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Statement of the Case.

and affected the proceeds of one of the vessels, and the same contention was made for petitioner.

Mr. Richard D. Currier for petitioner.

Per Curiam: Motion for leave to file a petition for writ of prohibition denied.

SASS & CRAWFORD v. THOMAS.

ERROR TO THE CIRCUIT COURT OF APPEALS FOR THE EIGHTH CIRCUIT.

No. 122. Submitted March 15, 1909.—Decided March 22, 1909.

On authority of *Laurel Oil Co. v. Morrison*, 212 U. S. 291,¹ writ of error to review a judgment of the Circuit Court of Appeals for the Eighth Circuit in a case coming from the United States court for the Indian Territory dismissed.

THIS case was commenced in the United States court for the Southern District of the Indian Territory and resulted in a

¹ The headnote in *Laurel Oil Co. v. Morrison* is as follows:

"Where a statute provides for an appeal or a writ of error to a specific court it must be regarded as a repeal of any previous statute providing for an appeal or a writ of error to another court. *Brown v. United States*, 171 U. S. 631.

"Decisions of the Court of Appeals of the United States for the Indian Territory are final except as made subject to review by some express statutory provision.

"The provisions in § 12 of the act of March 3, 1905, c. 1479, 33 Stat. 1081, for appeals and writs of error from the United States courts in Indian Territory to the United States Court of Appeals in the Indian Territory, and from that court to the United States Circuit Court of Appeals for the Eighth Circuit are exclusive; and there is now no appeal or writ of error in such cases from the Circuit Court of Appeals of the Eighth Circuit to this court."

judgment for the plaintiff (defendant in error here) which was affirmed by the Court of Appeals of the United States for the Indian Territory, and subsequently by the Circuit Court of Appeals for the Eighth Circuit.

Mr. W. A. Ledbetter for plaintiff in error.

Mr. A. C. Cruce and *Mr. W. I. Cruce* for defendants in error.

Per Curiam: The writ of error is dismissed for want of jurisdiction on authority of *Laurel Oil Co. v. Morrison*, 212 U. S. 291, decided February 23, 1909.

MATTER OF CONSOLIDATED RUBBER TIRE COMPANY, PETITIONER.

MOTION FOR LEAVE TO FILE PETITION FOR WRIT OF PROHIBITION.

Original. Submitted April 5, 1909.—Decided April 12, 1909.

Leave to file petition for writ of prohibition to prohibit the United States Circuit Court from retaining jurisdiction of a case, denied.

AN action for infringement of patent rights was commenced in the Circuit Court of the United States for the Southern District of New York by one William A. Ferguson, whose citizenship is not disclosed, against the petitioner, a corporation of New Jersey, on patents alleged to have been assigned to the plaintiff by the Reilloc Tyre Company, a British corporation.

The petitioner (defendant in that action) moved to dismiss on the ground that the court did not have jurisdiction of the parties. That motion having been denied, it submitted its petition to this court for a writ of prohibition, contending that the assignee, whose citizenship does not appear, of a cause of action which accrued to an alien, cannot maintain an action