

OPINIONS PER CURIAM, ETC., FROM OCTOBER 12,
1903, TO JANUARY 3, 1904.

No. 10. DOUGLAS COMPANY, APPELLANT, *v.* A. F. STONE, LATE TREASURER, ETC. Appeal from the Circuit Court of the United States for the Western District of Virginia. Argued October 13, 1903. Decided October 19, 1903. *Per Curiam*. Decree affirmed with costs, on the authority of *Holt v. Indiana Manufacturing Company*, 176 U. S. 68; *Fishback v. Western Union Telegraph Company*, 161 U. S. 96, and cases cited. Mr. Daniel Trigg and Mr. J. H. Gilmore for appellant. Mr. William A. Anderson for appellee.

No. 11. JAMES U. HUGHES, PLAINTIFF IN ERROR, *v.* R. B. KEPLEY ET AL. In error to the Supreme Court of the State of Kansas. Submitted October 13, 1903. Decided October 19, 1903. *Per Curiam*. Dismissed for the want of jurisdiction, on the authority of *Turner v. Richardson*, 180 U. S. 87; *Erie Railroad Company v. Purdy*, 185 U. S. 148; *Mutual Life Insurance Company v. McGrew*, 188 U. S. 291, and cases cited. Mr. T. F. Garver for plaintiff in error. Mr. N. H. Loomis for defendants in error.

No. 37. JAMES L. GATES, PLAINTIFF IN ERROR, *v.* SAMUEL P. PARMLY ET AL., EXECUTORS, ETC. In error to the Circuit Court of Clark County, State of Wisconsin. Argued October 22, 1903. Decided October 26, 1903. *Per Curiam*. Dismissed for the want of jurisdiction. *Knox v. Exchange Bank*, 12 Wall. 379; *Central Land Company v. Laidley*, 159 U. S. 103; *New Orleans Water Works Co. v. Louisiana*, 185 U. S. 336; *California Powder Works v. Davis*, 151 U. S. 389; *Louisville and Nashville Railroad Company v. Louisville*, 166 U. S. 709; *Morley v. Lake Shore &c. Railway Company*, 146 U. S. 162; *Bacon*

v. *Texas*, 163 U. S. 207. *Mr. Rublee A. Cole* for plaintiff in error. *Mr. A. B. Browne* and *Mr. Alexander Britton* for defendants in error.

No. —. Original. *Ex parte*. IN THE MATTER OF CITY OF PALATKA, PETITIONER. November 2, 1903. Motion for leave to file petition for writ of certiorari denied. *Mr. H. Bisbee* and *Mr. George C. Bedell* for petitioner in support of motion. *Mr. Charles T. Cates, Jr.*, *Mr. Henry Strunz* and *Mr. R. E. L. Mountcastle* opposing.

No. 226. THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY, PLAINTIFF IN ERROR, v. BENJAMIN WEISBERG. In error to the Circuit Court of the United States for the District of Rhode Island. Motion to dismiss submitted October 26, 1903. Decided November 2, 1903. *Per Curiam*. Dismissed for the want of jurisdiction. *Maynard v. Hecht*, 151 U. S. 324; *The Bayonne*, 159 U. S. 687, 692; *Chappell v. United States*, 160 U. S. 499, 507. *Mr. David S. Baker* for plaintiff in error. *Mr. Donald G. Perkins* for defendant in error.

No. 52. WOY HO, APPELLANT, v. UNITED STATES. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. Argued November 3, 1903. Decided November 9, 1903. *Per Curiam*. Dismissed for the want of jurisdiction. *Lau Ow Bew v. United States*, 144 U. S. 47, 58; *Cross v. Burke*, 146 U. S. 82, 88; *In re Lennon*, 150 U. S. 393; *Perrine v. Slack*, 164 U. S. 452; *The Paquete Habana*, 175 U. S. 677, 683. *Mr. Franklin H. Mackey* for appellant. *The Attorney General* and *Mr. Assistant Attorney General McReynolds* for appellee.

No. 55. CLEMENS HEROLD ET AL., PLAINTIFFS IN ERROR, v. JOSEPH FRANK ET AL. In error to the Court of Errors and

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Appeals of the State of New Jersey. Argued and submitted November 4, 1903. Decided November 9, 1903. *Per Curiam*. Dismissed for the want of jurisdiction. *Oxley Stave Company v. Butler County*, 166 U. S. 648; *Chapin v. Fye*, 179 U. S. 127; *Capital City Dairy Company v. Ohio*, 183 U. S. 238, 248; *Mutual Life Insurance Company v. McGrew*, 188 U. S. 291; *McKane v. Durston*, 153 U. S. 684. *Mr. James G. Blawvelt* for plaintiffs in error. *Mr. John W. Harding* for defendants in error.

NO. 72. MOLLIE S. BATTLE, PLAINTIFF IN ERROR, *v.* ROBERT G. ATKINSON. In error to the Circuit Court of the United States for the Eastern District of Arkansas. Argued for plaintiff in error November 11, 1903. Decided November 16, 1903. *Per Curiam*. Decree affirmed with costs. *Willis v. Eastern Trust and Banking Company*, 167 U. S. 76; *Harris v. Barber*, 129 U. S. 366; *McClung v. Penny*, 189 U. S. 143. *Mr. John M. Taylor* for plaintiff in error. No appearance for defendant in error.

No. —. Original. *Ex parte*. IN THE MATTER OF THE JOHNS-TOWN MINING COMPANY, PETITIONER. December 7, 1903. Motion for leave to file petition for a writ of certiorari denied. *Mr. Robert B. Smith*, *Mr. Frederick W. Whitridge*, *Mr. Willard Parker Butler*, *Mr. Edwin T. Rice* and *Mr. Sanford Robinson* for petitioner in support of motion. *Mr. James M. Beck* and *Mr. John A. Garver* opposing.

No. 14. CZARNIKOW, MACDOUGALL & CO. (LIMITED), PLAINTIFF IN ERROR, *v.* GEORGE R. BIDWELL, COLLECTOR, ETC. In error to the Circuit Court of the United States for the Southern District of New York. Submitted December 4, 1903. Decided December 14, 1903. *Per Curiam*. Judgment affirmed with costs, on the authority of *Downes v. Bidwell*, 182 U. S. 244, 287. (The Chief Justice, Mr. Justice Harlan, Mr. Justice

Brewer and Mr. Justice Peckham dissent.) *Mr. Frederic R. Coudert, Jr., Mr. Paul Fuller and Mr. Henry M. Ward* for plaintiff in error. *The Attorney General and Mr. Solicitor General Hoyt* for defendant in error.

NO. 331. WARNER, BARNES & CO. (LIMITED), PLAINTIFF IN ERROR, *v.* NEVADA N. STRANAHAN. In error to the Circuit Court of the United States for the Southern District of New York. Argued December 4, 1903. Decided December 14, 1903. *Per Curiam*. Judgment affirmed with costs, on the authority of *Downes v. Bidwell*, 182 U. S. 244, 287. (The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer and Mr. Justice Peckham dissent.) *Mr. Frederic R. Coudert, Jr., Mr. Paul Fuller and Mr. Henry M. Ward* for plaintiff in error. *The Attorney General and Mr. Solicitor General Hoyt* for defendant in error.

NO. 97. THE TOWN OF WESTON, APPELLANT, *v.* SALLIE E. TIERNEY. Appeal from the Circuit Court of the United States for the Northern District of West Virginia. Argued for appellant December 16, 1903. Decided December 21, 1903. *Per Curiam*. Decree reversed with costs, and cause remanded with directions to dismiss the bill for want of jurisdiction. *Town of Weston v. Tierney*, 184 U. S. 695; *Holt v. Indiana Manufacturing Company*, 176 U. S. 68, 73, and cases cited. *Mr. E. A. Brannon* for appellant. No counsel appeared for appellee.

NO. 257. S. A. WELTMER ET AL., PLAINTIFFS IN ERROR, *v.* C. M. BISHOP. In error to the Supreme Court of the State of Missouri. Motions to dismiss or affirm submitted December 14, 1903. Decided December 21, 1903. *Per Curiam*. Dismissed for the want of jurisdiction on the authority of

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Egan v. Hart, 165 U. S. 188; *New Orleans Water Works Company v. Louisiana*, 185 U. S. 336; *Spies v. Illinois*, 123 U. S. 131; *Miller v. Texas*, 153 U. S. 535; *Missouri Pacific Ry. Company v. Fitzgerald*, 160 U. S. 556. *Mr. William C. Scarritt* in support of motions. *Mr. James H. Harkless* opposing.

CASES DISPOSED OF WITHOUT CONSIDERATION BY
THE COURT, FROM OCTOBER 12, 1903, TO JANU-
ARY 3, 1904.

No. 439. JEUNG JUEH HO, PLAINTIFF IN ERROR, *v.* UNITED STATES. In error to the United States Circuit Court of Appeals for the Ninth Circuit. October 13, 1903. Docketed and dismissed, on motion of *Mr. Solicitor General Hoyt* for the defendant in error. No counsel opposing.

No. 1. T. WALTER BEAM ET AL., APPELLANTS, *v.* GUSTAV H. SCHWAB. On certificate from the United States Circuit Court of Appeals for the Eighth Circuit. October 13, 1903. Dismissed. *Mr. Edmund F. Richardson* for appellants. *Mr. Henry T. Rogers* and *Mr. L. M. Cuthbert* for appellee.

No. 131. WILLIAM VAN PELT, PLAINTIFF IN ERROR, *v.* PEOPLE OF THE STATE OF MICHIGAN. In error to the Supreme Court of the State of Michigan. October 13, 1903. Dismissed, per stipulation. *Mr. Henry M. Duffield* for plaintiff in error. *Mr. Horace M. Oren* for defendants in error.

No. 3. FREIDA SCHRADSKY, PLAINTIFF IN ERROR, *v.* BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LAKE. In error to the Circuit Court of the United States for the District