

Syllabus.

UNITED STATES *v.* CHIDESTER.

ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF ARKANSAS.

No. 313. Submitted April 15, 1891.—Decided April 20, 1891.

*United States v. Barlow*, 132 U. S. 271, affirmed and applied to the point that when there is evidence tending to establish the issues on the plaintiff's part, it is error to take the case from the jury.

THE case is stated in the opinion.

*Mr. Assistant Attorney General Maury* for plaintiff in error submitted on his brief.

No appearance for defendant in error.

PER CURIAM. This was an action brought under sections 3961 and 4057 of the Revised Statutes. There was evidence tending to establish the issues on plaintiff's part, within the rule laid down in *United States v. Barlow*, 132 U. S. 271. The court took the case away from the jury and in that committed error.

*The judgment is reversed, and the cause remanded with a direction to award a new trial.*

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PENNSYLVANIA RAILROAD COMPANY *v.* GREEN.

ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

No. 315. Argued April 16, 1891.—Decided April 20, 1891.

In an action against a railroad company by a passenger to recover damages for injuries received at the station of arrival by reason of its improper construction, if there be conflicting evidence, the case should be submitted to the jury under proper instructions.