

## Names of Counsel.

action of the elements; and so it may be that those, who in 1884 and 1885 investigated the matter, found little semblance of a road, and hence concluded, though erroneously, that none was ever constructed, and from this the complaint, the memorial, and the litigation proceeded; and this is consistent with the fact that the Road Company fully discharged its duty and fairly earned the lands. Of course, this is a mere suggestion; but it has the probabilities in its favor, and relieves all parties from condemnation. But whether this be true or not, for the reasons we have heretofore stated, our conclusion is clear that the title of the purchasers and the Land Company is beyond challenge.

*The decree is affirmed.*

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UNITED STATES *v.* DALLES MILITARY ROAD COMPANY. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. No. 1159, argued with No. 1073.

BREWER, J. The questions in this case are substantially the same as those in No. 1073, *United States v. California & Oregon Land Company*. It is unnecessary, therefore, to state the facts in detail, and it is sufficient to say that the same decree of affirmance will be entered.

*Mr. Assistant Attorney General Parker* for appellants.

*Mr. James K. Kelly* for appellees.