

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

214 U. S.

Statement of the Case.

thereon in a Federal court in a district other than that whereof defendant is an inhabitant.

Mr. Charles W. Stapleton for petitioner.

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

GILA BEND RESERVOIR & IRRIGATION COMPANY
v. LINN.

SAME *v.* GILA WATER COMPANY.

No. 199 of October Term, 1897, and No. 226 of October Term, 1905.—Submitted March 8, 1909.—Decided March 15, 1909.

Motions for leave to file petitions for leave to file bills of review in the lower court denied.

THESE cases were in this court before. See 171 U. S. 685; 202 U. S. 270; 205 U. S. 279.

Mr. E. S. Clark for petitioner.

Per Curiam: Motions for leave to file bills of review in the lower court denied.

KANSAS CITY SOUTHERN RAILWAY COMPANY *v.*
HENRIE.

ERROR TO THE SUPREME COURT OF THE STATE OF ARKANSAS.

No. 648. Motions to dismiss or affirm and for damages.—Submitted April 2, 1909.—Decided April 19, 1909.

Writ of error to review judgment of the state court dismissed without opinion for want of jurisdiction, there being no Federal question, or if any, it was raised too late.

THIS was an action for damages in which the defendant in