

194 U. S.

Opinions Per Curiam, Etc.

SUPREME COURT OF THE UNITED STATES,
OCTOBER TERM, 1903.

AS TO NEW SEAL.

Order: Ordered that the clerk of the court be, and he is hereby, authorized and directed to procure a new seal for the court. Said seal shall be the arms of the United States, with these words in the margin: "Seal of the Supreme Court of the United States," engraved on a circular piece of steel not exceeding two and one-fourth inches in diameter. May 31, 1904.

AS TO ORDER APPOINTING REPORTER.

Order: Whereas J. C. Bancroft Davis, the former reporter of this court, resigned his office on September 11, 1902, to take effect at once, which resignation was accepted; and whereas Charles Henry Butler was appointed his successor December 4, 1902, and was charged by the order appointing him with the duty of reporting all the decisions of October term, 1902, and has accordingly reported all decisions delivered prior to December 4, during October term, 1902; it is

Ordered, That the order of December 4, 1902, appointing Charles Henry Butler reporter of this court be given effect *nunc pro tunc* as of the first day of October term, 1902, to wit, October 13, 1902. May 31, 1904.

OPINIONS PER CURIAM, ETC., FROM APRIL 5, 1904,
TO MAY 31, 1904.

No. 168. CHARLES L. RAWSON ET AL., PETITIONERS, v. WESTERN SAND BLAST COMPANY ET AL. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Argued March 2 and 3, 1904. Decided April 11, 1904.

Decree affirmed with costs by a divided court, and cause remanded to the Circuit Court of the United States for the Northern District of Illinois. Announced by Mr. Justice Harlan. (Mr. Chief Justice Fuller did not sit in this case or take any part in its decision.) *Mr. James H. Raymond* and *Mr. Otto R. Barnett* for petitioners. *Mr. John W. Munday* for respondents.

No. 508. PHOEBE R. E. E. LINTON ET AL., PLAINTIFFS IN ERROR, *v.* FRED HEYE ET AL. In error to the Supreme Court of the State of Nebraska. Motions to dismiss or affirm submitted March 21, 1904. Decided April 11, 1904. *Per Curiam*. Judgment affirmed with costs, on the authority of *Campbell v. Holt*, 115 U. S. 620; *Richardson v. Louisville and Nashville Railroad Company*, 169 U. S. 128; *Giles v. Little*, 134 U. S. 645. See *Lantry v. Wolff*, 49 Nebraska, 374; *Murphy v. Evans Steam Laundry Company*, 52 Nebraska, 593; *Linton v. Heye*, 95 N. W. Rep. 1040. *Mr. John C. Watson* and *Mr. John V. Morgan* in support of motions. *Mr. Joseph H. Blair* opposing.

No. 203. ST. LOUIS MERCHANTS' BRIDGE TERMINAL RAILWAY COMPANY, PLAINTIFF IN ERROR, *v.* THOMAS CALLAHAN. In error to the Supreme Court of the State of Missouri. Argued and submitted April 11, 1904. Decided April 18, 1904. *Per Curiam*. Judgment affirmed with costs, on the authority of *Tullis v. Railroad Company*, 175 U. S. 348, 351, and cases cited. Reported in state court, 170 Missouri, 473. *Mr. Robert A. Holland, Jr.*, *Mr. J. E. McKeighan* and *Mr. M. F. Watts* for plaintiff in error. *Mr. William F. Woerner* for defendant in error.

No. 216. MARGARET BREWSTER ET AL., PLAINTIFFS IN ERROR, *v.* JOHN D. CAHILL ET AL. In error to the Supreme Court of

194 U. S.

Opinions Per Curiam, Etc.

the State of Illinois. Submitted April 12, 1904. Decided April 18, 1904. *Per Curiam*. Dismissed for the want of jurisdiction *nunc pro tunc* as of April 7, 1904, on the authority of *Lehigh Water Company v. Easton*, 121 U. S. 388; *Eustis v. Bolles*, 150 U. S. 361; *Central Land Company v. Laidley*, 159 U. S. 103, 112, and cases cited; *Chapin v. Fye*, 179 U. S. 127, 129; *New Orleans Waterworks Company v. Louisiana*, 185 U. S. 336. *Mr. Fred F. Beers* for plaintiffs in error. *Mr. Thomas N. Haskins* for defendants in error.

No. 622. HAMBURG-AMERICAN STEAMSHIP COMPANY, PLAINTIFF IN ERROR, *v.* MARY W. LENNAN, AS EXECUTRIX OF THE LAST WILL AND TESTAMENT OF JOHN M. LENNAN, DECEASED. In error to the Court of Appeals of the State of New York. Motions to dismiss or affirm submitted April 11, 1904. Decided April 18, 1904. *Per Curiam*. Dismissed for the want of jurisdiction. *Staten Island Railway Company v. Lambert*, 131 U. S. Appx. ccxi; *Weatherby v. Bowie*, 131 U. S. Appx. ccxv; *Murdock v. Memphis*, 20 Wall. 590; *Egan v. Hart*, 165 U. S. 188, 191; *Hannibal and St. Joseph Railway Company v. Packet Company*, 125 U. S. 260, 272; *Eustis v. Bolles*, 150 U. S. 361; *New Orleans Waterworks Company v. Louisiana*, 185 U. S. 336. And see *Lennan v. Hamburg-American Steamship Company*, 73 App. Div. (N. Y.) 357; *The Alene*, 116 Fed. Rep. 57. *Mr. William Lindsay* and *Mr. J. Culbert Palmer* in support of motions. *Mr. Everett P. Wheeler* opposing.

No. 14. Original. STATE OF GEORGIA, COMPLAINANT, *v.* STATE OF TENNESSEE ET AL. Motions for leave to file amended bill; for leave to dismiss as to defendant, the State of Tennessee, and for leave to file stipulation as to further proceedings and then dismiss as to the other defendants, submitted April 18, 1904. Decided April 18, 1904. Motions granted and bill and amended bill dismissed. *Mr. John C. Hart* and

Mr. Ligon Johnson for complainant. *Mr. Charles T. Cates, Jr., Mr. Howard Cormick* and *Mr. John H. Frantz* for defendants.

No. 728. CARRIE M. WARD, PLAINTIFF IN ERROR, *v.* CLEVELAND TRUST COMPANY ET AL. In error to the Supreme Court of the State of Ohio. Motion to docket and dismiss submitted May 16, 1904. Decided May 31, 1904. Motion to docket and dismiss granted, and case docketed and dismissed with costs. *Mr. James Rudolph Garfield* for defendants in error in support of motion. No one opposing.

No. 227. NATIONAL MUTUAL BUILDING AND LOAN ASSOCIATION OF NEW YORK, PLAINTIFF IN ERROR, *v.* G. R. FARNHAM, EXECUTOR, ETC. In error to the Supreme Court of the State of Mississippi. Submitted April 18, 1904. Decided April 25, 1904. *Per Curiam.* Judgment affirmed with costs and interest, on the authority of *The National Mutual Building and Loan Association of New York v. Brahan*, 193 U. S. 635. *Mr. J. S. Sexton* and *Mr. A. S. Bozeman* for plaintiff in error. *Mr. J. C. Bryson* for defendant in error.

No. 249. BERLIN IRON BRIDGE COMPANY, PLAINTIFF IN ERROR, *v.* WILLIAM BRENNAN. In error to the Supreme Court of Errors of the State of Connecticut. Argued April 26, 1904. Decided May 16, 1904. *Per Curiam.* Dismissed for the want of jurisdiction on the authority of *Wabash Railroad Co. v. Flannigan*, 192 U. S. 29; *New Orleans Waterworks Company v. Louisiana*, 185 U. S. 336; *Union and Planters' Bank v. Memphis*, 189 U. S. 71; *Phoenix Insurance Company v. Tennessee*, 161 U. S. 174. See *Brennan v. Berlin Iron Bridge Company*, 75 Connecticut, 393. *Mr. Seymour C. Loomis* and *Mr. Edward C. Jones* for plaintiff in error. *Mr. John O'Neill, Mr. William Kennedy* and *Miss Susan C. O'Neill* for defendant in error.

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

No. 258. CHARLES B. KIMBELL ET AL., APPELLANTS, *v.* CHICAGO HYDRAULIC PRESS BRICK COMPANY ET AL. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Argued April 27, 28, 1904. Decided May 16, 1904. *Per Curiam*. Dismissed for the want of jurisdiction on the authority of *Arbuckle v. Blackburn*, 191 U. S. 405; *Continental National Bank v. Buford*, 191 U. S. 119; *Tennessee v. Bank*, 152 U. S. 454; *Ansbro v. United States*, 159 U. S. 695; *Colorado Company v. Turck*, 150 U. S. 138. *Mr. Edmund Harvey Smalley* for appellants. *Mr. Edward Cunningham, Jr.*, and *Mr. Edward C. Eliot* for appellees.

*Decisions on Petitions for Writs of Certiorari from
April 5, 1904, to May 31, 1904.*

No. 574. LENA S. WALTON ET AL., PETITIONERS, *v.* WILD GOOSE MINING AND TRADING COMPANY. April 11, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Frederic D. McKenney*, *Mr. John M. Thurston*, *Mr. J. W. Hughes* and *Mr. D. W. Burchard* for petitioners. *Mr. Charles Page*, *Mr. E. J. McCutchen* and *Mr. A. B. Browne* for respondent.

No. 614. DEXTER HORTON & Co., PETITIONER, *v.* LONDON AND SAN FRANCISCO BANK (LIMITED). April 11, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. *Mr. William E. Humphrey* for petitioner. *Mr. Charles E. Shepard* and *Mr. Thomas P. Shepard* for respondent.

No. 626. UNITED STATES TO USE OF J. EDWARD CHAPMAN, PETITIONER, *v.* CITY TRUST, SAFE DEPOSIT AND SECURITY COMPANY OF PHILADELPHIA. April 11, 1904. Petition for