

Opinion of the Court.

NEW ORLEANS FLOUR INSPECTORS *v.* GLOVER.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR
THE EASTERN DISTRICT OF LOUISIANA.

No. 88. Argued November 22 and submitted December 2, 1895. — Decided December 9, 1895.

Mills v. Green, 159 U. S. 651, affirmed to the point that when, pending an appeal from the judgment of a lower court, and without any fault of the defendant, an event occurs which renders it impossible for the appellate court, if it should decide the case in favor of the plaintiff, to grant him any effectual relief, the court will not proceed to a formal judgment, but will dismiss the appeal.

THE case is sufficiently stated in the short opinion of the court.

Mr. J. R. Beckwith argued for appellant on the 22d day of November, 1895. At the close of his argument the court adjourned until the 2d day of December following. *Mr. William Wirt Howe* on that day presented himself to argue for appellees, but the court declined to hear further argument in the case.

THE CHIEF JUSTICE: The decree below enjoined appellants from enforcing against appellees act No. 71 of the extra session of the general assembly of Louisiana of 1870, (Session Laws La. Ex. Sess. 1870, 156). This act was repealed June 28, 1892, (No. 23 of 1892, Acts La. 1892, 34,) and the appeal is dismissed on the authority of *Mills v. Green*, 159 U. S. 651.

Appeal dismissed.