

**SHORES LUMBER CO. v. THE JOHNSON.** (Circuit Court of Appeals, Seventh Circuit. November 9, 1896.) No. 327. Appeal from the District Court of the United States for the Northern District of Illinois. C. E. Kremer, for appellant. W. H. Condon, for appellee. Dismissed, for failure to print record.

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**SIOUX CITY TERMINAL RAILROAD & WAREHOUSE CO. et al. v. TRUST CO. OF NORTH AMERICA.** (Circuit Court of Appeals, Eighth Circuit. December 17, 1897.) No. 801. Appeal from the Circuit Court of the United States for the Northern District of Iowa. Removed to supreme court on writ of certiorari. See 82 Fed. 124.

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**SMEETH et al. v. BEST et al.** (Circuit Court of Appeals, Seventh Circuit. October 7, 1896.) No. 294. Appeal from the Circuit Court of the United States for the Northern District of Illinois. Ephraim Banning and Thomas A. Banning, for appellants. James I. Kay and R. D. Totten, for appellees. Dismissed, by consent.

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**SMILEY v. BARKER.** (Circuit Court of Appeals, Eighth Circuit.) No. 913. In Error to the Circuit Court of the United States for the District of Wyoming. Application to the supreme court for writ of certiorari. See 83 Fed. 684.

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**SOUTHERN RY. CO. v. PARKER.** (Circuit Court of Appeals, Fourth Circuit. February 5, 1898.) No. 242. In Error to the Circuit Court of the United States for the Western District of North Carolina. Geo. F. Bason and Chas. Price, for plaintiff in error. Carter & Weaver, for defendant in error. Before GOFF, Circuit Judge, and PAUL and JACKSON, District Judges. Dismissed, for failure to file record.

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**STANLEY v. HOLCOMBE et al.** (Circuit Court of Appeals, Fifth Circuit. December 24, 1897.) No. 660. Appeal from the Circuit Court of the United States for the Northern District of Georgia. Alex. C. King, for appellee. Appeal docketed and dismissed, pursuant to the sixteenth rule.

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**SYMONDS v. UNITED STATES.** (Circuit Court of Appeals, First Circuit. January 27, 1898.) No. 215. In Error to the Circuit Court of the United States for the District of Massachusetts. "And now comes the United States, by Boyd B. Jones, United States attorney for the district of Massachusetts, and says: First. That this is a writ of error to review a judgment of the circuit court, recovered on the fourteenth day of October, A. D. 1896, for the sum of one thousand and twenty-one and seventy one-hundredths dollars (\$1,021.70) damages, and costs of suit, taxed at sixty-nine dollars and twenty-five cents (\$69.25), in favor of the United States of America, against said Charles E. Symonds, in an action brought under section 3 of the act of congress approved February 26, 1885 (23 Stat. 332), and commonly known as the 'Allen Contract Labor Act.' Second. That the aforesaid plaintiff in error has heretofore, to wit, on the seventeenth day of December, 1897, made an offer in writing, in duplicate, to pay five hundred dollars in full compromise and settlement of the above-entitled suit, and heretofore, to wit, on the seventeenth day of December, 1897, deposited five hundred dollars with the assistant treasurer of the United States at Boston, to the credit of special account No. 5, as required by the treasury regulations, on account of and for the purposes of the aforesaid offer and settlement. Third.

That the solicitor of the treasury has instructed the United States attorney to submit said offer to the court for its consent thereto, under the provisions of section 2 of the act of congress approved March 3, 1891 (26 Stat. 108), and that the plaintiff in error has prepared and desires to submit a motion to the court for such consent, in accordance with the provisions of said section. Wherefore the United States pray this honorable court to reverse said judgment, and remand said cause to said circuit court, in order that said circuit court may receive said motion and may consider and take action thereon, and that further proceedings may be had in said cause according to law. Boyd B. Jones, United States Attorney." W. D. Northend, for plaintiff in error. Boyd B. Jones and Frederick P. Cabot, for the United States.

PER CURIAM. Upon the motion of the attorney of the United States, and by consent of the plaintiff in error, it is ordered and adjudged that the judgment of the circuit court be, and the same is, reversed, and that this cause be remanded to the circuit court for further proceedings according to law.

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UNITED STATES v. BORGFELDT et al.

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

No. 27.

CUSTOMS DUTIES—APPRAISEMENT.

Appeal from the Circuit Court of the United States for the Southern District of New York.

Henry C. Platt, for appellants.

Albert Comstock, for appellee.

Before WALLACE, LACOMBE, and SHIPMAN, Circuit Judges.

PER CURIAM. We concur in the conclusions expressed by Judge Townsend in his opinion rendered in deciding this cause in the court below (78 Fed. 809), and his decision and that of the board of general appraisers is therefore affirmed.

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UNITED STATES v. GOLDENBERG. (Circuit Court of Appeals, Second Circuit.) No. 35. Questions of law certified to the supreme court of the United States. See 78 Fed. 927; 18 Sup. Ct. 3.

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UNITED STATES v. UNION PAC. RY. CO. (Circuit Court of Appeals, Eighth Circuit.) No. 133. Questions of law certified to the supreme court of the United States. See 18 Sup. Ct. 167.

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VENNER v. FARMERS' LOAN & TRUST CO. et al. (Circuit Court of Appeals, Eighth Circuit. January 31, 1898.) Nos. 1012, 1022. Appeal from the Circuit Court of the United States for the Southern District of Iowa. W. E. Blake (M. E. Blake, on the brief), for appellant. H. Scott Howell and W. A. Underwood (W. C. Howell, Herbert B. Turner, David McClure, and Louis B. Rolston, on the brief), for appellees. Before SANBORN, Circuit Judge, and PHILIPS, District Judge.

PER CURIAM. The judges who heard this case are divided in opinion upon the questions it presents, and the decree below is accordingly affirmed, without an opinion.