

as I can perceive, was without any justifiable excuse; and I must, therefore, hold the Queen liable for the whole cargo damage, the Alvena not being a party to the suit. The Atlas, 93 U. S. 302. Decree accordingly with costs.

MEMORANDUM DECISIONS.

THE ANDREW BURNHAM. (Circuit Court of Appeals, Second Circuit. October 13, 1896.) Appeal from the District Court of the United States for the Southern District of New York. Goodrich, Deady & Goodrich, for appellants, claimants of the Andrew Burnham. Cowen, Wing, Putnam & Burlingham, for appellees Frank P. Burger and others. Dismissed on consent, pursuant to the twentieth rule.

APPLEGATE v. KILGORE, Judge. (Circuit Court of Appeals, Eighth Circuit. May 3, 1898.) No. 693. In Error to the Court of Appeals of the United States in the Indian Territory. H. B. Lockett, for plaintiff in error. Dismissed for want of prosecution, pursuant to the twenty-second rule.

ARNOLD v. HATCH. (Circuit Court of Appeals, Seventh Circuit. October 24, 1898.) No. 540. In Error to the District Court of the United States for the Northern District of Illinois. K. M. Landis, for plaintiff in error. George A. Dupuy, for defendant in error.

PER CURIAM. This case was before this court at the last term under the title of Hatch v. Heim, 30 C. C. A. 171, 86 Fed. 436, and the judgment was then reversed, and a new trial directed. The case now comes before us upon a writ of error from the judgment entered upon a retrial of the action in favor of the present defendant in error. Error is assigned only upon the instructions of the court. The charge accords fully with the principles declared in our previous decision. The judgment is affirmed.

BATES v. GENERAL ELECTRIC RY. CO. (Circuit Court of Appeals, Seventh Circuit. July 26, 1898.) No. 506. Appeal from the Circuit Court of the United States for the Northern District of Illinois. S. P. McConnell, Horace K. Tenney, and I. K. Boyesen, for appellant. Thomas A. Moran and Chas. H. Aldrich, for appellee. Dismissed per stipulation of counsel.

BLACKBURN v. PORTLAND GOLD-MIN. CO. et al. (Circuit Court of Appeals, Eighth Circuit. May 18, 1898.) No. 1,046. In Error to the Circuit Court of the United States for the District of Colorado. Charles J. Hughes, Jr., for plaintiff in error. C. S. Thomas, W. H. Bryant, and H. H. Lee, for the defendants in error. Dismissed, with costs, for want of jurisdiction, on motion of the defendants in error.

BOCKOVEN v. MAYOR, ETC., OF CITY OF NEW YORK. (Circuit Court of Appeals, Second Circuit. November 21, 1896.) Appeal from the Circuit

Court of the United States for the Southern District of New York. Hyland & Zabriskie, for appellant. Francis M. Scott, Corp. Counsel, for appellee. Dismissed, pursuant to the sixteenth rule, for failure to docket.

BOLLES v. OUTING CO., Limited. (Circuit Court of Appeals, Second Circuit. April 28, 1897.) In Error to the Circuit Court of the United States for the Southern District of New York. Wells, Waldo & Snedeker, for plaintiff in error. John R. Abney, for defendant in error. Affirmed on the opinion filed on former decision. 23 C. C. A. 594, 77 Fed. 966.

BOYLE, Attorney General, et al. v. MUTUAL LIFE INS. CO. OF NEW YORK. (Circuit Court of Appeals, Eighth Circuit. May 26, 1898.) No. 1,020. Appeal from the Circuit Court of the United States for the District of Kansas. David Overmyer, David Martin, Louis C. Boyle, and Webb McNall, for appellants. B. P. Waggener, Albert H. Horton, George J. Barker, and E. F. Ware, for appellee. Dismissed, per stipulation of parties, at costs of the appellee. See 82 Fed. 705.

CHICAGO SUGAR REFINING CO. v. CHARLES POPE GLUCOSE CO. et al. (Circuit Court of Appeals, Seventh Circuit. June 10, 1898.) No. 517. Appeal from the Circuit Court of the United States for the Northern District of Illinois. C. K. Offield, H. S. Towle, and C. C. Linthicum, for appellant. L. L. Coburn, for appellees. Dismissed. See 28 C. C. A. 594, 84 Fed. 977.

THE CHILIAN. (Circuit Court of Appeals, Second Circuit. January 20, 1897.) No. 85. Appeal from the District Court of the United States for the Southern District of New York. Wilcox, Adams & Green, for appellant Berwind-White Coal-Min. Co. Convers & Kirlin, for appellees, claimants of the Chilian. Dismissed on consent, pursuant to the twentieth rule. See 58 Fed. 697.

CITY OF POUGHKEEPSIE v. NATIONAL METER CO. (Circuit Court of Appeals, Second Circuit. November 19, 1896.) No. 94. Appeal from the Circuit Court of the United States for the Southern District of New York. Dickerson & Brown, for appellant. Gifford & Bull, for appellee. No opinion. Affirmed. See 75 Fed. 405.

CITY RY. CO. v. CITIZENS' ST. RY. CO. (Circuit Court of Appeals, Seventh Circuit. June 9, 1898.) No. 243. Appeal from the Circuit Court of the United States for the District of Indiana. A. C. Harris, Bryon K. Elliott, and William F. Elliott, for appellant. Benjamin Harrison, W. H. H. Miller, Ferdinand Winter, and John B. Elam, for appellee. Dismissed on motion of appellant.

CLEVELAND CO-OPERATIVE STOVE CO. et al. v. HESS. (Circuit Court of Appeals, Sixth Circuit. October 4, 1898.) No. 624. Appeal from the Circuit Court of the United States for the Eastern Division of the Northern District of Ohio. Thurston & Bates, for appellants. Charles R. Mills and Albert E. Lynch, for appellee. Dismissed per stipulation.