

## Syllabus.

such cases was taken away, although preserved by the joint resolution of March 3, 1891, 26 Stat. 1115, as to pending cases and cases wherein the appeal should be taken before July 1, 1891. The appeal was allowed January 7, 1891, but the decree did not take final effect as of that date for the purposes of an appeal, nor until February 17, 1892, because the application for rehearing was entertained by the court, filed within the time granted for that purpose, and not disposed of until then. *Aspen Mining &c. Co. v. Billings*, 150 U. S. 31.

The appeal bond was not given until April 15, 1892, but the record was filed in this court April 19, 1892, which was one of the days of the October term, 1891, of this court. Notwithstanding this, however, and without considering the question as to whether this appeal was properly prosecuted, in respect of parties, within *Hardee v. Wilson*, 146 U. S. 179, we are of opinion that as the Circuit Court had jurisdiction, and this court had not, long after July 1, 1891, the taking of a new appeal became necessary upon the denial of the rehearing, and this could only be to the Circuit Court of Appeals for the Eighth Circuit. *Cincinnati Safe & Lock Co. v. Grand Rapids Deposit Co.*, 146 U. S. 54.

*Appeal dismissed.*

## BALTIMORE TRACTION COMPANY v. BALTIMORE BELT RAILROAD COMPANY.

ERROR TO THE BALTIMORE CITY COURT.

No. 994. Submitted December 11, 1893. — Decided January 8, 1894.

A public act of the State of Maryland providing for the condemnation of land for the use of a railroad company was held by the Court of Appeals of that State to require notice to the owner of the land proposed to be condemned, when properly construed. *Held*, that this court had no jurisdiction over a writ of error to a court of that State, when the only error alleged was the want of such notice, which, it was charged, invalidated the proceedings as repugnant to the Constitution of the United States.

## Opinion of the Court.

MOTION TO DISMISS. The case is stated in the opinion.

*Mr. John K. Cowen* and *Mr. William Irvine Cross* for the motion.

*Mr. Nicholas P. Bond* opposing.

THE CHIEF JUSTICE: These were proceedings in condemnation, commenced June 15, 1892, in accordance with section 167 of article 23 of the Code of Public General Laws of the State of Maryland, plaintiff in error appearing therein.

It was objected below that that section violated the Fourteenth Amendment of the Constitution of the United States, in that the owner of land condemned thereunder might be deprived of his property without due process of law because the act did not provide for any notice to him of the proceedings; but it had been previously decided by the Court of Appeals of Maryland that the act, properly construed, required notice. *Baltimore Belt Railway Co. v. Baltzell*, 75 Maryland, 103.

We are bound to accept this conclusion of the state court as to the proper construction of the statute of the State. *Green v. Neal*, 6 Pet. 291; *Davie v. Briggs*, 97 U. S. 628; *Louisville &c. Railway v. Mississippi*, 133 U. S. 587, 590. At the time of these proceedings, therefore, notice was required. No suggestion is made that the validity of the statute was drawn in question as repugnant to the Constitution of the United States in any other particular, and as the want of requirement of notice did not exist, the alleged ground of our jurisdiction fails.

*Writ of error dismissed.*