

OPINIONS PER CURIAM, ETC., FROM JANUARY 7
TO FEBRUARY 25, 1907.

No. 13. Original. *Ex parte*: IN THE MATTER OF THE MONTANA MINING COMPANY, LIMITED, PETITIONER. Petition for a writ of mandamus. Argued November 6 and 7, 1906. Decided January 14, 1907. Stricken from the docket. *Mr. Charles J. Hughes, Jr., Mr. W. E. Cullen, Mr. Aldis B. Browne and Mr. Alexander Britton* for petitioner. *Mr. Arthur Brown, Mr. J. H. Ralston, Mr. M. S. Gunn, Mr. F. L. Siddons and Mr. T. C. Bach* for respondent.

No. 150. ABEL P. BORDEN ET AL., PLAINTIFFS IN ERROR, *v.* THE TRESPALACIOS RICE AND IRRIGATION COMPANY. In error to the Supreme Court of the State of Texas. Submitted January 11, 1907. Decided January 14, 1907. *Per Curiam*: Judgment affirmed with costs. *Strickley v. Highland Boy Mining Company*, 200 U. S. 527, 531; *Clark v. Nash*, 198 U. S. 361. *Mr. Venable B. Proctor* for plaintiffs in error. *Mr. Henry C. Coke* for defendant in error.

No. 160. THE UNITED STATES, APPELLANT, *v.* BENJAMIN H. HOWELL, SON & Co. Appeal from the Circuit Court of the United States for the Southern District of New York. Confession of error and motion to reverse and remand submitted January 14, 1907. Decided January 15, 1907. *Per Curiam*: Decree reversed on confession of error by appellees, and case remanded for further proceedings according to law. *The Attorney General* for appellant. *Mr. Bronson Winthrop* for appellees.

No. 3. THE STATE OF SOUTH CAROLINA EX RELATIONE O. W. BUCHANAN, PLAINTIFF IN ERROR, *v.* R. H. JENNINGS

ET AL., ETC. In error to the Supreme Court of the State of South Carolina. Submitted October 10, 1906. Decided January 21, 1907. *Per Curiam*: Dismissed for the want of jurisdiction. *French v. Taylor*, 199 U. S. 274; *Leonard v. Railroad Company*, 198 U. S. 416; *Murdock v. Memphis*, 20 Wall. 590; *Eustis v. Bolles*, 150 U. S. 361. *Mr. Levi H. David* and *Mr. Charles A. Douglass* for plaintiff in error. *Mr. Duncan C. Ray* for defendants in error.

No. 182. SUM GAY ALIAS SAM LEE, APPELLANT, *v.* THE UNITED STATES. Appeal from the District Court of the United States for the Northern District of California. Submitted by appellee January 25, 1907. Decided January 28, 1907. *Per Curiam*: Decree affirmed. *The Attorney General* and *Mr. Assistant Attorney General Cooley* for the appellee. No brief filed for appellant.

No. —. Original. *Ex parte*: IN THE MATTER OF HARRISON BOYNTON, PETITIONER. Submitted January 28, 1907. Decided February 4, 1907. *Per Curiam*: Motion for leave to file petition for a writ of *habeas corpus* and to proceed *in forma pauperis* denied. *Mr. A. B. Browne* for petitioner.

No. 136. THE UNITED STATES ET AL., APPELLANTS, *v.* WILLIAM B. KIRK. Appeal from the United States Circuit Court of Appeals for the Second Circuit. Argued January 25, 1907. Decided February 25, 1907. Decree affirmed by a divided court, and cause remanded to the Circuit Court of the United States for the Northern District of New York. *The Attorney General*, *The Solicitor General*, *Mr. Robert A. Howard* and *Mr. Henry C. Lewis* for appellants. *Mr. Abram J. Rose* and *Mr. Alfred C. Petté* for appellee.

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