

205 U. S.

Opinions Per Curiam, Etc.

OPINIONS PER CURIAM, ETC., FROM FEBRUARY 27
TO APRIL 29, 1907.

No. —, Original. *Ex parte*: IN THE MATTER OF JOHN ARMSTRONG CHANLER, PETITIONER. Submitted February 25, 1907. Decided March 4, 1907. Motion for leave to file petition for a writ of prohibition denied. *Mr. George W. Watt and Mr. James M. Dohan* for petitioner. *Mr. Joseph H. Choate, Jr.*, opposing.

Nos. 210 and 211. ISAAC W. FOWLER, RECEIVER, ETC., APPELLANT, *v.* JOHN C. OSGOOD. Appeals from the Circuit Court of the United States for the District of Colorado. Argued February 27, 1907. Decided March 4, 1907. *Per Curiam*. Dismissed for the want of jurisdiction on the authority of *Louisville Trust Company v. Knott*, 195 U. S. 225, and cases therein cited; *Bache v. Hunt*, 193 U. S. 523, 525. *Mr. Joseph C. Helm and Mr. N. T. Guernsey* for appellant. *Mr. Cass E. Herrington and Mr. David C. Beaman* for appellee.

No. 461. JOHN ROMIG ET AL., APPELLANTS, *v.* MYRTLE GILLET. Appeal from the Supreme Court of the Territory of Oklahoma. Motion to dismiss submitted February 25, 1907. Decided March 4, 1907. *Per Curiam*. Dismissed for the want of jurisdiction. *Schlosser v. Hemphill*, 198 U. S. 173, and cases cited in *California Consolidated Mining Co. v. Manley*, 203 U. S. 579. *Mr. A. A. Hoehling, Jr.*, for appellants. *Mr. Henry F. Woodard and Mr. A. A. Birney* for appellee.

No. 478. CHOD THOMAS, PLAINTIFF IN ERROR, *v.* THE STATE OF KANSAS. In error to the Supreme Court of the

State of Kansas. Motions to dismiss or affirm submitted February 26, 1907. Decided March 4, 1907. *Per Curiam*. Dismissed for the want of jurisdiction. *Eilenbecker v. District Court of Plymouth County*, 134 U. S. 31; *Mugler v. Kansas*, 123 U. S. 623; *Crowley v. Christensen*, 137 U. S. 86; *Giozza v. Tiernan*, 148 U. S. 662; *Otis v. Parker*, 187 U. S. 606, 608, 609; *Castillo v. McConnico*, 168 U. S. 674; *Smiley v. Kansas*, 196 U. S. 447. Case below, 86 Pac. Rep. 499. Mr. Alfred M. Jackson for plaintiff in error. Mr. C. C. Coleman for defendant in error.

No. 221. O. V. LAWSON, PLAINTIFF IN ERROR, *v.* THE STATE OF WASHINGTON. In error to the Supreme Court of the State of Washington. Argued for defendant in error March 1, 1907. Decided March 11, 1907. *Per Curiam*. Dismissed for the want of jurisdiction. *Dent v. West Virginia*, 129 U. S. 114; *California Powder Works v. Davis*, 151 U. S. 393; *Sayward v. Denny*, 158 U. S. 180; *Ansbro v. United States*, 159 U. S. 695. Mr. F. B. Crosthwaite for plaintiff in error. Mr. Frederic D. McKenney, Mr. J. S. Flannery, Mr. George H. Walker and Mr. Kenneth MacKintosh for defendant in error.

No. 224. PROCOPIA GARZA DE VILLEREAL ET AL., PLAINTIFFS IN ERROR, *v.* THE STATE OF TEXAS. In error to the Court of Civil Appeals for the Third Supreme Judicial District of the State of Texas. Submitted March 6, 1907. Decided March 11, 1907. *Per Curiam*. Dismissed for the want of jurisdiction. *O'Connor v. Texas*, 202 U. S. 501; *Bacon v. Texas*, 163 U. S. 219; *California Powder Works v. Davis*, 151 U. S. 389; *Devine v. Los Angeles*, 202 U. S. 313, 337. Mr. H. G. Dickinson for plaintiffs in error. Mr. Robert V. Davidson for defendant in error.

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NO. 234. CHARLES T. CHERRY, RECEIVER, ETC., PLAINTIFF IN ERROR, *v.* THE FIDELITY AND DEPOSIT COMPANY. In error to the Supreme Court of the Territory of Oklahoma. Argued March 13 and 14, 1907. Decided March 18, 1907. *Per Curiam*. Judgment affirmed with costs. *Fidelity and Deposit Company v. Courtney*, 186 U. S. 342; *Guarantee Company v. Mechanics Company*, 183 U. S. 402; case below, 85 Pac. Rep. 713, *sub nom.* *Willoughby v. Fidelity and Deposit Company*; *Sweeney v. Lomme*, 22 Wall. 208. Mr. R. M. Campbell, Mr. D. T. Flynn and Mr. C. B. Ames for plaintiff in error. Mr. Edgar H. Gans for defendant in error.

NO. 242. STEVENSON IRON MINING COMPANY, PLAINTIFF IN ERROR, *v.* ELMER A. KIBBE. In error to the Circuit Court of the United States for the District of Minnesota. Argued March 14, 1907. Decided March 18, 1907. *Per Curiam*. Judgment affirmed with costs and interest. *Minnesota Iron Company v. Kline*, 199 U. S. 593; *Holden v. Hardy*, 169 U. S. 366, 392; *Kibbe v. Stevenson Iron Company*, 136 Fed. Rep. 147; *Kline v. Minnesota Iron Company*, 93 Minnesota, 63; *Schus v. Powers-Simpson Company*, 85 Minnesota, 447. Mr. John G. Williams and Mr. Moses E. Clapp for plaintiff in error. Mr. Samuel A. Anderson for defendant in error.

NO. 235. JOHN EDWARD McCARTY, APPELLANT, *v.* THE UNITED STATES. Appeal from the Circuit Court of the United States for the Northern District of California. Submitted March 6, 1907. Decided April 8, 1907. *Per Curiam*. Dismissed for the want of jurisdiction on the authority of *Chase v. United States*, 155 U. S. 489. Mr. H. V. Morehouse for appellant. The Attorney General and Mr. Assistant-Attorney General Van Orsdel for appellee.

NO. 247. MEXICAN CENTRAL RAILWAY COMPANY, LIMITED, v. J. W. ECKMAN, GUARDIAN, ETC. On a certificate from the United States Circuit Court of Appeals for the Fifth Circuit. Argued March 15 and 18, 1907. Decided April 8, 1907. *Per Curiam*. Question¹ answered in the negative on the authority of *Slater v. Mexican Central National Railroad Company*, 194 U. S. 120. Mr. Ezra Ripley Thayer and Mr. Moorfield Storey for the railway company. Mr. George E. Wallace for Eckman.

NO. 401. WILL D. GOULD ET AL., APPELLANTS, v. LEO V. YOUNGORTH, UNITED STATES MARSHAL; NO. 415. WARREN GILLELEN ET AL., APPELLANTS, v. LEO V. YOUNGORTH, UNITED STATES MARSHAL; and NO. 432. LEE R. MYERS, APPELLANT, v. H. Z. OSBORNE, UNITED STATES MARSHAL. Appeals from the Circuit Court of the United States for the Southern District of California. Argued March 19 and 20, 1907. Decided April 8, 1907. *Per Curiam*. Final orders reversed with costs, and causes remanded with directions to discharge petitioners, respectively, without prejudice to renewal of applications to remove, on the authority of *Tinsley v. Treat &c.*, 205 U. S. 20. Mr. Will D. Gould for appellants in No.

¹ The question answered was:

"In an action brought in the United States Circuit Court in and for the Western District of Texas by a citizen of that district against the Mexican Central Railway Company, a corporation duly created under the laws of the State of Massachusetts and doing business in and operating a steam railroad under continuous line in the State of Texas and the Republic of Mexico, to recover for injuries to the plaintiff, received while he was engaged in defendant's service, and whereby, through defective appliances furnished by said railroad company and the negligent operation of the said railroad in the Republic of Mexico, the said plaintiff, at Ebano, Mexico, was injured and lost a leg, can the said court proceed to judgment and award such damages as upon proof may be assessed by a jury, notwithstanding the provisions of the laws of the Republic of Mexico, proved on this trial and recited in the statement of this case, and which, it is agreed, were the laws of Mexico applicable herein in force and effect at the time of the injuries complained of?"

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401 and *Mr. Herbert J. Goudge* for appellants in No. 415. *The Attorney General* and *Mr. Assistant-Attorney General Sanford* for appellee.

No. 18, Original. *Ex parte*: IN THE MATTER OF FERNANDO VAZQUEZ MORALES ET AL.; PETITIONERS. Motion for leave to file submitted April 8, 1907. Decided April 15, 1907. Motion for leave to file petition for appeal granted, and appeal allowed on appellants filing bond in the penal sum of \$1,000, conditioned according to law, to be approved by the Supreme Court of Porto Rico. *Mr. Charles C. Lancaster* and *Mr. Herbert E. Smith* for petitioners.

Nos. 502 and 503. WILLIAM McCOACH, COLLECTOR, ETC., PETITIONER, *v.* THE PHILADELPHIA TRUST, SAFE DEPOSIT AND INSURANCE COMPANY ET AL., EXECUTORS, ETC.; and No. 504. WILLIAM McCOACH, COLLECTOR, ETC., PETITIONER, *v.* GEORGE W. NORRIS ET AL., EXECUTORS, ETC. On writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Argued April 15 and 16, 1907. Decided April 22, 1907. Judgments affirmed with costs by a divided court, and causes remanded to the Circuit Court of the United States for the Eastern District of Pennsylvania. No. 505. THE UNITED STATES, PETITIONER, *v.* THE MARION TRUST COMPANY, TRUSTEE, ETC. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Argued April 15 and 16, 1907. Decided April 22, 1907. Judgment affirmed by a divided court, and cause remanded to the District Court of the United States for the District of Indiana. *The Attorney General*, *The Solicitor General* and *Mr. J. C. McReynolds* for the petitioners. *Mr. H. Gordon McCouch* for respondents in Nos. 502, 503 and 504. *Mr. Morris M. Townley* and *Mr. E. W. Bradford* for respondent in No. 505.

No. 642. WILLIAM SPAUGH, JR., APPELLANT, *v.* H. L. FITTS, SHERIFF, ETC. Appeal from the District Court of the United States for the Eastern District of Missouri. Argued for appellee and submitted for appellant April 23, 1907. Decided April 29, 1907. *Per Curiam*. Final order affirmed with costs. *Valentina v. Mercer*, 201 U. S. 131; *Felts v. Murphy*, 201 U. S. 123; *Urquhart v. Brown*, 205 U. S. 179; *In re Eckart*, 166 U. S. 481, 483; *Tinsley v. Anderson*, 171 U. S. 101, 105; *Craemer v. Washington*, 168 U. S. 124; *Ex parte Harding*, 120 U. S. 782. Mr. Charles F. Wilson for appellant. Mr. Herbert S. Hadley and Mr. North T. Gentry for appellee.

No. 412. WHITE STAR MINING COMPANY, PLAINTIFF IN ERROR, *v.* NELS O. HULTBERG ET AL.; No. 647. CLAES W. JOHNSON, PLAINTIFF IN ERROR, *v.* WHITE STAR MINING COMPANY OF ILLINOIS ET AL.; and No. 648. PETER H. ANDERSON, PLAINTIFF IN ERROR, *v.* WHITE STAR MINING COMPANY OF ILLINOIS ET AL. In error to the Supreme Court of the State of Illinois. Motion to dismiss submitted April 22, 1907. Decided April 29, 1907. *Per Curiam*. Dismissed for the want of jurisdiction. *Sayward v. Denny*, 158 U. S. 180; *San Francisco v. Scott*, 111 U. S. 769; *Delmas v. Insurance Company*, 14 Wall. 661; *Erie Railroad Company v. Purdy*, 185 U. S. 148; *Oxley Stave Company v. Butler County*, 166 U. S. 648. Case below, 220 Illinois, 578. Mr. Harris F. Williams, Mr. Frederick S. Winston, Mr. John Barton Payne and Mr. Silas H. Strawn in support of motion to dismiss. Mr. Charles H. Hamill and Mr. Carl R. Chindblom in opposition thereto.

*Decisions on Petitions for Writs of Certiorari from
February 27 to April 29, 1907.*

No. 616. WILLIAM F. D. TAYLOR, PETITIONER, *v.* THE UNITED STATES. March 4, 1907. Petition for a writ of cer-