

MEMORANDUM DECISIONS.

AMERICAN RAILWAY UNION v. UNITED STATES. (Circuit Court of Appeals, Seventh Circuit. March 5, 1896.) No. 197. Appeal from Circuit Court of the United States for the Northern District of Illinois. S. S. Gregory, W. W. Erwin, and W. A. Shumaker, for appellant. Edwin Walker, Sherwood Dixon, and Thomas E. Milchrist, for appellee. Dismissed on consent of counsel.

CENTRAL TRUST CO. OF NEW YORK et al. v. CATON. CENTRAL TRUST CO. OF NEW YORK v. ATLANTA & F. RY. CO. (Circuit Court of Appeals. Fifth Circuit. May 5, 1896.) No. 446. Appeal from the Circuit Court of the United States for the Northern District of Georgia. Henry B. Tompkins and E. E. Watkins, for appellants. R. Arnold, for appellee. Before PARDEE and McCORMICK, Circuit Judges, and SPEER, District Judge.

PER CURIAM. The evidence supports the findings of the master, and the findings of the master support the decree. The decree of the circuit court is affirmed.

CITY OF EVANSVILLE v. DENNETT. (Circuit Court of Appeals, Seventh Circuit.) Questions of law certified to supreme court. For decision of the supreme court, see 16 Sup. Ct. 613.

CRANE ELEVATOR CO. et al. v. STANDARD ELEVATOR CO. et al. (Circuit Court of Appeals, Seventh Circuit. May 4, 1896.) No. 287. Appeal from the Circuit Court of the United States for the Northern District of Illinois. Dismissed on consent of counsel.

DEBS et al. v. UNITED STATES. (Circuit Court of Appeals, Seventh Circuit. March 5, 1896.) No. 196. Appeal from Circuit Court of the United States for the Northern District of Illinois. S. S. Gregory, W. W. Erwin, and W. A. Shumaker, for appellants. Edwin Walker, Sherwood Dixon, and Thomas E. Milchrist, for appellee. Dismissed on consent of counsel.

GABRIELSON v. WAYDELL et al. (Circuit Court of Appeals, Second Circuit. April 7, 1896.) On petition for rehearing. For former report, see 19 C. C. A. 58, 72 Fed. 648. Before WALLACE, LACOMBE, and SHIPMAN, Circuit Judges.

LACOMBE, Circuit Judge. I see no reason to modify the opinion heretofore rendered by this court, but at the same time wish to express my individual opinion that section 405 of the New York Code has no application to the case at bar, which was begun, not after, but before, the reversal or termination of the other action.

GOODWIN et al. v. FOX et al. (Circuit Court of Appeals, Seventh Circuit. October 7, 1895.) No. 21. Appeal from Circuit Court of the United

States for the Northern District of Illinois. J. N. Jewett and J. J. Herrick, for appellant Smith. J. P. Wilson and A. M. Pence, for appellees. Dismissed on consent of counsel.

GRAVER v. FAUROT. (Circuit Court of Appeals, Seventh Circuit.) Appeal from the Circuit Court of the United States for the Northern District of Illinois. Questions of law certified to the supreme court. For decision of the supreme court, see 16 Sup. Ct. 799.

THE HORACE B. PARKER. (Circuit Court of Appeals, First Circuit. April 23, 1896.) No. 140. On application for rehearing. For former report, see 18 C. C. A. 406, 71 Fed. 989. Before COLT and PUTNAM, Circuit Judges, and NELSON, District Judge.

PER CURIAM. Ordered, that whereas no judge who concurred in the judgment desires that the petition for a rehearing be granted, except as to the matter of costs, the same is denied except as to costs; and whereas both parties have, by leave of court, been heard on briefs on the matter of costs, it is further ordered that the judgment heretofore entered be rescinded, and judgment be now entered as follows: The decree of the district court is reversed, and the case is remanded to that court, with directions to enter a decree dividing equally the damages and the costs in that court, with costs for the appellants in this court.

NEW YORK, N. H. & H. R. CO. v. ROBERTS. (Circuit Court of Appeals, Second Circuit. May 12, 1896.) Appeal from the Circuit Court of the United States for the Southern District of New York. Henry W. Taft, for appellant. Lamb, Osborne & Petty, for appellee. No opinion. Judgment affirmed.

OFFICE SPECIALTY MANUF'G CO. v. ELBERT COUNTY. (Circuit Court of Appeals, Fifth Circuit. May 5, 1896.) No. 455. Error to the United States Circuit Court for the Northern District of Georgia. For former report, see 73 Fed. 324. Daniel W. Rountree and W. C. Glenn, for plaintiff in error. Alex. C. King and Jack J. Spalding, for defendant in error. Before PARDEE and McCORMICK, Circuit Judges, and SPEER, District Judge.

PER CURIAM. The demurrer to the plaintiff's declaration was properly sustained. The argument in this court suggests that the plaintiff in error may, notwithstanding, have a valid claim against the county of Elbert, and that the judgment of the circuit court should be without prejudice to the prosecution of such claim. The judgment is amended by adding the words "without prejudice," and, as so amended, is affirmed.

ST. LOUIS & S. F. RY. CO. v. JAMES. (Circuit Court of Appeals, Eighth Circuit.) Error to the Circuit Court of the United States for the Western District of Arkansas. Questions of law certified to supreme court. For decision of the supreme court, see 16 Sup. Ct. 621.

SMITH v. TEXAS W. RY. CO. (Circuit Court of Appeals, Fifth Circuit. April 13, 1896.) No. 487. Dismissed. pursuant to sixteenth rule.