THE ST. PAUL. VANELIUS v. UNITED STATES. (Circuit Court of Appeals, Ninth Circuit. February 7, 1898.) No. 181. Appeal from the District Court of the United States for the District of Alaska. Warren Gregory, for appellant. Charles A. Garter, for the United States. Before GILBERT, ROSS, and MORROW, Circuit Judges.

PER CURIAM. This case is precisely similar to the case entitled "La Ninfa," heretofore decided by this court, and reported in 44 U. S. App. 648, 21 C. C. A. 434, and 75 Fed. 513. On the authority of that case, the decree appealed from is reversed, and the cause remanded, with instructions to the district court to dismiss the libel.

STANDARD OIL CO. v. BELL et al. (Circuit Court of Appeals, Fifth Circuit. May 24, 1898.) No. 598. In Error to the Circuit Court of the United States for the Southern District of Florida. This is an action brought by William J. Bell and others against the Standard Oil Company to recover possession of land and damages for the occupation and use thereof. Judgment for plaintiffs, and defendant brings error. Affirmed. J. C. Cooper, W. W. Howe, W. B. Spencer, and G. B. Cocke, for plaintiff in error. H. Bisbee, for defendants in error. Before PARDEE and McCORMICK, Circuit Judges, and SWAYNE, District Judge.

McCORMICK, Circuit Judge. This case is identical in its substantial issues with the case of Railroad Co. v. Bell (just decided) 87 Fed. 369, the plaintiff in error in this case claiming under the Florida Central & Peninsular Railroad Company; and, on the ground and for the reasons given and suggested in the opinion in that case, the judgment of the circuit court in this case is affirmed.

TRUMAN v. DEERE IMPLEMENT CO. (Circuit Court of Appeals, Ninth Circuit. February 21, 1898.) No. 377. Appeal from the Circuit Court of the United States for the Northern District of California. John L. Boone, for appellant. M. A. Dorn, D. S. Dorn, and Chas. E. Nouges, for appellee. Before GILBERT and ROSS, Circuit Judges, and HAWLEY, District Judge.

HAWLEY, District Judge. This case involves the same questions as were presented and decided in Truman v. Holmes, 87 Fed. 742; and, upon the authority of that case, the judgment of the circuit court is affirmed, with costs.

WESTENFELDER v. GREEN et al.

(Circuit Court of Appeals, Ninth Circuit. May 17, 1898.)

No. 423.

APPEAL—RECORD.

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

Before ROSS and MORROW, Circuit Judges, and HAWLEY, District Judge.

ROSS, Circuit Judge. This was, apparently, a suit in equity to quiet complainant's alleged title to a lot of land in the city of Portland, Or. See 76 Fed. 925, 78 Fed. 892. It was argued, both orally and by brief, on behalf of the respective parties, as if there was an appeal here from the decree of the court below. An examination of the record, however, fails to disclose any such appeal; and, if it did, there is nothing in the transcript showing the case upon which the decree printed therein was based. Indeed, there is nothing in it properly certified or identified. The pretended appeal, together with all of the proceedings herein, is accordingly dismissed.

WOOD et al. v. KEYSER et al. KEYSER et al. v. WOOD et al. (Circuit Court of Appeals, Fifth Circuit. May 24, 1898.) No. 654. 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 John Wood & 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 in his written opinion, as found in the transcript, and as reported in 84 Fed. 688; and, as we concur in the conclusions reached by him, the decree appealed from is affirmed.

HOE et al. v. SCOTT.

(Circuit Court, D. New Jersey. May 20, 1898.)

For opinion, see 87 Fed. 220.

KIRKPATRICK, District Judge. The defendant having moved this court that the depositions of each and every witness taken on the accounting herein before the master, and each and every part thereof, and all exhibits offered in evidence in connection with such deposition, be stricken out, and, in case the court should decline so to do, that defendant should be allowed to put in evidence in defense before the master upon matters relating to the scope of the accounting before the nature and scope of the account which the defendant is to file are passed upon, and for other and further relief; and such motion coming on to be heard, upon the proceedings heretofore had herein, and the filed papers and evidence in this cause, including the evidence heretofore taken before Henry D. Oliphant, Esq., master, etc., and upon the affidavits of Walter Scott and William H. L. Lee, both verified April 1, 1897; and after hearing Benjamin F. Lee, Esq., and William H. L. Lee, Esq., of counsel for defendant, in support of said motion, and Myron H. Phelps, Esq., of counsel for complainant, in opposition thereto, and due deliberation having been had; and it appearing to the court that the motion to strike out said depositions and exhibits should not be allowed or considered on its merits at the present time, and that all matters pertaining to the merits should be deferred until the coming in of the master's report:

It is ordered and adjudged that the motion to strike out the depositions of each and every witness taken on the accounting herein before the master, and each and every part thereof, and all exhibits offered in evidence in connection with said depositions, without passing on the merits thereof, be, and the same is, not allowed at the present time, and that the hearing of said motion, and all matters involved in said motion pertaining to the merits thereof, be, and they hereby are, deferred, and the consideration thereof reserved, until the coming in of the said master's report; and it appearing to the court that there are certain machines manufactured by the defendant which are claimed by the complainants to be within the scope of the decree entered in the cause, and which said machines, it is insisted on the part of the defendant, are not within the scope of said decree, and the court being of the opinion that it is within the province or the duty of the master to determine the question whether said machines contain infringement upon the claims of the complainant's patent as in this cause adjudicated, it is ordered that, before proceeding with the accounting so far as the same relates to said machines which it is claimed are not within the scope of the decree, the said master do first satisfy himself by the evidence produced by both parties of the validity of the complainant's contention.

END OF CASES IN VOL. 87.