

217 U. S.

Statement of the Case.

which they were residents or inhabitants, it appearing from the bill that they were citizens of Pennsylvania. The court sustained the motion.

*Mr. Charles W. Fulton* and *Mr. Douglas W. Bailey* for appellants.

No appearance for appellees.

*Per Curiam.* Decree reversed with costs and cause remanded to be proceeded in according to law. *Jellenik v. Huron Copper Mining Company*, 177 U. S. 1; 18 Stat. 470, c. 137, § 8; Code of Oregon, §§ 5064, 300, 301.

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### BRADY *v.* BERNARD & KITTINGER.

APPEAL FROM, AND PETITION FOR CERTIORARI TO, THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SIXTH CIRCUIT.

No. 501. Petition for certiorari and motion to dismiss submitted April 26, 1910.—Decided May 2, 1910.

An appeal from an adjudication in bankruptcy taken under § 25a of the Bankruptcy Act of 1898 dismissed because taken too late.

APPEAL from an adjudication in bankruptcy taken under § 25a of the Bankruptcy Act.

Appellee contended in this case that the appeal came too late as it was taken more than ten days after the order. Appellant contended that as he had filed a petition to set aside the order the time ran from denial of that order. The petition to set aside was not filed until more than ten days after the adjudication.

Per Curiam.

217 U. S.

*Mr. Norman Farrell, Jr., and Mr. Hill McAlister* for appellants.

*Mr. Edwin C. Brandenburg, Mr. Clarence A. Brandenburg, Mr. F. Walter Brandenburg, Mr. A. E. Wilson and Mr. James R. Duffin* for appellees.

*Per Curiam.* Appeal dismissed for want of jurisdiction and petition for writ of certiorari denied.

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#### EX PARTE MORSE, PETITIONER.

##### MOTION FOR LEAVE TO FILE A PETITION FOR A WRIT OF HABEAS CORPUS.

No. —, Original. Submitted May 2, 1910.—Decided May 16, 1910.

Motion for leave to file a petition for writ of *habeas corpus* on the ground that petitioner was restrained under a judgment of sentence of imprisonment entered by a court without jurisdiction and in disregard of petitioner's constitutional rights, denied without opinion.

PETITIONER was tried, convicted and sentenced. He filed this petition alleging that his trial was not impartial, that special government agents were in charge of the jury, that one juror was mentally disqualified, that the court submitted the question of intent to deceive which was not in the indictment, and that the sentence was in excess of the term prescribed by the statute.

*Mr. Martin W. Littleton* for petitioner.

*Per Curiam.* Motion for leave to file petition denied.