

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.

THE SAGINAW VALLEY. CALVIN et al v. ESCANABA TOWING & WRECKING CO. (Circuit Court of Appeals, Sixth Circuit. October 14, 1896.) No. 423. Appeal from the District Court of the United States for the Western District of Michigan, Northern Division. F. Howard Mason, for appellants. John C. Richberg, for appellee. No opinion. Judgment affirmed.

THE SEGURANCA. BROWN et al. v. PROCEEDS OF THE SEGURANCA. (Circuit Court of Appeals, Second Circuit. May 12, 1896.) No. 709. Appeal from the District Court of the United States for the Southern District of New York. Cary & Whibridge, for appellants. Carter & Ledyard, for appellee. Discontinued by consent.

SEVERS et al. v. BULL. (Circuit Court of Appeals, Eighth Circuit. June 6, 1896.) No. 812. In Error to the United States Court of Appeals of Indian Territory. P. L. Soper and Thomas A. Sanson, Jr., for defendant in error. No opinion. Docketed and dismissed, pursuant to sixteenth rule, on motion of defendant in error.

SEVERS et al. v. NORTHERN TRUST CO. (Circuit Court of Appeals, Eighth Circuit. June 6, 1896.) No. 811. In Error to the United States Court of Appeals of Indian Territory. P. L. Soper and Thomas A. Sanson, Jr., for defendant in error. No opinion. Docketed and dismissed, pursuant to sixteenth rule, on motion of defendant in error.

THE SINTRAN. MOSLE v. THE SINTRAN et al. (Circuit Court of Appeals, Second Circuit. February 7, 1896.) No. 574. Appeal from the District Court of the United States for the Southern District of New York. George A. Black, for appellant. Wing, Shoudy & Putnam, for appellees. No opinion. Affirmed in open court.

SIOUX CITY, O'N. & W. R. CO. v. MANHATTAN TRUST CO. (Circuit Court of Appeals, Eighth Circuit. June 22, 1896.) No. 505. Appeal from the Circuit Court of the United States for the District of Nebraska. Henry J. Taylor, for appellant. John L. Webster, for appellee. No opinion. Decree of affirmance vacated, and case restored to docket. Affirmed by a divided court, and costs equally divided.

SIOUX CITY, O'N. & W. R. CO. et al. v. MANHATTAN TRUST CO. (Circuit Court of Appeals, Eighth Circuit. June 22, 1896.) No. 661. Appeal from the Circuit Court of the United States for the District of Nebraska. John C. Coombs and Henry J. Taylor, for appellants. John L. Webster, for appellee. No opinion. Decree of affirmance vacated, and case restored to docket. Affirmed by divided court, and costs equally divided.

SPENCER et al. v. USELTON. (Circuit Court of Appeals, Fifth Circuit. May 5, 1896.) No. 463. Appeal from the Circuit Court of the United States for the Northern District of Georgia. Dorsey, Bruce & Howell, for appellants. Reuben R. Arnold, for appellee. Cause dismissed on agreement of counsel.