

## Cases not Otherwise Reported.

CASES ADJUDGED IN THE SUPREME COURT  
OF THE UNITED STATES AT OCTOBER TERM,  
1890, NOT OTHERWISE REPORTED, INCLUDING  
CASES DISMISSED IN VACATION PURSUANT TO  
RULE 28.

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No. 437. *ACKLEY v. HUNTINGTON.* Appeal from the Circuit Court of the United States for the District of Kentucky. July 3, 1890: Dismissed, pursuant to the 28th rule. *Mr. C. B. Simrall* for appellant. *Mr. Wm. M. Ramsey* and *Mr. Lawrence Maxwell, Jr.*, for appellee.

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No. 345. *ACME HAY HARVESTER COMPANY v. MARTIN.* Appeal from the Circuit Court of the United States for the Northern District of Illinois. April 24, 1891: Dismissed, with costs, on motion of *Mr. J. H. Peirce* for appellant. *Mr. George P. Fisher, Jr.*, *Mr. J. H. Peirce* and *Mr. George Harding* for appellant. *Mr. L. L. Bond* for appellees.

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No. 83. *ADAMS v. HEISEL.* Appeal from the Circuit Court of the United States for the Northern District of Ohio. November 13, 1890: Dismissed, with costs, pursuant to the 10th rule. *Mr. Arthur v. Briesen* for appellants. *Mr. E. Sowers* for appellee.

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No. 237. *ADLER v. TOWER.* Appeal from the Circuit Court of the United States for the District of Maryland. November 26, 1890: Dismissed, per stipulation. *Mr. Sebastian Brown* for appellants. *Mr. Frederick P. Fish* for appellee.

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No. 647. *ALLEN v. HALLIDAY.* Appeal from the Circuit Court of the United States for the Eastern District of Arkan-

## Cases not Otherwise Reported.

sas. April 6, 1891: Dismissed, with costs, per stipulation, on motion of *Mr. A. H. Garland* for appellee. *Mr. John M. Moore* for appellants. *Mr. A. H. Garland* and *Mr. H. J. May* for appellee.

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No. 236. *ARCHER v. ARND*. Appeal from the Circuit Court of the United States for the Eastern District of Missouri. March 19, 1891: Dismissed, with costs, pursuant to the 10th rule. *Mr. J. M. H. Burgett* for appellant. No appearance for appellees.

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No. 1572. *ARD v. BRANDON*. Error to the Supreme Court of the State of Kansas. December 8, 1890: Docketed and dismissed, with costs, on motion of *Mr. A. B. Browne* for defendant in error.

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No. 240. *ARNHEIM v. CORN*. Appeal from the Circuit Court of the United States for the Southern District of New York. March 20, 1891: Dismissed, with costs, pursuant to the 10th rule. *Mr. F. H. Betts* for appellant. *Mr. G. M. Plympton* for appellees.

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No. 241. *ARNHEIM v. ROSENBAUM*. Appeal from the Circuit Court of the United States for the Southern District of New York. March 20, 1891: Dismissed, with costs, pursuant to the 10th rule. *Mr. F. H. Betts* for appellant. *Mr. G. M. Plympton* for appellee.

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No. 1742. *ARNHEIM v. FINSTER*. Appeal from the Circuit Court of the United States for the Southern District of New York. April 30, 1891: Docketed and dismissed, with costs, on motion of *Mr. G. M. Plympton* for appellees.

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No. 166. *ARTHUR'S EXECUTORS v. WILKINSON*. Error to the Circuit Court of the United States for the Southern District of New York. March 2, 1891: Judgment affirmed, with costs and interest, per stipulation of counsel. *Mr. Attorney General*

## Cases not Otherwise Reported.

for plaintiffs in error. *Mr. A. W. Griswold, Mr. S. F. Phillips* and *Mr. Frederic D. McKenney* for defendants in error.

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No. 181. *ASPINWALL MANUFACTURING COMPANY v. GILL.* Appeal from the Circuit Court of the United States for the District of New Jersey. January 29, 1891: Dismissed, with costs, pursuant to the 10th rule. *Mr. Francis Forbes* for appellant. No appearance for appellees.

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No. 837. *ATLANTIC AND PACIFIC RAILROAD COMPANY v. LE-SUEUR.* Appeal from the Supreme Court of the Territory of Arizona. October 21, 1890: Dismissed, with costs, on motion of *Mr. A. B. Browne* for appellant. *Mr. A. T. Britton, Mr. A. B. Browne* and *Mr. W. C. Hazeldine* for appellant. *Mr. David Turpie* for appellee.

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No. 120. *BABBITT v. CLARK.* Error to the Supreme Court of the State of Ohio. October 27, 1890: Dismissed, with costs, pursuant to the 15th rule, on motion of *Mr. James Lowndes* for defendant in error. *Mr. John C. Lee* for plaintiff in error. *Mr. James Lowndes* for defendant in error.

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No. 732. *BABSON v. ROBERTSON.* Error to the Circuit Court of the United States for the Southern District of New York. November 3, 1890: Judgment reversed, with costs, and cause remanded with directions to grant a new trial on motion of *Mr. Assistant Attorney General Maury* for defendant in error. *Mr. Edward Hartley* and *Mr. Walter H. Coleman* for plaintiff in error. *Mr. Attorney General* for defendant in error.

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No. 218. *BAKER v. TALBOTT.* Error to the Supreme Court of the Territory of Montana. January 30, 1891: Dismissed,

## Cases not Otherwise Reported.

with costs, pursuant to the 10th rule, and remanded to the Supreme Court of the State of Montana. *Mr. Hiram Knowles* for plaintiff in error. *Mr. Walter H. Smith* for defendants in error.

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No. 1524. *BALLIN v. MAGONE*. Error to the Circuit Court of the United States for the Southern District of New York. April 27, 1891: Judgment reversed, with costs, by consent of counsel for defendant in error, who confessed error, and cause remanded to be proceeded in according to law and justice, on motion of *Mr. Assistant Attorney General Maury* for defendant in error. *Mr. Stephen G. Clarke* and *Mr. Edwin B. Smith* for plaintiffs in error. *Mr. Attorney General* for defendant in error.

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No. 1009. *BARNEY v. BENDA*. Error to the Circuit Court of the United States for the Southern District of New York. April 17, 1891: Judgment reversed, with costs, by consent of counsel for defendants in error, and cause remanded to be proceeded in according to law and justice, on motion of *Mr. S. F. Phillips* for defendants in error. *Mr. Attorney General* for plaintiff in error. *Mr. A. W. Griswold* and *Mr. S. F. Phillips* for defendants in error.

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No. 426. *BARNEY v. HURLBUT*. No. 427. *BARNEY v. CURTIS*. Error to the Circuit Court of the United States for the Southern District of New York. March 2, 1891: Judgments affirmed, with costs and interest, per stipulation of counsel. *Mr. Attorney General* for plaintiffs in error. *Mr. A. W. Griswold*, *Mr. S. F. Phillips* and *Mr. Frederic D. McKenney* for defendant in error.

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No. 986. *BARNEY v. KAUPE*. Error to the Circuit Court of the United States for the Southern District of New York. January 12, 1891: Dismissed, with costs, on motion of *Mr.*

Cases not Otherwise Reported.

*Attorney General* for plaintiff in error. *Mr. Attorney General* for plaintiff in error. *Mr. A. W. Griswold* *Mr. S. F. Phillips*, and *Mr. Frederic D. McKenney* for defendants in error.

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No. 1000. *BARNEY v. TOMES*. Error to the Circuit Court of the United States for the Southern District of New York. January 12, 1891: Dismissed, with costs, on motion of *Mr. Attorney General* for the plaintiff in error. *Mr. Attorney General* for plaintiff in error. *Mr. S. F. Phillips*, *Mr. A. W. Griswold* and *Mr. Frederic D. McKenney* for defendants in error.

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No. 270. *BARTELS v. REDFIELD*. Error to the Circuit Court of the United States for the Southern District of New York. March 30, 1891: Dismissed, with costs, on motion of *Mr. S. F. Phillips* for plaintiffs in error. *Mr. A. W. Griswold*, *Mr. S. F. Phillips* and *Mr. Frederic D. McKenney* for plaintiffs in error. *Mr. Attorney General* for defendants in error.

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No. 259. *BARTLETT v. PARKER*. Appeal from the Circuit Court of the United States for the Northern District of Illinois. August 7, 1890: Dismissed pursuant to the 28th rule. *Mr. Edwin W. Keightly* for appellants. *Mr. E. A. West* for appellees.

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No. 194. *BEAL v. MURRAY*. Error to the Supreme Court of the Territory of Montana. January 22, 1891: Dismissed, with costs, and remanded to the Supreme Court of the State of Montana, on motion of *Mr. George F. Edmunds* for plaintiffs in error. *Mr. George F. Edmunds* and *Mr. Hiram Knowles* for plaintiffs in error. *Mr. Walter H. Smith* for defendant in error.

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No. 506. *BEAN v. CLARK*. Appeal from the Circuit Court of the United States for the Northern District of New York.

## Cases not Otherwise Reported.

August 15, 1890: Dismissed pursuant to the 28th rule. *Mr. E. E. Wood, Mr. Edward Boyd* and *Mr. Thomas J. Pringle* for appellant. *Mr. R. H. Parkinson* for appellees.

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No. 1729. *BEEBE v. UNITED STATES.* Error to the Circuit Court of the United States for the Middle District of Alabama. April 27, 1891: Docketed and dismissed, on motion of *Mr. Solicitor General* for the defendant in error.

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No. 1010. *BENDA v. BARNEY.* Error to the Circuit Court of the United States for the Southern District of New York. April 17, 1891: Dismissed, with costs, on motion of *Mr. S. F. Phillips* for plaintiffs in error. *Mr. A. W. Griswold* and *Mr. S. F. Phillips* for plaintiffs in error. *Mr. Attorney General* for defendant in error.

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No. 204. *BERNARD v. MURRAY.* Error to the Supreme Court of the Territory of Montana. January 22, 1891: Dismissed, with costs, and remanded to the Supreme Court of the State of Montana, on motion of *Mr. George F. Edmunds* for plaintiffs in error. *Mr. George F. Edmunds* and *Mr. Hiram Knowles* for plaintiffs in error. *Mr. Walter H. Smith* for defendant in error.

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No. 904. *BERNHEIMER v. ROBERTSON.* Error to the Circuit Court of the United States for the Southern District of New York. May 11, 1891: Judgment reversed, with costs, and cause remanded to be proceeded in according to law and justice, on motion of *Mr. Assistant Attorney General Maury* for the defendant in error, who confessed error. *Mr. Charles Curie* and *Mr. Stephen G. Clarke* for plaintiffs in error. *Mr. Attorney General* for defendant in error.

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No. 921. *BIRDSEYE v. NICKERSON.* No. 922. *BIRDSEYE v. ROGERS.* Error to the Circuit Court of the United States for

## Cases not Otherwise Reported.

the Western District of Texas. April 27, 1891: Dismissed for the want of jurisdiction, per stipulation, in the record in No. 920, to abide the decision in *Birdseye v. Schaeffer et al.* (No. 920). *Mr. Bethel Coopwood* and *Mr. John Hancock* for plaintiffs in error.

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No. 784. *BLISS v. HUGHES*. Appeal from the Circuit Court of the United States for the District of Kentucky. July 3, 1890: Dismissed pursuant to the 28th rule. *Mr. Lawrence Maxwell, Jr.*, and *Mr. Wm. M. Ramsey* for appellants. *Mr. C. B. Simrall* for appellee.

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No. 782. *BLISS v. McMICHAEL*. Appeal from the Circuit Court of the United States for the District of Kentucky. July 3, 1890: Dismissed pursuant to the 28th rule. *Mr. Lawrence Maxwell, Jr.*, and *Mr. Wm. M. Ramsey* for appellants. *Mr. C. B. Simrall* for appellee.

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No. 495. *BODART v. SCHELL'S EXECUTORS*. Error to the Circuit Court of the United States for the Southern District of New York. March 2, 1891: Dismissed, with costs, per stipulation of counsel. *Mr. A. W. Griswold*, *Mr. S. F. Phillips* and *Mr. Frederic D. McKenney* for plaintiff in error. *Mr. Attorney General* for defendants in error.

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No. 132. *BONN v. THRASHER*. Error to the Supreme Court of the State of Iowa. December 8, 1890: Dismissed, with costs, per stipulation, on motion of *Mr. P. Henry Smyth* for plaintiff in error. *Mr. P. Henry Smyth* for plaintiff in error. *Mr. W. E. Blake* and *Mr. S. W. Packard* for defendants in error.

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No. 212. *BOWES v. MURRAY*. Error to the Supreme Court of the Territory of Montana. January 22, 1891: Dismissed, with costs, and remanded to the Supreme Court of the State

## Cases not Otherwise Reported.

of Montana, on motion of *Mr. George F. Edmunds* for plaintiff in error. *Mr. George F. Edmunds* and *Mr. Hiram Knowles* for plaintiff in error. *Mr. Walter H. Smith* for defendant in error.

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No. 5. *BRADFORD v. MILLER*. Error to the Supreme Court of the District of Columbia. October 21, 1890: Dismissed, with costs, pursuant to the 10th rule. *Mr. R. D. Mussey* for plaintiff in error. No appearance for defendant in error.

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No. 70. *BROWN v. HAZARD*. Appeal from the Supreme Court of the Territory of Washington. November 10, 1890: Dismissed, with costs, pursuant to the 10th rule, and cause remanded to the Supreme Court of the State of Washington. *Mr. Leander Holmes* for appellants. *Mr. A. H. Garland* and *Mr. W. W. Upton* for appellee.

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No. 292. *BUCKSTAFF v. MILES*. Error to the Circuit Court of the United States for the District of Nebraska. December 16, 1890: Dismissed, with costs, per stipulation. *Mr. C. S. Montgomery* for plaintiff in error. *Mr. J. M. Woolworth* for defendant in error.

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No. 187. *BUAL v. MURRAY*. Error to the Supreme Court of the Territory of Montana. January 22, 1891: Dismissed, with costs, and remanded to the Supreme Court of the State of Montana, on motion of *Mr. George F. Edmunds* for plaintiffs in error. *Mr. George F. Edmunds* and *Mr. Hiram Knowles* for plaintiffs in error. *Mr. Walter H. Smith* for defendant in error.

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No. 387. *CABLE TRAMWAY COMPANY OF OMAHA v. OMAHA HORSE RAILWAY COMPANY OF THE CITY OF OMAHA*. Appeal from the Circuit Court of the United States for the District of Nebraska. March 24, 1891: Dismissed, with costs, per stipu-

## Cases not Otherwise Reported.

lation. *Mr. J. C. Cowin* for appellant. *Mr. G. E. Pritchett* for appellee.

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No. 162. *CARSLEY v. TRAVIS*. Appeal from the Circuit Court of the United States for the Southern District of New York. January 21, 1891: Dismissed, with costs, pursuant to the 10th rule. *Mr. Samuel T. Smith* for appellant. *Mr. C. A. Collins* for appellees.

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No. 337. *CENTRAL IOWA RAILWAY COMPANY v. PIERCE*. Error to the Superior Court of the State of Iowa. April 22, 1891: Dismissed, with costs, pursuant to the 10th rule. *Mr. Anthony C. Daly* for plaintiff in error. No appearance for defendants in error.

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No. 764. *CENTRAL PACIFIC RAILROAD COMPANY v. UNITED STATES*. Appeal from the Court of Claims. November 21, 1890: Dismissed, on motion of *Mr. Joseph E. McDonald* for appellant. *Mr. Joseph E. McDonald* and *Mr. Joseph K. McCommon* for appellant. *Mr. Attorney General* and *Mr. Solicitor General* for appellee.

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No. 1706. *CHASE v. MASSACHUSETTS HOME MISSIONARY SOCIETY*. Appeal from the Circuit Court of the United States for the Northern District of Illinois. April 8, 1891: Docketed and dismissed, with costs, on motion of *Mr. C. K. Offield* for appellee.

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No. 741. *CHENEY v. HUGHES*. Error to the Circuit Court of the United States for the District of Nebraska. January 5, 1891: Dismissed, with costs, on motion of *Mr. William A. McKenney* for plaintiff in error. *Mr. C. E. Magoon* and *Mr. William A. McKenney* for plaintiff in error. No appearance for defendants in error.

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No. 1273. *CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY v. DALY*. Error to the Circuit Court of the United

## Cases not Otherwise Reported.

States for the District of Minnesota. October 3, 1890: Dismissed, pursuant to the 28th rule. *Mr. Charles E. Flandrau* for plaintiff in error. *Mr. A. B. Jackson* for defendant in error.

CHINESE CASES. [The titles<sup>1</sup> of these cases are printed in the margin.] Appeals from the Circuit Court of the United States for the Northern District of California. March 16, 1891: Dismissed, pursuant to the 10th rule. *Mr. S. G. Hilborn*, *Mr. J. J. Scrivner* and *Mr. Thomas D. Riordan* for appellants. *Mr. Attorney General* for appellees.

CHINESE CASES. [The titles<sup>2</sup> of these cases are printed in the margin.] Appeals from the Circuit Court of the United

<sup>1</sup> No. 552. *Won Ken Hong v. United States*. No. 553. *Leong We v. United States*. No. 602. *Lue Wing v. United States*. No. 603. *Gun Sin Han v. United States*. No. 604. *Mar Hai Yung v. United States*. No. 605. *Hom Dai Quong v. United States*. No. 606. *Quock Ah Ship v. United States*. No. 607. *Leong Choy v. United States*. No. 608. *Wong Tsue Jo v. United States*. No. 609. *Hom Yee Ling v. United States*. No. 610. *Wong Ah Yick v. United States*. No. 611. *Day Kim Dung v. United States*. No. 612. *Mock Gee v. United States*. No. 613. *Fong Jong v. United States*. No. 614. *Bing Cheong v. United States*. No. 615. *Wong Gun v. United States*. No. 616. *Lieu Guas Newy v. United States*. No. 617. *Kong Gim v. United States*. No. 618. *Tow Ngee v. United States*. No. 636. *Mar We Jing v. United States*. No. 637. *Mar Lick Yew v. United States*. No. 650. *Yee Quong Lin v. United States*. No. 651. *Yee Quong Nuey v. United States*. No. 652. *Wong Li Lip v. United States*. No. 653. *Jung Dok Jim v. United States*. No. 654. *Wong Tu Choy v. United States*. No. 655. *Wong You Choy v. United States*. No. 656. *Chin Qui Far v. United States*. No. 657. *Wong Qui Fong v. United States*. No. 658. *Poon Chuck Bee v. United States*. No. 659. *Lee Sing Suey v. United States*. No. 660. *Loui Dew Chong v. United States*. No. 661. *Loui Lin Gak v. United States*. No. 662. *Lem Dor Ang v. United States*. No. 663. *Gee Kum Sue v. United States*. No. 664. *Lee Ah Doo v. United States*. No. 665. *Ching Tai Quong v. United States*. No. 666. *Mack Sew Heong v. United States*. No. 667. *Gun Hong Sue v. United States*. No. 668. *Chung Ping Wo v. United States*. No. 678. *Tom Ah Fong v. United States*. No. 679. *Choy Yow Yee v. United States*. No. 680. *Wo Quan Goon v. United States*. No. 681. *Jeong Kee v. United States*. No. 1509. *Yee Hoy Jung v. United States*.

<sup>2</sup> No. 632. *Hor Quong Pok v. United States*. No. 633. *Pun Choy v. United States*. No. 634. *Chan Bing Chan v. United States*. No. 635. *Lee Sick v.*

## Cases not Otherwise Reported.

States for the Northern District of California. May 11, 1891: Decrees affirmed. *Mr. J. J. Scrivner* for appellants. *Mr. Attorney General* for appellees.

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No. 820. *CITY OF CHANUTE v. TRADER*. Error to the Circuit Court of the United States for the District of Kansas. November 25, 1890: Dismissed, with costs, on motion of *Mr. J. W. Cary* in behalf of counsel for plaintiff in error. *Mr. George R. Peck* for plaintiff in error. No appearance for defendant in error.

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No. 209. *COHEN v. MURRAY*. Error to the Supreme Court of the Territory of Montana. January 22, 1891: Dismissed, with costs, and remanded to the Supreme Court of the State of Montana, on motion of *Mr. George F. Edmunds* for plaintiffs in error. *Mr. George F. Edmunds* and *Mr. Hiram Knowles* for plaintiffs in error. *Mr. Walter H. Smith* for defendant in error.

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No. 215. *COHEN v. MURRAY*. Error to the Supreme Court of the Territory of Montana. January 22, 1891: Dismissed, with costs, and remanded to the Supreme Court of the State of Montana, on motion of *Mr. George F. Edmunds* for plaintiffs in error. *Mr. George F. Edmunds* and *Mr. Hiram Knowles* for plaintiffs in error. *Mr. Walter H. Smith* for defendant in error.

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No. 1436. *COLE v. UNITED STATES*. Appeal from the Supreme Court of the District of Columbia. April 13, 1891: Remanded to said Supreme Court for such further proceedings as to that court shall seem meet, upon the application of either party. *Mr. M. F. Morris* and *Mr. George C. Hazelton* for

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*United States*. No. 639. *Tang Do v. United States*. No. 640. *Lee Kwan v. United States*. No. 641. *Lie Cheong v. United States*. No. 642. *Lui Hok Chue v. United States*. No. 1413. *Leong Kum Ping v. United States*. No. 1415. *Tang Wing v. United States*.

## Cases not Otherwise Reported.

appellant. *Mr. Attorney General* and *Mr. Solicitor General* for appellee.

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No. 250. *COTZHAUSEN v. KERTING*. Error to the Circuit Court of the United States for the Eastern District of Wisconsin. March 30, 1891: Judgment affirmed, with costs and interest. *Mr. Enoch Totten* and *Mr. F. W. Cotzhausen* for plaintiff in error. No appearance for defendant in error.

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No. 242. *CROCKER v. CUTTER TOWER COMPANY*. Appeal from the Circuit Court of the United States for the District of Massachusetts. March 20, 1891: Dismissed, with costs, pursuant to the 10th rule. *Mr. Thomas H. Talbot* and *Mr. C. H. Drew* for appellant. *Mr. F. C. Somes* for appellee.

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No. 256. *CURTISS v. HURD*. Appeal from the Circuit Court of the United States for the Southern District of New York. March 25, 1891: Dismissed, with costs, pursuant to the 10th rule. *Mr. John E. Burrill* for appellant. No appearance for appellee.

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No. 257. *CURTISS v. HURD*. Appeal from the Circuit Court of the United States for the Southern District of New York. March 25, 1891: Dismissed, with costs, pursuant to the 10th rule. *Mr. John E. Burrill* for appellant. No appearance for appellee.

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No. 206. *DAVIS v. MURRAY*. Error to the Supreme Court of the Territory of Montana. January 22, 1891: Dismissed, with costs, and remanded to the Supreme Court of the State of Montana, on motion of *Mr. George F. Edmunds* for plaintiff in error. *Mr. George F. Edmunds* and *Mr. Hiram Knowles* for plaintiff in error. *Mr. Walter H. Smith* for defendant in error.

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No. 211. *DELLINGER v. MURRAY*. Error to the Supreme Court of the Territory of Montana. January 22, 1891: Dis-

## Cases not Otherwise Reported.

missed with costs, and remanded to the Supreme Court of the State of Montana, on motion of *Mr. George F. Edmunds* for plaintiffs in error. *Mr. George F. Edmunds* and *Mr. Hiram Knowles* for plaintiffs in error. *Mr. Walter H. Smith* for defendant in error.

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No. 100. **DETROIT LUBRICATOR COMPANY v. LUNKENHEIMER.** Appeal from the Circuit Court of the United States for the Eastern District of Michigan. July 11, 1890: Dismissed pursuant to the 28th rule. *Mr. A. P. Hodges* for appellant. *Mr. C. M. Peck* and *Mr. E. W. Rector* for appellee.

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No. 210. **DOVENSPECK v. MURRAY.** Error to the Supreme Court of the Territory of Montana. January 22, 1891: Dismissed, with costs, and remanded to the Supreme Court of the State of Montana, on motion of *Mr. George F. Edmunds* for plaintiffs in error. *Mr. George F. Edmunds* and *Mr. Hiram Knowles* for plaintiffs in error. *Mr. Walter H. Smith* for defendant in error.

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No. 17. **EISNER, ADMINISTRATOR v. TARRANT.** Appeal from the Circuit Court of the United States for the Southern District of New York. March 2, 1891: Dismissed per stipulation of counsel. *Mr. Nathaniel Myers* for appellant. *Mr. C. A. Peabody* for appellees.

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No. 332. **EWART MANUFACTURING COMPANY v. MOLINE MALLEABLE IRON COMPANY.** Appeal from the Circuit Court of the United States for the Northern District of Illinois. April 17, 1891: Dismissed, with costs, pursuant to the 10th rule. *Mr. Charles K. Offield* for appellant. No appearance for appellees.

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No. 691. **FAUCHE v. SCHELL'S EXECUTORS.** Error to the Circuit Court of the United States for the Southern District of New York. March 2, 1891: Dismissed, with costs, per stipulation of counsel. *Mr. A. W. Griswold*, *Mr. S. F. Phillips*

Cases not Otherwise Reported.

and *Mr. Frederic D. McKenney* for plaintiffs in error. *Mr. Attorney General* for defendants in error.

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No. 1215. *FELLOWS v. WALKER.* Appeal from the Circuit Court of the United States for the Northern District of Ohio. May 25, 1891: Dismissed, with costs, per stipulation of counsel. *Mr. John H. Doyle* and *Mr. Stevenson Burke* for appellants. *Mr. W. H. A. Read* and *Mr. Clarence Brown* for appellees.

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No. 28. *FERGUSON v. DENT.* Appeal from the Circuit Court of the United States for the Western District of Tennessee. October 21, 1890: Dismissed, with costs, pursuant to the 19th rule. *Mr. T. B. Edgington* for appellants. *Mr. D. H. Poston* and *Mr. L. W. Finlay* for appellees.

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No. 208. *FIRST NATIONAL BANK OF BUTTE v. MURRAY.* Error to the Supreme Court of the Territory of Montana. January 22, 1891: Dismissed, with costs, and remanded to the Supreme Court of the State of Montana, on motion of *Mr. George F. Edmunds* for plaintiffs in error. *Mr. George F. Edmunds* and *Mr. Hiram Knowles* for plaintiffs in error. *Mr. Walter H. Smith* for defendant in error.

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No. 1690. *FITTON v. TAYLOR.* Appeal from the Circuit Court of the United States for the District of Vermont. April 22, 1891: Dismissed, with costs, pursuant to the 16th rule, on motion of *Mr. William W. Stickney* for appellee. *Mr. Joel C. Baker* for appellant. *Mr. William W. Stickney* for appellee.

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No. 131. *FLORANG v. CRAIG.* Error to the Supreme Court of the State of Iowa. December 8, 1890: Dismissed, with costs, per stipulation, on motion of *Mr. P. Henry Smyth* for plaintiffs in error. *Mr. P. Henry Smyth* for plaintiffs in error. *Mr. W. E. Blake* and *Mr. S. W. Packard* for defendant in error.

## Cases not Otherwise Reported.

No. 216. *FOSTER v. MURRAY.* Error to the Supreme Court of the Territory of Montana. January 30, 1891: Dismissed, with costs, pursuant to the 10th rule, and remanded to the Supreme Court of the State of Montana. *Mr. G. W. Stapleton* and *Mr. J. C. Robinson* for plaintiffs in error. *Mr. Walter H. Smith* for defendant in error.

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No. 1635. *GARY v. MUHLHAUSER.* Error to the Circuit Court of the United States for the Northern District of Ohio. April 2, 1891: Dismissed, with costs, on motion of *Mr. Solicitor General* for the plaintiff in error. *Mr. Attorney General* for plaintiff in error. No appearance for defendants in error.

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No. 1584. *GIBBONS v. BISHOP.* Appeal from the Circuit Court of the United States for the Northern District of Florida. January 7, 1891: Docketed and dismissed, with costs, on motion of *Mr. A. G. Riddle* for appellee.

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No. 1452. *GLENN v. SUMNER.* Error to the Circuit Court of the United States for the Western District of North Carolina. March 2, 1891: Dismissed, with costs, by the plaintiff in error. *Mr. Charles Marshall* for plaintiff in error. *Mr. S. F. Phillips* for defendant in error.

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No. 350. *GOOD v. BAILEY.* Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania. April 24, 1891: Dismissed, with costs, pursuant to the 10th rule. *Mr. Edwin H. Brown* for appellant. *Mr. W. H. Doolittle* for appellees.

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No. 245. *GREEN v. PEOPLE OF COLORADO ex rel. MARSH.* Error to the Supreme Court of the State of Colorado. March 23, 1891: Dismissed, with costs, on the motion of the plaintiff in error. *Mr. Thomas A. Green* for plaintiff in error. *Mr. L. S. Dixon* for defendants in error.

## Cases not Otherwise Reported.

No. 249. *GUNTHER v. OTTAWA BOTTLE AND FLINT GLASS COMPANY.* Error to the Circuit Court of the United States for the Eastern District of Wisconsin. November 26, 1890: Dismissed, per stipulation. *Mr. F. W. Cotzhausen* for plaintiffs in error. *Mr. Hiram T. Gilbert* for defendant in error.

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No. 988. *HADDOCK v. WRIGHT.* Error to the Supreme Court of the State of Florida. October 21, 1890: Dismissed, with costs, on motion of *Mr. James Lowndes* for plaintiff in error. *Mr. James Lowndes* for plaintiff in error. *Mr. J. C. Cooper* for defendants in error.

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No. 200. *HAMILTON v. MURRAY.* Error to the Supreme Court of the Territory of Montana. January 22, 1891: Dismissed, with costs, and remanded to the Supreme Court of the State of Montana, on motion of *Mr. George F. Edmunds* for plaintiffs in error. *Mr. George F. Edmunds* and *Mr. Hiram Knowles* for plaintiffs in error. *Mr. Walter H. Smith* for defendant in error.

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No. 202. *HAMILTON v. MURRAY.* Error to the Supreme Court of the Territory of Montana. January 22, 1891: Dismissed, with costs, and remanded to the Supreme Court of the State of Montana, on motion of *Mr. George F. Edmunds* for plaintiff in error. *Mr. George F. Edmunds* and *Mr. Hiram Knowles* for plaintiff in error. *Mr. Walter H. Smith* for defendant in error.

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No. 207. *HAMILTON v. MURRAY.* Error to the Supreme Court of the Territory of Montana. January 22, 1891: Dismissed, with costs, and remanded to the Supreme Court of the State of Montana, on motion of *Mr. George F. Edmunds*, for plaintiffs in error. *Mr. George F. Edmunds* and *Mr. Hiram Knowles* for plaintiffs in error. *Mr. Walter H. Smith* for defendant in error.

## Cases not Otherwise Reported.

No. 243. *HANCOCK INSPIRATOR COMPANY v. LALLY.* Appeal from the Circuit Court of the United States for the Northern District of Illinois. March 20, 1891: Dismissed, with costs, pursuant to the 10th rule. *Mr. Chauncey Smith* for appellant. *Mr. Hector T. Fenton* and *Mr. R. Mason* for appellee.

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No. 197. *HANSWIRTH v. MURRAY.* Error to the Supreme Court of the Territory of Montana. January 22, 1891: Dismissed, with costs, and remanded to the Supreme Court of the State of Montana, on motion of *Mr. George F. Edmunds* for plaintiffs in error. *Mr. George F. Edmunds* and *Mr. Hiram Knowles* for plaintiffs in error. *Mr. Walter H. Smith* for defendant in error.

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No. 198. *HANSWIRTH v. MURRAY.* Error to the Supreme Court of the Territory of Montana. January 22, 1891: Dismissed, with costs, and remanded to the Supreme Court of the State of Montana, on motion of *Mr. George F. Edmunds* for plaintiffs in error. *Mr. George F. Edmunds* and *Mr. Hiram Knowles* for plaintiffs in error. *Mr. Walter H. Smith* for defendant in error.

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No. 203. *HAUSER v. MURRAY.* Error to the Supreme Court of the Territory of Montana. January 22, 1891: Dismissed, with costs, and remanded to the Supreme Court of the State of Montana, on motion of *Mr. George F. Edmunds* for plaintiffs in error. *Mr. George F. Edmunds* and *Mr. Hiram Knowles* for plaintiffs in error. *Mr. Walter H. Smith* for defendant in error.

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No. 283. *HENDERSON v. CENTRAL PASSENGER RAILROAD COMPANY.* Appeal from the Circuit Court of the United States for the District of Kentucky. January 15, 1891: Dismissed, per stipulation, on motion of *Mr. Alexander P. Humphrey* for appellant. *Mr. Alexander P. Humphrey* for appellant. *Mr. George M. Davie* for appellee.

## Cases not Otherwise Reported.

No. 1730. *HENDERSON v. LASATER*. Error to the United States Court for the Indian Territory. April 27, 1891: Docketed and dismissed with costs, on motion of *Mr. John Johns* for defendant in error.

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No. 123. *HERR v. BRADLEY*. Error to the Supreme Court of the District of Columbia. July 15, 1890: Dismissed, pursuant to the 28th rule. *Mr. Enoch Totten* for plaintiff in error. *Mr. Reginald Fendall* for defendants in error.

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No. 365. *HILTON v. OTOE COUNTY NATIONAL BANK*. Appeal from the Circuit Court of the United States for the District of Nebraska. April 30, 1891: Dismissed, with costs, pursuant to the 10th rule. *Mr. J. H. Ames* for appellant. No appearance for appellees.

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No. 108. *HOUSATONIC RAILROAD COMPANY v. GRISSELL*. Error to the Supreme Court of the State of Connecticut. December 2, 1890: Dismissed, with costs, pursuant to the 10th rule. *Mr. M. W. Seymour* for plaintiff in error. No appearance for defendant in error.

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No. 374. *HOYT v. WALLS*. Error to the Circuit Court of the United States for the Western District of Michigan. August 27, 1890: Dismissed, pursuant to the 28th rule. *Mr. D. H. Ball* for plaintiffs in error. *Mr. Joseph H. Chandler* for defendants in error.

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No. 295. *HUMPHREYS v. MCKISSOCK, RECEIVER, ETC.* Appeal from the Circuit Court of the United States for the Southern District of Iowa. December 10, 1890: Dismissed, with costs, on motion of *Mr. Wells H. Blodgett* for appellants. *Mr. Thomas H. Hubbard* and *Mr. Wells H. Blodgett* for appellees. No appearance for appellee.

## Cases not Otherwise Reported.

No. 432. *ISELIN v. SCHELL'S EXECUTORS.* Error to the Circuit Court of the United States for the Southern District of New York. March 2, 1891: Dismissed, with costs, per stipulation of counsel. *Mr. A. W. Griswold, Mr. S. F. Phillips* and *Mr. Frederic D. McKenney* for plaintiff in error. *Mr. Attorney General* for defendants in error.

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No. 195. *JACOBS v. MURRAY.* Error to the Supreme Court of the Territory of Montana. January 22, 1891: Dismissed, with costs, and remanded to the Supreme Court of the State of Montana, on motion of *Mr. George F. Edmunds* for plaintiffs in error. *Mr. George F. Edmunds* and *Mr. Hiram Knowles* for plaintiffs in error. *Mr. Walter H. Smith* for defendant in error.

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No. 183. *J. L. MOTT IRON WORKS v. CASSIDY.* Appeal from the Circuit Court of the United States for the Southern District of New York. January 29, 1891: Dismissed, with costs, pursuant to the 10th rule. *Mr. Francis Forbes* for appellant. *Mr. Arthur v. Briesen* for appellees.

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No. 182. *J. L. MOTT IRON WORKS v. S. KIRM.* Appeal from the Circuit Court of the United States for the District of New Jersey. January 29, 1891: Dismissed, with costs, pursuant to the 10th rule. *Mr. Francis Forbes* for appellant. *Mr. Causten Browne* for appellees.

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No. 947. *JOHNSTON v. ROBERTSON.* Error to the Circuit Court of the United States for the Southern District of New York. May 11, 1891: Judgment reversed, with costs, and cause remanded to be proceeded in according to law and justice, on motion of *Mr. Assistant Attorney General Maury* for the defendant in error, who confessed error. *Mr. Stephen G. Clarke, Mr. E. B. Smith* and *Mr. Charles Curie* for plaintiff in error. *Mr. Attorney General* for defendant in error.

## Cases not Otherwise Reported.

No. 1508. *JUGIRO v. BRUSH, AGENT, ETC.* Appeal from the Circuit Court of the United States for the Southern District of New York. November 24, 1890: Decree affirmed, with costs, on the authority of *Ex parte Kemmler*, 136 U. S. 436. *Mr. Roger M. Sherman* for appellant. *Mr. Charles F. Tabor* for appellee.

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No. 381. *KENSLER v. COHN.* Error to the Circuit Court of the United States for the Western District of Missouri. December 3, 1890: Dismissed with costs, per stipulation. *Mr. Alexander Graves* for plaintiff in error. *Mr. J. H. McGowan* for defendant in error.

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No. 1563. *KINGSTON COAL COMPANY v. MYERS et al.* Error to the Supreme Court of the State of Pennsylvania. November 24, 1890: Docketed and dismissed, with costs, on motion of *Mr. William A. McKenney* for defendants in error.

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No. 361. *KLEINSCHMIDT v. SECOND NATIONAL BANK OF HELENA.* Error to the Supreme Court of the Territory of Montana. April 29, 1891: Dismissed, with costs, pursuant to the 10th rule, and cause remanded to the Supreme Court of the State of Montana. *Mr. E. W. Toole* and *Mr. William Wallace, Jr.*, for plaintiffs in error. No appearance for defendant in error.

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No. 156. *LAING v. FERTIG.* Appeal from the Circuit Court of the United States for the Southern District of Ohio. January 19, 1891: Dismissed, with costs, pursuant to the 10th rule. *Mr. Edward L. Taylor* for appellants. No appearance for appellees.

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No. 328. *LANDESMAN v. JONASSEN.* Appeal from the Circuit Court of the United States for the Southern District of New York. April 16, 1891: Dismissed, with costs, pursuant to the 10th rule. *Mr. M. B. Philipp* for appellant. No appearance for appellees.

## Cases not Otherwise Reported.

No. 217. *LAVELL v. MURRAY.* Error to the Supreme Court of the Territory of Montana. January 30, 1891: Dismissed, with costs, pursuant to the 10th rule, and remanded to the Supreme Court of the State of Montana. *Mr. G. W. Stapleton* and *Mr. J. C. Robinson* for plaintiffs in error. *Mr. Walter H. Smith* for defendant in error.

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No. 260. *LELAND v. CENTRAL NATIONAL BANK OF THE CITY OF NEW YORK.* Error to the Circuit Court of the United States for the District of New Jersey. March 26, 1891: Judgment affirmed, with costs and interest. *Mr. Spencer L. Hillier* for plaintiff in error. *Mr. John Linn* for defendant in error.

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No. 261. *LELAND v. CENTRAL NATIONAL BANK OF THE CITY OF NEW YORK.* Appeal from the Circuit Court of the United States for the District of New Jersey. March 26, 1891: Decree affirmed, with costs and interest. *Mr. Spencer L. Hillier* for appellant. *Mr. John Linn* for appellee.

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No. 1173. *LEWIS v. BOARD OF COUNTY COMMISSIONERS OF COMANCHE COUNTY, KANSAS.* Error to the Circuit Court of the United States for the District of Kansas. September 30, 1890: Dismissed pursuant to the 28th rule. *Mr. W. H. Rossington* and *Mr. A. L. Williams* for plaintiff in error. *Mr. G. Clemens* for defendant in error.

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No. 190. *LEWIS v. MURRAY.* Error to the Supreme Court of the Territory of Montana. January 22, 1891: Dismissed, with costs, and remanded to the Supreme Court of the State of Montana, on motion of *Mr. George F. Edmunds* for plaintiffs in error. *Mr. George F. Edmunds* and *Mr. Hiram Knowles* for plaintiffs in error. *Mr. Walter H. Smith* for defendants in error.

## Cases not Otherwise Reported.

No. 1527. *LONG v. THAYER*. Appeal from the Supreme Court of the United States for the Western District of Missouri. October 27, 1890: Docketed and dismissed, with costs, on motion of *Mr. William A. McKenney* for the appellee.

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No. 291. *LOUISVILLE AND NASHVILLE RAILROAD COMPANY v. KENTUCKY CENTRAL RAILROAD COMPANY*. Appeal from the Circuit Court of the United States for the District of Kentucky. March 10, 1891: Dismissed, with costs, per stipulation of counsel, on motion of *Mr. James Lowndes* in behalf of counsel. *Mr. Walter Evans* for appellant. *Mr. William M. Ramsey* and *Mr. T. W. Bullitt* for appellees.

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No. 1525. *MAGONE v. BALLIN*. Error to the Circuit Court of the United States for the Southern District of New York. April 27, 1891: Dismissed, with costs, on motion of *Mr. Assistant Attorney General Maury* for plaintiff in error. *Mr. Attorney General* for plaintiff in error. *Mr. Stephen G. Clarke* and *Mr. Edwin B. Smith* for defendants in error.

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No. 367. *MALLAY v. Root*. Appeal from the Circuit Court of the United States for the Western District of Missouri. April 30, 1891: Dismissed, with costs, pursuant to the 10th rule. *Mr. J. S. Botsford* for appellant. No appearance for appellee.

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No. 73. *MARTIN v. POND*. Appeal from the Circuit Court of the United States for the District of Minnesota. September 8, 1890: Dismissed, pursuant to the 28th rule. *Mr. E. M. Wilson* and *Mr. A. B. Jackson* for appellant. *Mr. George B. Young* for appellee.

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No. 326. *MAY v. MCKEE*. Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania. August 22, 1890: Dismissed, pursuant to the 28th rule. *Mr. J. C. Fraley* for appellants. *Mr. C. C. Cole* for appellees.

## Cases not Otherwise Reported.

No. 178 and No. 179. **MAYOR ETC. OF THE CITY OF HOUSTON v. FAZENDE.** Error to the Circuit Court of the United States for the Eastern District of Texas. August 30, 1890: Dismissed, pursuant to the 28th rule. *Mr. H. F. Ring* for plaintiffs in error. *Mr. E. H. Farrar* and *Mr. E. B. Kruttschnitt* for defendants in error.

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No. 1392. **McCORMICK HARVESTER MACHINE COMPANY v. MINNEAPOLIS HARVESTER WORKS.** Appeal from the Circuit Court of the United States for the District of Minnesota. March 2, 1891: Dismissed, per stipulation of counsel. *Mr. R. H. Parkinson* for appellant. *Mr. John R. Bennett* for appellee.

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No. 189. **McNAMARA v. MURRAY.** Error to the Supreme Court of the Territory of Montana. January 22, 1891: Dismissed, with costs, and remanded to the Supreme Court of the State of Montana, on motion of *Mr. George F. Edmunds* for plaintiffs in error. *Mr. George F. Edmunds* and *Mr. Hiram Knowles* for plaintiffs in error. *Mr. Walter H. Smith* for defendant in error.

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No. 282. **MERRITT v. MOLLER.** Error to the Circuit Court of the United States for the Southern District of New York. March 23, 1891: Dismissed, with costs, on motion of *Mr. Attorney General* for plaintiff in error. *Mr. Attorney General* for plaintiff in error. No appearance for defendants in error.

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No. 953. **MEXICAN NATIONAL RAILROAD COMPANY v. CARPENTER.** Error to the Circuit Court of the United States for the Western District of Texas. April 13, 1891: Dismissed, with costs, per stipulation, on motion of *Mr. W. Hallett Phillips* for the defendant in error. *Mr. Charles C. Beaman* and *Mr. Thomas W. Dodd* for plaintiff in error. *Mr. W. Hallett Phillips* for defendant in error.

## Cases not Otherwise Reported.

No. 316. *MILLER v. EDGERTON*. Error to the Supreme Court of the District of Columbia. April 16, 1891: Dismissed, with costs, pursuant to the 16th rule, on motion of *Mr. Assistant Attorney General Maury* for defendants in error. *Mr. Morris S. Miller* for plaintiff in error. *Mr. Attorney General* for defendants in error. 

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No. 45. *MILLER v. THOMPSON*. Appeal from the Circuit Court of the United States for the Northern District of Georgia. October 31, 1890: Dismissed, with costs, pursuant to the 19th rule. *Mr. J. Carroll Payne* for appellant. *Mr. W. T. Turnbull* for appellee. 

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No. 697. *MINNEAPOLIS AND ST. LOUIS RAILWAY COMPANY v. STATE OF MINNESOTA ex rel. CITY OF MINNEAPOLIS*. Error to the Fourth Judicial District Court of Hennepin County, Minnesota. November 26, 1890: Dismissed, with costs, per stipulation. *Mr. J. D. Springer* for plaintiff in error. *Mr. R. D. Russell* for defendant in error. 

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No. 205. *MORRIS v. MURRAY*. Error to the Supreme Court of the Territory of Montana. January 22, 1891: Dismissed, with costs, and remanded to the Supreme Court of the State of Montana, on motion of *Mr. George F. Edmunds* for plaintiffs in error. *Mr. George F. Edmunds* and *Mr. Hiram Knowles* for plaintiffs in error. *Mr. Walter H. Smith* for defendant in error. 

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No. 89. *NEW AMERICAN FILE COMPANY v. NICHOLSON FILE COMPANY*. Appeal from the Circuit Court of the United States for the District of Rhode Island. November 19, 1890: Dismissed, per stipulation. *Mr. Chauncey Smith* for appellant. *Mr. W. H. Thurston* for appellee. 

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No. 30. *NEW ENGLAND MORTGAGE SECURITY COMPANY v. GROOVES*. Appeal from the Circuit Court of the United States

## Cases not Otherwise Reported.

for the District of Oregon. October 22, 1860: Dismissed, with costs, pursuant to the 19th rule. *Mr. J. D. Campbell* for appellant. No appearance for appellees.

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No. 1180. NEW YORK AND NEW ENGLAND RAILROAD COMPANY *v.* WOODRUFF. Error to the Supreme Court of Errors of the State of Connecticut. December 19, 1890: Dismissed, per stipulation, on motion of *Mr. Simeon E. Baldwin* for plaintiff in error. *Mr. Simeon E. Baldwin* for plaintiff in error. *Mr. Henry C. Robinson* for defendants in error.

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No. 1365. NEW YORK AND NEW ENGLAND RAILROAD COMPANY *v.* WOODRUFF. Error to the Superior Court of Hartford County, State of Connecticut. December 19, 1890: Dismissed, per stipulation, on motion of *Mr. Simeon E. Baldwin* for plaintiff in error. *Mr. Simeon E. Baldwin* for plaintiff in error. *Mr. Henry C. Robinson* for defendants in error.

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No. 196. MISSLER *v.* MURRAY. Error to the Supreme Court of the Territory of Montana. January 22, 1891: Dismissed, with costs, and remanded to the Supreme Court of the State of Montana, on motion of *Mr. George F. Edmunds* for plaintiff in error. *Mr. George F. Edmunds* and *Mr. Hiram Knowles* for plaintiff in error. *Mr. Walter H. Smith* for defendant in error.

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No. 1704. NYBLADH *v.* HATERIUS. Error to the Circuit Court of the United States for the Northern District of Illinois. April 7, 1891: Docketed and dismissed, with costs, on motion of *Mr. John Paul Jones* for the defendants in error.

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No. 1548. OAKLAND ELECTRIC LIGHT AND MOTOR COMPANY *v.* KEITH. Error to the Circuit Court of the United States for the Northern District of California. November 10, 1890:

## Cases not Otherwise Reported.

Docketed and dismissed, with costs, on motion of *Mr. John Ridout* for defendant in error.

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No. 63. *O'BRYAN v. SENTER*. Error to the Circuit Court of the United States for the Eastern District of Arkansas. November 10, 1890: Judgment affirmed, with costs, and interest. *Mr. S. F. Clark* and *Mr. J. M. Moore* for plaintiffs in error. *Mr. U. M. Rose* and *Mr. G. B. Rose* for defendants in error.

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No. 397. *OMAHA HORSE RAILWAY COMPANY v. CABLE TRAMWAY COMPANY*. Appeal from the Circuit Court of the United States for the District of Nebraska. March 24, 1891: Dismissed, with costs, per stipulation. *Mr. G. E. Pritchett* for appellant. *Mr. J. C. Cowin* for appellee.

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No. 1372. *ONE DISTILLING APPARATUS, by A. WEHRLE, CLAIMANT v. UNITED STATES*. Error to the Circuit Court of the United States for the Northern District of Ohio. November 10, 1890: Dismissed, per stipulation, on motion of *Mr. Attorney General* for defendant in error. *Mr. George H. Lothrop* for plaintiff in error. *Mr. Attorney General* and *Mr. Alphonso Hart* for defendant in error.

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No. 188. *OWSLEY v. MURRAY*. Error to the Supreme Court of the Territory of Montana. January 30, 1891: Dismissed, with costs, pursuant to the 10th rule, and remanded to the Supreme Court of the State of Montana. *Mr. E. W. Toole* for plaintiff in error. *Mr. Walter H. Smith* for defendant in error.

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No. 1335. *PACIFIC EXPRESS COMPANY v. McDOWELL*. Error to the Circuit Court of the United States for the Eastern District of Texas. January 5, 1891: Judgment affirmed, with costs and interest, by a divided court. *Mr. Sawnie Roberson*

## Cases not Otherwise Reported.

and *Mr. C. A. Culberson* for plaintiff in error. *Mr. William A. McKenney* for defendant in error.

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No. 419. *PACIFIC EXPRESS COMPANY v. PICKARD, COMPTROLLER.* Error to the Supreme Court of the State of Tennessee. March 13, 1891: Judgment reversed, with costs, by consent of counsel for defendants in error, who confessed error, and cause remanded to be proceeded in according to law and justice. *Mr. R. J. Morgan* and *Mr. L. B. McFarland* for plaintiff in error. *Mr. George W. Pickle* for defendants in error.

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No. 571. *PACIFIC MAIL STEAMSHIP COMPANY v. O'ROURKE.* Error to the Circuit Court of the United States for the Northern District of California. September 22, 1890: Dismissed, pursuant to the 28th rule. *Mr. Milton Andros* for plaintiff in error. *Mr. W. W. Morrow* for defendant in error.

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No. 173. *PAILLARD v. JACOT.* Appeal from the Circuit Court of the United States for the Southern District of New York. November 26, 1890: Dismissed per stipulation. *Mr. Paul Goepel* for appellants. *Mr. Arthur v. Briesen* for appellees.

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No. 163. *PEAK v. SWINDLE.* Error to the Supreme Court of the State of Texas. January 21, 1891: Dismissed, with costs, pursuant to the 10th rule. *Mr. R. C. Foster* for plaintiff in error. No appearance for defendants in error.

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No. 1306. *PEASE v. RITCHIE.* Error to the Supreme Court of the State of Illinois. November 6, 1890: Dismissed, with costs, on motion of *Mr. Henry A. Gardner* in behalf of counsel for plaintiffs in error. *Mr. S. S. Gregory*, *Mr. Wm. M. Booth* and *Mr. James S. Harlan* for plaintiffs in error. No appearance for defendants in error.

## Cases not Otherwise Reported.

No. 278. PENNSYLVANIA RAILROAD COMPANY *v.* LAUGHLIN. Error to the Circuit Court of the United States for the District of New Jersey. March 30, 1891: Dismissed, per stipulation. *Mr. J. B. Vredenburgh* for plaintiff in error. *Mr. Cortlandt Parker* for defendant in error.

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No. 1109. PEOPLE OF THE STATE OF NEW YORK *ex rel.* THOMAS C. PLATT *v.* WEMPLE. Error to the Supreme Court of the State of New York. December 2, 1890: Dismissed, per stipulation. *Mr. W. W. MacFarland* for plaintiff in error. *Mr. Charles F. Tabor* for defendant in error.

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No. 1588. PHELPS *v.* ELLIOTT. Appeal from the Circuit Court of the United States for the Southern District of New York. March 23, 1891: Dismissed, with costs, except the cost of printing the record and the clerk's fees in connection therewith. *Mr. Edward Lander* for appellant. *Mr. John Selden* and *Mr. William G. Choate* for appellees.

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No. 386. PLANO MANUFACTURING COMPANY *v.* GRAHAM. Appeal from the Circuit Court of the United States for the Northern District of Illinois. March 18, 1891: Decree reversed, without cost to either party, in this court, and cause remanded with directions to dismiss the bill of complaint at complainant's cost, per stipulation of counsel. *Mr. L. L. Coburn* and *Mr. J. M. Thacher* for appellant. *Mr. Ephraim Banning* and *Mr. Thomas A. Banning* for appellees.

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No. 600. POOLE *v.* WEST POINT BUTTER AND CHEESE ASSOCIATION. Appeal from the Circuit Court of the United States for the District of Nebraska. March 24, 1891: Dismissed, per stipulation, on motion of *Mr. John W. Cary* in behalf of counsel. *Mr. W. C. Goudy* for appellants. *Mr. Elihu Root* for appellees.

## Cases not Otherwise Reported.

No. 192. *REINS v. MURRAY*. Error to the Supreme Court of the Territory of Montana. January 22, 1891: Dismissed, with costs, and remanded to the Supreme Court of the State of Montana, on motion of *Mr. George F. Edmunds* for plaintiffs in error. *Mr. George F. Edmunds* and *Mr. Hiram Knowles* for plaintiffs in error. *Mr. Walter H. Smith* for defendant in error.

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No. 193. *RICHARDSON v. MURRAY*. Error to the Supreme Court of the Territory of Montana. January 22, 1891: Dismissed, with costs, and remanded to the Supreme Court of the State of Montana, on motion of *Mr. George F. Edmunds* for plaintiffs in error. *Mr. George F. Edmunds* and *Mr. Hiram Knowles* for plaintiffs in error. *Mr. Walter H. Smith* for defendant in error.

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No. 213. *ROACH v. MURRAY*. Error to the Supreme Court of the Territory of Montana. January 22, 1891: Dismissed, with costs, and remanded to the Supreme Court of the State of Montana, on motion of *Mr. George F. Edmunds* for plaintiff in error. *Mr. George F. Edmunds* and *Mr. Hiram Knowles* for plaintiff in error. *Mr. Walter H. Smith* for defendant in error.

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No. 451. *ROBERTSON v. HERRMAN*. Error to the Circuit Court of the United States for the Southern District of New York. May 11, 1891: Dismissed, with costs, on motion of *Mr. Assistant Attorney General Maury* for plaintiff in error. *Mr. Attorney General* for plaintiff in error. *Mr. E. B. Smith* for defendants in error.

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No. 1336. *ROBERTSON v. PATUREL*. Error to the Circuit Court of the United States for the Southern District of New York. May 11, 1891: Dismissed, with costs, on motion of *Mr. Assistant Attorney General Maury* for plaintiff in error. *Mr. Attorney General* for plaintiff in error. *Mr. Edward Hartley* and *Mr. Walter H. Coleman* for defendant in error.

## Cases not Otherwise Reported.

No. 85. *ROBERTSON v. WEDDIGAN.* Error to the Circuit Court of the United States for the Southern District of New York. November 18, 1890: Dismissed, with costs, on motion of *Mr. Solicitor General* for the plaintiff in error. *Mr. Attorney General* for plaintiff in error. *Mr. Stephen G. Clarke* for defendants in error.

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No. 824. *ROUNTREE v. DAIL.* Error to the Circuit Court of the United States for the Eastern District of North Carolina. October 27, 1890: Dismissed, with costs, on motion of *Mr. Frederic D. McKenney* of counsel for plaintiffs in error. *Mr. S. F. Phillips* and *Mr. Frederic D. McKenney* for plaintiffs in error. No appearance for defendants in error.

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No. 201. *SANDS v. MURRAY.* Error to the Supreme Court of the Territory of Montana. January 22, 1891: Dismissed, with costs, and remanded to the Supreme Court of the State of Montana, on motion of *Mr. George F. Edmunds* for plaintiffs in error. *Mr. George F. Edmunds* and *Mr. Hiram Knowles* for plaintiffs in error. *Mr. Walter H. Smith* for defendant in error.

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No. 96. *SAYLOR v. UNITED STATES.* Error to the Circuit Court of the United States for the Eastern District of Michigan. November 24, 1890: Dismissed, pursuant to the 10th rule. *Mr. Benton Hanchett* for plaintiffs in error. *Mr. Attorney General* for defendant in error.

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No. 1442. *SEEBERGER v. GROMMES.* Error to the Circuit Court of the United States for the Northern District of Illinois. January 12, 1891: Dismissed, with costs, on motion of *Mr. Attorney General* for plaintiff in error. *Mr. Attorney General* for plaintiff in error. No appearance for defendants in error.

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No. 1475. *SEEBERGER v. OWSLEY.* Error to the Circuit Court of the United States for the Northern District of Illinois.

## Cases not Otherwise Reported.

January 12, 1891: Dismissed, with costs, on motion of *Mr. Attorney General* for plaintiff in error. *Mr. Attorney General* for plaintiff in error. No appearance for defendants in error.

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No. 423. SCHELL'S EXECUTORS *v.* JOHNSON. No. 424. SAME *v.* WISE. No. 425. SAME *v.* LOTTNER. No. 429. SAME *v.* SORCHAN. No. 431. SAME *v.* ISELIN. No. 486. SAME *v.* RICKARDS. No. 487. SAME *v.* MORRISON. No. 492. SAME *v.* WOODBRIDGE. No. 494. SAME *v.* BODART. Error to the Circuit Court of the United States for the Southern District of New York. March 2, 1891: Judgments affirmed, with costs and interest, per stipulation of counsel. *Mr. Attorney General* for plaintiffs in error. *Mr. A. W. Griswold*, *Mr. S. F. Phillips* and *Mr. Frederic D. McKenney* for defendants in error.

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No. 165. SCHELL'S EXECUTORS *v.* POLLITZ. Error to the Circuit Court of the United States for the Southern District of New York. January 12, 1891: Dismissed, with costs, on motion of *Mr. Attorney General Miller* for plaintiffs in error. *Mr. Attorney General* for plaintiffs in error. *Mr. S. F. Phillips*, *Mr. A. W. Griswold* and *Mr. Frederic D. McKenney* for defendants in error.

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No. 214. SCHMIDT *v.* MURRAY. Error to the Supreme Court of the Territory of Montana. January 22, 1891: Dismissed, with costs, and remanded to the Supreme Court of the State of Montana, on motion of *Mr. George F. Edmunds* for plaintiffs in error. *Mr. George F. Edmunds* and *Mr. Hiram Knowles* for plaintiffs in error. *Mr. Walter H. Smith* for defendant in error.

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No. 699. SCHOONER "W. P. SAYWARD," ETC., COOPER, OWNER *v.* UNITED STATES. Appeal from the District Court of the United States for Alaska. January 12, 1891: Dismissed, on motion of *Mr. Calderon Carlisle* for appellant. *Mr. Joseph H. Choate*, *Mr. Calderon Carlisle* and *Mr. Charles Strauss* for appellant. *Mr. Attorney General* for appellee.

## Cases not Otherwise Reported.

No. 107. SHICKLE, HARRISON AND HOWARD IRON COMPANY v. SOUTH ST. LOUIS FOUNDRY COMPANY. Appeal from the Circuit Court of the United States for the Eastern District of Missouri. August 29, 1890: Dismissed, pursuant to the 28th rule. *Mr. R. H. Parkinson* for appellant. *Mr. George H. Knight* for appellees.

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No. 1739. SLOCUM v. BRUSH. Appeal from the Circuit Court of the United States for the Southern District of New York. May 11, 1891: Decree affirmed, with costs. *Mr. R. J. Haire* and *Mr. George A. Hooper* for appellant. *Mr. Charles F. Tabor* for appellee.

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No. 253. SMALE v. MITCHELL. Error to the Circuit Court of the United States for the Northern District of Illinois. March 24, 1891: Dismissed, with costs, by plaintiffs in error. *Mr. John I. Bennett* for plaintiffs in error. *Mr. William Prescott* for defendant in error.

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No. 1672. SMILER v. BRUSH. Appeal from the Circuit Court of the United States for the Southern District of New York. May 11, 1891: Decree affirmed, with costs. *Mr. R. J. Haire* for appellant. *Mr. Charles F. Tabor* for appellee.

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No. 430. SORCHAN v. SCHELL'S EXECUTORS. Error to the Circuit Court of the United States for the Southern District of New York. March 2, 1891: Dismissed, with costs, per stipulation of counsel. *Mr. A. W. Griswold*, *Mr. S. F. Phillips* and *Mr. Frederic D. McKenney* for plaintiffs in error. *Mr. Attorney General* for defendants in error.

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No. 21. SPILL v. CELLULOID MANUFACTURING COMPANY. Appeal from the Circuit Court of the United States for the Southern District of New York. October 23, 1890: Dismissed, with costs, pursuant to the 15th rule, on motion of

## Cases not Otherwise Reported.

*Mr. Thomas N. Williams* in behalf of counsel for appellee.  
*Mr. H. M. Ruggles* for appellant. *Mr. W. D. Shipman* and *Mr. J. E. Hindon Hyde* for appellee.

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No. 199. *STEEL v. MURRAY*. Error to the Supreme Court of the Territory of Montana. January 22, 1891: Dismissed, with costs, and remanded to the Supreme Court of the State of Montana, on motion of *Mr. George F. Edmunds* for plaintiffs in error. *Mr. George F. Edmunds* and *Mr. Hiram Knowles* for plaintiffs in error. *Mr. Walter H. Smith* for defendant in error.

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No. 1799. *STOCKTON, ATTORNEY GENERAL OF NEW JERSEY v. BALTIMORE AND NEW YORK RAILROAD COMPANY*. Appeal from the Circuit Court of the United States for the District of New Jersey. May 25, 1891: Docketed and dismissed, with costs, on motion of *Mr. William A. McKenney* for the appellees.

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No. 544. *STORY v. SIMPSON*. Error to the Superior Court of the State of Massachusetts. November 26, 1890: Dismissed, per stipulation. *Mr. Charles Theodore Russell* and *Mr. Charles Theodore Russell, Jr.*, for plaintiffs in error. *Mr. Thomas Savage* for defendant in error.

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No. 258. *STRAIGHT v. CARTER*. Error to the Circuit Court of the United States for the Northern District of Illinois. July 31, 1890: Dismissed, pursuant to the 28th rule. *Mr. Edwin W. Keightly* for plaintiff in error. *Mr. William J. Campbell* for defendants in error.

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No. 903. *SUTPHIN v. SWIFT*. Error to the Circuit Court of the United States for the Northern District of Illinois. June 12, 1890: Dismissed, pursuant to the 28th rule. *Mr. Charles H. Wood* for plaintiff in error. *Mr. Albert H. Veeder* for defendant in error.

## Cases not Otherwise Reported.

No. 589. *SWEETLAND v. BLATCHFORD.* Appeal from the Supreme Court of the District of Columbia. October 21, 1890: Dismissed, with costs, on motion of *Mr. M. F. Morris* for appellant. *Mr. J. J. Darlington, Mr. Wm. E. Earle* and *Mr. M. F. Morris* for appellant. *Mr. Walter D. Davidge* for appellee.

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No. 220. *TALBOTT v. BOARD OF COMMISSIONERS OF SILVER BOW COUNTY, MONTANA.* Error to the Supreme Court of the Territory of Montana. March 16, 1891: Dismissed, and cause remanded to the Supreme Court of the State of Montana. *Mr. J. W. Forbis* for plaintiff in error. *Mr. J. H. McGowan* for defendant in error.

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No. 191. *TALENT v. MURRAY.* Error to the Supreme Court of the Territory of Montana. January 22, 1891: Dismissed, with costs, and remanded to the Supreme Court of the State of Montana, on motion of *Mr. George F. Edmunds* for plaintiffs in error. *Mr. George F. Edmunds* and *Mr. Hiram Knowles* for plaintiffs in error. *Mr. Walter H. Smith* for defendant in error.

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No. 1652. *TENNANT v. COX.* Appeal from the Circuit Court of the United States for the Northern District of Texas. November 24, 1890: Docketed and dismissed, with costs, on motion of *Mr. Halbert E. Paine* for appellees.

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No. 1471. *TEXAS LAND AND CATTLE COMPANY (LIMITED) v. SCOTT.* Error to the Circuit Court of the United States for the Western District of Texas. November 10, 1890: Dismissed for the want of jurisdiction. *Mr. C. W. Ogden* for plaintiff in error. *Mr. A. W. Houston* for defendant in error.

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No. 440. *TOWN OF DANVILLE v. BROWN.* Appeal from the Circuit Court of the United States for the Western District of Virginia. June 14, 1890: Dismissed, pursuant to the 28th

## Cases not Otherwise Reported.

rule. *Mr. J. Randolph Tucker, Mr. G. C. Cabell* and *Mr. H. H. Marshall* for appellant. *Mr. Frank P. Clark* for appellees.

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No. 1183. *ULRICH v. HARRISON.* Error to the Circuit Court of the United States for the Southern District of California. June 4, 1890: Dismissed, pursuant to the 28th rule. *Mr. A. L. Rhodes* for plaintiffs in error. *Mr. William Matthews* for defendant in error.

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No. 154. *UNITED STATES v. BADEAU.* Error to the Circuit Court of the United States for the Southern District of New York. January 16, 1891: Dismissed, on motion of *Mr. Assistant Attorney General Maury* for plaintiff in error. *Mr. Attorney General* for plaintiff in error. *Mr. S. G. Clarke* and *Mr. E. B. Smith* for defendant in error.

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Nos. 358 and 359. *UNITED STATES v. BALL.* Error to the Circuit Court of the United States for the District of Oregon. April 27, 1891: Dismissed, on motion of *Mr. Solicitor General* for plaintiff in error. *Mr. Attorney General* for plaintiff in error. No appearance for defendants in error.

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No. 112. *UNITED STATES v. BRIGGS.* Error to the Circuit Court of the United States for the Northern District of California. December 3, 1890: Dismissed, on motion of *Mr. Attorney General* for plaintiff in error. *Mr. Attorney General* for plaintiff in error. *Mr. W. W. Morrow* for defendants in error.

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No. 376. *UNITED STATES v. BRYAN, ADMINISTRATOR.* Error to the Circuit Court of the United States for the District of Oregon. May 1, 1891: Dismissed, on motion of *Mr. Solicitor General* for plaintiff in error. *Mr. Attorney General* for plaintiff in error. *Mr. John F. Dillon* for defendants in error.

## Cases not Otherwise Reported.

No. 293. UNITED STATES *v.* BULLARD. Appeal from the Circuit Court of the United States for the District of Kansas. April 2, 1891: Dismissed, on motion of *Mr. Solicitor General* for the appellant. *Mr. Attorney General* for appellant. No appearance for appellees.

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No. 1666. UNITED STATES *v.* CARTER. Appeal from the District Court of the United States for the Eastern District of Tennessee. May 25, 1891: Decree reversed, and cause remanded with directions for further proceedings therein in conformity with the opinion of this court in the case of *United States v. Ewing*, No. 1117 of the present term, per stipulation of counsel and on motion of *Mr. Assistant Attorney General Cotton* for the appellant. *Mr. Attorney General* for appellant. *Mr. George A. King* for appellee.

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No. 48. UNITED STATES *v.* CENTRAL PACIFIC RAILROAD COMPANY. Appeal from the Circuit Court of the United States for the District of California. March 3, 1891: Dismissed and remanded to the Circuit Court of the United States for the Northern District of California, on motion of *Mr. Solicitor General* for appellant. *Mr. Attorney General* for appellant. *Mr. Joseph K. McCammon* and *Mr. Charles H. Tweed* for appellee.

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No. 1435. UNITED STATES *v.* COLE. Appeal from the Supreme Court of the District of Columbia. April 9, 1891: Dismissed, on motion of *Mr. Solicitor General* for appellant. *Mr. Attorney General* for appellant. *Mr. M. F. Morris* and *Mr. George C. Hazleton* for appellee.

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No. 129. UNITED STATES *v.* FORSE. Error to the Circuit Court of the United States for the Northern District of California. January 5, 1891: Dismissed, on motion of *Mr. Assistant Attorney General Maury* for plaintiff in error. *Mr. Attorney General* for plaintiff in error. *Mr. L. D. Latimer* for defendant in error.

## Cases not Otherwise Reported.

No. 1744. UNITED STATES *v.* JOHNSON. Appeal from the Supreme Court of the Territory of Utah. May 25, 1891: Dismissed by consent of *Mr. Assistant Attorney General Cotton* for the appellant, in open court, on motion of *Mr. George A. King* for the appellee. *Mr. Attorney General* for appellant. *Mr. George A. King* for appellee.

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No. 1767. UNITED STATES *v.* MALONEY *et al.* Appeal from the Court of Claims. May 11, 1891: Docketed and dismissed, on motion of *Mr. Frank S. Bright* for appellees.

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No. 32. UNITED STATES *v.* NORTHERN PACIFIC RAILROAD COMPANY. Appeal from the Supreme Court of the Territory of Montana. October 21, 1890: Dismissed and remanded to the Circuit Court of the United States for the District of Montana, on motion of *Mr. Solicitor General* for appellant. *Mr. Attorney General* for appellant. *Mr. James McNaught* for appellee.

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No. 1197. UNITED STATES *v.* RICHMOND MINING COMPANY OF NEVADA. Error to the Circuit Court of the United States for the District of Nevada. October 21, 1890: Dismissed, on motion of *Mr. Solicitor General* for plaintiff in error. *Mr. Attorney General* for plaintiff in error. *Mr. Thomas Wren* for defendant in error.

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No. 312. UNITED STATES *v.* STAFFORD. Error to the Circuit Court of the United States for the Eastern District of Pennsylvania. March 30, 1891: Dismissed, on motion of *Mr. Attorney General* for plaintiff in error. *Mr. Attorney General* for plaintiff in error. *Mr. C. E. Morgan, Jr.*, for defendant in error.

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No. 1405. UNITED STATES TRUST COMPANY OF NEW YORK *v.* WABASH & WESTERN RAILWAY COMPANY. Appeal from the Circuit Court of the United States for the Southern District

## Cases not Otherwise Reported.

of Iowa. March 2, 1891: Dismissed, with costs, by appellants. *Mr. Theodore Sheldon* for appellants. No appearance for appellee.

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No. 354. UTAH AND NORTHERN RAILWAY COMPANY *v.* PALMER. Error to the Supreme Court of the Territory of Idaho. April 29, 1891: Dismissed, with costs, and remanded to the Supreme Court of the State of Idaho, on motion of *Mr. Harry Hubbard* for plaintiff in error. *Mr. John F. Dillon* for plaintiff in error. *Mr. H. W. Smith* for defendants in error.

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No. 58. WESTERN ELECTRIC COMPANY *v.* REEDY. Appeal from the Circuit Court of the United States for the Southern District of Ohio. November 10, 1890: Decree affirmed, with costs, by a divided court. *Mr. George P. Barton* for appellant. *Mr. E. E. Wood* and *Mr. Edward Boyd* for appellee.

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No. 377. WHEELER *v.* HART. Appeal from the Circuit Court of the United States for the Northern District of New York. April 29, 1891: Dismissed, with costs, on authority of counsel for appellants. *Mr. Edmund Wetmore* and *Mr. Edwin H. Risley* for appellants. No appearance for appellees.

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No. 1449. WHITMAN *v.* ATWATER. Error to the Circuit Court of the United States for the District of Minnesota. January 5, 1891: Dismissed, with costs, on motion of *Mr. William A. McKenney* for plaintiff in error. *Mr. William A. McKenney* for plaintiff in error. *Mr. Charles H. Armes* for defendant in error.

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No. 176. WILLIS *v.* JUNE. Appeal from the Circuit Court of the United States for the Southern District of New York. January 26, 1891: Dismissed, with costs, pursuant to the 10th rule. *Mr. William A. Jenner* and *Mr. Jerome Buck* for appellant. *Mr. H. D. Donnelly* for appellee.

## Cases not Otherwise Reported.

No. 1571. *WOOD v. BEACH.* Error to the Supreme Court of the State of Kansas. December 8, 1890: Docketed and dismissed, with costs, on motion of *Mr. A. B. Browne* for defendants in error.

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No. 493. *WOODBRIDGE v. SCHELL'S EXECUTORS.* Error to the Circuit Court of the United States for the Southern District of New York. March 2, 1891: Dismissed, with costs, per stipulation of counsel. *Mr. A. W. Griswold, Mr. S. F. Phillips* and *Mr. Frederic D. McKenney* for plaintiff in error. *Mr. Attorney General* for defendants in error.

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No. 1580. *WOODIN v. CHAMBERLAIN.* Appeal from the Supreme Court of the Territory of Idaho. January 5, 1891: Docketed and dismissed, with costs, on motion of *Mr. John Goode* for appellee.

