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Counsel for Parties.

canvass of the returns cast at that election. The prayer of the petitioners specifically is to retain such canvass. Even the general clause at the close of the prayer is "for such other and further orders in the premises as shall and may make the prayer of your petitioners effectual." But—as shown by the affidavit, and as indeed we might perhaps take judicial notice by the presence in the House of Representatives of the individuals elected at that election from the various Congressional districts of Virginia—the thing sought to be prohibited has been done and cannot be undone by any order of court. The canvass has been made, certificates of election have been issued, the House of Representatives (which is the sole judge of the qualifications of its members) has admitted the parties holding the certificates to seats in that body, and any adjudication which this court might make would be only an ineffectual decision of the question whether or not these petitioners were wronged by what has been fully accomplished. Under those circumstances there is nothing but a moot case remaining, and the motion to dismiss must be sustained.

Dismissed without costs to either party.

SELDEN v. MONTAGUE.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR
THE EASTERN DISTRICT OF VIRGINIA.

No. 190. Argued April 4, 5, 1904.—Decided April 25, 1904.

Dismissed on authority of preceding case.

ARGUED simultaneously with and by the same counsel as
James v. Montague, p. 147 *ante*.

MR. JUSTICE BREWER delivered the opinion of the court.

This is a suit in equity brought to obtain by injunction the same relief as was sought in the preceding case. The facts and conditions are substantially similar, and for the reasons there given the appeal will be dismissed without costs to either party.

DAMON *v.* HAWAII.

ERROR TO THE SUPREME COURT OF THE TERRITORY OF HAWAII.

No. 207. Argued April 12, 1904.—Decided April 25, 1904.

A general law may grant titles as well as a special law.

The act of Hawaii of 1846, "of Public and Private Rights of Piscary," together with royal grants previously made, created and confirmed rights in favor of landlords in adjacent fishing grounds within the reef or one mile to seaward which were vested rights within the saving clause in the organic act of the Territory repealing all laws of the Republic of Hawaii conferring exclusive fishing rights.

A statement in a patent of an apuhuaa in Hawaii that "a fishing right is also attached to this land in the adjoining sea" and giving the boundaries thereof, passes the fishery right even if the *habendum* refers only to the above granted land.

THE facts are stated in the opinion of the court.

Mr. Francis M. Hatch, with whom *Mr. Reuben D. Silliman* was on the brief, for plaintiff in error:

The statutes of Hawaii from 1839 down on the subject of fisheries, have given property interests in the fisheries to the adjoining landowner. History and usage are to be looked at in considering these statutes. *Martin v. Waddell*, 16 Pet. 367. These acts are not to be construed as are conveyances between individuals. They are laws as well as grants. *Railway Co. v.*