

Counsel for Parties.

with the Constitution of the United States; and that upon these grounds (which are substantially those taken by Chief Justice Alvey below) the judgment of the Court of Appeals, quashing the writ of certiorari to the justice of the peace, must be affirmed.

The effect of so affirming that judgment will be to leave the claim of Hof against the Capital Traction Company open to be tried by a jury before the justice of the peace, and, after his judgment upon their verdict, to be taken by appeal to the Supreme Court of the District of Columbia, and to be there tried by jury on the demand of either party.

Judgment affirmed.

MR. JUSTICE BREWER concurred in the judgment of affirmance, but dissented from so much of the opinion as upheld the validity of the provision of the act of Congress requiring every appellant from the judgment of a justice of the peace to give bond with surety for the payment of the judgment of the appellate court.

MR. JUSTICE BROWN did not sit in this case, or take any part in its decision.

In No. 114, METROPOLITAN RAILWAY COMPANY *v.* CHURCH, and No. 195, BRIGHTWOOD RAILWAY COMPANY *v.* O'NEAL, argued at the same time, the judgments of the Court of Appeals of the District of Columbia, quashing writs of certiorari to set aside proceedings of a justice of the peace under similar circumstances, are likewise

Affirmed.

Mr. D. W. Baker for Metropolitan Railway Co. *Mr. Nathaniel Wilson* was on his brief.

Mr. Ernest L. Schmidt for Church.

Mr. Henry P. Blair and *Mr. Corcoran Thom*, for Brightwood Railway Co., submitted on their brief.

Mr. Raymond A. Heiskell and *Mr. M. J. Colbert* for O'Neal.