

PFAELZER *v.* BACH FUR COMPANY.

ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR
THE SOUTHERN DISTRICT OF NEW YORK.

No. 290. Submitted November 1, 1909.—Decided November 8, 1909.

A writ of error to the Circuit Court of the United States dismissed
for want of final judgment on the authority of *McLish v. Roff*, 141
U. S. 661.¹

Mr. A. S. Gilbert for plaintiff in error.

Mr. Benjamin N. Cardozo for defendant in error.

Per Curiam. Writ of error dismissed for want of final
judgment. *McLish v. Roff*, 141 U. S. 661.

BARKER *v.* BUTTE CONSOLIDATED MINING
COMPANY.

ERROR TO THE SUPREME COURT OF THE STATE OF MONTANA.

No. 32. Submitted November 12, 1909.—Decided November 15, 1909.

A writ of error to the highest court of a State dismissed for want of
jurisdiction on the authority of previous decisions.

Writ of error to review 35 Montana, 327, dismissed.

¹ The headnote in *McLish v. Roff* is as follows:

Under § 5 of the act of March 3, 1891, c. 517, 26 Stat. 826, "to establish Circuit Courts of Appeal," etc., the appeal or writ of error which may be taken "from the existing Circuit Courts direct to the Supreme Court," "in any case in which the jurisdiction of the court is in issue," can be taken only after final judgment; when the party against whom it is rendered must elect whether he will take his writ of error or appeal to this court upon the question of jurisdiction alone, or to the Circuit Court of Appeals upon the whole case.