

Decisions on Petitions for Writs of Certiorari. 193 U. S.

to the Supreme Court of the State of North Carolina. Submitted March 18, 1904. Decided March 21, 1904. *Per Curiam.* Judgment reversed with costs, on the authority of *Southern Railway Company v. Allison*, 190 U. S. 326, and cause remanded for further proceedings. *Mr. F. H. Busbee, Mr. W. A. Henderson and Mr. Charles Price* for plaintiff in error. No appearance for defendant in error.

No. 192. NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY, PLAINTIFF IN ERROR, *v.* TOWN OF PLYMOUTH ET AL. In error to the Supreme Court of Errors of the State of Connecticut. Submitted March 16, 1904. Decided March 21, 1904. *Per Curiam.* Dismissed for the want of jurisdiction, on authority of *Sayward v. Denny*, 158 U. S. 180; *Layton v. Missouri*, 187 U. S. 356; *Hooker v. Los Angeles*, 188 U. S. 314; *Ansbro v. United States*, 159 U. S. 695; *New York and New England Railroad Company v. Bristol*, 151 U. S. 556. *Mr. William F. Henney* for plaintiff in error. *Mr. Charles E. Perkins and Mr. Samuel A. Herman* for defendants in error.

No. 193. M. J. COVENTRY ET AL., PLAINTIFFS IN ERROR, *v.* J. W. DAVIS ET AL. In error to the Supreme Court of the State of Kansas. Submitted March 18, 1904. Decided March 21, 1904. *Per Curiam.* Dismissed for the want of jurisdiction, on authority of *New Orleans Waterworks Company v. Louisiana*, 185 U. S. 336; *Sayward v. Denny*, 158 U. S. 180. Case reported in state court, 65 Kansas, 557. *Mr. Eugene F. Ware* for the plaintiffs in error. *Mr. J. D. McCleverty and Mr. W. P. Dillard* for defendants in error.

Decisions on Petitions for Writs of Certiorari from February 23, 1904, to April 4, 1904.

No. 570. PAUL E. BERGER ET AL., PETITIONERS, *v.* GEORGE A. FULLER. February 23, 1904. Petition for a writ of cer-

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tiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. *Mr. James H. Peirce, Mr. George P. Fisher, Jr., and Mr. William Henry Dennis* for petitioners. *Mr. Douglas Dyrenforth* for respondent.

No. 572. NILS O. LINDSTROM, ADMINISTRATOR, ETC., PETITIONER, *v.* INTERNATIONAL NAVIGATION COMPANY. February 23, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr. T. Lloyd Hollister* and *Mr. H. Randall Webb* for petitioner. *Mr. Henry Galbraith Ward* for respondent.

No. 576. M. H. MOMSEN, CLAIMANT, ETC., PETITIONER, *v.* NATIONAL DREDGING COMPANY. February 23, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. *Mr. J. Parker Kirlin, Mr. Harry Pillans* and *Mr. Charles R. Hickox* for petitioner. *Mr. Gregory L. Smith* and *Mr. H. T. Smith* for respondent.

No. 577. CHARLES GRING, PETITIONER, *v.* WILLIAM J. MCILVAINE, OWNER, ETC., ET AL. February 23, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied. *Mr. James E. Heath, Jr.*, for petitioner. *Mr. Robert M. Hughes* for respondent.

No. 579. G. B. HUNTER ET AL., PETITIONERS, *v.* DAMPSKIBSSELSKABET "TELLUS," ETC., ET AL. February 29, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Milton Andros* for petitioners. *Mr. Charles Page* and *Mr. E. J. McCutchen* for respondents.

No. 589. TWEEDIE TRADING COMPANY, PETITIONER, *v.* NEW YORK AND BOSTON DYEWOOD COMPANY. February 29,

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1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr. Everett P. Wheeler* for petitioner. *Mr. Wilhelmus Mynderse* for respondent.

No. 590. CIMIOTTI UNHAIRING COMPANY ET AL., PETITIONERS, *v.* AMERICAN FUR REFINING COMPANY ET AL. February 29, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted. *Mr. John W. Griggs* and *Mr. Louis C. Raegener* for petitioners. *Mr. Henry Schreiter* for respondents.

No. 591. UNITED STATES, PETITIONER, *v.* SING TUCK OR KING DO ET AL. February 29, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted. *The Attorney General*, *Mr. Solicitor General Hoyt* and *Mr. Assistant Attorney General McReynolds* for petitioner. *Mr. Robert M. Moore* for respondents.

No. 365. JESSE CARR, PETITIONER, *v.* MODERN WOODMEN OF AMERICA. March 7, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Isaac N. Flickinger* for petitioner. *Mr. C. G. Saunders* for respondent.

No. 564. THOMAS A. KELLEY ET AL., PETITIONERS, *v.* CUNARD STEAMSHIP COMPANY (LIMITED). March 7, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied. *Mr. William R. Sears* and *Mr. A. B. Browne* for petitioners. *Mr. George Putnam* for respondents.

No. 573. JULIUS KING OPTICAL COMPANY, PETITIONER, *v.* FREDERICK F. BILHOEFER ET AL. March 7, 1904. Petition for a writ of certiorari to the United States Circuit Court of

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Appeals for the Second Circuit denied. *Mr. H. Albertus West* for petitioner. *Mr. Wm. C. Strawbridge* for respondents.

No. 586. OSCAR HAMPTON STEVENS, PETITIONER, *v.* RICHMOND SMITH ET AL. March 7, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. *Mr. H. C. McDougal* for petitioner. No appearance for respondents.

No. 587. RUDOLPH H. LANGE, PETITIONER, *v.* UNION PACIFIC RAILWAY COMPANY. March 7, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. E. T. Wells* for petitioner. *Mr. Willard Teller, Mr. Clayton C. Dorsey and Mr. W. R. Kelly* for respondent.

No. 592. CITY NATIONAL BANK OF GREENVILLE, S. C., PETITIONER, *v.* RICHMOND GUANO COMPANY. March 7, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied. *Mr. H. J. Haynsworth* for petitioner. *Mr. Julius H. Heywood* for respondent.

No. 601. ATLANTIC TRANSPORT COMPANY, CLAIMANT, PETITIONER, *v.* FRANCIS E. DODGE ET AL. March 7, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr. J. Parker Kirlin and Mr. Charles R. Hickox* for petitioner. *Mr. Wilhelmus Mynderse* for respondents.

No. 602. EMPIRE STATE-IDAHO MINING AND DEVELOPING COMPANY, PETITIONER, *v.* KENNEDY J. HANLEY. March 7, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. *Mr.*

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George Turner and Mr. W. B. Heyburn for petitioner. *Mr. John R. McBride and Mr. M. A. Folsom* for respondent.

No. 612. ATLANTIC LUMBER COMPANY ET AL., PETITIONERS, *v.* L. BUCKI & SON LUMBER CO. ET AL. March 14, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Richard H. Liggett* for petitioners. *Mr. H. Bisbee, Mr. James E. Padgett and Mr. George C. Bedell* for respondents.

No. 605. WESTERN UNION TELEGRAPH COMPANY, PETITIONER, *v.* PENNSYLVANIA RAILROAD COMPANY ET AL. March 21, 1904. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted. *Mr. H. D. Estabrook, Mr. Rush Taggart and Mr. John F. Dillon* for petitioner. *Mr. John G. Johnson* for respondents.

No. 595. RIVERDALE COTTON MILLS, PETITIONER, *v.* ALABAMA AND GEORGIA MANUFACTURING COMPANY ET AL. March 21, 1904. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted. *Mr. Thomas H. Watts, Mr. Louis D. Brandeis and Mr. Wm. H. Dunbar* for petitioner. *Mr. John T. Morgan and Mr. Marion Erwin* for respondents.

No. 621. D. N. HOLDEN ET AL., PETITIONERS, *v.* J. A. STRATTON, TRUSTEE. March 21, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted. *Mr. Wm. E. Humphrey and Mr. P. P. Carroll* for petitioners. *Mr. Frederick Bausman* for respondent.

No. 599. LINDLEY E. SINCLAIR, PETITIONER, *v.* DISTRICT OF COLUMBIA. March 21, 1904. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia

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denied. *Mr. C. C. Cole* and *Mr. J. J. Darlington* for petitioner. *Mr. A. B. Duvall* and *Mr. E. H. Thomas* for respondent.

No. 604. WESTERN ASSURANCE COMPANY OF TORONTO, PETITIONER, *v.* WILLIAM H. HALLIDAY ET AL. March 21, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Hartwell Cabell* and *Mr. Jackson H. Ralston* for petitioner. *Mr. Edward L. Taylor, Jr.*, *Mr. Carl T. Webber* and *Mr. A. T. Seymour* for respondents.

No. 619. JOHN P. VIRDIN, ETC., PETITIONER, *v.* STEAMER ANSGAR, ETC.; and No. 620. JOHN P. VIRDIN, ETC., PETITIONER, *v.* OSCAR ELLEFSEN, MASTER, ETC. March 21, 1904. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. *Mr. Horace L. Cheyney* and *Mr. John F. Lewis* for petitioner. *Mr. Frederick M. Brown* for respondents.

No. 598. KELLER TOOL COMPANY ET AL., PETITIONERS, *v.* JOSEPH BOYER. April 4, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. *Mr. E. Hayward Fairbanks*, *Mr. Hector T. Fenton* and *Mr. William A. Maury* for petitioners. *Mr. John R. Bennett* for respondent.

No. 610. E. J. ROBERTS, PETITIONER, *v.* THE UNITED STATES. April 4, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Cecil H. Smith* and *Mr. Frank Lee* for petitioner.

No 618. THE UNITED STATES EX REL. FRANK B. EDWARDS, LIEUTENANT OF ARTILLERY, UNITED STATES ARMY, PETITIONER, *v.* ELIHU ROOT, SECRETARY OF WAR, ET AL. April 4,

Cases Disposed of Without Consideration by the Court. 193 U. S.

1904. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied. *Mr. Joseph W. Catharine* for petitioner. *The Attorney General* and *Mr. Solicitor General Hoyt* for respondents.

CASES DISPOSED OF WITHOUT CONSIDERATION BY
THE COURT, FROM FEBRUARY 23, 1904, TO APRIL 4,
1904.

No. 594. ROBERT MILLER, SPECIAL MASTER, ETC., PLAINTIFF IN ERROR, *v.* NORTHERN ASSURANCE COMPANY. In error to the District Court of the United States for the District of Porto Rico. February 23, 1904. Docketed and dismissed with costs, on motion of *Mr. J. S. Flannery* for the defendant in error. No one opposing.

No. 213. SAMUEL FARQUHUAR ET AL., PLAINTIFFS IN ERROR, *v.* EDWARD W. PRESHO ET AL., STREET COMMISSIONERS OF BOSTON. In error to the Supreme Judicial Court of the State of Massachusetts. February 23, 1904. Dismissed with costs, per stipulation. *Mr. Elmer P. Howe* for plaintiffs in error. *Mr. Thomas M. Babson* for defendants in error.

No. 536. L. C. SHATTUCK, APPELLANT, *v.* MARTIN COSTELLO. Appeal from the Supreme Court of the Territory of Arizona. March 1, 1904. Dismissed with costs, on motion of counsel for the appellant. *Mr. William H. Barnes* for the appellant. No appearance for appellee.

No. 184. DELBERT B. GRAY, PETITIONER, *v.* UNION CASUALTY AND SURETY COMPANY. March 4, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit dismissed for the want of prosecu-