

HAYES *V.* YAWGER. SAME *V.* FITCH. SAME *V.* VAN SICKLE. SAME *V.*
DURSTON *ET AL.* SAME *V.* HOWLAND. SAME *V.* WHITE *ET AL.*
Circuit Court, N. D. New York. COXE, J. These causes involve the July 23, 1889.
same question presented in *Hayes v. Shoemaker, ante*, 319. No distinction was made against any of these defendants upon the argu-
ment or in the printed briefs. There was an implied understanding, at least, that the cases
should stand or fall together. It is therefore unnecessary to file a separate decision in each
case. In some of these cases the facts are stronger for the defendant than in the *Shoemaker*
Case. In the case of *Hayes v. Durston* they are not so strong; but after a careful exami-
nation of the entire testimony I am convinced that all the cases are within the principle of
Whitney v. Butler, 118 U. S. 655, 7 Sup. Ct. Rep. 61, and that in each a judgment must
be entered for the defendant.