

## 214 U. S. Cases Disposed of Without Consideration by the Court.

ETC. May 24, 1909. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr. Frederick M. Brown* for petitioner. *Mr. J. Parker Kirlin* and *Mr. Charles R. Hickox* for respondents.

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No. 864. F. S. KRETSINGER, TRUSTEE, PETITIONER, *v.* JOHN H. BROWN, AS EXECUTOR, ETC., ET AL. June 1, 1909. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Henry T. Rogers* for petitioner. *Mr. Henry A. Dubbs* for respondents.

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No. 896. THE UNITED STATES, PETITIONER, *v.* BERLINGER, BROWN & MEYER. June 1, 1909. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *The Attorney General* and *The Solicitor General* for petitioner. *Mr. Joseph G. Kammerlohr* for respondents.

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No. 897. JOHNSON R. MORRIS, PETITIONER, *v.* THE UNITED STATES. June 1, 1909. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Shepard Barclay* and *Mr. Thomas T. Fauntleroy* for petitioner. *The Attorney General* and *The Solicitor General* for respondent.

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CASES DISPOSED OF WITHOUT CONSIDERATION  
BY THE COURT FROM FEBRUARY 24 TO JUNE 1,  
1909.

No. 155. THE TEXAS & PACIFIC RAILWAY COMPANY ET AL., PLAINTIFFS IN ERROR, *v.* B. F. ALLEN. In error to the Supreme Court of the State of Texas. February 24, 1909. Dis-

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missed with costs on motion of *Mr. W. L. Hall*, for the plaintiffs in error. *Mr. John F. Dillon*, *Mr. D. D. Duncan* and *Mr. W. L. Hall* for plaintiffs in error. No appearance for defendant in error.

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No. 119. ALBERT H. RUSCH, PLAINTIFF IN ERROR, *v.* THE ESCANABA TIMBER LAND COMPANY. In error to the Supreme Court of the State of Michigan. February 26, 1909. Dismissed with costs, on motion of counsel for the plaintiff in error. *Mr. E. C. Chapin* and *Mr. O. H. Reed* for plaintiff in error. *Mr. C. C. Lancaster* for defendant in error.

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No. 122. THE EDISON ELECTRIC COMPANY, APPELLANT, *v.* THE CITY OF PASADENA ET AL. Appeal from the Circuit Court of the United States for the Southern District of California. March 16, 1909. Dismissed with costs, on authority of counsel for appellant. *Mr. H. H. Trowbridge* for appellant. *Mr. C. J. Willett*, *Mr. William J. Hunsaker* and *Mr. J. P. Wood* for appellees.

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No. 126. W. A. HUFF, INDIVIDUALLY AND AS TRUSTEE, ETC., ET AL., APPELLANTS, *v.* WILLIAM L. BIDWELL ET AL. Appeal from the United States Circuit Court of Appeals for the Fifth Circuit. March 17, 1909. Dismissed with costs, pursuant to the tenth rule. *Mr. Augustus O. Bacon* for appellants. *Mr. Minter Wimberly*, *Mr. Clifford L. Anderson*, *Mr. N. E. Harris*, *Mr. Thomas B. Felder, Jr.*, and *Mr. Olin J. Wimberly* for appellees.

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No. 134. SANTA RITA MINING COMPANY, PLAINTIFF IN ERROR, *v.* JAMES N. UPTON. In error to the Supreme Court of the Territory of New Mexico. March 18, 1909. Dismissed

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with costs, pursuant to the tenth rule. *Mr. W. B. Childers* for plaintiff in error. No appearance for appellee.

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NO. 460. THE GARFIELD MEMORIAL HOSPITAL, PLAINTIFF IN ERROR, *v.* HENRY B. F. MACFARLAND ET AL., COMMISSIONERS OF THE DISTRICT OF COLUMBIA. In error to the Court of Appeals of the District of Columbia. March 22, 1909. Dismissed with costs on motion of *Mr. James H. Hayden* for the plaintiff in error. *Mr. James H. Hayden* for plaintiff in error. No appearance for defendants in error.

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NO. 116. THE PEOPLE OF THE STATE OF NEW YORK ON THE RELATION OF THE NEW YORK ELECTRIC LINES CO., PLAINTIFFS IN ERROR, *v.* WILLIAM B. ELLISON, COMMISSIONER OF WATER SUPPLY, GAS, AND ELECTRICITY OF THE CITY OF NEW YORK ET AL. In error to the Supreme Court of the State of New York. April 5, 1909. Dismissed with costs on motion of *Mr. Frederic D. McKenney*, in behalf of counsel for the plaintiff in error. *Mr. W. B. Burnet* and *Mr. J. Aspinwall Hodge* for plaintiffs in error. *Mr. F. K. Pendleton* and *Mr. Theodore Connolly* for defendants in error.

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NO. 646. MARIA CRUZ DE GODINES ET AL., APPELLANTS, *v.* FRANCIS H. DEXTER. Appeal from the District Court of the United States for Porto Rico. April 5, 1909. Dismissed with costs on motion of *Mr. Frederic D. McKenney*, in behalf of counsel. *Mr. Willis Sweet* and *Mr. T. D. Mott, Jr.*, for appellants. No appearance for appellee.

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NO. 135. THE ORDER OF RAILROAD TELEGRAPHERS, APPELLANT, *v.* THE LOUISVILLE & NASHVILLE RAILROAD COM-



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PANY. Appeal from the Circuit Court of the United States for the Western District of Kentucky. April 7, 1909. Dismissed with costs, pursuant to the sixteenth rule, on motion of *Mr. T. Kennedy Helm* for the appellee. *Mr. Benjamin F. Washer* for appellant. *Mr. James P. Helm*, *Mr. Henry L. Stone* and *Mr. Benjamin D. Warfield* for appellee.

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No. 147. EMETERIO ALVAREZ, POTENCIA MARIANO ET AL., PLAINTIFFS IN ERROR, *v.* SEVERINA LERMA MARTINEZ DE ALMEDA. In error to the Supreme Court of the Philippine Islands. April 8, 1909. Dismissed with costs, pursuant to the tenth rule. *Mr. John M. Thurston* for plaintiffs in error. *Mr. Marion Butler*, *Mr. Josiah M. Vale* and *Mr. Lionel D. Hargis* for defendant in error.

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No. 160. HUACHUCA WATER COMPANY, APPELLANT, *v.* THE CITY OF TOMBSTONE. Appeal from the Supreme Court of the Territory of Arizona. April 14, 1909. Dismissed with costs, pursuant to the tenth rule. *Mr. Allen R. English* for appellant. *Mr. H. L. Pickett* for appellee.

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No. 186. THE LOUISVILLE & SOUTHERN INDIANA TRACTION COMPANY, PLAINTIFF IN ERROR, *v.* ZACH T. LEAF. In error to the Supreme Court of the State of Indiana. April 22, 1909. Dismissed with costs, pursuant to the tenth rule. *Mr. Merrill Moores* for plaintiff in error. *Mr. George E. Sullivan* and *Mr. Horace L. B. Atkisson* for defendant in error.

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No. 595. GREAT NORTHERN RAILWAY COMPANY, PLAINTIFF IN ERROR, *v.* THE UNITED STATES. In error to the Circuit Court of the United States for the Southern District of

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New York. April 26, 1909. Dismissed on motion of counsel for plaintiff in error. *Mr. Joseph G. Dudley* for plaintiff in error. *The Attorney General* for defendant in error.

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No. 195. C. ELMER SMITH ET AL., EXECUTORS, ETC., APPELLANTS, *v.* THE KING OF ARIZONA MINING & MILLING COMPANY ET AL. In error to the Supreme Court of the Territory of Arizona. April 27, 1909. Dismissed with costs, pursuant to the tenth rule. *Mr. J. F. Conroy* for appellants. *Mr. Eugene S. Ives* for appellees.

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No. 199. CANDIDO ACOSTA, ANTONIO ACOSTA, AND ANSELMO ACOSTA, APPELLANTS, *v.* THE PEOPLE OF PORTO RICO. In error to the Supreme Court of Porto Rico. April 28, 1909. Dismissed with costs on motion of *Mr. George H. Lamar* in behalf of counsel for the appellants. *Mr. N. B. K. Pettingill* for appellants. No appearance for appellees.

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No. 718. CENTURY MERCANTILE COMPANY, PLAINTIFF IN ERROR, *v.* JOHN HOFMAN COMPANY. In error to the Court of Appeals of the State of New York. April 29, 1909. Judgment reversed upon confession of error and request of defendant in error, and cause remanded to be proceeded in according to law and justice. *Mr. Herbert D. Bailey* for plaintiff in error. *Mr. John A. Barhite* for defendant in error.

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No. 211. JACINTHO MIGUEL, PLAINTIFF IN ERROR, *v.* THE TERRITORY OF HAWAII. In error to the Supreme Court of the Territory of Hawaii. April 30, 1909. Dismissed with costs,

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pursuant to the tenth rule. *Mr. Jacintho Miguel pro se.* No appearance for defendant in error.

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No. 347. THE TEXAS & PACIFIC RAILWAY COMPANY ET AL., PLAINTIFFS IN ERROR, *v.* W. H. TUCKER, GUARDIAN, ETC. In error to the Court of Civil Appeals for the Second Supreme Judicial District of the State of Texas. May 3, 1909. Judgment reversed with costs upon confession of error and request of defendant in error, and cause remanded to be proceeded in according to law and justice. *Mr. John F. Dillon* and *Mr. W. L. Hall* for plaintiffs in error. *Mr. Theodore Mack* for defendant in error.

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No. 433. THE TOWN OF STEAMBOAT SPRINGS ET AL., APPELLANTS, *v.* THE STEAMBOAT SPRINGS ELECTRIC COMPANY. Appeal from the Circuit Court of the United States for the District of Colorado. May 17, 1909. Dismissed with costs on motion of counsel for appellants. *Mr. Edward P. Costigan* for appellants. *Mr. Tyson S. Dines*, *Mr. Elmer E. Whitted* and *Mr. Peter J. Holme* for appellee.