

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

NO. 179. ST. LOUIS EXPANDED METAL FIREPROOFING COMPANY, PLAINTIFF IN ERROR, *v.* STANDARD FIREPROOFING COMPANY. In error to the Supreme Court of the State of Missouri. Motions to dismiss or affirm submitted December 5, 1904. Decided December 12, 1904. *Per Curiam*. Dismissed for the want of jurisdiction. *Mutual Insurance Company v. McGrew*, 188 U. S. 291; *Turner v. Richardson*, 180 U. S. 87; *Home for Incurables v. New York*, 187 U. S. 155; *Layton v. Missouri*, 187 U. S. 356. Case reported below 177 Missouri, 359. *Mr. James A. Carr* for plaintiff in error. *Mr. Frank L. Shepard* and *Mr. Hervey S. Knight* for defendant in error.

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NO. 356. COPPER KING OF ARIZONA, APPELLANT, *v.* PETER JOHNSON ET AL. Appeal from the Supreme Court of the Territory of Arizona. Motions to dismiss or affirm submitted December 5, 1904. Decided December 12, 1904. *Per Curiam*. Judgment affirmed with costs. *Rio Grande, etc., Company, v. Gildersleeve*, 174 U. S. 603, 609; *Sparrow v. Strong*, 4 Wall. 584; *Kerr v. Clampitt*, 95 U. S. 188. Revised Statutes of Arizona (1901), sections 1214, 1389, 1493, 4104. Case reported below 76 Pac. Rep. 594. *Mr. William C. Prentiss* for appellant. *Mr. Allen R. English* for appellees.

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*Decisions on Petitions for Writs of Certiorari from  
October 10, to December 12, 1904.*

NO. 337. TACOMA MILL COMPANY, PETITIONER, *v.* BLACK HILLS AND NORTHWESTERN RAILWAY COMPANY ET AL. October 17, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted. *Mr. Frederic D. McKenney*, *Mr. James H. Ashton* and *Mr. E. C. Hughes* for petitioner. *Mr. James B. Howe* for respondents.

NO. 236. THOMAS F. CURLEY ET AL., PETITIONERS, *v.* THE UNITED STATES. October 17, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied. *Mr. Heman W. Chaplin* for petitioners. *The Attorney General* and *Mr. Solicitor General Hoyt* for respondent.

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NO. 253. THE BETTENDORF PATENTS COMPANY, PETITIONER, *v.* J. R. LITTLE METAL WHEEL COMPANY. October 17, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. *Mr. James S. Harlan* for petitioner. *Mr. John R. Bennett* for respondent.

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NO. 258. WILLIAM BURRILL ET AL., PETITIONERS, *v.* GEORGE W. CROSSMAN ET AL. October 17, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr. Lawrence Kneeland* for petitioners. *Mr. Everett P. Wheeler* for respondents.

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NO. 268. THE WESTERN UNION TELEGRAPH COMPANY, PETITIONER, *v.* CHARLES J. SWAN. October 17, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. *Mr. H. N. Low* and *Mr. H. D. Estabrook* for petitioner. *Mr. Henry Calver* for respondents.

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NO. 276. JOHN T. ANDREWS, PETITIONER, *v.* CHICAGO AND NORTHWESTERN RAILWAY COMPANY. October 17, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. A. C. Parker* for petitioner. *Mr. James C. Davis* for respondent.

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NO. 277. WILLIAM H. FLANNERY ET AL., PETITIONERS, *v.*

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ISAAC B. LEWIS. October 17, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr. James J. Macklin, Mr. LaRoy S. Gove and Mr. Robert D. Benedict* for petitioners. *Mr. Herbert Green* for respondent.

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No. 278. ÆTNA INSURANCE COMPANY, PETITIONER, *v.* ISAAC B. LEWIS. October 17, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr. LaRoy S. Gove* for petitioner. *Mr. Herbert Green* for respondent.

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No. 284. MUNICH ASSURANCE COMPANY, LIMITED, ET AL., PETITIONERS, *v.* DODWELL & COMPANY, LIMITED. October 17, 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 respondent.

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No. 310. THE PORTLAND FLOURING MILL COMPANY, PETITIONER, *v.* THE BRITISH AND FOREIGN MARINE INSURANCE COMPANY, LIMITED. October 17, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. *Mr. C. E. S. Wood, Mr. George H. Williams, Mr. Thomas D. Rambaut and Mr. A. B. Browne* for petitioner. *Mr. Zera Snow and Mr. Wallace McCamant* for respondent.

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No. 318. BUNKER HILL AND SULLIVAN MINING AND CONCENTRATING COMPANY, PETITIONER, *v.* CHARLES T. JONES. October 17, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Myron A. Folsom* for petitioner. *Mr. Thomas Day and Mr. F. C. Robertson* for respondent.

NO. 372. BRENNAN & CO. SOUTHWESTERN AGRICULTURAL WORKS ET AL., PETITIONER, *v.* DOWAGIAC MANUFACTURING COMPANY. October 17, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Border Bowman* and *Mr. Augustus E. Willson* for petitioners. *Mr. Fred L. Chappell* for respondent.

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NO. 377. THE MINNESOTA MOLINE PLOW COMPANY ET AL., PETITIONERS, *v.* THE DOWAGIAC MANUFACTURING COMPANY. October 17, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Ephraim Banning* and *Mr. Thomas A. Banning* for petitioners. *Mr. Fred L. Chappell* for respondent.

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NO. 379. M. S. BUCKINGHAM, TRUSTEE, ET AL., PETITIONERS, *v.* THE FIRST NATIONAL BANK OF CHICAGO ET AL. October 17, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. *Mr. William H. Carroll* for petitioners. *Mr. Thomas B. Turley* for respondents.

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NO. 382. THE OHIO BAKING COMPANY ET AL., PETITIONERS, *v.* THE NATIONAL BISCUIT COMPANY. October 17, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Ephraim Banning* and *Mr. Thomas A. Banning* for petitioners. *Mr. Charles K. Offield* and *Mr. Earl D. Babst* for respondent.

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NO. 385. THE BUFFALO TIN CAN COMPANY, PETITIONER, *v.* E. W. BLISS COMPANY. October 17, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr. Herbert P. Bissell* for petitioner. *Mr. Thomas Thacher* for respondent.

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NO. 380. THE UNITED STATES, PETITIONER, *v.* R. F. DOWNING & Co. October 24, 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. Albert Comstock* for respondents.

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NO. 223. F. AUGUSTUS HEINZE ET AL., PETITIONERS, *v.* THE BUTTE AND BOSTON CONSOLIDATED MINING COMPANY. October 24, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. *Mr. John J. McHatton* for petitioners. *Mr. John A. Garver and Mr. James M. Beck* for respondent.

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NO. 326. THE EUREKA COUNTY BANK, PETITIONER, *v.* IDA K. CLARKE. October 24, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. *Mr. James C. Campbell, Mr. A. E. Cheney and Mr. Oscar J. Smith* for petitioner. *Mr. Alfred Chartz* for respondent.

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NO. 373. THE MOBILE TRANSPORTATION COMPANY, PETITIONER, *v.* THE CITY OF MOBILE ET AL. October 24, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Frederick G. Bromberg and Mr. Eugene H. Lewis* for petitioner. *Mr. Harry T. Smith* for respondents.

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NO. 387. STUART R. KNOTT ET AL., PETITIONERS, *v.* LOUISVILLE TRUST COMPANY, RECEIVER. October 24, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Alexander P.*

*Humphrey, Mr. James P. Helm, Mr. Helm Bruce and Mr. Walker D. Hines* for petitioners. *Mr. John L. Dodd, Mr. Aaron Kohn, Mr. J. C. Dodd and Mr. D. W. Baird* for respondent.

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NO. 381. CHESLEY C. MOSES, PETITIONER, *v.* THE UNITED STATES. October 31, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Frederic D. McKenney* for petitioner. *The Attorney General, Mr. Solicitor General Hoyt, Mr. Assistant Attorney General Pradt and Mr. Felix A. Brannigan* for respondent.

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NO. 386. A. F. KENNEY, CLAIMANT, ETC., PETITIONER, *v.* ALBERT LOUIE. October 31, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Frederic D. McKenney and Mr. James M. Ashton* for petitioner. *Mr. Albert W. Buddress* for respondent.

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NO. 397. PHYLLIS E. DODGE, CLAIMANT, ETC., PETITIONER, *v.* THE UNITED STATES. November 7, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr. W. Wickham Smith* for petitioner. *The Attorney General and Mr. Solicitor General Hoyt* for respondent.

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NO. 399. PACIFIC MAIL STEAMSHIP COMPANY, ETC., PETITIONER, *v.* SARAH GUYON, ADMINISTRATRIX, ETC., ET AL. November 7, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Maxwell Evarts and Mr. Charles Page* for petitioner. *Mr. William Denman* for respondents.

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NO. 417. THOMAS J. SPARKS, PRESIDING JUDGE, ETC., ET AL., PETITIONERS, *v.* FRANK C. GUTHRIE. November 14, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Henry Burnett* for petitioners. *Mr. D. M. Rodman* for respondent.

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NO. 413. THE UNITED STATES, PETITIONER, *v.* MORRIS WHITRIDGE ET AL., ETC. November 28, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted. *The Attorney General, Mr. Solicitor General Hoyt* and *Mr. Assistant Attorney General McReynolds* for petitioner. *Mr. Albert Comstock, Mr. William R. Sears* and *Mr. A. B. Browne* for respondents.

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NO. 403. FREDERICK H. SHELDON, PETITIONER, *v.* THE AMERICAN SURETY COMPANY OF NEW YORK. November 28, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. *Mr. C. Berkeley Taylor* for petitioner. *Mr. H. Gordon McCouch* for respondent.

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NO. 405. THE IDEAL STOPPER COMPANY, ETC., ET AL., PETITIONERS, *v.* THE CROWN CORK AND SEAL COMPANY, ETC. November 28, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied. *Mr. Philip Mauro* and *Mr. Reeve Lewis* for petitioners. *Mr. Robert H. Parkinson* and *Mr. John C. Rose* for respondent.

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NO. 409. STANLEY INSTRUMENT COMPANY, PETITIONERS, *v.* WESTINGHOUSE ELECTRIC AND MANUFACTURING COMPANY. November 26, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied. *Mr. Charles E. Mitchell, Mr. Wm. Houston Kenyon*

and *Mr. Henry B. Brownell* for petitioners. *Mr. W. K. Richardson* and *Mr. Thomas B. Kerr* for respondent.

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NO. 415. ATLANTA, KNOXVILLE AND NORTHERN RAILWAY COMPANY, PETITIONER, *v.* SOUTHERN RAILWAY COMPANY. November 28, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Charles N. Burch* for petitioner. *Mr. Alexander Pope Humphrey*, *Mr. W. A. Henderson* and *Mr. L. Jourolmon* for respondent.

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NO. 418. GOLDENBERG BROTHERS & CO., PETITIONERS, *v.* THE UNITED STATES. November 28, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr. Thomas H. Clark* for petitioners. *The Attorney General* and *Mr. Solicitor General Hoyt* for respondent.

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NO. 422. GEORGE W. SAMPLE, PETITIONER, *v.* THE AMERICAN SODA FOUNTAIN COMPANY ET AL. November 28, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. *Mr. William G. Henderson* for petitioner. *Mr. Joshua Pusey* for respondents.

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NO. 426. ARMOUR PACKING COMPANY, PETITIONER, *v.* THE METROPOLITAN WATER COMPANY. November 28, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. *Mr. James Russell Soley* and *Mr. Frank Hagerman* for petitioner. *Mr. Joseph Coult* for respondent.

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NO. 400. THE BALTIMORE AND OHIO COAL COMPANY, PETI-

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TIONER, *v.* THE COLONIAL TRUST COMPANY, TRUSTEE, ETC., ET AL. December 5, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Harry B. Arnold* for petitioner. *Mr. Louis Marshall* and *Mr. John H. Doyle* for respondents.

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No. 428. JOSEPH B. BARTRAM ET AL., PETITIONERS, *v.* THE UNITED STATES; No. 429. BENJAMIN H. HOWELL ET AL., PETITIONERS, *v.* THE UNITED STATES; and No. 430. THE AMERICAN SUGAR REFINING COMPANY, PETITIONER, *v.* THE UNITED STATES. December 5, 1904. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr. John E. Parsons* and *Mr. Henry B. Closson* for petitioners. *The Attorney General* and *Mr. Solicitor General Hoyt* for respondent.

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No. 432. NEW YORK BAKING POWDER COMPANY ET AL., PETITIONERS, *v.* RUMFORD CHEMICAL WORKS. December 5, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr. Arthur V. Briesen* and *Mr. Paul Bakewell* for petitioners. *Mr. Philip Mauro* for respondent.

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No. 438. THE UNITED STATES, PETITIONER, *v.* GEORGE E. CADARR ET AL. December 5, 1904. Petition for a writ of certiorari to the Court of Appeals for the District of Columbia granted. *The Attorney General* and *Mr. Solicitor General Hoyt* for petitioner. No one opposing.

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No. 441. W. J. MCCAHAN SUGAR REFINING COMPANY, PETITIONER, *v.* THE STEAMSHIP WILDCROFT, ETC. December 5, 1904. Petition for a writ of certiorari to the United States

Cases Disposed of Without Consideration by the Court. 195 U. S.

Circuit Court of Appeals for the Third Circuit granted. *Mr. H. L. Cheyney* and *Mr. John F. Lewis* for petitioner. *Mr. J. Parker Kirlin* for respondent.

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NO. 339. BLUE MOUNTAIN IRON AND STEEL COMPANY OF BALTIMORE CITY, PETITIONER, *v.* FRANK PORTNER ET AL. December 12, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied. *Mr. Henry C. Terry* and *Mr. Abraham Sharp* for petitioner. *Mr. Bernard Carter*, *Mr. J. Kemp Bartlett*, and *Mr. C. Andrade, Jr.*, for respondents.

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NO. 414. THE WESTERN TRANSIT COMPANY, PETITIONER, *v.* THE MINNESOTA STEAMSHIP COMPANY ET AL. December 12, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Harvey D. Goulder*, *Mr. S. H. Holding* and *Mr. F. S. Masten* for petitioner. *Mr. James H. Hoyt*, *Mr. John C. Shaw*, *Mr. Martin Casey*, *Mr. Charles B. Warner* and *Mr. Wm. B. Cady* for respondents.

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NO. 436. EDGAR A. DAVIS ET AL., PETITIONERS, *v.* A. BOOTH & Co. December 12, 1904. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Fred A. Baker* for petitioners. *Mr. Henry M. Duffield* and *Mr. Charles S. Thornton* for respondents.

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CASES DISPOSED OF WITHOUT CONSIDERATION  
BY THE COURT FROM OCTOBER 10, TO DECEMBER  
12, 1904.

NO. 28. THE UNITED STATES, PLAINTIFF IN ERROR, *v.* THE S. P. SHOTTER COMPANY. In error to the Circuit Court of the