

209 U. S.

Opinions Per Curiam, Etc.

OPINIONS PER CURIAM, ETC., FROM FEBRUARY 25,
TO MAY 4, 1908.

NO. 445. THE UNITED STATES LIFE INSURANCE COMPANY IN THE CITY OF NEW YORK, PLAINTIFF IN ERROR, *v.* HARRY SPINKS. In error to the Court of Appeals of the State of Kentucky. Motion to dismiss submitted February 24, 1908. Decided March 2, 1908. *Per Curiam*. Dismissed for the want of jurisdiction. *Mr. William Marshall Bullitt, Mr. Charles E. Patterson and Mr. John G. Carlisle* for plaintiff in error. *Mr. J. H. Hazelrigg* for defendant in error.

NO. 560. NORTHWESTERN ELEVATED RAILROAD COMPANY, PLAINTIFF IN ERROR, *v.* PEABODY COAL COMPANY ET AL. In error to the Supreme Court of the State of Illinois. Motion to dismiss or affirm submitted February 24, 1908. Decided March 2, 1908. *Per Curiam*. Dismissed for the want of jurisdiction. *Mr. Clarence A. Knight* for plaintiff in error. *Mr. Horace Kent Tenney* for defendants in error.

NO. 151. JOHN BOYD, PLAINTIFF IN ERROR, *v.* THE STATE OF TEXAS. In error to the Court of Criminal Appeals of the State of Texas. Submitted March 5, 1908. Decided March 9, 1908. *Per Curiam*. Writ of error dismissed for the want of jurisdiction. *Leeper v. Texas*, 139 U. S. 462; *Duncan v. Missouri*, 152 U. S. 377, 382; *Gibson v. Mississippi*, 162 U. S. 565, 590; *Allen v. Georgia*, 166 U. S. 138; *Brown v. New Jersey*, 175 U. S. 172; *Layton v. Missouri*, 187 U. S. 356; *Rogers v. Peck*, 199 U. S. 425; case below, 96 S. W. Rep. 1079. *Mr. H. M. Garwood* for plaintiff in error. *Mr. Robert Vance Davidson* for defendant in error.

No. 554. THE RODERICK LEAN MANUFACTURING COMPANY, PLAINTIFF IN ERROR, *v.* REINHART KUELLING. In error to the Supreme Court of the State of New York. Motion to dismiss or affirm submitted March 9, 1908. Decided March 16, 1908. *Per Curiam*. Writ of error dismissed for the want of jurisdiction. *Kansas City, Fort Scott & Memphis Railroad Company v. Daughtry*, 138 U. S. 303; *Fisk v. Henaril*, 142 U. S. 459; *McDonnell v. Jordan*, 178 U. S. 229; *Pennsylvania Company v. Bender*, 148 U. S. 255; *In re Pennsylvania Company*, 137 U. S. 451; *Wilson v. North Carolina*, 169 U. S. 586, 595. *Mr. Sardius D. Bentley* for plaintiff in error. *Mr. Eugene Van Voorhis* for defendant in error.

No. 165. RICHARD H. FIELD ET UX., PLAINTIFFS IN ERROR, *v.* THE BARBER ASPHALT PAVING COMPANY ET AL. In error to the Kansas City Court of Appeals of the State of Missouri. Submitted March 11, 1908. Decided March 16, 1908. *Per Curiam*. Writ of error dismissed for the want of jurisdiction. *Missouri, Kansas & Texas Railway Company v. Elliott*, 184 U. S. 530; *Sayward v. Denny*, 158 U. S. 180; *Corkran Oil and Development Company v. Arnaudet*, 199 U. S. 182; *Life Insurance Company v. McGrew*, 188 U. S. 291; *City and County of San Francisco v. Itsell*, 133 U. S. 65. *Mr. Richard H. Field* for plaintiffs in error. *Mr. W. C. Scarritt* for defendants in error.

No. 247. OSBERN H. WILSON, PLAINTIFF IN ERROR, *v.* ERIE RAILROAD COMPANY ET AL. In error to the Circuit Court of the United States for the Northern District of Ohio. Motion to dismiss submitted March 16, 1908. Decided March 23, 1908. *Per Curiam*. Dismissed for the want of jurisdiction. *Mr. Charles Koonce, Jr.*, and *Mr. E. H. Moore* for plaintiff in error. *Mr. William E. Cushing* for defendant in error.

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No. —, Original. *Ex parte*: IN THE MATTER OF MICHAEL CRARCHILO, PETITIONER. Submitted March 9, 1908. Decided April 6, 1908. Motion for leave to file petition for writ of mandamus denied. *Mr. James K. Jones* and *Mr. William J. Stone* for petitioner.

No. —, Original. *Ex parte*: IN THE MATTER OF MICHAEL CRARCHILO, PETITIONER. Submitted March 9, 1908. Decided April 6, 1908. Motion for leave to file petition for writ of prohibition denied. *Mr. James K. Jones* and *Mr. William J. Stone* for petitioner.

No. —, Original. *Ex parte*: IN THE MATTER OF SMOKELESS FUEL COMPANY, PETITIONER. Submitted April 6, 1908. Decided April 13, 1908. Motion for leave to file petition for writ of mandamus denied. *Mr. Alexander H. Sands*, *Mr. William L. Royall* and *Mr. George Bryan* for petitioner.

No. 563. THOMAS M. FIELDS, APPELLANT, *v.* CHARLES E. HADDOX, WARDEN, ETC. Appeal from the District Court of the United States for the Northern District of West Virginia. Motion to dismiss or affirm submitted March 23, 1908. Decided April 13, 1908. *Per Curiam*. Final order affirmed with costs. *Fields v. United States*, 205 U. S. 292; *S. C.*, 27 App. D. C. 433; *In re Eckart*, 166 U. S. 481; *In re Coy*, 127 U. S. 731. *Mr. Frank J. Hogan*, *Mr. Henry E. Davis* and *Mr. John C. Gittings* for appellant. *The Attorney General* and *The Solicitor General* for appellee.

No. 199. CHARLES W. HUNTER ET AL., PETITIONERS, *v.* REBECCA A. JOHNSON ET AL. On a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Argued

April 14, 1908. Decided April 20, 1908. *Per Curiam*. Decree of United States Circuit Court of Appeals reversed with costs and decree of Circuit Court of the United States for the Eastern District of Arkansas affirmed with costs and cause remanded to that court. *Ballard v. Hunter*, 204 U. S. 241. *Mr. A. B. Shafer, Mr. L. P. Berry and Mr. James K. Jones* for petitioners. No appearance for respondents.

NO. 171. THE SAVINGS DEPOSIT BANK & TRUST COMPANY OF ELYRIA, OHIO, APPELLANT, *v.* NATHAN LOESER, TRUSTEE OF THE ESTATE OF CASSIE L. CHADWICK, BANKRUPT. Appeal from the United States Circuit Court of Appeals for the Sixth Circuit. Argued April 13 and 14, 1908. Decided April 27, 1908. *Per Curiam*. Appeal dismissed for the want of jurisdiction. *Chapman, trustee, &c., v. Bowen*, 207 U. S. 89; and see *Bank v. Klug*, 186 U. S. 202. General Order XXXVI. *Mr. John C. Hale and Mr. W. W. Boynton* for appellant. *Mr. Amos Burt Thompson, Mr. Charles P. Hine, Mr. Nathan Læser, Mr. Frederick L. Taft and Mr. C. K. Arter* for appellee.

NO. 680. JAMES S. YEATES, APPELLANT, *v.* GEORGE B. ROBERSON, SHERIFF, ETC. Appeal from the District Court of the United States for the Southern District of Georgia. Argued and submitted April 27, 1908. Decided May 4, 1908. *Per Curiam*. Final order affirmed. *Mr. John Randolph Cooper* for appellant. *Mr. John C. Hart* for appellee.

Decisions on Petitions for Writs of Certiorari from February 25 to May 4, 1908.

NO. 571. CHARLES C. MAY, PETITIONER, *v.* THE UNITED STATES. March 2, 1908. Petition for a writ of certiorari to