

NORTH CAROLINA MINING COMPANY *v.*
WESTFELDT.

APPEAL FROM THE UNITED STATES CIRCUIT COURT OF APPEALS
FOR THE FOURTH CIRCUIT.

No. 580. Motion to dismiss or affirm submitted November 8, 1909.—
Decided November 15, 1909.

An appeal from the Circuit Court of Appeals (166 Fed. Rep. 706)
dismissed for want of jurisdiction on the authority of prior decisions.

CAUSE below heard before Fuller, Circuit Justice, and Morris and Brawley, District Judges, composing the court, and decree rendered January 12, 1909, 166 Fed. Rep. 706; petition for rehearing denied February 4, 1909; application for certiorari denied April 19, 1909, 214 U. S. 516; application to the Circuit Court of Appeals, Waddill, McDowell and Keller, District Judges, sitting, for allowance of appeal denied May 13, 1909; appeal granted June 12, 1909, by Goff, Circuit Judge, and motion to set aside that order denied August 21, 1909, Goff, Circuit Judge, stating: "I find myself impelled to the conclusion that the disposition by the Supreme Court of a motion to dismiss said appeal, will under the circumstances now existing best protect the interests of all the parties hereto, and will also settle a question of practice concerning which there is at this time doubt and confusion."

Mr. Joseph J. Hooker, Mr. James H. Merrimon, Mr. Hannis Taylor and Mr. Charles A. Moore for the appellant.

Mr. Julius C. Martin, Mr. Alfred S. Barnard and Mr. F. A. Sondley for the appellees.

Per Curiam. Appeal dismissed for want of jurisdiction.

215 U. S.

Per Curiam.

Macfadden v. United States, 213 U. S. 288; *Greeley v. Lowe*, 155 U. S. 58; *In re Winn*, 213 U. S. 458; *In re Moore*, 209 U. S. 490.

GUARANTY TRUST COMPANY v. METROPOLITAN
STREET RAILWAY COMPANY.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR
THE SOUTHERN DISTRICT OF NEW YORK.

No. 607. Motion to dismiss submitted November 8, 1909.—Decided
November 15, 1909.

An appeal from the Circuit Court dismissed without opinion on the
authority of previous decisions.

*Mr. Julien T. Davies, Mr. Brainard Tolles and Mr. John C.
Spooner* for the appellant.

*Mr. Arthur H. Masten, Mr. Matthew C. Fleming, Mr.
W. M. Chadbourne, Mr. Wm. M. Coleman, Mr. James Byrne
and Mr. Frank H. Platt* for the appellees.

Per Curiam. Appeal dismissed for want of jurisdiction.
Carey v. Houston & Texas Central Railway Co., 150 U. S. 170;
In re Lennon, 150 U. S. 393; *Cornell v. Green*, 163 U. S. 75;
Empire State-Idaho Mining & Developing Co. v. Hanley, 205
U. S. 225; *Goodrich v. Ferris*, 214 U. S. 71; *Farrell v. O'Brien*,
199 U. S. 89; *Louisville Trust Co. v. Knott*, 191 U. S. 225;
United States v. Larkin, 208 U. S. 333; *Atlantic Trust Co. v.
Chapman, Receiver*, 208 U. S. 360; *Bien v. Robinson, Re-
ceiver*, 208 U. S. 423; *Delmar Jockey Club v. Missouri*, 210
U. S. 324; and see *In re Metropolitan Railway Receivership*,
208 U. S. 90; *Guaranty Trust Co. v. Metropolitan Street Ry.*