

# SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 11, 1915.

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The court met pursuant to law.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Adrian Riker, of Newark, N. J.; Clarence C. Caldwell, of Howard, S. Dak.; Alex. Simpson, of Jersey City, N. J.; Robert Szold, of Chicago, Ill.; Leo F. Wormser, of Chicago, Ill.; William S. Haskell, of New York City, N. Y.; Alfred D. Lind, of New York City; Edward P. Holmes, of Lincoln, Nebr.; George W. Berge, of Lincoln, Nebr.; Harold J. Adams, of Buffalo, N. Y.; Morton S. Cressy, of Chicago, Ill.; Ralph D. Hurst, of Greensburg, Pa.; James A. George, of Deadwood, S. Dak.; Harry J. Dingeman, of Detroit, Mich.; Edwin P. Matthews, of Dayton, Ohio; James W. McCarter, of Washington, D. C.; J. Sidney Condit, of Chicago, Ill.; Edw. W. Everett, of Chicago, Ill.; John C. Bane, of Pittsburg, Pa.; Jeremiah F. Hoover, of Newark, N. J.; Colin S. Monteith, of Columbia, S. C.; Frank G. Tompkins, of Columbia, S. C.; Rush B. Johnson, of Chicago, Ill.; Alphonso C. Stewart, of St. Louis, Mo.; Wiley E. Jones, of Phoenix, Ariz.; Percy Sommer Benedict, of New Orleans, La.; John B. A. Whelple, of Baltimore, Md.; Burdette B. Webster, of Baltimore, Md.; George W. Lindsay, of Baltimore, Md.; George P. Decker, of Rochester, N. Y.; Leslie C. Hardy, of Phoenix, Ariz.; Martin A. Schenck, of New York City; and Charles K. Wheeler, of Paducah, Ky., were admitted to practice.

The Chief Justice announced that all motions noticed for to-day would be heard to-morrow, and the court would then commence the call of the docket pursuant to the 26th rule.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 12th, will be as follows: 386, 388, 277, 278, 285, 340, 140, 393, 394, 361, 240, 306, 212, 246, 223, 213, 454, 289 (and 332), 440, 239, 465, 139, 328, 359, and 481.

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 12, 1915.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

T. Morris Wampler, of Alexandria County, Va.; Alexander B. Siegel, of New York City; Joseph W. Welsh, of New York City; Jose A. Poventud, of Ponce, P. R.; H. L. Alexander, of Shreveport, La.; Philip S. Pugh, of Crowley, La.; S. Haskett Derby, of San Francisco, Cal.; John W. Hinsdale, jr., of Raleigh, N. C.; W. A. Ayres, of Wichita, Kans.; C. Dale Wolfe, of Wewoka, Okla.; Edwin S. Clarkson, of Washington, D. C.; Edmund K. Arnold, of Boston, Mass.; Harry S. Marx, of New York City; and Porter W. Dent, of El Paso, Tex., were admitted to practice.

No. 140. Frank R. Brushaber, appellant, *v.* Union Pacific Railroad Company; and

No. 359. John R. Stanton, appellant, *v.* Baltic Mining Company et al. Motion for leave to file brief herein as amicus curiae and for oral argument submitted by Mr. Solicitor General Davis for The United States.

No. 213. John F. Dodge et al., appellants, *v.* James J. Brady, collector of internal revenue;

No. 393. Tyee Realty Company, plaintiff in error, *v.* Charles W. Anderson, collector of internal revenue;

No. 394. Edwin Thorne, plaintiff in error, *v.* Charles W. Anderson, collector of internal revenue; and

No. 396. John F. Dodge et al., appellants, *v.* William H. Osborn, Commissioner of Internal Revenue. Leave to file a single brief in these cases granted, on motion of Mr. Solicitor General Davis for the appellees and defendants in error.

No. 396. John F. Dodge et al., appellants, *v.* William H. Osborn, Commissioner of Internal Revenue. Motion to dismiss or affirm submitted by Mr. Solicitor General Davis for the appellee in support of the motion, and by Mr. Fred A. Baker for the appellants in opposition thereto.

- No. 289. The United States of America, appellant, *v.* Hamburg-Amerikanische Packetfahrt Actien-Gesellschaft et al.; and
- No. 332. Hamburg-Amerikanische Packetfahrt Actien-Gesellschaft et al., appellants, *v.* The United States of America et al. Motion to reassign for November 1st submitted by Mr. Solicitor General Davis for The United States, at the request of opposing counsel.
- No. 306. The United States of America et al., appellants, *v.* The St. Louis, Iron Mountain & Southern Railway Co. et al. Passed on motion of Mr. Solicitor General Davis for the appellants.
- No. 3. The Detroit United Railway, plaintiff in error, *v.* The People of the State of Michigan;
- No. 14. The Detroit United Railway, plaintiff in error, *v.* The City of Detroit; and
- No. 15. The Detroit United Railway, plaintiff in error, *v.* The City of Detroit. Continued per stipulation of counsel, on motion of Mr. John C. Donnelly for the plaintiff in error.
- No. 537. Frank T. Woodworth, plaintiff in error, *v.* Frank P. Chesbrough. Motion to dismiss submitted by Mr. Thomas A. E. Weadock for the defendant in error in support of the motion, and by Mr. Edward S. Clark and Mr. John C. Weadock for the plaintiff in error in opposition thereto.
- No. 212. The United States of America, plaintiff in error, *v.* Harvey C. Shauver. Leave granted to file brief of the conservation committee of the Camp Fire Club of America as *amicus curiæ*, on motion of Mr. William B. Greeley in that behalf. Leave granted to file brief of American Game Protective Association and others, as *amici curiæ*, on motion of Mr. William S. Haskell in that behalf.
- No. 621. Hamilton Trust Company et al., petitioners, *v.* John L. Bisher, jr., etc. Petition for writs of mandamus and certiorari submitted by Mr. Emmett Callahan for the petitioners, and by Mr. William P. Richardson for the respondent.
- Nos. 558 and 559. L. Steiner and B. Frank, individually and as surviving partners, etc., et al., petitioners, *v.* T. S. Faulk & Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Leon Weil and Mr. Horace Stringfellow for the petitioner, and by Mr. W. A. Blount, Mr. A. C. Blount, and Mr. F. B. Carter for the respondents.
- No. 652. Charles S. Hinchman, petitioner, *v.* Consolidated Arizona Smelting Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Monroe Buckley in behalf of Mr. Charles H. Burr for the petitioner, and by Mr. J. Markham Marshall and Mr. Alexander B. Seigel for the respondent.

No. 608. Catherine C. Reese, administratrix, etc., plaintiff in error, *v. The Philadelphia & Reading Railway Company*. Motion to advance submitted by Mr. Monroe Buckley in behalf of Mr. George Deming for the plaintiff in error.

No. 455. Gardiner Investment Company et al., appellants, *v. The Jackson Company et al.* Motion to advance for hearing with No. 20 submitted by Mr. Frank S. Streeter for the appellees, in support of the motion, and by Mr. B. E. Eames for the appellants, in opposition thereto.

No. 359. John R. Stanton, appellant, *v. Baltic Mining Company et al.* Leave granted to file brief herein supporting the position of the appellant, as amicus curiæ, on motion of Mr. John R. Van Derlip in that behalf.

No. 635. Ida R. Roberts et al., petitioners, *v. Myra J. Roberts*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Frederick S. Tyler, in behalf of Mr. M. F. Watts and Mr. William R. Gentry for the petitioners.

No. 640. Miene Wilckens, petitioner, *v. Alwine S. Wilckens*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Frederick S. Tyler in behalf of Mr. William J. Courtright for the petitioner.

No. 638. Henry Briggs, appellant, *v. United Shoe Machinery Company*. Advanced pursuant to the thirty-second rule and submitted by Mr. W. A. Milliken for the appellant, and by Mr. Horace A. Dodge for the appellee.

No. 491. Seaboard Air Line Railway, plaintiff in error, *v. Beaugard Magdalene Koenecke*, as administratrix, etc. Motion to dismiss or affirm submitted by Mr. C. S. Monteith and Mr. Frank G. Tompkins for the defendant in error in support of the motion, and by Mr. Jo Berry S. Lyles for the plaintiff in error in opposition thereto.

No. 278. George G. Johnson, as treasurer of the State of South Dakota, appellant, *v. James C. Fargo*, individually and as president, etc. Death of James C. Fargo suggested, and appearance of George C. Taylor, individually and as president of the American Express Company, as the party appellee herein, filed and entered, on motion of Mr. Charles O. Bailey for the appellee.

No. 661. Egbert Whitney, petitioner, *v. New York Scaffolding Company*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. W. A. Johnston, Mr. James A. Carr, and Mr. Wallace R. Lane for the petitioners, and by Mr. Paul Bakewell for the respondent.

No. —, Original. Ex parte In the matter of Jesse W. Upperco, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Wharton E. Lester in behalf of Mr. Alvin C. Cass for the petitioner.

No. 642. Lillie W. Reed, petitioner, *v.* The Baltimore & Ohio Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Six Circuit submitted by Mr. Charles W. Baker for the petitioner, and by Mr. Judson Harmon, Mr. Edward Colston, Mr. A. W. Goldsmith, and Mr. George Hoadly for the respondent.

No. 173. Carrie H. Collins et al., plaintiffs in error, *v.* William S. Phillips et al. Appearance of Rufus Phillips, William Phillips, Phoebe Jane Phillips, Emily Phillips, Ruth Phillips, William Phillips, and Charles Phillips, trustees under the will of William S. Phillips, etc., et al., as parties defendants in error in this cause, filed and entered on motion of Mr. William J. Kyle for the defendants in error.

No. 359. John R. Stanton, appellant, *v.* Baltic Mining Company et al. Motion that this case be heard with No. 140, etc., submitted by Mr. Charles A. Snow for the appellant.

No. 439. Josie C. Baker, individually and as administratrix, etc., plaintiff in error, *v.* Baker, Eccles & Company et al. Motion to dismiss or affirm or place on the summary docket submitted by Mr. Charles K. Wheeler and Mr. D. H. Hughes for the defendants in error in support of the motion, and by Mr. John A. Pitts and Mr. E. W. Ross for the plaintiff in error in opposition thereto.

No. 665. Edmund W. Mudge et al., petitioners, *v.* Black, Sheridan & Wilson et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Frank J. Hogan and Mr. Frank Y. Gladney for the petitioners.

No. 445. Central Trust Company of Illinois et al., appellants, *v.* George Lueders & Company et al. Joint motion to advance and grant oral argument upon motion to dismiss submitted by Mr. Leo F. Wormser, of counsel for appellant Central Trust Company of Illinois.

No. 455. Gardiner Investment Company et al., appellants, *v.* The Jackson Company et al. Petition for a writ of certiorari herein submitted by Mr. A. R. Serven in behalf of Mr. B. E. Eames for the appellants in support of the petition, and by Mr. Frank S. Streeter for the appellees in opposition thereto.

No. 582. The Trinity Gold Dredging & Hydraulic Company, petitioner, *v.* Angele Beaudry, as executrix, etc., and individually. Petition for a writ of certiorari to the United States Circuit Court of

Appeals for the Ninth Circuit submitted by Mr. Evans Browne, Mr. Edward J. McCutchen, Mr. A. Crawford Greene, Mr. Alexander Britton, and Mr. F. W. Clements for the petitioner, and by Mr. Frank S. Brittain for the respondent.

No. 594. Robert H. Montgomery, as trustee, etc., petitioner, *v.* Bottlers Seal Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Evans Browne in behalf of Mr. Selden Bacon for the petitioner, and by Mr. Alfred B. Lind for the respondent.

No. 647. Charles G. Guth, petitioner, *v.* Guth Chocolate Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. George W. Lindsay and Mr. Charles F. Harley for the petitioner and by Mr. Frederick L. Emery for the respondent.

Nos. 636 and 637. John A. Lewis, as executor, etc., et al., petitioners, *v.* William B. Holmes et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Morton S. Cressy and Mr. Jackson H. Ralston for the petitioners, and by Mr. John P. Wilson, Mr. Eli B. Felsenthal, Mr. Nathan G. Moore, Mr. William B. McIlvaine, and Mr. Charles L. Bartlett for the respondents.

No. 177. D. F. Deaton, plaintiff in error, *v.* The Commonwealth of Kentucky. Motion for leave to proceed in forma pauperis submitted by Mr. E. S. Jouett for the plaintiff in error.

No. 250. The Manila Investment Company et al., appellants, *v.* Part Trammell et al., as trustee, etc., et al. Submitted pursuant to the twentieth rule by Mr. N. B. K. Pettingill and Mr. Arthur F. Odlin for the appellants, and by Mr. Thomas F. West and Mr. E. J. L'Engle for the appellees.

No. 287. Cornelius B. Parker et al., appellants, *v.* Antonio Monroig et al. Submitted pursuant to the twentieth rule by Mr. N. B. K. Pettingill for the appellants, and by Mr. Frederick S. Tyler and Mr. Frank Antonsanti for the appellees.

No. 662. American Rotary Valve Company, petitioner, *v.* Albert E. Moorhead. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. John Ridout and Mr. W. Clyde Jones for the petitioner, and by Mr. James W. Noel for the respondent.

No. 626. The City of New Orleans et al., petitioners, *v.* Penn Bridge Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr.

Percy S. Benedict and Mr. I. D. Moore for the petitioners, and by Mr. William Grant and Mr. Robert E. Milling for the respondent.

No. 516. J. D. O'Keefe, receiver, etc., appellant, *v.* The United States et al. Motion to advance submitted by Mr. Percy S. Benedict in behalf of Mr. H. Generes Dufour for the appellant.

No. 530. George D. Lancaster et al., plaintiffs in error, *v.* James W. Thacker et al. Motion to dismiss or affirm or transfer to the summary docket submitted by Mr. E. W. Hines in behalf of Mr. T. L. Edelen for the defendants in error in support of the motion, and by Mr. J. H. Hazelrigg for the plaintiffs in error in opposition thereto.

No. 549. William Wallbrecht, sr., et al., plaintiffs in error, *v.* E. N. Ingram et al. Motion to dismiss or affirm or transfer to the summary docket submitted by Mr. E. W. Hines in behalf of Mr. T. L. Edelen for the defendants in error in support of the motion, and by Mr. Lawrence Maxwell and Mr. J. H. Hazelrigg for the plaintiffs in error in opposition thereto.

No. 167. Chicago, Rock Island & Pacific Railway Company, plaintiff in error, *v.* Lizzie L. Wright et al., administrators, etc. Motion to dismiss or affirm or transfer to the summary docket submitted by Mr. George W. Berge and Mr. Halleck F. Rose for the defendants in error in support of the motion, and by Mr. Paul E. Walker for the plaintiff in error in opposition thereto.

No. 445. Central Trust Company of Illinois et al., appellants, *v.* George Lueders & Company et al. Motion to dismiss submitted by Mr. Walter A. De Camp for the appellees in support of the motion, and by Mr. Judson Harmon, Mr. Edward Colston, Mr. A. W. Goldsmith, Mr. George Hoadley, Mr. Lessing Rosenthal, and Mr. Charles H. Hamill for the appellants in opposition thereto.

No. 541. Seaboard Air Line Railway, plaintiff in error, *v.* James T. Horton. Motion to dismiss or affirm or transfer to the summary docket submitted by Mr. Clyde A. Douglass and Mr. William C. Douglass for the defendant in error in support of the motion, and by Mr. Murray Allen for the plaintiff in error in opposition thereto.

No. 2. Thomas W. McComb, plaintiff in error, *v.* The Commonwealth of Pennsylvania. In error to the Supreme Court of the State of Pennsylvania. Dismissed, with costs, on motion of counsel for the plaintiff in error.

No. 151. Union Pacific Railroad Company, plaintiff in error, *v.* Barbora Zitnik, administratrix, etc. In error to the Supreme Court of the State of Nebraska. Dismissed, with costs, on motion of counsel for the plaintiff in error.

No. 195. Illinois Central Railroad Company, plaintiff in error, *v.* Arthur Slaughter. In error to the Supreme Court of the State of Minnesota. Dismissed per stipulation.

No. 202. Railway Transfer Company of the city of Minneapolis, plaintiff in error, *v.* Joseph La Mere. In error to the Supreme Court of the State of Minnesota. Dismissed per stipulation.

No. 255. Southern Railway Company, plaintiff in error, *v.* A. B. Bramlett. In error to the Supreme Court of the State of South Carolina. Dismissed, with costs, on motion of counsel for the plaintiff in error.

No. 256. The McAlester Edwards Coal Company et al., plaintiffs in error, *v.* M. E. Trapp, State auditor, etc. In error to the Supreme Court of the State of Oklahoma. Judgment reversed at the costs of the plaintiffs in error, and cause remanded for further proceedings per stipulation of counsel.

No. 305. W. S. Allen, secretary of state, et al., appellants, *v.* William R. Compton Company et al. Dismissed with costs, on motion of counsel for the appellants.

No. 378. Quincy, Omaha & Kansas City Railroad Company, plaintiff in error, *v.* Shelby P. Noel. In error to the Kansas City Court of Appeals, State of Missouri. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 548. The Delaware, Lackawanna & Western Railroad Company, petitioner, *v.* Matt Yurkonis. On petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Dismissed on motion of counsel for the petitioner.

No. 588. John Deere Plow Company, petitioner, *v.* Leon D. Mowry, trustee, etc. On petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Dismissed on motion of counsel for the petitioner.

No. 386. William E. Heim et al., plaintiffs in error, *v.* Edward E. McCall et al., etc.; and

No. 388. Clarence A. Crane, plaintiff in error, *v.* The People of the State of New York. One-half hour additional time allowed each side in the argument of these cases, on motion of Mr. Thomas F. Conway for the plaintiffs in error. Argument commenced by Mr. Thomas F. Conway for the plaintiffs in error, continued by Mr. George S. Coleman for the defendant in error in No. 386, and concluded by Mr. Robert S. Johnstone for the defendants in error in No. 388.



No. 277. George G. Johnson, as treasurer of the State of South Dakota, appellant, *v.* Wells, Fargo & Company; and

No. 278. George G. Johnson, as treasurer of the State of South Dakota, appellant, *v.* James C. Fargo, individually, etc. Three counsel allowed to argue for the appellees. Argument commenced by Mr. C. C. Caldwell for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 13, will be as follows: Nos. 277 (and 278), 285, 340, 140, 393, 394, 361, 240, 212, 246, 223, 213, 454, 289 (and 332), 440, 239, 465, 139, 328, 359, and 481.



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 13, 1915.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Joseph Coleman, of Everett, Wash.; Thomas B. Dozier, of San Francisco, Cal.; D. Edward Greer, of Beaumont, Tex.; and Abraham Tulin, of New York City, were admitted to practice.

No. 375. The Chicago & Alton Railroad Company, plaintiff in error, *v.* Joseph M. Wagner. Motion to dismiss submitted by Mr. James C. McShane for the defendant in error in support of the motion, and by Mr. Silas H. Strawn, Mr. Edward W. Everett, and Mr. J. Sidney Condit for the plaintiff in error in opposition thereto.

No. 277. George G. Johnston, as treasurer of the State of South Dakota, appellant, *v.* Wells, Fargo & Company; and

No. 278. George G. Johnston, as treasurer of the State of South Dakota, appellant, *v.* James C. Fargo, individually and as president of the American Express Company. Argument continued by Mr. C. C. Caldwell for the appellants, Mr. Charles O. Bailey, Mr. John G. Milburn, Mr. Charles W. Stockton for appellees, and concluded by Mr. L. T. Boucher for the appellants.

No. 285. Manuel Cerecedo et al., plaintiffs in error, *v.* The United States. Argued by Mr. Assistant Attorney General Warren for the defendant in error and submitted by Mr. Paul Fuller and Mr. Howard Thayer Kingsbury for the plaintiffs in error.

No. 340. Ali Gegiow et al., petitioners, *v.* Byron H. Uhl, as Acting Commissioner of Immigration, etc. Argument commenced by Mr. Max J. Kohler for the petitioners, and continued by Mr. Morris Jablow for the petitioners.

Baron Reading, Lord Chief Justice of England, appeared with the court after recess and occupied a seat upon the bench on the right hand of the Chief Justice.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 14, will be as follows: Nos. 340, 140, 393, 394, 361, 240, 212, 246, 223, 213, 454, 289 (and 332), 440, 239, 465, 139, 328, 359, and 481.

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## SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 14, 1915.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, and Mr. Justice Pitney.

Clifford Walker, of Monroe, Ga., Selim M. Franklin, of Tucson, Ariz., Frank F. Dinsmore, of Cincinnati, Ohio, and Robert D. Jenks, of Philadelphia, Pa., were admitted to practice.

No. —, Original. The State of South Dakota, complainant, *v.* Charles H. Cassill. Motion for leave to file bill of complaint submitted by Mr. C. D. Caldwell for the complainant.

No. 212. United States, plaintiff in error, *v.* Harvey C. Shauver. Leave granted to file brief of the Boone and Crocket Club and the New York Zoological Society as amici curiæ on motion of Mr. Woodbury Blair in behalf of Mr. Charles Stewart Davison, their counsel.

No. 359. John R. Stanton, appellant, *v.* Baltic Mining Company et al. Motion to assign this case for hearing with Nos. 140, 393, and 394 granted.

No. 140. Frank R. Brushaber, appellant, *v.* Union Pacific Railroad Company, and

No. 359. John R. Stanton, appellant, *v.* The Baltic Mining Company et al. Leave granted to counsel for the United States to make oral argument in these cases in connection with the other income-tax cases.

No. 340. Ali Gegiow et al., petitioners, *v.* Byron H. Uhl, as Acting Commissioner of Immigration, etc. Argument continued by Mr. Morris Jablow for the petitioners, Mr. Solicitor General Davis for the respondent, and concluded by Mr. Max J. Kohler for the petitioners.

No. 140. Frank R. Brushaber, appellant, *v.* The Union Pacific Railroad Company;

No. 393. Tyee Realty Company, plaintiff in error, *v.* Charles W. Anderson, collector of internal revenue;

No. 394. Edwin Thorne, plaintiff in error, *v.* Charles W. Anderson, collector of internal revenue;

No. 359. John R. Stanton, appellant, *v.* Baltic Mining Company; and

No. 213. John F. Dodge et al., appellants, *v.* James J. Brady, collector of internal revenue. Five hours and ten minutes allowed for argument. Argument commenced by Mr. Julien T. Davies for the appellant in No. 140 and plaintiffs in error in Nos. 393 and 394, and continued by Mr. William D. Guthrie for the appellant in No. 213, Mr. Charles A. Snow for the appellants in No. 359, and by Mr. Assistant Attorney General Wallace for the United States and the defendants in error in Nos. 393 and 394 and appellee in No. 213.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 15, will be as follows: Nos. 140, 393, 394, 361, 240, 212, 246, 223, 213, 454, 289 (and 332), 440, 239, 465, 139, 328, 359, and 481.

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 15, 1915.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Robert H. Kelley, of Houston, Tex.; John M. Chick, of Tulsa, Okla.; Robert B. Sturkie, of Dade City, Fla.; Chesley C. Herndon, of Tulsa, Okla.; Charles E. Piper, of New York City; and Carl D. Sheppard, of McArthur, Ohio, were admitted to practice.

No. 140. Frank R. Brushaber, appellant, *v.* Union Pacific Railroad Company;

No. 393. Tye Realty Company, plaintiff in error, *v.* Charles W. Anderson, collector of internal revenue;

No. 394. Edwin Thorne, plaintiff in error, *v.* Charles W. Anderson, collector of internal revenue;

No. 359. John R. Stanton, appellant, *v.* Baltic Mining Company et al.; and

No. 213. John F. Dodg et al., appellants, *v.* James J. Brady, collector of internal revenue. Argument continued by Mr. Assistant Attorney General Wallace and Mr. Solicitor General Davis for the United States and defendants in error in Nos. 393 and 394, and appellee in No. 213, by Mr. C. A. Snow for the appellant in No. 359, and concluded by Mr. Julien T. Davies for the appellants in No. 140 and plaintiffs in error in Nos. 393 and 394.

No. 361. William Truax, sr., et al., appellants, *v.* Mike Raich. Argument commenced by Mr. Leslie C. Hardy for the appellants, continued by Mr. Alexander Britton for the appellee, and concluded by Mr. Wiley E. Jones for the appellants.

No. 240. Henry La Roque, appellant, *v.* The United States. Argument commenced by Mr. J. T. Van Metre for the appellant.

Adjourned until Monday next, at 12 o'clock.

The day call for Monday, October 18, will be as follows: Nos. 240, 212, 246, 223, 213, 454, 289 (and 332), 440, 239, 465, 139, 328, 359, and 481.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 18, 1915.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

William H. McCamish, of Kansas City, Kans.; Moses Hartmann, of St. Louis, Mo.; Bert Hanson, of New York City; George A. Pearre, of Cumberland, Md.; John Lewis Wells, of New York City; Gaines B. Turner, of Fort Worth, Tex.; G. E. Johnson, of Comanche, Tex.; Lewis Benson, of Flandreau, S. Dak.; and Bert L. Robison, of Unionville, Mo., were admitted to practice.

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The Chief Justice announced the following orders of the court:

No. —, Original. *Ex parte* In the matter of Jesse W. Uppercu, petitioner. Motion for leave to file petition for writ of mandamus granted and rule to show cause ordered to issue, returnable Monday, November 29th next.

No. 289. The United States of America, appellant, *v.* Hamburg-Amerikanische Packetfahrt Actien-Gesellschaft et al.; and

No. 332. Hamburg-Amerikanische Packetfahrt Actien-Gesellschaft et al., appellants, *v.* The United States et al. Motion to reassign these cases for argument on Monday, November 1st, granted.

No. —, Original. The State of South Dakota, complainant, *v.* Charles H. Cassill. Motion for leave to file bill of complaint herein granted, and process ordered to issue returnable on the first Monday in March next.

No. 455. Gardiner Investment Company et al., appellants, *v.* The Jackson Company et al. Motion to advance to be heard with No. 20 as one case granted.

No. 445. Central Trust Company of Illinois et al., appellants, *v.* George Lueders & Company et al. Motion to advance and for oral argument on motion to dismiss denied.

No. 516. J. D. O'Keefe, receiver, etc., appellant, *v.* The United States et al. Motion to advance granted, and the case assigned for argument on Monday, November 29th, next.

No. 167. Chicago, Rock Island & Pacific Railway Company, plaintiff in error, *v. Lizzie L. Wright et al.*, as administrator, etc.;

No. 375. The Chicago & Alton Railroad Company, plaintiff in error, *v. Joseph M. Wagner*;

No. 491. Seaboard Air Line Railway, plaintiff in error, *v. Beaugard Magdalene Koenecke*, as administratrix, etc.;

No. 541. Seaboard Air Line Railway, plaintiff in error, *v. James T. Horton*; and

No. 608. Catherine C. Reese, administratrix, etc., plaintiff in error, *v. Philadelphia & Reading Railway Company*. Ordered that these cases be placed on the summary docket.

No. 396. John F. Dodge et al., appellants, *v. William H. Osborn*, Commissioner of Internal Revenue; and

No. 439. Josie C. Baker, individually and as administratrix, etc., plaintiff in error, *v. Baker, Eccles & Company et al.* Motions to dismiss or affirm in these cases are postponed to the hearing on the merits.

No. 537. Frank T. Woodworth, plaintiff in error, *v. Frank P. Cheshbrough*. Motion to dismiss postponed to the hearing on the merits.

No. 455. Gardiner Investment Company et al., appellants, *v. The Jackson Company et al.* Petition for a writ of certiorari herein denied.

Nos. 558 and 559. L. Steiner and B. Frank, individually, etc., et al., petitioners, *v. T. S. Faulk & Company*. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 582. The Trinity Gold Dredging & Hydraulic Company, petitioner, *v. Angele Beaudry*, as executrix, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 594. Robert H. Montgomery, as trustee, etc., petitioner, *v. Bottlers Seal Company*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 626. City of New Orleans et al., petitioners, *v. Penn Bridge Company*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 635. Ida R. Roberts et al., petitioners, *v. Myra J. Roberts*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

Nos. 636 and 637. John A. Lewis, as executor, etc., et al., petitioners, *v. William B. Holmes et al.* Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 640. Miene Wilckens, petitioner, *v.* Alwine S. Wilckens. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 642. Lillie W. Reed, petitioner, *v.* The Baltimore & Ohio Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 647. Charles G. Guth, petitioner, *v.* Guth Chocolate Company. Petition for a writ of certiorari to the United States Circuit of Appeals for the Fourth Circuit denied.

No. 652. Charles S. Hinchman, petitioner, *v.* Consolidated Arizona Smelting Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 661. Egbert Whitney, petitioner, *v.* New York Scaffolding Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 662. The American Rotary Valve Company, petitioner, *v.* Albert E. Moorhead. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 621. Hamilton Trust Company et al., petitioners, *v.* John L. Bisher, jr., etc. Petition for writs of mandamus and certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

*Order.*—It is ordered that the cases heretofore placed on the summary docket, viz, Nos. 229, 296, 458, 429, 342, 477, 167, 375, 491, 541, and 608, be assigned for argument on Monday, November 29th, next, at the head of the call for that day.

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No. 667. The United States ex rel. The State of Louisiana, petitioner, *v.* Hon. Aleck Boarman, judge, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit, submitted by Mr. Daniel Wendling and Mr. Ruffin G. Pleasant for the petitioner, and by Mr. Edgar H. Farrar, Mr. Henry Bernstein, and Mr. Willard F. Keeney for the respondent.

No. 617. Olivia H. Hopkins et al., appellants, *v.* Frank Walker et al. Advanced pursuant to the thirty-second rule, on motion of Mr. W. C. Sullivan in behalf of counsel for the appellant, and cause submitted by Mr. L. O. Evans, Mr. W. B. Rodgers, Mr. John A. Skelton, and Mr. D. M. Kelly for the appellants, with leave to Mr. Thomas J. Walsh for the appellees to file brief within 30 days, and to counsel for the appellants to file reply brief if so advised within 15 days thereafter.



No. 671. George L. Colburn et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Charles L. Fraley in behalf of Mr. Chester H. Krum for the petitioner, and by Mr. Solicitor General Davis and Mr. Assistant Attorney General Wallace for the respondent.

No. 564. Pennsylvania Company, plaintiff in error, *v.* Marion Donat. Motion to dismiss or affirm or place on the summary docket submitted by Mr. Rufus S. Day, Mr. Samuel Herrick, Mr. R. B. Newcomb, and Mr. James B. Harper for the defendant in error in support of the motion, and by Mr. Samuel O. Pickens and Mr. Frederic D. McKenney for the plaintiff in error in opposition thereto.

No. 350. Northern Pacific Railway Company, plaintiff in error, *v.* R. P. Wall, as administrator, etc. Motion to dismiss or affirm or place on the summary docket submitted by Mr. Thomas J. Walsh for the defendant in error in support of the motion, and by Mr. Charles Donnelly for the plaintiff in error in opposition thereto.

No. 669. Morris L. Bettman, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Frank F. Dinsmore for the petitioner, and by Mr. Solicitor General Davis for the respondent.

No. 512. W. F. Jimmerson, as assessor, etc., et al., petitioners, *v.* The United States ex rel. Fall City Construction Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. C. F. Greenlee for the petitioner.

No. 471. The State of Washington ex rel. Gray's Harbor Logging Company et al., plaintiffs in error, *v.* The Superior Court of Washington for Chehalis County et al. Motion to dismiss or affirm or place on the summary docket submitted by Mr. Evans Browne, Mr. Alexander Britton, and Mr. F. W. Clements for the defendants in error in support of the motion, and by Mr. W. H. Abel for the plaintiff in error in opposition thereto.

No. 11, Original. Commonwealth of Virginia, complainant, *v.* John Pierpont Morgan. Dismissed with costs, on motion of Mr. John Garland Pollard for the complainant.

No. 663. National Bank of Commerce of St. Louis, petitioner, *v.* E. Ballen, United States collector, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. A. C. Stewart, Mr. T. Taylor Bryan, and Mr. George H. Williams for the petitioner.

No. 644. L. Laurence Weber, appellant, *v.* Frederick S. Freed, deputy collector, etc. Motion to advance submitted by Mr. Benjamin F. Spellman and Mr. Charles A. Towne for the appellant.

No. 284. Samuel Stewart, as treasurer of Wyandotte County, Kans., plaintiff in error, *v.* The City of Kansas City, Kans. Motion to dismiss or affirm or advance submitted by Mr. William H. McCamish and Mr. R. J. Higgins for the defendant in error in support of the motion, and by Mr. L. W. Keplinger and Mr. C. W. Trickett for the plaintiff in error in opposition thereto. Motion for a writ of certiorari to complete the record herein submitted by Mr. L. W. Keplinger and Mr. C. W. Trickett for the plaintiff in error.

No. 641. Vandalia Railroad Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Frederic D. McKenney in behalf of Mr. John G. Williams, Mr. Thomas T. White, Mr. Lindorf O. Whitnel, and Mr. S. W. Fordyce, jr., for the petitioner, and by Mr. Assistant to the Attorney General Todd for the respondent.

No. 155. First National Bank of Belle Fourche, S. Dak., plaintiff in error, *v.* Adolph O. Eberhart et al. Motion to dismiss submitted by Mr. Harrison L. Schmitt for the defendants in error in support of the motion, and Mr. Norman T. Mason and Mr. James A. George for the plaintiff in error in opposition thereto.

No. 7. Lem Motlow, plaintiff in error, *v.* The State of Tennessee. In error to the Supreme Court of the State of Tennessee. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 416. J. M. Killmer et al., plaintiffs in error, *v.* Samuel Stewart, as treasurer of Wyandotte County, Kans., et al. In error to the Supreme Court of the State of Kansas. Dismissed with costs, on motion of counsel for the plaintiffs in error.

No. 240. Henry La Roque, appellant, *v.* The United States. Argument concluded by Mr. J. T. Van Metre for the appellant, and submitted by Mr. Assistant Attorney General Knaebel for the appellee.

No. 212. The United States, plaintiff in error, *v.* Harvey C. Shauver. Argued by Mr. Assistant Attorney General Underwood for the plaintiff in error, and submitted by Mr. E. L. Westbrooke for the defendant in error.

No. 246. Charles W. Anderson, collector of internal revenue, etc., petitioner, *v.* The Forty-two Broadway Company. Argument commenced by Mr. Assistant Attorney General Wallace for the peti-

tioner, continued by Mr. Roger S. Baldwin for the respondent, and concluded by Mr. Assistant Attorney General Wallace for the petitioner.

No. 223. James Duval et al., plaintiffs in error, *v.* The State of Louisiana. Argument commenced by Mr. Philip S. Pugh for the plaintiff in error. The court declined to hear further argument.

No. 454. The United States, plaintiff in error, *v.* M. J. Barnow. Argued by Mr. Solicitor General Davis for the plaintiff in error, and by Mr. Daniel Thew Wright for the defendant in error.

No. 440. Philadelphia & Reading Railway Company, appellant, *v.* The United States et al. Argument commenced by Mr. Henry S. Drinker, jr., for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 19, will be as follows: Nos. 440, 239, 465, 139, 328, 481, 1, 4 (and 5), 8, and 10.

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 19, 1915.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Holmes Conrad, of Winchester, Va.; George W. Aubrey, of Allentown, Pa.; John G. Sargent, of Ludlow, Vt.; John R. Carter, of Sioux City, Iowa; Walter McC. Allen, of Springfield, Ill.; and John A. Judy, of Mount Sterling, Ky., were admitted to practice.

Nos. 4 and 5. The Rio Grande Western Railway Company, plaintiff in error, *v.* Thomas B. Stringham and Ella Stringham, his wife, et al. Submitted by Mr. Waldemar Van Cott, Mr. E. M. Allison, jr., and Mr. William D. Riter for the plaintiff in error. No counsel appeared for the defendants in error.

No. 8. Mary Helen Brown, plaintiff in error, *v.* The City of New York. Passed temporarily, on motion of Mr. Melville D. Church, in behalf of counsel.

No. 10. Joe Judge and M. Bunting, plaintiffs in error, *v.* Frank M. Powers, judge, etc., et al. Passed temporarily, on motion of Mr. Frederick S. Tyler, in behalf of counsel for the plaintiff in error.

No. 440. Philadelphia & Reading Railway Company, appellant, *v.* The United States et al. Argument continued by Mr. Henry S. Drinker, jr., for the appellant, by Mr. C. W. Needham for the Interstate Commerce Commission, by Mr. William A. Glasgow, jr., for The Allentown Portland Cement Company, and concluded by Mr. Henry S. Drinker, jr., for the appellant, and submitted on printed brief by Mr. Assistant Attorney General Underwood for the United States.

No. 239. Albert Steinfeld et al., appellants and plaintiffs in error, *v.* Louis Zeckendorf et al. Three counsel allowed to be heard in the oral argument for the appellees and defendants in error, on motion of Mr. Frank H. Hereford for the appellees and defendants in error. Argument commenced by Mr. James M. Beck for the appellants and plaintiffs in error and continued by Mr. Frank H. Hereford and Mr. Edwin A. Meserve for the appellees and defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 20, will be as follows: Nos. 239, 465, 139, 328, 481, 1, 11, 13, 16, and 17.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 20, 1915.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Oliver N. Downs, of Oskaloosa, Iowa; H. W. Robinson, of New Orleans, La.; Alexander F. Reichmann, of Chicago, Ill.; W. H. Terrell, of Atlanta, Ga.; and Edward E. Barthell, of Nashville, Tenn., were admitted to practice.

No. 16. The City of Monroe, plaintiff in error, *v.* The State of Louisiana ex rel. The Parish Board of School Directors of the Parish of Ouachita, La. Passed temporarily.

No. 17. The State ex rel. Willis J. Roussel, plaintiff in error, *v.* Jared Y. Sanders, Governor, et al. Passed temporarily.

No. 239. Albert Steinfeld et al., appellants and plaintiffs in error, *v.* Louis Zeckendorf et al. Argument continued by Mr. Edwin A. Meserve and Mr. Selim M. Franklin for the appellees and defendants in error, and concluded by Mr. Francis J. Heney for the appellants and plaintiffs in error.

No. 465. The Cuyahoga River Power Company, appellant, *v.* The City of Akron. Argued by Mr. Carroll G. Walter and Mr. John L. Wells for the appellant and by Mr. Charles F. Choate, jr., for the appellee.

No. 139. Pennsylvania Railroad Company *v.* W. F. Jacoby & Company. Argument commenced by Mr. Francis I. Gowen for the Pennsylvania Railroad Company, continued by Mr. William A. Glasgow for W. F. Jacoby & Company, and concluded by Mr. John G. Johnson for the Pennsylvania Railroad Company.

No. 328. Provident Savings Life Assurance Society, plaintiff in error, *v.* The Commonwealth of Kentucky, by H. M. Bosworth, auditor. Argument commenced by Mr. William Marshall Bullitt for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 21, will be as follows: Nos. 328, 481, 1, 11, 13, 18, 19, 20 (and 455), 24, and 25 (and 26).

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 21, 1915.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Ralph R. Caldwell, of Cincinnati, Ohio; George B. Rittenhouse, of Oklahoma City, Okla.; W. S. Kerr, of Mansfield, Ohio; William Boyd Dickinson, of Kansas City, Mo.; Bruce R. Kester, of Vale, Oreg.; H. Alan Dawson, of Philadelphia, Pa.; and Edward J. Mingey, of Philadelphia, Pa., were admitted to practice.

No. 590. Nick Arrigo, plaintiff in error, *v.* Gus A. Hyers, sheriff, etc. In error to the Supreme Court of the State of Nebraska. Dismissed with costs, per stipulation.

No. 591. Mike Indovina, plaintiff in error, *v.* Gus A. Hyers, sheriff, etc. In error to the Supreme Court of the State of Nebraska. Dismissed with costs, per stipulation.

No. 18. The Long-Bell Lumber Company, appellant, *v.* Walter Moses. Submitted by Mr. W. R. Thurmond for the appellant, and by Mr. Elijah Robinson for the appellee.

No. 19. Rosa Gundall, individually, etc., et al., appellants, *v.* The Manhattan Railway Company et al. Appeal from District Court of the United States for the Southern District of New York. Dismissed, per stipulation.

No. 24. Latta & Terry Construction Company, appellant, *v.* The British steamship *Raithmoor*, etc. Passed temporarily, on motion of Mr. H. Alan Dawson for the appellant.

No. 328. Provident Savings Life Assurance Society, plaintiff in error, *v.* The Commonwealth of Kentucky by H. M. Bosworth, auditor. Argument continued by Mr. William Marshall Bullitt for the plaintiff in error, by Mr. John A. Judy for the defendant in error, and concluded by Mr. William Marshall Bullitt for the plaintiff in error.

No. 481. The United States, plaintiff in error, *v.* Joe Freeman. Argued by Mr. Assistant Attorney General Warren for the plaintiff in error. No brief filed for the defendant in error.

No. 1. Morris Canal & Banking Company et al., plaintiffs in error, *v.* David Baird et al. Argument commenced by Mr. Gilbert Collins for the plaintiffs in error, continued by Mr. Robert H. McCarter for the defendants in error, and concluded by Mr. Gilbert Collins for the plaintiff in error.

No. 11. The United States Fidelity & Guaranty Company *v.* Charles J. Riefler et al. Argued by Mr. A. F. Reichmann for The United States Fidelity & Guaranty Company, and by Mr. Walter McC. Allen for Charles J. Riefler et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 22, will be as follows: Nos. 13, 20 (and 455), 25 (and 26), 27, 28, 29, 32, 33, 34, and 35.

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 22, 1915.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Charles Austin Davies, of San Antonio, Tex.; Fred Clarence Demond, of Concord, N. H.; Edward P. Sharretts, of New York City; and Arthur Wellesley Barber, of Cleveland, Ohio, were admitted to practice.

No. 27. The Mellon Company, plaintiff in error, *v.* Charles McCafferty, as county treasurer, etc., et al. Submitted by Mr. W. A. Ledbetter for the plaintiff in error and by Mr. Charles J. Kappler for the defendants in error, with leave to counsel for the plaintiff in error to file reply brief on or before the 30th inst.

No. 32. J. C. Hadacheck, plaintiff in error, *v.* C. E. Sebastian, Chief of Police, etc. Submitted by Mr. Emmett H. Wilson for the plaintiff in error, with leave to counsel for the defendant in error to file briefs within two weeks and to counsel for the plaintiff in error to file reply brief within two weeks thereafter.

No. 13. Fireball Gas Tank & Illuminating Company et al., petitioners, *v.* Commercial Acetylene Company et al. Argued by Mr. John H. Bruninga for the petitioners and by Mr. John P. Bartlett for the respondents.

No. 20. Charles P. Bowditch et al., plaintiffs in error, *v.* The Jackson Company et al.; and

No. 455. Gardiner Investment Company et al., appellants, *v.* The Jackson Company et al. Argument commenced by Mr. Burton E. Eames for the plaintiffs in error and appellants.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 25, will be as follows: Nos. 20 (and 455), 25 (and 26), 28, 29, 33, 34, 35, 36, 37, and 38.



## SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 25, 1915.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Lyda B. Conley, of Kansas City, Mo.; William M. M. Speer, of New York City; Charles A. Brown, of Chicago, Ill.; Joseph Fried, of New York City; Earl C. Demoss, of Seattle, Wash.; Walter M. Schoenle, of Cincinnati, Ohio; Giboney Houck, of Cape Girardeau, Mo.; Benson Cahoon Hardesty, of Cape Girardeau, Mo.; John C. Brooke, of Washington, D. C.; J. Barrett Carter, of Washington, D. C.; Maurice Malcolm Moore, of Boston, Mass.; and James Glynn, of Reno, Nev., were admitted to practice.

No. 445. Central Trust Company of Illinois et al., appellants, *v.* George Lueders & Company et al. Appeal from the United States Circuit Court of Appeals for the Sixth Circuit. Dismissed for want of jurisdiction. Opinion by Mr. Justice McReynolds.

No. 340. Ali Gegiow and Sabas Zarikoew. petitioners, *v.* Byron H. Uhl, as Acting Commissioner of Immigration at the port of New York. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Reversed with costs, and cause remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 285. Manuel Cerecedo et al., plaintiffs in error, *v.* The United States. In error to the District Court of the United States for the District of Porto Rico. Dismissed for want of jurisdiction. Opinion by Mr. Chief Justice White.

The Chief Justice also announced the following orders of the court:

No. 530. George D. Lancaster et al., plaintiffs in error, *v.* James W. Thacker et al. In error to the court of appeals of the State of Kentucky. Per curiam: Dismissed for want of jurisdiction upon the authority of (1) Consolidated Turnpike *v.* Norfolk, etc., Railway Co. (228 U. S., 596, 600); Manhattan Life Insurance Co. *v.* Cohen (234 U. S., 123, 137); Easterling Lumber Co. *v.* Pierce (235 U. S., 380); (2) Mugler *v.* Kansas (123 U. S., 623); Rippey *v.* Texas (193 U. S., 504); Eberle *v.* Michigan (232 U. S., 700).

No. 549. William Wallbrecht, sr., et al., plaintiffs in error, *v. E. N. Ingram et al.* In error to the court of appeals of the State of Kentucky. Per curiam: Dismissed for want of jurisdiction upon the authority of *Waters-Pierce Oil Co. v. Texas* (No. 2) (212 U. S., 112, 118); *Deming v. Carlisle Packing Co.* (226 U. S., 102); *Overton v. Oklahoma* (235 U. S., 31).

No. 18. The Long-Bell Lumber Co., appellant, *v. Walter Moses.* Appeal from the United States Circuit Court of Appeals for the Fifth Circuit. Per curiam: Dismissed for want of jurisdiction upon the authority of *United States v. Krall* (174 U. S., 385), *McFarland v. Brown* (187 U. S., 239), *Missouri, etc., Railway Co. v. Olathe* (222 U. S., 185), *United States v. Beatty* (232 U. S., 463).

No. 155. First National Bank of Belle Fourche, S. Dak., plaintiff in error, *v. Adolph O. Eberhart et al.* In error to the District Court of the United States for the District of Minnesota. Per curiam: Dismissed for want of jurisdiction upon the authority of *Aspen Min. & Smelting Co. v. Billings* (150 U. S., 21), *Brown v. Alton Water Co.* (222 U. S., 325), *Union Trust Co. v. Westhus* (228 U. S., 519), *Shapiro v. United States* (235 U. S., 412).

No. 223. James Duval et al., plaintiffs in error, *v. The State of Louisiana.* In error to the Supreme Court of the State of Louisiana. Per curiam: Dismissed for want of jurisdiction upon the authority of (1) *Waters-Pierce Oil Co. v. Texas* (No. 2) (212 U. S., 112, 118), *Deming v. Carlisle Packing Co.* (226 U. S., 102), *Overton v. Oklahoma* (235 U. S., 31), (2) *Northern Pacific Railroad v. Herbert* (116 U. S., 642), *Hayes v. Missouri* (120 U. S., 68), *Howard v. Kentucky* (200 U. S., 164).

No. 644. L. Laurence Weber, appellant, *v. Frederick S. Freed, deputy collector, etc.* Motion to advance granted, and cause assigned for argument on Monday, November 29th next, after the cases heretofore assigned for that day.

No. 350. Northern Pacific Railway Company, plaintiff in error, *v. R. P. Wall, as administrator, etc.* Ordered that this case be placed on the summary docket and assigned for argument on Monday, November 29th, next.

No. 471. The State of Washington ex rel. Gray's Harbor Logging Company et al., plaintiffs in error, *v. The Superior Court of Washington for Chehalis County et al.* Further consideration of motion to dismiss or affirm postponed to the hearing on the merits.

No. 667. The United States ex rel. The State of Louisiana, petitioner, *v. Hon. Aleck Boorman, judge, etc.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 512. W. F. Jimmerson, as assessor, etc., et al., petitioner, *v.* The United States ex rel. Fall City Construction Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 641. Vandalia Railroad Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 663. National Bank of Commerce of St. Louis, petitioner, *v.* E. B. Allen, United States collector, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 665. Edmund W. Mudge et al., petitioners, *v.* Black, Sheridan & Wilson et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 669. Morris L. Bettman, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 671. George L. Colburn et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

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Nos. 39 and 109. John F. Cubbins, appellant, *v.* Mississippi River Commission et al. Passed, on motion of Mr. Solicitor General Davis for the appellee.

No. 525. The United States, plaintiff in error, *v.* Jin Fuey Moy. Motion to advance submitted by Mr. Solicitor General Davis for the plaintiff in error.

No. 226. The City of Cincinnati, appellant *v.* The Cincinnati & Hamilton Traction Company et al. Motion to advance submitted by Mr. Walter M. Schoenle and Mr. Constant Southworth for the appellant in support of the motion, and by Mr. Ellis G. Kinkead, Mr. George H. Warrington, Mr. Alfred C. Cassatt, and Mr. Lawrence Maxwell for the appellees in opposition thereto.

No. 678. Gerard B. Townsend et al., petitioners, *v.* The Georgia Southern & Florida Railway Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Marion Erwin, Mr. Louis Marshall, and Mr. Joseph Fried for the petitioners, and by Mr. Alex. C. King for the respondent.

No. 354. M. J. Bray, trustee, etc., et al., appellants, *v.* The United States Fidelity & Guaranty Company; and

No. 397. Laura Eichel et al., appellants, *v.* The United States Fidelity & Guaranty Company. Motions to dismiss or affirm submitted by Mr. H. H. Moss, jr., in behalf of Mr. B. M. Ambler for the appellee in support of the motions, and by Mr. Philip W. Frey for the appellants in No. 354, and by Mr. William M. Hall for the appellants in No. 397, in opposition thereto.

No. 397. Laura Eichel et al., appellants, *v.* The United States Fidelity & Guaranty Company. Motion to hear this case with No. 354 submitted by Mr. H. H. Moss, jr., in behalf of Mr. B. M. Ambler for the appellee, in support of the motion, and by Mr. William M. Hall for the appellants, in opposition thereto.

No. 545. Arthur C. Brady, petitioner, *v.* Martin E. Kern. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. E. Spencer Miller for the petitioner, and by Mr. Owen J. Roberts for the respondent.

No. 675. Leonard Cecil Parker et al., petitioners, *v.* Barbara Parker. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Joseph W. Bailey in behalf of Mr. Theodore Mack and Mr. Gaines B. Turner for the petitioners, and by Mr. F. M. Etheridge and Mr. J. M. McCormick for the respondent.

No. 391. The Chicago, Rock Island & Pacific Railway Company, plaintiff in error, *v.* John F. Devine, administrator, etc. Motion to dismiss or affirm or place on the summary docket submitted by Mr. James C. McShane for the defendant in error in support of the motion, and by Mr. Thomas J. Littlepage and Mr. M. L. Bell for the plaintiff in error in opposition thereto.

No. 618. Charles M. Stratton, plaintiff in error, *v.* Walker B. Stratton. Motion to dismiss or affirm or place on the summary docket submitted by Mr. D. A. Hollingsworth for the defendant in error in support of the motion, and by Mr. Addison C. Lewis for the plaintiff in error in opposition thereto.

No. 36. John R. Greenlees, plaintiff in error, *v.* Fred L. Morris. Submitted by Mr. C. A. Magaw for the plaintiff in error and by Mr. Charles Blood Smith for the defendant in error.

No. 20. Charles P. Bowditch et al., plaintiffs in error, *v.* The Jackson Company et al.; and

No. 455. Gardiner Investment Company et al., appellants, *v.* The Jackson Company et al. Argument continued by Mr. Burton E. Eames for the plaintiffs in error and appellants and concluded by Mr. Frank S. Streeter for the defendants in error and appellees.

No. 25. The Pennsylvania Railroad Company, plaintiff in error, *v.* Sonman Shaft Coal Company; and

No. 26. The Pennsylvania Railroad Company, plaintiff in error, *v.* Stineman Coal Mining Company. Reargument commenced by Mr. Francis I. Gowen for the plaintiff in error, continued by Mr. A. M. Liveright and Mr. A. L. Cole for the defendants in error, and concluded by Mr. John G. Johnson for the plaintiff in error.

No. 28. Philip Wagner, incorporated, plaintiff in error, *v.* Oscar Leser et al., judges, etc., et al. Argument commenced by Mr. George Washington Williams for the plaintiff in error.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 26, will be as follows: Nos. 28, 29, 33, 34, 35, 37, 38, 40, 41 (and 224 and 242), and 42.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 26, 1915.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

George Paschal, of Muskogee, Okla., Joseph A. Wilmer, of La Plata, Md., and R. H. Nichols, of Casper, Wyo., were admitted to practice.

No. 28. Philip Wagner, Incorporated, plaintiff in error, *v.* Oscar Leser et al., Judges, etc., et al. Argument continued by Mr. George Washington Williams for the plaintiff in error, by Mr. S. S. Field for the defendants in error, and concluded by Mr. Charles J. Bonaparte for the plaintiff in error.

No. 29. The Peterborough Railroad, appellant, *v.* Boston & Maine Railroad et al. Argued by Mr. Henry A. Cutter for the appellant, and submitted by Mr. Archibald R. Tisdale for the appellees.

No. 33. Henry W. O'Neill et al., plaintiffs in error, *v.* Jacob F. Leamer et al. Argument commenced by Mr. W. V. Allen for the plaintiffs in error, and continued by Mr. R. E. Evans for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 27, will be as follows: Nos. 33, 34, 35, 37, 38, 40, 41 (and 224 and 242), 42, 43, and 44.

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# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 27, 1915.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Robert L. Ball, of San Antonio, Tex.; Horace M. Holden, of Athens, Ga.; Timothy F. Mullen, of Chicago, Ill.; and Frank T. Wolcott, of New York City, were admitted to practice.

No. 33. Henry W. O'Neill et al., plaintiffs in error, *v.* Jacob F. Leamer et al. Argument continued by Mr. R. E. Evans for the defendants in error and concluded by Mr. W. V. Allen for the plaintiffs in error.

No. 34. The City of New York, petitioner, *v.* William Sage, jr. Argument commenced by Mr. Louis C. White for the petitioner, continued by Mr. Edward A. Alexander for the respondent, and concluded by Mr. W. McM. Speer for the petitioner.

No. 35. Louis Houck et al., plaintiffs in error, *v.* The Little River Drainage District et al. Argument commenced by Mr. Benson C. Hardesty for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 28, will be as follows: Nos. 35, 37, 38, 40, 41 (and 224 and 242), 42, 43, 44, 45, and 46.

10434—15—13

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 28, 1915.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Herbert B. Lee, of Buffalo, N. Y., was admitted to practice.

No. 46. August Boulanger, plaintiff in error, *v.* The State of Louisiana. In error to the Supreme Court of the State of Louisiana. Dismissed with costs, pursuant to the tenth rule.

No. 35. Louis Houck et al., plaintiffs in error, *v.* The Little River Drainage District et al. Argument continued by Mr. Benson C. Hardesty for the plaintiffs in error, Mr. Robert B. Oliver, jr., and Mr. Robert B. Oliver for the defendants in error, and concluded by Mr. Gibony Houck for the plaintiffs in error.

No. 37. Hamilton-Brown Shoe Company, petitioner, *v.* The Wolf Brothers & Company. Argument commenced by Mr. Luke E. Hart for the petitioner, and continued by Mr. Lawrence Maxwell for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 29, will be as follows: Nos. 37, 38, 40, 41 (and 224 and 242), 42, 43, 44, 45, 47, and 48.

10434—15—14



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 29, 1915.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

William S. Culbertson, of Emporia, Kans.; Robert H. Evans, of Seattle, Wash.; and William G. Serrine, of Greenville, S. C., were admitted to practice.

No. 47. John F. Colburn, plaintiff in error, *v.* Charles T. Wilder, tax assessor, etc. Passed temporarily.

No. 48. Phoenix Railway Company of Arizona, appellant, *v.* W. Paul Geary et al., etc., et al. Submitted by Mr. Alexander Britton, Mr. Evans Browne, and Mr. Francis W. Clements for the appellant; and by Mr. Wiley E. Jones, Leslie C. Hardy, and Edward M. Cleary for the appellees.

No. 37. Hamilton-Brown Shoe Company, petitioner, *v.* The Wolf Brothers & Company. Argument continued by Mr. Lawrence Maxwell for the respondent, and concluded by Mr. Joseph W. Bailey for the petitioner.

No. 38. The Glenwood Light & Water Company, appellant, *v.* The Mutual Light, Heat, and Power Company. Submitted by Mr. C. S. Thomas, Mr. George L. Nye, and Mr. William P. Malburn for the appellant, and by Mr. John T. Barnett for the appellee.

No. 40. The National Bank of Athens, appellant, *v.* F. C. Shackelford, trustee, etc. Argument commenced by Mr. John J. Strickland for the appellant, continued by Mr. Lamar C. Rucker and Mr. Horace M. Holden for the appellees, and concluded by Mr. John J. Strickland for the appellant.

No. 41. John W. Rast, tax collector, etc., et al., appellants, *v.* Van Deman & Lewis Company;

No. 224. W. V. Tanner, as Attorney General, etc., et al., appellants, *v.* John T. Little et al.; and

No. 242. F. S. Pitney, plaintiff in error, *v.* The State of Washington. Five hours allowed for argument, on motion of Mr. Louis Marshall, of counsel, in Nos. 224 and 242.

Adjourned until Monday next, at 12 o'clock.

The day call for Monday, November 1, will be as follows: Nos. 41 (and 224 and 242), 42, 43, 44, 289 (and 332), 49, 50 (and 51), 52, 53, and 54.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 1, 1915.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

George J. Wolf, of Pittsburg, Pa., Edward J. White, of St. Louis, Mo., William F. Tucker, of Tulsa, Okla., Edward Judd, of Seattle, Wash., Walter A. McClure, of Seattle, Wash., and Thomas V. Cator, of San Francisco, Cal., were admitted to practice.

No. 564. Pennsylvania Company, plaintiff in error, *v.* Marion Donat. In Error to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the District of Indiana. Opinion by Mr. Justice McReynolds.

No. 4. The Rio Grande Western Railway Company, plaintiff in error, *v.* Thomas B. Stringham et ux., et al. In Error to the Supreme Court of the State of Utah. Judgment affirmed with costs.

No. 5. The Rio Grande Western Railway Company, plaintiff in error, *v.* Thomas B. Stringham et ux., et al. In Error to the Supreme Court of the State of Utah. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Van Devanter.

No. 638. Henry Briggs, appellant, *v.* United Shoe Machinery Company. Appeal from the District Court of the United States for the Southern District of New York. Decree affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 361. William Truax, Sr., et al., appellants, *v.* Mike Raich. Appeal from the District Court of the United States for the District of Arizona. Decree affirmed with costs. Opinion by Mr. Justice Hughes. Dissenting: Mr. Justice McReynolds.

No. 250. The Manila Investment Company et al., appellants, *v.* Park Trammell et al., Trustees, etc. Appeal from the District Court of the United States for the Southern District of Florida. Decree affirmed with costs. Opinion by Mr. Justice Day.

No. 11. The United States Fidelity & Guaranty Company *v.* Charles J. Riefler et al. On a certificate from the United States Circuit Court of Appeals for the Seventh Circuit. First question answered in the affirmative. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice McKenna.

No. 239. Albert Steinfeld et al., appellants, *v.* Louis Zeckendorf et al. Appeal from and In Error to the Supreme Court of the State of Arizona. Appeal dismissed for want of jurisdiction. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 284. Samuel Stewart, as Treasurer of Wyandotte County, Kansas, plaintiff in error, *v.* The City of Kansas City, Kansas. In Error to the Supreme Court of the State of Kansas. Dismissed for want of jurisdiction. Opinion by Mr. Justice McKenna.

The Chief Justice announced the following orders of the Court:

No. 36. John R. Greenlees, plaintiff in error, *v.* Fred L. Morris. In Error to the Supreme Court of the State of Kansas. *Per curiam*: Judgment reversed with costs and cause remanded for further proceedings upon the authority of *Mullen v. United States*, 224 U. S. 448; *Skelton v. Dill*, 235 U. S. 206; *Adkins v. Arnold*, 235 U. S. 417.

No. 29. The Peterborough Railroad, appellant, *v.* Boston & Maine Railroad et al. Appeal from the District Court of the United States for the District of New Hampshire. *Per curiam*: Dismissed for want of jurisdiction upon the authority of *Carey v. Houston & Texas Central Ry.*, 150 U. S. 170; *Cornell v. Green*, 163 U. S. 75; *Empire State-Idaho Mining &c. Co. v. Hanley*, 205 U. S. 225; *Childers v. McClaghry*, 216 U. S. 139.

No. 20. Charles P. Bowditch et al., plaintiffs in error, *v.* The Jackson Company et al. In Error to the Superior Court of the State of New Hampshire. *Per curiam*. Dismissed for want of jurisdiction upon the authority of *Oxley Stave Co. v. Butler County*, 166 U. S. 648; *Mallors v. Commercial Loan & Trust Co.*, 216 U. S. 613; *Appleby v. Buffalo*, 221 U. S. 524; *Cleveland & Pittsburgh R. R. v. Cleveland*, 235 U. S. 50.

No. 455. Gardiner Investment Company et al., appellants, *v.* The Jackson Company et al. Appeal from the United States Circuit Court of Appeals for the First Circuit. *Per curiam*: Dismissed for want of jurisdiction upon the authority of *Bagley v. General Fire Extinguisher Co.*, 212 U. S. 477; *Weir v. Rountree*, 216 U. S. 607; *Shulthis v. McDougal*, 225 U. S. 561; *St. Anthony Church v. Pennsylvania R. R.*, 237 U. S. 575.

*Order.* It is ordered that General Order in Bankruptcy No. 21 be amended so as to read as follows:

## XXI.

### *Proof of Debts.*

1. Depositions to prove claims against a bankrupt's estate shall be correctly entitled in the court and in the cause. When made to prove a debt due to a partnership, it must appear on oath that the deponent is a member of the partnership; when made by an agent, the reason the deposition is not made by the claimant in person must

be stated; and when made to prove a debt due to a corporation, the deposition shall be made by the treasurer, or, if the corporation has no treasurer, by the officer whose duties most nearly correspond to those of treasurer; if the treasurer or corresponding officer is not within the district wherein the bankruptcy proceedings are pending, the deposition may be made by some officer or agent of the corporation having knowledge of the facts. Depositions to prove debts existing in open account shall state when the debt became or will become due; and if it consists of items maturing at different dates the average due date shall be stated, in default of which it shall not be necessary to compute interest upon it. All such depositions shall contain an averment that no note has been received for such account, nor any judgment rendered thereon. Proofs of debt received by any trustee shall be delivered to the referee to whom the cause is referred.

No. 226. The City of Cincinnati, appellant, *v.* The Cincinnati & Hamilton Traction Company et al. Motion to advance denied.

No. 525. The United States, plaintiff in error, *v.* Jin Fuey Moy. Motion to advance granted, and the case assigned for argument on Monday, November 29th, after the cases heretofore assigned for that day.

No. 545. Arthur C. Brady, petitioner, *v.* Martin E. Kern. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 675. Leonard Cecil Parker et al., petitioners, *v.* Barbara Parker. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 678. Gerard B. Townsend et al., petitioners, *v.* Georgia Southern & Florida Railway Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 383. The James Clark Distilling Company, appellant, *v.* The Western Maryland Railway Company et al.; and

No. 384. The James Clark Distilling Company, appellant, *v.* The American Express Company et al. Ordered that these cases be restored to the docket for reargument.

No. 177. D. F. Deaton, plaintiff in error, *v.* The Commonwealth of Kentucky. Motion for leave to proceed *in forma pauperis* denied.

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No. 50. Seven cases (more or less) each containing twelve bottles of Eckman's Alterative, Eckman Manufacturing Company, Owner, plaintiff in error, *v.* The United States; and

No. 51. Six cases (more or less) each containing twelve bottles of Eckman's Alterative, Eckman Manufacturing Company, Owner, plaintiff in error, *v.* The United States. Passed, on motion of Mr. Solicitor General Davis for the defendant in error.

No. 672. Robert Kitchens, appellant, *v.* J. C. Hamilton, Sheriff, etc. Motion to advance submitted by Mr. E. Marvin Underwood in behalf of counsel for the appellee. Motion for leave to proceed *in forma pauperis* submitted by Mr. E. Marvin Underwood in behalf of counsel for the appellant.

No. 275. A. B. Crawl, plaintiff in error, *v.* The Commonwealth of Pennsylvania. Motion to advance submitted by Mr. William M. Hargest for the defendant in error in support of the motion, and by Mr. Walter Jeffreys Carlin for the plaintiff in error in opposition thereto.

No. 532. Ida May Innes, plaintiff in error, *v.* John W. Tobin, Sheriff, etc.; and

No. 533. Victor E. Innes, plaintiff in error, *v.* John W. Tobin, sheriff, etc. Motions to advance submitted by Mr. Hugh M. Dorsey for the defendant in error.

No. 561. Cambria Iron Company, petitioner, *v.* The Carnegie Steel Company, Limited. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the third circuit submitted by Mr. Francis T. Chambers and Mr. James I. Kay for the petitioner, and by Mr. Charles C. Linthicum and Mr. David A. Reed for the respondent.

No. 557. St. Louis & San Francisco Railroad Company, plaintiff in error, *v.* William M. Smith. Suggestion of death of William M. Smith, defendant in error, and motion for an order of publication submitted by Mr. L. Russell Alden in behalf of counsel for the plaintiff in error.

No. 535. Illinois Central Railroad Company et al., plaintiffs in error, *v.* V. P. Messina. Motion to dismiss or affirm and for damages submitted by Mr. Harry Peyton and Mr. William H. Watkins for the defendant in error in support of the motion, and by Mr. Edward Mayes, Mr. R. B. Fletcher, and Mr. Blewett Lee for the plaintiffs in error in opposition thereto.

No. 668. Mary M. Hill, executrix, etc., et al., petitioners, *v.* James H. Lovewell, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the sixth circuit submitted by Mr. John K. Graves in behalf of Mr. Caruthers Ewing for the petitioners, and by Mr. Wassell Randolph for the respondents.

No. 523. The Texas & Pacific Railway Company, plaintiff in error, *v.* A. R. Rigsby. Motion to dismiss or affirm and for damages or to

place on summary docket submitted by Mr. S. P. Jones for the defendant in error in support of the motion, and by Mr. F. H. Prendergast for the plaintiff in error in opposition thereto.

No. 459. Standard Fashion Company, plaintiff in error, *v.* J. L. Grant. In error to the Supreme Court of the State of North Carolina. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 49. Mountain Timber Company, plaintiff in error, *v.* The State of Washington. Passed temporarily.

No. 52. Pedro de Elzaburu, appellant, *v.* Genara Chavez et al. Submitted by Mr. Jacinto Texidor for the appellant. No appearance for the appellees.

No. 54. Chieng Ah Sui, appellant, *v.* Henry B. McCoy, Insular Collector of Customs of the Philippine Islands. Submitted by Mr. Clement L. Bouve for the appellant, and by Mr. S. T. Ansell for the appellee.

No. 41. John W. Rast, Tax Collector etc., et al., appellants, *v.* Van Deman and Lewis Company et al.;

No. 224. W. V. Tanner, as Attorney General etc., et al., appellants, *v.* John T. Little et al.; and

No. 242. F. S. Pitney, plaintiff in error, *v.* The State of Washington. Argument commenced by Mr. Thomas F. West for the appellant in No. 41, continued by Mr. Charles M. Cooper for the appellees in No. 41, by Mr. Louis Marshall for the plaintiff in error in No. 242, and by Mr. W. T. Dovell for the appellants in No. 224.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 2, 1915, will be as follows: Nos. 41 (and 224 and 242), 42, 43, 44, 289 (and 332), 45, 53, 55, 56, and 57.

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 2, 1915.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

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No. 41. John W. Rast, Tax Collector, etc., et al., appellants, *v.* Van Deman & Lewis Company et al.;

No. 224. W. V. Tanner, as Attorney General, etc., et al., appellants, *v.* John T. Little et al.; and

No. 242. F. S. Pitney, plaintiff in error, *v.* The State of Washington. Argument continued by Mr. W. T. Dovell for the appellees in No. 224, by Mr. D. V. Halverstadt for the appellants in No. 224 and defendant in error in No. 242, and concluded by Mr. Blackburn Esterline for the appellants in No. 224 and the defendant in error in No. 242.

No. 42. J. F. Bailey, as trustee, etc., appellant, *v.* Baker Ice Machine Company. Argued by Mr. Edwin A. Krauthoff for the appellant, and by Mr. H. C. Brome for the appellee.

No. 43. Frank Zodrow, plaintiff in error, *v.* The State of Wisconsin. Argued by Mr. David S. Rose for the plaintiff in error, and submitted by Mr. Walter C. Owen and Mr. J. E. Messerschmidt for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 3, will be as follows: Nos. 44, 289 (and 332), 45, 53, 55, 56, 57, 58, 59, and 60.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 3, 1915.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, and Mr. Justice Pitney.

Roscoe H. Hupper, of New York City; Ralph James M. Bullova, of New York City; Allan B. A. Bradley, of New York City; and David C. Myers, of New York City, were admitted to practice.

No. 44. The United States of America, plaintiff in error, v. New York & Porto Rico Steamship Company. Argument commenced by Mr. Solicitor General Davis for the plaintiff in error, continued by Mr. James H. Hayden for the defendant in error, and concluded by Mr. Solicitor General Davis for the plaintiff in error.

No. 289. The United States of America, appellant, v. Hamburg-Amerikanische Packetfahrt Actien-Gesellschaft et al.; and

No. 332. Hamburg-Amerikanische Packetfahrt Actien-Gesellschaft et al., appellants, v. The United States of America et al. Six hours allowed for argument, on motion of Mr. Charles P. Spooner, of counsel. Argument commenced by Mr. Assistant to the Attorney General Todd for The United States, continued by Mr. Charles P. Spooner for Hamburg-American Steamship Company, the Canadian Pacific Railway Company, and the Allan Line Steamship Company, Limited, and by Mr. Lucius H. Beers for Cunard Company et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 4th, will be as follows: Nos. 289 (and 332), 45, 53, 55, 56, 57, 58, 59, 60, and 61.

10434—15—18



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 4, 1915.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Irvin S. Canfield, of Alpena, Mich., David H. Crowley, of Cheboygan, Mich., Jesse Newton Davis, of Chicago, Ill., Charles C. Fox, of Danville, Ky., and Robert H. Widdicombe, of Chicago, Ill., were admitted to practice.

No. 61. Albert B. Moss et al., co-partners etc., plaintiffs in error, *v.* Alfred H. Ramey. Passed temporarily.

No. 289. The United States of America, appellant, *v.* Hamburg-Amerikanische Packetfahrt Actien-Gesellschaft et al.; and

No. 332. Hamburg-Amerikanische Packetfahrt Actien-Gesellschaft et al., appellants, *v.* The United States of America et al. Argument continued by Mr. Lucius H. Beers for Cunard Company et al., by Mr. Charles C. Burlingham for American Line et al., by Mr. Joseph Larocque for North German Lloyd & Oelrichs & Company, and concluded by Mr. Assistant to the Attorney General Todd for The United States.

No. 45. Joe Maroun, plaintiff in error, *v.* The State of Louisiana. Submitted by Mr. A. L. Alexander for the plaintiff in error, and by Mr. R. G. Pleasant for the defendant in error.

No. 53. Southern Railway Company, plaintiff in error, *v.* Samuel J. Campbell. Argument commenced by Mr. John K. Graves for the plaintiff in error, continued by Mr. John G. Capers for the defendant in error, and concluded by Mr. John K. Graves for the plaintiff in error.

No. 55. George W. Norton, as Executor and Trustee, etc., appellant, *v.* Robert B. Whiteside et al. Argument commenced by Mr. Jed L. Washburn for the appellant, and continued by Mr. Luther C. Harris for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 5, will be as follows: Nos. 55, 56, 57, 58, 59, 60, 62, 63, 64, and 65.

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 5, 1915.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Mr. Victor Lee Huszagh, of Chicago, Ill., was admitted to practice.

No. 64. Tremont Lumber Company, plaintiff in error, *v.* Mrs. Nora Reagan. Passed temporarily.

No. 55. George W. Norton, as Executor and Trustee, etc., appellant, *v.* Robert B. Whiteside et al. Argument continued by Mr. Luther C. Harris and by Mr. Alfred Jaques for the appellees, and concluded by Mr. Jed L. Washburn for the appellant.

No. 56. Town of Essex, appellant, *v.* New England Telegraph Company of Massachusetts. Argued by Mr. G. Philip Wardner for the appellee, and submitted by Mr. Romney Spring for the appellant.

No. 57. David C. Andrews et al., copartners, etc., appellants, *v.* Harry V. Osborn, trustee, etc. Argued by Mr. David C. Myers for the appellant and by Mr. Nathan Bilder for the appellee.

No. 58. Nelloe Porter, plaintiff in error, *v.* Ollie A. Wilson et al. Submitted by Mr. Lewis C. Lawson for the plaintiff in error. No appearance for the defendant in error.

No. 59. Cincinnati, New Orleans & Texas Pacific Railway Company, plaintiff in error, *v.* D. F. and T. C. Rankin. Argument commenced by Mr. James J. Lynch for the plaintiff in error, continued by Mr. W. B. Miller and Mr. Charles C. Fox for the defendant in error, and concluded by Mr. James J. Lynch for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 8, will be as follows: Nos. 60, 62, 63, 65, 66, 67, 68, 69, 70, and 71.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 8, 1915.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Frederick L. Allen, of New York City, and Harvey R. Winn, of Oklahoma City, Okla., were admitted to practice.

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No. 40. The National Bank of Athens, appellant, *v.* F. C. Shackelford, Trustee, etc. Appeal from the United States Circuit Court of Appeals for the Fifth Circuit. Decree affirmed with costs and cause remanded to the District Court of the United States for the Northern District of Georgia. Opinion by Mr. Justice McReynolds.

No. 246. Charles W. Anderson, collector of internal revenue, etc., petitioner, *v.* The Forty-two Broadway Company. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the Southern District of New York for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice Pitney. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 454. The United States, plaintiff in error, *v.* M. J. Barnow. In error to the District Court of the United States for the Eastern District of Pennsylvania. Judgment reversed, and cause remanded for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice Pitney. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 240. Henry La Roque, appellant, *v.* The United States. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Decree affirmed, and cause remanded to the District Court of the United States for the District of Minnesota. Opinion by Mr. Justice Van Devanter. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 34. The City of New York, petitioner, *v.* William Sage, jr. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree reversed with costs, and cause remanded to the District Court of the United States for the Southern District of New York for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 618. Charles M. Stratton, plaintiff in error, *v.* Walker B. Stratton. In error to the Court of Appeals of the Seventh Appellate District, County of Jefferson, State of Ohio. Dismissed for want of jurisdiction. Opinion by Mr. Chief Justice White.

No. 391. The Chicago, Rock Island & Pacific Railway Company, plaintiff in error, *v.* John F. Devine, administrator, etc. In error to the Supreme Court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Chief Justice White.

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The Chief Justice also announced the following orders of the court:

No. 354. M. J. Bray, Trustee, etc., et al., appellants, *v.* The United States Fidelity & Guaranty Company. Appeal from the United States Circuit Court of Appeals for the Fourth Circuit. Per curiam: Dismissed for want of jurisdiction upon the authority of *Chapman v. Bowen* (207 U. S. 89, 91); *J. W. Calnan Co. v. Doherty* (224 U. S. 145; *Synnott v. Tombstone Consol. Mines Co.* (234 U. S. 749). See *U. S. Fidelity Co. v. Bray* (225 U. S. 205).

No. 397. Laura Eichel et al., appellants, *v.* United States Fidelity & Guaranty Company. Appeal from the United States Circuit Court of Appeals for the Third Circuit. Per curiam: Dismissed for want of jurisdiction upon the authority of *United States v. Krall* (174 U. S. 385); *German National Bank v. Speckert* (181 U. S. 405); *United States v. Beatty* (232 U. S. 463).

No. 57. David C. Andrews et al., copartners, etc., appellants, *v.* Harry V. Osborn, Trustee, etc. Appeal from the United States Circuit Court of Appeals for the Third Circuit. Per curiam: Judgment affirmed with costs upon the authority of *First National Bank v. Littlefield* (226 U. S. 110, 112); *Texas & Pacific Ry. v. Louisiana R. R. Commission* (232 U. S. 338); *Greey v. Dockendorff* (232 U. S. 513).

No. 43. Frank Zodrow, plaintiff in error, *v.* The State of Wisconsin. In error to the Supreme Court of the State of Wisconsin. Per curiam: Dismissed for want of jurisdiction upon the authority of *Deming v. Carlisle Packing Co.* (226 U. S. 102, 105); *Consolidated Turnpike v. Norfolk, etc., Ry. Co.* (228 U. S. 596, 600); *Parker v. McLain* (237 U. S. 469, 471-472).

No. 45. Joe Maroun, plaintiff in error, *v.* The State of Louisiana. In error to the Supreme Court of the State of Louisiana. Per curiam: Dismissed for want of jurisdiction upon the authority of (1) Phoenix Ry. Co. *v.* Landis (231 U. S. 578, 582); John *v.* Paullin (231 U. S. 583); (2) Hallinger *v.* Davis (146 U. S. 314); Maxwell *v.* Dow (176 U. S. 581); Jordan *v.* Massachusetts (225 U. S. 167, 176); Frank *v.* Mangum (237 U. S. 309, 340).

No. 275. A. B. Crowl, plaintiff in error, *v.* The Commonwealth of Pennsylvania. Ordered that this case be advanced for hearing with No. 235.

No. 532. Ida May Innes, plaintiff in error, *v.* John W. Tobin, Sheriff, etc.; and

No. 533. Victor E. Innes, plaintiff in error, *v.* John W. Tobin, Sheriff, etc. Motions to advance granted, and cases assigned for argument on Monday, January 3, 1916.

No. 523. The Texas & Pacific Railway Company, plaintiff in error, *v.* A. R. Rigsby; and

No. 535. Illinois Central Railroad Company et al., plaintiffs in error, *v.* V. P. Messina. Ordered that these cases be placed on the summary docket.

No. 561. Cambria Iron Company, petitioner *v.* The Carnegie Steel Company (Ltd.). Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 668. Mary M. Hill, Executrix, etc., et al., petitioners, *v.* James H. Lovewell, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

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The chief justice also announced that the court will take a recess from Monday, the 15th instant, to Monday, the 29th instant.

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No. 691. Barber Asphalt Paving Company, plaintiff in error, *v.* The City of St. Paul. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. F. L. Peckham in behalf of Mr. Morris L. Townley for the petitioner, and by Mr. T. D. O'Brien for the respondent.

No. 686. Lilly Busch et al., etc., petitioners, *v.* Stromberg-Carlson Telephone Manufacturing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Charles Nagel in behalf of Mr. Joseph H. Zumbalen for the petitioners, and by Mr. Warwick M. Hough and Mr. Walter H. Saunders for the respondent.

No. 484. Charles A. Thatcher, appellant and plaintiff in error, *v.* The United States of America et al. Motion to instruct the clerk as to supervising fee to be charged on printed matter furnished, submitted by Mr. J. R. Hoover in behalf of Mr. Rhea P. Cary for the appellant and plaintiff in error.

No. 513. August Bay, plaintiff in error, *v.* Merrill & Ring Logging Co. Motion for leave to proceed in forma pauperis submitted by Mr. Charles R. Pierce in behalf of Mr. George F. Haman for the plaintiff in error.

No. 514. Gunder Nordgard, plaintiff in error, *v.* Marysville & Northern Railway Company et al. Appearance of P. J. McCluskey, administrator of the estate of Gunder Nordgard, deceased, as the party plaintiff in error herein, filed and entered on motion of Mr. Charles R. Pierce in behalf of Mr. George F. Haman for the plaintiff in error.

No. 514. P. J. McCluskey, administrator of the estate of Gunder Nordgard, deceased, plaintiff in error, *v.* Marysville & Northern Railway Company et al. Motion for leave to proceed in forma pauperis submitted by Mr. Charles R. Pierce in behalf of Mr. George F. Haman for the plaintiff in error.

No. 60. W. N. Shewalter, administrator, etc., plaintiff in error, *v.* Carolina, Clinchfield & Ohio Railway Company. Argued by Mr. Robert Burrow for the plaintiff in error, and by J. Norment Powell for the defendant in error.

No. 62. York & Whitney Company, plaintiff in error, *v.* The New York, New Haven & Hartford Railroad Company. Argued by Mr. Amos L. Taylor for the plaintiff in error, and by Mr. John L. Hall for the defendant in error.

No. 63. The William Cramp & Sons Ship & Engine Building Company, appellant, *v.* The United States. Argument commenced by Mr. Joseph Gilfillan for the appellant, continued by Mr. Assistant Attorney General Thompson for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 9, will be as follows: Nos. 63, 65, 66, 67, 68, 69, 70, 71, 72, and 73.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 9, 1915.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Odin Roberts, of Boston, Mass., was admitted to practice.

No. —, Original. Ex parte In the matter of Cloyd H. Duncan, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Cloyd H. Duncan, pro se.

No. 56. Town of Essex, appellant, *v.* New England Telegraph Company, of Massachusetts. Leave granted to file an additional brief on the question of jurisdiction, on motion of Mr. William R. Harr in behalf of counsel for the appellant.

No. 73. Banning Company et al., plaintiffs in error, *v.* The People of the State of California upon the information of U. S. Webb, attorney general. Passed temporarily, on motion of Mr. Evans Browne in behalf of counsel.

No. 65. Teodora Arana de Villanueva, appellant, *v.* Mariano P. Villanueva. Argued by Mr. C. W. O'Brien for the appellant, and by Mr. Howard Thayer Kingsbury for the appellee.

No. 66. The Atlantic Coast Line Railroad Company, plaintiff in error, *v.* General Burnette. Argued by Mr. Frederic D. McKenney for the plaintiff in error. No counsel appeared for the defendant in error.

No. 67. Thomas Christianson, plaintiff in error, *v.* The County of King. Argument commenced by Mr. Edward Judd for the plaintiff in error, and continued by Mr. Robert H. Evans for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 10, will be as follows: Nos. 67, 68, 69, 70, 71, 72, 74, 75, 76, and 77.

10434—15—22

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 10, 1915.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

George H. West, of Chattanooga, Tenn., and Thomas L. Philips, of St. Louis, Mo., were admitted to practice.

No. 75. Ozark Oil Company, appellant, *v.* William Berryhill. In error to the District Court of the United States for the Eastern District of Oklahoma. Dismissed with costs, pursuant to the 10th rule.

No. 76. C. J. Olson, plaintiff in error, *v.* The State of North Dakota. Continued per stipulation.

No. 67. Thomas Christianson, plaintiff in error, *v.* The County of King. Argument continued by Mr. Robert H. Evans for the defendant in error, and concluded by Mr. Edward Judd for the plaintiff in error.

No. 68. Detroit & Mackinac Railway Company, plaintiff in error, *v.* Michigan Railroad Commission et al. Argued by Mr. D. H. Crowley for the defendants in error, and submitted by Mr. Fred A. Baker and Mr. James McNamara for the plaintiff in error.

No. 69. Interstate Amusement Company, plaintiff in error, *v.* W. S. Albert et al. Argued by Mr. G. H. West for the plaintiff in error, and by Mr. Joe V. Williams for the defendants in error.

No. 70. Robert Moody & Son, a copartnership, etc., appellants, *v.* Century Savings Bank. Argument commenced by Mr. S. F. Prouty for the appellants, and continued by Mr. W. G. Harvison for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 11, will be as follows: Nos. 70, 71, 72, 74, 77, 78, 79, 80, 81, and 50 (and 51).



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 11, 1915.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Clowry Chapman, of New York City, and William D. McKenzie, of Chicago, Ill., were admitted to practice.

No. 80. Union Naval Stores Company, plaintiff in error, *v.* The United States. Submitted by Mr. Richard William Stoutz for the plaintiff in error, and by Mr. Assistant Attorney General Knaebel for the defendant in error, with leave to defendant in error to file brief within 15 days and to the plaintiff in error to file a reply brief within 10 days thereafter if so advised.

No. 70. Robert Moody & Son, a copartnership, etc., appellants, *v.* Century Savings Bank. Argument continued by Mr. W. G. Harvison for the appellee, and concluded by Mr. S. F. Prouty for the appellant.

No. 71. The New Orleans-Belize Royal Mail and Central American Steamship Company, Limited, appellant, *v.* The United States. Argued by Mr. A. R. Serven for the appellant, and by Mr. Assistant Attorney General Thompson for the appellee.

No. 72. The Provo Bench Canal & Irrigation Company et al., plaintiffs in error, *v.* Caleb Tanner. Argued by Mr. J. W. N. Whitecotton for the plaintiff in error, and submitted by Mr. Charles S. Varian for the defendant in error.

No. 74. The Atchison, Topeka & Santa Fe Railway Company, plaintiff in error, *v.* Claude Swearingen. Argued by Mr. Robert Dunlap for the plaintiff in error; submitted by Mr. Perry J. Lewis for the defendant in error.

No. 79. Ethel C. Mackenzie, plaintiff in error, *v.* John P. Hare et al., as and composing The Board of Election Commissioners of the City and County of San Francisco. Argument commenced by Mr. Milton T. U'Ren for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 12, will be as follows: Nos. 79, 78, 77, 81, 50 (and 51), 82, 83 (and 84), 85, 86, and 87 (and 88 and 89).

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 12, 1915.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, and Mr. Justice McReynolds.

Morris A. Goldstein, of Portland, Oreg., and Joseph E. Brown, of Chattanooga, Tenn., were admitted to practice.

No. 85. The Kansas City Southern Railway Company, appellant, *v.* Guardian Trust Company et al. Passed temporarily, on motion of Mr. Evans Browne in behalf of counsel.

No. 86. The United States, appellant, *v.* Louis Hemmer et al. Passed temporarily.

No. 79. Ethel C. Mackenzie, plaintiff in error, *v.* John P. Hare et al., as and composing The Board of Election Commissioners of the City and County of San Francisco. Argument continued by Mr. Milton U'Ren for the plaintiff in error, by Mr. Thomas V. Cator for the defendants in error, and concluded by Mr. Milton T. U'Ren for the plaintiff in error.

No. 78. Guerini Stone Company, plaintiff in error, *v.* P. J. Carlin Construction Company. Argued by Mr. Edward S. Paine for the plaintiff in error, and submitted by Mr. Francis H. Dexter for the defendant in error.

No. 81. The Dayton Coal & Iron Company, Ltd., plaintiff in error, *v.* Cincinnati, New Orleans & Texas Pacific Railway Company et al. Argued by Mr. G. H. West for the plaintiff in error, and by Mr. Joseph E. Brown and Mr. M. M. Allison for the defendants in error.

Adjourned until Monday next at 12 o'clock.

10434—15—25

# SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 15, 1915.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

William M. Matthews, of Dayton, Ohio, Wilson E. Tipple, of New York City, Arthur W. Clement, of New York City, Emil Cornelius Peters, of Honolulu, Hawaii, John M. Eshleman, of Los Angeles, Cal., W. D. Cochran, of Maysville, Ky., and Julian C. Wilson, of Memphis, Tenn., were admitted to practice.

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No. 1. Morris Canal & Banking Company et al., plaintiffs in error, *v.* David Baird et al. In error to the Court of Errors and Appeals of the State of New Jersey. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 38. The Glenwood Light & Water Company, appellant, *v.* The Mutual Light, Heat & Power Company. Appeal from the District Court of the United States for the District of Colorado. Decree reversed with costs, and cause remanded for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice Pitney.

No. 481. The United States, plaintiff in error, *v.* Joe Freeman. In error to the District Court of the United States for the District of Kansas. Judgment reversed, and cause remanded for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice Van Devanter.

No. 53. Southern Railway Company, plaintiff in error, *v.* Samuel J. Campbell. In error to the Supreme Court of the State of South Carolina. Judgment affirmed with costs. Opinion by Mr. Justice Hughes.

No. 328. Provident Savings Life Assurance Society, plaintiff in error, *v.* The Commonwealth of Kentucky by H. M. Bosworth, Auditor. In error to the Court of Appeals of the State of Kentucky. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Hughes.

No. 31. Carlos Gsell, plaintiff in error, *v.* The Insular Collector of Customs. In error to the Supreme Court of the Philippine Islands. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Day.

No. 44. The United States of America, plaintiff in error, *v.* The New York & Porto Rico Steamship Company, in error to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed, and cause remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 287. Cornelius B. Parker et al., appellants, *v.* Antonio Monroig et al. Appeal from the District Court of the United States for Porto Rico. Decree affirmed with costs. Opinion by Mr. Chief Justice White.

The Chief Justice also announced the following orders of the court:

No. —, Original. *Ex parte* In the matter of Cloyd H. Duncan, petitioner. Motion for leave to file petition for writ of mandamus denied.

No. 672. Robert Kitchens, appellant, *v.* J. C. Hamilton, sheriff, etc. Motion for leave to proceed *in forma pauperis* denied. (Mr. Justice Day, in view of the certificate of the district judge, is of the opinion that this motion should be granted.)

No. 513. August Bay, plaintiff in error, *v.* Merrill & Ring Logging Company; and

No. 514. P. J. McCluskey, administrator, etc., plaintiff in error, *v.* Marysville & Northern Railway Company et al. Motions for leave to proceed *in forma pauperis* denied.

No. 672. Robert Kitchens, appellant, *v.* J. C. Hamilton, sheriff, etc. Motion to advance granted, and cause assigned for argument on January 3d next, after the case heretofore assigned for that day.

No. 686. Lilly Busch et al., etc., petitioners, *v.* Stromberg-Carlton Telephone Manufacturing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 691. Barber Asphalt Paving Company, petitioner, *v.* The City of St. Paul. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 60. W. N. Shewalter, administrator of Robert Shewalter, deceased, plaintiff in error, *v.* Carolina, Clinchfield & Ohio Railway. In error to the Supreme Court of the State of Tennessee. *Per curiam*: Judgment affirmed, with costs, upon the authority of (1) Michigan Central Railroad *v.* Vreeland, 227 U. S., 59; American Railroad of Porto Rico *v.* Didricksen, 227 U. S., 145; Gulf, Colorado, &c., Ry. *v.* McGinnis, 228 U. S., 173; Garrett *v.* Louisville &

Nashville R. R., 235 U. S., 308; St. Louis & Iron Mountain Ry. *v.* Craft, 237 U. S., 648; Kansas City Southern Ry. *v.* Leslie, 238 U. S., 599; (2) Barron *v.* Baltimore, 7 Peters, 243; Jack *v.* Kansas, 199 U. S., 372, 379-380; Brown *v.* New Jersey, 175 U. S., 172; Twining *v.* New Jersey, 211 U. S., 78, 93.

No. 139. Pennsylvania Railroad Company *v.* W. F. Jacoby & Company. On a certificate from and writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed, with costs, by a divided court and cause remanded to the District Court of the United States for the District of Pennsylvania.

No. 12, Original. *Ex parte.* In the matter of The United States, petitioner. Leave granted to file reply of The United States to the return of the respondent, on motion of Mr. Solicitor General Davis for the petitioner.

No. 707. Fred von Baumbach, Collector, etc., petitioner, *v.* Sargent Land Company;

No. 708. Fred von Baumbach, Collector, etc., petitioner, *v.* Sutton Land Company; and

No. 709. Fred von Baumbach, Collector, etc., petitioner, *v.* Kear-sarge Land Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Solicitor General Davis for the petitioner.

No. 648. J. Sam Rowland et al., etc., appellants, *v.* Sidney E. Boyle, as administrator, etc., et al. Motion to advance submitted by Mr. Joseph M. Hill for the appellants.

No. 677. Otoman Zar Adusht Hanish, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. James R. Ward for the petitioner.

No. 692. Don A. Moun Day et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Chapin Brown in behalf of Mr. Charles Blood Smith for the petitioners, and by Mr. Solicitor General Davis and Mr. Assistant Attorney General Wallace for the respondent.

No. 704. Webster Ballinger, petitioner, *v.* West Publishing Company. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Webster Ballinger, *pro se*, and by Mr. H. Winship Wheatley for the respondent.

No. 711. Louisville & Nashville Railroad Company et al., appellants, *v.* The United States et al. Motion for an order maintaining the *status quo* pending this appeal submitted by Mr. Edward S.

Jouett, Mr. Henry L. Stone, and Mr. W. A. Colston, for the appellants, with leave to Mr. E. W. Hines to file brief in opposition there-to on or before Monday next, and to counsel for appellants to file reply brief within two days thereafter.

No. 486. The Chicago, Rock Island & Pacific Railway Company, plaintiff in error, *v.* A. P. Bond, administrator, etc. Motion to dismiss or affirm submitted by Mr. Arthur Peter in behalf of Mr. John C. Moore for the defendant in error in support of the motion, and by Mr. J. G. Gamble, Mr. R. J. Roberts, Mr. M. L. Bell, and Mr. T. P. Littlepage for the plaintiff in error in opposition thereto.

No. 383. The James Clark Distilling Company, appellant, *v.* The Western Maryland Railway Company et al.; and

No. 384. The James Clark Distilling Company, appellant, *v.* The American Express Company et al. Motion to assign these cases for reargument on Monday, January 3, 1916, submitted by Mr. Joseph S. Graydon for the appellant.

No. 10, Original. The State of Arkansas, complainant, *v.* The State of Mississippi. Joint motion of complainant and defendant for the appointment of a commission to take proofs, etc., submitted by Mr. Julian C. Wilson, of counsel for the complainant.

No. 674. The Atchison, Topeka & Santa Fe Railway Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Evans Browne, Mr. Robert Dunlap, Mr. E. W. Camp, Mr. Paul Burks, and Mr. Alexander Britton for the petitioner.

No. 569. Illinois Central Railroad Company, plaintiff in error, *v.* W. L. Pelton. In error to the Supreme Court of the State of Iowa. Dismissed, per stipulation.

Adjourned until Monday, November 29, at 12 o'clock.

The day call for Monday, November 29, will be as follows: Nos. 229, 296, 458, 429, 342, 477, 167, 375, 491, 541, 608, 350, 516, 644, and 525.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 29, 1915.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Charles B. Lenahan, of Wilkes-Barre, Pa.; Samuel R. Goldsmith, of Connellsville, Pa.; Roger Benton Hull, of Washington, D. C.; Joe H. Eagle, of Houston, Tex.; Stuart R. Bolin, of Columbus, Ohio; Tom Davis, of Marshall, Minn.; William F. Connell, of Brooklyn, N. Y.; John N. Wilson, of Greensboro, N. C.; Abram J. Hertz, of St. Paul, Minn.; Alexander L. Janes, of St. Paul, Minn.; John Walter Keener, of Jonesboro, Tenn.; Ernest A. Michel, of Marshall, Minn.; Louis Ottenberg, of Washington, D. C.; W. A. Vinson, of Houston, Tex.; William G. Busby, of Jefferson City, Mo.; Jacob W. Hartman, of New York City; James T. Neville, of Springfield, Mo., and Edward A. Foote, of Cleveland, Ohio, were admitted to practice.

No. 48. Phoenix Railway Company of Arizona, appellant, *v.* W. Paul Geary et al., etc. Appeal from the District Court of the United States for the District of Arizona. Decree affirmed with costs without prejudice to the authority of the District Court to deal with the question of penalties. Opinion by Mr. Justice Pitney.

No. 52. Pedro de Elzaburu, appellant, *v.* Genera Chaves et al. Appeal from the Supreme Court of Porto Rico. Decree affirmed with costs. Opinion by Mr. Justice Pitney.

No. 42. J. F. Bailey, trustee etc., appellant, *v.* Baker Ice Machine Company. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the District of Kansas. Opinion by Mr. Justice Van Devanter.

No. 33. Henry W. O'Neill et al., plaintiffs in error, *v.* Jacob F. Leamer et al. In error to the Supreme Court of the State of Nebraska. Judgment affirmed with costs. Opinion by Mr. Justice Hughes.

No. 35. Louis Houck et al., plaintiffs in error, *v.* The Little River Drainage District et al. In error to the Supreme Court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Hughes.

No. 277. George G. Johnson, as treasurer of the State of South Dakota, appellant, *v.* Wells Fargo & Company; and

No. 278. George G. Johnson, as treasurer of the State of South Dakota, appellant, *v.* George C. Taylor, individually and as president of the American Express Company. Appeals from the United States Circuit Court of Appeals for the Eighth Circuit. Decrees affirmed with costs, and causes remanded to the District Court of the United States for the District of South Dakota. Opinion by Mr. Justice Day.

No. 28. Phillip Wagner, Incorporated, plaintiff in error, *v.* Oscar Leser et al. In error to the Court of Appeals of the State of Maryland. Judgment affirmed with costs. Opinion by Mr. Justice Day. Dissenting: Mr. Justice Pitney and Mr. Justice McReynolds.

No. 63. The William Cramp & Sons Ship & Engine Building Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Day. Dissenting: Mr. Justice McKenna. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 66. The Atlantic Coast Line Railroad Company, plaintiff in error, *v.* General Burnette. In error to the Supreme Court of the State of North Carolina. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 71. The New Orleans-Belize Royal Mail and Central American Steamship Company, Limited, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Holmes. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 386. William E. Heim et al., plaintiffs in error, *v.* Edward E. McCall et al., as members of and constituting the Public Service Commission for the First District of the State of New York. In error to the Court of Appeals of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 388. Clarence A. Crane, plaintiff in error, *v.* The People of the State of New York. In error to the Court of Special Sessions, First District, City of New York, State of New York. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 13. Fireball Gas Tank & Illuminating Company et al., petitioners, *v.* Commercial Acetylene Company et al. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Eastern District of Missouri. Opinion by Mr. Justice McKenna.



No. 58. Nellie Porter, plaintiff in error, *v.* Ollie A. Wilson et al. In error to the Supreme Court of the State of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 27. The Mellon Company, plaintiff in error, *v.* Charles McCafferty, as county treasurer, et al. In error to the Supreme Court of the State of Oklahoma. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice White.

No. 54. Chieng Ah Sui, appellant, *v.* Henry B. McCoy, insular collector of customs of the Philippine Islands. Appeal from the Supreme Court of the Philippine Islands. Decree affirmed with costs. Opinion by Mr. Chief Justice White.

No. 55. George W. Norton, as executor, etc., appellant, *v.* Robert B. Whiteside et al. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice White.

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The Chief Justice also announced the following orders of the court:

No. 62. York & Whitney Company, plaintiff in error, *v.* The New York, New Haven & Hartford Railroad Company. In error to the Superior Court of the State of Massachusetts. Per curiam: Dismissed for the want of jurisdiction upon the authority of (1) *Leathe v. Thomas* (207 U. S., 93); *Yazoo & Miss. Valley R. R. Co. v. Brewer* (231 U. S., 245, 249); *The Mellon Company v. McCafferty*, this day decided (ante p. —); (2) *Equitable Life Assurance Society v. Brown* (187 U. S., 308, 314); *Consolidated Turnpike Co. v. Norfolk, etc., Ry. Co.* (228 U. S., 596; 600); *Easterling Lumber Co. v. Pierce* (235 U. S., 380; see *Louisville & Nashville R. R. Co. v. Maxwell*, 237 U. S., 94, 97-98, and cases cited).

No. 711. *Louisville & Nashville Railroad Company et al., appellants, v. The United States et al.* Motion to maintain the status quo herein pending this appeal denied.

No. 486. *The Chicago, Rock Island & Pacific Railway Company, plaintiff in error, v. A. P. Bond, administrator, etc.* Ordered that this case be placed on the summary docket.

No. 383. *The James Clark Distilling Company, appellant, v. The Western Maryland Railway Company et al.; and*

No. 384. *The James Clark Distilling Company, appellant, v. The American Express Company et al.* Ordered that these cases be assigned for reargument on Monday, February 21st, next.

No. 648. *J. Sam Rowland et al., etc., appellants, v. Sidney E. Boyle, administrator, etc., et al.* Motion to advance granted, and

the case assigned for argument on Monday, February 21st, after the cases heretofore assigned for that day.

No. 674. The Atchison, Topeka & Santa Fe Railway Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 707. Fred von Baumbach, collector, etc., petitioner, *v.* Sargent Land Company;

No. 708. Fred von Baumbach, collector, etc., petitioner, *v.* Sutton Land Company; and

No. 709. Fred von Baumbach, collector, etc., petitioner, *v.* Kear-sarge Land Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 677. Otoman Zar Adusht Hanish, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 692. Don A. Moun Day and L. D. Moun Day, petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 704. Webster Ballinger, petitioner, *v.* West Publishing Company. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 1, Original. The State of Georgia, complainant, *v.* The Tennessee Copper Company et al. Petition of Inspector for extension of time within which to make report granted, and time extended to January 1, 1916.

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No. 496. The United States, petitioner, *v.* The M. H. Pulaski Company et al.

No. 497. The United States, petitioner, *v.* R. B. Henry Company et al.;

No. 498. The United States, petitioner, *v.* James Elliott & Company et al.;

No. 499. The United States, petitioner, *v.* J. Wile Sons & Company;

No. 500. The United States, petitioner, *v.* Robert Muller & Company;

No. 501. The United States, petitioner, *v.* Wood & Selick et al.;

No. 502. The United States, petitioner, *v.* E. La Montagne's Sons;

No. 503. The United States, petitioner, *v.* Albert Lorsch & Company et al.;

- No. 504. The United States, petitioner, *v.* Cullman Brothers et al. ;  
 No. 505. The United States, petitioner, *v.* G. W. Faber (Inc.) ;  
 No. 506. The United States, petitioner, *v.* Louis Meyers & Son ;  
 No. 507. The United States, petitioner, *v.* William Openhym & Sons et al. ;  
 No. 508. The United States, petitioner, *v.* Park & Tilford ; and  
 No. 509. The United States, petitioner, *v.* Selgas & Company.

Motion to advance submitted by Mr. Solicitor General Davis for the petitioner.

No. 681. The United States, plaintiff in error, *v.* Fred Nice. Motion to advance submitted by Mr. Solicitor General Davis for the plaintiff in error.

No. 682. The United States, plaintiff in error, *v.* Dennis Quiver. Motion to advance submitted by Mr. Solicitor General Davis for the plaintiff in error.

No. 617. Olivia H. Hopkins et al., appellants, *v.* Frank Walker et al. Time in which to file reply brief for the appellant extended to December 15th, per stipulation of counsel, and on motion of Mr. W. C. Sullivan in behalf of counsel.

No. 581. E. I. du Pont de Nemours Powder Company et al., petitioners, *v.* Walter E. Masland et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Edwin J. Prindle and Mr. Warren H. Small for the petitioners.

No. 684. Thompson & Ford Lumber Company, petitioner, *v.* Charles Dillingham, receiver, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. William A. Vinson and Mr. H. M. Garwood for the petitioner, and by Mr. Thomas N. Kennerly for the respondents.

No. 689. George M. Diener et al., plaintiffs in error, *v.* I. M. Lane et al. Motion to dismiss or affirm submitted by Mr. E. W. Hines in behalf of Mr. E. L. Worthington for the defendants in error in support of the motion, and by Mr. J. M. Collins and Mr. J. H. Hazelrigg for the plaintiffs in error in opposition thereto.

No. 724. Charles Edward Grelle et al., petitioners, *v.* The City of Eugene, Oregon, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Frederick S. Stitt in behalf of Mr. T. J. Giesler for the petitioners and by Mr. Martin L. Piper for the respondents.

No. 723. Marion W. Rose, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. James T. Neville and Mr. George X. McLanahan for the petitioner and by Mr. Solicitor General Davis and Mr. Assistant Attorney General Wallace for the respondent.

No. 92. St. Louis & San Francisco Railroad Company, appellant, *v.* The Public Service Commission of Missouri et al.;

No. 93. Atchison, Topeka & Santa Fe Railway Company, appellant, *v.* The Public Service Commission of Missouri et al.;

No. 94. St. Louis Southwestern Railway Company, appellant, *v.* The Public Service Commission of Missouri et al.;

No. 95. Chicago, Rock Island & Pacific Railway Company, appellant, *v.* The Public Service Commission of Missouri et al.;

No. 96. St. Louis, Kansas City & Colorado Railroad Company, appellant, *v.* The Public Service Commission of Missouri et al.;

No. 97. Kansas City Southern Railway Company, appellant, *v.* The Public Service Commission of Missouri et al.;

No. 98. Missouri Pacific Railway Company, appellant, *v.* The Public Service Commission of Missouri et al.;

No. 99. St. Louis, Iron Mountain & Southern Railway Company, appellant, *v.* The Public Service Commission of Missouri et al.;

No. 100. Missouri, Kansas & Texas Railway Company, appellant, *v.* The Public Service Commission of Missouri et al.;

No. 101. Chicago, Burlington & Quincy Railroad Company, appellant, *v.* The Public Service Commission of Missouri et al.;

No. 102. Chicago, Milwaukee & St. Paul Railway Company, appellant, *v.* The Public Service Commission of Missouri et al.; and

No. 103. Chicago & Alton Railroad Company, appellant, *v.* The Public Service Commission of Missouri et al. Appeals from the District Court of the United States for the Western District of Missouri. Dismissed with costs, on motion of Mr. Frank Hagerman for the appellants.

No. 718. S. S. White Dental Manufacturing Company, petitioner, *v.* Oscar H. Pieper et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Joseph C. Fraley, Mr. Henry N. Paul, jr., and Mr. Edward Rector for the petitioner, and by Mr. Charles A. Brown for the respondent.

No. 199. J. J. Broussard, plaintiff in error, *v.* N. N. Smith, chief of police of the city of Beaumont, Tex. Death of N. N. Smith and appointment of his successor, R. R. Baker, as chief of police of the city of Beaumont, Tex., suggested, and appearance of R. R. Baker, as

chief of police of the city of Beaumont, Tex., as the party defendant in error herein filed and entered, on motion of Mr. Frederick S. Tyler in behalf of said defendant in error.

No. 700. Southern Pacific Company, plaintiff in error, *v.* Marie Jensen; and

No. 701. Clyde Steamship Company, plaintiff in error, *v.* William Alfred Walker. Motion to advance submitted by Mr. Ray Rood Allen and Mr. Norman B. Beecher for the plaintiffs in error.

No. 288. Inter-Island Steam Navigation Company, Limited, plaintiff in error, *v.* J. J. Byrne et al. Submitted pursuant to the 20th rule by Mr. Charles R. Hemenway for the plaintiff in error and Mr. Frank E. Thompson and Mr. John W. Cathcart for the defendants in error.

No. 375. The Chicago & Alton Railroad Company, plaintiff in error, *v.* Joseph M. Wagner. Submitted by Mr. Silas H. Strawn, Mr. Edward W. Everett, and Mr. J. Sidney Condit for the plaintiff in error and by Mr. James C. McShane for the defendant in error.

No. 516. J. D. O'Keefe, receiver, etc., appellant, *v.* The United States et al. Passed temporarily, on motion of Mr. Solicitor General Davis for the appellees.

No. 229. The Cleveland, Cincinnati, Chicago & St. Louis Railway Company, plaintiff in error, *v.* Edward Dettlebach. Argued by Mr. Edward A. Foote for the plaintiff in error, and by Mr. C. C. Young for the defendant in error.

No. 296. Southern Railway Company, plaintiff in error, *v.* W. L. Lloyd. Argued by Mr. John N. Wilson for the plaintiff in error, and by Mr. A. L. Brooks for the defendant in error.

No. 458. Rome Miller, plaintiff in error, *v.* Emil J. Strahl. Argued by Mr. Edgar M. Morsman, jr., for the plaintiff in error, and by Mr. H. C. Brome for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 30, will be as follows: Nos. 429, 342, 477, 167, 491, 541, 608, 350, 644, and 525.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 30, 1915.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Walter Lee Sheppard, of Philadelphia, Pa., Andrew J. Grigsby, of Nashville, Tenn., and Austin J. McMahan, of New York City, were admitted to practice.

No. 525. The United States, plaintiff in error, *v.* Jin Fuey Moy. Passed temporarily, on motion of Mr. H. R. Burton for the defendant in error.

No. 429. Great Northern Railway Company, plaintiff in error, *v.* H. W. Otos. Argued by Mr. E. C. Lindley for the plaintiff in error, and by Mr. Tom Davis for the defendant in error.

No. 342. The Texas & Pacific Railway Company, plaintiff in error, *v.* J. T. Bigger et al. Submitted by Mr. George Thompson and Mr. T. D. Cobb for the plaintiff in error, and by Mr. H. C. Carter and Mr. Perry J. Lewis for the defendants in error.

No. 477. Bruce Shanks, plaintiff in error, *v.* The Delaware, Lackawanna & Western Railroad Company. Argued by Mr. Joseph A. Shay for the plaintiff in error, and by Mr. Alexander Pope Humphrey for the defendant in error.

No. 167. Chicago, Rock Island & Pacific Railway Company, plaintiff in error, *v.* Lizzie L. Wright et al., administrators, etc. Argued by Mr. E. P. Holmes for the plaintiff in error, and by Mr. George W. Berge for the defendants in error.

No. 491. Seaboard Air Line Railway, plaintiff in error, *v.* Beaugard Magdalene Koenecke, administratrix, etc. Argued by Mr. Joberry S. S. Lyles for the plaintiff in error, and by Mr. Frank G. Tompkins for the defendant in error.

No. 541. Seaboard Air Line Railway, plaintiff in error, *v.* James T. Horton. Argument commenced by Mr. Murray Allen for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 1, will be as follows: Nos. 541, 608, 350, 644, 77, 50 (and 51), 82, 83 (and 84), 87, and 90.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 1, 1915.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

No. 541. Seaboard Air Line Railway, plaintiff in error, *v.* James T. Horton. Argument concluded by Mr. Clyde A. Douglass for the defendant in error.

No. 608. Catherine C. Reese, administratrix, etc., plaintiff in error, *v.* Philadelphia & Reading Railway Company. Argued by Mr. George Demming for the plaintiff in error, and by Mr. William Clarke Mason for the defendant in error.

No. 350. Northern Pacific Railway Company, plaintiff in error, *v.* R. P. Wall, as administrator, etc. Argued by Mr. Charles Donnelly for the plaintiff in error, and by Mr. Thomas J. Walsh for the defendant in error.

No. 644. L. Laurence Weber, appellant, *v.* Frederick S. Freed, deputy collector, etc. Argument commenced by Mr. Benjamin F. Spellman for the appellant. The court declined to hear further argument.

No. 77. Frank Crocker, trustee, etc., appellant, *v.* The United States. Argument commenced by Mr. James H. Hayden for the appellant, and continued by Mr. Assistant Attorney General Thompson for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 2, will be as follows: Nos. 77, 50 (and 51), 82, 83 (and 84), 87, 90, 91, 104, 105, and 106.

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# SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 2, 1915.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and ~~Mr. Justice McReynolds~~.

Francis D. Weaver, of Camden, N. J.; J. B. A. Robertson, of Oklahoma, Okla.; Charles Wham, of Centralia, Ill.; Fred L. Wham, of Salem, Ill.; Alexander Pope, of Dallas, Tex.; and Thomas Marieaux, of Salt Lake City, Utah, were admitted to practice.

No. 215. William J. Deupree, trustee, etc., appellant, *v.* Alice P. Watson. Appeal from the United States Circuit Court of Appeals for the Sixth Circuit. Dismissed with costs, on motion of counsel for the appellant.

No. 349. The Missouri Pacific Railway Company, plaintiff in error, *v.* The State of Missouri at the relation of the city of St. Louis. In error to the Supreme Court of the State of Missouri. Dismissed with costs, per stipulation.

No. 105. Ralsa F. Morley et al., plaintiffs in error, *v.* William M. Fewel. In error to the Supreme Court of the State of Oklahoma. Dismissed with costs, pursuant to the tenth rule.

No. 77. Frank Crocker, trustee, etc., appellant, *v.* The United States. Argument continued by Mr. Assistant Attorney General Thompson for the appellee and concluded by Mr. James H. Hayden for the appellant.

No. 50. Seven cases (more or less), each containing 12 bottles of Eckman's Alterative, Eckman Mfg. Co., owner, plaintiff in error, *v.* The United States of America; and

No. 51. Six cases (more or less), each containing 12 bottles of Eckman's Alterative, Eckman Mfg. Co., owner, plaintiff in error, *v.* The United States of America. Argued by Mr. D. W. Baker for the plaintiff in error and by Mr. Assistant Attorney General Underwood for the defendant in error.



No. 82. The Fairbanks Steam Shovel Company, appellant, *v.* William V. Wills, trustee, etc. Argument commenced by Mr. Elisha B. Durfee for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 3, will be as follows: Nos. 82, 83 (and 84), 87, 90, 91, 104, 106, 107, 108, and 110.

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 3, 1915.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

George P. Dike, of Boston, Mass.; H. L. Stuart, of Oklahoma City, Okla.; Lewis A. Nuckols, of Frankfort, Ky.; and Walter Aitken, of Belgrade, Mont., were admitted to practice.

No. 417. The Railroad Supply Company, petitioner, *v.* Elyria Iron & Steel Company. Motion to advance to be heard with No. 357 as one case and on the record in No. 357 granted, on motion of Mr. T. E. Brown for the petitioner.

No. 130. Maria L. Overton et al., appellants, *v.* The United States. Leave granted to file brief herein as *amicus curiae*, on motion of Mr. B. E. Moses in that behalf.

No. 411. George D. Rogers et al., appellants, *v.* County of Hennepin et al. Advanced to be heard with No. 104 as one case, on motion of Mr. H. V. Mercer for the appellants.

No. 107. Frank G. Farnham, appellant, *v.* The United States. Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Assistant Attorney General Thompson for the appellee.

No. 108. Farmers & Merchants State Bank of Waco, appellant, *v.* M. C. H. Park, trustee, etc. Passed temporarily.

No. 82. The Fairbanks Steam Shovel Co., appellant, *v.* William V. Wills, trustee, etc. Argument concluded by Mr. Elisha B. Durfee, for the appellant, and submitted by Mr. E. C. Ferguson, for the appellee.

No. 83. The United States, appellant, *v.* Simon Normile et al., etc.; and

No. 84. Simon Normile et al., etc., appellants, *v.* The United States. Argued by Mr. F. Carter Pope and Mr. Benjamin Carter, for Normile et al., and by Mr. Assistant Attorney General Thompson, for the United States.

No. 87. Northern Pacific Railway Company, plaintiff in error, *v.* P. J. Concannon et al. Argued by Mr. Charles W. Bunn for the plaintiff in error and submitted by Mr. William H. Hayden for the defendants in error.

No. 90. The Home Bond Company, appellant, *v.* H. V. McChesney, trustee, etc. Argued by Mr. Robert Kinkead for the appellant and by Mr. Lewis A. Nuckols for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 6, will be as follows: Nos. 91, 104 (and 411), 106, 110, 525, 111, 112, 113, 114, and 115.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 6, 1915.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

James D. Cottrell, of Plano, Tex.; Frank W. Knowlton, of Boston, Mass.; Alfred Ashewell Frazier, of Zanesville, Ohio; A. Talmage Snyder, of Canton, Ohio; Hubert C. Pontius, of Canton, Ohio; Homer S. Cummings, of Stamford, Conn.; James A. Marr, of Bridgeport, Conn.; Lyman M. Bass, of Buffalo, N. Y.; David Phillips, of Philadelphia, Pa.; Harry Felix, of Philadelphia, Pa.; Maurice J. Speiser, of Philadelphia, Pa.; Frank A. Harrigan, of Philadelphia, Pa.; Harry A. Mackey, of Philadelphia, Pa.; Herman L. Hecht, of Philadelphia, Pa.; Francis M. Meadows, of Philadelphia, Pa.; William A. Gray, of Philadelphia, Pa.; Samuel W. Salus, of Philadelphia, Pa.; John H. Maurer, of Philadelphia, Pa.; Joseph L. Kun, of Philadelphia, Pa.; William B. S. Ferguson, of Philadelphia, Pa.; William H. Wilson, of Philadelphia, Pa.; Edwin S. Ward, of Philadelphia, Pa.; Raymond MacNeille, of Philadelphia, Pa.; Isadore Stern, of Philadelphia, Pa.; Arthur B. Eaton, of Philadelphia, Pa.; Thomas F. McNichol, of Philadelphia, Pa.; W. C. Wilson, of Philadelphia, Pa.; Alfred Aarons, of Philadelphia, Pa.; Albert H. Ladner, jr., of Philadelphia, Pa.; William T. Connor, of Philadelphia, Pa.; Franz Ehrlich, jr., of Philadelphia, Pa.; Rowland C. Evans, of Philadelphia, Pa.; William F. Rorke, of Philadelphia, Pa.; Augustus Trask Ashton, of Philadelphia, Pa.; Daniel Joseph Shern, of Philadelphia, Pa.; and Henry Nathan Wessel, of Philadelphia, Pa., were admitted to practice.

No. 72. The Provo Bench Canal & Irrigation Company et al., plaintiffs in error, *v.* Caleb Tanner. In error to the Supreme Court of the State of Utah. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 56. Town of Essex, appellant, *v.* New England Telegraph Company of Massachusetts. Appeal from the District Court of the United States for the District of Massachusetts. Decree modified and affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 79. Ethel C. MacKenzie, plaintiff in error, *v.* John P. Hare et al., etc. In error to the Supreme Court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice McKenna. (Mr. Justice McReynolds is of the opinion that this court is without jurisdiction and that, therefore, the writ of error should be dismissed.)

No. 65. Teodora Arana de Villanueva, appellant, *v.* Mariano P. Villanueva. Appeal from the Supreme Court of the Philippine Islands. Decree affirmed with costs. Opinion by Mr. Chief Justice White.

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The Chief Justice also announced the following orders of the court:

No. 689. George M. Diener et al., plaintiffs in error, *v.* I. M. Lane et al. In error to the Court of Appeals of the State of Kentucky. *Per curiam*: Dismissed for want of jurisdiction upon the authority of: (1) Consolidated Turnpike *v.* Norfolk, etc., Ry. Co., 228 U. S. 596, 600; Manhattan Life Ins. Co. *v.* Cohen, 234 U. S. 123, 137; Easterling Lumber Co. *v.* Pierce, 235 U. S. 380; (2) Lancaster *v.* Thacker et al., 239 U. S. —; Wallbrecht et al. *v.* Ingram et al., 239 U. S. —; (3) Waters-Pierce Oil Co. *v.* Texas (No. 2, 212 U. S. 112, 118; Deming *v.* Carlisle Packing Co., 226 U. S. 102; Overton *v.* Oklahoma, 235 U. S. 31.

No. 496. The United States, petitioner, *v.* The M. H. Pulaski Company et al.;

No. 497. The United States, petitioner, *v.* R. B. Henry Company et al.;

No. 498. The United States, petitioner, *v.* James Elliott & Company et al.;

No. 499. The United States, petitioner, *v.* J. Wile Sons & Company;

No. 500. The United States, petitioner, *v.* Robert Muller & Company;

No. 501. The United States, petitioner, *v.* Wood & Selick et al.;

No. 502. The United States, petitioner, *v.* E. La Montagne's Sons;

No. 503. The United States, petitioner, *v.* Albert Lorsch & Company et al.;

No. 504. The United States, petitioner, *v.* Cullman Brothers et al.;

No. 505. The United States, petitioner, *v.* G. W. Faber, Inc.;

No. 506. The United States, petitioner, *v.* Louis Meyers & Son;

No. 507. The United States, petitioner, *v.* William Openhym & Sons et al.;

No. 508. The United States, petitioner, *v.* Park & Tilford; and

No. 509. The United States, petitioner, *v.* Selgas & Company.

Motion to advance granted, and cases assigned for argument on Monday, February 21 next, after the cases heretofore assigned for that day.

No. 681. The United States, plaintiff in error, *v.* Fred Nice. Motion to advance granted, and case assigned for argument on Monday, February 21 next, after the cases heretofore assigned for that day.

No. 682. The United States, plaintiff in error, *v.* Dennis Quiver. Motion to advance granted, and case assigned for argument on Monday, February 21 next, after the cases heretofore assigned for that day.

No. 700. Southern Pacific Company, plaintiff in error, *v.* Marie Jensen; and

No. 701. Clyde Steamship Company, plaintiff in error, *v.* William Alfred Walker. Motion to advance granted, and cases assigned for argument on Monday, February 21 next, after the cases heretofore assigned for that day.

No. 581. E. I. du Pont de Nemours Powder Company et al., petitioners, *v.* Walter E. Masland et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 718. S. S. White Dental Manufacturing Company, petitioner, *v.* Oscar H. Pieper et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 684. Thompson & Ford Lumber Company, petitioner, *v.* Charles Dillingham, receiver, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 723. Marion W. Rose, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 724. Charles Edward Grelle et al., petitioners, *v.* The City of Eugene, Oregon, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

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No. 122. Atlantic, Gulf & Pacific Company, appellant, *v.* The United States; and

No. 123. The United States, appellant, *v.* Atlantic, Gulf & Pacific Company. Passed temporarily, on motion of Mr. Solicitor General Davis for The United States.

No. 381. William A. Hartranft, plaintiff in error, *v.* Alexander R. Mullowny, Judge of the Police Court of the District of Columbia.

Motion to advance or place on the summary docket submitted by Mr. Solicitor General Davis for the defendant in error.

No. 628. The United States of America, plaintiff in error, *v.* The Union Manufacturing Company et al. Motion to advance submitted by Mr. Solicitor General Davis for the plaintiff in error.

No. 452. The Director of Prisons, plaintiff in error and appellant, *v.* The Court of First Instance of the Province of Cavite, etc. Motion to dismiss submitted by Mr. C. W. O'Brien for the defendant in error and appellee in support of the motion, and by Mr. S. T. Ansell and Mr. C. J. Gerkin for the plaintiff in error and appellant in opposition thereto.

No. 741. Mariano Riera Palmer, on behalf of himself and other notaries, appellant, *v.* Samuel D. Gromer, treasurer; A. R. Sawyer, auditor, and Foster V. Brown, attorney general of Porto Rico. Appeal from the Supreme Court of Porto Rico. Docketed and dismissed with costs, on motion of Mr. Samuel T. Ansell for the appellees.

No. 526. William Whalley, plaintiff in error, *v.* Philadelphia & Reading Railway Company. Motion to advance submitted by Mr. Augustus Trask Ashton for the plaintiff in error.

No. —, Original. The State of Vermont, complainant, *v.* The State of New Hampshire. Motion for leave to file bill of complaint submitted by Mr. John G. Sargent and Mr. Herbert G. Barber for the complainant.

No. 358. Southern Railway Company, plaintiff in error, *v.* W. E. Prescott. Motion to dismiss or affirm submitted by Mr. J. J. Darlington in behalf of Mr. W. H. Townsend for the defendant in error in support of the motion, and by Mr. Benjamin L. Abney for the plaintiff in error in opposition thereto.

No. 734. Hugh McCurdy Eaton, administrator, etc., petitioner, *v.* The County of Shiawassee. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Frederick S. Tyler in behalf of Mr. Bernard B. Selling for the petitioner and by Mr. Harrison Gear for the respondent.

No. 114. The Fidelity & Deposit Company of Maryland, plaintiff in error, *v.* The Commonwealth of Pennsylvania. Passed temporarily on motion of Mr. William M. Hargest for the defendant in error.

No. 115. Washington Dredging & Improvement Company, plaintiff in error, *v.* George Kinnear et al. Submitted on briefs to be filed hereafter.

No. 307. Charles H. Fouts, plaintiff in error, *v.* The Baltimore & Ohio Railroad Company. Motion to dismiss submitted by Mr. George

F. Arrell, Mr. James P. Wilson, and Mr. Union C. De Ford for the defendant in error in support of the motion, and by Mr. David F. Anderson for the plaintiff in error in opposition thereto.

No. 14, Original. Ex parte In the matter of Jesse W. Uppercu, petitioner. Argued by Mr. A. C. Cass for the petitioner and by Mr. Frank W. Knowlton for the respondent.

No. 91. Atlantic Coast Line Railroad Company, plaintiff in error, *v.* R. W. Glenn. Argued by Mr. P. A. Willcox for the plaintiff in error and submitted by Mr. Frederick S. Tyler for the defendant in error.

No. 104. George D. Rogers et al., etc., plaintiffs in error, *v.* The County of Hennepin et al.; and

No. 411. George D. Rogers et al., appellants, *v.* The County of Hennepin et al. Argument commenced by Mr. H. V. Mercer for the plaintiff in error and appellants, continued by Mr. Lyndon A. Smith and Mr. William J. Stevenson for the defendant in error and appellee, and concluded by Mr. H. V. Mercer for the plaintiffs in error and appellees.

No. 106. Leslie G. Loomis et al., plaintiffs in error, *v.* Lehigh Valley Railroad Company. Argued by Mr. Edward P. White for the plaintiffs in error and by Mr. Lyman M. Bass for the defendant in error.

No. 110. Eli P. Williams et al., plaintiffs in error, *v.* Ben F. Johnson. Submitted by Mr. Eli P. Williams et al., *pro se*, and by Mr. Reford Bond for the defendant in error.

No. 111. The Chicago, Rock Island & Pacific Railway Company et al., plaintiffs in error, *v.* Daniel C. Whiteaker. Submitted by Mr. Paul E. Walker and Mr. M. L. Bell for the plaintiffs in error and by Mr. James P. Gilmore for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 7, will be as follows: Nos. 525, 112, 113, 116, 117, 118 (and 39 and 109), 119, 120, 121, and 124.

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## SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 7, 1915.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Norton Montgomery, of Denver, Colo.; Raymond B. Dickey, of Washington, D. C.; Arthur B. Hyman, of New York City; Clyde H. Walker, of Champaign, Ill.; David H. Leake, of Richmond, Va.; Eskil C. Carlson, of Des Moines, Iowa; Pross T. Cross, of Lathrop, Mo.; Enoch Aquila Chase, of Washington, D. C.; Charles C. McDonald, of Austin, Tex.; B. G. Cummings, of Hillsboro, Tex.; and J. W. Chancellor, of Bowie, Tex., were admitted to practice.

No. 118. John F. Cubbins, appellant, *v.* Cotton Belt Levee District No. 1 et al.;

No. 39. John F. Cubbins, appellant, *v.* The Mississippi River Commission et al.; and

No. 109. John F. Cubbins, appellant, *v.* The Mississippi River Commission et al. Passed to be heard with No. 299, on motion of Mr. B. E. Moses for the appellant.

No. 120. Henry C. Hapai et al., plaintiffs in error, *v.* May K. Brown et al. Passed temporarily.

No. 525. The United States, plaintiff in error, *v.* Jin Fuey Moy. Argued by Mr. Assistant Attorney General Wallace for the plaintiff in error, and by Mr. H. Ralph Burton and Mr. Levi Cooke for the defendant in error.

No. 112. The United States, appellant, *v.* George F. Archer et al. Argued by Mr. Solicitor General Davis for the appellant, and by Mr. Percy Bell for the appellees.

No. 113. Halifax Tonopah Mining Company, plaintiff in error, *v.* John W. Lawson. Argued by Mr. Henry M. Hoyt, 2d, for the plaintiff in error, and by Mr. E. C. Brandenburg for the defendant in error.

No. 116. The Bi-Metallic Investment Company, plaintiff in error, *v.* The State Board of Equalization, etc., et al. Argument commenced by Mr. Horace Phelps for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 8, will be as follows: Nos. 116, 117, 119, 121, 124, 61, 125, 126, 127, and 128.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 8, 1915.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Vincent M. Miles, of Little Rock, Ark.; Marcos C. de Baca, of Bernalillo, N. Mex.; Frank Rogers Donahue, of Philadelphia, Pa.; McCabe Moore, of Kansas City, Kans.; and Oscar S. Hill, of Kansas City, Mo., were admitted to practice.

No. 525. The United States, plaintiff in error, *v.* Jin Fuey Moy. Leave granted to the defendant in error to file an additional brief, on motion of Mr. Levi Cooke for the defendant in error, and leave granted to the plaintiff in error to reply thereto, on motion of Mr. Assistant Attorney General Wallace for the plaintiff in error.

No. 125. Clarence H. Venner, plaintiff in error, *v.* The Chicago City Railway Company et al. In error to the Supreme Court of the State of Illinois. Dismissed with costs, pursuant to the tenth rule.

No. 127. Kansas City Western Railway Company, plaintiff in error, *v.* George B. McAdow. Passed temporarily, on account of sickness of counsel, on motion of Mr. E. A. Kraufhoff in behalf of counsel for the plaintiff in error.

No. 128. The St. Louis Poster Advertising Company, appellant, *v.* The City of St. Louis et al. Continued per stipulation.

No. 116. The Bi-Metallic Investment Company, plaintiff in error, *v.* The State Board of Equalization, etc., et al. Argument continued by Mr. Horace Phelps for the plaintiff in error, by Mr. James A. Marsh, Mr. Fred Farrar, and Mr. Norton Montgomery for the defendants in error, and concluded by Mr. Horace Phelps for the plaintiff in error.

No. 117. Commercial National Bank of New Orleans, appellant, *v.* Canal-Louisiana Bank & Trust Company et al. Argued by Mr. Edwin T. Merrick for the appellant and by Mr. Henry Mooney for the appellees.

No. 119. New York Central & Hudson River Railroad Company, plaintiff in error, *v.* Samuel P. McConnell. Argument commenced by Mr. Walter H. Neal for the plaintiff in error, and continued by Mr. S. S. Gregory for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 9, will be as follows: Nos. 119, 121, 124, 61, 126, 129, 130, 131, 132, and 133.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 9, 1915.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Guillermo B. Guevara, of Manila, P. I.; Ezra E. Roddis, of Denver, Colo.; John B. Bruini, of Vicksburg, Miss.; H. F. Ponder, of Walnut Ridge, Ark.; Hamilton S. Smith, of Washington, D. C.; and Edmund A. Patten, of Washington, D. C., were admitted to practice.

No. 130. Maria L. Overton et al., appellants, *v.* The United States. Appeal from the Court of Claims. Judgment reversed and cause remanded for further proceedings, upon confession of error and motion of Mr. Solicitor General Davis for the appellee.

No. 119. New York Central & Hudson River Railroad Company, plaintiff in error, *v.* Samuel P. McConnell. Argument concluded by Mr. S. S. Gregory for the defendant in error.

No. 121. The Northwestern Laundry et al., appellants, *v.* The City of Des Moines, Iowa, et al. Argued by Mr. Eskil C. Carlson for the appellees and submitted by Mr. O. M. Brockett for the appellants.

No. 124. Southern Surety Company, plaintiff in error, *v.* The State of Oklahoma. Submitted by Mr. C. S. Arnold for the plaintiff in error with leave to counsel for the defendant in error to file brief within 10 days.

No. 61. Albert B. Moss et al., copartners, etc., plaintiffs in error, *v.* Alfred H. Ramey. Argued by Mr. O. O. Haga for the plaintiffs in error and by Mr. Will R. King for the defendant in error.

No. 126. The Mutual Life Insurance Company of New York, petitioner, *v.* L. Hilton-Green et al., as executors, etc. Argument commenced by Mr. Frederick L. Allen for the petitioner and continued by Mr. W. A. Blount for the respondents.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 10, will be as follows: Nos. 126, 129, 131, 132, 133, 134, 135, 136, 137, and 138.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 10, 1915.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Charles R. Williams, of Columbus, Ga.; Charles C. Grassham, of Paducah, Ky.; Theerett Towles, of Wallace, Idaho; John A. McGee, of San Francisco, Cal.; William R. King, of Omaha, Nebr.; and George L. Edwards, of St. Louis, Mo., were admitted to practice.

No. 134. Daniel J. Leary, appellant, *v.* The Mayor and Aldermen of the City of Jersey City et al. Continued per stipulation.

No. 126. The Mutual Life Insurance Company of New York, petitioner, *v.* L. Hilton-Green et al., as executors, etc. Argument concluded by Mr. W. A. Blount for the respondents.

No. 129. The Kanawha & Michigan Railway Company, plaintiff in error, *v.* T. L. Kerse, Administrator, etc. Argument commenced by Mr. Leroy Allebach for the plaintiff in error, continued by Mr. George A. Berry for the defendant in error, and concluded by Mr. W. N. King for the plaintiff in error.

No. 131. The United States, appellant, *v.* Cecil D. Ross. Argued by Mr. Assistant Attorney General Thompson for the appellant and by Mr. Charles F. Consaul for the appellee.

No. 132. Sadie A. Stead, Executrix, etc., et al., appellants, *v.* Isabella M. Curtiss et al. Argument commenced by Mr. Horace W. Philbrook for the appellants.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 13, will be as follows: Nos. 132, 133, 85, 516, 122 (and 123), 135, 136, 137, 138, and 141.

10434—15—36

# SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 13, 1915.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

John L. Darrouzet, of Galveston, Tex.; Atwell J. Clopton, of Dallas, Tex.; Andrew F. Burke, of San Francisco, Cal.; Fleming N. Alderson, of Richwood, W. Va.; George T. Bell, of Sioux City, Iowa; James F. Burns, of Chicago, Ill.; R. F. Feagans, of Washington, D. C.; Leon Hornstein, of Chicago, Ill.; George Butler, of Jackson, Miss.; Carl Fox, of Mobile, Ala.; Hugh O'Neill, of Chicago, Ill.; David J. Gallert, of New York City; and Luther Ely Smith, of St. Louis, Mo., were admitted to practice.

No. 70. Robert Moody & Son, a copartnership, etc., appellants, *v.* Century Savings Bank. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Southern District of Iowa. Opinion by Mr. Justice Van Devanter.

No. 67. Thomas Christianson, plaintiff in error, *v.* The County of King. In error to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Western District of Washington. Opinion by Mr. Justice Hughes.

No. 74. The Atchison, Topeka & Santa Fe Railway Company, plaintiff in error, *v.* Claude Swearingen. In error to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the Western District of Texas for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Day and Mr. Justice Pitney.

No. 83. The United States, appellant, *v.* Simon Normile et al.; and

No. 84. Simon Normile et al., appellants, *v.* The United States. Appeals from the Court of Claims. Judgment reversed, and cause

remanded, with directions to dismiss the petition. Opinion by Mr. Justice Holmes. (Mr. Justice McReynolds took no part in the consideration or decision of these cases.)

No. 429. Great Northern Railway Company, plaintiff in error, *v.* H. W. Otos. In error to the Supreme Court of the State of Minnesota. Judgment affirmed with costs and interest. Opinion by Mr. Justice Holmes.

No. 491. Seaboard Air Line Railway, plaintiff in error, *v.* Beaugard Madgelene Koennecke, as administratrix, etc. In error to the Supreme Court of the State of South Carolina. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 342. The Texas & Pacific Railway Company, plaintiff in error, *v.* J. T. Bigger et al. In error to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Western District of Texas. Opinion by Mr. Justice McKenna. (The Chief Justice, Mr. Justice Van Devanter, and Mr. Justice McReynolds dissent because they are of the opinion that some of the instructions complained of laid upon the carrier a heavier duty than the law recognized.)

No. 644. L. Lawrence Weber, appellant, *v.* Frederick S. Freed, deputy collector, etc. Appeal from the District Court of the United States for the District of New Jersey. Decree affirmed with costs. Opinion by Mr. Chief Justice White.

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The Chief Justice also announced the following orders of the court:

No. 113. Halifax Tonopah Mining Company, plaintiff in error, *v.* John W. Lawson. In error to the Supreme Court of the State of Nevada. Per curiam: Judgment affirmed with costs upon the authority of Chicago, Burlington & Quincy R. R. Co. *v.* McGuire (219 U. S., 549); Philadelphia, Baltimore & Washington R. R. Co. *v.* Schubert (224 U. S., 603).

No. 115. Washington Dredging & Improvement Company, plaintiff in error, *v.* George Kinnear and Angie Kinnear, his wife; John R. Kinnear and Leta Kinnear, his wife, et al. In error to the Supreme Court of the State of Washington. Per curiam: Dismissed for want of jurisdiction upon the authority of Washington Dredging & Improvement Co. *v.* Washington (231 U. S., 742); Washington Dredging & Improvement Co. *v.* Washington (235 U. S., 688).

No. 119. New York Central & Hudson River Railroad Company, plaintiff in error, *v.* Samuel P. McConnell. In error to the Supreme Court of the State of North Carolina. Per curiam: Dismissed for want of jurisdiction upon the authority of Eustis *v.* Bolles (150 U. S.,

361); *Wood v. Chesborough* (228 U. S., 672, 677); *New Orleans & N. E. R. R. Co. v. National Rice Milling Co.* (234 U. S., 80, 86); *The Mellon Co. v. McCafferty et al.* (239 U. S., —).

No. 307. *Charles H. Fouts*, plaintiff in error, *v. The Baltimore & Ohio Railroad Company*. In error to the Supreme Court of the State of Ohio. Per curiam: Dismissed for want of jurisdiction upon the authority of *Wabash R. R. Co. v. Hayes* (234 U. S., 86).

No. 452. *The Director of Prisons*, plaintiff in error and appellant, *v. The Court of First Instance of the Province of Cavite, Tenth Judicial District*. In error to and appeal from the Supreme Court of the Philippine Islands. Per curiam: Dismissed for want of jurisdiction upon the authority of *Jones v. Montague* (194 U. S., 147); *Lewis v. The United States* (216 U. S., 611); *Richardson v. McChesney* (218 U. S., 487); *Stearns v. Wood* (236 U. S., 75).

No. —, Original. *The State of Vermont*, complainant, *v. The State of New Hampshire*. Motion for leave to file bill of complaint granted, and process ordered to issue returnable on the second Monday in March next.

No. 484. *Charles A. Thatcher*, appellant and plaintiff in error, *v. The United States of America et al.* Motion of the appellant and plaintiff in error as to clerk's fees granted.

No. 628. *The United States of America*, plaintiff in error, *v. The Union Manufacturing Company et al.* Motion to advance granted, and case assigned for argument on Monday, February 21 next, after the cases heretofore assigned for that day.

No. 381. *William A. Hartranft*, plaintiff in error, *v. Alexander R. Mulloony*, judge, etc.;

No. 526. *William Whalley*, plaintiff in error, *v. Philadelphia & Reading Railway Company*; and

No. 358. *Southern Railway Company*, plaintiff in error, *v. W. E. Prescott*. Ordered that these cases be placed on the summary docket.

No. 734. *Hugh McCurdy Eaton*, administrator, etc., petitioner, *v. County of Shiawassee*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

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The Chief Justice also announced that the court will take a recess from Monday, the 20th instant, to Monday, January 3d next.

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No. 562. *The United States*, plaintiff in error, *v. Forty Barrels and Twenty Kegs of Coca Cola, etc.* Motion to advance submitted by Mr. Solicitor General Davis for the plaintiff in error.



No. 611. James J. Abbott, appellant, *v.* James C. Brown, United States marshal, etc. Motion to advance submitted by Mr. Solicitor General Davis for the appellee.

No. 735. St. Louis Union Trust Company, petitioner, *v.* Mary E. Mellon et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit, submitted by Mr. W. F. Wilson for the petitioner.

No. 751. The National Bank of Commerce in St. Louis, petitioner, *v.* Equitable Trust Company of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit, submitted by Mr. George L. Edwards for the petitioner, and by Mr. Charles S. Howland, Mr. F. N. Judson, and Mr. John F. Green for the respondent.

No. 9, Original. The State of Wisconsin, complainant, *v.* Franklin K. Lane, Secretary of the Interior. Joint motion for the appointment of a commissioner and for the fixing of time for taking testimony submitted by Mr. C. Edward Wright for the defendant.

No. 752. Western Glass Company, petitioner, *v.* The Schmertz Wire Glass Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Albert H. Graves and Mr. Lewis Quarles for the petitioner, and by Mr. Thomas B. Kerr, Mr. Drury W. Cooper, and Mr. Arthur J. Baldwin for the respondent.

No. 747. Rock Springs Distilling Company et al., petitioners, *v.* W. A. Gaines & Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Luther Ely Smith and Mr. William T. Ellis for the petitioners, and by Mr. Daniel W. Lindsay, Mr. James L. Hopkins, and Mr. Edmund F. Trabue for the respondent.

No. 744. Dan A. Ward and W. A. Greenwood, petitioners, *v.* Thomas W. Morgan, warden, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Edward A. Krauthoff for the petitioners, and by Mr. Solicitor General Davis and Mr. Assistant Attorney General Warren for the respondent.

No. 716. San Pedro, Los Angeles & Salt Lake Railroad Company, plaintiff in error, *v.* The United States. Petition for a writ of certiorari herein submitted by Mr. Evans Browne, Mr. Alexander Britton, and Mr. F. W. Clements for the plaintiff in error in support of the petition.

No. 132. Sadie A. Stead, executrix, etc., et al., appellants, *v.* Isabella M. Curtiss et al. Argument continued by Mr. Horace W.

Philbrook for the appellants, and concluded by Mr. Garrett W. McEnerny for the appellees.

No. 133. Northern Pacific Railway Company, petitioner, *v.* Mary A. Meese et al. Argued by Mr. Charles W. Bunn for the petitioner, and submitted by Mr. Govnor Teats for the respondents.

No. 85. The Kansas City Southern Railway Company, appellant, *v.* Guardian Trust Company et al. Argument commenced by Mr. S. W. Moore for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 14, will be as follows: Nos. 85, 516, 122 (and 123), 135, 136, 137, 138, 141, 142, and 143.

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# SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 14, 1915.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Roy M. Watkins, of Grand Rapids, Mich.; Frank L. Covert, of Pontiac, Mich.; Henry E. Lee, of San Francisco, Cal.; Patrick H. Kelley, of Lansing, Mich.; O. M. Van Riper, of Hartford, Mich.; Seymour H. Person, of Lansing, Mich.; Albert E. Petermann, of Calumet, Mich.; Louis J. Crollard, of Wenatchee, Wash.; L. Tasker Dulany, of New Orleans, La.; R. Robert Collins, of Chicago, Ill.; and Ednyfed H. Williams, of Chicago, Ill., were admitted to practice.

No. 142. Narciso Basso, appellant, *v.* The United States; and

No. 143. Eliot A. de Pas et al., as surviving partners, etc., appellants, *v.* The United States. Passed temporarily, on motion of Mr. H. W. Van Dyke for the appellant.

No. 85. The Kansas City Southern Railway Company, appellant, *v.* Guardian Trust Company et al. Argument continued by Mr. S. W. Moore for the appellant, by Mr. Frederick W. Lehmann and Mr. George H. English for the appellee Guardian Trust Company, by Mr. Harry S. Mecartney for intervening stockholders of the Trust Company, and by Mr. Samuel Untermeyer for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 15, will be as follows: Nos. 85, 516, 122 (and 123), 135, 136, 137, 138, 141, 120, and 144.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 15, 1915.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Robert E. Whalen, of Albany, N. Y.; George M. Beltzhoover, jr., of Charles Town, W. Va.; Walter Shelton, of San Francisco, Cal.; T. C. Townsend, of Charleston, W. Va.; Leroy J. Williams, of Denver, Colo.; William S. John, of Morgantown, W. Va.; William Boone Douglass, of Santa Fe, N. Mex.; Nelson Miller, of Le Mars, Iowa; and Henry Wolfe Bikle, of Philadelphia, Pa., were admitted to practice.

No. 122. Atlantic, Gulf & Pacific Company, appellant, *v.* The United States; and

No. 123. The United States, appellant, *v.* Atlantic, Gulf & Pacific Company. Passed temporarily, on motion of Mr. W. E. Harvey for Atlantic, Gulf & Pacific Company.

No. 85. The Kansas City Southern Railway Company, appellant, *v.* Guardian Trust Company et al. Argument concluded by Mr. Samuel Untermeyer for the appellant.

No. 516. J. D. O'Keefe, Receiver, etc., appellant, *v.* The United States et al. Argument commenced by Mr. H. Generes Dufour for the appellant, continued by Mr. Assistant Attorney General Underwood for the United States, by Mr. Joseph W. Folk for the Interstate Commerce Commission, and concluded by Mr. Walter F. Taylor for the appellant.

No. 135. Simeon Hallowell, appellant, *v.* John M. Commons, as acting Indian agent, etc., et al. Submitted by Mr. Hiram Chase and Mr. William Ross King for the appellant and by Mr. Assistant Attorney General Knaebel for the appellee.

No. 136. Spokane & Inland Empire Railroad Company, plaintiff in error, *v.* The United States. Submitted by Mr. Will G. Graves for the plaintiff in error and by Mr. Assistant Attorney General Underwood and Mr. John C. Brooke for the defendant in error.

No. 137. The New York, Philadelphia & Norfolk Railroad Company, plaintiff in error, *v.* The Peninsular Produce Exchange of Maryland. Argument commenced by Mr. Henry Wolfe Bikle for the plaintiff in error and continued by Mr. James E. Ellegood for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 16, will be as follows: Nos. 137, 138, 141, 120, 144, 145 (and 146), 147, 148, 150, and 152.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 16, 1915.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Edward W. Hatch, of New York City; Henry L. Scheuerman, of New York City; Edwin H. Manning, of Westminster, Md.; A. Florence Joyce, of Boston, Mass.; Alice Parker Hutchins, of Brooklyn, N. Y.; Henry Lyman Child, of Springfield, Ill.; William Mann, of Yonkers, N. Y.; and Otis Scott Humphrey, of Springfield, Ill., were admitted to practice.

No. 137. The New York, Philadelphia & Norfolk Railroad Company, plaintiff in error, *v.* The Peninsular Produce Exchange of Maryland. Argument continued by Mr. James E. Ellegood for the defendant in error and concluded by Mr. Frederic D. McKenney for the plaintiff in error.

No. 138. The United States, appellant, *v.* W. J. Morrison et al. Argued by Mr. Assistant Attorney General Knaebel for the appellant and by Mr. Mark Norris for the appellees.

No. 141. Myles Salt Company (Ltd.), plaintiff in error, *v.* The Board of Commissioners of the Iberia and St. Mary Drainage District et al. Argued by Mr. Edgar H. Farrar for the plaintiff in error and by Mr. L. T. Dulany for the defendants in error.

Adjourned until to-morrow at 12 o'clock

The day call for Friday, December 17, will be as follows: Nos. 120, 144, 145 (and 146), 147, 148, 150, 152, 153, 154, and 156.

10434—15—40

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 17, 1915.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Jose McMicking, of Manila, P. I.; Joseph E. Morrison, of Phoenix, Ariz.; F. G. Perez Almiroty, of San Juan, P. R.; Henry I. Green, of Urbana, Ill.; George H. Eichelberger, of Cleveland, Ohio; Ralph Edwin Church, of Chicago, Ill.; and Thomas G. Rutledge, of St. Louis, Mo., were admitted to practice.

No. 150. Arthur Ryle et al., as trustees, etc., appellants, *v.* The United States. Appeal from the Court of Claims. Judgment reversed and cause remanded for further proceedings upon confession of error and motion of Mr. Solicitor General Davis for the appellee.

No. 159. The United States, appellant, *v.* Jefferson F. Moser. Appeal from the Court of Claims. Dismissed, on motion of Mr. Solicitor General Davis for the appellant.

No. 211. Gast Realty & Investment Company et al., plaintiffs in error, *v.* Schneider Granite Company. Motion for resetting of this case submitted by Mr. Thomas G. Rutledge and Mr. Robert A. Holland, jr., for the plaintiffs in error in support of the motion, and by Mr. Hickman P. Rogers for the defendant in error in opposition thereto.

No. 190. Rebecca Loth et al., plaintiffs in error, *v.* The City of St. Louis et al. Motion by all parties for resetting of this case submitted by Mr. Thomas G. Rutledge in behalf of counsel.

No. 120. Henry C. Hapai et al., plaintiffs in error, *v.* May K. Brown et al. Argued by Mr. Lorrin Andrews for the plaintiffs in error and by Mr. A. A. Wilder for the defendants in error.

No. 144. Mortimer M. Elkan, plaintiff in error, *v.* The State of Maryland. Argued by Mr. Joseph H. Goldsmith for the plaintiff in error and submitted by Mr. Edgar Allan Poe for the defendant in error.

No. 145. William M. Fleitman, suing on behalf of himself, etc., appellant, *v.* The Wellsbach Street Lighting Company of America, and

No. 146. William M. Fleitman, suing on behalf of himself, etc., appellant, *v.* Arthur E. Shaw. Argued by Mr. Henry L. Scheuerman for the appellant and by Mr. Edward S. Hatch for the appellee.

No. 147. The New York Central and Hudson River Railroad Company, plaintiff in error, *v.* Charles P. Gray. Argued by Mr. William Mann for the plaintiff in error and by Mr. Arthur W. Clement for the defendant in error.

Adjourned until Monday next at 12 o'clock.



## SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 20, 1915.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

James C. Crawford, of Washington, D. C.; Robert S. Judge, of Wheeling, W. Va.; William Tutherly, of Laurel, Del.; Forney Johnston, of Birmingham, Ala.; Edward Kibler, of Newark, Ohio; Ralph Norpell, of Newark, Ohio; Frank A. Bolton, of Newark, Ohio; Comfort S. Butler, of St. Louis, Mo.; J. Berry King, of Tahlequah, Okla.; Rush Trescott, of Wilkes-Barre, Pa.; Edward H. Bispham, of Muskogee, Okla.; Eric C. W. S. Lyders, of San Francisco, Cal.; Clifford Whipple, of Providence, R. I.; and Charles C. Mumford, of Providence, R. I., were admitted to practice.

No. 288. Inter-Island Steam Navigation Company, Limited, plaintiff in error, *v.* J. J. Byrne and Daniel Kaleiki. In error to the Supreme Court of the Territory of Hawaii. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 608. Catherine C. Reese, administratrix, etc., plaintiff in error, *v.* Philadelphia & Reading Railway Co. In error to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Eastern District of Pennsylvania. Opinion by Mr. Justice McReynolds. (Mr. Justice Hughes and Mr. Justice Pitney are of the opinion that upon the question of the defendant's negligence—the only question upon which the court below ruled—there was sufficient evidence to go to the jury, and therefore dissent.)

No. 375. The Chicago & Alton Railroad Company, plaintiff in error, *v.* Joseph M. Wagner. In error to the Supreme Court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Hughes.

No. 81. The Dayton Coal & Iron Company, Limited, plaintiff in error, *v.* Cincinnati, New Orleans & Texas Pacific Railway Company et al. In error to the Supreme Court of the State of Tennessee. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 14. Original. *Ex parte*: In the matter of Jesse W. Upperco, petitioner. Petition for writ of mandamus granted. Opinion by Mr. Justice Holmes.

No. 116. The Bi-Metallic Investment Company, plaintiff in error, *v.* The State Board of Equalization et al. In error to the Supreme Court of the State of Colorado. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 32. J. C. Hadacheck, plaintiff in error, *v.* C. E. Sebastian, chief of police of the city of Los Angeles. In error to the Supreme Court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 458. Rome Miller, plaintiff in error, *v.* Emil J. Strahl. In error to the Supreme Court of the State of Nebraska. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 110. Eli P. Williams et al., plaintiffs in error, *v.* Ben F. Johnson. In error to the Supreme Court of the State of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 111. The Chicago, Rock Island & Pacific Railway Company et al., plaintiffs in error, *v.* Daniel C. Whiteaker. In error to the Supreme Court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 91. Atlantic Coast Line Railroad Company, plaintiff in error, *v.* R. W. Glenn. In error to the Supreme Court of the State of South Carolina. Judgment affirmed with costs. Opinion by Mr. Chief Justice White.

No. 87. Northern Pacific Railway Company, plaintiff in error, *v.* P. J. Concannon and wife;

No. 88. Northern Pacific Railway Company, plaintiff in error, *v.* R. Shade et al.; and

No. 89. Northern Pacific Railway Company, plaintiff in error, *v.* Mary Classen. In error to the Supreme Court of the State of Washington. Judgments reversed with costs, and causes remanded to the said supreme court for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Chief Justice White.

No. 132. Sadie A. Stead, executrix, etc., et al., appellants, *v.* Isabella M. Curtis et al. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. *Per curiam*: Dismissed for want of jurisdiction upon the authority of: (1) *Cosmopolitan Mining Co. v. Walsh* (193 U. S., 460), *Farrell v. O'Brien* (199 U. S., 89), *Empire State-Idaho Mining Co. v. Hanley* (205 U. S., 225, 235-236); (2) *Arbuckle v. Blackburn* (191 U. S., 405), *Hull v. Burr* (234 U. S., 712, 720), *Merriam Co. v. Syndicate Publishing Co.* (237 U. S., 618, 621).

No. 144. Mortimer M. Elkan, plaintiff in error, *v.* The State of Maryland. In error to the Court of Appeals of the State of Maryland. Per curiam: Judgment affirmed with costs upon the authority of *Atkin v. Kansas* (191 U. S., 207), *Heim v. McCall* (239 U. S., —), *Crane v. New York* (239 U. S., —).

No. 139. Pennsylvania Railroad Company *v.* W. F. Jacoby & Company. Petition for rehearing granted, judgment of affirmance by divided court vacated and set aside, and case restored to the docket for reargument.

No. 562. The United States, plaintiff in error, *v.* Forty Barrels and Twenty Kegs of Coca Cola, etc. Motion to advance granted, and case assigned for argument on Monday, February 21st next, after the cases heretofore assigned for that day.

No. 611. James J. Abbott, appellant, *v.* James C. Brown, United States marshal, etc. Motion to advance granted, and case assigned for argument on Monday, February 21st next, after the cases heretofore assigned for that day.

No. 211. Gast Realty & Investment Company et al., plaintiffs in error, *v.* Schneider Granite Company. Motion to pass denied.

No. 190. Rebecca Loth et al., plaintiffs in error, *v.* The City of St. Louis et al. Motion to pass for hearing with No. 211 granted.

No. 9, Original. The State of Wisconsin, complainant, *v.* Franklin K. Lane, Secretary of the Interior. William C. Kimball appointed commissioner to take testimony, and time for taking testimony fixed.

No. 716. San Pedro, Los Angeles & Salt Lake Railroad Company, plaintiff in error, *v.* The United States. Further consideration of the petition for writ of certiorari herein postponed to the hearing on the merits.

No. 747. Rock Springs Distilling Company et al., petitioners, *v.* W. A. Gaines & Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 735. St. Louis Union Trust Company, petitioner, *v.* Mary E. Mellon et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 744. Dan A. Ward et al., petitioners, *v.* Thomas W. Morgan, warden, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 751. The National Bank of Commerce in St. Louis, petitioner, *v.* Equitable Trust Company of New York. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 752. Western Glass Company, petitioner, *v.* The Schmertz Wire Glass Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

Nos. 487 and 488. Manufacturers Railway Company et al., appellants, *v.* The United States et al. Motion to advance submitted by Mr. Solicitor General Davis for the appellees.

No. 521. George S. Badders, plaintiff in error, *v.* The United States. Motion to dismiss or to place on summary docket submitted by Mr. Solicitor General Davis for the defendant in error in support of the motion, and by Mr. James H. Harkless, Mr. Clifford Histed, and Mr. D. R. Hite for the plaintiff in error in opposition thereto.

No. 572. Utah Power & Light Company, appellant, *v.* The United States;

No. 573. The United States, appellant, *v.* Utah Power & Light Company;

No. 574. The Beaver River Power Company, appellant, *v.* The United States;

No. 575. The United States, appellant, *v.* The Beaver River Power Company;

No. 576. Lucien L. Nunn et al., appellants, *v.* The United States; and

No. 577. The United States, appellant, *v.* Lucien L. Nunn et al. Motion to advance submitted by Mr. Solicitor General Davis for the United States.

No. ——. Coon Rapids National Bank et al., plaintiffs in error, *v.* Andervill Lee. In error to the Supreme Court of the State of Iowa. Suggestion of death of defendant in error and motion for leave to substitute personal representative as defendant in error and to docket and dismiss submitted by Mr. A. B. Cummins in behalf of Mr. O. M. Brockett, counsel for Maggie I. Lee, as executrix for the estate of the defendant in error.

No. 761. The New York Central & Hudson River Railroad Company, plaintiff in error, *v.* Sarah White; and

No. 762. The New York Central & Hudson River Railroad Company, plaintiff in error, *v.* James Winfield. Motion to advance submitted by Mr. Conrad H. Syme in behalf of counsel for the plaintiff in error.

No. 749. Choy Gum, etc., petitioner, *v.* Samuel W. Backus, commissioner, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Corry M. Stadden for the petitioner, and by Mr. Solicitor General

Davis and Mr. Assistant Attorney General Wallace for the respondent.

No. 767. Abercombie & Fitch Company et al., petitioners, *v.* Frederick E. Baldwin et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. James R. Offield and Mr. C. K. Offield for the petitioners.

No. 765. Sangamon Loan & Trust Company, etc., petitioner, *v.* United Shoe Machinery Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Henry Lyman Child and Mr. Otis Scott Humphrey for the petitioner.

No. 407. Oregon-Washington Railroad & Navigation Company, plaintiff in error, *v.* Henry M. Pfeiffer. In error to the Supreme Court of the State of Oregon. Dismissed with costs on motion of counsel for the plaintiff in error.

Adjourned until Monday, January 3, 1916, at 12 o'clock.

The day call for Monday, January 3, 1916, will be as follows: Nos. 532 (and 533), 672, 114, 142, 143, 148, 152, 153, 154, and 156.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 3, 1916.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

The Chief Justice said:

Gentlemen of the Bar: It gives me the profoundest sorrow to state the severance which has taken place of those ties of personal affection and respect which united us to our brother, Mr. Justice Lamar, caused by his untimely death last night. And this sorrow I know is shared by his brethren of the Bar, to whom he was so strongly and devotedly attached, and will, I am confident, be participated in by all his countrymen as they come to feel that the country will be for the future deprived of the blessings which would have come from the future discharge of his duties as a member of this court with that conspicuous ability and enlightened devotion to duty so clearly manifested during the period which has gone by since he took up his duties here this day five years ago.

The funeral ceremonies will take place at his home in Augusta, Ga., on Wednesday next. Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds will, as a committee appointed by the court, attend the funeral as its representatives. As a mark of the affection we bore him and of respect for his memory, the court will stand adjourned until Thursday morning next.

All motions noticed for to-day will be taken on Thursday.

Adjourned until Thursday next at 12 o'clock.

The day call for Thursday, January 6, will be as follows: Nos. 532 (and 533), 672, 114, 142, 143, 148, 152, 153, 154, and 156.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 6, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Henry C. Chiles, of Lexington, Mo.; Samuel L. Morris, jr., of Fort Wayne, Ind.; John Bentley, of Jersey City, N. J.; Roy G. Fitzgerald, of Dayton, Ohio; Carl D. Jackson, of Madison, Wis.; William R. Foley, of Superior, Wis.; Charles H. Daues, of St. Louis, Mo.; Anna B. Hull, of Montello, Wis.; Charles Andrew Reynolds, of Roswell, N. Mex.; and Ernest F. Fadum, of Baltimore, Md., were admitted to practice.

No. 769. The United States, appellant, *v.* Reading Company et al.; and

No. 788. Reading Company et al., appellants, *v.* The United States. Motion to advance submitted by Mr. Solicitor General Davis for the United States.

No. —, Original. The State of Missouri, complainant, *v.* Chicago, Burlington & Quincy Railroad Company. Motion for leave to file bill of complaint submitted by Mr. Don M. Hunt in behalf of Mr. John T. Barker for the complainant.

No. 755. John M. Burroughs et al., petitioners, *v.* Florence L. Chambers. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. B. F. Leighton and Mr. Wharton E. Lester for the petitioners, and by Mr. George E. Sullivan and Mr. Walter C. English for the respondent.

No. 12, Original. Ex parte: In the matter of The United States, petitioner. Leave granted to file briefs of Richard W. Hale and Frank W. Grinnell and of The New York State Probation Commission as amici curiæ, on motion of Mr. John W. Yerkes in that behalf.

No. 176. Illinois Surety Company, plaintiff in error, *v.* The United States to the use of J. A. Peeler et al., partners, etc., et al. Leave granted to file brief of George P. Miller, Edwin S. Mack, and Arthur W. Fairchild as amici curiæ on behalf of Western Lime & Cement Company, on motion of Mr. Bynum E. Hinton in that behalf.

No. —, Original. Ex parte In the matter of Robert B. Whitt, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. C. Edward Wright in behalf of Mr. Frank W. Clancy for the petitioner.

No. 774. The United States ex rel. Louisville Cement Company, plaintiff in error, *v.* Interstate Commerce Commission. Motion to advance submitted by Mr. George H. Lamar for the plaintiff in error.

No. 432. Eagle Glass & Manufacturing Company, appellant, *v.* Thomas W. Rowe, individually and as president of American Flint Glass Workers' Union et al. Petition for writ of certiorari herein submitted by Mr. Hannis Taylor and Mr. George R. E. Gilchrist for the appellant in support of the petition.

No. 613. Pecos & Northern Texas Railway Company, plaintiff in error, *v.* Mrs. M. A. Rosenbloom, for herself and in behalf of Milton Rosenbloom et al. Motion to dismiss or affirm submitted by Mr. Hannis Taylor and Mr. James D. Williamson for the defendants in error in support of the motion, and by Mr. J. W. Terry, Mr. A. H. Culwell, Mr. Alexander Britton, Mr. Evans Browne, and Mr. Gardiner Lathrop for the plaintiff in error in opposition thereto.

No. 745. John Z. Lowe, jr., collector, etc., plaintiff in error, *v.* Samuel T. Hubbard et al. Motion to advance submitted by Mr. David Hunter Miller and Mr. Gordon Auchincloss for the defendants in error in support of the motion, with leave to Mr. Solicitor General Davis to file memorandum in opposition thereto.

No. 451. James W. Lusk et al., receivers, etc., plaintiffs in error, *v.* J. T. Botkin, secretary of state of the State of Kansas. Leave granted to file brief of Mr. Paul E. Walker as amicus curiæ in behalf of The Chicago, Rock Island & Pacific Railway Company, on motion of Mr. Levi Cooke in that behalf.

No. 1, Original. The State of Georgia, complainant, *v.* The Tennessee Copper Company et al. Report of inspector herein filed and submitted on motion of Mr. Frederick S. Tyler in that behalf.

No. 770. San Antonio & Aransas Pass Railway Company, petitioner, *v.* Streets Western Stable Car Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Joseph W. Bailey in behalf of Mr. George Thompson and Mr. J. H. Barwise, jr., for the petitioner, and by Mr. Levy Mayer and Mr. Carl Meyer for the respondent.

No. 334. Nettie L. Scott, appellant, *v.* Mrs. E. N. Philipo et al. Appeal from the Supreme Court of the Territory of Hawaii. Dismissed with costs on motion of counsel for the appellant.

*Order.*—It is ordered by the court that the bond presented by the marshal this day be approved and recorded.



No. 672. Robert Kitchens, appellant, *v.* J. C. Hamilton, sheriff, etc. Reassigned for argument on Monday, the 10th instant, at the head of the call.

No. 532. Ida May Innes, plaintiff in error, *v.* John W. Tobin, sheriff, etc.; and

No. 533. Victor E. Innes, plaintiff in error, *v.* John W. Tobin, sheriff, etc. Argued by Mr. Joseph W. Bailey for the plaintiffs in error and by Mr. Hugh M. Dorsey for the defendant in error.

No. 114. The Fidelity & Deposit Company of Maryland, plaintiff in error, *v.* The Commonwealth of Pennsylvania. Argued by Mr. Charles Markell for the plaintiff in error and by Mr. William M. Hargest for the defendant in error.

No. 142. Narcisso Basso, appellant, *v.* The United States. Argued by Mr. Henry M. Ward for the appellant and by Mr. Assistant Attorney General Thompson for the appellee.

No. 143. Eliot A. de Pas et al., as surviving partners, etc., appellants, *v.* The United States. Passed temporarily, on motion of Mr. Henry M. Ward for the appellants.

No. 148. Minneapolis, St. Paul & Sault Ste. Marie Railway Company, plaintiff in error, *v.* Louise Alexander, administratrix, etc. Argument commenced by Mr. William A. Hayes for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 7, will be as follows: Nos. 148, 152, 153 (and 154), 156, 157, 158, 160, 161, 162 (and 174), and 163 (and 164, 165, and 166).



# SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 7, 1916.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter. Mr. Justice Pitney, and Mr. Justice McReynolds.

Spencer Gordon, of Washington, D. C., and R. Stewart Smith, of Philadelphia, Pa., were admitted to practice.

No. 690. Great Northern Railway Company, plaintiff in error, *v.* O. B. Knapp. Motion to dismiss or affirm or place on summary docket submitted by Mr. Tom Davis and Mr. E. A. Michel for the defendant in error in support of the motion and by Mr. E. C. Lindley and Mr. A. L. James for the plaintiff in error in opposition thereto.

No. 404. William L. Dayton, trustee, etc., et al., petitioners, *v.* A. H. Stanard, treasurer, etc., et al. Submitted pursuant to the twentieth rule by Mr. Harvey Riddell for the petitioners and by Mr. Horace Phelps for the respondents.

No. 450. The Kansas City, Fort Scott & Memphis Railway Company, plaintiff in error, *v.* J. T. Botkin, secretary of state of the State of Kansas. Submitted pursuant to the twentieth rule by Mr. R. R. Vermilion and Mr. W. F. Evans for the plaintiff in error and by Mr. James P. Coleman for the defendant in error.

No. 451. James W. Lusk et al., receivers, etc., plaintiffs in error, *v.* J. T. Botkin, secretary of state of the State of Kansas. Submitted pursuant to the twentieth rule by Mr. R. R. Vermilion and Mr. W. F. Evans for the plaintiff in error and by Mr. James P. Coleman for the defendant in error. Mr. Paul E. Walker, in behalf of The Chicago, Rock Island & Pacific Railway Company, filed a brief as *amicus curiae* by leave of the court.

No. 148. Minneapolis, St. Paul & Sault Ste. Marie Railway Company, plaintiff in error, *v.* Louise Alexander, administratrix, etc. Argument continued by Mr. William A. Hayes for the plaintiff in error, by Mr. D. W. McNamara for the defendant in error, and concluded by Mr. William A. Hayes for the plaintiff in error.

No. 152. Robert M. Purcell et al., plaintiffs in error, *v.* Quaker Realty Company, Ltd. Argued by Mr. William Winans Wall for the defendant in error and submitted by Mr. E. Howard McCaleb for the plaintiffs in error.

No. 153. William W. White, appellant, *v.* The United States; and

No. 154. John D. Ford, appellant, *v.* The United States. Argument commenced by Mr. Frederick A. Fenning for Ford, continued by Mr. Assistant Attorney General Thompson for the United States, and concluded by Mr. Simon Lyon for White.

No. 156. Leonard R. Coates, plaintiff in error, *v.* The District of Columbia. Leave granted to Mr. Robert L. Williams to appear for the defendant in error pro hac vice on motion of Mr. Conrad H. Syme for the defendant in error. Argument commenced by Mr. F. P. B. Sands for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 10, will be as follows: Nos. 156, 157, 158, 160, 161, 162 (and 174), 163 (and 164, 165, and 166), 170, and 171.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 10, 1916.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

C. Ward Eicher, of Greensburg, Pa.; Thomas Fleming Walsh, of New York City; George F. Deiser, of Philadelphia, Pa.; John H. Mooers, of New York City; and William O. Cox, of Temple, Tex., were admitted to practice.

No. 69: Interstate Amusement Company, plaintiff in error, *v.* W. S. Albert et al. In error to the Supreme Court of the State of Tennessee. Judgment affirmed with costs. Opinion by Mr. Justice Pitney.

No. 90. The Home Bond Company, appellant, *v.* H. V. McChesney, trustee in bankruptcy, etc. Appeal from the United States Circuit Court of Appeals for the Sixth Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for Eastern District of Kentucky. Opinion by Mr. Justice Pitney.

No. 129. The Kanawha & Michigan Railway Company, plaintiff in error, *v.* T. L. Kerse, administrator, etc. In error to the Circuit Court of Kanawha County, State of West Virginia. Judgment affirmed with costs. Opinion by Mr. Justice Pitney.

No. 147. The New York Central & Hudson River Railroad Company, plaintiff in error, *v.* Charles P. Gray. In error to the Supreme Court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Pitney.

No. 229. The Cleveland, Cincinnati, Chicago & St. Louis Railway Company, plaintiff in error, *v.* Edward Deetlebach. In error to the Court of Appeals, Eighth District, State of Ohio. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Pitney. (Mr. Justice Holmes took no part in the consideration or decision of this case.)

No. 541. Seaboard Air Line Railway, plaininff in error, *v.* James T. Horton. In error to the Supreme Court of the State of North

Carolina. Judgment affirmed with costs. Opinion By Mr. Justice Pitney.

No. 61. Albert B. Moss et al., plaintiffs in error, *v.* Alfred H. Ramey. In error to the Supreme Court of the State of Idaho. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 167. Chicago, Rock Island & Pacific Railway Company, plaintiff in error, *v.* Lizzie L. Wright et al., administrators, etc. In error to the Supreme Court of the State of Nebraska. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 477. Bruce Shanks, plaintiff in error, *v.* The Delaware, Lackawanna & Western Railroad Company. In error to the Supreme Court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 50. Seven cases (more or less), each containing twelve bottles of Eckman's Alterative, Eckman Manufacturing Company, owner, plaintiff in error, *v.* The United States of America; and

No. 51. Six cases (more or less), each containing twelve bottles of Eckman's Alterative, Eckman Manufacturing Company, owner, plaintiff in error, *v.* The United States of America. In error to the District Court of the United States for the District of Nebraska. Judgements affirmed. Opinion by Mr. Justice Hughes.

No. 117. Commercial National Bank of New Orleans, appellant, *v.* Canal-Louisiana Bank & Trust Company et al. Appeal from the United States Circuit Court of Appeals for the Fifth Circuit. Decree reversed with costs, and cause remanded to the District Court of the United States for the Eastern District of Louisiana with direction to enter a decree in favor of the appellant. Opinion by Mr. Justice Hughes.

No. 131. The United States, appellant, *v.* Cecil D. Ross. Appeal from the Court of Claims. Judgment reversed, and cause remanded with direction to dismiss the claimant's petition. Opinion by Mr. Justice Hughes.

No. 120. Henry C. Hapai et al., plaintiffs in error, *v.* May K. Brown et al. In error to the Supreme Court of the Territory of Hawaii. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 135. Simeon Hallowell, appellant, *v.* John M. Commons, as acting Indian agent, etc., et al. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Decree affirmed with costs and cause remanded to the District Court of the United States for the District of Nebraska. Opinion by Mr. Justice Holmes.

No. 141. Myers Salt Company, Limited, plaintiff in error, *v.* The Board of Commissioners of the Iberia & St. Mary Drainage District et al. In error to the Supreme Court of the State of Louisiana. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McKenna.

No. 121. The Northwestern Laundry et al., appellants, *v.* The City of Des Moines, Iowa, et al. Appeal from the District Court of the United States for the Southern District of Iowa. Decree affirmed with costs. Opinion by Mr. Justice Day. (Announced by Mr. Chief Justice White.)

No. 296. Southern Railway Company, plaintiff in error, *v.* W. L. Lloyd. In error to the Supreme Court of the State of North Carolina. Judgment affirmed with costs. Opinion by Mr. Justice Day. (Announced by Mr. Chief Justice White.)

No. 289. The United States of America, appellant, *v.* Hamburg-Amerikanische Packetfahrt Actiengesellschaft et al.; and

No. 332. Hamburg-Amerikanische Packetfahrt Actiengesellschaft et al., appellants, *v.* The United States of America et al. Appeals from the District Court of the United States for the Southern District of New York. Decree reversed, and cause remanded with directions to dismiss the bill without prejudice to the right of the Government in the future to assail any actual contract or combination deemed to offend against the Anti-Trust Act. Opinion by Mr. Chief Justice White.

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The Chief Justice also announced the following orders of the Court:

No. 148. Minneapolis, St. Paul & Sault Ste. Marie Railroad Company, plaintiff in error, *v.* Louis Alexander, Administratrix, etc. In Error to the Supreme Court of the State of Wisconsin. *Per curiam*: Dismissed for want of jurisdiction upon the authority of (1) Consolidated Turnpike *v.* Norfolk, &c. Ry. Co., 228 U. S. 596, 600; Manhattan Life Ins. Co. *v.* Cohen, 234 U. S. 123, 137; Easterling Lumber Co. *v.* Pierce, 235 U. S. 380; (2) Missouri Pacific R. Co. *v.* Humes, 115 U. S. 512; Minnesota & St. L. R. Co. *v.* Beckwith, 129 U. S. 26; Minnesota & St. L. R. Co. *v.* Emmons, 149 U. S. 364; (3) Waters-Pierce Oil Co. *v.* Texas (No. 2), 212 U. S. 112, 118; Deming *v.* Carlisle Packing Co., 226 U. S. 102; Overton *v.* Oklahoma, 235 U. S. 31.

No. 152. Robert M. Purcell et al., plaintiffs in error, *v.* Quaker Realty Company, Limited. In error to the Supreme Court of the State of Louisiana. *Per curiam*: Dismissed for want of jurisdiction upon the authority of (1) Castillo *v.* McConnico, 168 U. S. 674;

*De Bearn v. Safe Deposit Co.*, 233 U. S. 24, 34; *McDonald v. Oregon Navigation Co.*, 233 U. S. 665, 669-670; (2) *Ross v. Oregon*, 227 U. S. 150, 161; *Moore-Mansfield Co. v. Electrical Co.*, 234 U. S. 619, 624; *Willoughby v. Chicago*, 235 U. S. 45; *Cleveland & Pittsburgh R. R. Co. v. Cleveland*, 235 U. S. 50.

No. —, Original. The State of Missouri, complainant, *v. Chicago, Burlington & Quincy Railroad Company*. Motion for leave to file bill of complaint herein granted, and process ordered to issue returnable on the first Monday in April next.

No. —, Original. Ex parte: In the matter of Robert B. Whitt, petitioner. Motion for leave to file petition for writ of mandamus denied.

No. 796. Coon Rapids National Bank et al., plaintiffs in error, *v. Anderville Lee*. Motion for leave to substitute Maggie I. Lee as executrix of the estate of Anderville Lee, deceased, as the party defendant in error herein granted, and appearance of Maggie I. Lee as such defendant in error filed and entered.

No. 796. Coon Rapids National Bank et al., plaintiffs in error, *v. Maggie I. Lee*, executrix, etc. In error to the Supreme Court of the State of Iowa. Docketed and dismissed with costs, pursuant to the ninth rule.

No. 521. George S. Badders, plaintiff in error, *v. The United States*;

No. 613. Pecos & Northern Texas Railway Company, plaintiff in error, *v. Mrs. M. A. Rosenbloom*, for herself and in behalf of Milton Rosenbloom et al.; and

No. 690. Great Northern Railway Company, plaintiff in error, *v. O. B. Knapp*. Ordered that these cases be placed on the summary docket.

Nos. 487 and 488. Manufacturers Railway Company et al., appellants, *v. The United States et al.*;

No. 572. Utah Power & Light Company, appellant, *v. The United States*;

No. 573. The United States, appellant, *v. Utah Power & Light Company*;

No. 574. The Beaver River Power Company, appellant, *v. The United States*;

No. 575. The United States, appellant, *v. The Beaver River Power Company*;

No. 576. Lucien L. Nunn et al., appellants, *v. The United States*;

No. 577. The United States, appellant, *v. Lucien L. Nunn et al.*;

No. 769. The United States, appellant, *v. Reading Company et al.*;  
and

No. 788. Reading Company et al., appellants, *v.* The United States. Motions to advance granted, and cases assigned for argument on Monday, April 3d, next.

No. 761. The New York Central & Hudson River Railroad Company, plaintiff in error, *v.* Sarah White; and

No. 762. The New York Central & Hudson River Railroad Company, plaintiff in error, *v.* James Winfield. Motion to advance granted and cases assigned for argument on Monday, February 21st next, after the cases heretofore assigned for that day.

No. 774. The United States ex rel. Louisville Cement Company, plaintiff in error, *v.* Interstate Commerce Commission; and

No. 745. John Z. Lowe, jr., collector, etc., plaintiff in error, *v.* Samuel T. Hubbard et al. Motions to advance denied.

No. 432. Eagle Glass & Manufacturing Company, appellant, *v.* Thomas W. Rowe, individually, etc., et al. Petition for a writ of certiorari herein postponed to the hearing of the case on the merits.

No. 767. Abercrombie & Fitch Company et al., petitioners, *v.* Frederick E. Baldwin et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 749. Choy Gum, etc., petitioner, *v.* Samuel W. Backus, commissioner, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 755. John M. Burroughs et al., petitioners, *v.* Florence L. Chambers. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 765. Sangamon Loan & Trust Company, trustee, etc., petitioner, *v.* United Shoe Machinery Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 770. San Antonio & Aransas Pass Railway Company, petitioner, *v.* Streets Western Stable Car Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

*Order.* It is ordered that the cases heretofore placed on the summary docket, viz: Nos. 523, 535, 486, 381, 526, 358, 521, 613, and 690, be, and they are hereby, assigned for argument at the head of the call for Monday, February 21st, next.

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No. 365. United Railways Company of St. Louis, plaintiff in error, *v.* The City of St. Louis;

No. 366. St. Louis & Suburban Railway Company et al., plaintiffs in error, *v.* The City of St. Louis;



Nos. 367, 368, 369, 370, and 371. United Railways Company of St. Louis, plaintiffs in error, *v.* The City of St. Louis; and

No. 372. St. Louis Transit Company, plaintiff in error, *v.* The City of St. Louis. Motion to advance submitted by Mr. Truman P. Young for the defendant in error.

No. 792. Wells, Fargo & Company, petitioner, *v.* The Mayor & Aldermen of Jersey City. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Charles W. Stockton for the petitioner, and by Mr. John Bentley for the respondents.

No. 192. The United States, appellant, *v.* Olin R. Booth. Death of Olin R. Booth, the appellee herein, suggested, and appearance of Melvin Booth, as administrator of Olin R. Booth, deceased, as the party appellee herein, filed and entered, on motion of Mr. George A. King for the appellee.

No. 200. Mt. Vernon-Woodberry Cotton Duck Company et al., plaintiffs in error, *v.* Alabama Interstate Power Company. Motion to dismiss submitted by Mr. Thomas W. Martin and Mr. Ray Rushton for the defendant in error in support of the motion, and by Mr. Hollins N. Randolph and Mr. Edwin G. Baetjer for the plaintiffs in error in opposition thereto. Submitted on the merits by Mr. Hollins N. Randolph and Mr. Edwin G. Baetjer for the plaintiffs in error, and by Mr. Thomas W. Martin and Mr. Ray Rushton for the defendant in error.

No. 729. Frank R. Shattuck, Trustee, etc., et al., appellants, *v.* Title Guaranty & Surety Company. Submitted pursuant to the 20th rule by Mr. Walter Lee Sheppard for the appellants, and by Mr. Frank Rogers Donahue for the appellee.

No. 156. Leonard R. Coates, plaintiff in error, *v.* The District of Columbia. Argument continued by Mr. R. L. Williams for the defendant in error (by special leave), by Mr. Conrad H. Syme for the defendant in error, and concluded by Mr. Francis P. B. Sands for the plaintiff in error.

No. 12, Original. *Ex parte* In the matter of The United States, petitioner. Argument commenced by Mr. Attorney General Gregory for the petitioner, continued by Mr. Edward J. Marshall for the respondent, and by Mr. Assistant Attorney General Wallace for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 11, will be as follows: Nos. 672, 157, 158, 160, 161, 162 (and 174), 163 (and 164, 165 and 166), 170, 171, and 172.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 11, 1916.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Wymond J. Beckett, of Indianapolis, Ind., and William D. Bangs, of Chicago, Ill., were admitted to practice.

No. 12, Original. Ex parte: In the matter of The United States, petitioner. Argument concluded by Mr. Assistant Attorney General Wallace for the petitioner.

No. 672. Robert Kitchens, appellant, *v.* J. C. Hamilton, sheriff, etc. Argued by Mr. John Randolph Cooper for the appellant, and by Mr. Clifford Walker for the appellee.

No. 157. William B. Thompson, plaintiff in error, *v.* The City of St. Louis. Argued by Mr. William B. Thompson for the plaintiff in error, and by Mr. Truman P. Young for the defendant in error.

No. 158. Hilma Nelson, plaintiff in error, *v.* Richard G. Wood. Argument commenced by Mr. A. J. H. Frank for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 12, will be as follows: Nos. 158, 160, 161, 162 (and 174), 163 (and 164, 165, and 166), 170, 171, 172, 173, and 175.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 12, 1916.

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Present: Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

W. G. Loving, of Atlanta, Ga., was admitted to practice.

No. 731. H. E. Filler, appellant, *v.* Ben. Steele, sheriff, et al. Motion to advance submitted by Mr. C. Ward Eicher for the appellees.

No. 173. Carrie H. Collins et al., plaintiffs in error, *v.* Rufus Philips et al., trustees, etc., et al. In error to the Supreme Court of the State of Pennsylvania. Dismissed with costs, pursuant to the tenth rule.

No. 175. The Sun Life Assurance Company of Canada, plaintiff in error, *v.* Luisa Rivera. Passed temporarily.

No. 158. Hilma Nelson, plaintiff in error, *v.* Richard G. Wood. Argument concluded by Mr. A. J. H. Frank for the plaintiff in error, and submitted by Mr. R. Stuart Smith and Mr. C. E. Morgan, 3d, for the defendant in error.

No. 160. St. Louis & San Francisco Railroad Company, plaintiff in error, *v.* H. B. Shepherd. Submitted by Mr. W. F. Evans for the plaintiff in error, with leave to counsel for the defendant in error to file brief within 10 days.

No. 161. E. B. Johnson et al., plaintiffs in error, *v.* F. E. Riddle. Argued by Mr. C. B. Ames for the plaintiffs in error, and by Mr. Joseph W Bailey for the defendant in error.

No. 162. Central Trust Company of Illinois, trustee, etc., appellant, *v.* Chicago Auditorium Association; and

No. 174. Chicago Auditorium Association, appellant, *v.* Central Trust Company of Illinois, trustee, etc. Argued by Mr. William D. Bangs for Chicago Auditorium Association, and by Mr. E. C. Brandenburg for Central Trust Company.

No. 163. Jones National Bank, plaintiff in error, *v.* Charles E. Yates et al.;

No. 164. Bank of Staplehurst, plaintiff in error, *v.* Charles E. Yates et al.;

No. 165. Utica Bank, plaintiff in error, *v.* Charles E. Yates et al.;  
and

No. 166. Thomas Bailey, plaintiff in error, *v.* Charles E. Yates  
et al. Reargument commenced by Mr. J. J. Thomas for the plaintiffs  
in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 13, will be as follows: Nos.  
163 (and 164, 165, and 166), 170, 171, 172, 176, 177, 178, 179, 180,  
and 181.



# SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 13, 1916.

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Present: Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Francis M. Brady, of Kansas City, Kans., and William Hudson Smiley, of Spokane, Wash., were admitted to practice.

No. 177. D. F. Deaton, plaintiff in error, *v.* The Commonwealth of Kentucky. In error to the Court of Appeals of the State of Kentucky. Dismissed with costs, pursuant to the tenth rule.

No. 163. Jones National Bank, plaintiff in error, *v.* Charles E. Yates et al.;

No. 164. Bank of Staplehurst, plaintiff in error, *v.* Charles E. Yates et al.;

No. 165. Utica Bank, plaintiff in error, *v.* Charles E. Yates et al.; and

No. 166. Thomas Bailey, plaintiff in error, *v.* Charles E. Yates et al. Reargument continued by Mr. J. J. Thomas for the plaintiffs in error, continued by Mr. Halleck F. Rose for the defendant in error, David E. Thompson, and by Mr. Frank E. Bishop for the defendants in error, Yates & Hamer, and concluded by Mr. J. J. Thomas for the plaintiffs in error.

No. 170. Seaboard Air Line Railway, appellant, *v.* Railroad Commission of Georgia et al. Argument commenced by Mr. Edgar Watkins for the appellant, and continued by Mr. James K. Hines for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 14, will be as follows: Nos. 170, 171, 172, 176, 178, 179, 180, 181, 182, and 183.

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 14, 1916.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Lynn M. Johnston, of Mt. Clemens, Mich.; Louis C. Cramton, of Lapeer, Mich.; William L. Frierson, of Chattanooga, Tenn.; Emil W. Snyder, of Detroit, Mich.; and Walter W. Irwin, of New York City, were admitted to practice.

No. 182. Jake Butler, plaintiff in error, *v.* J. W. Perry as sheriff of Columbia County, Florida. Submitted by Mr. C. C. Howell for the plaintiff in error and by Mr. Thomas F. West for the defendant in error.

No. 183. Right Reverend Libert Hubert Boeyaems, Bishop of Zeugma, etc., Trustee, plaintiff in error, *v.* L. Ah Leong. Passed temporarily.

No. 170. Seaboard Air Line Railway, appellant, *v.* Railroad Commission of Georgia et al. Argument continued by Mr. James K. Hines for the appellees, and concluded by Mr. W. G. Loving for the appellant.

No. 172. Vandalia Railroad Company, plaintiff in error, *v.* Charles Stilwell. Argued by Mr. Samuel O. Pickens for the plaintiff in error, and by Mr. Wymond J. Beckett for the defendant in error.

No. 176. Illinois Surety Company, plaintiff in error, *v.* The United States to the use of J. A. Peeler et al., partners, etc., et al. Argument commenced by Mr. Bynum E. Hinton for the plaintiff in error, continued by Mr. Benjamin E. Pierce and Mr. D. W. Robinson for the defendants in error, and concluded by Mr. Bynum E. Hinton for the plaintiff in error.

No. 178. G. & C. Merriam Company, appellant, *v.* Arthur J. Saalfeld et al. Argument commenced by Mr. W. B. Hale for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 17, will be as follows: Nos. 178, 171, 179, 180, 181, 184, 185, 186, 187, and 188.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 17, 1916.

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Present: Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

James A. Anderson, of Los Angeles, Cal.; Eugene Young, of Washington, D. C.; James Quarles, of Louisville, Ky.; Guy D. Henry, of Alpena, Mich., and Felix J. Streyckmans, of Chicago, Ill., were admitted to practice.

No. 411. George D. Rogers et al., appellants, *v.* The County of Hennepin et al. Appeal from the District Court of the United States for the District of Minnesota. Decree affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 133. Northern Pacific Railway Company, petitioner, *v.* Mary A. Meese et al. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment of the Circuit Court of Appeals reversed with costs, and judgment of the District Court of the United States for the Western District of Washington affirmed with costs, and cause remanded to said District Court. Opinion by Mr. Justice McReynolds. Dissenting: Mr. Justice McKenna.

No. 153. William W. White, appellant, *v.* The United States; and

No. 154. John D. Ford, appellant, *v.* The United States. Appeals from the Court of Claims. Judgments affirmed. Opinion by Mr. Justice Holmes. (Mr. Justice McReynolds took no part in the consideration or decision of these cases.)

No. 142. Narciso Basso, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McKenna. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

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Mr. Justice McKenna also announced the following orders of the court:

No. 156. Leonard R. Coates, plaintiff in error, *v.* The District of Columbia. In error to the Court of Appeals of the District of

Columbia. *Per curiam*: Dismissed for want of jurisdiction upon the authority of *American Security & Trust Co. v. District of Columbia* (224 U. S., 491); *District of Columbia v. Philadelphia, Baltimore & Washington R. R.* (232 U. S., 716); *Washington & Mt. Vernon Ry. v. Downey* (236 U. S., 190).

No. 157. William B. Thompson, plaintiff in error, *v. The City of St. Louis*. In error to the Supreme Court of the State of Missouri. *Per curiam*: Dismissed for want of jurisdiction upon the authority of *Louisiana Navigation Co. v. Oyster Commission* (226 U. S., 99); *United States v. Beatty* (232 U. S., 563); *Pons v. Yazoo & Mississippi Valley R. R.* (232 U. S., 720).

No. 158. Hilma Nelson, plaintiff in error, *v. Richard G. Wood*. In error to the United States Circuit Court of Appeals for the Third Circuit. *Per curiam*: Dismissed for want of jurisdiction upon the authority of *Bagley v. General Fire Extinguisher Co.* (212 U. S., 477); *McCormick v. Oklahoma City* (236 U. S., 657); *St. Anthony Church v. Pennsylvania R. R.* (237 U. S., 575); *Merriam Co. v. Syndicate Publishing Co.* (237 U. S., 618).

No. 172. Vandalia Railroad Company, plaintiff in error, *v. Charles Stilwell*. In error to the Supreme Court of the State of Indiana. *Per curiam*: Judgment affirmed with costs upon the authority of *Jeffrey Manufacturing Co. v. Blagg* (235 U. S., 571).

No. 672. Robert Kitchens, appellant, *v. J. C. Hamilton, sheriff, etc.* Appeal from the District Court of the United States for the Southern District of Georgia. *Per curiam*: Judgment affirmed with costs upon the authority of *Andrews v. Swartz* (156 U. S., 272); *Frank v. Mangum* (237 U. S., 309).

No. 729. Frank R. Shattuck, trustee, etc., et al., appellants, *v. The Title Guaranty & Surety Company*. Appeal from the United States Circuit Court of Appeals for the Third Circuit. *Per curiam*: Dismissed for want of jurisdiction upon the authority of act of Congress, January 28, 1915 (c. 22, 38 Stat., 803). See *Central Trust Co. v. Lueders* (239 U. S., 11).

No. 365. United Railways Company of St. Louis, plaintiff in error, *v. The City of St. Louis*;

No. 366. St. Louis & Suburban Railway Company et al, plaintiffs in error, *v. The City of St. Louis*;

Nos. 367, 368, 369, 370, and 371. United Railways Company of St. Louis, plaintiff in error, *v. The City of St. Louis*; and

No. 372. St. Louis Transit Company, plaintiff in error, *v. The City of St. Louis*. Motion to advance granted, and cases assigned for argument on Monday, April 3d next, after the cases heretofore assigned for that day.



No. 731. H. E. Filler, appellant, *v.* Ben Steele, sheriff, etc., et al. Motion to advance granted, and case assigned for argument on Monday, April 3d next, after the cases heretofore assigned for that day.

No. 792. Wells, Fargo & Company, petitioner, *v.* The Mayor and Aldermen of Jersey City. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

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No. 192. The United States, appellant, *v.* Melven Booth, administrator, etc. Appeal from the Court of Claims. Dismissed on motion of Mr. Solicitor General Davis for the appellant.

No. 664. Chin Fong, appellant, *v.* Samuel W. Backus, commissioner, etc. Motion to advance submitted by Mr. Solicitor General Davis for the appellant.

No. 434. David Lamar, plaintiff in error, *v.* The United States. Motion to dismiss or affirm submitted by Mr. Solicitor General Davis for the defendant in error in support of the motion, and by Mr. Carl E. Whitney and Mr. A. Leo Everett for the plaintiff in error in opposition thereto.

No. 192. The United States, appellant, *v.* Melven Booth, administrator, etc. Mandate granted on motion of Mr. George A. King for the appellee.

No. 720. Waldo P. Clement et al., petitioners, *v.* D. W. James. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Hollins N. Randolph and Mr. John R. Abney for the petitioners, and by Mr. Alexander W. Smith, Mr. Theodore A. Hammond, Mr. Victor Lamar Smith, and Mr. Alexander W. Smith, jr., for the respondent.

No. 768. Yee Kong, petitioner, *v.* W. W. Sibray, immigration inspector, et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Frederick S. Tyler in behalf of Mr. Lowrie C. Barton for the petitioner, and by Mr. Solicitor General Davis and Mr. Assistant Attorney General Wallace for the respondents.

No. 343. John H. Strosnider, appellant, *v.* Edmund M. Allen, warden, etc. Motion to dismiss or affirm submitted by Mr. Patrick J. Lucey and Mr. Lester H. Strawn for the appellee in support of the motion and by Mr. Benjamin C. Bachrach for the appellant in opposition thereto.

No. 178. G. & C. Merriam Company, appellant, *v.* Arthur J. Saalfeld et al. Argument concluded by Mr. Wade H. Ellis for the appellees.

No. 179. Walter J. Carey, appellant, *v.* E. Reeder Donohue, trustee, etc. Argued by Mr. Morison R. Waite for the appellant and by Mr. E. R. Donohue for the appellee.

No. 181. Herman H. Pinel et al., appellants, *v.* Thomas F. Pinel et al. Argued by Mr. Emil W. Snyder for the appellants and by Mr. Lynn M. Johnston for the appellees.

No. 184. Isidor Straus et al., trading, etc., as R. H. Macy & Company, petitioners, *v.* Notaseme Hosiery Company. Argument commenced by Mr. Edmond E. Wise for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 18, will be as follows: Nos. 184, 171, 180, 185, 186, 187, 188, 73, 127, and 189.

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 18, 1916.

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Present: Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Harris L. Moore, Excelsior Springs, Mo.; Edward James Brown, of Seattle, Wash.; Humphrey Barton, of St. Paul, Minn.; Abner L. Lewis, of Denison, Tex.; Wendell P. Barker, of New York City; Gustav A. Schuldt, of Washington, D. C.; and Dean Swift, of Washington, D. C., were admitted to practice.

No. 127. Kansas City Western Railway Company, plaintiff in error, *v.* George B. McAdow. Submitted by Mr. Charles S. Hutchings and Mr. McCabe Moore for the plaintiff in error, and by Mr. J. H. Atwood and Mr. Oscar S. Hill for the defendant in error.

No. 189. Anna C. Dunham et al., plaintiffs in error, *v.* Clara V. Kauffman et al. Passed temporarily.

No. 184. Isidor Straus et al., etc., petitioners, *v.* Notaseme Hosiery Company. Argument continued by Mr. Edmond E. Wise for the petitioners, by Mr. E. Hayward Fairbanks for the respondent, and concluded by Mr. Edmond E. Wise for the petitioners.

No. 185. Juan Suris Cardona, appellant, *v.* Francisco P. Quinones et al. Submitted by Mr. Jose R. F. Savage for the appellant, and by Mr. Francis H. Dexter for the appellees.

No. 186. Cyrus Bradley, plaintiff in error, *v.* Spokane and Inland Empire Railroad Company. Argued by Mr. William H. Smiley for the plaintiff in error, and submitted by Mr. Will G. Graves for the defendant in error.

No. 187. W. S. Embree et al., plaintiffs in error, *v.* Kansas City & Liberty Boulevard Road District of Clay County et al. Argument commenced by Mr. Harris L. Moore for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 19, will be as follows: Nos. 187, 188, 73, 193, 194, 196, 197, 198, 199, and 201.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 19, 1916.

Present: Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

John P. Leahy, of St. Louis, Mo., was admitted to practice.

No. 216. Esteban de la Rama, plaintiff in error and appellant, *v.* Agueda Benedicto de la Rama. Leave granted to Mr. H. W. Van Dyke to withdraw his appearance herein as counsel for the plaintiff in error and appellant.

No. 196. Great Northern Railway Company, plaintiff in error, *v.* J. H. Wiles, as administrator, etc. Passed temporarily.

No. 198. Erie Railroad Company, plaintiff in error, *v.* James T. Welsh. Passed temporarily.

No. 201. Southern Express Company, plaintiff in error, *v.* John Byers. Passed temporarily.

No. 187. W. S. Embree et al., plaintiffs in error, *v.* Kansas City & Liberty Boulevard Road District of Clay County et al. Argument concluded by Mr. Harris L. Moore for the plaintiffs in error, and case submitted by Mr. W. M. Williams for the defendants in error.

No. 188. Kansas City, Mexico & Orient Railway Company, plaintiff in error, *v.* The State of Texas. Passed temporarily.

No. 73. Banning Company et al., plaintiffs in error, *v.* The People of the State of California upon the information of U. S. Webb, attorney general. Argued by Mr. James A. Gibson for the plaintiffs in error, and by Mr. A. L. Stephens and Mr. James A. Anderson for the defendants in error.

No. 194. Illinois Central Railroad Company, plaintiff in error, *v.* Fulton M. Skaggs. Argument commenced by Mr. W. S. Horton for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 20, will be as follows: Nos. 194, 197, 199, 203 (and 320), 205 (and 204, 9, and 12), 206, 207, 208 (and 209), 211 (and 210 and 190), and 214.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 20, 1916.

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Present: Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Luther Z. Rosser, of Atlanta, Ga.; Samuel Nesbitt Evins, of Atlanta, Ga.; Robert L. Shipp, of Moultrie, Ga.; Hudson Moore, of Atlanta, Ga.; Shepard Bryan, of Atlanta, Ga.; and Louis Jersawitz, of New York City, were admitted to practice.

No. 197. Powhatan E. Causey, appellant, *v.* The United States. Passed temporarily, on motion of Mr. T. M. Miller for the appellant.

No. 203. The Chicago & Alton Railroad Company, appellant, *v.* The United States; and

No. 320. The Yazoo & Mississippi Valley Railroad Company, appellants, *v.* The United States. Passed temporarily, on motion of Mr. Solicitor General Davis for the appellee.

No. 206. J. C. McClelland, as State auditor of the State of Oklahoma, et al., appellants, *v.* Missouri, Kansas & Texas Railway Company. Appeal from the District Court of the United States for the Western District of Oklahoma. Dismissed with costs, pursuant to the tenth rule.

No. 208. Southern Railway, Carolina Division, plaintiff in error, *v.* Fannie D. Driggs et al.; and

No. 209. Southern Railway, Carolina Division, plaintiff in error, *v.* Hubert Driggs, by his guardian, etc. Passed temporarily.

No. 194. Illinois Central Railroad Company, plaintiff in error, *v.* Fulton M. Skaggs. Argument continued by Mr. W. S. Horton for the plaintiff in error, by Mr. Humphrey Barton for the defendant in error, and concluded by Mr. W. S. Horton for the plaintiff in error.

No. 199. J. J. Broussard, plaintiff in error, *v.* R. R. Baker, chief of police of the city of Beaumont, Tex. Submitted by Mr. Frederick S. Tyler for the plaintiff in error. No appearance for the defendant in error.

Nos. 205 and 204. Carolina Glass Company, plaintiff in error, *v.* William J. Murray et al.;

No. 9. Carolina Glass Company, plaintiff in error, *v.* William J. Murray, chairman, et al.; and

No. 12. The Carolina Glass Company, plaintiff in error, *v.* The State of South Carolina. Argued by Mr. William H. Lyles for the plaintiff in error, and by Mr. Benjamin Lindsey Abney for the defendants in error.

No. 207. The County of Sioux, Nebr., plaintiff in error, *v.* Newton Rule. Submitted by Mr. Allen G. Fisher for the plaintiff in error. No brief filed for the defendant in error.

No. 190. Rebecca Loth et al., plaintiffs in error, *v.* The City of St. Louis et al. In error to the Supreme Court of the State of Missouri. Dismissed with costs on motion of Mr. David Goldsmith for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 21, will be as follows: Nos. 211, 171, 180, 193, 207, 214, 216, 217, 218, and 219.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 21, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Robert M. McCracken, of Boise, Idaho, was admitted to practice.

No. 216. Esteban de la Rama, plaintiff in error and appellant, *v.* Agueda Benedicto de la Rama. Passed temporarily, on motion of Mr. Rufus S. Day for the plaintiff in error and appellant.

No. 217. Alejandro Montelibano y Ramos et al., appellants and plaintiffs in error, *v.* La Compania General de Tabacos de Filipinas. Passed temporarily, on motion of Mr. H. W. Van Dyke for the appellants and plaintiffs in error.

No. 218. The Chicago, Terre Haute & Southeastern Railway Company, plaintiff in error, *v.* Champion S. Anderson. Passed temporarily.

No. 211. Gast Realty and Investment Company et al., plaintiffs in error, *v.* Schneider Granite Company. Argument commenced by Mr. Thomas G. Rutledge for the plaintiffs in error, continued by Mr. Hickman P. Rodgers for the defendant in error, and concluded by Mr. David Goldsmith for the plaintiffs in error.

No. 171. Carnegie Steel Company, appellant, *v.* The United States. Argued by Mr. James H. Hayden for the appellant and by Mr. Assistant Attorney General Thompson for the appellee.

No. 180. Jennie A. Willink, executrix, etc., appellant, *v.* The United States. Argued by Mr. George A. King for the appellant and by Mr. Assistant Attorney General Thompson for the appellee.

No. 193. The United States, appellant, *v.* Lincoln C. Andrews. Argument commenced by Mr. Assistant Attorney General Thompson for the appellant and continued by Mr. George A. King for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 24, will be as follows: Nos. 193, 214, 219, 220, 221, 222, 225, 226, 227, and 228.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 24, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

John R. Dixon, of Denver, Colo.; Otto F. Seggel, of Jersey City, N. J.; John W. Ockford, of New York City; Charles A. Lich, of St. Louis, Mo.; Addison Irwin Gardner, of New York City; William J. Geer, of Galion, Ohio; and Elvert M. Davis, of Grand Rapids, Mich., were admitted to practice.

No. 106. Leslie G. Loomis et al., plaintiffs in error, *v.* Lehigh Valley Railroad Company. In error to the Supreme Court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 137. The New York, Philadelphia & Norfolk Railroad Company, plaintiff in error, *v.* The Peninsula Produce Exchange of Maryland. In error to the Court of Appeals of the State of Maryland. Judgment affirmed with costs. Opinion by Mr. Justice Hughes.

No. 145. William M. Fleitmann, etc., appellant, *v.* The Welsbach Street Lighting Company of America; and

No. 146. William M. Fleitmann, etc., appellant, *v.* Arthur E. Shaw. Appeals from the United States Circuit Court of Appeals for the Second Circuit. Decrees affirmed with costs and causes remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice McKenna and Mr. Justice Pitney.

No. 200. Mount Vernon-Woodberry Cotton Duck Company et al., plaintiffs in error, *v.* Alabama Interstate Power Company. In error to the Supreme Court of the State of Alabama. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 140. Frank R. Brushaber, appellant, *v.* Union Pacific Railroad Company. Appeal from the District Court of the United States for the Southern District of New York. Decree affirmed with costs. Opinion by Mr. Chief Justice White. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)



The Chief Justice also announced the following orders of the court:

No. 186. Cyrus Bradley, plaintiff in error, *v. Spokane & Inland Empire Railroad Company*. In error to the Supreme Court of the State of Washington. Per curiam: Dismissed for want of jurisdiction upon the authority of (1) *New Orleans Waterworks Co. v. Louisiana* (185 U. S., 336, 344), *Consolidated Turnpike v. Norfolk, etc., Ry. Co.* (228 U. S., 596, 600), *Parker v. McLain* (237 U. S., 469, 471); (2) *Ross v. Oregon* (227 U. S., 150), *Moore-Mansfield Co. v. Electrical Co.* (234 U. S., 619), *Willoughby v. Chicago* (235 U. S., 45).

No. 199. J. J. Broussard, plaintiff in error, *v. R. R. Baker*, chief of police of the city of Beaumont, Tex. In error to the Court of Criminal Appeals of the State of Texas. Per curiam: Dismissed for want of jurisdiction upon the authority of (1) *Consolidated Turnpike v. Norfolk, etc., Ry. Co.* (228 U. S., 596, 600), *Manhattan Life Ins. Co. v. Cohen* (234 U. S., 123, 137), *Easterling Lumber Co. v. Pierce* (235 U. S., 380, 382); (2) *Fischer v. St. Louis* (194 U. S., 361), *Davis v. Massachusetts* (167 U. S., 43); (3) *Iowa Central Ry. Co. v. Iowa* (160 U. S., 389), *Washington v. Miller* (235 U. S., 422, 429), *Roby v. South Park Commissioners* (238 U. S., 610).

No. 207. The County of Sioux, Nebr., plaintiff in error, *v. Newton Rule*. In error to the Supreme Court of the State of Nebraska. Per curiam: Dismissed for want of jurisdiction upon the authority of *Stewart v. Kansas City* (239 U. S., 14).

No. 343. John H. Strosnider, appellant, *v. Edmund M. Allen*, warden, etc. Appeal from the District Court of the United States for the Northern District of Illinois. Per curiam: Judgment affirmed with costs upon the authority of *Urquhart v. Brown* (205 U. S., 179), *Ex parte Spencer* (228 U. S., 652, 659-661), *Frank v. Mangum* (237 U. S., 309, 328, 329).

No. 664. Chin Fong, appellant, *v. Samuel W. Backus*, commissioner, etc. Motion to advance granted, and case assigned for argument on Monday, April 3d next, after the cases heretofore assigned for that day.

No. 735. St. Louis Union Trust Company, petitioner, *v. Mary E. Mellen et al.* Ordered that the order entered herein on December 20, 1915, denying the petition for writ of certiorari, be vacated and set aside and the petition for writ of certiorari granted.

No. 720. Waldo P. Clement et al., petitioners, *v. D. W. James*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 768. Yee Kong, petitioner, *v.* W. W. Sibray, immigration inspector, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

The Chief Justice also announced that the court will take a recess from Monday, the 31st instant, to Monday, February 21st next.

No. 777. Thomas Kelly, appellant, *v.* Elvin J. Griffin, jailer, etc. Motion to advance submitted by Mr. Henry B. F. Macfarland, Mr. A. W. Bulkley, and Mr. C. E. More for the appellee in support of the motion, and by Mr. John S. Miller, Mr. Edward Osgood Brown, and Mr. Pierce Butler for the appellant in opposition thereto.

No. 402. LeRoy Brazee, plaintiff in error, *v.* The People of the State of Michigan. Motion to advance submitted by Mr. Grant Fellows for the defendants in error.

No. 763. The National Bank of Commerce of Seattle, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Wade H. Ellis in behalf of Mr. James A. Kerr and Mr. E. S. McCord for the petitioner.

No. 221. William A. Stowe, plaintiff in error, *v.* Emma F. Taylor. Petition for a writ of certiorari to the Superior Court of the State of Massachusetts or other proper proceeding under the act of Congress of December 23, 1914, submitted by Mr. Hollis R. Bailey for the plaintiff in error and petitioner.

No. 815. The Title Guaranty & Surety Company et al., plaintiffs in error, *v.* The State of Idaho to the use of W. S. Allen. Motion to dismiss or affirm or advance submitted by Mr. Robert N. McCracken in behalf of Mr. J. H. Peterson for the defendant in error in support of the motion, and by Mr. Samuel H. Hays for the plaintiff in error in opposition thereto.

No. 804. George L. Dure, receiver, etc., petitioner, *v.* William C. Wright, trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. John R. L. Smith for the petitioner, and by Mr. Orville A. Park and Mr. George S. Jones for the respondent.

No. 784. Houston Oil Company of Texas et al., petitioners, *v.* Cornelia G. Goodrich et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. William L. Marbury in behalf of Mr. Thomas M. Kennerly for the petitioners.

No. 811. Erie Railroad Company, plaintiff in error, *v.* Amy L. Winfield. Motion to advance submitted by Mr. John Spalding Flannery in behalf of Mr. Gilbert Collins and Mr. George S. Hobart for the plaintiff in error.

No. 753. Chu Tai Ngan, petitioner, *v.* Samuel W. Backus, commissioner, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit dismissed on motion of counsel for the petitioner.

No. 225. Martin H. Free, plaintiff in error, *v.* The Western Union Telegraph Company. In error to the Supreme Court of the State of Wisconsin. Dismissed with costs pursuant to the tenth rule.

No. 228. Franklin O. Bunting, plaintiff in error, *v.* The State of Oregon. Passed temporarily.

No. 373. E. C. Osborne, receiver, etc., plaintiff in error, *v.* Jennie B. Gray. Motion to dismiss or affirm or transfer to the summary docket submitted by Mr. Joe V. Williams, Mr. Felix W. Lynch, and Mr. George W. Chamlee for the defendant in error in support of the motion, and by Mr. Lewis M. Coleman and Mr. William L. Frierson for the plaintiff in error in opposition thereto.

No. 193. The United States, appellant, *v.* Lincoln C. Andrews. Argument continued by Mr. George A. King for the appellee and concluded by Mr. Assistant Attorney General Thompson for the appellant.

No. 214. Henry A. Uterhart et al., as trustees, etc., appellants. *v.* The United States. Argued by Mr. H. T. Newcomb for the appellant and by Mr. Assistant Attorney General Wallace for the appellee.

No. 219. J. C. Hawkins, appellant, *v.* John L. Bleakly, auditor, etc., et al. Submitted by Mr. Robert Ryan for the appellant, with leave to counsel for the appellee to file brief within 15 days.

No. 220. Francis Sherwood Male, as trustee, etc., appellant, *v.* The Atchison, Topeka & Santa Fe Railway Company. Argued by Mr. William G. Cooke for the appellant and by Mr. Walker D. Hines for the appellee.

No. 222. Tallulah Falls Railway Company, plaintiff in error, *v.* Macon County Supply Company. Submitted by Mr. Hamilton McWhorter for the plaintiff in error. No appearance for the defendant in error.

No. 226. The City of Cincinnati, appellant, *v.* The Cincinnati & Hamilton Traction Company et al. Argument commenced by Mr. Constant Southworth for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 25, will be as follows: Nos. 226, 227, 230 (and 231, 232, and 233), 235 (and 275), 236 (and 237), 238, 241, 243, 244, and 245.

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 25, 1916.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

John F. Dillon, of Fairbanks, Alaska, was admitted to practice.

No. 819. The State of South Dakota ex rel. R. O. Richards et al., plaintiffs in error, *v.* M. D. Whisman, as county auditor, et al. Motion to advance submitted by Mr. T. H. Null for the plaintiffs in error.

Nos. 230, 231, 232, and 233. Southern Railway Company, plaintiff in error, *v.* W. C. Thurston. Submitted by Mr. John K. Graves for the plaintiff in error. No appearance for the defendant in error.

No. 235. The Hutchinson Ice Cream Company et al., plaintiffs in error, *v.* The State of Iowa; and

No. 275. A. B. Crowl, plaintiff in error, *v.* The Commonwealth of Pennsylvania. Passed temporarily.

No. 236. The City of Montgomery, plaintiff in error, *v.* R. H. Greene et al.; and

No. 237. The City of Montgomery, plaintiff in error, *v.* W. R. McDade et al. Continued.

No. 238. The Pennsylvania Railroad Company, plaintiff in error, *v.* Kate Setera, as administratrix, etc. Passed temporarily.

No. 241. Hitchman Coal & Coke Company, appellant, *v.* John Mitchell, individually, et al. Passed temporarily.

No. 243. The Curtice Brothers Company, appellant, *v.* Harry E. Barnard et al. Passed temporarily, on motion of Mr. Lawrence Maxwell for the appellant.

No. 244. Russo-Chinese Bank, petitioner, *v.* The National Bank of Commerce of Seattle, Washington. Passed, on motion of Mr. F. W. Clements in behalf of counsel.

No. 226. The City of Cincinnati, appellant, *v.* The Cincinnati & Hamilton Traction Company et al. Argument continued by Mr. Constant Southworth for the appellant, by Mr. Lawrence Maxwell and Mr. Alfred C. Cassatt for the appellees, and concluded by Mr. Constant Southworth for the appellant.

No. 227. Illinois Central Railroad Company, plaintiff in error, *v.* Charles W. Cousins. Argued by Mr. W. S. Horton for the plaintiff in error, and by Mr. Samuel A. Anderson for the defendant in error.

No. 245. The Baltimore & Ohio Railroad Company, plaintiff in error, *v.* Harry F. Hostetter. Submitted by Mr. George E. Hamilton for the plaintiff in error. No appearance for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 26, will be as follows: Nos. 196, 197, 24, 247, 248, 249, 251, 252, 253 (and 254), and 257.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 26, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Wilson S. Wiley, of Klamath Falls, Oreg.; Lewis Thomas Greist, of Chicago, Ill.; and Parker W. Page, of New York City, were admitted to practice.

No. 196. Great Northern Railway Company, plaintiff in error, *v.* J. H. Wiles, as administrator, etc. Submitted by Mr. E. C. Lindley for the plaintiff in error, and by Mr. W. R. Duxbury for the defendant in error.

No. 247. The United States, petitioner, *v.* Northern Pacific Railway Company. Passed temporarily, on motion of Mr. Assistant Attorney General Knaebel for the petitioner.

No. 248. Portuguese-American Bank of San Francisco, appellant, *v.* Paul I. Welles et al. Passed temporarily, on motion of Mr. William R. Harr in behalf of counsel.

No. 249. Abram Rosenberger, plaintiff in error, *v.* Pacific Express Company. Passed temporarily.

No. 251. Anna Young, appellant, *v.* West End Street Railway Company et al. Appeal from the District Court of the United States for the District of Massachusetts. Dismissed with costs, pursuant to the tenth rule.

No. 252. Amy Curtis, appellant, *v.* West End Street Railway Company et al. Appeal from the District Court of the United States for the District of Massachusetts. Dismissed with costs, pursuant to the tenth rule.

No. 253. John S. Donald, secretary of state, etc., et al., appellants, *v.* The Philadelphia & Reading Coal & Iron Company. Passed temporarily.

No. 254. James A. Frear, in his capacity as secretary of state, etc., appellant, *v.* The Western Union Telegraph Company. Passed temporarily.

No. 197. Powhatan E. Causey, appellant, *v.* The United States. Argued by Mr. T. Marshall Miller for the appellant, and by Mr. Assistant Attorney General Knaebel for the appellee.

No. 24. Latta & Terry Construction Company, appellant, *v.* The British steamship *Raithmoor*, etc. Argued by Mr. H. Alan Dawson for the appellant, and by Mr. Henry R. Edmunds for the appellee.

Adjourned until Monday next at 12 o'clock.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 31, 1916.

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Présent: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

John Burke, of Devils Lake, N. Dak.; Melvin A. Hildreth, of Fargo, N. Dak.; Marshall Surratt, of Waco, Tex.; C. W. Allen, of Charlottesville, Va.; Richard I. Munroe, of Waco, Tex.; Buford C. Tynes, of Hazard, Ky.; Bert L. Hunt, of Washington, D. C.; Lucien H. Boggs, of Jacksonville, Fla.; Russell R. McPeck, of Charlotte, Mich.; Herbert R. Orr, of Washington, D. C.; R. S. Dinkle, of Catlettsburg, Ky.; Josiah McRoberts, of Chicago, Ill.; and George Dudley Seymour, of New Haven, Conn., were admitted to practice.

No. 77. Frank Crocker, trustee in bankruptcy, etc., appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Van Devanter. Dissenting: Mr. Justice McKenna and Mr. Justice Holmes. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 194. Illinois Central Railroad Company, plaintiff in error, *v.* Fulton M. Skaggs. In error to the Supreme Court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Justice Hughes.

No. 127. Kansas City Western Railway Company, plaintiff in error, *v.* George B. McAdow. In error to the Kansas City Court of Appeals, State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 211. Gast Realty & Investment Company et al., plaintiffs in error, *v.* Schneider Granite Company; and

No. 210. Gast Realty & Investment Company, plaintiff in error, *v.* Schneider Granite Company. In error to the Supreme Court of the State of Missouri. Judgments reversed with costs, and causes remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 434. David Lamar, plaintiff in error, *v.* The United States. In error to the District Court of the United States for the Southern District of New York. Dismissed for want of jurisdiction. Opinion by Mr. Justice Holmes. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)



The Chief Justice announced the following orders of the court:

No. 819. The State of South Dakota ex rel. R. D. Richards et al., plaintiffs in error, *v.* M. D. Whisman, county auditor, etc.; and

No. 873. E. C. Osborne, receiver, etc., plaintiff in error, *v.* Jennie B. Gray. Ordered that these cases be placed on the summary docket.

No. 811. Erie Railroad Company, plaintiff in error, *v.* Amy L. Winfield. Motion to advance granted, and cause assigned for argument on Monday, February 21 next, after the cases heretofore assigned for that day.

No. 402. Le Roy Brazee, plaintiff in error, *v.* The People of the State of Michigan. Motion to advance granted, and case assigned for argument on Monday, April 3 next, after the cases heretofore assigned for that day.

No. 777. Thomas Kelly, appellant, *v.* Elvin J. Griffin, jailer, etc. Motion to advance granted, and the case assigned for argument on Monday, April 3 next, after the cases heretofore assigned for that day.

No. 784. Houston Oil Company of Texas et al., petitioners, *v.* Cornelia G. Goodrich et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 221. William A. Stowe, plaintiff in error, *v.* Emma F. Taylor. Petition for a writ of certiorari to the Superior Court of the State of Massachusetts or other proper proceeding under the act of Congress of December 23, 1914, denied.

No. 763. The National Bank of Commerce of Seattle, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 804. George L. Dure, receiver, etc., petitioner, *v.* William C. Wright, trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

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No. 363. The United States of America, appellant, *v.* Lehigh Valley Railroad Company et al. Motion to advance submitted by Mr. Solicitor General Davis for the appellant.

No. 666. The People of the State of New York ex rel. Walter S. Kennedy, as next friend, etc., plaintiffs in error, *v.* Frederick W. Becker, as sheriff of Erie County, N. Y. Motion to advance submitted by Mr. Solicitor General Davis for the plaintiffs in error.

No. 713. Chin Quock Wah, appellant, *v.* Henry M. White, commissioner of immigration, of Seattle, Wash. Motion to advance submitted by Mr. Solicitor General Davis for the appellee.

No. 808. The United States, plaintiff in error, *v.* The New South Farm & Home Company et al. Motion to advance submitted by Mr. Solicitor General Davis for the plaintiff in error.

No. 830. The United States, plaintiff in error, *v.* Angeline Lombardo. Motion to advance submitted by Mr. Solicitor General Davis for the plaintiff in error.

No. 794. Paule Daeche, appellant, *v.* Albert Bollschweiler, United States marshal, etc. Motion to dismiss or affirm submitted by Mr. Solicitor General Davis for the appellee in support of the motion, and by Mr. Merritt Lane and Mr. John W. Ockford for the appellant in opposition thereto.

No. 420. Knauth, Nachod & Kuhne, petitioners, *v.* Latham & Company et al.;

No. 656. Max Jaffe et al., surviving members of the firm of Knauth, Nachod & Kuhne, appellants, *v.* William S. Lovell, as custodian, etc., et al.; and

No. 657. Max Jaffe et al., surviving members of the firm of Knauth, Nachod & Kuhne, appellants, *v.* Maurice E. A. Westphalen et al. Motion to advance to be heard together submitted by Mr. Arthur von Briesen, Mr. Thomas M. Stevens, and Mr. W. H. Watson for the petitioners.

No. 611. James J. Abbott, appellant, *v.* James C. Brown, United States marshal, etc. Motion for leave to proceed in forma pauperis submitted by Mr. Duncan U. Fletcher in behalf of Mr. Charles B. Parkhill for the appellant.

No. 832. Edward F. Johnson, plaintiff in error, *v.* J. D. Lankford et al.; and

No. 833. Lawrence Martin, plaintiff in error, *v.* J. D. Lankford et al. Motion to advance submitted by Mr. Francis W. Clements in behalf of Mr. Charles West for the plaintiff in error.

No. 696. Menasha Paper Company, plaintiff in error, *v.* Chicago & Northwestern Railway Company. Motion to dismiss or affirm or transfer to the summary docket submitted by Mr. Thomas P. Littlepage, in behalf of Mr. George Lines, Mr. Willet M. Spooner, and Mr. Louis Quarles, for the defendant in error in support of the motion, and by Mr. Felix J. Streyckmans for the plaintiff in error in opposition thereto.

No. 399. St. Louis & San Francisco Railroad Company, plaintiff in error, *v.* Harry A. Brown;

No. 453. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* Sarah Dwyer, as administratrix, etc.;

No. 485. Louisville & Nashville Railroad Company, plaintiff in error, *v.* Jeanette Stewart, as administratrix, etc.; and

No. 743. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* Asa P. Carnahan. Motion to advance, to be heard with No. 321, submitted by Mr. David H. Leake, of counsel for the plaintiffs in error.

No. 453. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* Sarah Dwyer, as administratrix, etc. Death of Sarah Dwyer suggested and appearance of James R. Gainey, jr., administrator de bonis non of Richard Dwyer, deceased, as the party defendant in error herein, filed and entered per stipulation of counsel, on motion of Mr. David H. Leake in behalf of counsel.

No. —, Original. The State of South Dakota, complainant, *v.* Charles B. Collins. Motion for leave to file bill of complaint submitted by Mr. Thomas Sterling in behalf of counsel for the complainant.

No. 431. Union Pacific Railroad Company, appellant, *v.* The Board of County Commissioners of the County of Weld, State of Colorado, et al. Petition for a writ of certiorari herein submitted by Mr. A. A. Hoehling, jr., in behalf of Mr. N. H. Loomis and Mr. Clayton C. Dorsey for the appellant in support of the petition, and by Mr. Charles F. Tew for the appellees in opposition thereto.

No. 821. Bruce Borland, petitioner, *v.* The Northern Trust Safe Deposit Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Josiah McRoberts and Mr. George P. Fisher for the petitioner, and by Mr. R. H. Parkinson and Mr. Wallace R. Lane for the respondent.

No. 824. National Brake & Electric Company, petitioner, *v.* Niels A. Christensen and Allis-Chalmers Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Parker W. Page, Mr. Thomas B. Kerr, Mr. J. Snowden Bell, and Mr. Charles A. Brown for the petitioner, and by Mr. Joseph B. Cotton, Mr. Willet M. Spooner, and Mr. William R. Rummler for the respondents.

No. 526. William Whalley, plaintiff in error, *v.* Philadelphia & Reading Railway Company. Order placing this case on the summary docket and assigning same for hearing on February 21, 1916, vacated and set aside, and motion to dismiss submitted by Mr. William Clarke Mason for the defendant in error in support of the motion, and by Mr. Augustus Trask Ashton for the plaintiff in error in opposition thereto.

No. 805. Central Railroad Company of New Jersey, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by

Mr. Barry Mohun in behalf of Mr. Richard V. Lindabury for the petitioner, and by Mr. Assistant to the Attorney General Todd for the respondent.

Adjourned until Monday, February 21, at 12 o'clock.

The day call for Monday, February 21, will be as follows: Nos. 523, 535, 486, 381, 358, 521, 613, 690, 383 (and 384), 648, 496 (to 509), 681, 682, 700 (and 701), 628, 562, 611, 761 (and 762), and 811.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 21, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

John J. McCall, of Albany, N. Y.; John J. Beattie, of Warwick, N. Y.; Bert Winters, of Lebanon, Ind.; R. Kemp Morton, of Charleston, W. Va.; Albert G. Granger, of Kadoka, S. Dak.; A. F. Broomhall, of Troy, Ohio; Wallace C. Franklin, of Muskogee, Okla.; Leonard B. Smith, of New York City; James Richard Larkin, of Boston, Mass.; Robert B. Mayes, of Jackson, Miss.; William F. Peter, of Chicago, Ill.; Le Wright Browning, of Maysville, Ky.; William Wesley Bedford, of San Francisco, Cal.; Birdsey E. Case, of Hartford, Conn.; Alexander B. Andrews, jr., of Raleigh, N. C.; E. Clarence Aiken, of Albany, N. Y.; Edward H. Wason, of Nashua, N. H.; Joseph S. Matthews, of Concord, N. H.; R. A. Kleinschmidt, of Oklahoma City, Okla.; Edward M. Day, of Hartford, Conn.; Joseph E. Callaway, of Arkadelphia, Ark.; and S. R. Child, of Minneapolis, Minn., were admitted to practice.

No. 12. The Carolina Glass Company, plaintiff in error, *v.* The State of South Carolina. In error to the Supreme Court of the State of South Carolina. Judgment affirmed with costs;

No. 9. Carolina Glass Company, plaintiff in error, *v.* William J. Murray, chairman, et al., etc., et al. In error to the Supreme Court of the State of South Carolina. Judgment affirmed with costs;

No. 205. Carolina Glass Company, plaintiff in error, *v.* William J. Murray et al. In error to the District Court of the United States for the Eastern District of South Carolina. Judgment affirmed with costs;

No. 204. Carolina Glass Company, plaintiff in error, *v.* W. J. Murray et al. In error to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment reversed at the cost of the plaintiff in error, and cause remanded to the said Circuit Court of Appeals with directions to dismiss the writ of error for want of jurisdiction. Opinion by Mr. Justice McReynolds.

No. 114. The Fidelity & Deposit Company of Maryland, plaintiff in error, *v.* The Commonwealth of Pennsylvania. In error to the Supreme Court of the State of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 170. Seaboard Air Line Railway, appellant, *v.* Railroad Commission of Georgia et al. Appeal from the United States Circuit Court of Appeals for the Fifth Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Northern District of Georgia. Opinion by Mr. Justice McReynolds.

No. 182. Jake Butler, plaintiff in error, *v.* J. W. Perry, as sheriff of Columbia County, Fla. In error to the Supreme Court of the State of Florida. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 37. Hamilton-Brown Shoe Company, petitioner, *v.* The Wolf Brothers & Company. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Eastern District of Missouri. Opinion by Mr. Justice Pitney. Dissenting: The Chief Justice and Mr. Justice Van Devanter.

No. 78. Guerini Stone Company, plaintiff in error, *v.* P. J. Carlin Construction Company. In error to the District Court of the United States for Porto Rico. Judgment reversed with costs, and cause remanded for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice Pitney. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 80. Union Naval Stores Company, plaintiff in error, *v.* The United States. In error to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed, and cause remanded to the District Court of the United States for the Southern District of Alabama. Opinion by Mr. Justice Pitney. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 516. J. D. O'Keefe, receiver of New Orleans, Texas & Mexico Railroad Company, appellant, *v.* The United States et al. Appeal from the District Court of the United States for the Eastern District of Louisiana. Decree affirmed. Opinion by Mr. Justice Pitney. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 160. St. Louis & San Francisco Railroad Company, plaintiff in error, *v.* H. B. Shepherd. In error to the Supreme Court of the State of Oklahoma. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Van Devanter.

No. 187. W. S. Embree et al., plaintiffs in error, *v.* Kansas City & Liberty Boulevard Road District of Clay County et al. In error to the Supreme Court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 104. George D. Rogers et al., etc., plaintiffs in error, *v.* The County of Hennepin et al. In error to the Supreme Court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Justice Hughes. (Mr. Justice McReynolds is of opinion that the writ of error should be dismissed.)

No. 176. Illinois Surety Company, plaintiff in error, *v.* The United States to the use of J. A. Peeler et al., etc., et al. In error to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment modified by striking out the provision in favor of the Carolina Electrical Company, and, as thus modified, affirmed with costs, and cause remanded to the District Court of the United States for the Eastern District of South Carolina. Opinion by Mr. Justice Hughes.

No. 138. The United States, appellant, *v.* W. J. Morrison et al. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. Decree of the Circuit Court of Appeals reversed and the decree of the District Court of the United States for the District of Oregon affirmed and cause remanded to said district court. Opinion by Mr. Justice Hughes. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 450. The Kansas City, Fort Scott & Memphis Railway Company, plaintiff in error, *v.* J. T. Botkin, secretary of state of the State of Kansas. In error to the Supreme Court of the State of Kansas. Judgment affirmed with costs. Opinion by Mr. Justice Hughes.

No. 451. James W. Lusk et al., plaintiffs in error, *v.* J. T. Botkin, secretary of state of the State of Kansas. In error to the Supreme Court of the State of Kansas. Judgment affirmed with costs. Opinion by Mr. Justice Hughes.

No. 85. The Kansas City Southern Railway Company, appellant, *v.* Guardian Trust Company et al. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Western District of Missouri. Opinion by Mr. Justice Holmes. Dissenting: The Chief Justice and Mr. Justice Van Devanter.

No. 184. Isidor Straus and Nathan Straus, trading and doing business under the firm name and style of R. H. Macy & Co., petitioners, *v.* Notaseme Hosiery Company. On writ of certiorari to the United

States Circuit Court of Appeals for the Second Circuit. Decree reversed with costs, and cause remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice McKenna and Mr. Justice Pitney.

No. 73. Banning Company et al., plaintiffs in error, *v.* The People of the State of California upon the information of U. S. Webb, attorney general. In error to the Supreme Court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 171. Carnegie Steel Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McKenna. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 359. John R. Stanton, appellant, *v.* Baltic Mining Company et al. Appeal from the District Court of the United States for the District of Massachusetts. Decree affirmed with costs. Opinion by Mr. Chief Justice White.

No. 393. Tye Realty Company, plaintiff in error, *v.* Charles W. Anderson, collector, etc., and

No. 394. Edwin Thorne, plaintiff in error, *v.* Charles W. Anderson, collector of internal revenue. In error to the District Court of the United States for the Southern District of New York. Judgments affirmed with costs. Opinion by Mr. Chief Justice White.

No. 396. John F. Dodge et al., appellants, *v.* William H. Osborn, commissioner, etc. Appeal from the Court of Appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Chief Justice White.

No. 213. John F. Dodge et al., appellants, *v.* James J. Brady, collector, etc. Appeal from the District Court of the United States for the Eastern District of Michigan. Decree affirmed with costs. Opinion by Mr. Chief Justice White.

No. 532. Ida May Innes, plaintiff in error, *v.* John W. Tobin, sheriff, etc.; and

No. 533. Victor E. Innes, plaintiff in error, *v.* John W. Tobin, sheriff, etc. In error to the Court of Criminal Appeals of the State of Texas. Judgments affirmed with costs. Opinion by Mr. Chief Justice White.

No. 815. The Title Guaranty & Surety Company, appellant, *v.* The State of Idaho to the use of O. W. Allen. In error to the Supreme Court of the State of Idaho. Dismissed for want of jurisdiction. Opinion by Mr. Chief Justice White.



No. 220. Francis Sherwood Male, as trustee, etc., appellant, *v.* The Atchison, Topeka & Santa Fe Railway Company. Appeal from the District Court of the United States for the Southern District of New York. Decree affirmed with costs. Opinion by Mr. Chief Justice White.

No. 185. Juan Suris Cardona, appellant, *v.* Francisco P. Quinones et al. Appeal from the Supreme Court of Porto Rico. Decree affirmed with costs. Opinion by Mr. Chief Justice White.

No. 193. The United States, appellant, *v.* Lincoln C. Andrews. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Chief Justice White. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

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The Chief Justice also announced the following orders of the court:

No. 222. Tallulah Falls Railway Company, plaintiff in error, *v.* Macon County Supply Company. In error to the Supreme Court of the State of North Carolina. Per curiam: Judgment reversed with costs upon the authority of *Southern Railway Co. v. Reid* (222 U. S., 424); *Yazoo & Mississippi Valley Railroad Co. v. Greenwood Grocery Co.* (227 U. S., 1); *Charleston & Western Carolina Railway Co. v. Varnville Furniture Co.* (237 U. S., 597).

No. 227. Illinois Central Railroad Company, plaintiff in error, *v.* Charles W. Cousins. In error to the Supreme Court of the State of Minnesota. Per curiam: Judgment reversed with costs upon the authority of *Delaware, Lackwanna & Western Railroad Co. v. Yurkonis* (238 U. S., 439); *Shanks v. Delaware, Lackawanna & Western Railroad Co.* (239 U. S., 556).

No. 794. Paul Daesche, appellant, *v.* Albert Bollschweiler, United States marshal, etc. Appeal from the District Court of the United States for the District of New Jersey. Per curiam: Dismissed for want of jurisdiction upon the authority of (1) *Fay v. Crozer* (217 U. S., 455), *Hannis Distilling Co. v. Baltimore* (216 U. S., 285, 288), *Hendricks v. United States* (223 U. S., 178, 184); (2) *Benson v. Henkel* (198 U. S., 1, 10-11), *Pierce v. Creecy* (210 U. S., 387, 401-402); (3) *Glasgow v. Moyer* (225 U. S., 420), *Johnson v. Hoy* (227 U. S., 245), *Henry v. Henkel* (235 U. S., 219).

Nos. 230, 231, 232, and 233. Southern Railway Company, plaintiff in error, *v.* W. C. Thurston. In error to the Supreme Court of the State of North Carolina. Per curiam: Judgments reversed with costs upon the authority of *Southern Railway Co. v. Reid* (222 U. S., 424), *Yazoo & Mississippi Valley Railroad Co. v. Greenwood*

Grocery Co. (227 U. S., 1), Charleston & Western Carolina Railway Co. *v.* Varnville Furniture Co. (237 U. S., 597).

No. —, Original. The State of South Dakota, complainant, *v.* Charles B. Collins. Motion for leave to file bill of complaint granted, and process ordered to issue returnable on the first day of the next term.

No. 611. James J. Abbott, appellant, *v.* James C. Brown, United States marshal, etc. Motion for leave to proceed in forma pauperis granted, and case reassigned for Monday, April 3d next, after the cases heretofore assigned for that day.

No. 363. The United States of America, appellant, *v.* The Lehigh Valley Railroad Company et al.;

No. 666. The People of the State of New York ex rel. Walter S. Kennedy, plaintiff in error, *v.* F. W. Becker, sheriff, etc.;

No. 713. Chin Quock Wah, appellant, *v.* Henry M. White, commissioner, etc.;

No. 808. The United States, plaintiff in error, *v.* The New South Farm & Home Company et al.; and

No. 830. The United States, plaintiff in error, *v.* Angeline Lombardo. Motions to advance granted, and cases assigned for argument on Monday, April 3d next, after the cases heretofore assigned for that day.

No. 420. Knauth, Nachod & Kuhne, petitioners, *v.* Latham & Company et al.;

No. 656. Max Jaffe et al., etc., appellants, *v.* William S. Lovell, etc., et al.; and

No. 657. Max Jaffe et al., etc., appellants, *v.* Maurice E. A. Westphalen. Ordered that these cases be heard as one case; that the motion to advance for oral argument be denied; but the cases will be taken on printed briefs if counsel are so advised.

No. 399. St. Louis & San Francisco Railroad Company, plaintiff in error, *v.* Harry A. Brown;

No. 453. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* James R. Gainey, jr., as administrator, etc.;

No. 485. Louisville & Nashville Railroad Company, plaintiff in error, *v.* Jeanette Stewart, as administratrix, etc.; and

No. 743. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* Asa P. Carnahan. Motion to advance these cases for hearing with case No. 321 granted, the cases to be heard as one case.

No. 832. Edward F. Johnson, plaintiff in error, *v.* J. D. Lankford et al.; and

No. 833. Lawrence Martin, plaintiff in error, *v.* J. D. Lankford et al. Motion to advance denied.

No. 696. Menasha Paper Company, plaintiff in error, *v.* Chicago & Northwestern Railway Company. Ordered that this case be placed on the summary docket.

No. 431. Union Pacific Railroad Company, appellant, *v.* The Board of County Commissioners of the County of Weld, State of Colorado, et al. Petition for a writ of certiorari herein postponed to the hearing on the merits.

No. 805. The Central Railroad Company of New Jersey, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 821. Bruce Borland, petitioner, *v.* The Northern Trust Safe Deposit Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 824. National Brake & Electric Company, petitioner, *v.* Neils A. Christensen et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

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No. 449. Franklin K. Lane, Secretary of the Interior, plaintiff in error, *v.* The United States of America ex relatione Julia Lamare Mickadiet, etc., et al. Motion to advance submitted by Mr. Solicitor General Davis for the plaintiff in error.

No. 434. David Lamar, plaintiff in error, *v.* The United States. Motion that the mandate issue at once submitted by Mr. Solicitor General Davis in support of the motion.

No. 572. Utah Power & Light Company, appellant, *v.* The United States. Leave granted to file brief of Mr. John R. Dixon as *amicus curiæ*, on motion of Mr. Ernest Knaebel in his behalf.

No. 773. Seaboard Air Line Railway, plaintiff in error, *v.* J. T. Renn. Motion to dismiss or affirm or place on the summary docket submitted by Mr. Clyde A. Douglas and Mr. William C. Douglas for the defendant in error in support of the motion, and by Mr. Murray Allen for the plaintiff in error in opposition thereto.

No. —, Original. *Ex parte* In the matter of David Lamar, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. A. Leo Everett for the petitioner.

No. 827. William Filene's Sons Company, petitioner, *v.* Charles F. Weed et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. F. B. James, Mr. James Butler Studley, Mr. Louis D. Brandeis, and Mr. W. H. Dunbar for the petitioner, and by Mr. Charles F. Choate, jr., and Mr. F. H. Nash for the respondent.

No. 831. Robert H. Gardiner, etc., petitioner, *v.* William S. Butler (Inc.), etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. F. B. James and Mr. Bentley W. Warren for the petitioner, and by Mr. Charles F. Choate, jr., and Mr. F. H. Nash for the respondent.

No. —, Original. *Ex parte* In the matter of Walter Brandt, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. W. P. Borland in behalf of Mr. Franz E. Lindquist for the petitioner.

No. 847. William N. McFarland, supervisor, etc., et al., appellants, *v.* The American Sugar Refining Company. Motion to advance submitted by Mr. H. Garland Dupre in behalf of Mr. R. G. Pleasant, Mr. Donelson Caffery, and Mr. Daniel Wendling for the appellants.

No. 834. Joseph H. Courtney, trustee, etc., *v.* Eugene A. Georger. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Rufus S. Day and Mr. Charles P. Hine for the petitioner, and by Mr. E. H. Letchworth for the respondent.

No. 851. Mary C. Keyser et al., petitioners, *v.* W. H. Milton, receiver, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Emmett Wilson in behalf of Mr. Francis B. Carter, Mr. W. A. Blount, and Mr. A. C. Blount for the petitioners, and by Mr. W. H. Watson for the respondent.

No. 844. Henry B. Hollins, petitioner, *v.* A. Leo Everett, receiver, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. William C. Armstrong and Mr. Charles K. Beekman for the petitioner, and by Mr. Leonard B. Smith for the respondent.

No. 42. J. F. Bailey, as trustee, etc., appellant, *v.* Baker Ice Machine Company. Motion to modify decree and recall mandate submitted by Mr. Edwin A. Krauthoff for the appellant.

No. 546. The Valley Steamship Company, plaintiff in error, *v.* John J. Wattawa; and

No. 547. The Valley Steamship Company, plaintiff in error, *v.* John Mraz. Motion to dismiss submitted by Mr. Frank S. Bright in behalf of Mr. George H. Eichelberger for the defendant in error, and by Mr. Frank S. Masten for the plaintiff in error in opposition thereto.

No. 868. Congregacion de la Mison de San Vincente de Paul, appellant, *v.* Francisco Reyes y Mijares and El Banco Espanal Filipino. Appeal from the Supreme Court of the Philippine Islands. Docketed

and dismissed with costs, on motion of Mr. Evans Browne for the appellees.

No. 825. Antonio Cliffo, petitioner, *v.* Marie Cliffo. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Charles F. Carusi for the petitioner, and by Mr. W. Guinn Gardner for the respondent.

No. 852. El Dia Insurance Company, petitioner, *v.* William S. Sinclair. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Wendell P. Barker for the petitioner. and by Mr. William Otis Badger, jr., for the respondent.

No. 841. Press Publishing Company, petitioner, *v.* Cassius E. Gillette. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Howard Taylor and Mr. Joseph H. Choate for the petitioner, and by Mr. D. Cady Herrick for the respondent.

No. 863. Allison Manchester, plaintiff in error, *v.* The Board of Water Commissioners of the City of Hartford; and

No. 864. Allison Manchester et al., plaintiffs in error, *v.* The Board of Water Commissioners of the City of Hartford; and

No. 865. Emma Manchester et al., plaintiffs in error, *v.* The Board of Water Commissioners of the City of Hartford. Motion to advance submitted by Mr. Edward M. Day for the defendant in error.

No. 496. The United States, petitioner, *v.* The M. H. Pulaski Company et al.; and

No. 509. The United States, petitioner, *v.* Selgas & Company. Motion for leave to file brief herein as amicus curiæ granted, on motion of Mr. Charles Henry Butler in behalf of counsel.

No. 614. Charles H. Buchanan, plaintiff in error, *v.* William Warley. Motion to advance submitted by Mr. H. Ralph Burton in behalf of counsel for the plaintiff in error.

No. 820. Clark Pease, petitioner, *v.* Rathbun-Jones Engineering Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. E. C. Brandenburg and Mr. Perry J. Lewis for the petitioner.

No. 836. St. Louis Southwestern Railway Company, petitioner, *v.* Cecelio Maciel et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Edward A. Haid and Mr. E. B. Perkins for the petitioner, and by Mr. Perry J. Lewis for the respondent.

No. 740. Martha L. Stine, plaintiff in error, *v.* Missouri State Life Insurance Company. Motion to dismiss submitted by Mr. E. A. Haid in behalf of Mr. James C. Jones for the defendant in error in support

of the motion, and by Mr. Frederick N. Judson and Mr. John F. Green for the plaintiff in error in opposition thereto.

No. 383. The James Clark Distilling Company, appellant, *v.* The Western Maryland Railway Company et al.; and

No. 384. The James Clark Distilling Company, appellant, *v.* The American Express Company et al. Leave granted to file brief herein as amici curiæ, on motion of Mr. W. L. Martin in that behalf.

No. 492. Kansas City Southern Railway Company, plaintiff in error, *v.* Mrs. Nora M. Jones, administratrix, etc. Motion to dismiss or affirm submitted by Mr. Newton C. Blanchard for the defendant in error in support of the motion, and by Mr. S. W. Moore for the plaintiff in error in opposition thereto.

No. 313. W. C. Hagan et al., plaintiffs in error, *v.* Madison F. Larkin. In error to the Superior Court of Cochise County, State of Arizona. Dismissed with costs, on motion of counsel for the plaintiffs in error.

No. 544. Southern Oregon Company, plaintiff in error, *v.* W. W. Gage, sheriff of Coos County, Oreg. In error to the Supreme Court of the State of Oregon. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 584. Erie Railroad Company, plaintiff in error, *v.* George Prowski, as administrator, etc. In error to the Supreme Court of the State of New York. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 383. The James Clark Distilling Company, appellant, *v.* The Western Maryland Railway Company et al.; and

No. 384. The James Clark Distilling Company, appellant, *v.* The American Express Company et al. Passed.

No. 523. The Texas & Pacific Railway Company, plaintiff in error, *v.* A. R. Rigsby. Argued by Mr. F. H. Prendergast for the plaintiff in error, and by Mr. S. P. Jones for the defendant in error.

Adjourned until Wednesday next at 12 o'clock.

The day call for Wednesday, February 23, will be as follows: Nos. 535, 486, 381, 358, 521, 613, 690, 648, 496 (to 509), 681, 682, 700 (and 701), 628, 562, 761 (and 762), and 811.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, FEBRUARY 23, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Walter T. Colquitt, of Atlanta, Ga.; S. P. Weisiger, of El Paso, Tex.; J. Willard Ragsdale, of Florence, S. C.; Charles A. Lyche, of Hatton, N. Dak.; John I. Davis, of Benson, Minn.; C. T. Knapp, of Bisbee, Ariz.; Cecil Barnes, of Chicago, Ill.; Isaac Siegel, of New York City; Oscar W. Swift, of Brooklyn, N. Y.; Fiorello H. La Guardia, of New York City; John G. Duffy, of New York City; L. L. Raymond, of Scottsbluff, Nebr.; and Chas. P. Craft, of Aurora, Nebr., were admitted to practice.

No. —, Original. The State of New York, complainant, *v.* The Bulls Ferry Chemical Company;

No. —, Original. The State of New York, complainant, *v.* Valvoline Oil Company;

No. —, Original. The State of New York, complainant, *v.* Midland Linseed Products Company of New Jersey;

No. —, Original. The State of New York, complainant, *v.* Corn Products Company; and

No. —, Original. The State of New York, complainant, *v.* Barrett Manufacturing Company. Motion for leave to file bills of complaint submitted by Mr. F. H. La Guardia for the complainant.

No. 243. The Curtice Brothers Company, appellant, *v.* Harry E. Barnard et al. Appeal from the United States Circuit Court of Appeals for the Seventh Circuit. Dismissed without costs to either party, per stipulation of counsel.

No. 535. Illinois Central Railroad Company et al., plaintiffs in error, *v.* V. P. Messina. Argued by Mr. R. V. Fletcher for the plaintiffs in error, and by Mr. Harry Peyton for the defendant in error.

No. 486. The Chicago, Rock Island & Pacific Railway Company, plaintiff in error, *v.* A. P. Bond, administrator, etc. Argued by Mr. R. J. Roberts for the plaintiff in error, and submitted by Mr. John C. Moore for the defendant in error.

No. 381. William A. Hartranft, plaintiff in error, *v.* Alexander R. Mulloony, judge of the police court of the District of Columbia. Argued by Mr. Henry E. Davis for the plaintiff in error, and by Mr. Assistant Attorney General Underwood for the defendant in error.

No. 358. Southern Railway Company, plaintiff in error, *v.* W. E. Prescott. Argued by Mr. Frank G. Tompkins for the plaintiff in error, and by Mr. J. Willard Ragsdale for the defendant in error.

No. 521. George S. Badders, plaintiff in error, *v.* The United States. Argument commenced by Mr. James H. Harkless for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, February 24, will be as follows: Nos. 521, 613, 690, 648, 496 (to 509), 681, 682, 700 (and 701), 628, 562, 761 (and 762), and 811.



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, FEBRUARY 24, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Ben Mendelsohn, of Gary, Ind.; Edward S. Bailey, of Washington, D. C.; Frank V. Whiting, of New York City; and William L. Visscher, of Albany, N. Y., were admitted to practice.

No. 521. George S. Badders, plaintiff in error, *v.* The United States. Argument concluded by Mr. Assistant Attorney General Wallace for the defendant in error.

No. 613. Pecos & Northern Texas Railway Company, plaintiff in error, *v.* Mrs. M. A. Rosenbloom, for herself and in behalf of Milton Rosenbloom et al. Submitted by Mr. J. W. Terry, Mr. A. H. Culwell, Mr. Gardner Lathrop, Mr. Alexander Britton, and Mr. Evans Browne for the plaintiff in error, and by Mr. James D. Williamson for the defendant in error.

No. 690. Great Northern Railway Company, plaintiff in error, *v.* O. B. Knapp. Argued by Mr. A. L. Janes for the plaintiff in error, and by Mr. Tom Davis for the defendant in error.

No. 648. J. Sam Rowland et al., etc., appellants, *v.* Sidney E. Boylee, administrator, etc., et al. One hour additional time allowed to each side in the argument of this case, on motion of Mr. Joseph M. Hill for the appellants. Argument commenced by Mr. Joseph M. Hill for the appellants, and continued by Mr. John M. Moore for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, February 25, will be as follows: Nos. 648, 496 (to 509), 681, 682, 700 (and 701), 628, 562, 761 (and 762), 811, and 49.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, FEBRUARY 25, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

P. D. Norton, of Hettinger, N. Dak.; H. R. Bitzing, of Mandan, N. Dak.; James G. Scarborough, of Los Angeles, Cal.; Charles Frederick Schnee, of Akron, Ohio; Claude Waller, of Nashville, Tenn.; and Nathan I. Sachs, of Brooklyn, N. Y., were admitted to practice.

No. 793. Ignatius T. T. Lincoln, appellant, *v.* James M. Power, United States marshal, etc., et al. Motion to advance submitted by Mr. Solicitor General Davis for the appellees.

No. 794. Paul Daeche, appellant, *v.* Albert Bollschweiler, United States marshal, etc., et al. Mandate granted on motion of Mr. Solicitor General Davis for the appellees.

Nos. 496 to 509, inclusive. Five Per Cent Discount Cases. Leave granted to file briefs herein, as *amicus curiæ*, on motion of Mr. W. L. Wemple in that behalf.

No. 574. The Beaver River Power Company, appellant, *v.* The United States. Leave granted to file brief on behalf of Utah and other States, as *amicus curiæ*, on motion of Mr. F. H. Short in that behalf.

No. 648. J. Sam Rowland et al., etc., appellants, *v.* Sidney E. Boyle, administrator, etc., et al. Argument continued by Mr. John M. Moore for the appellees, and concluded by Mr. Joseph M. Hill for the appellants.

Nos. 496 to 509, inclusive. Five Per Cent. Discount Cases. Argument commenced by Mr. Solicitor General Davis for the petitioner, and continued by Mr. Frederick W. Lehmann for the respondents.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, February 28, will be as follows: Nos. 496 (to 509), 681, 682, 700 (and 701), 628, 562, 761 (and 762), 811, 49, and 201.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 28, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Jesse J. Vineyard, of Kansas City, Mo.; Andrew A. Adams, of New York City; Jesse C. Petherbridge, of Kansas City, Mo.; John M. McLachlen, of Washington, D. C.; Harold J. Hinman, of Albany, N. Y.; George K. Helbert, of Philadelphia, Pa.; Harry Lane, of Jersey City, N. J.; Norman B. Morrell, of Knoxville, Tenn.; Walter S. Hopkins, of Washington, D. C.; Percy B. Hills, of Washington, D. C.; William Henry Thornley, of Providence, R. I.; and Mark Bolding, of Atlanta, Ga., were admitted to practice.

No. 440. Philadelphia & Reading Railway Company, appellant, *v.* The United States et al. Appeal from the District Court of the United States for the Eastern District of Pennsylvania. Decree reversed, and cause remanded for further proceedings consistent with the opinion of this court. Opinion by Mr. Justice McReynolds.

The Chief Justice announced the following orders of the court:

No. 546. The Valley Steamship Company, plaintiff in error, *v.* John J. Wattawa; and

No. 547. The Valley Steamship Company, plaintiff in error, *v.* Joseph Mraz. In error to the Supreme Court of the State of Ohio. Per curiam: Dismissed for want of jurisdiction upon the authority of *Western Union Telegraph Co. v. Crovo* (220 U. S., 364, 366); *Norfolk Turnpike Co. v. Virginia* (225 U. S., 264, 268-269); *Stratton v. Stratton* (239 U. S., 55).

No. 740. Martha L. Stine, plaintiff in error, *v.* Missouri State Life Insurance Company. In error to the District Court of the United States for the Eastern District of Missouri. Per curiam: Dismissed for want of jurisdiction upon the authority of *Cornell v. Green* (163 U. S., 75, 79-80), *Arkansas v. Schlierholz* (179 U. S., 598, 601), *Lampasas v. Bell* (180 U. S., 276, 282), *Itow v. United States* (233 U. S., 581, 583-584).

No. —, Original. Ex parte in the matter of David Lamar petitioner. Motion for leave to file petition for writ of mandamus herein and that a rule to show cause issue denied. It is further ordered that a writ of certiorari issue to the United States Circuit Court of Appeals for the Second Circuit to bring up the record in the case of David Lamar, plaintiff in error, *v. The United States*.

No. —, Original. Ex parte in the matter of Walter Brandt, petitioner. Motion for leave to file petition for writ of mandamus denied.

No. —, Original. The State of New York, complainant, *v. The Bulls Ferry Chemical Company*;

No. —, Original. The State of New York, complainant, *v. Valvoline Oil Company*;

No. —, Original. The State of New York, complainant, *v. Midland Linseed Products Company of New Jersey*;

No. —, Original. The State of New York, complainant, *v. Corn Products Company*; and

No. —, Original. The State of New York, complainant, *v. Barrett Manufacturing Company*. Motions for leave to file bills of complaint severally granted and process ordered to issue returnable on the first day of the next term.

No. 434. David Lamar, plaintiff in error, *v. The United States*. Motion that the mandate in this case issue at once denied.

No. 42. J. F. Bailey, as trustee, etc., appellant, *v. Baker Ice Machine Company*. Motion to modify decree and recall mandate denied.

No. 492. Kansas City Southern Railway Company, plaintiff in error, *v. Mrs. Nora M. Jones, administratrix, etc.*; and

No. 773. Seaboard Air Line Railway, plaintiff in error, *v. J. T. Renn*. Ordered that these cases be placed on the summary docket.

No. 212. The United States, plaintiff in error, *v. Harvey C. Shaver*. Ordered that this case be restored to the docket for reargument.

No. 449. Franklin K. Lane, Secretary of the Interior, plaintiff in error, *v. The United States of America ex rel. Julia Lamere Mickadict, etc., et al.*;

No. 614. Charles H. Buchanan, plaintiff in error, *v. William Warley*;

No. 847. William N. McFarland, supervisor, etc., et al., appellants, *v. The American Sugar Refining Company*;

No. 863. Allison Manchester, plaintiff in error, *v. The Board of Water Commissioners of Hartford, Conn.*;

No. 864. Allison Manchester et al., plaintiffs in error, *v. The Board of Water Commissioners of Hartford, Conn.*;

No. 865. Emma Manchester et al., plaintiffs in error, *v. The Board of Water Commissioners of Hartford, Conn.*; and

No. 793. Ignatius T. T. Lincoln, appellant, *v.* James M. Power, United States marshal, etc., et al. Motions to advance granted, and cases assigned for argument on Monday, April 3 next, after the cases heretofore assigned for that day.

No. 820. Clark Pease, petitioner, *v.* Rathbun-Jones Engineering Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 827. William Filene's Sons Company, petitioner, *v.* Charles F. Weed et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 831. Robert H. Gardiner, etc., petitioner, *v.* William S. Butler (Inc.), etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 825. Antonio Ciffo, petitioner, *v.* Marie Ciffo. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 834. Joseph H. Courtney, trustee, etc., petitioner, *v.* Eugene A. Georger. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 836. St. Louis & Southwestern Railway Company, petitioner, *v.* Cecelio Maciel et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 841. Press Publishing Company, petitioner, *v.* Cassius E. Gillette. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 844. Henry B. Hollins, petitioner, *v.* A. Leo Everett, receiver, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 851. Mary C. Keyser et al., petitioners, *v.* W. H. Milton, receiver, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 852. El Dia Insurance Company, petitioner, *v.* William S. Sinclair. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

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No. 484. Charles A. Thatcher, appellant and plaintiff in error, *v.* The United States of America et al. Motion to dismiss or affirm submitted by Mr. Solicitor General Davis for the appellees and defendants in error in support of the motion, and by Mr. Rhea P. Cary and Mr. Everett V. Abbot for the appellant and plaintiff in error in opposition thereto.

No. 840. Jesse Isidor Straus et al., etc., petitioners, *v.* Victor Talking Machine Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Edmond E. Wise and Mr. Walter C. Noyes for the petitioners, and by Mr. Frederick A. Blount and Mr. Hector T. Fenton for the respondent.

No. 15. Original. The State of Vermont, complainant, *v.* The State of New Hampshire. Leave granted to file stipulation extending time to answer to the second Monday in July, on motion of Mr. Joseph S. Matthews for the defendant, and time extended in accordance with the stipulation.

No. 797. Jacob Blumenthal, etc., et al., petitioners, *v.* Benjamin L. Strat et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. George F. Deiser for the petitioners.

No. 10. Original. The State of Arkansas, complainant, *v.* The State of Mississippi. Application for appointment of commissioner to take testimony submitted by Mr. K. D. McKellar in behalf of counsel, and joint motion filed November 15 withdrawn.

No. 271. Long Sault Development Company, plaintiff in error, *v.* Homer D. Call, etc. Passed temporarily, on motion of Mr. John A. Kratz in behalf of counsel.

No. 819. The State of South Dakota *ex rel.* R. D. Richards et al., plaintiffs in error, *v.* M. D. Whisman, county auditor, etc. Motion to dismiss or affirm submitted by Mr. Samuel Herrick in behalf of Mr. C. C. Caldwell for the defendant in error in support of the motion, with leave to counsel for the plaintiff in error to file brief within two days.

No. 1. Original. The State of Georgia, complainant, *v.* The Tennessee Copper Company et al. Motion for a final decree of injunction submitted by Mr. Lamar Hill for the complainant. Application of defendant Ducktown Sulphur, Copper & Iron Company for a final decree dismissing the original bill as to it submitted by Mr. George H. West in behalf of Mr. W. B. Miller and Mr. J. A. Fowler for The Ducktown Sulphur, Copper & Iron Company, Limited. Objections of complainant to motion to dismiss the case as to The Ducktown Sulphur, Copper & Iron Company, Limited, submitted by Mr. J. A. Drake, of counsel for the complainant.

No. 862. Union Trust Company, petitioner, *v.* Minnie Kahn Grosman et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. F. B. Brock in behalf of Mr. William H. Atwell for the petitioner, and by Mr. F. M. Etheridge and Mr. J. M. McCormick for the respondent.

No. 839. W. E. Martin, jr., trustee, etc., petitioner, *v.* Commercial National Bank of Macon, Ga. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Rudolph S. Wimberly for the petitioner.

No. 871. Tubular Woven Fabric Company, petitioner, *v.* National Metal Molding Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Frederick W. Lehmann, Mr. William Quinby, Mr. Frank Y. Gladney, Mr. Livingston Gifford, and Mr. Peter G. Gerry for the petitioner, and by Mr. Charles F. Perkins for the respondent.

No. 466. John E. Eaton, trustee, etc., plaintiff in error, *v.* Boston Safe Deposit & Trust Company, trustee, etc., et al. Motion to dismiss or affirm or transfer to the summary docket submitted by Mr. Raymond H. Oveson for the defendants in error in support of the motion, and by Mr. Gilbert E. Kemp for the plaintiff in error in opposition thereto.

Nos. 496 to 509, inclusive. Five Per Cent Discount cases. Argument continued by Mr. F. W. Lehmann for the respondents, and concluded by Mr. Solicitor General Davis for the petitioner.

No. 681. The United States, plaintiff in error, *v.* Fred Nice. Passed temporarily on motion of Mr. Solicitor General Davis for the plaintiff in error.

No. 682. The United States, plaintiff in error, *v.* Dennis Quiver. Submitted by Mr. Assistant Attorney General Warren for the plaintiff in error, and by Mr. George A. Jeffers and Mr. Albert G. Grainger for the defendant in error.

No. 700. Southen Pacific Company, plaintiff in error, *v.* Marie Jensen; and

No. 701. Clyde Steamship Company, plaintiff in error, *v.* William Alfred Walker. Argued by Mr. Norman B. Beecher for the plaintiffs in error, and by Mr. E. Clarence Aiken for the defendants in error.

No. 628. The United States of America, plaintiff in error, *v.* The Union Manufacturing Company et al. Argued by Mr. Assistant to the Attorney General Todd for the plaintiff in error, and by Mr. W. G. Brantley for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, February 29, will be as follows: Nos. 562, 761 (and 762), 811, 49, 201, 107, 216, 241, 257, and 258.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, FEBRUARY 29, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

James M. Hittle, of Greenville, Pa.; Francis J. Murphy, of Bismarck, N. Dak.; and Clement K. Corbin, of Jersey City, N. J., were admitted to practice.

No. 13, Original. The State of South Dakota, complainant, *v.* Charles H. Cassill. Dismissed per stipulation of counsel.

No. 298. Northern Express Company, plaintiff in error, *v.* The State of Washington. In error to the Supreme Court of the State of Washington. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 562. The United States, plaintiff in error, *v.* Forty Barrels and Twenty Kegs of Coca Cola, etc. Argued by Mr. Assistant Attorney General Underwood for the plaintiff in error, and by Mr. Harold Hirsch and Mr. J. B. Sizer for the defendant in error.

No. 761. The New York Central and Hudson River Railroad Company, plaintiff in error, *v.* Sarah White. Argued by Mr. William L. Visscher for the plaintiff in error, and by Mr. Harold J. Hinman for the defendant in error.

No. 762. The New York Central and Hudson River Railroad Company, plaintiff in error, *v.* James Winfield. Argument commenced by Mr. Robert E. Whalen for the plaintiff in error.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 1, will be as follows: Nos. 762, 811, 49, 201, 107, 216, 241, 257, 258, and 259.

10434—16—66



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 1, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Kenneth McC. DeWeese, of Kansas City, Mo.; Michael D. Hanley, of Washington, D. C.; George William Ritter, of Toledo, Ohio; William M. Tidwell, of Waxahachie, Tex.; and Kos Harris, of Wichita, Kans., were admitted to practice.

No. 216. Esteban de la Rama. plaintiff in error and appellant, *v.* Agueda Benedicto de la Rama. Passed temporarily, on motion of Mr. R. S. Day for the plaintiff in error and appellant.

No. 259. Minerals Separation, Limited, et al., petitioners, *v.* James M. Hyde. Continued per stipulation.

No. 762. New York Central & Hudson River Railroad Company, plaintiff in error, *v.* James Winfield. Argument continued by Mr. H. J. Hinman for the defendant in error, by Mr. Robert E. Whalen for the plaintiff in error, and concluded by Mr. William L. Visscher for the plaintiff in error in No. 761.

No. 811. Erie Railroad Company, plaintiff in error, *v.* Amy L. Winfield. Argument commenced by Mr. George S. Hobart for the plaintiff in error, continued by Mr. Harry Lane for the defendant in error, and concluded by Mr. Gilbert Collins for the plaintiff in error.

No. 49. Mountain Timber Company, plaintiff in error, *v.* The State of Washington. Argument commenced by Mr. F. Markoe Rivinus for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 2, will be as follows: Nos. 49, 201, 107, 241, 257, 258, 260, 261, 249, and 262.

10434—16—67

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 2, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

W. Arthur Garrety, of Worcester, Mass.; Francis O'Shaughnessy, of Chicago, Ill.; Chester A. Garratt, of Honesdale, Pa.; Wymer Dressler, of Omaha, Nebr.; and Eugene Clement Donworth, of Machias, Me., were admitted to practice.

No. 10. Joe Judge and M. Bunting, plaintiffs in error, *v.* Frank M. Powers, judge, etc., et al. In error to the Supreme Court of the State of Iowa. Dismissed with costs, on motion of Mr. F. S. Tyler for the plaintiffs in error.

No. 49. Mountain Timber Co., plaintiff in error, *v.* The State of Washington. Argument continued by Mr. F. Markoe Rivinus for the plaintiff in error, by Mr. W. V. Tanner for the defendant in error, and concluded by Mr. Theodore W. Reath for the plaintiff in error.

No. 201. Southern Express Co., plaintiff in error, *v.* John Byers. Submitted by Mr. Julius C. Martin, Mr. Thomas S. Rollins, Mr. George H. Wright, and Mr. Robert C. Alston for the plaintiff in error. No brief was filed for the defendant in error.

No. 107. Frank G. Farnham, appellant, *v.* The United States. Argument commenced by Mr. George W. Ramsey for the appellant, continued by Mr. Assistant Attorney General Thompson for the appellee, and concluded by Mr. Hosea B. Moulton for the appellant.

No. 241. Hitchman Coal & Coke Co., appellant, *v.* John Mitchell, individually, et al. Argument commenced by Mr. Hannis Taylor for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 3, will be as follows: Nos. 241, 257, 258, 260, 261, 249, 262, 263, 264 (and 265 and 266), and 267.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 3, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

No. 276. Lucius E. Judson, as trustee, etc., petitioner, *v.* William A. Nash, as trustee, etc., et al. Passed temporarily, on motion of Mr. John A. Kratz in behalf of counsel.

No. 241. Hitchman Coal & Coke Company, appellant, *v.* John Mitchell, individually, et al. Argument continued by Mr. Hannis Taylor for the appellant, by Mr. Charles E. Hogg for the appellees, and concluded by Mr. Hannis Taylor for the appellant.

No. 257. Harriet A. Barlow, plaintiff in error, *v.* Northern Pacific Railway Company. Argued by Mr. S. E. Ellsworth for the plaintiff in error, and by Mr. Charles Donnelly for the defendant in error.

No. 258. Armour & Company, plaintiff in error, *v.* The State of North Dakota. Argument commenced by Mr. N. C. Young for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 6, will be as follows: Nos. 258, 260, 261, 249, 262, 263, 264 (and 265 and 266), 267, 122 (and 123), and 268.

10434—16—69

## SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 6, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Francis E. House, of Kansas City, Mo.; Walter Leake, of Richmond, Va.; Harry O. Glasser, of Enid, Okla.; and Francis L. Kohlman, of New York City, were admitted to practice.

No. 23. Hanover Star Milling Company, petitioner, *v.* D. D. Metcalf. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Decree reversed with costs, and cause remanded to the District Court of the United States for the Middle District of Alabama for further proceedings in accordance with the opinion of this court; and

No. 30. The Allen & Wheeler Company, appellant, *v.* Hanover Star Milling Company. Appeal from and on writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Appeal dismissed for want of jurisdiction. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Eastern District of Illinois. Opinion by Mr. Justice Pitney. Concurring: Mr. Justice Holmes.

No. 197. Powhatan E. Causey, appellant, *v.* The United States. Appeal from the United States Circuit Court of Appeals for the Fifth Circuit. Decree affirmed, and cause remanded to the District Court of the United States for the Eastern District of Louisiana. Opinion by Mr. Justice Van Devanter.

No. 521. George S. Badders, plaintiff in error, *v.* The United States. In error to the District Court of the United States for the District of Kansas. Judgment affirmed. Opinion by Mr. Justice Holmes.

No. 535. Illinois Central Railroad Company et al., plaintiffs in error; *v.* V. P. Messina. In error to the Supreme Court of the State of Mississippi. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Hughes and Mr. Justice McKenna.

No. 41. John W. Rast, tax collector for Duval County, State of Florida, et al., appellants, *v.* Van Deman & Lewis Company et al. Appeal from the District Court of the United States for the Southern District of Florida. Order reversed with costs, and case remanded with directions to dismiss the bill. Opinion by Mr. Justice McKenna.

No. 224. W. V. Tanner, as Attorney General of the State of Washington, et al., appellants, *v.* John T. Little et al., etc. Appeal from the District Court of the United States for the Eastern District of Washington. Order reversed with costs, and cause remanded with directions to dismiss the bill. Opinion by Mr. Justice McKenna.

No. 242. F. S. Pitney, plaintiff in error, *v.* The State of Washington. In error to the Supreme Court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

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The Chief Justice announced the following orders of the court:

No. 819. The State of South Dakota ex rel. R. O. Richards et al., plaintiffs in error, *v.* M. D. Whisman, as County Auditor of Beadle County, South Dakota. In error to the Supreme Court of the State of South Dakota. *Per curiam*: Dismissed for want of jurisdiction upon the authority of (1) Deming *v.* Carlisle Packing Co., 226 U. S. 102; Consolidated Turnpike *v.* Norfolk, etc., Ry. Co., 228 U. S. 596, 600; Parker *v.* McLain, 237 U. S. 469, 471-472; (2) Luther *v.* Borden, 7 How. 1; Taylor *v.* Beckham, 178 U. S. 548; Pacific States Telegraph, etc., Co. *v.* Oregon, 223 U. S. 118; O'Neill *v.* Leamer, 239 U. S. 244, 248.

No. 10, Original. The State of Arkansas, complainant, *v.* The State of Mississippi. Ordered that Omar L. Jewell be appointed commissioner to take and return testimony in this cause, and time fixed within which said testimony is to be taken.

No. 526. William Whalley, plaintiff in error, *v.* Philadelphia & Reading Railway Company. Motion to dismiss denied, and the case ordered restored to the summary docket.

No. 839. W. E. Martin, jr., trustee, etc., petitioner, *v.* Commercial National Bank of Macon, Ga. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 840. Jesse Isidor Straus et al., etc., petitioners, *v.* Victor Talking Machine Company. Petition for a writ of certiorari to the United States Circuit of Appeals for the Second Circuit granted.

No. 862. Union Trust Company, petitioner, *v.* Minnie Kahn Grosman et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 797. Jacob Blumenthal, trading as J. Blumenthal & Company, et al., petitioners, *v.* Benjamin L. Strat et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 871. Tubular Woven Fabric Company, petitioner, *v.* National Metal Molding Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

Nos. 496 to 509, inclusive. The Five Per Cent Discount cases. Ordered that these cases be restored to the docket for reargument.

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No. 777. Thomas Kelly, appellant, *v.* Elvin J. Griffin, jailer of Lake County, Illinois. Motion to make John J. Bradley, United States marshal for the northern district of Illinois, an added party appellee in this cause submitted by Mr. Solicitor General Davis in support of the motion.

No. 478. The Minneapolis & St. Louis Railroad Company, plaintiff in error, *v.* George Bombolis, as administrator, etc. Motion to advance for hearing with No. 321 submitted by Mr. D. H. Leake in behalf of counsel.

No. 877. Edward G. W. Meers et al., etc., petitioners, *v.* Albert Childers. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. D. W. Baker, in behalf of Mr. Julian C. Wilson and Mr. Walter C. Armstrong for the petitioners.

No. 878. Cecil F. Adamson, petitioner, *v.* David C. Gilliland. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Percy B. Hills for the petitioners.

No. 848. George Rue, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Cecil H. Smith for the petitioner.

No. 592. John Bingham, appellant, *v.* John J. Bradley, United States Marshal for the Northern District of Illinois. Motion to advance submitted by Mr. Colley W. Bell in behalf of counsel for the appellee.

No. 267. National Surety Company et. al., plaintiffs in error, *v.* The United States to the use of J. A. Hollinger et al. In error to the United States Circuit Court of Appeals for the Third Circuit. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 268. William H. Berry et al., etc., appellants, *v.* Rudolph Davis. Continued.

No. 258. Armour & Company, plaintiff in error, *v.* The State of North Dakota. Argument continued by Mr. N. C. Young for the plaintiff in error, and concluded by Mr. Andrew Miller for the defendant in error.

No. 260. Southern Wisconsin Railway Company, plaintiff in error, *v.* The city of Madison. Argument commenced by Mr. Burr W. Jones for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 7, will be as follows: Nos. 260, 261, 249, 262, 263, 264 (and 265 and 266), 122 (and 123), 269, 270, and 272.

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 7, 1916.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Joseph Du Vivier, of New York City, and Nat Schmulowitz, of San Francisco, Cal., were admitted to practice.

No. 711. Louisville & Nashville Railroad Company et al., appellants, *v.* The United States et al. Motion to advance submitted by Mr. Solicitor General Davis for the appellees.

No. 260. Southern Wisconsin Railway Company, plaintiff in error, *v.* The City of Madison. Argument continued by Mr. Burr W. Jones for the plaintiff in error, and concluded by Mr. William Ryan for the defendant in error.

No. 261. St. Louis & Kansas City Land Company et al., plaintiffs in error, *v.* The City of Kansas City. Three counsel allowed to argue for the plaintiffs in error. Argument commenced by Mr. I. N. Watson for the plaintiffs in error, continued by Mr. Kenneth McC. De Weese for the plaintiff in error Union Depot Bridge & Terminal Railroad Company, by Mr. Jesse C. Petherbridge and Mr. Arthur F. Smith for the defendant in error, and concluded by Mr. H. M. Langworthy for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 8, will be as follows: Nos. 249, 262, 263, 264 (and 265 and 266), 122 (and 123), 269, 270, 272, 217, and 273.



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 8, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Thomas J. Tydings, of Moberly, Mo., was admitted to practice.

No. 221. William A. Stowe, plaintiff in error, *v.* Emma F. Taylor. In error to the Superior Court of the State of Massachusetts. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 217. Allejandro Montelibano y Ramos et al., appellants and plaintiffs in error, *v.* La Compania General de Tabacos de Filipinas. Submitted by Mr. Harry W. Van Dyke, jr., for the appellants and plaintiffs in error, and by Mr. C. L. Bouve for the appellee and defendant in error.

No. 249. Abram Rosenberger, plaintiff in error, *v.* Pacific Express Company. Argument commenced by Mr. J. J. Vineyard for the plaintiff in error, continued by Mr. I. N. Watson for the defendant in error, and concluded by Mr. A. F. Smith for the plaintiff in error.

No. 262. Mary Lenore Bullen et al., plaintiffs in error, *v.* The State of Wisconsin. Argued by Mr. John R. Montgomery for the plaintiffs in error, and by Mr. Walter Drew for the defendant in error.

No. 263. Samuel E. Gidney, plaintiff in error, *v.* Sidney C. Chappel et al. Submitted by Mr. William T. Hutchings for the plaintiff in error, and by Mr. Napoleon B. Maxey for the defendants in error.

No. 264. G. F. Varner et al., etc., appellants, *v.* The New Hampshire Savings Bank et al.;

No. 265. The Haines Tile & Mantel Co., appellant, *v.* The New Hampshire Savings Bank et al.; and

No. 266. The Jackson-Walker Coal & Material Co., appellant, *v.* The New Hampshire Savings Bank et al. Argument commenced by Mr. Chester I. Long for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 9, will be as follows: Nos. 264 (and 265 and 266), 122 (and 123), 269, 270, 272, 273, 274, 279, 280, and 281.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 9, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

H. Clyde Clark, of Washington, D. C.; Charles S. McDowell, jr., of Eufaula, Ala.; Archibald Ewing Stevenson, of New York City; Felice Cohn, of Carson City, Nev.; George T. Cochran, of La Grande, Oreg.; Alvan N. White, of Santa Fe, N. Mex.; Jacob Henry Simminger, of Hays, Kans.; and Emmet Henry Gamble, of Kansas City, Mo., were admitted to practice.

No. 264. G. F. Varner et al., etc., appellants, *v.* The New Hampshire Savings Bank et al.;

No. 265. The Haines Tile & Mantel Company, appellant, *v.* The New Hampshire Savings Bank et al.; and

No. 266. The Jackson-Walker Coal & Material Company, appellant, *v.* The New Hampshire Savings Bank et al. Argument continued by Mr. Chester I. Long for the appellants, by Mr. Kos Harris and Mr. Samuel C. Eastman for the appellees, and concluded by Mr. Chester I. Long for the appellants.

No. 122. Atlantic, Gulf & Pacific Company, appellant, *v.* The United States; and

No. 123. The United States, appellant, *v.* Atlantic, Gulf & Pacific Company. Argument commenced by Mr. George A. King for Atlantic, Gulf & Pacific Company, and continued by Mr. Assistant Attorney General Thompson for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 10, will be as follows: Nos. 122 (and 123), 269, 270, 272, 273, 274, 279, 280, 281, and 282.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 10, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Sidney J. Dudley, of Hampton, Va., was admitted to practice.

No. 270. The Enterprise Irrigation District et al., plaintiffs in error, *v.* The Tri-State Land Company et al. Passed temporarily, on motion of Mr. Harry N. Haynes for the plaintiffs in error.

No. 282. Frank J. Kane, plaintiff in error, *v.* The State of New Jersey. Passed temporarily, on motion of Mr. W. C. Dennis in behalf of counsel.

No. 122. Atlantic, Gulf & Pacific Company, appellant, *v.* The United States; and

No. 123. The United States, appellant, *v.* Atlantic, Gulf & Pacific Company. Argument continued by Mr. Assistant Attorney General Thompson for the United States, and concluded by Mr. George A. King for Atlantic, Gulf & Pacific Company.

No. 269. Seaboard Air Line Railway, plaintiff in error, *v.* S. W. Kenney, administrator, etc. Argued by Mr. Murray Allen for the plaintiff in error, and by Mr. Francis D. Winston for the defendant in error.

No. 272. Mark Craig, plaintiff in error, *v.* The Commonwealth of Kentucky. Submitted by Mr. Hobson L. James for the plaintiff in error, and by Mr. Charles H. Morris for the defendant in error.

No. 273. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* Claude L. Proffitt. Argument commenced by Mr. Walter Leake for the plaintiff in error, continued by Mr. Hill Carter and Mr. C. V. Meredith for the defendant in error, and concluded by Mr. David H. Leake for the plaintiff in error.

No. 274. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* John J. De Atley. Argument commenced by Mr. Allan D. Cole for the defendant in error.

Adjourned until Monday next, at 12 o'clock.

The day call for Monday, March 13, will be as follows: Nos. 274, 279, 280, 281, 283, 286, 290, 291, 292, and 293.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 13, 1916.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

William B. Mente, of Cincinnati, Ohio; David Roger Englar, of New York City; Angus A. McLaughlin, of Omaha, Nebr.; Richard M. Johnson, of Omaha, Nebr.; M. F. Harrington, of O'Neill, Nebr.; Livingston Platt, of New York City; Walter Henry Merritt, of New York City; John B. Harrison, of Oklahoma City, Okla., and Irvin V. Barth, of St. Louis, Mo., were admitted to practice.

No. 613. Pecos & Northern Texas Railway Company, plaintiff in error, *v.* Mrs. M. A. Rosenbloom, for herself and in behalf of Milton Rosenbloom et al. In error to the Supreme Court of the State of Texas. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McReynolds.

No. 179. Walter J. Carey, appellant, *v.* E. Reeder Donohue, trustee, etc. Appeal from the United States Circuit Court of Appeals for the Sixth Circuit. Decree reversed with costs, and cause remanded to the District Court of the United States for the Southern District of Ohio for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Hughes.

No. 466. John E. Eaton, trustee in bankruptcy, etc., plaintiff in error, *v.* Boston Safe Deposit & Trust Company, trustee, etc. In error to the Supreme Judicial Court of the State of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

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The Chief Justice announced the following orders of the court:

No. 241. Hitchman Coal & Coke Company, appellant and petitioner, *v.* John Mitchell, individually, et al. Appeal from and petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. *Per curiam*: (1) Appeal dismissed for want of jurisdiction upon the authority of *Shulthis v. McDougal* (225 U. S., 561, 569); *Omaha Electric Light & Power Co. v. Omaha* (230

U. S., 123) ; *St. Anthony Church v. Pennsylvania R. R. Co.* (237 U. S., 575, 576-577).

(2) Considering the petition for certiorari hitherto filed and upon which action was previously postponed until the merits of the case came to be disposed of, it is ordered that the said petition be, and the same is granted, the record on appeal to stand as a return to the writ of certiorari. It is further ordered that the case on the return to the writ of certiorari be placed on the docket for argument before a full bench.

No. 484. Charles A. Thatcher, appellant and plaintiff in error, *v. The United States of America et al.* Appeal from and in error to the United States Circuit Court of Appeals for the Sixth Circuit. Per curiam: Dismissed for want of jurisdiction upon the authority of *ex parte Bradley* (7 Wall., 364, 376; *ex parte Robinson*, 19 Wall., 513).

No. 777. Thomas Kelly, appellant, *v. Elvin J. Griffin*, jailer, etc. Motion to make John J. Bradley, United States marshal for the Northern District of Illinois, a party appellee in this cause granted.

No. 478. The Minneapolis & St. Louis Railroad Company, plaintiff in error, *v. George Bombolis*, as administrator, etc. Motion to advance for hearing with No. 321 granted.

No. 592. John Bingham, appellant, *v. John J. Bradley*, United States marshal for the Northern District of Illinois. Ordered that this case be placed on the summary docket.

No. 711. Louisville & Nashville Railroad Company et al., appellants, *v. The United States et al.* Motion to advance granted, and the case assigned for argument on Monday, April 3d next, after the cases heretofore assigned for that day.

No. 878. Cecil F. Adamson, petitioner, *v. David C. Gililand*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 848. George Rue, petitioner, *v. The United States*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 877. Edward W. G. Meers et al., petitioners, *v. Albert Childers*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

*Order.* It is ordered that the cases heretofore placed on the summary docket, viz, Nos. 373, 696, 492, 773, 526, and 592, be assigned for hearing at the head of the call for Monday, April 3d next.

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The Chief Justice also announced that the court will take a recess from Monday, the 20th instant, to Monday, April 3d next.

No. 171. Carnegie Steel Company, appellant, *v.* The United States. Mandate granted, on motion of Mr. Assistant Attorney General Wallace in behalf of counsel for the appellant.

No. 822. Emilio Valdez, plaintiff in error, *v.* The United States. Motion to advance submitted by Mr. Assistant Attorney General Wallace for the defendant in error.

No. 895. David Lamar *v.* The United States. Motion to advance submitted by Mr. Assistant Attorney General Wallace for the United States, and affidavit in regard thereto submitted by Mr. Henry E. Davis in behalf of counsel for Lamar.

Nos. 487 and 488. Manufacturers Railway Company et al., appellants, *v.* The United States et al. Motion to reassign granted and cases assigned for argument on Tuesday, October 10th next, on motion of Mr. S. F. Andrews for the appellants.

No. 870. Oscar J. Weeks, etc., petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Henry E. Davis in behalf of Mr. Walter Jeffreys Carlin for the petitioner, and by Mr. Solicitor General Davis for the respondent.

No. —, Original. *Ex parte:* In the matter of Paul Bukva, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. William Wilhelm for the petitioner.

No. —. Archibald E. Brightman, plaintiff in error, *v.* Lake Erie & Western Railroad Company. Motion to docket and dismiss submitted by Mr. Samuel D. Miller for the defendant in error in support of the motion, and by Mr. M. A. Morrison in behalf of counsel for the plaintiff in error in opposition thereto.

No. 721. David H. Glass, appellant, *v.* Alfred H. Woodman et al. Motion to dismiss or affirm submitted by Mr. Irvin V. Barth, Mr. John S. Leahy, and Mr. Walter H. Saunders for the appellees in support of the motion, and by Mr. Emmett H. Gamble and Mr. W. F. Guthrie for the appellant in opposition thereto. Petition for writ of certiorari herein submitted by Mr. Emmett H. Gamble and Mr. W. F. Guthrie in support of the petition, and by Mr. Irvin V. Barth, Mr. John S. Leahy, and Mr. Walter H. Saunders in opposition thereto.

No. 721. David H. Glass, appellant, *v.* Alfred H. Woodman et al. Death of Alfred H. Woodman, one of the appellees herein, suggested, and appearance of James P. Newell, public administrator of the city of St. Louis, and administrator of the estate of Alfred H. Woodman, deceased, filed and entered, on motion of Mr. Emmett H. Gamble in that behalf.

No. 286. Ida A. Van Dyke et al., appellants, *v.* W. Paul Geary et al., members of the Corporation Commission of Arizona, et al. Continued per stipulation of counsel.

No. 274. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* John J. De Atley. Argument concluded by Mr. Allan D. Cole for the defendant in error, and cause submitted by Mr. E. L. Worthington, Mr. W. D. Cochran, and Mr. LeWright Browning for the plaintiff in error.

No. 279. Ogden M. Reid, petitioner, *v.* James C. Fargo, as president of the American Express Company et al. Argument commenced by Mr. Oscar R. Houston for the petitioner, continued by Mr. Walter F. Taylor for Fargo, as president of the American Express Company, by Mr. Roscoe Hupper for International Mercantile Marine Company, by Mr. Livingston Platt for T. Hogan & Sons, and concluded by Mr. Oscar R. Houston for the petitioner.

No. 280. Allan H. Richardson, as treasurer of Porto Rico, plaintiff in error, *v.* The Fajardo Sugar Company. Argument commenced by Mr. S. T. Ansell for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 14, will be as follows: Nos. 280, 281, 283, 290, 291, 292, 293, 294, 295, and 297.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 14, 1916.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney and Mr. Justice McReynolds.

C. L. Bass, of San Antonio, Tex.; Harry R. Lea, of Tacoma, Wash.; John Delano Karns, of Columbus, Ohio; Harry R. Coulomb, of Atlantic City, N. J.; George A. Bourgeois, of Atlantic City, N. J.; Reuben O. Moon, of Philadelphia, Pa.; Philip Kates, of Tulsa, Okla.; Charles H. Farrell, of Seattle, Wash.; James M. George, of Winona, Minn.; and Sydney Anderson, of Lanesboro, Minn., were admitted to practice.

No. 299. John F. Cubbins, appellant, *v.* The Mississippi River Commission et al. Passed temporarily, on motion of Mr. Assistant to the Attorney General Todd for the appellees.

No. —. The United States, appellant, *v.* The United States Steel Corporation et al. Application for order extending time to docket case and file record and countermotion for order directing the record to be filed in the form in which it was presented to the District Court submitted by Mr. Assistant to the Attorney General Todd and Mr. Solicitor General Davis for the appellant, and by Mr. Richard V. Lindabury and Mr. David A. Reed for the appellees.

No. 297. J. F. Cunningham, appellant, *v.* J. P. Flournoy, Sheriff, etc., et al. Appeal from the District Court of the United States for the Western District of Louisiana. Dismissed with costs, pursuant to the tenth rule.

No. 280. Allan H. Richardson, as Treasurer of Porto Rico, plaintiff in error, *v.* The Fajardo Sugar Company. Argument continued by Mr. S. T. Ansell for the plaintiff in error and Mr. Lorenzo D. Armstrong for the defendant in error, and concluded by Mr. S. T. Ansell for the plaintiff in error.

No. 303. Stanley Brown, petitioner, *v.* Pacific Coast Coal Company. Argued by Mr. H. R. Lea for the petitioner and by Mr. C. H. Farrell for the respondent.



No. 283. Indian Territory Illuminating Oil Company, plaintiff in error, *v.* The State of Oklahoma. Argued by Mr. Preston C. West for the plaintiff in error, and submitted by Mr. John B. Harris for the defendant in error.

No. 290. New York Life Insurance Company, petitioner, *v.* Effie J. Gould Dulaney. Argument commenced by Mr. James H. McIntosh for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 15, will be as follows: Nos. 290, 291, 292, 293, 294, 295, 108, 300, 301, and 302.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 15, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Thomas Jones Caldwell, of Austin, Tex.; Delos Garriott Haynes, of New York City; Hartwell C. McCarteny, of New York City; James T. Chinnock, of Salem, Oreg.; and J. R. Davis, of San Antonio, Tex., were admitted to practice.

No. 304. Massachusetts Bonding & Insurance Company, plaintiff in error, *v.* Realty Trust Company et al. In error to the Supreme Court of the State of Georgia. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 290. New York Life Insurance Company, petitioner, *v.* Effie J. Gould Dunlevy. Argument continued by Mr. James H. McIntosh for the petitioner, by Mr. Nat. Schmulowitz for the respondent, and concluded by Mr. James H. McIntosh for the petitioner.

No. 291. Farmers & Mechanics National Bank of Philadelphia *v.* Ridge Avenue Bank et al. Argued by Mr. J. Frank Staley for Farmers & Mechanics National Bank of Philadelphia, and by Mr. Frank R. Savidge for Ridge Avenue Bank et al.

No. 292. The Georgia, Florida & Alabama Railway Company, plaintiff in error, *v.* Blish Milling Company. Argued by Mr. T. S. Hawes for the plaintiff in error, and submitted by Mr. A. L. Miller for the defendant in error.

No. 293. Carl U. Ackerlind, administrator of Erik G. Lind, deceased, appellant, *v.* The United States. Argued by Mr. George A. King for the appellant, and by Mr. Assistant Attorney General Thompson for the appellee.

No. 294. F. P. Seekatz, plaintiff in error, *v.* The Medina Valley Irrigation Company et al. Argument commenced by Mr. C. L. Bass for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 16, will be as follows: Nos. 294, 295, 108, 300, 301, 302, 281, 308, 309, and 310.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 16, 1916.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

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The Chief Justice announced the following orders of the court:

No. ——. Archibald E. Brightman, plaintiff in error, *v.* Lake Erie & Western Railway Company. Motion to docket and dismiss denied.

No. ——. The United States, appellant, *v.* The United States Steel Corporation et al. Time for filing the transcript of record in this case is extended until the further order of the court, *nunc pro tunc* as of March 15, 1916.

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William H. Thompson, of Indianapolis, Ind.; Harry J. Lurie, of Chicago, Ill.; Vernon R. Loucks, of Chicago, Ill.; Clyde W. Ketcham, of Kalamazoo, Mich.; Ira C. Ogden, of San Antonio, Tex.; John J. Sullivan, of Cleveland, Ohio; and Carl W. Haner, of Kansas City, Mo., were admitted to practice.

No. 889. Bankers Trust Company, trustee, appellant, *v.* The Texas & Pacific Railway Company et al. Motion to advance submitted by Mr. F. D. McKenney for the appellant. Opposed by Mr. Thomas J. Freeman for the appellees. Leave granted to file suggestions as *amicus curiæ*, on motion of Mr. Charles W. Needham, in behalf of Mr. W. M. Barrow for the Railroad Commission of Louisiana.

No. 294. F. P. Seekatz, plaintiff in error, *v.* The Medina Valley Irrigation Company et al. Argument concluded by Mr. C. L. Bass for the plaintiff in error, and submitted by Mr. Floyd McGown for the defendant in error.

No. 295. Rosa Falco, representing her minor child, Manuel Adolfo Tiberio Catinchi y Falco, appellant, *v.* The succession of Salvador Suau Mulet, etc., et al. Argued by Mr. E. S. Paine for the appellee, and submitted by Mr. Jose R. F. Savage for the appellant.

No. 108. Farmers & Merchants State Bank of Waco, appellant, *v.* M. C. H. Park, trustee, etc. Submitted by Mr. O. L. Stribling for the appellant, and by Mr. J. D. Williamson, Mr. John Neethe, and Mr. Rhodes S. Baker for the appellee.

No. 300. Pacific Live Stock Company, appellant, *v.* John H. Lewis et al., etc., et al. Argument commenced by Mr. Edward F. Treadwell for the appellant, continued by Mr. George M. Brown, Mr. George T. Cochran, and Mr. Will R. King for the appellees, and concluded by Mr. Edward F. Treadwell for the appellant.

No. 301. Chicago & North Western Railway Company, plaintiff in error, *v.* William Bower. Argument commenced by Mr. A. A. McLaughlin for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 17, will be as follows: Nos. 301, 302, 281, 308, 309, 310, 311, 312, 314, and 315.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 17, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Ernest W. Leary, of Edenton, N. C.; Thomas D. Schall, of Minneapolis, Minn.; and C. F. R. Ogilby, of Washington, D. C., were admitted to practice.

No. —, Original. *Ex parte*: In the matter of William Sage, jr., petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. William C. Sullivan in behalf of Mr. Edward A. Alexander for the petitioner.

No. 4, Original. The State of North Carolina, complainant, *v.* The State of Tennessee. Leave granted to file report of commissioners, and motion for entry of a decree of confirmation thereon submitted by Mr. T. W. Bickett for the complainant, and by Mr. Frank M. Thompson for the defendant.

No. 300. Pacific Live Stock Company, appellant, *v.* John H. Lewis et al., constituting The State Water Board of the State of Oregon, et al. Leave granted to file printed copies of stenographer's report of argument, on motion of Mr. Evans Browne in behalf of counsel.

No. 37. Hamilton-Brown Shoe Company, petitioner, *v.* The Wolf Brothers & Company. Ordered that mandate be stayed until Monday, April 10, next, on motion of Mr. Joseph W. Bailey for the petitioner.

No. 37. Hamilton-Brown Shoe Company, petitioner, *v.* The Wolf Brothers & Company. Motion to amend judgment entry herein submitted by Mr. Lawrence Maxwell, Mr. Simeon M. Johnson, and Mr. Percy Werner for the respondent.

No. 738. Judson Harmon, receiver, etc., plaintiff in error, *v.* Andrew C. Brown, administrator, etc. In error to the Supreme Court of the State of Indiana. Dismissed with costs, per stipulation.

No. 315. Francisco Goenaga y Olsa et al., appellants, *v.* Elisa Gallardo y Seary et al. Appeal from the District Court of the United States for Porto Rico. Dismissed with costs, on motion of counsel for the appellant.

No. 301. Chicago & Northwestern Railway Company, plaintiff in error, *v.* William Bower. Argument continued by Mr. A. A. McLaughlin for the plaintiff in error, by Mr. Michael F. Harrington for the defendant in error, and concluded by Mr. A. A. McLaughlin for the plaintiff in error.

No. 302. St. Louis, Iron Mountain & Southern Railway Company, plaintiff in error, *v.* The State of Arkansas. Argued by Mr. Robert E. Wiley for the plaintiff in error, and by Mr. H. M. Armistead for the defendant in error.

No. 281. Merrill-Ruckgaber Company, appellant, *v.* The United States. Argued by Mr. John S. Flannery for the appellant, and by Mr. Assistant Attorney General Thompson for the appellee.

Adjourned until Monday next, at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 20, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, and Mr. Justice Pitney.

James R. Fitzgibbon, of Newark, Ohio; S. M. Douglass, of Mansfield, Ohio; Eugene S. Bibbs, of Minneapolis, Minn.; S. R. Lewis, of Tulsa, Okla.; C. S. Wagner, of Helena, Mont.; Alvan Waldo Hyde, of Hartford, Conn.; Charles F. Kingsley, of New York City; Vincent M. Brennan, of Detroit, Mich.; D. A. Sachs, jr., of Louisville, Ky.; Scott Kenfield, of Akron, Ohio; and Clarence M. Oddie, of San Francisco, Cal., were admitted to practice.

No. 161. *E. B. Johnson et al.*, plaintiffs in error, *v. F. E. Riddle*. In error to the Supreme Court of the State of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Justice Pitney.

No. 690. *Great Northern Railway Company*, plaintiff in error, *v. O. B. Knapp*. In error to the Supreme Court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Justice Hughes.

No. 211. *Gast Realty & Investment Company et al.*, plaintiffs in error, *v. The Schneider Granite Company*. In error to the Supreme Court of the State of Missouri. Motion for leave to file petition for rehearing denied. Opinion by Mr. Justice Holmes.

No. 260. *Southern Wisconsin Railway Company*, plaintiff in error, *v. The City of Madison*. In error to the Supreme Court of the State of Wisconsin. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 465. *The Cuyahoga River Power Company*, appellant, *v. The City of Akron*. Appeal from the District Court of the United States for the Northern District of Ohio. Decree reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 486. *The Chicago, Rock Island & Pacific Railway Company*, plaintiff in error, *v. A. P. Bond*, administrator, etc. In error to the Supreme Court of the State of Oklahoma. Judgment reversed with costs, and cause remanded for further proceedings not incon-

sistent with the opinion of this court. Opinion by Mr. Justice McKenna.

No. 196. Great Northern Railway Company, plaintiff in error, *v.* J. H. Wiles, as administrator, etc. In error to the Supreme Court of the State of Minnesota. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McKenna.

No. . The United States of America, appellant, *v.* The United States Steel Corporation et al. Order entered to send up testimony in its original form and time for filing the record extended 60 days from March 15. Opinion by Mr. Chief Justice White.

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The Chief Justice also announced the following orders of the court:

No. 108. Farmers & Merchants State Bank of Waco, appellant, *v.* M. C. H. Park, trustee of the Slayden-Kirksey Woolen Mill, bankrupt. Appeal from the United States Circuit Court of Appeals for the Fifth Circuit. Per curiam: Judgment affirmed with costs upon the authority of *First National Bank v. Littlefield* (226 U. S., 110, 112); *Washington Securities Co. v. The United States* (234 U. S., 76, 78); *Wright Blodgett Co. v. The United States* (236 U. S., 397, 402); *National Bank of Athens v. Shackelford*, trustee (239 U. S., 81, 82), and cause remanded to the District Court of the United States for the Western District of Texas.

No. 295. Rosa Falco, representing her minor child, Manual Adolfo Tiberio Catinchi y Falco, appellant, *v.* The Succession of Salvador Suau Mulet, composed of his widow, Meria Hernandez Rodriguez et al. Appeal from the Supreme Court of Porto Rico. Per curiam: Dismissed for want of jurisdiction upon the authority of section 244, Judicial Code, *Elzaburu v. Chaves* (239 U. S., 283, 285); *Gsell v. Insular Collector* (239 U. S., 93).

No. 721. David H. Glass, appellant, *v.* Alfred H. Woodman et al. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Per curiam: Dismissed for want of jurisdiction upon the authority of (1) *Bagley v. General Fire Extinguisher Co.* (212 U. S., 477); *Omaha Electric Light & Power Co. v. Omaha* (230 U. S., 123); *St. Anthony Church v. Pennsylvania R. R. Co.* (237 U. S., 575, 576-577); (2) *St. Louis, etc., R. R. Co. v. Wabash R. R. Co.* (217 U. S., 247, 250); *Ohio Railroad Commission v. Worthington* (225 U. S., 101, 104); *Shulthis v. McDougal* (225 U. S., 561, 568).

The petition for writ of certiorari is denied.

No. 294. F. P. Seekatz, plaintiff in error, *v.* The Medina Valley Irrigation Company et al. In error to the District Court of the United States for the Western District of Texas. Per curiam: Dis-



missed for want of jurisdiction upon the authority of (1) Consolidated Turnpike *v.* Norfolk, etc., Ry Co. (228 U. S., 596, 600); Manhattan Life Ins. Co. *v.* Cohen (234 U. S., 123, 137); Easterling Lumber Co. *v.* Pierce (235 U. S., 380); (2) Mississippi & Red River Boom Co. *v.* Patterson (98 U. S., 403); Madisonville Traction Co. *v.* St. Bernard Mining Co. (196 U. S., 239); Mason City, etc., Railroad Co. *v.* Boynton (204 U. S., 570); (3) Chicago, Burlington & Quincy R. R. Co. *v.* Chicago (166 U. S., 225, 244-245); Bauman *v.* Ross (167 U. S., 548, 593); Backus *v.* Fort Street Depot Co. (169 U. S., 557, 569); (4) Hallbrook Irrigation District *v.* Bradley (164 U. S., 112); Hairston *v.* Danville & Western Ry. Co. (208 U. S., 598); O'Neill *v.* Leamer (239 U. S., 244, 253-254).

No. —, Original. Ex parte: In the matter of Paul Bukva, petitioner. Motion for leave to file petition for writ of mandamus denied.

No. —, Original. Ex parte: In the matter of William Sage, jr., petitioner. Motion for leave to file petition for writ of mandamus denied.

No. 37. Hamilton-Brown Shoe Co., petitioner, *v.* Wolf Bros. & Co. Motion to amend judgment herein denied.

No. 889. Bankers Trust Company, Trustee, appellant, *v.* The Texas & Pacific Railway Company et al. Motion to advance granted, and cause assigned for argument on Monday, April 3 next, after the cases heretofore assigned for that day.

No. 895. David Lamar *v.* The United States. Motion to advance granted, and case assigned for argument on Monday, April 3 next, immediately after the cases on the summary docket.

No. 822. Emilio Valdez, plaintiff in error, *v.* The United States. Motion to advance granted, and cause assigned for argument on Tuesday, October 10 next, after the cases heretofore assigned for that day.

No. 870. Oscar J. Weeks, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

*Order.*—The Reporter having represented that owing to the number of decisions at the present term it would be impracticable to put the reports in one volume, it is therefore now here ordered that he publish an additional volume in this year pursuant to section 226 of the Judicial Code, approved March 3, 1911.

*Order.*—It is ordered by the court that sections 2 and 9 of rule 10 of this court be, and the same are hereby, amended so as to read as follows:

“2. Immediately after the designation of the parts of the record to be printed or the expiration of the time allotted therefor, the

clerk shall make an estimate of the cost of printing the record, his fee for preparing it for the printer and supervising fee, and other probable fees, and upon application therefor shall furnish the same to the party docketing the case. If such estimated sum be not paid within 90 days after the cause is docketed, it shall be the duty of the clerk to report that fact to the court, and thereupon the cause will be dismissed, unless good cause to the contrary is shown.

"9. When the record is filed, or within 20 days thereafter, the plaintiff in error or appellant may file with the clerk a statement of the points on which he intends to rely and of the parts of the record which he thinks necessary for the consideration thereof, with proof of service of the same on the adverse party. The adverse party, within 30 days thereafter, may designate in writing, filed with the clerk, additional parts of the record which he thinks material; and, if he shall not do so, he shall be held to have consented to a hearing on the parts designated by the plaintiff in error or appellant. If parts of the record shall be so designated by one or both of the parties, the clerk shall print those parts only; and the court will consider nothing but those parts of the record and the points so stated. If at the hearing it shall appear that any material part of the record has not been printed, the writ of error or appeal may be dismissed or such other order made as the circumstances may appear to the court to require. If the defendant in error or appellee shall have caused unnecessary parts of the record to be printed, such order as to costs may be made as the court shall think proper.

"The fees of the clerk under rule 24, section 7, shall be computed, as at present, on the folios in the record as filed, and shall be in full for the performance of his duties in the execution hereof."

These amendments shall go into effect May 1, 1916.

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No. 769. The United States, appellant, *v* Reading Company et al.;  
 No. 788. Reading Company et al., appellants, *v*. The United States;  
 and

No. 363. The United States, appellant, *v*. Lehigh Valley Railroad Company et al. Reassigned for argument on Monday, April 17 next, on motion of Mr. Assistant to the Attorney General Todd for The United States.

No. 784. Houston Oil Company of Texas et al., petitioners, *v*. Cornelia G. Goodrich et al. Motion to affirm or transfer to the summary docket submitted by Mr. W. D. Gordon for the respondents in support of the motion, and by Mr. Thomas M. Kennerly for the petitioners in opposition thereto.

No. 859. John H. Sears, trustee, etc., appellant, *v*. The City of Akron. Motion to advance submitted by Mr. Wade H. Ellis in behalf of counsel for the appellant.

No. 901. C. W. Johnson, trustee, etc., petitioner, *v.* Louisville Woolen Mills. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. David A. Sachs, jr., and Mr. David A. Sachs for the petitioner, and by Mr. Keith L. Bullitt for the respondent.

No. —, Original. The State of New Mexico, complainant, *v.* Franklin K. Lane, Secretary of the Interior, et al. Motion for leave to file bill of complaint submitted by Mr. Harvey M. Friend and Mr. Frank W. Clancy for the complainant.

No. 880. The City of Colorado, Texas, petitioner, *v.* Clarisse M. Harrison. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Robert Toombs Neil for the petitioner and by Mr. James T. Neville for the respondent.

No. 615. The Newark Natural Gas & Fuel Company, plaintiff in error, *v.* The City of Newark, Ohio. Motion to dismiss or affirm or transfer to the summary docket submitted by Mr. Edward Kibler, Mr. Ralph Norpell, and Mr. Frank A. Bolton for the defendant in error in support of the motion, and by Mr. Eugene Mackey, Mr. James R. Fitzgibbon, and Mr. S. M. Douglass for the plaintiff in error in opposition thereto.

No. 898. William E. Crutchley, petitioner, *v.* National Fireproofing Company. Petition for a writ of certiorari to the Court of Appeals for the District of Columbia submitted by Mr. Daniel W. Baker for the petitioner and by Mr. Walter C. Clephane and Mr. Allen O. Clephane for the respondent.

No. —, Original. *Ex parte* In the matter of Motion Picture Patents Company, petitioner. Motion for leave to file a petition for writ of mandamus submitted by Mr. Melville Church and Mr. Charles F. Kingsley for the petitioner.

No. 894. Alvin H. Stout, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Joseph W. Bailey in behalf of Mr. H. L. Stuart for the petitioner.

No. 283. Indian Territory Illuminating Oil Company, plaintiff in error, *v.* The State of Oklahoma. Leave granted to file reply brief for the defendant in error, on motion of Mr. Joseph W. Bailey in behalf of counsel for the defendant in error.

Adjourned until Monday, April 3, at 12 o'clock.

The day call for Monday, April 3, will be as follows: Nos. 373, 696, 492, 773, 526, 592, 895, 572 (to 577), 365 (to 372), 731, 664, 402, 777, 666, 713, 808, 830, 449, 614, 847, 863 (and 864 and 865), 793, 711, 611, and 889.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 3, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Walter V. Hoagland, of North Platte, Nebr.; B. E. Tatum, of Chattanooga, Tenn.; J. Leicester Watts, of Richmond, Va.; Joseph Madden, of Keene, N. H.; R. N. Simms, of Raleigh, N. C.; William J. Mulligan, of Hartford, Conn.; J. Grattan MacMahon, of Brooklyn, N. Y.; William Shannon Nelson, of Columbia, S. C.; Sam J. Nicholls, of Spartanburg, S. C.; Ira A. Campbell, of San Francisco, Cal.; Bernard J. Killian, of Boston, Mass.; Louis B. Williams, of New York City; William W. Kitchin, of Raleigh, N. C.; Charles Toye, of Boston, Mass.; Samuel W. Foster, of Philadelphia, Pa.; Herman S. Hertwig, of New York City; Cecil E. Heller, of Greensburg, Pa.; George E. Barron, of Greensburg, Pa.; Stuart Chevalier, of Louisville, Ky.; Edward F. Merrey, of Paterson, N. J.; Albert O. Miller, jr., of Passaic, N. J.; William Harold Hitchcock, of Boston, Mass.; John K. English, of Elizabeth, N. J.; Harold R. Waldo, of Salt Lake City, Utah; Patrick H. O'Donnell, of Chicago, Ill.; Leon R. Smith, of Shreveport, La.; Richard D. Evans, of Waco, Tex.; and Thomas L. Jones, of Washington, D. C., were admitted to practice.

No. 264. G. F. Varner et al., appellants, *v.* The New Hampshire Savings Bank et al.;

No. 265. The Haines Tile & Mantel Company, appellant, *v.* The New Hampshire Savings Bank et al.; and

No. 266. The Jackson-Walker Coal & Material Company, appellant, *v.* The New Hampshire Savings Bank et al. Appeals from the United States Circuit Court of Appeals for the Eighth Circuit. Decrees affirmed with costs, and causes remanded to the District Court of the United States for the District of Kansas. Opinion by Mr. Justice McReynolds.

No. 201. Southern Express Company, plaintiff in error, *v.* John Byers. In error to the Supreme Court of the State of North Carolina. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court.

Opinion by Mr. Justice McReynolds. (Mr. Justice McKenna and Mr. Justice Holmes concur in the result.)

No. 162. Central Trust Company of Illinois, trustee, etc., appellant, *v.* Chicago Auditorium Association; and

No. 174. Chicago Auditorium Association, appellant, *v.* Central Trust Company of Illinois, trustee, etc. Appeals from the United States Circuit Court of Appeals for the Seventh Circuit. Decree in No. 162 affirmed with costs. Appeal in No. 174 dismissed, and writ of certiorari granted and decree reversed, with costs, and remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice Pitney.

No. 181. Herman H. Pinel et al., appellants, *v.* Thomas F. Pinel et al. Appeal from the District Court of the United States for the Eastern District of Michigan. Decree affirmed with costs. Opinion by Mr. Justice Pitney.

No. 214. Henry A. Uterhart et al., appellants, *v.* The United States. Appeal from the Court of Claims. Judgment reversed, and cause remanded with direction to enter judgment in favor of the appellants for the tax collected in excess of that amount upon the interests of the residuary legatees. Opinion by Mr. Justice Pitney. (Mr. Justice McReynolds took no part in the consideration or decision of this case).

No. 628. The United States of America, plaintiff in error, *v.* Union Manufacturing Company et al. In error to the District Court of the United States for the Southern District of Florida. Judgment reversed, and cause remanded for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice Pitney.

No. 180. Jennie A. Willink, executrix, etc., appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Van Devanter. (Mr. Justice McReynolds took no part in the consideration or decision of this case).

No. 68. Detroit & Mackinac Railway Company, plaintiff in error, *v.* Michigan Railroad Commission et al. In error to the Supreme Court of the State of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter. (Mr. Justice McReynolds is of opinion that the judgment is not final within the meaning of section 237, Judicial Code, and therefore that writ of error should be dismissed.)

No. 107. Frank G. Farnham, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment modified and affirmed. Opinion by Mr. Justice Hughes. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 163. Jones National Bank, plaintiff in error, *v.* Charles E. Yates, et al.;

No. 164. Bank of Staplehurst, plaintiff in error, *v.* Charles E. Yates et al.;

No. 165. Utica Bank, plaintiff in error, *v.* Charles E. Yates et al.; and

No. 166. Thomas Bailey, plaintiff in error, *v.* Charles E. Yates et al. In error to the Supreme Court of the State of Nebraska. Judgments reversed with costs, and cause remanded with instructions to reinstate the judgments entered in the District Court, which are affirmed. Opinion by Mr. Justice Hughes.

No. 293. Carl U. Ackerlind, administrator, etc., appellant, *v.* The United States. Appeal from the Court of Claims. Judgment reversed, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes. (Mr. Justice McReynolds took no part in the consideration of decision of this court.)

No. 258. Armour & Company, plaintiff in error, *v.* The State of North Dakota. In error to the Supreme Court of the State of North Dakota. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 302. St. Louis, Iron Mountain & Southern Railway Company, plaintiff in error, *v.* The State of Arkansas. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 283. Indian Territory Illuminating Oil Company, plaintiff in error, *v.* The State of Oklahoma. In error to the Supreme Court of the State of Oklahoma. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McKenna.

No. 257. Harriet A. Barlow, plaintiff in error, *v.* Northern Pacific Railway Company. In error to the Supreme Court of the State of North Dakota. Judgment affirmed with costs. Opinion by Mr. Chief Justice White.

No. 269. Seaboard Air Line Railway, plaintiff in error, *v.* S. W. Kenney, administrator, etc. In error to the Supreme Court of the State of North Carolina. Judgment affirmed with costs. Opinion by Mr. Chief Justice White.

No. 291. Farmers & Mechanics' National Bank of Philadelphia *v.* Ridge Avenue Bank et al. On a certificate from the United States Circuit Court of Appeals for the Third Circuit. Question certified answered in the affirmative. Opinion by Mr. Chief Justice White.

The Chief Justice also announced the following orders of the court:

No. —, Original. *Ex parte* In the matter of the Motion Picture Patents Company, petitioner. Motion for leave to file petition for a writ of mandamus granted and rule to show cause awarded returnable Monday, May 1st next.

No. —, Original. The State of New Mexico, complainant, *v.* Franklin K. Lane, Secretary of the Interior. Motion for leave to file bill of complaint granted and process ordered to issue returnable on Monday, October 9th next.

No. 1, Original. The State of Georgia, complainant, *v.* The Tennessee Copper Company and The Ducktown Sulphur, Copper & Iron Company (Ltd.). Decree entered on report of inspector and compensation of inspector fixed.

No. 4, Original. The State of North Carolina, complainant, *v.* The State of Tennessee. Decree entered confirming report of commissioners to fix boundary line.

No. 21. James Sim, petitioner, *v.* William Edenborn; and

No. 22. Thomas P. Adler, petitioner, *v.* William Edenborn. Ordered that these cases be restored to the docket for reargument before a full bench.

No. 272. Mark Craig, plaintiff in error, *v.* The Commonwealth of Kentucky. Ordered that this case be restored to the docket for reargument, and assigned for Monday, May 1st next.

No. 859. John H. Sears, trustee, etc., appellant, *v.* The City of Akron. Motion to advance denied.

No. 615. The Newark Natural Gas & Fuel Company, plaintiff in error, *v.* The City of Newark, Ohio. Ordered that this cause be placed on the summary docket.

No. 784. Houston Oil Company of Texas et al., petitioners, *v.* Cornelia G. Goodrich et al. Motion to affirm or place on summary docket denied.

No. 880. The City of Colorado, Texas, petitioner, *v.* Clarisse M. Harrison. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 894. Alvin H. Stout, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 898. William E. Crutchley, petitioner, *v.* National Fireproofing Company. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 901. C. W. Johnson, trustee, etc., petitioner, *v.* Louisville Woolen Mills. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

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No. 363. The United States, appellant, *v.* Lehigh Valley Railroad Company et al. Reassigned for argument on Tuesday, October 10th next, on motion of Mr. Solicitor General Davis for the appellant.

No. 572. Utah Power & Light Company, appellant, *v.* The United States;

No. 573. The United States, appellant, *v.* Utah Power & Light Company;

No. 574. The Beaver River Power Company, appellant, *v.* The United States;

No. 575. The United States, appellant, *v.* The Beaver River Power Company;

No. 576. Lucien L. Nunn et al., appellants, *v.* The United States; and

No. 577. The United States, appellant, *v.* Lucien L. Nunn et al. Reassigned for argument on Tuesday, October 10th next, on motion of Mr. Solicitor General Davis for the United States.

No. 769. The United States, appellant, *v.* Reading Company et al.; and

No. 788. Reading Company et al., appellants, *v.* The United States. Reassigned for argument on Tuesday, October 10th next, on motion of Mr. Solicitor General Davis for The United States.

No. 932. George Wakefield, appellant, *v.* John J. Bradley, marshal, etc., et al. Appeal from the District Court of the United States for the Northern District of Illinois. Docketed and dismissed with costs, on motion of Mr. Solicitor General Davis for the appellees.

No. 924. Victor Herbert et al., petitioners, *v.* The Shanley Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John W. Davis, in behalf of Mr. Nathan Burkan and Mr. W. J. Hughes for the petitioner and by Mr. Abram S. Gilbert for the respondent.

No. 930. The John Church Company, petitioner, *v.* Hilliard Hotel Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John W. Davis in behalf of Mr. Moses H. Grossman for the petitioner and by Mr. Levi Cooke for the respondent.

No. 449. Franklin K. Lane, Secretary of the Interior, plaintiff in error, *v.* The United States of America ex relationa Julia Lamere



Mickadiet et al. Leave granted to file brief herein as *amicus curiæ* on motion of Mr. Charles J. Kappler in that behalf.

No. 861. Gold Medal Camp Furniture Manufacturing Company, petitioner, *v.* The Telescope Bed Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. W. G. Henderson in behalf of Mr. Charles F. Fawsett for the petitioner, and by Mr. Allan D. Kenyon for the respondent.

No. 840. Jesse Isidor Straus et al., etc., petitioners, *v.* Victor Talking Machine Company. Motion to advance submitted by Mr. Edmond E. Wise and Mr. Walter C. Noyes for the petitioners, and by Mr. Hecter T. Fenton and Mr. Frederick A. Blount for the respondent.

No. 911. Clark Pease et al., petitioners, *v.* Rathbun-Jones Engineering Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. F. W. Brandenburg in behalf of Mr. Perry J. Lewis for the petitioner.

No. 16, Original. The State of Missouri, complainant, *v.* Chicago, Burlington & Quincy Railroad Company. Answer filed, on motion of Mr. O. N. Spencer for the defendant.

No. 16, Original. The State of Missouri, complainant, *v.* Chicago, Burlington & Quincy Railroad Company. Leave granted to file motion to strike out parts of answer, on motion of Mr. J. T. Barker for the complainant.

No. 449. Franklin K. Lane, Secretary of the Interior, plaintiff in error, *v.* The United States of America *ex rel.* Julia Lamere Mickadiet, etc., et al. Leave granted to file objections to brief filed herein as *amicus curiæ*, on motion of Mr. Irving F. Baxter for the defendants in error.

No. 711. Louisville & Nashville Railroad Company et al., appellants, *v.* The United States et al. Reassigned for argument on Tuesday, October 10th next, on motion of Mr. E. S. Jouett for the appellants.

No. 850. Louisville & Nashville Railroad Company, appellant, *v.* Western Union Telegraph Company. Motion to advance submitted by Mr. Edward S. Jouett, Mr. James B. Wright, and Mr. Henry L. Stone for the appellant, and by Mr. Alexander Pope Humphrey and Mr. A. E. Richards for the appellee.

No. 917. Franklin Huff et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Marion Smith, Mr. C. L. Bartlett, Mr. John D. Little, Mr. Arthur G. Powell, and Mr.

M. F. Goldstein for the petitioner, and by Mr. Solicitor General Davis and Mr. Assistant to the Attorney General Wallace for the respondent.

No. 683. Monadnock Mills, petitioner, *v.* Henry E. Fushey, administrator, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Jesse C. Adkins in behalf of Mr. H. W. Parker for the petitioner, and by Mr. George F. Morris, and Joseph Madden for the respondent.

No. 931. Paul English et al., petitioners, *v.* Ella Wyman Brown et al. Petitioner for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. H. C. Brome for the petitioner, and by Mr. Chauncey D. Parker for the respondent.

No. 909. George A. Fuller Company, petitioner, *v.* Otis Elevator Company. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Edward S. Duvall, jr., for the petitioner, and by Mr. Frederic D. McKenney and Mr. John S. Flannery for the respondent.

No. 906. Percy B. Sullivan, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Frank S. Bright and Mr. Leslie A. Gilmore for the petitioner, and by Mr. Solicitor General Davis for the respondent.

No. 583. Helen Hise et al., petitioners, *v.* Western Coal & Mining Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Frederick S. Tyler in behalf of Mr. John H. Vaughn for the petitioners, and by Mr. Edward J. White and Mr. Thomas J. Pryor for the respondent.

No. 328. Provident Savings Life Assurance Society, plaintiff in error, *v.* The Commonwealth of Kentucky, by H. M. Bosworth, auditor. Motion to recall mandate and reform decree submitted by Mr. Frederick S. Tyler in behalf of Mr. Charles H. Morris for the defendant in error.

No. 314. Cheney Brothers Company et al., plaintiffs in error, *v.* The Commonwealth of Massachusetts. Motion to postpone hearing submitted by Mr. Charles A. Snow and Mr. William P. Everts for the plaintiffs in error in support of the motion, and by Mr. William Harold Hitchcock for the defendant in error in opposition thereto.

No. 922. Beler Water Heater Company, petitioner, *v.* Pittsburgh Water Heater Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Melville D. Church in behalf of Mr. Melville Church for the petitioner.

No. 629. Atlantic Coast Line Railroad Company, plaintiff in error, *v.* Lizzie M. Mims, as administratrix, etc. Motion to dismiss or affirm submitted by Mr. William S. Nelson and Mr. Jo-Berry Sloan Lyles for the defendant in error. Leave granted to counsel for plaintiff in error to file brief within one week, on motion of Mr. F. D. McKenney in that behalf.

No. 276. Lucius E. Judson, as trustee, etc., petitioner, *v.* William A. Nash, as trustee, etc., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Dismissed with costs, on motion of counsel for the petitioner.

No. 526. William Whalley, plaintiff in error, *v.* Philadelphia & Reading Railway Company. In error to the Supreme Court of the State of Pennsylvania. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 713. Chin Quock Wah, appellant, *v.* Henry M. White, commissioner, etc. Appeal from the District Court of the United States for the Western District of Washington. Dismissed with costs, pursuant to the tenth rule.

No. 793. Ignatius T. T. Lincoln, appellant, *v.* James M. Power, United States marshal, etc., et al. Reassigned for argument on Monday, the 17th instant, on motion of Mr. William R. Harr in behalf of counsel for the appellant.

No. 373. E. C. Osborne, receiver, etc., plaintiff in error, *v.* Jennie B. Gray. Argued by Mr. W. L. Frierson for the plaintiff in error, and by Mr. B. E. Tatum for the defendant in error.

No. 696. Menasha Paper Company, plaintiff in error, *v.* Chicago & North Western Railway Company. Argued by Mr. Felix J. Streyckmans for the plaintiff in error, and by Mr. Louis Quarles for the defendant in error.

No. 492. Kansas City Southern Railway Company, plaintiff in error, *v.* Mrs. Norah M. Jones, administratrix, etc. Argument commenced by Mr. S. W. Moore for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 4, will be as follows: Nos. 492, 773, 592, 895, 365 (to 372), 731, 664, 402, 777, 666, 808, 830, 449, 614, 847, 863 (and 864 and 865), 611, and 889.

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 4, 1916.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

H. G. Kump, of Elkins, W. Va.; Ralph E. Westfall, of Columbus, Ohio.; Irving A. Hadley, of Lynn, Mass.; and Nathan Hamilton Maxwell, of Cincinnati, Ohio, were admitted to practice.

No. 16, Original. The State of Missouri, complainant, *v.* Chicago, Burlington & Quincy Railroad Company. Leave granted to file brief in opposition to motion to strike from answer, on or before Friday next, on motion of Mr. O. M. Spencer in that behalf.

No. 492. Kansas City Southern Railway Company, plaintiff in error, *v.* Mrs. Nora M. Jones, administratrix, etc. Argument continued by Mr. S. W. Moore for the plaintiff in error, and concluded by Mr. Leon R. Smith for the defendant in error.

No. 773. Seaboard Air Line Railway, plaintiff in error, *v.* J. T. Renn. Argument commenced by Mr. Murray Allen for the plaintiff in error, continued by Mr. Robert N. Simms for the defendant in error, and concluded by Mr. William C. Douglas for the defendant in error.

No. 592. John Bingham, appellant, *v.* John J. Bradley, United States marshal, etc. Submitted by Mr. William Dillon for the appellant, and by Mr. Benjamin S. Minor, Mr. Almon W. Bulkley, Mr. Clair E. More, Mr. Hugh B. Rowland, and Mr. Colley W. Bell for the appellee.

No. 895. David Lamar *v.* The United States. Argument commenced by Mr. A. Leo Everett, of counsel for Lamar, continued by Mr. Francis L. Kohlman, of counsel for Lamar, and concluded by Mr. Solicitor General Davis for The United States.

Nos. 365 to 372. United Railways Company of St. Louis et al., plaintiffs in error, *v.* The City of St. Louis. Argument commenced by Mr. Henry S. Priest for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 5, will be as follows: Nos. 365 (to 372), 731, 664, 402, 777, 666, 808, 830, 449, 614, 847, 863 (and 864 and 865), 611, and 889.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 5, 1916.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Henry S. Johnston, of Perry, Okla.; Max M. Fritz, of Boston, Mass.; Thomas E. Francis, of St. Louis, Mo.; William C. Manchester, of Detroit, Mich.; John Q. Ross, of Muskegon, Mich.; Thomas J. Jackson, of Columbia, Tenn.; George E. Davis, of Vale, Oreg.; David Harper Sibbett, of Ann Arbor, Mich.; Blaine Fred Sturges, of Medina, N. Y.; and Marvin W. Conkling, of El Centro, Cal., were admitted to practice.

No. 934. M. Heimer, plaintiff in error, *v.* The State of Georgia. In error to the Court of Appeals of the State of Georgia. Docketed and dismissed with costs on motion of Mr. William Wallace, jr., in behalf of counsel for the defendant in error.

Nos. 365 to 372. United Railways Company of St. Louis et al., plaintiffs in error, *v.* The City of St. Louis. Argument continued by Mr. Henry S. Priest for the plaintiffs in error, and concluded by Mr. Truman P. Young for the defendant in error.

No. 731. H. E. Filler, appellant, *v.* Ben Steele, sheriff, et al. Argument commenced by Mr. Ralph D. Hurst for the appellant, and continued by Mr. Thomas H. Greevy for the appellant. The court declined to hear counsel for the appellee.

No. 664. Chin Fong, appellant, *v.* Samuel W. Backus, commissioner, etc. Argument commenced by Mr. Jackson H. Ralston for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 6, will be as follows: Nos. 664, 402, 777, 666, 808, 830, 449, 614, 847, 863 (and 864 and 865), 611, and 889.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 6, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Stanley D. Willis, of Washington, D. C.; Francis M. Hartman, of Tucson, Ariz.; and Mark B. Thompson, Las Cruces, N. Mex., were admitted to practice.

937. Henry C. Callaghan, petitioner, *v.* The Commonwealth of Massachusetts. Petition for writ of certiorari to the Supreme Court of the State of Massachusetts submitted by Mr. Bernard J. Killion and Mr. Charles Toye for the petitioner.

664. Chin Fong, appellant, *v.* Samuel W. Backus, commissioner, etc. Argument continued by Mr. Jackson H. Ralston for the appellant, continued by Mr. Assistant Attorney General Wallace for the appellee, and concluded by Mr. Jackson H. Ralston for the appellant.

402. Le Roy Brazee, plaintiff in error, *v.* The People of the State of Michigan. Argued by Mr. Proctor Knott Owens for the plaintiff in error and by Mr. Grant Fellows for the defendants in error.

777. Thomas Kelley, appellant, *v.* Elvin J. Griffin, jailer, etc., et al. Argument commenced by Mr. John S. Miller for the appellant and continued by Mr. A. W. Bulkley for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 7th, will be as follows: Nos. 777, 666, 808, 830, 449, 614, 847, 863 (and 864 and 865), 611, and 889.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 7, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Highes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Winifred Sullivan, of New York City; James Edward Law, of Clarksburg, W. Va.; W. Lair Thompson, of Lakeview, Oreg.; Will H. Latta, of Indianapolis, Ind.; Edward C. Turner, of Columbus, Ohio; Seward H. Williams, of Lorain, Ohio; William E. James, of Cullman, Ala.; and Thomas Corkery, of Spokane, Wash., were admitted to practice.

No. 777. Thomas Kelly, appellant, *v.* Elvin J. Griffin, jailer, etc. Argument continued by Mr. A. W. Bulkley and Mr. H. B. F. Macfarland for the appellee, and concluded by Mr. John S. Miller for the appellant.

No. 666. The People of the State of New York *ex rel.* Walter S. Kennedy, plaintiff in error, *v.* F. W. Becker, sheriff, etc. Argument commenced by Mr. George P. Decker for the plaintiffs in error, continued by Mr. Assistant Attorney General Warren for the plaintiffs in error and by Mr. Herbert B. Lee for the defendant in error, and concluded by Mr. Blaine F. Sturgis for the defendant in error. Leave granted to file supplemental brief within one week, on motion of Mr. Assistant Attorney General Warren for the plaintiffs in error.

No. 808. The United States, plaintiff in error, *v.* The New South Farm & Home Company et al. Argued by Mr. Assistant Attorney General Wallace for the plaintiff in error, and by Mr. W. Knox Haynes for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 10, will be as follows: Nos. 830, 449, 614, 847, 863 (and 864 and 865), 611, 889, 253 (and 254), 244, and 271.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 10, 1916.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Albert Schoonover, of Los Angeles, Cal.; Joseph P. Mudd, of Birmingham, Ala.; John A. Shauck, of Columbus, Ohio; Francis R. Marvin, of Cleveland, Ohio; Carl E. Berkman, of Chisholm, Minn.; Andrew J. Broughel, of Hartford, Conn.; Henry S. Lively, of Fairmont, W. Va.; Isaac Sidney Lambert, of New York City; Donald C. Strachan, of New York City; Charles D. Folsom, of New York City; Sydney A. Syme, of Mount Vernon, N. Y.; and Henley Clifton Booth, of San Francisco, Cal., were admitted to practice.

No. 82. *The Fairbanks Steam Shovel Company, appellant, v. William V. Wills, Trustee, etc.* Appeal from the United States Circuit Court of Appeals for the Seventh Circuit. Decree affirmed with costs and cause remanded to the District Court of the United States for the Southern District of Illinois. Opinion by Mr. Justice Pitney.

No. 358. *Southern Railway Company, plaintiff in error, v. W. E. Prescott.* In error to the Supreme Court of the State of South Carolina. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Hughes.

No. 262. *Mary Lenore Bullen et al., plaintiffs in error, v. The State of Wisconsin.* In error to the County Court of Waukesha County, State of Wisconsin. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 245. *The Baltimore & Ohio Railroad Company, plaintiff in error, v. Harry F. Hostetter.* In error to the Circuit Court of Marion County, State of West Virginia. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Chief Justice White.

Nos. 365 and 367. *United Railways Company of St. Louis, plaintiff in error, v. The City of St. Louis.* In error to the Supreme Court



of the State of Missouri. *Per curiam*: Dismissed for want of jurisdiction upon the authority of: (1) *Eustis v. Bolles* (150 U. S., 361), *Leathe v. Thomas* (207 U. S., 93), *Holden Land Co. v. Inter-State Trading Co.* (233 U. S., 536, 541), *Mellon Co. v. McCafferty* (239 U. S., —); (2) *Consolidated Turnpike v. Norfolk, etc., Ry. Co.* (228 U. S., 596, 600), *Parker v. McLain* (237 U. S., 469, 471), *Stewart v. Kansas City* (239 U. S., 14); (3) *Lindsley v. Natural Carbonic Gas Co.* (220 U. S., 61, 78), *Chicago Dock & Canal Co. v. Fraley* (228 U. S., 680), *Denver v. New York Trust Co.* (229 U. S., 123, 143), *St. Louis, etc., Ry. Co. v. Arkansas ex rel. Norwood* (235 U. S., 350, 366).

No. 366. *St. Louis & Suburban Railway Company et al.*, plaintiffs in error, *v. The City of St. Louis*;

No. 368. *United Railways Company of St. Louis*, plaintiffs in error, *v. The City of St. Louis*;

No. 369. *United Railways Company of St. Louis*, plaintiff in error, *v. The City of St. Louis*;

No. 370. *United Railways Company of St. Louis*, plaintiff in error, *v. The City of St. Louis*;

No. 371. *United Railways Company of St. Louis*, plaintiff in error, *v. The City of St. Louis*; and

No. 372. *St. Louis Transit Company*, plaintiff in error, *v. The City of St. Louis*. In error to the Supreme Court of the State of Missouri. Dismissed for the want of jurisdiction.

No. 731. *H. E. Filler*, appellant, *v. Ben Steele, Sheriff, etc.* Appeal from the District Court of the United States for the Western District of Pennsylvania. *Per curiam*: Judgment affirmed with costs upon the authority of: (1) *Ex parte Parks* (93 U. S., 18, 21), *Tinsley v. Anderson* (171 U. S., 101, 105), *Frank v. Mangum* (237 U. S., 309, 326); (2) *Allen v. Georgia* (166 U. S., 138, 140), *Felts v. Murphy* (201 U. S., 123, 129), *Twining v. New Jersey* (211 U. S., 78), *Jordan v. Massachusetts* (225 U. S., 167); (3) *Consolidated Turnpike v. Norfolk, etc., Ry. Co.* (228 U. S., 596, 600), *Overton v. Oklahoma* (235 U. S., 31), *Stewart v. Kansas City* (239 U. S., 14).

No. 840. *Jesse Isidor Straus et al., etc.*, petitioners, *v. Victor Talking Machine Company*. Motion to advance denied without prejudice.

No. 850. *Louisville & Nashville Railroad Company*, appellant, *v. Western Union Telegraph Company*. Motion to advance denied without prejudice.

No. 314. *Cheney Brothers Company et al.*, plaintiffs in error, *v. The Commonwealth of Massachusetts*. Motion to postpone the hearing denied.

No. 16, Original. *The State of Missouri*, complainant, *v. Chicago, Burlington & Quincy Railroad Company*. Motion to strike out part

of the answer of the defendant set down for argument on Monday, May 1st next, and one hour allowed each side for the argument.

No. 328. Provident Savings Life Assurance Society, plaintiff in error, *v.* The Commonwealth of Kentucky, by H. M. Bosworth, Auditor. Motion to recall mandate and re-form judgment denied.

No. 909. George A. Fuller Company, petitioner, *v.* Otis Elevator Company. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia granted.

No. 911. Clark Pease et al., petitioners, *v.* Rathbun-Jones Engineering Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 924. Victor Herbert et al., petitioners, *v.* The Shanley Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 930. The John Church Company, petitioner, *v.* Hilliard Hotel Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 583. Helen Hise et al., petitioners, *v.* Western Coal & Mining Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 683. Monadnock Mills, petitioner, *v.* Henry E. Fushey, administrator, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 861. Gold Medal Camp Furniture Manufacturing Company, petitioner, *v.* The Telescope Cot Bed Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 906. Percy B. Sullivan, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 917. Franklin Huff et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 922. Beler Water Heater Company, petitioner, *v.* Pittsburgh Water Heater Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 931. Paul English et al., petitioners, *v.* Ella Wyman Brown et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 937. Henry C. Callaghan, petitioner, *v.* The Commonwealth of Massachusetts. Petition for a writ of certiorari to the Superior Court of the State of Massachusetts denied.

No. 339. The United States of America, plaintiff in error, *v.* James F. Rowell et al. Continued, on motion of Mr. Solicitor General Davis for the plaintiff in error.

No. 941. Harry T. Hall, etc., appellant, *v.* The Geiger-Jones Company;

No. 942. Harry T. Hall, etc., appellant, *v.* Don C. Coultrap; and

No. 943. Harry T. Hall et al., etc., appellants, *v.* William R. Rose et al. Motion to advance submitted by Mr. Edward C. Turner for the appellants.

No. 460. The Missouri Pacific Railway Company, plaintiff in error, *v.* The Larabee Flour Mills Company. Motion to dismiss or affirm submitted by Mr. Charles Blood Smith and Mr. Joseph G. Waters for the defendant in error in support of the motion, and by Mr. B. P. Waggener, Mr. W. P. Waggener, and Mr. A. E. Crane for the plaintiff in error in opposition thereto.

No. 905. W. A. Gaines & Company, petitioner, *v.* Hellman Distilling Company, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. James Love Hopkins, Mr. Edmund F. Trabue, and Mr. D. W. Lindsey for the petitioner, and by Mr. W. T. Ellis and Mr. Luther Ely Smith for the respondent.

No. 775. Lucinda Burton, plaintiff in error, *v.* The New York Central & Hudson River Railroad Company. Motion to advance submitted by Mr. William F. Connell for the plaintiff in error.

No. 921. Charles T. Tucker, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Nathaniel H. Maxwell and Mr. Francis B. James for the petitioner, and by Mr. Solicitor General Davis and Mr. Assistant Attorney General Wallace for the respondent.

No. 946. Alexander Nisbet, as commissioner, etc., petitioner, *v.* The Federal Title & Trust Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. William R. Harr in behalf of Mr. Elijah N. Zoline and Mr. John T. Bottom for the petitioner, and by Mr. Ernest Morris and Mr. William W. Grant, jr., for the respondent.

No. 933. John K. Rose, individually and as trustee, et al., petitioners, *v.* Peter McClelland, jr. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit, submitted by Mr. J. J. Darlington, Mr. William I. Munroe, and Mr. Marshall Surratt for the petitioners, and by Mr. F. M. Etheridge and Mr. J. M. McCormick for the respondent.

No. 944. Anna S. Hopkins, petitioner, *v.* Lawrence Hull, trustee, etc. Petition for a writ of certiorari to the United States Circuit

Court of Appeals for the Second Circuit submitted by Mr. Frederick S. Tyler in behalf of Mr. J. Grattan MacMahon for the petitioner, and by Miss Winifred Sullivan for the respondent.

No. —, Original. Ex parte In the matter of James J. Griffin and Gordon M. Peacock, petitioners. Motion for leave to file petition for writ of mandamus submitted by Mr. Arthur E. Dowell for the petitioners.

No. 916. W. G. Simpson et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. F. M. Brock in behalf of Mr. William H. Atwell for the petitioners.

No. 830. The United States, plaintiff in error, *v.* Angeline Lombardo. Submitted by Mr. Assistant Attorney General Wallace for the plaintiff in error. No appearance for the defendant in error.

No. 449. Franklin K. Lane, Secretary of the Interior, etc., plaintiff in error *v.* The United States of America ex rel. Julia Lamere Mickadiet, etc., et al. Argued by Mr. Solicitor General Davis for the plaintiff in error, and by Mr. Irving F. Baxter for the defendant in error.

No. 614. Charles H. Buchanan, plaintiff in error, *v.* William Warley. Argument commenced by Mr. Clayton B. Blakey for the plaintiff in error, continued by Mr. Stuart Chevalier and Mr. Pendleton Beckley for the defendant in error, and continued by Mr. Moorfield Storey for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 11, will be as follows: Nos. 614, 847, 863 (and 864 and 865), 611, 889, 253 (and 254), 244, 271, 188, and 228.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 11, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Merton E. Lewis, of Rochester, N. Y.; Claude T. Dawes, of Johnstown, N. Y.; Nathan Pereles, jr., of Milwaukee, Wis.; Roy N. Merryman, of Steubenville, Ohio; Edwin D. Ricketts, of Logan, Ohio; Peter R. Gatens, of New York City; Aaron A. Ferris, of Cincinnati, Ohio; and Stephen D. Paddock, of Providence, R. I., were admitted to practice.

No. 945. City of Birmingham, plaintiff in error, *v.* D. J. O'Connell. Motion to advance submitted by Mr. J. P. Mudd for the plaintiff in error.

No. 614. Charles H. Buchanan, plaintiff in error, *v.* William Warley. Argument concluded by Mr. Moorfield Storey for the plaintiff in error.

No. 847. William N. McFarland, supervisor, etc., et al., appellants, *v.* The American Sugar Refining Company. Argument commenced by Mr. Donelson Caffery for the appellants, continued by Mr. James M. Beck for the appellee, and by Mr. Harry Gamble for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 12, will be as follows: Nos. 847, 863 (and 864 and 865), 611, 889, 253 (and 254), 244, 271, 188, 228, and 308.

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## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 12, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Justice McReynolds.

Addison Eugene Shaw, of San Francisco, Cal., and William Law Clay, of Savannah, Ga., were admitted to practice.

No. 847. William N. McFarland, supervisor, etc., et al., appellants, *v.* The American Sugar Refining Co. Argument concluded by Mr. Harry Gamble for the appellants.

No. 863. Allison Manchester, plaintiff in error, *v.* The Board of Water Commissioners of the City of Hartford, Conn.;

No. 864. Allison Manchester et al., plaintiffs in error, *v.* The Board of Water Commissioners of the City of Hartford, Conn.; and

No. 865. Emma Manchester et al., plaintiffs in error, *v.* The Board of Water Commissioners of the City of Hartford, Conn. Argument commenced by Mr. E. D. Robbins for the plaintiffs in error, continued by Mr. E. M. Day and Mr. A. W. Hyde for the defendants in error, and concluded by Mr. E. D. Robbins for the plaintiffs in error.

No. 889. Bankers' Trust Company, trustee, appellant, *v.* The Texas & Pacific Railway Company et al. Argument commenced by Mr. Maurice E. Locke for the appellant, and continued by Mr. George Thompson and Mr. Henry C. Coke for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 13, will be as follows: Nos. 889, 611, 253 (and 254), 244, 271, 188, 228, 308, 309, and 310.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 13, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Robert L. Northcutt, of Lexington, Ky., Michael F. Phelan, of Lynn, Mass., and Frederick E. Shaw, of Lynn, Mass., were admitted to practice.

No. 889. Bankers Trust Company, trustee, appellant, *v.* The Texas & Pacific Railway Company et al. Argument continued by Mr. Henry C. Coke for the appellees, and concluded by Mr. Maurice E. Locke for the appellant.

No. 611. James J. Abbott, appellant, *v.* James C. Brown, United States marshal, etc. Argued by Mr. Charles B. Parkhill for the appellant, and by Mr. Assistant Attorney General Wallace for the appellee.

No. 253. John S. Donald, secretary of state, etc., et al., appellants, *v.* The Philadelphia & Reading Coal & Iron Company; and

No. 254. James A. Frear, in his capacity as secretary of state, etc., appellant, *v.* The Western Union Telegraph Company. Argument commenced by Mr. J. E. Messerschmidt for the appellants, continued by Mr. M. H. Boutelle for the appellee in No. 253 and by Mr. Rush Taggart for the appellee in No. 254, and concluded by Mr. J. E. Messerschmidt for the appellants.

No. 244. Russo-Chinese Bank, petitioner, *v.* The National Bank of Commerce of Seattle, Washington. Argument commenced by Mr. Warren Gregory for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 14, will be as follows: Nos. 244, 271, 188, 228, 308, 309, 310, 311, 312, and 314.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 14, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Francis Sims McGrath, of New York City; John W. Walsh, of Chicago, Ill.; and Arley B. Magee, of Dover, Del., were admitted to practice.

No. 311. San Antonio & Aransas Pass Railway Company, plaintiff in error, *v.* William Wagner. Submitted by Mr. Samuel Herrick, Mr. Rufus S. Day, and Mr. Robert J. Boyle for the plaintiff in error, and by Mr. Perry J. Lewis and Mr. H. C. Carter for the defendant in error.

No. 244. Russo-Chinese Bank, petitioner, *v.* The National Bank of Commerce of Seattle, Washington. Argument continued by Mr. Warren Gregory for the petitioner, by Mr. E. S. McCord for the respondent, and concluded by Mr. Warren Gregory for the petitioner.

No. 271. Long Sault Development Company, plaintiff in error, *v.* Homer D. Call (as successor of John J. Kennedy), as treasurer of the State of New York. Argument commenced by Mr. Henry W. Taft for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 17, will be as follows: Nos. 271, 188, 228, 308, 309, 310, 312, 314, 793, and 681.



## SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 17, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

John T. G. Crawford, of Jacksonville, Fla.; Eugene L. Bondy, of New York City; Jos. A. Worsham, of Dallas, Tex.; Edward C. O'Rear, of Frankfort, Ky.; Mose Seaton Cohen, of Butte, Mont.; Davidson McNeil Alexander, of Fort Worth, Tex.; Harmon O'Neil Acuff, of Knoxville, Tenn.; Robert Rentoul Reed, of New York City; and Wallace Batchelder, of Bethel, Vt., were admitted to practice.

No. 280. Allan H. Richardson, as treasurer of Porto Rico, plaintiff in error, *v.* The Fajardo Sugar Company. In error to the District Court of the United States for Porto Rico. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 178, G. & C. Merriam Company, appellant, *v.* Arthur J. Saalfield et al. Appeal from the District Court of the United States for the Northern District of Ohio. Decree affirmed with costs. Opinion by Mr. Justice Pitney.

No. 523. The Texas & Pacific Railway Company, plaintiff in error, *v.* A. R. Rigsby. In error to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Eastern District of Texas. Opinion of Mr. Justice Pitney.

No. 373. E. C. Osborne, receiver, etc., plaintiff in error, *v.* Jennie B. Gray. In error to the Supreme Court of the State of Tennessee. Judgment affirmed with costs. Opinion by Mr. Justice Hughes.

No. 777. Thomas Kelley, appellant, *v.* Elvin J. Griffin, jailer of Lake County, Ill., et al. Appeal from the District Court of the United States for the Northern District of Illinois. Final order affirmed with costs. Opinion by Mr. Justice Holmes.

No. 664. Chin Fong, appellant, *v.* Samuel W. Backus, commissioner, etc. Appeal from the District Court of the United States for the Northern District of California. Dismissed for the want of jurisdiction. Opinion by Mr. Justice McKenna. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

The Chief Justice announced the following orders of the court:  
 No. 460. The Missouri Pacific Railway Company, plaintiff in error, *v.* The Larabee Flour Mills Company. In error to the Supreme Court of the State of Kansas. Per curiam: Dismissed for want of jurisdiction with 10 per centum damages upon the authority of—

(1) *Roberts v. Cooper* (20 How., 467, 481); *Supervisors v. Kenicott* (94 U. S., 498); *Clark v. Keith* (106 U. S., 464); *Chaffin v. Taylor* (116 U. S., 567, 572); *Thomas v. Maxwell Land Grant Co.* (168 U. S., 451, 456); *Illinois v. Illinois Central R. R. Co.* (184 U. S., 77, 90-93).

(2) *Missouri Pacific Railway Co. v. Larabee Flour Mills Co.* (211 U. S., 612); *Missouri Pacific Railway Co. v. Larabee Flour Mills Co.* (234 U. S., 459).

No. 863. Allison Manchester, plaintiff in error, *v.* The Board of Water Commissioners of the City of Hartford;

No. 864. Allison Manchester et al., plaintiffs in error, *v.* The Board of Water Commissioners of the City of Hartford; and

No. 865. Emma Manchester et al., plaintiffs in error, *v.* The Board of Water Commissioners of the City of Hartford. In error to the Supreme Court of Errors of the State of Connecticut. Per curiam: Judgment affirmed with costs upon the authority of *Fallbrook Irrigation District v. Bradley* (164 U. S., 112, 160), *Clark v. Nash* (198 U. S., 361, 367-369), *Hairston v. Danville & Western Ry.* (208 U. S., 598), *Union Lime Co. v. Chicago & N. W. Ry.* (233 U. S., 211, 218-219), *O'Neill v. Leamer* (239 U. S., 244, 253), *Mount Vernon Cotton Co. v. Alabama Power Co.* (240 U. S., 30, 32).

No. —, Original. Ex parte In the matter of James J. Griffin and Gordon M. Peacock, petitioners. Motion for leave to file petition for a writ of mandamus denied.

No. 775. Lucinda Burton, plaintiff in error, *v.* The New York Central & Hudson River Railroad Company. Motion to advance denied.

No. 945. City of Birmingham, plaintiff in error, *v.* D. J. O'Connell. Motion to advance denied without prejudice.

No. 941. Harry T. Hall, etc., appellant. *v.* The Geiger-Jones Company;

No. 942. Harry T. Hall, etc., appellant, *v.* Don C. Coultrap; and

No. 943. Harry T. Hall et al., etc., appellants, *v.* William R. Rose et al. Motion to advance granted, and cases assigned for argument on Tuesday, October 10 next, after the cases heretofore assigned for that day.

No. 629. Atlantic Coast Line Railroad Company, plaintiff in error, *v.* Lizzie M. Mims, as administratrix, etc. Ordered that this case be placed on the summary docket.

No. 614. Charles H. Buchanan, plaintiff in error, *v.* William Warley. Ordered that this case be restored to the docket for reargument before a full bench.

No. 905. W. A. Gaines & Company, petitioner, *v.* Hellman Distilling Company, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 916. W. G. Simpson et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 921. Charles T. Tucker, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 933. John K. Rose, etc., et al., petitioners, *v.* Peter McClelland, jr. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 944. Ann S. Hopkins, petitioner, *v.* Lawrence Hull, trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 946. Alexander Nisbet, as commissioner, etc., petitioner, *v.* The Federal Title & Trust Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

The Chief Justice also announced that there will be no session of the court on the 21st instant, that day being Good Friday.

No. 480. F. Drew Caminetti, petitioner, *v.* The United States; and

No. 510. Maury I. Diggs, petitioner, *v.* The United States. Motion to advance for hearing as one case submitted by Mr. Solicitor General Davis for the respondent.

No. 707. Fred von Baumbach, collector, etc., petitioner, *v.* Sargent Land Company;

No. 708. Fred von Baumbach, collector, etc., petitioner, *v.* Sutton Land Company; and

No. 709. Fred von Baumbach, collector, etc., petitioner, *v.* Kear-sarge Land Company. Motion to advance for hearing as one case submitted by Mr. Solicitor General Davis for the petitioner.

No. 899. The United States, plaintiff in error, *v.* Herman H. Oppenheimer et al. Motion to advance submitted by Mr. Solicitor General Davis for the plaintiff in error in support of the motion, by Mr. L. Laffin Kellogg and Mr. Abram J. Rose for the defendants in error in opposition thereto.

No. 954. The United States, as trustee, etc., petitioner, *v.* Hiram Chase. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Solicitor

General Davis for the petitioner, and by Mr. William R. King and Mr. Hiram Chase for the respondent.

No. 948. Mason & Hanger Company, petitioner, *v.* Michael Sharon. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. F. W. Clements in behalf of Mr. Herman S. Hertwig for the petitioner, and by Mr. Sydney A. Syme for the respondent.

No. 293. Carl U. Ackerlind, administrator, etc., appellant. *v.* The United States. Mandate granted on motion of Mr. George A. King for the appellant.

No. 899. The United States. plaintiff in error, *v.* Herman H. Oppenheimer et al. Motion to dismiss submitted by Mr. L. Laffin Kellogg and Mr. Abram J. Rose for the defendants in error in support of the motion, with leave to the Solicitor General to file brief in opposition within three days.

No. 838. George Schwede *v.* Zenith Steamship Company. Motion to advance submitted by Mr. R. B. Newcomb for Schwede.

No. 869. Harry Susman, appellant, *v.* The Board of Education of the School District of Pittsburgh. Motion to advance submitted by Mr. Frank S. Bright in behalf of counsel for the appellant.

No. 956. Stearns Coal & Lumber Company, petitioner, *v.* John S. Van Winkle et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. James N. Sharp for the petitioner and by Mr. James Garnett for the respondent.

No. 923. R. L. Moulden, trustee, etc., petitioner, *v.* Parlin & Orendorff Implement Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. W. B. Jaynes in behalf of Mr. Jesse P. Yates for the petitioner and by Mr. Francis M. Etheridge and Mr. Joseph M. McCormick for the respondents.

No. 586. Kansas City, Memphis & Birmingham Railroad Company, plaintiff in error, *v.* James P. Stiles. Motion to advance submitted by Mr. W. L. Martin for the defendant in error.

No. 912. The Minneapolis & St. Louis Railroad Company, plaintiff in error, *v.* George H. Winters; and

No. 913. The Minneapolis & St. Louis Railroad Company, plaintiff in error, *v.* Emma F. Nash, administratrix, etc. Motions to dismiss or affirm or place on the summary docket submitted by Mr. Humphrey Barton for the defendants in error, in support of the motions, and by Mr. William H. Bremner and Mr. Frederick M. Miner for the plaintiff in error, in opposition thereto.

No. 609. American Surety Company of New York, plaintiff in error, *v.* The State of Idaho, to and for the use and benefit of Clara

Mills et al. In error to the Supreme Court of the State of Idaho. Dismissed, each party paying its own costs, per stipulation of counsel.

No. 718. S. S. White Dental Manufacturing Company, petitioner, *v.* Oscar H. Pieper et al., etc., on writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Dismissed with costs, on motion of counsel for the petitioner.

No. 853. Chicago, Burlington & Quincy Railroad Company, plaintiff in error, *v.* Margaret Harrington. Motion to dismiss or affirm or transfer to summary docket submitted by Mr. J. G. L. Harvey for the defendant in error in support of the motion, and by Mr. O. M. Spencer, Mr. William Warner, Mr. O. H. Dean, and Mr. H. M. Langworthy for the plaintiff in error in opposition thereto.

No. 271. Long Sault Development Company, plaintiff in error, *v.* Homer D. Call (as successor of John J. Kennedy), as treasurer of the State of New York. Argument continued by Mr. Henry W. Taft for the plaintiff in error, by Mr. Merton E. Lewis for the defendant in error, and concluded by Mr. Henry W. Taft for the plaintiff in error.

No. 188. Kansas City, Mexico & Orient Railway Company, plaintiff in error, *v.* The State of Texas. Argument commenced by Mr. Herbert S. Garrett for the plaintiff in error, and continued by Mr. Frank L. Snodgrass for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 18, will be as follows: Nos. 188, 228, 308, 309, 310, 312, 314, 793, 681, and 216.

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 18, 1916.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Clayton R. Lusk, of Cortland, N. Y.; Harold W. Fraser, of Toledo, Ohio; and William E. Davis, of Washington, D. C., were admitted to practice.

No. 216. Esteban de la Rama, plaintiff in error and appellant, *v.* Agueda Benedicto de la Rama. Submitted by Mr. Rufus S. Day for the plaintiff in error and appellant, and by Mr. F. R. Coudert and Mr. H. T. Kingsbury for the defendant in error and appellee.

No. 188. Kansas City, Mexico & Orient Railway Company, plaintiff in error, *v.* The State of Texas. Argument continued by Mr. Frank L. Snodgrass for the defendant in error, and concluded by Mr. Herbert S. Garrett for the plaintiff in error.

No. 228. Franklin O. Bunting, plaintiff in error, *v.* The State of Oregon. Argument commenced by Mr. W. Lair Thompson for the plaintiff in error, continued by Mr. George M. Brown and Mr. Felix Frankfurter for the defendant in error, and concluded by Mr. W. Lair Thompson for the plaintiff in error.

No. 308. Elwyn H. Johnson, trustee, etc., plaintiff in error, *v.* Root Manufacturing Company. Argued by Mr. W. H. Thompson for the plaintiff in error, and submitted by Mr. Frank S. Roby for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 19, will be as follows: Nos. 309, 321 (and 399, 453, 485, 904, 743, and 478), 312, 314, 793, 681, 299 (and 39, 109, and 118), 316, 317, and 318.

10434—16—92

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 19, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Eugene Gerard Kennedy, of Dayton, Ohio, was admitted to practice.

No. 317. P. J. Hamill, plaintiff in error, *v.* The Joseph Schlitz Brewing Company. Passed, on motion of Mr. F. S. Tyler in behalf of counsel for the plaintiff in error.

No. 316. Susie A. Tyrrell, as administratrix, etc., petitioner, *v.* The District of Columbia. Continued, per stipulation.

No. 318. International Harvester Company of New Jersey, etc., et al., appellants, *v.* The United States. Passed.

No. 309. William Frye White, receiver, etc., appellant, *v.* The United States. Argued by Mr. Chauncey Hackett for the appellant, and by Mr. Assistant Attorney General Thompson for the appellee.

No. 321. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* Addie Kelley, administratrix, etc.;

No. 399. St. Louis & San Francisco Railroad Company, plaintiff in error, *v.* Harry A. Brown;

No. 453. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* James R. Gainey, jr., administrator, etc.;

No. 485. Louisville & Nashville Railroad Company, plaintiff in error, *v.* Jeanette Stewart, as administratrix, etc.;

No. 904. Jeanette Stewart, as administratrix, etc., plaintiff in error, *v.* Louisville & Nashville Railroad Company;

No. 743. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* Asa P. Carnahan; and

No. 478. The Minneapolis & St. Louis Railroad Company, plaintiff in error, *v.* George Bombolis, as administrator, etc. Four hours allowed for argument. Argument commenced by Mr. David H. Leake for the plaintiff in error in No. 743, continued by Mr. Edward

C. O'Rear for the defendant in error in No. 321, by Mr. F. M. Miner for the plaintiff in error in No. 478, and by Mr. George H. Lamar for Stewart, administratrix, in Nos. 485 and 904.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 20, will be as follows: Nos. 321 (and 399, 453, 485, 904, 743, and 478), 312, 314, 793, 681, 299 (and 39, 109, and 118), 319, 310, 322, and 323.



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 20, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

M. F. Mitchell, of Chattanooga, Tenn.; Addison S. Pratt, of New York City; and L. Edward Herrmann, of Jersey City, N. J., were admitted to practice.

No. 319. The United States, appellant and plaintiff in error, *v.* The Nashville, Chattanooga & St. Louis Railway. Passed, on motion of Mr. Assistant Attorney General Warren for the appellant and plaintiff in error.

No. 216. Esteban de la Rama, plaintiff in error and appellant, *v.* Agued Benedicto de la Rama. Leave granted to file reply brief, on motion of Mr. Rufus S. Day for the plaintiff in error and appellant.

No. 321. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* Addie Kelley, administratrix, etc.;

No. 399. St. Louis & San Francisco Railroad Company, plaintiff in error, *v.* Harry A. Brown;

No. 453. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* James R. Gainey, jr., administrator, etc.;

No. 485. Louisville & Nashville Railroad Company, plaintiff in error, *v.* Jeanette Stewart, as administratrix, etc.;

No. 904. Jeanette Stewart, as administratrix, etc., plaintiff in error, *v.* Louisville & Nashville Railroad Company;

No. 743. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* Asa P. Carnahan; and

No. 478. The Minneapolis & St. Louis Railroad Company, plaintiff in error, *v.* George Bombolis, as administrator, etc. Argument continued by Mr. George H. Lamar for Stewart, administratrix, in Nos. 485 and 904, by Mr. B. D. Warfield for the Louisville & Nashville Railroad Company in Nos. 485 and 904, and concluded by Mr. George H. Lamar for Stewart, administratrix, in Nos. 485 and 904.

No. 312. Mary Mulcare et al., administrators, etc., plaintiffs in error, *v.* The City of Chicago. Argued by Mr. John W. Walsh for

the plaintiffs in error, and by Mr. Chester E. Cleveland for the defendant in error.

No. 314. Cheney Brothers Company et al., plaintiffs in error, *v.* The Commonwealth of Massachusetts. Argued by Mr. Charles A. Snow for the plaintiffs in error, and by Mr. William Harold Hitchcock for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 24, will be as follows: Nos. 793, 681, 299 (and 39, 109, and 118), 310, 322, 323, 324, 325, 326, and 327.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 24, 1916.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Charles R. Aldrich, of Chicago, Ill.; Henry C. Flannery, of Minneapolis, Minn.; Thomas H. Willcox, of Norfolk, Va.; Harry Wooding, jr., of Danville, Va.; Carl A. Badger, of Salt Lake City, Utah; and Clinton M. Horn, of Cleveland, Ohio, were admitted to practice.

No. 263. Samuel E. Gidney, plaintiff in error, *v.* Sidney C. Chappell et al. In error to the Supreme Court of the State of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 350. Northern Pacific Railway Company, plaintiff in error, *v.* R. P. Wall, as administrator, etc. In error to the Supreme Court of the State of Montana. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Van Devanter. Dissenting: Mr. Justice McReynolds and Mr. Justice McKenna.

No. 847. William N. McFarland, supervisor, etc., et al., appellants, *v.* The American Sugar Refining Company. Appeal from the District Court of the United States for the Eastern District of Louisiana. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 696. Menasha Paper Company, plaintiff in error, *v.* Chicago & North Western Railway Company. In error to the Supreme Court of the State of Wisconsin. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 808. The United States, plaintiff in error. *v.* The New South Farm & Home Company et al. In error to the District Court of the United States for the Southern District of Florida. Judgment reversed, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice McKenna. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 830. The United States, plaintiff in error, *v.* Angeline Lombardo. In error to the District Court of the United States for the

Western District of Washington. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. 249. Abram Rosenberger, plaintiff in error, *v.* Pacific Express Company. In error to the Supreme Court of the State of Missouri. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Chief Justice White.

The Chief Justice also announced the following orders of the court:

No. 312. Mary Mulcare et al., administrators, etc., plaintiffs in error, *v.* The City of Chicago. In error to the Supreme Court of the State of Illinois. Per curiam: Judgment affirmed with costs upon the authority of *Missouri v. Lewis* (101 U. S., 22); *Cincinnati Street Railway Co. v. Snell* (193 U. S., 30, 35-37).

No. 188. Kansas City, Mexico & Orient Railway Company, plaintiff in error, *v.* The State of Texas. In error to the Supreme Court of the State of Texas. Per curiam: Dismissed for want of jurisdiction upon the authority of:

(1) *Jones v. Montague* (194 U. S., 147); *Richardson v. McChesney* (218 U. S., 487); *Stearns v. Wood* (236 U. S., 75);

(2) *Kansas City Star Co. v. Julian* (215 U. S., 589); *Forbes v. State Council of Virginia* (216 U. S., 396-399); *St. Louis & San Francisco Railway Co. v. Shepherd* (240 U. S., —);

(3) *Henkel v. Cincinnati* (177 U. S., 170); *Fullerton v. Texas* (196 U. S., 192, 194); *Allen v. Arguimbau* (198 U. S., 149, 156); *Cleveland & Pittsburgh R. R. v. Cleveland* (235 U. S., 50, 55);

(4) *Deming v. Carlisle Packing Co.* (226 U. S., 102); *Consolidated Turnpike v. Norfolk, &c., Ry. Co.* (228 U. S., 596, 600); *Parker v. McLain* (237 U. S., 469, 471). See *Pinney v. Nelson* (183 U. S., 144, 147); *Abilene National Bank v. Dolley* (228 U. S., 1, 5); *Lake Shore & Michigan So. Ry. Co. v. Ohio* (173 U. S., 285, 289 et seq.); *Cincinnati, Indianapolis & W. Ry. Co. v. Connersville* (218 U. S., 336); *Missouri Pacific Railway Co. v. Kansas* (230 U. S., 262, 283, et seq.).

No. 480. F. Drew Caminetti, petitioner, *v.* The United States; and

No. 510. Maury I. Diggs, petitioner, *v.* The United States. Motion to advance granted, and cases assigned for argument on Tuesday, October 10th next, after the cases heretofore assigned for that day.

No. 586. Kansas City, Memphis & Birmingham Railroad Company, plaintiff in error, *v.* James P. Stiles. Motion to advance granted, and cause assigned for argument on Tuesday, October 10th next, after the cases heretofore assigned for that day.

No. 707. Fred von Baumbach, collector, etc., petitioner, *v.* Sargent Land Company;

No. 708. Fred von Baumbach, collector, etc., petitioner, *v.* Sutton Land Company; and

No. 709. Fred von Baumbach, collector, etc., petitioner, *v.* Kearsarge Land Co. Motion to advance granted, and cases assigned for argument on Tuesday, October 10th next, after the cases heretofore assigned for that day.

No. 838. George Schwede *v.* Zenith Steamship Company. Motion to advance granted, and cause assigned for argument on Tuesday, October 10th next, after the cases heretofore assigned for that day.

No. 899. The United States, plaintiff in error, *v.* Herman H. Oppenheimer et al. Motion to advance granted, and cause assigned for argument on Tuesday, October 10th next, after the cases heretofore assigned for that day.

No. 869. Harry Susman, appellant, *v.* Board of Education of the School District of Pittsburgh. Motion to advance denied.

No. 899. The United States, plaintiff in error, *v.* Herman H. Oppenheimer et al. Motion to dismiss postponed to the hearing on the merits.

No. 912. The Minneapolis & St. Louis Railroad Company, plaintiff in error, *v.* George H. Winters; and

No. 913. The Minneapolis & St. Louis Railroad Company, plaintiff in error, *v.* Emma F. Nash, administratrix, etc. Ordered that these cases be placed on the summary docket.

No. 954. The United States, as trustee, etc., petitioner, *v.* Hiram Chase. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 923. R. L. Moulden, trustee, etc., petitioner, *v.* Parlin & Orendorff Implement Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 948. Mason & Hanger Company, petitioner, *v.* Michael Sharon. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 956. Stearns Coal & Lumber Company, petitioner, *v.* John S. Van Winkle et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

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The Chief Justice also announced that the call of the docket will be suspended for the term on Friday, May 5th, and that no petitions for writs of certiorari or motions, except motions for admissions to practice, will be received after Monday, June 5.

No. 843. Swift & Company, plaintiff in error, *v.* The Hocking Valley Railway Company. Motion to dismiss or affirm submitted by Mr. Clinton M. Horn in behalf of Mr. James H. Hoyt for the defendant in error in support of the motion, and by Mr. William L. Day and Mr. M. Hampton Todd for the plaintiff in error in opposition thereto.

No. 949. John P. Brogan, petitioner, *v.* The National Surety Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. John A. Cline for the petitioner, and by Mr. Thomas H. Hogsett for the respondent.

No. 957. John Grant Lyman, appellant, *v.* Thomas D. McCarthy, marshal, etc. Motion to advance or place on the summary docket submitted by Mr. Frederick S. Tyler in behalf of Mr. Henry A. Wise for the appellant.

No. 938. Harry Oliver, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. W. E. Richardson in behalf of Mr. George A. Knight and Mr. Charles J. Heggerty for the petitioner, and by Mr. Solicitor General Davis for the respondent.

No. 135, October Term, 1914. Wilson Cypress Company, appellant, *v.* Enrique del Pozo y Marcos et al. Petition for leave to file a supplemental bill in the nature of a bill of review in the District Court of the United States for the Southern District of Florida submitted by Mr. C. C. Calhoun in behalf of Mr. William W. Dewhurst, Mr. Joseph H. Jones, and Mr. John C. Jones for the petitioners, and by Mr. John C. Cooper in opposition thereto.

No. 842. The Baltimore & Ohio Railroad Company, plaintiff in error, *v.* James B. Wilson. Motion to dismiss or affirm submitted by Mr. Morse Ives for the defendant in error in support of the motion, and by Mr. William J. Calhoun, Mr. Will H. Lyford, and Mr. George E. Hamilton for the plaintiff in error in opposition thereto.

No. 24, Original. Ex parte In the matter of the Motion Picture Patents Company, petitioner. Petition for writ of mandamus dismissed on motion of counsel for petitioner.

No. 461. George W. Caldwell et al., etc., plaintiffs in error, *v.* George W. Donaghey et al. In error to the Supreme Court of the State of Arkansas. Dismissed with costs, on motion of counsel for the plaintiffs in error.

No. 789. Swift & Company, plaintiff in error, *v.* Agnes Catani. In error to the Supreme Court of the State of Pennsylvania. Dismissed per stipulation.

No. 793. Ignatius Timothy Tribich Lincoln, appellant, *v.* James M. Power, marshal, etc. Argued by Mr. Addison S. Pratt for the appellant, and by Mr. Charles Fox for the appellee.

No. 681. The United States, plaintiff in error, *v.* Fred Nice. Argued by Mr. Assistant Attorney General Warren for the plaintiff in error, and by Mr. O. D. Olmstead for the defendant in error.

No. 39. John F. Cubbins, appellant, *v.* Mississippi River Commission et al. Appeal from the District Court of the United States for the Western District of Tennessee. Dismissed with costs, pursuant to the tenth rule.

No. 109. John F. Cubbins, appellant, *v.* The Mississippi River Commission et al.; and

No. 118. John F. Cubbins, appellant, *v.* Cotton Belt Levee District No. 1 et al. Passed.

No. 299. John F. Cubbins, appellant, *v.* The Mississippi River Commission et al. Argument commenced by Mr. Barnette E. Moses for the appellant, continued by Mr. Gerald FitzGerald and Mr. Solicitor General Davis for the appellees, and concluded by Mr. Barnette E. Moses for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 25, will be as follows: Nos. 310, 322, 323, 324, 325, 326, 327, 329, 330, and 331.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 25, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Charles D. Gould, of Minneapolis, Minn., and Landon L. Forchheimer, of Cincinnati, Ohio, were admitted to practice.

No. 330. Seaboard Air Line Railway, appellant, *v.* The City of Raleigh et al. Continued per stipulation.

No. 331. Goshen Manufacturing Company, petitioner, *v.* Hubert A. Myers Manufacturing Company et al. Continued per stipulation.

No. 310. The Maryland Dredging & Contracting Company, appellant, *v.* The United States. Argued by Mr. C. C. Calhoun for the appellant, and by Mr. Assistant Attorney General Thompson for the appellee.

No. 322. The Levindale Lead & Zinc Mining Company et al., plaintiffs in error, *v.* Charles Coleman. Argued by Mr. H. P. White for the plaintiff in error, and by Mr. Preston A. Shinn for the defendant in error.

No. 323. Pacific Mail Steamship Company, petitioner, *v.* Ed. Schmidt. Leave granted to Mr. James W. Ryan to appear and argue orally for the respondent, on motion of Mr. W. R. Harr in that behalf. Argument commenced by Mr. W. R. Harr for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 26, will be as follows: Nos. 323, 324, 325, 326, 327, 329, 333, 335, 336, and 337.



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 26, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Everett B. Kurtz, of Miami, Fla.; Randolph W. Childs, of Philadelphia, Pa.; and Ray Campbell, of Wichita, Kans., were admitted to practice.

No. 336. Oscar M. Lancaster et al., appellants, *v.* Kathleen Oil Company et al. Submitted by Mr. William F. Tucker for the appellants, and by Mr. George S. Ramsey, Mr. Edgar A. de Meules, and Mr. M. E. Rosser for the appellees.

No. 337. Harry F. Hill, a minor, et al., plaintiffs in error, *v.* Frank Reynolds, a minor, etc. Continued per stipulation.

No. 323. Pacific Mail Steamship Company, petitioner, *v.* Ed. Schmidt. Argument continued by Mr. W. R. Harr for the petitioner, by Mr. James W. Ryan (by special leave) for the respondent, and concluded by Mr. W. R. Harr for the petitioner.

No. 324. Daniel A. Long, plaintiff in error, *v.* John E. Shepard. Submitted by Mr. C. Dale Wolfe and Mr. Lewis C. Lawson for the plaintiff in error. No appearance for the defendant in error.

No. 325. Spokane & Inland Empire Railroad Company, plaintiff in error, *v.* Edgar E. Campbell. Argued by Mr. W. G. Graves for the plaintiff in error, and by Mr. H. Lowndes Maury for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 27, will be as follows: Nos. 326, 327, 329, 333, 335, 338, 341, 344, 345, and 346.

10434—16—97

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 27, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Richard F. Gaines, of Butte, Mont.; Albert C. Fordham, of Chicago, Ill.; Harvey J. Elam, of Indianapolis, Ind.; Solomon Hervey Esarey, of Indianapolis, Ind.; Richard E. Westbrooks, of Chicago, Ill.; George W. Ellis, of Chicago, Ill.; and Alfred A. Scott, of Topeka, Kans., were admitted to practice.

No. 338. The Keetoowah Society et al., appellants, *v.* Franklin K. Lane, Secretary of the Interior. Continued per stipulation.

No. 346. The United State of America, appellant, *v.* The Lake Shore & Michigan Southern Railway Company et al. Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Assistant Attorney General Wallace for the appellant.

No. 326. Ralph B. Jacobs, plaintiff in error, *v.* Southern Railway Company. Argued by Mr. E. P. Buford for the plaintiff in error, and by Mr. William Leigh Williams for the defendant in error.

No. 327. Kindred Baugham, administrator, etc., plaintiff in error, *v.* New York, Philadelphia & Norfolk Railroad Company. Argued by Mr. E. P. Buford for the plaintiff in error, and by Mr. Thomas H. Willcox for the defendant in error.

No. 329. B. S. Stowe, trustee, etc., appellant, *v.* S. G. Harvey. Argument commenced by Mr. A. E. Shaw for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 28, will be as follows: Nos. 329, 333, 335, 341, 344, 345, 347, 348, 351, and 352 (and 353).

10434—16—98

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 28, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

James Mann, of Norfolk, Va.; Arthur A. Miller, of Crookston, Minn.; Frederick W. Longfellow, of New York City; H. P. Brown, of Cleburne, Tex.; Charles H. Reid, jr., of Bangor, Me.; D. J. McGillicuddy, of Lewiston, Me.; and Sam M. Wassell, of Little Rock, Ark., were admitted to practice.

No. 322. The Levindale Lead & Zinc Mining Company et al., plaintiffs in error, *v.* Charles Coleman. Leave granted to file reply brief herein, on motion of Mr. H. P. White for the plaintiffs in error.

No.—, Original. *Ex parte* in the matter of Elbert R. Robinson, petitioner. Motion for leave to file petition submitted by Mr. George W. Ellis for the petitioner.

No. 379. James F. Thrift, comptroller of the city of Baltimore, plaintiff in error, *v.* Philip D. Laird. In error to the court of appeals of the State of Maryland. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 329. B. S. Stowe, trustee, etc., appellant, *v.* S. G. Harvey. Argument continued by Mr. A. E. Shaw for the appellant, and by Mr. Charles S. Wheeler for the appellee, and concluded by Mr. A. E. Shaw for the appellant.

No. 333. The First National Bank of Defiance, plaintiff in error, *v.* William A. Kehnast et al. Argument commenced by Mr. Robert Newbegin for the plaintiff in error, and continued by Mr. T. T. Shaw for the defendants in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, May 1, will be as follows: Nos. 333, 335, 341, 344, 345, 347, 348, 351, 272, and 16, Original.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 1, 1916.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Arthur H. Mann, of Louisville, Ky.; Michael S. O'Brien, of Lawrence, Mass.; A. S. Lanier, of Washington, D. C.; and Mark W. Maclay, jr., of New York City, were admitted to practice.

No. 492. Kansas City Southern Railway Company, plaintiff in error, *v.* Mrs. Nora M. Jones, administratrix, etc. In error to the Supreme Court of the State of Louisiana. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McReynolds.

No. 24. Latta & Terry Construction Company, appellant, *v.* The British steamship *Raithmoor*, William Evans, master and claimant. Appeal from the District Court of the United States for the Eastern District of Pennsylvania. Decree so far as it dismissed the libel for want of jurisdiction reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Hughes.

No. 853. Chicago, Burlington & Quincy Railroad Company, plaintiff in error, *v.* Margaret Harrington. In error to the Kansas City Court of Appeals of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Hughes.

No. 216. Esteban de la Rama, plaintiff in error and appellant, *v.* Agueda Benedicto de la Rama. In error to and appeal from the Supreme Court of the Philippine Islands. Write of error dismissed and decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 308. Elwyn H. Johnson, trustee, etc., plaintiff in error, *v.* Root Manufacturing Company. In error to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the District of Indiana. Opinion by Mr. Justice Holmes.

No. 112. The United States, appellant, *v.* George F. Archer et al. Appeal from the Court of Claims. Judgment reversed and cause remanded for further proceedings in accordance with the opinion of

this court. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Pitney. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 309. William Frye White, receiver, etc., appellant, *v.* The United States. Appeal from the Court of Claims. Judgment reversed, and cause remanded with directions to enter judgment for appellant on the findings and in accordance with this opinion. Opinion by Mr. Justice McKenna. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 895. David Lamar *v.* The United States. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment of the District Court of the United States for the Southern District of New York affirmed, and cause remanded to said district court. Opinion by Mr. Chief Justice White.

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The Chief Justice also announced the following orders of the court:

No. 793. Ignatius Timothy Tribich Lincoln, appellant, *v.* James M. Power, marshal, etc. Appeal from the District Court of the United States for the Eastern District of New York. Per curiam: Judgment affirmed with costs upon the authority of (1) *In re Luis Oteiza y Cortes* (136 U. S., 330, 334); *Ornelas v. Ruiz* (161 U. S., 502, 508); *Bryant v. The United States* (167 U. S., 104, 105); *Terlinden v. Ames* (184 U. S., 270, 278); *Elias v. Ramirez* (215 U. S., 398, 406-407); *McNamara v. Henkel* (226 U. S., 520, 523); (2) *David Kauffman & Sons Co. v. Smith* (216 U. S., 610); *Toop v. Ulysses Land Co.* (237 U. S., 580); *Manila Investment Co. v. Trammell* (239 U. S., 31).

No. 135, October term, 1914. *Wilson Cypress Company*, appellant, *v.* *Enrique del Pozo y Marcos et al.* Motion for leave to file in the trial court a supplemental bill in the nature of a bill of review denied.

No. 842. *The Baltimore & Ohio Railroad Company*, plaintiff in error, *v.* *James B. Wilson*; and

No. 843. *Swift & Company*, plaintiff in error, *v.* *The Hocking Valley Railway Company*. Ordered that these cases be placed on the summary docket.

No. 938. *Harry Oliver*, petitioner, *v.* *The United States*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 949. *John P. Brogan*, petitioner, *v.* *The National Surety Company*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 957. John Grant Lyman, appellant, *v.* Thomas D. McCarthy, marshal, etc. Motion to advance granted, and cause assigned for argument on Tuesday, October 10th next, after the cases heretofore assigned for that day.

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The Chief Justice also announced that the court will take a recess from Monday, the 8th instant, to Monday, the 22d instant.

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No. 346. The United States of America, appellant, *v.* The Lake Shore & Michigan Southern Railway Company et al. Appeal from the District Court of the United States for the Southern District of Ohio. Dismissed on motion of Mr. Solicitor General Davis for the appellant.

Nos. 790 and 791. The United States et al., appellants, *v.* The Pennsylvania Railroad Company. Motion to advance submitted by Mr. Solicitor General Davis for the appellants.

No. 962. The United States et al., appellants, *v.* Merchants & Manufacturers Traffic Association of Sacramento et al. Motion to advance submitted by Mr. Solicitor General Davis for the appellants.

No. 970. The Bronx National Bank, petitioner, *v.* Marcus Rosenthal, trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit, submitted by Mr. Charles D. Folsom and Mr. John Hall Jones for the petitioner, and by Mr. Eugene L. Bondy for the respondent.

No. 980. Virginia Railway & Power Company et al., petitioners, *v.* Charles Hall Davis. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit, submitted by Mr. Henry W. Anderson, Mr. E. Randolph Williams, Mr. Eppa Hunton, jr., Mr. Charles Howland, and Mr. Arthur H. Van Brunt for the petitioners, and by Mr. James Mann for the respondent.

No. 856. George W. Bowen, etc., petitioner, *v.* Dicks Press Guard Manufacturing Company et al. Petition for a writ of certiorari to the United States Circuit Court of appeals for the Second Circuit, submitted by Mr. William G. Henderson in behalf of Mr. Charles F. Fawsett for the petitioner, and by Mr. Maxamilian H. Fischer, one of the respondents.

No. 987. The State of Ohio ex rel. David Davis, etc., plaintiff in error, *v.* Charles Q. Hildebrandt, Secretary of State of Ohio, et al. Motion to advance submitted by Mr. Sherman T. McPherson for the plaintiff in error.

No. 16, Original. The State of Missouri, complainant, *v.* The Chicago, Burlington & Quincy Railroad Company. Leave granted to

file briefs herein as amici curiae, on motion of Mr. C. B. Allen in that behalf.

No. 238. The Pennsylvania Railroad Company, plaintiff in error, *v.* Kate Setera, as administratrix, etc. In error to the supreme court of the State of New York. Dismissed with costs, on motion of Mr. Frederic D. McKenney for the plaintiff in error.

No. 972. J. A. Fellers, administrator, etc., petitioner, *v.* Chicago, Lake Shore & South Bend Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Webster Ballinger in behalf of Mr. John N. Hughes for the petitioner, and by Mr. S. H. Tolles for the respondent.

No. 983. British Steamship Company, Limited, etc., petitioner, *v.* Mary A. Clarke. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit, submitted by Mr. Mark W. Maclay, jr., Mr. J. Parker Kirlin, and Mr. Charles I. Hickox for the petitioner; and by Mr. W. A. Blount, Mr. A. C. Blount, and Mr. F. B. Carter for the respondent.

No. 967. Guaranty Trust Company of New York et al., petitioners, *v.* Bettendorf Axle Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit, submitted by Mr. Robert Watson in behalf of Mr. Alfred W. Kiddle for the petitioners; and by Mr. James R. Sheffield for the respondent.

No. 990. Frank R. Williams, appellant, *v.* Charles Potter et al. Motion for leave to proceed in forma pauperis and to advance submitted by Mr. Frank R. Williams, pro se.

No. 958. William W. Downey, receiver, etc., petitioner, *v.* The Hartford Fire Insurance Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit, submitted by Mr. Malcolm Jackson and Mr. John O. Henson for the petitioner; and by Mr. W. Calvin Chestnut and Mr. John W. Davis for the respondent.

No. 955. The Mayor and City Council of Baltimore, petitioner, *v.* The United Railways & Electric Company of Baltimore. Petition for a writ of certiorari to the Court of Appeals of the State of Maryland, submitted by Mr. S. S. Field for the petitioner; and by Mr. Sylvan Hayes Lauchheimer for the respondent.

No. 976. Bates County, in the State of Missouri, et al. etc., petitioners, *v.* Percy A. Hipple et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. John T. Barker for the petitioners and by Mr. William M. Williams for the respondents.

No. 333. The First National Bank of Defiance, plaintiff in error, *v.* William A. Kehnast et al. Argument continued by Mr. T. T. Shaw

for the plaintiff in error and concluded by Mr. Robert Newbegin for the defendants in error.

No. 335. S. C. Holmes, plaintiff in error, *v.* E. S. Conway. Argued by Mr. Leonard S. Ferry for the plaintiff in error. No appearance for the defendant in error.

No. 341. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* The Public Service Commission of the State of West Virginia. Continued per stipulation.

No. 344. Robert D. Kinney, plaintiff in error, *v.* Plymouth Rock Squab Company et al. Motion that Mr. Chief Justice White and Mr. Justice Holmes do not participate in the hearing and adjudication of this case submitted by Mr. Robert D. Kinney, pro se, and motion denied.

No. 344. Robert D. Kinney, plaintiff in error, *v.* Plymouth Rock Squab Company et al. Argued by Mr. Robert D. Kinney, pro se. No appearance for the defendant in error.

No. 345. Supreme Lodge, Knights of Pythias, plaintiff in error, *v.* S. Mims. Argument commenced by Mr. M. M. Crane for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, May 2, will be as follows: Nos. 345, 347, 348, 351, 272, 16. Original, 189, 352 (and 353), 355, and 356.



# SUPREME COURT OF THE UNITED STATES.

TUESDAY, MAY 2, 1916.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

No. 771. A. S. Dowd, receiver, etc., et al., plaintiffs in error, *v.* United Mine Works of America et al. In error to the District Court of the United States for the Western District of Arkansas. Dismissed with costs on motion of Mr. J. B. McDonough for the plaintiffs in error.

No. 345. Supreme Lodge, Knights of Pythias, plaintiff in error, *v.* S. Mims. Argument continued by Mr. M. M. Crane for the plaintiff in error, by Mr. Lawrence C. McBride for the defendant in error, and concluded by Mr. H. P. Brown for the plaintiff in error.

No. 347. The Atchison, Topeka & Santa Fe Railway Company, plaintiff in error, *v.* J. R. Harold. Argued by Mr. Alfred A. Scott for the plaintiff in error and by Mr. Ray Campbell for the defendant in error.

No. 348. Terminal Taxicab Company, Incorporated, appellant, *v.* Charles W. Kutz et al., Commissioners of the District of Columbia, et al. Argument commenced by Mr. G. Thomas Dunlop for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, May 3, will be as follows: Nos. 348, 351, 272, 16, original, 189, 352 (and 353), 355, 356, 357 (and 417), and 360.

10434—16—101

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MAY 3, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

E. F. DuFresne, of Manila, P. I., and Isaac B. Owens, of New York City, were admitted to practice.

No. 357. The Hart Steel Company et al., petitioners, *v.* The Railroad Supply Company; and

No. 417. The Railroad Supply Company, petitioner, *v.* Elyria Iron & Steel Company. Continued, per stipulation.

No. 360. Dan O'Neill, plaintiff in error, *v.* The Northern Colorado Irrigation Company et al. Continued, per stipulation.

No. 348. Terminal Taxicab Company, Incorporated, appellant, *v.* Charles W. Kutz et al., Commissioners of the District of Columbia, et al. Argument continued by Mr. G. Thomas Dunlop for the appellant, by Mr. Conrad H. Syme for the appellees, and concluded by Mr. G. Thomas Dunlop for the appellant.

No. 351. Ben F. Looney, attorney general of the State of Texas, appellant, *v.* Crane Company. Argued by Mr. B. F. Looney for the appellant and by Mr. Joseph Manson McCormick for the appellee.

No. 272. Mark Craig, plaintiff in error, *v.* Commonwealth of Kentucky. Argued by Mr. Arthur H. Mann for the defendant in error.

No. 272. Mark Craig, plaintiff in error, *v.* Commonwealth of Kentucky. In error to the Hardin County Quarterly Court, the State of Kentucky. Judgment reversed with costs and cause remanded for further proceedings upon confession of error by the defendant in error and motion of Mr. Arthur H. Mann for the defendant in error.

No. 16, Original. State of Missouri, complainant, *v.* The Chicago, Burlington and Quincy Railroad Company. Argument of motion to strike out part of answer commenced by Mr. John T. Barker for the complainant, in support of the motion.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, May 4, will be as follows: Nos. 16, Original, 189, 352 (and 353), 355, 356, 362, 364, 374, 376, and 377.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, MAY 4, 1916.

Present: Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

No. 377. Porter Lawson, plaintiff in error, *v.* The State of Louisiana. In error to the Supreme Court of the State of Louisiana. Dismissed with costs, pursuant to the tenth rule.

No. 16, Original. The State of Missouri, complainant, *v.* Chicago, Burlington & Quincy Railroad Company. Argument continued by Mr. O. M. Spencer and Mr. Frank Hagerman for the defendant in error, in opposition to motion to strike out part of answer, and concluded by Mr. John T. Barker for the complainant in support of the motion.

No. 189. Anna C. Dunham et al., plaintiffs in error, *v.* Clara V. Kauffman et al. Argued by Mr. D. K. Watson for the plaintiffs in error and by Mr. C. C. Pavey for the defendants in error.

No. 352. Arthur B. Duel, appellant, *v.* Harry B. Hollins et al., etc., et al.; and

No. 353. Wiener, Levy & Company, appellants, *v.* Harry B. Hollins et al., etc., et al. Argument commenced by Mr. Frederick W. Longfellow for Duel.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, May 5, will be as follows: Nos. 352 (and 353), 355, 356, 362, 364, 374, 376, 380, 382, and 86.

10434—16—103

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, MAY 5, 1916.

Present: Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Stanley C. Hauxhurst, of Milwaukee, Wis.; S. P. McChesney, of St. Louis, Mo.; Duncan K. Brent, of Baltimore, Md.; Lindley H. Hadley, of Bellingham, Wash.; Winfield R. Smith, of Seattle, Wash.; Edmund L. Durkin, of New York City; Wyndham R. Meredith, of Richmond, Va.; James Grafton Rogers, of Denver, Colo.; and Samuel A. Ettelson, of Chicago, Ill., were admitted to practice.

No. 895. David Lamar *v.* The United United States. Motion that mandate issue forthwith submitted by Mr. Assistant Attorney General Wallace for the United States in support of the motion, and by Mr. Henry E. Davis for Lamar in opposition thereto.

No. 990. Frank R. Williams, appellant, *v.* Charles Potter et al. Supplemental memorandum on motion to advance and for adjudication without oral argument at the present term submitted by Mr. Frank R. Williams pro se.

No. 380. Seaboard Air Line Railway, plaintiff in error, *v.* The State of North Carolina. Continued per stipulation.

No. 382. Seton Hall College, plaintiff in error, *v.* Village of South Orange, in Essex County, N. J., et al. Continued per stipulation.

No. 86. The United States, appellant, *v.* Louis Hemmer et al. Submitted by Mr. Assistant Attorney General Knaebel for the appellant, and by Mr. Lewis Benson for the appellees.

No. 352. Arthur B. Duel, appellant, *v.* Harry B. Hollins et al., etc., et al.; and

No. 353. Wiener, Levy & Co., appellants, *v.* Harry B. Hollins, et al., etc., et al. Argument continued by Mr. Henry W. Longfellow for Duel, by Mr. William C. Armstrong for the appellees, and concluded by Mr. Stuart McNamara for Wiener, Levy & Co.

No. 355. Southern Railway Company, plaintiff in error, *v.* Maggie Gray, administratrix, etc. Argued by Mr. L. E. Jeffries for the plaintiff in error, and by Mr. Thomas H. Calvert for the defendant in error.

No. 362. St. Louis & San Francisco Railroad Company, plaintiff in error, *v.* John H. Mounts. Argued by Mr. R. A. Kleinschmidt for the plaintiff in error. No appearance for the defendant in error.

No. 376. American Well Works Company, plaintiff in error, *v.* Layne & Bowler Company et al. Argued by Mr. Paul Synnestvedt for the defendants in error, and submitted by Mr. David A. Gates for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call has been suspended for the term.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 8, 1916.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Leon E. Morris, of San Francisco, Cal.; Jordan Sellers, of Morrilton, Ark.; William N. Ivie, of Rogers, Ark.; Harry M. Hoffheimer, of Cincinnati, Ohio; and Grafton L. McGill, of New York City, were admitted to practice.

No. 329. B. S. Stowe, trustee, etc., appellant, *v.* S. G. Harvey. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. Decree affirmed with costs and cause remanded to the district court of the United States for the northern district of California. Opinion by Mr. Justice McReynolds. (Mr. Justice McKenna took no part in the consideration or decision of this case.)

No. 292. The Georgia, Florida & Alabama Railway Company, plaintiff in error, *v.* Blish Milling Company. In error to the Court of Appeals of the State of Georgia. Judgment affirmed with costs. Opinion by Mr. Justice Hughes.

No. 310. The Maryland Dredging & Contracting Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Holmes. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

The Chief Justice announced the following orders of the court:

No. 324. Daniel A. Long, plaintiff in error, *v.* John E. Shepard. In error to the Supreme Court of the State of Oklahoma. Per curiam: Dismissed for the want of jurisdiction upon the authority of *National Foundry & Pipe Co. v. Oconto Water Works Supply Co.* (183 U. S., 216, 237); *Vandalia R. R. Co. v. Indiana* (207 U. S., 359, 367); *Brinkmeier v. Missouri Pacific Ry. Co.* (224 U. S., 268, 270).

No. —, Original. Ex parte in the matter of Elbert R. Robinson, petitioner. Motion for leave to file petition denied.

No. 990. Frank R. Williams, appellant, *v.* Charles Potter et al. Motion to advance denied without prejudice. Motion for leave to

proceed in forma pauperis and to furnish typewritten copies of transcript of record denied.

No. 987. The State of Ohio ex rel. David Davis, plaintiff in error, *v.* Charles Q. Hildebrandt, Secretary, etc. Motion to advance granted, and case ordered to be submitted on printed briefs on Monday the 22d instant.

Nos. 790 and 791. The United States et al., appellants, *v.* The Pennsylvania Railroad Company. Motion to advance granted, and cases assigned for argument on Tuesday, October 10th next, after the cases heretofore assigned for that day.

No. 962. The United States et al., appellants, *v.* Merchants & Manufacturers' Traffic Association of Sacramento et al. Motion to advance granted, and cause assigned for argument on Tuesday, October 10th next, after the cases heretofore assigned for that day.

No. 856. George W. Bowen, etc., petitioner, *v.* Dicks Press Guard Manufacturing Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 955. The Mayor and City Council of Baltimore, petitioner, *v.* The United Railways & Electric Company of Baltimore. Petition for a writ of certiorari to the Court of Appeals of the State of Maryland denied.

No. 958. William W. Downey, receiver, etc., petitioner, *v.* Hartford Fire Insurance Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 967. Guaranty Trust Company of New York et al., petitioners, *v.* Bettendorf Axle Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 970. The Bronx National Bank, petitioner, *v.* Marcus Rosenthal, trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 972. J. A. Fellers, administrator, etc., petitioner, *v.* Chicago, Lake Shore & South Bend Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 976. Bates County, in the State of Missouri, et al., petitioners, *v.* Percy A. Hipple et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 980. Virginia Railway & Power Company et al., petitioners, *v.* Charles Hall Davis. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 983. British Steamship Company (Ltd.), etc., petitioner, *v.* Mary A. Clarke. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 998. William McCoach, collector of internal revenue, petitioner, *v.* Insurance Company of North America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Solicitor General Davis for the petitioner, and by Mr. G. W. Pepper for the respondent.

No. 793. Ignatius Timothy Tribich Lincoln, appellant, *v.* James M. Power, marshal, etc. Mandate granted, on motion of Mr. Solicitor General Davis for the appellee.

No. 968. Beekman Winthrop et al., appellants, *v.* Grant Fellows, as Attorney General, etc., et al. Motion to advance submitted by Mr. Henry W. Taft and Mr. Edwin P. Grosvenor for the appellants.

No. 973. Alice State Bank et al., petitioners, *v.* Houston Pasture Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Henry W. Taft and Mr. Edwin P. Grosvenor for the petitioners, and by Mr. W. D. Gordon for the respondent.

No. 900. Frank W. Merrick et al., appellants, *v.* N. W. Halsey & Company et al. Motion to advance submitted by Mr. Grant Fellows for the appellants.

No. 860. Clarence C. Caldwell, as Attorney General, etc., et al., appellants, *v.* The Sioux Falls Stock Yards Company et al. Motion to advance submitted by Mr. Grant Fellows, in behalf of counsel for the appellants.

No. 996. W. L. Wilson, petitioner, *v.* Frank Waldo et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. J. J. Britt in behalf of Mr. Julius C. Martin, Mr. Thomas S. Rollins, and Mr. George H. Wright for the petitioner, and by Mr. James H. Merriam for the respondent.

No. 890. Edward Bates, plaintiff in error, *v.* Lucie Bodie. Motion to dismiss or affirm submitted by Mr. Samuel P. Davidson for the defendant in error in support of the motion, and by Mr. A. C. Rickets for the plaintiff in error in opposition thereto.

No. 348. Terminal Taxicab Company, Incorporated, appellant, *v.* Charles W. Kutz et al., Commissioners of the District of Columbia, et al. Leave granted to file additional authorities, on motion of Mr. G. Thomas Dunlop for the appellant.

No. 957. John Grant Lyman, appellant, *v.* Thomas D. McCarthy, marshal, etc. Motion to reduce and fix amount of bail submitted by Mr. Frederick S. Tyler and Mr. Henry A. Wise for the appellant,



with leave to the Solicitor General to file opposition within three days if so advised.

No. 999. Crescent Milling Company, petitioner, *v.* The H. N. Strait Manufacturing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. F. W. Brandenburg in behalf of Mr. E. C. Brandenburg and Mr. Harris Richardson for the petitioner, and by Mr. John I. Dille for the respondent.

No. 557. St. Louis & San Francisco Railroad Company, plaintiff in error, *v.* William M. Smith. Death of William M. Smith, the defendant in error herein, suggested, and the appearance of Mary C. Smith, administratrix of the estate of William M. Smith, deceased, as the party defendant in error herein, filed and entered, on motion of Mr. F. W. Brandenburg, in behalf of counsel for the defendant in error.

No. 978. L. T. Hays, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Harry O. Glasser for the petitioner.

No. 984. The National Carbon Company et al., petitioners, *v.* The Ohio Motor Car Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. W. B. Mente for the petitioners, and by Mr. Province M. Pogue and Mr. Harry M. Hoffheimer for the respondents.

Adjourned until Monday, May 22, at 12 o'clock.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 22, 1916.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds.

Richard P. Marks, of Jacksonville, Fla.; Walter M. Chandler, of New York City; Max Shlivek, of New York City; David L. Levy, of San Francisco, Cal.; Nina Irene Thomas, of Washington, D. C.; Sam R. Sumner, of Wenatchee, Wash.; Edward C. Wade, jr., of El Paso, Tex.; Martin Lyons, of Kansas City, Mo.; Louis E. Bean, of Eugene, Oreg.; Benjamin C. Hilliard, of Denver, Colo.; George I. Haight, of Chicago, Ill.; Joseph S. Laurent, of Louisville, Ky.; Bayard Stockton, of Trenton, N. J.; Russell T. Mount, of New York City; and Arthur H. Ryall, of Escanaba, Mich., were admitted to practice.

No. 59. *Cincinnati, New Orleans & Texas Pacific Railway Company*, plaintiff in error, *v. D. F. and T. C. Rankin*. In error to the Supreme Court of the State of Tennessee. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McReynolds.

No. 355. *Southern Railway Company*, plaintiff in error, *v. Maggie Gray*, administratrix, etc. In error to the Supreme Court of the State of North Carolina. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McReynolds.

No. 402. *Le Roy Brazee*, plaintiff in error, *v. The People of the State of Michigan*. In error to the Supreme Court of the State of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 253. *John S. Donald*, secretary of state, etc., et al., appellants, *v. The Philadelphia & Reading Coal & Iron Company*, and

No. 254. *James A. Frear*, in his capacity as secretary of state, etc., appellant, *v. The Western Union Telegraph Company*. Appeals from the District Court of the United States for the Western District of Wisconsin. Decrees affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 274. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* John J. DeAtley. In error to the Court of Appeals of the State of Kentucky. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Pitney. Dissenting: Mr. Justice McKenna and Mr. Justice Holmes.

No. 773. Seaboard Air Line Railway, plaintiff in error, *v.* J. T. Renn. In error to the Supreme Court of the State of North Carolina. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 889. Bankers Trust Company, as trustee, appellant, *v.* The Texas & Pacific Railway Company et al. Appeal from the District Court of the United States for the Northern District of Texas. Decree affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 562. The United States, plaintiff in error, *v.* Forty Barrels and Twenty Kegs of Coca Cola et al. In error to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed, and cause remanded to the District Court of the United States for the Eastern District of Tennessee for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Hughes. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 323. Pacific Mail Steamship Company, petitioner, *v.* Ed Schmidt. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree of the United States Circuit Court of Appeals reversed with costs, and decree of the District Court of the United States for the Northern District of California affirmed; and cause remanded to said District Court. Opinion by Mr. Justice Holmes.

No. 348. Terminal Taxicab Company, Incorporated, appellant, *v.* Charles W. Kutz et al., commissioners, etc., et al. Appeal from the Court of Appeals of the District of Columbia. Decree modified and affirmed with costs. Opinion by Mr. Justice Holmes.

No. 376. American Well Works Company, plaintiff in error, *v.* Layne & Bowler Company et al. In error to the District Court of the United States for the Eastern District of Arkansas. Judgment affirmed with costs. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice McKenna.

No. 485. Louisville & Nashville Railroad Company, plaintiff in error, *v.* Jeanette Stewart, as administratrix, etc.

No. 904. Jeanette Stewart, as administratrix, etc., plaintiff in error, *v.* Louisville & Nashville Railroad Company. In error to the Court of Appeals of the State of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 326. Ralph B. Jacobs, plaintiff in error, *v.* Southern Railway Company. In error to the Supreme Court of Appeals of the State of Virginia. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 327. Kindred Baugham, administrator, etc., plaintiff in error, *v.* New York, Philadelphia & Norfolk Railroad Company. In error to the Supreme Court of Appeals of the State of Virginia. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 743. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* Asa P. Carnahan. In error to the Supreme Court of Appeals of the State of Virginia. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 478. The Minneapolis & St. Louis Railroad Company, plaintiff in error, *v.* George Bombolis, as administrator, etc. In error to the Supreme Court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Chief Justice White.

No. 449. Franklin K. Lane, Secretary of the Interior, plaintiff in error, *v.* The United States of America *ex relatione* Julia Lamere Mickadiet, *née* Tiebault, et al. In error to the Court of Appeals of the District of Columbia. Judgment reversed with costs, and cause remanded with directions to dismiss the application for mandamus for want of jurisdiction. Opinion by Mr. Chief Justice White.

No. 399. St. Louis & San Francisco Railroad Company, plaintiff in error, *v.* Harry A. Brown. In error to the Supreme Court of the State of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Chief Justice White.

The Chief Justice also announced the following orders of the court:

No. 189. Anna C. Dunham et al., plaintiffs in error, *v.* Clara V. Kauffman et al. In error to the Supreme Court of the State of Ohio. *Per curiam*: Dismissed for want of jurisdiction upon the authority of (1) *Equitable Life Assurance Society v. Brown* (187 U. S., 308, 314); *Consolidated Turnpike v. Norfolk, &c., Ry. Co.* (228 U. S., 596, 600); *Manhattan Life Ins. Co. v. Cohen* (234, U. S., 123, 137). (2) *The Pennsylvania College Cases* (13 Wall., 190); *Newburyport Water Co. v. Newburyport* (193 U. S., 561); *Missouri Pacific Ry. Co. v. Kansas* (216 U. S., 262, 274-275). (3) *Deming v. Carlisle Packing Co.* (226 U. S., 102, 105); *Ennis Water Works v. Ennis* (233 U. S., 652, 658); *Parker v. McLain* (237 U. S., 469, 471).

No. 344. Robert D. Kinney, plaintiff in error *v.* Plymouth Rock Squab Company et al. In error to the United States Circuit Court of Appeals for the First Circuit. *Per curiam*: Dismissed for want of jurisdiction upon the authority of (1) *Bagley v. General Fire Extinguisher Co.* (212 U. S., 477); *Weir v. Rountree* (216 U. S., 607); *St. Anthony Church v. Pennsylvania R. R. Co.* (237 U. S.,

575. (2) *Provident Savings Society v. Ford* (114 U. S., 635, 641-642); *Metcalf v. Watertown* (128 U. S. 586, 588); *Pope v. Louisville, New Albany, &c. Ry.* (173 U. S., 573, 580-581). See *United States ex rel, Kinney v. United States Fidelity & Guaranty Co.* (222 U. S., 283); *Kinney v. Plymouth Rock Squab Co.* (236 U. S., 43).

No. 333. *The First National Bank of Defiance*, plaintiff in error, *v. William A. Kehnast et al.* In error to the Supreme court of the State of Ohio. *Per curiam*: Dismissed for want of jurisdiction upon the authority of (1) *Eustis v. Bolles* (150 U. S., 361); *Chemical National Bank v. City Bank of Portage* (160 U. S., 646); *Leathe v. Thomas* (207 U. S., 93); *Mellon v. McCafferty* (239 U. S., 134). (2) *Leather Manufacturers' Bank v. Cooper* (120 U. S., 778, 781); *Whittemore v. Amoskeag National Bank* (134 U. S., 527, 430); *Petri v. Commercial National Bank of Chicago* (142 U. S., 644); *Hermann v. Edwards* (238 U. S., 107).

No. 860. Clarence C. Caldwell, as attorney general, etc., et al., appellants, *v. The Sioux Falls Stock Yards Company et al.*;

No. 900. Frank W. Merrick et al., appellants, *v. N. W. Halsey & Company et al.*; and

No. 968. *Beekman Winthrop et al.*, appellants, *v.*, Grant Fellows, as attorney general of the State of Michigan, et al. Motions to advance granted, and cases assigned for argument on Tuesday, October 10th next, after the cases heretofore assigned for that day.

No. 890. Edward Bates, plaintiff in error, *v. Lucie Bodie*. Motion to dismiss or affirm postponed to the hearing on the merits.

No. 957. John Grant Lyman, appellant, *v. Thomas D. McCarthy*, marshal, etc. Motion to reduce and fix bail denied.

No. 895. David Lamar *v. The United States*. Motion that mandate issue forthwith granted.

No. 984. *The National Carbon Company et al.*, petitioners, *v. The Ohio Motor Car Company et al.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 996. W. L. Wilson, petitioner, *v. Frank Waldo et al.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 999. *Crescent Milling Company*, petitioner, *v. The H. N. Strait Manufacturing Company*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 973. *Alice State Bank et al.*, petitioners, *v. Houston Pasture Company*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 978. L. T. Hays, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 998. William McCoach, collector, etc., petitioner, *v.* Insurance Company of North America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

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The Chief Justice also announced that the court will take a recess from to-day until Monday, June 5th, when motions and petitions for writs of certiorari will be received. No motions for writs of certiorari or motions, except motions for admission to practice, will be received after that day. The court will then adjourn until Monday, June 12th, on which day it will adjourn for the term; unless it may be deemed best for the purposes of the business then in the hands of the court under advisement to fix another and later day for final adjournment.

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No. 306. The United States et al., appellants, *v.* St. Louis, Iron Mountain & Southern Railway Company et al. Appeal from the District Court of the United States for the Eastern District of Illinois. Dismissed on motion of Mr. Solicitor General Davis for the appellant.

No. 1007. William F. Murray, postmaster, petitioner, *v.* Post Publishing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Solicitor General Davis for the petitioner, and by Mr. Edmund A. Whitman for the respondent.

No. 924. Victor Herbert et al., petitioners, *v.* The Shanley Company. Motion to advance and place on the summary docket submitted by Mr. John W. Davis, in behalf of Mr. Nathan Burkan and Mr. W. J. Hughes for the petitioners.

No. 986. Walter Brandt, appellant, *v.* Thomas W. Morgan, warden, etc. Motions for leave to proceed *in forma pauperis* and for bail submitted by Mr. W. P. Borland, in behalf of counsel for the appellant.

No. 7. Original. The State of Wyoming, complainant, *v.* The State of Colorado et al. Joint motion as to filing original typewritten transcript of evidence and exhibits, abstract of evidence, and briefs, and that cause to be set down for hearing, submitted by Mr. Charles S. Thomas, in behalf of counsel.

No. 1005. William H. Cooper, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. J. S. Easby-

Smith in behalf of Mr. John W. Griggs, for the petitioner, and by Mr. Solicitor General Davis for the respondent.

No. —, Original. Ex parte In the matter of Elbert R. Robinson, petitioner. Motion for leave to file an additional petition submitted by Mr. Richard E. Westbrooks for the petitioner.

No. 1017. The District of Columbia, petitioner, *v.* Washington Gas Light Company. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. F. H. Stephens and Mr. Conrad H. Syme for the petitioner, and by Mr. Benjamin S. Minor, Mr. Colley W. Bell, and Mr. Joseph J. Darlington for the respondent.

No. 1020. Joseph F. Wilson & Company, claimant, etc., petitioner, *v.* South Atlantic Steamship Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Mark W. Maclay, jr., in behalf of Mr. J. Parker Kirlin and Mr. William R. Leaken for the petitioner. Leave granted to counsel for the respondent to file brief within ten days, on motion of Mr. W. G. Brantley in that behalf.

No. 645. The State of Nebraska *ex rel.* Harry C. Bittenbender et al., plaintiffs in error, *v.* The Excise Board of the City of Lincoln, Nebr. Motion to advance submitted by Mrs. Ada M. Bittenbender for the plaintiffs in error.

No. 994. Lehigh & Wilkesbarre Coal Company, petitioner, *v.* Hartford & New York Transportation Company. Petition for writ of certiorari to the United States Circuit of Appeals for the Second Circuit submitted by Mr. Frederick S. Tyler, in behalf of Mr. Jackson E. Reynolds for the petitioner, and by Mr. John W. Griffin for the respondent.

No. 1015. William I. Lewis, etc., petitioner, *v.* International Steam Pump Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Frederick S. Tyler in behalf of Mr. Merritt Lane and Mr. W. Bourke Cockran for the petitioner, and by Mr. Charles H. Russell, Mr. Paul D. Cravath, and Mr. William W. Green for the respondents.

No. 225. Martin H. Free, plaintiff in error, *v.* The Western Union Telegraph Company. Motion to vacate judgment of dismissal and restore case to the docket submitted by Mr. Frederick S. Tyler and Mr. B. I. Salinger for the plaintiff in error.

No. 1022. Whitney Earle Harmon, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. A. Coulter Wells for the petitioner.

No. 985. H. B. Hollins & Company, petitioner, *v.* A. Leo Everett, as receiver, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Evans Browne, in behalf of Mr. Charles K. Beekman and Mr. William C. Armstrong for the petitioner, and by Mr. Leonard B. Smith for the respondent.

No. 1018. William H. Miner, petitioner, *v.* The T. H. Symington Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. George I. Haight and Mr. Charles C. Linthicum for the petitioner, and by Mr. Melville Church and Mr. Gilbert P. Ritter for the respondent.

No. 1024. Cornelia E. Clement, petitioner, *v.* Mary Ann Whittaker, personally and as executrix, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Aaron V. Dawes and Mr. Robert H. McCarter for the petitioner, and by Mr. Bayard Stockton for the respondent.

Nos. 991 and 992. The Badders Clothing Company, petitioner, *v.* The Burnham Munger Root Dry Goods Company. Motion of the respondents to take petitions for writs of certiorari as submitted or to dismiss the petitions for want of prosecution submitted by Mr. Edwin A. Krauthoff for the respondent.

Nos. 991 and 992. The Badders Clothing Company, petitioner, *v.* The Burnham Munger Root Dry Goods Company et al. Motion to dismiss submitted by Mr. Edwin A. Krauthoff for the respondents.

No. 601. The Missouri Pacific Railway Company, plaintiff in error, *v.* McGrew Coal Company. Motion to affirm submitted by Mr. Alexander Graves for the defendant in error in support of the motion, and by Mr. James F. Green and Mr. Edward J. White for the plaintiff in error in opposition thereto.

No. 987. The State of Ohio ex rel. David Davis, plaintiff in error, *v.* Charles Q. Hildebrandt, secretary, etc. Submitted by Mr. Sherman T. McPherson and Mr. J. Warren Keifer for the plaintiff in error, and by Mr. Edward C. Turner for the defendant in error.

No. 387. The Cincinnati, New Orleans & Texas Pacific Railway Company, plaintiff in error, *v.* E. G. Massingale, as administrator, et al. In error to the Court of Appeals of the State of Kentucky. Dismissed with costs, on motion of counsel for the plaintiff in error.

Adjourned until Monday, June 5, at 12 o'clock.



# SUPREME COURT OF THE UNITED STATES.

MONDAY, JUNE 5, 1916.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, and Mr. Justice Brandeis.

John Hunter, of New York City; Charles Wallace Collins, of Birmingham, Ala.; Paul M. Herzog, of New York City; Weldon M. Bailey, of Gainesville, Tex.; Frank H. Bicek, of Chicago, Ill.; Robert A. Rowe, of Greenwood, Ark.; W. Jefferson Davis, of San Diego, Cal.; Richard D. Daniels, of Washington, D. C.; Zell G. Roe, of Des Moines, Iowa; Walter H. Pumphrey, of New York City; George B. Fraser, of Washington, D. C.; Isaac Paul Gassman, of Freeport, Ill.; Henry A. Heiser, of New York City; Edmund R. Castellucci, of New York City; A. Giffen Levy, of New Orleans, La.; Robert Burns, of New York City; Clair D. Vallette, of Miami, Fla.; Eugene J. Bamberger, of Chicago, Ill.; John E. Walker, of New York City; Frederick Parker Russell, of Alexandria, Va.; and Louis Bryant Perkins, of Marion, Va., were admitted to practice.

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The Chief Justice said: "Gentlemen of the bar, it is my privilege to announce that the President of the United States has filled the vacancy on this bench by the appointment of Mr. Louis D. Brandeis, of Massachusetts. Mr. Brandeis is present and ready to take the oath of office. The clerk will read his commission."

The commission was then read and the oath administered by the clerk, and Mr. Justice Brandeis took his seat upon the bench.

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No. 290. New York Life Insurance Company, petitioner, *v.* Effie J. Gould Dunlevy. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Northern District of California. Opinion by Mr. Justice McReynolds.

No. 352. Arthur B. Duel, appellant, *v.* Harry B. Hollins et al., individually, etc., et al.; and

No. 353. Wiener, Levy & Company, appellants, *v.* Harry B. Hollins et al., individually, etc., et al. Appeals from the United States Circuit Court of Appeals for the Second Circuit. Decree of Circuit Court of Appeals reversed with costs and decree of District Court of the United States for the Southern District of New York affirmed with costs and causes remanded to the said District Court. Opinion by Mr. Justice McReynolds. Dissenting: Mr. Justice Pitney and Mr. Justice Hughes.

No. 217. Alejandro Montelibano y Ramos et al., appellants and plaintiffs in error, *v.* La Compania General de Tabacos de Filipinas. Appeal from and in error to the Supreme Court of the Philippine Islands. Writ of error dismissed. Decree affirmed with costs. Opinion by Mr. Justice Pitney.

No. 273. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* Claude L. Proffitt. In error to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Eastern District of Virginia. Opinion by Mr. Justice Pitney.

No. 301. Chicago & Northwestern Railway Company, plaintiff in error, *v.* William Bower. In error to the Supreme Court of the State of Nebraska. Judgment affirmed with costs. Opinion by Mr. Justice Pitney.

No. 311. San Antonio & Aransas Pass Railway Company, plaintiff in error, *v.* William Wagner. In error to the Court of Civil Appeals for the Fourth Supreme Judicial District of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Pitney.

No. 321. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* Addie Kelly, as administratrix, etc. In error to the Court of Appeals of the State of Kentucky. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Pitney.

No. 453. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* James R. Gainey, jr., administrator de bonis non, etc. In error to the Court of Appeals of the State of Kentucky. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Pitney.

No. 592. John Bingham, appellant, *v.* John J. Bradley, United States marshal, etc. Appeal from the District Court of the United States for the Northern District of Illinois. Final order affirmed with costs. Opinion by Mr. Justice Pitney.

No. 300. Pacific Live Stock Company, appellant, *v.* John H. Lewis et al., etc., et al. Appeal from the District Court of the United States

for the District of Oregon. Decree affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 322. The Levindale Lead & Zinc Mining Company et al., plaintiffs in error, *v.* Charles Coleman. In error to the Supreme Court of the State of Oklahoma. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Hughes. (Mr. Justice McReynolds took no part in the consideration and decision of this case.)

No. 261. St. Louis & Kansas City Land Company et al., plaintiffs in error, *v.* Kansas City. In error to the Supreme Court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Hughes.

No. 244. Russo-Chinese Bank, petitioner, *v.* The National Bank of Commerce of Seattle, Washington. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Western District of Washington. Opinion by Mr. Justice Hughes.

No. 525. The United States, plaintiff in error, *v.* Jin Fuey Moy. In error to the District Court of the United States for the Western District of Pennsylvania. Judgment affirmed. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Hughes and Mr. Justice Pitney.

No. 86. The United States, appellant, *v.* Louis Hemmer et al. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the District of South Dakota. Opinion by Mr. Justice McKenna. (Mr. Justice McReynolds took no part in the consideration and decision of this case.)

No. 281. Merrill-Ruckgaber Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McKenna. (Mr. Justice McReynolds took no part in the consideration and decision of this case.)

No. 347. The Atchison, Topeka & Santa Fe Railway Company, plaintiff in error, *v.* J. R. Harold. In error to the Supreme Court of the State of Kansas. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Chief Justice White.

No. 136. Spokane & Inland Empire Railroad Company, plaintiff in error, *v.* The United States. In error to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Eastern District of Washington. Opinion by Mr. Chief Justice

White. (Mr. Justice McReynolds took no part in the consideration and decision of this case.)

No. 299. John F. Cubbins, appellant, *v.* The Mississippi River Commission et al. Appeal from the District Court of the United States for the Northern District of Mississippi. Decree affirmed with costs. Opinion by Mr. Chief Justice White. (Mr. Justice Pitney concurs in the result.)

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The Chief Justice also announced the following orders of the court:

No. 362. St. Louis & San Francisco Railroad Company, plaintiff in error, *v.* John H. Mounts. In error to the Supreme Court of the State of Oklahoma. Per curiam: Judgment reversed with costs and cause remanded for further proceedings upon the authority of *Adams Express Co. v. Croninger* (226 U. S., 491); *Missouri, etc., Ry. Co. v. Harriman* (227 U. S., 657); *Atchison, Topeka, etc., Ry. Co. v. Robinson* (233 U. S., 173); *Georgia, Florida, etc., Ry. v. Blish Milling Co.* (241 U. S., 190).

No. —, Original. Ex parte In the matter of Elbert R. Robinson, petitioner. Motion for leave to file an amended petition denied.

No. 7, Original. The State of Wyoming, complainant, *v.* The State of Colorado et al. Joint motion of parties as to filing original typewritten transcript of evidence, together with all exhibits introduced by the respective parties, and the abstract of the testimony as agreed upon by them, together with selected exhibits to be printed at the joint expense of the parties, and as to the filing of the briefs for the respective parties, granted, and the case is set down for hearing on the first Monday of December next. The motion for an order fixing the time for oral argument is denied without prejudice.

No. 986. Walter Brandt, appellant, *v.* Thomas W. Morgan, warden, etc. Motions for leave to proceed in forma pauperis, and that the appellant be admitted to bail denied.

No. 924. Victor Herbert et al., petitioners, *v.* The Shanley Company. Motion to advance and place on the summary docket denied.

No. 645. The State of Nebraska ex rel. Henry C. Bittenbender et al., plaintiffs in error, *v.* The Excise Board of the City of Lincoln, Nebraska. Motion to advance denied.

Nos. 991 and 992. Badders Clothing Company, petitioner, *v.* Burnham-Munger-Root Dry Goods Company et al. Motion of respondents to take petitions for writs of certiorari as submitted or to dismiss them for want of prosecution denied.

No. 1018. William H. Miner, petitioner, *v.* The T. H. Symington Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 985. H. B. Hollins & Company, petitioner, *v.* A. Leo Everett, as receiver, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 994. Lehigh & Wilkesbarre Coal Company, petitioner, *v.* Hartford & New York Transportation Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1005. William H. Cooper, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1007. William F. Murray, postmaster, petitioner, *v.* Post Publishing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 1015. William I. Lewis, etc., petitioner, *v.* International Steam Pump Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1017. The District of Columbia, petitioner, *v.* Washington Gas Light Company. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 1022. Whitney Earle Harmon, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

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No. 687. Timothy Healy, appellant, *v.* Samuel W. Backus, commissioner, etc. Motion to dismiss submitted by Mr. Solicitor General Davis for the appellee in support of the motion, and by Mr. Marshall B. Woodworth for the appellant in opposition thereto. Petition for a writ of certiorari submitted by Mr. Marshall B. Woodworth for the appellant in support of the petition.

No. 978. L. T. Hays, petitioner, *v.* The United States. Motion to advance submitted by Mr. Solicitor General Davis for the respondent.

No. —, Original. *Ex parte* In the matter of Bernard B. Selling et al., petitioners. Motion for leave to file petition to have the name of George W. Radford stricken from the roll of attorneys submitted by Mr. Solicitor General Davis in behalf of a committee of the Bar Association of the city of Detroit, Mich.

No. 1028. J. Bacon & Sons, petitioner, *v.* Robert C. Kinkead. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. John W. Davis in behalf of Mr. William Marshall Bullitt for the petitioner, and by Mr. H. H. Nettelroth for the respondent.

No. 2, Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Motion for writ of execution submitted by Mr.

John Garland Pollard for the complainant in support of the motion, and by Mr. John H. Holt for the defendant in opposition thereto.

No. 818. The Atchison, Topeka & Santa Fe Railway Company, appellant, *v.* Board of County Commissioners of the County of Douglas, State of Colorado. Motion to dismiss submitted by Mr. B. C. Hilliard for the appellee in support of the motion, and by Mr. Gardiner Lathrop, Mr. S. T. Bledsoe, and Mr. Henry T. Rogers for the appellant in opposition thereto. Petition for writ of certiorari herein submitted by Mr. Gardiner Lathrop, Mr. S. T. Bledsoe, and Mr. Henry T. Rogers for the appellant in support of the petition, and by Mr. B. C. Hilliard for the appellee in opposition thereto.

No. 706. The United States *ex rel.* William F. Arant *v.* Franklin K. Lane, Secretary of the Interior. Petition for a writ of certiorari herein to bring up the whole record and cause submitted by Mr. H. Prescott Gatley, Mr. Samuel Maddox, and Mr. J. H. Carnahan for Arant in support of the petition.

No. 1039. Westinghouse Electric & Manufacturing Company et al., petitioners, *v.* Idaho Oregon Light & Power Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Wilton J. Lambert and Mr. Charles E. Rushmore for the petitioners, and by Mr. James H. Richards and Mr. Oliver O. Haga for the respondents.

No. 1045. Trussed Concrete Steel Company, petitioner, *v.* Corrugated Bar Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. W. S. Hodges and Mr. Fred L. Chappell for the petitioner, and by Mr. James A. Carr for the respondent.

No. 1001. John W. Enright et al., petitioners, *v.* Arthur Yancey. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Grafton L. McGill for the petitioners, and by Mr. John Dymond, jr., and Mr. A. Giffen Levy for the respondent.

No. 495. Chicago, Milwaukee & St. Paul Railway Company, plaintiff in error, *v.* State Public Utilities Commission of Illinois. Motion to dismiss or affirm or place on summary docket submitted by Mr. M. F. Gallagher for the defendant in error in support of the motion, and by Mr. Burton Hanson and Mr. O. W. Dynes for the plaintiff in error in opposition thereto.

No. 1006. Union Terminal Company et al., petitioners, *v.* Turner Construction Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. H. H. Obear in behalf of Mr. J. T. G. Crawford for the petitioners, and by Mr. Richard P. Marks for the respondent.

No. 1013. Marconi Wireless Telegraph Company of America, petitioner, *v.* Emil J. Simon. Petition for a writ of certiorari to the

United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Richard A. Ford in behalf of Mr. John W. Griggs for the petitioner, and by Mr. Walter A. Pumphrey and Mr. Zell G. Roe for the respondent.

No. 1041. Fields S. Pendleton, petitioner, *v.* Benner Line. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Avery F. Cushman and Mr. Harvey D. Goulder for the petitioner, and by Mr. D. Roger Englar for the respondent.

Nos. 991 and 992. The Badders Clothing Company, petitioner, *v.* The Burnham-Munger-Root Dry Goods Company et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. James H. Harkless, Mr. D. R. Hite, and Mr. Clifford Histed for the petitioner, and by Mr. Edwin A. Krauthoff for the respondents.

No. —. Miller Rubber Company, et al., petitioners, *v.* Citizens' Savings Bank, as trustee in bankruptcy, etc. Motion to consider petition for writ of certiorari herein as presented this day submitted by Mr. E. A. Krauthoff for the petitioners.

No. 1046. Watts, Watts & Company, Ltd., petitioner, *v.* Unione Austriaca Di Navigazione, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Mark W. Maclay, jr., Mr. J. Parker Kirlin, and Mr. John M. Woolsey for the petitioner, and by Mr. Charles S. Haight for the respondent.

No. —, Original. *Ex parte* In the matter of Watts, Watts & Company, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Mark W. Maclay, jr., Mr. J. Parker Kirlin, and Mr. John M. Woolsey for the petitioner.

No. 722. A. Leo Weil, plaintiff in error, *v.* Henry K. Black, Judge, etc. Motion to dismiss or affirm or place on the summary docket submitted by Mr. S. B. Avis and Mr. T. C. Townsend for the defendant in error in support of the motion, and by Mr. P. C. Knox, Mr. Louis Marshall, Mr. George E. Price, Mr. B. M. Ambler, and Mr. Frederick de C. Faust for the plaintiff in error in opposition thereto.

No. 21, Original. The State of New York, complainant, *v.* Corn Products Company. Motion for leave to amend bill of complaint submitted by Mr. F. H. La Guardia for the complainant.

No. —, Original. The State of New York, complainant, *v.* International Nickel Company; and

No. —, Original. The State of New York, complainant, *v.* Standard Oil Company. Motion for leave to file bills of complaint herein submitted by Mr. F. H. La Guardia for the complainant.

No. 1019. The First National Bank of Roswell, petitioner, *v.* Hoggson Brothers. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. G. B. Craighill in behalf of Mr. William C. Reid for the petitioner and by Mr. Selden Bacon for the respondent.

No. 1050. The L. P. and J. H. Smith Company, petitioner, *v.* Calumet Transit Company, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Frank S. Masten and Mr. Harvey D. Goulder for the petitioner, and by Mr. William B. Cady and Mr. Francis S. Laws for the respondent.

No. 1051. The Hawgood & Avery Transit Company, petitioner, *v.* The Meaford Transportation Company; and

No. 1052. The Hawgood & Avery Transit Company, petitioner, *v.* Ella Williams, administratrix. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Frank S. Masten in behalf of Mr. Harvey D. Goulder for the petitioner, and by Mr. Charles E. Kremer for the respondent in No. 1051, and by Mr. George L. Canfield for the respondent in No. 1052.

No. 1026. St. Louis Southwestern Railway Company, petitioner, *v.* W. H. McLaughlin et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Edward A. Haid, Mr. A. L. Burford, and Mr. W. T. Wooldridge for the petitioner, and by Mr. W. E. Hemenway, Mr. George B. Rose, Mr. J. F. Loughborough, and Mr. V. M. Miles for the respondents.

No. 1027. Maldonado & Company, petitioner, *v.* New York & Cuba Mail Steamship Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second circuit submitted by Mr. Meyer Cohen in behalf of Mr. Daniel P. Hays for the petitioner, and by Mr. Norman B. Beecher and Mr. Roscoe H. Hupper for the respondent.

No. 1053. Independent Pneumatic Tool Company, petitioner, *v.* Burke Electric Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. L. S. Bacon in behalf of Mr. John Robert Taylor for the petitioner, and by Mr. Clifton V. Edwards for the respondent.

No. 578. Orange Wilson White, plaintiff in error, *v.* The State of Wyoming. Motion to dismiss submitted by Mr. Frederick S. Tyler in behalf of Mr. Douglas A. Preston for the defendant in error in support of the motion, and by Mr. A. E. L. Leckie for the plaintiff in error in opposition thereto.



No. 1036. Montgomery, Ward & Company, Inc., petitioner, *v.* Iowa Washing Machine Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Taylor E. Brown and Mr. Clarence E. Mehlhope for the petitioner, and by Mr. R. H. Parkinson and Mr. Wallace R. Lane for the respondent.

No. 1, Original. The State of Georgia, complainant, *v.* The Tennessee Copper Company et al. Motion of Ducktown Sulphur, Copper & Iron Company for leave to withdraw certain exhibits and for modification of previous decrees and orders submitted by Mr. W. B. Miller for The Ducktown Company.

No. 1, Original. The State of Georgia, complainant, *v.* The Tennessee Copper Company et al. Motion for leave to intervene and file petition herein submitted by Mr. Joe V. Williams and Mr. Frank M. Thompson for the State of Tennessee.

No. 1, Original. The State of Georgia, complainant, *v.* The Tennessee Copper Company et al. Leave granted to file a brief for the complainant in opposition to the motions of The Ducktown Company and The State of Tennessee within five days, on motion of Mr. Lamar Hill for the complainant.

No. —, Original. *Ex parte* In the matter of John H. Sears, as trustee, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. A. H. Ferguson in behalf of Mr. Carroll G. Walter for the petitioner.

No. 694. St. Louis, Iron Mountain & Southern Railway Company, plaintiff in error, *v.* C. A. Starbird, administrator, etc. Motion to dismiss or affirm submitted by Mr. Robert A. Rowe and Mr. Charles D. Folsom for the defendant in error in support of same, and by Mr. Thomas B. Pryor and Mr. Edward J. White for the plaintiff in error in opposition thereto.

No. 574. The Beaver River Power Company, appellant, *v.* The United States; and

No. 575. The United States, appellant, *v.* The Beaver River Power Company. Motion for leave to file brief of William B. Bosley as *amicus curiae* granted on motion of Mr. Evans Browne in that behalf.

No. 1040. Grand Trunk Railway Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Evans Browne in behalf of Mr. George W. Kretzinger, jr., for the petitioner.

No. 1042. William E. D. Stokes et al., petitioners, *v.* Howard H. Williams et al., receivers, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit sub-

mitted by Mr. Charles L. Craig for the petitioners, and by Mr. Albert C. Wall, Mr. Howard H. Williams, and Mr. George C. Kobbe for the respondents.

No. 570. The Toledo Railways & Light Company, plaintiff in error, *v.* Walter L. Hill et al., executors, etc. Motion to advance under the thirty-second rule submitted by Mr. Paul M. Herzog and Mr. Howard S. Gans for the defendants in error in support of the motion, and by Mr. Charles A. Frueauff for the plaintiff in error in opposition thereto.

No. 860. Clarence C. Caldwell, as Attorney General, etc., et al., appellants, *v.* The Sioux Falls Stock Yards Company et al.;

No. 900. Frank W. Merrick et al., appellants, *v.* N. W. Halsey & Company et al.;

No. 941. Harry T. Hall, etc., appellant, *v.* The Geiger-Jones Company;

No. 942. Harry T. Hall, etc., appellant, *v.* Don C. Coultrap; and

No. 943. Harry T. Hall, etc., appellants, *v.* William R. Rose et al. Motion for leave to file brief herein on behalf of the National Association of Attorneys General, as *amicus curiae*, granted, on motion of Mr. S. H. Williams in that behalf.

No. 764. Cynthia Lindsay, petitioner, *v.* Chicago, Burlington & Quincy Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. E. F. Thompson for the petitioner, and by Mr. F. B. Daniels and Mr. William Burry for the respondents.

No. 1014. James F. Bishop, Administrator, etc., petitioner, *v.* Edward B. Pryor, Receiver, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. E. F. Thompson for the petitioner, and by Mr. John M. Zane, Mr. Charles F. Morse, and Mr. J. L. Minnis for the respondent.

No. 873. Postal Telegraph Company, appellant, *v.* The City of Portland. Appeal from the District Court of the United States for the District of Oregon. Dismissed with costs, on motion of counsel for the appellant.

No. 903. Nicola Cerri, as Italian Consular Agent, etc., plaintiff in error, *v.* Giovanni Pagano, administrator, etc. In error to the Supreme Court of the State of Ohio. Dismissed with costs, on motion of counsel for the plaintiff in error.

Adjourned until Monday, June 12, at 12 o'clock.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, JUNE 12, 1916.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, and Mr. Justice Brandeis.

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George P. Rowell, of Stamford, Conn.; M. C. Bennett, of Camilla, Ga.; Alfred J. Hill, of Los Angeles, Cal.; Arthur W. Eckman, of Los Angeles, Cal.; Willis I. Morrison, of Los Angeles, Cal.; Chas. E. Smoyer, of Akron, Ohio; Taylor B. Weir, of Helena, Mont.; Walter A. Fullerton, of Saratoga Springs, N. Y.; Oscar D. Duncan, of New York City; Frederick M. Pelzman, of Washington, D. C.; David Wiener, of Washington, D. C.; Loren Grinstead, of Seattle, Wash.; Burnett M. Chipfield, of Canton, Ill.; Henry Ades Fowler, of Chicago, Ill.; Victor Ernest Brown, of Oak Park, Ill.; Max Harris Wilensky, of Philadelphia, Pa.; Riley J. Wilson, of Harrisonburg, La.; H. Payne Breazeale, of Baton Rouge, La.; Frank L. Nagel, of Portland, Oreg.; Fred E. Suits, of Oklahoma City, Okla.; Clifford A. Wilson, of Hot Springs, S. Dak.; Charles H. Hoyt, of Washington, D. C.; and Tom L. Johnston, of Los Angeles, Cal., were admitted to practice.

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No. 126. *The Mutual Life Insurance Company of New York, petitioner, v. L. Hilton-Green et al., executors, etc.* On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the Northern District of Florida for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice McReynolds. Dissenting: Mr. Justice Pitney.

No. 335. *S. C. Holmes, plaintiff in error, v. E. S. Conway.* In error to the Supreme Court of the State of Kansas. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds. Dissenting: Mr. Justice Pitney.

No. 325. *Spokane & Inland Empire Railroad Company, plaintiff in error, v. Edgar E. Campbell.* In error to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Eastern District of Washington. Opinion by Mr. Justice Pitney.

No. 611. James J. Abbott, appellant, *v.* James C. Brown, United States Marshal in and for the Southern District of Florida. Appeal from the District Court of the United States for the Southern District of Florida. Final order reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Pitney. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 124. Southern Surety Company, plaintiff in error, *v.* The State of Oklahoma. In error to the Supreme Court of the State of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 404. William L. Dayton, trustee in bankruptcy, etc., petitioner, *v.* A. H. Stanard, treasurer, etc., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decree modified and affirmed with costs, and cause remanded to the District Court of the United States for the District of Colorado. Opinion by Mr. Justice Van Devanter.

No. 681. The United States, plaintiff in error, *v.* Fred Nice. In error to the District Court of the United States for the District of South Dakota. Judgment reversed, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Van Devanter.

No. 682. The United States, plaintiff in error, *v.* Dennis Quiver. In error to the District Court of the United States for the District of South Dakota. Judgment affirmed. Opinion by Mr. Justice Van Devanter.

No. 303. Stanley Brown, petitioner, *v.* Pacific Coast Coal Company. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment of the Circuit Court of Appeals reversed with costs. Judgment of the District Court of the United States for the Western District of Washington affirmed with costs, and cause remanded to said district court. Opinion by Mr. Justice Holmes.

No. 345. Supreme Lodge, Knights of Pythias, plaintiff in error, *v.* S. Mims. In error to the Court of Civil Appeals for the Fifth Supreme Judicial District of the State of Texas. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 666. The People of the State of New York on the relation of Walter S. Kennedy, as next friend, etc., et al., plaintiffs in error, *v.* Frederick W. Becker, as sheriff of Erie County, New York. In error to the Supreme Court of the State of New York. Judgment affirmed with costs. Opinion announced by Mr. Chief Justice White.

No. 987. The State of Ohio on relation of David Davis, plaintiff in error, *v.* Charles Q. Hildebrant, secretary of state, etc., et al. In error to the Supreme Court of the State of Ohio. Judgment affirmed with costs. Opinion by Mr. Chief Justice White.

No. 336. Oscar M. Lancaster et al., appellants, *v.* Kathleen Oil Company et al. Appeal from the District Court of the United States for the Eastern District of Oklahoma. Decree reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Chief Justice White.

No. 279. Ogden M. Reid, petitioner, *v.* James C. Fargo, as president of the American Express Company et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree of the Circuit Court of Appeals reversed with costs, and cause remanded to the District Court of the United States for the Southern District of New York with directions to enter a decree in conformity with the opinion of this court. Opinion by Mr. Chief Justice White.

No. 16, Original. The State of Missouri, complainant, *v.* Chicago, Burlington & Quincy Railroad Company. Motion to strike out the defense of confiscation from the answer granted. Opinion by Mr. Chief Justice White. Dissenting: Mr. Justice McKenna.

No. 2, Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Motion for writ of execution denied without prejudice. Opinion by Mr. Chief Justice White.

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The Chief Justice also announced the following orders of the court:

No. 578. Orange Wilson White, plaintiff in error, *v.* the State of Wyoming. In error to the Supreme Court of the State of Wyoming. Per curiam: Dismissed for want of jurisdiction upon the authority of *Deming v. Carlisle Packing Co.* (226 U. S., 102, 105); *Consolidated Turnpike v. Norfolk, &c., Railway Co.* (228 U. S., 596, 600); *Overton v. Oklahoma* (235 U. S., 31); *Parker v. McLain* (237 U. S., 469, 471-472).

No. 687. Timothy Healy, appellant, *v.* Samuel W. Backus, Commissioner, etc. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. Per curiam: Dismissed for want of jurisdiction upon the authority of *Lau Ow Bew v. United States* (144 U. S., 47, 58); *Whitney v. Dick* (202 U. S., 132, 135); *McClellan v. Carland* (217 U. S., 268, 278). Petition for writ of certiorari herein granted.

No. —, Original. Ex parte In the matter of Bernard B. Selling et al., petitioners. Motion for leave to file petition to strike the name of George W. Radford from the roll of attorneys of this court

granted, and rule to show cause ordered returnable on the first day of the next term.

No. —, Original. *Ex parte* In the matter of Watts, Watts & Co., Ltd., petitioner. Motion for leave to file petition for writ of mandamus denied.

No. —, Original. *Ex parte* In the matter of John H. Sears, as trustee, petitioner. Motion for leave to file petition for writ of mandamus denied.

No. —, Original. The State of New York, complainant, *v.* International Nickel Company; and

No. —, Original. The State of New York, complainant, *v.* Standard Oil Company. Motions for leave to file bills of complaint herein granted, and process ordered to issue returnable on the first day of the next term.

No. 1, Original. The State of Georgia, complainant, *v.* The Tennessee Copper Company et al. Motion for leave to withdraw certain exhibits filed in this case granted.

Motion of the State of Tennessee for leave to intervene herein granted.

No. 21, Original. The State of New York, complainant, *v.* Corn Products Company. Motion for leave to amend bill of complaint herein by changing the name of the defendant to Corn Products Refining Company granted.

No. 225. Martin H. Free, plaintiff in error, *v.* The Western Union Telegraph Company. Motion to vacate judgment of dismissal herein and to restore case to the docket granted.

No. 601. The Missouri Pacific Railway Company, plaintiff in error, *v.* McGrew Coal Company. Motion to affirm postponed to the hearing of the case on the merits.

No. 570. The Toledo Railways & Light Company, plaintiff in error, *v.* Walter L. Hill et al., executors, etc. Motion to advance denied.

No. 978. L. T. Hays, petitioner, *v.* The United States. Motion to advance granted, and case assigned for argument on Tuesday, October 10th, next, after the cases heretofore assigned for that day.

No. 495. Chicago, Milwaukee & St. Paul Railway Company, plaintiff in error, *v.* The State Public Utilities Commission of Illinois. Ordered that this case be placed on the summary docket.

No. 694. St. Louis, Iron Mountain & Southern Railway Company, plaintiff in error, *v.* C. A. Starbird, administrator, etc. Ordered that this case be placed on the summary docket.

No. 722. A. Leo Weil, plaintiff in error, *v.* Henry K. Black, Judge, etc. Motion to dismiss or affirm postponed to the hearing of the case on its merits.

No. 818. The Atchison, Topeka & Santa Fe Railway Company, appellant, *v.* Board of County Commissioners of the County of Douglas, Colorado. Motion to dismiss and petition for writ of certiorari postponed to the hearing on the merits.

No. 1013. Marconi Wireless Telegraph Company of America, petitioner, *v.* Emil J. Simon. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 1046. Watts, Watts & Company, petitioner, *v.* Unione Austriaca de Navigazione, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 1041. Fields S. Pendleton, petitioner, *v.* Benner Line. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted, conditioned on the petitioner furnishing a bond within twenty days in an amount to secure payment of the judgment, the amount of the bond to be satisfactory to the circuit justice and to be approved by him.

No. 706. The United States ex rel. William F. Arant *v.* Franklin K. Lane, Secretary of the Interior. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia to bring up the whole record and cause denied.

No. 764. Cynthia Lindsay, petitioner, *v.* Chicago, Burlington & Quincy Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

Nos. 991 and 992. The Badders Clothing Company, petitioner, *v.* The Burnham-Munger-Root Dry Goods Company et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1001. John W. Enright et al., petitioners, *v.* Arthur Yancey. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1006. Union Terminal Company et al., petitioners, *v.* Turner Construction Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1014. James F. Bishop, administrator, etc., petitioner, *v.* Edward B. Pryor, receiver, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1019. The First National Bank of Roswell, petitioner, *v.* Hoggson Brothers. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1020. Joseph F. Wilson & Company, claimant, etc., petitioner, *v.* South Atlantic Steamship Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1024. Cornelia E. Clement, petitioner, *v.* Mary Ann Whittaker, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 1026. St. Louis Southwestern Railway Company, petitioner, *v.* W. H. McLaughlin et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1027. Maldonado & Company, petitioner, *v.* New York & Cuba Mail Steamship Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1028. J. Bacon & Sons, petitioner, *v.* Robert C. Kinkead. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1036. Montgomery Ward & Company (Inc.), petitioner, *v.* Iowa Washing Machine Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1039. Westinghouse Electric & Manufacturing Company et al., petitioners, *v.* Idaho-Oregon Light & Power Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1040. Grand Trunk Railway Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1042. William E. D. Stokes et al., petitioners, *v.* Howard H. Williams et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 1045. Trussed Concrete Steel Company, petitioner, *v.* Corrugated Bar Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1050. The L. P. & J. H. Smith Company, petitioner, *v.* Calumet Transit Company, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1051. The Hawgood & Avery Transit Company, petitioner, *v.* The Meaford Transportation Company; and

No. 1052. The Hawgood & Avery Transit Company, petitioner, *v.* Ella Williams, administratrix, etc. Petition for writs of certiorari to



the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1053. Independent Pneumatic Tool Company, petitioner, *v.* Burke Electric Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 149. Paine Lumber Company, Ltd., et al., appellants, *v.* Elbridge H. Neal, individually and as secretary, etc., et al.;

No. 168. Frank C. Stettler, plaintiff in error, *v.* Edwin V. O'Hara et al., etc.;

No. 169. Elmira Simpson, plaintiff in error, *v.* Edwin V. O'Hara et al., etc.;

No. 226. The City of Cincinnati, appellant, *v.* The Cincinnati & Hamilton Traction Company et al.;

No. 228. Franklin O. Bunting, plaintiff in error, *v.* The State of Oregon;

No. 271. Long Sault Development Company, plaintiff in error, *v.* Homer D. Call, etc.; and

No. 648. J. Sam Rowland et al., etc., appellants, *v.* Sidney E. Boyle, as administrator, etc., et al. Ordered that these cases be restored to the docket for reargument.

Order: It is ordered that rule 37 be amended by adding the following section:

4. In any case where the time for presenting a petition for certiorari is expressly limited by statute and where the court has adjourned for the term, the petition may be presented during such adjournment and within the period prescribed, by filing it, together with the printed record and briefs, in the office of the clerk, and such filing shall have the same effect as a presentation in open court.

Order: There having been an Associate Justice of this court appointed since the commencement of this term,

It is ordered that the following allotment be made of the Chief Justice and Associate Justices of this court among the circuits agreeably to the act of Congress in such case made and provided, and that such allotment be entered of record, viz:

For the first circuit, Oliver Wendell Holmes, Associate Justice.

For the second circuit, Louis D. Brandeis, Associate Justice.

For the third circuit, Mahlon Pitney, Associate Justice.

For the fourth circuit, Edward D. White, Chief Justice.

For the fifth circuit, Edward D. White, Chief Justice.

For the Sixth Circuit, William R. Day, Associate Justice.

For the Seventh Circuit, James C. McReynolds, Associate Justice.

For the Eighth Circuit, Willis Van Devanter, Associate Justice.

For the Ninth Circuit, Joseph McKenna, Associate Justice.

No. 611. James J. Abbott, appellant, *v.* James C. Brown, United States Marshal, etc.;

No. 666. The People of the State of New York *ex rel.* Walter S. Kennedy, etc., plaintiff in error, *v.* Frederick W. Becker, Sheriff, etc.; and

No. 682. The United States, plaintiff in error, *v.* Dennis Quiver. Leave granted to present petitions for rehearing herein within 60 days if counsel are so advised, on motion of Mr. Solicitor General Davis for the United States.

No. —. Miller Rubber Company et al., petitioners, *v.* Citizens Savings Bank, as trustee in bankruptcy, etc. Leave granted to withdraw motion to consider petition for writ of certiorari herein as presented, on motion of Mr. Edwin A. Krauthoff for the petitioners.

No. 453. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* James R. Gainey, jr., administrator, etc. Leave granted to present petition for rehearing herein within 30 days, on motion of Mr. George H. Lamar, in behalf of counsel for the defendant in error.

No. 300. Pacific Live Stock Company, appellant, *v.* John H. Lewis et al., etc. Leave granted to present petition for rehearing herein within 30 days, on motion of Mr. Evans Browne in behalf of counsel for the appellant.

No. 727. Charles Frank et al., appellants, *v.* Union Pacific Railroad Company et al. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Dismissed with costs, on motion of counsel for the appellants.

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The Attorney General addressed the court as follows: May it please your honors, for the second time within a year it has become my duty and sad privilege to present to you resolutions passed by the bar on the death of a member of this court.

Upon the former occasion I paid an inadequate tribute to one who had been a friend from my youth. It was not my privilege to come in intimate contact with the late Justice Lamar until a very few years before his death, and yet the feeling which moves me most is one of keen personal loss, a feeling that a great light has gone out, not merely one that illumined the legal shadows but one that warmed the hearts of men and made them kinder, nobler, and more charitable.

In recalling the personality of a really great man who has left us we do not see him as a combination of various intellectual and moral qualities. On the contrary, we remember him as the possessor of some one striking characteristic, which, like Saul, son of Kish, towered above its brethren and challenged the attention of all observers.

While Justice Lamar was a powerful advocate, a wise counselor, an able and just judge, a cultured gentleman, and a great citizen, his dominating characteristic was a peculiarly winning courtesy, a kindly consideration for all with whom he came in contact. He was born and bred among a people who have always cherished this quality, and yet in his case it was not the result of association and training. By a perfectly natural process he garnered the sunshine of life and dispensed it with a prodigal hand.

In contemplating a life like this you think of Hawthorne's tribute to the fragrant white water lily of the Concord River, of how he marveled at its capacity for absorbing only loveliness and perfume; and we reflect, as did the author, on how some persons assimilate only what is ugly and evil from the same moral circumstances which supply good and beautiful results—the fragrance of celestial flowers—to the daily lives of others.

The power to see, to appreciate, to absorb, and to express what is good comes from the heart, and this man, like Abou Ben Adhem, would have said to the angel with the golden book, "Write me as one that loves his fellow men."

I doubt not that it was because of this marked characteristic that Justice Lamar was selected by the President in the summer of 1914 from all the able men of the Nation, to represent the United States at the conference called by Argentina, Brazil, and Chile, to consider the delicate Mexican problem. Surely no more critical situation could have arisen to test to the utmost the best qualities of heart and mind. He approached its consideration carrying in his right hand "gentle peace to silence envious tongues," and no such mission was ever more successfully carried out.

Being a man of this type, and of strong intellect and wide learning, he naturally brought to the study of questions of abstract law a sympathetic interest and enthusiasm which made even the dry bones live again. He was never satisfied with his work while any possibility of further effort remained. Where others would have rested content, his ardent zeal for perfect accomplishment spurred him to continued labor. Accuracy, simplicity, and clearness of expression were his constant aim and his marked achievement.

In appraising the work of his professional brethren he was most generous. He took intense pleasure in the accomplishments of others, and often pronounced their work "well done" with genuine enthusiasm where he would have criticized it if his own.

Joseph Rucker Lamar was the son of Rev. James S. Lamar and Mary Rucker Lamar. His family was of Huguenot descent, the founder, Thomas Lamar, having settled in Maryland in 1663. His ancestors moved to Georgia in 1755 and have taken a prominent part in the public life of the State.

After attending preparatory schools in Georgia he matriculated at the State University in 1874, but before graduating entered Bethany College, W. Va., of which Dr. William King Pendleton, afterwards his father-in-law, was president. He graduated from this institution in 1877, and after studying law at Washington and Lee University was, on April 16, 1878, admitted to the bar in Augusta, Ga., where he opened an office and established his home. On January 30, 1879, he married Miss Clarinda Huntington Pendleton, who, with two sons, survives him.

The society of Augusta has always been cultured, and young Lamar was from early manhood one of the most charming of that delightful circle, and rapidly became one of the leading spirits in the social and civic life of the community.

From 1886 through 1889 Mr. Lamar represented Richmond County, in which Augusta is situated, in the Georgia Legislature. He was the author of some of the most important legislation of his State, notably the act regulating the exercise of the right of eminent domain and the laws governing voluntary assignments.

Shortly after ending his legislative services he was appointed one of the codifiers who revised and edited the Code of Georgia of 1895. His labors on this commission were most able and of great service to the State.

Meanwhile his practice had become wide and varied, and extended throughout Georgia and neighboring States. There were few cases of great magnitude in that section in which he was not employed.

On January 13, 1903, the governor appointed Mr. Lamar a justice of the Supreme Court of the State to fill a vacancy on that bench, and he was elected to the position in 1904. He resigned in the spring of 1905 and returned to the practice of law at Augusta.

He was the author of a number of historic and literary contributions, many of which are to be found in the printed volumes of the reports of the Georgia Bar Association, of which he was an active member.

Except while on the State bench, he served as a member of the board of law examiners for admission to the bar of Georgia from the organization of that institution until his appointment as a member of this court. He was chairman of this board from the spring of 1905 until his removal to Washington.

On December 12, 1910, he was nominated by President Taft to be an Associate Justice of the Supreme Court of the United States, was confirmed by the Senate on December 15, and took his seat on January 3, 1911.

His services on the bench of this court are well known. During the five years of its duration, he participated in the decisions of 1,179 cases, wrote the opinion of the court in 114 and the dissenting opinion in 8. His opinions are found in volumes 220 to 238, inclusive, of the United States Reports. His sound judgment, wide learning, and great clearness and facility of expression won for him the confidence and admiration of the bar and the public.

Perhaps the most important opinions rendered by Justice Lamar were in the cases of *United States v. Grimaud* (220 U. S. 506); *Gompers et al. v. Bucks Stove & Range Company* (221 U. S. 418); *United States v. Midwest Oil Company et al.* (236 U. S. 459); *United States v. Delaware, Lackawanna & Western Railroad Company and Delaware, Lackawanna & Western Coal Company* (238 U. S. 516).

In *United States v. Grimaud*, the Secretary of Agriculture had passed an order forbidding grazing on public lands without permits. The defendants were charged with violating this order and contended that the act of Congress making it an offense to disobey the regulation of the Secretary was unconstitutional in that it attempted to delegate legislative authority. The decision overrules this contention.

In the case of *Gompers et al. v. Bucks Stove & Range Company*, plaintiffs in error were charged with contempt in violating an injunction of the Supreme Court of the District of Columbia by publication of an "unfair" list. It was held that the publication was a contempt, but that the proceedings were not properly brought.

The case of *United States v. Midwest Oil Company et al.*, was brought to test the Government's right to oil lands valued at many millions of dollars, and involved the authority of the President to withdraw such lands from public entry. It was decided that the President had this authority.

*United States v. Delaware, Lackawanna & Western Railroad Company and the Delaware, Lackawanna & Western Coal Company* arose under the commodity clause of the act to regulate commerce and under the antitrust act. The railroad company at the time of the passage of the commodity clause was engaged in mining, buying, transporting, and selling anthracite coal. To divest itself of title before transportation began, it caused the coal company to be organized with stockholders and officers in common with itself. The railroad company then caused the output of its mines to be transferred to the coal company under a contract which placed the latter company largely, if not completely, within the power of the former.

The district court dismissed the petition. The Supreme Court reversed this decision, holding that by reason of having stockholders and officers in common and by reason further of the above-mentioned contract, the two companies were so united in ownership and management as to give the railroad company an interest in the coal of the coal company, and that, therefore, the transportation of such coal by the railroad company constituted a violation of the commodity clause. The court also held that the contract in question violated the antitrust act.

In 1911 Yale University, in recognition of his learning and ability, conferred on Justice Lamar the degree of doctor of laws.

He was active in many spheres of public work in the communities in which he lived, and in the Christian Church, of which he was a devoted member.

He died in this city on January 2, 1916, having just entered upon his fifty-ninth year. He was in the zenith of his powers and usefulness when seized with the fatal illness which terminated his life.

Such, in brief outline, is the skeleton of this man's character and life. It conveys no idea of his vivid personality. It faintly portrays his kindly nature and the loving service to country, family, and friends bereft.

Beyond their admiration for his talents and accomplishments will stand foremost with all privileged to know him their recollection of his warm, magnetic nature.

Strong, ardent, a man among men, a warrior in every battle for truth and right, always ready for every conflict which would advance the cause he espoused, he was one of whom it could with perfect truth be said:

His life was gentle, and the elements  
So mix'd in him, that Nature might stand up  
And say to all the world, "This was a man!"

#### RESOLUTIONS.

*Resolved*, That the members of the bar of the Supreme Court of the United States lament the untimely death of the late Joseph Rucker Lamar, Associate Justice of the Supreme Court of the United States, and record their appreciation of his learning, ability, and high character, the affectionate regard with which they now cherish his memory, and the great loss to the bench and the country occasioned by his death.

A native Georgian, he was born of an illustrious family, and by his life's work not only sustained the best traditions thereof but added lustre to the great name he bore. He was the second of the Georgia Lamars to win a place on the bench of the Supreme Court of the United States, the first being the late L. Q. C. Lamar, appointed from

the State of Mississippi. Each of these two Lamars brought to the court superb mental equipment, lofty ideals, intense Americanism and consecration to duty, and by the product of his labors more than vindicated the wisdom of his appointment.

Joseph Rucker Lamar was born October 14, 1857, and after a collegiate education came to the bar at 21 years of age. His entire life thereafter was one of devotion to the law, for he never knew any other field of labor.

As a practitioner at the bar he won renown and success, and, at a comparatively early age, easily ranked among the leaders of the bar of his State. As an antagonist he was always formidable, for he was always prepared, but he was also always delightful. His courtesy was disarming. He was always fair, and neither sought nor would he have any mean advantage.

In 1892 he was chosen as one of three commissioners to codify the laws of his State and the work he there did, resulting in the code of 1895, will ever stand as a monument to his discriminating judgment, to his industry, and to the thoroughness and completeness with which he performed each task assigned to him.

Prior to this work of codification he served for two terms as a member of the lower house of the General Assembly of Georgia, and to the legislative field he carried the training and habits of the lawyer, giving to his State, upon all public questions, the careful preparation, the thoughtful consideration, the sound advice and unswerving loyalty of attorney to client. He was always earnest, always sincere and never knew but one way to discharge any duty, and that way was to discharge it to the very best of his ability.

On January 13, 1903, he took his seat as an associate justice of the Supreme Court of the State of Georgia, and resigned therefrom in 1905 on account of his health and resumed the practice of law.

The fruits of this service were found in the affection and admiration for him of his associates on the bench, and of the bar of the State, and in strong virile opinions, classically expressed, which to-day, as then, enrich the permanent judicial literature of his State.

On December 12, 1910, he was appointed an associate justice of the Supreme Court of the United States. His appointment was shortly thereafter confirmed by the Senate, and on January 3, 1911, he took his seat on the bench. He died at his home in the city of Washington on January 2, 1916, not quite completing five years of service.

From the day upon which he entered this service he consecrated his life and all that was in him to the faithful performance of its duties. His application, his untiring research, his painstaking care and his patient labor were known to all who had dealings with the court.

Others have been and no doubt will be permitted to give more years of service to their country on this great bench than was he, but to

him was given the high privilege, by excessive and never-ending toil, to give his life. No man could give more.

Measured by time, his service was not long, but measured by results, a great service was completed. He served long enough to demonstrate his aptitude and fitness for the work, and long enough to leave upon the archives of his country the enduring impress of a great and just judge.

His life was one of devotion to American ideals. He was ever a student of his country's history, and no man was more familiar than he with the origin of the Government under which he lived or with the foundation principles upon which it rests. The extent and the limitations of its power were clearly defined in his mind, and full well he knew how liberty came and how only it can be preserved.

To the office of Associate Justice of the Supreme Court of the United States he brought the ability, the strength, the courage, and the patriotism to preserve our Republic as the fathers founded it, and all these he dedicated to that great end.

In May, 1914, he was invited by the President to serve as a special commissioner of the President, in connection with commissioners from certain South American countries, in the matter of mediation in the troubled affairs of our neighboring Republic of Mexico. With his habitual response to every call of duty he accepted the invitation and assumed the responsibilities thereby imposed. The commissioners so selected met with commissioners from Mexico at Niagara Falls soon after their appointment, and concluded their delicate and important labors in the month of July following, to the satisfaction of the several governments participating.

He was by nature kind and gentle, but beneath his kindliness of manner there was a fixedness of purpose and a courage of steel that knew no yielding. He was cautious and careful, but once the path of duty became clear he followed it to the end. He never faltered in the pursuit of truth.

The sweetness and gentleness of his nature, the charm of his personality, the readiness of his sympathy, were such that to know him was to love him. The same listening ear that as judge he gave to advocate he always kept attuned to hear the voice of humanity. He loved his fellows, and to him the breath of friendship was as incense. It sweetened, inspired, and strengthened his life.

In the rich fullness of his sympathetic heart, when he came to prepare his last will and testament, in 1899, he incorporated therein the following beautiful statement:

My friendships many and precious I leave to my family in the hope that they will be cherished and continued. I know of no enmities; but if such unhappily hereafter arise, let them be forgotten.



When the end came for him, it is precious to believe that there was still an absence of all enmities and that he went out into the great beyond leaving behind him a world of friends only. What more priceless heritage could he have bequeathed?

*Resolved*, That the Attorney General be asked to present these resolutions to the court, with the request that they be entered upon the records and that the chairman of this meeting be directed to forward a copy of them to the family of the late Justice Lamar, accompanied by an expression of our profound sympathy for them in their overwhelming bereavement.

The Chief Justice responded:

Mr. Attorney General, there is nothing to be added to the beautiful tribute which the resolutions of the bar, so appreciatively by you presented, pay to the memory of Mr. Justice Lamar. As I grasp their ultimate significance they are intended principally to express the appreciation by his brethren of the bar of his fealty to the noble ideals of the profession and of the honor which his life and work have reflected on that profession. In fact, while expressing the profound regret which the death of Mr. Justice Lamar has occasioned, as I understand the resolutions, they seek not simply to express that regret but rather, as it were, to lay the foundations in the permanent records of this court of a monument to his memory which shall continue to speak of his great moral and mental qualities, of his courageous and conscientious discharge of judicial duty, long after we ourselves shall have gone.

Admirable as are these aims of the resolutions, I find it difficult to completely adjust myself to them. Ah, how can it be otherwise, since at the very mention of the death of our brother Lamar all sense of exultation or pride at the high ideals to which his life conformed fades out of my thoughts and there remains only the sense of personal sorrow at the loss occasioned by the severance of those ties which were so cherished and by which his brethren were bound to him—a sorrow whose depth can not be fully fathomed without the knowledge begotten by association in judicial work of the attributes of his nature, so gentle, so true, so faithful, so brave, so generous, so devoted! But controlling personal feelings, let me endeavor to bring myself into harmonious relations with the purposes of the resolutions by making some few suggestions as to impressions made upon me by his work on this bench and pointing out the dominant intellectual influences which, in my opinion, formed and controlled his abstract conceptions as to some important questions, and which consequently tended to shape the conclusions which he reached in the discharge of his duties concerning such questions.

Too young to have been a participant in the Civil War, he was yet old enough to have appreciated the anguish of that appalling conflict, the multitude of noble lives on both sides which were forever stilled, the homes made desolate, the fields wasted, and the blight of a destroyed society and of nearly all prosperity which came, at least, in one section, as a result of that struggle—impressions which in the very nature of things indelibly stamped upon his developing life the dread consequences which necessarily would follow in the wake of a disintegrated union and a destroyed national life. He was, moreover, old enough to have understood and appreciated the anguish, more appalling than the calamity of the war, of the period which followed in its wake, and thus to have also impressed upon his nature beyond the possibility of forgetfulness the destruction of individual right which would arise from reducing the States to mere dependent vassals deprived of local autonomy and to be governed from afar by a centralized government, whether of executive power or of bureaucratic authority. Thus indubitably, my belief is, it resulted that when by training his mind came to explore the sources of our constitutional life, his opinions came to be composite; that is, in his mind there resulted, as it were, a fusion of State and National power, united but not destroyed, both cooperating to the perpetuation of the other. In other words, his opinions came by a natural process to embody the very concepts upon which our institutions must rest.

Reared virtually in the atmosphere of an agricultural community, when by the force of his ability he came in later life to consider a wider range—that is, the relation to each other of diverse and seemingly conflicting activities and the possibility of coordinating and preserving them all—it also seems to me clear that the process which had shaped his convictions as to our constitutional government came to mold his opinions on the subjects just stated. In other words, he came fully to appreciate that to assume a society resting solely upon the pursuit of agriculture and which would be confined to that relation was a negation of the existence of society itself, which in its very essence embodies the complex resultants of all the activities of human life, giving rise to the corresponding duty to harmonize and adjust them to each other so that they all might live and develop for the blessing and advancement of mankind.

In practice it may be said that these ultimate convictions were applied by Mr. Justice Lamar in his discharge of judicial duty in a threefold aspect: First, the relation of the activities of individuals and their results to each other; second, the relation between the power of the States and that of the Nation; and, third, the obligation and effect of the limitations imposed upon all government as the con-

sequence of those great guarantees in favor of individual right forming an inherent part of our constitutional system. As to the first, it is enough to say that the opinions expressed by Mr. Justice Lamar in the performance of his duties here afford apt examples of the keenness of his appreciation of the duty to adjust between conflicting activities so as to preserve the rights of all by protecting the rights of each. As to the second, intensely local as were his affections and his ties, nothing is more clearly portrayed by his work on this bench than the broad conception which he entertained of the duty to uphold and sustain the authority of the Union as to the subjects coming within the legitimate scope of its power as conferred by the Constitution. As to the third, no demonstration could be more complete than that afforded by his work of the fixed opinion on his part as to the duty to uphold and perpetuate the great guarantees of individual freedom as declared by the Constitution, to the end that the freedom of all might not pass away forever. Convinced as he was from his study of the sources of our constitutional institutions that their enjoyment was dependent upon the limitations in favor of individual right which the Constitution expressed, and that such limitations were essential to secure us from the anguish and turmoil and tyranny and the disappearance of freedom which had always resulted where such guarantees did not exist or were not adhered to, he had come to feel that for the purpose of their preservation he was but a trustee for the millions who were to come. His mind was too penetrating to listen for a moment to the suggestion that freedom would be secured by destroying principles which were essential to its preservation or that wrong would result unless truths which were eternal were violated. Thus controlled, his work on this bench leaves no room to doubt that no thought of mere expediency, no mere conviction concerning economic problems, no belief that the guarantees were becoming obsolete or that their enforcement would incur popular odium ever swayed his unalterable conviction and irrevocable purpose to uphold and protect the great guarantees with every faculty which he possessed. In considering such questions there shone ever in his heart the light of Georgia firesides and the great duty he owed to those firesides, indeed, to every individual, not only in Georgia but elsewhere, to see to it that by no act of his did the inherent principles of individual freedom guaranteed by the Constitution fail to receive enforcement or their efficacy become impaired by misconception or misrepresentation.

O true American and devoted public servant, O cherished friend and faithful comrade, O sweet and noble soul, may it be vouchsafed that the results of your work may endure and fructify for the preser-

vation of the rights of mankind, and may there be given to us who remain, wiping from our eyes the mists begotten by your loss, to see that through the mercy of the inscrutable providence of God you have been called to rest and to your exceeding reward!

Let the resolutions be recorded.

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*Order.* It is now here ordered by the court that all the cases on the docket not decided and all the other business of the term not disposed of be, and the same are hereby, continued to the next term.

Adjourned to the time and place appointed by law.

