

## Syllabus.

ground, as they claimed, that the sidewalk was out of repair and dangerous for passengers, and that it could only be properly repaired in the way they had done; that complainant had several times during a period of more than a year attempted to make the suggested repairs, but that the authorities had prevented his doing so, and had insisted on replacing the old pavement by the Schillinger pavement.

Among the errors assigned on the appeal to the Supreme Court of Alabama from the decrees of the chancery court were the following:

"3. The court erred in not holding that the ordinance of the city council of Montgomery, as set out as Exhibit 'C' to the original bill, impaired the obligation of the contract set out as Exhibit 'B' to the bill.

"4. The court erred in not holding that the acts of the city council, respondent, as set out in said bill, deprived the complainant and Mary E. Winter, the owner of the corpus, of the interest and property described 'without due process of law.'"

*Mr. Edward A. Graham* and *Mr. L. A. Shaver* for the motions.

*Mr. H. E. Paine* and *Mr. J. S. Winter* opposing.

THE CHIEF JUSTICE: The writ of error is dismissed on the authority of *Eustis v. Bolles*, 150 U. S. 361, and cases cited.

*Dismissed.*

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ILLINOIS CENTRAL RAILROAD COMPANY  
v. BROWN.

ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE  
WESTERN DISTRICT OF TENNESSEE.

No. 632. Submitted February 4, 1895. — Decided March 4, 1895.

*McLish v. Roff*, 141 U. S. 661, and *Chicago, St. Paul &c. Railway v. Roberts*, 141 U. S. 690, affirmed to the point that this Court has no jurisdiction to

## Opinion of the Court.

review in error or on appeal, in advance of the final judgment in the cause on the merits, an order of the Circuit Court of the United States remanding the cause to the state court from which it had been removed to the Circuit Court.

MOTION to dismiss.

*Mr. Josiah Patterson* for the motion.

*Mr. H. W. McCorry* opposing.

THE CHIEF JUSTICE: The writ of error is dismissed upon the authority of *Railway Company v. Roberts*, 141 U. S. 690, and *McLish v. Roff*, 141 U. S. 661. *Dismissed.*

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HAYS v. STEIGER.

ERROR TO THE SUPREME COURT OF THE STATE OF CALIFORNIA.

No. 67. Submitted November 9, 1894. — Decided March 4, 1895.

The grant of the Agua Caliente to Lazaro Pina by Governor Alvarado in 1840 was a valid grant, and embraced the tract in controversy in this action.

THE case is stated in the opinion.

*Mr. Frederic Hall* and *Mr. James A. Waymire* for plaintiffs in error.

No appearance for defendant in error.

MR. JUSTICE FIELD delivered the opinion of the court.

This case comes before us on writ of error from the Supreme Court of California. It was an action originally brought by the plaintiff in the Superior Court of one of the counties of that State, claiming an equitable right to 110.80 acres of land which is part of 160 acres of public land for which a preëmp-