

## Cases not Otherwise Reported.

## CASES ADJUDGED IN THE SUPREME COURT OF THE UNITED STATES AT OCTOBER TERM, 1893, NOT OTHERWISE REPORTED, INCLUDING CASES DISMISSED IN VACATION PURSUANT TO RULE 28.

No. 271. *ABRAM v. WINSTON.* Error to the Circuit Court of the United States for the Eastern District of Virginia. March 9, 1894: Dismissed, with costs, pursuant to the 10th rule. *Mr. William L. Royall* for plaintiff in error. *Mr. R. Taylor Scott* for defendant in error.

No. 428. *ADAMS v. BUCK.* Appeal from the Circuit Court of the United States for the Eastern District of Missouri. May 14, 1894: Dismissed, with costs, per stipulation. *Mr. J. H. Raymond* for appellant. *Mr. E. Smith* and *Mr. George H. Knight* for appellees.

No. 1018. *AH CHING v. UNITED STATES.* Appeal from the District Court of the United States for the Northern District of California. December 18, 1893: Dismissed on motion of *Mr. J. Hubley Ashton* for appellant. *Mr. J. Hubley Ashton, Mr. Joseph H. Choate, Mr. Harvey S. Brown, and Mr. Thomas D. Riordan* for appellant. *Mr. Attorney General* for appellees.

No. 1014. *AH SING v. UNITED STATES.* Appeal from the District Court of the United States for the Northern District of California. December 18, 1893: Dismissed on motion of *Mr. J. Hubley Ashton* for appellant. *Mr. J. Hubley Ashton, Mr. Joseph H. Choate, Mr. Harvey S. Brown, and Mr. Thomas D. Riordan* for appellant. *Mr. Attorney General* for appellees.

No. 1033. *ALABAMA IRON AND RAILWAY COMPANY v. ANNISTON LOAN AND TRUST COMPANY.* Petition for a writ of

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certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. October 16, 1893. Petition denied. *Mr. Henry B. Tompkins*, for The Alabama Iron and Railway Company *et al.*, in support of petition. *Mr. John B. Knox*, for The Anniston Loan and Trust Company, in opposition thereto.

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No. 540. *ALBANY COUNTY BANK v. DROVERS' NATIONAL BANK*. Error to the Circuit Court of the United States for the Northern District of New York. October 10, 1893: Dismissed, per stipulation, on motion of *Mr. Alexander Porter Morse* for plaintiff in error. *Mr. Francis Kernan* and *Mr. Alexander Porter Morse* for plaintiff in error. *Mr. S. W. Rosendale* for defendant in error.

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No. 151. *AMERICAN RAPID TELEGRAPH COMPANY v. BOSTON SAFE DEPOSIT AND TRUST COMPANY*. Appeal from the Circuit Court of the United States for the District of Connecticut. December 5, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. R. G. Ingersoll* for appellant. *Mr. W. G. Wilson* and *Mr. Morris W. Seymour* for appellee.

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No. 146. *AMERICAN TUBE AND IRON COMPANY v. DAVIS*. Error to the Circuit Court of the United States for the Northern District of Ohio. December 4, 1893: Dismissed, with costs, pursuant to the 16th rule, on motion of *Mr. A. J. Woolf* for defendant in error. *Mr. T. W. Sanderson* and *Mr. M. A. Norris* for plaintiff in error. *Mr. A. J. Woolf* for defendant in error.

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No. 425. *ANDERSON v. MINNESOTA IRON COMPANY*. Error to the Circuit Court of the United States for the District of Minnesota. April 4, 1894: Dismissed, per stipulation. *Mr. J. N. Castle* for plaintiff in error. *Mr. C. K. Davis*, *Mr. J. H. Chandler*, and *Mr. Frank B. Kellogg* for defendant in error.

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No. 911. *ARNOLD v. CHESEBROUGH.* Appeal from the Circuit Court of the United States for the Eastern District of New York. April 23, 1894: Dismissed for the want of jurisdiction. *Mr. John H. V. Arnold* for appellants. *Mr. Walter S. Logan* and *Mr. Charles M. Demond* for appellees.

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No. 1152. *ARNOLD v. CHESEBROUGH.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. March 26, 1894: Petition denied. *Mr. Roger Foster*, *Mr. Joseph H. Choate*, and *Mr. J. H. V. Arnold*, for Arnold *et al.*, in support of petition. *Mr. Walter S. Logan*, for Chesebrough *et al.*, in opposition thereto.

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No. 44. *ARTHUR'S EXECUTORS v. CONSTABLE*, and No. 45. *CONSTABLE v. ARTHUR'S EXECUTORS.* Error to the Circuit Court of the United States for the Southern District of New York. October 16, 1893: Judgment reversed, per stipulation, and cause remanded to be proceeded in according to law. *Mr. Attorney General* for Arthur's Executors. *Mr. Stephen G. Clarke* and *Mr. Edwin B. Smith* for Constable *et al.*

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No. 46. *ARTHUR'S EXECUTORS v. CONSTABLE.* Error to the Circuit Court of the United States for the Southern District of New York. October 16, 1893: Judgment reversed, with costs, per stipulation, and cause remanded to be proceeded in according to law. *Mr. Attorney General* for Arthur's Executors. *Mr. Stephen G. Clarke* and *Mr. Edwin B. Smith* for Constable *et al.*

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No. 1. *ASHENFELTER v. TERRITORY OF NEW MEXICO ex rel. WADE.* Appeal from the Supreme Court of the Territory of New Mexico. October 18, 1893: Dismissed, with costs, on authority of counsel for appellant on motion of *Mr. Lawrence Maxwell, Jr.*, in behalf of counsel. *Mr. Henry L. Warren*, *Mr. S. W. Pennypacker*, and *Mr. C. W. McKeehan* for appellant. *Mr. C. H. Armes* for appellee.

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No. 953. *ASPLEY v. MURPHY*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. November 6, 1893: Petition denied. *Mr. A. H. Garland*, for Aspley, in support of petition. *Mr. F. M. Etheridge* and *Mr. W. P. Ellison*, for Murphy *et al.*, in opposition thereto.

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No. 1095. *BAILEY v. SUNDBERG*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. January 15, 1894: Petition denied. *Mr. George A. Black*, for Bailey *et al.*, in support of petition. No one opposing.

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No. 611. *BAIN v. UNITED STATES*. Error to the District Court of the United States for the Southern District of Ohio. November 27, 1893: Dismissed, pursuant to the 10th rule. *Mr. G. H. Wald* for plaintiff in error. *Mr. Attorney General* for defendant in error.

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No. 250. *BARNETT v. CITY OF DENISON*. Error to the Circuit Court of the United States for the Northern District of Texas. February 1, 1894: Dismissed, with costs, pursuant to the 10th rule. *Mr. Sawnie Robertson* for plaintiff in error. No appearance for defendant in error.

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No. 168. *BAY CITY STREET RAILWAY COMPANY v. TAYLOR*. Error to the Supreme Court of the State of Michigan. December 12, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. H. H. Hatch* for plaintiff in error. *Mr. T. A. E. Weadock* for defendants in error.

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No. 881. *BELMONT PLANTING AND MANUFACTURING COMPANY v. SCOTT*. Appeal from the Circuit Court of the United States for the Eastern District of Louisiana. October 18, 1893: Dismissed, with costs, on authority of counsel for appellant. *Mr. E. H. Farrar*, *Mr. Benjamin F. Jonas*, and *Mr. E. B. Kruttschnitt* for appellant. *Mr. Henry P. Dart* for appellee.

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No. 1165. *BENTON, alias NEWBY, v. UNITED STATES.* Appeal from the District Court of the United States for the Southern District of Illinois. March 30, 1894: Docketed and dismissed on motion of *Mr. Assistant Attorney General Dodge* for appellee. No one opposing.

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No. 513. *BOSTON AND MAINE RAILROAD v. RAMSEY.* Error to the Circuit Court of the United States for the District of Massachusetts. January 8, 1894: Dismissed, with costs, per stipulation, on motion of *Mr. Frank W. Hackett* for defendant in error. *Mr. Solomon Lincoln* for plaintiff in error. *Mr. S. B. Allen* and *Mr. Frank W. Hackett* for defendant in error.

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No. 124. *BOYD v. STEDMAN.* Appeal from the Circuit Court of the United States for the District of Massachusetts. November 27, 1893: Dismissed, with costs, on motion of *Mr. Hubert Howson* for appellant. *Mr. Charles Howson* and *Mr. Hubert Howson* for appellant. *Mr. Causten Browne* for appellees.

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No. 154. *BRITTON v. KLEINERT.* Appeal from the Circuit Court of the United States for the Southern District of New York. December 6, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. Jerome Carty* for appellant. *Mr. James A. Hudson* for appellee.

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No. 1147. *BROOKS v. RAYNOLDS.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. April 23, 1894: Petition denied. *Mr. Francis J. Wing*, for Raynolds, in support of petition. *Mr. Lawrence Maxwell, Jr.*, for Brooks, in opposition thereto.

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No. 402. *BROWN v. JOLIFFE.* Error to the Circuit Court of the United States for the Southern District of Ohio. May 14, 1894: Dismissed, with costs, on motion of counsel for plaintiff in error. *Mr. Edward Colston* for plaintiff in error. No appearance for defendants in error.

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No. 693. *BRUSH ELECTRIC LIGHT COMPANY v. PENNSYLVANIA.* Error to the Supreme Court of the State of Pennsylvania. November 9, 1893: Dismissed, with costs, on motion of *Mr. M. E. Olmsted* for plaintiff in error. *Mr. M. E. Olmsted* for plaintiff in error. *Mr. James A. Stranahan* for defendant in error.

No. 781. *BUFORD v. TAYLOR.* Error to the Supreme Court of the Territory of Utah. November 8, 1893: Dismissed, with costs, on motion of counsel for plaintiffs in error. *Mr. John A. Marshall* for plaintiffs in error. No appearance for defendants in error.

No. 806. *BUFORD v. UNITED STATES.* Error to the Supreme Court of the Territory of Utah. November 8, 1893: Dismissed, on motion of counsel for plaintiffs in error. *Mr. John A. Marshall* for plaintiffs in error. *Mr. Attorney General* for defendant in error.

No. 202. *CADWALADER v. SHULTZ.* Error to the Circuit Court of the United States for the Eastern District of Pennsylvania. January 3, 1894: Judgment reversed, with costs, per stipulation, and cause remanded to be proceeded in according to law, on motion of *Mr. Solicitor General* for plaintiff in error. *Mr. Attorney General* for plaintiff in error. *Mr. Edward L. Perkins* for defendant in error.

No. 333. *CELLULOID MANUFACTURING COMPANY v. CELLONITE MANUFACTURING COMPANY.* Appeal from the Circuit Court of the United States for the Southern District of New York. March 27, 1894: Dismissed, with costs, pursuant to the 10th rule. *Mr. Frederic H. Betts* for appellant. *Mr. John R. Bennett* for appellees.

No. 240. *CENTRAL OHIO RAILROAD COMPANY v. COLUMBUS.* Error to the Supreme Court of the State of Ohio. January 18, 1894: Dismissed, with costs, on motion of

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counsel for plaintiffs in error. *Mr. John K. Cowen* and *Mr. Hugh L. Bond, Jr.*, for plaintiffs in error. No appearance for defendants in error.

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No. 120. **CENTRAL TRUST COMPANY v. DUFF.** Appeal from the Circuit Court of the United States for the Eastern District of Tennessee. November 24, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. Edgar M. Johnson* and *Mr. W. M. Baxter* for appellant. No appearance for appellee.

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No. 153. **CHICAGO, ST. PAUL AND KANSAS CITY RAILWAY COMPANY v. PIERCE.** Error to the Circuit Court of the United States for the Northern District of Illinois. December 8, 1893: Judgment reversed, with costs, and cause remanded to be proceeded in according to law, per stipulation, on motion of *Mr. John C. Black* for defendant in error. *Mr. H. A. Gardner* and *Mr. William McFadon* for plaintiff in error. *Mr. John C. Black* for defendant in error.

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No. 1015. **CHUN SHANG YUEN v. UNITED STATES.** Appeal from the District Court of the United States for the Northern District of California. December 18, 1893: Dismissed, on motion of *Mr. J. Hubley Ashton* for appellant. *Mr. J. Hubley Ashton*, *Mr. Joseph H. Choate*, *Mr. Harvey S. Brown*, and *Mr. Thomas D. Riordan* for appellant. *Mr. Attorney General* for appellees.

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No. 372. **CLARK v. SMITH.** Appeal from the Circuit Court of the United States for the Western District of Virginia. January 17, 1894: Dismissed, with costs, on motion of counsel for appellant. *Mr. Richard C. Dale* for appellant. No appearance for appellee.

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No. 76. **CLEARFIELD BITUMINOUS COAL CORPORATION v. PENNSYLVANIA.** Error to the Supreme Court of the State

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of Pennsylvania. November 9, 1893: Dismissed, with costs, on motion of *Mr. M. E. Olmsted* for plaintiff in error. *Mr. M. E. Olmsted* for plaintiff in error. *Mr. W. S. Kirkpatrick*, *Mr. J. F. Sanderson*, and *Mr. James A. Stranahan* for defendant in error.

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No. 343. *CLEVELAND COUNTY v. UNITED STATES ex rel. SHIRK.* Error to the Circuit Court of the United States for the Eastern District of Arkansas. March 29, 1894: Dismissed, with costs, pursuant to the 10th rule. *Mr. Sol. F. Clark* for plaintiff in error. No appearance for defendant in error.

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No. 1007. *COLE v. UNITED STATES.* Error to the District Court of the United States for the Northern District of Texas. December 4, 1893: Dismissed, the cause having abated by death of plaintiff in error, on motion of *Mr. Solicitor General Maxwell* for defendant in error. *Mr. Eugene Williams* for plaintiff in error. *Mr. Attorney General* for defendant in error.

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No. 186. *CONRAD v. BELL.* Appeal from the Circuit Court of the United States for the District of Kansas. December 21, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. L. B. Kellogg* for appellant. No appearance for appellee.

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No. 24. *CONSOLIDATED BUNGING APPARATUS COMPANY v. CLAUSEN BREWING COMPANY.* Appeal from the Circuit Court of the United States for the Southern District of New York. October 11, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. Ephraim Banning* and *Mr. Thomas A. Banning* for appellants. *Mr. C. P. Jacobs* for appellee.

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No. 11. *CONSOLIDATED BUNGING APPARATUS COMPANY v. SCHOENHOFEN BREWING COMPANY.* Appeal from the Circuit

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Court of the United States for the Northern District of Illinois. October 10, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. Ephraim Banning, Mr. Thomas A. Banning*, and *Mr. Wells W. Leggett* for appellant. *Mr. C. P. Jacobs* for appellee.

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No. 308. *CONSOLIDATED PATENTS COMPANY v. NATIONAL VENTILATION COMPANY.* Appeal from the Circuit Court of the United States for the District of Massachusetts. March 19, 1894: Dismissed, with costs, pursuant to the 10th rule. *Mr. William A. Redding* for appellants. No appearance for appellee.

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No. 125. *CONSOLIDATED PATENTS COMPANY v. BERRY.* Appeal from the Circuit Court of the United States for the District of Massachusetts. November 27, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. W. A. Redding* for appellants. *Mr. Causten Browne* for appellee.

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No. 201. *COREY v. TOLAND.* Appeal from the Supreme Court of the Territory of Utah. January 15, 1894: Decree affirmed, with costs, by a divided court. *Mr. Samuel Shella-barger, Mr. J. M. Wilson, Mr. A. A. Hoehling, Jr., Mr. C. W. Bennett, Mr. James N. Kimball*, and *Mr. John Paul Jones* for the appellants. *Mr. O. B. Hallam* and *Mr. C. H. Armes* for appellee.

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No. 553. *CRAIG v. MOUNT CARBON COMPANY.* Error to the Circuit Court of the United States for the District of West Virginia. April 26, 1894: Dismissed, with costs, per stipulation. *Mr. James F. Brown* for plaintiff in error. *Mr. E. B. Knight* for defendant in error.

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No. 269. *DALLEMAND v. ODD FELLOWS SAVINGS BANK.* Error to the Supreme Court of the State of California. March 8, 1894: Dismissed, with costs, pursuant to the 10th rule.

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*Mr. Samuel F. Phillips* and *Mr. Frederic D. McKenney* for plaintiff in error. No appearance for defendants in error.

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No. 1103. *DAVID BRADLEY MANUFACTURING COMPANY v. EAGLE MANUFACTURING COMPANY.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. February 5, 1894: Petition denied. *Mr. L. L. Bond* and *Mr. C. E. Pickard*, for The David Bradley Manufacturing Company, in support of petition. *Mr. George H. Christy* and *Mr. Nathaniel French*, for The Eagle Manufacturing Company, in opposition thereto.

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No. 279. *DAVIS SEWING MACHINE COMPANY v. HAT SWEAT MANUFACTURING COMPANY.* Appeal from the Circuit Court of the United States for the Southern District of New York. March 12, 1894: Dismissed, with costs, pursuant to the 10th rule. *Mr. William A. Jenner* for appellant. *Mr. John R. Bennett* for appellee.

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No. 321. *DEERING v. MCCORMICK HARVESTING MACHINE COMPANY.* Appeal from the Circuit Court of the United States for the District of Minnesota. March 21, 1894: Dismissed, with costs, pursuant to the 10th rule. *Mr. Ephraim Banning* and *Mr. Thomas A. Banning* for appellant. No appearance for appellee.

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No. 1183. *DETROIT CITY RAILWAY v. DETROIT.* Appeal from the Circuit Court of the United States for the Eastern District of Michigan. May 14, 1894: Dismissed for the want of jurisdiction. *Mr. John C. Donnelly*, *Mr. Charles M. Swift* and *Mr. Henry M. Duffield* for appellants. *Mr. C. A. Kent* for appellee.

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No. 32. *DISTRICT OF COLUMBIA v. CHURCH.* Error to the Supreme Court of the District of Columbia. October 12, 1893: Dismissed, with costs, on motion of counsel for plaintiff in

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error. *Mr. A. G. Riddle, Mr. H. E. Davis and Mr. S. T. Thomas* for plaintiff in error. No appearance for defendants in error.

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No. 33. DISTRICT OF COLUMBIA *v. Johnson*. Error to the Supreme Court of the District of Columbia. October 12, 1893: Dismissed, with costs, on motion of counsel for plaintiff in error. *Mr. A. G. Riddle, Mr. H. E. Davis and Mr. S. T. Thomas* for plaintiff in error. No appearance for defendant in error.

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No. 282. DOBSON *v. Graham*. Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania. March 14, 1894: Dismissed, with costs, pursuant to the 10th rule. *Mr. Hector T. Fenton* for appellants. No appearance for appellee.

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No. 142. DOWNING *v. Wilson*. Appeal from the Circuit Court of the United States for the Eastern District of Tennessee. November 29, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. W. H. De Witt* for appellant. No appearance for appellees.

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No. 541. DRAKE *v. Knox Rock Blasting Company*. Appeal from the Circuit Court of the United States for the Southern District of New York. March 5, 1894: Dismissed, with costs, per stipulation. *Mr. Livingston Gifford* for appellants. *Mr. W. Bakewell* for appellee.

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No 692. EDISON ELECTRIC LIGHT COMPANY *v. Pennsylvania*. Error to the Supreme Court of the State of Pennsylvania. November 9, 1893: Dismissed, with costs, on motion of *Mr. M. E. Olmsted* for plaintiff in error. *Mr. M. E. Olmsted* for plaintiff in error. *Mr. James A. Stranahan* for defendant in error.

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No. 232. ENGLISH *v. Duval*. Appeal from the Circuit Court of the United States for the Northern District of

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Florida. January 25, 1894: Dismissed, with costs, pursuant to the 10th rule. *Mr. Francis P. Fleming* for appellant. No appearance for appellee.

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No. 300. *EQUITABLE ACCIDENT INSURANCE COMPANY v. SAWYER*. Error to the Circuit Court of the United States for the Eastern District of Wisconsin. October 11, 1893: Dismissed, with costs, per stipulation. *Mr. Charles Barber* for plaintiff in error. *Mr. Charles W. Felker* for defendants in error.

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No. 802. *FALES v. McMONAGLE*. Appeal from the Circuit Court of the United States for the District of New Jersey. March 12, 1894: Dismissed, per stipulation. *Mr. Harry E. Richards* and *Mr. Thomas S. Henry* for appellant. *Mr. Elvin W. Crane* for appellee.

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No. 139. *FALLS RIVET COMPANY v. WOLFE*. Appeal from the Circuit Court of the United States for the Western District of Pennsylvania. November 29, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. Livingston Gifford* for appellants. No appearance for appellees.

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No. 22. *FARISH v. NEW MEXICO MINING COMPANY*. Error to the Supreme Court of the Territory of New Mexico. October 11, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. John D. Pope* for plaintiffs in error. *Mr. N. L. Jeffries*, *Mr. William E. Earle* and *Mr. S. B. Elkins* for defendants in error.

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No. 1016. *FONG LOUIE v. UNITED STATES*. Appeal from the District Court of the United States for the Northern District of California. December 18, 1893. Dismissed on motion of *Mr. J. Hubley Ashton* for appellant. *Mr. J. Hubley Ashton*, *Mr. Joseph H. Choate*, *Mr. Harvey S. Brown* and *Mr. Thomas D. Riordan* for appellant. *Mr. Attorney General* for appellees.

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No. 1017. *FONG WYE v. UNITED STATES.* Appeal from the District Court of the United States for the Northern District of California. December 18, 1893: Dismissed on motion of *Mr. J. Hubley Ashton* for appellant. *Mr. J. Hubley Ashton, Mr. Joseph H. Choate, Mr. Harvey S. Brown* and *Mr. Thomas D. Riordan* for appellant. *Mr. Attorney General* for appellees.

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No. 218. *FRANK v. RICHTER.* Error to the Circuit Court of the United States for the Northern District of Illinois. November 3, 1893: Dismissed, with costs, on motion of counsel for plaintiff in error. *Mr. A. M. Pence* for plaintiff in error. *Mr. C. H. Remy* for defendant in error.

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No. 1171. *FRANKLIN SAVINGS BANK v. TAYLOR.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. May 14, 1894: Petition denied. *Mr. Edwin L. Harpham*, for Taylor *et al.*, in support of petition. *Mr. Thomas D. Jones* and *Mr. William H. Swift*, for Franklin Savings Bank *et al.*, in opposition thereto.

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No. 287. *GLASMANN v. O'DONNELL.* Appeal from the Supreme Court of the Territory of Utah. March 14, 1894: Dismissed, with costs, pursuant to the 10th rule. *Mr. R. N. Baskin* for appellant. *Mr. J. L. Rawlins* for appellee.

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No. 69. *GREENE v. WOODHOUSE.* Appeal from the Circuit Court of the United States for the Southern District of New York. October 30, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. B. F. Lee* and *Mr. W. H. L. Lee* for appellants. *Mr. Arthur v. Briesen* for appellees.

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No. 95. *HARRISON v. TARBORO OIL MILLS.* Error to the Circuit Court of the United States for the Western District of

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Pennsylvania. November 22, 1893: Dismissed, with costs, per stipulation. *Mr. H. C. McCormick* for plaintiffs in error. *Mr. Hill Burgwin* for defendant in error.

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No. 1034. *HARTFORD FIRE INSURANCE COMPANY v. BONNER MERCANTILE COMPANY.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. October 16, 1893: Petition denied. *Mr. T. C. Van Ness*, for the Hartford Fire Insurance Company *et al.*, in support of petition. *Mr. M. Kirkpatrick* and *Mr. J. W. Forbis*, for the Bonner Mercantile Company, in opposition thereto.

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No. 392. *HEINE SAFETY BOILER COMPANY v. ANHEUSER-BUSCH BREWING ASSOCIATION.* Appeal from the Circuit Court of the United States for the Eastern District of Missouri. March 5, 1894: Dismissed, with costs, per stipulation. *Mr. Paul Bakewell* for appellant. *Mr. A. C. Fowler* for appellee.

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No. 391. *HEINE SAFETY BOILER COMPANY v. SMITH FEED WATER HEATER AND PURIFIER COMPANY.* Appeal from the Circuit Court of the United States for the Eastern District of Missouri. March 5, 1894: Dismissed, with costs, per stipulation. *Mr. Paul Bakewell* for appellant. *Mr. A. C. Fowler* for appellee.

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No. 91. *HENLEY v. RICHMOND CHECK ROWER COMPANY.* Appeal from the Circuit Court of the United States for the District of Indiana. November 16, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. R. H. Parkinson* for appellant. *Mr. E. E. Wood* and *Mr. Edward Boyd* for appellees.

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No. 92. *HENLEY v. SHOEMAKER.* Appeal from the Circuit Court of the United States for the District of Indiana. No-

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vember 17, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. R. H. Parkinson* for appellant. *Mr. E. E. Wood* and *Mr. Edward Boyd* for appellees.

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No. 80. *HENRY v. VON LEAR*. Error to the Circuit Court of the United States for the Eastern District of Pennsylvania. November 10, 1893: Judgment reversed and cause remanded with directions to remand same to state court. Costs in this court and the Circuit Court to be paid by plaintiff in error. *Mr. Silas W. Pettit* and *Mr. H. B. Gill* for plaintiff in error. *Mr. Richard P. White* for defendant in error.

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No. 12. *HICKIES v. PHILES*. Appeal from the Supreme Court of the Territory of Arizona. January 22, 1894: Decree affirmed, with costs, for want of prosecution. *Mr. Marcus A. Smith* and *Mr. Patrick O'Farrell* for appellants. *Mr. William H. Barnes* and *Mr. W. P. Montague* for appellees.

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Nos. 288 & 289. *HUGHES v. DUNDEE MORTGAGE AND TRUST INVESTMENT COMPANY*. Error to the Circuit Court of the United States for the District of Oregon. October 25, 1893: Dismissed, with costs, on motion of *Mr. J. N. Dolph* for plaintiff in error. *Mr. J. N. Dolph* for plaintiff in error. *Mr. Thomas De Witt Cuyler* for defendant in error.

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No. 916. *HUGHES v. UNITED STATES*. Error to the District Court of the United States for the Western District of Pennsylvania. October 23, 1893: Judgment affirmed for want of prosecution. *Mr. E. S. McCalmont* for plaintiffs in error. *Mr. Attorney General*, *Mr. Solicitor General* and *Mr. Charles C. Binney* for defendant in error.

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No. 990. *HUMES v. THIRD NATIONAL BANK OF CHATTANOOGA*. Error to the United States Circuit Court of Appeals for the

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Fifth Circuit. April 30, 1894: Dismissed, with costs, per stipulation, on motion of *Mr. William A. Maury* in behalf of counsel. *Mr. Joseph Wheeler* and *Mr. Milton Humes* for plaintiffs in error. *Mr. William Richardson* and *Mr. George T. White* for defendant in error.

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No. 750. *HUNTLEY v. MASSACHUSETTS*. Error to the Superior Court of the State of Massachusetts. March 26, 1894: Dismissed, per stipulation. *Mr. R. M. Morse*, *Mr. Albert H. Veeder* and *Mr. William J. Campbell* for plaintiffs in error. *Mr. A. E. Pillsbury* for defendant in error.

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No. 302. *HUSKINS v. CINCINNATI, NEW ORLEANS AND TEXAS PACIFIC RAILWAY COMPANY*. Error to the Circuit Court of the United States for the Eastern District of Tennessee. March 16, 1894: Dismissed, with costs, pursuant to the 10th rule. *Mr. G. W. Pickle* for plaintiff in error. *Mr. Edward Colston* for defendant in error.

No. 987. *HYDE v. LAMBERT*. Appeal from the Circuit Court of the United States for the Southern District of Mississippi. April 9, 1894: Decree reversed, per stipulation, and cause remanded to be proceeded in according to law. *Mr. E. B. Kruttschnitt*, *Mr. E. H. Farrar*, and *Mr. B. F. Jonas* for appellant. *Mr. Frank Johnston* for appellee.

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No. 1023. *In re JAHN AND COMPANY*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. October 30, 1893: Petition denied. *Mr. Edwin B. Smith* in support of petition. No one opposing.

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No. 241. *JENNINGS v. BAEDER*. Error to the Circuit Court of the United States for the District of New Jersey. January

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26, 1894: Dismissed, with costs, pursuant to the 10th rule. *Mr. Barker Gummere* for plaintiff in error. No appearance for defendant in error.

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No. 40. *JOLIET MANUFACTURING COMPANY v. KEYSTONE MANUFACTURING COMPANY.* Appeal from the Circuit Court of the United States for the Northern District of Illinois. October 13, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. John W. Munday* and *Mr. Edmund Adcock* for appellant. *Mr. J. G. Manahan* for appellees.

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No. 364. *KENTUCKY CENTRAL RAILROAD COMPANY v. KENTUCKY.* Error to the Court of Appeals of the State of Kentucky. August 31, 1893: Dismissed, pursuant to the 28th rule. *Mr. John G. Carlisle* for plaintiff in error. *Mr. W. J. Hendrick* for defendant in error.

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No. 403. *KEYES v. PUEBLO SMELTING AND REFINING COMPANY.* Appeal from the Circuit Court of the United States for the District of Colorado. March 19, 1894: Dismissed, per stipulation. *Mr. Robert E. Foot* for appellants. *Mr. Charles E. Gast* for appellee.

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No. 133. *KNEULE v. DELP.* Error to the Circuit Court of the United States for the Eastern District of Pennsylvania. November 28, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. J. H. Heverin* for plaintiffs in error. No appearance for defendant in error.

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No. 1069. *LAKIN v. ROBERTS.* Petition for a writ of error or a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. December 11, 1893: Petition denied. *Mr. H. L. Gear* and *Mr. William A. McKenney*, for Lakin, in support of petition. No one opposing.

## Cases not Otherwise Reported.

No. 205. *LAMAL v. UNITED STATES.* Error to the Circuit Court of the United States for the Eastern District of Louisiana. January 12, 1894: Dismissed, pursuant to the 10th rule. *Mr. Gus A. Breaux* for plaintiff in error. *Mr. Attorney General* for defendant in error.

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No. 290. *LAWTON v. EAGLESON.* Appeal from the Circuit Court of the United States for the Northern District of California. March 14, 1894: Dismissed, with costs, pursuant to the 10th rule. *Mr. M. A. Wheaton* for appellant. *Mr. James A. Skilton* for appellees.

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No. 418. *LONG MOY QUE v. UNITED STATES.* Appeal from the Circuit Court of the United States for the Northern District of California. January 3, 1894: Decree affirmed for want of prosecution. *Mr. E. B. Stonehill* and *Mr. William H. Lamar* for appellant. *Mr. Attorney General* for appellee.

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No. 643. *LEVY, DREYFUS AND CO. v. MACK.* Appeal from the Circuit Court of the United States for the Southern District of New York. April 6, 1894: Dismissed, per stipulation. *Mr. James A. Hudson* for appellants. *Mr. H. A. West* for appellee.

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No. 65. *LE WARNE v. MEXICAN INTERNATIONAL IMPROVEMENT COMPANY.* Appeal from the Circuit Court of the United States for the Eastern District of Louisiana. October 26, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. H. L. Lazarus* for appellant. *Mr. W. W. Howe* for appellees.

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No. 88. *LOUISVILLE, NEW ORLEANS AND TEXAS RAILWAY COMPANY v. BURNETT.* Error to the Seventeenth Judicial District Court of the State of Louisiana. November 15, 1893: Dismissed, with costs, on authority of counsel for plaintiff in

## Cases not Otherwise Reported.

error. *Mr. E. H. Farrar, Mr. E. B. Kruttschnitt and Mr. B. F. Jonas* for plaintiff in error. No appearance for defendant in error.

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No. 1058. *McFAIL v. SOUTH CAROLINA*. Error to the Supreme Court of the State of South Carolina. November 6, 1893: Docketed and dismissed, with costs, on motion of *Mr. D. A. Townsend* for defendant in error. No one opposing.

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No. 219. *McGUIRE v. VARIETY IRON WORKS COMPANY*. Error to the Circuit Court of the United States for the Northern District of Illinois. January 18, 1894: Dismissed, with costs, pursuant to the 10th rule. *Mr. J. L. High* and *Mr. James Frake* for plaintiff in error. *Mr. E. E. Prussing, Mr. J. C. Hutchins* and *Mr. A. A. Goodrich* for defendant in error.

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No. 644. *MACK v. LEVY, DREYFUS AND Co.* Appeal from the Circuit Court of the United States for the Southern District of New York. April 6, 1894: Dismissed, per stipulation. *Mr. H. A. West* for appellant. *Mr. James A. Hudson* for appellees.

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No. 748. *MARSHALL v. WHEELER*. Appeal from the Supreme Court of the District of Columbia. April 9, 1894: Dismissed, with costs. *Mr. Calderon Carlisle* for appellants. *Mr. William A. McKenney* for appellees.

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No. 236. *MASSACHUSETTS BENEFIT ASSOCIATION v. MILES*. Error to the Circuit Court of the United States for the Eastern District of Pennsylvania. August 12, 1893: Dismissed, pursuant to the 28th rule. *Mr. F. Carroll Brewster* for plaintiff in error. *Mr. James Aylward Develin* and *Mr. Richard P. White* for defendant in error.

## Cases not Otherwise Reported.

No. 270. *MILLS v. WINSTON.* Error to the Circuit Court of the United States for the Eastern District of Virginia. March 8, 1894: Dismissed, with costs, pursuant to the 10th rule. *Mr. William L. Royall* for plaintiff in error. *Mr. R. Taylor Scott* for defendant in error.

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No. 104. *MINNEAPOLIS AND ST. LOUIS RAILWAY COMPANY v. PARSHALL.* Error to the Circuit Court of the United States for the District of Minnesota. November 20, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. Eppa Hunton* for plaintiff in error. *Mr. William F. Vilas, Mr. George C. Squires* and *Mr. F. W. M. Cutcheon* for defendant in error.

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No. 1078. *MISSOURI PACIFIC RAILWAY COMPANY v. BAIER.* Error to the Supreme Court of the State of Nebraska. March 26, 1894: Dismissed, per stipulation. *Mr. John F. Dillon* and *Mr. Winslow S. Pierce* for plaintiff in error. *Mr. John C. Watson* for defendant in error.

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No. 1104. *MOLINE PLOW COMPANY v. EAGLE MANUFACTURING COMPANY.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. February 5, 1894: Petition denied. *Mr. L. L. Bond* and *Mr. C. E. Pickard*, for The Moline Plow Company, in support of petition. *Mr. George H. Christy* and *Mr. Nathaniel French*, for The Eagle Manufacturing Company, in opposition thereto.

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No. 2. *MORAN v. PITTSBURGH, CINCINNATI AND ST. LOUIS RAILWAY COMPANY.* Appeal from the Circuit Court of the United States for the Southern District of Ohio. October 17, 1893: Dismissed, with costs, on motion of *Mr. George Hoadly* for appellant. *Mr. George Hoadly* for appellant. *Mr. R. A. Harrison* and *Mr. Joseph Olds* for appellees.

## Cases not Otherwise Reported.

No. 1198. *MORGAN v. HALBERSTADT.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. May 14, 1894: Petition denied. *Mr. John C. Pennie*, for Morgan, in support of petition. *Mr. Robert G. Ingersoll* and *Mr. Robert H. Griffin*, for Halberstadt, in opposition thereto.

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No. 140. *MORROW v. CUMBERLAND TELEPHONE AND TELEGRAPH COMPANY.* Appeal from the Circuit Court of the United States for the Middle District of Tennessee. November 24, 1893: Decree affirmed, with costs, per stipulation. *Mr. S. Watson* for appellants. *Mr. J. M. Dickinson* for appellee.

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No. 96. *NEEDLES v. BROWN.* Appeal from the Circuit Court of the United States for the Western District of Arkansas. November 17, 1893: Dismissed, with costs, on motion of *Mr. Solicitor General* for appellants. *Mr. Attorney General* for appellants. No appearance for appellee.

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No. 141. *NEW ORLEANS CANAL AND BANKING COMPANY v. REYNOLDS.* Appeal from the Circuit Court of the United States for the Eastern District of Arkansas. October 11, 1893: Dismissed, with costs, on motion of counsel for appellants. *Mr. S. F. Clark* for appellants. No appearance for appellees.

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No. 1161. *NEW ORLEANS & NORTHEASTERN RAILROAD COMPANY v. THOMAS.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. April 4, 1894: Petition denied. *Mr. E. H. Farrar*, *Mr. E. B. Kruttschnitt* and *Mr. B. F. Jonas*, for The New Orleans & Northeastern Railroad Company *et al.*, in support of petition. No one opposing.

## Cases not Otherwise Reported.

No. 159. NEWPORT NEWS AND MISSISSIPPI VALLEY COMPANY *v.* HENDRICKS. Error to the Supreme Court of the State of Tennessee. January 8, 1894: Dismissed, per stipulation, on motion of *Mr. S. P. Walker* in behalf of counsel. *Mr. Holmes Cummins* for plaintiffs in error. No appearance for defendant in error.

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No. 164. PENNSYLVANIA COMPANY *v.* CAMPBELL. Error to the Circuit Court of the United States for the Northern District of Ohio. December 13, 1893: Dismissed, with costs, per stipulation. *Mr. J. T. Brooks* and *Mr. J. R. Cary* for plaintiff in error. *Mr. Thomas W. Sanderson* for defendant in error.

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No. 222. PEOPLE OF THE STATE OF NEW YORK, *ex rel.* MERTENS *v.* COOK. Error to the Supreme Court of the State of New York. September 20, 1893: Dismissed, pursuant to the 28th rule. *Mr. Sherman Evarts* for plaintiffs in error. *Mr. Charles F. Tabor* for defendant in error.

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No. 118. PERKINS *v.* EATON. Appeal from the Circuit Court of the United States for the Western District of Michigan. September 28, 1893: Dismissed, pursuant to the 28th rule. *Mr. Edward Taggart* for appellant. *Mr. Philip J. O'Reilly* for appellees.

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No. 691. PHILADELPHIA COMPANY *v.* PENNSYLVANIA. Error to the Supreme Court of the State of Pennsylvania. November 9, 1893: Dismissed, with costs, on motion of *Mr. M. E. Olmsted* for plaintiff in error. *Mr. M. E. Olmsted* for plaintiff in error. *Mr. James A. Stranahan* for defendant in error.

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No. 757. PLATTE AND DENVER CANAL AND MILLING COMPANY *v.* DOWELL. Error to the Supreme Court of the State

## Cases not Otherwise Reported.

of Colorado. October 11, 1893: Dismissed, with costs, on motion of counsel for plaintiff in error. *Mr. V. D. Markham* for plaintiff in error. No appearance for defendants in error.

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No. 769. *PRESBREY v. KLINE*. Appeal from the Supreme Court of the District of Columbia. February 5, 1894: Dismissed, with costs, per stipulation. *Mr. H. H. Wells* for appellants. *Mr. William F. Mattingly* for appellee.

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No. 1068. *PRESS COMPANY v. CITY BANK OF HARTFORD*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. December 4, 1893: Petition denied. *Mr. Hampton L. Carson* and *Mr. James H. Shakespeare*, for The Press Company, in support of petition. *Mr. John Hampton Barnes* and *Mr. George Tucker Bispham*, for the City Bank of Hartford, in opposition thereto.

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No. 943. *PRICE v. PANKHURST*. Error to the United States Circuit Court of Appeals for the Eighth Circuit. September 8, 1893: Dismissed, pursuant to the 28th rule. *Mr. Henry Wise Garnett* for plaintiff in error. *Mr. R. S. Morrison* for defendant in error.

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No. 404. *PUEBLO SMELTING AND REFINING COMPANY v. KEYES*. Appeal from the Circuit Court of the United States for the District of Colorado. March 19, 1894: Dismissed, per stipulation. *Mr. Charles E. Gast* for appellant. *Mr. Robert E. Foot* for appellees.

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No. 344. *PULLMAN'S PALACE CAR COMPANY v. CAMPBELL*. Error to the Circuit Court of the United States for the Northern District of Iowa. April 30, 1894: Judgment affirmed, with costs and interest, by a divided court. *Mr. John S. Runnels* and *Mr. William Burry* for plaintiff in error. *Mr. William L. Joy* for defendant in error.

## Cases not Otherwise Reported.

No. 976. *RAINEY v. HERBERT*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. November 20, 1893: Petition denied. *Mr. Samuel Dickson*, for Rainey, in support of petition. No one opposing.

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No. 249. *RAYMOND v. REED*. Error to the Circuit Court of the United States for the Western District of Pennsylvania. October 11, 1893: Dismissed, with costs, on motion of counsel for plaintiff in error. *Mr. S. Schoyer, Jr.*, for plaintiff in error. *Mr. J. W. Douglass* for defendants in error.

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No. 1060. *REIS v. CLANCY*. Error to the Supreme Court of the State of Washington. November 6, 1893: Docketed and dismissed, with costs, on motion of *Mr. H. J. May* for defendants in error. No one opposing.

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No. 172. *REPUBLIC IRON MINING COMPANY v. JONES*. Error to the Circuit Court of the United States for the Northern District of Georgia. December 14, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. Reuben Arnold* for plaintiff in error. No appearance for defendant in error.

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No. 563. *RICHARD v. HEDDEN*. Error to the Circuit Court of the United States for the Southern District of New York. January 22, 1894: Dismissed, with costs, on motion of *Mr. Edwin B. Smith* for plaintiffs in error. *Mr. S. G. Clarke* and *Mr. Edwin B. Smith* for plaintiffs in error. *Mr. Attorney General* for defendant in error.

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No. 272. *ROYALL v. CHILDREY*, and No. 273. *ROYALL v. GREENHOW*. Error to the Circuit Court of the United States for the Eastern District of Virginia. March 9, 1894: Dismissed, with costs, pursuant to the 10th rule. *Mr. William L. Royall* for plaintiff in error. *Mr. R. Taylor Scott* for defendants in error.

## Cases not Otherwise Reported.

No. 216. *ROYER v. SHULTZ BELTING COMPANY.* Appeal from the Circuit Court of the United States for the Eastern District of Missouri. January 17, 1894: Dismissed, with costs, pursuant to the 10th rule. *Mr. James O. Broadhead* and *Mr. M. A. Wheaton* for appellant. *Mr. Chester H. Krum* for appellee.

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No. 217. *ROYER v. SHULTZ BELTING COMPANY.* Appeal from the Circuit Court of the United States for the Eastern District of Missouri. January 18, 1894: Dismissed, with costs, pursuant to the 10th rule. *Mr. James O. Broadhead* and *Mr. M. A. Wheaton* for appellant. *Mr. Chester H. Krum* for appellee.

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No. 247. *RUBENS v. ROBERTSON, COLLECTOR.* Error to the Circuit Court of the United States for the Southern District of New York. January 31, 1894: Dismissed, with costs, pursuant to the 10th rule. *Mr. Daniel P. Hays* for plaintiff in error. *Mr. Attorney General* for defendant in error.

No. 112. *ST. LOUIS, IRON MOUNTAIN AND SOUTHERN RAILWAY COMPANY v. MARINE INSURANCE COMPANY OF LONDON.* Error to the Circuit Court of the United States for the Eastern District of Arkansas. November 23, 1893: Judgment reversed, with costs, per stipulation, and cause remanded for further proceedings to be had therein in conformity with law. *Mr. John F. Dillon* for plaintiff in error. *Mr. U. M. Rose* and *Mr. G. B. Rose* for defendant in error.

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No. 103. *SCHNEIDER v. KEYSER.* Error to the Supreme Court of the District of Columbia. November 2, 1893. Dismissed, with costs, on motion of counsel for plaintiff in error. *Mr. H. H. Wells, Jr.*, and *Mr. A. A. Birney* for plaintiff in error. No appearance for defendant in error.

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No. 1195. *SCHWARTZ & SONS v. H. B. CLAFLIN COMPANY.* Petition for a writ of certiorari to the United States Circuit

## Cases not Otherwise Reported.

Court of Appeals for the Fifth Circuit. April 30, 1894: Petition denied. *Mr. W. Hallett Phillips, Mr. E. B. Kruttschnitt and Mr. H. L. Lazarus*, for H. B. Claffin Company, in support of petition. *Mr. W. W. Howe*, for Schwartz & Sons *et al.*, in opposition thereto.

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No. 1150. *SCHWEITZER v. BRYGGER*. Error to the Supreme Court of the State of Washington. May 14, 1894: Dismissed, with costs, on motion of *Mr. Frederic D. McKenney* for plaintiffs in error. *Mr. Samuel F. Phillips* and *Mr. Frederic D. McKenney* for plaintiffs in error. *Mr. Charles K. Jenner* and *Mr. Louis Henry Legg* for defendant in error.

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No. 275. *SEEBERGER v. BEST*. Error to the Circuit Court of the United States for the Northern District of Illinois. January 3, 1894: Dismissed, with costs, on motion of *Mr. Solicitor General Maxwell* for plaintiff in error. *Mr. Attorney General* for plaintiff in error. *Mr. P. L. Shuman* for defendants in error.

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No. 786. *SEEBERGER v. DAVIS*. Error to the Circuit Court of the United States for the Northern District of Illinois. April 2, 1894: Dismissed, with costs, on motion of *Mr. Solicitor General Maxwell* for plaintiff in error. *Mr. Attorney General* for plaintiff in error. *Mr. Percy L. Shuman* for defendant in error.

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No. 132. *SHIPMAN v. BEEBER*. Appeal from the Circuit Court of the United States for the Northern District of New York. November 28, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. W. C. Witter* for appellant. *Mr. John R. Bennett* and *Mr. W. B. H. Dowse* for appellees.

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No. 215. *SHULTZ BELTING COMPANY v. WILLEMS BELTING COMPANY*. Appeal from the Circuit Court of the United States for the Eastern District of Missouri. January 17,

## Cases not Otherwise Reported.

1894: Dismissed, with costs, pursuant to the 10th rule. *Mr. Chester H. Krum* for appellant. *Mr. S. N. Taylor* for appellee.

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No. 1117. *SIMMS v. COOK*. Appeal from the Court of Appeals of the District of Columbia. February 5, 1894: Docketed and dismissed, with costs, on motion of *Mr. Calderon Carlisle* for appellee. No one opposing.

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No. 955. *SINGER MANUFACTURING COMPANY v. BRILL*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. November 13, 1893: Petition denied. *Mr. C. K. Offield* and *Mr. M. A. Wheaton*, for the Singer Manufacturing Company, in support of petition. *Mr. J. J. Scrivner* and *Mr. William A. Maury*, for Brill, in opposition thereto.

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No. 525. *SKINNER v. UNITED STATES*. Error to the Circuit Court of the United States for the Northern District of Florida. October 11, 1893: Dismissed, on authority of counsel for plaintiffs in error. *Mr. W. A. Blount* for plaintiffs in error. *Mr. Attorney General* for defendant in error.

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No. 200. *SMITH v. PIRKL*. Appeal from the Circuit Court of the United States for the Eastern District of New York. January 3, 1894: Dismissed, per stipulation. *Mr. G. G. Frelinghuysen* for appellant. *Mr. Henry Stockbridge, Jr.*, for appellee.

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No. 231. *SOWLES v. WITTERS*. Error to the Circuit Court of the United States for the District of Vermont. January 25, 1894: Dismissed, with costs, pursuant to the 10th rule. *Mr. Edward A. Sowles* for plaintiffs in error. *Mr. C. W. Witters* for defendant in error.

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No. 636. *STANDARD UNDERGROUND CABLE COMPANY v. STOCKTON*. Error to the Court of Chancery of the State of New Jer-

## Cases not Otherwise Reported.

sey. July 24, 1893: Dismissed, pursuant to the 28th rule. *Mr. A. Q. Keasbey* for plaintiff in error. *Mr. Jno. P. Stockton* for defendant in error.

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No. 126. *STARKEY v. BURNHAM*, and No. 127. *STARKEY v. ENGLEHART*. Error to the Supreme Court of the State of Kansas. March 6, 1894: Dismissed, with costs, pursuant to the 10th rule. *Mr. William Lawrence* for plaintiff in error. *Mr. A. T. Britton* and *Mr. A. B. Browne* for defendants in error.

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No. 1115. *STEAMSHIP MANHANSET v. NELSON*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. March 5, 1894: Petition denied. *Mr. E. B. Convers*, for The Manhanset, in support of petition. *Mr. Edwin G. Davis*, for Nelson, in opposition thereto.

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No. 1072. *STEAM TUG E. A. PACKER v. NEW JERSEY LIGHTERAGE COMPANY*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. December 18, 1893: Petition denied. *Mr. Edward D. McCarthy*, for The E. A. Packer, in support of petition. *Mr. R. D. Benedict*, for The New Jersey Lighterage Company, in opposition thereto.

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No. 866. *STEEL v. PHœNIX INSURANCE COMPANY OF BROOKLYN*. On writ of certiorari to the United States Circuit Court of appeals for the Ninth Circuit. January 29, 1894: Decree affirmed, with costs, by a divided court, and cause remanded to the Circuit Court of the United States for the District of Oregon, with directions to set aside the decree entered by that court and to enter a decree in favor of complainant, as prayed for in the amended bill. *Mr. George H. Williams* for Steel. *Mr. L. B. Cox* for the Phoenix Insurance Company of Brooklyn.

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No. 1081. *STEWART v. SMITH*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the

## Cases not Otherwise Reported.

Third Circuit. January 22, 1894: Petition denied. *Mr. Hector T. Fenton*, for Stewart *et al.*, in support of petition. No one opposing.

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No. 468. *SWAYNE v. HUMPHREYS*. Appeal from the Circuit Court of the United States for the District of Indiana. July 25, 1893: Dismissed, pursuant to the 28th rule. *Mr. F. W. Whitridge* and *Mr. J. M. Butler* for appellants. *Mr. Thomas H. Hubbard* for appellees.

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No. 131. *SYRACUSE WATER COMPANY v. SYRACUSE*. Error to the Supreme Court of the State of New York. November 28, 1893: Dismissed, with costs, pursuant to the 16th rule, on motion of *Mr. Carrall McKenney* for defendants in error. *Mr. G. F. Comstock* for plaintiff in error. *Mr. Edwin S. Jenney* and *Mr. Carrall McKenney* for defendants in error.

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No. 277. *TAYLOR MANUFACTURING COMPANY v. HATCHER & COMPANY*. Appeal from the Circuit Court of the United States for the Southern District of Georgia. March 12, 1894: Dismissed, with costs, pursuant to the 10th rule. *Mr. Clifford Anderson* for appellant. No appearance for appellees.

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No. 725. *TEXAS & PACIFIC RAILWAY COMPANY v. BRICK*. Error to the Supreme Court of the State of Texas. May 26, 1894: Dismissed, with costs, on motion of *Mr. D. D. Duncan* in behalf of counsel for plaintiff in error. *Mr. John F. Dillon* and *Mr. Winslow S. Pierce* for plaintiff in error. No appearance for defendant in error.

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No. 726. *TEXAS & PACIFIC RAILWAY COMPANY v. BRICK*. Error to the Supreme Court of the State of Texas. May 26, 1894: Dismissed, with costs, on motion of *Mr. D. D. Duncan* in behalf of counsel for plaintiff in error. *Mr. John F. Dillon* and *Mr. Winslow S. Pierce* for plaintiff in error. No appearance for defendant in error.

## Cases not Otherwise Reported.

No. 741. *TEXAS & PACIFIC RAILWAY COMPANY v. COMSTOCK.* Error to the Supreme Court of the State of Texas. May 26, 1894: Dismissed, with costs, on motion of *Mr. D. D. Duncan* in behalf of counsel for plaintiff in error. *Mr. John F. Dillon* and *Mr. Winslow S. Pierce* for plaintiff in error. No appearance for defendant in error.

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No. 1107. *TEXAS & PACIFIC RAILWAY COMPANY v. LAVERTY.* Error to the Court of Civil Appeals of the State of Texas. May 26, 1894: Dismissed, with costs, on motion of *Mr. D. D. Duncan* in behalf of counsel for plaintiff in error. *Mr. John F. Dillon* and *Mr. Winslow S. Pierce* for plaintiff in error. No appearance for defendant in error.

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No. 412. *TEXAS & PACIFIC RAILWAY COMPANY v. MILLER.* Error to the Supreme Court of the State of Texas. May 26, 1894: Dismissed, with costs, on motion of *Mr. D. D. Duncan* in behalf of counsel for plaintiff in error. *Mr. John F. Dillon* and *Mr. Winslow S. Pierce* for plaintiff in error. *Mr. James Turner* for defendant in error.

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No. 720. *TEXAS & PACIFIC RAILWAY COMPANY v. WATTS.* Error to the Supreme Court of the State of Texas. May 26, 1894: Dismissed, with costs, on motion of *Mr. D. D. Duncan* in behalf of counsel for plaintiff in error. *Mr. John F. Dillon* and *Mr. Winslow S. Pierce* for plaintiff in error. *Mr. James Turner* for defendants in error.

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No. 719. *TEXAS & PACIFIC RAILWAY COMPANY v. WHITE.* Error to the Supreme Court of the State of Texas. May 26, 1894: Dismissed, with costs, on motion of *Mr. D. D. Duncan* in behalf of counsel for plaintiff in error. *Mr. John F. Dillon* and *Mr. Winslow S. Pierce* for plaintiff in error. No appearance for defendant in error.

## Cases not Otherwise Reported.

No. 179. *TOLEDO, ANN ARBOR AND NORTH MICHIGAN RAILWAY COMPANY v. EDDY.* Error to the Circuit Court of the United States for the Northern District of Ohio. October 11, 1893: Dismissed, with costs, per stipulation. *Mr. E. W. Tolerton* and *Mr. John H. Doyle* for plaintiff in error. *Mr. J. K. Hamilton* for defendant in error.

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No. 504. *TOWNSHIP OF GILL'S CREEK, LANCASTER COUNTY, SOUTH CAROLINA, v. MASSACHUSETTS AND SOUTHERN CONSTRUCTION COMPANY.* Appeal from the Circuit Court of the United States for the District of South Carolina. September 19, 1893: Dismissed, pursuant to the 28th rule. *Mr. C. R. Miles* and *Mr. Ira B. Jones* for appellant. *Mr. Samuel Lord* for appellee.

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No. 262. *TROTTER v. LOWENSTEIN.* Appeal from the Circuit Court of the United States for the Northern District of Mississippi. October 10, 1893: Dismissed, with costs, on motion of *Mr. A. H. Garland* for appellant. *Mr. F. G. Barry*, *Mr. R. C. Beckett*, *Mr. A. H. Garland* and *Mr. H. J. May* for appellant. No appearance for appellees.

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No. 989. *TRUSTEES AND FELLOWS OF BROWN UNIVERSITY v. RHODE ISLAND COLLEGE OF AGRICULTURE AND MECHANICS' ARTS.* Appeal from the Circuit Court of the United States for the District of Rhode Island. May 14, 1894: Dismissed, per stipulation, on motion of *Mr. Alex. Britton* in behalf of counsel. *Mr. Arthur L. Brown* for appellants. *Mr. James Tillinghast* for appellees.

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No. 130. *VILLAGE OF HOLLY v. HUNTER.* Error to the Circuit Court of the United States for the Eastern District of Michigan. December 11, 1893: Judgment affirmed, with costs, and interest, by a divided court. *Mr. Fred A. Baker* for plaintiff in error. *Mr. John Atkinson* and *Mr. William L. Carpenter* for defendant in error.

## Cases not Otherwise Reported.

No. 457. *VIRGINIA BUFFALO LITHIA SPRINGS COMPANY v. GOODE.* Appeal from the Circuit Court of the United States for the Eastern District of Virginia. March 5, 1894: Dismissed, per stipulation, on motion of *Mr. William A. Maury* for appellee. *Mr. W. W. Henry* for appellant. *Mr. William A. Maury* for appellee.

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No. 99. *UNITED STATES v. BARBER.* Appeal from the District Court of the United States for the Middle District of Alabama. October 30, 1893: Decree reversed, per stipulation, and cause remanded to be proceeded in according to law, on motion of *Mr. Solicitor General Maxwell* for appellant. *Mr. Attorney General* for appellant. *Mr. W. W. Dudley* and *Mr. R. R. McMahon* for appellee.

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No. 1133. *UNITED STATES v. EISNER & MENDELSON COMPANY.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. March 26, 1894: Petition denied. *Mr. W. W. Dudley*, *Mr. L. T. Michener* and *Mr. C. A. Ray* for Eisner & Mendelson Company, in support of petition. No one opposing.

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No. 975. *UNITED STATES v. KING.* Appeal from the Court of Claims. November 2, 1893: Dismissed, per stipulation, on motion of *Mr. C. C. Lancaster* for appellee. *Mr. Attorney General* for appellant. *Mr. C. C. Lancaster* for appellee.

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No. 359. *UNITED STATES v. MARIX.* Appeal from the Court of Claims. October 18, 1893: Judgment reversed, per stipulation, and cause remanded to be proceeded in according to law, on motion of *Mr. Solicitor General Maxwell* for appellant. *Mr. Attorney General* for appellant. *Mr. John S. Blair* for appellee.

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No. 952. *UNITED STATES v. PATTERSON.* Appeal from the Court of Claims. March 5, 1894: Dismissed, on motion of

## Cases not Otherwise Reported.

*Mr. Solicitor General* for appellant. *Mr. Attorney General* for appellant. No appearance for appellees.

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No. 349. *UNITED STATES v. PEOPLE OF THE STATE OF ILLINOIS.* Appeal from the Circuit Court of the United States for the Northern District of Illinois. April 9, 1894: Stricken from the docket, on motion of *Mr. Solicitor General*, and it appearing that the United States were not parties to the suit in the court below. *Mr. Attorney General* for appellant. *Mr. James Fentress* for the Illinois Central Railroad Company, one of appellees.

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No. 878. *UNITED STATES ex rel. INTERNATIONAL CONTRACTING COMPANY v. ELKINS.* Error to the Supreme Court of the District of Columbia. October 23, 1893: Dismissed, with costs, the cause having abated, on motion of *Mr. Solicitor General* for defendant in error. *Mr. A. S. Worthington*, *Mr. W. W. Dudley* and *Mr. Michener* for plaintiff in error. *Mr. Attorney General* for defendant in error.

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No. 105. *UNITED STATES ex rel. SHERWOOD v. WOODRUFF.* Error to the Circuit Court of the United States for the Eastern District of Arkansas. October 11, 1893: Dismissed, with costs, on motion of counsel for plaintiff in error. *Mr. F. W. Compton* and *Mr. Fabius M. Clarke* for plaintiff in error. No appearance for defendant in error.

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No. 28. *WALLACE v. MYERS.* Appeal from the Circuit Court of the United States for the Southern District of New York. October 23, 1893: Dismissed, per stipulation, on motion of *Mr. George K. French* for appellee. *Mr. Eugene H. Lewis* for appellants. *Mr. S. W. Rosendale* and *Mr. George K. French* for appellee.

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No. 184. *WILKERSON v. RAHRER.* Appeal from the Circuit Court of the United States for the District of Kansas. De-

## Cases not Otherwise Reported.

ember 20, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. L. B. Kellogg* for appellant. No appearance for appellee.

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No. 185. *WILKERSON v. SICHER*. Appeal from the Circuit Court of the United States for the District of Kansas. December 21, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. L. B. Kellogg* for appellant. No appearance for appellee.

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No. 1059. *WILLIAMS v. CLANCY*. Error to the Supreme Court of the State of Washington. November 6, 1893: Docketed and dismissed, with costs, on motion of *Mr. H. J. May* for defendants in error. No one opposing.

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No. 1079. *WILLIAMS v. WILLIAMS*. Error to the Supreme Court of the State of New York. February 1, 1894: Dismissed, per stipulation. *Mr. Benjamin F. Tracy* for plaintiff in error. *Mr. Austen G. Fox* for defendant in error.

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No. 390. *WOOD v. CORRY WATER WORKS COMPANY*. Appeal from the Circuit Court of the United States for the Western District of Pennsylvania. January 19, 1894: Dismissed, with costs, on motion of counsel for appellants. *Mr. Samuel Dickson* and *Mr. Richard C. Dale* for appellants. *Mr. Johns McCleave* for appellees.

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No. 1037. *WUNDERLE v. WUNDERLE*. Error to the Supreme Court of the State of Illinois. October 10, 1893: Dismissed, with costs, on motion of *Mr. William A. McKenney* for plaintiffs in error. *Mr. William A. McKenney* for plaintiffs in error. *Mr. Daniel D. Goodell* for defendant in error.

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No. 419. *YEE AH SHEEN v. UNITED STATES*. Appeal from the Circuit Court of the United States for the Northern Dis-

## Cases not Otherwise Reported.

trict of California. October 23, 1893: Dismissed, on authority of counsel for appellant, on motion of *Mr. Solicitor General* for appellee. *Mr. E. B. Stonehill* and *Mr. William H. Lamar* for appellant. *Mr. Attorney General* for appellee.

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No. 325. *YOUNG v. JACKSON*. Appeal from the Circuit Court of the United States for the Southern District of New York. March 22, 1894: Dismissed, with costs, pursuant to the 10th rule. *Mr. Edwin H. Brown* for appellants. *Mr. George W. Brown, Jr.*, and *Mr. Rollin M. Morgan* for appellee.

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No. 1109. *YUNG SHEA v. UNITED STATES*. Appeal from the Circuit Court of the United States for the Eastern District of Michigan. January 29, 1894: Docketed and dismissed, on motion of *Mr. Solicitor General* for appellee. No one opposing.

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No. 145. *ZIMMERMAN v. OLIVER*. Error to the Circuit Court of the United States for the Western District of Texas. December 4, 1893: Dismissed, with costs, pursuant to the 10th rule. *Mr. C. W. Ogden*, *Mr. S. M. Ellis* and *Mr. William A. McKenney* for plaintiff in error. No appearance for defendant in error.

