

217 U. S.

Per Curiam.

## WENAR v. JONES, BISHOP OF PORTO RICO.

## APPEAL FROM THE SUPREME COURT OF PORTO RICO.

No. 143. Submitted April 8, 1910.—Decided April 25, 1910.

In this case the decision appealed from, being merely an order to dismiss and not a determination on the merits, is not reviewable here and the appeal is dismissed for want of jurisdiction.

APPELLEE contended that the decision appealed from is not in itself of a reviewable character being merely an order dismissing an appeal and not a determination on the merits.

*Mr. Willis Sweet* for appellant.

*Mr. Paul Fuller* and *Mr. Howard Thayer Kingsbury* for appellee.

*Per Curiam.* Appeal dismissed for want of jurisdiction. *Harrington v. Holler*,<sup>1</sup> 111 U. S. 796, and cases cited.

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<sup>1</sup> The headnote in this case is as follows:

A decision of the Supreme Court of a Territory dismissing a writ of error to a District Court because of failure to docket the cause in time is not a final judgment or decision within the meaning of the statutes regarding writs of error and appeals to this court. Mandamus is the proper remedy in such case.