

NORTHERN PAC. RY. CO. v. DE LACEY. (Circuit Court of Appeals, Ninth Circuit. February 8, 1897.) No. 339. Error to the Circuit Court of the United States for the District of Washington, Western Division. D. J. Crowley, B. S. Grosscup, and F. M. Dudley, for plaintiff in error. A. W. Ballard, for defendant in error. No opinion. Motion to dismiss denied, and judgment of the circuit court affirmed, with costs.

OLSON v. SNYDER. (Circuit Court of Appeals, Eighth Circuit. December 8, 1896.) No. 735. Appeal from the Circuit Court of the United States for the District of Nebraska. Richard H. Manning, for appellant. John G. Manahan, for appellee. No opinion. Dismissed, with costs, pursuant to twenty-third rule, for failure to print record, on motion of counsel for appellee.

OREGON SHORT LINE & U. N. RY. CO. v. AMERICAN LOAN & TRUST CO. (Circuit Court of Appeals, Ninth Circuit. November 16, 1896.) No. 239. Appeal from the Circuit Court of the United States for the District of Oregon. R. S. Hall and Zera Snow, for appellant. J. N. Dolph, for appellee. Dismissed, pursuant to stipulation.

OREGON SHORT LINE & U. N. RY. CO. v. AMERICAN LOAN & TRUST CO. (Circuit Court of Appeals, Ninth Circuit. November 16, 1896.) No. 282. Appeal from the Circuit Court of the United States for the District of Oregon. R. S. Hall and Zera Snow, for appellant. Dismissed, pursuant to stipulation.

OREGON SHORT LINE & U. N. RY. CO. v. AMERICAN LOAN & TRUST CO. (Circuit Court of Appeals, Ninth Circuit. November 16, 1896.) No. 286. Appeal from the Circuit Court of the United States for the District of Oregon. R. S. Hall and Zera Snow, for appellant. Sanderson Reed and H. W. Gogue, for appellee. Dismissed, pursuant to stipulation.

OREGON SHORT LINE & U. N. RY. CO. v. AMERICAN LOAN & TRUST CO. (Circuit Court of Appeals, Eighth Circuit. November 23, 1896.) No. 878. Appeal from the Circuit Court of the United States for the District of Wyoming. R. S. Hall, for appellant. Zera Snow, for appellee. Dismissed, pursuant to stipulation of the parties.

PHILADELPHIA TRACTION CO. v. PALMER. (Circuit Court of Appeals, Third Circuit. February 22, 1897.) In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania. J. Howard Gendell, for plaintiff in error. Ellery P. Ingham, for defendant in error. Before DALLAS, Circuit Judge, and BUTLER and WALES, District Judges.

PER CURIAM. The judges by whom this case was heard, including the late Judge WALES, had, some time previous to his death, all agreed upon the disposition to be made of it. The survivors of those who then constituted

the court do not deem it necessary, under the circumstances, to do more than announce the judgment which had thus been unanimously determined upon. In accordance therewith the judgment of the court below is affirmed.

POMEROY v. GLENN. (Circuit Court of Appeals, Second Circuit.) No. 319. Appeal from the Circuit Court of the United States for the Southern District of New York. George Zabriskie, for appellant. B. N. Harrison, Charles Marshall, and A. H. Masten, for appellee. No opinion. Decree affirmed, with costs, on opinion in *Furnald v. Glenn*, 12 C. C. A. 27, 64 Fed. 49.

POPE MANUF'G CO. v. KIRKPATRICK. (Circuit Court of Appeals, Second Circuit. December 2, 1895.) In Error to the Circuit Court of the United States for the District of Connecticut. W. A. Redding, for plaintiff in error. Curr & Curtis, for defendant in error. No opinion. Dismissed, pursuant to the twentieth rule.

RANDALL v. GLENN. (Circuit Court of Appeals, Second Circuit.) No. 320. Appeal from the Circuit Court of the United States for the Southern District of New York. George Zabriskie, for appellant. B. N. Harrison, Charles Marshall, and A. H. Masten, for appellee. No opinion. Decree affirmed, with costs, on opinion in *Furnald v. Glenn*, 12 C. C. A. 27, 64 Fed. 49.

In re RICKS. (Circuit Court of Appeals, Fifth Circuit. April 28, 1896.) No. 495. Petition for mandamus requiring the judges of the circuit court for the Eastern district of Louisiana to grant an appeal in the cause of Charles Hoppe & Son Malting Co. against the New Orleans Brewing Association. W. D. Hart, for petitioner. No opinion. Petition refused.

ROTH v. AMERICAN LOAN & TRUST CO. et al. (Circuit Court of Appeals, Ninth Circuit. February 1, 1897.) No. 351. Appeal from the Circuit Court of the United States for the District of Washington, Eastern Division. Wallace McCamant, for appellees. No opinion. Appeal dismissed, with costs, on motion of counsel for appellees.

RUSS v. TELFENER.¹ (Circuit Court of Appeals, Fifth Circuit. November 24, 1896.) No. 537. In 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.

PER CURIAM. When this case was last before the supreme court of the United States (16 Sup. Ct. 695), the contract upon which the plaintiff in error sues was fully examined, considered, and construed, leaving, in our opinion, no ground upon which Russ, plaintiff below, plaintiff in error here, can maintain a suit thereon. The judgment of the circuit court was to this effect, and is affirmed.

¹ Rehearing denied, January 26, 1897.