

OPINIONS PER CURIAM, ETC., FROM OCTOBER 8  
TO DECEMBER 24, 1906.

No. —, Original. *Ex parte*: IN THE MATTER OF THE SENECA NATION ET AL., PETITIONERS. Submitted October 9, 1906. Decided October 15, 1906. *Per Curiam*. Motion for leave to file petition for a writ of mandamus denied. *Mr. Chester Howe* for petitioners. *Mr. W. H. Robeson, Mr. J. J. Hemp-hill, Mr. A. B. Browne and Mr. Alexander Britton* for respondents. *Mr. Assistant Attorney General Van Orsdel* for the United States.

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No. 297. FRANK D. ZELL, PLAINTIFF IN ERROR, *v.* THE JUDGES OF THE CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF VIRGINIA. In error to the United States Circuit Court of Appeals for the Fourth Circuit. Motions to dismiss or affirm, etc., submitted May 21, 1906. Decided October 15, 1906. *Per Curiam*. Order affirmed with costs. *Mr. Charles L. Frailey, Mr. Reynolds D. Brown, Mr. Malcolm Lloyd, Jr., Mr. A. S. Worthington and Mr. Charles H. Burr* for plaintiff in error. *Mr. D. Lawrence Groner, Mr. Tazewell Taylor and Mr. Hampton L. Carson* for defendants in error.

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No. 339. THE GRAHAM AND MORTON TRANSPORTATION COMPANY, APPELLANT, *v.* CRAIG SHIPBUILDING COMPANY. Appeal from the District Court of the United States for the Northern District of Illinois. Submitted October 9, 1906. Decided October 15, 1906. *Per Curiam*. Decree affirmed with costs, on the authority of *People's Ferry Company v. Beers*, 20 How. 393; *Roach v. Chapman*, 22 How. 129; *Edwards v. Elliott*, 21 Wall. 532; *The Robert W. Parsons*, 191 U. S. 17, and cases cited.

*Mr. Charles E. Kremer* for appellant. *Mr. Harvey D. Goulder*,  
*Mr. S. H. Holding* and *Mr. Frank S. Masten* for appellee.

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No. 19. JOSEPH J. WATERS, ADMINISTRATOR OF ROBERT JACKSON, DECEASED, PLAINTIFF IN ERROR, *v.* GEORGE E. EMMONS AND J. PAUL SMITH. In error to the Court of Appeals of the District of Columbia. Submitted October 11, 1906. Decided October 22, 1906. *Per Curiam*. Judgment affirmed with costs. See 19 App. D. C. 250; 25 App. D. C. 146. *Mr. Joseph J. Waters* for plaintiff in error. *Mr. William F. Mattingly* for defendants in error.

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No. 26. J. A. AXTELL ET AL., PLAINTIFFS IN ERROR, *v.* CYRUS WEBBER. In error to the Supreme Court of the State of Minnesota. Argued October 16, 1906. Decided October 22, 1906. *Per Curiam*. Dismissed for the want of jurisdiction. *Beaupre v. Noyes*, 138 U. S. 397; *National Life Insurance Company v. Scheffer*, 131 U. S. App. C. C. III. *Mr. Albert R. Allen*, *Mr. C. M. O'Neil* and *Mr. George E. Clarke* for plaintiffs in error. *Mr. Thomas J. Knox* and *Mr. Andrew C. Dunn* for defendant in error.

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No. 29. DANIEL SULLIVAN, PLAINTIFF IN ERROR, *v.* ST. LOUIS, BROWNSVILLE AND MEXICO RAILWAY COMPANY. In error to the Circuit Court of the United States for the Southern District of Texas. Argued October 16, 1906. Decided October 22, 1906. *Per Curiam*. Judgment affirmed with costs. *Rosenbaum v. Bauer*, 120 U. S. 450; *Knapp v. Lake Shore and Michigan Southern Railway Company*, 197 U. S. 541. *Mr. Floyd McGown* and *Mr. L. G. Denman* for plaintiff in error.

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*Mr. Reagan Houston* and *Mr. A. W. Houston* for defendant in error.

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No. 35. NORTH AMERICAN TRANSPORTATION AND TRADING COMPANY, PLAINTIFF IN ERROR, *v.* W. B. GILL. In error to the Supreme Court of the State of Washington. Submitted for plaintiff in error October 18, 1906. Decided October 22, 1906. *Per Curiam*. Judgment affirmed with costs. *Leon v. Galceran*, 11 Wall. 185; *American Steamboat Company v. Chase*, 16 Wall. 522; *The Robert W. Parsons*, 191 U. S. 17, 36. *Mr. Frederick Bausman* for plaintiff in error. No appearance for defendant in error.

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No. 38. W. J. LAFFOON, PLAINTIFF IN ERROR, *v.* J. F. KERNER ET AL. In error to the Supreme Court of the State of North Carolina. Submitted for plaintiff in error October 18, 1906. Decided October 22, 1906. *Per Curiam*. Dismissed for the want of jurisdiction. *California Consolidated Mining Company v. Manley, Sheriff, et al., post*, and cases cited. *Mr. Louis M. Swink* for plaintiff in error. No appearance for defendants in error.

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No. 148. CALIFORNIA CONSOLIDATED MINING COMPANY, PLAINTIFF IN ERROR, *v.* CHARLES MANLEY, SHERIFF OF SHOSHONE COUNTY, STATE OF IDAHO, ET AL. In error to the Supreme Court of the State of Idaho. Motion to dismiss submitted October 15, 1906. Decided October 22, 1906. *Per Curiam*. Dismissed for the want of jurisdiction. *Green v. Van Buskirk*, 3 Wall. 448; *Union Mutual Life Insurance Company v. Kirchoff*, 160 U. S. 374; *Haseltine v. Central Bank of Springfield, Mo.* (No. 1), 183 U. S. 130; *Schlosser v. Hemphill*,

198 U. S. 173; *Clark v. Roller*, 199 U. S. 541, 544. *Mr. Myron A. Folsom* for plaintiff in error. *Mr. J. H. Forney* for defendants in error.

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No. 360. *W. W. ROSE, PLAINTIFF IN ERROR, v. THE STATE OF KANSAS ON THE RELATION OF C. C. COLEMAN, ATTORNEY GENERAL.* In error to the Supreme Court of the State of Kansas. Motions to dismiss or affirm submitted October 15, 1906. Decided October 22, 1906. *Per Curiam.* Dismissed for the want of jurisdiction. *Smiley v. Kansas*, 196 U. S. 447; *Nonconnah Turnpike Company v. Tennessee*, 131 U. S. App. Cl. VIII; *Newport Light Company v. Newport*, 151 U. S. 527; *Harrison v. Morton*, 171 U. S. 38. *Mr. Frederic D. McKenney* for plaintiff in error. *Mr. C. C. Coleman* for defendant in error.

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No. 208. *FERDINAND EIDMAN, COLLECTOR, ETC., PETITIONER, v. FREDERICK B. TILGHMAN ET AL., EXECUTORS, ETC.* On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Argued October 15, 1906. Decided October 29, 1906. *Per Curiam.* Judgment affirmed with costs by a divided court and cause remanded to the Circuit Court of the United States for the Southern District of New York. *The Attorney General, The Solicitor General and Mr. Assistant Attorney General Robb* for petitioner. *Mr. Edward B. Whitney* for respondents.

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No. 6. *THOMAS F. WILSON (ON BEHALF OF THE TERRITORY OF ARIZONA), APPELLANT, v. N. O. MURPHY ET AL.* Appeal from the Supreme Court of the Territory of Arizona. Submitted October 11, 1906. Decided October 29, 1906. *Per*

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*Curiam*. Decree affirmed with costs. *Mr. Eugene S. Ives* for appellant. *Mr. C. F. Ainsworth* for appellees.

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No. 7. THOMAS F. WILSON (ON BEHALF OF THE TERRITORY OF ARIZONA), APPELLANT, *v.* GEORGE W. VICKERS ET AL. Appeal from the Supreme Court of the Territory of Arizona. Submitted October 11, 1906. Decided October 29, 1906. *Per Curiam*. Decree affirmed with costs. *Mr. Eugene S. Ives* for appellant. *Mr. C. F. Ainsworth* for appellees.

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No. 241. HAIGHT & FREESE COMPANY ET AL., PLAINTIFFS IN ERROR, *v.* BEVERLY R. ROBINSON, RECEIVER, ETC. In error to the Circuit Court of the United States for the Southern District of New York. Motion to dismiss submitted October 22, 1906. Decided October 29, 1906. *Per Curiam*. Dismissed for the want of jurisdiction. *Alexander v. United States*, 201 U. S. 117, 122; *Nelson v. United States*, 201 U. S. 92; *Hardee v. Wilson*, 146 U. S. 179; *Masterson v. Herndon*, 10 Wall. 416; *Beardsley v. Railway Company*, 158 U. S. 123. *Mr. Albert I. Sire* for plaintiffs in error. *Mr. Roger Foster* for defendant in error.

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No. 62. FREDERICK H. VOGT, APPELLANT, *v.* MATILDA S. VOGT, BY HER GUARDIAN AD LITEM, PAULINE VOGT. Appeal from the Court of Appeals of the District of Columbia. Argued for appellant October 25 and 26, 1906. The court declined to hear further argument. Decided October 29, 1906. *Per Curiam*. Dismissed for the want of jurisdiction. *Schlosser v. Hemphill*, 198 U. S. 173; *California Consolidated Mining Company v. Manley*, *ante*, p. 579, and cases cited. *Mr. John*

*C. Gittings* for appellant. *Mr. Leon Tobriner* and *Mr. J. J. Darlington* for appellee.

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No. 36. HUGH P. STRONG ET AL., PLAINTIFFS IN ERROR, *v.* BUFFALO LAND AND EXPLORATION COMPANY. In error to the Supreme Court of the State of Minnesota. Submitted October 18, 1906. Decided October 29, 1906. *Per Curiam*. Judgment affirmed with costs on the authority of *Midway Company v. Eaton*, 183 U. S. 602. *Mr. J. M. Vale*, *Mr. John Brennan*, *Mr. Moses E. Clapp* and *Mr. Newel H. Clapp* for plaintiff in error. *Mr. William C. White* for defendant in error.

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Nos. 45 and 46. THE DAKOTA, WYOMING AND MISSOURI RIVER RAILROAD COMPANY ET AL., PLAINTIFFS IN ERROR, *v.* CHARLES D. CROUCH ET AL., TRUSTEES. In error to the Supreme Court of the State of South Dakota. Argued for defendants in error and submitted for plaintiffs in error October 23, 1906. Decided October 29, 1906. *Per Curiam*. Dismissed for the want of jurisdiction. *Hardee v. Wilson*, 146 U. S. 179; *Sipperley v. Smith*, 155 U. S. 86; *Mason v. United States*, 136 U. S. 581; *Grand Island &c. Railroad Company v. Sweeney*, 103 Fed. Rep. 342; *S. C.*, 95 Fed. Rep. 396; *Sweeney v. Grand Island &c. Railroad Company*, 61 Fed. Rep. 3; *Eustis v. Bolles*, 150 U. S. 361; *Speed v. McCarthy*, 181 U. S. 269; *Pennsylvania Railroad Company v. Hughes*, 191 U. S. 477; *Telluride Power &c. Company v. Rio Grande &c. Railway Company*, 175 U. S. 639; *Telluride Power &c. Company v. Rio Grande &c. Railway Company*, 187 U. S. 569; case below, 18 S. Dak. 540; 101 N. W. Rep. 722. *Mr. Wm. T. Coad* for plaintiffs in error. *Mr. Frederick C. Bryan* and *Mr. Charles W. Brown* for defendants in error.

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No. 68. W. S. KEEL, JR., ET AL., APPELLANTS, *v.* E. E. DOUVILLE. Appeal from the Circuit Court of the United States for the Southern District of Mississippi. Argued October 29 and 30, 1906. Decided November 5, 1906. *Per Curiam*. Dismissed for the want of jurisdiction, on the authority of *Cornell v. Green*, 163 U. S. 75, and cases cited. *Mr. Wm. R. Harper, Mr. D. W. Harper and Mr. E. M. Barber* for appellants. *Mr. Walter J. Gex and Mr. E. J. Bowers* for appellee.

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No. 392. J. G. RAWLINS, APPELLANT, *v.* J. F. PASSMORE, SHERIFF OF LOWNDES COUNTY, GA. Appeal from the District Court of the United States for the Southern District of Georgia. Argued for appellant and submitted for appellee October 29, 1906. Decided November 5, 1906. *Per Curiam*. Final order affirmed with costs. *Rawlins v. Georgia*, 201 U. S. 638; *S. C.*, 52 S. E. Rep. 1; *Craemer v. Washington*, 168 U. S. 124, 128, 129. *Mr. John Randolph Cooper* for appellant. *Mr. John C. Hart and Mr. W. E. Thomas* for appellee.

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No. 93. KATIE MOESCHEN, PLAINTIFF IN ERROR, *v.* THE TENEMENT HOUSE DEPARTMENT OF THE CITY OF NEW YORK. In error to the Supreme Court of the State of New York. Argued November 9, 1906. Decided November 12, 1906. *Per Curiam*. Judgment affirmed with costs. *Boston Beer Company v. Massachusetts*, 97 U. S. 25, 32; *Powell v. Pennsylvania*, 127 U. S. 678; *United States v. Des Moines &c. Company*, 142 U. S. 510, 544; *Holden v. Hardy*, 169 U. S. 366; *Atkin v. Kansas*, 191 U. S. 207; *Jacobson v. Massachusetts*, 197 U. S. 11; *Gardner v. Michigan*, 199 U. S. 325; case below, 89 App. Div. 526; 179 N. Y. 325. And see *Health Department v. Rector &c.*, 145 N. Y. 32; *Harrington v. Board of Aldermen*,

20 R. I. 233; *Commonwealth v. Roberts*, 155 Massachusetts, 281. *Mr. Adolph Bloch* for plaintiff in error. *Mr. Theodore Connoly* for defendant in error.

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NO. 109. THE JAMES MCCREERY REALTY CORPORATION, PLAINTIFF IN ERROR, *v.* THE EQUITABLE NATIONAL BANK. In error to the City Court of the city of New York. Submitted November 16, 1906. Decided November 19, 1906. *Per Curiam*. Judgment affirmed with costs. *Dower v. Richards*, 151 U. S. 658; *McCormick v. Market National Bank*, 165 U. S. 538; *California National Bank v. Kennedy*, 167 U. S. 367. *Mr. Eugene G. Kremer* for plaintiff in error. *Mr. Charles A. Hess* for defendant in error.

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NO. 110. DAVID LAMAR, PLAINTIFF IN ERROR, *v.* ALBERT G. SPALDING. In error to the Court of Errors and Appeals of the State of New Jersey. Argued for defendant in error and submitted for plaintiff in error November 16, 1906. Decided November 19, 1906. *Per Curiam*. Judgment affirmed with costs. *Louisville and Nashville Railroad Company v. Schmidt*, 177 U. S. 230. Case below, 68 N. J. Eq. 686. *Mr. Alan H. Strong* and *Mr. Harry Allen Mendelson* for plaintiff in error. *Mr. Edmund Wilson* for defendant in error.

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NO. 111. CARL S. REYNOLDS, PLAINTIFF IN ERROR, *v.* THE STATE OF CONNECTICUT. In error to the Supreme Court of Errors of the State of Connecticut. Argued for plaintiff in error and submitted for defendant in error November 16, 1906. Decided November 19, 1906. *Per Curiam*. Dismissed for the want of jurisdiction. *Schlosser v. Hemphill*,

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198 U. S. 173; *California Consolidated Mining Company v. Manley*, decided October 22, and cases cited. *Mr. Clayton B. Smith* for plaintiff in error. *Mr. H. A. Hull* for defendant in error.

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No. 60. GRANVILLE STUART, PLAINTIFF IN ERROR, *v.* SAMUEL T. HAUSER ET AL. In error to the Supreme Court of the State of Idaho. Argued November 15, 1906. Decided December 3, 1906. *Per Curiam*. Dismissed for the want of jurisdiction. *Swafford v. Templeton*, 185 U. S. 487; *Butler v. Gage*, 138 U. S. 52; *Home for Incurables v. City of New York*, 187 U. S. 155; *Erie Railroad Company v. Purdy*, 185 U. S. 148; *Ansbro v. United States*, 159 U. S. 695; *Cornell v. Green*, 163 U. S. 75; *Bausman v. Dixon*, 173 U. S. 113; *Gableman v. Peoria &c. Railway Company*, 179 U. S. 335; *City of New Orleans v. New Orleans Water Company*, 142 U. S. 79; *Beals v. Cone*, 188 U. S. 184; *Speed v. McCarthy*, 181 U. S. 269. Case below, 9 Idaho, 53. *Mr. George B. Colby* and *Mr. Charles W. Dayton* for plaintiff in error. *Mr. S. M. Stockslager* and *Mr. W. E. Borah* for defendants in error.

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No. 114. ANNIE CAMP FIELD ET AL., PLAINTIFFS IN ERROR, *v.* BARBER ASPHALT PAVING COMPANY. In error to the Supreme Court of the State of Missouri. Argued for the plaintiffs in error and submitted for defendant in error November 16, 1906. Decided December 3, 1906. *Per Curiam*. Judgment affirmed with costs. *Field v. Barber Asphalt Paving Company*, 194 U. S. 618; *Backus v. Fort Street Union Depot Company*, 169 U. S. 557. Case below, *Barber Asphalt Paving Company v. Field*, 188 Missouri, 182. *Mr. Richard H. Field* for plaintiffs in error. *Mr. Wm. C. Scarritt* and *Mr. E. L. Scarritt* for defendant in error.

No. 131. ROBERT D. KINNEY, PLAINTIFF IN ERROR, *v.* JAMES T. MITCHELL. In error to the Circuit Court of the United States for the Eastern District of Pennsylvania. Argued for defendant in error and submitted for plaintiff in error December 13, 1906. Decided December 17, 1906. *Per Curiam*. Dismissed for the want of jurisdiction. *Mr. Robert D. Kinney pro se. Mr. Marlin E. Olmsted and Mr. Samuel Dickson* for respondent.

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No. —, Original. *Ex parte*: IN THE MATTER OF FRANK D. ZELL, PETITIONER. Submitted December 13, 1906. Decided December 17, 1906. *Per Curiam*. Motion for leave to file petition for writs of prohibition or mandamus denied. *Mr. Charles L. Frailey, Mr. Charles H. Burr, Mr. Reynolds D. Brown and Mr. Malcolm Lloyd, Jr.*, for petitioner.

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No. 124. PEARL H. SMITH, APPELLANT, *v.* SAMUEL G. IVERSON AS STATE AUDITOR, ETC. Appeal from the Circuit Court of the United States for the District of Minnesota. Argued December 12, 1906. Decided December 17, 1906. *Per Curiam*. Dismissed for the want of jurisdiction. *Hohorst v. Hamburg-American Packet Company*, 148 U. S. 262; *In re Hohorst*, 150 U. S. 653; *McLish v. Roff*, 141 U. S. 661; *Bowker v. United States*, 186 U. S. 135, 138. *Mr. H. H. Grace, Mr. John Brennan and Mr. T. D. O'Brien* for appellant. *Mr. Coryate S. Wilson and Mr. Edward T. Young* for appellee.

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No. 239. HIRAM T. CHAPMAN, PLAINTIFF IN ERROR, *v.* FLORENCE ELLIOTT CHAPMAN. In error to the Supreme Court of the State of Nebraska. Motion to dismiss submitted De-

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ember 10, 1906. Decided December 17, 1906. *Per Curiam*. Dismissed for the want of jurisdiction. *Haseltine v. Central Bank*, 183 U. S. 130; *Schlosser v. Hemphill*, 198 U. S. 173. *Mr. William E. Gantt* and *Mr. Herbert L. Baker* for plaintiff in error. *Mr. E. F. Colladay*, *Mr. J. W. Woodrough* and *Mr. W. F. Gurley* for defendant in error.

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*Decisions on Petitions for Writs of Certiorari from  
October 8 to December 24, 1906.*

No. 413. THE ATLANTIC TRUST COMPANY, PETITIONER, *v.* EDGAR C. CHAPMAN, RECEIVER, ETC., ET AL. October 15, 1906. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted. *Mr. Edward B. Whitney* and *Mr. Stanley W. Dexter* for petitioner. *Mr. Edgar C. Chapman* for respondents.

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No. 433. HENRY ARNOLD RICHARDSON, AS TRUSTEE, ETC., PETITIONER, *v.* JOHN M. SHAW ET AL. October 15, 1906. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted. *Mr. John Brooks Leavitt* for petitioner. *Mr. E. S. Theall* for respondents.

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No. 142. THE EAGLE ORE SAMPLING COMPANY, PETITIONER, *v.* DUNCAN CHISHOLM, TRUSTEE. October 15, 1906. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. H. M. Teller* for petitioner. *Mr. Joel F. Vaile*, *Mr. C. A. Brandenburg* and *Mr. E. C. Brandenburg* for respondent.