

Cases not Otherwise Reported.

CASES ADJUDGED IN THE SUPREME COURT OF
THE UNITED STATES.AT OCTOBER TERM 1889, NOT OTHERWISE REPORTED, INCLUDING
CASES DISMISSED IN VACATION PURSUANT TO RULE 28.

No. 1534. ALBRIGHT *v.* AMERICAN BELL TELEPHONE COMPANY. Appeal from the Circuit Court of the United States for the District of New Jersey. January 6, 1890: Docketed and dismissed, with costs, on motion of *Mr. Henry G. Atwater* for appellee.

No. 1517. ARMES *v.* KIMBERLY. Appeal from the Circuit Court of the United States for the Northern District of Ohio. November 25, 1889: Docketed and dismissed, with costs, on motion of *Mr. Samuel Griffith* for appellee.

No. 222. BALDWIN *v.* HAYNES. Appeal from the Circuit Court of the United States for the District of Massachusetts. March 19, 1890: Dismissed, with costs, pursuant to the 10th rule. *Mr. Frederick P. Fish* for appellant. *Mr. Esek Cowen* for appellee.

No. 38. BALTIMORE AND OHIO RAILROAD COMPANY *v.* SUTHERLAND. Error to the Circuit Court of the United States for the Northern District of Ohio. January 29, 1890: Judgment reversed, costs in this court to be paid by plaintiff in error; and cause remanded with directions to remand to the state court. *Mr. John K. Cowen* and *Mr. Hugh L. Bond, Jr.*, for plaintiff in error. *Mr. John H. Doyle* and *Mr. G. R. Walker* for defendant in error.

Cases not Otherwise Reported.

No. 182. BALTIMORE AND OHIO RAILROAD COMPANY *v.* STATE OF WEST VIRGINIA. Appeal from the Circuit Court of the United States for the District of West Virginia. January 8, 1890: Dismissed, with costs, on motion of *Mr. Hugh L. Bond, Jr.*, for appellant. *Mr. John K. Cowen* and *Mr. Hugh L. Bond, Jr.*, for appellant. *Mr. D. B. Lucas* for appellee.

No. 178. BATCHELLER *v.* ADDEN. Appeal from the Circuit Court of the United States for the Eastern District of Louisiana. December 18, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. S. P. Blanc*, *Mr. G. A. Breaux* and *Mr. M. F. Dickinson, Jr.*, for appellants. *Mr. A. A. Ranney* for appellees.

No. 285. BASS *v.* MILMINE. Appeal from the Circuit Court of the United States for the District of Indiana. May 5, 1890: Decree affirmed, with costs, by a divided court. *Mr. R. S. Taylor* for appellant. *Mr. L. M. Ninde* and *Mr. T. E. Ellison* for appellee.

No. 80. BATE REFRIGERATING COMPANY *v.* EASTMAN. Error to the Circuit Court of the United States for the Southern District of New York. January 20, 1890: Dismissed, per stipulation, on motion of *Mr. Augustus H. Garland* on behalf of counsel. *Mr. E. N. Dickerson, Jr.*, for plaintiff in error. *Mr. John R. Bennett* for defendant in error.

No. 1311. BIPPUS *v.* FARMERS' LOAN AND TRUST COMPANY. Appeal from the Circuit Court of the United States for the District of Indiana. April 29, 1890: Dismissed, per stipulation, on motion of *Mr. George H. Wickersham* for appellant. *Mr. John L. Cadwalader* for appellant. *Mr. Herbert B. Turner* and *Mr. Benjamin H. Bristow* for appellee.

No. 304. BIRDSEYE *v.* HEILNER. Appeal from the Circuit Court of the United States for the Southern District of New

Cases not Otherwise Reported.

York. April 24, 1890: Dismissed per stipulation. *Mr. Edmund Wetmore* for appellants. *Mr. Livingston Gifford* for appellees.

No. 255. *BLADES v. RAND*. Appeal from the Circuit Court of the United States for the Northern District of Illinois. March 31, 1890: Dismissed, with costs, pursuant to the 10th rule. *Mr. Charles K. Offield* for appellant. *Mr. N. C. Gridley* for appellees.

No. 82. *BLAIR v. WALKER*. Appeal from the Circuit Court of the United States for the Eastern District of Missouri. November 7, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. Walter C. Larned* for appellants. No appearance for appellees.

No. 309. *BOARD OF COUNTY COMMISSIONERS OF YELLOWSTONE COUNTY v. BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY*. Appeal from the Supreme Court of the Territory of Montana. May 23, 1890: Decree affirmed, with costs, and cause remanded to the Supreme Court of the State of Montana. *Mr. E. W. Toole* and *Mr. W. F. Sanders* for appellant. *Mr. J. W. Strevell* for appellee.

No. 108. *BRADLEY AND HUBBARD MANUFACTURING COMPANY v. CHARLES PARKER COMPANY*. Appeal from the Circuit Court of the United States for the District of Connecticut. October 2, 1889: Dismissed pursuant to the 28th rule. *Mr. Charles E. Mitchell* for appellant. *Mr. C. R. Ingersoll* for appellee.

No. 303. *BROWN v. BROWN*. Appeal from the Supreme Court of the Territory of Dakota. April 24, 1890: Dismissed, with costs, pursuant to the 10th rule, and cause remanded to the Supreme Court of the State of South Dakota. *Mr. C. K. Davis* and *Mr. R. J. Wells* for appellants. *Mr. S. S. Burdett* for appellees.

Cases not Otherwise Reported.

No. 1463. BROWN *v.* LANSING WHEEL BARROW COMPANY. Appeal from the Circuit Court of the United States for the Eastern District of Michigan. October 21, 1889: Docketed and dismissed, with costs, on motion of *Mr. Charles J. Hunt* for appellee.

No. 364. BROWN *v.* MC CONNELL. Appeal from the Supreme Court of the Territory of Washington. August 26, 1889: Dismissed pursuant to the 28th rule. *Mr. Leander Holmes* for appellants. *Mr. W. W. Upton* and *Mr. A. H. Garland* for appellee.

No. 209. BRYANT *v.* CHARTER OAK LIFE INSURANCE COMPANY. Appeal from the Circuit Court of the United States for the Northern District of Illinois. January 31, 1890: Dismissed, with costs, pursuant to the 10th rule. *Mr. Charles M. Osborn* for appellants. *Mr. A. P. Hyde* for appellee.

No. 292. BURNS *v.* VIRGINIA. Error to the Supreme Court of Appeals of the State of Virginia. April 21, 1890: Dismissed, with costs, on authority of counsel for plaintiff in error. *Mr. William L. Royall* for plaintiff in error. *Mr. R. A. Ayers* for defendant in error.

No. 272. BURROUGHS *v.* UNION MUTUAL LIFE INSURANCE COMPANY. Appeal from the Circuit Court of the United States for the Northern District of Illinois. April 9, 1890: Dismissed, with costs, pursuant to the 10th rule. *Mr. Edward Roby* for appellants. No appearance for appellee.

No. 62. CEDAR FALLS PAPER MANUFACTURING COMPANY *v.* BRADNER-SMITH PAPER COMPANY. Error to the Circuit Court of the United States for the District of Minnesota. November 4, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. John N. Rogers* and *Mr. E. W. Tolerton* for the plaintiff in error. *Mr. Anson B. Jackson* for the defendant in error.

Cases not Otherwise Reported.

No. 206. CELLULOID MANUFACTURING COMPANY *v.* TOWER. Appeal from the Circuit Court of the United States for the District of Massachusetts. January 31, 1890: Dismissed, with costs, pursuant to the 10th rule. *Mr. Frederic H. Betts* for appellants. *Mr. H. M. Ruggles* for appellee.

No. 71. CENTRAL TRUST COMPANY *v.* BACON. Appeal from the Circuit Court of the United States for the Eastern District of Tennessee. November 6, 1889: Dismissed for the want of jurisdiction. *Mr. Henry B. Tompkins*, *Mr. W. M. Baxter*, *Mr. George Hoadly* and *Mr. Edgar M. Johnson* for appellants. *Mr. Henry H. Ingersoll* for appellee.

No. 118. CHICAGO AND ALTON RAILROAD COMPANY *v.* WATERMAN. Error to the Circuit Court of the United States for the Western District of Wisconsin. November 18, 1889: Judgment reversed, costs in this court to be paid by plaintiff in error; and cause remanded with directions to remand to state court. *Mr. Corydon Beckwith* and *Mr. O. H. Fethers* for plaintiff in error. *Mr. I. C. Sloan* and *Mr. William Ruger* for defendant in error.

No. 690. CHICAGO, PORTAGE AND SUPERIOR RAILWAY COMPANY *v.* ANGLE. Error to the Circuit Court of the United States for the Western District of Wisconsin. May 23, 1890: Dismissed, with costs, on motion of *Mr. A. H. Garland*, in behalf of counsel for plaintiff in error. *Mr. S. U. Pinney* for plaintiff in error. No appearance for defendant in error.

No. 1453. CHURCH *v.* KELSEY. Error to the Supreme Court of the State of Pennsylvania. January 6, 1890: Judgment affirmed with costs. Motions to dismiss or affirm submitted December 16, 1889, by *Mr. H. W. Palmer* in support of motions, and by *Mr. A. Ricketts* in opposition.

Cases not Otherwise Reported.

No. 248. CITIZENS' BANK OF TOPEKA *v.* CABOT. Error to the Circuit Court of the United States for the District of Vermont. March 27, 1890: Dismissed, per stipulation. *Mr. Martin H. Goddard* for plaintiff in error. *Mr. Kittredge Haskins* for defendants in error.

No. 157. CONTINENTAL LIFE INSURANCE COMPANY *v.* MITCHELL. Error to the Circuit Court of the United States for the Northern District of Illinois. December 6, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. W. H. Swift* for plaintiff in error. No appearance for defendants in error.

No. 290. CORNWALL *v.* VIRGINIA. Error to the Supreme Court of Appeals of the State of Virginia. April 21, 1890: Dismissed, with costs, on authority of counsel for plaintiff in error. *Mr. William L. Royall* for plaintiff in error. *Mr. R. A. Ayers* for defendants in error.

No. 818. DAVIE *v.* McCORMICK. Error to the Supreme Court of the State of Texas. May 19, 1890: Dismissed, with costs, per stipulation, on motion of *Mr. William A. McKenney*, on behalf of counsel. *Mr. J. M. Burroughs* for plaintiffs in error. *Mr. F. Charles Hume* for defendant in error.

No. 1092. DELAWARE DIVISION CANAL COMPANY *v.* PENNSYLVANIA. Error to the Supreme Court of the State of Pennsylvania. May 19, 1890: Dismissed, with costs, on motion of *Mr. M. E. Olmsted* for plaintiff in error. *Mr. M. E. Olmsted* for plaintiff in error. *Mr. W. S. Kirkpatrick* and *Mr. John F. Sanderson* for defendant in error.

No. 1576. DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY *v.* PENNSYLVANIA. Error to the Supreme Court of the State of Pennsylvania. May 19, 1890: Dismissed, with

Cases not Otherwise Reported.

costs, on motion of *Mr. M. E. Olmsted*, for plaintiff in error. *Mr. M. E. Olmsted* for plaintiff in error. *Mr. W. S. Kirkpatrick* and *Mr. John F. Sanderson* for defendant in error.

No. 175. *DISBROW v. FIRST NATIONAL BANK OF STEVENS' POINT*. Error to the Circuit Court of the United States for the Western District of Wisconsin. December 17, 1889: Dismissed per stipulation. *Mr. C. W. Felker* for plaintiffs in error. No appearance for defendant in error, the stipulation being signed by *W. B. Buckingham*, cashier of defendant in error.

No. 231. *DISMAL SWAMP CANAL COMPANY v. VIRGINIA*.
No. 232. *SAME v. LAMB, MAYOR, ETC.* Error to the Supreme Court of Appeals of the State of Virginia. March 21, 1890: Dismissed, with costs, pursuant to the 10th rule. *Mr. John S. Wise*, *Mr. Joseph Christian*, and *Mr. John Goode* for plaintiffs in error. No appearance for defendants in error.

No. 1478. *DODDS v. CHAFFE*. No. 1549. *CHAFFE v. DODDS*. Appeals from the Circuit Court of the United States for the Eastern District of Arkansas. May 19, 1890: Dismissed, per stipulation, on motion of *Mr. William A. McKenney*, on behalf of counsel. *Mr. M. L. Bell* for Dodds. *Mr. U. M. Rose* and *Mr. G. B. Rose* for Chaffe.

No. 98. *DOUGHERTY v. CITY AND COUNTY OF SAN FRANCISCO*. Error to the Circuit Court of the United States for the District of California. November 18, 1889: Judgment affirmed with costs. No brief filed for plaintiff in error. *Mr. John B. Mhoon* and *Mr. Luther H. Pike* for defendant in error.

No. 905. *DOUGLASS v. KENDALL*. Appeal from the Supreme Court of the District of Columbia. March 10, 1890: Dismissed, per stipulation, on motion of *Mr. A. A. Birney* for

Cases not Otherwise Reported.

appellant. *Mr. J. W. Douglass* and *Mr. A. A. Birney* for appellant. *Mr. Job Barnard* for appellees.

No. 1593. *ENSIGN v. BARSE*. No. 1594. *SAME v. MCKINNEY*. Error to the Supreme Court of the State of New York. May 19, 1890: Dismissed, per stipulation, on motion of *Mr. William A. McKenney*, on behalf of counsel. *Mr. E. D. Northrup* for plaintiffs in error. *Mr. M. F. Elliott* for defendants in error.

No. 1454. *FELTS v. HOYSRADT*. Error to the Supreme Court of the State of Pennsylvania. January 6, 1890: Dismissed with costs. Motions to dismiss or affirm submitted December 16, 1889, by *Mr. W. H. Jessup* in support of motions, and by *Mr. A. Ricketts* in opposition.

No. 230. *FENTON v. SALT LAKE COUNTY*. Appeal from the Supreme Court of the Territory of Utah. March 21, 1890: Dismissed, with costs, on authority of counsel for appellant. *Mr. Arthur Brown* for appellant. *Mr. Franklin S. Richards* and *Mr. Z. Snow* for appellees.

No. 1419. *FRANK v. WHITE*. Error to the Circuit Court of the United States for the Northern District of Illinois. December 12, 1889: Dismissed, per stipulation, on motion of *Mr. J. M. Flower*, on behalf of counsel. *Mr. M. Salomon* for plaintiff in error. *Mr. J. A. Baldwin* for defendants in error.

No. 218. *GLOBE NAIL COMPANY v. SUPERIOR NAIL COMPANY*. Appeal from the Circuit Court of the United States for the Northern District of Illinois. March 14, 1890: Dismissed, with costs, per stipulation. *Mr. L. L. Coburn* for appellant. *Mr. Charles K. Offield* for appellees.

Cases not Otherwise Reported.

No. 413. *GOSLIN v. HINRICHs*. Error to the Circuit Court of the United States for the Northern District of Texas. November 11, 1889: Dismissed, with costs, on motion of *Mr. W. Hallett Phillips* of counsel for plaintiffs in error. *Mr. W. Hallett Phillips* and *Mr. A. S. Lathrop* for plaintiffs in error. *Mr. Frederick W. Hinrichs* for defendant in error.

No. 220. *GWIN v. TALBOTT*. Error to the Supreme Court of the Territory of Montana. March 18, 1890: Dismissed, with costs, pursuant to the 10th rule, and cause remanded to the Supreme Court of the State of Montana. *Mr. Hiram Knowles* for plaintiffs in error. *Mr. W. H. Smith* for defendants in error.

No. 1493. *HALE v. SCHERER*. Error to the Supreme Court of the Territory of Montana. October 29, 1889: Docketed and dismissed, with costs, on motion of *Mr. W. K. Mendenhall* for defendants in error.

No. 1621. *HAMMOND v. CONOLLY*. Error to the Circuit Court of the United States for the Northern District of Texas. May 5, 1890. Docketed and dismissed, with costs, on motion of *Mr. Frederic D. McKenney* for defendants in error.

No. 313. *HASSELMAN v. GAAR*. Appeal from the Circuit Court of the United States for the District of Indiana. April 29, 1890: Dismissed, with costs, pursuant to the 10th rule. *Mr. Charles P. Jacobs* for appellant. *Mr. Edward Boyd* for appellees.

No. 312. *HASSELMAN v. RUSSELL*. Appeal from the Circuit Court of the United States for the District of Indiana. April 28, 1890: Dismissed, with costs, pursuant to the 10th rule. *Mr. Charles P. Jacobs* for appellant. No appearance for appellees.

Cases not Otherwise Reported.

No. 61. HAWLOWETZ *v.* KASS. Error to the Circuit Court of the United States for the Southern District of New York. November 4, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. Paul Goepel* for plaintiff in error. *Mr. Arthur v. Briesen* for defendant in error.

No. 204. HAZARD *v.* AMES. Appeal from the Circuit Court of the United States for the District of Massachusetts. November 20, 1889: Dismissed, per stipulation, on motion of *Mr. J. M. Wilson* in behalf of counsel. *Mr. Elias Merwin* for appellant. *Mr. John F. Dillon*, *Mr. S. Bartlett* and *Mr. Robert D. Smith* for appellees.

No. 205. HAZARD *v.* AMES. Appeal from the Circuit Court of the United States for the District of Massachusetts. November 20, 1889: Dismissed, per stipulation, on motion of *Mr. J. M. Wilson* on behalf of counsel. *Mr. Elias Merwin* for appellant. *Mr. John F. Dillon*, *Mr. S. Bartlett* and *Mr. Robert D. Smith* for appellees.

No. 1522. HENNESSY *v.* BACON. Appeal from the Circuit Court of the United States for the District of Minnesota. December 9, 1889: Docketed and dismissed, with costs, on motion of *Mr. C. K. Davis* for appellees. January 13, 1890: On motion of *Mr. M. F. Morris* for appellant, order of December 9, 1889, set aside and leave granted to re-docket the case on payment of costs, and upon the further condition that the case be submitted on printed briefs on or before the first day of the next term.

No. 1518. HINDS *v.* HINDS. Appeal from the Supreme Court of the District of Columbia. November 25, 1889: Docketed and dismissed, with costs, on motion of *Mr. Martin F. Morris* for appellee.

Cases not Otherwise Reported.

No. 1175. *HORSFORD v. GUDGER*. Appeal from the Circuit Court of the United States for the Western District of North Carolina. January 27, 1890: Decree reversed per stipulation. *Mr. Theodore F. Davidson* and *Mr. Andrew Fiske* for appellants. *Mr. H. A. Gudger* for appellees.

No. 1557. *HOWES v. KELLOGG*. Error to the Supreme Court of the State of California. April 21, 1890: Dismissed for the want of jurisdiction. *Mr. Thomas Mitchell* for plaintiff in error. *Mr. H. A. Barclay* for defendants in error.

No. 827. *IOWA FALLS AND SIOUX CITY RAILROAD COMPANY v. BECK*. No. 828. *SAME v. WENTWORTH*. No. 829. *SAME v. NICHOLS*. No. 830. *SAME v. NICHOLS*. Error to the Supreme Court of the State of Iowa. March 24, 1890: Dismissed, with costs, on motion of *Mr. Isaac S. Struble* in behalf of counsel for plaintiffs in error. *Mr. William L. Joy* for plaintiffs in error. No appearance for defendants in error.

No. 70. *JEFFRIES v. BARTLETT*. Error to the Supreme Court of the State of Georgia. November 6, 1889: Dismissed, with costs, per stipulation of the parties. *Mr. Henry Jackson* for plaintiff in error. No appearance for defendant in error.

No. 317. *JUMEL v. CHESTER*. Appeal from the Circuit Court of the United States for the Southern District of New York. April 2, 1890: Dismissed, per stipulation, on motion of *Mr. Charles E. Hovey* in behalf of counsel. *Mr. Thomas M. Wheeler* and *Mr. George S. Boutwell* for appellants. *Mr. Douglas Campbell* for appellee.

No. 233. *JUSTICE v. VIRGINIA*. Error to the Supreme Court of Appeals of the State of Virginia. March 21, 1890: Dismissed, with costs, pursuant to the 10th rule. *Mr. John S.*

Cases not Otherwise Reported.

Wise, Mr. Joseph Christian and Mr. John Goode for plaintiff in error. No appearance for defendant in error.

No. 521. *KINGSBURY v. MURRAY*. Error to the Supreme Court of the Territory of Montana. April 7, 1890: Dismissed for the want of jurisdiction, and cause remanded to the Supreme Court of the State of Montana. *Mr. Hiram Knowles* for plaintiff in error. *Mr. Walter H. Smith* for defendant in error.

No. 327. *KITZMILLER v. PIERCE*. Error to the Supreme Court of Appeals of the State of West Virginia. May 1, 1890: Dismissed, with costs, pursuant to the 10th rule. *Mr. Joseph T. Hoke* and *Mr. C. C. Cole* for plaintiff in error. No appearance entered for defendant in error.

No. 259. *KRIPPENDORF v. HYDE*. Appeal from the Circuit Court of the United States for the District of Indiana. April 1, 1890: Dismissed, with costs, pursuant to the 10th rule. *Mr. D. V. Burns* for appellant. *Mr. J. L. McMaster, Mr. Augustin Boice, Mr. Benjamin Harrison, Mr. A. W. Hatch, Mr. Lew. Wallace, Mr. Horace Speed* and *Mr. Henry Wise Garnett* for appellees.

No. 1154. *LAKE SHORE AND MICHIGAN SOUTHERN RAILWAY COMPANY v. PENNSYLVANIA*. Error to the Supreme Court of the State of Pennsylvania. May 19, 1890: Dismissed, with costs, on motion of *Mr. M. E. Olmsted* for plaintiff in error. *Mr. M. E. Olmsted* for plaintiff in error. *Mr. W. S. Kirkpatrick* and *Mr. John F. Anderson* for defendant in error.

No. 267. *LAKE SHORE AND MICHIGAN SOUTHERN RAILWAY COMPANY v. SCOFIELD*. Error to the Supreme Court of the State of Ohio. April 3, 1890: Dismissed, with costs, on authority of counsel for plaintiff in error. *Mr. George C. Greene, Mr. Ashley Pond* and *Mr. E. J. Estep* for plaintiff in error. *Mr. J. E. Ingersoll* for defendants in error.

Cases not Otherwise Reported.

No. 360. LAMSON CASH RAILWAY COMPANY *v.* MARTIN. Appeal from the Circuit Court of the United States for the District of Massachusetts. October 28, 1889: Dismissed, per stipulation, on motion of *Mr. M. B. Philipp*, of counsel for appellant. *Mr. M. B. Philipp* for appellant. *Mr. T. L. Livermore* and *Mr. Frederick P. Fish* for appellees.

No. 325. LAW *v.* FIRE ASSOCIATION OF PHILADELPHIA. Error to the Circuit Court of the United States for the Southern District of Ohio. May 1, 1890: Dismissed, with costs, on motion of *Mr. Joseph Wilby* for plaintiffs in error. *Mr. E. W. Kittredge* for plaintiffs in error. No appearance entered for defendant in error.

No. 1362. LE BRETON *v.* JENNINGS. Error to the Supreme Court of the State of California. March 17, 1890: Dismissed for the want of jurisdiction. *Mr. W. C. Belcher* for plaintiffs in error. *Mr. J. C. Bates* for defendant in error.

No. 1574. LEHIGH VALLEY RAILROAD COMPANY *v.* PENNSYLVANIA. Error to the Supreme Court of the State of Pennsylvania. May 19, 1890: Dismissed, with costs, on motion of *Mr. M. E. Olmsted* for plaintiff in error. *Mr. M. E. Olmsted* for plaintiff in error. *Mr. W. S. Kirkpatrick* and *Mr. John F. Sanderson* for defendant in error.

No. 430. LEICHT *v.* McLANE. Error to the Supreme Court of the State of Iowa. May 19, 1890: Dismissed, with costs, per stipulation, on motion of *Mr. William A. McKenney* on behalf of counsel. *Mr. P. Henry Smyth* for plaintiff in error. *Mr. W. E. Blake* and *Mr. S. W. Packard* for defendants in error.

No. 452. LOUISVILLE AND NASHVILLE RAILROAD COMPANY *v.* MEDAY. Error to the Circuit Court of the United States for the Southern District of New York. January 13, 1890: Dis-

Cases not Otherwise Reported.

missed, per stipulation, on motion of *Mr. James Lowndes*, on behalf of counsel. *Mr. John L. Cadwalader* for plaintiff in error. *Mr. William P. Chambers* for defendant in error.

No. 260. *MAAG v. HYDE*. Appeal from the Circuit Court of the United States for the District of Indiana. April 2, 1890: Dismissed, with costs, pursuant to the 10th rule. *Mr. D. V. Burns* for appellants. *Mr. A. M. Hatch* and *Mr. Lew. Wallace* for appellees.

No. 520. *McCAULEY v. MURRAY*. Error to the Supreme Court of the Territory of Montana. April 7, 1890: Dismissed for the want of jurisdiction; and cause remanded to the Supreme Court of the State of Montana. *Mr. Hiram Knowles* for plaintiff in error. *Mr. Walter H. Smith* for defendant in error.

No. 130. *MAYOR AND ALDERMEN OF KNOXVILLE v. KNOXVILLE AND OHIO RAILROAD COMPANY*. Appeal from the Circuit Court of the United States for the Eastern District of Tennessee. November 19, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. C. L. Houk* for appellants. No appearance for appellees.

No. 287. *MICHIGAN MUTUAL LIFE INSURANCE COMPANY v. ADAMS*. Error to the Circuit Court of the United States for the District of Indiana. April 28, 1890: Judgment affirmed, with costs and interest, by a divided court. *Mr. Augustin Boice*, *Mr. Charles A. Kent* and *Mr. John L. McMaster* for plaintiff in error. *Mr. Attorney General* for defendant in error.

No. 308. *MILLER v. DOMESTIC SEWING MACHINE COMPANY*. Error to the Circuit Court of the United States for the Eastern District of Michigan. April 25, 1890: Dismissed, with costs, pursuant to the 10th rule. *Mr. Frederick A. Baker* for plaintiffs in error. *Mr. George William Moore* for defendant in error.

Cases not Otherwise Reported.

No. 283. *MILLIGAN v. SAVERY*. Error to the Supreme Court of the Territory of Montana. April 17, 1890: Dismissed, with costs, pursuant to the 10th rule; and cause remanded to the Supreme Court of the State of Montana. *Mr. Thomas L. Napton* for plaintiffs in error. No appearance for defendant in error.

No. 1184. *MILNE v. DEEN*. Error to the Circuit Court of the United States for the Southern District of New York. January 13, 1890: Judgment affirmed, with costs and interest, by a divided court. *Mr. E. C. Perkins* for plaintiff in error. *Mr. Esek Cowen* for defendant in error.

No. 1555. *MOBILE AND OHIO RAILROAD COMPANY v. TENNESSEE*. Appeal from the Circuit Court of the United States for the Western District of Tennessee. February 3, 1890: Docketed and dismissed, with costs, on motion of *Mr. S. A. Champion* for appellees.

No. 54. *MAFFIT v. ARTHUR'S EXECUTORS*. Error to the Circuit Court of the United States for the Southern District of New York. November 25, 1889: Judgment affirmed, with costs, by a divided court. *Mr. Edward Hartley* and *Mr. Walter H. Coleman* for plaintiff in error. *Mr. Attorney General* and *Mr. Assistant Attorney General Maury* for defendants in error.

No. 186. *MONTROSS v. BULLARD*. Appeal from the Circuit Court of the United States for the Northern District of Illinois. January 6, 1890: Dismissed, with costs, on authority of counsel for appellants. *Mr. J. W. Merriam* for appellants. *Mr. L. L. Coburn* for appellees.

No. 221. *MORRIS v. TALBOTT*. Error to the Supreme Court of the Territory of Montana. March 19, 1890: Dismissed,

Cases not Otherwise Reported.

with costs; and cause remanded to the Supreme Court of the State of Montana. *Mr. Hiram Knowles* for plaintiff in error. *Mr. W. H. Smith* for defendants in error.

No. 749. *MORSS v. MANCHESTER*. Appeal from the Circuit Court of the United States for the Eastern District of New York. June 8, 1889: Dismissed pursuant to the 28th rule. *Mr. Charles H. Swan* for appellant. *Mr. Edwin H. Brown* for appellee.

No. 117. *MUTUAL BENEFIT LIFE INSURANCE COMPANY v. SALENTINE*. Error to the Circuit Court of the United States for the Eastern District of Wisconsin. November 18, 1889: Judgment reversed, costs in this court to be paid by plaintiff in error; and cause remanded with directions to remand to the state court. *Mr. James G. Jenkins* and *Mr. F. C. Winkler* for plaintiff in error. *Mr. George P. Miller* for defendant in error.

No. 873. *MUTUAL RESERVE FUND LIFE ASSOCIATION v. KEARY*. Error to the Circuit Court of the United States for the Eastern District of Missouri. April 21, 1890: Dismissed, with costs, on motion of *Mr. S. S. Henkle* on behalf of counsel for plaintiff in error. *Mr. Alfred Taylor*, *Mr. Fred S. Parker* and *Mr. W. C. Jones* for plaintiff in error. No appearance for defendants in error.

No. 1466. *NELSON v. BLANDING*. Error to the Circuit Court of the United States for the Northern District of California. October 21, 1889: Docketed and dismissed, with costs, on motion of *Mr. Calderon Carlisle* for defendants in error.

No. 73. *NEW ORLEANS WATER WORKS COMPANY v. NEW ORLEANS*. Error to the Supreme Court of the State of Louisiana. November 5, 1889: Dismissed, with costs, on authority of counsel for plaintiff in error. *Mr. Gus. A. Breaux*,

Cases not Otherwise Reported.

Mr. S. P. Blanc, Mr. Thomas J. Semmes, and Mr. J. R. Beckwith for plaintiff in error. *Mr. Edgar H. Farrar and Mr. B. F. Jonas* for defendant in error.

No. 183. NEWPORT AND WICKFORD RAILROAD AND STEAMBOAT COMPANY *v.* BEATTIE. Error to the Circuit Court of the United States for the District of Rhode Island. December 20, 1889: Dismissed per stipulation. *Mr. Wheeler H. Peckham* for plaintiff in error. *Mr. Lynde Harrison* for defendant in error.

No. 291. NEWTON *v.* VIRGINIA. Error to the Supreme Court of Appeals of the State of Virginia. April 21, 1890: Dismissed, with costs, on authority of counsel for plaintiff in error. *Mr. William L. Royall* for plaintiffs in error. *Mr. R. A. Ayers* for defendant in error.

No. 1556. NORTH PENNSYLVANIA RAILROAD COMPANY *v.* PENNSYLVANIA. Error to the Supreme Court of the State of Pennsylvania. May 1, 1890: Dismissed, with costs, on motion of *Mr. William B. Lamberton* for plaintiff in error. *Mr. George R. Kaercher* for plaintiff in error. No appearance entered for defendant in error.

No. 235. NUTT *v.* PARISH OF TENSAS. Error to the Circuit Court of the United States for the Western District of Louisiana. March 24, 1890: Dismissed, with costs, pursuant to the 10th rule. *Mr. S. Prentiss Nutt* and *Mr. Wade R. Young* for plaintiff in error. No appearance for defendant in error.

No. 320. OREGON RAILWAY AND NAVIGATION COMPANY *v.* ERVIN. No. 321. SAME *v.* FAHNESTOCK. Appeals from the Circuit Court of the United States for the Southern District of New York. April 30, 1890: Dismissed per stipulation. *Mr. Artemas H. Holmes* and *Mr. John F. Dillon* for appellants. *Mr. Thomas H. Hubbard* for appellees.

Cases not Otherwise Reported.

No. 236. OREGON RAILWAY AND NAVIGATION COMPANY *v.* OREGONIAN RAILWAY COMPANY. No. 237. SAME *v.* SAME. No. 238. SAME *v.* SAME. Error to the Circuit Court of the United States for the District of Oregon. March 31, 1890: Judgments reversed, with costs, and causes remanded with directions to grant new trials, on authority of the decision of this court in the case between the same parties, reported in 130 U. S. 1. *Mr. J. N. Dolph* for plaintiff in error. *Mr. George F. Edmunds* and *Mr. A. H. Garland* for defendant in error.

No. 211. OSBORNE *v.* GHEEN. Appeal from the Supreme Court of the District of Columbia. March 17, 1890: Decree affirmed with costs. *Mr. W. Willoughby* and *Mr. S. F. Beach* for appellant. *Mr. A. S. Worthington* for appellee.

No. 254. OTIS *v.* CRANE BROTHERS MANUFACTURING COMPANY. Appeal from the Circuit Court of the United States for the Northern District of Illinois. March 31, 1890: Dismissed, with costs, pursuant to the 10th rule. *Mr. Charles K. Offield* and *Mr. M. B. Philipp* for appellants. *Mr. L. L. Bond* for appellees.

No. 1108. PENNSYLVANIA RAILROAD COMPANY *v.* BOWERS. Error to the Supreme Court of the State of Pennsylvania. February 3, 1890: Dismissed, with costs, on motion of *Mr. John Hampton Barnes* for the plaintiff in error. *Mr. George Tucker Bispham* for plaintiff in error. No appearance for defendant in error.

No. 761. PENNSYLVANIA RAILROAD COMPANY *v.* MAGEE. Error to the Supreme Court of the State of Pennsylvania. December 23, 1889: Dismissed, with costs, per stipulation, on motion of *Mr. E. D. F. Brady* on behalf of counsel. *Mr. Wayne Mac Veagh* for plaintiff in error. *Mr. M. Hampton Todd* for defendants in error.

Cases not Otherwise Reported.

No. 139. *PICKETT v. FERGUSON*. Error to the Supreme Court of the State of Arkansas. November 22, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. S. P. Walker* and *Mr. C. W. Metcalf* for plaintiff in error. *Mr. D. H. Poston* for defendant in error.

No. 335. *PIONEER PRESS COMPANY v. MITCHELL*. Error to the Circuit Court of the United States for the District of Minnesota. July 29, 1889: Dismissed pursuant to the 28th rule. *Mr. William D. Cornish* and *Mr. Gordon E. Cole* for plaintiff in error. *Mr. W. T. Turnbull* and *Mr. Charles E. Flan-drau* for defendant in error.

No. 127. *PRATT MANUFACTURING COMPANY v. BERRY*. Appeal from the Circuit Court of the United States for the Western District of Pennsylvania. November 19, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. Charles H. Knox* for appellant. *Mr. J. W. Lee* for appellees.

No. 123. *RAY v. NELSON*. Appeal from the Circuit Court of the United States for the District of Colorado. November 18, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. L. C. Rockwell* for appellants. *Mr. John D. Pope* for appellees.

No. 104. *RICHARDS v. HAYS*. Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania. November 13, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. Charles Howson* for appellant. *Mr. George Harding* and *Mr. Francis T. Chambers* for appellee.

No. 59. *ROBERTSON v. LUTZ*. Error to the Circuit Court of the United States for the Southern District of New York. November 4, 1889: Dismissed, with costs, on motion

Cases not Otherwise Reported.

of *Mr. Solicitor General* for plaintiff in error. *Mr. Attorney General* for plaintiff in error. *Mr. Edward Hartley* and *Mr. Walter H. Coleman* for defendants in error.

No. 250. ROBERTSON *v.* ROLFE. Error to the Circuit Court of the United States for the Southern District of New York. March 28, 1890: Dismissed, with costs, on motion of *Mr. Assistant Attorney General Maury* for plaintiff in error. *Mr. Attorney General* for plaintiff in error. No appearance for defendant in error.

No. 249. ROBERTSON *v.* SCHNEIDER. Error to the Circuit Court of the United States for the Southern District of New York. March 24, 1890: Dismissed, with costs, on motion of *Mr. Solicitor General* for plaintiff in error. *Mr. Attorney General* for plaintiff in error. *Mr. H. E. Tremain* for defendant in error.

No. 65. ROWLAND *v.* ATLANTIC MILLING COMPANY. Appeal from the Circuit Court of the United States for the Southern District of New York. November 5, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. George H. Forster* for appellant. *Mr. Arthur v. Briesen* for appellee.

No. 263. SCHOONER COMET, HER TACKLE, ETC., ALDRICH, MASTER *v.* STETSON. Appeal from the Circuit Court of the United States for the District of South Carolina. December 3, 1889: Dismissed, per stipulation, on motion of *Mr. James Lowndes* on behalf of counsel. *Mr. Theodore G. Barker*, *Mr. Henry T. Wing* and *Mr. Harrington Putnam* for appellant. *Mr. J. P. Kennedy Bryan* for appellees.

No. 129. SCHULTZ *v.* OSTRANDER. Appeal from the Circuit Court of the United States for the Eastern District of Missouri. November 19, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. L. M. Hosea* for appellant. No appearance for appellee.

Cases not Otherwise Reported.

No. 280. *SENSENDERFER v. KEMP*. No. 281. *SAME v. SWISHER*. Error to the Supreme Court of the State of Missouri. April 28, 1890: Judgments affirmed, with costs. *Mr. William D. Baldwin, Mr. Levin M. Campbell and Mr. Samuel P. Sparks* for plaintiffs in error. *Mr. George P. B. Jackson* for defendants in error.

No. 165. *SHAW RELIEF VALVE COMPANY v. NEW BEDFORD*. Appeal from the Circuit Court of the United States for the District of Massachusetts. December 12, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. Thomas H. Talbot and Mr. Charles H. Drew* for appellant. *Mr. Thomas S. Sprague and Mr. Chas. J. Hunt* for appellee.

No. 305. *SHIRELY v. WELCH*. Appeal from the Circuit Court of the United States for the District of Oregon. May 5, 1890: Dismissed for the want of jurisdiction. *Mr. John H. Mitchell* for appellant. *Mr. J. N. Dolph* for appellees.

No. 1098. *SHORDON v. REED*. Appeal from the Circuit Court of the United States for the District of Indiana. October 21, 1889: Dismissed, with costs, on motion of counsel for appellees: *Mr. W. G. Howard* in support of motion. *Mr. Edward H. Risley* opposing.

No. 185. *SMITH v. EXCHANGE BANK*. Error to the Court of Common Pleas of Greene County, State of Pennsylvania. December 20, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. P. A. Knox* for plaintiff in error. No appearance for defendant in error.

No. 12. *SOBRAL v. MARCHAND*. Appeal from the Circuit Court of the United States for the Eastern District of Louisiana. October 15, 1889: Dismissed, with costs, on authority of counsel for appellant. *Mr. J. R. Beckwith* for appellant. *Mr. J. D. Rouse and Mr. Wm. Grant* for appellee.

Cases not Otherwise Reported.

NC. 751. SOUTH AND NORTH ALABAMA RAILROAD COMPANY *v.* PLANTERS' AND MERCHANTS' MUTUAL INSURANCE COMPANY. Error to the Supreme Court of the State of Alabama. July 18, 1889: Dismissed pursuant to the 28th rule. *Mr. Thomas G. Jones* for plaintiff in error. *Mr. Gaylord B. Clark* for defendant in error.

No. 149. SOUTHERN DEVELOPMENT COMPANY *v.* HOUSTON AND TEXAS CENTRAL RAILWAY COMPANY. Appeal from the Circuit Court of the United States for the Eastern District of Texas. December 4, 1889: Dismissed, with costs, pursuant to the 10th rule. *Mr. E. H. Farrar* and *Mr. E. B. Kruttschnitt* for appellant. No appearance for appellees.

No. 14. SPRINGFIELD *v.* THOMAS. Error to the Circuit Court of the United States for the Eastern District of Tennessee. October 15, 1889: Dismissed, with costs, on authority of counsel for plaintiffs in error. *Mr. Samuel F. Rice* for plaintiffs in error. No appearance for defendant in error.

No. 672. STEAM GAUGE LANTERN COMPANY *v.* ST. LOUIS RAILWAY SUPPLIES AND MANUFACTURING COMPANY. Appeal from the Circuit Court of the United States for the Eastern District of Missouri. November 19, 1889: Dismissed, per stipulation, on motion of *Mr. E. M. Marble* on behalf of counsel. *Mr. Edwin S. Jenney* for appellant. *Mr. F. N. Judson* for appellee.

No. 242. STONE *v.* LOUD. Appeal from the Circuit Court of the United States for the District of Massachusetts. November 18, 1889: Dismissed, with costs, on motion of *Mr. William A. McKenney* of counsel for appellant. *Mr. Thomas L. Wakefield* and *Mr. William A. McKenney* for appellant. *Mr. J. E. Maynardier* for appellee.

No. 519. THOMES *v.* MURRAY. Error to the Supreme Court of the Territory of Montana. April 7, 1890: Dismissed for

Cases not Otherwise Reported.

the want of jurisdiction, and cause remanded to the Supreme Court of the State of Montana. *Mr. Hiram Knowles* for plaintiff in error. *Mr. Walter H. Smith* for defendant in error.

NO. 109. THORNTON *v.* WOOSTER. Appeal from the Circuit Court of the United States for the Southern District of New York. November 14, 1889: Dismissed per stipulation of counsel. *Mr. J. C. Fraley* and *Mr. B. F. Lee* for appellant. *Mr. Frederic H. Betts* for appellee.

NO. 687. TOWN OF ELMWOOD *v.* DOWS. Error to the Circuit Court of the United States for the Northern District of Illinois. January 7, 1890: Dismissed, per stipulation, on motion of *Mr. Lyman Trumbull* for plaintiff in error. *Mr. Lyman Trumbull* and *Mr. H. B. Hopkins* for plaintiff in error. *Mr. T. S. McClelland* for defendant in error.

NO. 1571. TRAGER *v.* JENKINS. Error to the Circuit Court of the United States for the Southern District of Mississippi. April 28, 1890: Dismissed for the want of jurisdiction. *Mr. Charles J. Boatner*, *Mr. Van H. Manning*, and *Mr. Duane E. Fox* for plaintiffs in error. *Mr. W. Hallett Phillips* for defendant in error.

NO. 243. TRUM *v.* TURNEY. Appeal from the Circuit Court of the United States for the Southern District of Illinois. April 2, 1890: Decree reversed, with costs; and cause remanded with directions to remand the cause to the state court. *Mr. John M. Palmer*, *Mr. Joseph Wilby* and *Mr. E. W. Kittredge* for appellant. *Mr. H. Tompkins* and *Mr. R. P. Hanna* for appellees.

NO. 203. TUBULAR RIVET COMPANY *v.* COPELAND. Appeal from the Circuit Court of the United States for the District of Massachusetts. January 30, 1890: Dismissed, with costs, pursuant to the 10th rule. *Mr. Chauncey Smith* for appellant. *Mr. G. M. Plympton* for appellee.

Cases not Otherwise Reported.

No. 1499. *TURNER v. SAWYER*. Appeal from the Circuit Court of the United States for the District of Colorado. November 1, 1889: Docketed and dismissed, with costs, on motion of *Mr. Fillmore Beall* for appellee. January 27, 1890: Order of November 1, 1889, set aside and leave granted to redocket cause upon payment of costs.

No. 94. *UNITED STATES v. AGAR*. Appeal from the Court of Claims. November 8, 1889: Dismissed per stipulation. *Mr. Attorney General* and *Mr. H. J. May* for appellant. *Mr. S. T. Thomas* for appellee.

No. 1169. *UNITED STATES v. IVES*. Appeal from the Court of Claims. May 19, 1890: Dismissed per stipulation, on motion of *Mr. George A. King* for the appellee. *Mr. Solicitor General* for appellant. *Mr. George A. King* for appellee.

No. 258. *UNITED STATES v. KINGSBURY*. Error to the Circuit Court of the United States for the Western District of Texas. March 17, 1890: Dismissed on motion of *Mr. Solicitor General* for plaintiff in error. *Mr. Attorney General* for plaintiff in error. *Mr. A. J. Falls* for defendants in error.

No. 386. *UNITED STATES v. SAMUEL*. Error to the Circuit Court of the United States for the Eastern District of Pennsylvania. March 17, 1890: Dismissed, on motion of *Mr. Solicitor General* for plaintiff in error. *Mr. Attorney General* for plaintiff in error. *Mr. John Samuel* for defendant in error.

No. 1573. *UNITED STATES v. TUTHILL*. Error to the District Court of the United States for the Northern District of Illinois. April 21, 1890: Dismissed, on motion of *Mr. Attorney General* for plaintiff in error. No appearance for defendant in error.

Cases not Otherwise Reported.

No. 1528. *VINAL v. CONTINENTAL CONSTRUCTION AND IMPROVEMENT COMPANY*. Error to the Circuit Court of the United States for the Northern District of New York. December 23, 1889: Docketed and dismissed, with costs, on motion of *Mr. William A. McKenney* for defendant in error.

No. 156. *VIRGINIA MIDLAND RAILWAY COMPANY v. WILKINS*. Appeal from the Circuit Court of the United States for the Eastern District of Virginia. October 17, 1889: Dismissed, with costs, on motion of *Mr. Linden Kent* of counsel for appellant. *Mr. John N. Staples* and *Mr. Linden Kent* for appellant. No appearance for appellee.

No. 650. *WARREN v. HENDERSON*. Appeal from the Circuit Court of the United States for the Eastern District of North Carolina. January 22, 1890: Dismissed, with costs, on motion of *Mr. R. H. Battle* for appellants. No appearance for appellee.

No. 21. *WASHINGTON AND GEORGETOWN RAILROAD COMPANY v. DISTRICT OF COLUMBIA*. Error to the Supreme Court of the District of Columbia. December 2, 1889: Judgment reversed, with costs, per stipulation, and on the authority of the decision of this court in the case of *The Metropolitan Railroad Company v. The District of Columbia*, No. 5 of October term, 1889, 132 U. S. 1; and cause remanded with directions to enter judgment for the defendant on the demurrer to the pleas of the statute of limitations. *Mr. Walter D. Davidge* and *Mr. Enoch Totten* for plaintiff in error. *Mr. Henry E. Davis* and *Mr. A. G. Riddle* for defendant in error.

No. 613. *WESSELS v. STEAMSHIP ALENE, HER ENGINES, ETC.* Appeal from the Circuit Court of the United States for the Eastern District of New York. October 9, 1889: Dismissed pursuant to the 28th rule. *Mr. James K. Hill*, *Mr. Henry T.*

Cases not Otherwise Reported.

Wing and *Mr. Harrington Putnam* for appellant. *Mr. Everett P. Wheeler* for appellee.

No. 208. *WHEELOCK v. SHIRK*. Appeal from the Circuit Court of the United States for the Northern District of Illinois. July 29, 1889: Dismissed, with costs, pursuant to the 28th rule. *Mr. Charles M. Osborn* for appellants. *Mr. John S. Miller* for appellees.

No. 210. *WILSON v. GRUNWELL*. Appeal from the Supreme Court of the District of Columbia. January 20, 1890: Dismissed, per stipulation, on motion of *Mr. W. Willoughby* for appellant. *Mr. A. L. Merriman* for appellee.

No. 265. *WINE v. MULLIN*. Appeal from the Circuit Court of the United States for the District of Colorado. March 10, 1890: Dismissed, per stipulation, on motion of *Mr. Nathaniel Wilson*, for appellant. *Mr. L. S. Dixon* for appellee.

No. 53. *WORTS v. CITY OF WATERTOWN*. Error to the Circuit Court of the United States for the Western District of Wisconsin. October 29, 1889: Dismissed, with costs, per stipulation. *Mr. James G. Jenkins* and *Mr. F. C. Winkler* for plaintiff in error. *Mr. Daniel Hall* for defendant in error.