

FOPPES et al. v. UNITED STATES. (Circuit Court of Appeals, Second Circuit. May 27, 1896.) No. 725. Appeal from the Circuit Court of the United States for the Southern District of New York. Stanley, Clark & Smith, for appellants. Wallace Macfarlane, U. S. Atty. Dismissed on consent.

FOPPES et al. v. UNITED STATES. (Circuit Court of Appeals, Second Circuit. January 23, 1895.) No. 397. Appeal from the Circuit Court of the United States for the Southern District of New York. Edwin V. Smith, for appellants. Henry C. Platt, Asst. U. S. Atty. No opinion. Decree affirmed.

FOWLER MANUF'G CO. v. PIERPONT BOILER CO. (Circuit Court of Appeals, Sixth Circuit. July 8, 1896.) No. 436. Appeal from the Circuit Court of the United States for the Northern District of Ohio, Eastern Division. Lawrence Maxwell, Jr., and Ephraim Banning, for appellant. Thomas W. Bakewell, for appellee. No opinion. Judgment affirmed.

FRANKEL et al. v. UNITED STATES. (Circuit Court of Appeals, Second Circuit. March 9, 1896.) No. 588. Appeal from the Circuit Court of the United States for the Southern District of New York. Currie, Smith & Mackie, for appellants. Wallace Macfarlane, U. S. Atty. No opinion. Affirmed in open court.

GARNER v. SECOND NAT. BANK OF PROVIDENCE, R. I. (Circuit Court of Appeals, Second Circuit. March 2, 1896.) No. 681. In error to the Circuit Court of the United States for the Southern District of New York. Aleck Thain, for plaintiff in error. J. Langdon Ward, for defendant in error. No opinion. Dismissed, pursuant to the sixteenth rule.

THE GEORGE S. HOMER. HARRIS v. THE GEORGE S. HOMER et al. (Circuit Court of Appeals, Second Circuit. December 19, 1894.) No. 404. Appeal from the District Court of the United States for the Eastern District of New York. J. A. Hyland, for appellants. E. L. Owen, for appellee. No opinion. Affirmed in open court.

GOUGAR v. MORSE. (Circuit Court of Appeals, First Circuit. November 10, 1896.) No. 178. Error to the Circuit Court of the United States for the District of Massachusetts. Harvey N. Shepard, for plaintiff in error. Henry F. Bushnell, for defendant in error. No opinion. Dismissed for failure to print record.

GRAHAM v. MACDONELD. (Circuit Court of Appeals, Fifth Circuit. November 24, 1896.) No. 513. Error to the Circuit Court of the United States for the Western District of Texas. Before PARDEE and McCORMICK, Circuit Judges, and NEWMAN, District Judge.

McCORMICK, Circuit Judge. In this case a jury was waived by stipulation in writing. The record does not show that any exception was taken to

the trial judge's rulings, in the progress of the trial, on demurrers or exceptions to the pleadings or the admission or rejection of evidence. The finding of the judge was general, and to the effect that the court "is of opinion that plaintiff has proven no cause of action." The assignment of error is substantially that "the court erred in rendering judgment against plaintiff." It thus clearly appears that the record presents no matter which can be reviewed on writ of error. *City of Key West v. Baer*, 13 C. C. A. 572-577, 66 Fed. 440-445, and cases there cited. The judgment of the circuit court is therefore affirmed.

GRAVES v. STEWART et al. (Circuit Court of Appeals, Second Circuit. April 20, 1896.) No. 633. Error from the Circuit Court of the United States for the Northern District of New York. George L. Lewis, for plaintiff in error. John G. Milburn, for defendants in error. No opinion. Judgment of circuit court affirmed, with interest and costs.

HARVEY v. WINNEY. (Circuit Court of Appeals, Sixth Circuit. April 24, 1896.) No. 405. Appeal from the District Court of the United States for the Eastern District of Michigan. H. C. Wisner and Fred C. Harvey, for appellant. John C. Shaw, for appellee. No opinion. Judgment of district court affirmed.

HAYDEN v. BROWN. (Circuit Court of Appeals, Second Circuit. February 3, 1896.) No. 607. Appeal from the Circuit Court of the United States for the District of Vermont. W. L. Burnap and T. G. Strong, for appellant. George W. Ellis, for appellee. No opinion. Order entered on consent reversing judgment.

HOSTETTER CO. v. BECKER. (Circuit Court of Appeals, Second Circuit. January 13, 1897.) Appeal from the Circuit Court of the United States for the Southern District of New York. Charles Putzel, for appellant. Albert H. Clarke, for appellee. Before WALLACE, LACOMBE, and SHIPMAN, Circuit Judges. Decree affirmed, with costs, on opinion of circuit court. See 73 Fed. 297.

HUBBARD v. TOD et al. (Circuit Court of Appeals, Eighth Circuit. April 13, 1896.) No. 641. Appeal from the Circuit Court of the United States for the Northern District of Iowa. John C. Coombs and Henry J. Taylor, for appellant. Francis B. Daniels, D. B. Henderson, Louis G. Hurd, George W. Wickersham, and George W. Kiesel, for appellees. No opinion. Affirmed by a divided court, and costs equally divided.

JOHNSON v. UNITED STATES. (Circuit Court of Appeals, Second Circuit. December 19, 1895.) No. 532. Appeal from the Circuit Court of the United States for the Southern District of New York. Stanley, Clarke & Smith, for appellant. Wallace Macfarlane, U. S. Atty. No opinion. Affirmed on opinion of court below. See 66 Fed. 725.