

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

No. 200. SIGMOND ORNSTINE, PLAINTIFF IN ERROR, *v.* W. J. CARY. In error to the Supreme Court of the State of Wisconsin. Argued January 31, 1907. Decided February 25, 1907. *Per Curiam*: Dismissed for the want of jurisdiction. *DeWolf v. Johnson*, 10 Wheat. 386; *Missouri, Kansas and Texas Trust Company v. Krumseig*, 172 U. S. 351; *Louisville and Nashville Railroad Company v. Kentucky*, 161 U. S. 677, 700; *Frisbie v. United States*, 157 U. S. 160; *Lawton v. Steele*, 152 U. S. 133; *Dunham v. Gould*, 16 Johnson, 378; *Commonwealth v. Danziger*, 176 Massachusetts, 290; *Ex parte Berger*, 193 Missouri, 16; case below, *State v. Cary*, 126 Wisconsin, 135, and see *State v. Kreutzberg*, 114 Wisconsin, 530. Mr. E. M. McVicker for plaintiff in error. Mr. A. C. Titus and Mr. L. M. Sturdevant for defendant in error.

No. 386. KATHARINE TODD STEARNS ET AL., APPELLANTS, *v.* JAMES E. TODD ET AL. Appeal from the Circuit Court of the United States for the Western District of Virginia. Submitted January 28, 1907. Decided February 25, 1907, *Per Curiam*: Decree affirmed with costs. *Wheless v. St. Louis et al.*, 180 U. S. 379, 382; *Miller v. Clark*, 138 U. S. 223. Mr. James Bumgardner, Jr., and Mr. C. S. W. Barnes for appellants. Mr. Charles Curry for appellees.

*Decisions on Petitions for Writs of Certiorari from
January 7 to February 25, 1907.*

No. 528. FRANK D. ZELL, PETITIONER, *v.* B. W. LEIGH ET AL. January 7, 1907. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied. Mr. William L. Royall, Mr. Charles L. Frailey, Mr. Charles H. Burr, Mr. Reynolds D. Brown and Mr. Malcolm

Lloyd, Jr., for petitioner. *Mr. D. Lawrence Groner, Mr. Tazewell Taylor* and *Mr. Floyd Hughes* for respondents.

No. 533. EMPIRE STATE CATTLE COMPANY ET AL., PETITIONERS, *v. THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY*; and No. 534. THE MINNESOTA AND DAKOTA CATTLE COMPANY, PETITIONER, *v. THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY*. January 21, 1907. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted. *Mr. James S. Botsford* and *Mr. R. E. Ball* for petitioners. *Mr. Gardiner Lathrop, Mr. Robert Dunlap* and *Mr. A. B. Browne* for respondent.

No. 559. EDWARD S. THOMAS ET AL., TRUSTEES, PETITIONERS, *v. ANNA D. TAGGART ET AL.* January 21, 1907. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted. *Mr. Abram I. Elkus* for petitioners. *Mr. Thomas Thacher, Mr. Richard L. Sweezy* and *Mr. George E. Hall* for respondents.

No. 542. THE NEWS AND COURIER COMPANY ET AL., PETITIONERS, *v. FRANK E. BUTLER ET UX.* January 21, 1907. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied. *Mr. Henry A. M. Smith* and *Mr. Wm. Henry Parker* for petitioners. *Mr. Adrian H. Joline* and *Mr. Augustine T. Smythe* for respondents.

No. 549. KNUDSEN-FERGUSON FRUIT COMPANY, PETITIONER, *v. CHICAGO, ST. LOUIS, MINNEAPOLIS AND OMAHA RAILWAY*

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COMPANY. January 21, 1907. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Roger S. Powell* for petitioner. *Mr. Cordenio A. Severance* and *Mr. Frank B. Kellogg* for respondent.

No. 550. KNUDSEN-FERGUSON FRUIT COMPANY, PETITIONER, *v.* MICHIGAN CENTRAL RAILROAD COMPANY. January 21, 1907. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Roger S. Powell* for petitioner. *Mr. Cordenio A. Severance* and *Mr. Frank B. Kellogg* for respondent.

No. 552. T. H. ADRIAN TROMP, PETITIONER, *v.* THE WILLIAM CRAMP & SONS SHIP AND ENGINE BUILDING COMPANY. January 21, 1907. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr. Norman G. Johnson* and *Mr. Ernest Dichman* for petitioner. *Mr. Henry G. Ward* for respondent.

No. 557. MAGNUS J. PALSON ET AL., PETITIONERS, *v.* NORTH GERMAN LLOYD, CLAIMANT. January 21, 1907. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr. Edward E. Blodgett* for petitioners. *Mr. Joseph Larocque, Jr.*, for respondent.

No. 560. EDWARD FLICKINGER, PETITIONER, *v.* THE UNITED STATES. January 21, 1907. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth

Circuit denied. *Mr. Edward T. Powell, Mr. Thomas E. Powell and Mr. Charles W. Baker* for petitioner. *The Attorney General and The Solicitor General* for respondent.

No. 551. MARY SHERMAN McCALLUM, PETITIONER, *v. PHILIPS L. GOLDSBOROUGH, COLLECTOR, ETC.* January 28, 1907. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied. *Mr. J. Altheus Johnson and Mr. E. O. Wagenhorst* for petitioner. *The Attorney General and The Solicitor General* for respondent.

No. 553. THE PHILADELPHIA AND READING RAILWAY COMPANY, PETITIONER, *v. JULIA KLUTT, ETC.* February 4, 1907. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. *Mr. John G. Lamb* for petitioner. *Mr. Francis Fisher Kane* for respondent.

No. 561. HORACE F. BROWN ET AL., PETITIONERS, *v. ROBERT HENRY LANYON ET AL.* February 4, 1907. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Francis M. Phelps and Mr. Douglas Dyrenforth* for the petitioners. No appearance for respondents.

No. 562. BOSTON AND MAINE RAILROAD, PETITIONER, *v. JOHN N. GOKEY.* February 4, 1907. Petition for a writ of

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certiorari to the United States Circuit Court of Appeals for the Second Circuit granted. *Mr. George B. Young* and *Mr. Edgar J. Rich* for the petitioner. No appearance for respondent.

No. 563. CHARLES W. HUNTER ET AL., PETITIONERS, *v.* REBECCA A. JOHNSON ET AL. February 25, 1907. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted. *Mr. L. P. Berry* for petitioners.

No. 573. THE OLD DOMINION COPPER MINING AND SMELTING COMPANY, PETITIONER, *v.* FREDERICK LEWISOHN ET AL., EXECUTORS, ETC. February 25, 1907. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted. *Mr. Louis D. Brandeis* and *Mr. William H. Dunbar* for petitioner. *Mr. Eugene Treadwell* for respondents.

No. 582. CONTINENTAL WALL PAPER COMPANY, PETITIONER, *v.* THE LEWIS VOIGHT & SONS COMPANY. February 25, 1907. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted. *Mr. Louis Marshall* and *Mr. Joseph Wilby* for petitioner. *Mr. Morison R. Waite* and *Mr. Harlan Cleveland* for respondents.

No. 570. HARRY L. HAYNES, PETITIONER, *v.* J. B. WATKINS ET AL. February 25, 1907. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the

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Fifth Circuit denied. *Mr. George A. Titterington* for petitioner. *Mr. John W. Wray* for respondents.

No. 566. MATHIESON ALKALI WORKS, PETITIONER, *v.* T. T. MATHIESON. February 25, 1907. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied. *Mr. Frank W. Christian* for petitioner. *Mr. Daniel Trigg, Mr. Robert L. Harrison* and *Mr. William Byrd* for respondent.

No. 578. VICTOR H. WILDER ET AL., PETITIONERS, *v.* THE UNITED STATES. February 25, 1907. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied. *Mr. Maynard F. Stiles* for petitioners. *The Attorney General* and *The Solicitor General* for respondent.

CASES DISPOSED OF WITHOUT CONSIDERATION BY
THE COURT FROM JANUARY 7 TO FEBRUARY 25,
1907.

No. 154. YEE YUEN, APPELLANT, *v.* THE UNITED STATES. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. January 10, 1907. Dismissed, pursuant to the tenth rule. *Mr. Oliver Dibble* for appellant. *The Attorney General* for appellee.

No. 327. PHOENIX WATER COMPANY, APPELLANT, *v.* THE COMMON COUNCIL OF THE CITY OF PHOENIX. Appeal from the Supreme Court of the Territory of Arizona. January 23,