

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

error (plaintiff below) had recovered judgment for death of her husband, which had been affirmed by the Supreme Court of the State and a petition for a rehearing denied by that court.

The motion to dismiss was based on the grounds that the contention of the plaintiff in error that the construction of the safety appliance act of March 2, 1893, was involved was raised for the first time on the motion for rehearing in the Supreme Court of the State, and that the opinion of the court denying the motion showed that the defendant below not having brought these points to the attention of the court on trial could not raise them on the appeal, and that there was sufficient evidence to go to the jury as to whether the safety appliances worked.

Mr. William H. Arnold for defendants in error in support of motions.

Mr. Samuel W. Moore, Mr. James F. Read and Mr. James B. McDonough for plaintiff in error in opposition to motions.

Per Curiam: Writ of error dismissed for want of jurisdiction. *G., C. & S. Ry. Co. v. Texas*, 204 U. S. 411; *Behn v. Campbell*, 205 U. S. 407; *Leathe v. Thomas*, 207 U. S. 93; *Stickney v. Kelsey*, 209 U. S. 419; *Waters Pierce Oil Co. v. Texas*, 212 U. S. 86.

CHICAGO, BURLINGTON AND QUINCY RAILWAY COMPANY *v.* EDGAR C. WILLIAMS.

CERTIFICATE FROM THE CIRCUIT COURT OF APPEALS FOR THE EIGHTH CIRCUIT.

No. 154. Argued April 16, 1909.—Decided April 26, 1909.

Certificate dismissed on the authority of *Chicago, Burlington & Quincy Railway Company v. Williams*, 205 U. S. 444.¹

¹ The headnote in that case is as follows:

Under § 6 of the Circuit Court of Appeals Act of March 3, 1891, 26