

## Opinion of the Court.

ing to which the relator was not a party. The right to the computation and assessment, as well as the collection of the tax, followed as a matter of law from the establishment of the liability of the town for the payment of the interest which it was agreed should be made by the assessment and collection of the tax. An injunction against the officers before the judgment against the town was rendered cannot stand in the way of the enforcement of the tax by the circuit court to carry its judgment into execution.

The writ of error is dismissed as to the relators Fairbanks, Skinner, and Thomas, and the judgment of the circuit court awarding the mandamus in favor of Caroline C. Wetmore is affirmed.

*The cause is remanded with leave to modify the judgment in such a way as to adapt the command of the writ of mandamus to the circumstances consequent on the delay caused by the pendency of the writ of error in this court.*



## EX PARTE HUNG HANG.

## ORIGINAL.

Decided May 7th, 1883.

*Habeas Corpus—Jurisdiction.*

Except in cases affecting ambassadors, other public ministers, or consuls, or those in which a State is a party, the supreme court can only issue a writ of habeas corpus under its appellate jurisdiction.

Application for a writ of habeas corpus.

*Mr. Solicitor-General, Mr. Assistant Attorney-General Simons and Mr. Hall McAllister* for the petitioner.

MR. CHIEF JUSTICE WAITE delivered the opinion of the court.

This is an application for a writ of habeas corpus for the purpose of an inquiry into the legality of the detention of the petitioner, Hung Hang, a subject of the Emperor of China, by

## Syllabus.

the chief of police, under a warrant for his arrest, issued by the police judge of the city and county of San Francisco, California, for a violation of an order or ordinance of the board of supervisors of such city and county, alleged to be in contravention of the Constitution and of a treaty of the United States.

It has long been settled that ordinarily this court cannot issue a writ of habeas corpus except under its appellate jurisdiction. *Ex parte Bollman & Swartwout*, 4 Cranch, 75; *Ex parte Watkins*, 7 Pet. 568; *Ex parte Yerger*, 8 Wall. 85; *Ex parte Lange*, 18 Wall. 163; *Ex parte Parks*, 93 U. S. 18; *Ex parte Virginia*, 100 U. S. 339; *Ex parte Siebold*, Ib. 371.

Section 751 of the Revised Statutes, which re-enacts a similar provision in the judiciary act of 1789 (sec. 14), gives this court authority to issue the writ, but except in cases affecting ambassadors, other public ministers, or consuls, and those in which a State is a party, it can only be done for a review of the judicial decision of some inferior officer or court. This petition presents no such case.

*The writ is consequently denied.*

---

MEATH v. PHILLIPS COUNTY.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR  
THE EASTERN DISTRICT OF ARKANSAS.

Decided May 7th, 1883.

*Limitations.*

The facts in this case showed no claim in the plaintiff against the county defendant. The claim, if any, was against the district in the county benefited by the levees which he claims to have constructed.

It being conceded that an action at law for the enforcement of the claims set up in this suit was barred when this suit was brought, no equitable reason was found why the limitation of the statute should not be applied in equity.

*Mr. S. P. Walker* for appellant.