

NOTLEY *v.* BROWN.

ERROR TO THE SUPREME COURT OF THE TERRITORY OF HAWAII.

No. 361. Motion to dismiss or affirm.—Submitted January 25, 1909.—Decided February 1, 1909.

Writ of error dismissed for want of jurisdiction, it appearing that the merits of the case had been finally determined by the Supreme Court of Hawaii before the passage of the act of March 3, 1905, c. 1465, 33 Stat. 1035, extending the jurisdiction here to review of cases from that court involving over five thousand dollars.

*Mr. Aldis B. Browne, Mr. Alexander Britton, Mr. Henry Holmes and Mr. W. L. Stanley* in support of the motion.

*Mr. Robert M. Morse and Mr. William M. Richardson* for plaintiffs in error.

*Per Curiam:* Writ of error dismissed. *Crawford v. Naller*, 111 U. S. 796; *Insurance Company v. Comstock*, 16 Wall. 258; *Notley v. Brown*, 208 U. S. 429.

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*Decisions on Petitions for Writs of Certiorari from  
October 12, 1908, to February 23, 1909.*

No. 403. ROBERT A. GRAHAM, PETITIONER, *v.* THE OREGON RAILROAD & NAVIGATION COMPANY. October 19, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr. Thomas D. Rambaut and Mr. C. Larue Munson* for petitioner. *Mr. Maxwell Evarts* for respondent.

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

No. 404. CHARLES GRING, PETITIONER, *v.* CHESAPEAKE & DELAWARE CANAL COMPANY. October 19, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied. *Mr. Robert H. Smith* and *Mr. Jacob France* for petitioner. *Mr. Andrew C. Gray* for respondent.

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No. 411. SOUTHERN RAILWAY COMPANY, PETITIONER, *v.* LEMON TOWNSEND. October 19, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. *Mr. W. A. Henderson* and *Mr. Milton Humes* for petitioner. No appearance for respondent.

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No. 414. RICHARD B. SHEPARD, PETITIONER, *v.* THE UNITED STATES. October 19, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Frank S. Bright* and *Mr. Jesse B. Roote* for petitioner. *The Attorney General* and *The Solicitor General* for respondent.

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No. 415. ERIC P. SWENSON ET AL., PETITIONERS, *v.* JOHN W. CUNNINGHAM ET AL. October 19, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. *Mr. A. S. Burlison* for petitioners. *Mr. Henry Sayles* for respondents.

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No. 417. WALTER S. SCOTT ET AL., PETITIONERS, *v.* AUGUSTUS L. ABBOTT, TRUSTEE, ETC. October 19, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Joseph S. Laurie*

and *Mr. Frederick N. Judson* for petitioners. *Mr. Lee W. Grant*, *Mr. B. Schnurmacher*, *Mr. Leo Rassieur* and *Mr. B. P. Kennedy* for the respondent.

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No. 418. THE UNITED STATES, PETITIONER, *v.* ISAAC STEPHENSON ET AL., AS EXECUTORS AND TRUSTEES, ETC. October 19, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. *The Attorney General* and *The Solicitor General* for petitioner. *Mr. Alfred L. Cary* for respondents.

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No. 419. GEORGE F. DUNBAR ET AL., PETITIONERS, *v.* DAVID H. CASCADEN. October 19, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. *Mr. J. C. Campbell* and *Mr. W. H. Metson* for petitioners. *Mr. Hayden Johnson* for respondent.

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No. 420. ALABAMA NATIONAL BANK OF BIRMINGHAM ET AL., PETITIONERS, *v.* MASSASOIT-POCASSET NATIONAL BANK OF FALL RIVER, MASS. October 19, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. *Mr. John B. Knox* for petitioners. *Mr. Richard W. Walker* for respondent.

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No. 455. W. A. GAINS & CO., PETITIONER, *v.* MAX KAHN, ADMINISTRATOR, ETC., ET AL. October 19, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. John G. Carlisle*, *Mr. J. L.*

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

*Hopkins and Mr. Daniel W. Lindsey* for petitioner.    *Mr. Jacob Klein and Mr. Warwick M. Hough* for respondents.

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No. 464. H. FRANKLIN SCHLEGEL, COMMITTEE, ETC., PETITIONER, *v.* THE UNION STOCKYARDS BANK OF BUFFALO, N. Y., ET AL. October 19, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.    *Mr. Guy E. Farquhar* for petitioner.    *Mr. John A. VanArsdale* for respondents.

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No. 541. JAMES McCAULLEY, ETC., PETITIONER, *v.* AMERICAN DREDGING COMPANY ET AL. October 19, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.    *Mr. John F. Lewis* for petitioner.    *Mr. Edward F. Pugh and Mr. Edward S. Dodge* for respondents.

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No. 542. ATLANTIC TRUST AND DEPOSIT COMPANY, PETITIONER, *v.* THE TOWN OF LAURINBURG, N. C. October 19, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.    *Mr. Floyd Hughes* for petitioner.    *Mr. James E. Shepherd and Mr. Maxcy L. John* for respondent.

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No. 548. JOHN W. AUCHINCLOSS ET AL., PETITIONERS, *v.* CONSTANTINE & PICKERING STEAMSHIP COMPANY, OWNERS, ETC.; No. 549. JOHN W. AUCHINCLOSS ET AL., PETITIONERS, *v.* CONSTANTINE & PICKERING STEAMSHIP COMPANY, OWNERS, ETC.; and No. 550. JOHN W. AUCHINCLOSS ET AL., PETITIONERS,

*v. W. McLEAN ET AL., OWNERS, ETC.* October 19, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr. George H. Emerson* for petitioners. *Mr. J. Parker Kirlin* for respondents.

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No. 555. *BERRY BROS., LIMITED, PETITIONER, v. THE STEAMSHIP ST. QUENTIN, ETC.* October 19, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr. George H. Emerson* for petitioner. *Mr. J. Parker Kirlin* and *Mr. John M. Woolsey* for respondent.

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No. 556. *HENRY P. SCOTT ET AL., PETITIONERS, v. QUEEN ANNE'S RAILROAD COMPANY ET AL.* October 19, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied. *Mr. John G. Johnson* and *Mr. Nicholas P. Bond* for petitioners. *Mr. John C. Rose* and *Mr. E. P. Keech, Jr.*, for respondents.

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No. 557. *RAINY LAKE RIVER BOOM CORPORATION, PETITIONER, v. RAINY RIVER LUMBER COMPANY, LIMITED.* October 19, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Halvor Steenerson, Mr. Charles Loring* and *Mr. Samuel Herrick* for petitioner. *Mr. Chelsea J. Rockwood* and *Mr. A. Y. Merrill* for respondent.

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No. 477. *DIAMOND RUBBER COMPANY OF NEW YORK, PETITIONER, v. CONSOLIDATED RUBBER TIRE COMPANY ET AL.* Octo-

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

ber 19, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted. *Mr. Charles K. Offield* for petitioner. *Mr. Charles W. Stapleton*, *Mr. T. W. Bakewell* and *Mr. F. P. Fish* for respondents.

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No. 547. DR. MILES MEDICAL COMPANY, PETITIONER, *v.* JOHN D. PARK & SONS COMPANY. October 19, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted. *Mr. Frank F. Reed* for petitioner. No appearance for respondent.

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No. 571. THE UNITED STATES, PETITIONER, *v.* CARL S. CHAMBERLIN ET AL., EXECUTORS, ETC. October 19, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted. *The Attorney General* and *The Solicitor General* for petitioner. *Mr. Peter H. Holme* for respondents.

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No. 572. MAYER ZEIGER, PETITIONER, *v.* PENNSYLVANIA RAILROAD COMPANY. October 26, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. *Mr. A. S. Worthington* and *Mr. A. Leo Weil* for petitioner. *Mr. M. W. Acheson, Jr.*, for respondent.

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No. 584. GEORGE D. BRYAN, COLLECTOR, ETC., PETITIONER, *v.* ROXANA S. KER, EXECUTRIX, ETC. November 2, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted. *The Attorney*

*General and The Solicitor General* for petitioner. *Mr. J. P. K. Bryan* and *Mr. M. C. Butler* for respondent.

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NO. 512. WINNISIMMET COMPANY, PETITIONER, *v.* MARY L. DAVENPORT ET AL. November 2, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied. *Mr. Edward E. Blodgett* and *Mr. Arthur P. Teele* for petitioner. *Mr. William A. Davenport* for respondents.

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NO. 537. WILLARD N. JONES ET AL., PETITIONERS, *v.* THE UNITED STATES. November 2, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Martin L. Pipes* and *Mr. Samuel B. Huston* for petitioners. *The Attorney General* and *The Solicitor General* for respondent.

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NO. 545. L. T. JOHNSTON, PETITIONER, *v.* H. D. SEXTON ET AL. November 2, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Edward C. Kramer* for petitioner. *Mr. Charles P. Wise* for respondents.

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NO. 546. GEORGE WESTINGHOUSE ET AL., PETITIONERS, *v.* PHILIP HEIN ET AL. November 2, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Charles P. Abbey*, *Mr. Thomas W. Bakewell* and *Mr. J. Snowden Bell* for petitioners. *Mr. L. S. Bacon* and *Mr. Walter H. Chamberlin* for respondents.

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

No. 590. SARAH O. DEVOU, PETITIONER, *v.* THE CITY OF CINCINNATI. November 9, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Fred W. Kean* for petitioner. *Mr. Geoffrey Goldsmith* and *Mr. Edward M. Ballard* for respondent.

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No. 596. THE BALTIMORE REFRIGERATING & HEATING COMPANY OF BALTIMORE CITY, PETITIONER, *v.* FRANK G. WETZEL ET AL., ETC. November 9, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied. *Mr. George Whitelock* and *Mr. Robert H. Smith* for petitioner. *Mr. W. Calvin Chesnutt* and *Mr. Charles Markell, Jr.*, for respondents.

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No. 382. WALTER GRESHAM, PETITIONER, *v.* ARABELLA D. HUNTINGTON ET AL., AS EXECUTORS, ETC. November 16, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. *Mr. James B. Stubbs* and *Mr. T. D. Gresham* and *Mr. Walter Gresham* for petitioner. *Mr. R. S. Lovett*, *Mr. Maxwell Evarts* and *Mr. J. W. Terry* for respondents.

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No. 582. THE BUTLER BROS. SHOE COMPANY, PETITIONER, *v.* UNITED STATES RUBBER COMPANY. November 16, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Charles J. Hughes, Jr.*, for petitioner. *Mr. Henry T. Rogers* for respondent.

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No. 606. THE GENERAL FIREPROOFING COMPANY, PETITIONER, *v.* THE EXPANDED METAL COMPANY. November 16,

1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted. *Mr. George H. Christy, Mr. Thomas W. Bakewell and Mr. James K. Bakewell* for petitioner. *Mr. Ernest Howard Hunter* for respondent.

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No. 488. KOMADA & CO., PETITIONER, *v.* THE UNITED STATES. November 30, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted. *Mr. John M. Thurston, Mr. Thomas Fitch, Mr. J. J. Dunne and Mr. W. Wickham Smith* for petitioner. *The Attorney General, The Solicitor General and Mr. J. C. McReynolds* for respondent.

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No. 597. E. M. DELK, PETITIONER, *v.* ST. LOUIS & SAN FRANCISCO RAILROAD COMPANY. November 30, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted. *Mr. Frederic D. McKenney and Mr. L. M. Walter* for petitioner. *Mr. W. F. Evans* for respondent.

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No. 625. W. J. MURRAY ET AL., ETC., PETITIONERS, *v.* WILSON DISTILLING COMPANY ET AL. December 7, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted. *Mr. B. L. Abney, Mr. W. F. Stevenson, Mr. J. Fraser Lyon and Mr. D. W. Rountree* for petitioners. *Mr. T. Moultrie Mordecai, Mr. Alfred S. Barnard and Mr. Frank Carter* for respondents.

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No. 627. CHICAGO, BURLINGTON & QUINCY RAILWAY COMPANY, PETITIONER, *v.* ERASTUS W. WILLARD, ADMINISTRATOR,

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

ETC. December 7, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted. *Mr. Albert J. Hopkins* for petitioner. *Mr. Arthur J. Eddy* and *Mr. E. C. Wetten* for respondent.

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No. 632. JOHN F. KLUMPP ET AL., ETC., PETITIONERS, *v.* C. WESLEY THOMAS. December 7, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. *Mr. Henry J. Webster* for petitioners. *The Attorney General* and *The Solicitor General* for respondent.

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No. 454. GEORGE CLOUGH, PETITIONER, *v.* GRAND TRUNK WESTERN RAILWAY COMPANY. December 14, 1908. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. *Mr. H. H. Hatch* for petitioner. *Mr. Harrison Geer* for respondent.

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No. 628. THE UNITED STATES, PETITIONER, *v.* THE STANDARD OIL COMPANY, A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF INDIANA. January 4, 1909. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. *The Attorney General*, *The Solicitor General*, *Mr. Frank B. Kellogg*, *Mr. E. W. Sims* and *Mr. James H. Wilkerson* for petitioner. *Mr. John S. Miller*, *Mr. Moritz Rosenthal* and *Mr. Alfred D. Eddy* for respondent.

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No. 634. THE CHICAGO, ST. PAUL, MINNEAPOLIS & OMAHA

RY. CO. ET AL., PETITIONERS, *v.* THE UNITED STATES. January 4, 1909. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Thomas Wilson* for petitioners. *The Attorney General, The Solicitor General* and *Mr. Assistant to the Attorney General Ellis* for respondent.

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NO. 641. JOHN F. MONTGOMERY, MANAGING OWNER, ETC., ET AL., PETITIONERS, *v.* C. W. CHATFIELD, MASTER, ETC. January 4, 1909. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied. *Mr. Edward E. Blodgett, Mr. R. G. Bickford* and *Mr. Frederick W. Eaton* for petitioners. *Mr. Robert M. Hughes* and *Mr. James D. Dewell, Jr.*, for respondent.

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NO. 650. DELAWARE SEAMLESS TUBE COMPANY ET AL., PETITIONERS, *v.* SHELBY STEEL TUBE COMPANY. January 4, 1909. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. *Mr. Charles K. Offield* for petitioners. *Mr. Thomas W. Bakewell* and *Mr. L. S. Bacon* for respondent.

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NO. 657. BURN LINE, LTD., PETITIONER, *v.* THE UNITED STATES AND AUSTRALASIA STEAMSHIP COMPANY. January 4, 1909. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr. J. Parker Kirlin* for petitioner. *Mr. Harrington Putnam* for respondent.

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

NO. 583. HENRY SCHODDE, PETITIONER, *v.* TWIN FALLS LAND & WATER COMPANY. January 11, 1909. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted. *Mr. Joseph R. Webster* for petitioner. *Mr. Edward B. Critchlow* for respondent.

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NO. 652. JAMES HAMILTON LEWIS ET AL., PETITIONERS, *v.* THE ALTON WATER COMPANY. January 11, 1909. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. *Mr. E. N. Zoline* and *Mr. James Hamilton Lewis* for petitioners. *Mr. William Burry* and *Mr. Levi Davis* for respondent.

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NO. 658. JOHN N. SHACKELFORD, PETITIONER, *v.* ELWOOD D. FULTON. January 11, 1909. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied. *Mr. Robert G. Linn* for petitioner. No appearance for respondent.

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NO. 645. WILLIAMSBURGH CITY FIRE INSURANCE COMPANY OF BROOKLYN, N. Y., PETITIONER, *v.* LEON WILLARD, DOING BUSINESS UNDER THE FIRM NAME OF LEON WILLARD & COMPANY. January 18, 1909. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. *Mr. T. C. VanNess* and *Mr. Joseph H. Choate* for petitioner. *Mr. E. S. Pillsbury* for respondent. *Mr. Charles S. Wheeler* and *Mr. J. F. Bowie* filed a brief as *amici curiæ*.

No. 659. GEORGE E. BABCOCK ET AL., PETITIONERS, *v.* ANNA M. DEMOTT ET AL. January 18, 1909. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Milton Brown* for petitioners. No appearance for respondents.

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No. 664. J. N. BEAN ET AL., PETITIONERS, *v.* W. A. MORRIS ET AL. January 18, 1909. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted. *Mr. Thomas J. Walsh* for petitioner. *Mr. N. W. McConnell*, *Mr. Andrew Wilson* and *Mr. Noel W. Barksdale* for respondents.

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No. 675. WILLIAM CROZIER, PETITIONER, *v.* FRIED KRUPP AKTIENGESELLSCHAFT. January 25, 1909. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia granted. *The Attorney General* and *The Solicitor General* for petitioner. *Mr. William A. Jenner* for respondent.

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No. 683. JOSEPH N. CARPENTER ET AL., PETITIONERS, *v.* DAVID J. WINN. January 25, 1909. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted. *Mr. John R. Abney* for petitioners. *Mr. John W. Boothby* for respondent.

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No. 679. J. A. SCRIVEN COMPANY, PETITIONER, *v.* RICE-STIX DRY GOODS COMPANY; No. 680. J. A. SCRIVEN COMPANY, PETITIONER, *v.* THE PREMIUM MANUFACTURING COMPANY; and No. 681. J. A. SCRIVEN COMPANY, PETITIONER, *v.* FERGUSON-

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

McKINNEY DRY GOODS COMPANY. February 1, 1909. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Arthur v. Briesen* for petitioner. *Mr. Montague Lyon* and *Mr. Frederick W. Lehmann* for respondents in Nos. 679 and 680. *Mr. Samuel S. Watson* for respondent in No. 681.

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No. 684. TIMOTHY MCCARTHY ET AL., PETITIONERS, *v.* THE BUNKER HILL & SULLIVAN MINING & CONCENTRATING COMPANY ET AL. February 1, 1909. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. *Mr. W. T. Stoll* and *Mr. W. C. Jones* for petitioners. *Mr. C. W. Beale* for respondents.

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No. 694. HUGH R. HEALY, PETITIONER, *v.* THE SUN COMPANY, OWNER, ETC. February 1, 1909. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr. William J. Wallace* and *Mr. Frederick M. Brown* for petitioner. *Mr. J. Parker Kirlin* and *Mr. Charles R. Hickox* for respondent.

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No. 698. JAMES RUDOLPH GARFIELD, SECRETARY, ETC., PETITIONER, *v.* THE UNITED STATES, EX REL. HARVEY SPALDING; No. 699. JAMES RUDOLPH GARFIELD, SECRETARY, ETC., PETITIONER, *v.* THE UNITED STATES, EX REL. JAMES H. SPALDING; and No. 700. JAMES RUDOLPH GARFIELD, SECRETARY, ETC., PETITIONER, *v.* THE UNITED STATES, EX REL. EDWIN W. SPALDING. February 1, 1909. Petitions for writs of certiorari to the Court of Appeals of the District of Columbia denied. *The Attorney General*, *The Solicitor General* and *Mr. Assistant*

Cases Disposed of Without Consideration by the Court. 212 U. S.

*Attorney General Woodruff* for petitioner. No appearance for respondents.

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CASES DISPOSED OF WITHOUT CONSIDERATION BY  
THE COURT FROM OCTOBER 12, 1908, TO FEBRU-  
ARY 23, 1909.

No. 576. IN THE MATTER OF WILLIAM BUCKLEY, APPELLANT. Appeal from the Circuit Court of the United States for the Northern District of California. October 13, 1908. Docketed and dismissed on motion of *Mr. Frederick S. Tyler* for the appellee. *Mr. Frederick S. Tyler* and *Mr. U. S. Webb* for appellee. No one opposing.

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No. 1. C. F. AINSWORTH ET AL., INTERVENORS, APPELLANTS, v. JOHN M. EVANS ET AL. Appeal from the Supreme Court of the Territory of Arizona. October 13, 1908. Dismissed with costs on motion of counsel for the appellants. *Mr. James H. Beal* for appellants. *Mr. Walter Bennett* for appellees.

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No. 105. AMERICAN FELT COMPANY, PLAINTIFF IN ERROR, v. GARRETT W. SCOLLARD, COLLECTOR OF TAXES OF BOSTON, MASS. In error to the Supreme Judicial Court of the State of Massachusetts. October 13, 1908. Dismissed per stipulation. *Mr. Hollis R. Bailey* for plaintiff in error. *Mr. Thomas M. Babson* for defendant in error.

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No. 132. MICHAEL ENDERS ET AL., PLAINTIFFS IN ERROR, v. JOHN FRIDAY, AS MAYOR OF THE CITY OF NORFOLK, NEB., ET AL. In error to the Supreme Court of the State of Nebraska. Octo-