

it was at the time of the renewal of its old charter with such changes only as were specifically made in the reënacting statute. At the time it accepted its new charter, it had lost all rights which it had ever acquired, if it had ever acquired any by express legislative enactment, the legislature of North Carolina having taken away the power of eminent domain from such companies.

Mr. Thomas Patterson, Mr. Burton Craige, Mr. Thomas J. Jerome and Mr. W. A. Way for defendant in error in support of the motion.

Mr. Frederick M. Leonard for plaintiff in error in opposition thereto.

Per Curiam: Writ of error dismissed for want of jurisdiction.

GRANITE BITUMINOUS PAVING CO. *v.* LANDIS.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR
THE EASTERN DISTRICT OF MINNESOTA.

No. 528. Submitted May 3, 1909.—Decided May 17, 1909.

The Circuit Court has not jurisdiction of a suit against a number of delinquent taxpayers for assessment work where the assessment due from each taxpayer is less than two thousand dollars.

APPELLANT (complainant below) filed its bill against a large number of defendants to foreclose on special tax bills for assessment work done and for which defendant's property was liable. The assessments aggregated more than two thousand dollars, but each assessment was less than that amount. The Circuit Court dismissed the bill, holding that complainant had a separate and distinct action at law in the state court on each special tax bill, and that as each was less than two thousand dollars the Federal courts had no jurisdiction. Complainant appealed directly to this court.

214 U. S.

Statement of the Case.

Mr. W. L. Sturdevant for appellant.

There was no appearance for appellee.

Per Curiam: The Circuit Court properly held that it had no jurisdiction, for want of the jurisdictional amount, and its decree dismissing the bill is affirmed with costs.

MATTER OF HENRY C. PEARSON, PETITIONER.

MOTION FOR LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS.

No. —. Original. Submitted May 17, 1909.—Decided May 24, 1909.

Leave to file petition for mandamus to the Chief Justice and the associate justices of the Court of Claims to make a report to the President of the Senate on petitioner's claim denied.

As stated by the Court of Claims, Henry C. Pearson filed a claim for three months' extra pay proper as an officer in the Volunteer Service during the civil war under the act of March 3, 1865; on May 22, 1908, the United States Senate referred to the court Bill No. 7013 of the 60th Congress, First Session, authorizing the Secretary of the Treasury to reexamine and adjust claims of persons (including petitioner) under the act of March 3, 1865. The court found that the petitioner was loyal and also made the following finding:

Henry C. Pearson was enrolled July 1, 1863, as private, Co. N, 21st Pennsylvania Cavalry Volunteers, for six months. He reenlisted for three years as a veteran volunteer on February 10, 1864, was promoted to First Lieutenant and Adjutant February 26, 1864, and was in the service of the United States in such grade of First Lieutenant and Adjutant on March 3, 1865. Said claimant continued in the service of the United States from March 3, 1865, until April 7, 1865, at which time he was discharged from the military service by order of the Secretary of War "on account of physical disability from wounds