

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.

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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.

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*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*

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

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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

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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.

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