

Opinion of the Court.

error for want of jurisdiction, in order that the reported decision may not appear to be a precedent for the exercise of jurisdiction by this court in a case of the kind.

Dismissed for want of jurisdiction.

CANNON v. UNITED STATES.

ERROR TO THE SUPREME COURT OF THE TERRITORY OF UTAH.

Decided May 10, 1886.

As the court had no jurisdiction in this case, 116 U. S. 55, and it was decided at the present term, the judgment is vacated, the mandate recalled, and the writ of error dismissed.

This case was argued on the 20th and 23d of November, 1885, and decided December 14, 1885. 116 U. S. 55. The reasons for setting aside the judgment and dismissing the writ of error are stated in the opinion of the court.

Mr. Franklin S. Richards, one of the counsel for plaintiff in error in *Snow v. United States*, ante 346, was counsel for plaintiff in error in this case.

MR. JUSTICE BLATCHFORD delivered the opinion of the court.

The decision in *Snow v. United States*, ante, p. 346, dismissing the writs of error for want of jurisdiction, shows that there was no jurisdiction of the writ of error in this case. As the decision reported in 116 U. S. 55, was made at the present term, the judgment rendered on the 14th of December, 1885, affirming the judgment of the Supreme Court of the Territory of Utah, is set aside and vacated; the mandate is recalled; and

The writ of error is dismissed.

Statement of Facts.

YICK WO *v.* HOPKINS, SHERIFF.

ERROR TO THE SUPREME COURT OF THE STATE OF CALIFORNIA.

WO LEE *v.* HOPKINS, SHERIFF.APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE
DISTRICT OF CALIFORNIA.

Submitted April 14, 1886.—Decided May 10, 1886.

In a suit brought to this court from a State court which involves the constitutionality of ordinances made by a municipal corporation in the State, this court will, when necessary, put its own independent construction upon the ordinances.

A municipal ordinance to regulate the carrying on of public laundries within the limits of the municipality violates the provisions of the Constitution of the United States, if it confers upon the municipal authorities arbitrary power, at their own will, and without regard to discretion in the legal sense of the term, to give or withhold consent as to persons or places, without regard to the competency of the persons applying, or the propriety of the place selected, for the carrying on of the business.

An administration of a municipal ordinance for the carrying on of a lawful business within the corporate limits violates the provisions of the Constitution of the United States, if it makes arbitrary and unjust discriminations, founded on differences of race, between persons otherwise in similar circumstances.

The guarantees of protection contained in the Fourteenth Amendment to the Constitution extend to all persons within the territorial jurisdiction of the United States, without regard to differences of race, of color, or of nationality.

Those subjects of the Emperor of China who have the right to temporarily or permanently reside within the United States, are entitled to enjoy the protection guaranteed by the Constitution and afforded by the laws.

These two cases were argued as one and depended upon precisely the same state of facts; the first coming here upon a writ of error to the Supreme Court of the State of California, the second on appeal from the Circuit Court of the United States for that district.

The plaintiff in error, Yick Wo, on August 24, 1885, petitioned the Supreme Court of California for a writ of *habeas corpus*, alleging that he was illegally deprived of his personal