

PERRIN *v.* UNITED STATES.

*Circuit Court, D. California.*

March 5, 1888.

At Law. On demurrer to complaint.

SAWYER, J., (*orally.*) The plaintiff in this case is one of the parties, also, embraced in the indictments. He sets out two contracts similar to that set out in *Baker's Case, ante*, 353, and they do not appear to have been passed upon by the department. One of them is stated to have been approved by, Surveyor, General Brown, and the other by Surveyor General Hammond, but, it does not appear that the department ever determined or passed upon either or reported against them. The allegation is such as to make out a good cause of action, and the same order will be made in this case as in the other.

The demurrer will be overruled, with leave to answer in 30 days.