

## MEMORANDUM DECISIONS.

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**CALIFORNIA REDWOOD CO. v. LITTLE.** (Circuit Court of Appeals, Ninth Circuit. May 3, 1898.) No. 403. Appeal from the Circuit Court of the United States for the Northern District of California. Page, McCutchen & Eells, for appellant. Barclay Henley and S. V. Costello, for appellee. Before GILBERT and ROSS, Circuit Judges, and HAWLEY, District Judge.

HAWLEY, District Judge. This case presents substantially the same questions that were involved in *Mortgage Co. v. Hopper*, 12 C. C. A. 293, 64 Fed. 553, 559. We are asked to review the question relative to the rights of bona fide purchasers, for value, before the issuance of a patent. We adhere to the views expressed upon this point in the *Hopper Case*, repeated and followed by this court in *Diller v. Hawley*, 26 C. C. A. 514, 81 Fed. 651, 655; and, upon the principles therein announced, the judgment of the circuit court is affirmed, with costs.

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**CALIFORNIA REDWOOD CO. v. MAHAN.** (Circuit Court of Appeals, Ninth Circuit. May 3, 1898.) No. 404. Appeal from the Circuit Court of the United States for the Northern District of California. Page, McCutchen & Eells, for appellant. Barclay Henley and S. V. Costello, for appellee. Before GILBERT and ROSS, Circuit Judges, and HAWLEY, District Judge.

HAWLEY, District Judge. This is a companion case to that of *California Redwood Co. v. Little*, *ubi supra*; but the special point relied upon by appellant in this case is that the cancellation of the entry for fraud was made without notice to the claimant or parties interested. The facts are identical with those presented upon this point in *Mortgage Co. v. Hopper*, 12 C. C. A. 293, 64 Fed. 553, 556; and, upon the principles announced in that case and the authorities there cited, the judgment of the circuit court is affirmed, with costs.

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**CALDWELL et al. v. ALLEN et al.** (Circuit Court of Appeals, Fifth Circuit. May 21, 1898.) No. 726. In Error to the Circuit Court of the United States for the Northern District of Alabama. Caldwell & Johnston, in pro. per. Cabiness & Weakley, for defendants in error. Dismissed, per stipulation.

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**CARTTER et al. v. JACKSONVILLE & K. W. RY. CO.** (Circuit Court of Appeals, Fifth Circuit. May 21, 1898.) No. 700. Appeal from the Circuit Court of the United States for the Southern District of Florida. Stephen E. Foster, for appellant. T. M. Day, Jr., J. C. Cooper, and R. H. Liggitt, for appellees. Dismissed, per stipulation of counsel.

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**DUNKLIN TP., GREENVILLE COUNTY, S. C., v. WELLS.** (Circuit Court of Appeals, Fourth Circuit. May 3, 1898.) No. 250. Appeal from the Circuit Court of the United States for the District of South Carolina. B. M. Shuman (J. A. McCullough, on brief), for plaintiff in error. H. J. Haynsworth (of Haynsworth & Parker), for defendant in error. Before GOFF, Circuit Judge, and JACKSON and PAUL, District Judges.

JACKSON, District Judge. The controlling questions presented for the consideration of this court in the record in this case are similar to those presented in the case of *Township of Ninety-Six v. Folsom*, 87 Fed. 304, which have been

maturely considered by the court; and, for the reason assigned in the opinion of the court in that case, the judgment of the court below in this case is without error, the demurrer to the complaint was properly overruled, and we concur fully with the trial judge in his action on the points raised during the trial to the jury. Affirmed.

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**HAWKHURST S. S. CO., Limited, v. KEYSER et al. KEYSER et al. v. HAWKHURST S. S. CO., Limited.** (Circuit Court of Appeals, Fifth Circuit. May 24, 1898.) No. 653. Appeal and Cross Appeal from the District Court of the United States for the Northern District of Florida. J. P. Kirlin and John Eagan, for Hawkhurst S. S. Co. John C. Avery, for W. S. Keyser & Co. Before PARDEE and McCORMICK, Circuit Judges, and PARLANGE, District Judge.

PER CURIAM. The questions raised on this appeal and cross appeal were elaborately considered by the district judge. His written opinion is found in the transcript, as well as reported in 84 Fed. 693; and, as we concur in the conclusions reached by him, the decree appealed from is affirmed.

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In re HIRSCH.

(Circuit Court of Appeals, Second Circuit. March 2, 1898.)

No. 68.

**HABEAS CORPUS—WHEN GRANTED.**

Appeal from the Circuit Court of the United States for the District of Connecticut.

This was a petition for a writ of habeas corpus by Heyman J. Hirsch, deputy internal revenue collector, who was committed by a state court of Connecticut for a refusal to produce to such court, in obedience to a subpoena duces tecum, an original application or return of a special taxpayer, to be used as evidence on the prosecution of such taxpayer for selling liquor in violation of the state laws. The writ was discharged by the circuit court on the hearing (74 Fed. 928), and the petitioner appeals.

Charles W. Comstock, U. S. Atty., for appellant. John L. Hunter, for appellee.

Before WALLACE and LACOMBE, Circuit Judges.

PER CURIAM. We concur in the opinion of the circuit judge dismissing the writ of habeas corpus, and therefore affirm the order appealed from. We do not, however, intend to decide that the writ of habeas corpus is the proper remedy to secure a review of the judgment of the state court in punishing a witness for disobedience of its process of subpoena ad testificandum. See *Ex parte Parks*, 93 U. S. 18; *In re Wood*, 140 U. S. 278, 11 Sup. Ct. 738; *In re Frederick*, 149 U. S. 70, 13 Sup. Ct. 793; *In re Tyler*, 149 U. S. 180, 13 Sup. Ct. 785; *Ex parte Crouch*, 112 U. S. 178, 5 Sup. Ct. 96.

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**HOEFFNER v. UNITED STATES.** (Circuit Court of Appeals, Eighth Circuit. May 9, 1898.) No. 986. In Error to the District Court of the United States for the Eastern District of Missouri. Thomas B. Harvey, for plaintiff in error. Edward A. Rozier, U. S. Atty., and Walter D. Coles, Asst. U. S. Atty., for defendant in error. Before SANBORN and THAYER, Circuit Judges, and SHIRAS, District Judge.

SHIRAS, District Judge. This case presents the same questions that have been passed upon in case No. 985, just decided (*Hoeffner v. U. S.*, 87 Fed. 185); and, following the conclusions therein reached, the judgment in the trial court is affirmed.