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Opinions Per Curiam, Etc.

OPINIONS PER CURIAM, ETC., FROM FEBRUARY 23,
1904, TO APRIL 4, 1904.

No. —. Original. *Ex parte*. IN THE MATTER OF ARTHUR P. SCHOFIELD, PETITIONER. February 29, 1904. Motion for leave to file petition for a writ of habeas corpus denied. *Mr. John Burke* and *Mr. Guy C. H. Corliss* for petitioner in support of motion. *Mr. Solicitor General Hoyt* opposing.

No. 485. INTERNATIONAL TRUST COMPANY, PLAINTIFF IN ERROR, *v.* JOHN W. WEEKS, AGENT, ETC. In error to the United States Circuit Court of Appeals for the First Circuit. Motion to dismiss submitted February 29, 1904. Decided March 7, 1904. *Per Curiam*. Dismissed for the want of jurisdiction. *McLish v. Roff*, 141 U.S. 661; *Kirwan v. Murphy*, 170 U. S. 205, 209; *Kingman v. Western Manufacturing Company*, 170 U. S. 675; *Haseltine v. Central Bank of Springfield*, 183 U. S. 130. *Mr. Eugene P. Carver*, *Mr. Edward E. Blodgett* and *Mr. G. Philip Wardner* in support of motion. *Mr. Robert M. Morse* and *Mr. William M. Richardson* opposing.

No. 512. OWENSBORO WATER WORKS COMPANY OF OWENSBORO, KY., APPELLANT, *v.* CITY OF OWENSBORO, KY. Appeal from the Circuit Court of the United States for the Western District of Kentucky. Submitted February 29, 1904. Decided March 7, 1904. *Per Curiam*. Decree affirmed with costs, on the authority of *City of Joplin v. Southwest Missouri Light Company*, 191 U. S. 150. *Mr. William T. Ellis* and *Mr. J. D. Atchison* for appellant. *Mr. Reuben A. Miller*, *Mr. Geo. W. Jolly*, *Mr. Charles S. Walker* and *Mr. Robert S. Todd* for appellee.

No. 191. SOUTHERN RAILWAY COMPANY, PLAINTIFF IN ERROR, *v.* MARY L. BEACH, ADMINISTRATRIX, ETC. In error

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.* DAMPSKIBSSSELSKABET "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,

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. BILHOFER 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.*

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,
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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 FARQUHAR ET AL., PLAINTIFFS IN ERROR, *v.* EDWARD W. PRESCHO 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-