

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

received in action." The claim herein is neither a legal nor an equitable claim against the United States and the court is therefore without jurisdiction to liquidate the amount, the same resting in the bounty of Congress.

Thereupon this motion for mandamus was filed, the petitioner claiming that he had a clear legal right to have the Court of Claims report to the President of the Senate the amount which he would receive and the Government pay if Congress should enact into law Senate Bill No. 7013, and that it was the duty of the Court of Claims so to do under the Tucker act.

Mr. Charles F. Carusi, Mr. C. W. Pennebaker and Mr. Eugene A. Jones for petitioner.

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

MATTER OF TOBIN, PETITIONER.

MATTER OF KRISTIANSON.

MOTION FOR LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS AGAINST HONORABLE PAGE MORRIS, DISTRICT JUDGE OF THE UNITED STATES FOR THE DISTRICT OF MINNESOTA, AND AGAINST THE CIRCUIT COURT OF THE UNITED STATES FOR THAT DISTRICT.

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

Leave to file petition for mandamus to remand a case to the state court denied.

As stated in the petition, petitioner is plaintiff in an action against the Republic Iron and Steel Company, a corporation, commenced in the state court which had jurisdiction.

Defendant filed a bond and petition for removal, and caused