

Case No. 3,541.

DALE v. BARNEY.

[No opinion was written by the court, but the report of Pierrepont referee, was affirmed by Blatchford, J., and followed in *Hennequin v. Barney*, 24 Fed. 581, but overruled in *Tomes v. Barney*, 35 Fed. 115. The report of the referee is nowhere reported, and is not now accessible.]