

the evidence, or in clearly erroneous declarations of the law, when it has been announced by the court, which tend to deceive and mislead the jury and to prevent a fair and impartial trial of the case. *Railway Co. v. Farr*, 6 C. C. A. 211, 12 U. S. App. 520, 56 Fed. 994; *Railway Co. v. Myers*, 11 C. C. A. 439, 63 Fed. 793. The general rule for the measure of damages in cases of the class to which this belongs was stated by this court in *Railway Co. v. Needham*, 3 C. C. A. 129, 52 Fed. 371, 378. The judgment below must be reversed, and the cause remanded, with directions to grant a new trial, and it is so ordered.

ST. LOUIS & S. F. RY. CO. et al. v. BENNETT.

(Circuit Court of Appeals, Eighth Circuit. September 2, 1895.)

No. 582.

RAILROAD COMPANIES—LIABILITY FOR NEGLIGENCE—INJURIES TO PERSONS ON TRACK.

In Error to the Circuit Court of the United States for the Western District of Arkansas.

B. R. Davidson (Edward D. Kenna, on the brief), for plaintiffs in error.

Oscar L. Miles, for defendant in error.

Before CALDWELL, SANBORN, and THAYER, Circuit Judges.

SANBORN, Circuit Judge. This was an action by the administratrix of the estate of W. W. Bennett, the defendant in error, to recover damages from the St. Louis & San Francisco Railway Company and its receivers, the plaintiffs in error, for injuries to the deceased which she alleged were caused by the negligence of the company. There was a verdict and judgment for the defendant in error. This case arose from the same state of facts, and was tried upon the same theory of the law, as the case of *Railway Co. v. Bennett* (just decided by this court) 69 Fed. 525. For the reasons stated in the opinion in that case the judgment below must be reversed, and the case remanded, with directions to grant a new trial, and it is so ordered.

ST. LOUIS & S. F. RY. CO. et al. v. MILES.

(Circuit Court of Appeals, Eighth Circuit. September 2, 1895.)

No. 583.

RAILROAD COMPANIES—LIABILITY FOR NEGLIGENCE—INJURIES TO PERSONS ON TRACK.

In Error to the Circuit Court of the United States for the Western District of Arkansas.

B. R. Davidson (Edward D. Kenna, on the brief), for plaintiffs in error.

Oscar L. Miles, for defendant in error.

Before CALDWELL, SANBORN, and THAYER, Circuit Judges.

SANBORN, Circuit Judge. This was an action by A. F. Miles, administrator of the estate of James W. Brown, deceased, the defendant in error, to recover damages from the St. Louis & San Francisco Railway Company and its receivers, the plaintiffs in error, for injuries to the deceased, which he alleged were caused by the negligence of the company. The facts out of which the case arose, and the theory of the law upon which it was tried, were the same as in No. 581,—Railway Co. v. Bennett (just decided by this court) 69 Fed. 525. The judgment below must be reversed, and the cause remanded, with directions to grant a new trial, for the reasons stated in the opinion in that case.

ST. LOUIS & S. F. RY. CO. et al. v. HICKS.

(Circuit Court of Appeals, Eighth Circuit. September 2, 1895.)

No. 584.

RAILROAD COMPANIES—LIABILITY FOR NEGLIGENCE—INJURIES TO PERSONS ON TRACK.

In Error to the Circuit Court of the United States for the Western District of Arkansas.

B. R. Davidson (Edward D. Kenna, on the brief), for plaintiffs in error.

Oscar L. Miles, for defendant in error.

Before CALDWELL, SANBORN, and THAYER, Circuit Judges.

SANBORN, Circuit Judge. This was an action by Harrison Hicks, administrator of the estate of William Spoon, deceased, defendant in error, to recover damages from the St. Louis & San Francisco Railway Company and its receivers, the plaintiffs in error, for injuries to the deceased, which he alleged were caused by the negligence of the company. The essential facts in this case, and the theory of the law upon which the case was tried are the same as in No. 581,—Railway Co. v. Bennett (just decided by this court) 69 Fed. 525. For the reasons stated in that opinion the judgment below must be reversed, and the cause remanded, with directions to grant a new trial, and it is so ordered.

ST. LOUIS & S. F. RY. CO. et al. v. HICKS.

(Circuit Court of Appeals, Eighth Circuit. September 2, 1895.)

No. 585.

RAILROAD COMPANIES—LIABILITY FOR NEGLIGENCE—INJURIES TO PERSONS ON TRACK.

In Error to the Circuit Court of the United States for the Western District of Arkansas.

B. R. Davidson (Edward D. Kenna, on the brief), for plaintiffs in error.

Oscar L. Miles, for defendant in error.

Before CALDWELL, SANBORN, and THAYER, Circuit Judges.