

## MEMORANDUM DECISIONS.

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**BLACK et al. v. BLACK.** (Circuit Court of Appeals, Third Circuit. March 11, 1898.) In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania. Dismissed, pursuant to the sixteenth rule, by Mr. N. Dubois Miller, of counsel for defendant in error.

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**BRUNING v. BALTIMORE & O. S. W. R. CO.** (Circuit Court of Appeals, Sixth Circuit. April 5, 1898.) No. 569. In Error to the Circuit Court of the United States for the Western Division of the Southern District of Ohio. Charles M. & Edgar W. Cist, for plaintiff in error. Harmon, Calston, Goldsmith & Hoadly, for defendant in error. Dismissed, per stipulation of parties.

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**CARPENTER v. UNITED STATES.** (Circuit Court of Appeals, Eighth Circuit. February 14, 1898.) No. 896. In Error to the Circuit Court of the United States for the District of Utah. R. Harkness, George Sutherland, and Waldemar Van Cott filed brief for plaintiff in error. J. W. Judd, U. S. Atty., and W. L. Maginnis, Asst. U. S. Atty., filed brief for defendant in error. Before BREWER, Circuit Justice, SANBORN, Circuit Judge, and RINER, District Judge.

RINER, District Judge. The questions presented by the record in this case are the same as those considered in case No. 895, Moore v. U. S. (decided at this term) 85 Fed. 465. For the reasons there given, the judgment of the circuit court must be reversed, and the case remanded to that court, with instructions to dismiss the indictment.

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**CONLEY v. MARUM.** (Circuit Court of Appeals, Second Circuit. March 10, 1898.) No. 97. Appeal from the Circuit Court of the United States for the Southern District of New York. Arthur v. Briesen, for appellant. Harry E. Knight, for appellee. Before WALLACE, LACOMBE, and SHIPMAN, Circuit Judges. No opinion. Decree affirmed. See 83 Fed. 309.

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**GLAW v. PENNSYLVANIA R. CO.** (Circuit Court of Appeals, Sixth Circuit. February 16, 1898.) No. 545. In Error to the Circuit Court of the United States for the Eastern Division of the Northern District of Ohio. Herman Prensner, for plaintiff in error. No opinion. Judgment affirmed.

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**MARSHALL FIELD & CO. v. UNITED STATES.** (Circuit Court of Appeals, Seventh Circuit. June 10, 1896.) No. 331. Appeal from the Circuit Court of the United States for the Northern District of Illinois. N. W. Bliss, for appellant. John C. Black, U. S. Dist. Atty. Dismissed by consent, pursuant to the twentieth rule.

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**MARSHALL FIELD & CO. v. UNITED STATES.** (Circuit Court of Appeals, Seventh Circuit. June 10, 1896.) No. 332. Appeal from the Circuit Court of the United States for the Northern District of Illinois. N. W. Bliss, for appellant. John C. Black, U. S. Dist. Atty. Dismissed by consent.

**NATIONAL HARROW CO. v. HENCH.** (Circuit Court of Appeals, Third Circuit. November 3, 1897.) No. 20. Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania. Edwin H. Risley, for appellant. W. C. Strawbridge and J. Bonsall Taylor, for appellee. Dismissed.

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**RUSSELL v. BOHN MFG. CO.** (Circuit Court of Appeals, Seventh Circuit. March 5, 1898.) No. 408. In Error to the Circuit Court of the United States for the Northern Division of the Northern District of Illinois. Before WOODS, JENKINS, and SHOWALTER, Circuit Judges.

**PER CURIAM.** The petition for rehearing upon the merits is overruled, but the prayer that the new trial ordered shall be general and not restricted, as stated in the opinion handed down, to "the question whether the plaintiff in error is entitled to recover for an excess of payments over the aggregate prices of the lumber received of the defendant," is granted. The mandate will show simply that the judgment below is reversed, at the costs of the defendant in error, with direction to grant a new trial. See 28 C. C. A. 243, 83 Fed. 976.

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**SHARP v. UNITED STATES.** (Circuit Court of Appeals, Eighth Circuit. February 14, 1898.) No. 897. In Error to the Circuit Court of the United States for the District of Utah. R. Harkness, George Sutherland, and Waldemar Van Cott filed brief for plaintiff in error. J. W. Judd, U. S. Atty., and W. L. Maginnis, Asst. U. S. Atty., filed brief for defendant in error. Before BREWER, Circuit Justice, SANBORN, Circuit Judge, and RINER, District Judge.

**RINER, District Judge.** The questions presented by the record in this case are the same as those considered in case No. 895, *Moore v. U. S.* (decided at this term) 85 Fed. 465. For the reasons there given, the judgment of the circuit court must be reversed, and the case remanded to that court, with instructions to dismiss the indictment.

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**UNITED STATES ex rel. DULUTH & I. R. R. CO. v. LOCHREN,** District Judge. (Circuit Court of Appeals, Eighth Circuit. January 31, 1898.) No. 11, Original. T. J. Davis, for petitioner. Petition for writ of mandamus denied.

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**WELLS v. THORME.** (Circuit Court of Appeals, Seventh Circuit. March 15, 1898.) No. 473. In Error to the Circuit Court of the United States for the Western District of Wisconsin. C. M. Woodward, for plaintiff in error. E. C. Kennedy, for defendant in error. Dismissed, per stipulation of counsel.