

217 U. S.

Syllabus.

that it is one arising under the laws of the United States, there being two reasons for so classifying it. The first reason being that this cause of action is given by the law of the District of Columbia, and that, as expressly decided by this court in the case of *Cohens v. Virginia*, 6 Wheat. 264, when a right given by the acts of Congress passed for the District of Columbia is asserted the case is one arising under the laws of the United States within the meaning of the Constitution and of the Judiciary Act.

The second reason is that a national bank having its habitat in the District of Columbia is entitled to sue in the Circuit and District Courts as a Federal corporation, its location exempting it from the operation of those acts which deny to national banks located in States the right to sue in the Circuit and District Courts on the ground of their Federal origin.

Mr. Benjamin S. Minor, Mr. Horace B. Stanton, Mr. Edward A. Adler, Mr. B. Devereux Barker, and Mr. Chandler M. Wood for plaintiff in error.

Mr. Alexander Wolf and Mr. Edward S. Goulston for defendant in error.

Per Curiam. Judgment affirmed with costs without opinion.

UNITED STATES *v.* SEWELL.

ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR
THE EASTERN DISTRICT OF KENTUCKY.

No. 181. Argued April 29, 1910.—Decided May 31, 1910.

United States v. Welch, 217 U. S. 333, followed.

Before the Government is required to pay for land held to have been taken by it, the owners should furnish a survey definitely ascertaining the land by metes and bounds.

Mr. Assistant Attorney General John Q. Thompson for plaintiff in error.

Mr. Edward S. Jouett for defendant in error.

Per Curiam. The judgment is affirmed on the authority of *United States v. Welch*, decided April 25, 1910, *ante*, p. 333; but it is ordered that before the Government is required to pay for the land held to have been taken plaintiffs below shall furnish a survey definitely ascertaining the land by metes and bounds.

Affirmed.

*Decisions on Petitions for Writs of Certiorari from
April 11 to May 31, 1910.*

No. 843. GERMAN ALLIANCE INSURANCE COMPANY, PETITIONER, *v.* HOME WATER SUPPLY COMPANY. April 11, 1910. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted. *Mr. Hartwell Cabell* for the petitioner. No appearance for the respondent.

No. 838. E. G. COFFIN ET AL., ETC., PETITIONERS, *v.* CHAS. R. FLINT. April 11, 1910. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied. *Mr. R. C. Strudwick* and *Mr. E. J. Justice* for the petitioners. *Mr. J. H. Merri-
mon* and *Mr. J. Frank Snyder* for the respondent.

No. 840. THE SOUTHERN PAVING & CONSTRUCTION COMPANY, PETITIONER, *v.* THE CITY OF GREENSBORO.