

OPINIONS PER CURIAM, ETC., FROM OCTOBER 10,
TO DECEMBER 12, 1904.

NO. 176. RUFUS BINYON, PLAINTIFF IN ERROR, *v.* THE UNITED STATES. In error to the United States Court of Appeals for the Indian Territory. Argued October 14, 1904. Decided October 17, 1904. *Per Curiam*. Dismissed for the want of jurisdiction, on the authority of *Brown v. United States*, 171 U. S. 631; *Cross v. United States*, 145 U. S. 571. *Mr. W. H. Green* for plaintiff in error. *The Attorney General* and *Mr. Assistant Attorney General Purdy* for defendant in error.

NO. 333. LEE LOOK, PLAINTIFF IN ERROR, *v.* THE PEOPLE OF THE STATE OF CALIFORNIA. In error to the Supreme Court of the State of California. Motions to dismiss or affirm submitted October 11, 1904. Decided October 17, 1904. *Per Curiam*. Dismissed for the want of jurisdiction, but without costs. *Mr. Henry C. McPike* and *Mr. A. H. Jarman* for plaintiff in error. *Mr. U. S. Webb* and *Mr. James H. Campbell* for defendants in error.

NO. 45. PEDRO PEREA ET AL., ADMINISTRATORS, ETC., APPELLANTS, *v.* GUADALUPE PEREA de HARRISON ET AL. Appeal from the Supreme Court of the Territory of New Mexico. Motion to dismiss submitted October 17, 1904. Decided October 24, 1904. *Per Curiam*. Dismissed for the want of jurisdiction. *McLish v. Roff*, 141 U. S. 661; *Meagher v. Minnesota Thresher Manufacturing Company*, 145 U. S. 608; *Chicago and Northwestern Railway Company v. Osborne*, 146 U. S. 354; *Haseltine v. Bank*, 183 U. S. 130. *Mr. T. B. Catron* for appellants. *Mr. W. B. Childers* for appellees.

NO. 25. NATHAN C. JESSUP, PLAINTIFF IN ERROR, *v.* THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON. In error to the Supreme Court of the State of New York. Argued October 27, 1904. Decided October 31, 1904. *Per Curiam*. Dismissed for the want of jurisdiction. *Cummings v. Chicago*, 188 U. S. 410; *Montgomery v. Portland*, 190 U. S. 89. See *Trustees v. Jessup*, 162 N. Y. 122; *Trustees v. Jessup*, 173 N. Y. 84; *People v. Jessup*, 160 N. Y. 249. *Mr. Charles M. Stafford* for plaintiff in error. *Mr. Thomas Young* for defendants in error.

NO. 30. MINNIE KILPATRICK, PLAINTIFF IN ERROR, *v.* THE CHOCTAW, OKLAHOMA AND GULF RAILROAD COMPANY. In error to the United States Circuit Court of Appeals for the Eighth Circuit. Submitted October 28, 1904. Decided October 31, 1904. *Per Curiam*. Judgment affirmed with costs, on the authority of *Southern Pacific Company v. Seley*, 152 U. S. 145, and case remanded to the United States court for the Central District of the Indian Territory. *Mr. W. O. Davis* for plaintiff in error. *Mr. J. W. McLoud* for defendant in error.

NO. 390. SEATTLE DOCK COMPANY, PLAINTIFF IN ERROR, *v.* SEATTLE AND LAKE WASHINGTON WATERWAY COMPANY ET AL.; and NO. 391. CANNEL COAL COMPANY, PLAINTIFF IN ERROR, *v.* SEATTLE AND LAKE WASHINGTON WATERWAY COMPANY ET AL. In error to the Supreme Court of the State of Washington. Motions to dismiss or affirm submitted October 24, 1904. Decided October 31, 1904. *Per Curiam*. Judgments affirmed with costs. *New Orleans v. New Orleans Waterworks Company*, 142 U. S. 79; *Yesler v. Commissioners*, 146 U. S. 646; *Shively v. Bowlby*, 152 U. S. 1; *Allen v. Forrest*, 8 Washington, 700; *Mississippi Valley Trust Company v. Hafins*, 20 Washington, 272, and these cases, 77 Pac. Rep. 845. *Mr. R. A. Ballinger*, *Mr. M. A. Ballinger*, *Mr. J. T. Ronald* and *Mr. Alfred Battle*

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for the plaintiffs in error. *Mr. Julius F. Hale* and *Mr. Eugene Semple* for defendants in error.

No. 66. SIEGMUND LUBIN, APPELLANT, *v.* THOMAS A. EDISON. Appeal from the United States Circuit Court of Appeals for the Third Circuit. Motion to dismiss submitted October 31, 1904. Decided November 7, 1904. *Per Curiam*. Dismissed for the want of jurisdiction, on the authority of *McLish v. Roff*, 141 U. S. 661; *Insurance Company v. Kirchoff*, 160 U. S. 374. *Mr. Charles N. Butler* for appellant. *Mr. Melville Church* for appellee.

No. 57. THE YAZOO AND MISSISSIPPI VALLEY RAILROAD COMPANY, PLAINTIFF IN ERROR, *v.* HENRY TRUMAN. In error to the Circuit Court of Franklin County, State of Mississippi. Submitted November 4, 1904. Decided November 14, 1904. *Per Curiam*. Judgment reversed with costs on the authority of *Chicago, Rock Island and Pacific Railway Company v. Sturm*, 174 U. S. 710, and cause remanded for further proceedings. *Mr. J. M. Dickinson* and *Mr. Edward Mayes* for plaintiff in error. No appearance for defendant in error.

No. 64. WILLIAM M. MEFFERT, PLAINTIFF IN ERROR, *v.* E. B. PACKER ET AL., ETC. In error to the Supreme Court of the State of Kansas. Argued and submitted November 11, 1904. Decided November 14, 1904. *Per Curiam*. Judgment affirmed with costs. *Hawker v. New York*, 170 U. S. 189; *Dent v. West Virginia*, 129 U. S. 114; *Reetz v. Michigan*, 188 U. S. 505; *Gray v. Connecticut*, 159 U. S. 574; Case below, 66 Kansas, 710. *Mr. J. Jay Buck* for plaintiff in error. *Mr. Clad Hamilton* and *Mr. C. C. Coleman* for defendants in error.

No. 214. J. W. TONEY ET AL., PLAINTIFFS IN ERROR, *v.* THE
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MAYOR AND CITY COUNCIL OF THE CITY OF MACON. In error to the Supreme Court of the State of Georgia. Motions to dismiss or affirm submitted November 28, 1904. Decided December 5, 1904. *Per Curiam*. Dismissed for the want of jurisdiction on the authority of *Meagher v. Minnesota Thresher Manufacturing Company*, 145 U. S. 608, 611; *Haseltine v. Central Bank*, 183 U. S. 130, and cases cited. See *Charleston, etc., Railway Co. v. Miller*, 115 Georgia, 92; *Augusta Railway Company v. Andrews*, 92 Georgia, 706. Mr. John Randolph Cooper for plaintiffs in error. Mr. Minter Wimberly for defendants in error.

NO. 219. CHARLES F. DODGE, APPELLANT, *v.* GEORGE ELLIS AND JOHN J. HERLIHY. Appeal from the District Court of the United States for the Southern District of Texas. Motions to dismiss or affirm submitted November 14, 1904. Decided December 5, 1904. *Per Curiam*. Final order affirmed with costs. *Ex parte Reggel*, 114 U. S. 642; *Roberts v. Reilly*, 116 U. S. 80; *Kohl v. Lehlback*, 160 U. S. 293; *Hyatt v. People ex rel. Cochran*, 188 U. S. 691. Mr. Wayne MacVeagh, Mr. Frederic D. McKenney and Mr. J. S. Flannery for appellant. Mr. Henry G. Gray and Mr. Howard S. Gans for appellees.

NO. 301. THE UNITED STATES EX REL. FRANK D. EDWARDS, LIEUTENANT, ETC., PLAINTIFF IN ERROR, *v.* WILLIAM H. TAFT, SECRETARY OF WAR ET AL. In error to the Court of Appeals of the District of Columbia. Motion to dismiss submitted November 14, 1904. Decided December 5, 1904. *Per Curiam*. Dismissed for the want of jurisdiction on the authority of *South Carolina v. Seymour*, 153 U. S. 353; *United States v. Lynch*, 137 U. S. 280; *United States ex rel. Phillips v. Ware, Commissioner*; *Same v. Hitchcock, Secretary*, 189 U. S. 507. Mr. Henry A. Craig and Mr. J. W. Catharine for plaintiff in error. The Attorney General and Mr. Solicitor General Hoyt for defendant in error.

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.

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.

*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.