

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, Receiver*, 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.*

Co., 166 Fed. Rep. 569; 168 Fed. Rep. 937; 170 Fed. Rep. 335; 170 Fed. Rep. 625; 170 Fed. Rep. 626; 171 Fed. Rep. 1014; 171 Fed. Rep. 1015; 171 Fed. Rep. 1019; *Morton Trust Co. v. Metropolitan Street Ry. Co.*, 170 Fed. Rep. 336; *Guaranty Trust Co. v. Second Ave. Ry. Co.*, 171 Fed. Rep. 1020; *Pennsylvania Steel Co. v. Metropolitan Street Ry. Co.*, 170 Fed. Rep. 623.

HELVETIA-SWISS FIRE INSURANCE COMPANY *v.*
BRANDENSTEIN.

ERROR TO THE CIRCUIT COURT OF APPEALS FOR THE SECOND
CIRCUIT.

No. 481. Motion to dismiss submitted November 15, 1909.—Decided
November 29, 1909.

A writ of error to the Circuit Court of Appeals dismissed without
opinion on the authority of *Macfadden v. United States*, 213 U. S.
288.¹

¹ The pertinent headnotes in *Macfadden v. United States* are as follows:

Although where a real constitutional question exists a writ of error can be sued out directly from this court to the trial court under § 5 of the act of 1891, the right to do so is lost by taking an appeal to the Circuit Court of Appeals. *Robinson v. Caldwell*, 165 U. S. 359.

The Circuit Court of Appeals does not lose its jurisdiction of an appeal under § 6 of the act of 1891 because questions were involved which would have warranted a direct appeal to this court under § 5 of that act.

Where the case can be taken directly to this court under § 5, or to the Circuit Court of Appeals under § 6, and the latter appeal is taken, while a writ of error will lie to the Circuit Court of Appeals if the jurisdiction of the Circuit Court rests, as shown by plaintiff's statement, on grounds, one of which is reviewable by this court, it will not lie if the only ground of jurisdiction is one where the judgment of the Circuit Court of Appeals is final.