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Opinions Per Curiam, Etc.

OPINIONS PER CURIAM, ETC., FROM OCTOBER 14,
1907, TO JANUARY 6, 1908.

No. 14. GALBAN AND COMPANY, APPELLANTS, *v.* THE UNITED STATES. Appeal from the Court of Claims. Submitted October 15, 1907. Decided October 21, 1907. *Per Curiam*. Judgment affirmed. *Nealy v. Henkel*, 180 U. S. 109; *Pearcy v. Stranahan*, 205 U. S. 257, and cases cited. See opinion below, 40 C. Cl. 495. *Mr. Barry Mohun*, *Mr. W. W. Dudley* and *Mr. L. T. Michener* for appellants. *The Attorney General* and *Mr. Assistant Attorney General Van Orsdel* for appellee.

No. —, Original. *Ex parte*: IN THE MATTER OF THOMAS B. CLEMENT, PETITIONER. Submitted October 14, 1907. Decided October 21, 1907. Motion for leave to file petition for writ of mandamus denied. *Mr. George N. Baxter* for petitioner. *The Attorney General* opposing.

No. 260. CLARK WOODARD SPRAGUE, SOLE SURVIVING EXECUTOR, ETC., PLAINTIFF IN ERROR, *v.* JACOB BETZ ET UX. In error to the Supreme Court of the State of Washington. Motion to dismiss submitted October 21, 1907. Decided October 28, 1907. *Per Curiam*. Dismissed for the want of jurisdiction. *New Orleans Waterworks Company v. Louisiana*, 185 U. S. 336; *Newburyport Water Company v. Newburyport*, 193 U. S. 561; and see *Thomas v. Provident Loan and Trust Company*, 138 Fed. Rep. 348; *S. C.*, 200 U. S. 618. Case below, 87 Pac. Rep. 916. *Mr. Charles S. Fogg* for plaintiff in error. *Mr. John F. Shafroth* for defendants in error.

No. 306. W. F. BAIRD, ADMINISTRATOR, ETC., PLAINTIFF IN ERROR, *v.* J. D. MONROE ET AL. In error to the Supreme Court of the State of California. Motions to dismiss or affirm submitted October 21, 1907. Decided October 28, 1907. *Per Curiam*. Dismissed for the want of jurisdiction. *Oxley Stave Company v. Butler County*, 166 U. S. 648; *Hulbert v. Chicago*, 202 U. S. 275; *Miller v. Cornwall Railroad Company*, 168 U. S. 134; *Mutual Life Insurance Company v. McGrew*, 188 U. S. 291; *Howard v. Fleming*, 191 U. S. 126; *New Orleans Waterworks Company v. Louisiana*, 185 U. S. 336. *Mr. Rufus H. Thayer* for plaintiff in error. *Mr. John M. York* for defendants in error.

No. 358. THE BLYTHE COMPANY, PLAINTIFF IN ERROR, *v.* BANKERS' INVESTMENT COMPANY ET AL. In error to the Supreme Court of the State of California. Motions to dismiss or affirm submitted October 21, 1907. Decided October 28, 1907. *Per Curiam*. Dismissed for the want of jurisdiction. *Blythe v. Hinckley*, 84 Fed. Rep. 228; *Blythe Company v. Blythe*, 172 U. S. 644; *Blythe Company v. Hinckley*, 111 Fed. Rep. 827; *Blythe Company v. Hinckley*, 184 U. S. 701; *Blythe v. Hinckley*, 180 U. S. 333; *Dupaneur v. Rochereau*, 21 Wall. 130; *Metcalf v. Watertown*, 153 U. S. 671; *Blythe Company v. Bankers' Investment Company*, 147 California, 82; *Missouri Pacific Railway v. Fitzgerald*, 160 U. S. 558, 582; *Temple v. Hagar*, 4 Wall. 432, 434. *Mr. George W. Towle* for plaintiff in error. *Mr. Frederic D. McKenney*, *Mr. E. S. Heller* and *Mr. Thomas I. Bergin* for defendants in error.

No. 30. MRS. WILLIAM F. HARDIN ET AL., PLAINTIFFS IN ERROR, *v.* COTTONWOOD LUMBER COMPANY. In error to the Supreme Court of the State of Arkansas. Submitted October 30, 1907. Decided November 4, 1907. *Per Curiam*.

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Judgment affirmed with costs. *Soper v. Lawrence Bros.*, 201 U. S. 359; *Turner v. New York*, 168 U. S. 90; *Lumber Company v. Hardin*, 78 Arkansas, 95; *Towson v. Denson*, 74 Arkansas, 302. *Mr. John W. Blackwood* for plaintiff in error. *Mr. John B. Jones* and *Mr. William L. Terry* for defendant in error.

No. 451. NATHANIEL C. FOSTER, PLAINTIFF IN ERROR, *v.* WILLIAM ROWE, IMPLEADED, ETC. In error to the Supreme Court of the State of Wisconsin. Motions to dismiss or affirm submitted October 28, 1907. Decided November 4, 1907. *Per Curiam*. Dismissed for the want of jurisdiction. *Foster v. Rowe*, 128 Wisconsin, 326; *S. C.*, 111 N. W. Rep. 688; *Eustis v. Bolles*, 150 U. S. 361; *Indiana Manufacturing Company v. Koehne*, 186 U. S. 681; *State Railroad Tax Cases*, 92 U. S. 575. *Mr. W. M. Tomkins* for plaintiff in error. *Mr. James Wickham* for defendant in error.

No. 35. C. B. BOYETT ET AL., PLAINTIFFS IN ERROR, *v.* THE UNITED STATES. In error to the District Court of the United States for the Eastern District of Arkansas. Submitted November 5, 1907. Decided November 11, 1907. *Per Curiam*. Judgment reversed and cause remanded with a direction to sustain the motion in arrest of judgment, on the authority of *Hodges v. United States*, 203 U. S. 1. *Mr. J. W. Blackwood* for plaintiffs in error. *The Attorney General* for defendant in error.

No. 42. WILLIAM COUTURE, JR., PLAINTIFF IN ERROR, *v.* THE UNITED STATES. In error to the District Court of the United States for the Western District of Wisconsin. Sub-

mitted November 1, 1907. Decided November 11, 1907. *Per Curiam*. Judgment affirmed. *United States v. Rickert*, 188 U. S. 432; *McKay v. Kalyton*, 204 U. S. 458. Mr. W. M. Tomkins for plaintiff in error. *The Attorney General and The Solicitor General* for defendant in error.

No. 362. THE NEW YORK CONTINENTAL JEWELL FILTRATION COMPANY, PLAINTIFF IN ERROR, *v.* MARY E. WYNKOOP. In error to the Court of Appeals of the District of Columbia. Motion to dismiss submitted November 11, 1907. Decided November 18, 1907. *Per Curiam*. Writ of error dismissed for the want of jurisdiction. Code D. C., § 233; *Walker v. United States*, 4 Wall. 163; *Thompson v. Butler*, 95 U. S. 694; *District of Columbia v. Gannon*, 130 U. S. 229; *Baltimore & Potomac Railroad Company v. Hopkins*, 130 U. S. 210; *United States ex rel. Lisle v. Lynch*, 137 U. S. 280; *United States ex rel. Taylor v. Taft, Secretary*, 203 U. S. 461. Mr. James H. Hayden for plaintiff in error. Mr. Charles A. Douglas and Mr. E. B. Sherrill for defendant in error.

No. 47. W. J. WARDER ET AL., PLAINTIFFS IN ERROR, *v.* WILLIAM C. COTTON AND WALTER B. GRANT, EXECUTORS. In error to the Circuit Court of the United States for the Western District of Texas. Submitted November 11, 1907. Decided November 18, 1907. *Per Curiam*. Writ of error dismissed for the want of jurisdiction. *Walter v. Loomis*, 197 U. S. 619; *Coloin v. Jacksonville*, 157 U. S. 368; *Chappell v. United States*, 160 U. S. 499; *Spencer v. Duplan Silk Company*, 191 U. S. 526; *Muse v. Arlington Hotel Company*, 168 U. S. 430; *Budzisz v. Illinois Steel Company*, 170 U. S. 41; *Jones v. United States*, 137 U. S. 212. Mr. A. Seymour Thurmond for plaintiffs in error. Mr. W. B. Grant for defendants in error.

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NO. 46. OREGON SHORT LINE RAILROAD COMPANY, PLAINTIFF IN ERROR, *v.* ADDA McMANUS, ETC. In error to the St. Louis Court of Appeals, State of Missouri. Submitted November 11, 1907. Decided December 2, 1907. *Per Curiam*. Writ of error dismissed for the want of jurisdiction. *California Powder Works v. Davis*, 151 U. S. 389; *Dower v. Richards*, 151 U. S. 658; *Sayward v. Denny*, 158 U. S. 180; *Michigan Sugar Company v. Michigan*, 185 U. S. 112; *Mutual Life Insurance Company v. McGrew*, 188 U. S. 291. See opinion below, 118 Mo. App. 152. *Mr. Martin L. Clardy* and *Mr. J. D. Howe* for plaintiff in error. *Mr. W. C. Marshall* and *Mr. Henry W. Bond* for defendant in error.

NO. 55. ALASKA COMMERCIAL COMPANY ET AL., PLAINTIFFS IN ERROR, *v.* GEORGE H. MELSE ET AL. In error to the Supreme Court of the State of Washington. Argued November 14, 1907. Decided December 2, 1907. *Per Curiam*. Judgment affirmed with costs. *Gold Washing and Water Company v. Keyes*, 96 U. S. 199; *Chesapeake and Ohio Railway Company v. Dixon*, 179 U. S. 134; *Kansas City Suburban Belt Railway Company v. Herman*, 187 U. S. 63; *Alabama Great Southern Railway Company v. Thompson*, 200 U. S. 206; *Morris v. Gilmer*, 129 U. S. 328; *Offner v. Railroad Company*, 148 Fed. Rep. 201; *Knuth v. Railway Company*, 148 Fed. Rep. 3. *Mr. William H. Gorham* for plaintiffs in error. *Mr. Corwin S. Shank* and *Mr. John C. Higgins* for defendants in error.

NO. 72. EUGENE F. ROBINSON, APPELLANT, *v.* ANDREW B. DUVAL, EXECUTOR, ETC., ET AL. Appeal from the Court of Appeals of the District of Columbia. Argued and submitted December 13, 1907. Decided December 16, 1907. Decree affirmed with costs. *Mr. Charles H. Merillat* and *Mr.*

Mason N. Richardson for appellant. *Mr. Edward H. Thomas* and *Mr. Andrew B. Duvall* for appellees.

NO. 74. LOUIS STEWART, PLAINTIFF IN ERROR, *v.* THE STATE OF LOUISIANA. In error to the Supreme Court of the State of Louisiana. Submitted December 16, 1907. Decided December 23, 1907. *Per Curiam*. Writ of error dismissed for the want of jurisdiction. *Jacobi v. Alabama*, 187 U. S. 133, 386; *Railway Company v. McGuire*, 196 U. S. 128; *Cox v. Texas*, 202 U. S. 446; *West v. Louisiana*, 194 U. S. 258; *Chapin v. Fye*, 179 U. S. 127; *Louisiana v. Deffele*, 44 La. Ann. 581, and cases cited; *Louisiana v. Hennessy*, 44 La. Ann. 805. *Mr. Murphy J. Foster* for plaintiff in error. *Mr. Walter Guion* and *Mr. F. C. Zacharie* for defendant in error.

NO. 83. VAL MARCINIAK, PLAINTIFF IN ERROR, *v.* THE STATE OF MINNESOTA. In error to the Supreme Court of the State of Minnesota. Argued December 17, 1907. Decided December 23, 1907. *Per Curiam*. Judgment affirmed with costs. *Natal v. Louisiana*, 139 U. S. 623; *Wilson v. North Carolina*, 169 U. S. 586; *Hamblin v. Western Land Company*, 147 U. S. 531. *Mr. Ernest S. Cary* and *Mr. Anson B. Jackson* for plaintiff in error. *Mr. A. C. Finney* and *Mr. Frank Healy* for defendant in error.

NO. 88. THE CITY OF OMAHA ET AL., APPELLANTS, *v.* THE OMAHA WATER COMPANY. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Argued December 19, 1907. Decided December 23, 1907. *Per Curiam*. Appeal dismissed for the want of jurisdiction. *Schlosser v. Hemphill*, 198 U. S. 173; *Boom Company v. United States*, 202

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

U. S. 613; *California Consolidated Mining Company v. Manley*, 203 U. S. 579. Certiorari denied. *Chicago and Northwestern Railway Company v. Osborne*, 146 U. S. 354; *McLish v. Roff*, 141 U. S. 661; *Forsythe v. Hammond*, 166 U. S. 506. Mr. John L. Webster and Mr. Carl C. Wright for appellants. Mr. Lucius H. Beers, Mr. Howard Mansfield and Mr. R. S. Hall for appellee.

*Decisions on Petitions for Writs of Certiorari from
October 14, 1907, to January 6, 1908.*

No. 310. PAUL F. VOGEL, PETITIONER, *v.* WILLIAM WORTH BURSON. October 21, 1907. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied. Mr. E. T. Fenwick and Mr. E. M. Kitchin for petitioner. Mr. George W. Rea for respondent.

No. 316. THE CITY OF DEFIANCE, PETITIONER, *v.* WILLIAM J. MCGONIGALE, RECEIVER, ETC. October 21, 1907. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. Mr. John H. Doyle and Mr. Henry B. Harris for petitioner. Mr. Henry Newbegin and Mr. Robert Newbegin for respondent.

No. 323. WILLIAM GORDON CRAWFORD, PETITIONER, *v.* THE UNITED STATES. October 21, 1907. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia granted. Mr. A. S. Worthington for petitioner. The Attorney General and The Solicitor General for respondent.