

## Cases not Otherwise Reported.

## CASES ADJUDGED IN THE SUPREME COURT OF THE UNITED STATES AT OCTOBER TERM, 1894, NOT OTHERWISE REPORTED, INCLUDING CASES DISMISSED IN VACATION PURSUANT TO RULE 28.

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No. 196. *ÆTNIA LIFE INSURANCE COMPANY v. COUNTY OF LYON*, in the State of Iowa. Error to the Circuit Court of the United States for the Northern District of Iowa. February 4, 1895. Judgment affirmed, with costs, by a divided court. *Mr. D. B. Henderson, Mr. L. G. Hurd, Mr. F. B. Daniels*, and *Mr. A. B. Cummins* for the plaintiff in error. *Mr. A. Van Wagenen* and *Mr. N. T. Guernsey* for the defendant in error.

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No. 256. *ALLEN v. MERRILL*. Appeal from the Circuit Court of the United States for the Northern District of New York. October 11, 1894. Dismissed, with costs, on motion of counsel for appellants. *Mr. C. H. Duell* for the appellants. No appearance for appellees.

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No. 249. *ALLIS, EXECUTORS, &c., v. STATE BANK OF CRETE*. Error to the Circuit Court of the United States for the District of Nebraska. October 8, 1894. Dismissed per stipulation. *Mr. T. M. Marquett* for the plaintiffs in error. *Mr. John L. Webster* for the defendants in error.

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No. 254. *AMERICAN PRESERVERS' COMPANY v. NORRIS*. Appeal from the Circuit Court of the United States for the Eastern District of Missouri. October 11, 1894. Dismissed, with costs, on authority of counsel for appellant. *Mr. C. H. Krum* for the appellant. *Mr. F. N. Judson* for the appellees.

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No. 117. *ANDERSON v. MINNEAPOLIS UNION ELEVATOR COMPANY*. Error to the Circuit Court of the United States for

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the District of Minnesota. August 14, 1894. Dismissed pursuant to the twenty-eighth rule. *Mr. James N. Castle* for the plaintiff in error. *Mr. Ralph Whelan* for the defendant in error.

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No. 268. *ARMSTRONG v. UNITED STATES*. Appeal from the Court of Claims. April 22, 1895. Judgment affirmed on the authority of *United States v. Fletcher*, 148 U. S. 84. *Mr. Thomas C. Fletcher* for the appellant. *Mr. Attorney General* and *Mr. Assistant Attorney General Dodge* for the appellee.

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No. 267. *BABB v. JAMISON, ADMINISTRATOR*. Error to the Supreme Court of the State of Missouri. December 17, 1894. Dismissed for the want of jurisdiction, on the authority of *Duncan v. Missouri*, 152 U. S. 377. *Mr. Michael Kinealy* for the plaintiffs in error. *Mr. T. J. Rowe* for the defendants in error.

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No. 290. *BARELA v. PEREA*. Appeal from the Supreme Court of the Territory of New Mexico. April 10, 1895. Dismissed, with costs, pursuant to the tenth rule. *Mr. F. W. Clancy* for the appellant. *Mr. S. B. Newcomb* for the appellee.

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No. 248. *BARNEY v. WHITE*. Error to the Circuit Court of the United States for the Southern District of New York. April 22, 1895. Judgment affirmed for the sum of \$1039.02, with interest thereon from March 24, 1883, until paid, and costs in said Circuit Court; each party to pay one-half of the costs in this court. *Mr. Attorney General* and *Mr. Assistant Attorney General Whitney* for the plaintiff in error. *Mr. Samuel F. Phillips* and *Mr. Frederick D. McKenney* for the defendants in error.

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No. 988. *BARRETT v. UNITED STATES*. Error to the Circuit Court of the United States for the District of South Carolina. April 15, 1895. Docketed and dismissed, on motion of *Mr.*

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*Solicitor General Conrad* for the defendant in error. No one opposing.

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No. 186. *BARTLETT v. UNITED STATES.* Appeal from the Court of Claims. January 24, 1895. Dismissed per stipulation. *Mr. Robert A. Howard* for the appellant. *Mr. Attorney General* for the appellee.

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No. 184. *BENTLEY v. UNITED STATES.* Appeal from the Court of Claims. January 24, 1895. Dismissed pursuant to the tenth rule. *Mr. A. G. Safford* for the appellant. *Mr. Attorney General* for the appellee.

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No. 698. *BENTON, alias NEWBY, v. UNITED STATES.* Error to the District Court of the United States for the Southern District of Illinois. December 10, 1894. Dismissed pursuant to the tenth rule. *Mr. James McCartney* for the plaintiff in error. *Mr. Attorney General* for the defendant in error.

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No. 859. *BILLING v. GILMER.* Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the fifth circuit. December 10, 1894. Petition denied. *Mr. W. A. Gunter* for Gilmer in support of petition. No appearance for Billing, *et al.*, Executors, &c.

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No. 127. *BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF JACKSON v. METROPOLITAN TRUST COMPANY.* Appeal from the Circuit Court of the United States for the District of Kansas. December 14, 1894. Dismissed, with costs, pursuant to the tenth rule. *Mr. W. H. Rossington, Mr. Charles Blood Smith* and *Mr. E. J. Dallas* for the appellants. *Mr. M. A. Low* for the appellees.

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No. 231. *BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF JACKSON v. METROPOLITAN TRUST COMPANY.* Appeal from

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the Circuit Court of the United States for the District of Kansas. March 25, 1895. Dismissed, with costs, pursuant to the tenth rule. *Mr. W. H. Rossington, Mr. Charles Blood Smith, and Mr. E. J. Dallas* for the appellants. No appearance for the appellees.

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No. 724. BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF KINGMAN, KANSAS, *v.* CORNELL UNIVERSITY. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the eighth circuit. October 22, 1894. Petition denied. *Mr. George Gray* for Board of County Commissioners of the county of Kingman, Kansas, in support of petition. *Mr. W. H. Rossington and Mr. Charles Blood Smith* for Cornell University in opposition thereto.

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No. 735. BUCK *v.* LOUISIANA. Error to the Supreme Court of the State of Louisiana. October 22, 1894. Dismissed for want of jurisdiction. *Mr. Duane E. Fox* for the plaintiffs in error. *Mr. W. Hallett Phillips, Mr. H. J. Leovy, and Mr. M. J. Cunningham* for the defendant in error.

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No. 706. BURNET *v.* JACOBUS. Appeal from the Circuit Court of the United States for the Southern District of New York. November 22, 1894. Dismissed, with costs, on motion of Mr. George Hoadly for the appellant. *Mr. George Hoadly* for the appellant. *Mr. Attorney General* for the appellee.

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No. 12. BYRNE *v.* UNITED STATES. Appeal from the Court of Claims. December 17, 1894. Judgment affirmed, pursuant to the sixteenth rule. *Mr. W. J. Moberly, Mr. P. B. Thompson, and Mr. Allan Rutherford* for the appellant. *Mr. Attorney General* for the appellee.

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No. 382. CAMPBELL *v.* CARROLL. Error to the Supreme Court of the State of Missouri. April 15, 1895. Dismissed,

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with costs, on the authority of counsel for the plaintiffs in error. *Mr. John W. Noble* for the plaintiffs in error. *Mr. J. B. Dennis* for the defendant in error.

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No. 980. *CHARLSON v. UNITED STATES*. Error to the District Court of the United States for the Northern District of Alabama. April 8, 1895. Docketed and dismissed on motion of *Mr. Solicitor General Conrad* for the defendant in error. No one opposing.

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No. 329. *CHESTER v. HILLSMAN*. Error to the Supreme Court of the State of Tennessee. April 26, 1895. Dismissed, with costs, pursuant to the tenth rule. *Mr. J. B. Heiskell* for the plaintiffs in error. No appearance for the defendants in error.

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No. 892. *CINCINNATI, HAMILTON AND DAYTON RAILROAD COMPANY v. McKEEN*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the seventh circuit. January 28, 1895. Petition denied. *Mr. Lawrence Maxwell, Jr.*, for the Cincinnati, Hamilton and Dayton Railroad Company in support of the petition. *Mr. W. H. H. Miller*, *Mr. F. Winter*, and *Mr. John B. Elam* for McKeen in opposition thereto.

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No. 33. *CITY OF NEW ORLEANS v. LOUISVILLE AND NASHVILLE RAILROAD COMPANY*. Appeal from the Circuit Court of the United States for the Eastern District of Louisiana. January 14, 1895. Decree affirmed, with costs, for want of prosecution. *Mr. E. A. O'Sullivan* for the appellant. *Mr. George Denegre* and *Mr. Walter D. Denegre* for the appellees.

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No. 32. *CLEAVELAND FENCE COMPANY v. INDIANAPOLIS FENCE COMPANY*. Appeal from the Circuit Court of the United States for the District of Indiana. October 11, 1894. Dismissed, with costs, pursuant to the tenth rule. *Mr. Augustus L.*

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*Mason* for the appellant. *Mr. Chester Bradford* for the appellees.

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No. 241. **CONTINENTAL INSURANCE COMPANY v. UNION INSURANCE COMPANY.** Error to the Circuit Court of the United States for the Southern District of New York. January 17, 1895. Dismissed per stipulation. *Mr. Thomas H. Hubbard* for the plaintiff in error. *Mr. Joseph H. Choate* for the defendant in error.

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No. 183. **COUNTY COURT OF ST. CHARLES COUNTY v. UNITED STATES ex rel. SHELLEY.** Error to the Circuit Court of the United States for the Eastern District of Missouri. January 25, 1895. Dismissed, with costs, pursuant to the sixteenth rule, on motion of *Mr. W. B. Homer* for the defendant in error. *Mr. J. H. Overall* for the plaintiffs in error. *Mr. W. B. Homer* for the defendant in error.

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No. 209. **COUNTY COURT OF WAYNE COUNTY v. SOCIETY FOR SAVINGS.** Error to the Circuit Court of the United States for the District of West Virginia. February 4, 1895. Judgment affirmed, with costs, and interest by a divided court. *Mr. James F. Brown* for the plaintiff in error. *Mr. Henry C. Simms* and *Mr. F. B. Enslow* for the defendant in error.

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No. 148. **COUNTY OF ALACHUA v. MURPHY.** Appeal from the Circuit Court of the United States for the Northern District of Florida. June 16, 1894. Dismissed pursuant to the twenty-eighth rule. *Mr. S. Y. Finley* for the appellant. *Mr. W. W. Hampton* for the appellee.

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No. 292. **COUNTY OF GRATIOT v. AYLESWORTH.** Error to the Circuit Court of the United States for the Eastern District of Michigan. April 22, 1895. Judgment affirmed, with costs and interest, by a divided court. *Mr. Charles J. Willett*

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for the plaintiff in error. *Mr. Thomas S. Jerome* for the defendant in error.

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No. 211. *DANIELS v. CASE*. Error to the Circuit Court of the United States for the Western District of Missouri. September 10, 1894. Dismissed pursuant to the twenty-eighth rule. *Mr. S. B. Ladd* for the plaintiff in error. *Mr. Daniel B. Holmes* for the defendants in error.

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No. 10, Original. *Ex parte*: In the matter of *Debs et al.*, petitioners. Petition for writ of error. January 17, 1895. Petition denied. *Mr. C. S. Darrow*, *Mr. L. S. Gregory*, and *Mr. Lyman Trumbull* for the petitioners. *Mr. Assistant Attorney General Whitney* as *amicus curiae*. [See 158 U. S. 573.]

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No. 187. *DEVLIN v. HEISE*. Appeal from the Circuit Court of the United States for the District of Maryland. January 25, 1895. Dismissed, with costs, pursuant to the tenth rule. *Mr. Benjamin Price* for the appellant. *Mr. W. B. H. Dowse* and *Mr. John R. Bennett* for the appellees.

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No. 237. *DIEFENTHAL v. HAMBURG-AMERICKANISCHER PACK-ETFAHRT AKTIEN GESELLSCHAFT*. Appeal from the District Court of the United States for the Eastern District of Louisiana. March 26, 1895. Dismissed, with costs, pursuant to the tenth rule. *Mr. J. R. Beckwith* for the appellants. No appearance for appellee.

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No. 96. *DILLARD v. MOORMAN*. Error to the Corporation Court of Lynchburg, Virginia. November 21, 1894. Dismissed, with costs, pursuant to the tenth rule. *Mr. W. W. Larkin* for the plaintiff in error. No appearance for the defendant in error.

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No. 856. *DRAKE v. REGGEL*. Appeal from the Supreme Court of the Territory of Utah. January 28, 1895. Dismissed, with costs, on authority of counsel for the appellants. *Mr. J. G. Sutherland* and *Mr. J. W. Judd* for the appellants. No appearance for the appellees.

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No. 201. *DUBUQUE AND SIOUX RAILROAD COMPANY v. SNELL*. Error to the Supreme Court of the State of Iowa. January 28, 1895. Dismissed, with costs, pursuant to the tenth rule. *Mr. E. S. Bailey* and *Mr. Theodore Hawley* for the plaintiffs in error. No appearance for the defendant in error.

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No. 247. *EASTERN OREGON GOLD MINING COMPANY v. MILLER*. Error to the Circuit Court of the United States for the District of Oregon. April 3, 1895. Dismissed, with costs, pursuant to the sixteenth rule, on motion of *Mr. J. H. Mitchell* for defendant in error. *Mr. John Mullan* and *Mr. Frank V. Drake* for the plaintiff in error. *Mr. John H. Mitchell* and *Mr. John M. Gearin* for the defendant in error.

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No. 121. *EAST LAKE LAND COMPANY v. BROWN*. Error to the Circuit Court of the United States for the Northern District of Alabama. December 17, 1894. Judgment reversed, with costs, on the authority of *Chappell v. Waterworth*, 155 U. S. 102, and cause remanded to the said Circuit Court, with a direction to remand it to the city court of Birmingham, county of Jefferson, Alabama. *Mr. John T. Morgan* for the plaintiff in error. *Mr. D. P. Bestor* for the defendant in error.

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No. 69. *EMMONS v. HALTERN*. Error to the District Court of the United States for the District of Alaska. December 3, 1894. Judgment affirmed, with costs, by a divided court. *Mr. D. A. McKnight* and *Mr. M. B. Gerry* for the plaintiffs in error. *Mr. H. B. Moulton* for the defendant in error.

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No. 235. *ERHARDT v. WUPPERMAN*. Error to the Circuit Court of the United States for the Southern District of New York. January 7, 1895. Dismissed, with costs, on motion of Mr. Solicitor General Maxwell for the plaintiff in error. *Mr. Attorney General* for the plaintiff in error. *Mr. Edward Hartley* for the defendants in error.

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No. 984. *FERRYBOAT MONTCLAIR v. EASTON AND AMBOY RAILROAD COMPANY*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the second circuit. April 22, 1895. Petition denied. *Mr. George Bethune Adams* and *Mr. Franklin A. Wilcox* for Ferryboat Montclair, etc., in support of petition. *Mr. W. W. Goodrich* for Easton and Amboy Railroad Company in opposition thereto.

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No. 282. *FRANKENTHAL v. COOK*. Error to the United States Court for the Indian Territory. April 15, 1895. Judgment affirmed, with costs and interest, by a divided court. *Mr. W. T. Hutchings* for the plaintiffs in error. *Mr. Frank P. Blair* for the defendant in error.

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No. 843. *GERARD v. DIEBOLD SAFE AND LOCK COMPANY*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the fifth circuit. February 4, 1895. Petition denied. *Mr. Patrick O'Farrell* for Gerard in support of the petition. No opposition.

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No. 157. *GINDELE v. CORRIGAN*. Error to the Supreme Court of the State of Illinois. January 14, 1895. Dismissed, with costs, pursuant to the tenth rule. *Mr. C. E. Kremer* for the plaintiffs in error. *Mr. Hiram T. Gilbert* for the defendant in error.

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No. 1009. GRAND TRUNK RAILWAY COMPANY *v.* TENNANT. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the first circuit. May 20, 1895. Petition denied. *Mr. Almon A. Strout, Mr. Clarence A. Hight, Mr. Henry N. Rice, and Mr. Melville Church* for Grand Trunk Railway Company in support of the petition. *Mr. Orville D. Baker* for Tennant in opposition thereto.

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No. 147. GREENWOOD DISTRICT OF SEBASTIAN COUNTY *v.* MISSOURI AND ARKANSAS MINING AND LUMBER COMPANY. Error to the Circuit Court of the United States for the Western District of Arkansas. January 11, 1895. Dismissed, with costs, pursuant to the tenth rule. *Mr. John H. Rogers* for the plaintiff in error. *Mr. E. D. Kenna* for the defendant in error.

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No. 350. GULF, COLORADO AND SANTA FÉ RAILWAY COMPANY *v.* JOHNSON. Error to the County Court of Coleman County, Texas. May 6, 1895. Judgment reversed, with costs, on the authority of *The Gulf, Colorado and Santa Fé Railway Company v. Hefley*, No. 255 on the docket for the present term, and cause remanded for further proceedings not inconsistent with the opinion of the court in that case. *Mr. A. T. Britton, Mr. A. B. Browne, Mr. J. W. Terry, and Mr. George R. Peck* for the plaintiff in error. No appearance for the defendants in error.

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No. 98. HALFF *v.* PHILLIPS. Appeal from the Circuit Court of the United States for the Northern District of Texas. November 22, 1894. Dismissed, with costs, pursuant to the tenth rule. *Mr. Rufus H. Thayer* for the appellants. *Mr. William Allen Butler, Mr. Gist Blair, and Mr. Adrian H. Joline* for the appellees.

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No. 145. HAT SWEAT MANUFACTURING COMPANY *v.* DAVIS SEWING MACHINE COMPANY. Appeal from the Circuit Court

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of the United States for the Northern District of New York. January 11, 1895. Dismissed, with costs, pursuant to the tenth rule. *Mr. John R. Bennett* for the appellant. No appearance for the appellee.

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No. 243. HAVEMEYER AND ELDER SUGAR REFINING COMPANY *v.* MAGONE. Error to the Circuit Court of the United States for the Southern District of New York. April 8, 1895. Judgment affirmed, with costs, by a divided court. *Mr. Edwin B. Smith* for the plaintiff in error. *Mr. Attorney General* and *Mr. Assistant Attorney General Whitney* for the defendant in error.

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No. 23. HAVEN *v.* BORLAND. Error to the Circuit Court of the United States for the Northern District of California. October 10, 1894. Dismissed, with costs, pursuant to the nineteenth rule. *Mr. W. W. Cope* for the plaintiff in error. *Mr. G. W. Towle, Jr.*, for the defendant in error.

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No. 257. HAYES *v.* FISCHER. Appeal from the Circuit Court of the United States for the Southern District of New York. October 8, 1894. Dismissed per stipulation. *Mr. Livingston Gifford* for the appellant. *Mr. Edmund Wetmore* for the appellee.

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No. 332. HAYS *v.* APGAR. Appeal from the Circuit Court of the United States for the District of New Jersey. May 3, 1895. Dismissed, each party to pay his own costs, per stipulation. *Mr. D. M. Porter* for the appellant. *Mr. Gilbert Collins* for the appellee.

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No. 177. HITCHCOCK *v.* WANZER LAMP COMPANY. Appeal from the Circuit Court of the United States for the Northern District of New York. January 24, 1895. Dismissed, with costs, pursuant to the tenth rule. *Mr. Anthony Pollok* for the appellants. *Mr. E. H. Brown* for the appellees.

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No. 989. *HUNTER v. UNITED STATES.* Error to the Circuit Court of the United States for the Northern District of Georgia. April 15, 1895. Docketed and dismissed on motion of *Mr. Solicitor General Conrad* for the defendant in error. No one opposing.

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No. 300. *HUSTON v. LOOKOUT MOUNTAIN RAILROAD COMPANY.* Appeal from the Circuit Court of the United States for the Eastern District of Tennessee. January 24, 1895. Dismissed, with costs, on authority of counsel for the appellants. *Mr. J. D. Brannon* and *Mr. J. S. Pilcher* for the appellants. No appearance for the appellees.

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No. 288. *HYDE v. HOGUE.* Appeal from the Circuit Court of the United States for the District of West Virginia. April 9, 1895. Dismissed, with costs, pursuant to the tenth rule. *Mr. T. B. Swann* for the appellants. *Mr. J. F. Brown* for the appellees.

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No. 159. *INLAND AND COASTWISE TRANSPORTATION COMPANY v. CORNELL.* Appeal from the Supreme Court of the District of Columbia. January 15, 1895. Dismissed, with costs, pursuant to the tenth rule. *Mr. W. Willoughby* for the appellants. *M. J. A. Hyland* for the appellees.

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No. 929. *JOHNSON v. VAN WYCK.* Error to the Court of Appeals for the District of Columbia. March 4, 1895. Docketed and dismissed, with costs, on motion of *Mr. William F. Mattingly* for the defendant in error. No one opposing.

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No. 78. *JONES v. VIRGINIA.* Error to the Supreme Court of Appeals of the State of Virginia. November 12, 1894. Dismissed, with costs, pursuant to the tenth rule. *Mr. W. W. Larkin* for the plaintiff in error. *Mr. R. Taylor Scott* for the defendant in error.

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No. 279. *KENNER v. BITLEY*. Appeal from the Circuit Court of the United States for the Western District of Virginia. April 8, 1895. Dismissed, with costs, pursuant to the tenth rule. *Mr. John A. Buchanan* for the appellant. No appearance for the appellee.

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No. 334. *KING v. JACKSON*. Appeal from the Circuit Court of the United States for the Western District of Tennessee. March 14, 1895. Dismissed, the cause having abated owing to the death of the appellant, on motion of *Mr. Don M. Dickinson* for the appellant. *Mr. Don M. Dickinson* for the appellant. No appearance for the appellee.

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No. 259. *KIRK v. DU BOIS*. Appeal from the Circuit Court of the United States for the Western District of Pennsylvania. October 8, 1894. Dismissed, with costs, on authority of counsel for appellants. *Mr. W. Bakewell* for the appellants. *Mr. G. A. Jenks* for the appellee.

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No. 1001. *KNEVALS v. FLORIDA CENTRAL AND PENINSULAR RAILROAD COMPANY*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the fifth circuit. May 20, 1895. Petition denied. *Mr. H. Bisbee*, *Mr. James E. Padgett*, and *Mr. Edwin Forrest* for Knevals, trustee, in support of petition. *Mr. Samuel F. Phillips*, *Mr. Frederic D. McKenney*, and *Mr. Julien T. Davies* for Florida Central and Peninsular Railroad Company *et al.* in opposition thereto.

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No. 397. *LAWSON v. KELLY*. Error to the Supreme Court of the State of Texas. March 25, 1895. Dismissed, with costs, on authority of counsel for the plaintiff in error. *Mr. Walter Gresham* for the plaintiff in error. *Mr. S. R. Fisher* for the defendant in error.

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No. 556. *LEACH v. WATERVALE MINING COMPANY.* Appeal from the Supreme Court of the Territory of Arizona. May 20, 1895. Dismissed, with costs, on motion of Mr. A. B. Browne for the appellants. *Mr. A. T. Britton* and *Mr. A. B. Browne* for the appellants. No appearance for the appellee.

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No. 206. *L. E. WATERMAN COMPANY v. WEBSTER.* Appeal from the Circuit Court of the United States for the Southern District of New York. January 29, 1895. Dismissed, with costs, pursuant to the tenth rule. *Mr. W. S. Logan* for the appellant. *Mr. Arthur v. Briesen* for the appellees.

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No. 882. *LINCK v. SALT LAKE CITY.* Appeal from the Supreme Court of the Territory of Utah. January 10, 1895. Docketed and dismissed, with costs, on motion of Mr. J. L. Rawlins for the appellees. *Mr. J. L. Rawlins* for the appellees in support of motion. No opposition.

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No. 163. *MADDOCK v. COXON.* Appeal from the Circuit Court of the United States for the District of New Jersey. January 16, 1895. Dismissed, with costs, pursuant to the tenth rule. *Mr. F. C. Lowthorp* for the appellant. *Mr. W. B. Preble* for the appellees.

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No. 79. *MALLAN v. BRANSFORD.* Error to the Supreme Court of Appeals of the State of Virginia. November 12, 1894. Dismissed, with costs, pursuant to the tenth rule. *Mr. W. W. Larkin* for the plaintiffs in error. No appearance for the defendant in error.

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No. 985. *MALOY v. DUDEK.* Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the second circuit. April 22, 1895. Petition denied. *Mr. W. D. Davidge*, *Mr. Wm. McArthur*, and *Mr. D. M. Neuberger* for Maloy in support of petition. *Mr. Ronald K. Brown* for Duden in opposition thereto.

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No. 62. *MANNING v. McLAREN*, as special administrator, etc. Appeal from the Circuit Court of the United States for the District of Massachusetts. January 9, 1895. Dismissed, with costs, pursuant to the tenth rule. *Mr. Jerome F. Manning* for the appellant. *Mr. Joseph B. Warner* for the appellee.

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No. 692. *MARCUS v. UNITED STATES*. Error to the Circuit Court of the United States for the Southern District of New York. March 28, 1895. Dismissed per stipulation. *Mr. Abram J. Rose* for the plaintiff in error. *Mr. Attorney General* and *Mr. Solicitor General Conrad* for the defendant in error.

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No. 992. *MARION COUNTY v. COLER*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the fifth circuit. May 6, 1895. Petition denied. *Mr. A. H. Garland* and *Mr. R. C. Garland* for Marion County, Texas, in support of the petition. *Mr. W. S. Herndon* for Coler & Co. in opposition thereto.

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No. 351. *MASON v. SPALDING*. Appeal from the Supreme Court of the District of Columbia. October 24, 1894. Dismissed, with costs, on motion of Mr. W. L. Cole for the appellant. *Mr. W. L. Cole* for the appellant. *Mr. W. Willoughby* for the appellee.

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No. 126. *MAYFIELD v. MATTA*. Error to the Circuit Court of the United States for the Northern District of Texas. October 9, 1894. Judgment reversed, at cost of plaintiffs in error, per stipulation, and cause remanded to be proceeded in according to law. *Mr. E. H. Graham* for the plaintiffs in error. *Mr. Eugene Williams* for the defendant in error.

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No. 569. *MAZARAKOS v. UNITED STATES*. Error to the District Court of the United States for the Northern Dis-

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trict of Illinois. October 23, 1894. Dismissed pursuant to the tenth rule. *Mr. Woodbury Blair* for the plaintiff in error. *Mr. Attorney General* for the defendant in error.

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No. 331. *McALEER v. HILL*. Error to the Supreme Court of the State of Washington. April 29, 1895. Dismissed, with costs, pursuant to the tenth rule. *Mr. M. D. Brainard*, *Mr. Charles J. Jenner*, and *Mr. Louis Henry Legg* for the plaintiffs in error. *Mr. J. J. Darlington* for the defendant in error.

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No. 849. *McDONALD v. UNITED STATES*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the seventh circuit. December 12, 1894. Petition denied. *Mr. William H. Barnum* for McDonald *et al.* No opposition.

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No. 340. *McSORLEY v. HILL*. Error to the Supreme Court of the State of Washington. April 30, 1895. Dismissed, with costs, pursuant to the tenth rule. *Mr. Charles K. Jenner*, *Mr. M. D. Brainard*, and *Mr. Louis Henry Legg* for the plaintiffs in error. *Mr. J. J. Darlington* for the defendant in error.

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No. 294. *MEEEKS v. SCHALL*. Appeal from the Circuit Court of the United States for the Northern District of Alabama. April 11, 1895. Dismissed, with costs, pursuant to the tenth rule. *Mr. J. M. Head* for the appellant. No appearance for the appellees.

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No. 996. *MEYERS v. LEAGUE*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the fifth circuit. May 20, 1895. Petition denied. *Mr. R. R. Briggs* for Meyers in support of the petition. No one opposing.

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No. 88. *MILLER v. WESTERN UNION TELEGRAPH COMPANY.* Error to the Circuit Court of the United States for the Southern District of Ohio. November 14, 1894. Dismissed, with costs, pursuant to the tenth rule. *Mr. Thomas McDougall* for the plaintiff in error. *Mr. Lawrence Maxwell, Jr.*, for the defendant in error.

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No. 909. *MORAN v. HAGERMAN.* Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the ninth circuit. March 11, 1895. Petition denied. *Mr. Wheeler H. Peckham* for Moran *et al.* in support of the petition. *Mr. Horatio C. King, Mr. W. E. F. Deal*, and *Mr. Edmund Tauszky* for Hagerman, administrator, etc., *et al.* in opposition thereto.

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No. 276. *MORGAN v. SOUTH DAKOTA.* Error to the Supreme Court of the State of South Dakota. March 25, 1895. Dismissed, with costs, on motion of counsel for the plaintiff in error. *Mr. Samuel Wagner* for the plaintiff in error. *Mr. Robert Dollard* for the defendant in error.

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No. 156. *NATIONAL CASH REGISTER COMPANY v. BOSTON CASH INDICATOR AND RECORDER COMPANY.* Appeal from the Circuit Court of the United States for the District of Massachusetts. November 1, 1894. Dismissed, with costs, on motion of counsel for appellant. *Mr. C. M. Peck* and *Mr. Edward Rector* for the appellant. *Mr. F. P. Fish* for the appellee.

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No. 522. *NATIONAL DREDGING COMPANY v. ALABAMA.* Error to the Supreme Court of the State of Alabama. March 8, 1895. Dismissed, with costs, on motion of counsel for the plaintiff in error. *Mr. Gaylord B. Clark* and *Mr. Anthony Higgins* for the plaintiff in error. No appearance for the defendant in error.

## Cases not Otherwise Reported.

No. 1005. NATIONAL LIFE INSURANCE COMPANY *v.* BOARD OF EDUCATION OF THE CITY OF HURON. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the eighth circuit. May 20, 1895. Petition denied. *Mr. R. J. Wells* for Board of Education of the City of Huron, South Dakota, in support of the petition. *Mr. N. T. Guernsey* for National Life Insurance Company of Montpelier, Vermont, in opposition thereto.

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No. 847. NEALLY *v.* STEAMSHIP MICHIGAN. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the fourth circuit. December 3, 1894. Petition denied. *Mr. J. Wilson Leakin* and *Mr. Harrington Putnam* for Steamship Michigan in support of the petition. *Mr. Eugene P. Carver* and *Mr. Robert H. Smith* for Neally *et al.* in opposition thereto.

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No. 202. NEW YORK, LAKE ERIE AND WESTERN RAILROAD COMPANY *v.* BROWN. Error to the Circuit Court of the United States for the Southern District of New York. January 17, 1895. Dismissed per stipulation. *Mr. Frederic B. Jennings* for the plaintiff in error. *Mr. F. H. Betts* for the defendant in error.

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No. 207. NEW YORK, LAKE ERIE AND WESTERN RAILROAD COMPANY *v.* RUSH. Error to the Circuit Court of the United States for the Northern District of Ohio. February 4, 1895. Dismissed, with costs, per stipulation. *Mr. W. E. Cushing* and *Mr. S. E. Williamson* for the plaintiff in error. *Mr. Thomas W. Sanderson* and *Mr. Myron A. Norris* for the defendant in error.

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No. 964. NEW YORK LIFE INSURANCE COMPANY *v.* SMITH, administratrix, etc. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the ninth circuit. April 22, 1895. Petition denied. *Mr. George W. Hubbell* for New York Life Insurance Company in support of petition. No one opposing.

## Cases not Otherwise Reported.

No. 28. NORTHERN PACIFIC RAILROAD COMPANY *v.* BUSH. Error to the Circuit Court of the United States for the Northern District of Illinois. October 8, 1894. Dismissed, with costs, on motion of Mr. A. H. Garland for the plaintiff in error. *Mr. George Willard, Mr. James McNaught, and Mr. A. H. Garland* for the plaintiff in error. No appearance for defendant in error.

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No. 344. NORTHERN PACIFIC RAILROAD COMPANY *v.* RAGSDALE. Error to the Circuit Court of the United States for the District of Minnesota. May 1, 1895. Dismissed, with costs, on motion of Mr. R. C. Garland for the plaintiff in error. *Mr. James McNaught, Mr. A. H. Garland, and Mr. W. J. Curtis* for the plaintiff in error. *Mr. Moses E. Clapp* for the defendant in error.

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No. 287. OAKLAND ELECTRIC LIGHT AND MOTOR COMPANY *v.* KEITH. Error to the Circuit Court of the United States for the Northern District of California. April 9, 1895. Dismissed, with costs, pursuant to the tenth rule. *Mr. M. A. Wheaton* for the plaintiff in error. *Mr. M. M. Estee, Mr. W. W. Dudley, Mr. L. T. Michener, and Mr. John H. Miller* for the defendant in error.

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No. 123. PACIFIC COAST STEAMSHIP COMPANY *v.* UNITED STATES. Appeal from the Circuit Court of the United States for the District of Washington. February 4, 1895. Dismissed, per stipulation, on motion of Mr. Assistant Attorney General Conrad for the appellee. *Mr. J. C. Haines, Mr. A. H. Holmes, and Mr. Stephen M. White* for the appellant. *Mr. Attorney General* for the appellee.

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No. 325. RASH *v.* FARLEY. Error to the Court of Appeals of the State of Kentucky. May 6, 1895. Judgment affirmed, with costs, on the authority of *Emert v. Missouri*, 156 U. S. 296, decided at this term. *Mr. John H. Rogers* for the plaintiff in error. No appearance for the defendant in error.

## Cases not Otherwise Reported.

No. 320. *RICE v. RICE*. Appeal from the Circuit Court of the United States for the District of Delaware. May 31, 1894. Dismissed pursuant to the twenty-eighth rule. *Mr. George H. Bates* and *Mr. Edward G. Bradford* for the appellants. *Mr. Anthony Higgins* for the appellees.

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No. 823. *RICHARDSON v. GREEN*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the ninth circuit. October 22, 1894. Petition denied. *Mr. Lewis L. McArthur* for Green *et al.* in support of petition. *Mr. William A. Maury* and *Mr. J. N. Dolph* for Richardson *et al.* in opposition thereto.

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No. 315. *ITCHIE v. MERRILL*. Appeal from the Circuit Court of the United States for the Southern District of New York. April 23, 1895. Dismissed, with costs, pursuant to the tenth rule. *Mr. Charles A. Peabody* and *Mr. Charles H. Drew* for the appellants. No appearance for the appellees.

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No. 672. *ROYAL CLAY MANUFACTURING COMPANY v. CHICAGO SEWER PIPE AND COAL COMPANY*. Error to the Circuit Court of the United States for the Northern District of Illinois. May 20, 1895. Dismissed, with costs, on authority of counsel for plaintiff in error. *Mr. S. S. Gregory*, *Mr. Wm. M. Booth*, and *Mr. James S. Harlan* for the plaintiff in error. No appearance for the defendant in error.

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No. 213. *ROYER v. SHULTZ BELTING COMPANY*. Error to the Circuit Court of the United States for the Eastern District of Missouri. January 29, 1895. Dismissed, with costs, pursuant to the tenth rule. *Mr. J. O. Broadhead* for the plaintiff in error. *Mr. Chester H. Krum* for the defendant in error.

## Cases not Otherwise Reported.

No. 881. *SAYWARD v. NUNAN*. Error to the Supreme Court of the State of Washington. January 7, 1895. Docketed and dismissed, with costs, on motion of Mr. Edward B. Whitney for the defendants in error. *Mr. Edward B. Whitney* for the defendants in error in support of the motion. No opposition.

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No. 80. *SCHEELE v. LORDAN*. Appeal from the Circuit Court of the United States for the Eastern District of Texas. November 12, 1894. Dismissed, with costs, pursuant to the tenth rule. *Mr. J. M. Burroughs* for the appellant. No appearance for the appellee.

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No. 210. *SCHREINER v. SMITH*. Appeal from the Circuit Court of the United States for the Northern District of Illinois. January 16, 1895. Dismissed, with costs, on authority of counsel for the appellant. *Mr. I. C. Sloan* and *Mr. A. R. Bushnell* for the appellant. *Mr. James L. High* for the appellees.

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No. 252. *SELLERS v. MILLER*. Appeal from the Circuit Court of the United States for the Northern District of Texas. November 6, 1894. Dismissed, with costs, on motion of counsel for appellant. *Mr. F. Charles Hume* and *Mr. E. H. Graham* for the appellant. No appearance for the appellees.

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No. 246. *SEXTON v. JONES*. Appeal from the Circuit Court of the United States for the District of Oregon. March 28, 1895. Dismissed, with costs, pursuant to the tenth rule. *Mr. Frank V. Drake* for the appellants. No appearance for appellees.

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No. 42. *SMITH v. PITTSBURGH GAS COMPANY*. Appeal from the Circuit Court of the United States for the Western District of Pennsylvania. October 12, 1894. Dismissed, with costs, pursuant to the tenth rule. *Mr. D. F. Patterson* for the appellants. *Mr. W. Bakewell* for the appellee.

## Cases not Otherwise Reported.

No. 116. SOUTHERN PACIFIC RAILROAD COMPANY *v.* GRAHAM. Appeal from the Circuit Court of the United States for the Southern District of California. March 7, 1895. Dismissed, with costs, on motion of Mr. J. Hubley Ashton for the appellant. *Mr. J. Hubley Ashton* for the appellant. *Mr. W. B. Wallace* and *Mr. J. H. Call* for the appellees.

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No. 115. SOUTHERN PACIFIC RAILROAD COMPANY *v.* McCUTCHEON. Appeal from the Circuit Court of the United States for the Southern District of California. March 7, 1895. Dismissed, with costs, on motion of Mr. J. Hubley Ashton for the appellant. *Mr. J. Hubley Ashton* for the appellant. *Mr. W. B. Wallace*, *Mr. George W. Merrill*, and *Mr. J. H. Call* for the appellee.

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No. 35. SOUTHERN PACIFIC RAILROAD COMPANY *v.* UNITED STATES. Appeal from the Circuit Court of the United States for the Northern District of California. October 8, 1894. Dismissed on motion of Mr. J. Hubley Ashton for the appellant. *Mr. Henry Beard*, *Mr. Charles H. Tweed*, and *Mr. J. Hubley Ashton* for the appellant. *Mr. Attorney General* for the appellee.

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No. 335. STANTON *v.* UNION TRUST COMPANY *et al.* Appeal from the Circuit Court of the United States for the District of Kansas. April 30, 1895. Dismissed, with costs, pursuant to the tenth rule. *Mr. Lucien Birdseye* for the appellants. No appearance for the appellees.

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No. 185. STEAMBOAT CITY OF WORCESTER *v.* SCOTT. Appeal from the Circuit Court of the United States for the District of Connecticut. September 6, 1894. Dismissed pursuant to the twenty-eighth rule. *Mr. Harrington Putnam* for the appellant. *Mr. Walter C. Noyes* for the appellee.

## Cases not Otherwise Reported.

No. 722. ST. LOUIS, IRON MOUNTAIN AND SOUTHERN RAILWAY COMPANY *v.* LEEP. Error to the Supreme Court of the State of Arkansas. December 10, 1894. Dismissed, with costs, on motion of Mr. John F. Dillon for the plaintiff in error. *Mr. John F. Dillon* and *Mr. Winslow S. Pierce* for the plaintiff in error. No appearance for the defendant in error.

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No. 93. TENNANT *v.* DUDLEY. Error to the Circuit Court of the United States for the Northern District of Texas. March 4, 1895. Dismissed, with costs, per stipulation. *Mr. E. H. Graham* for the plaintiffs in error. *Mr. Eugene Williams* for the defendants in error.

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No. 108. TEXAS AND PACIFIC RAILWAY COMPANY *v.* GEIGER. Error to the Supreme Court of the State of Texas. December 11, 1894. Dismissed, with costs, on motion of Mr. John F. Dillon for the plaintiff in error. *Mr. John F. Dillon* for the plaintiff in error. *Mr. T. P. Young* for the defendant in error.

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No. 110. TEXAS AND PACIFIC RAILWAY COMPANY *v.* McELROY. Error to the Court of Appeals of the State of Texas. March 18, 1895. Dismissed, with costs, on motion of Mr. D. D. Duncan in behalf of counsel for the plaintiffs in error. *Mr. John F. Dillon* and *Mr. Winslow S. Pierce* for the plaintiffs in error. No appearance for the defendant in error.

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No. 111. TEXAS AND PACIFIC RAILWAY COMPANY *v.* WILSON. Error to the Court of Appeals of the State of Texas. March 18, 1895. Dismissed, with costs, on motion of Mr. D. D. Duncan in behalf of counsel for the plaintiffs in error. *Mr. John F. Dillon* and *Mr. Winslow S. Pierce* for the plaintiffs in error. No appearance for the defendant in error.

## Cases not Otherwise Reported.

No. 814. *THOM v. PITTARD.* Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the fourth circuit. November 12, 1895. Petition denied. *Mr. Robert M. Hughes* for Pittard *et al.* in support of petition. No appearance for Thom, receiver, etc.

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No. 317. *THOMPSON v. UNITED STATES.* Error to the Circuit Court of the United States for the Southern District of New York. April 24, 1895. Dismissed pursuant to the tenth rule. *Mr. Adolph L. Sanger* for the plaintiff in error. No appearance for the defendant in error.

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No. 13. *THOMSON v. SMITH & GRIGGS MANUFACTURING COMPANY.* Appeal from the Circuit Court of the United States for the District of Connecticut. October 10, 1894. Dismissed, with costs, pursuant to the nineteenth rule. *Mr. George W. Hey* for the appellants. *Mr. C. E. Mitchell* for the appellees.

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No. 318. *TOPLITZ v. MERRITT.* Error to the Circuit Court of the United States for the Southern District of New York. April 22, 1895. Dismissed, with costs, on authority of counsel for the plaintiffs in error, on motion of Mr. Solicitor General Conrad for the defendant in error. *Mr. Stephen G. Clarke* for the plaintiffs in error. *Mr. Attorney General* for the defendant in error.

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No. 286. *TREDWAY v. RILEY.* Error to the Supreme Court of the State of Nebraska. April 8, 1895. Dismissed, with costs, pursuant to the tenth rule. *Mr. O. C. Tredway* and *Mr. William E. Gantt* for the plaintiff in error. *Mr. W. L. Joy* for the defendant in error.

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No. 998. *TUCKER v. UNITED STATES.* Error to the District Court of the United States for the Eastern District of Texas.

## Cases not Otherwise Reported.

April 29, 1895. Docketed and dismissed on motion of *Mr. Solicitor General* for the defendant in error. No one opposing.

No. 22. *WASHBURN AND MOEN MANUFACTURING COMPANY v. FREEMAN WIRE COMPANY.* Appeal from the Circuit Court of the United States for the Eastern District of Missouri. October 12, 1894. Dismissed, with costs, on motion of Mr. John R. Bennett for the appellant. *Mr. Henry Hitchcock, Mr. G. A. Finkelnburg, and Mr. John R. Bennett* for the appellant. No appearance for appellees.

No. 302. *WHEELER v. MALLON.* Error to the City Court of Brooklyn, in the State of New York. April 15, 1895. Dismissed, with costs, pursuant to the tenth rule. *Mr. W. E. Osborne* for the plaintiffs in error. *Mr. Louis W. Frost* for the defendant in error.

No. 72. *WHEELER v. TERREL.* Error to the Supreme Court of the State of New York. November 9, 1894. Dismissed, with costs, pursuant to the tenth rule. *Mr. James Stikeman* for the plaintiff in error. No appearance for the defendant in error.

No. 71. *WHEELER v. WHITE.* Error to the Supreme Court of the State of New York. November 8, 1894. Dismissed, with costs, pursuant to the tenth rule. *Mr. James Stikeman* for the plaintiff in error. No appearance for the defendant in error.

No. 900. *WHITNEY v. UNITED STATES.* Appeal from the Court of Private Land Claims. February 4, 1895. Docketed and dismissed on motion of *Mr. Assistant Attorney General Conrad* for the appellee. No opposition.

No. 1046. *WIGGS v. SOUTHERN PACIFIC RAILROAD COMPANY.* Appeal from the Circuit Court of the United States

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for the Northern District of California. June 3, 1895. Docketed and dismissed, with costs, on motion of *Mr. J. Hubley Ashton* for the appellee. No one opposing.

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No. 242. *WILLIAMS v. PASSUMPSIC SAVINGS BANK.* Appeal from the Circuit Court of the United States for the Northern District of Florida. March 27, 1895. Dismissed, with costs, pursuant to the tenth rule. *Mr. H. Bisbee* for the appellants. No appearance for the appellee.

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No. 864. *WINEMAN v. STEAMER IRON CHIEF.* Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the sixth circuit. January 7, 1895. Petition denied. *Mr. Harvey D. Goulder* for steamer Iron Chief, etc., in support of petition. *Mr. H. C. Wisner* for Wineman in opposition thereto.

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No. 309. *WOOD v. BACH.* Error to the Circuit Court of the United States for the Northern District of Illinois. April 29, 1895. Judgment affirmed, with costs and interest, by a divided court. *Mr. Charles H. Aldrich, Mr. N. C. Sears, and Mr. P. V. Hoffman* for the plaintiffs in error. *Mr. R. A. Childs* for the defendants in error.

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No. 6. *WORCESTER, NASHUA AND ROCHESTER RAILROAD COMPANY v. JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY;* No. 18. *WORCESTER, NASHUA AND ROCHESTER RAILROAD COMPANY v. DAY;* No. 73. *WORCESTER, NASHUA AND ROCHESTER RAILROAD COMPANY v. INDIA MUTUAL INSURANCE COMPANY;* No. 74. *WORCESTER, NASHUA AND ROCHESTER RAILROAD COMPANY v. SWEET;* No. 468. *WORCESTER, NASHUA AND ROCHESTER RAILROAD COMPANY v. PEOPLE'S SAVINGS BANK.* Error to the Superior Court of the State of Massachusetts. October 8, 1894. Dismissed per stipulation. *Mr. Attorney General* for the plaintiff in error. *Mr. Samuel Wells* for the defendant in

## Cases not Otherwise Reported.

error in No. 6. *Mr. W. A. Monroe* and *Mr. George O. Shattuck* for the defendants in error in Nos. 18, 73, and 74, and *Mr. W. S. B. Hopkins* for the defendant in error in No. 468.

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No. 106. *WORSWICK MANUFACTURING COMPANY v. KANSAS CITY*. Appeal from the Circuit Court of the United States for the Western District of Missouri. December 7, 1894. Dismissed, with costs, pursuant to the tenth rule. *Mr. M. D. Leggett*, *Mr. L. L. Leggett*, and *Mr. Albert E. Lynch* for the appellants. *Mr. F. F. Rozelle* and *Mr. J. R. Edson* for the appellees.

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No. 493. *WRIGHT v. ROLLINS*. Error to the Supreme Court of the State of California. October 15, 1894. Dismissed per stipulation, on motion of *Mr. Calderon Carlisle* for the plaintiff in error. *Mr. Calderon Carlisle* for the plaintiff in error. *Mr. Thomas D. Riordan* for the defendant in error.

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No. 838. *UEBERWEG v. COMPAGNIE GÉNÉRALE TRANSATLANTIQUE*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the second circuit. November 12, 1894. Petition denied. *Mr. Robert D. Benedict* and *Mr. Edward K. Jones* for Compagnie Générale Transatlantique in support of petition. *Mr. Henry G. Ward* for Ueberweg in opposition thereto.

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No. 551. *UNITED STATES v. CONVERSE*. Appeal from the Court of Claims. January 21, 1895. Dismissed on motion of *Mr. Solicitor General Maxwell* for the appellant. *Mr. Attorney General* for the appellant. *Mr. W. W. Dudley*, *Mr. L. T. Michener*, and *Mr. R. R. McMahon* for the appellee.

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No. 515. *UNITED STATES v. DAVENPORT*. Appeal from the Court of Claims. January 28, 1895. Judgment affirmed by

## Cases not Otherwise Reported.

a divided court. *Mr. Attorney General*, *Mr. Assistant Attorney General Dodge*, and *Mr. Felix Brannigan* for the appellant. *Mr. Richard R. McMahon* for the appellee.

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No. 827. UNITED STATES *v.* HUNING. Appeal from the Court of Private Land Claims. March 4, 1895. Dismissed on motion of Mr. Solicitor General for the appellant. *Mr. Attorney General* for the appellant. *Mr. Frank W. Clancy* for the appellee.

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No. 1032. UNITED STATES *v.* MERCK. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the second circuit. June 3, 1895. Petition denied. *Mr. Attorney General* and *Mr. Solicitor General* for United States in support of the petition. No one opposing.

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No. 407. UNITED STATES *ex rel.* MERRICK *v.* FOSTER. Error to the Supreme Court of the District of Columbia. January 24, 1895. Dismissed, with costs, on motion of Mr. J. M. Wilson for the plaintiffs in error. *Mr. J. M. Wilson* for the plaintiffs in error. *Mr. Attorney General* for the defendant in error.

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No. 134. YOUNG *v.* FOERSTER. Appeal from the Circuit Court of the United States for the Southern District of New York. December 17, 1894. Dismissed, with costs, pursuant to the tenth rule. *Mr. Edwin H. Brown* for the appellants. *Mr. Arthur v. Briesen* for the appellee.

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No. 68. YOUNG *v.* FOX. Appeal from the Circuit Court of the United States for the Eastern District of Tennessee. November 7, 1894. Dismissed, with costs, pursuant to the tenth rule. *Mr. William Henry De Witt* for the appellants. *Mr. Jefferson Chandler* for the appellees.