

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.

**WALDER v. ULRICH.** (Circuit Court of Appeals, Third Circuit. February 9, 1898.) Appeal from the Circuit Court of the United States for the District of New Jersey. A. v. Briesen, for appellant. A. G. N. Vermilya, for appellee. For opinion of circuit court, see 83 Fed. 477. Dismissed, pursuant to the twentieth rule.

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**WEAVER v. TABOR et al.** (Circuit Court of Appeals, Fifth Circuit. September 6, 1897.) No. 636. Appeal from the Circuit Court of the United States for the Northern District of Texas. D. A. Kelley, for appellee. Appeal docketed and dismissed, on certificate, pursuant to the sixteenth rule.

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**WEST v. MORRIS et al.** (Circuit Court of Appeals, Eighth Circuit. January 21, 1898.) No. 925. Appeal from the Circuit Court of the United States for the District of Colorado. T. A. Green, for appellant. Gustave C. Bartels, James H. Blood, and J. C. Helm, for appellees. Dismissed, with costs, for failure of appellants to comply with the order of December 15, 1897, requiring the appellants to deposit the amount of the estimated cost of printing the record, and to direct the printing thereof, on or before January 3, 1898.

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**WILSON v. WARD LUMBER CO.** (Circuit Court of Appeals, Eighth Circuit. December 6, 1897.) No. 745. In Error to the Circuit Court of the United States for the Eastern District of Missouri. H. J. Cantwell and Albert W. Edwards, for plaintiff in error. Martin L. Clardy, for defendant in error. Dismissed, with costs, on motion of the plaintiff in error. See 67 Fed. 674.