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Opinions Per Curiam, Etc.

OPINIONS PER CURIAM, ETC., FROM FEBRUARY 21 TO MAY 29, 1911.

No. 532. THE MISSOURI, KANSAS & TEXAS RAILWAY COMPANY, PLAINTIFF IN ERROR, *v.* C. W. RICHARDSON. Error to the Court of Civil Appeals for the Fifth Supreme Judicial District of the State of Texas. Motion to dismiss or affirm submitted February 27, 1911. Decided March 6, 1911. *Per Curiam*. Judgment affirmed with costs. *Louisville & Nashville Railroad Company v. Melton*, 218 U. S. 36; *Mobile, Jackson & Kansas City Railroad Company v. Turnipseed, Administrator, &c.*, 219 U. S. 35. *Mr. Cecil H. Smith, Mr. James Hagerman and Mr. Joseph M. Bryson* for the plaintiff in error. *Mr. Joseph W. Bailey and Mr. Rice Maxey* for the defendant in error.

No. 640. THE VICKSBURG WATER WORKS COMPANY, PLAINTIFF IN ERROR, *v.* YAZOO & MISSISSIPPI VALLEY RAILROAD COMPANY. Error to the Supreme Court of the State of Mississippi. Motion to dismiss or affirm submitted February 27, 1911. Decided March 6, 1911. *Per Curiam*. Dismissed for want of jurisdiction. *Great Western Telegraph Company v. Burnham*, 162 U. S. 339; *Slosser v. Hemphill*, 198 U. S. 173. *Mr. J. C. Bryson* for the plaintiff in error. *Mr. Charles N. Burch and Mr. Edward Mayes* for the defendant in error.

No. 83. ADA ELMIRA HIRST VAN SYCKEL ET AL., APPELLANTS, *v.* JUAN JOSE ARSUAGA ET AL., PARTNERS AS SOBRINOS DE EZQUIAGA ET AL. Appeal from the District

Court of the United States for Porto Rico. Argued March 7, 1911. Decided March 13, 1911. *Per Curiam*. Dismissed for want of jurisdiction. *St. Louis, Iron Mountain & S. R. R. Co. v. Express Co.*, 108 U. S. 24, 28; *Southern Ry. Co. v. Postal Telegraph Cable Co.*, 179 U. S. 641, 644; *Covington v. First Nat. Bank*, 185 U. S. 270, 277; *Heike v. United States*, 217 U. S. 423, 429. *Mr. George H. Lamar and Mr. N. B. K. Pettingill* for the appellants. *Mr. Charles F. Carusi and Mr. Francis H. Dexter* for the appellees.

NO. 90. IRA PERRYMAN, BY O. H. PERRYMAN, HIS NEXT FRIEND, PLAINTIFF IN ERROR, *v. THOMAS W. COLEMAN, JR., JUDGE, ETC.* Error to the Supreme Court of the State of Alabama. Submitted for the plaintiff in error March 10, 1911. Decided March 13, 1911. *Per Curiam*. Dismissed for want of jurisdiction. *Mutual Life Ins. Co. v. McGrew*, 188 U. S. 291, 308; *Farrell v. O'Brien*, 199 U. S. 100; *Kaufman v. Smith*, 216 U. S. 610. *Mr. John B. Knox* for the plaintiff in error. No appearance for the defendant in error.

NO. 91. JESSE NICHOLS, PLAINTIFF IN ERROR, *v. THE CITY OF CLEVELAND.* Error to the Supreme Court of the State of Ohio. Argued March 10, 1911. Decided March 13, 1911. *Per Curiam*. Dismissed for want of jurisdiction. *Great Western Telegraph Company v. Burnham*, 162 U. S. 339, 341; *Schlosser v. Hemphill*, 198 U. S. 173. *Mr. Andrew Squire and Mr. William B. Sanders* for the plaintiff in error. *Mr. Newton D. Baker* for the defendant in error.

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No. 94. BOX ELDER POWER & LIGHT COMPANY, PLAINTIFF IN ERROR, *v.* BRIGHAM CITY. Error to the Supreme Court of the State of Utah. Argued for the plaintiff in error and submitted for the defendant in error March 10, 1911. Decided March 13, 1911. *Per Curiam*. Dismissed for want of jurisdiction. *Mutual Life Ins. Co. v. McGrew*, 188 U. S. 291, 308; *Farrell v. O'Brien*, 199 U. S. 100; *Kaufman v. Smith*, 216 U. S. 610. Mr. Charles C. Dey, Mr. Hiram E. Booth and Mr. E. A. Walton for the plaintiff in error. Mr. William H. King, Mr. Henry P. Henderson and Mr. Edward B. Critchlow for the defendant in error.

No. 862. THE HOME FOR DESTITUTE CHILDREN ET AL., APPELLANTS, *v.* THE PETER BENT BRIGHAM HOSPITAL ET AL., TRUSTEES, ETC. Appeal from the Circuit Court of the United States for the District of Massachusetts. Motion to dismiss or affirm submitted March 6, 1911. Decided March 13, 1911. *Per Curiam*. Dismissed for want of jurisdiction. *Farrell v. O'Brien*, 199 U. S. 100; *Kaufman v. Smith*, 216 U. S. 610. Mr. Charles A. Snow and Mr. Joseph H. Knight for the appellants. Mr. J. L. Thorndike for the appellees.

No. 596. GLOBE PRINTING COMPANY OF ST. LOUIS, PLAINTIFF IN ERROR, *v.* SAMUEL B. COOK. Error to the Supreme Court of the State of Missouri. Motion to dismiss or affirm submitted March 13, 1911. Decided March 20, 1911. *Per Curiam*. Dismissed for want of jurisdiction. *Farrell v. O'Brien*, 199 U. S. 100; *Kaufman v. Smith*, 216 U. S. 610; *Waters-Pierce Oil Co. v. Texas*, 212 U. S. 112, 116, and cases cited; *Kansas City Star Com-*

pany v. Julian, 215 U. S. 589, 590, and cases cited in last paragraph. *Mr. Edward C. Crow* and *Mr. Hannis Taylor* for the plaintiff in error. *Mr. John H. Atwood* for the defendant in error.

No. 328. *GEORGE BIRD ET AL., INDIVIDUALLY AND AS TRUSTEES, ETC., APPELLANTS, v. JAMES M. ASHTON ET AL.* Appeal from the Circuit Court of the United States for the Western District of Washington. Motion to dismiss or affirm submitted April 3, 1911. Decided April 10, 1911. *Per Curiam*. Dismissed for want of jurisdiction. *McGivra v. Ross*, 215 U. S. 70; *Shively v. Bowlby*, 152 U. S. 1; *Goodrich v. Ferris*, 214 U. S. 71, 81; *Farrell v. O'Brien*, 189 U. S. 89; *United States Fidelity &c. Co. v. United States*, 204 U. S. 516, and cases cited. *Mr. Benjamin S. Grosscup* for the appellants. *Mr. W. P. Bell*, *Mr. Frederic D. McKenney*, *Mr. W. H. Doolittle* and *Mr. James M. Ashton* for the appellees.

No. —. Original. *Ex parte: IN THE MATTER OF HOWARD B. MANINGTON ET AL., PETITIONERS.* Motion for leave to file petition submitted April 3, 1911. Decided April 10, 1911. *Per Curiam*. Motion for leave to file petition for writ of mandamus denied. See *Ex parte Harding*, 219 U. S. 363, decided at this term. *Mr. R. W. McCoy* and *Mr. Smith W. Bennett* for the petitioner. No one opposing.

No. 828. *HARRY L. BURGOYNE, TRUSTEE, ET AL., APPELLANTS, v. PATRICK E. MCKILLIP ET AL.* Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Motion to dismiss or affirm and petition for

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certiorari submitted April 3, 1911. Decided April 17, 1911. *Per Curiam*. Dismissed for want of jurisdiction. *First National Bank v. Estherville*, 215 U. S. 341, 346; *Rogers v. Clark Iron Co.*, 217 U. S. 589. Petition for a writ of certiorari denied. *Mr. C. C. Flansburg and Mr. Robert Ramsey* for the appellants and petitioners. *Mr. Francis A. Brogan* for the appellees and respondents.

No. 123. WILLIAM P. DEVOU, EXECUTOR OF SARAH O. DEVOU, DECEASED, PLAINTIFF IN ERROR, *v.* CINCINNATI, COVINGTON & ERLANGER RAILWAY COMPANY. Error to the Court of Appeals of the State of Kentucky. Argued for the plaintiff in error April 12, 1911. Decided April 17, 1911. *Per Curiam*. Dismissed for want of jurisdiction. *First National Bank v. Estherville*, 215 U. S. 341, 346; *Rogers v. Clark Iron Co.*, 217 U. S. 589; *Waters-Pierce Oil Co. v. Texas*, 212 U. S. 112, 116, 117, and cases cited; *Cincinnati &c. Railway Co. v. Slade*, 216 U. S. 78, 83. *Mr. Herbert Jackson* for the plaintiff in error. *Mr. Frank Wright Cottle, Mr. Alfred C. Cassatt and Mr. Richard P. Ernst* for the defendant in error.

No. 919. BENJAMIN W. HUBBARD, PLAINTIFF IN ERROR, *v.* WORCESTER ART MUSEUM. Error to the Circuit Court of the United States for the District of Massachusetts. Motion to dismiss or affirm submitted April 10, 1911. Decided April 17, 1911. *Per Curiam*. Dismissed for want of jurisdiction. *First National Bank v. Estherville*, 215 U. S. 341, 346; *Rogers v. Clark Iron Co.*, 217 U. S. 589; *Waters-Pierce Oil Co. v. Texas*, 212 U. S. 112, 116, 117, and cases cited; *Cincinnati &c. Railway Co. v. Slade*, 216 U. S. 78, 83. See *Home for Destitute Children v. Peter*

Brent Brigham Hospital, ante p. 603, decided at this term. Mr. Charles A. Snow and Mr. Joseph H. Knight for the plaintiff in error. Mr. John Chipman Gray and Mr. Roland Gray for the defendant in error.

No. 120. RAT PORTAGE LUMBER COMPANY, PLAINTIFF IN ERROR, *v.* THE STATE OF MINNESOTA; and No. 121. LESURE LUMBER COMPANY, PLAINTIFF IN ERROR, *v.* THE STATE OF MINNESOTA. Error to the Supreme Court of the State of Minnesota. Argued April 11, 1911. Decided April 17, 1911. *Per Curiam*. Dismissed for want of jurisdiction. *First National Bank v. Estherville*, 215 U. S. 341, 346; *Rogers v. Clark Iron Co.*, 217 U. S. 589; *Farrell v. O'Brien*, 199 U. S. 100; *Griffith v. Connecticut*, 218 U. S. 563, 571; *St. Paul Gas Light Co. v. St. Paul*, 181 U. S. 142, 151. Mr. R. R. Briggs and Mr. M. H. Stanford for the plaintiffs in error. Mr. George T. Simpson, Mr. C. S. Jelley and Mr. Clifford L. Hilton for the defendant in error.

No. 155. THE NEW YORK CENTRAL & HUDSON RIVER RAILROAD COMPANY, PLAINTIFF IN ERROR, *v.* WILLIAM SCHRADIN, AS ADMINISTRATOR, ETC. Error to the Supreme Court of the State of New York. Argued and submitted April 26, 1911. Decided May 15, 1911. *Per Curiam*. Judgment affirmed with costs. *Louisville & Nashville Railroad Company v. Melton*, 218 U. S. 36. Mr. Charles C. Paulding, Mr. Thomas Emery, and Mr. Charles F. Brown for the plaintiff in error. Mr. George Vivian Smith for the defendant in error.

No. 147. HENRY MELVILLE WALKER, APPELLANT, *v.* MARY W. HARRIMAN, EXECUTRIX OF EDWARD H. HARRI-

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MAN, DECEASED. Appeal from the Circuit Court of the United States for the Southern District of New York. Argued April 25, 1911. Decided May 15, 1911. *Per Curiam*. Dismissed for want of jurisdiction. *Southern Railway Co. v. Postal Telegraph Cable Company*, 179 U. S. 641. *Mr. B. C. Chetwood* for the appellant. *Mr. Maxwell Evarts* for the appellee.

No. 942. JESSIE B. THOMAS, PLAINTIFF IN ERROR, *v.* JOHN R. THOMAS. Error to the Supreme Court of the State of Oklahoma. Motion to dismiss or affirm submitted May 1, 1911. Decided May 15, 1911. Dismissed for want of jurisdiction. *Mr. Frank Dale* and *Mr. A. G. C. Bierer* for the plaintiff in error. *Mr. W. J. Hughes*, *Mr. Preston C. West*, *Mr. Horace Speed* and *Mr. W. T. Hutchings* for the defendant in error.

No. 853. ERIE RAILROAD COMPANY, PLAINTIFF IN ERROR, *v.* BLANCHE RUSSELL, ADMINISTRATRIX, ETC. Error to the United States Circuit Court of Appeals for the Second Circuit. Motion to dismiss or affirm and petition for writ of certiorari submitted March 20, 1911. Decided May 15, 1911. Dismissed for want of jurisdiction. Petition for writ of certiorari denied. *Mr. Frederic B. Jennings* for the plaintiff in error and petitioner. *Mr. George A. Clement* for the defendant in error and respondent.

No. 807. UNITED RAILWAYS COMPANY OF ST. LOUIS ET AL., APPELLANTS, *v.* THE CITY OF ST. LOUIS. Appeal from the Circuit Court of the United States for the Eastern District of Missouri. Motion to dismiss submitted

May 1, 1911. Decided May 15, 1911. Dismissed for want of jurisdiction. *Mr. H. S. Priest* for the appellants. *Mr. Lambert E. Walther* for the appellee.

No. 205. MISSOURI, KANSAS & TEXAS RAILWAY COMPANY OF TEXAS, PLAINTIFF IN ERROR, *v.* HARRY C. BAILEY. Error to the Court of Civil Appeals for the Fifth Supreme Judicial District of the State of Texas. Supplemental motion to dismiss or affirm submitted May 15, 1911. Decided May 29, 1911. *Per Curiam*. The judgment is affirmed with costs. *Missouri Pacific Ry. Co. v. Mackey*, 127 U. S. 205; *Minneapolis Ry. Co. v. Herrick*, 127 U. S. 210; *Chicago &c. R. R. v. Pontius*, 157 U. S. 209; *Tullis v. Lake Erie & W. Ry.*, 175 U. S. 348; *El Paso & N. E. Ry. v. Gutierrez*, 215 U. S. 87; *Chicago, B. & Quincy R. R. Co. v. McGuire*, 219 U. S. 549, 564. *Mr. Cecil H. Smith*, *Mr. James Hagerman* and *Mr. Joseph M. Bryson* for the plaintiff in error. *Mr. Joseph W. Bailey*, *Mr. Rice Maxey* and *Mr. J. A. L. Wolfe* for the defendant in error.

No. 521. THE PHILADELPHIA, BALTIMORE & WASHINGTON RAILROAD COMPANY, PLAINTIFF IN ERROR, *v.* LILLIAN TUCKER, ADMINISTRATRIX OF THE ESTATE OF SYDNEY R. TUCKER, DECEASED. Error to the Court of Appeals of the District of Columbia. Motion to dismiss or affirm submitted May 15, 1911. Decided May 29, 1911. *Per Curiam*. The judgment is affirmed with costs. *El Paso & N. E. Ry. v. Gutierrez*, 215 U. S. 87; *Chicago, B. & Q. R. R. Co. v. McGuire*, 219 U. S. 549. *Mr. Frederic D. McKenney*, *Mr. John Spalding Flannery* and *Mr. William Hitz* for the plaintiff in error. *Mr. Levi H. David* and *Mr. Alvin L. Newmyer* for the defendant in error.