they have closed; and that said special master report the evidence with all convenient speed thereafter. In the meantime the restraining order heretofore issued is continued until further order.

CHICAGO & A. R. CO. v. CAMPBELL.[1] (Circuit Court of Appeals, Eighth Circuit, February 23, 1897.) No. 843. In Error to the Circuit Court of the United States for the Eastern District of Missouri. Joseph S. Laurie, Marshall F. McDonald, and Thomas T. Fauntleroy, for plaintiff in error. F. W. Lehmann and O'Neill Ryan, for defendant in error. No opinion. Affirmed, with costs, by divided court.

CITY OF PLATTSMOUTH, NEB., v. POLLOCK. (Circuit Court of Appeals, Eighth Circuit. May 4, 1897.) No. 926. Appeal from the Circuit Court of the United States for the District of Nebraska. Matthew Gering, for appellant. Samuel M. Chapman and A. N. Sullivan, for appellee. No opinion. Dismissed, with costs, on motion of appellee, for want of jurisdiction.

CRASS v. McGHEE. (Circuit Court of Appeals, Fifth Circuit. May 4, 1897.) No. 384. Appeal from the Circuit Court of the United States for the Northern District of Alabama. Lawrence Cooper, for appellant. Milton Humes and John H. Sheffey, for appellee. Before PARDEE and McCORMICK, Circuit Judges, and NEWMAN, District Judge.

PER CURIAM. The decree appealed from is affirmed, with costs.

CURRAN et al. v. GRADY TRADING CO. (Circuit Court of Appeals, Eighth Circuit. May 4, 1897.) No. 928. In Error to the United States Court of Appeals for Indian Territory. T. N. Foster, for plaintiffs in error. No opinion. Dismissed, with costs, on motion of counsel for plaintiffs in error.

DAVIS v. DAVIS et al. (Circuit Court of Appeals, Fifth Circuit. May 4, 1897.) No. 555. Appeal from the Circuit Court of the United States for the Southern District of Mississippi. This was a suit in equity by W. J. Davis against H. L. Davis and others to establish an equitable title to, and recover possession of, the one undivided half of the Homo Chitto plantation, in Adams county, Miss. The circuit court sustained a general demurrer to the bill, but on appeal this decree was reversed by this court, and the cause remanded for further proceedings. See 18 C. C. A. 438, 72 Fed. 81. The court below, having accordingly heard the cause upon the merits, dismissed the bill because the plaintiff had failed to show any right to the relief sought. From this decree the complainant has now appealed. T. A. McWillie, for appellant. Edward Mayes, for appellee. Before PARDEE and McCORMICK, Circuit Judges, and NEWMAN, District Judge.

PER CURIAM. The facts established by the evidence are not sufficient to warrant the finding that Samuel B. Newman, Sr., had actual notice of W. J. Davis' equity in the lands in controversy, nor to warrant the presumption that Mrs. Mattie L. Newman, the mortgagee, knew, or ought to have known, of any such equity. The decree appealed from is affirmed.

[1] Rehearing denied April 12, 1897.

DOW et al. v. UNITED STATES.

(Circuit Court of Appeals, Eighth Circuit. June 21, 1897.)

No. 922.

CERTIORARI TO PERFECT RECORD.

In Error to the District Court of the United States for the District of Colorado. Motion for a writ of certiorari. Denied.

Greeley W. Whitford and Henry V. Johnson, for the motion.

Before SANBORN, Circuit Judge, and LOCHREN, District Judge.

PER CURIAM. The motion of the defendant in error for a writ of certiorari to the court below for the purpose of perfecting the record herein is denied, (1) because it does not appear from the moving papers that the portions of the evidence which the defendant in error seeks to have returned to this court form a part of the bill of exceptions in the case; (2) because it appears from the motion papers that the absence of the evidence can be of no disadvantage to the defendant in error, since it seeks to sustain the ruling of the court admitting the evidence, which is omitted, and submitting the case to the jury, and the appellate court will presume that the ruling of the trial court upon these questions was right, unless the evidence admitted by its ruling appears in the printed record.

FARMERS' LOAN & TRUST CO. v. OREGON IMP. CO. (Circuit Court of Appeals, Ninth Circuit. June 1, 1896.) No. 234. Appeal from the Circuit Court of the United States for the District of Oregon. Dolph, Mallory, Simon & Strahan and Dolph, Nixon & Dolph, for appellant. A. F. Burleigh, Zera Snow, and Milton W. Smith, for appellee. No opinion. Dismissed after argument.

FARMERS' LOAN & TRUST CO. v. OTIS. (Circuit Court of Appeals, Ninth Circuit. June 1, 1896.) No. 279. Appeal from the Circuit Court of the United States for the Northern Division of the District of Washington. Dolph, Mallory & Simon, for appellant. Zera Snow and H. M. Herman, for appellee. No opinion. Dismissed by agreement, pursuant to the twentieth rule.

FRANKLIN v. UNION LOAN & TRUST CO. (Circuit Court of Appeals, Ninth Circuit. October 29, 1894.) No. 129. Appeal from the Circuit Court of the United States for the Southern District of California. Charles D. Houghton, for appellant. Edwin Lamme, R. E. Houghton, and W. J. Curtis, for appellee. No opinion. By consent the decree entered upon the appeal in Southern California Motor-Road Co. v. Union Loan & Trust Co., 29 U. S. App. 110, 12 C. C. A. 215, and 64 Fed. 450, stands against the appellant in this appeal.

GILLINGHAM et al. v. MILLIGAN et al. (Circuit Court of Appeals, Sixth Circuit. May 17, 1897.) No. 496. Appeal from the Circuit Court of the United States for the Eastern District of Tennessee. Templeton & Cates, for appellant. No opinion. Dismissed for failure to print record, pursuant to the twenty-third rule.

GREEN et al. v. AMERICAN SODA-FOUNTAIN CO. (Circuit Court of Appeals, Third Circuit. March 4, 1897.) Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania. Counsel for appellants