

Before PARDEE and McCORMICK, Circuit Judges, and NEWMAN, District Judge.

PER CURIAM. Considering that the alleged trustee's sale and adjudication were invalid, because of the total want of authority on the part of the trustee to make any bid for, or adjudicate the property to, the Western Investment Company, there is no reversible error in the decree appealed from, and the same is affirmed.

HUNTINGTON v. CITY OF NEVADA et al. (Circuit Court of Appeals, Ninth Circuit. October 7, 1897.) No. 356. Appeal from the Circuit Court of the United States for the Northern District of California. Wilson & Wilson, for appellant. A. D. Mason and J. M. Walling, for appellees. Dismissed, upon stipulation of parties. See 75 Fed. 60.

INDEPENDENT ELECTRIC CO. v. DONALD et al. (Circuit Court of Appeals, Eighth Circuit. October 5, 1897.) No. 932. In Error to the Circuit Court of the United States for the District of Kansas. B. F. Waggener, Albert H. Horton, and J. W. Orr, for plaintiff in error. Henry Elliston, for defendants in error. Dismissed, with costs, pursuant to the twenty-third rule, for failure to print the record on motion of defendants in error.

INTERSTATE COMMERCE COMMISSION v. LEHIGH VAL. R. CO. (Circuit Court of Appeals, Third Circuit. October 1, 1897.) No. 28. Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania. No opinion. This cause having been called for argument in its regular order, and upon motion of counsel for appellant, it is now here ordered, adjudged, and decreed by this court that the appeal be, and the same is hereby, withdrawn, at the costs of appellant. See 74 Fed. 784.

THE IRON CHIEF. (Circuit Court of Appeals, Sixth Circuit. March 2, 1897.) No. 459. Appeal from the District Court of the United States for the Eastern District of Michigan. Fred Harvey and H. C. Wisner, for appellant. John C. Shaw and Harvey D. Goulder, for appellee. No opinion. Affirmed, after argument. See 53 Fed. 507.

KELLY et al. v. JOHNSON. (Circuit Court of Appeals, Eighth Circuit. October 5, 1897.) No. 933. In Error to the United States Court of Appeals for Indian Territory. W. N. Redivine, for plaintiffs in error. J. P. Grove, for defendant in error. No opinion. Motion of defendant in error to strike bill of exceptions sustained, and judgment affirmed, with costs.

KING v. SPERRY'S ADM'R. (Circuit Court of Appeals, Sixth Circuit.) No. 444. In Error to the Circuit Court of the United States for the Northern District of Ohio. J. W. Jenner, for plaintiff in error. Darius Dirlam, for defendant in error. No opinion. Affirmed.

LESLIE E. KEELEY CO. et al. v. BURSON. (Circuit Court of Appeals, Seventh Circuit. October 6, 1897.) No. 409. Appeal from the Circuit Court

of the United States for the Northern District of Illinois. Wm. Rothman, for Leslie E. Keeley Co. and others. R. L. Tatham, for James N. Burson. Dismissed, on motion of appellant.

LEVY v. BROWN et al. (Circuit Court of Appeals, Ninth Circuit. July 11, 1893.) No. 116. In Error to the Circuit Court of the United States for the Northern Division of the District of Washington. J. B. Metcalf, for plaintiff in error. W. Lair Hill, for defendants in error. Dismissed, for want of jurisdiction. See 53 Fed. 568.

MOORE v. BATES et al. (Circuit Court of Appeals, Eighth Circuit. September 7, 1897.) No. 837. In Error to the Circuit Court of the United States for the District of Nebraska. J. H. Quick and A. S. Wilson, for plaintiff in error. R. E. Evans, Mell C. Jay, and H. J. Welty, for defendants in error. Dismissed, with costs, on motion of plaintiff in error.

MOREHEAD v. STRIKER.

(Circuit Court, S. D. New York. August 3, 1897.)

RECEIVER—RESIGNATION—DISCHARGE.

This is an interlocutory order accepting the resignation of the receiver, providing for the appointment of his successor, and the denial of motions to make certain new parties and to declare the bond forfeited.

Harland Cleveland, for the motion.

Edward Huffman and William H. Stayton, opposed.

LACOMBE, Circuit Judge. The various motions recently argued are disposed of as follows:

1. The present receiver, Mills W. Barse, having presented his resignation, will, upon filing the same, be relieved from further administration of the trust; but he will not be discharged until his accounts shall have been duly passed, and any sums therein with which he may be surcharged shall have been paid. Immediately upon the appointment of his successor, said Barse shall turn over to him all the assets, books, and papers of the receivership.

2. Upon signing the order accepting such resignation, the court will appoint a new receiver.

3. The motion to make Charles N. Haskell, C. H. Roser, and the Manhattan Trust Company parties to this action is denied. If, as is alleged, these individuals are indebted to the receivership, or hold assets to which it is entitled or in which it has an interest, the receiver may protect the interests of the trust sufficiently by bringing some appropriate suit.

4. The motion to make the American Surety Company, the bondsman of the present receiver, a party to this action, is also denied. The master, however, will notify that company that Mr. Barse's accounts are now being investigated, and, should the company appear, will allow it to take part in the investigation. Motion to declare the bond forfeit is premature, and is denied.

MUHLENBERG COUNTY, KY., v. JABINE et al. (Circuit Court of Appeals, Sixth Circuit. October 21, 1897.) No. 510. In Error from the Circuit Court of the United States for the District of Kentucky. D. W. Sanders and W. H. Yost, for plaintiff in error. D. M. Rodman, for defendant in error. No opinion. Judgment affirmed, with costs.

MYERS v. PENNSYLVANIA SALT MANUF'G CO. (Circuit Court of Appeals, Eighth Circuit. October 11, 1897.) No. 953. Appeal from the Circuit