

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

Court of the United States for the Eastern District of Missouri. J. M. Holmes, for appellant. George W. Lubke, for appellee. Dismissed per stipulation, a mandate and attorney's fee for appellee being waived. See 79 Fed. 87.

NORTHERN PAC. RY. CO. v. DUDLEY et al. (Circuit Court of Appeals, Ninth Circuit. October 19, 1897.) No. 394. Appeal from the Circuit Court of the United States for the Northern Division of the District of Idaho. Dudley, Bunn & Dudley and F. M. Dudley, for appellant. Dismissed, upon motion of appellant.

OHLMAN et al. v. WATTERS et al. (Circuit Court of Appeals, Eighth Circuit. September 13, 1897.) No. 866. In Error to the Circuit Court of the United States for the District of South Dakota. A. B. Kittredge, L. B. French, and A. H. Orvis, for plaintiffs in error. Joe Kirby and D. H. Sullivan, for defendants in error. Dismissed, with costs, pursuant to stipulation of parties.

PACIFIC CABLE RY. CO. v. BUTTE CITY ST. RY. CO. (Circuit Court of Appeals, Ninth Circuit. January 15, 1894.) No. 112. Appeal from the Circuit Court of the United States for the District of Montana. Wm. F. Booth, for appellant. Geo. H. Knight, for appellee. Dismissed. See 58 Fed. 420.

PACIFIC CABLE RY. CO. v. PIEDMONT CABLE CO. (Circuit Court of Appeals, Ninth Circuit. January 10, 1893.) No. 94. Appeal from the Circuit Court of the United States for the Northern District of California. Wm. F. Booth, for appellant. Wheaton, Kalloch & Kierce, for appellee. Dismissed, on motion of counsel for appellant, and on consent of counsel for appellee.

P. DOUGHERTY CO. v. ALBEMARLE & C. CANAL CO. (Circuit Court of Appeals, Fourth Circuit. May 6, 1897.) No. 218. Appeal from the Circuit Court of the United States for the Eastern District of Virginia. Robt. H. Smith and William W. Old, for appellant. William H. White and Robt. N. Hughes, for appellee. Dismissed, on motion of appellant.

PHENIX STONE CO. v. DUNHAM TOWING & WRECKING CO. (Circuit Court of Appeals, Seventh Circuit. October 4, 1897.) No. 459. Appeal from the Circuit Court of the United States for the Northern District of Illinois. O. E. Kremer, for Phenix Stone Co. Dismissed, for failure to docket.

PRESTON v. HUNTER et al. (Circuit Court of Appeals, Ninth Circuit. April 29, 1895.) No. 190. In Error to the Circuit Court of the United States for the District of Montana. Albert Allen, for plaintiff in error. McConnell, Clayberg & Gunn, for defendant in error. No opinion. Reversed, pursuant to decision in Preston v. Hunter, 29 U. S. App. 621, 15 C. C. A. 148, and 67 Fed. 996.

THE P. S. CHAPPELL. THE P. S. CHAPPELL v. THURSBY.¹ (Circuit Court of Appeals, Fourth Circuit. November 11, 1897.) No. 230. Appeal from the District Court of the United States for the District of Maryland. Thomas C. Chappell, for appellant. B. W. Mister, for appellee. Before GOFF and SIMONTON, Circuit Judges, and PURNELL, District Judge.

¹ Rehearing denied November 24, 1897.