pied by the appellees, or to do an act that will occasion injury to any considerable extent. The damages, if any, to which the appellees can lawfully lay claim, are certainly very small, if not purely nominal. We recognize the rule that legal rights of every description are entitled to protection, no matter how small their money value may be, but a court of equity is not bound to afford protection by an unconditional order of injunction, when adequate relief may be afforded in some other manner, whether the right involved is of great or little value. *Bassett* v. *Manufacturing Co.*, 47 N. H. 437; *McElroy* v. *Kansas City*, 21 Fed. Rep. 257; *Erie R. Co.* v. *Delaware, L. & W. R. Co.*, 21 N. J. Eq. 291, 292. We are of the opinion that the circuit court would have gone quite far enough in the case at bar, had it required the appellant to give a bond in a reasonable sum, not exceeding $2,500, conditioned to pay such damages, if any, as the complainants below might thereafter be adjudged to be entitled to, by any court of competent jurisdiction, in consequence of the alleged additional servitude imposed or threatened to be imposed on its right of way. Entertaining these views, the order of injunction appealed from is hereby vacated and annulled, the existing injunction is dissolved, and the cause is remanded to the lower court, with directions to take a bond for the protection of the appellees not exceeding the amount, and with conditions as above indicated.

KANSAS & A. V. RY. CO. v. LE FLORE.

(*Circuit Court of Appeals, Eighth Circuit.* January 25, 1892.)

Appeal from the Circuit Court of the United States for the Western District of Arkansas.

H. S. Priest and *Alex. G. Cochran*, for appellant.

John H. Rogers, for appellee.

Before CALDWELL, Circuit Judge, and SHIRAS and THAYER, District Judges.

THAYER, District Judge. This is an appeal from an order granting and continuing a preliminary injunction. The same questions arise that have been fully considered and determined at the present session in the case of the same appellant against Gabriel L. Payne and Houston J. Payne. 49 Fed. Rep. 114. For the reasons stated in the opinion on file in the last-mentioned cause the order of injunction appealed from is vacated and annulled, the existing injunction is dissolved, and the cause is remanded to the lower court, with directions to take a bond with sufficient sureties from the appellant, in a sum not to exceed $2,500, conditioned that the appellant will pay such damages, if any, as the appellee may hereafter be adjudged to be entitled to by any court of competent jurisdiction, in consequence of the alleged additional servitude imposed, or threatened to be imposed, on the appellant's right of way.

In re FIRST NAT. BANK OF ST. ALBANS.

(*Circuit Court, D. Vermont.* December 24, 1891.)

1. NATIONAL BANKS—MARRIED WOMEN AS SHAREHOLDERS—LIABILITY FOR ASSESSMENTS.
   Married women, who are permitted by the laws of the state in which they reside to become shareholders in national banks, are liable to assessments thereon under the national banking laws.
2. EXECUTION—VALIDITY—JOINT DEBTORS.
   Where a judgment is against a husband and wife jointly, the fact that execution is issued against the wife alone is an irregularity not within the reach of a writ of error, and, when no motion is made in the trial court to correct it, it must be considered as valid.
3. EXECUTION SALES—REDEMPTION OF LANDS—VOLUNTARY PAYMENT.
   Under Laws Vt. 1884, No. 189, § 10, permitting the debtor to redeem within six months lands sold on execution, by paying to the officer the amount for which they were sold, with interest, such a payment is voluntary, and constitutes a waiver of all defects in the proceedings.
4. SURVIVAL OF ACTIONS—DEATH PENDING APPEAL.
   A decree founded upon a tort will survive though the debtor die pending an appeal in which a *supersedeas* bond has been given.

In Equity. In the matter of the receivership of the First National Bank of St. Albans. Heard on petition by the receiver for leave to accept a proposal to compromise, together with a petition to sell assets in case the proposal is not approved. Proposal disapproved. For former reports, see 35 Fed. Rep. 463; 39 Fed. Rep. 403; 40 Fed. Rep. 413; 41 Fed. Rep. 752; 43 Fed. Rep. 700.

Edward A. Sowles, *Henry C. Adams*, and *T. W. Moloney*, for petition.

Albert A. Hall, *H. Charles Royce*, *Geo. A. Ballard*, *Henry A. Burt*, *Jed P. Ladd*, and *Willard Farrington*, opposed.

WHEELER, J. This bank has long been in the hands of a receiver appointed by the comptroller of the currency. The statute (section 5234) provides that the receiver, "upon the order of a court of record of competent jurisdiction, may sell or compound all bad or doubtful debts; and, on a like order, may sell all the real and personal property of such association, on such terms as the court shall direct." This receivership now has cash in treasury and bank about $22,500; real estate, which came from mortgages formerly belonging to the estate of Hiram Bellows, through Edward A. Sowles, executor, worth about $6,500; redeemable leases from the same source in the same way, worth about $4,500; a judgment of this court against Margaret B. Sowles and Edward A. Sowles for about $50,000, apparently satisfied to about $30,000, on which a writ of error without *supersedeas* is now pending in the supreme court of the United States; real estate sold on execution against her on this judgment to the amount of about $10,000; a decree of this court against Oscar A. Burton for about $15,000, on which an appeal is now pending in the supreme court of the United States; and poor paper of one Marshall to the amount of about $100,000, for which $2,700 is offered. The claims amount to about $290,000, besides one in favor of Margaret B. Sowles of about $26,000, established by decree of this court since the payment of divi-