

## Statement of the Case.

is void upon its face: but the record contained no exception to such instructions.

*Mr. W. A. Henderson* and *Mr. Leon Jourolomon* for plaintiffs in error.

*Mr. W. P. Washburn* and *Mr. Jerome Templeton* for defendant in error.

THE CHIEF JUSTICE: Errors are assigned to certain portions of the charge to the jury in this case, but no exceptions were preserved thereto, and no question otherwise raised for our consideration. The judgment is, therefore,

*Affirmed.*

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POSTAL TELEGRAPH CABLE COMPANY v. BALTIMORE.

ERROR TO THE COURT OF APPEALS OF THE STATE OF MARYLAND.

No. 828. Submitted January 21, 1895. — Decided January 28, 1895.

*St. Louis v. Western Union Tel. Co.*, 148 U. S. 92, affirmed and applied to this case.

THIS was an action at law, brought by the city of Baltimore, defendant in error, against The Postal Telegraph Cable Company, plaintiff in error, a corporation created under the laws of the State of New York, in the Court of Common Pleas of Baltimore City, a court of original common law jurisdiction, to recover the sum of \$1018.00, with interest from the 15th day of June, 1893, the same being an annual rental fee for the use of the streets of Baltimore, of \$2.00 per pole, for 509 telegraph poles, which were owned by the plaintiff in error, and located in and occupying a portion of the public streets of Baltimore. The rental fee was the amount prescribed by Ordinance No. 86 of 1893, to be paid by all companies which

## Syllabus.

owned and had located in the streets of Baltimore similar poles and similarly used. Judgment below in plaintiff's favor, which judgment was sustained by the Court of Appeals of the State of Maryland. A writ of error being sued out to the latter judgment, the defendant in error moved to dismiss or affirm it on the ground, among others, that "the ordinance in question was based on and passed after the opinion of the Supreme Court of the United States was delivered in *St. Louis v. Western Union Tel. Co.*, 148 U. S. 92 and 149 U. S. 465, and upon the strength of that case the defendant in error relied in the Court of Appeals of Maryland, and now relies in this court."

*Mr. Thomas G. Hayes and Mr. William S. Bryan, Jr.*, for the motion.

*Mr. George H. Bates* opposing.

THE CHIEF JUSTICE: The judgment is affirmed upon the authority of *St. Louis v. Western Union Tel. Co.*, 148 U. S. 92.

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*In re* CHAPMAN, Petitioner.

## ORIGINAL.

No number. Submitted January 22, 1895. — Decided February 4, 1895.

C., being summoned before a committee of the Senate of the United States and questioned there as to certain transactions, declined to answer the questions upon the grounds that they related to his private business, and that they were not authorized by the resolution appointing the committee. He was thereupon indicted in the Supreme Court of the District of Columbia under the provisions in Rev. Stat. §§ 102, 103, 104. He demurred to the indictment, and, the demurrer being overruled, an appeal was taken to the District Court of Appeals, where the indictment was sustained as valid, and the case remanded. He then applied to this court for permission to file a petition for the issue of a writ of *habeas corpus*.  
*Held,*