

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*

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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. WOEY 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. Blauvelt* 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 JUEN 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