taber* for appellees.

No. 671. ROBERTSON *v.* PINKUS. Error to the Circuit Court of the United States for the Southern District of New York. November 19, 1888: Dismissed, with costs, on motion of *Mr. Assistant Attorney General Maury* for plaintiff in error. *Mr. Attorney General* for the plaintiff in error. *Mr. S. G. Clarke* for the defendant in error.

No. 930. RODGERS *v.* SEVENTH NATIONAL BANK OF PHILADELPHIA. Appeal from the Circuit Court of the United States

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for the Western District of Virginia. January 31, 1889: Dismissed, with costs, on motion of *Mr. J. Randolph Tucker* for appellant. No counsel entered for appellees.

No. 1447. *ROGÉ, INDIVIDUALLY AND AS ADMR. v. BORIE et al.* Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania. December 3, 1888: Docketed and dismissed, with costs, on motion of *Mr. J. Hubley Ashton* for the appellees. No opposition.

No. 143. *EX PARTE: IN THE MATTER OF MAX ROSENGARTEN, APPELLANT.* Appeal from the Circuit Court of the United States for the Northern District of Illinois. December 20, 1888: Dismissed, with costs, on authority of counsel for appellant. *Mr. Robert Hervey* and *Mr. C. Stuart Beattie* for appellant.

No. 761. *ROOKE, ETC. v. SHREWSBURY.* Appeal from the District Court of the United States for the District of West Virginia. April 22, 1889: Dismissed, with costs, per stipulation, on motion of *Mr. William A. McKenney* in behalf of counsel. *Mr. W. P. Hubbard* for appellants. *Mr. E. B. Knight* for appellees.

No. 155. *SCHAEFFER v. GOODRICH.* Appeal from the Circuit Court of the United States for the Western District of Missouri. January 8, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. John C. Gage* for appellant. No counsel entered for appellees.

No. 131. *SEIBERT v. UNITED STATES ex rel. WINTER.* Error to the Circuit Court of the United States for the Eastern District of Missouri. January 21, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. Jeff. Chandler, Mr. E. John Ellis, Mr. John Johns and Mr. D. A. McKnight* for plaintiff in error. *Mr. Clinton Rowell* for defendant in error.

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No. 219. *SHEEDER v. BICKING.* Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania. September 27, 1888: Dismissed pursuant to the 28th rule. *Mr. S. S. Hollingsworth* and *Mr. Samuel W. Pennypacker* for appellant. *Mr. Henry R. Edmunds* for appellee.

No. 218. *SHEEDER v. SHANNON.* Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania. September 27, 1888: Dismissed pursuant to the 28th rule. *Mr. S. S. Hollingsworth* and *Mr. Samuel W. Pennypacker* for appellant. *Mr. Henry R. Edmunds* for appellee.

No. 91. *SHENFIELD v. SCHIRMER.* Appeal from the Circuit Court of the United States for the Southern District of New York. November 21, 1888: Dismissed, with costs, pursuant to the 10th rule. *Mr. E. N. Dickerson* for appellant. *Mr. Edmund Wetmore* for appellees.

No. 212. *SIMPKINS v. PETERSEN.* Appeal from the Circuit Court of the United States for the Eastern District of Missouri. November 16, 1888: Dismissed, with costs, on motion of *Mr. R. A. Bakewell* in behalf of counsel for the appellant. *Mr. Paul Bakewell* for appellant. No counsel appearing for appellees.

No. 1063. *SMITH v. DEWIRE.* Error to the Supreme Court of the State of Kansas. March 18, 1889: Dismissed, with costs, on motion of *Mr. A. B. Browne* for defendant in error, per stipulation of counsel. *Mr. Oscar Forest* for plaintiff in error. *Mr. A. T. Britton* and *Mr. A. B. Browne* for defendant in error.

No. 494. *SMITH v. HOLT.* Error to the Circuit Court of the United States for the Northern District of Texas. March 11, 1889: Dismissed, with costs, on motion of *Mr. W. Hallett Phillips* for plaintiffs in error. *Mr. Jno. D. Templeton* and

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Mr. W. Hallett Phillips for plaintiffs in error. *Mr. L. S. Dixon* for defendant in error.

No. 1436. *SMITH v. MILLER.* Appeal from the Circuit Court of the United States for the District of Rhode Island. November 9, 1888: Docketed, and dismissed, with costs, on motion of *Mr. Fillmore Beall* of counsel for the appellees. No one opposing.

No. 275. *SMITH v. OVERTON.* Appeal from the Circuit Court of the United States for the Southern District of Iowa. April 24, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. N. M. Hubbard* for appellants. No appearance for appellee.

No. 259. *TAFT v. STEERE.* Appeal from the Circuit Court of the United States for the District of Rhode Island. April 17, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. A. K. P. Joy* for appellant. No appearance for appellees.

No. 112. *UNION TUBING COMPANY v. PATTERSON COMPANY (Limited).* Appeal from the Circuit Court of the United States for the Southern District of New York. December 7, 1888: Dismissed, with costs, pursuant to the 10th rule. *Mr. Edmund Wetmore* for appellants. *Mr. Benjamin F. Thurston* for appellees.

No. 151. *UNION PACIFIC RAILWAY COMPANY v. BOWERS.* Error to the Supreme Court of the Territory of Utah. August 10, 1888: Dismissed pursuant to the 28th rule. *Mr. John F. Dillon* for plaintiff in error. *Mr. Arthur Brown, Mr. J. G. Sutherland* and *Mr. J. R. McBride* for defendant in error.

No. 668. *UNION PACIFIC RAILWAY COMPANY v. LAKE.* Error to the Circuit Court of the United States for the District of Colorado. August 10, 1888: Dismissed pursuant to the 28th

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rule. *Mr. John F. Dillon* for plaintiff in error. *Mr. W. S. Decker* for defendant in error.

No. 467. *UNITED STATES ex rel. DREW v. VALENTINE.* Appeal from the Circuit Court of the United States for the Northern District of Florida. June 14, 1888: Dismissed pursuant to the 28th rule. *Mr. Attorney General* for appellants. *Mr. H. Bisbee* for appellees.

No. 25. *VACUUM OIL COMPANY v. BUFFALO LUBRICATING OIL COMPANY (Limited).* Appeal from the Circuit Court of the United States for the Northern District of New York. October 16, 1888: Dismissed as per stipulation. *Mr. Theodore Bacon* and *Mr. Wm. F. Cogswell* for appellant. *Mr. James A. Allen* for appellee.

No. 783. *VENNER v. ATCHISON, TOPEKA AND SANTA FE RAILROAD COMPANY.* Appeal from the Circuit Court of the United States for the District of Kansas. January 7, 1889: Dismissed, per stipulation, on motion of *Mr. Sigourney Butler* of counsel for the appellees. *Mr. W. A. Underwood* for appellant. *Mr. George R. Peck* and *Mr. Sigourney Butler* for appellees.

No. 276. *WAGNER v. LEMEN.* Appeal from the Circuit Court of the United States for the Southern District of Iowa. April 24, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. N. M. Hubbard* for the appellants. No appearance for appellees.

No. 506. *WALL v. DISTRICT OF COLUMBIA.* Appeal from the Supreme Court of the District of Columbia. January 21, 1889: Dismissed with costs. Motion to dismiss submitted January 14, 1889, by *Mr. Henry E. Davis* in support of motion, and by *Mr. J. W. Douglass* in opposition thereto.

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No. 356. WARREN, SUBSTITUTED FOR KELSEY, TREASURER OF LUCAS COUNTY, OHIO *v.* FIRST NATIONAL BANK OF TOLEDO, OHIO. No. 357. SAME *v.* SECOND NATIONAL BANK OF TOLEDO, OHIO. No. 358. SAME *v.* TOLEDO NATIONAL BANK OF TOLEDO, OHIO. No. 359. SAME *v.* MERCHANTS NATIONAL BANK OF TOLEDO, OHIO, No. 360. SAME *v.* NORTHERN NATIONAL BANK OF TOLEDO, OHIO. Appeals from the Circuit Court of the United States for the Northern District of Ohio. November 26, 1888: Dismissed for the want of jurisdiction, the amount involved in each case being less than five thousand dollars. Motion to dismiss submitted November 19, 1888, by *Mr. John H. Doyle* in support of motion. No counsel appearing in opposition thereto. *Mr. Isaac P. Pugsley* entered for appellants. *Mr. John H. Doyle* for appellees.

No. 1534. WEBBER *v.* PENNSYLVANIA. Error to the Supreme Court of the State of Pennsylvania. March 28, 1889: Docketed and dismissed, with costs, on motion of *Mr. George S. Graham* for defendant in error. No opposition.

No. 904. WESTERN AIR LINE CONSTRUCTION COMPANY *v.* McGILLIS. Error to the Circuit Court of the United States for the Northern District of Illinois. January 2, 1889: Dismissed, per stipulation, each party to pay its own costs in this court, on motion of *Mr. Edwin Walker* of counsel for the plaintiff in error. *Mr. Edwin Walker* for plaintiff in error. *Mr. John S. Cooper* for defendants in error.

No. 7. WESTERN UNION TELEGRAPH COMPANY *v.* BALTIMORE AND OHIO RAILROAD COMPANY. Appeal from the Circuit Court of the United States for the District of Maryland. October 12, 1888: Dismissed, with costs, pursuant to the 19th rule. *Mr. Wager Swayne* and *Mr. C. J. M. Gwinn* for appellant. *Mr. John K. Cowen* for appellee.

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No. 27. *WESTERN UNION TELEGRAPH COMPANY v. BALTIMORE AND OHIO TELEGRAPH COMPANY.* Appeal from the Circuit Court of the United States for the District of Indiana. October 16, 1888: Dismissed, with costs, pursuant to the 19th rule. *Mr. J. E. McDonald, Mr. J. M. Butler and Mr. Wager Swayne* for appellant. *Mr. John K. Cowen and Mr. W. H. H. Miller* for appellee.

No. 656. *WHITEHEAD v. NEW ORLEANS.* Error to the Circuit Court of the United States for the Eastern District of Louisiana. October 22, 1888: Dismissed, with costs, as per stipulation, on motion of *Mr. E. B. Kruttschnitt* of counsel for the plaintiff in error. *Mr. E. H. Farrar and Mr. E. B. Kruttschnitt* for plaintiff in error. *Mr. Henry C. Miller* for defendant in error.

No. 1364. *WILDE v. BIRCHER.* Error to the Circuit Court of the United States for the District of Colorado. May 13, 1889: Dismissed, per stipulation, on motion of *Mr. William A. McKenney* in behalf of counsel. *Mr. B. M. Hughes and Mr. Joseph W. Taylor* for plaintiff in error. *Mr. J. H. McGowan and Mr. Charles E. Gast* for defendant in error.

No. 1392. *WILSON v. HARDING.* Error to the Circuit Court of the United States for the Southern District of Iowa. January 7, 1889: Dismissed, per stipulation, on motion of *Mr. William A. McKenney*, in behalf of counsel. *Mr. Charles A. Clark and Mr. N. M. Hubbard* for plaintiffs in error. *Mr. B. F. Kauffman* for defendant in error.

No. 603. *WOLCOTT v. CRANE.* Appeal from the Circuit Court of the United States for the Northern District of Iowa. December 18, 1888: Dismissed, with costs, per stipulation, on motion of *Mr. D. B. Henderson* in behalf of counsel. *Mr. C. H. Gatch and Mr. William Connor* for appellant. *Mr. George Crane* for appellee.

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No. 217. *WRIGHT v. MILLER*. Appeal from the Circuit Court of the United States for the Middle District of Tennessee. March 19, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. Thomas L. Dodd* for appellants. *Mr. John P. Murray* for appellees.

No. 277. *YOUNG v. SHELDON*. Appeal from the Circuit Court of the United States for the Northern District of New York. April 24, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. F. I. Allen* for appellants. *Mr. Jno. R. Bennett* for appellees.

No. 64. *ZIHLMANN v. LA BELLE GLASS COMPANY*. Appeal from the Circuit Court of the United States for the Southern District of Ohio. November 2, 1888: Dismissed, with costs, pursuant to the 10th rule. *Mr. John F. Kelly* for appellant. *Mr. G. H. Christy* for appellee.