

## Opinion of the Court.

CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY  
COMPANY *v.* BOSWORTH, RECEIVER.CERTIORARI TO THE CIRCUIT COURT OF APPEALS FOR THE SEVENTH  
CIRCUIT.

No. 11. Argued October 24, 25, 1899.—Decided December 17, 1900.

This case having been argued with No. 12, *ante*, 415, at the same time and by the same counsel, the decision of the court in that case is followed in this.

THE case is stated in the opinion of the court.

*Mr. Burton Hanson* for petitioners.

*Mr. Bluford Wilson* for Bosworth.

MR. JUSTICE WHITE delivered the opinion of the court.

The decision of the controversy presented in this record is controlled by the principles announced in the opinion just delivered in *Huntington Elevator Company v. Bosworth*, No. 12 of this term. The claim of the railroad company was for the value of certain cars, admittedly owned by it, which had been received by the Peoria Company at various times on and prior to October 28, 1894, from a connecting carrier, upon shipments of barley from various points to commission merchants in St. Louis, the cars, except in one or two instances, being routed on the way bills to East St. Louis. The cars so taken by the Peoria Company were deposited on the tracks at East St. Louis set apart for the use of the Peoria Company under the circumstances disclosed in the opinion in the *Huntington Elevator Company* case, and, while awaiting orders from the consignees for further movement, were destroyed in the fire of October 28, 1894. The Circuit Court entered a decree in favor of the railroad company, but this decree was reversed by the Circuit Court of Appeals.

## Opinion of the Court.

For the reasons stated in the opinion in the *Huntington Elevator Company* case

*The decree of the Circuit Court of Appeals must be reversed and the decree of the Circuit Court of the United States for the Southern District of Illinois affirmed.*

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RAU *v.* BOSWORTH, RECEIVER.

## CERTIORARI TO THE CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

No. 13. Argued October 24, 25, 1899.—Decided December 17, 1900.

This case having been argued with No. 12, *ante*, 415, at the same time, and by the same counsel, the decision of the court in that case is followed in this.

THE case is stated in the opinion of the court.

*Mr. Burton Hanson* for Rau.

*Mr. Bluford Wilson* for Bosworth.

MR. JUSTICE WHITE delivered the opinion of the court.

This is another of the claims in intervention which originated from the fire in a railroad yard at East St. Louis on the night of October 28, 1894, referred to in the opinion just delivered in *Huntington Elevator Company v. Bosworth*, No. 12 of this term. The claim of Rau was for the value of two cars of barley shipped from Wykoff, Minnesota, consigned to the Orthwein Grain Company, St. Louis, to be sold for the account of the consignor. The cars were delivered by a connecting carrier to the Peoria Company and were deposited on its tracks in a portion of the Terminal Association yards at East St. Louis on the