MEMORANDUM DECISIONS.

ALLEN et al. v. CHAPPELL et al. (Circuit Court of Appeals, Eighth Circuit. January 10, 1898.) No. 994. Appeal from the Circuit Court of the United States for the District of Colorado. T. A. Green, for appellants. Hedley V. Cooke, for appellees. Dismissed, with costs, on motion of appellees, pursuant to the twenty-third rule, for failure to print record.

AMERICAN STRAW-BOARD CO. v. INDIANAPOLIS WATER CO. (Circuit Court of Appeals, Seventh Circuit. May 11, 1894.) No. 152. Appeal from the Circuit Court of the United States for the District of Indiana. Edwin Walker, John W. Kern, and Arthur J. Eddy, for appellant. A. C. Harris, J. L. High, Edw. Daniels, and Albert Baker, for appellee. Dismissed, on motion of appellant. See 53 Fed. 970; 57 Fed. 1000; 65 Fed. 534; 75 Fed. 972; 26 C. C. A. 470, 81 Fed. 423.

BATES v. KEITH. (Circuit Court of Appeals, First Circuit. February 18, 1898.) No. 231. Appeal from the Circuit Court of the United States for the District of Massachusetts. James E. Maynadier, for appellant. William Quinby, for appellee. Before COLT, Circuit Judge, and WEBB and ALDRICH, District Judges.

PER CURIAM. Upon a careful examination of this case we are satisfied with the conclusions reached by the circuit court (82 Fed. 100), and affirm the decree. The decree of the circuit court is affirmed, with the costs of this court for the appellee.

BLAKE v. PINE MOUNTAIN IRON & COAL CO. SOUTHERN LAND IMP. CO. v. MERRIWETHER. BLAKE v. SAME. (Circuit Court of Appeals, Sixth Circuit. May 4, 1897.) Nos. 379, 380, and 390. Appeals from the Circuit Court of the United States for the District of Kentucky. Thomas W. Bullitt, for appellant John D. Blake. No opinion. Upon a petition for modification in accordance with the reservation contained in the decrees entered in these cases on June 22, 1896, granting leave to apply for the modification suggested by the opinion of the court (Blake v. Coal Co., 43 U. S. App. 490, 549, 22 C. C. A. 430, and 76 Fed. 624), the decree of the circuit court was modified, by striking out therefrom so much thereof as commands Blake to remove his mortgage for $17,290 on certain Minneapolis property to the Metropolitan Trust Company, dated on August 29, 1892, and by inserting therein a direction that, in the reformation of the deed of trust to the Germania Trust Company, therein decreed, the deed should contain a declaration that the imposition of the mortgage above described was unauthorized, and that in any settlement of its accounts with Blake the amount of said mortgage should be charged against Blake by the trustee, unless Blake should meantime pay and remove the same before said settlement, without prejudice to the right of the parties to take such steps to secure further relief in this behalf to which they may be entitled; in other respects, said decree should be affirmed.

BOWEN v. DENTON et al.

(Circuit Court of Appeals, Fifth Circuit. January 25, 1898.)

No. 615.

FOLLOWING STATE DECISIONS.

In Error to the Circuit Court of the United States for the Northern District of Texas.

John L. Henry and De Edward Greer, for plaintiff in error.
Eugene Williams, for defendants in error.

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

PER CURIAM. The rulings attacked by the assignment of errors in this case seem to be in accordance with the decisions of the appellate courts of the state of Texas. See Robb v. Henry, 40 S. W. 1047; Bowen v. Kirkland (not yet officially reported) 44 S. W. 189. As the decisions of the highest courts of a state on the scope and effect of the state statutes of limitation controlling the possession and title of real estate are rules of property, we are disposed to follow, and not lead, in the decisions of new questions arising under the statutes of limitation of the state of Texas; and, as the judgment below seems to do substantial justice, the same is affirmed.

BRATTON v. PEOPLE'S BUILDING & LOAN ASS'N. (Circuit Court of Appeals, Fifth Circuit. January 25, 1898.) No. 624. Appeal from the Circuit Court of the United States for the Northern District of Texas. James M. Robertson, for appellant. Drew Print, for appellee. Before PARDEE and McCORMICK, Circuit Judges, and NEWMAN, District Judge.

PER CURIAM. The questions presented on this appeal have been ruled adversely to the appellant in this court and in the supreme court of the United States. Association v. Logan, 30 U. S. App. 163, 14 C. C. A. 133, and 66 Fed. 827; Association v. Price (decided in the supreme court of the United States Jan. 10, 1898; not yet officially reported) 18 Sup. Ct. 251. The decree appealed from is affirmed.

CITY OF BURRTON, KAN., v. ÆTNA LIFE INS. CO. (Circuit Court of Appeals, Eighth Circuit. December 13, 1897.) No. 918. In Error to the Circuit Court of the United States for the District of Kansas. Samuel R. Peters and John C. Nicholson, for plaintiff in error. W. H. Rossington, Charles Blood Smith, and E. J. Dallas, for defendant in error. Dismissed, with costs, pursuant to the stipulation of the parties. See 75 Fed. 962.

CITY OF COLUMBUS v. DENNISON. (Circuit Court of Appeals, Fifth Circuit. January 17, 1898.) No. 450. In Error to the Circuit Court of the United States for the Northern District of Mississippi. Dismissed, for failure to print record. See 62 Fed. 775; 16 C. C. A. 125, 69 Fed. 58.

CITY OF DENVER v. BARBER ASPHALT PAVING CO. (Circuit Court of Appeals, Eighth Circuit.) No. 902. In Error to the Circuit Court of the United States for the District of Colorado. Application to the supreme court for a writ of certiorari. See 83 Fed. 1020.