

Case No. 16,980.  
[3 Biss. 300.]<sup>1</sup>

VOCKE v. YAEGER.

Circuit Court, N. D. Illinois.

June, 1872.<sup>2</sup>

BILL TO ESTABLISH SET-OFF.

{This was a suit by Vocke, assignee of the Germania Mutual Insurance Company, against Yaeger.}

In this case, founded on essentially the same state of facts and tried at the same time [with Sawyer v. Hoag, Case No. 12,400], Rosenthal & Pence, for assignee, cited the following authorities: Curran v. Arkansas, 15 How. [56 U. S.] 304; Wood v. Dummer [Case No. 17,944]; Hightower v. Thornton, 8 Ga. 493; Nathan v. Whitlock, 3 Edw. Ch. 215, 9 Paige, 152; Vose v. Grant, 15 Mass. 505; Richards v. Insurance Co., 43 N. H. 263; Briggs v. Penniman, 8 Cow. 387; Slee v. Bloom, 19 Johns. 456; Dudley v. Price, 10 B. Mon. 84; Ward v. Griswoldville Manuf'g Co., 16 Conn. 593; Henry v. Vermillion R. Co., 17 Ohio, 187; Barry v. Merchants Exp. Co., 1 Sandf. Ch. 280; Lawrence v. Nelson, 21 N. Y. 158; Hillier v. Alleghany Mut. Ins. Co., 3 Pa. St 473.

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These cases [Sawyer v. Hoag, Case No. 12,400, and Vocke v. Yaeger, Id. 16,980] were heard and taken under advisement at the same time with Hitchcock v. Hello [Id. 6,535], and Drake v. Rollo [Id. 4,066], and the bills dismissed by DRUMMOND, Circuit Judge, and BLODGETT, District Judge, on the grounds stated in the opinions in these cases. The cases are now pending in the United States supreme court.

The supreme court affirmed the decree of the court below in above cases; opinion filed Dec. 22, 1873. Sawyer v. Hoag [17 Wall. (84 U. S.) 610].

<sup>1</sup> [Reported by Josiah H. Bissell, Esq., and here reprinted by permission.]

<sup>2</sup> [Affirmed in 17 Wall. (84 U. S.) 610.]