

Cases not otherwise Reported.

CASES ADJUDGED IN THE SUPREME COURT OF
THE UNITED STATES AT OCTOBER TERM, 1892,
NOT OTHERWISE REPORTED, INCLUDING
CASES DISMISSED IN VACATION PURSUANT
TO RULE 28.

No. 114. *ALTENOWER v. CHURCHILL*. Appeal from the Circuit Court of the United States for the Eastern District of Louisiana. July 14, 1892: Dismissed, pursuant to the 28th rule. *Mr. J. P. Hornor* for appellant. *Mr. J. McConnell* for appellees.

No. 15. Original. *In re AMERICAN CONSTRUCTION COMPANY*, Petitioner. Petition for writ of mandamus or certiorari. April 3, 1893: Petition dismissed, on motion of *Mr. William A. Hornblower* for the petitioner. *Mr. William B. Hornblower*, *Mr. William Pennington* and *Mr. E. Stevenson* for the petitioner. *Mr. John G. Johnson*, *Mr. C. M. Cooper*, and *Mr. J. C. Cooper* and *Mr. Thomas Thacher* opposing.

No. 209. *AMOSKEAG NATIONAL BANK v. FAIRBANKS*. Appeal from the Circuit Court of the United States for the District of New Hampshire. December 20, 1892: Decree reversed, with costs, per stipulation, and cause remanded for further proceedings in conformity with law. *Mr. T. L. Livermore* and *Mr. F. P. Fish* for appellants. *Mr. H. G. Wood* for appellee.

No. 306. *BACKER v. MEYER*. Appeal from the Circuit Court of the United States for the Eastern District of Arkansas. April 11, 1893: Dismissed, per stipulation. *Mr. Morris M. Cohn* for appellant. *Mr. John S. Duffie* for appellees.

Cases not otherwise Reported.

No. 1201. *BERRETT v. MIDDLETON*. Appeal from the Supreme Court of the District of Columbia. October 11, 1892: Docketed and dismissed, with costs, on motion of *Mr. John Ridout* for the appellees. No appearance for appellants.

No. 1218. *BILLINGS v. ASPEN MINING AND SMELTING COMPANY*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. November 28, 1892: Petition denied. *Mr. Calderon Carlisle* for petitioners. *Mr. T. A. Green* for *Billings et al.* opposing.

No. 672. *BLACKBURN v. OSBORNE*. Error to the Supreme Court of the State of Wisconsin. December 5, 1892: Dismissed, with costs, per stipulation, on motion of *Mr. A. B. Browne* for defendant in error. *Mr. Fayette Marsh* for plaintiffs in error. *Mr. A. T. Britton* and *Mr. A. B. Browne* for defendant in error.

No. 113. *BOSTON SAFE DEPOSIT AND TRUST COMPANY v. CITY OF GRAND HAVEN*. Appeal from the Circuit Court of the United States for the Western District of Michigan. January 18, 1893: Decree affirmed, with costs, by consent. *Mr. Andrew Howell* for appellant. *Mr. L. D. Norris* and *Mr. Mark Norris* for appellees.

No. 313. *BRACKENRIDGE v. LANSING*. Error to the Circuit Court of the United States for the Southern District of New York. January 17, 1893: Dismissed, with costs, on authority of counsel for the plaintiff in error. *Mr. T. G. Shearman* for plaintiff in error. No appearance for defendant in error.

No. 90. *BROWN v. BEALE*. Error to the Supreme Court of the District of Columbia. December 7, 1892: Judgment affirmed, with costs, per stipulation, on motion of *Mr. Walter*

Cases not otherwise Reported.

D. Davidge for defendants in error. *Mr. Henry Wise Gannett* and *Mr. Conway Robinson, Jr.*, for plaintiffs in error. *Mr. Walter D. Davidge* for defendants in error.

No. 97. *BRUNER v. SHANNON*. Appeal from the Circuit Court of the United States for the Eastern District of Missouri. January 3, 1893: Decree affirmed, with costs, by a divided court. *Mr. F. N. Judson* and *Mr. George H. Knight* for appellant. *Mr. U. M. Young* for appellee.

No. 86. *BRUSH v. OWEN*. Appeal from the Circuit Court of the United States for the District of Indiana. December 6, 1892: Dismissed, with costs, pursuant to the 10th rule. *Mr. M. D. Leggett*, *Mr. L. L. Leggett* and *Mr. H. A. Seymour* for appellants. *Mr. R. S. Taylor* for appellees.

No. 593. *BURTON v. WITTERS*. Appeal from the Circuit Court of the United States for the District of Vermont. October 24, 1892: Dismissed, per stipulation. *Mr. Albert P. Cross* and *Mr. Kitredge Haskins* for appellant. *Mr. C. W. Witters* for appellee.

No. 808. *BYERS v. COLEMAN*. Appeal from the Circuit Court of the United States for the Southern District of New York. November 30, 1892: Dismissed, per stipulation. *Mr. James C. Carter* for appellant. *Mr. David J. Dean* for appellees.

No. 1220. *CAMPBELL, Administratrix, v. O'NEILL, Administrator*. No. 1221. *SAME v. QUIGLEY*. No. 1222. *SAME v. HOFFMAN*. No. 1223. *SAME v. OLIVER*. No. 1224. *SAME v. BEATTIE*. No. 1225. *SAME v. SANDERS*. No. 1226. *SAME v. GRIMKE*. No. 1227. *SAME v. OLIVER*. No. 1228. *SAME v. REHKOPF*. No. 1229. *SAME v. PETERSON*. No. 1230. *SAME v. DOTHAGE*. No. 1231. *SAME v. LAFFAN*. Error to the Court

Cases not otherwise Reported.

of Common Pleas of Charleston County, South Carolina. November 11, 1892: Docketed and dismissed, with costs, on motion of *Mr. A. G. Riddle* for defendants in error. No appearance for plaintiffs in error.

No. 1148. *CAMPBELL v. QUIGLEY*. Error to the Court of Common Pleas of Charleston County, South Carolina. January 13, 1893: Dismissed, with costs, on motion of *Mr. William E. Earle* for the plaintiffs in error. *Mr. William E. Earle* for plaintiffs in error. *Mr. Samuel W. Melton* for defendants in error.

No. 1209. *CAMPBELL v. WHALEY*. Error to the Court of Common Pleas of Charleston County, South Carolina. January 13, 1893: Dismissed, with costs, on motion of *Mr. William E. Earle* for the plaintiffs in error. *Mr. William E. Earle* for plaintiffs in error. *Mr. Samuel W. Melton* for defendant in error.

No. 165. *CASADO v. SCHELL'S EXECUTORS*. Error to the Circuit Court of the United States for the Southern District of New York. December 22, 1892: Dismissed, with costs, on motion of *Mr. Frederic D. McKenney* in behalf of counsel for the plaintiff in error. *Mr. A. W. Griswold* for plaintiff in error. *Mr. Attorney General* for defendants in error.

No. 810. *CHENEY v. COLEMAN*. Appeal from the Circuit Court of the United States for the Southern District of New York. November 30, 1892: Dismissed, per stipulation. *Mr. James C. Carter* for appellant. *Mr. David J. Dean* for appellees.

No. 266. *CHICAGO CITY RAILWAY COMPANY v. NOYES*. Error to the Circuit Court of the United States for the Northern District of Illinois. April 25, 1893: Dismissed, with costs,

Cases not otherwise Reported.

pursuant to the tenth rule. *Mr. R. A. Burton* and *Mr. W. J. Hynes* for plaintiff in error. No appearance for defendant in error.

No. 69. CHICAGO, MILWAUKEE & ST. PAUL RAILWAY COMPANY *v.* MCGUIRE. Error to the Circuit Court of the United States for the District of Minnesota. August 2, 1892: Dismissed, pursuant to the 28th rule. *Mr. C. E. Flandrau* and *Mr. J. W. Cary* for plaintiff in error. *Mr. Aaron B. Jackson* for defendant in error.

No. 147. CITY OF AUGUSTA *v.* JONES. Appeal from the Circuit Court of the United States for the Southern District of New York. April 21, 1893: Dismissed, per stipulation, on motion of *Mr. Charles C. Beaman* for the appellees. *Mr. J. A. Beall* and *Mr. John W. Weed* for appellant. *Mr. Joseph H. Choate* for appellees.

No. 74. CITY OF RICHMOND *v.* FIRST NATIONAL BANK. Appeal from the Circuit Court of the United States for the Eastern District of Virginia. November 30, 1892: Dismissed, with costs, on authority of counsel for the appellants. *Mr. C. V. Meredith* for appellants. No appearance for appellee.

No. 657. CITY OF ST. LOUIS *v.* KING IRON BRIDGE AND MANUFACTURING COMPANY. Error to the Circuit Court of the United States for the Eastern District of Missouri. December 16, 1892: Dismissed, with costs, on motion of *Mr. W. C. Marshall* for the plaintiff in error. *Mr. Leverett Bell* and *Mr. W. C. Marshall* for plaintiff in error. No appearance for defendant in error.

No. 292. CLARK *v.* FARIS. Appeal from the Circuit Court of the United States for the Western District of Virginia.

Cases not otherwise Reported.

January 3, 1893: Dismissed, with costs, on authority of counsel for the appellant. *Mr. Richard C. Dale* for appellant. No appearance for appellee.

No. 1216. *CLARK v. MILLER*. Appeal from the Circuit Court of the United States for the District of Connecticut. December 8, 1892: Dismissed, with costs, on authority of counsel for appellants. *Mr. W. B. Stoddard* for appellants. No appearance for appellee.

No. 249. *COFFIN v. DAY*. Appeal from the Circuit Court of the United States for the Northern District of Illinois. April 21, 1893: Dismissed, with costs, pursuant to the tenth rule. *Mr. J. M. Flower* for appellants. *Mr. H. B. Hopkins* for appellees.

No. 120. *CONSOLIDATED ELECTRIC LIGHT COMPANY v. WOOD*.
No. 121. *SAME v. SAME*. Error to the Circuit Court of the United States for the Eastern District of New York. June 28, 1892: Dismissed, pursuant to the 28th rule. *Mr. C. C. Bull* for plaintiff in error. *Mr. H. G. Ward* for defendant in error.

No. 122. *CONTINENTAL STEAMBOAT COMPANY v. BURKE*. Error to the Circuit Court of the United States for the District of Rhode Island. February 6, 1893: Judgment affirmed, with costs and interest, by a divided court. *Mr. William G. Rocker* for plaintiff in error. *Mr. Martin F. Morris* for defendant in error.

No. 631. *COSSITT v. HANCOCK*. Appeal from the Circuit Court of the United States for the Western District of Tennessee. October 17, 1892: Dismissed, with costs, on motion of counsel for the appellant. *Mr. David B. Lyman* for appellant. No appearance for appellee.

Cases not otherwise Reported.

No. 12. CRAIG *v.* WARNER. Error to the Supreme Court of the District of Columbia. June 24, 1892: Dismissed, pursuant to the 28th rule. *Mr. Martin F. Morris* for plaintiffs in error. *Mr. Calderon Carlisle* for defendant in error.

No. 809. CRISSEY *v.* COLEMAN. Appeal from the Circuit Court of the United States for the Southern District of New York. November 30, 1892: Dismissed, per stipulation. *Mr. James C. Carter* for appellant. *Mr. David J. Dean* for appellees.

No. 1183. CUSHING *v.* BATELLE. Appeal from the Supreme Court of the District of Columbia. April 27, 1893: Dismissed, with costs, on authority of counsel for the appellants. *Mr. J. F. Farnsworth* for appellants. No appearance for appellee.

No. 1333. DE MARTIN *v.* PHELAN. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. May 1, 1893: Petition denied. *Mr. George D. Collins* for De Martin in support of petition. *Mr. W. A. Day* and *Mr. W. P. Montague* for Phelan *et al.*, in opposition thereto.

No. 158. DESFORGES *v.* MECHANICS' NATIONAL BANK OF PITTSBURG. Error to the Circuit Court of the United States for the Eastern District of Louisiana. June 27, 1892: Dismissed, pursuant to the 28th rule. *Mr. Charles W. Hornor* and *Mr. George A. King* for plaintiff in error. *Mr. J. D. Rouse* and *Mr. William Grant* for defendant in error.

No. 218. DICK *v.* HUBEL. Appeal from the Circuit Court of the United States for the Eastern District of New York. April 12, 1893: Dismissed, with costs, pursuant to the tenth

Cases not otherwise Reported.

rule. *Mr. A. G. N. Vermilya* for appellants. No appearance for appellee.

No. 1019. *DONNELLY v. DOUGLASS*. Appeal from the Supreme Court of the District of Columbia. March 7, 1893: Dismissed, with costs, per stipulation. *Mr. West Steever* for appellant. *Mr. George C. Hazelton* and *Mr. S. T. Thomas* for appellees.

No. 65. *DOWLING v. NATIONAL BANK OF AMERICA*. Error to the Circuit Court of the United States for the Western District of Michigan. November 23, 1892: Judgment reversed, with costs, per stipulation, and cause remanded for a new trial. *Mr. Michael Brown* for plaintiff in error. *Mr. Willard Kingsley* for defendant in error.

No. 439. *EASTERN TOWNSHIPS' BANK v. ST. JOHNSBURY AND LAKE CHAMPLAIN RAILROAD COMPANY*. Error to the Circuit Court of the United States for the District of Vermont. June 13, 1892: Dismissed, pursuant to the 28th rule. *Mr. A. P. Cross* for plaintiff in error. *Mr. S. C. Shurtleff* for defendant in error.

No. 174. *EAST TENNESSEE, VIRGINIA AND GEORGIA RAILROAD COMPANY v. MCKENNY*. Error to the Supreme Court of the State of Tennessee. March 24, 1893: Dismissed, with costs, pursuant to the tenth rule. *Mr. E. M. Johnson* and *Mr. William M. Baxter* for plaintiff in error. *Mr. H. H. Ingersoll* for defendant in error.

No. 222. *EDISON v. KLABER*. Appeal from the Circuit Court of the United States for the Southern District of New York. October 24, 1892: Dismissed, with costs, on motion of counsel for the appellants. *Mr. Richard N. Dyer* for appellants. No appearance for appellee.

Cases not otherwise Reported.

No. 573. ERIN STAVE AND LUMBER COMPANY *v.* FALLS CITY BANK. Error to the Circuit Court of the United States for the Middle District of Tennessee. March 7, 1893: Dismissed, with costs, on authority of counsel for plaintiffs in error. *Mr. Eppa Hunton* for plaintiffs in error. No appearance for defendant in error.

No. 437. EUREKA AND PALISADE RAILROAD COMPANY *v.* UNITED STATES. Error to the Circuit Court of the United States for the District of Nevada. October 11, 1892: Dismissed, per stipulation, on motion of *Mr. Solicitor General* for the defendant in error. *Mr. Thomas Wren* for plaintiff in error. *Mr. Attorney General* for defendant in error.

No. 590. FARREL *v.* NATIONAL SHOE AND LEATHER BANK. Error to the Circuit Court of the United States for the District of Connecticut. May 15, 1893: Dismissed, per stipulation. *Mr. S. W. Kellogg* for plaintiff in error. *Mr. George C. Lay* for defendant in error.

No. 1304. FORT PAYNE COAL AND IRON COMPANY *v.* SAYLES. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. March 20, 1893: Petition denied. *Mr. J. A. W. Smith* for The Fort Payne Coal and Iron Company. *Mr. James Norfleet* for Sayles in opposition to petition.

No. 1028. FRENCH *v.* NORTH CAROLINA. Error to the Supreme Court of the State of North Carolina. April 7, 1893: Dismissed, with costs, on motion of *Mr. Samuel F. Phillips* for the plaintiffs in error. *Mr. Samuel F. Phillips* and *Mr. Frederic D. McKenney* for plaintiffs in error. *Mr. Theodore F. Davidson* for defendant in error.

Cases not otherwise Reported.

No. 1192. FULLER *v.* AMERICAN EMIGRANT COMPANY. Error to the Supreme Court of the State of Iowa. April 14, 1893. Dismissed, with costs, per stipulation, on motion of *Mr. Frederic D. McKenney* for the defendant in error. *Mr. Charles A. Clark* for plaintiff in error. *Mr. Frederic D. McKenney* for defendant in error.

No. 1340. IN THE MATTER OF THE APPLICATION TO GARDINER. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. May 10, 1893: Petition denied. *Mr. Edwin B. Smith* for Gardiner & Bro. in support of petition. No opposition.

No. 339. GARDNER *v.* PENNSYLVANIA. Error to the Supreme Court of the State of Pennsylvania. January 23, 1893: Dismissed, with costs, on authority of counsel for the plaintiffs in error. *Mr. John B. Hinkson* for plaintiffs in error. No appearance for defendant in error.

No. 146. GEORGIA INFIRMARY FOR THE RELIEF AND PROTECTION OF AGED AND AFFLICTED NEGROES *v.* JONES. Appeal from the Circuit Court of the United States for the Southern District of New York. April 21, 1893: Dismissed, per stipulation, on motion of *Mr. Charles C. Beaman* for the appellees. *Mr. J. A. Beall* and *Mr. John W. Weed* for appellant. *Mr. Joseph H. Choate* for appellees.

No. 189. GIOZZA *v.* TIERNAN. Appeal from the Circuit Court of the United States for the Eastern District of Texas. March 28, 1893: Dismissed, with costs, pursuant to the tenth rule. *Mr. J. M. Burroughs* for appellant. *Mr. J. S. Hogg* for appellee.

No. 875. GREGORY *v.* BRANSFORD. Error to the Corporation Court of Lynchburg, Virginia. January 30, 1893: Dis-

Cases not otherwise Reported.

missed, with costs, by consent of counsel for the plaintiffs in error, on motion of *Mr. R. Taylor Scott* for the defendant in error. *Mr. W. W. Larkin* for plaintiffs in error. *Mr. R. Taylor Scott* for defendant in error.

No. 60. HAGEDON *v.* SEEBERGER. Error to the Circuit Court of the United States for the Northern District of Illinois. February 6, 1893: Dismissed, with costs, on motion of *Mr. Henry E. Tremain* for the plaintiff in error. *Mr. P. L. Shuman* and *Mr. Henry E. Tremain* for plaintiff in error. *Mr. Attorney General* for defendant in error.

No. 46. HANCOCK INSPIRATOR COMPANY *v.* REGESTER. Appeal from the Circuit Court of the United States for the District of Maryland. November 8, 1892: Dismissed, with costs, pursuant to the tenth rule. *Mr. Chauncey Smith* and *Mr. E. P. Howe* for appellant. *Mr. H. T. Fenton* for appellees.

No. 959. HARVEY *v.* TELEGRAPH PRINTING COMPANY. Error to the Circuit Court of the United States for the Southern District of Georgia. April 24, 1893: Dismissed, with costs, on motion of counsel for the plaintiffs in error. *Mr. Walter B. Hill* for plaintiffs in error. No appearance for defendant in error.

No. 703. HILL *v.* GORDON. Appeal from the Circuit Court of the United States for the Northern District of Florida. March 8, 1893: Dismissed, per stipulation. *Mr. John C. Cooper* and *Mr. W. W. Hampton* for appellants. *Mr. S. Y. Finley* for appellees.

No. 256. HOEFINGHOFF *v.* EDWARDS. Error to the Circuit Court of the United States for the Southern District of Ohio. January 3, 1893: Dismissed, per stipulation. *Mr. Charles H.*

Cases not otherwise Reported.

Stephens and *Mr. T. D. Lincoln* for plaintiff in error. *Mr. J. W. Warrington* and *Mr. L. H. Bisbee* for defendant in error.

No. 778. *HOEY v. COLEMAN*. Appeal from the Circuit Court of the United States for the Southern District of New York. May 1, 1893: Dismissed, per stipulation, on motion of *Mr. J. Hubley Ashton* in behalf of counsel. *Mr. Clarence A. Seward* for appellants. *Mr. David J. Dean* for appellees.

No. 136. *HOHENSTEIN v. HEDDEN*. Error to the Circuit Court of the United States for the Southern District of New York. March 13, 1893. Judgment reversed, with costs, upon confession of error by *Mr. Assistant Attorney General Maury* for the defendant in error. This judgment to be entered *nunc pro tunc* as of January 3, 1893. *Mr. Edwin B. Smith*, *Mr. S. G. Clarke* and *Mr. Charles Curie* for plaintiff in error. *Mr. Attorney General* for defendant in error.

No. 267. *HOWARD v. ROBINSON*. Appeal from the Circuit Court of the United States for the District of Colorado. April 25, 1893: Dismissed, with costs, pursuant to the tenth rule. *Mr. Thomas G. Putnam* and *Mr. S. E. Browne* for appellants. *Mr. Charles S. Thomas* and *Mr. C. C. Parsons* for appellees.

No. 399. *HUGHES v. ROBSON*. Error to the Circuit Court of the United States for the Northern District of Texas. January 11, 1893: Dismissed, per stipulation. *Mr. J. W. Brown* for plaintiff in error. *Mr. J. M. McCormick* for defendant in error.

No. 141. *ISAACS v. UNITED STATES*. Error to the Circuit Court of the United States for the Eastern District of Louisiana. March 14, 1893: Dismissed, on motion of *Mr. Wickham*

Cases not otherwise Reported.

Smith for plaintiff in error. *Mr. J. R. Beckwith*, *Mr. Charles Curie*, *Mr. W. Wickham Smith* and *Mr. D. Ives Mackie* for plaintiff in error. *Mr. Attorney General* for defendant in error.

No. 226. JOHNSON *v.* COWLING. Error to the Supreme Court of the District of Columbia. April 17, 1893: Dismissed, with costs, pursuant to the tenth rule. *Mr. J. D. Coughlan* for plaintiff in error. No appearance for defendants in error.

No. 220. JONES *v.* BAER, SEASONGOOD & Co. Error to the United States Court for the Indian Territory. April 17, 1893: Judgment affirmed, with costs and interest, by a divided court. *Mr. A. H. Garland* and *Mr. H. J. May* for plaintiff in error. *Mr. D. Goldsmith*, *Mr. L. P. Sandels* and *Mr. W. T. Hutchings* for defendants in error.

No. 16. JONES *v.* CUNNINGHAM. Appeal from the Circuit Court of the United States for the Southern District of Georgia. October 24, 1892: Dismissed, with costs, per stipulation. *Mr. George A. Mercer* for appellants. *Mr. R. G. Erwin* for appellees.

No. 1143. KENGLA *v.* OFFUTT. Error to the Supreme Court of the District of Columbia. May 15, 1893: Dismissed, cost of printing the record and clerk's costs in this court to be paid by defendant in error, per stipulation of counsel. *Mr. William A. Cook* for plaintiff in error. *Mr. Hugh T. Taggart* for defendant in error.

No. 204. KENTUCKY AND INDIANA BRIDGE COMPANY *v.* LOUISVILLE AND NASHVILLE RAILROAD COMPANY. Appeal from the Circuit Court of the United States for the District of Kentucky. March 30, 1893: Dismissed, with costs, pursuant to

Cases not otherwise Reported.

the 10th rule. *Mr. Thomas W. Bullitt* for appellant. *Mr. Ed. Baxter* for appellee. _____

No. 118. *KNAPP v. GARRISON*. No. 119. *KNAPP v. GARRISON*. Error to the Circuit Court of the United States for the District of Nevada. January 19, 1893: Dismissed, with costs, on authority of counsel for the plaintiffs in error. *Mr. H. F. Bartine* for plaintiffs in error. No appearance for defendants in error. _____

No. 268. *KNEELAND v. SALLING*. Error to the Circuit Court of the United States for the Western District of Michigan. April 25, 1893: Dismissed, with costs, pursuant to the tenth rule. *Mr. N. W. Bliss* for plaintiff in error. No appearance for defendant in error. _____

No. 197. *LANGDON v. RANNEY*. Appeal from the Circuit Court of the United States for the District of Minnesota. April 5, 1893: Dismissed, with costs, pursuant to 16th rule. *Mr. S. S. Burdett* for appellant. *Mr. C. W. Bunn* for appellees. _____

No. 848. *LAPHAM-DODGE COMPANY v. SEVERIN*. Appeal from the Circuit Court of the United States for the District of Indiana. February 6, 1893: Dismissed, with costs, on authority of counsel for the appellant. *Mr. James Lawrence* for appellant. *Mr. George H. Lothrop* for appellees. _____

No. 1093. *LARKIN v. BRANSFORD*. Error to the Circuit Court of Lynchburg, Virginia. January 30, 1893: Dismissed, with costs, by consent of counsel for the plaintiff in error, on motion of *Mr. R. Taylor Scott* for the defendant in error. *Mr. W. W. Larkin* for plaintiff in error. *Mr. R. Taylor Scott* for defendant in error. _____

No. 876. *LAWSON v. BRANSFORD*. Error to the Corporation Court of Lynchburg, Virginia. January 30, 1893: Dismissed,

Cases not otherwise Reported.

with costs, by consent of counsel for the plaintiffs in error, on motion of *Mr. R. Taylor Scott* for the defendant in error. *Mr. W. W. Larkin* for plaintiffs in error. *Mr. R. Taylor Scott* for defendant in error.

No. 50. *LEGG v. HEDDEN*. Error to the Circuit Court of the United States for the Southern District of New York. November 14, 1892: Judgment reversed, with costs, and cause remanded with directions to grant a new trial, on motion of *Mr. Solicitor General*, who confessed error on behalf of the defendant in error. *Mr. S. G. Clarke*, *Mr. E. B. Smith* and *Mr. Charles Curie* for plaintiff in error. *Mr. Attorney General* for defendant in error.

No. 1127. *LINCOLN RAPID TRANSIT COMPANY v. RUNDEL*. Error to the Supreme Court of the State of Nebraska. December 8, 1892: Dismissed, with costs, per stipulation. *Mr. L. C. Burr* for plaintiff in error. *Mr. T. M. Marquett* for defendant in error.

No. 877. *LITCHFORD v. DAY*. Error to the Corporation Court of Lynchburg, Virginia. January 30, 1893: Dismissed, with costs, by consent of counsel for the plaintiffs in error, on motion of *Mr. R. Taylor Scott* for the defendant in error. *Mr. W. W. Larkin* for plaintiffs in error. *Mr. R. Taylor Scott* for defendant in error.

No. 329. *LITTLE ROCK AND MEMPHIS RAILROAD COMPANY v. ST. LOUIS, IRON MOUNTAIN AND SOUTHERN RAILWAY COMPANY*. Appeal from the Circuit Court of the United States for the Eastern District of Arkansas. March 8, 1893: Dismissed, with costs, on motion of counsel for appellant. *Mr. U. M. Rose* and *Mr. G. B. Rose* for appellant. *Mr. John. F. Dillon* and *Mr. Winslow S. Pierce* for appellee.

Cases not otherwise Reported.

No. 252. *LOCKE v. SMITH*. Appeal from the Circuit Court of the United States for the District of Massachusetts. April 24, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. J. E. Maynadier* for appellant. *Mr. John L. S. Roberts* and *Mr. T. W. Porter* for appellees.

No. 271. *LOTTIMER v. MAXWELL*. Error to the Circuit Court of the United States for the Southern District of New York. December 22, 1892: Dismissed, with costs, on motion of *Mr. Frederic D. McKenney* in behalf of counsel for the plaintiffs in error. *Mr. A. W. Griswold* for plaintiffs in error. *Mr. Attorney General* for defendants in error.

No. 709. *LOUISVILLE BOARD OF TRADE v. LOUISVILLE*. Error to the Court of Appeals of the State of Kentucky. December 19, 1892: Dismissed, with costs, on authority of counsel for the plaintiff in error. *Mr. Alexander Pope Humphrey* and *Mr. George M. Davie* for plaintiff in error. No appearance for defendants in error.

No. 205. *LOUISVILLE AND NASHVILLE RAILROAD COMPANY v. LOUISVILLE BRIDGE COMPANY*. Appeal from the Circuit Court of the United States for the District of Kentucky. April 3, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. Walter Evans* for appellant. No appearance for appellee.

No. 303. *MASON v. SPRY LUMBER COMPANY*. Error to the Supreme Court of the State of Michigan. March 7, 1893: Dismissed, per stipulation. *Mr. F. H. Canfield* and *Mr. G. W. Weadock* for plaintiffs in error. *Mr. J. H. Goff* and *Mr. C. E. Kremer* for defendant in error.

No. 152. *MAYER v. LOUISIANA NATIONAL BANK OF NEW ORLEANS*. Appeal from the District Court of the United

Cases not otherwise Reported.

States for the Northern District of Mississippi. August 10, 1892: Dismissed, pursuant to the 28th rule. *Mr. W. B. Walker* and *Mr. E. H. Bristow* for appellants. *Mr. E. O. Sykes* for appellee.

No. 88. *McDONALD v. McLEAN*. Appeal from the Circuit Court of the United States for the Southern District of California. December 7, 1892: Dismissed, with costs, pursuant to the 10th rule. *Mr. W. W. Morrow* for appellant. *Mr. S. M. White* for appellee.

No. 164. *MELETTA v. SCHELL*. Error to the Circuit Court of the United States for the Southern District of New York. December 22, 1892: Dismissed, with costs, on motion of *Mr. Frederic D. McKenney* in behalf of counsel for the plaintiff in error. *Mr. A. W. Griswold* for plaintiff in error. *Mr. Attorney General* for defendants in error.

No. 2. *METTE v. MCGUCKIN*. Error to the Supreme Court of the State of Nebraska. December 5, 1892: Judgment affirmed, with costs, by a divided court. *Mr. Jefferson Chandler* and *Mr. J. M. Woolworth* for plaintiff in error. No brief filed for defendant in error.

No. 296. *MEYER v. BACKER*. Appeal from the Circuit Court of the United States for the Eastern District of Arkansas. April 11, 1893: Dismissed, per stipulation. *Mr. John S. Duffie* for appellant. *Mr. Morris M. Cohn* for appellee.

No. 414. *MOORE v. ST. LOUIS AND SAN FRANCISCO RAILWAY COMPANY*. Error to the Circuit Court of the United States for the Western District of Arkansas. June 28, 1892: Dismissed, pursuant to the 28th rule. *Mr. Ben. T. Du Val* for

Cases not otherwise Reported.

plaintiff in error. *Mr. A. T. Britton, Mr. A. B. Browne and Mr. George R. Peck* for defendant in error.

No. 1076. *MULHOLLAND v. UNITED STATES*. Appeal from the Circuit Court of the United States for the District of Kentucky. March 13, 1893: Dismissed, on authority of counsel for appellant, on motion of *Mr. Solicitor General* for appellee. *Mr. Samuel McKee & Mr. William Lindsay* for appellant. *Mr. Attorney General* for appellee.

No. 307. *NATIONAL CABLE RAILWAY COMPANY v. MOUNT ADAMS & EDEN PARK INCLINED RAILWAY*. Appeal from the Circuit Court of the United States for the Southern District of Ohio. March 7, 1893: Dismissed, with costs, on motion of counsel for appellant. *Mr. George Harding* for appellant. *Mr. R. H. Parkinson* for appellee.

No. 1255. *NEW CHESTER WATER COMPANY v. HALLY MANUFACTURING COMPANY*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. December 12, 1892: Petition denied. *Mr. Richard C. Dale* and *Mr. Samuel Dickson* for petitioners, The New Chester Water Company *et al.* *Mr. Richard L. Ashhurst* for The Hally Manufacturing Company *et al.* in opposition to petition.

No. 242. *OTTAWA, OSWEGO AND FOX RIVER VALLEY RAILROAD COMPANY v. MASON*. Appeal from the Circuit Court of the United States for the Northern District of Illinois. April 10, 1893: Dismissed, with costs, per stipulation, on motion of *Mr. George A. Sanders* for the defendant in error. *Mr. Wirt Dexter* and *Mr. John J. Herrick* for appellant. *Mr. George A. Sanders* and *Mr. T. S. McClelland* for appellee.

Cases not otherwise Reported.

No. 186. PANGBORN *v.* BRAZEL. Appeal from the Circuit Court of the United States for the Eastern District of Michigan. March 27, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. Thomas J. Johnston* for appellant. *Mr. E. M. Marble* for appellee.

No. 126. PARKER *v.* DENNY. Appeal from the Supreme Court of the Territory of Washington. January 18, 1893: Dismissed, per stipulation, and cause remanded to the Supreme Court of the State of Washington. *Mr. John H. Mitchell* for appellant. *Mr. John B. Allen* for appellee.

No. 1314. PRICE *v.* PARKHURST. On a petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. April 3, 1893: Petition denied. *Mr. Henry Wise Garnett*, *Mr. Henry M. Teller* and *Mr. H. W. Hobson* for Price in support of petition. *Mr. R. S. Morrison* for Parkhurst *et al.* in opposition thereto.

No. 17. RAILWAY REGISTER MANUFACTURING COMPANY *v.* CENTRAL PARK, NORTH AND EAST RIVER RAILROAD COMPANY, and No. 26. RAILWAY REGISTER MANUFACTURING COMPANY *v.* BROADWAY AND SEVENTH AVENUE RAILROAD COMPANY. Appeals from the Circuit Court of the United States for the Southern District of New York. October 24, 1892: Dismissed, with costs, pursuant to the 19th rule. *Mr. E. N. Dickerson* for appellant. *Mr. John Dane, Jr.*, and *Mr. John F. Dillon* for appellees.

No. 177. RAILWAY REGISTER MANUFACTURING COMPANY *v.* THIRD AVENUE RAILROAD COMPANY. Appeal from the Circuit Court of the United States for the Southern District of New York. March 24, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. E. N. Dickerson* for appellant. *Mr. Louis W. Frost* for appellees.

Cases not otherwise Reported.

No. 155. *RAINEY v. BROWN*. Appeal from the Circuit Court of the United States for the Western District of Pennsylvania. March 22, 1893: Dismissed, with costs, pursuant to the 16th rule, on motion of *Mr. A. P. Burgwin* for appellees. *Mr. John Dalzell* for appellant. *Mr. Hill Burgwin* and *Mr. George C. Burgwin* for appellees.

No. 201. *RICHMOND AND DANVILLE RAILROAD COMPANY v. KILLIAN*. Error to the Circuit Court of the United States for the Northern District of Georgia. March 30, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. Linden Kent* and *Mr. Henry Jackson* for plaintiff in error. No appearance for defendant in error.

No. 115. *ROBERTSON v. ATTERBURY*. Error to the Circuit Court of the United States for the Southern District of New York. January 6, 1893: Dismissed, with costs, on motion of *Mr. Attorney General* for the plaintiff in error. *Mr. Attorney General* for plaintiff in error. *Mr. William Stanley*, *Mr. S. G. Clarke* and *Mr. E. B. Smith* for defendant in error.

No. 83. *ROYER v. COUPE*. Appeal from the Circuit Court of the United States for the District of Massachusetts. December 5, 1892: Dismissed, with costs, pursuant to the 10th rule. *Mr. M. A. Wheaton* for appellant. *Mr. B. F. Thurston* and *Mr. W. H. Thurston* for appellees.

No. 132. *ST. LOUIS, ARKANSAS & TEXAS RAILWAY COMPANY v. UNION BRIDGE COMPANY*. Error to the Circuit Court of the United States for the Eastern District of Arkansas. November 14, 1892: Dismissed, with costs, on authority of counsel for the plaintiff in error. *Mr. J. M. Taylor* and *Mr. Jefferson Chandler* for plaintiff in error. *Mr. U. M. Rose* and *Mr. G. B. Rose* for defendant in error.

Cases not otherwise Reported.

No. 482. ST. PAUL FIRE & MARINE INSURANCE COMPANY *v.* PELZER MANUFACTURING COMPANY. Error to the Circuit Court of the United States for the District of South Carolina. July 23, 1892: Dismissed, pursuant to the 28th rule. *Mr. W. J. Hammond* for plaintiff in error *Mr. A. T. Smythe* for defendant in error.

No. 984. SANGER *v.* FLOW. Error to the United States Circuit Court of Appeals for the Eighth Circuit. January 18, 1893: Dismissed, with costs, on motion of counsel for plaintiffs in error and case remanded to United States Court in Indian Territory. *Mr. W. O. Davis* for plaintiffs in error. No appearance for defendants in error.

No. 1219. SAVAGE *v.* UNITED STATES. Appeal from the Court of Claims. November 11, 1892: Docketed and dismissed, on motion of *Mr. Assistant Attorney General Cotton* for the appellee. *Mr. Attorney General* for the appellee. No appearance for appellant.

No. 168. SAX *v.* TAYLOR IRON WORKS. Appeal from the Circuit Court of the United States for the District of New Jersey. March 23, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. David A. Burr* for appellant. No appearance for appellee.

No. 1339. SAWYER-MAN ELECTRIC COMPANY *v.* EDISON ELECTRIC LIGHT COMPANY. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. May 15, 1893: Petition denied. *Mr. Edmund Wetmore, Mr. Elihu Root, Mr. S. A. Duncan, Mr. L. E. Curtis* and *Mr. B. H. Bristow* for the Sawyer-Man Company in support of the petition. *Mr. Joseph H. Chratz, Mr. Frederic P. Fish* and *Mr. R. N. Dyer* for the Edison Companies, in opposition thereto.

Cases not otherwise Reported.

No. 1268. *SCHOONER SAN DIEGO v. UNITED STATES*. Appeal from the District Court of the United States for the District of Alaska. January 3, 1893: Docketed and dismissed, on motion of *Mr. Solicitor General* for appellee. *Mr. Attorney General* for appellee. No appearance for appellant.

No. 96. *SHANNON v. BRUNER*. Appeal from the Circuit Court of the United States for the Eastern District of Missouri. January 3, 1893: Decree affirmed, with costs, by a divided court. *Mr. U. M. Young* for appellant. *Mr. F. N. Judson* for appellee.

No. 128. *SHIELDS v. McAULEY*. No. 129. *SHIELDS v. McAULEY*. Appeals from the Circuit Court of the United States for the Western District of Pennsylvania. February 2, 1893: Dismissed, with costs, on authority of counsel for the appellants. *Mr. James H. Reed* for appellants. *Mr. George C. Burgwin* for one of the appellees.

No. 67. *SIMMS v. BAMBRICK*. Appeal from the Supreme Court of the Territory of Arizona. November 23, 1892: Dismissed, with costs, pursuant to the 10th rule. *Mr. William Pinkney Whyte* for appellant. No appearance for appellees.

No. 1309. *SINGLEHURST v. LA COMPAGNIE GENERALE TRANS-ATLANTIQUE*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. March 27, 1893. Petition denied. *Mr. E. K. Jones* for La Compagnie Generale Transatlantique in support of the petition. *Mr. R. D. Benedict* for Singlehurst *et al.* opposing.

No. 75. *SMITH v. THOMSON*. Appeal from the Circuit Court of the United States for the Northern District of New

Cases not otherwise Reported.

York. December 1, 1892: Dismissed, with costs, pursuant to the 10th rule. *Mr. George E. Terry* for appellant. No appearance for appellees.

No. 1322. SPERRY *v.* LEVINS. Appeal from the Supreme Court of the Territory of Washington. April 10, 1893. Docketed and dismissed, with costs, on motion of *Mr. Fillmore Beall* for the appellee, and cause remanded to the Supreme Court of the State of Washington.

No. 441. STAYTON WATER DITCH & CANAL COMPANY *v.* SALEM CAPITAL FLOUR MILLS COMPANY. Appeal from the Circuit Court of the United States for the District of Oregon. March 21, 1893: Dismissed, with costs, on motion of *Mr. John H. Mitchell* for appellants. *Mr. John H. Mitchell* for appellants. *Mr. J. N. Dolph* for appellee.

No. 62. STEMWINDER MINING COMPANY *v.* EMMA & LAST CHANCE CONSOLIDATED MINING COMPANY. Error to the Supreme Court of the Territory of Idaho. December 19, 1892: Judgment affirmed, with costs, by a divided court, and cause remanded to the Supreme Court of the State of Idaho. *Mr. S. S. Burdett* and *Mr. Albert Hagen* for plaintiff in error. *Mr. W. B. Heyburn* for defendants in error.

No. 68. SUESSENBACH *v.* FIRST NATIONAL BANK OF DEADWOOD. Appeal from the Supreme Court of the Territory of Dakota. October 24, 1892: Dismissed, with costs, per stipulation, on motion of *Mr. S. S. Burdett* for the appellee, and cause remanded to the Supreme Court of the State of South Dakota. *Mr. Daniel McLaughlin* for appellants. *Mr. G. C. Moody* and *Mr. S. S. Burdett* for appellee.

No. 1341. SUN PRINTING & PUBLISHING ASSOCIATION *v.* SMITH. Petition for a writ of certiorari to the United States

Cases not otherwise Reported.

Circuit Court of Appeals for the Second Circuit. May 10, 1893: Petition denied. *Mr. Franklin Bartlett* for the Sun Printing and Publishing Association in support of the petition. No opposition.

No. 295. SWEET *v.* LA BELLE WAGON WORKS. Appeal from the Circuit Court of the United States for the Eastern District of Wisconsin. April 3, 1893: Dismissed, with costs, on authority of counsel for the appellant. *Mr. F. C. Winkler* for appellant. *Mr. C. E. Shepard* for appellee.

No. 1112. TEXAS & PACIFIC RAILWAY COMPANY *v.* NELSON. Error to the United States Circuit Court of Appeals for the Fifth Circuit. October 28, 1892: Dismissed, with costs, on authority of counsel for the plaintiff in error. *Mr. John F. Dillon* and *Mr. Winslow S. Pierce* for plaintiff in error. No appearance for defendant in error.

No. 73. THOMPSON *v.* CARLISLE. Error to the Circuit Court of the United States for the Northern District of Texas. November 30, 1892: Dismissed, with costs, pursuant to the 10th rule. *Mr. Sawnie Robertson* for plaintiff in error. No appearance for defendants in error.

No. 937. TODD *v.* KAUFFMAN. Appeal from the Supreme Court of the District of Columbia. June 2, 1892: Dismissed, pursuant to the 28th rule. *Mr. J. J. Johnson* for appellant. *Mr. B. F. Leighton* for appellees.

No. 250. TRAVERS *v.* BUCKLEY. Appeal from the Circuit Court of the United States for the District of Massachusetts. April 24, 1893: Dismissed, with costs, pursuant to the tenth rule. *Mr. Arthur v. Briesen* for appellant. *Mr. Causten Browne* for appellees.

Cases not otherwise Reported.

No. 601. *ULRICH v. MCGOWAN*. Appeal from the Circuit Court of the United States for the Western District of Missouri. May 15, 1893: Dismissed, with costs, on authority of counsel for the appellant. *Mr. Edward H. Stiles* for appellant. No appearance for appellee.

No. 1277. *UNITED STATES v. FOWKES*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. February 6, 1893: Petition denied. *Mr. Attorney General* and *Mr. Assistant Attorney General Maury* for petitioner. *Mr. Thomas Hart, Jr.*, for Fowkes opposing.

No. 638. *UNITED STATES v. GILBERT*. Appeal from the Court of Claims. January 3, 1893: Dismissed, on motion of *Mr. Solicitor General* for the appellant. *Mr. Attorney General* for appellant. *Mr. C. C. Lancaster* for appellee.

No. 1204. *UNITED STATES v. STEAMSHIP ITATA*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. October 31, 1892: Petition denied, without prejudice. *Mr. Attorney General* and *Mr. Solicitor General* for petitioner. No opposition.

No. 667. *UNITED STATES v. MARVIN*. Appeal from the Circuit Court of the United States for the District of Connecticut. January 3, 1893: Dismissed, on motion of *Mr. Solicitor General* for the appellant. *Mr. Attorney General* for appellant. *Mr. C. C. Lancaster* for appellee.

No. 234. *UNITED STATES v. MOCK*. Error to the Circuit Court of the United States for the Northern District of California. April 20, 1893: Dismissed, on authority of counsel

Cases not otherwise Reported.

for plaintiff in error. *Mr. Attorney General* for plaintiff in error. No appearance for defendant in error.

No. 1246. VAN GUNDEN *v.* VIRGINIA COAL & IRON COMPANY. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. December 5, 1892: Petition denied. *Mr. William C. Mayne, Mr. D. H. Chamberlain* and *Mr. F. S. Blair* for petitioners, Van Gunden *et al.* *Mr. Richard C. Dale, Mr. J. F. Bullitt* and *Mr. R. A. Ayers* for The Virginia Coal and Iron Company in opposition to petition.

No. 228. VULCAN IRON WORKS *v.* SKINNER. Appeal from the Circuit Court of the United States for the Northern District of Illinois. January 9, 1893: Dismissed, per stipulation. *Mr. Charles K. Offield* for appellants. *Mr. L. L. Coburn* for appellee.

No. 219. WALDIE *v.* HUBEL. Appeal from the Circuit Court of the United States for the Southern District of New York. April 13, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. A. G. N. Vermilya* for appellant. No appearance for appellee.

No. 169. WATSON *v.* BELFIELD. Appeal from the Circuit Court of the United States for the District of New Jersey. March 23, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. Edward A. Day* for appellant. *Mr. James Buchanan* for appellees.

No. 280. WIGHT FIRE PROOFING COMPANY *v.* CHICAGO FIRE PROOFING COMPANY. Appeal from the Circuit Court of the United States for the Northern District of Illinois. April 26, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. George L. Chapin* for appellant. No appearance for appellee.

Cases not otherwise Reported.

No. 145. *WILKINS v. TOURTELOTT*. Error to the Supreme Court of the State of Kansas. April 3, 1893: Judgment affirmed, with costs, by a divided court. *Mr. James M. Mason*, *Mr. William M. Springer* and *Mr. J. W. Day* for plaintiffs in error. *Mr. Jefferson Brumbach* and *Mr. Wallace Pratt* for defendants in error.

No. 853. *WILLIAMS v. ABEEL*. Error to the Circuit Court of the United States for the Northern District of Texas. March 7, 1893: Dismissed, with costs, on motion of counsel for plaintiff in error. *Mr. Eugene Williams* for plaintiff in error. *Mr. E. H. Graham* for defendants in error.

No. 854. *WILLIAMS v. WILCOX*. Error to the Circuit Court of the United States for the Northern District of Texas. March 7, 1893: Dismissed, with costs, on motion of counsel for plaintiff in error. *Mr. Eugene Williams* for plaintiff in error. *Mr. E. H. Graham* for defendants in error.

