

Statement of the case.

GERMAN v. UNITED STATES.

An appeal from California dismissed where the record was not brought and filed within sixty days of the next term of the court; the record, moreover, not having been returned within the term.

ON motion to dismiss an appeal from the District Court of the United States for Southern California.

The CHIEF JUSTICE stated the case, and delivered the opinion of the court.

The appeal in this case was allowed on the 26th October, 1864, and the record was filed here on the 21st August, 1865.

This was too late. The record should have been brought and filed within the first sixty days of the next term of this court. This was not done, nor was the record returned within the term. The appeal, therefore, must be

DISMISSED.

EX PARTE THE MILWAUKEE RAILROAD COMPANY.

A mandamus awarded in a branch of the railroad controversies between the Milwaukee and Minnesota Railroad Company and the Milwaukee and St. Paul Railway Company, compelling the latter, and its receivers, to deliver to the former certain rolling stock in compliance with a mandate of this court made July 18, 1865.

THIS was an application for a mandamus to the judge of the Circuit Court for the District of Wisconsin, in one part of the railroad cases connected with the roads between Milwaukee and St. Paul, and which under various names have filled so considerable a part of the reports of this court for the last few terms.

By a reference to the case of the *Railroad Company v. Souter*,* it will be seen that this court, reversing the action of

* 2 Wallace, 510.