

## SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 9, 1916.

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

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The Chief Justice said:

“On the 24th of July last the Honorable John H. Clarke, district judge of the United States for the Northern District of Ohio, was appointed an Associate Justice of this court to fill the vacancy caused by the resignation of Mr. Justice Hughes, and on the 1st day of August the oath of office required by section 1756 of the Revised Statutes was administered to Judge Clarke by the Chief Justice. Mr. Justice Clarke is now present and ready to take his seat. The clerk will read the commission and will then administer to Mr. Justice Clarke the oath pointed out by section 257 of the Judicial Code.”

The clerk then read the commission, and Mr. Justice Clarke took the judicial oath and was escorted by the marshal to his seat on the bench.

The Chief Justice also announced that as the President of the United States was absent from the city the usual visit to him would not be made, and that the court would receive motions for admission to the bar and other motions noticed for to-day and which were ready for submission, and that the call of the docket would commence to-morrow pursuant to the twenty-sixth rule.

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George J. Danforth, of Sioux Falls, S. Dak.; William Smith Rial, of Greensburg, Pa.; Charles C. Le Forgee, of Decatur, Ill.; Berkeley Pearce, of Cleveland, Ohio; Thomas H. Bushnell, of Cleveland, Ohio; David Wallerstein, of Philadelphia, Pa.; Julian A. Gregory, of New York City; Walter L. Welborn, of Roanoke, Va.; Charles Woodbury Arth, of Washington, D. C.; Beverley R. Jouett, of Winchester, Ky.; Edward V. Sumerwell, of New York City; Ray Rush-ton, of Montgomery, Ala.; Benjamin P. Crum, of Montgomery, Ala.;

J. Edward Thomas, of Washington, D. C.; Leon P. Lewis, of Louisville, Ky.; Henry J. Killilea, of Milwaukee, Wis.; Dulany Mahan, of Hannibal, Mo.; Edward P. Moulinier, of Cincinnati, Ohio; William R. Collins, of Cincinnati, Ohio; C. Chester Caywood, of Washington, D. C.; Albert M. Calland, of Columbus, Ohio; Green H. Hackworth, of Washington, D. C.; Edwin Allan Swingle, of Washington, D. C.; Myer Nussbaum, of New York City; John Granville Meyers, of New York City; T. Clay Lindsey, of Washington, D. C.; Louis G. Ackman, of Oakland, Cal.; Mark L. Burns, of Sacramento, Cal.; Roane Waring, of Memphis, Tenn.; Ike W. Crabtree, of Memphis, Tenn.; William D. Funk, of Bloomfield, Nebr.; and W. C. Bibb, of Louisa, Va., were admitted to practice.

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No. 139. F. Drew Caminetti, petitioner, *v.* The United States;

No. 163. Maury I. Diggs, petitioner, *v.* The United States; and

No. 464. L. T. Hays, petitioner, *v.* The United States. Motion to pass submitted by Mr. Solicitor General Davis for the United States.

No. 286. Fred von Baumbach, collector of internal revenue, petitioner, *v.* Sargent Land Company;

No. 287. Fred von Baumbach, collector of internal revenue, petitioner, *v.* Sutton Land Company; and

No. 288. Fred von Baumbach, collector of internal revenue, petitioner, *v.* Kearsarge Land Company. Motion to pass submitted by Mr. Solicitor General Davis for the petitioner.

No. 309. John Z. Lowe, jr., collector of internal revenue, plaintiff in error, *v.* Samuel T. Hubbard et al. In error to the District Court of the United States for the Southern District of New York. Dismissed with costs, on motion of Mr. Solicitor General Davis for the plaintiff in error.

No. 388. John Z. Lowe, jr., collector of United States internal revenue, etc., plaintiff in error, *v.* Stephen M. Weld et al. In error to the District Court of the United States for the Southern District of New York. Dismissed with costs, on motion of Mr. Solicitor General Davis for the plaintiff in error.

No. 481. The United States of America, appellant, *v.* The United States Steel Corporation et al. Motion to advance submitted by Mr. Solicitor General Davis for the appellant.

No. 540. Louisville Bridge Company, appellant, *v.* The United States. Motion to advance submitted by Mr. Solicitor General Davis for the appellee.

No. —, Original. State of North Dakota, complainant, *v.* State of Minnesota. Motion for leave to file bill of complaint submitted by Mr. M. H. Boutelle for the complainant.

No. —, Original. State of South Dakota, complainant, *v.* State of Minnesota. Motion for leave to file bill of complaint submitted by Mr. M. H. Boutelle for the complainant.

No. 211. Erie Railroad Company, plaintiff in error, *v.* Byron B. Marietta. Death of Byron B. Marietta, the defendant in error herein, suggested, and the appearance of Evelyn J. Purucker, administratrix, as the party defendant in error herein, filed and entered on motion of Mr. N. M. Wolfe in behalf of counsel for the defendant in error.

No. 438. Harry T. Hall, superintendent of banks and banking of the State of Ohio, appellant, *v.* The Geiger-Jones Company;

No. 439. Harry T. Hall, superintendent of banks and banking of the State of Ohio, appellant, *v.* Don C. Coultrap; and

No. 440. Harry T. Hall, superintendent of banks and banking of the State of Ohio, et al., appellants, *v.* William R. Rose et al. Motion for leave to file brief herein as amicus curiæ granted on motion of Mr. Robert R. Reed in that behalf.

No. 713. The Savings Bank of Danbury, Conn., plaintiff in error, *v.* Dietrich E. Loewe, as surviving partner, etc. Motion to advance submitted by Mr. Daniel Davenport for the defendant in error.

No. 541. Wellsville Oil Company, plaintiff in error, *v.* Martha Miller et al. Motion to dismiss or affirm or place on the summary docket submitted by Mr. Robert J. Boone for the defendants in error in support of the motion, and by Mr. James A. Veasey and Mr. Jere P. O'Meara for the plaintiff in error in opposition thereto.

No. 512. John Gund Brewing Company, appellant, *v.* The Great Northern Railway Company et al. Motion to advance submitted by Mr. Levi Cooke for the appellant.

No. 639. Mrs. Laura L. Bunch, petitioner, *v.* J. S. Maloney, as trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Levi Cooke, in behalf of Mr. W. E. Hemingway, Mr. G. B. Rose, Mr. J. F. Loughborough, and Mr. V. M. Miles for the petitioner, and by Mr. J. M. Moore for the respondent.

No. 1, Original. The State of Georgia, complainant, *v.* Tennessee Copper Company et al. Motion for leave to file stipulation and agreement as to further proceedings herein and as to continuance of cause as to defendant Tennessee Copper Company submitted by Mr. Arthur G. Powell for Tennessee Copper Company.

No. 614. The Sturm & Dillard Company, petitioner, *v.* Mike Merko. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Edwin Allan Swingle in behalf of Mr. Edward S. Jouett for the petitioner.

No. 574. Silver King Coalition Mines Company, petitioner, *v.* Conkling Mining Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Curtis H. Lindley, Mr. William Howard Dickson, Mr. Thomas Marioneaux, and Mr. A. C. Ellis, jr., for the petitioner, and by Mr. Edward B. Critchlow, Mr. W. D. McHugh, and Mr. William H. King for the respondent.

No. ——. Original. *Ex parte* in the matter of Clair D. Vallette and Alfred B. Quinton, petitioners. Motion for leave to file petition for a hearing on an application for leave to bring a bill of complaint in the name of The United States against The State of Florida, submitted by Mr. Alfred B. Quinton and Mr. Clair D. Vallette for the petitioners.

No. 673. Florence C. Dinwiddie et al., petitioners, *v.* Nathan Hazel Metzger et al., executors, etc., et al. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. C. F. R. Ogilby, Mr. Stanton C. Peelle, and Mr. A. A. Hoehling, jr., for the petitioners, and by Mr. Victor H. Wallace and Mr. J. J. Darlington for the respondent.

No. 642. Illinois Central Railroad Company, appellant, *v.* Robert L. Greene et al., etc., et al.;

No. 643. Robert L. Greene et al., etc., et al., appellants, *v.* Illinois Central Railroad Company;

No. 644. Illinois Central Railroad Company, appellant, *v.* Robert L. Greene et al., etc., et al.;

No. 645. Robert L. Greene et al., etc., et al., appellants, *v.* Illinois Central Railroad Company. Motion to advance submitted by Mr. W. W. Millan in behalf of counsel.

No. 671. David Clement, as administrator, etc., petitioner, *v.* Chicago, Milwaukee & St. Paul Ry. Co. et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Ernest Knaebel in behalf of Mr. Burton K. Wheeler and Mr. H. Lowndes Maury for the petitioner.

No. 606. H. Snowden Marshall, appellant, *v.* Robert B. Gordon, Sergeant at Arms of the House of Representatives. Motion to advance submitted by Mr. Henry M. Goldfogle for the appellee.

No. 674. Atlas Portland Cement Company, petitioner, *v.* Fred W. Hagen. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. George A. Mahan and Mr. Dulany Mahan for the petitioner, and by Mr. Elliott W. Major for the respondent.

No. 511. United Drug Company, petitioner, *v.* Theodore Rectanus Company. Petition for a writ of certiorari to the United States

Circuit Court of Appeals for the Sixth Circuit submitted by Mr. F. B. Fox in behalf of Mr. Frederick L. Emery for the petitioner.

No. 666. The Gilchrist Company, petitioner, *v.* Erie Specialty Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Charles E. Riordan for the petitioner and by Mr. J. C. Sturgeon for the respondent.

No. 704. Keystone Coal & Coke Company, petitioner, *v.* Michael Fekete (substituted for Charles Yarmy), administrator, etc.;

No. 705. Keystone Coal & Coke Company, petitioner, *v.* Frank Thry (substituted for Charles Yarmy), as administrator, etc.;

No. 706. Keystone Coal & Coke Company, petitioner, *v.* Anna Helmlinger (substituted for Charles Yarmy), as administratrix, etc.; and

No. 707. Keystone Coal & Coke Company, petitioner, *v.* Adam Muller. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Berkeley Pearce, Mr. William S. Rial, and Mr. James S. Moorhead for the petitioner and by Mr. George H. Eichelberger for the respondent.

No. 374. Jesse Isidor Straus et al., etc., petitioners, *v.* Victor Talking Machine Company. Motion to advance submitted by Mr. Edmond E. Wise for the petitioners.

No. 665. Supreme Council of the Royal Arcanum, petitioner, *v.* Sue B. Behrend. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Philip Walker and Mr. Howard C. Wiggins for the petitioner and by Mr. W. Gwynn Gardiner for the respondent.

No. 708. F. F. Slocomb & Company (Inc.), petitioner, *v.* A. C. Layman Machine Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. E. Hayward Fairbanks for the petitioner and by Mr. William Steell Jackson and Mr. Charles Howson for the respondent.

No. 184 of October term, 1915. Isidor Straus et al, trading as R. H. Macy & Company, petitioners, *v.* Notaseme Hosiery Company. Motion to reform decree submitted by Mr. E. Hayward Fairbanks for the respondent in support of the motion and by Mr. Edmund E. Wise for the petitioner in opposition thereto.

No. 52. Ida A. Van Dyke et al, appellants, *v.* W. Paul Geary et al, members of the Corporation Commission of Arizona et al. Motion to pass submitted by Mr. William C. Prentiss for the appellants.

No. 619. Don Lacy, as liquidating agent of The Oklahoma City National Bank, plaintiff in error, *v.* Mollie Ezzard. Motion to extend time in which to file statement of points and designation of parts of

record to be printed submitted by Mr. E. A. Chase in behalf of counsel for the plaintiff in error.

No. 506. John J. Meyers et al, petitioners, *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. Edward K. Sumerwell and Mr. Gilbert D. Lamb for the petitioners and by Mr. Solicitor General Davis for the respondent.

No. 518. Montgomery Traction Company, petitioner, *v.* Montgomery Light & Water Power Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Ray Rushton and Mr. Gregory L. Smith for the petitioner and by Mr. R. E. Steiner, Mr. John R. Tyson, and Mr. Benjamin P. Crum for the respondent.

No. 13. Mountain Timber Company, plaintiff in error, *v.* The State of Washington. Leave granted to file opinion of the Supreme Court of the State of Washington rendered since this case was argued and submitted, on motion of counsel for all the parties.

No. 691. The State of Ohio, petitioner, *v.* Aaron A. Ferris, receiver, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Edward C. Turner and Mr. Clarence D. Laylin for the petitioner and by Mr. Aaron A. Ferris for the respondent.

No. 426. Southern Pacific Company et al, plaintiffs in error, *v.* Darnell-Taenzer Lumber Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. E. W. Hines in behalf of Mr. Charles N. Burch and Mr. H. D. Minor for the plaintiffs in error in support of the petition. Leave granted to file brief in opposition to the petition within three days on motion of Mr. Francis B. James for the defendant in error.

Motion to dismiss or affirm submitted by Mr. Francis B. James and Mr. Allen Hughes for the defendant in error in support of the motion, and by Mr. Charles N. Burch, Mr. H. D. Minor, Mr. Fred H. Wood, Mr. Robert Dunlap, Mr. T. J. Norton, Mr. Blewett Lee, and Mr. H. A. Scandrett for the plaintiffs in error in opposition thereto.

No. 678. W. A. Gage & Company et al., petitioners, *v.* Robert Wilson (successor to J. W. Brown), as trustee etc.;

No. 702. Commercial Trust & Savings Bank et al., petitioners, *v.* Robert Wilson (successor to J. W. Brown) as trustee, etc.; and

No. 703. Interstate Banking & Trust Company, petitioner, *v.* Robert Wilson (successar to J. W. Brown), as trustee, etc. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Walter P. Armstrong for the petitioners in No. 678, by Mr. H. J. Livingston, Mr. William P.

Metcalf, and Mr. William H. Fitzhugh for the petitioners in No. 702, and by Mr. Roan Waring, Mr. Luke E. Wright, and Mr. J. W. Cutrer for the petitioner in No. 703, and by Mr. Ike W. Crabtree for the respondent.

No. 693. The Town of Newbern et al., petitioners, *v.* National Bank of Barnesville, Ohio. Petition for a writ of certiorati to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Roan Waring in behalf of Mr. Marion G. Evans for the petitioners, and by Mr. William R. Collins for the respondent.

No. 622. Memphis Street Railway Company, petitioner, *v.* J. W. Bobo, as administrator, etc.; and

No. 623. Memphis Street Railway Company, petitioner, *v.* S. C. Moore, administrator, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Roan Waring and Mr. Luke E. Wright for the petitioner, and by Mr. Caruthers Ewing and Mr. Ike W. Crabtree for the respondents.

No. 477. The Arizona Copper Company, Limited, plaintiff in error, *v.* Joseph B. Hammer; and

No. 478. The Arizona Copper Company, Ltd., plaintiff in error, *v.* Richard Bray. Motions to dismiss or affirm submitted by Mr. Frederick S. Tyler in behalf of Mr. Frank H. Hereford for the defendants in error in support of the motions, and by Mr. William C. McFarland and Mr. John A. Garver for the plaintiff in error in opposition thereto.

No. 55. P. J. Hamill, plaintiff in error, *v.* The Joseph Schlitz Brewing Company. Motion to pass submitted by Mr. Frederick S. Tyler in behalf of counsel for the plaintiff in error.

No. 67. The Hart Steel Company et al., petitioners, *v.* The Railroad Supply Company; and

No. 95. The Railroad Supply Company, petitioner, *v.* Elyria Iron & Steel Company. Motion to pass submitted by Mr. Taylor E. Brown for the respondent in No. 67 and for the petitioner in No. 95.

No. 493. P. L. Crane, appellant, *v.* Hiram W. Johnson, governor, etc., et al.; and

No. 494. Kate P. McNaughton, appellant, *v.* Hiram W. Johnson, governor, etc., et al. Motions to advance submitted by Mr. Tom L. Johnson for the appellants.

No. 361. Emilio Valdez, plaintiff in error, *v.* The United States. Motion to reassign submitted by C. B. Ellis in behalf of counsel for the plaintiff in error.

No. 670. The Spring Garden Insurance Company of Philadelphia, Pa., petitioner, *v.* T. Gilbert Wood, etc., et al. Petition for writ of

certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. George Bryan and Mr. Gustavus Remak, jr., for the petitioner, and by Mr. Fred Harper for the respondent.

No. 334. Gulf, Colorado & Sante Fe Railway Company, plaintiff in error, *v.* Texas Packing Company et al. Motion to affirm submitted by Mr. W. O. Cox for the defendants in error in support of the motion, and by Mr. Gardiner Lathrop, Mr. J. W. Terry, Mr. A. H. Culwell, Mr. Alexander Britton, and Mr. Evans Browne for the plaintiff in error in opposition thereto.

No. 675. Grinnell Washing Machine Company, petitioner, *v.* E. E. Johnson Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Melville D. Church in behalf of Mr. Charles C. Linthicum and Mr. Melville Church for the petitioner, and by Mr. Taylor E. Brown and Mr. Clarence E. Mehlhope for the respondent.

No. 570. The T. H. Symington Company, petitioner, *v.* The National Malleable Casting Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Melville D. Church in behalf of Mr. Melville Church and Mr. Gilbert P. Ritter for the petitioner.

No. 592. William L. Taylor et al., petitioners, *v.* Charles H. Kimberle, trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Harris F. Williams for the petitioner, and by Mr. Clyde W. Ketcham for the respondent.

No. 648. Daisy M. Linkous, administratrix, etc., petitioner, *v.* The Virginian Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Walter L. Welborn and Mr. W. J. Henson for the petitioner, and by Mr. Walter H. Taylor for the respondent.

Petition for leave to proceed herein in forma pauperis submitted by Mr. Walter L. Welborn for the petitioner.

No. 687. Frank Ledvinka, petitioner, *v.* The United States;

No. 688. James Oates, petitioner, *v.* The United States;

No. 689. Hiram Stephens, petitioner, *v.* The United States; and

No. 690. Fanny Sullens, petitioner, *v.* The United States. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Alton B. Parker and Mr. John C. Palmer, jr., for the petitioners.

No. 638. Inter-Island Steam Navigation Company, Ltd., plaintiff in error, *v.* George E. Ward. Motion to dismiss or affirm submitted

by Mr. Alexander Britton in behalf of Mr. E. A. Douthitt for the defendant in error in support of the motion, and by Mr. William O. Smith for the plaintiff in error in opposition thereto.

No. 579. Chicago Title & Trust Company, trustee, etc., petitioner, *v.* Fred J. Zuttermeister. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. George A. King in behalf of Mr. Charles L. Bartlett and Mr. George Gillette for the petitioner, and by Mr. Harry C. Kinne for the respondent.

No. 5, Original. The State of Minnesota, complainant, *v.* The State of Wisconsin. Dismissed on motion of Mr. Lyndon A. Smith for the complainant.

No. —, Original. The State of Minnesota, complainant, *v.* The State of Wisconsin. Motion for leave to file bill of complaint herein submitted by Mr. Lyndon A. Smith for the complainant.

No. 99. Henry H. Kryger, plaintiff in error, *v.* Edward H. Wilson. Suggestion of death of Edward H. Wilson and appearance of Ida S. Wilson and J. E. Davis, administrators, as the parties defendant in error herein, filed and entered on motion of Mr. Lyndon A. Smith in behalf of counsel.

No. 669. John H. Friederichsen, petitioner, *v.* G. H. Renard, as executor, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. W. C. Bibb in behalf of Mr. William V. Allen for the petitioner, and by Mr. R. E. Evans and Mr. William D. Funk for the respondent.

No. 513. Lehigh Valley Railroad Company, petitioner, *v.* Carl Kilmer;

No. 514. Lehigh Valley Railroad Company, petitioner, *v.* Edgar A. Emens, as executor, etc.; and

No. 515. Lehigh Valley Railroad Company, petitioner, *v.* Edgar A. Emens, as executor, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Frederick M. Pelzman, Mr. Daniel W. Baker, and Mr. David Wiener for the petitioner, and by Mr. Walter W. Magee for the respondent.

No. 583. William W. Crawford, trustee, petitioner, *v.* Washington Northern Railroad Company et al. 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, and by Mr. Zera Snow and Mr. Wallace McCamant for the respondents.

No. 380. Louisville & Nashville Railroad Company, appellant, *v.* Western Union Telegraph Company. Motion to advance submitted by Mr. John K. Graves in behalf of counsel for the appellant.

No. 617. Robert L. Greene, auditor, et al., etc., et al., appellants, *v.* Louisville & Interurban Railroad Company; and

No. 618. Robert L. Greene, auditor, et al., etc., et al., appellant, *v.* Louisville Railway Company. Motion to consolidate and advance submitted by Mr. John K. Graves in behalf of counsel.

No. 588. Aimee L. Hanson, petitioner, *v.* Walter L. Hanson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Frederic D. McKenney and Mr. Nash Rockwood for the petitioner, and by Mr. Ralph S. Rounds for the respondent.

No. 640. Beverly R. Robinson, as trustee, etc., petitioner, *v.* Charles F. Roe. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Frederic D. McKenney in behalf of Mr. Walter C. Noyes and Mr. B. W. B. Brown for the petitioner, and by Mr. Henry W. Taft for the respondent.

No. 30. Chicago & Alton Railroad Company, appellant, *v.* The United States; and

No. 58. The Yazoo & Mississippi Valley Railroad Company, appellant, *v.* The United States. Leave granted to Mr. Harvey M. Friend to file a brief herein as *amicus curiæ*.

No. 507. John G. Christopher et al., plaintiffs in error, *v.* Jane Mungen et al. Motion to dismiss or affirm submitted by Mr. Nathan P. Bryan and Mr. J. T. G. Crawford for the defendants in error in support of the motion, and by Mr. George C. Bedell for the plaintiffs in error in opposition thereto.

No. 137. The Atchison, Topeka & Santa Fe Railway Company, plaintiff in error, *v.* The State of Kansas ex rel. S. M. Brewster, attorney general, etc., et al. In error to the Supreme Court of the State of Kansas. Dismissed with costs, on authority of counsel for the plaintiff in error.

No. 199. Terre Haute, Indianapolis & Eastern Traction Company, plaintiff in error, *v.* Elmira C. Weddle, administratrix, etc. In error to the Supreme Court of the State of Indiana. Dismissed with costs, on motion of counsel for the plaintiff in error.

Nos. 224 and 225. Florida East Coast Railway Company, plaintiff in error, *v.* The State of Florida ex rel. R. Hudson Burr et al., etc. In error to the Supreme Court of the State of Florida. Dismissed with costs on motion of counsel for plaintiff in error.

No. 238. Walter Bowen & Company, Inc., plaintiff in error, *v.* The State of Washington. In error to the Supreme Court of the State of Washington. Dismissed per stipulation.

No. 261. S. B. Hovey et al., receivers, etc., plaintiffs in error, *v.* Fayette Tankersley. In error to the Court of Civil Appeals of the Third Supreme Judicial District of the State of Texas. Dismissed with costs, on motion of counsel for the plaintiffs in error.

No. 352. Serapion Cribbe et al., appellants, *v.* R. E. Manly et al. Appeal from the Supreme Court of the Philippine Islands. Dismissed with costs, on motion of counsel for the appellant.

No. 448. John Grant Lyman, appellant, *v.* Thomas D. McCarthy, marshal, etc. Appeal from the District Court of the United States for the Southern District of New York. Dismissed with costs, on motion of counsel for the appellant.

No. 517. St. Louis Southwestern Railway Company, plaintiff in error, *v.* W. C. Ellenwood. In error to the Supreme Court of the State of Arkansas. Dismissed with costs, on motion of counsel for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 10, will be as follows: Nos. 142 (and 143), 361, 324 (and 339), 202 (to 207), 69, 290, 438 (and 439 and 440), 139 (and 163 and 464), 212, 286 (and 287 and 288), 372, 340 (and 341), 452, 386, 413, 457, and 412.

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 10, 1916.

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

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Edward N. Huggins, of Columbus, Ohio; Andrew M. McCarty, of Canton, Ohio; Charles Edward Miller, of Jersey City, N. J.; Louis E. Hart, of Chicago, Ill.; and Frank W. Wheaton, of Wilkes-Barre, Pa., were admitted to practice.

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The Chief Justice announced the following order of the court:  
 No. 139. F. Drew Caminetti, petitioner, *v.* The United States;  
 No. 163. Maury I. Diggs, petitioner, *v.* The United States;  
 No. 464. L. T. Hays, petitioner, *v.* The United States;  
 No. 286. Fred von Baumbach, collector, etc., petitioner, *v.* Sargent Land Company;  
 No. 287. Fred von Baumbach, collector, etc., petitioner, *v.* Sutton Land Company;  
 No. 288. Fred von Baumbach, collector, etc., petitioner, *v.* Kear-sarge Land Company;  
 No. 361. Emilio Valdez, plaintiff in error, *v.* The United States;  
 No. 52. Ida A. Van Dyke et al., appellants, *v.* W. Paul Geary et al., etc., et al.; and  
 No. 55. P. J. Hamill, plaintiff in error, *v.* The Joseph Schlitz Brewing Company. Motions to pass these cases severally granted.

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The Chief Justice also announced the following order of the court:  
 It is ordered that the letter of resignation of the reporter of this court, Charles Henry Butler, Esq., and the response of the court thereto be entered upon the minutes of the court as follows, to wit:

WASHINGTON, D. C., *October 5, 1916.*

TO THE CHIEF JUSTICE AND ASSOCIATED JUSTICES OF THE SUPREME COURT OF THE UNITED STATES:

I hereby tender my resignation as reporter of this court, to take effect on the appointment of my successor.

I cannot do this without thanking you for the kindness and consideration which I have received from all the members of the court during the 14 terms I have had the honor of reporting their decisions.

Very respectfully, your obedient servant,

CHAS. H. BUTLER.

SUPREME COURT OF THE UNITED STATES,

*October 9, 1916.*

DEAR SIR: In informing you of the acceptance of your resignation, we desire to convey our abiding sense of the courtesy and consideration which you have so uniformly manifested during the many years in which you have been reporter, and our appreciation of the zealous purpose to discharge fully your duty which has controlled you during that long period.

We can not refrain from hoping that the enlarged field of professional endeavor, the desire to enter upon which has caused you to sever your official relations with the court, may prove as fruitful in good results as you expect it to be, and that you may enjoy a long, happy, and useful life.

Very truly, yours,

EDWARD D. WHITE.  
JOSEPH MCKENNA.  
OLIVER WENDELL HOLMES.  
WILLIAM R. DAY.  
WILLIS VAN DEVANTER.  
MAHLON PITNEY.  
J. C. McREYNOLDS.  
LOUIS D. BRANDEIS.  
JOHN H. CLARKE.

CHARLES HENRY BUTLER, Esq.

And it is further ordered that Mr. Ernest Knaebel, of Colorado, be, and he is hereby, appointed reporter of this court in the place of Charles Henry Butler, Esq., resigned, and is charged with the duty of reporting the decisions of the present term from its commencement.

No. 566. The Miller Rubber Company et al., petitioners, *v.* Citizens Trust & Savings Bank, as trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. John W. Davis, in behalf of Mr. Edwin A. Krauthoff, and Mr. Winfield Scott Bixler for the petitioners, and by Mr. Henry S. Van Dyke for the respondent.

No. 764, of October term, 1915. Cynthia Lindsay, petitioner, *v.* Chicago, Burlington & Quincy Railroad Company. Motion for leave to present petition for rehearing and petition for rehearing submitted by Mr. A. B. Quinton in behalf of counsel for the petitioner.

No. 694. Charles W. Parker et al., petitioners, *v.* Edgar W. Ross, guardian, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Louis E. Hart and Mr. John R. Montgomery for the petitioners, and by Mr. Harrison Musgrave and Mr. W. S. Oppenheim for the respondent.

No. 48. The Enterprise Irrigation District et al., plaintiffs in error, *v.* The Tri-State Land Company et al. Passed temporarily, on motion of Mr. Ernest Knaebel in behalf of counsel.

Nos. 142 and 143. Manufacturers Railway Company et al., appellants, *v.* The United States et al. Reassigned for argument on Monday, January 8, 1917, on motion of Mr. Sidney F. Andrews for the appellants.

No. 457. Beekman Winthrop et al., appellants, *v.* Grant Fellows, as attorney general of the State of Michigan, et al. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. John A. Kratz, jr., in behalf of counsel.

No. 484. The Missouri, Kansas & Texas Railway Company of Texas et al., plaintiffs in error, *v.* Mrs. Emma A. Cassiday, administratrix, etc. Motion to dismiss or affirm submitted by Mr. H. L. Stuart for the defendant in error in support of the motion, and by Mr. Joseph M. Bryson and Mr. Alexander Britton for the plaintiffs in error in opposition thereto.

No. 324. The United States of America, appellant, *v.* Reading Company et al.; and

No. 339. Reading Company et al., appellants, *v.* The United States of America. Three hours on each side allowed in the argument, on motion of Mr. Solicitor General Davis for The United States. Argument commenced by Mr. Assistant to the Attorney General Todd for The United States, continued by Mr. Jackson E. Reynolds for the Reading Company, and by Mr. Robert W. DeForest for the Central Railroad Company of New Jersey.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 11, will be as follows: Nos. 324 (and 339), 202 (to 207), 69, 290, 438 (and 439 and 440), 212, 372, 340 (and 341), 452, 386, 413, and 412.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 11, 1916.

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

John Foster Dulles, of New York City, William W. Ray, of Salt Lake City, Utah, and William Bohleber, of New York City, were admitted to practice.

No. 711. Elliott Varnish Company, petitioner, *v.* Sears, Roebuck & Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. C. C. Carlin for the petitioner and by Mr. Lincoln B. Smith for the respondent.

No. 103. Dan S. Lehon, plaintiff in error, *v.* The City of Atlanta. Motion to dismiss or affirm submitted by Mr. Samuel D. Hewlett for the defendant in error in support of the motion, and by Mr. John D. Little, Mr. Arthur G. Powell, Mr. Marion Smith, and Mr. Max F. Goldstein for the plaintiff in error in opposition thereto.

No. 600. F. A. Dickson, plaintiff in error, *v.* Luck Land Company. Motion to dismiss or affirm submitted by Mr. Marshall A. Spooner for the defendant in error in support of the motion and by Mr. Frank Healy for the plaintiff in error in opposition thereto.

No. 324. The United States of America, appellant, *v.* Reading Company et al.; and

No. 339. Reading Company et al., appellants, *v.* The United States of America. Argument continued by Mr. John G. Johnson for The Philadelphia & Reading Coal & Iron Company and concluded by Mr. Solicitor General Davis for the The United States.

No. 202. Utah Power & Light Company, appellant, *v.* The United States; and

No. 203. The United States, appellant, *v.* Utah Power & Light Company. Argument commenced by Mr. W. V. Hodges for Utah Power & Light Company, continued by Mr. Assistant Attorney General Knaebel for The United States and Mr. Graham Sumner for Utah Power & Light Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 12, will be as follows: Nos. 202 (and 203), 204 (and 205, 206, and 207), 69, 290, 438 (and 439 and 440), 212, 372, 340 (and 341), 452, 386, 413, and 412.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 12, 1916.

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

Jessy Benedict Gessner, of New Orleans, La.; Harold V. Amberg, of Chicago, Ill.; and Stanley B. Houck, of Minneapolis, Minn., were admitted to practice.

No. 13, Original. The State of Missouri, complainant, *v.* Chicago, Burlington & Quincy Railroad Company. Leave granted to file replication herein on motion of Mr. John T. Barker for the complainant. Motion for leave to file application for the appointment of commissioner submitted by Mr. John T. Barker for the complainant.

No. 386. Clarence C. Caldwell, as Attorney General, etc., appellant, *v.* The Sioux Falls Stock Yards Company, et al.; and

No. 413. Frank W. Merrick et al., appellants, *v.* N. W. Halsey & Company et al. Suggestion that these cases be heard immediately after the "Ohio Blue Sky" cases, Nos. 438, 439, and 440, submitted by Mr. George J. Danforth, counsel for appellees in No. 386.

No. 117. Southern Railway Company, plaintiff in error, *v.* B. B. Saunders, administrator, etc. 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. 453. Louisville & Nashville Railroad Company, plaintiff in error, *v.* C. L. Croan et al. Submitted under the twentieth rule by Mr. B. D. Warfield and Mr. Charles H. Moorman for the plaintiff in error, and by Mr. William W. Crawford for the defendants in error.

No. 202. Utah Power & Light Company, appellant, *v.* The United States; and

No. 203. The United States, appellant, *v.* Utah Power & Light Company. Argument concluded by Mr. Graham Sumner for the Utah Power & Light Company.

No. 204. The Beaver River Power Company, appellant, *v.* The United States;

No. 205. The United States, appellant, *v.* The Beaver River Power Company;

No. 206. Lucien L. Nunn et al., appellants, *v.* The United States; and

No. 207. The United States, appellant, *v.* Lucien L. Nunn et al. Argument commenced by Mr. Clyde C. Dawson for The Beaver River Power Company and Lucien L. Nunn, continued by Mr. Assistant Attorney General Knaebel for the United States, and concluded by Mr. Frank H. Short for The Beaver River Power Company and Lucien L. Nunn.

No. 69. The United States of America, appellant, *v.* Lehigh Valley Railroad Company et al. Argument commenced by Mr. Assistant to the Attorney General Todd for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 13, will be as follows: Nos. 69, 290, 438 (and 439 and 440), 212, 372, 340 (and 341), 452, 386, 413, and 412.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 13, 1916.

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

L. R. Mason, of Washington, D. C.; Thomas B. Greenwood, of Palestine, Tex.; and W. C. Campbell, of Palestine, Tex., were admitted to practice.

No. 69. The United States of America, appellant, *v.* Lehigh Valley Railroad Company et al. Argument continued by Mr. Assistant to the Attorney General Todd for appellant, by Mr. E. H. Boles for Lehigh Valley Railroad Company and Delaware, Susquehanna & Schuylkill Railroad Company, by Mr. F. W. Wheaton for Lehigh Valley Coal Company et al., by Mr. John G. Johnson for Lehigh Valley Railroad Company and Delaware, Susquehanna & Schuylkill Railroad Company, and concluded by Mr. Solicitor General Davis for The United States.

No. 290. Louisville & Nashville Railroad Company et al., appellants, *v.* The United States. Argument commenced by Mr. Edward S. Jouett for the appellants.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 16, will be as follows: Nos. 290, 438 (and 439 and 440); 212, 372, 340 (and 341), 452, 386, 413, 412, and 1 (and 4).

64422-16-6

# SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 16, 1916.

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

Luther Day, of Cleveland, Ohio; Russell Mott, of Chicago, Ill.; Charles Cheney Hyde, of Chicago, Ill.; Charles E. Eberstein, of Chicago, Ill.; Frank M. Cobb, of Cleveland, Ohio; N. L. Ryder, of Edwardsville, Ill.; A. Chester Clark, of Concord, N. H.; E. E. Townes, of Beaumont, Tex.; John W. Farley, of Memphis, Tenn.; Charles A. Vilas, of Chicago, Ill.; Henry H. Little, of Norfolk, Va.; and Allan D. Jones, of Newport News, Va., were admitted to practice.

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The Chief Justice announced the following orders of the court:

No. 67. The Hart Steel Company et al., petitioners, *v.* The Railroad Supply Company; and

No. 95. The Railroad Supply Company, petitioner, *v.* Elyria Iron & Steel Company. No ground is stated to support the motion to pass these cases other than the fact that the continuance asked for is assented to by the counsel for both parties. But as the cases were called last term and this is therefore the second term at which they are subject to call, under rule 19 the mere consent of counsel without otherwise adequate showing is insufficient to justify the granting of the motion to pass, and it is therefore denied, without prejudice, however, to the right to renew the same upon the making of a proper showing.

No. ——. Original. State of North Dakota, complainant, *v.* State of Minnesota. Motion for leave to file bill of complaint granted, and process ordered to issue returnable on the first Monday of March next.

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

No. —. Original. State of Minnesota, complainant, *v.* State of Wisconsin. Motion for leave to file bill of complaint granted, and process ordered to issue returnable on the first Monday of March next.

No. —. Original. Ex parte in the matter of Clair D. Vallette and Alfred B. Quinton, petitioners. Petition for a hearing on motion for leave to file bill of complaint in the name of The United States *v.* The State of Florida denied.

No. 1. Original. State of Georgia, complainant, *v.* Tennessee Copper Company et al. Motion for leave to file stipulation between the State of Georgia and the Tennessee Copper Company granted.

No. 184. October term, 1915. Isidor Straus et al., trading as R. H. Macy & Company, petitioners, *v.* Notaseme Hosiery Company. Motion to recall mandate and reform decree denied.

No. 764. October term, 1915. Cynthia Lindsay, petitioner, *v.* Chicago, Burlington & Quincy Railroad Company. Motion for leave to present a petition for rehearing denied.

No. 619. Don Lacy, as liquidating agent, etc., plaintiff in error, *v.* Mollie Ezzard. Motion to extend time for filing designation of parts of record to be printed granted.

No. 380. Louisville & Nashville Railroad Company, appellant, *v.* Western Union Telegraph Company. Motion to advance denied, but the case will be taken as submitted on printed briefs if counsel are so advised.

No. 481. The United States of America, appellant, *v.* The United States Steel Corporation et al. Motion to advance granted, and cause assigned for argument on Monday, February 26, 1917.

No. 540. Louisville Bridge Company, appellant, *v.* The United States. Motion to advance granted, and cause assigned for argument on Monday, December 4, next.

No. 713. The Savings Bank of Danbury, Connecticut, plaintiff in error, *v.* Dietrich E. Loewe, etc. Motion to advance granted, and cause assigned for argument on Monday, December 4, next, after the case heretofore assigned for that day.

No. 606. H. Snowden Marshall, appellant, *v.* Robert B. Gordon, Sergeant at Arms of the House of Representatives of the United States. Motion to advance granted, and cause assigned for argument on Monday, December 4, next, after the cases heretofore assigned for that day.

No. 374. Jesse Isidor Straus et al., petitioners, *v.* Victor Talking Machine Company. Motion to advance granted, and cause assigned for argument on Monday, December 4, next, after the cases heretofore assigned for that day.

No. 493. P. L. Crane, appellant, *v.* Hiram W. Johnson, governor of the State of California, et al. Motion to advance granted, and cause assigned for argument on Monday 4, next, after the cases heretofore assigned for that day.

No. 494. Kate P. McNaughton, appellant, *v.* Hiram W. Johnson, governor of the State of California, et al. Motion to advance granted, and cause assigned for argument on Monday, December 4, next, after the cases heretofore assigned for that day.

No. 617. Robert L. Greene, auditor, et al., etc., appellants, *v.* Louisville & Interurban Railroad Company;

No. 618. Robert L. Greene, auditor, et al., etc., appellants, *v.* Louisville Railway Company;

No. 642. Illinois Central Railroad Company, appellant, *v.* Robert L. Greene et al., etc., et al.;

No. 643. Robert L. Greene, et al., etc., et al., appellants, *v.* Illinois Central Railroad Company:

No. 644. Illinois Central Railroad Company, appellant, *v.* Robert L. Greene et al., etc., et al.; and

No. 645. Robert L. Greene et al., etc., et al., appellants, *v.* Illinois Central Railroad Company. Motions to advance granted, and cases assigned for argument, as one case, on Monday, December 4, next, after the cases heretofore assigned for that day.

No. 512. John Gund Brewing Company, appellant, *v.* The Great Northern Railway Company et al. Motion to advance denied.

No. 511. United Drug Company, petitioner, *v.* Theodore Rectanus Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 570. The T. H. Symington Company, petitioner, *v.* The National Malleable Castings Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 622. Memphis Street Railway Company, petitioner, *v.* J. W. Bobo, administrator, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 623. Memphis Street Railway Company, petitioner, *v.* S. C. Moore, administrator, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 639. Mrs. Laura L. Bunch, petitioner, *v.* J. S. Maloney, as trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 665. Supreme Council of the Royal Arcanum, petitioner, *v.* Sue B. Behrend. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia granted.

No. 669. John H. Friedrichsen, petitioner, *v.* G. H. Renard, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 675. Grinnell Washing Machine Company, petitioner, *v.* E. E. Johnson Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 506. John J. Meyers et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 513. Lehigh Valley Railroad Company, petitioner, *v.* Carl Kilmer. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 514. Lehigh Valley Railroad Company, petitioner, *v.* Edgar A. Emens, as executor, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 515. Lehigh Valley Railroad Company, petitioner, *v.* Edgar A. Emens, as executor, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 518. Montgomery Traction Company, petitioner, *v.* Montgomery Light & Water Power Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 566. The Miller Rubber Company et al., petitioners, *v.* Citizens Trust & Savings Bank, as trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 574. Silver King Coalition Mines Company, petitioner, *v.* Conkling Mining Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 579. Chicago Title & Trust Company, trustee, etc., petitioner, *v.* Fred J. Zuttermeister. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 583. William W. Crawford, trustee, petitioner, *v.* Washington Northern Railroad Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 588. Aimee L. Hanson, petitioner, *v.* Walter L. Hanson. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 592. William L. Taylor et al., petitioners, *v.* Charles H. Kimberle, trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 614. The Sturm & Dillard Company, petitioner, *v.* Mike Merko. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 640. Beverly R. Robinson, as trustee, etc., petitioner, *v.* Charles F. Roe. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 648. Daisy M. Linkous, administratrix, etc., petitioner, *v.* The Virginian Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 666. The Gilchrist Company, petitioner, *v.* Erie Specialty Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 670. Spring Garden Insurance Company of Philadelphia, Pa., petitioner, *v.* T. Gilbert Wood, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 671. David Clement, as administrator, etc., petitioner, *v.* Chicago, Milwaukee & St. Paul Railway Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 673. Florence C. Dinwiddie et al., petitioners, *v.* Nathan Hazel Metzger et al. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 674. Atlas Portland Cement Company, petitioner, *v.* Fred W. Hagen. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 678. W. A. Gage & Company et al., petitioners, *v.* Robert Wilson, etc., as trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 702. Commercial Trust & Savings Bank et al., petitioners, *v.* Robert Wilson, etc., as trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 703. Interstate Banking & Trust Company, petitioner, *v.* Robert Wilson, etc., as trustee, etc. Petition for a writ of certiorari

to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 687. Frank Ledvinka, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 688. James Oates, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 689. Hiram Stephens, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 690. Fanney Sullens, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 386. Clarence C. Caldwell, as attorney general, etc., appellant, *v.* The Sioux Falls Stock Yards Company; and

No. 413. Frank W. Merrick et al., appellants, *v.* N. W. Halsey & Company et al. Ordered that these cases be heard with Nos. 438, 439, and 440, as one case.

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No. 2. Hugo Adelberto Thomsen et al., plaintiffs in error, *v.* Sir Charles W. Cayser et al. Leave granted to file brief herein as amicus curiae, on motion of Mr. Solicitor Davis for The United States.

No. 719. The United States, petitioner, *v.* Iver Ingebretsen Ness. 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.

No. 716. E. Clemens Horst Company, petitioner, *v.* Pabst Brewing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Leon P. Lewis for the petitioner, and by Mr. Frederic D. McKenney, Mr. Willett M. Spooner, and Mr. Frank H. Powers for the respondent.

No. ——. Original. Ex parte in the matter of the Indiana Transportation Company, petitioner. Motion for leave to file petition for writ of prohibition submitted by Mr. Charles E. Kremer for the petitioner.

No. 182. Eugenia Teillard et al., appellants, *v.* Enrique Green et al. Death of Eugenia Teillard suggested and the appearance of Jorge Dard y Teillard et al., heirs at law, as parties appellants herein, filed and entered on motion of Mr. Frederick S. Tyler in behalf of counsel for the appellants.

No. 537. James B. Smith 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. A. A. Hoehling, jr., and Mr. Peter F. Dunne for the petitioners, and by the Attorney General and the Solicitor General for the respondent.

No. 616. William Lewis et al., as executors, etc., petitioners, *v.* Caledonian Insurance Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Alexander Britton in behalf of Mr. A. A. Moore for the petitioners, and by Mr. Carroll G. Walter for the respondents, with leave to respondents to file an additional brief on or before Thursday next.

No. 629. Chicago & Northwestern 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. Charles A. Vilas, in behalf of Mr. William G. Wheeler, for the petitioner.

No. 377. John Hamilton Brown, surviving claimant, etc., appellant, *v.* The United States. Death of John Hamilton Brown, the appellant herein, suggested, and the appearance of Oliver B. Saalfeld, administrator, as the party appellant herein, filed and entered, on motion of Mr. George H. Lamar for the appellant.

No. 501. Sun Company, petitioner, *v.* Vinton Petroleum Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. E. E. Townes and Mr. William A. Vinson for the petitioner, and by Mr. W. D. Gordon for the respondent.

No. 346. Joseph W. Bull, appellant, *v.* Hugh Campbell, jr., motion to dismiss or affirm submitted by Mr. Frederic D. McKenney in behalf of Mr. S. E. Ellsworth for the appellee in support of the motion, and by Mr. John R. Van Derlip for the appellant in opposition thereto.

No. 709. Clarence Griggs et al., as executors, etc., petitioners, *v.* Honorable Page Morris, United States district judge, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Frederic D. McKenney and Mr. William H. Boys for the petitioners, and by Mr. Thomas Kneeland for the respondent.

No. 701. Stanley Lord, master of the steamship *Anglo-Patagonian*, petitioner, *v.* William Ledwitch et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Henry H. Little and Mr. Robert M. Hughes for the petitioner, and by Mr. J. Winston Read and Mr. Allan D. Jones for the respondents.

No. 316. Thomas Patrick Keys, plaintiff in error, *v.* The People of the State of Illinois. Motion to dismiss or affirm submitted by Mr. Patrick J. Lucey and Mr. Lester H. Strawn for the defendants in error in support of the motion, and by Mr. Charles H. Soelke for the plaintiff in error in opposition thereto.

No. 290. Louisville & Nashville Railroad Company et al., appellants, *v.* The United States et al. Argument continued by Mr. Assistant Attorney General Underwood for The United States, and concluded by Mr. Charles W. Needham for The Interstate Commerce Commission.

No. 438. Harry T. Hall, superintendent of banks and banking of the State of Ohio, appellant, *v.* The Geiger-Jones Company;

No. 439. Harry T. Hall, superintendent of banks and banking of the State of Ohio, appellant, *v.* Don C. Coultrap;

No. 440. Harry T. Hall, superintendent of banks and banking of the State of Ohio et al, appellants, *v.* William R. Rose et al.;

No. 386. Clarence C. Caldwell, as Attorney General, etc., et al., appellants, *v.* The Sioux Falls Stock Yards Company; and

No. 413. Frank W. Merrick et al., appellants, *v.* N. W. Halsey & Company et al. Six hours allowed for argument in these cases. Argument commenced by Mr. Edward C. Turner for the appellant in Nos. 438, 439, and 440, continued by Mr. Clarence C. Caldwell for the appellants in No. 386, and by Mr. Grant Fellows for the appellants in No. 413.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 17, will be as follows: Nos. 438 (and 439, 440, 386, and 413), 212, 372, 340 (and 341), 452, 412, 1 (and 4), 2, 3, and 5.

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 17, 1916.

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

Howard S. Smith, of Dayton, Ohio; Otto F. Barthel, of Detroit, Mich.; and Theodore K. Bryant, of Washington, D. C., were admitted to practice.

No. 5. Detroit United Railway, plaintiff in error, *v.* City of Detroit. Continued per stipulation, on motion of Mr. John C. Donnelly for the plaintiff in error.

No. 2. Hugo Adelberto Thomsen et al., plaintiffs in error, *v.* Sir Charles W. Cayser et al. Passed on account of sickness of counsel, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Alexander Britton in behalf of counsel.

No. 438. Harry T. Hall, superintendent of banks and banking of the State of Ohio, appellant, *v.* The Geiger-Jones Company;

No. 439. Harry T. Hall, superintendent of banks and banking of the State of Ohio, appellant, *v.* Don C. Coultrap;

No. 440. Harry T. Hall, superintendent of banks and banking of the State of Ohio, et al., appellants, *v.* William R. Rose et al.;

No. 386. Clarence C. Caldwell, as Attorney General, etc., et al., appellants, *v.* The Sioux Falls Stock Yards Company; and

No. 413. Frank W. Merrick et al., appellants, *v.* N. W. Halsey & Company et al. Argument continued by Mr. Grant Fellows for the appellants in No. 413; by Mr. John A. Shauck and Mr. Timothy S. Hogan for the appellees in Nos. 438, 439, and 440; by Mr. George J. Danforth for the appellee in No. 386; by Mr. George W. Wickersham and Mr. Robert R. Reed for certain appellees in No. 413; by Mr. Grant Fellows for the appellants in No. 413; and concluded by Mr. Edward C. Turner for the appellants in Nos. 438, 439, and 440.

No. 212. Kansas City, Memphis & Birmingham Railroad Company, plaintiff in error, *v.* James P. Stiles. Submitted by Mr.

Forney Johnston and Mr. W. F. Evans for the plaintiff in error, and by Mr. William L. Martin for the defendant in error.

No. 372. George Schwede *v.* Zenith Steamship Company. Argument commenced by Mr. Frank M. Cobb for Schwede.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 18, will be as follows: Nos. 372, 340 (and 341), 452, 412, 1 (and 4), 3, 6, 7, 8 (and 9), and 12.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 18, 1916.

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

Milton C. Elliott, of Washington, D. C.; Frank E. Hunter, of El Paso, Tex.; Martin Caraballo, of Tampa, Fla.; Thomas F. Farrell, of Providence, R. I.; Philander S. Bradford, of Toledo, Ohio; Burrell G. White, of San Francisco, Cal.; and Hayden W. Head, of Sherman, Tex., were admitted to practice.

No. 212. Kansas City, Memphis & Birmingham Railroad Company, plaintiff in error, *v.* James P. Stiles. Leave granted to file additional brief on motion of Mr. Forney Johnston for the plaintiff in error.

No. 122. Abraham Feinberg, plaintiff in error, *v.* John Quinn, jr. In error to the Supreme Judicial Court of the State of Massachusetts. Dismissed without costs to either party, per stipulation, and mandate ordered to issue forthwith.

No. 6. 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, Louisiana. In error to the Supreme Court of the States of Louisiana. Dismissed with costs pursuant to the 19th rule.

No. 7. The State ex rel. Willis J. Roussel, plaintiff in error, *v.* Jared Y. Sanders, governor, et al. Passed temporarily.

No. 12. John F. Colburn, plaintiff in error, *v.* Charles T. Wilder, tax assessor, etc. In error to the Supreme Court of the Territory of Hawaii. Dismissed with costs pursuant to the 19th rule.

No. 372. George Schwede *v.* Zenith Steamship Company. Argument continued by Mr. Frank M. Cobb for Schwede, by Mr. Luther Day and Mr. Harvey D. Goulder for Zenith Steamship Company, and concluded by Mr. W. J. Mahan for Schwede.

No. 340. The United States and Interstate Commerce Commission, appellants, *v.* The Pennsylvania Railroad Company; and

No. 341. The United States Interstate Commerce Commission et al., appellants, *v.* The Pennsylvania Railroad Company. Argument com-

menced by Mr. Solicitor General Davis for the United States, continued by Mr. John G. Johnson and Mr. Thomas Patterson for the appellee, and by Mr. Joseph W. Folk for the Interstate Commerce Commission.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 19, will be as follows: 340 (and 341), 452, 412, 1 (and 4), 3, 8 (and 9), 14, 15, 16, and 17.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 19, 1916.

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

Elias Gates, of Memphis, Tenn.; Benjamin C. Howard, of Kansas City, Mo.; and John A. Marion, of York, S. C., were admitted to practice.

No. 173. Oswald Mehlos, plaintiff in error, *v.* The City of Milwaukee et al. In error to the Supreme Court of the State of Wisconsin. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 397. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* George Robert Kornhoff. In error to the Court of Appeals of the State of Kentucky. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 14. Tremont Lumber Company, plaintiff in error, *v.* Mrs. Nora Reagan. Passed temporarily.

No. 15. C. J. Olson, plaintiff in error, *v.* The State of North Dakota. Passed temporarily.

No. 16. John F. Cubbins, appellant, *v.* The Mississippi River Commission et al. Appeal from the District Court of the United States for the Eastern District of Louisiana. Dismissed with costs pursuant to the tenth rule.

No. 17. John F. Cubbins, appellant, *v.* Cotton Belt Levee District No. 1 et al. Appeal from the District Court of the United States for the Eastern District of Arkansas. Dismissed with costs pursuant to the tenth rule.

No. 340. The United States and Interstate Commerce Commission, appellants, *v.* The Pennsylvania Railroad Company; and

No. 341. The United States, Interstate Commerce Commission, et al., appellants, *v.* The Pennsylvania Railroad Company. Argument concluded by Mr. Joseph W. Folk for The Interstate Commerce Commission.

No. 452. The United States of America et al., appellants, *v.* Merchants and Manufacturers' Traffic Association of Sacramento et al. Argument commenced by Mr. Assistant Attorney General Underwood for The United States, continued by Mr. John E. Alexander for the appellees, and concluded by Mr. Joseph W. Folk for The Interstate Commerce Commission.

No. 412. The United States, plaintiff in error, *v.* Herman H. Oppenheimer et al. Argument commenced by Mr. Assistant Attorney General Warren for the plaintiff in error, and continued by Mr. Benjamin Slade for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 20, will be as follows: Nos. 412, 1 (and 4), 3, 8 (and 9), 20, 21, 22, 23, 24, and 25 (and 26).

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 20, 1916.

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

James Dixon Murphy, of Asheville, N. C., was admitted to practice.

No. 212. Kansas City, Memphis & Birmingham Railroad Company, plaintiff in error, *v.* James P. Stiles. Leave granted defendant in error to file additional brief within 10 days on motion of Mr. S. T. Ansell for the defendant in error.

No. 20. The St. Louis Poster Advertising Company, appellant, *v.* City of St. Louis et al. Passed temporarily on motion of Mr. H. A. Heggerty in behalf of counsel.

No. 21. Daniel J. Leary, appellant, *v.* The Mayor and Aldermen of the City of Jersey City et al. Passed temporarily.

No. 23. Eliot A. de Pass et al., as surviving partners, etc., appellants, *v.* The United States. Passed temporarily on motion of Mr. H. W. Van Dyke in behalf of counsel for the appellant.

No. 25. Frank C. Stettler, plaintiff in error, *v.* Edwin V. O'Hara et al., constituting the Industrial Welfare Commission of the State of Oregon; and

No. 26. Elmira Simpson, plaintiff in error, *v.* Edwin V. O'Hara et al., constituting the Industrial Welfare Commission of the State of Oregon. Passed temporarily.

No. 412. The United States, plaintiff in error, *v.* Herman H. Oppenheimer et al. Argument continued by Mr. Benjamin Slade for the defendants in error, and concluded by Mr. Assistant Attorney General Warren for the plaintiff in error.

No. 1. The Detroit United Railway, plaintiff in error, *v.* The People of the State of Michigan.

No. 4. The Detroit United Railway, plaintiff in error, *v.* The City of Detroit. Argument commenced by Mr. Elihu Root for the plaintiff in error, continued by Mr. P. J. M. Halley for the defendants in error, and concluded by Mr. Elihu Root for the plaintiff in error.

No. 3. Mary Helen Brown, plaintiff in error, *v.* The City of New York. Argued by Mr. Nathan I. Sachs and Mr. Omri F. Hibbard for the plaintiff in error, and by Mr. Terence Farley for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 23, will be as follows: Nos. 8 (and 9), 22, 24, 27, 28, 29, 30 (and 58), 31 (and 32), 33, and 34.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 23, 1916.

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

Harris Carman Lutkin, of Chicago, Ill., and Sidney F. Taliaferro, of Fairfax, Va., were admitted to practice.

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The Chief Justice announced the following orders of the court:

No. 316. Thomas Patrick Keyes, plaintiff in error, *v.* The People of the State of Illinois. In error to the Supreme Court of the State of Illinois. Per curiam: Dismissed for want of jurisdiction upon the authority of: 1. *Bergmann v. Backer* (157 U. S., 655, 656); *Caldwell v. Texas* (137 U. S., 692); *Howard v. Fleming* (191 U. S., 126, 135). 2. *Deming v. Carlisle Packing Co.* (226 U. S., 102, 105); *Consolidated Turnpike v. Norfolk &c. Ry. Co.* (228 U. S., 596, 600); *Overton v. Oklahoma* (235 U. S., 31).

No. 346. Joseph W. Bull, appellant, *v.* Hugh Campbell, jr. 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); *Shulthis v. McDougal* (225 U. S., 561); *St. Anthony Church v. Pennsylvania R. R. Co.* (237 U. S., 575). 2. *Farrell v. O'Brien* (199 U. S., 89, 100); *Hull v. Burr* (234 U. S., 712, 720); *Merriam Co. v. Syndicate Publishing Co.* (237 U. S., 618, 621).

No. 453. Louisville & Nashville Railroad Company, plaintiff in error, *v.* C. L. Croan et al. In error to the Court of Appeals of the State of Kentucky. Per curiam: Judgment reversed with costs upon the authority of *Northern Pacific Railway v. Wall* (241 U. S., 87); *Cincinnati & Pacific Railway v. Rankin* (241 U. S., 319).

No. 484. The Missouri, Kansas & Texas Railway Company of Texas et al., plaintiffs in error, *v.* Mrs. Emma A Cassady, administratrix, etc. In error to the Court of Civil Appeals for the Second Supreme Judicial District of the State of Texas. Per curiam: Judgment affirmed with costs upon the authority of *Chicago Junc-*

tion Railway Co. *v.* King (222 U. S., 222); Seaboard Air Line *v.* Padgett (236 U. S., 668, 673-674); Great Northern Railway Co. *v.* Knapp (240 U. S., 464).

No. 507. John G. Christopher et al., plaintiffs in error, *v.* Jane Mungen and Henry Mungen, her husband. In error to the Supreme Court of the State of Florida. Per curiam: Dismissed for want of jurisdiction upon the authority of: 1. Eustis *v.* Bolles (150 U. S., 361); Gaar, Scott & Co. *v.* Shannon (223 U. S., 468, 470); Mellon *v.* McCafferty (239 U. S., 134). 2. Deming *v.* Carlisle Packing Co. (226 U. S., 102, 105); Consolidated Turnpike *v.* Norfolk &c., Ry. Co. (228 U. S., 596, 600); Parker *v.* McLain (237 U. S., 469).

No. —, Original. Ex parte in the matter of the Indiana Transportation Company, petitioner. Motion for leave to file petition for writ of prohibition granted and rule to show cause ordered to issue, returnable Monday, December 4, next.

No. 103. Dan S. Lehon, plaintiff in error, *v.* The City of Atlanta. Further consideration of the motion to dismiss or affirm postponed to the hearing on the merits.

No. 477. The Arizona Copper Company, Limited, plaintiff in error, *v.* Joseph B. Hammer. Further consideration of the motion to dismiss or affirm postponed to the hearing on the merits.

No. 478. The Arizona Copper Company, Limited, plaintiff in error, *v.* Richard Bray. Further consideration of the motion to dismiss or affirm postponed to the hearing on the merits.

No. 426. Southern Pacific Company et al., plaintiffs in error, *v.* Darnell-Taenzer Lumber Company et al. Further consideration of the motion to dismiss or affirm and of the petition for writ of certiorari postponed to the hearing on the merits.

No. 334. Gulf, Colorado & Santa Fe Railway Company, plaintiff in error, *v.* Texas Packing Company. Ordered that this case be placed on the summary docket.

No. 541. Wellsville Oil Company, plaintiff in error, *v.* Martha A. Miller, née Everett, et al. Ordered that this case be placed on the summary docket.

No. 600. F. A. Dickson, plaintiff in error, *v.* Luck Land Company. Ordered that this case be placed on the summary docket.

No. 629. Chicago & Northwestern 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 granted.

No. 719. The United States, petitioner, *v.* Iver Engelbretsen Ness. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 691. The State of Ohio, petitioner *v.* Aaron A. Ferris, receiver, etc. Petition for a writ of certiorari to the United States Circuit court of Appeals for the Sixth Circuit denied.

No. 693. The Town of Newbern et al., petitioners, *v.* The National Bank of Barnesville, Ohio. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 694. Charles W. Parker et al., petitioners, *v.* Edgar W. Ross, guardian, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 704. Keystone Coal & Coke Company, petitioner, *v.* Michael Fekete, etc.;

No. 705. Keystone Coal & Coke Company, petitioner, *v.* Frank Thry, etc.;

No. 706. Keystone Coal & Coke Company, petitioner, *v.* Anna Helmlinger, etc.; and

No. 707. Keystone Coal & Coke Company, petitioner, *v.* Adam Muller. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 708. F. F. Slocomb & Company, Inc., petitioner, *v.* A. C. Layman Machine Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 711. Elliott Varnish Company, petitioner, *v.* Sears, Roebuck & Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 501. Sun Company, petitioner, *v.* Vinton Petroleum Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 537. James B. Smith 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. 616. William Lewis et al., executors, etc., petitioners, *v.* Caledonian Insurance Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 701. Stanley Lord, master, etc., petitioner. *v.* William Ledwitch et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 709. Clarence Griggs et al., etc., petitioners, *v.* Hon. Page Morris, United States district judge, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 716. E. Clemens Horst Company, petitioner, *v.* Pabst Brewing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 30. The Chicago & Alton Railroad Company, appellant, *v.* The United States; and

No. 58. The Yazoo & Mississippi Valley Railroad Company, 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 to the Attorney General Todd for the United States.

No. 33. The United States, plaintiff in error, *v.* Harvey C. Shauver. Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Assistant to the Attorney General Todd for the United States.

No. 56. International Harvester Company of New Jersey et al., appellants, *v.* The United States. Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Assistant to the Attorney General Todd for the United States.

No. 492. Oregon & California Railroad Company et al., *v.* The United States. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit to bring up the whole record and cause submitted by Mr. Assistant to the Attorney General Todd in behalf of Mr. Solicitor General Davis for the United States. Motion to advance submitted by Mr. Assistant to the Attorney General Todd in behalf of Mr. Solicitor General Davis for the United States.

No. 116. Fernand Vaughan Gasquet, plaintiff in error, *v.* George F. Lapeyre et al.; and

No. 656. Fernan Vaughan Gasquet, appellant, *v.* Charles Payne Fenner, etc., et al. Motion to consolidate submitted by Mr. Thomas Gilmore, Mr. J. C. Gilmore, Mr. E. N. Pugh, and Mr. William Winans Wall for Gasquet in support of the motion, and by Mr. George Denegre, Mr. Victor Leovy, and Mr. Henry H. Chaffe for the defendants in error and appellees in opposition thereto.

No. 67. The Hart Steel Company et al., petitioners, *v.* The Railroad Supply Company; and

No. 95. The Railroad Supply Company, petitioner, *v.* Elyria Iron & Steel Company. Motion to pass submitted by Mr. Taylor E. Brown for the respondent in No. 67 and petitioner in No. 95.

No. 686. Exploration Company, Limited, et al., appellants. *v.* The United States. Motion to advance submitted by Mr. Colley W. Bell in behalf of counsel for the appellants.

No. 228. The Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company, plaintiff in error, *v.* Farmers Trust & Savings Company, administrator, etc. In error to the Supreme Court of the State of Indiana. Dismissed with costs, on motion of Mr. Frederic D. McKenney for the plaintiff in error.

No. 728. Ennis Brown Company, petitioner, *v.* Central Pacific Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Frederic D. McKenney in behalf of Mr. Burrell G. White for the petitioner, and by Mr. Charles H. Bates, Mr. W. H. Devlin, and Mr. Robert T. Devlin for the respondent.

No. 715. Motion Picture Patents Company, petitioner, *v.* Universal Film 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. M. D. Church in behalf of Mr. Melville Church for the petitioner, and by Mr. Edmund Wetmore and Mr. Oscar W. Jeffery for the respondents.

No. 717. John W. Thompson, petitioner, *v.* The Franklin National Bank. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. George H. Lamar and Mr. William E. Davis for the petitioner, and by Mr. John Ridout for the respondent.

No. 699. John T. Becroft, plaintiff in error, *v.* The Great Northern Railway Company. Motion to place on summary docket submitted by Mr. C. B. Ellis in behalf of Mr. Tom Davis and Mr. Ernest A. Michel for the plaintiff in error.

No. 637. Illinois Central Railroad Company et al., plaintiffs in error, *v.* George R. Williams. Motion to dismiss or affirm submitted by Mr. M. F. Harrington and Mr. William H. Watkins for the defendant in error in support of the motion, and by Mr. Charles C. LeForgee, Mr. Blewett Lee, and Mr. Charles N. Burch for the plaintiffs in error in opposition thereto.

No. 78. William P. Cross, appellant, *v.* The United States. Submitted pursuant to the twentieth rule by Mr. Frank B. Crosthwaite and Mr. E. F. Colladay for the appellant, and by Mr. Assistant Attorney General Thompson for the appellee.

No. 27. The Sun Life Assurance Company of Canada, plaintiff in error. *v.* Luisa Rivera. Passed temporarily.

No. 28. Right Reverend Libert Hubert Boeyaems, Bishop of Zeugma, etc., trustee, plaintiff in error, *v.* L. Ah Leong. Submitted by Mr. Lorrin Andrews for the plaintiff in error, and by Mr. David L. Withington for the defendant in error.

No. 8. James Sim, petitioner, *v.* William Edenborn; and

No. 9. Thomas P. Alder, petitioner, *v.* William Edenborn. Re-argument commenced by Mr. Theron G. Strong for the petitioners, continued by Mr. Joseph W. Bailey for the respondent, and concluded by Mr. Theron G. Strong for the petitioners.

No. 22. Pennsylvania Railroad Company *v.* W. F. Jacoby & Company. Reargument commenced by Mr. Francis I. Gowen for Pennsylvania Railroad Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 24, will be as follows: Nos. 22, 24, 29, 31 (and 32), 34, 36, 37, 38, 40 (and 50 and 39), and 41 (and 42).

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 24, 1916.

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

Samuel Want, of Baltimore, Md.; C. H. Moses, of Monticello, Ark.; and F. C. Mullinix, of Jonesboro, Ark., were admitted to practice.

No. 38. Franklin O. Bunting, plaintiff in error, *v.* The State of Oregon. Leave to submit case on printed briefs denied and case passed temporarily, to be restored to call for reargument after Nos. 25 and 26.

No. 22. Pennsylvania Railroad Company *v.* W. F. Jacoby & Co. Argument continued by Mr. W. A. Glasgow, jr., for Jacoby & Company and concluded by Mr. John G. Johnson for Pennsylvania Railroad Company.

No. 24. Paine Lumber Company, Limited, et al., appellants, *v.* Elbridge H. Neal, individually and secretary, etc., et al. Reargument commenced by Mr. Walter Gordon Merritt for the appellants and continued by Mr. Charles Maitland Beattie for the labor-union appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 25, will be as follows: Nos. 24, 29, 31 (and 32), 34, 36, 37, 39 (and 40 and 50), 41 (and 42), 43, and 44.

64422—16—13

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 25, 1916.

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

Victor I. Minahan, of Green Bay, Wis., and Giles William Lawrence Smith, of Brewton, Ala., were admitted to practice.

No. 404, October term, 1915. William L. Dayton, trustee, etc., et al., petitioners, *v.* A. H. Stanard, treasurer, etc., et al. Motion to recall mandate and reform decree submitted by Mr. J. S. Easby-Smith as counsel for the petitioners.

No. 43. Hitchman Coal & Coke Company, petitioner, *v.* John Mitchell, individually, et al. Passed, to be restored to the call, pursuant to section 9, rule 26, on motion of Mr. Hannis Taylor for the petitioner.

No. 39. The Sanders Ice Cream Company et al., plaintiffs in error, *v.* The State of Iowa;

No. 40. The Hutchinson Ice Cream Company et al., plaintiffs in error, *v.* The State of Iowa; and

No. 50. A. B. Crowl, plaintiff in error, *v.* The Commonwealth of Pennsylvania. Passed, to be restored to the call pursuant to section 9 of rule 26, on motion of Mr. W. J. Carlin for the plaintiffs in error.

No. 31. Southern Railway, Carolina division, plaintiff in error, *v.* Fannie D. Driggs et al.; and

No. 32. Southern Railway, Carolina division, plaintiff in error, *v.* Hubert Driggs, by his guardian, etc. Submitted by Mr. B. L. Abney and Mr. John K. Graves for the plaintiff in error, and by Mr. Stanwix G. Mayfield for the defendants in error.

No. 24. Paine Lumber Company, Ltd., et al., appellants, *v.* Elbridge H. Neal, individually and as secretary, etc., et al. Reargument continued by Mr. Frederick Hulse for the appellees, and concluded by Mr. Daniel Davenport for the appellants.

No. 29. Erie Railroad Company, plaintiff in error, *v.* James T. Welsh. Argued by Mr. Leroy A. Manchester for the plaintiff in error and by Mr. William R. Stewart for the defendant in error.

No. 34. The Chicago, Terre Haute & Southeastern Railway Company, plaintiff in error, *v.* Champion S. Anderson. Argued by Mr. William F. Peter for the plaintiff in error. No brief filed for the defendant in error.

No. 36. Martin H. Free, plaintiff in error, *v.* The Western Union Telegraph Company. Argument commenced by Mr. Benjamin I. Salinger for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 26, will be as follows: Nos. 36, 37, 41 (and 42), 44, 45, 46, 47, 49, 51, and 54.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 26, 1916.

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

F. C. Heffron, of Dickinson, N. Dak.; Charles A. Groom, of Cincinnati, Ohio; Daniel L. McCarthy, of Syracuse, N. Y.; and Lindley M. Garrison, of New York City, were admitted to practice.

No. 24. Paine Lumber Company, Ltd., et al., appellants, *v.* Elbridge H. Neal, individually and as secretary, etc., et al. Leave granted to file additional memorandum, on motion of Mr. Daniel Davenport for the appellants.

No. 47. William H. Berry et al., appellants, *v.* Rudolph Davis. Submitted by Mr. George Cosson for the appellants. No appearance for the appellee.

No. 36. Martin H. Free, plaintiff in error, *v.* The Western Union Telegraph Company. Argument continued by Mr. Benjamin I. Salinger for the plaintiff in error, by Mr. Rush Taggart for the defendant in error, and concluded by Mr. Benjamin I. Salinger for the plaintiff in error.

No. 37. The City of Cincinnati, appellant, *v.* The Cincinnati & Hamilton Traction Company et al. Reargument commenced by Mr. Constant Southworth for the appellant, and continued by Mr. Alfred C. Cassatt and Mr. Lawrence Maxwell for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 27, will be as follows: Nos. 37, 41 (and 42), 44, 45, 46, 49, 51, 54, 57, and 59.

64422-16-15

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 27, 1916.

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

Edwin E. Huffman, of St. Louis, Mo., and James B. Feehan, of San Francisco, Cal., were admitted to practice.

No. 57. The United States, appellant and plaintiff in error, *v.* The Nashville, Chattanooga & St. Louis Railway. Appeal from and in error to the District Court of the United States for the Middle District of Tennessee. Dismissed, pursuant to the nineteenth rule.

No. 37. The city of Cincinnati, appellant, *v.* The Cincinnati & Hamilton Traction Company et al. Reargument concluded by Mr. Constant Southworth for the appellant.

No. 41. The city of Montgomery, plaintiff in error, *v.* R. H. Green et al.; and

No. 42. The city of Montgomery, plaintiff in error, *v.* W. R. McDade et al. Argued by Mr. W. A. Gunter for the plaintiff in error. No appearance for the defendants in error.

No. 44. The United States, petitioner, *v.* Northern Pacific Railway Company. Argued by Mr. Assistant Attorney General Underwood for the petitioner, and by Mr. Emerson Hadley for the respondent.

No. 45. Portuguese-American Bank of San Francisco, appellant, *v.* Paul I. Welles et al. Argued by Mr. William R. Harr for the appellant, and by Mr. Harold Remington for the appellees.

No. 46. Minerals Separation, Ltd., et al., petitioners, *v.* James M. Hyde. One hour additional allowed each side for argument, on motion of Mr. Frederic D. McKenney for the petitioners. Argument commenced by Mr. Henry D. Williams for the petitioners.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 30, will be as follows: Nos. 46, 49, 51, 54, 59, 60, 61, 62, 63, and 64.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 30, 1916.

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

John F. Neary, of Wilmington, Del.; A. Stuart Young, of Washington, D. C.; Herbert Boggs, of Newark, N. J.; F. Brooke Whiting, of Cumberland, Md.; John T. Barker, of Chicago, Ill.; George Louis Eppler, of Cumberland, Md.; William Pruden Smith, of Miami, Fla.; Jesse S. Epstein, of New York City; Edward Stevens Beach, of Ridgefield, Conn.; Charles F. Greenwood, of Dallas, Tex.; and George E. Maddox, of Rome, Ga.; were admitted to practice.

No. 638. Inter-Island Steam Navigation Company, Limited, plaintiff in error, *v.* George E. Ward. In error to the United States Circuit Court of Appeals for the Ninth Circuit. Dismissed for 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. 3. Mary Helen Brown, plaintiff in error, *v.* The City of New York. In error to the District Court of the United States for the Southern District of New York. Per curiam: Dismissed for want of jurisdiction upon the authority of: (1) *Deming v. Carlisle Packing Co.* (226 U. S., 102, 105); *Consol. Turnpike v. Norfolk, &c., Ry. Co.* (228 U. S., 596, 600); *Ennis Water Works v. Ennis* (233 U. S., 652, 658); *Parker v. McLain* (237 U. S., 469, 471-472). (2) *Shoemaker v. United States* (147 U. S., 282, 321); *Prosser v. Northern Pacific R. R.* (152 U. S., 59); *Bauman v. Ross* (167 U. S., 548, 596); *Ramapo Water Co. v. City of New York* (236 U. S., 579).

No. 28. Right Reverend Libert Hubert Boeynaems, Bishop of Zeugma, Vicar Apostolic of Hawaii, trustee, plaintiff in error, *v.* L. Ah Leong. In error to the Supreme Court of the Territory of Hawaii. Per curiam: Judgment affirmed with costs upon the authority of *Lewis & Cooke v. Acherley* (222 U. S., 285, 294); *John Ii*

*Estate v. Brown* (235 U. S., 342, 349) ; *Kapiolani Estate v. Atcherley* (238 U. S., 119, 136) ; *Cardona v. Quinones* (240 U. S., 83, 88).

No. 31. Southern Railway, Carolina Division, plaintiff in error, *v. Fannie G. Driggs and her husband, H. D. Driggs*; and

No. 32. Southern Railway, Carolina Division, plaintiff in error, *v. Hubert Driggs, by his guardian ad litem, H. D. Driggs*. In error to the Supreme Court of the State of South Carolina. Per curiam: Judgments reversed with costs upon the authority of *Kansas City Southern Ry. v. Carl* (227 U. S., 639, 653) ; *Boston & Maine R. Co. v. Hooker* (233 U. S., 97, 110-113) ; *Louisville & Nashville R. R. Co. v. Maxwell* (237 U. S., 94, 97-98).

No. 36. Martin H. Free, plaintiff in error, *v. The Western Union Telegraph Company*. In error to the Supreme Court of the State of Wisconsin. Per curiam: Dismissed for want of jurisdiction upon the authority of: (1) *Deming v. Carlisle Packing Co.* (226 U. S., 102, 105) ; *Consol. Turnpike v. Norfolk, &c., Ry. Co.* (228 U. S., 596, 600) ; *Ennis Water Works v. Ennis* (233 U. S., 652, 658) ; *Parker v. McLain* (237 U. S., 469, 471-472). (2) *John v. Paullin* (231 U. S., 583, 585-586) ; *McDonald v. Oregon R. & Nav. Co.* (233 U. S., 665, 669-670). (3) *Simon v. Craft* (182 U. S., 427, 437) ; *Louisville & Nashville R. R. Co. v. Schmidt* (177 U. S., 230).

No. 41. The City of Montgomery, plaintiff in error, *v. R. H. Greene et al.*; and

No. 42. The City of Montgomery, plaintiff in error, *v. W. R. McDade et al.* In error to the Supreme Court of the State of Alabama. Per curiam: Dismissed for want of jurisdiction upon the authority of—(1) *Deming v. Carlisle Packing Co.* (226 U. S., 102, 105) ; *Consol. Turnpike v. Norfolk, &c., Ry. Co.* (228 U. S., 596, 600) ; *Ennis Water Works v. Ennis* (233 U. S., 652, 658) ; *Parker v. McLain* (237 U. S., 469, 471-472). (2) *Stewart v. Kansas City* (239 U. S., 14, 16) ; *County of Sioux v. Newton Rule* (241 U. S., 640).

*Order.* There having been an Associate Justice of this court appointed since the adjournment of the last 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, J. C. McReynolds, Associate Justice.

For the Sixth Circuit, William R. Day, Associate Justice.

For the Seventh Circuit, John H. Clarke, Associate Justice.

For the Eighth Circuit, Willis Van Devanter, Associate Justice.

For the Ninth Circuit, Joseph McKenna, Associate Justice.

No. 404, October term, 1015. William L. Dayton, trustee, etc., et al., petitioners, *v.* A. H. Stanard, treasurer, etc., et al. Motion to recall mandate and reform decree denied.

No. 67. The Hart Steel Company et al., petitioners, *v.* The Railroad Supply Company; and

No. 95. The Railroad Supply Company, petitioner, *v.* Elyria Iron & Steel Company. Motion to pass granted.

No. 686. Exploration Company, Limited, et al., appellants, *v.* The United States. Motion to advance denied.

No. 699. John T. Beecroft, plaintiff in error, *v.* The Great Northern Railway Company. Ordered that this case be placed on the summary docket.

No. 637. Illinois Central Railroad Company et al., plaintiffs in error, *v.* George R. Williams. Ordered that this case be placed on the summary docket.

No. 715. Motion Picture Patents Company, petitioner, *v.* Universal Film Manufacturing Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 717. John W. Thompson, petitioner, *v.* The Franklin National Bank. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 728. Ennis-Brown Company, petitioner, *v.* Central Pacific Railway Company. Petition for a writ of 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. 232, 242, 420, 421, 375, 376, 148, 275, 334, 541, 600, 699, and 637, be, and they are hereby, assigned for argument at the head of the call for Monday, December 4, next.

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No. 575. Yee Suey, petitioner, *v.* F. W. Berkshire, supervising inspector of immigration at El Paso, Tex. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Assistant to the Attorney General Todd in behalf of Mr. Waters Davis for the petitioner, and by Mr. Solicitor General Davis and Mr. Assistant Attorney General Wallace for the respondent.

No. 718. The United States, plaintiff in error, *v.* Achilles Kelley et al. Motion to advance to be heard with No. 84, as one case, and

that both cases be assigned for Monday, December 4, submitted by Mr. Assistant to the Attorney General Todd for the United States.

No. 721. Thomas Ewing, Commissioner of Patents, petitioner, *v.* The United States *ex rel.* Fowler Car Company. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Assistant to the Attorney General Todd in behalf of Mr. Solicitor General Davis and Mr. Assistant Attorney General Warren for the petitioner, and by Mr. Melville Church and Mr. C. C. Linthicum for the respondent.

No. 749. Westinghouse Electric & Manufacturing Company, petitioner, *v.* Wagner Electric Manufacturing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Paul Bakewell and Mr. Thomas B. Kerr for the petitioner, and by Mr. Melville Church and Mr. Edwin E. Huffman for the respondent.

No. 743. Edgar F. Luckenbach et al., petitioners, *v.* W. J. McCahan Sugar Refining Company and the Insular Line. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Peter S. Carter and Mr. Charles C. Burlingham for the petitioners, and by Mr. J. Parker Kirlin and Mr. Mark W. Maclay, jr., for the respondent The Insular Line.

No. 611. Commercial Security Company and J. H. Shale, trustee, petitioners, *v.* Stewart N. Dunning, trustee in bankruptcy, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Henry A. Heiser for the petitioners, and by Mr. Lucius F. Robinson for the respondent.

No. 631. The Baltimore & Ohio Railroad Company, plaintiff in error, *v.* David Branson. Motion to dismiss or affirm or place on the summary docket submitted by Mr. A. A. Doub, Mr. George Louis Eppler, and Mr. F. Brooke Whiting for the defendant in error in support of the motion, and by Mr. George A. Pearre and Mr. Duncan K. Brent for the plaintiff in error in opposition thereto.

No. 742. L. A. Westermann Company, petitioner, *v.* The Dispatch Printing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Curtis C. Williams for the petitioner.

No. 677. Nathan A Hughes 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. Charles F. Greenwood, Mr. Theodore Mack, and Mr. John Winfred Pope for the petitioners, and by Mr. Solicitor General Davis for the respondent.

No. 533. Ben Frankfurt, 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. William G. Johnson in behalf of Mr. James M. Edwards for the petitioner, and by Mr. Solicitor General Davis and Mr. Assistant Attorney General Warren for the respondent.

No. 598. William R. Staats Company et al., petitioners, *v.* Security Trust & Savings Bank, as trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Alexander Britton in behalf of Mr. H. W. O'Melveny for the petitioner.

No. 307. Northern Pacific Railway Company, plaintiff in error, *v.* Wilfred L. Gifford. In error to the Supreme Court of the State of Idaho. Dismissed with costs, on motion of Mr. Alexander Britton in behalf of counsel for the plaintiff in error.

No. —, Original. State of Minnesota, complainant, *v.* Franklin K. Lane, Secretary of the Interior, et al. Motion for leave to file bill of complaint submitted by Mr. Charles R. Pierce for the complainant.

No. 603. Henry F. Marshall, petitioner, *v.* Samuel W. Backus, commissioner of immigration at the port of San Francisco. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Henry P. Blair in behalf of Mr. Henry Ach for the petitioner.

No. 433. The John Church Company, petitioner, *v.* Hilliard Hotel Company et al. Motion to advance submitted by Mr. W. M. Richardson in behalf of Mr. Moses H. Grossman for the petitioner in support of the motion, and by Mr. Levi Cooke for the respondents in opposition thereto.

No. 62. The Keetoowah Society et al., appellants, *v.* Franklin K. Lane, Secretary of the Interior. Motion to pass submitted by Mr. D. B. Henderson for the appellants.

No. 565. The Minneapolis & St. Louis Railroad Company, plaintiff in error, *v.* Bertha L. Thompson, as administratrix, etc. Motion to dismiss or affirm or place on the summary docket submitted by Mr. Humphrey Barton for the defendant in error in support of the motion, and by Mr. William H. Bremner and Mr. Frederick M. Miner for the plaintiff in error in opposition thereto.

No. 46. Minerals Separation Company, Limited, et al., petitioners, *v.* James M. Hyde. Argument continued by Mr. Henry D. Williams for the petitioners, and by Mr. Walter A. Scott for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 31, will be as follows: Nos. 46, 49, 51, 54, 59, 60, 61, 62, 63, and 64.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 31, 1916.

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

No. 547. Rome Railway & Light Company, appellant, *v.* Floyd County, Georgia, et al. Motion to advance submitted by Mr. Charles Henry Butler in behalf of counsel for the appellees.

No. 46. Minerals Separation, Limited, et al., petitioners, *v.* James M. Hyde. Argument concluded by Mr. William Houston Kenyon for the petitioners.

No. 49. 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. Reargued by Mr. Henry W. Taft for the plaintiff in error, and by Mr. Merton E. Lewis for the defendant in error.

No. 51. Frank J. Kane, plaintiff in error, *v.* The State of New Jersey. Argument commenced by Mr. John W. Griggs for the plaintiff in error, continued by Mr. Herbert Boggs for the defendant in error, and concluded by Mr. Charles Thaddeus Terry for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 1, will be as follows: Nos. 54, 59, 60, 61, 62, 63, 64, 66, and 68 and 70.

64422—16—18

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 1, 1916.

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

Mary E. Sweeney, of Washington, D. C.; Katharine R. Pike, of Washington, D. C.; and Alger Melton, of Chickasha, Okla., were admitted to practice.

No. 46. Minerals Separation, Limited, et al., petitioners, *v.* James M. Hyde. Ordered that counsel for the respective parties be allowed to make additional argument in this case, and one-half hour allowed each side.

No. 72. Seaboard Air Line Railway, plaintiff in error, *v.* The State of North Carolina. Passed temporarily, on motion of Mr. Murray Allen for the plaintiff in error.

No. 330. Louisville & Nashville Railroad Co., plaintiff in error, *v.* Nathan Parker, as administrator, etc. Submitted pursuant to the 20th rule by Mr. B. D. Warfield for the plaintiff in error, and by Mr. Edw. C. O'Rear for the defendant in error.

No. 54. Susie A. Tyrrell, as administratrix, etc., petitioner, *v.* The District of Columbia. Argument commenced by Mr. Levi H. David for the petitioner, continued by Mr. Percival H. Marshall and Mr. Conrad H. Syme for the respondent, and concluded by Mr. Alexander Wolf for the petitioner.

No. 46. Minerals Separation, Limited, et al., petitioners, *v.* James M. Hyde. Additional argument commenced by Mr. Henry D. Williams for the petitioner, continued by Mr. Walter A. Scott for the respondent, and concluded by Mr. Henry D. Williams for the petitioners.

No. 59. Seaboard Air Line Railway, appellant, *v.* The City of Raleigh et al. Argued by Mr. Murray Allen for the appellant and by Mr. John W. Hinsdale, jr., for the appellees.

No. 60. Goshen Manufacturing Company, petitioner, *v.* Hubert Myers Manufacturing Company et al. Argument commenced by Mr. Fred L. Chappell for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 2, will be as follows: Nos. 60, 61, 62, 63, 64, 66, 68, 70, 71, and 74.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 2, 1916.

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

Herbert Falkner Miller, of Bennington, Vt., and Felix Clarence Pifer, of Charleston, W. Va., were admitted to practice.

No. 110. Olaf Lie, master, etc., petitioner, *v.* San Francisco & Portland Steamship Company, claimant, etc. Leave granted to withdraw original exhibits temporarily on motion of Mr. Charles Henry Butler in behalf of Mr. J. Parker Kirlin for the respondent.

No. 60. Goshen Manufacturing Company, petitioner, *v.* Hubert A. Myers Manufacturing Company et al. Argument concluded by Mr. Fred L. Chappell for the petitioner, and submitted by Mr. V. H. Lockwood for the respondents.

No. 61. Harry F. Hill, a minor, et al., plaintiffs in error, *v.* Frank Reynolds, a minor, etc. Argument commenced by Mr. Alger Melton for the plaintiffs in error, continued by Mr. F. E. Riddle for the defendant in error, and concluded by Mr. Joseph W. Bailey for the plaintiffs in error.

No. 62. The Keetoowah Society et al., appellants, *v.* Franklin K. Lane, Secretary of the Interior. Motion to pass granted.

No. 63. The United States of America, plaintiff in error, *v.* James F. Rowell et al. Argument commenced by Mr. Assistant Attorney General Warren for the plaintiff in error and continued by Mr. Henry E. Asp for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 3, will be as follows: Nos. 63, 64, 66, 68, 70, 71, 74, 75 (and 76), 77, and 79.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 3, 1916.

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

LaFayette Twitchell, of Denver, Colo., and Fred R. Wright, of Denver, Colo., were admitted to practice.

No. 74. Seton Hall College, plaintiff in error, *v.* Village of South Orange, etc. Submitted, per stipulation, counsel to file briefs within 10 days.

No. 63. The United States of America, plaintiff in error, *v.* James F. Rowell et al. Argument continued by Mr. Henry E. Asp for the defendants in error, and concluded by Mr. Assistant Attorney General Warren for the plaintiff in error.

No. 64. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* The Public Service Commission of the State of West Virginia. Argued by Mr. F. B. Enslow for the plaintiff in error, and submitted by Mr. S. B. Avis and Mr. F. C. Pifer for the defendant in error.

No. 66. Louisville & Nashville Railroad Company, plaintiff in error, *v.* Ohio Valley Tie Company. Argument commenced by Mr. Helm Bruce for the plaintiff in error, and continued by Mr. Edward W. Hines for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 6, will be as follows: Nos. 66, 68, 70, 71, 75 (and 76), 77, 79, 80, 81, and 82.

64422-16—21

# SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 6, 1916.

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

Arthur M. Allen, of Providence, R. I.; Frederick P. King, of New York City; George W. Bristol, of New York City; and George R. Coughlan, of New York City, were admitted to practice.

The Chief Justice announced the following orders of the court:

No. —, Original. State of Minnesota, complainant, *v.* Franklin K. Lane, Secretary of the Interior. Motion for leave to file the bill of complaint herein granted, and process ordered to issue, returnable on the first Monday of March next.

No. 718. The United States, plaintiff in error, *v.* Achilles Kelly et al. Motion to advance for hearing with case No. 84, as one case, granted, and both cases assigned for Monday, December 4 next, after the cases heretofore assigned for that day.

No. 433. The John Church Company, petitioner, *v.* Hilliard Hotel Company et al. Motion to advance granted and cause assigned for argument on Monday, January 8 next, after the cases heretofore assigned for that day.

No. 547. Rome Railway & Light Company, appellant, *v.* Floyd County, Georgia, et al. Ordered that this case be placed on the summary docket.

No. 631. The Baltimore & Ohio Railroad Company, plaintiff in error, *v.* David Branson. Ordered that this case be placed on the summary docket.

No. 565. The Minneapolis & St. Louis Railroad Company, plaintiff in error, *v.* Bertha L. Thompson, as administratrix, etc. Ordered that this case be placed on the summary docket.

No. 492. Oregon & California Railroad Company et al. *v.* The United States. Motion for writ of certiorari to bring up the case in its entirety, and that the transcript of record in case No. 679,

October term, 1914, be taken as a return to the writ, granted. Motion to advance granted, and case assigned for argument on Monday, February 26 next, after the case heretofore assigned for that day.

No. 603. Henry F. Marshall, petitioner, *v.* Samuel W. Backus, Commissioner of Immigration, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 721. Thomas Ewing, Commissioner of Patents, petitioner, *v.* The United States ex rel. The Fowler Car Company. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia granted.

No. 742. L. A. Westerman Company, petitioner, *v.* The Dispatch Printing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 743. Edgar F. Luckenbach et al., petitioners, *v.* W. J. McCahan Sugar Refining Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 575. Yee Suey, petitioner, *v.* F. W. Berkshire, supervising inspector of immigration, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 533. Ben Frankfurt, 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. 598. William R. Staats Company et al., petitioners, *v.* Security Trust & Savings Bank, as trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 611. Commercial Security Company et al., petitioners, *v.* Stewart N. Dunning, trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 677. Nathan A. Hughes 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. 749. Westinghouse Electric & Manufacturing Company, petitioner, *v.* Wagner Electric Manufacturing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. —. Original. Republic of Cuba, plaintiff, *v.* The State of North Carolina. Motion for leave to file declaration and for issuance of summons submitted by Mr. Howard Thayer Kingsbury, Mr. Frederic R. Coudert, and Mr. Marcus H. Burnstine for the plaintiff.

No. 740. Heloise McCeney Wills, petitioner, *v.* Samuel Maddox and Arthur T. Brice, as substituted trustees under the last will and testament of Harriet McCeney, deceased, etc., et al. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. D. W. Baker, Mr. R. B. Dickey, and Mr. Martin Conboy for the petitioner, and by Mr. A. S. Worthington and Mr. H. Prescott Gatley for the respondents.

No. 729. E. G. Steele et al., petitioners, *v.* Highland Park Manufacturing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. John A. Marion and Mr. Joseph A. McCullough for the petitioners, and by Mr. Charles W. Tillett and Mr. T. C. Guthrie for the respondent.

No. 473. Clara P. Bobb, plaintiff in error, *v.* Alfred C. F. Meyer. In error to the Supreme Court of the State of Missouri. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 80. Arthur J. McDonald, as executor, et al., plaintiffs in error, *v.* J. T. McDonald et al. In error to the Supreme Court of the State of Arizona. Dismissed with costs, pursuant to the tenth rule.

No. 81. Vandalia Railroad Company, plaintiff in error, *v.* The Public Service Commission of Indiana, etc. Submitted by Mr. Samuel O. Pickens and Mr. Frederic D. McKenney for the plaintiff in error, and by Mr. Bert Winters for the defendant in error.

No. 66. Louisville & Nashville Railroad Company, plaintiff in error, *v.* Ohio Valley Tie Company. Argument continued by Mr. Edward W. Hines and Mr. John Bryce Baskin for the defendant in error, and concluded by Mr. Helm Bruce for the plaintiff in error.

No. 68. Dan O'Neil, plaintiff in error, *v.* The Northern Colorado Irrigation Company et al. Argued by Mr. Fred R. Wright for the plaintiff in error, and by Mr. LaFayette Twitchell for the defendants in error.

No. 70. Claude M. Dean, appellant, *v.* R. Beale Davis, jr., trustee, etc., et al. Argument commenced by Mr. Wyndham R. Meredith for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 7, will be as follows: 70, 71, 75 (and 76), 77, 79, 82, 83, 85, 86, and 87.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 7, 1916.

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

David P. Wolhaupter, of Washington, D. C., and James J. Sweeney, of Owensboro, Ky., were admitted to practice.

No. 83. Francis J. Torrance, trustee, et al., plaintiffs in error, *v.* First-Second National Bank of Pittsburgh. Passed temporarily.

No. 70. Claude M. Dean, appellant, *v.* R. Beale Davis, jr., trustee, etc., et al. Argument concluded by Mr. Wyndham R. Meredith for the appellant, and case submitted by Mr. Richard B. Davis and Mr. Bartlett Roper for the appellees.

No. 71. The Baltimore & Ohio Railroad Company, plaintiff in error, *v.* Harvey W. C. Whitacre. Argument commenced by Mr. Duncan K. Brent for the plaintiff in error, continued by Mr. Frank A. Perdeu and Mr. Albert A. Doub for the defendant in error, and concluded by Mr. George A. Pearre for the plaintiff in error.

No. 77. Illinois Central Railroad Company, plaintiff in error, *v.* Robert H. Peery. Argument commenced by Mr. Blewett Lee for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 8, will be as follows: Nos. 77, 79, 75 (and 76), 82, 85, 86, 87, 88, 89, and 90.

64422-16—23

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 8, 1916.

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

John A. Gavit, of Hammond, Ind., Frank B. Pattee, of Crown Point, Ind., William E. Rowe, of Crookston, Minn., and Kenneth R. Cunningham, of Pittsburgh, Pa., were admitted to practice.

No. 768. Central Trust Company of New York, as trustee, etc., appellant, *v.* The United States. Appeal from the District Court of the United States for the Southern District of Ohio. Dismissed with costs, on motion of counsel for the appellant, and mandate granted.

No. 77. Illinois Central Railroad Company, plaintiff in error, *v.* Robert H. Peery. Argument concluded by Mr. Blewett Lee for the plaintiff in error, and case submitted by Mr. S. A. Anderson for the defendant in error.

No. 79. City of Owensboro, Kentucky, appellant, *v.* Owensboro Water Works Company of Owensboro, Ky. Argument commenced by Mr. George W. Jolly for the appellant, continued by Mr. William T. Ellis for the appellee, and concluded by Mr. Ben D. Ringo for the appellant.

No. 75. The James Clark Distilling Company, appellant, *v.* The Western Maryland Railway Company et al.; and

No. 76. The James Clark Distilling Company, appellant, *v.* The American Express Company et al. Argument commenced by Mr. Lawrence Maxwell for the appellant, continued by Mr. W. B. Wheeler and Mr. Fred O. Blue for the appellee The State of West Virginia, and by Mr. Lawrence Maxwell for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 9, will be as follows: Nos. 75 (and 76), 82, 85, 86, 87, 88, 89, 90, 91 (and 92 and 93), and 94.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 9, 1916.

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

Nelson L. Keach, of New York City, and Roscoe Walsworth, of Boston, Mass., were admitted to practice.

No. 85. Harriet H. Gould et al., appellants, *v.* Hyde Park Water Company et al. Passed, and alias citation granted, on motion of Mr. Roscoe Walsworth for the appellants.

No. 83. Francis J. Torrance, trustee, etc., et al., plaintiffs in error, *v.* First-Second National Bank of Pittsburgh. In error to the District Court of the United States for the Western District of Pennsylvania. Dismissed with costs and mandate granted, on motion of counsel for the plaintiffs in error.

No. 75. The James Clark Distilling Company, appellant, *v.* The Western Maryland Railway Company et al.; and

No. 76. The James Clark Distilling Company, appellant, *v.* The American Express Company et al. Argument concluded by Mr. Lawrence Maxwell for the appellant.

No. 82. Illinois Surety Company, appellant, *v.* Frank Miller et al. Argument commenced by Mr. Frederick P. King and concluded by Mr. George W. Bristol for the appellees, and case submitted by Mr. L. Laffin Kellogg and Mr. Nelson L. Keach for the appellant.

No. 86. Vandalia Railroad Company, plaintiff in error, *v.* Nathaniel G. Stringer. Argument commenced by Mr. Charles W. Moores for the plaintiff in error. Court declined to hear counsel for the defendant in error.

No. 87. Lake Shore & Michigan Southern Railway Company et al., plaintiffs in error, *v.* Susan Clough et al. Argument commenced by Mr. John B. Peterson for the plaintiffs in error, continued by Mr. John H. Gillett and Mr. Frank B. Pattee for the defendants in error, and by Mr. J. A. Gavit for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 10, will be as follows: Nos. 87, 88, 89, 90, 91 (and 92 and 93), 94, 96, 97, 98 (and 259 and 260), and 99.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 10, 1916.

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

John P. Bullington, of Memphis, Tenn., and Otto Schoenrich, of New York City, were admitted to practice.

No. 340. The United States and Interstate Commerce Commission, appellants, *v.* The Pennsylvania Railroad Company; and

No. 341. The United States, Interstate Commerce Commission et al., appellants, *v.* The Pennsylvania Railroad Company. Leave granted to file brief as amicus curiae, on motion of Mr. C. W. Atwater in behalf of the Sterling Salt Company.

No. 96. P. P. Dabney et al., plaintiffs in error, *v.* City Land Company. In error to the Supreme Court of the State of Oregon. Dismissed with costs, pursuant to the tenth rule.

No. 97. P. P. Dabney et al., plaintiffs in error, *v.* John H. Middleton et al., as executors, etc. In error to the Supreme Court of the State of Oregon. Dismissed with costs, pursuant to the tenth rule.

No. 87. Lake Shore & Michigan Southern Railway Company et al., plaintiffs in error, *v.* Susan Clough et al. Argument concluded by Mr. J. A. Gavit for the plaintiffs in error.

No. 88. John G. McIntyre, plaintiff in error, *v.* Frederick W. Kavanaugh. Argued by Mr. Robert H. Patton for the plaintiff in error, and by Mr. Myer Nussbaum for the defendant in error.

No. 89. W. A. Cissna, plaintiff in error, *v.* The State of Tennessee. Argued by Mr. Caruthers Ewing for the plaintiff in error, and by Mr. John P. Bullington for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 13, will be as follows: Nos. 90, 91 (and 92 and 93), 94, 98 (and 259 and 260), 99, 40 (and 50), 139 (and 163), 464, 100, and 101.

64422—16—26

# SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 13, 1916.

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

Americus H. Woodward, of Clearfield, Pa.; William M. Smith, of St. Johns, Mich.; William W. Fry, of St. Paul, Minn.; George T. Hogg, of New York City; Augustus Benners, of Birmingham, Ala.; Jesse Van Valkenburg, of Minneapolis, Minn.; R. L. Parrish, of Des Moines, Iowa; and Arturo Aponte, jr., of Humacao, Porto Rico, were admitted to practice.

No. 45. Portuguese-American Bank of San Francisco, appellant, *v.* Paul I. Welles, John Daniel, trustee, etc., et al. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. Decree reversed with costs, and cause remanded to the District Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice McKenna.

No. 330. Louisville & Nashville Railroad Company, plaintiff in error, *v.* Nathan Parker, as administrator of the estate of Edward Parker, deceased. In error to the Court of Appeals of the State of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 78. William P. Cross, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed, *nunc pro tunc*, as of October 23, 1916. Opinion by Mr. Chief Justice White.

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

No. 82. Illinois Surety Company, appellant, *v.* Frank Miller et al. Appeal from the District Court of the United States for the Eastern District of New York. *Per curiam*: Dismissed for want of jurisdiction, with five per cent damages, upon the authority of *Aspen Mining & Smelting Co. v. Billings*, 150 U. S., 331; *Brown v. Alton Water Co.*, 222 U. S., 325; *Metropolitan Water Co. v. Kaw Valley District*, 223 U. S., 519; *Union Trust Co. v. Westhus*, 228 U. S., 379; *Shapiro v. United States*, 235 U. S., 412.

No 86. Vandalia Railroad Company, plaintiff in error, *v.* Nathaniel G. Stringer. In error to the Supreme Court of the State of Indiana. Per curiam: Dismissed for want of jurisdiction, with five per cent damages, upon the authority of *Iowa Central Ry Co. v. Iowa*, 160 U. S., 389; *Texas & New Orleans R. R. v. Miller*, 221 U. S., 408, 416; *Washington v. Miller*, 235 U. S., 422; 429; *Wabash Railroad Co. v. Hayes*, 234 U. S., 86.

No. —, Original. Republic of Cuba, plaintiff, *v.* State of North Carolina. Ordered that the motion for leave to file the declaration in this cause be assigned for argument on Monday, January 8, next, and that notice of this order be given to the governor of North Carolina and the Attorney General of the United States.

No. 729. E. G. Steele et al., petitioners, *v.* Highland Park Manufacturing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 740. Heloise McCeney Wills, petitioner, *v.* Samuel Maddox et al. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 372. George Schwede *v.* Zenith Steamship Company. Ordered that this case be restored to the docket for reargument on Monday, January 8, next, after the cases heretofore assigned for that day. Further ordered that a writ of certiorari issue to bring up the entire record in this case.

No. 13. Mountain Timber Company, plaintiff in error, *v.* The State of Washington;

No. 35. J. C. Hawkins, appellant, *v.* John L. Bleakly, auditor, etc., et al.;

No. 280. Southern Pacific Company, plaintiff in error, *v.* Marie Jensen;

No. 281. Clyde Steamship Company, plaintiff in error, *v.* William Alfred Walker;

No. 320. The New York Central & Hudson River Railroad Company, plaintiff in error, *v.* Sarah White;

No. 321. The New York Central & Hudson River Railroad Company, plaintiff in error, *v.* James Winfield;

No. 353. Erie Railroad Company, plaintiff in error, *v.* Amy L. Winfield;

No. 18. Atlantic, Gulf & Pacific Company, appellant, *v.* The United States;

No. 19. The United States, appellant, *v.* Atlantic, Gulf & Pacific Company; and

No. 73. William A. Hartranft, plaintiff in error, *v.* Alexander R. Mullooney, judge of the police court of the District of Columbia. It is ordered that these cases be restored to the docket for reargument.

The Chief Justice also announced that the court will take a recess from Monday the 20th instant to Monday December 4 next.

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No. 56. International Harvester Company of New Jersey et al., appellants, *v.* The United States. Motion to assign case for argument, with suggestion that such assignment be made for Monday, December 11, submitted by Mr. Solicitor General Davis for the appellee. Suggestion that the case be assigned for Monday, February 26 next, submitted by Mr. Edgar A. Bancroft and Mr. John P. Wilson for the appellants.

No. 757. G. S. Nichols & Company et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Court of Customs Appeals, submitted by Mr. W. P. Preble and Mr. Albert H. Washburn for the petitioners.

No. 758. Alex. D. Shaw & Company et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Court of Customs Appeals, submitted by Mr. W. P. Preble and Mr. Albert H. Washburn for the petitioners.

No. 773. Compagnie Generale Transatlantique, petitioner, *v.* Teresa M. Bump. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit, submitted by Mr. Joseph P. Nolan and Mr. John M. Nolan for the petitioner and by Mr. Frederic E. Mygatt for the respondent.

No. 663. Lam Fung Yen, petitioner, *v.* G. Oliver Frick, United States immigration inspector, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit, submitted by Mr. David S. Rose in behalf of Mr. E. J. Henning for the petitioner.

No. 679. Werner Horn, appellant, *v.* John J. Mitchell, United States Marshal, etc. Motion to advance submitted by Mr. Joseph F. O'Connell for the appellant.

Nos. 769 and 770. F. Vitelli & Son, petitioner, *v.* The United States. Petitions for writs of certiorari to the United States Court of Customs Appeals submitted by Mr. Albert M. Yuzzolino for the petitioner.

No. 731. Chautauqua Institution, petitioner, *v.* John L. Zimmerman et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Wade H. Ellis in behalf of Mr. Thornton M. Hinkle for the petitioner and by Mr. J. Warren Keifer for the respondent.

No. 178. Frank Taylor et al., plaintiffs in error, *v.* Drainage District No. 56 of Emmet County, Iowa, et al. Death of Frank Taylor, one of the plaintiffs in error herein, suggested, and the appearance of Emma Taylor, administratrix, as a party plaintiff in error, filed and entered on motion of Mr. Hugh H. Obear in behalf of counsel for the plaintiffs in error.

No. 763. James W. Campbell, petitioner, *v.* Charles M. Campbell et al. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. William Henry White for the petitioner and by Mr. John Ridout for the respondents.

No. 396. Cecil F. Adamson, petitioner, *v.* David C. Gilliland. Submitted pursuant to the twentieth rule by Mr. Percy B. Hills for the petitioner and by Mr. James A. Carr for the respondent.

No. 445. Martin E. Donohue, plaintiff in error, *v.* Benjamin Vosper et al. Motion to dismiss or affirm submitted by Mr. Dan H. Ball for the defendants in error in support of the motion and by Mr. A. H. Ryall for the plaintiff in error in opposition thereto.

No. 474. Chicago, Milwaukee & St. Paul Railway Company, plaintiff in error, *v.* John M. Bolch. Motion to dismiss submitted by Mr. Merritt J. Gordon for the defendant in error in support of the motion and by Mr. Heman H. Field for the plaintiff in error in opposition thereto.

No. 491. The Second National Bank of Cincinnati, Ohio, plaintiff in error, *v.* The First National Bank of Okeana, Ohio. Motion to dismiss or affirm submitted by Mr. Edward P. Moulinier for the defendant in error in support of the motion and by Mr. Landon S. Forchheimer and Mr. Ferdinand Jelke, jr., for the plaintiff in error in opposition thereto.

No. 91. Wells Fargo & Company Express, plaintiff in error, *v.* The State of Oklahoma;

No. 92. The American Express Company, plaintiff in error, *v.* The State of Oklahoma; and

No. 93. United States Express Company, plaintiff in error, *v.* The State of Oklahoma. Passed for settlement.

No. 94. Kansas City Stock Yards Company of Missouri, plaintiff in error, *v.* State of Kansas ex rel. John S. Dawson, attorney general. Continued, per stipulation of counsel.

No. 98. Knauth, Nachod & Kuhne, petitioners, *v.* Latham & Company et al.;

No. 259. 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. 260. Max Jaffe et al., surviving members of the firm of Knauth, Nachod & Kuhne, appellants, *v.* Maurice E. A. Westphalen et al. Submitted on briefs already on file and briefs to be filed on or before Monday next, on motion of Mr. W. B. Spencer for the appellees.

No. 90. Martin Hanson, plaintiff in error, *v.* Great Northern Railway Company. Argued by Mr. William E. Rowe for the plaintiff in error, and submitted on briefs by Mr. E. C. Lindley and Mr. A. L. Janes for the defendant in error.

No. 99. Henry H. Kryger, plaintiff in error, *v.* Ida S. Wilson and J. E. Davis, administrators of the estate of Edward H. Wilson, deceased. Submitted by Mr. O. E. Holman and Mr. Wm. W. Fry for the plaintiff in error, and by Mr. George S. Grimes and Mr. Jesse Van Valkenburg for the defendants in error.

No. 39. The Sanders Ice Cream Company et al., plaintiffs in error, *v.* The State of Iowa;

No. 40. The Hutchinson Ice Cream Company et al., plaintiffs in error, *v.* The State of Iowa; and

No. 50. A. B. Crowl, plaintiff in error, *v.* The Commonwealth of Pennsylvania. Argument commenced by Mr. Walter Jeffreys Carlin for the plaintiffs in error, continued by Mr. R. L. Parrish for the plaintiffs in error in Nos. 39 and 40, by Mr. William M. Hargest for the defendant in error in No. 50, by Mr. George Cosson for the defendant in error in Nos. 39 and 40, and concluded by Mr. Walter Jeffreys Carlin for the plaintiffs in error.

No. 464. L. T. Hays, petitioner, *v.* The United States;

No. 139. F. Drew Caminetti, petitioner, *v.* The United States; and

No. 163. Maury I. Diggs, petitioner, *v.* The United States. Argument commenced by Mr. Harry O. Glasser for the petitioner in No. 464, continued by Mr. Joseph W. Bailey for the petitioners in Nos. 139 and 163, and by Mr. Assistant Attorney General Wallace for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 14, will be as follows: Nos. 464 (and 139 and 163), 100, 101, 102, 103, 104, 105, 106, 107, and 108.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 14, 1916.

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

Norman T. Whitaker, of Washington, D. C., and Jesse H. Wise, of Pittsburgh, Pa., were admitted to practice.

No. 102. Hiram Chase, appellant, *v.* Peter Hansen. Appeal from the District Court of the United States for the District of Nebraska. Dismissed with costs, pursuant to the sixteenth rule, on motion of Mr. C. J. Kappler for the appellee.

No. 104. Western Transit Company, plaintiff in error, *v.* A. C. Leslie Company, Limited. Passed, on motion of Mr. C. T. Tittman in behalf of counsel.

No. 106. Furness, Withy & Company, Limited, petitioner, *v.* Yang-Tsze Insurance Association, Limited, et al. Passed, on motion of Mr. J. S. Flannery in behalf of counsel.

No. 589. American Bonding Company of Baltimore, plaintiff in error, *v.* The United States of America to the use of Caesar Francini et al. In error to the United States Circuit Court of Appeals for the Third Circuit. Dismissed, per stipulation.

No. 464. L. T. Hays, petitioner, *v.* The United States;

No. 139. F. Drew Caminetti, petitioner, *v.* The United States; and

No. 163. Maury I. Diggs, petitioner, *v.* The United States. Argument continued by Mr. Assistant Attorney General Wallace for the respondent, by Mr. Joseph W. Bailey for the petitioners in Nos. 139 and 163, and concluded by Mr. Assistant Attorney General Wallace for the respondent.

No. 100. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* L. P. McLaughlin. Argued by Mr. F. B. Enslow for the plaintiff in error. No appearance for the defendant in error.

No. 101. Swift & Company et al., plaintiffs in error and appellants, *v.* J. Noble Hoover, alleged bankrupt. Submitted by Mr. A. A. Birney, Mr. H. Winship Wheatley, and Mr. L. P. Loving for the plaintiffs in error and appellants, and by Mr. E. F. Colladay for the defendant in error and appellee.

No. 103. Dan S. Lehon, plaintiff in error, *v.* The City of Atlanta. Submitted by Mr. John D. Little, Mr. Arthur G. Powell, Mr. Marion Smith, and Mr. Max F. Goldstein for the plaintiff in error, and by Mr. Samuel D. Hewlett for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 15, will be as follows: Nos. 105, 107, 108, 109, 110, 111, 112, 113, 114, and 115.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 15, 1916.

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

Walter E. Bliss, of Greeley, Colo., was admitted to practice.

No. 109. Eagle Glass & Manufacturing Company, appellant, *v.* Thomas W. Rowe, individually, etc., et al. Passed, to be heard with case No. 43, on motion of Mr. Hannis Taylor for the appellant.

No. 110. Olaf Lie, master of the Norwegian Steamship *Selja*, etc., petitioner, *v.* San Francisco & Portland Steamship Company, claimant, etc. Passed, on motion of Mr. L. R. Alden for the petitioner.

No. 114. The Manufacturers' Light & Heat Company et al., appellants, *v.* Lee Ott et al., Public Service Commission of the State of West Virginia. Passed, on motion of Mr. C. F. Wilson for the appellants.

No. 112. Jesse L. Harnage et al., plaintiffs in error, *v.* Annie M. Martin et al. Passed.

No. 113. William Briggs, plaintiff in error, *v.* The State of Kansas. Submitted, with leave to counsel for both sides to file briefs within fifteen days.

No. 115. Josie C. Baker, individually and as administratrix, etc., plaintiff in error, *v.* Baker, Eccles & Company et al. Passed.

No. 105. George W. Stewart, plaintiff in error, *v.* Charles H. Ramsey. Argued by Mr. Robert C. Fergus for the plaintiff in error, and submitted by Mr. Clarence S. Darrow for the defendant in error.

No. 107. Great Northern Railway Company, plaintiff in error, *v.* Capital Trust Company, as administrator, etc. Submitted by Mr. A. L. Janes for the plaintiff in error, and by Mr. Samuel A. Anderson for the defendant in error.

No. 108. Union Pacific Railroad Company, appellant, *v.* The Board of County Commissioners of the County of Weld, State of Colorado, et al. Argued by Mr. C. C. Dorsey for the appellant, and by Mr. Charles F. Tew for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 16, will be as follows: Nos. 111, 116, 118, 119, 120, 121, 123, 124, 125, and 126.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 16, 1916.

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

Leonard J. Obermeier, of New York City; Thos. N. McCarter, of Newark, N. J.; Alfred Newton Gossett, of Kansas City, Mo.; Emmet V. Puryear, of Danville, Ky.; and Arnold Clarence Otto, of Milwaukee, Wis., were admitted to practice.

No. 715. Motion Picture Patents Company, petitioner, *v.* Universal Film Manufacturing Company et al. Motion to advance submitted by Mr. M. D. Church in behalf of counsel for the petitioner.

No. 120. Charles Schweinler Press, plaintiff in error, *v.* The People of the State of New York. Leave granted to file brief as *amicus curiæ*, on or before December 4 next, on motion of Mr. L. B. Wehrle, in behalf of the National Consumers League.

No. 123. Benito Lovato, plaintiff in error, *v.* The State of New Mexico. Submitted by Mr. Frank W. Clancy for the defendant in error, with leave to counsel for the plaintiff in error to file brief within 20 days.

No. 124. Lehigh Valley Railroad Company, appellant, *v.* The United States. Passed, on motion of Mr. Assistant to the Attorney General Todd for the appellee.

No. 111. Atlantic City Railroad Company, plaintiff in error, *v.* Lewis S. H. Parker. Argued by Mr. Thomas E. French for the plaintiff in error, and by Mr. David O. Watkins for the defendant in error.

No. 116. Fernand Vaughan Gasquet, plaintiff in error, *v.* George F. Lapeyre et al. Argued by Mr. William Winans Wall for the plaintiff in error, and submitted by Mr. George Denegre, Mr. Victory Leovy, and Mr. Henry H. Chaffe for the defendants in error.

No. 118. New York Central & Hudson River Railroad Company, plaintiff in error, *v.* Mary Edna Beaham. Argued by Mr. Albert S. Marley for the plaintiff in error, and by Mr. Justin D. Bowersock for the defendant in error.

No. 120. Charles Schweinler Press, plaintiff in error, *v.* The People of the State of New York. Argument commenced by Mr. Alfred E. Ommen for the plaintiff in error.

No. 121. John Armstrong Chaloner, plaintiff in error, *v.* Thomas T. Sherman. Leave granted Mr. E. F. Colladay to file additional brief. Argument commenced by Mr. E. F. Colladay for the plaintiff in error, and continued by Mr. Joseph H. Choate, jr., for the defendant in error.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, November 17, will be as follows: Nos. 121, 125, 126, 127, 128, 129, 130, 131, 132, and 133.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 17, 1916.

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

William H. England, of Ponca City, Okla.; Louis Greenberg, of Chicago, Ill.; Richard Warren Barrett, of New York City; Homer J. Smith, of Chicago, Ill.; Warren Olney, jr., of San Francisco, Cal.; and Scott Z. Henderson, of Olympia, Wash., were admitted to practice.

No. 125. Christopher L. Williams, as receiver, etc., appellant, *v.* John P. Cobb. Submitted by Mr. John B. Sanborn and Mr. Chauncey E. Blake for the appellant, and by Mr. Kurnal R. Babbitt for the appellee.

No. 121. John Armstrong Chaloner, plaintiff in error, *v.* Thomas T. Sherman. Argument continued by Mr. Joseph H. Choate, jr., for the defendant in error, and concluded by Mr. Sidney J. Dudley for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

64422—16—31

# SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 20, 1916.

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

Jo V. Morgan, of Washington, D. C.; Allyn Smith, of Colter, Ark.; Cletus Keating, of New York City; and Norvin R. Lindheim, of New York City, were admitted to practice.

No. 68. Dan O'Neil, plaintiff in error, *v.* The Northern Colorado Irrigation Company et al. In error to the Supreme Court of the State of Colorado. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 59. Seaboard Air Line Railway, appellant, *v.* The City of Raleigh and James I. Johnson, O. G. King, and R. B. Seawell, commissioners of the city of Raleigh. Appeal from the District Court of the United States for the Eastern District of North Carolina. 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. 56. International Harvester Company of New Jersey et al., appellants, *v.* The United States. Assigned for reargument on Monday, February 26th, next, at the head of the call for that day.

No. 679. Werner Horn, appellant, *v.* John J. Mitchell, United States marshal, etc. Motion to advance granted, and case assigned for argument on Monday, January 8th, next, after the cases heretofore assigned for that day.

No. 374. Jesse Isidor Straus et al., petitioners, *v.* Victor Talking Machine Company. Reassigned for argument on Monday, January 8th, next, after the cases heretofore assigned for that day.

No. 715. Motion Picture Patents Company, petitioner, *v.* Universal Film Manufacturing Company et al. Motion to advance granted, and cause assigned for argument on Monday, January 8th, next, after the cases heretofore assigned for that day.

No. 445. Martin E. Donohue, plaintiff in error, *v.* Benjamin Vosper et al. Ordered that this case be placed on the summary docket.

No. 491. The Second National Bank of Cincinnati, Ohio, plaintiff in error, *v.* The First National Bank of Okeana, Ohio. Ordered that this case be placed on the summary docket.

No. 757. G. S. Nicholas & Company et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Court of Customs Appeals granted.

No. 758. Alex. D. Shaw & Company et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Court of Customs Appeals granted.

No. 769. F. Vitelli & Son, petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Court of Customs Appeals granted.

No. 770. F. Vitelli & Son, petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Court of Customs Appeals granted.

No. 663. Lam Fung Yen, petitioner, *v.* G. Oliver Frick, United States immigration inspector, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 731. Chautauqua Institution, petitioner, *v.* John L. Zimmerman et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 763. James W. Campbell, petitioner, *v.* Charles M. Campbell et al. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 773. Compagnie Generale Transatlantique, petitioner, *v.* Teresa M. Bump. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

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No. 21, Original. *Ex parte* In the matter of Bernard B. Selling et al., etc., petitioners. Submitted by Mr. Solicitor General Davis for the petitioners, and by Mr. Thomas A. E. Weadock and Mr. Harrison Geer for the respondent.

No. 127. Gideon Dixon et al., appellants, *v.* George W. Goethals et al. Motion to dismiss or affirm submitted by Mr. Solicitor General Davis for the appellees in support of the motion, and by Mr. Benjamin T. Waldo for the appellants in opposition thereto.

No. 354. The United States, appellant, *v.* E. Dowden et al. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Dismissed, on motion of Mr. Solicitor General Davis for the appellant.

No. 9, Original. The State of Wisconsin, complainant, *v.* Franklin K. Lane, Secretary of the Interior. Leave granted to file report of commissioner and to open and publish testimony herein, on motion of Mr. C. Edward Wright for the defendant.

No. 650. Hans Berg, prize master in charge of the prize ship *Appam*, et al., appellants, *v.* British & African Steam Navigation Company. Motion to advance submitted by Mr. Howard Thayer Kingsbury for the appellee.

No. —, Original. New York Electric Lines Company, petitioner, *v.* William J. Gaynor et al., etc. Petition for writ of error submitted by Mr. Alexander S. Bacon for the petitioner, and notice directed to be served on opposing counsel, together with copy of petition and brief, if any, within 5 days, the matter to be finally submitted within 15 days on the papers both parties may desire to file.

No. 524. Paul Scharrenberg, petitioner, *v.* The Dollar Steamship Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. J. H. Ralston and Mr. William E. Richardson for the petitioner.

No. 759. George W. Caldwell and Lester Drake, as Caldwell & Drake, et al., petitioners, *v.* Northwestern Terra Cotta Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. J. H. Ralston and Mr. William E. Richardson for the petitioners and by Mr. Edgar H. Scott for the respondent.

No. 695. Great Northern Railway Company, plaintiff in error, *v.* Anna Roach, as administratrix, etc. Motion to dismiss or affirm or place on the summary docket submitted by Mr. Wade H. Ellis in behalf of Mr. Tom Davis and Mr. Ernest W. Michel for the defendant in error and by Mr. E. C. Lindley and Mr. A. L. Janes for the plaintiff in error.

No. 747. Paul Appenzellar, plaintiff in error, *v.* Henry C. Conrad, associate judge, etc., et al. Motion to advance submitted by Mr. J. J. Darlington and Mr. Robert H. Richards for the defendants in error.

No. 503. Watts, Watts & Company, Limited, petitioner, *v.* Unione Austriaca di Navigazione, etc. Motion to advance submitted by Mr. Cletus Keating in behalf of Mr. J. Parker Kirlin and Mr. John M. Woolsey for the petitioner in support of the motion, and by Mr. Charles S. Haight for the respondent in opposition thereto.

No. 761. The Victor-American Fuel Company, petitioner, *v.* Paul Tomljanovich, per pro ami. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Jo V. Morgan in behalf of Mr. Caldwell Yeaman for the petitioner and by Mr. George S. Klock for the respondent.

No. 622. Memphis Street Railway Company, petitioner, *v.* J. W. Bobo, administrator, etc.; and

No. 623. Memphis Street Railway Company, petitioner, *v.* S. C. Moore, administrator, etc. Motion to place on the summary docket submitted by Mr. John K. Graves in behalf of Mr. Caruthers Ewing and Mr. Ike W. Crabtree for the respondents.

No. 91, Wells, Fargo & Company Express, plaintiff in error, *v.* The State of Oklahoma;

No. 92. The American Express Company, plaintiff in error, *v.* The State of Oklahoma; and

No. 93. United States Express Company, plaintiff in error, *v.* The State of Oklahoma. In error to the Supreme Court of the State of Oklahoma. Dismissed on motion of counsel for the plaintiffs in error.

Adjourned until Monday, December 4, at 12 o'clock.

The day call for Monday, December 4, will be as follows: Nos. 232, 242, 420, 421, 375, 376, 148, 275, 334, 541, 600, 699, 637, 7, Original, 540, 713, 606, 493 (and 494), 617 (and 618, 642, 643, 644, and 645), and 84 (and 718).

# SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 4, 1916.

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

John H. Clifton, of Sumter, S. C.; Herbert L. Davis, of Washington, D. C.; Arthur Miller, of Kansas City, Mo.; Charles B. Braun, of Waco, Tex.; Herbert Barry, of New York City; Thomas M. Morrow, of Scottsbluff, Nebr.; Joseph G. Beeler, of North Platte, Nebr.; James M. Sheean, of Chicago, Ill.; James M. E. O'Grady, of Rochester, N. Y.; Marcellus L. Countryman, of St. Paul, Minn.; Harry J. Robinson, of Salt Lake City, Utah; George T. Buckingham, of Chicago, Ill.; Henry V. McGurren, of Chicago, Ill.; James R. Sheppard, of Morgantown, W. Va.; Guy Graham, of Houston, Tex.; John D. Ellis, of Cincinnati, Ohio; John D. Clark, of Cheyenne, Wyo.; Harry W. Standidge, of Chicago, Ill.; Douglas McKay, of Columbia, S. C.; and William F. Tammany, of South Norwalk, Conn., were admitted to practice.

No. 44. The United States, petitioner, *v.* Northern Pacific Railway Company. On writ of certiorari to 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 North Dakota. Opinion by Mr. Justice Clarke.

No. 452. The United States of America et al., appellants, *v.* Merchants & Manufacturers Traffic Association of Sacramento et al. Appeal from the District Court of the United States for the Northern District of California. Decree reversed, and cause remanded with directions to dismiss the bill. Opinion by Mr. Justice Brandeis.

No. 40. The Hutchinson Ice Cream Company et al., plaintiffs in error, *v.* The State of Iowa. In error to the Supreme Court of the State of Iowa;

No. 39. The Sanders Ice Cream Company et al., plaintiffs in error, *v.* The State of Iowa. In error to the Supreme Court of the State of Iowa.

No. 50. A. B. Crowl, plaintiff in error, *v.* The Commonwealth of Pennsylvania. In error to the Supreme Court of the State of Pennsylvania. Judgments affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 51. Frank J. Kane, plaintiff in error, *v.* The State of New Jersey. In error to the Court of Errors and Appeals of the State of New Jersey. Judgment affirmed with costs. Opinion by Mr. Justice Brandeis. (Mr. Justice Pitney took no part in the consideration or decision of this case.)

No. 71. The Baltimore & Ohio Railroad Company, plaintiff in error, *v.* Harvey W. C. Whitacre. In error to the Court of Appeals of the State of Maryland. Judgment affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 99. Henry H. Kryger, plaintiff in error, *v.* Ida S. Wilson et al., administrators, etc. In error to the Supreme Court of the State of North Dakota. Judgment affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 8. James Sim, petitioner, *v.* William Edenborn; and

No. 9. Thomas P. Alder, petitioner, *v.* William Edenborn. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgments of the Circuit Court of Appeals reversed with costs, and judgments of the District Court of the United States for the Eastern District of New York affirmed with costs, and causes remanded to the said District Court. Opinion by Mr. Justice McReynolds. Dissenting: Mr. Justice McKenna, Mr. Justice Day, and Mr. Justice Van Devanter.

No. 88. John G. McIntyre, plaintiff in error, *v.* Frederick W. Kavanaugh. In error to the Supreme Court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 100. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* L. P. McLaughlin. In error to the Circuit Court of Pocahontas 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. Justice McReynolds.

No. 107. Great Northern Railway Company, plaintiff in error, *v.* Capital Trust Company, 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 McReynolds.

No. 118. New York Central & Hudson River Railroad Company, plaintiff in error, *v.* Mary Edna Beaham. In error to the Kansas

City Court of Appeals, State of Missouri. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McReynolds. Dissenting: Mr. Justice Pitney.

No. 105. George W. Stewart, plaintiff in error, *v.* Charles H. Ramsay. In error to the District Court of the United States for the Northern District of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Pitney.

No. 10. The Pennsylvania Railroad Company, plaintiff in error, *v.* Sonman Shaft Coal Company. In error to the Supreme Court of the State of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 22. Pennsylvania Railroad Company *v.* W. F. Jacoby & Company. On certificate from and writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment of the District Court reversed with costs, and cause remanded to the District Court of the United States for the Eastern District of Pennsylvania for a new trial. Opinion by Mr. Justice Day. Dissenting: Mr. Justice Pitney.

No. 74. Seton Hall College, plaintiff in error, *v.* Village of South Orange, in Essex County, New Jersey, et al. In error to the Supreme Court of the State of New Jersey. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 101. Swift & Company et al., plaintiffs in error and appellants, *v.* J. Noble Hoover, alleged bankrupt. In error to and appeal from the Supreme Court of the District of Columbia. Dismissed for want of jurisdiction. Opinion by Mr. Justice Day.

No. 212. Kansas City, Memphis & Birmingham Railroad Company, plaintiff in error, *v.* James P. Stiles. In error to the Supreme Court of the State of Alabama. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 290. Louisville & Nashville Railroad Company et al., appellants, *v.* The United States of America et al. Appeal from the District Court of the United States for the Middle District of Tennessee. Decree reversed and cause remanded with directions that the injunction issue without prejudice to further orders by the Interstate Commerce Commission, as stated in the opinion. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Pitney, Mr. Justice Day, Mr. Justice Brandeis, and Mr. Justice Clarke.

No. 412. The United States, plaintiff in error, *v.* Herman H. Oppenheimer et al. In error to the District Court of the United States for the Southern District of New York. Judgment affirmed. Opinion by Mr. Justice Holmes.

No. 111. Atlantic City Railroad Company, plaintiff in error, *v.* Lewis S. H. Parker. In error to the Court of Errors and Appeals of the State of New Jersey. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 103. Dan S. Lehon, plaintiff in error, *v.* The City of Atlanta. In error to the Court of Appeals of the State of Georgia. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 11, Original. *Ex parte* In the matter of The United States, petitioner. Rule to show cause made absolute and writ of mandamus granted, not to become effective until the end of this term. Opinion by Mr. Chief Justice White.

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

No. 47. William H. Berry et al., etc., appellants, *v.* Rudolph Davis. Attention is directed to the fact that the statute of Iowa of April 19, 1913 (Supplement to Iowa Code, 1913, p. 1082), concerning which the appellee complained and the enforcement of which by the board of parole he sought by his suit to enjoin, has been repealed during the pendency of the case in this court (see act of 1915, Supplemental Supplement to Iowa Code, 1915, p. 238). In view of this fact permission is given the State through its attorney general on or before January 1, 1917, by printed brief to point out the reasons, if any, which exist why the appeal in this case should not be dismissed.

No. 90. Martin Hanson, plaintiff in error, *v.* Great Northern Railway Company. In error to the Supreme Court of the State of Minnesota. *Per curiam*: Judgment affirmed with costs upon the authority of Chicago Junction Railway Co. *v.* King, 222 U. S., 222; Seaboard Air Line *v.* Padgett, 236 U. S., 668, 673; Great Northern Ry. Co. *v.* Knapp, 240 U. S., 464; Baltimore & Ohio R. R. Co. *v.* Whitacre, this day decided ante page 78.

No. 113. William Briggs, plaintiff in error, *v.* The State of Kansas. In error to the Supreme Court of the State of Kansas. *Per curiam*: Dismissed for want of jurisdiction upon the authority of: 1. Dreyer *v.* Illinois (187 U. S., 71, 83-84); Prentis *v.* Atlantic Coast Line (211 U. S., 210, 225). 2. Baldwin *v.* Kansas (129 U. S., 52); Spies *v.* Illinois (123 U. S., 131); Jacobi *v.* Alabama (187 U. S., 133). 3. Equitable Life Assurance Society *v.* Brown (187 U. S., 308, 311); Consolidated Turnpike *v.* Norfolk, &c., Ry. Co. (228 U. S., 596, 600); Manhattan Life Insurance Co. *v.* Cohen (234 U. S., 123, 137). 4. Moore *v.* Missouri (159 U. S., 673); McDonald *v.* Massachusetts (180 U. S., 311); Graham *v.* West Virginia (224 U. S., 616); Carlesi *v.* New York (233 U. S., 51).

No. 127. Gideon Dixon et al., appellants, *v.* George W. Goethals et al. Appeal from the United States Circuit Court of Appeals for

the Fifth Circuit. *Per curiam*: Judgment affirmed with costs upon the authority of *McCullum v. Eager* (2 How., 61); *Thomas v. Wooldrige* (23 Wall., 283); *Buffington v. Harvey* (95 U. S., 99); *Rexford v. Brunswick-Balke-Collander Co.* (228 U. S., 339, 346).

No. 474. Chicago, Milwaukee & St. Paul Railway Company, plaintiff in error, *v. John M. Bolch*. In error to the Supreme Court of the State of Washington. *Per curiam*: Dismissed for want of jurisdiction upon the authority of *Haseltine v. Central National Bank* (183 U. S., 130); *Schlosser v. Hemphill* (198 U. S., 173); *Louisiana Navigation Co. v. Oyster Commission of Louisiana* (226 U. S., 99); *Thompson v. St. Louis* (241 U. S., 637).

No. 622. Memphis Street Railway Company, petitioner, *v. J. W. Bobo*, administrator, etc.; and

No. 623. Memphis Street Railway Company, petitioner, *v. S. C. Moore*, administrator, etc. Ordered that these cases be placed on the summary docket.

No. 695. Great Northern Railway Company, plaintiff in error, *v. Anna Roach*, as administratrix, etc. Ordered that this case be placed on the summary docket.

No. 503. Watts, Watts & Company, Limited, petitioner, *v. Unione Austriaca Di Navigazione*, etc. Motion to advance denied.

No. 747. Paul Appenzellar, plaintiff in error, *v. Henry C. Conrad*, associate judge, etc., et al. Motion to advance denied.

No. 650. Hans Berg, prize master in charge of the prize ship *Appam*, et al., appellants, *v. British & African Steam Navigation Company*. Motion to advance granted, and case assigned for argument on Monday, January 8 next, after the cases heretofore assigned for that day.

No. 524. Paul Scharrenberg, petitioner, *v. The Dollar Steamship Company et al.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 759. George W. Caldwell et al., petitioners, *v. Northwestern Ferra Cotta Company*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 761. The Victor-American Fuel Company, petitioner, *v. Paul Tomljanovich*, per pro ami. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 138. The United States, appellant, *v. American Asiatic Steamship Company et al.* Motion to reverse decree of the district court and to remand the cause with instructions to dismiss the petition without prejudice submitted by Mr. Solicitor General Davis for the appellant.

No. 169. The United States, appellant, *v.* Prince Line, Limited, et al. Motion to reverse decree of the district court and to remand the case with instructions to dismiss the petition without prejudice submitted by Mr. Solicitor General Davis for the appellant.

No. 310. The United States et al., appellants, *v.* Illinois Central Railroad Company. Motion to advance submitted by Mr. Solicitor General Davis for the United States.

No. 354. The United States, appellant, *v.* E. Dowden et al. Mandate granted on motion of Mr. Solicitor General Davis for the appellant.

No. 475. William McCoach, collector of internal revenue, petitioner, *v.* Insurance Company of North America. Motion to advance submitted by Mr. Solicitor General Davis for the petitioner.

No. 586. Eighteen Packages of Dental Instruments, Samuel Rubin, Claimant, appellant and plaintiff in error, *v.* The United States. Motion to dismiss submitted by Mr. Solicitor General Davis for the appellee and defendant in error in support of the motion, and by Mr. John A. Kratz for the appellant and plaintiff in error in opposition thereto.

No. 685. The United States, plaintiff in error, *v.* Jesse T. Morehead. Motion to advance submitted by Mr. Solicitor General Davis for the plaintiff in error.

No. 697. The United States *v.* Lucky S. Waller et al. Motion to advance submitted by Mr. Solicitor General Davis for the United States.

No. 764. First National Bank of Bay City, plaintiff in error, *v.* Grant Fellows, Attorney General of the State of Michigan ex rel. Union Trust Company et al. Motion to advance submitted by Mr. Solicitor General Davis in behalf of counsel for the plaintiff in error, and leave granted the Solicitor General to file a brief herein as *amicus curiæ*.

No. 790. S. A. Hayes, Collector of Internal Revenue, petitioner, *v.* The Gauley Mountain Coal Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Solicitor General Davis for the petitioner.

No. 797. Francis M. Wilson, U. S. Attorney for the Western District of Missouri, appellant, *v.* Alexander New and Henry C. Ferris, as Receivers of The Missouri, Oklahoma & Gulf Railway Company. Motion to advance submitted by Mr. Solicitor General Davis for the appellant.

No. 427. Victor Herbert et al., petitioners, *v.* The Shanley Company. Motion to advance to be heard with No. 433 as one case on January 8th next, granted, on motion of Mr. John W. Davis in behalf of counsel for the petitioners.

No. 308. Baltimore & Ohio Railroad Company, plaintiff in error, *v.* William C. Hagen. Motion to dismiss or affirm or place on the summary docket submitted by Mr. Rufus S. Day and Mr. F. S. Monnett for the defendant in error in support of the motion, and by Mr. Alfred A. Frazier, Mr. Edward Kibler, and Mr. George E. Hamilton for the plaintiff in error in opposition thereto.

Nos. 340 and 341. The United States et al., appellants, *v.* The Pennsylvania Railroad Company. Motion for leave to file brief herein on behalf of The Union Tank Line Company, as *amicus curiæ*, submitted by Mr. Douglas Campbell in support of the motion, and by Mr. Solicitor General Davis in opposition thereto.

No. 609. National Bank of Commerce of Rochester, petitioner, *v.* Wilbur B. Grandison, as trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. James M. E. O'Grady and Mr. Eugene Van Voorhis for the petitioner, and by Mr. Thomas C. Burke for the respondent.

No. 269. The State of California, plaintiff in error, *v.* Deseret Water, Oil & Irrigation Company. Motion to dismiss or affirm submitted by Mr. Charles F. Consaul and Mr. A. H. Ricketts for the defendant in error in support of the motion, and by Mr. U. S. Webb for the plaintiff in error in opposition thereto.

No. 733. Lehigh Valley Railroad Company, appellant, *v.* The United States and The Interstate Commerce Commission. Motion to advance submitted by Mr. Edgar H. Boles for the appellant.

No. 753. Q. Broom and his wife, Annie Broom, petitioners, *v.* J. R. Chapman et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Frederick S. Tyler in behalf of Mr. William D. Gordon for the petitioners, and by Mr. J. W. Terry and Mr. H. M. Garwood for the respondents.

No. 10, original. The State of Arkansas, complainant, *v.* The State of Mississippi. Petition of defendant requesting certificate as to a certain map desired to be introduced in evidence by the defendant submitted by Mr. Frederick S. Tyler in behalf of counsel for the defendant.

No. 10, original. The State of Arkansas, complainant, *v.* The State of Mississippi. Leave granted to open and publish testimony herein on motion of Mr. Frederick S. Tyler in behalf of counsel.

No. 584. The Pennsylvania Fire Insurance Company of Philadelphia, plaintiff in error, *v.* The Gold Issue Mining & Milling Company. Motion to dismiss or affirm submitted by Mr. John T. Wayland in behalf of Mr. P. H. Cullen, Mr. Thos. T. Fauntleroy, and Mr. Chas. M. Hay for the defendant in error in support of the

motion, and by Mr. Fred Herrington for the plaintiff in error in opposition thereto.

No. 714. Chicago & Alton Railroad Company et al., plaintiffs in error, *v.* William J. McWhirt. Motion to dismiss or affirm submitted by Mr. John T. Wayland in behalf of Mr. P. H. Cullen, Mr. Charles M. Hay, and Mr. Thomas T. Fauntleroy for the defendant in error in support of the motion and by William C. Scarritt and Elliott H. Jones for plainaiiffs in error in opposition thereto.

No. 25, original. *Ex parte* in the matter of The Indiana Transportation Company, petitioner. Motion that James F. Bishop, administrator, etc., et al., be allowed to intervene herein and make return to rule to show cause why the petition for writ of prohibition should not be granted submitted by Mr. Harry W. Standidge in behalf of the interested parties.

No. 567. H. H. Haines, receiver, etc., petitioner, *v.* The Buckeye Wheel Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. John J. Hamilton in behalf of Mr. Harry L. Gordon and John D. Ellis for the petitioner and by Mr. Joseph W. O'Hara and Mr. Province M. Pogue for the respondent.

No. 46. Minerals Separation, Ltd., et al., petitioners, *v.* James M. Hyde. Leave granted to file stipulation to correct the transcript record and on motion of Mr. Frederic D. McKenney for the petitioners.

No. 209. Vandalia Railroad Company, plaintiff in error, *v.* John A. Holland. In error to the Supreme Court of the State of Indiana. Dismissed with costs on motion of Mr. Frederic D. McKenney for the plaintiff in error.

No. 522. Sernetta J. McCoy et al., executors, plaintiffs in error, *v.* Union Elevated Railroad Company et al. Motion to advance submitted by Mr. J. J. Darlington in behalf of counsel for the plaintiffs in error.

No. 174. Fred E. Barney, plaintiff in error, *v.* Charles M. Way, as receiver, etc. In error to the Supreme Court of the State of Minnesota. Dismissed per stipulation.

No. 182. Jcrge Dard y Teillard et al., heirs at law of Eugenia Teillard, deceased, et al., appellants, *v.* Enrique Green et al. Appeal from the District Court of the United States for Porto Rico. Dismissed with costs on motion of counsel for the appellants.

No. 617. Robert L. Greene, auditor, et al., etc., et al., appellants, *v.* Louisville & Interurban Railroad Company;

No. 618. Robert L. Greene, auditor, et al., etc., et al., appellants, *v.* Louisville Railway Company;

No. 642. Illinois Central Railroad Company, appellant, *v.* Robert L. Greene et al., etc., et al.;

No. 643. Robert L. Greene et al., etc., et al., appellants, *v.* Illinois Central Railroad Company;

No. 644. Illinois Central Railroad Company, appellant, *v.* Robert L. Greene et al., etc., et al.; and

No. 645. Robert L. Greene et al., etc., et al., appellants, *v.* Illinois Central Railroad Company. Reassigned for argument on Monday, January 8 next, after the cases heretofore assigned for that day.

No. 232. The Newark Natural Gas & Fuel Company, plaintiff in error, *v.* The City of Newark, Ohio. Argued by Mr. James R. Fitzgibbon for the plaintiff in error, and by Mr. Frank A. Bolton for the defendant in error.

No. 242. Atlantic Coast Line Railroad Company, plaintiff in error, *v.* Lizzie M. Mims, as administratrix, etc. Argued by Mr. Frederic D. McKenney for the plaintiff in error, and by Mr. William S. Nelson for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 5, will be as follows: Nos. 420, 421, 375, 376, 148, 275, 334, 541, 600, 699, 637, 7 Original, 540, 713, 606, 493 (and 494), and 84 (and 718).

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 5, 1916.

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

F. M. Durrance, of Jacksonville, Fla., was admitted to practice.

No. 722. Hans Berg, prize master, etc., et al., appellants, *v.* Henry G. Harrison, master, etc. Motion to advance submitted by Mr. Clarence R. Wilson in behalf of counsel.

No. 420. The Minneapolis & St. Louis Railroad Company, plaintiff in error, *v.* George H. Winters. Argued by Mr. Frederick M. Miner for the plaintiff in error, and by Mr. Humphrey Barton for the defendant in error.

No. 421. The Minneapolis & St. Louis Railroad Company, plaintiff in error, *v.* Emma F. Nash, as administratrix, etc. Argued by Mr. Frederick M. Miner for the plaintiff in error, and by Mr. Humphrey Barton for the defendant in error.

No. 375. The Baltimore & Ohio Railroad Company, plaintiff in error, *v.* James B. Wilson. Argued by Mr. James B. Sheean for the plaintiff in error, and by Mr. Morse Ives for the defendant in error.

No. 376. Swift & Company, plaintiff in error, *v.* The Hocking Valley Railway Company. Argument commenced by Mr. M. Hampton Todd for the plaintiff in error, continued by Mr. C. M. Horn for the defendant in error, and concluded by Mr. William L. Day for the plaintiff in error.

No. 148. Chicago, Milwaukee & St. Paul Railway Company, plaintiff in error, *v.* The State Public Utilities Commission of Illinois. Argued by Mr. O. W. Dynes for the plaintiff in error, and by Mr. M. F. Gallagher for the defendant in error.

No. 796. C. A. Starbird, administrator, etc., plaintiff in error, *v.* St. Louis, Iron Mountain & Southern Railway Company. Advanced for argument with No. 275, on motion of Mr. Robert A. Rowe for the plaintiff in error.

No. 275. St. Louis, Iron Mountain & Southern Railway Company, plaintiff in error, *v.* C. A. Starbird, administrator, etc.; and

No. 796. C. A. Starbird, administrator, etc., plaintiff in error, *v.* St. Louis, Iron Mountain & Southern Railway Company. Argument commenced by Mr. Robert A. Rowe for Starbird, administrator, etc.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 6, will be as follows: Nos. 275 (and 796), 334, 541, 600, 699, 637, 7 Original, 540, 713, 606, 493 (and 494), and 84 (and 718).

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 6, 1916.

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

No. 275. St. Louis, Iron Mountain & Southern Railway Company, plaintiff in error, *v.* C. A. Starbird, Administrator, etc.; and

No. 796. C. A. Starbird, Administrator, etc., plaintiff in error, *v.* St. Louis, Iron Mountain & Southern Railway Company. Argument continued by Mr. Robert A. Rowe for Starbird, Administrator, etc., by Mr. Thomas B. Pryor for the Railway Company, and concluded by Mr. Robert A. Rowe for Starbird, Administrator, etc.

No. 334. Gulf, Colorado & Santa Fe Railway Company, plaintiff in error, *v.* Texas Packing Company et al. Argued by Mr. Alexander Britton for the plaintiff in error, and submitted by Mr. W. O. Cox and Mr. Frederick S. Tyler for the defendants in error.

No. 541. Wellsville Oil Company, plaintiff in error, *v.* Martha A. Miller, née Everett, et al. Argued by Mr. Charles H. Merillat for the plaintiff in error, and by Mr. Robert J. Boone for the defendants in error.

No. 600. F. A. Dickson, plaintiff in error, *v.* Luck Land Company. Submitted by Mr. Frank Healy for the plaintiff in error, and by Mr. Marshall A. Spooner for the defendant in error.

No. 699. John T. Beecroft, plaintiff in error, *v.* The Great Northern Railway Company. Argued by Mr. Tom Davis for the plaintiff in error, and by Mr. M. L. Countryman for the defendant in error.

No. 637. Illinois Central Railroad Company et al., plaintiffs in error, *v.* George R. Williams. Argued by Mr. Charles C. La Forgee for the plaintiffs in error, and by Mr. M. F. Harrington and Mr. William H. Watkins for the defendant in error.

No. 7, Original. The State of Wyoming, complainant, *v.* The State of Colorado et al. Three counsel allowed to argue for defendants,

and three hours allowed each side, on motion of Mr. Fred Farrar for the defendants. Argument commenced by Mr. John W. Lacey for the complainant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 7, will be as follows: Nos. 7, Original; 540, 713, 606, 493 (and 494), 84 (and 718), 30 (and 58), 286 (and 287 and 288), 43 (and 109), and 124.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 7, 1916.

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

James F. Winn, of Winchester, Ky.; D. De Mott Woodmansee, of Cincinnati, Ohio; Roswell C. Bridger, of Winton, N. C.; and Louis Fridiger, of New York City, were admitted to practice.

No. 7, Original. The State of Wyoming, complainant, *v.* The State of Colorado et al. Argument continued by Mr. John W. Lacey for the complainant, by Mr. Fred Farrar for The State of Colorado, and by Mr. Delph E. Carpenter for The Greeley Poudre Irrigation District.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 8, will be as follows: Nos. 7, Original, 540, 713, 606, 493 (and 494), 84 (and 718), 30 (and 58), 286 (and 287 and 288), 43 (and 109), and 124.

64422-16—37

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 8, 1916.

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

Allan C. Rearick, of New York City; John C. Welty, of Canton, Ohio; Luther Nickels, of Austin, Tex.; Eugene W. Ong, of Boston, Mass.; and Rufus F. Robinson, of Oquawka, Ill., were admitted to practice.

No. 7, Original. The State of Wyoming, complainant, *v.* The State of Colorado et al. Argument continued by Mr. Delph E. Carpenter for the Greeley Poudre irrigation district, by Mr. Julius C. Gunter for the Laramie-Poudre Reservoirs & Irrigation Company, and concluded by Mr. N. E. Corthell for the complainant.

No. 540. Louisville Bridge Company, appellant, *v.* The United States. Argument commenced by Mr. William W. Crawford for the appellant, continued by Mr. Assistant Attorney General Wallace for the appellee, and by Mr. Lawrence Maxwell for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 11, will be as follows: Nos. 540, 713, 606, 493 (and 494), 84 (and 718), 30 (and 58), 286 (and 287 and 288), 43 (and 109), 124, and 106.

64422—16—38

# SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 11, 1916.

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

James Ballard Moore, of Grand Rapids, Mich.; Edward S. McGraw, of Williamsport, Pa.; Sanders McDaniel, of Atlanta, Ga.; H. D. Henry, of Mangum, Okla.; William H. Orrick, of San Francisco, Cal.; R. E. Peters, of Fort Wayne, Ind.; August V. Rieke, of Minneapolis, Minn., Christopher M. Bradley, of San Francisco, Cal.; Augustus W. Clapp, of St. Paul, Minn.; Richard S. Rodney, of Wilmington, Del.; Frank M. Hoyt, of Milwaukee, Wis.; and John G. Parkinson, of St. Joseph, Mo., were admitted to practice.

No. 49. 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. In error to the Supreme Court of the State of New York. Dismissed for want of jurisdiction. Opinion by Mr. Justice Clarke. Dissenting: Mr. Justice McKenna and Mr. Justice Pitney.

No. 46. Minerals Separation, Limited, et al., petitioners, *v.* James M. Hyde. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree of the Circuit Court of Appeals reversed with costs and decree of the District Court of the United States for the District of Montana modified and affirmed with costs; and cause remanded to said District Court. Opinion by Mr. Justice Clarke.

No. 1. The Detroit United Railway, plaintiff in error, *v.* The People of the State of Michigan; and

No. 4. The Detroit United Railway, plaintiff in error, *v.* The City of Detroit. In error to the Supreme Court of the State of Michigan. Judgments reversed with costs and cases remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Pitney. Dissenting: Mr. Justice Clarke and Mr. Justice Brandeis.

No. 81. Vandalia Railroad Company, plaintiff in error, *v.* The Public Service Commission of Indiana as the successor of The Railroad Commission of Indiana. In error to the Supreme Court of the State of Indiana. Judgment affirmed with costs. Opinion by Mr. Justice Pitney. (Mr. Justice Clark took no part in the consideration or decision of this case.)

No. 340. The United States et al., appellants, *v.* The Pennsylvania Railroad Company; and

No. 341. The United States, Interstate Commerce Commission, et al., appellants, *v.* The Pennsylvania Railroad Company. Appeals from the District Court of the United States for the Western District of Pennsylvania. Decrees affirmed. Opinion by Mr. Justice McKenna.

No. 60. Goshen Manufacturing Company, petitioner, *v.* Hubert A. Myers Manufacturing Company and Hubert A. Myers. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decree reversed with costs and cause remanded to the District Court of the United States for the District of Indiana for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice McKenna.

No. 123. Benito Lovato, plaintiff in error, *v.* The State of New Mexico. In error to the Supreme Court of the State of New Mexico. Judgment affirmed with costs. Opinion by Mr. Chief Justice White.

No. 89. W. A. Cissna, plaintiff in error, *v.* The State of Tennessee. Restored to the docket for reargument after case of State of Arkansas *v.* State of ~~Mississippi~~, No. 68, original. Opinion by Mr. Chief Justice White. *Tennessee*

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

No. —, original. The New York Electric Lines Company, petitioner, *v.* William J. Gaynor et al., Board of Estimate and Apportionment of the City of New York et al. On application for a writ of error to the Supreme Court of the State of New York for the County of New York. Per curiam: The writ of error prayed for is denied upon the authority of: 1. *Eustis v. Bolles* (150 U. S., 361); *Leathe v. Thomas* (207 U. S., 93); *Holden Land Co. v. Interstate Trading Co.* (233 U. S., 536, 541); *Mellon Co. v. McCafferty* (239 U. S., 134). 2. *Yazoo & Mississippi Valley Ry. Co. v. Adams* (180 U. S., 26); *Beals v. Cone* (188 U. S., 184); *Wood v. Chesborough* (228 U. S., 672). 3. *Equitable Life Assurance Society v. Brown* (187 U. S., 308, 314); *Consolidated Turnpike v. Norfolk, etc., Ry. Co.* (228 U. S., 596, 600); *Easterling Lumber Co. v. Pierce* (235

U. S., 380, 382). See *New York Electric Lines Co. v. Empire City Subway Co.* (235 U. S., 179).

No. 586. Eighteen Packages of Dental Instruments, etc., appellant and plaintiff in error, *v. The United States*. Appeal from and 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 *The United States v. Krall* (174 U. S., 385, 391); *Macfarland v. Brown* (187 U. S., 239); *U. S. v. Beatty* (232 U. S., 463, 466).

No. 699. John T. Becroft, plaintiff in error, *v. The Great Northern Railway Company*. In error to the District Court of Lyon County, State of Minnesota. Per curiam: Judgment affirmed with costs on the authority of *Chicago Junction Ry. Co. v. King* (222 U. S., 222), *Seaboard Air Line v. Padgett* (236 U. S., 668, 673), *Great Northern Ry. Co. v. Knapp* (240 U. S., 464), *Baltimore & Ohio R. R. Co. v. Whitacre* (242 U. S., —).

No. 522. Sernetta J. McCoy et al., executors, etc., plaintiffs in error, *v. Union Elevated Railroad Company et al.* Motion to advance denied.

No. 797. Francis M. Wilson, U. S. attorney, etc., appellant, *v. Alexander New et al.*, receivers, etc. Motion to advance granted, and case assigned for argument on Monday, January 8th next, at the head of the call for that day.

No. 722. Hans Berg, prize master, etc., et al., appellants, *v. Henry G. Harrison*, master, etc. Motion to advance granted, and case assigned for argument on Monday, January 8th next, with No. 650.

No. 310. *The United States et al.*, appellants, *v. Illinois Central Railroad Company*;

No. 475. William McCoach, collector of internal revenue, petitioner, *v. Insurance Company of North America*;

No. 685. *The United States*, plaintiff in error, *v. Jesse T. Morehead*;

No. 697. *The United States v. Lucky S. Waller and Mamie S. Waller*;

No. 733. *Lehigh Valley Railroad Company*, appellant, *v. The United States et al.*; and

No. 764. *First National Bank of Bay City*, plaintiff in error, *v. Grant Fellows*, attorney general, etc. Motions to advance these cases severally granted, and cases assigned for argument on Monday, February 26th next, after the cases heretofore assigned for that day.

No. 269. *The State of California*, plaintiff in error, *v. Deseret Water, Oil & Irrigation Company*.

No. 308. *The Baltimore & Ohio Railroad Company*, plaintiff in error *v. William C. Hagen*;

No. 584. The Pennsylvania Fire Insurance Company of Philadelphia, plaintiff in error, *v.* The Gold Issue Mining & Milling Company; and

No. 714. Chicago & Alton Railroad Company et al., plaintiffs in error, *v.* William J. McWhirt. Ordered that these cases be placed on the summary docket.

No. 790. S. A. Hayes, collector, etc., petitioner, *v.* The Gauley Mountain Coal Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 567. H. H. Haines, receiver, etc., petitioner, *v.* The Buckeye Wheel Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 609. National Bank of Commerce of Rochester *v.* Wilbur B. Grandison, as trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 753. Q. Broom et al., petitioners, *v.* J. R. Chapman et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 146. The United States, plaintiff in error, *v.* William Skinner et al. In error to the District Court of the United States for the Southern District of New York. Dismissed, on motion of Mr. Solicitor General Davis for the plaintiff in error.

No. 181. The United States, plaintiff in error, *v.* John L. Billard. In error to the District Court of the United States for the Southern District of New York. Dismissed on motion of Mr. Solicitor General Davis for the plaintiff in error.

No. 365. Franklin K. Lane, Secretary of the Interior, plaintiff in error, *v.* Svan Hoglund;

No. 401. The United States of America *v.* Solomon Louis Ginsburg;

No. 461. Motion Picture Patents Company et al., appellants, *v.* The United States;

No. 649. The United States, plaintiff in error, *v.* Solomon Kenofsky;

No. 683. The United States, plaintiff in error, *v.* Mathew T. Gradwell et al.;

No. 684. The United States, plaintiff in error, *v.* Charles Hambly et al.; and

Nos. 775 and 776. The United States, plaintiff in error, *v.* Edward O'Toole et al. Motions to advance submitted by Mr. Solicitor General Davis for the United States.

No. 803. Lo Pong, alias Lo Bong, petitioner, *v.* James R. Dunn, inspector, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. John H. Brickenstein for the petitioner and by Mr. Solicitor General Davis and Mr. Assistant Attorney General Wallace for the respondent.

No. 535. The Wichita Falls & Northwestern Railway Company, plaintiff in error, *v.* J. H. Puckett. Motion to dismiss submitted by Mr. Joseph W. Bailey in behalf of Mr. C. B. Stuart, Mr. A. C. Cruce, and Mr. M. K. Cruce for the defendant in error in support of the motion and by Mr. Joseph M. Bryson and Mr. Alexander Britton for the plaintiff in error in opposition thereto.

No. 454. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* John B. Shaw. Motion to dismiss or affirm or transfer to the summary docket submitted by Mr. Allan D. Cole for the defendant in error in support of the motion and by Mr. E. L. Worthington, Mr. W. B. Cochran, and Mr. Le Wright Browning for the plaintiff in error in opposition thereto.

No. 748. Mariam McAllister, as administratrix, etc., plaintiff in error, *v.* The Chesapeake & Ohio Railway Company et al. Motion to advance pursuant to the thirty-second rule submitted by Mr. Allan D. Cole for the plaintiff in error.

No. 573. St. Joseph & Grand Island Railway Company, plaintiff in error, *v.* Ralph W. Moore. Motion to dismiss or affirm or transfer to the summary docket submitted by Mr. John G. Parkinson for the defendant in error in support of the motion, and by Mr. Robert A. Brown for the plaintiff in error in opposition thereto.

No. 809. W. H. Watlington, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Court of Appeals for the Eighth Circuit submitted by Mr. Carlos Bee and Mr. S. W. Hayes for the petitioner, and by Mr. Solicitor General Davis and Mr. Assistant Attorney General Wallace for the respondent.

No. 782. John Schroeder Lumber Company, petitioner, *v.* Ramey Lumber Company, Limited. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Frank M. Hoyt and Mr. Nathan Pereles, jr. for the petitioner.

No. 469. The Valley Steamship Company, plaintiff in error, *v.* John J. Wattawa; and

No. 470. The Valley Steamship Company, palintiff in error, *v.* Joseph Mraz. Motion to advance submitted by Mr. F. C. Bryan in behalf of counsel for the plaintiff in error.

No. 470. The Valley Steamship Company, plaintiff in error, *v.* Joseph Mraz. Motion to dispense with printing the record herein submitted by Mr. F. C. Bryan in behalf of counsel for the plaintiff in error.

No. 342. The Cuyahoga River Power Company, plaintiff in error, *v.* The Northern Realty Company et al. Motion to dispense with the reproduction of a certain map in the transcript of record submitted by Mr. C. B. Ellis in behalf of counsel for the plaintiff in error.

No. 540. Louisville Bridge Company, appellant, *v.* The United States. Argument concluded by Mr. Lawrence Maxwell for the appellant.

No. 713. The Savings Bank of Danbury, etc., plaintiff in error, *v.* Dietrich E. Loewe, etc. Argued by Mr. W. F. Tammany for the plaintiff in error and by Mr. Walter Gordon Merritt and Mr. Daniel Davenport for the defendant in error.

No. 606. H. Snowden Marshall, appellant, *v.* Robert B. Gordon, Sergeant at Arms of the House of Representatives of the United States. Argument commenced by Mr. Charles P. Spooner for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 12, will be as follows: Nos. 606, 493 (and 494), 84 (and 718), 286 (and 287 and 288), 30 (and 58), 43 (and 109), 124, 106, 115, and 112.

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 12, 1916.

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

Bernard Korbly, of Indianapolis, Ind.; Matthew H. Weiss, of Hebron, Neb.; George E. Stebbins, of Pittsburgh, Pa.; Henry E. Sampson, of Des Moines, Iowa; A. L. McCawley, of Carthage, Mo.; and Frank G. Odell, of Omaha, Neb.; were admitted to practice.

No. 141. Armour Packing Company et al., plaintiffs in error, *v.* The State of Missouri, on the relation of John T. Barker, attorney general. In error to the Supreme Court of the State of Missouri. Dismissed with costs, on motion of counsel for the plaintiffs in error.

No. 606. H. Snowden Marshall, appellant, *v.* Robert B. Gordon, sergeant at arms of the House of Representatives of the United States. Argument continued by Mr. Charles P. Spooner for the appellant, by Mr. D. Cady Herrick for the appellee, and concluded by Mr. Jesse C. Adkins for the appellant.

No. 493. P. L. Crane, appellant, *v.* Hiram W. Johnson, governor etc., et al.; and

No. 494. Kate P. McNaughton, appellant, *v.* Hiram W. Johnson, governor, etc., et al. Argued by Mr. Tom L. Johnston for the appellants, and by Mr. Robert M. Clarke and Mr. Thomas Lee Woolwine for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 13, will be as follows: Nos. 84 (and 718), 286 (and 287 and 288), 30 (and 58), 43 (and 109), 124, 106, 115, 112, 104, and 35.

64422—16—40

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 13, 1916.

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

R. N. Grisham, of Sweetwater, Tex.; Abram P. Staples, of Roanoke, Va.; and Paul A. Neuffer, of Chicago, Ill., were admitted to practice.

No. 84. The United States, plaintiff in error, *v. W. R. Cress*; and No. 718. The United States, plaintiff in error, *v. Achilles Kelly et al.* Argued by Mr. Assistant Attorney General Thompson for the plaintiff in error, and by Mr. J. F. Winn for the defendant in error in No. 718.

No. 286. Fred Von Baumbach, collector of internal revenue, petitioner, *v. Sargent Land Company*;

No. 287. Fred Von Baumbach, collector of internal revenue, petitioner, *v. Sutton Land Company*; and

No. 288. Fred Von Baumbach, collector of internal revenue, petitioner, *v. Kearsarge Land Company.* Argument commenced by Mr. Assistant Attorney General Wallace for the petitioner, and continued by Mr. John R. Van Derlip for the respondents.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 14, will be as follows: Nos. 286 (and 287 and 288), 30 (and 58), 43 (and 109), 124, 106, 115, 112, 104, 35, and 126.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 14, 1916.

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

Charles D. Lawrence, of New York City, was admitted to practice.

No. 545. The United States, appellant, *v.* United Shoe Machinery Company of New Jersey et al. Motion to advance submitted by Mr. Charles F. Choate, jr., of the appellees.

No. 286. Fred von Baumbach, collector of internal revenue, petitioner, *v.* Sargent Land Company;

No. 287. Fred von Baumbach, collector of internal revenue, petitioner, *v.* Sutton Land Company; and

No. 288. Fred von Baumbach, collector of internal revenue, petitioner, *v.* Kearsarge Land Company. Argument concluded by Mr. Assistant Attorney General Wallace for the petitioner.

No. 30. The Chicago & Alton Railroad Company, appellant, *v.* The United States; and

No. 58. The Yazoo & Mississippi Valley Railroad Company, appellant, *v.* The United States. One hour additional time allowed each side, on motion of Mr. J. M. Dickinson, for the appellants. Re-argument commenced by Mr. J. M. Dickinson for the appellants, continued by Mr. Solicitor General Davis and Mr. Assistant Attorney General Thompson for the appellee, and by Mr. John G. Johnson for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 15, will be as follows: Nos. 30 and 58), 43 (and 109), 124, 106, 115, 112, 104, 35, 126, and 110.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 15, 1916.

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

J. Q. Mahaffey, of Texarkana, Tex.; Henry E. Monroe, of San Francisco, Cal.; Vince H. Faben, of Seattle, Wash.; Theodore Bland Hoy, of New York City; and George H. Tower, of New York City, were admitted to practice.

No. 124. Lehigh Valley Railroad Company, appellant, *v.* The United States. Leave granted to file brief, on motion of Mr. Charles W. Needham for the Interstate Commerce Commission.

No. 114. The Manufacturers Light & Heat Company et al., appellants, *v.* Lee Ott et al., Public Service Commission of the State of West Virginia. Appeal from the District Court of the United States for the Northern District of West Virginia. Dismissed with costs, on motion of counsel for the appellants.

No. 30. The Chicago & Alton Railroad Company, appellant, *v.* The United States; and

No. 58. The Yazoo & Mississippi Valley Railroad Company, appellant, *v.* The United States. Reargument concluded by Mr. John G. Johnson for the appellants.

No. 43. Hitchman Coal & Coke Company, petitioner, *v.* John Mitchell, individually, et al. Reargument commenced by Mr. Hannis Taylor for the petitioner, continued by Mr. Charles E. Hogg for the respondents, and by Mr. Hannis Taylor for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 18, will be as follows: Nos. 43 (and 109), 124, 106, 115, 112, 104, 35, 126, 110, and 128.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 18, 1916.

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

James E. McGrath, of Chicago, Ill.; William H. McGrann, of New York City; Loring R. Hoover, of Chicago, Ill.; Charles M. Roberts, of Minden, La.; Arthur C. Spencer, of Portland, Oreg.; Louis A. Seitz, of New York City; Francis J. Winter, of Houston, Tex.; Alexander Wheeler, of Boston, Mass.; L. Melendez King, of Washington, D. C.; and Walter H. Carrington, of Cristobal, Canal Zone, were admitted to practice.

No. 125. Christopher L. Williams, as receiver of the First National Bank of Mineral Point, Wis., appellant, *v.* John P. Cobb. Appeal from the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed with costs and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Clarke.

No. 29. Erie Railroad Company, plaintiff in error, *v.* James T. Welsh. In error to the Supreme Court of the State of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice Pitney.

No. 11. The Pennsylvania Railroad Company, plaintiff in error, *v.* Stineman Coal Mining Company. In error to the Supreme Court of the State of Pennsylvania. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Van Devanter.

No. 66. Louisville & Nashville Railroad Company, plaintiff in error, *v.* Ohio Valley Tie Company. 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 Holmes.

No. 77. Illinois Central Railroad Company, plaintiff in error, *v.* Robert H. Peery. 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 Holmes.

No. 375. The Baltimore & Ohio Railroad Company, plaintiff in error, *v.* James B. Wilson. In error to the Appellate Court, First District, State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 34. The Chicago, Terre Haute & Southeastern Railway Company, plaintiff in error, *v.* Champion S. Anderson. In error to the Supreme Court of the State of Indiana. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 25, Original. *Ex parte* In the matter of The Indiana Transportation Company. Motion of James F. Bishop, administrator, etc., et al., to be allowed to intervene herein and make return to rule to show cause denied, and Monday, January 15, substituted for return day to rule heretofore issued. Opinion by Mr. Chief Justice White.

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

No. 10, Original. The State of Arkansas, complainant, *v.* The State of Mississippi. To enable the State of Mississippi for the purposes of the prosecution of this cause to procure an attested copy of Tourrett's map of the State of Mississippi of 1847, It is ordered that the Clerk certify to the Chief of Engineers of the United States Army, in whose custody the map referred to now is, that an attested copy of the same is necessary for the purposes of the cause, and that a copy of this order be transmitted to the Chief of Engineers along with the certificate in question.

No. 120. Charles Schweinler Press, plaintiff in error, *v.* The People of the State of New York. In error to the Court of Special Sessions, First District, New York City, State of New York. *Per curiam*: Dismissed for want of jurisdiction upon the authority of *Haseltine v. Central Bank of Springfield* (183 U. S., 130); *Schlosser v. Hemphill* (198 U. S., 173); *Missouri & Kansas Interurban Ry. Co. v. Olathe* (222 U. S., 185); *Louisiana Navigation Company v. Oyster Commission of Louisiana* (226 U. S., 99); *Thompson v. St. Louis* (241 U. S., 637).

No. 535. The Wichita Falls & Northwestern Railway Company, plaintiff in error, *v.* J. H. Puckett. In error to the Supreme Court of the State of Oklahoma. *Per curiam*: Dismissed for want of jurisdiction upon the authority of: (1) *Dower v. Richards* (151 U. S., 658, 668, et seq.); *Thayer v. Spratt* (189 U. S., 346, 353); *Waters Pierce Oil Co. v. Texas* (212 U. S., 86, 97); *Kerfoot v. Farmers & Merchants' Bank* (218 U. S., 281, 288); (2) *Deming v. Carlisle Pack-*

ing Co. (226 U. S., 102, 105) ; Consolidated Turnpike *v.* Norfolk, etc., Ry. Co. (228 U. S., 596, 600) ; Ennis Water Works *v.* Ennis (233 U. S., 652, 658) ; Parker *v.* McLain (237 U. S., 469, 471-472).

No. 342. The Cuyahoga River Power Company, plaintiff in error, *v.* The Northern Realty Company et al. Motion to dispense with the reproduction of a certain map in the transcript of record granted.

No. 470. The Valley Steamship Company, plaintiff in error, *v.* Joseph Mraz. Motion to dispense with printing transcript of record herein granted.

No. 365. Franklin K. Lane, Secretary of the Interior, plaintiff in error, *v.* Svan Roglund. Motion to advance granted, and case assigned for argument on Monday, April 9 next.

No. 461. Motion Picture Patents Company et al., appellants, *v.* The United States. Motion to advance granted, and case assigned for argument on Monday, April 9 next, after the case heretofore assigned for that day.

No. 469. Valley Steamship Company, plaintiff in error, *v.* John J. Watta; and

No. 470. Valley Steamship Company, plaintiff in error, *v.* Joseph Mraz. Motion to advance granted, and cases assigned for argument on Monday, January 8 next, with case No. 372.

No. 401. The United States of America *v.* Solomon Louis Ginsberg;

No. 649. The United States, plaintiff in error, *v.* Solomon Kenofsky;

No. 683. The United States, plaintiff in error, *v.* Mathew T. Gradwell et al.;

No. 684. The United States, plaintiff in error, *v.* Charles Hambley et al.;

Nos. 775 and 776. The United States, plaintiff in error, *v.* Edward O'Toole et al.; and

No. 545. The United States, appellant, *v.* The United Shoe Machinery Company of New Jersey et al. Motions to advance granted, and cases assigned for argument on Monday, February 26 next, after the cases heretofore assigned for that day.

No. 454. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* John B. Shaw;

No. 573. St. Joseph & Grand Island Railway Company, plaintiff in error, *v.* Ralph W. Moore; and

No. 748. Mariam McAllister, as administratrix, etc., plaintiff in error, *v.* The Chesapeake & Ohio Railway Company. Ordered that these cases be placed on the summary docket.

No. 782. John Schroeder Lumber Company, petitioner, *v.* Ramey Lumber Company, Limited. Petition for a writ of certiorari to the

United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 803. Lo Pong alias Lo Bong, petitioner, *v.* James R. Dunn, inspector, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 809. W. H. Watlington, petitioner, *v.* The United States. 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. 547, 631, 565, 445, 491, 622 and 623, 695, 269, 308, 584, 714, 454, 573, and 748 be assigned for argument on Monday, January 22 next.

The Chief Justice also announced that the court will take a recess from Friday, the 22d instant, to Monday, January 8 next.

No. 519. International Lumber Company, plaintiff in error, *v.* The United States. Motion to advance or place on the summary docket submitted by Mr. Solicitor General Davis for the defendant in error.

No. 596. Eugenio Kilayco, plaintiff in error, *v.* The United States. Motion to advance or place on the summary docket submitted by Mr. Solicitor General Davis for the defendant in error.

No. 124. Lehigh Valley Railroad Company, appellant, *v.* The United States. Passed, on motion of Mr. Solicitor General Davis for the appellee.

No. 789. Union Fish Company, petitioner, *v.* John W. Erickson. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. John W. Davis in behalf of Mr. G. S. Arnold for the petitioner.

No. 791. Alexander M. Emerson, petitioner, *v.* Warren E. Sweetser; and

No. 792. Alfred P. Lowell, petitioner, *v.* Warren E. Sweetser. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. John J. Rogers in behalf of Mr. Henry Wheeler for the petitioners.

No. 144. Ellis S. Pepper, receiver, etc., appellant, *v.* Springfield Institution for Savings et al.; and

No. 145. Springfield Institution for Savings et al., appellants, *v.* Ellis S. Pepper, receiver, etc. Death of Ellis S. Pepper and the appointment of Charles A. Korbly as his successor as receiver of The Pyncheon National Bank of Springfield suggested, and the appearance of said Charles A. Korbly, receiver, etc., as the party appellant in No. 144 and the party appellee in No. 145, filed and entered, on motion of Mr. Charles Henry Butler in behalf of counsel, and cases passed per stipulation of counsel.

No. 817. Caroline F. Hogg, petitioner, *v.* Lascelles C. Maxwell et al., executors, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Louis A. Seitz and Mr. William G. Cooke for the petitioner, and by Mr. William A. W. Stewart for the respondents.

No. 771. The Pennsylvania Railroad Company, petitioner, *v.* Alice Frances Brown et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Frederic D. McKenney and Mr. Francis I. Gowen for the petitioner, and by Mr. Thomas Rayburn White for the respondent.

No. 784. Robert F. Werk et al., petitioners, *v.* F. Thomas Parker and J. Thomas Robey, as F. T. Parker & Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. T. Hart Anderson for the petitioners.

No. 818. William J. Creekmore, 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. Norman R. Haskell, Mr. E. G. McAdams, Mr. C. B. Stuart, Mr. A. C. Cruce, Mr. M. K. Cruce, Mr. J. C. Denton, and Mr. Frank Lee for the petitioner, and by Mr. Solicitor General Davis and Mr. Assistant Attorney General Wallace for the respondent.

No. 732. Seaboard Air Line Railway, plaintiff in error, *v.* Cynthia Williams, administratrix, etc. Motion to dismiss or affirm or place on the summary docket submitted by Mr. W. Boyd Evans for the defendant in error in support of the motion, and by Mr. J. B. S. Lyles for the plaintiff in error in opposition thereto.

No. 43. Hitchman Coal & Coke Company, petitioner, *v.* John Mitchell, individually, et al. Argument concluded by Mr. Hannis Taylor for the petitioner.

No. 109. Eagle Glass & Manufacturing Company, appellant, *v.* Thomas W. Rowe, individually, etc., et al. Submitted by Mr. George R. E. Gilchrist and Mr. Hannis Taylor for the appellant, and by Mr. John A. Howard for the appellees.

No. 106. Furness, Withy & Company, Limited, petitioner, *v.* Yang-Tsze Insurance Association, Limited, et al. Argument commenced by Mr. Norman B. Beecher for the petitioner, continued by Mr. D. Roger Englar and Mr. J. Parker Kirlin for the respondents, and by Mr. Norman B. Beecher for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 19, will be as follows: Nos. 106, 115, 112, 104, 35, 126, 110, 128, 129, and 130.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 19, 1916.

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

John S. Hummer, of Chicago, Ill.; Irving S. Olds, of New York City; Michele Costabile, of Chicago Heights, Ill.; David A. Baer, of Washington, D. C.; J. T. S. Lyle, of Tacoma, Wash.; Thomas W. Blackburn, of Omaha, Nebr.; and C. Petrus Peterson, of Lincoln, Nebr., were admitted to practice.

No. 824. C. C. Samson et al., petitioners, *v.* William Garland. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Evans Browne in behalf of Mr. Arthur R. Moore, and by Mr. William H. Oppenheimer for the petitioners, and by Mr. William D. Mitchell for the respondent.

No. 741. The United States *v.* Bessie Wildcat, a minor, et al. Petition for a writ of certiorari to bring up the whole record and cause herein, submitted by Mr. Charles B. Stuart, Mr. John J. Shea, and Mr. Joseph C. Stone for Wildcat et al. in support of the petition.

No. 407. Baltrus S. Yankaus, plaintiff in error, *v.* Moses Feltenstein et al. Motion to dismiss or affirm or to place on the summary docket submitted by Mr. Jacob W. Hartman for the defendants in error in support of the motion, and by Mr. Roger Foster for the plaintiff in error in opposition thereto.

No. 622. Memphis Street Railway Company, petitioner, *v.* J. W. Bobo, administrator, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Dismissed with costs on motion of counsel for the petitioner.

No. 130. U. S. Joines, plaintiff in error, *v.* W. S. Combs et al. Submitted by Mr. C. B. Stuart, Mr. A. C. Cruce, Mr. M. K. Cruce, Mr. W. I. Cruce, and Mr. W. R. Bleakmor for the plaintiff in error, and by Mr. J. H. Everest and Mr. R. M. Campbell for the defendants in error.

No. 106. Furness, Withy & Company, Limited, petitioner, *v.* Yang-Tsze Insurance Association, Limited, et al. Argument concluded by Mr. Norman B. Beecher for the petitioner.

No. 115. Josie C. Baker, individually and as administratrix, etc., plaintiff in error, *v.* Baker, Eccles & Company et al. Argued by Mr. John A. Pitts for the plaintiff in error, and by Mr. Charles K. Wheeler for the defendants in error.

No. 112. Jesse L. Harnage et al., plaintiffs in error, *v.* Annie M. Martin et al. Argued by Mr. James A. Veasey for the plaintiffs in error, and by Mr. Robert J. Boone for the defendants in error.

No. 104. Western Transit Company, plaintiff in error, *v.* A. C. Leslie Company, Limited. Argument commenced by Mr. Lester F. Gilbert for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 20, will be as follows: Nos. 104, 35, 126, 110, 128, 129, 131, 132, 133, and 135.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 20, 1916.

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

Clement R. Stickney, of Detroit, Mich.; Ernest Lundeen, of Minneapolis, Minn.; and Mark Eisner, of New York City, were admitted to practice.

No. 104. Western Transit Company, plaintiff in error, *v.* A. C. Leslie Company, Limited. Argument concluded by Mr. Lester F. Gilbert for the plaintiff in error, and submitted by Mr. Daniel J. Kenefick for the defendant in error.

No. 35. J. C. Hawkins, appellant, *v.* John L. Bleakly, auditor, etc., et al. Reargued by Mr. Robert Ryan for the appellant, and by Mr. Henry E. Sampson for the appellees.

No. 126. Thomas Cusack Company, plaintiff in error, *v.* The city of Chicago et al. Argument commenced by Mr. John F. Hummer for the plaintiff in error, and continued by Mr. Loring R. Hoover and Mr. Chester E. Cleveland for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 21, will be as follows: Nos. 126, 110, 128, 129, 131, 132, 133, 135, 136, and 140.

64422—16—46

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 21, 1916.

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

H. A. van C. Torchiana, of San Francisco, Cal., was admitted to practice.

No. 126. Thomas Cusack Company, plaintiff in error, *v.* The City of Chicago et al. Argument continued by Mr. Chester E. Cleveland for the defendants in error, and concluded by Mr. John F. Hummer for the plaintiff in error.

No. 110. Olaf Lie, master of the Norwegian steamship *Selja*, etc., petitioner, *v.* San Francisco & Portland Steamship Company, claimant, etc. Argued by Mr. Edmund B. McClanahan for the petitioner, and by Mr. J. Parker Kirlin for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 22, will be as follows: Nos. 128, 129, 131, 132, 133, 135, 136, 140, 147, and 149 (to 162).

64422—16—47

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 22, 1916.

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

George B. Marty, of Cleveland, Ohio, was admitted to practice.

No. 128. John Williams, chief; Michael Williams, secretary, et al., appellants, *v.* City of Chicago et al. Argued by Mr. J. G. Grossberg for the appellants, and by Mr. W. S. Horton and Mr. Chester E. Cleveland for the appellees.

No. 129. The Board of Trustees of the Sevilleta de La Joya Grant, etc., plaintiff in error, *v.* The Board of Trustees of the Belen Land Grant. Argued by Mr. Neill B. Field for the plaintiff in error, and by Mr. Samuel Herrick for the defendant in error.

No. 131. C. E. Gannon, plaintiff in error, *v.* D. R. Johnston et al. Argued by Mr. H. A. Ledbetter for the plaintiff in error, and submitted by Mr. A. C. Cruce for the defendants in error.

Adjourned until Monday, January 8, 1917.

The day call for Monday, January 8, will be as follows: Nos. 797, No. —, Original. Cuba *v.* North Carolina, 142 (and 143), 433 (and 427), 372 (and 469 and 470), 679, 374, 715, 650 (and 722), and 617 (and 618, 642, 643, 644, and 645).

64422—16—48

# SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 8, 1917.

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

Samuel Seabury, of New York City; Richard Campbell, of Manila, P. I.; Edward J. Ader, of Chicago, Ill.; Edwin P. Cox, of Richmond, Va.; B. Willard Rich, of Rochester, N. Y.; Charles J. Campbell, of New York City; Marvel Mills Logan, of Brownsville, Ky.; John L. Rich, of Covington, Ky.; Richard H. Mann, of Petersburg, Va.; James Raleigh Kelly, of San Francisco, Cal.; Adolphus Madden Works, of Hugo, Okla.; John Everall, of St. Paul, Minn.; Charles B. Gillson, of Chicago, Ill.; Alexander H. Elder, of Washington, D. C.; Charles S. Belsterling, of Pittsburgh, Pa.; Lawrence B. Cohen, of New York City; John Armitage Hartpence, of Trenton, N. J.; Edward P. Sout, of Jersey City, N. J.; John J. Hickey, of Washington, D. C.; James G. Martin, of Norfolk, Va.; Oliver P. Coshov, of Roseburg, Oreg.; John S. Lehmann, of St. Louis, Mo.; Clyde Taylor, of Kansas City, Mo.; and Daniel T. O'Connell, of Boston, Mass., were admitted to practice.

No. 637. Illinois Central Railroad Company et al., plaintiffs in error, *v.* George R. Williams. In Error to the Supreme Court of the State of Mississippi. Judgment affirmed with costs and interest. Opinion by Mr. Justice Clarke.

No. 70. Claude M. Dean, appellant, *v.* R. Beale Davis, jr., trustee, etc., et al. Appeal from the United States Circuit Court of Appeals for the Fourth Circuit. Decree affirmed with costs and cause remanded for the District Court of the United States for the Eastern District of Virginia. Opinion by Mr. Justice Brandeis.

No. 104. Western Transit Company, plaintiff in error, *v.* A. C. Leslie & Company, Limited. In Error to the Supreme Court of the State of New York. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Brandeis.

No. 121. John Armstrong Chaloner, plaintiff in error, *v.* Thomas T. Sherman. In Error to the United States Circuit Court of Appeals

for the Second Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Brandeis.

No. 98. Knauth, Nachod & Kuhne, petitioners, *v.* Latham & Company et al. On writ of certiorari to 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 Southern District of Alabama. Opinion by Mr. Justice McReynolds.

No. 259. Max Jaffe et al., surviving members of the firm of Knauth, Nachod & Kuhne, appellants, *v.* William S. Lovell, as Custodian, etc., et al. Appeal from the District Court of the United States for the Northern District of Florida. Decree affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 260. Max Jaffe et al., surviving members of the firm of Knauth, Nachod & Kuhne, appellants, *v.* Maurice E. A. Westphalen et al. Appeal from the District Court of the United States for the Northern District of Florida. Decree affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 106. Furness, Withy & Company, Limited, petitioner, *v.* Yang-Tsze Insurance Association, Limited, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Dismissed with costs. Opinion by Mr. Justice McReynolds.

No. 128. John Williams, Chief, Michael Williams, Secretary, et al., appellants, *v.* City of Chicago et al. Appeal from the District Court of the United States for the Northern District of Illinois. Decree affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 87. Lake Shore & Michigan Southern Railway Company et al., plaintiffs in error, *v.* Susan Clough et al. In Error to the Supreme Court of the State of Indiana. Judgment affirmed with costs. Opinion by Mr. Justice Pitney.

No. 112. Jesse L. Harnage et al., plaintiffs in error, *v.* Annie M. Martin et al. In Error to the Supreme Court of the State of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Justice Pitney.

No. 115. Josie C. Baker, individually, etc., plaintiff in error, *v.* Baker, Eccles & Company et al. In Error to the Court of Appeals of the State of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice Pitney.

No. 232. The Newark Natural Gas & Fuel Company, plaintiff in error, *v.* The City of Newark, Ohio. In Error to the Supreme Court of the State of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice Pitney.

No. 540. Louisville Bridge Company, appellant, *v.* The United States. Appeal from the District Court of the United States for the Western District of Kentucky. Decree affirmed. Opinion by Mr. Justice Pitney.

No. 61. Harry F. Hill, a minor, et al., plaintiffs in error, *v.* Frank Reynolds, a minor. In Error to the Supreme Court of the State of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 116. Fernand Vaughan Gasquet, plaintiff in error, *v.* George F. Lapeyre et al. In Error to the Supreme Court of the State of Louisiana. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Van Devanter.

No. 600. F. A. Dickson, plaintiff in error, *v.* Luck Land Company. In Error to the Supreme Court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 396. Cecil F. Adamson, petitioner, *v.* David C. Gilliland. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decree reversed with costs, and cause remanded to the District Court of the United State for the Eastern District of Missouri for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 420. The Minneapolis & St. Louis Railroad Company, plaintiff in error, *v.* George H. Winters. In Error to the Supreme Court of the State of Minnesota. Judgment affirmed with costs and interest. Opinion by Mr. Justice Holmes.

No. 713. The Savings Bank of Danbury, of Danbury, Connecticut, plaintiff in error, *v.* Dietrich E. Loewe, as surviving partner of the firm of D. E. Loewe & Company. In Error to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the District of Connecticut. Opinion by Mr. Justice Holmes.

No. 148. Chicago, Milwaukee & St. Paul Railway Company, plaintiff in error, *v.* The State Public Utilities Commission of Illinois. In Error to the Supreme Court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 493. P. L. Crane, appellant, *v.* Hiram W. Johnson, Governor of the State of California, et al. Appeal from the District Court of the United States for the Southern District of California. Decree affirmed with costs. Opinion by Mr. Justice McKenna.

No. 494. Kate P. McNaughton, appellant, *v.* Hiram W. Johnson, Governor of the State of California, et al. Appeal from the District Court of the United States for the Southern District of California. Decree affirmed with costs. Opinion by Mr. Justice McKenna.

No. 75. The James Clark Distilling Company, appellant, *v.* The Western Maryland Railway Company; and

No. 76. The James Clark Distilling Company, appellant, *v.* The American Express Company, et al. Appeals from the District Court of the United States for the District of Maryland. Decrees affirmed with costs. Opinion by Mr. Chief Justice White. Concurring: Mr. Justice McReynolds. Dissenting: Mr. Justice Holmes and Mr. Justice Van Devanter.

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

No. 130. U. S. Joines, plaintiff in error, *v.* W. S. Combs et al. In Error to the Supreme Court of the State of Oklahoma. Per curiam: Dismissed for want of jurisdiction upon the authority of *Eustis v. Bolles*, 150 U. S., 361; *Leathe v. Thomas*, 207 U. S., 93; *Holden Land Co. v. Interstate Trading Co.*, 233 U. S., 536, 541; *Mellon Co. v. McCafferty*, 239 U. S., 134.

No. 421. The Minneapolis & St. Louis Railroad Company, plaintiff in error, *v.* Emma F. Nash, as Administratrix of the Estate of John Everett Nash, deceased. In Error to the Supreme Court of the State of Minnesota. Per curiam: Judgment reversed with costs upon the authority of *Delaware, Lackawanna & Western Railroad Co. v. Yurkonis*, 238 U. S., 439; *Shanks v. Delaware, Lackawanna & Western R. R. Co.*, 239 U. S., 556; *Chicago, Burlington & Quincy R. R. Co. v. Harrington*, 241 U. S., 177, 180. See *Illinois Central R. R. Co. v. Cousins*, 241 U. S., 641.

No. 519. International Lumber Company, plaintiff in error, *v.* The United States;

No. 596. Eugenio Kilayco, plaintiff in error, *v.* The United States;

No. 407. Baltrus S. Yankaus, plaintiff in error, *v.* Moses Feltenstein et al.; and

No. 732. Seaboard Air Line Railway, plaintiff in error, *v.* Cynthia Williams, Administratrix, etc. Ordered that these cases be placed on the summary docket.

No. 741. The United States *v.* Bessie Wildcat, a minor, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit to bring up the entire record and cause granted.

No. 784. Robert F. Werk et al., petitioners, *v.* F. Thomas Parker et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 789. Union Fish Company, petitioner, *v.* John W. Erickson, Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 791. Alexander M. Emerson, petitioner, *v.* Warren E. Sweetser. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 792. Alfred P. Lowell, petitioner, *v.* Warren E. Sweetser. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 771. The Pennsylvania Railroad Company, petitioner, *v.* Alice Francis Brown et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 817. Caroline F. Hogg, petitioner, *v.* Lascelles C. Maxwell et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 818. William J. Creekmore, 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. 824. C. C. Samson et al., petitioners, *v.* William Garland. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

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No. 20, Original. The State of New Mexico, complainant, *v.* Franklin K. Lane, Secretary, etc., et al. Motion to dismiss submitted by Mr. Solicitor General Davis and Mr. S. W. Williams for the defendants in support of the motion and by Mr. Harvey M. Friend for the complainant in opposition thereto.

No. 853. Juan Gatmaitan, plaintiff in error, *v.* The United States. In Error to the Supreme Court of the Philippine Islands. Docketed and dismissed, on motion of Mr. Solicitor General Davis for the defendant in error, and mandate granted.

No. 854. Lorenzo Song Chongco, plaintiff in error, *v.* The United States. In Error to the Supreme Court of the Philippine Islands. Docketed and dismissed, on motion of Mr. Solicitor General Davis for the defendant in error, and mandate granted.

Nos. 142 and 143. Manufacturers' Railway Company et al., appellants, *v.* The United States et al. Reassigned for argument on Monday, February 26 next, after the cases heretofore assigned for that day.

No. 621. The United States of America, plaintiff in error, *v.* Foster L. Davis. Motion to advance submitted by Mr. Solicitor General Davis for the plaintiff in error.

No. 778. Louisville & Nashville Railroad Company, appellant, *v.* Robert L. Green, Auditor of Public Accounts, et al., etc., et al.; and

No. 779. Robert L. Green, Auditor of Public Accounts, et al., etc., et al., appellants, *v.* Louisville & Nashville Railroad Company. Ad-

vanced and assigned for argument with Nos. 617, etc., on motion of Mr. Helm Bruce for the Louisville & Nashville Railroad Company.

No. 822. The Hewitt Company, petitioner, *v.* The United States Metallic Packing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. William Henry Dennis in behalf of Mr. James H. Peirce and Mr. George P. Fisher for the petitioner and by Mr. Francis T. Chambers for the respondent.

No. 780. Illinois Central Railroad Company, plaintiff in error, *v.* Mrs. Marshall Lanis, Administratrix, etc. Petition for a writ of certiorari herein submitted by Mr. Edmund F. Trabue in behalf of Mr. Gustave Lemle, Mr. Hunter C. Leake, Mr. Blewett Lee, and Mr. R. V. Fletcher for the plaintiff in error in support of the petition.

No. 815. Alaska Salmon Company, petitioner, *v.* The Territory of Alaska. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Evans Browne in behalf of Mr. Warren Gregory, Mr. George H. Whipple, Mr. E. S. McCord, and Mr. W. H. Boyle for the petitioner, with leave to counsel for the respondent to file brief.

No. 843. Robert Edward Baker et al., petitioners, *v.* J. J. Dunlop. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Richard H. Mann, Mr. Edwin P. Cox, and Mr. Conrad H. Syme for the petitioners.

No. 801. J. F. Wetzel, 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. David A. Baer and Mr. O. P. Stidger for the petitioner and by Mr. Solicitor General Davis and Mr. Assistant Attorney General Wallace for the respondent.

No. 831. Omaha Iron Store Company, petitioner, *v.* Moline Plow Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Otto Raymond Barnett for the petitioner and by Mr. Samuel Walker Banning and by Mr. Thomas A. Banning for the respondent.

No. —, Original. *Ex parte* In the matter of Bernie J. Bernhard, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. Charles B. Gilson for the petitioner.

No. 838. The Delaware, Lackawanna & Western Railroad Company, petitioner, *v.* Sound Transportation Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Austin J. McMahon, Mr. William S. Jenney, and Mr. Louis Marshall for the petitioner.

No. 564. Atlantic Coast Line Railroad Company, plaintiff in error, *v.* Elizabeth A. Mulligan, as Administratrix, etc. Motion to dismiss

or affirm or place on the summary docket submitted by Mr. Benjamin E. Pierce in support of the motion and by Mr. P. A. Willcox and Mr. F. D. McKenney for the plaintiff in error in opposition thereto.

No. —, Original. The Republic of Cuba, plaintiff, *v.* The State of North Carolina. Motion for leave to file declaration withdrawn on motion of Mr. Barry Mohun in behalf of counsel for the plaintiff.

No. 251. The Minneapolis & St. Louis Railroad Company, plaintiff in error, *v.* Nora Gotschall, as Administratrix, etc. Motion to place on the summary docket submitted by Mr. George H. Lamar in behalf of Mr. William H. Bremner and Mr. Frederick M. Miner for the plaintiff in error.

No. 851. The Minneapolis & St. Louis Railroad Company, petitioner, *v.* T. D. Davis. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota submitted by Mr. George H. Lamar in behalf of Mr. William H. Bremner and Mr. Frederick M. Miner for the petitioner.

No. 810. Alaska Pacific Fisheries, petitioner, *v.* The Territory of Alaska;

No. 811. Alaska Mexican Gold Mining Company, petitioner, *v.* The Territory of Alaska; and

No. 812. Alaska Pacific Fisheries, petitioner, *v.* The Territory of Alaska. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Harvey M. Friend for the petitioner, with leave to counsel for the respondent to file brief.

No. 218. J. Fred Katzmaier, trustee in bankruptcy of Harman Brothers, appellant, *v.* Munsey Trust Company, receiver, et al. Motion to dismiss or affirm submitted by Mr. Bynum E. Hinton for the appellees in support of the motion and by Mr. Mortimer C. Rhone for the appellant in opposition thereto.

No. 280. Southern Pacific Company, plaintiff in error, *v.* Marie Jensen. Leave granted to file brief herein as *amicus curiae*, on motion of Mr. C. M. Bradley in that behalf.

No. 828. Detroit Iron & Steel Company, petitioner, *v.* James D. Carey. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. George B. Marty and Mr. Charles R. Miller for the petitioner and by Mr. Albert Lynn Laurence for the respondent.

No. 66. Louisville & Nashville Railroad Company, plaintiff in error, *v.* Ohio Valley Tie Company. Mandate granted, on motion of Mr. Edward W. Hines for the defendant in error.

No. 374. Jesse Isidor Straus et al., etc., petitioners, *v.* Victor Talking Machine Company. Leave granted to file brief as *amici curiae*

on behalf of American Graphophone Company and Columbia Graphophone Company, on motion of Mr. Elisha K. Camp in that behalf.

No. 577. The Pennsylvania Railroad Company, plaintiff in error, *v.* Olivit Brothers; and

No. 578. The Pennsylvania Railroad Company, plaintiff in error, *v.* Isaac W. Carr et al. Motions to dismiss or affirm submitted by Mr. E. P. Stout and Mr. George S. Hobart for the defendants in error in support of the motions, with leave to counsel for the plaintiff in error to file brief in opposition within four days.

No. 783. Dr. Paul Oesting, *alias* Paul Allen, 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. James Raleigh Kelly and Mr. Charles J. Heggerty for the petitioner, and by Mr. Solicitor General Davis and Mr. Assistant Attorney General Wallace for the respondent.

No. 819. American Bank of Alaska, petitioner, *v.* Edwin Richards. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. James Raleigh Kelly in behalf of Mr. Charles J. Heggerty for the petitioner, and by Mr. W. H. Metson for the respondent.

No. 762. Seaboard Air Line Railway, plaintiff in error, *v.* J. H. Lorick. Motion to dismiss or affirm or place on the summary docket submitted by Mr. Frank G. Tompkins for the defendant in error in support of the motion, and by Mr. J. B. S. Lyles for the plaintiff in error in opposition thereto.

No. 360. Clark Pease, petitioner, *v.* Rathbun-Jones Engineering Company; and

No. 419. Clark Pease et al., petitioners, *v.* Rathbun-Jones Engineering Company. Submitted pursuant to the twentieth rule by Mr. Perry J. Lewis for the petitioners and by Mr. Carlos Bee for the respondent.

No. 332. Board of Councilmen of the City of Frankfort et al., appellants, *v.* East Tennessee Telephone Company. Appeal from the district court of the United States for the eastern district of Kentucky. Dismissed per stipulation of counsel.

No. 380. Louisville & Nashville Railroad Company, appellant, *v.* Western Union Telegraph Company. Appeal from the district court of the United States for the eastern district of Kentucky. Dismissed with costs, on motion of counsel for the appellant.

No. 613. Willie Hope, plaintiff in error, *v.* W. F. Foley et al. In Error to the Supreme Court of the State of Oklahoma. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 797. Francis M. Wilson, U. S. Attorney for the Western District of Missouri, appellant, *v.* Alexander New and Henry C. Ferris, Receivers of the Missouri, Oklahoma & Gulf Railway Company. Four hours allowed each side in the argument of this case, on motion of Mr. Solicitor General Davis for the appellant. Argument commenced by Mr. Solicitor General Davis for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 9, will be as follows: Nos. 797, 433 (and 427), 372 (and 469 and 470), 679, 374, 715, 650 (and 722), and 617 (and 618, 642, 643, 644, 645, 778, and 779).

64422—17—50 ★

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 9, 1917.

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

Frank Karr, of Los Angeles, Cal.; Oscar J. Horn, of Cleveland, Ohio; Francis H. Boland, of San Francisco, Cal.; H. J. MacIntyre, of Thomasville, Ga.; Emmett Houser, of Fort Valley, Ga.; Elmer E. Hershey, of Missoula, Mont.; William B. Rodman, of Washington, N. C.; Edgar A. Monfort, of New York City; and Thaddeus Cahill, of New York City, were admitted to practice.

No. 651. The Arizona Eastern Railroad Co. et al., plaintiffs in error, *v.* W. N. Bryan. Motion to dismiss or affirm or place on the summary docket submitted by W. C. Sullivan in behalf of Mr. Thomas Armstrong, Mr. Ernest W. Lewis, and Mr. G. P. Bullard for the defendant in error in support of the motion.

No. 527. The United States, appellant, *v.* Daniel J. Leary et al., administrators, etc., et al. Motions to dismiss submitted by Mr. Aubrey E. Strode and Mr. Abram J. Rose for the appellees in support of the motions, and by Mr. Solicitor General Davis and Mr. Marion Erwin for the appellant in opposition thereto.

No. 797. Francis M. Wilson, United States attorney, etc., appellant, *v.* Alexander New et al., etc., receivers, etc. Argument continued by Mr. Walker D. Hines and Mr. John G. Johnson for the appellees, and by Mr. Frank Hagerman for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 10, will be as follows: Nos. 797, 433 (and 427), 372 (and 469 and 470), 679, 374, 715, 650 (and 722), and 617 (and 618, 642, 643, 644, 645, 778, and 779).

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 10, 1917.

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

Hamilton Moses, of Chicago, Ill.; Alexander Sutherland, of Muskegon, Mich.; and Tracy H. Duncan, of Cleveland, Ohio, were admitted to practice.

No. 608. William R. Staats Company et al., appellants, *v.* Security Trust & Savings Bank, as trustee, etc. Motion to dismiss submitted by Mr. Jefferson P. Chandler for the appellee in support of the motion, and by Mr. H. W. O'Melveny, Mr. Alexander Britton, and Mr. Evans Browne for the appellants in opposition thereto.

No. 797. Francis M. Wilson, United States attorney, etc., appellant, *v.* Alexander New et al., etc., receivers, etc. Argument concluded by Mr. Frank Hagerman for the appellant.

No. 433. The John Church Company, petitioner, *v.* Hilliard Hotel Company et al.; and

No. 427. Victor Herbert et al., petitioners, *v.* The Shanley Company. Argument commenced by Mr. Louis J. Vorhaus for the petitioner in No. 433, continued by Mr. Charles J. Campbell for the respondents in No. 433, by Mr. Nathan Burkan for the petitioners in No. 427, by Mr. Levi Cooke for the respondents in No. 427, and concluded by Mr. Louis J. Vorhaus for the petitioner in No. 433.

No. 372. George Schwede *v.* Zenith Steamship Company;

No. 469. The Valley Steamship Company, plaintiff in error, *v.* John J. Wattawa; and

No. 470. The Valley Steamship Company, plaintiff in error, *v.* Joseph Mraz. Argument commenced by Mr. Frank M. Cobb for Schwede.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 11, will be as follows: Nos. 372 (and 469 and 470), 679, 374, 715, 650 (and 722), 617 (and 618, 642, 643, 644, 645, 778, and 779), 25 (and 26), 2, 48, and 132.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 11, 1917.

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

John L. Lotsch, of New York City; George R. Allen, of New York City; John L. Swayze, of New York City; James Gore King, of New York City; and Homer English, of Bloomington, Ill., were admitted to practice.

No. 372. *George Schwede v. Zenith Steamship Company*;

No. 469. *The Valley Steamship Company, plaintiff in error, v. John J. Wattawa*; and

No. 470. *The Valley Steamship Company, plaintiff in error, v. Joseph Mraz*. Argument continued by Mr. Frank M. Cobb for Schwede, by Mr. Luther Day for Zenith Steamship Company, by Mr. Tracy H. Duncan for Valley Steamship Company, by Mr. George H. Eichelberger for Wattawa and Marz, and concluded by Mr. Harvey D. Goulder for Zenith Steamship Company.

No. 679. *Werner Horn, appellant, v. John J. Mitchell, United States marshal, etc.* Argument commenced by Mr. Joseph F. O'Connell for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 12, will be as follows: Nos. 679, 374, 715, 650 (and 722), 617 (and 618, 642, 643, 644, 645, 778, and 779), 25 (and 26), 2, 48, 132, and 38.

64422—17—53

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 12, 1917.

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

John Dashiell Myers, of Philadelphia, Pa., William C. Woodward, of Washington, D. C., and Arthur A. Alexander, of Washington, D. C., were admitted to practice.

No. 304. St. Louis Union Trust Company, petitioner, *v.* Mary E. Mellon. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Dismissed at costs of respondent, per stipulation.

No. 679. Werner Horn, appellant, *v.* John J. Mitchell, United States marshal, etc. Argument continued by Mr. Joseph F. O'Connell for the appellant, by Mr. Assistant Attorney General Warren for the appellee, and concluded by Mr. Daniel T. O'Connell for the appellant.

No. 374. Jesse Isidor Straus et al., petitioners, *v.* Victor Talking Machine Company. Argument commenced by Mr. Edmond E. Wise for the petitioners, continued by Mr. Hector T. Fenton for the respondent, and concluded by Mr. Walter C. Noyes for the petitioners.

No. 715. Motion Picture Patents Company, petitioner, *v.* Universal Film Manufacturing Company et al. Argument commenced by Mr. Melville Church for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 15, will be as follows: Nos. 715, 650 (and 722), 617 (and 618, 642, 643, 644, 645, 778 and 779), 25 (and 26), 2, 48, 132, 38, 18 (and 19), 133, and 135.

64422—17—54

# SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 15, 1917.

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

Patrick Henry Kelley, of Boston, Mass; Ara Russell Ash, of Cordell, Okla.; and Franklin N. Wood, of Chicago, Ill., were admitted to practice.

No. 242. Atlantic Coast Line Railroad Company, plaintiff in error, *v.* Lizzie M. Mims, as administratrix of the estate of John J. Mims, deceased. In error to the Supreme Court of the State of South Carolina. Dismissed for want of jurisdiction. Opinion by Mr. Justice Clarke.

No. 126. Thomas Cusack Company, plaintiff in error, *v.* The City of Chicago, Carter H. Harrison, mayor of the city of Chicago, and Henry Ericsson, commissioner of buildings of the city of Chicago. In error to the Supreme Court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Clarke. Dissenting: Mr. Justice McKenna.

No. 139. F. Drew Caminetti, petitioner, *v.* The United States. On writ of certiorari 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 northern district of California. Opinion by Mr. Justice Day. Dissenting: Mr. Justice McKenna, Mr. Chief Justice White, and Mr. Justice Clarke. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 163. Maury I. Diggs, petitioner, *v.* The United States. On writ of certiorari 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 northern district of California. Opinion by Mr. Justice Day. Dissenting: Mr. Justice McKenna, Mr. Chief Justice White, and Mr. Justice Clarke. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 464. L. T. Hays, petitioner, *v.* The United States. On writ of certiorari to 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 western district of Oklahoma. Opinion by Mr. Justice Day. Dissenting: Mr. Justice McKenna, Mr. Chief Justice White, and Mr. Justice Clarke. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 286. Fred von Baumbach, collector of internal revenue, petitioner, *v.* Sargent Land Company;

No. 287. Fred von Baumbach, collector of internal revenue, petitioner, *v.* Sutton Land Company; and

No. 288. Fred von Baumbach, collector of internal revenue, petitioner, *v.* Kearsarge Land Company. On writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgments reversed with costs, and causes remanded to the district court of the United States for the district of Minnesota for further proceedings, if any are sought, upon claim of right to deduct the value of the lands, lots, and stumpage sold from the assessments made. Opinion by Mr. Justice Day. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 47. William H. Berry et al., appellants, *v.* Rudolph Davis. Appeal from the district court of the United States for the southern district of Iowa. Decree reversed with costs, and cause remanded with directions that the bill be dismissed without costs to either party. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the court:

No. 564. Atlantic Coast Line Railroad Company, plaintiff in error, *v.* Elizabeth A. Mulligan, as administratrix of the estate of W. E. Mulligan, deceased. In error to the Supreme Court of the State of South Carolina. Per curiam: Judgment affirmed with costs upon the authority of *Chicago Junction Railway Co. v. King*, 222 U. S., 222; *Seaboard Air Line v. Padgett*, 236 U. S., 668; *Great Northern Railway Co. v. Knapp*, 240 U. S., 464; *Baltimore & Ohio R. R. Co. v. Whitaker*, ante p.

No. 218. J. Fred Katzmaier, trustee in bankruptcy of Harmon Bros., appellant, *v.* Munsey Trust Company, receiver; Illinois Surety Company, and William G. McAdoo, Secretary of the Treasury. Appeal from the Supreme Court of the District of Columbia. Per curiam: Dismissed for want of jurisdiction upon the authority of *Coder v. Arts*, 213 U. S., 223, 234-235; *Tefft, Weller & Co. v. Mun-suri*, 222 U. S., 114, 118, et seq.; *James v. Stone & Company*, 227 U. S., 410; *Swift & Co. v. Hoover*, 242 U. S., 107.

No. 651. The Arizona Eastern Railroad Company and Epes Randolph and L. H. Manning, its sureties, plaintiffs in error, *v. W. N. Bryan*. In error to the Supreme Court of the State of Arizona. Per curiam: Judgment affirmed with costs upon the authority of: 1. *Chicago Junction Railway Co. v. King*, 222 U. S., 222; *Seaboard Air Line v. Padgett*, 236 U. S., 668; *Great Northern Ry. Co. v. Knapp*, 240 U. S., 464; *Baltimore & Ohio R. R. Co. v. Whitacre*, ante p. 2. *Norfolk & Western Railway Co. v. Earnest*, 229 U. S., 114, 121-122.

No. 30. The Chicago & Alton Railroad Company, appellant, *v. The United States*; and

No. 58. The Yazoo & Mississippi Valley Railroad Company, appellant, *v. The United States*. Appeals from the Court of Claims. Per curiam: Judgments affirmed by an equally divided court.

No. —, original. Ex parte in the matter of Bernie J. Bernhard, petition. Motion for leave to file petition for writ of mandamus granted and rule to show cause awarded, returnable on Monday, February 26 next.

No. 621. The United States of America, plaintiff in error, *v. Foster L. Davis*. Motion to advance granted, and cause assigned for argument on Monday, April 9 next, after the cases heretofore assigned for that day.

No. 251. The Minneapolis & St. Louis Railroad Company, plaintiff in error, *v. Nora Gotschall*, as administratrix, etc.;

No. 577. The Pennsylvania Railroad Company, plaintiff in error, *v. Olivit Brothers*;

No. 578. The Pennsylvania Railroad Company, plaintiff in error, *v. Isaac W. Carr et al.*; and

No. 762. Seaboard Air Line Railway, plaintiff in error, *v. J. H. Lorick*. Ordered that these cases be placed on the summary docket.

No. 780. Illinois Central Railroad Company, plaintiff in error, *v. Mrs. Marshall Lanis*, administratrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of Louisiana denied.

No. 783. Dr. Paul Oesting, *alias* Paul Allen, 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. 801. J. F. Wetzel, 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. 810. Alaska Pacific Fisheries, petitioner, *v. The Territory of Alaska*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 811. Alaska Mexican Gold Mining Company, petitioner, *v.* The Territory of Alaska. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 812. Alaska Pacific Fisheries, petitioner, *v.* The Territory of Alaska. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 815. Alaska Salmon Company, petitioner, *v.* The Territory of Alaska. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 819. American Bank of Alaska, petitioner, *v.* Edwin Richards. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 828. Detroit Iron & Steel Company, petitioner, *v.* James D. Carey. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 831. Omaha Iron Store Company, petitioner, *v.* Moline Plow Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 838. The Delaware, Lackawanna & Western Railroad Company, petitioner, *v.* Sound Transportation Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 843. Robert Edward Baker et al., trustees, etc., petitioners, *v.* J. J. Dunlop. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 851. The Minneapolis & St. Louis Railroad Company, petitioner, *v.* T. D. Davis. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 821. Lawrence Maxwell et al., petitioners, *v.* Charlotte Jane Isabelle McDonald et al. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. J. S. Flannery, Mr. Frederic D. McKenney, Mr. Frederick de Courcey Faust, and Mr. Charles F. Wilson for the petitioners, and by Mr. Colley W. Bell and Mr. Benjamin S. Minor for the respondent.

No. 27. The Sun Life Assurance Company of Canada, plaintiff in error, *v.* Luisa Rivera. Motion to dismiss submitted by Mr. Charles Hartzell in behalf of Mr. Willis Sweet for the defendant in error in support of the motion.

No. —, Original. Ex parte In the matter of the St. Louis, Kansas City & Colorado Railroad Company, petitioner. Motions for leave to file petitions for writs of prohibition and mandamus submitted by Mr. Thomas P. Littlepage, Mr. Paul E. Walker, Mr. James C. Jones, Mr. Lon O. Hocker, Mr. Frank H. Sullivan, and Mr. Marcus L. Bell for the petitioner.

No. 795. Albert E. Sutton et al., appellants, *v.* John H. C. L. English et al. Motion to dismiss or affirm submitted by Mr. Cecil H. Smith for the appellees in support of the motion, and by Mr. Allen G. Fisher for the appellants in opposition thereto.

No. 503. Watts, Watts & Company (Limited), petitioner, *v.* Unione Austriaca di Navigazione, etc. Motion to transfer to the summary docket submitted by Mr. Charles Henry Butler in behalf of Mr. J. Parker Kirlin and Mr. John M. Woolsey for the petitioner, and by Mr. Charles S. Haight for the respondent in opposition thereto.

No. 378. Old Dominion Iron & Nail Works Company, plaintiff in error, *v.* Chesapeake & Ohio Railway Company et al. Motion to dismiss submitted by Mr. H. R. Pollard and Mr. Henry Taylor, jr., for the defendants in error in support of the motion, and by Mr. Eppa Hunton, jr., Mr. E. Randolph Williams, and Mr. Henry W. Anderson for the plaintiff in error in opposition thereto.

No. 133. Charles H. Baker et al., appellants, *v.* John W. Schofield, as receiver, etc. Submitted by Mr. B. S. Grosscup and Mr. Corwin, S. Shank for the appellants, and by Mr. Frederick Bausman for the appellee.

No. 715. Motion Picture Patents Company, petitioner, *v.* Universal Film Manufacturing Company et al. Argument continued by Mr. Melville Church for the petitioner, by Mr. Oscar W. Jeffery for the respondents, and concluded by Mr. Melville Church for the petitioner.

No. 650. Hans Berg, prize master in charge of the prize ship *Appam*, et al., appellants, *v.* British & African Steam Navigation Company; and

No. 722. Hans Berg, prize master in charge of the prize ship *Appam*, et al., appellants, *v.* Henry G. Harrison, master of the steamship *Appam*. Argument commenced by Mr. Fredercik W. Lehmann for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 16, will be as follows: Nos. 650 (and 722), 617 (and 618, 642, 643, 644, 645, 778, and 779), 25 (and 26), 2, 48, 132, 38, 18 (and 19), 135, and 23.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 16, 1917.

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

Arthur Garfield Hays, of New York City; Thomas F. Konop, of Green Bay, Wis.; Charles A. Rasbury, of Dallas, Tex.; Samuel White, of Portland, Oreg.; and Richmond D. Moot, of Schenectady, N. Y., were admitted to practice.

No. 722. Hans Berg, prize master, etc., et al., appellants, *v.* Henry G. Harrison, master, etc. Leave granted to file brief for appellant, on motion of Mr. F. W. Lehmann in that behalf.

No. 650. Hans Berg, prize master, etc., et al., appellants, *v.* British & African Steam Navigation Company; and

No. 722. Hans Berg, prize master, etc., et al., appellants, *v.* Henry G. Harrison, master, etc. Argument continued by Mr. F. W. Lehmann for the appellants, by Mr. Frederic R. Coudert and Mr. James K. Symmers for the appellees, and concluded by Mr. F. W. Lehmann for the appellants. Leave granted counsel for appellants to file supplemental reply brief within 10 days.

No. 617. Robert L. Greene, auditor, et al., etc., appellants, *v.* Louisville & Interurban Railroad Company;

No. 618. Robert L. Greene, auditor, et al., etc., appellants, *v.* Louisville Railway Company;

No. 642. Illinois Central Railroad Company, appellant, *v.* Robert L. Greene et al., etc.;

No. 643. Robert L. Greene et al., etc., appellants, *v.* Illinois Central Railroad Company;

No. 644. Illinois Central Railroad Company, appellant, *v.* Robert L. Greene et al., etc.;

No. 645. Robert L. Greene et al., etc., appellants, *v.* Illinois Central Railroad Company;

No. 778. Louisville & Nashville Railroad Company, appellant, *v.* Robert L. Greene, etc., et al.; and

No. 779. Robert L. Greene, etc., et al., appellants, *v.* Louisville & Nashville Railroad Company. Seven hours allowed for the argument of these cases, on motion of Mr. Henry L. Stone for the Louisville & Nashville Railroad Company. Argument commenced by Mr. Charles Carroll for Greene et al., continued by Mr. Alexander Pope Humphrey for the appellees in No. 617 and 618.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 17, will be as follows: 617 (and 618, 642, 643, 644, 645, 778, and 779), 25 (and 26), 2, 48, 132, 38, 18 (and 19), 135, 136, and 140.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 17, 1917.

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

No. 617. Robert L. Greene, auditor, et al., etc., appellants, *v.* Louisville & Interurban Railroad Company;

No. 618. Robert L. Greene, auditor, et al., etc., appellants, *v.* Louisville Railway Company;

No. 642. Illinois Central Railroad Company, appellant, *v.* Robert L. Greene et al., etc.;

No. 643. Robert L. Greene et al., etc., appellants, *v.* Illinois Central Railroad Company;

No. 644. Illinois Central Railroad Company, appellant, *v.* Robert L. Greene et al., etc.;

No. 645. Robert L. Greene et al., etc., appellants, *v.* Illinois Central Railroad Company;

No. 778. Louisville & Nashville Railroad Company, appellant, *v.* Robert L. Greene, etc., et al.; and

No. 779. Robert L. Greene, etc., et al., appellants, *v.* Louisville & Nashville Railroad Company. Argument continued by Mr. Alexander Pope Humphrey for the appellees in Nos. 617 and 618, by Mr. Blewett Lee for the Illinois Central Railroad Company, by Mr. John L. Rich for Greene et al., by Mr. Edmund F. Trabue for Illinois Central Railroad Company, and by Mr. M. M. Logan for Greene et al.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 18, will be as follows: Nos. 617 (and 618, 642, 643, 644, 645, 778, and 779), 25 (and 26), 2, 48, 132, 38, 18 (and 19), 135, 136, and 140.

64422—17—57

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 18, 1917.

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

Charles Albert Perkins, of New York City; John C. Pettit, of Logan, Ohio; John T. Casey, of Seattle, Wash.; Charles F. Haney, of Chicago, Ill.; Alfred E. Lunt, of Boston, Mass.; Paul A. Blair, of Washington, D. C.; William J. Larkin, jr., of Waterbury, Conn.; and Rodman W. Keenon, of Harrodsburg, Ky.; were admitted to practice.

No. 867. American-Hawaiian Steamship Company, owner, etc., petitioner, *v.* Strathalbyn Steamship Company, Limited, etc. Motion for leave to present petition for writ of certiorari submitted by Mr. Charles Henry Butler in support of the same.

No. 617. Robert L. Greene, auditor, et al., etc., appellants, *v.* Louisville & Interurban Railroad Company;

No. 618. Robert L. Greene, auditor, et al., etc., appellants, *v.* Louisville Railway Company;

No. 642. Illinois Central Railroad Company, appellant, *v.* Robert L. Greene et al., etc.;

No. 643. Robert L. Greene et al., etc., appellants, *v.* Illinois Central Railroad Company;

No. 644. Illinois Central Railroad Company, appellant, *v.* Robert L. Greene et al., etc.;

No. 645. Robert L. Greene et al., etc., appellants, *v.* Illinois Central Railroad Company;

No. 778. Louisville & Nashville Railroad Company, appellant, *v.* Robert L. Greene, etc., et al.; and

No. 779. Robert L. Greene, etc., et al., appellants, *v.* Louisville & Nashville Railroad Company. Argument continued by Mr. M. M. Logan for Greene et al., and concluded by Mr. Helm Bruce for Louisville & Nashville Railroad Company.

No. 25. Frank C. Stettler, plaintiff in error, *v.* Edwin V. O'Hara et al., etc.; and

No. 26. Elmira Simpson, plaintiff in error, *v.* Edwin V. O'Hara et al., etc. Argument commenced by Mr. C. W. Fulton for the plaintiffs in error, and continued by Mr. Felix Frankfurter for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 19, will be as follows: Nos. 25 (and 26), 38, 2, 48, 132, 18 (and 19), 164, 136, 140, and 147.

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 19, 1917.

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

Robert Douglas Feagin, of Macon, Ga.; William Elza Williams, of Pittsfield, Ill.; Samuel P. Goldman, of New York City; Maurice Dreifuss, of Detroit, Mich.; Claude A. Fuller, of Eureka Springs, Ark.; Robert E. Hammond, of Havre, Mont.; and Lewis Austin Coleman, of Indianapolis, Ind., were admitted to practice.

No. 186. Public Service Gas Company, plaintiff in error, *v.* Board of Public Utilities Commissioners of the State of New Jersey et al. In error to the Court of Errors and Appeals of the State of New Jersey. Dismissed with costs, per stipulation, on motion of Mr. E. A. Armstrong for the plaintiff in error.

No. 187. Public Service Gas Company, plaintiff in error, *v.* City of Paterson et al. In error to the Court of Errors and Appeals of the State of New Jersey. Dismissed with costs, per stipulation, on motion of Mr. E. A. Armstrong for the plaintiff in error.

No. 188. Public Service Gas Company, plaintiff in error, *v.* City of Passaic et al. In error to the Court of Errors and Appeals of the State of New Jersey. Dismissed with costs, per stipulation, on motion of Mr. E. A. Armstrong for the plaintiff in error.

No. 25. Frank C. Stettler, plaintiff in error, *v.* Edwin V. O'Hara et al., etc.; and

No. 26. Elmira Simpson, plaintiff in error, *v.* Edwin V. O'Hara et al., etc. Reargument continued by Mr. Felix Frankfurter for the defendants in error, and concluded by Mr. Rome G. Brown for the plaintiffs in error.

No. 38. Franklin O. Bunting, plaintiff in error, *v.* The State of Oregon. Reargued by Mr. W. Lair Thompson for the plaintiff in error, and by Mr. Felix Frankfurter for the defendant in error.

No. 2. Hugo Adelberto Thomsen et al., plaintiffs in error, *v.* Sir Charles W. Cayser et al. Reargument commenced by Mr. A. Leo Everett for the plaintiffs in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 22, will be as follows: Nos. 2, 48, 132, 18 (and 19), 164, 136, 140, 147, 547, and 631.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 22, 1917.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Harold Guyon Townsend, of Chicago, Ill.; J. P. Tribble, of Kennett, Mo.; Charles A. Haggart, of Oklahoma City, Okla.; Ottamar Hamele, of Pawhuska, Okla.; Mark B. Eubanks, of Rome, Ga.; Engene A. Kingman, of Providence, R. I.; Lawrence L. Lewis, of Waterbury, Conn.; Michael J. Byrne, of Waterbury, Conn.; Nathan K. McGill, of Jacksonville, Fla.; S. P. English, of Dallas, Tex.; A. Taylor Smith, of Cumberland, Md.; and Webb Covington, of Fort Smith, Ark.; were admitted to practice.

No. 129. The Board of Trustees of the Sevilleta de la Joy Grant, etc., plaintiff in error, *v.* The Board of Trustees of the Belen Land Grant, in error to the Supreme Court of the State of New Mexico. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 438. Harry T. Hall, Superintendent of Banks and Banking of the State of Ohio, appellant, *v.* The Geiger-Jones Company;

No. 439. Harry T. Hall, Superintendent of Banks and Banking of the State of Ohio, appellant, *v.* Don C. Coultrap; and

No. 440. Harry T. Hall, Superintendent of Banks and Banking of the State of Ohio, et al., appellants, *v.* William R. Rose and The Richard Auto Manufacturing Company. Appeals from the District Court of the United States for the Southern District of Ohio. Decrees reversed with costs; and causes remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice McReynolds.

No. 386. Clarence C. Caldwell, as attorney general for the State of South Dakota, etc., et al., appellants, *v.* The Sioux Falls Stock Yards Company et al. Appeal from the District Court of the United States for the District of South Dakota. Decree reversed with costs, and causes remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice McReynolds.

No. 413. Frank W. Merrick et al., appellants, *v.* N. W. Halsey & Company et al., etc. Appeal from the District Court of the United States for the Eastern District of Michigan. Decree reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice McKenna. Dissenting; Mr. Justice McReynolds.

No. 427. Victor Herbert et al., petitioners, *v.* The Shanley Company; and

No. 433. The John Church Company, petitioner, *v.* Hilliard Hotel Company et al. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decrees reversed with costs, and causes 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, announced by Mr. Chief Justice White.

No. 138. The United States, appellant, *v.* American-Asiatic Steamship Company et al.; and

No. 169. The United States, appellant, *v.* Prince Line, Limited, et al. Appeals from the District Court of the United States for the Southern District of New York. Decrees reversed, and causes remanded with directions to dismiss the bills without prejudice to the right of the United States in the future to assail any actual contract or combination deemed to offend against the antitrust act. Opinion by Mr. Chief Justice White.

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

No. 2, Original. *Ex parte* In the matter of St. Louis, Kansas City & Colorado Railroad Company. Motions for leave to file petitions for writs of prohibition and mandamus denied, without prejudice in any respect to relief on appeal or otherwise on the merits.

No. 503. Watts, Watts & Company, Limited, petitioner, *v.* Unione Austriaca di Navigazione, etc. Motion to place on summary docket denied.

No. 795. Albert E. Sutton et al., appellants, *v.* John H. C. L. English. Ordered that this case be placed on the summary docket.

No. 821. Lawrence Maxwell et al., petitioners, *v.* Charlotte Jane Isabelle McDonald et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 822. The Hewitt Company, petitioner, *v.* The United States Metallic Packing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 867. American-Hawaiian Steamship Company, etc., petitioner, *v.* Strathalbyn Steamship Company, Limited, etc. Motion for leave to present petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted and the petition denied on the merits and the motion for delay to give further notice consequently denied.

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No. 680. Western Union Telegraph Company et al., plaintiffs in error, *v.* Calvin H. Foster et al. Motion to dismiss or affirm or place on the summary docket submitted by Mr. Patrick Henry Kelley for the defendants in error in support of the motion and by Mr. Rush Taggart and Mr. Arthur Lord for the plaintiffs in error in opposition thereto.

No. 887. Samuel J. Masters et al., petitioners, *v.* Edward W. Molohan, trustee. Petition for a writ of certiorari to the Court of Appeals for the District of Columbia submitted by Mr. Daniel W. Baker, Mr. Wilton J. Lambert, and Mr. E. L. Gies for the petitioners, and by Mr. W. Gwynn Gardiner for the respondent.

No. 862. T. Coleman Du Pont, petitioner, *v.* George N. Gardiner, jr., et al., executors, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Julius F. Workum for the petitioner, and by Mr. L. Laffin Kellogg and by Mr. Alfred C. Pette for the respondents.

No. 653. Pennsylvania Railroad Company, plaintiff in error, *v.* E. R. Langill and G. A. Edmiston, as Langill & Edmiston. In error to the Supreme Court of the State of Pennsylvania. Dismissed with costs, on motion of Mr. Frederic D. McKenney for the plaintiff in error.

No. 869. Adrian Bakker, petitioner, *v.* Netherlands-America Steam Navigation Company, sued as Holland-American Line. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Roger Foster for the petitioner, and by Mr. Charles C. Burlingham for the respondent.

No. 304. St. Louis Union Trust Company, petitioner, *v.* Mary E. Mellon et al. Mandate granted, per stipulation of counsel, and on motion of Mr. Enoch A. Chase for the petitioner.

No. 308. The Baltimore & Ohio Railroad Company, plaintiff in error *v.* William C. Hagen. In error to the Court of Appeals for the Fifth District, Licking County, State of Ohio. Dismissed, per stipulation of counsel.

No. 871. Lasswell Land & Lumber Company, petitioner, *v.* Lee Wilson & Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted

by Mr. J. P. Tribble and Mr. Charles B. Williams for the petitioner, and by Mr. Frank H. Sullivan and Mr. Allen Hughes for the respondent.

No. 2. Hugo Adelberto Thomsen et al., plaintiffs in error, *v.* Sir Charles W. Cayser et al. Reargument continued by Mr. A. Leo Everett for the plaintiffs in error, and by Mr. Thomas Thacher and Mr. J. Parker Kirlin for the defendants in error, and concluded by Mr. A. Leo Everett for the plaintiffs in error.

No. 48. The Enterprise Irrigation District et al., plaintiffs in error, *v.* The Tri-State Land Company et al. Argument commenced by Mr. Harry N. Haynes for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 23, will be as follows: Nos. 48, 132, 18 (and 19), 164, 23, 136, 140, 147, 547, and 631.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 23, 1917.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

John T. Nourse, of San Francisco, Cal.; Joseph B. Poindexter, of Dillon, Mont.; P. J. Phillips, of Nyssa, Oreg.; George A. Gilmore, of Williston, N. Dak.; and J. W. Whitney, of Tacoma, Wash., were admitted to practice.

No. 48. The Enterprise Irrigation District et al., plaintiffs in error, *v.* The Tri-State Land Company et al. Argument continued by Mr. Harry N. Haynes for the plaintiffs in error, by Mr. Fred A. Wright for the defendants in error, by Mr. Will R. King for the defendants in error, and concluded by Mr. Harry N. Haynes for the plaintiffs in error.

No. 132. 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. Argument commenced by Mr. W. H. Abel for the plaintiffs in error, continued by Mr. William M. Smith for the defendants in error, and concluded by Mr. W. H. Abel for the plaintiffs in error.

No. 18. Atlantic, Gulf & Pacific Company, appellant, *v.* The United States; and

No. 19. The United States, appellant, *v.* Atlantic, Gulf & Pacific Company. Reargument commenced by Mr. George A. King for the Atlantic, Gulf & Pacific Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 24, will be as follows: Nos. 18 (and 19), 164, 23, 136, 140, 147, 547, 631, 565, and 445.

64422—17—61

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 24, 1917.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice Brandeis, and Mr. Justice Clarke.

William C. Bowers, 2d, of New York City, was admitted to practice.

No. 18. Atlantic, Gulf & Pacific Company, appellant, *v.* The United States; and

No. 19. The United States, appellant, *v.* Atlantic, Gulf & Pacific Company. Reargument continued by Mr. George A. King for the Atlantic, Gulf & Pacific Company, by Mr. Assistant Attorney General Thompson for the United States, and concluded by Mr. George A. King for the Atlantic, Gulf & Pacific Company.

No. 164. Union National Bank et al., plaintiffs in error, *v.* George McBoyle et al. Argument commenced by Mr. Charles A. Beardsley for the plaintiffs in error, continued by Mr. William H. Orrick for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 25, will be as follows: Nos. 164, 23, 136, 140, 147, 547, 631, 565, 445, and 491.

64422—17—62

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 25, 1917.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Mary Florence Lathrop, of Denver, Colo.; Thos. J. Tyne, of Nashville, Tenn.; and W. S. Little, of Cincinnati, Ohio; were admitted to practice.

No. —, Original. Ex parte In the matter of Joseph Marshall, petitioner. Motion for leave to file petition for writ of habeas corpus and that petitioner be admitted to bail submitted by Mr. W. C. Bowers, 2d, for the petitioner.

No. 444. Jay C. Ziegler et al., appellants, *v.* Carnegie Trust Company et al. Appeal from the District Court of the United States for the Southern District of New York. Dismissed, per stipulation.

No. 164. Union National Bank et al., plaintiffs in error, *v.* George McBoyle et al. Argument continued by Mr. William H. Orrick for the defendants in error, and concluded by Mr. Charles A. Beardsley for the plaintiffs in error.

No. 23. Eliot A. de Pass et al., as surviving partners, etc., appellants, *v.* The United States. Submitted by Mr. Henry M. Ward and Mr. Harry W. Van Dyke for the appellants, and by Mr. Assistant Attorney General Warren for The United States, with leave to counsel for the appellants to file reply brief by the 29th instant.

No. 136. Philadelphia & Reading Railway Company, plaintiff in error, *v.* Robert J. McKibbin. Argued by Mr. Pierre M. Brown for the plaintiff in error, and by Mr. Joseph A. Shay for the defendant in error.

No. 140. Park Square Automobile Station, plaintiff in error, *v.* American Locomotive Company. Passed on account of sickness of counsel.

No. 491. The Second National Bank, of Cincinnati, Ohio, plaintiff in error, *v.* The First National Bank, of Okeana, Ohio. Argued by Mr. Landon L. Forcheimer for the plaintiff in error, and by Mr. Edward P. Moulinier for the defendant in error.

No. 547. Rome Railway & Light Company, appellant, *v.* Floyd County, Georgia, et al. Argued by Mr. John C. Doolan for the appellant, and by Mr. George E. Maddox for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 26, will be as follows: Nos. 631, 565, 445, 147, 623, 695, 269, 584, 714, and 454.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 26, 1917.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Harry B. Duncan, Los Angeles, Cal.; Samuel Ashby, of Indianapolis, Ind.; Henry H. Hornbrook, of Indianapolis, Ind.; Charles D. Mahaffie, of Portland, Oreg.; Frank F. Davis, of New York City; John McChord of Lebanon, Ky.; C. F. Newman, of Kansas City, Mo.; W. T. Holliday, of Cleveland, Ohio; and R. M. Anderson, of Philadelphia, Pa., were admitted to practice.

No. 631. The Baltimore & Ohio Railroad Company, plaintiff in error, *v.* David Branson. Argument commenced by Mr. A. Taylor Smith for the plaintiff in error, continued by Mr. Albert A. Doub for the defendant in error, and concluded by Mr. George A. Pearre for the plaintiff in error.

No. 565. The Minneapolis & St. Louis Railroad Company, plaintiff in error, *v.* Bertha L. Thompson, as administratrix, etc. Argued by Mr. F. M. Miner for the plaintiff in error, and by Mr. Humphrey Barton for the defendant in error.

No. 445. Martin E. Donohue, plaintiff in error, *v.* Benjamin Vosper et al. Argued by Mr. A. H. Ryall for the plaintiff in error, and by Mr. Dan H. Ball for the defendants in error.

No. 147. Charles C. Pennington, plaintiff in error, *v.* The Fourth National Bank of Cincinnati, Ohio. Argued by Mr. Guy W. Mallon for the plaintiff in error, and by Mr. W. S. Little for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 29, will be as follows: Nos. 623, 695, 269, 584, 714, 454, 573, 748, 13, and 280 (and 281).

## SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 29, 1917.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Archibald R. Watson, of New York City; Earl King, of Memphis, Tenn.; Maurice Robinson, of Providence, R. I.; George C. Crump, of Holdenville, Okla.; David R. Castleman, of Louisville, Ky.; Robert W. Breckons, of Honolulu, Hawaii; Frank E. Hinckley, of San Francisco, Cal.; Walter M. Hezel, of St. Louis, Mo.; W. Overton Harris, of Louisville, Ky.; and Charles Akerman, of Macon, Ga., were admitted to practice.

The Chief Justice announced the following orders of the court:

No. 27. The Sun Life Assurance Company of Canada, plaintiff in error, *v. Luisa Rivera*. In error to the District Court of the United States for the District of Porto Rico. Per curiam: Judgment affirmed with costs upon the authority of rule 6, paragraph 5; *Nadal v. May* (233 U. S., 447, 454); *Cardona v. Quinones* (240 U. S., 83, 88).

No. 378. Old Dominion Iron & Nail Works Company, plaintiff in error, *v. Chesapeake & Ohio Railway Company and City of Richmond*. In error to the Supreme Court of Appeals of the State of Virginia. Per curiam: Dismissed for the want of jurisdiction upon the authority of (1) *Eustis v. Bolles* (150 U. S., 361); *Leathe v. Thomas* (207 U. S., 93); *Mellon Company v. McCafferty* (239 U. S., 134). (2) *Pierce v. Southern Railway* (171 U. S., 641); *Preston v. Chicago* (226 U. S., 447, 450); *Wood v. Chesbrough* (228 U. S., 672, 677). (3) *Moran v. Horsky* (178 U. S., 205).

No. 565. The Minneapolis & St. Louis Railroad Company, plaintiff in error, *v. Bertha L. Thompson*, as administratrix of the estate of Charles E. Thompson, deceased. In error to the Supreme Court of the State of Minnesota. Per curiam: Judgment affirmed with costs upon the authority of *Chicago Junction Railway Co. v. King* (222 U. S., 222); *Seaboard Air Line Railway v. Padgett* (236 U. S., 668); *Great Northern Railway Co. v. Knapp* (240 U. S., 464); *Baltimore & Ohio R. R. Co. v. Whitaker* (242 U. S., 169).

No. 631. The Baltimore & Ohio Railroad Company, plaintiff in error, *v.* David Branson. In error to the Court of Appeals of the State of Maryland. Per curiam: Judgment reversed with costs upon the authority of Delaware, Lackawanna & Western R. R. Co. *v.* Yurkonis (238 U. S., 439); Shanks *v.* Delaware, Lackawanna & Western R. R. Co. (239 U. S., 556); Chicago, Burlington & Quincy R. R. Co. *v.* Harrington (241 U. S., 177, 180); Minneapolis & St. Louis R. R. Co. *v.* Winters (ante p. —).

No. 680. Western Union Telegraph Company, plaintiff in error *v.* Calvin H. Foster et al. Further consideration of the motion to dismiss or affirm postponed to the hearing on the merits.

No. 862. T. Coleman Du Pont, petitioner, *v.* George N. Gardiner, jr., et al., executors, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 869. Adrian Bakker, petitioner, *v.* Netherlands-American Steam Navigation Company, sued as Holland-American Line. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 871. Lasswell Land & Lumber Company, petitioner, *v.* Lee Wilson & Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 887. Samuel J. Masters et al., petitioners, *v.* Edward W. Molohan, trustee. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

*Order.*—The court will take a recess on Monday, February 5, to Monday, March 5 next, and it is ordered that the cases assigned for argument on Monday, February 26 next, be, and the same are hereby, reassigned for argument on Tuesday, March 6 next.

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No. 604. Charles Mason and A. Hanson, plaintiffs in error, *v.* The United States. Motion to advance submitted by Mr. Solicitor General Davis for the defendant in error.

No. 721. Thomas Ewing, Commissioner of Patents, petitioner, *v.* The United States ex rel. The Fowler Car Company. Motion to advance submitted by Mr. Solicitor General Davis for the petitioner.

No. 741. The United States *v.* Bessie Wildcat, a minor, et al. Motion to advance submitted by Mr. Solicitor General Davis for the United States.

No. 269. The State of California, plaintiff in error, *v.* Deseret, Water, Oil & Irrigation Company. Leave granted to file brief herein in behalf of the United States as amicus curiæ, on motion of Mr. C. D. Mahaffie in that behalf.

No. 2, Original. Commonwealth of Virginia, complainant, *v.* The State of West Virginia. Motion for leave to file a petition for a writ of mandamus and for an order to show cause submitted by Mr. John Garland Pollard, Mr. William A. Anderson, Mr. Randolph Harrison, Mr. Sanford Robinson, and Mr. John G. Johnson for the complainant.

No. 774. Mrs. Rose Snyder, plaintiff in error, *v.* King County, Washington, and The State of Washington. Motion to advance submitted by Mr. Edwin J. Brown for the plaintiff in error.

No. 165. August Bay, plaintiff in error, *v.* Merrill & Ring Logging Company;

No. 166. P. J. McCluskey, administrator, etc., plaintiff in error, *v.* Marysville & Northern Railway Company et al.; and

No. 636. William Raymond, plaintiff in error, *v.* Chicago, Milwaukee & St. Paul Railway Company. Advanced, to be heard after No. 13, on motion of Mr. John T. Casey for the plaintiff in error.

No. 888. United Mine Workers of America, petitioner, *v.* A. S. Dowd, receiver, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Joe T. Robinson, in behalf of Mr. Henry Warrum, Mr. George L. Grant, and Mr. Webb Covington for the petitioner, and by Mr. Henry S. Drinker, jr., Mr. Roger B. Hull. and Mr. James B. McDonough for the respondents.

No. —, Original. Ex parte In the matter of John P. White, as president, and William Green, as secretary-treasurer, of United Mine Workers of America, et al., petitioners. Motion for leave to file petition for writ of prohibition submitted by Mr. Joe T. Robinson, in behalf of Mr. Henry Warrum and Mr. George L. Grant for the petitioners.

No. 861. The State Bank of Clearwater, Nebraska, petitioner. *v.* J. Q. Ingram, trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. E. C. Brandenburg and Mr. Arthur F. Mullen for the petitioner, and by Mr. R. E. Evans for the respondent.

No. 886. Illinois Central Railroad Company et al., petitioners, *v.* V. P. Messina. Petition for a writ of certiorari to the Supreme Court of the State of Mississippi submitted by Mr. H. D. Minor, Mr. Edward Mayes, Mr. Robert V. Fletcher, Mr. Blewett Lee, and Mr. Charles N. Burch for the petitioners, and by Mr. William H. Watkins and Mr. Harry Peyton for the respondent.

No. 852. A. S. Cohn, petitioner, *v.* R. A. Malone, trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. George S. Jones

for the petitioner, and by Mr. Alexander Akerman, Mr. Charles Akerman, and Mr. John D. Pope for the respondent.

No. 884. Samuel Bernstein, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Robert H. Talley for the petitioner.

No. 720. Chicago, Milwaukee & St. Paul Railway Company, plaintiff in error, *v.* Mary O'Connor, as administratrix, etc. Motion to enlarge time in which to file designation of additional parts of the record to be printed submitted by Mr. Victor I. Minahan for the defendant in error.

No. —. Original. *Ex parte* In the matter of Samuel Wintner, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Harold Remington for the petitioner.

No. 842. St. Louis Merchants Bridge Terminal Railway Company, petitioner, *v.* William J. Schuerman. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Walter M. Hezel and Mr. T. M. Pierce for the petitioner, and by Mr. W. C. Marshall for the respondent.

No. 623. Memphis Street Railway Company, petitioner, *v.* S. C. Moore, administrator, etc. Argued by Mr. Roan Waring for the petitioner and by Mr. Ike W. Crabtree for the respondent.

No. 695. Great Northern Railway Company, plaintiff in error, *v.* Anna Roach, as administratrix, etc. Argued by Mr. A. L. Janes for the plaintiff in error and by Mr. Ernest W. Michel for the defendant in error.

No. 269. The State of California, plaintiff in error, *v.* Deseret Water, Oil & Irrigation Company. Argued by Mr. John T. Nourse for the plaintiff in error and by Mr. Charles F. Consaul for the defendant in error.

No. 584. The Pennsylvania Fire Insurance Company of Philadelphia, plaintiff in error, *v.* The Gold Issue Mining & Milling Company. Argued by Mr. Fred Herrington for the plaintiff in error and by Mr. Patrick Henry Cullen for the defendant in error.

No. 714. Chicago & Alton Railroad Company et al., plaintiffs in error, *v.* William J. McWhirt. Argument commenced by Mr. Elliott H. Jones for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 30, will be as follows: Nos. 714, 454, 573, 748, 13 (and 165, 166, and 636), 280 (and 281), 320 (and 321), 353, and 149 (to 162).

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 30, 1917.

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

Guy H. Sigler, of Ardmore, Okla.; James R. Barbour, of Louisville, Ky.; Woodson E. Norvell, of Tulsa, Okla.; Archibald K. Gardner, of Huron, S. Dak.; and U. S. G. Cherry, of Sioux Falls, S. Dak., were admitted to practice.

No. 594. The Ohio River Contract Company, plaintiff in error, *v.* Honorable Thomas R. Gordon, Judge Jefferson Circuit Court. Motion for restraining order and for rule to show cause submitted by Mr. W. O. Harris and Mr. A. E. Richards for the plaintiff in error in support of the motion, and by Mr. Matthew O'Doherty for the defendant in error in opposition thereto.

No. 714. Chicago & Alton Railroad Company et al., plaintiffs in error, *v.* William J. McWhirt. Argument continued by Mr. P. H. Cullen for the defendant in error, and concluded by Mr. Elliott H. Jones for the plaintiffs in error.

No. 454. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* John B. Shaw. Submitted by Mr. E. L. Worthington, Mr. W. D. Cochran, and Mr. LeWright Browning for the plaintiff in error, and by Mr. Allan D. Cole for the defendant in error.

No. 573. The St. Joseph & Grand Island Railway Company, plaintiff in error, *v.* Ralph W. Moore. Argued by Mr. Robert A. Brown for the plaintiff in error, and by Mr. John G. Parkinson for the defendant in error.

No. 748. Mariam McAllister, administratrix, etc., plaintiff in error, *v.* The Chesapeake & Ohio Railway Company. Submitted by Mr. Allan D. Cole for the plaintiff in error, and by Mr. E. L. Worthington, Mr. W. D. Cochran, and Mr. LeWright Browning for the defendant in error.

No. 13. Mountain Timber Company, plaintiff in error, *v.* The State of Washington. Reargument commenced by Mr. F. Markoe Rivinus

for the plaintiff in error, continued by Mr. W. V. Tanner for the defendant in error, and concluded by Mr. Theodore W. Reath for the plaintiff in error.

No. 165. August Bay, plaintiff in error, *v.* Merrill & Ring Logging Company; and

No. 166. P. S. McCluskey, administrator of Gunder Nordgard, deceased, plaintiff in error, *v.* Marysville & Northern Railway Company et al.

Argument commenced by Mr. John T. Casey for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 31, will be as follows: Nos. 165 (and 166), 636, 280 (and 281), 320 (and 321), 353, 149 (to 162), 135, 119, 167, and 168.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 31, 1917.

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

Leslie P. Scott, of Honolulu, Hawaii, and Homer T. Dick, of Chicago, Ill., were admitted to practice.

No. 135. Henry D. McDonald, plaintiff in error, *v.* F. A. Mabee. Submitted by Mr. Henry D. McDonald, pro se, and by Mr. Joseph W. Bailey for the defendant in error.

No. 165. August Bay, plaintiff in error, *v.* Merrill & Ring Logging Company; and

No. 166. P. S. McCluskey, administrator, etc., plaintiff in error, *v.* Marysville & Northern Railway Company et al. Argument continued by Mr. John T. Casey for the plaintiffs in error, by Mr. E. C. Hughes for the defendants in error, and concluded by Mr. John T. Casey for the plaintiffs in error.

No. 636. William Raymond, plaintiff in error, *v.* Chicago, Milwaukee & St. Paul Railway Company. Argued by Mr. John T. Casey for the plaintiff in error, and submitted by Mr. Heman H. Field for the defendant in error.

No. 280. Southern Pacific Company, plaintiff in error, *v.* Marie Jensen; and

No. 281. Clyde Steamship Company, plaintiff in error, *v.* William Alfred Walker. Argument commenced by Mr. Norman B. Beecher for the plaintiffs in error, and continued by Mr. E. Clarence Aiken for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, February 1, will be as follows: Nos. 280 (and 281), 320 (and 321), 353, 149 (to 162), 119, 167, 168, 170, 171, and 172.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, FEBRUARY 1, 1917.

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

Brent Spence, of Newport, Ky.; Jules Chopak, jr., of New York City; A. S. Halsted, of Los Angeles, Cal.; Clark A. McMillan, of Decatur, Ill.; Frank L. Hall, of Washington, D. C.; and Irwin N. Walker, of Chicago, Ill., were admitted to practice.

No. 904. Era Bond, petitioner, *v.* Otto S. Langum, sheriff, etc. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota submitted by Mr. Ernest S. Cary for the petitioner.

No. 175. St. Louis, Iron Mountain & Southern Railway Company, plaintiff in error, *v.* Annie Rodgers, as administratrix, etc. In error to the Supreme Court of the State of Arkansas. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 172. J. D. Bowersock, plaintiff in error, *v.* Ada Burhans Smith, administratrix, etc. Submitted by Mr. Charles F. Hutchings and Mr. McCabe Moore for the plaintiff in error, and by Mr. Joseph Taggart for the defendant in error.

No. 280. Southern Pacific Company, plaintiff in error, *v.* Marie Jensen; and

No. 281. Clyde Steamship Company, plaintiff in error, *v.* William Alfred Walker. Argument continued by Mr. E. Clarence Aiken for New York State Industrial Commission, and concluded by Mr. Norman B. Beecher for the plaintiffs in error. Leave granted Mr. Norman B. Beecher to file additional authorities, and to Mr. E. Clarence Aiken to file counter authorities.

No. 320. The New York Central & Hudson River Railroad Company, plaintiff in error, *v.* Sarah White; and

No. 321. The New York Central & Hudson River Railroad Company, plaintiff in error, *v.* James Winfield. Argument commenced by Mr. Frank V. Whiting for the plaintiff in error, continued by

Mr. Robert E. Whalen for the plaintiff in error, and concluded by Mr. E. Clarence Aiken for the defendants in error.

No. 353. Erie Railroad Company, plaintiff in error, *v.* Amy L. Winfield. Argument commenced by Mr. George S. Hobart for the plaintiff in error, and continued by Mr. Harry Lane for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, February 2, will be as follows: Nos. 353, 149 (to 162), 119, 167, 168, 170, 171, 176, 177, and 178.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, FEBRUARY 2, 1917.

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

Charles E. Morrow, of St. Louis, Mo., and George M. Caster, of Lake Andes, S. Dak., were admitted to practice.

No. 353. Erie Railroad Company, plaintiff in error, v. Amy L. Winfield. Reargument continued by Mr. Harry Lane for the defendant in error, and concluded by Mr. Gilbert Collins for the plaintiff in error.

Nos. 149 to 162, inclusive. The Five Per Cent Discount Cases. Reargument commenced by Mr. Solicitor General Davis for the petitioner, continued by Mr. Frederick W. Lehmann and Mr. James M. Beck for the respondents, and concluded by Mr. Solicitor General Davis for the petitioner.

No. 119. Allen Bond et al. v. J. L. Hume. Argued by Mr. Charles Pope Caldwell for Bond and Butterfield. No appearance for Hume.

Adjourned until Monday next at 12 o'clock.

64422—17—69

## SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 5, 1917.

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

Samuel Sturtz, of New York City; William B. Ogden, of Los Angeles, Cal.; W. R. Woods, of Charleston, Miss.; David Cosgrave, of San Francisco, Cal.; James Harrison Power, of New York City; E. L. Mitchell, of Clinton, Okla.; and Harry J. Gerrity, of Washington, D. C., were admitted to practice.

No. 64. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* The Public Service Commission of the State of West Virginia. In error to the Supreme Court of Appeals of the State of West Virginia. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 491. The Second National Bank of Cincinnati, Ohio, plaintiff in error, *v.* The First National Bank of Okeana, Ohio. In error to the Cincinnati Superior Court, State of Ohio. Dismissed for want of jurisdiction. Opinion by Mr. Justice Day.

The Chief Justice announced the following orders of the court:

No. 695. Great Northern Railway Company, plaintiff in error, *v.* Anna Roach, as administratrix, etc. In error to the Supreme Court of the State of Minnesota. Per curiam: Judgment affirmed with costs upon the authority of *Chicago Junction Railway Co. v. King* (222 U. S., 222); *Seaboard Air Line Railway v. Padgett* (236 U. S., 668); *Great Northern Railway Co. v. Knapp* (240 U. S., 464); *Baltimore & Ohio R. R. Co. v. Whitaker* (242 U. S., 169).

No. ——. Original. Ex parte In the matter of Joseph Marshall, petitioner. Motion for leave to file petition for writ of habeas corpus and that petitioner be admitted to bail denied.

No. ——. Original. Ex parte: In the matter of John P. White, as president, and William Green, as secretary treasurer, of United Mine Workers of America, et al., petitioners. Motion for leave to file petition for writ or prohibition denied.

No. 720. Chicago, Milwaukee & St. Paul Railway Company, plaintiff in error, *v.* Mary O'Connor, as administratrix, etc. Motion to enlarge time for defendant in error to file designation of additional parts of the record to be printed granted.

No. 527. The United States, appellant, *v.* Daniel J. Leary et al., etc., et al. Motion to dismiss denied.

No. 604. Charles Mason and A. Hanson, plaintiffs in error, *v.* The United States. Motion to advance granted and cause assigned for argument on Monday, April 9, next, after the cases heretofore assigned for that day.

No. 721. Thomas Ewing, Commissioner of Patents, petitioner, *v.* The United States, ex rel. The Fowler Car Company. Motion to advance granted and cause assigned for argument on Monday, April 9, next, after the cases heretofore assigned for that day.

No. 741. The United States *v.* Bessie Wildcat, a minor, et al. Motion to advance granted and cause assigned for argument on Monday, April 9, next, after the cases heretofore assigned for that day.

No. 774. Mrs. Rose Snyder, plaintiff in error, *v.* King County, Washington, et al. Motion to advance denied.

No. 842. St. Louis Merchants Bridge Terminal Railway Company, petitioner, *v.* William J. Schuerman. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 861. The State Bank of Clearwater, Nebr., petitioner, *v.* J. Q. Ingram, trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 884. Samuel Bernstein, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 886. Illinois Central Railroad Company et al., petitioners, *v.* V. P. Messina. Petition for a writ of certiorari to the Supreme Court of the State of Mississippi denied.

No. 888. United Mine Workers of America, petitioner, *v.* A. S. Dowd, receiver, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 904. Era Bond, petitioner, *v.* Otto S. Langum, sheriff, etc. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 594. The Ohio River Contract Company, plaintiff in error, *v.* Honorable Thomas R. Gordon, Judge, etc. Motion for restraining order granted.

No. 2, Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Motion for leave to file petition for writ of man-

damus granted, and rule to show cause awarded returnable on Tuesday, March 6 next, at the head of the call.

No. 3, Original. The People of the State of New York, complainant, *v.* State of New Jersey et al. Motion to set case for argument submitted by Mr. W. J. O'Sullivan for the complainant in support of motion, and by Mr. John W. Wescott, Mr. Robert H. McCarter, and Mr. Adrian Riker for defendants in opposition thereto.

No. 485. Marconi Wireless Telegraph Company, petitioner, *v.* Emil J. Simon. Motion to advance submitted by Mr. James R. Sheffield and Mr. John W. Griggs for the petitioner in support of the motion, and by Mr. Walter H. Pumphrey for the respondent in opposition thereto.

No. 865. Detroit Rock Salt Company, petitioner, *v.* Swift & Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. J. B. Corliss and Mr. Samuel B. Moody for the petitioner, and by Mr. William L. Carpenter for the respondent.

No. 899. Jacob S. Hayden, petitioner *v.* Ellen G. Davis et al., Executrices, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. H. F. Stambaugh and Mr. John M. Freeman for the petitioner, and by Mr. Charles McCamic, Mr. James Morgan Clarke, Mr. Melvin G. Sperry, and Mr. George M. Hoffheimer for the respondents.

No. 856. Mrs. M. S. Jennings et al., petitioners, *v.* L. P. Smith et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr Hoke Smith in behalf of Mr. Edgar T. Brackett and Mr. John J. Strickland for the petitioners, and by Mr. S. H. Sibley, Mr. Alex. C. King, Mr. H. M. Holden, Mr. Hamilton McWhorter, and Mr. E. F. Noel for the respondents.

No. 916. R. S. Howard Company, petitioner, *v.* The Baldwin Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Samuel S. Watson for the petitioner, with leave to counsel for the respondent to file brief within two weeks.

No. 787. Cleveland-Cliffs Iron Company et al. *v.* The Arctic Iron Company. Motion to advance submitted by Mr. A. C. Dustin, Mr. W. P. Belden, and Mr. Horace Andrews for Cleveland-Cliffs Iron Company et al. in support of the motion, and by Mr. S. W. Shaull for The Arctic Iron Company in opposition thereto. Petition for a writ of certiorari to bring up the entire record and cause submitted by Mr. F. B. Fox in behalf of Mr. S. W. Shaull for the The Arctic Iron Company in support of the petitioner, and by Mr. A. C. Dustin, Mr. W. P. Belden, and Mr. Horace Andrews in opposition thereto.

No. 917. Mexico-Wyoming Petroleum Company et al., petitioners, *v.* W. L. Valentine et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Henry E. Lutz for the petitioner.

No. 236. Southern Surety Company, plaintiff in error, *v.* The Board of County Commissioners of Oklahoma County, etc. Motion to dismiss submitted by Mr. C. J. Kappler for the defendant in error in support of the motion.

No. 863. Boston Store of Chicago *v.* American Graphophone Company et al. Petition for a writ of certiorari to bring up the entire record and cause submitted by Mr. Richard B. Daniels in behalf of Mr. Hamilton Moses, Mr. Joseph W. Moses, and Mr. Walter Bachrach for the Boston Store of Chicago in support of the petition, and by Mr. Elisha K. Camp and Mr. Taylor E. Brown for the American Graphophone Company et al.

No. 881. Samuel S. Chamberlin, trustee, etc., petitioner *v.* John B. Mullings. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. William J. Larkin, jr., for the petitioner, and by Mr. Laurence L. Lewis for the respondent.

No. 877. The Washington Loan & Trust Company, trustee, et al., petitioners, *v.* Arthur E. Randle. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Charles H. Merillat, Mr. Daniel W. O'Donoghue, Mr. Arthur A. Alexander, and Mr. William C. Woodward for the petitioners.

No. 896. Hugh G. Macwilliam, petitioner, *v.* President Suspender Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. W. P. Preble for the petitioner and by Mr. Odin Roberts for the respondent.

No. 914. General Electric Company, petitioner, *v.* The New York Central & Hudson River Railroad Company. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Richmond Moot for the petitioner and by Mr. William L. Visscher for the respondent.

No. 855. Samuel C. Cohen, as trustee, etc., petitioner, *v.* Elias W. Samuels. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Lawrence B. Cohen for the petitioner and by Mr. Irving L. Ernst for the respondent.

Adjourned until Monday, March 5 next, at 11 o'clock.

The day call for Tuesday, March 6 next will be as follows: Nos. 56, 481, 492, 310, 475, 685, 697, 733, 764, 401, 649, 683 (and 684), 775 (and 776), 545, 142, and 143.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 5, 1917.

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

The Chief Justice announced that the court would take a recess for the purpose of attending the inauguration of the President of the United States.

The oath of office was administered to the Honorable WOODROW WILSON as President of the United States by the Chief Justice, and the court reconvened.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 6, will be as follows: Nos. 56, 481, 492, 310, 475, 685, 697, 733, 764, 401, 649, 683 (and 684), 775 (and 776), 545, 142, and 143.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 6, 1917.

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

H. La Rue Brown, of Boston, Mass.; Orville J. Taylor, jr., of Chicago, Ill.; Robert L. Henry, of Waco, Tex.; Floyd A. Johnston, of Springfield, Ohio; Harry T. McDorman, of Springfield, Ohio; John W. Lapham, of Chanute, Kans.; R. E. Coughlin, of Paola, Kans.; George Selden Wallace, of Huntington, W. Va.; Albert H. Vestal, of Anderson, Ind.; Edward Rees, of Baltimore, Md.; Leslie J. Lyons, of Kansas City, Mo.; Horace L. Bomar, of Spartanburg, S. C.; A. C. Heath, of Fort Worth, Tex.; Samuel Clyde Fullerton, of Miami, Okla.; Clyde Scott Stilwell, of Chicago, Ill.; Raynal C. Bolling, of New York City; Kenneth B. Halstead, of New York City; Whitlow Vest Draffen, of Boonville, Mo.; Frank C. Cleary, of San Francisco, Cal.; George Palmer Garrett, of Kissimmee, Fla.; Fred P. Branson, of Muskogee, Okla.; Irving Upson Townsend, of Boston, Mass.; Louis Titus, of San Francisco, Cal.; John M. Harrington, of New York City; Maurice L. Heide, of New York City; Sherman C. Spitzer, of Chicago, Ill.; Martin J. Isaacs, of Chicago, Ill.; S. S. Hargraves, of Forrest City, Ark.; Clarence H. Fisher, of Canton, Ohio; C. Henry Cohen, of Augusta, Ga.; Chester DeWitt Pugsley, of New York City; Lester L. Falk, of Chicago, Ill.; William Rothmann, of Chicago, Ill.; Maurice E. FitzGerald, of Detroit, Mich.; William Tuite Keleher, of New York City; Francis Stephen McAvoy, of New York City; William S. Metz, of Sheridan, Wyo.; Frank C. Smith, of East St. Louis, Ill.; James W. Ryan, of San Francisco, Cal.; James T. Lloyd, of Washington, D. C.; Thomas J. Bresnahan, of Detroit, Mich.; Louis J. Colombo, of Detroit, Mich.; John E. Kinnane, of Bay City, Mich.; Andrew C. Baird, of Detroit, Mich.; Thomas L. Dalton, of Detroit, Mich.; Lawrence Koenigsberger, of Washington, D. C.; Guy A. Thompson, of St. Louis, Mo.; Walter B. Sands, of Chinook, Mont.; and George A. Lawrence, of Galesburg, Ill., were admitted to practice.

No. 110. Olaf Lie, master of the Norwegian steamship Selja, etc., petitioner, *v.* San Francisco & Portland Steamship Company, claimant of the American steamship Beaver. On writ of certiorari to 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 Clarke.

No. 623. Memphis Street Railway Company, petitioner, *v.* S. C. Moore, administrator of the estate of Ivy B. Douglas, deceased. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Western District of Tennessee. Opinion by Mr. Justice Clarke.

No. 748. Mariam McAllister, as administratrix of the estate of A. J. McAllister, deceased, plaintiff in error, *v.* The Chesapeake & Ohio Railway Company and the Maysville & Big Sandy Railway Company. In error to the District Court of the United States for the Eastern District of Kentucky. Judgment reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Clarke.

No. 573. The St. Joseph & Grand Island Railway Company, plaintiff in error, *v.* Ralph W. Moore. In error to the Supreme Court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Clarke.

No. 136. Philadelphia & Reading Railway Company, plaintiff in error, *v.* Robert J. McKibben. In error to the District Court of the United States for the Southern District of New York. Judgment reversed with costs and cause remanded with directions to dismiss for want of jurisdiction. Opinion by Mr. Justice Brandeis.

No. 147. Charles C. Pennington, plaintiff in error, *v.* The Fourth National Bank of Cincinnati, Ohio. In error to the Supreme Court of the State of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 360. Clark Pease, petitioner, *v.* Rathbun-Jones Engineering Company; and

No. 419. Clarke Pease et al., petitioners, *v.* Rathbun-Jones Engineering Company. On writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgments affirmed with costs, and causes remanded to the District Court of the United States for the Southern District of Texas. Opinion by Mr. Justice Brandeis.

No. 376. Swift & Company, plaintiff in error, *v.* The Hocking Valley Railway Company. In error to the Supreme Court of the State of Ohio. Judgment affirmed with costs. Opinion by Mr.

Justice Brandeis. Dissenting: Mr. Justice McKenna, Mr. Justice Van Devanter, and Mr. Justice McReynolds.

No. 547. Rome Railway & Light Company, appellant, *v.* Floyd County, Georgia, et al. Appeal from the District Court of the United States for the Northern District of Georgia. Decree affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 320. The New York Central & Hudson River Railroad Company, plaintiff in error, *v.* Sarah White. In error to the Supreme Court, Appellate Division, Third Judicial Department, of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Pitney.

No. 35. J. C. Hawkins, appellant, *v.* John L. Bleakly, auditor of the State of Iowa, and Warren Garst, Iowa Industrial Commissioner. Appeal from the District Court of the United States for the Southern District of Iowa. Decree affirmed with costs. Opinion by Mr. Justice Pitney.

No. 13. Mountain Timber Company, 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 Pitney. Dissenting: The Chief Justice, Mr. Justice McKenna, Mr. Justice Van Devanter, and Mr. Justice McReynolds.

No. 679. Werner Horn, appellant, *v.* John J. Mitchell, United States marshal for the District of Massachusetts. Appeal from the United States Circuit Court of Appeals for the First Circuit. Dismissed for want of jurisdiction. Opinion by Mr. Justice Pitney.

No. 132. The State of Washington ex rel. Grays Harbor Logging Company and W. E. Boeing, plaintiffs in error, *v.* The Superior Court of Washington for Chehalis County, Mason Irwin, judge thereof, and Coats-Fordney Logging Company. In error to the Supreme Court of the State of Washington. Dismissed for want of jurisdiction. Opinion by Mr. Justice Pitney.

No. 48. The Enterprise Irrigation District, The Ramshorn Ditch Company, et al., plaintiffs in error, *v.* The Tri-State Land Company and The Farmers Mutual Canal Company. In error to the Supreme Court of the State of Nebraska. Dismissed for want of jurisdiction. Opinion by Mr. Justice Van Devanter.

No. 79. City of Owensboro, Kentucky, appellant, *v.* Owensboro Water Works Company of Owensboro, Kentucky. Appeal from the District Court of the United States for the Western District of Kentucky. Decree affirmed with costs. Opinion by Mr. Justice Van Devanter. Dissenting: Mr. Justice Clarke and Mr. Justice Brandeis. (Mr. Justice Day concurs in the dissent.)

No. 131. C. E. Gannon, plaintiff in error, *v.* D. R. Johnston and Wilborn Wolfe. In error to the Supreme Court of the State of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 133. Charles H. Baker, Algernon S. Norton, and Seattle Water Front Realty Company, appellants, *v.* John W. Schofield, as receiver of the Merchants' National Bank of Seattle. 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 Western District of Washington. Opinion by Mr. Justice Day.

No. 608. William R. Staats Company and Title Insurance & Trust Company, appellants, *v.* Security Trust & Savings Bank, as trustee, etc. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. Dismissed for want of jurisdiction. Opinion by Mr. Justice Day.

No. 650. Hans Berg, prize master in charge of the prize ship Appam, and L. M. von Schilling, vice consul of the German Empire, appellants, *v.* British & African Steam Navigation Company; and

No. 722. Hans Berg, prize master in charge of the prize ship Appam, and L. M. von Schilling, vice consul of the German Empire, appellants, *v.* Henry G. Harrison, master of the steamship Appam. Appeals from the District Court of the United States for the Eastern District of Virginia. Decrees affirmed with costs. Opinion by Mr. Justice Day.

No. 135. Henry D. McDonald, plaintiff in error, *v.* F. A. Mabee. 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 Holmes.

No. 584. The Pennsylvania Fire Insurance Company of Philadelphia, plaintiff in error, *v.* The Gold Issue Mining & Milling Company. In error to the Supreme Court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 149. The United States, petitioner, *v.* The M. H. Pulaski Company et al;

No. 150. The United States, petitioner, *v.* R. B. Henry et al.;

No. 151. The United States, petitioner, *v.* James Elliott & Company et al.;

No. 152. The United States, petitioner, *v.* J. Wile Sons & Company;

No. 153. The United States, petitioner, *v.* Robert Muller & Company;

- No. 154. The United States, petitioner, *v.* Wood & Selick et al. ;  
 No. 155. The United States, petitioner, *v.* E. La Montagne's Sons ;  
 No. 156. The United States, petitioner, *v.* Albert Lorsch & Company et al. ;  
 No. 157. The United States, petitioner, *v.* Cullman Brothers et al. ;  
 No. 158. The United States, petitioner, *v.* G. W. Faber, Inc. ;  
 No. 159. The United States, petitioner, *v.* Louis Meyers & Son ;  
 No. 160. The United States, petitioner, *v.* William Openhym & Sons et al. ;  
 No. 161. The United States, petitioner, *v.* Park & Tilford ; and  
 No. 162. The United States, petitioner, *v.* Selgas & Company.

On writs of certiorari to the United States Court of Customs Appeals. Judgments reversed, and causes remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes. (Mr. Justice Day is of opinion that the statute was interpreted correctly by the Court of Customs Appeals, and therefore dissents.)

No. 20, Original. The State of New Mexico, complainant, *v.* Franklin K. Lane, Secretary of the Interior et al. Bill dismissed. Opinion by Mr. Justice McKenna.

No. 445. Martin E. Donohue, plaintiff in error, *v.* Benjamin Vosper, Fred H. Abbott, Maurice J. Tonkin, and The Buffalo Iron Mining Company. In error to the Supreme Court of the State of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 2. Hugo Adelberto Thomsen et al., plaintiffs in error, *v.* Sir Charles W. Cayser et al. In error to the United States Circuit Court of Appeals for the Second Circuit. Judgment of the Circuit Court of Appeals reversed with costs, and judgment of the District Court of the United States for the Southern District of New York affirmed with costs, and cause remanded to the said district court. Opinion by Mr. Justice McKenna.

No. 54. Susie A. Tyrrell, as administratrix of the estate of Conrad E. Tyrrell, deceased, petitioner, *v.* The District of Columbia. On writ of certiorari to the Court of Appeals of the District of Columbia. Dismissed with costs. Opinion by Mr. Chief Justice White.

No. 541. Wellsville Oil Company, plaintiff in error, *v.* Martha Miller, nee Everett, and Alpha Oil Company. In error to the Supreme Court of the State of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Chief Justice White.

No. 119. Allen Bond and William J. Butterfield, partners as Bond & Butterfield, *v.* J. L. Hume. On a certificate from the United States Circuit Court of Appeals for the Fifth Circuit. Question

certified answered in the negative. Opinion by Mr. Chief Justice White.

No. 164. Union National Bank and Claud Gatch, substituted for H. N. Morris, as receiver of said Union National Bank, plaintiffs in error, *v. George McBoyle and Lulu May McBoyle*. In error to the Supreme Court of the State of California. Dismissed for want of jurisdiction. Opinion by Mr. Chief Justice White.

No. 172. J. D. Bowersock, plaintiff in error, *v. Ada Burhans Smith, administratrix of the estate of Sumner I. Smith, deceased*. In error to the Supreme Court of the State of Kansas. Judgment affirmed with costs. Opinion by Mr. Chief Justice White.

No. 166. P. J. McCluskey, administrator of Gunder Nordgard, deceased, plaintiff in error, *v. Marysvills & Northern Railway Company and Stimson Mill Company*. 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. Chief Justice White.

No. 165. August Bay, plaintiff in error, *v. Merrill & Ring Logging Company*. 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. Chief Justice White.

No. 636. William Raymond, plaintiff in error, *v. Chicago, Milwaukee & St. Paul Railway Company*. 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. Chief Justice White.

No. 21, Original. *Ex parte*: In the matter of Bernard B. Selling et al., etc., petitioners. Ordered that respondent have leave to file the record or records of the State court within 30 days from this date, with permission by printed brief, considering the record intrinsically, to point out any ground within the limitations stated which should prevent the court from giving effect to the conclusions established by the action of the Supreme Court of Michigan. Opinion by Mr. Chief Justice White.

No. 7, Original. The State of Wyoming, complainant, *v. The State of Colorado et al.* Restored to the docket for reargument.

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

No. —, Original. *Ex parte*: In the matter of Samuel Wintner, petitioner. Motion for leave to file petition for writ of mandamus denied.

No. 3, Original. The People of the State of New York, complainant, *v.* The State of New Jersey et al. Ordered that this case be assigned for argument on Tuesday, October 2 next.

No. 485. Marconi Wireless Telegraph Company of America, petitioner, *v.* Emil J. Simon. Motion to advance denied.

No. 787. Cleveland-Cliffs Iron Company et al. *v.* The Arctic Iron Company. Motion to advance denied.

No. 787. Cleveland-Cliffs Iron Company et al. *v.* The Arctic Iron Company. Petition for writ of certiorari to bring up entire record and cause denied.

No. 863. Boston Store of Chicago *v.* American Graphophone Company et al. Petition for writ of certiorari to bring up entire record and cause denied.

No. 852. A. S. Cohn, petitioner, *v.* R. A. Malone, trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 855. Samuel C. Cohen, as trustee, etc., petitioner, *v.* Elias W. Samuels. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 856. Mrs. M. S. Jennings et al., petitioners, *v.* L. P. Smith. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 865. Detroit Rock Salt Company, petitioner, *v.* Swift & Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 877. The Washington Loan & Trust Company, trustee, petitioner, *v.* Arthur E. Randle. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 881. Samuel S. Chamberlin, etc., petitioner, *v.* John B. Mullings. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 896. Hugh G. Macwilliam, petitioner, *v.* President Suspender Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 899. Jacob S. Hayden, petitioner, *v.* Ellen G. Davis et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 914. General Electric Company, petitioner, *v.* The New York Central & Hudson River Railroad Company. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 916. R. S. Howard Company, petitioner, *v.* The Baldwin Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 917. Mexico-Wyoming Petroleum Company et al., petitioners, *v.* W. L. Valentine et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 23. Eloit A. de Pass et al., appellants, *v.* The United States. Appeal from the Court of Claims. *Per curiam*: Judgment affirmed upon the authority of *Dooley v. The United States*, 182 U. S., 222; *Armstrong v. The United States*, 182 U. S., 243; *Fourteen Diamond Rings*, 183 U. S., 176; *De Lima v. Bidwell*, 182 U. S., 1.

No. 236. Southern Surety Company, plaintiff in error, *v.* The Board of County Commissioners of Oklahoma County, etc. In error to the Supreme Court of the State of Oklahoma. *Per curiam*: Dismissed for want of jurisdiction, upon the authority of: (1) *Waters Pierce Oil Co. v. Texas*, 212 U. S., 112, 118; *Kansas City Southern Ry Co. v. Henrie*, 214 U. S., 491; *Appleby v. Buffalo*, 221 U. S., 524; *Manhattan Life Insurance Co. v. Cohen*, 234 U. S., 123, 134. (2) *Consolidated Turnpike Co. v. Norfolk, &c., Ry. Co.*, 228 U. S., 596, 600; *Deming v. Carlisle Packing Co.*, 226 U. S., 102, 105; *Stewart v. Kansas City*, 239 U. S., 14.

No. 454. The Chesapeake & Ohio Ry. Co., plaintiff in error, *v.* John B. Shaw. In error to the Court of Appeals of the State of Kentucky. *Per curiam*: Judgment affirmed with costs upon the authority of *Chicago Junction Ry. Co. v. King*, 222 U. S., 222; *Seaboard Air Line Ry. v. Padgett*, 236 U. S., 668; *Louisville & Nashville R. R. Co. v. Parker*, 242 U. S., 14; *Baltimore & Ohio R. R. Co. v. Whitacre*, 242 U. S., 169.

No. 26, Original. The State of Minnesota, complainant, *v.* Franklin K. Lane, Secretary of the Interior. Leave granted to file motion to dismiss, on motion of Mr. Solicitor General Davis for the defendant.

No. 272. Timothy Healy, petitioner, *v.* Samuel W. Backus, as commissioner of immigration at the port of San Francisco. On writ of certiorari to United States Circuit Court of Appeals for the Ninth Circuit. Decree reversed with costs upon confession of error, and cause remanded for further proceedings, on motion of Mr. Solicitor General Davis for the respondent.

No. 603. Henry F. Marshall, petitioner, *v.* Samuel W. Backus, commissioner of immigration at the port of San Francisco. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree reversed with costs upon confession of error, and cause remanded for further proceedings, on motion of Mr. Solicitor General Davis for the respondent.

No. 310. The United States and Interstate Commerce Commission, appellant, *v.* Illinois Central Railroad Company. Reassigned for argument on Monday, April 9, next, after the cases heretofore assigned for that day, on motion of Mr. Solicitor General Davis for the appellants.

No. 807. M. H. Smith, appellant, *v.* Interstate Commerce Commission. Motion to advance submitted by Mr. Solicitor General Davis in behalf of counsel for the appellee.

No. 447. The United States of America, as trustee and guardian of the Omaha Tribe of Indians, etc., petitioner, *v.* Hiram Chase. Motion to advance submitted by Mr. Solicitor General Davis for the petitioner.

No. 590. William E. Peck & Company, Inc., plaintiff in error, *v.* John Z. Lowe, jr., collector, etc. Motion to advance submitted by Mr. Solicitor General Davis for the defendant in error.

No. 964. E. J. Lynch, collector of internal revenue, petitioner, *v.* Henry Turrish. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Solicitor General Davis for the petitioner.

No. 965. E. J. Lynch, collector of internal revenue, etc., petitioner, *v.* H. C. Hornby. 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.

No. 596. Eugenio Kilyaco, plaintiff in error, *v.* The United States. Leave to submit granted, on motion of Mr. Solicitor General Davis for the defendant in error, and cause submitted by Mr. Henry W. Van Dyke and Mr. Newton W. Gilbert for the plaintiff in error, and by Mr. Assistant Attorney General Warren for the defendant in error.

No. 891. J. H. Herndon et al., petitioners, *v.* T. S. Sloan et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. John W. Davis in behalf of Mr. Ben B. Cain and Mr. Cone Johnson for the petitioners.

No. 967. Georgia Coast & Piedmont Railroad Company, petitioner, *v.* David Loewenthal. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Henry V. Poor, Mr. Robert M. Hitch, and Mr. Samuel B. Adams

for the petitioner, and by Mr. Alex. C. King, Mr. Max Isaac, Mr. C. Henry Cohen, and Mr. J. J. Spalding for the respondent.

No. 226. Francesco Massari Zavaglia, plaintiff in error, *v.* Emanuela Notarbartolo. Motion to dismiss or affirm submitted by Mr. Walter S. Penfield in behalf of Mr. W. B. Spencer, and Mr. Charles Payne Fenner for the defendant in error in support of the motion, and by Mr. Hannis Taylor, Mr. Henry L. Lazarus, Mr. Girault Farrar, and Mr. David Sessler for the plaintiff in error in opposition thereto.

No. 922. North German Lloyd, claimant, etc., petitioner, *v.* Guaranty Trust Company of New York. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Joseph Larocque and Mr. Walter C. Noyes for the petitioner, and by Mr. J. Parker Kirlin, Mr. Charles R. Hickox, Mr. Edward E. Blodgett, Mr. John A. Garver, and Mr. James M. Beck for the respondents.

No. 923. Hela Van Thyn et al., petitioners, *v.* Ralph Wolf, receiver, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. M. L. Heide and Mr. Samuel P. Goldman for the petitioners, and by Mr. John B. Stanchfield for the respondent.

No. 940. Paul A. Ewert, petitioner, *v.* G. W. Beck. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Henry C. Lewis and Mr. Paul A. Ewert for the petitioner, and by Mr. W. H. Kornegay for the respondent.

No. 932. Cleveland, Cincinnati, Chicago & St. Louis Railway Company, petitioner, *v.* Ernest H. Ohme et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Merrill Moores in behalf of Mr. Frank L. Littleton and Mr. George B. Gillespie for the petitioner, and by Mr. Alex. Britton and Mr. Evans Browne for the respondents.

No. 873. Thomas R. Sheridan, 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. James W. Ryan and Mr. John L. McNab for the petitioner.

No. 972. American Bank Note Company, petitioner, *v.* Blue Ridge Electric Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Lawrence Koenigsberger in behalf of Mr. Henry A. Alexander for the petitioner.

No. 381. Ramon Pastor Diaz, plaintiff in error, *v.* The People of Porto Rico; and

No. 382. Luis Avella et al., plaintiffs in error, *v.* The People of Porto Rico. Motion to dismiss or affirm submitted by Mr. S. T. Ansell for the defendant in error in support of the motion, and by Mr. R. H. Todd for the plaintiffs in error in opposition thereto.

No. 200. The Toledo Railways & Light Company, plaintiff in error, *v.* Walter L. Hill et al., executors, etc. Motion to amend record submitted by Mr. R. D. Daniels in behalf of Mr. Howard S. Gans and Mr. Paul M. Herzog 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. 933. Mergenthaler Linotype Company, petitioner, *v.* International Typesetting Company et al.; and

No. 934. Mergenthaler Linotype Company, petitioner, *v.* Intertype Corporation. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Frederic D. McKenney and Mr. Robert Fletcher Rogers for the petitioner, and by Mr. Edmund Wetmore for the respondents.

No. —, Original. The State of Georgia, complainant, *v.* The Trustees of the Cincinnati Southern Railway et al. Motion for leave to file bill of complaint submitted by Mr. C. B. Ellis in behalf of Mr. William A. Wimbish for the complainant in support of the motion, and by Mr. Edward Colston and Mr. George Hoadley for the defendants in opposition thereto.

No. 466. Nashville, Chattanooga & St. Louis Railway, plaintiff in error, *v.* Toy Henry; and

No. 467. Nashville, Chattanooga & St. Louis Railway, plaintiff in error, *v.* George Banks. Motions to dismiss or affirm or place on summary docket submitted by Mr. Lyndon A. Smith in behalf of Mr. Samuel A. Anderson for the defendants in error.

No. 760. The Missouri Pacific Railway Company, plaintiff in error, *v.* Margaret L. Taber, guardian, etc. Motion to dismiss or affirm submitted by Mr. John T. Wayland for the defendant in error in support of the motion, and by Mr. Edward J. White, Mr. Thomas Hackney, and Mr. Martin Lyons for the plaintiff in error in opposition thereto.

No. 712. Chicago, Milwaukee & St. Paul Railway Company et al., plaintiffs in error, *v.* Minneapolis Civic & Commerce Association. Motion for rule to show cause and for writ of supersedeas submitted by Mr. George W. Peterson for the plaintiffs in error.

No. 950. Interboro Brewing Company (Inc.), petitioner, *v.* The Standard Brewing Company of Baltimore City. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the

Second Circuit submitted by Mr. George Ramsey and Mr. Warren H. Small for the petitioner.

No. 936. Glasgow Navigation Company (Limited), petitioner, *v.* The Munson Steamship Line. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Charles Henry Butler in behalf of Mr. J. Parker Kirlin and Mr. Charles R. Hickox for the petitioner, and by Mr. John W. Griffin for the respondent.

No. 14, Original. The State of South Dakota, complainant, *v.* Charles B. Collins. Motion for the appointment of a referee herein submitted by Mr. Thomas Sterling in behalf of counsel for the complainant.

No. 958. Chicago Great Western Railway Company, petitioner, *v.* John Manning. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota submitted by Mr. John Everall and Mr. Asa G. Briggs for the petitioner, and by Mr. Harlan E. Leach for the respondent.

No. 826. Washington Railway & Electric Company, plaintiff in error, *v.* Anna Katherine Scala, administratrix, etc. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. John S. Barbour for the plaintiff in error in support of the petition, and by Mr. D. W. O'Donohue and Mr. Arthur A. Alexander for the defendant in error in opposition thereto.

No. 919. William Cramp & Sons Ship & Engine Building Company, petitioner, *v.* International Curtis Marine Turbine Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Clifton V. Edwards and Mr. Abraham M. Beitler for the petitioner, and by Mr. Charles Neave and Mr. William G. McKnight for the respondents.

No. 938. Baltimore & Ohio Railroad Company et al., petitioners, *v.* J. G. Leach. Petition for a writ of certiorari to the Court of Appeals of the State of Kentucky submitted by Mr. Edward W. Hines in behalf of Mr. Charles H. Gibson and Mr. William W. Crawford for the petitioner.

No. 902. American Express Company et al., plaintiffs in error, *v.* The State of South Dakota ex rel. Clarence C. Caldwell, attorney general, et al. Motion to advance submitted by Mr. T. B. Harrison, Mr. Branch P. Kerfoot, and Mr. C. O. Bailey for the plaintiffs in error in support of the motion.

No. —, Original. *Ex parte* In the matter of Paris Prince, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. George E. Sullivan for the petitioner.

No. 497. Hendersonville Light & Power Company, plaintiff in error, *v.* Blue Ridge Interurban Railway Company. Motion to dismiss or affirm or place on the summary docket submitted by Mr. H. L. Bomar, Mr. Charles W. Tillett, and Mr. Thomas C. Guthrie for the defendant in error in support of the motion, and by Mr. Julius C. Martin for the plaintiff in error in opposition thereto.

No. 231. Charles H. Buchanan, plaintiff in error, *v.* William Warley. Motion of the Mayor and City Council of Baltimore for leave to file a brief as *amicus curiæ* granted, on motion of Mr. S. S. Field in that behalf.

No. —, Original. *Ex parte*: In the matter of Edgar F. Hathaway and Charles Lea, petitioners. Motion for leave to file petition for writ of mandamus submitted by Mr. Charles D. Lanning and Mr. William G. Johnson for the petitioners.

No. 951. Winfield S. Pendleton, petitioner, *v.* American Warehouse & Trading Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Avery F. Cushman for the petitioner, and by Mr. John W. Griffin and Mr. Frank Harvey Fields for the respondents.

No. 963. Lee Line Steamers, petitioner, *v.* Atlas Transportation Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Guy A. Thompson and Mr. John F. Green for the petitioner, and by Mr. George A. Mahan and Mr. Dulany Mahan for the respondents.

No. 594. The Ohio River Contract Company, plaintiff in error, *v.* Thomas R. Gordon, judge, etc. Motion to advance and motion to transfer to summary docket submitted by Mr. W. Overton Harris and Mr. A. E. Richards for the defendant in error.

No. 892. R. B. Simpson, as trustee, etc., petitioner. *v.* Thomas W. Brent et al., as executors, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Duncan U. Fletcher in behalf of Mr. William H. Watson for the petitioner, and by Mr. W. A. Blount, Mr. A. C. Blount, and Mr. F. B. Carter for the respondents.

No. 939. Mary E. Sims et al., petitioners, *v.* W. H. Stark et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Frederick S. Tyler in behalf of Mr. E. E. Townes for the petitioners.

No. 52. Ida A. Van Dyke et al., appellants. *v.* W. Paul Geary et al., members of the corporation commission of Arizona, et al. Motion to restore case to call submitted by Mr. Frederick S. Tyler in behalf of Mr. William C. Prentiss for the appellants.

No. 894. G. Washington Lott, appellant, *v.* David W. Pitney, sheriff, etc. Motion to advance submitted by Mr. Frederick S. Tyler in behalf of counsel for the appellee.

No. 920. P. W. Williams, petitioner, *v.* Home Insurance Company of New York. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Alexander C. Birch for the petitioner.

No. 866. Charles Jerome Edwards, petitioner, *v.* Henry P. Keith, collector of internal revenue, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Meier Steinbrink for the petitioner, and by Mr. Solicitor General Davis and Mr. Assistant Attorney General Wallace for the respondent.

No. 868. Theodore S. Rosen and Abraham Wagner, petitioners, *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. Meier Steinbrink for the petitioner, and by Mr. Solicitor General Davis and Mr. Assistant Attorney General Wallace for the respondent.

No. 971. Red Jacket, Jr., Coal Company et al., petitioners, *v.* United Thacker Coal Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. John H. Holt and Mr. E. Spencer Miller for the petitioners.

No. 895. Illinois Central Railroad Company et al., plaintiffs in error, *v.* L. A. Anderson. Petition for a writ of certiorari to the Supreme Court of the State of Mississippi submitted by Mr. Edward H. Hart in behalf of Mr. Blewett Lee, Mr. Robert V. Fletcher, and Mr. Robert B. Mayes for the plaintiffs in error in support of the petition, and by Mr. Julian C. Wilson and Mr. W. P. Armstrong for the defendant in error in opposition thereto.

No. 849. Prairie Oil & Gas Company et al., plaintiffs in error, *v.* Annie Carter. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. Joseph W. Bailey, Mr. George S. Ramsey, and Mr. Villard Martin for the plaintiffs in error in support of the petition, and by Mr. S. W. Hayes for the defendant in error in opposition thereto.

No. 953. Arthur A. Bonvillain, petitioner, *v.* H. B. Howell, trustee, etc. 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. H. Generes Dufour for the petitioner, and by Mr. E. A. O'Sullivan for the respondent.

No. 56. International Harvester Company of New Jersey et al., appellants, *v.* The United States. Leave granted to Mr. Frank B. Kellogg to withdraw his appearance as counsel for the appellants herein, on motion of Mr. Edgar A. Bancroft in that behalf.

No. 233. The Missouri Pacific Railway Company, plaintiff in error, *v.* J. F. Duggan. In error to the Supreme Court of the State of Kansas. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 257. Duncan L. Thompson, auditor of public accounts of the State of Mississippi, et al., appellants, *v.* Mobile & Ohio Railroad Company. Appeal from the District Court of the United States for the Southern District of Mississippi. Dismissed with costs, on motion of counsel for the appellants.

No. 258. Duncan L. Thompson, auditor of public accounts of the State of Mississippi, et al., appellants, *v.* Southern Railway Company in Mississippi. Appeal from the District Court of the United States for the Southern District of Mississippi. Dismissed with costs on motion of counsel for the appellants.

No. 349. National Loan & Exchange Bank of Greenwood et al., plaintiffs in error, *v.* Adolphus W. Jones et al., constituting the South Carolina tax commission, et al. In error to the Supreme Court of the State of South Carolina. Dismissed with costs on motion of counsel for the plaintiffs in error.

No. 350. The People's National Bank of Greenville, S. C., plaintiff in error, *v.* A. W. Jones et al., commissioners, etc. 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. 602. The Louisville & Nashville Railroad Company, plaintiff in error, *v.* The Greenbrier Distilling Company. In error to the Court of Appeals of the State of Kentucky. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 2, Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Motion to discharge rule to show cause submitted, with leave to counsel for the complainant to file brief within 10 days and to counsel for the defendant to file brief within 10 days thereafter, on motion of Mr. John H. Holt for the defendant.

No. 56. International Harvester Company of New Jersey et al., appellants, *v.* The United States. Four hours allowed to each side in the reargument of this case on motion of Mr. Solicitor General Davis for the appellees. Reargument commenced by Mr. Edgar A. Bancroft for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 7, will be as follows: Nos. 56, 481, 492, 475, 685, 697, 733, 764, 401, 649, 683 (and 684), 775 (and 776), 545, 142, and 143.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 7, 1917.

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

B. Franklin Pepper, of Philadelphia, Pa.; Frank E. Murphy, of Washington, D. C.; John E. Cross, of Baltimore, Md.; Dick T. Morgan, of Woodward, Okla.; Henry C. McKenna, of Boston, Mass.; Herbert Pope, of Chicago, Ill.; Gordon Gray, of San Diego, Cal.; Burton Francis Peek, of Moline, Ill.; Irvin E. De Roy, of Seattle, Wash.; Arthur F. McCarty, of Salina, Kans.; and Edward H. Randolph, of Shreveport, La., were admitted to practice.

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No. 806. William Terry, plaintiff in error, *v.* The State of Kansas. Suggestion of diminution of the record and motion for writ of certiorari submitted by Mr. W. H. Thompson in behalf of Mr. William J. Pirtle and Mr. Frans E. Lindquist for the plaintiff in error.

No. 52. Ida A. Van Dyke et al., appellants, *v.* W. Paul Geary et al., members of the Corporation Commission of Arizona et al. Motion to restore case to the call withdrawn, on motion of Mr. William C. Prentiss for the appellants.

No. 56. International Harvester Company of New Jersey et al., appellants, *v.* The United States. Reargument continued by Mr. Edgar A. Bancroft for the appellants, by Mr. Attorney General Gregory and Mr. Solicitor General Davis for the appellee, and by Mr. John P. Wilson for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 8, will be as follows: Nos. 56, 492, 481, 475, 685, 697, 733, 764, 401, 649, 683 (and 684), 775 (and 776), 545, 142, and 143.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 8, 1917.

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

Leo Kennedy, of St. Paul, Minn.; William Langer, of Bismarck, N. Dak.; Clement B. Donworth, of Machias, Me.; Donald R. Wegg, of Chicago, Ill.; Wm. D. Keyser, of Memphis, Tenn.; Wm. C. Gebhardt, of Clinton, N. J.; Lee C. Bradley, of Birmingham, Ala.; and William B. Pistole, of Artesia, N. Mex., were admitted to practice.

No. 492. Oregon & California Railroad Company et al. *v.* The United States. Death of Stephen T. Gage, an individual party, and as trustee, one of the parties in this case suggested, and the appearance of the Oakland Savings Bank as executor of the last will and testament of Stephen T. Gage, deceased, and Charles H. Redington, successor to said Stephen T. Gage as trustee, as parties in the place and stead of said Stephen T. Gage, deceased, filed and entered, on motion of Mr. P. F. Dunne, counsel for said parties.

No. 56. International Harvester Company of New Jersey et al., appellants, *v.* The United States. Reargument concluded by Mr. John P. Wilson for the appellants.

No. 492. Oregon & California Railroad Company et al. *v.* The United States. Leave to file brief as amicus curiae granted, on motion of Mr. Francis J. Heney in that behalf.

No. 492. Oregon & California Railroad Company et al. *v.* The United States. Argument commenced by Mr. P. F. Dunne for the Oregon & California Railroad Company et al., and continued by Mr. Constantine J. Smyth for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 9, will be as follows: Nos. 492, 481, 475, 685, 697, 733, 764, 401, 649, 683 (and 684), 775 (and 776), 545, 142, and 143.

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 9, 1917.

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

Jay W. Curts, of Cincinnati, Ohio, and Robert P. Stewart, of Deadwood, S. Dak., were admitted to practice.

No. 736. City and County of Denver et al., appellants, *v.* The Denver Union Water Company; and

No. 737. The Denver Union Water Company, appellant, *v.* City and County of Denver et al. Motion to advance submitted by Mr. C. S. Thomas in behalf of counsel.

No. 492. Oregon & California Railroad Company et al. *v.* The United States. Argument continued by Mr. Constantine J. Smyth for the United States, and concluded by Mr. Perry D. Trafford for Union Trust Company.

No. 481. The United States of America, appellant, *v.* The United States Steel Corporation et al. Six hours allowed each side in the argument in this case, on motion of Mr. Solicitor General Davis for the appellant. Argument commenced by Mr. Assistant to the Attorney General Todd for the appellant, and continued by Mr. R. V. Lindabury for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 12, will be as follows: Nos. 481, 475, 685, 697, 733, 764, 401, 649, 683 (and 684), 775 (and 776), 545, 142, and 143.

64422—17—76

## SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 12, 1917.

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

Armand Offutt, of Denver, Colo., Lemuel A. Welles, of New York City, Henry B. Wesselman, of New York City, Edward C. Hanford, of Seattle, Wash., and Malcolm McAvoy, of Cincinnati, Ohio, were admitted to practice.

No. 84. The United States, plaintiff in error *v. W. R. Cress*; and No. 718. The United States, plaintiff in error *v. Achilles Kelly, Green B. Kelly, jr., Lillian Kelly Crawford, et al.* In error to the district court of the United States for the eastern district of Kentucky. Judgments affirmed. Opinion by Mr. Justice Pitney. (Mr. Justice McReynolds took no part in the consideration or decision of these cases.)

The Chief Justice announced the following orders of the court:

No. 466. *Nashville, Chattanooga & St. Louis Railway, plaintiff in error, v. Toy Henry.* In error to the court of appeals of the State of Kentucky. Per curiam: Judgment affirmed with costs and 5 per cent damages upon the authority of *Chicago Junction Ry. Co. v. King*, 222 U. S., 222; *Seaboard Air Line Ry. v. Padgett*, 236 U. S., 668; *Baltimore & Ohio R. R. Co. v. Whitacre*, 242 U. S., 169.

No. 467. *Nashville, Chattanooga & St. Louis Railway, plaintiff in error, v. George Banks.* In error to the court of appeals of the State of Kentucky. Per curiam: Judgment affirmed with costs and 5 per cent damages upon the authority of *Chicago Junction Ry. Co. v. King*, 222 U. S., 222; *Seaboard Air Line Railway v. Padgett*, 236 U. S., 668; *Baltimore & Ohio R. R. Co. v. Whitacre*, 242 U. S., 169.

No. 381. *Ramon Pastor Diaz, plaintiff in error, v. The People of Porto Rico*; and

No. 382. *Luis Abella and Pedro G. Goico, plaintiffs in error, v. The People of Porto Rico.* In error to the supreme court of Porto Rico. Per curiam: Dismissed for want of jurisdiction upon the authority of: 1. *Montana ex rel. Haire v. Rice*, 204 U. S., 291; *Thomas v. Iowa*, 209 U. S., 258; *Mallors v. Commercial Loan &*

Trust Co., 216 U. S., 613; *Appleby v. Buffalo*, 221 U. S., 524, 529.  
 2. *Deming v. Carlisle Packing Co.*, 226 U. S., 102, 105; *Overton v. Oklahoma*, 235 U. S., 31; *Stewart v. Kansas City*, 239 U. S., 14.

No. —, Original. The State of Georgia, complainant, *v. Trustees of Cincinnati Southern Railway et al.* Motion for leave to file bill of complaint granted, and process ordered to issue returnable on the first day of the next term.

No. —, Original. Ex parte In the matter of Parris Prince, petitioner. Motion for leave to file petition for writ of mandamus denied.

No. 14, Original. The State of South Dakota, complainant, *v. Charles B. Collins.* Motion for the appointment of William Wallace to take and return the evidence on the part of the complainant and defendant in this cause granted.

No. 200. The Toledo Railways & Light Company, plaintiff in error, *v. Walter L. Hill et al.*, executors, etc. Motion to amend transcript of record denied.

No. 806. William Terry, plaintiff in error, *v. The State of Kansas.* Motion for a writ of certiorari on suggestion of diminution of the record denied.

No. 594. The Ohio River Contract Company, plaintiff in error, *v. Honorable Thomas R. Gordon*, judge of Jefferson circuit court. Ordered that this case be placed on the summary docket.

No. 760. The Missouri Pacific Railway Company, plaintiff in error, *v. Margaret L. Taber*, guardian, etc. Ordered that this case be placed on the summary docket.

No. 590. William E. Peck & Company (Inc.), plaintiff in error, *v. John Z. Lowe, jr.*, collector of internal revenue, etc. Motion to advance granted, and cause assigned for argument on Monday, April 9 next, after the cases heretofore assigned for that day.

No. 894. G. Washington Lott, appellant, *v. David W. Pittman*, sheriff, etc. Motion to advance granted, and cause assigned for argument on Monday, April 9 next, after the cases heretofore assigned for that day.

No. 902. American Express Company et al., plaintiffs in error, *v. The State of South Dakota ex rel. Clarence C. Caldwell*, Attorney General, etc. Motion to advance granted, and cause assigned for argument on Monday, April 9 next, after the cases heretofore assigned for that day.

No. 447. The United States, as trustee, etc., petitioner, *v. Hiram Chase.* Motion to advance granted, and cause assigned for argument on Tuesday, October 2 next, after the case heretofore assigned for that day.

No. 807. M. H. Smith, appellant, *v.* Interstate Commerce Commission. Motion to advance granted, and cause assigned for argument on Tuesday, October 2 next, after the cases heretofore assigned for that day.

No. 736. City and County of Denver, et al., appellants, *v.* The Denver Union Water Company; and

No. 737. The Denver Union Water Company, appellant, *v.* City and County of Denver et al. Motion to advance granted, and cases assigned for argument on Tuesday, October 2 next, after the cases heretofore assigned for that day.

No. 868. Theodore S. Rosen et al., petitioners, *v.* The United States. Petition for writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 919. William Cramp & Sons Ship & Engine Building Company, petitioner, *v.* International Curtis Marine Turbine Company et al. Petition for writ of certiorari to the United States circuit court of appeals for the third circuit granted.

No. 922. North German Lloyd, Claimant of the Steamship Kronprinzessin Cecilie, petitioner, *v.* Guaranty Trust Company of New York et al. Petition for writ of certiorari to the United States circuit court of appeals for the first circuit granted.

No. 849. Prairie Oil & Gas Company et al., plaintiffs in error, *v.* Annie Carter. Petition for writ of certiorari to the supreme court of the State of Oklahoma denied.

No. 866. Charles Jerome Edwards, petitioner, *v.* Henry P. Keith, as collector of internal revenue, etc. Petition for writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 873. Thomas R. Sheridan, petitioner, *v.* The United States. Petition for writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 891. J. H. Herndon et al., petitioners, *v.* T. S. Sloan, et al. Petition for writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 892. R. B. Simpson, as trustee, etc., et al., petitioners; *v.* Thomas W. Brent, et al. Petition for writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 920. P. W. Williams, petitioner, *v.* The Home Insurance Company of New York. . Petition for writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 652. Frank W. Tillinghast et al., appellants, *v.* John J. Richards, marshal of the United States for the district of Rhode Island. Motion to dismiss or affirm or place on the summary docket submitted by Mr. Solicitor General Davis for the appellee in support of the motion, and by Mr. Percy W. Gardner for the appellants in opposition thereto.

No. 968. John W. Hamer et al., appellants, *v.* New York Railways Company et al. Motion to advance submitted by Mr. John W. Davis in behalf of counsel for the appellants.

No. 956. Robert H. Oneal, petitioner, *v.* Julia G. Stewart et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Malcolm McAvoy and Mr. Reeve Lewis for the petitioner, and by Mr. Oscar W. Kuhn and Mr. Alfred M. Cohen for the respondents.

No. 303. Esteban Huertas et al., appellants, *v.* Jose Vazquez Montes, as Warden, etc. Motion to dismiss or affirm submitted by Mr. Samuel T. Ansell for the appellee in support of the motion.

No. 335. The Houston Oil Company of Texas et al., petitioners, *v.* Cornelia G. Goodrich et al. Motion for rule against respondents for contempt of court submitted by Mr. William L. Marbury and Mr. Thomas M. Kennerly for the petitioners in support of the motion, and by Mr. W. D. Gordon for the respondents in opposition thereto.

No. 980. Robert A. Woods, by his guardian ad litem, W. B. Woods, petitioner, *v.* Atlantic Coast Line Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Frederick S. Tyler in behalf of Mr. W. Boyd Evans for the petitioner.

No. 974. W. T. Hendrickson, judge, etc., petitioner, *v.* Lewis Apperson;

No. 975. W. T. Hendrickson, judge, etc., petitioner, *v.* Elizabeth Creager;

No. 976. W. T. Hendrickson, judge, etc., petitioner, *v.* Hugh S. Gardner;

No. 977. W. T. Hendrickson, judge, etc., petitioner, *v.* Mildred E. Hocker; and

No. 978. W. T. Hendrickson, judge, etc., petitioner, *v.* Sterling Land & Investment Company. Petitions for writs of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. E. W. Hines in behalf of Mr. Helm Bruce for the petitioner, and by Mr. A. E. Richards and Mr. W. Overton Harris for the respondents in Nos. 974 and 978.

No. 880. The Toledo Newspaper Company and Negley D. Cochran, plaintiffs in error, *v.* The United States of America. Petition for writ of certiorari herein submitted by Mr. Levi Cooke in behalf of Mr. Lawrence Maxwell, Mr. C. S. Northup, and Mr. Joseph S. Graydon for the plaintiffs in error in support of the petition.

No. 885. John A. Gardner, petitioner, *v.* The Western Union Telegraph Company. Petition for writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Dick T. Morgan in behalf of Mr. Charles A. Loomis for the petitioner, and by Mr. Rush Taggart and Mr. Francis Raymond Stark for the respondent.

No. 987. J. Schuler, et al., etc., petitioners, *v.* The Manitou Springs Mineral Water Company. Petition for writ of certiorari to the United States circuit of appeals for the eighth circuit submitted by Mr. William C. Prentiss in behalf of Mr. Charles W. Waterman for the petitioner, with leave to counsel for respondent to file brief.

No. 840. Louisville & Nashville Railroad Company et al., etc., et al., plaintiffs in error, *v.* O. Y. Layton. Motion to dismiss or affirm or transfer to summary docket submitted by Mr. Marion Smith for the defendant in error in support of the motion, and by Mr. Eugene R. Black, Mr. Sanders McDaniel, and Mr. H. C. Peeples for the plaintiffs in error in opposition thereto.

No. 481. The United States of America, appellant, *v.* The United States Steel Corporation et al. Argument continued by Mr. R. V. Lindabury for the appellees, and by Mr. Henry E. Colton for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 13, will be as follows: Nos. 481, 475, 685, 697, 733, 764, 401, 649, 683 (and 684), 775 (and 776), 545, 142, and 143.

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## SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 13, 1917.

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

Ernest Lowengrund, of Philadelphia, Pa.; Cecil R. Boughten, of Sioux City, Iowa; G. Howard Smith, of Thief River Falls, Minn.; and Andrew Philip Humburg, of Chicago, Ill., were admitted to practice.

No. 481. The United States of America, appellant, *v.* The United States Steel Corporation et al. Argument continued by Mr. Henry E. Colton for the appellant, by Mr. George Wellwood Murray, Mr. David A. Reed, and Mr. C. A. Severance for the appellees, and by Mr. Solicitor General Davis for the appellant.

Adjourned until to-morrow at 12 o'clock.

The call for Wednesday, March 14, will be as follows: Nos. 481, 475, 685, 697, 733, 764, 401, 649, 683 (and 684), 775 (and 776), 545, 142, and 143.

64422—17—78

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 14, 1917.

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

T. W. La Fleiche, of Sheridan, Wyo., was admitted to practice.

No. 481. The United States of America, appellant, *v.* The United States Steel Corporation et al. Argument concluded by Mr. Solicitor General Davis for the appellant.

No. 475. William McCoach, Collector of Internal Revenue, petitioner, *v.* Insurance Company of North America. Argued by Mr. Assistant Attorney General Wallace for the petitioner, and by Mr. B. F. Pepper for the respondent.

No. 685. The United States, plaintiff in error, *v.* Jesse T. Morehead. Argued by Mr. Francis J. Kearful for the plaintiff in error, and by Mr. W. B. Sands for the defendant in error.

No. 697. The United States *v.* Lucky S. Waller and Mamie S. Waller. Argument commenced by Mr. Francis J. Kearful for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 15, will be as follows: Nos. 697, 733, 764, 401, 649, 683 (684), 775 (and 776), 545, 142, 143, and 124.



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 15, 1917.

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

Isaac W. Byers, of Iron River, Mich.; Forrest D. Simmons, of Kalamazoo, Mich.; and James H. Winston, of Chicago, Ill., were admitted to practice.

No. 764. First National Bank of Bay City, plaintiff in error, *v.* Grant Fellows, attorney general, etc.

The Clerk is directed to notify the Attorney General of the United States of the pendency of this case, and leave is granted him to take part in the oral argument if he is so advised.

No. 697. *The United States v. Lucky S. Waller et al.* Argument continued by Mr. Marshall A. Spooner for Waller et al. and concluded by Mr. Francis J. Kearful for the United States.

No. 733. *The Lehigh Valley Railroad Company, appellant, v. The United States et al.* Argument commenced by Mr. Richard W. Barrett for the appellant, continued by Mr. Blackburn Esterline for the United States, by Mr. Joseph W. Folk, for the Interstate Commerce Commission, and concluded by Mr. Richard W. Barrett for the appellant.

No. 401. *The United States of America v. Solomon Louis Ginsberg.* Argued by Mr. Assistant Attorney General Warren for the United States. No appearance for Ginsberg.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 16, will be as follows: Nos. 649, 683 (and 684), 775 (and 776), 545, 142 (and 143), 764, 124, 52, 167, and 168.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 16, 1917.

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

Charles A. Ludlow, of New York City; Henry C. Attwill, of Lynn, Mass.; Daniel N. Kirby, of St. Louis, Mo.; and Nelson W. Howard, of Boston, Mass., were admitted to practice.

No. 649. The United States, plaintiff in error, *v.* Solomon Kenofsky. Submitted by Mr. Assistant Attorney General Warren for the plaintiff in error. No appearance for the defendant in error.

No. 683. The United States, plaintiff in error, *v.* Mathew T. Gradwell et al.; and

No. 684. The United States, plaintiff in error, *v.* Charles Hambly et al. Argued by Mr. William Wallace for the plaintiff in error and by Mr. Alexander L. Churchill and Mr. John W. Cummings for the defendants in error.

Nos. 775 and 776. The United States, plaintiff in error, *v.* Edward O'Toole et al. Argued by Mr. William Wallace for the plaintiff in error and by Mr. John H. Holt for the defendants in error.

No. 545. The United States, appellant, *v.* United Shoe Machinery Company of New Jersey et al. Five hours allowed each side in the argument of this case on motion of Mr. C. J. Smyth for the defendants in error. Leave granted to file brief as amicus curiae on motion of Mr. Frank Y. Gladney in that behalf. Argument commenced by Mr. H. La Rue Brown for the appellant.

Adjourned until Monday next, at 12 o'clock.

The day call for Monday, March 19, will be as follows: Nos. 545, 142 (and 143), 764, 124, 52, 167, 168, 170, 171, and 176.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 19, 1917.

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

Michael K. Reilly, of Fond du Lac, Wis.; William A. Bahlke, of Alma, Mich.; Peter McPherson, of Brewster, Wash.; Ellery C. Stowell, of New York City; James A. Cobb, of Washington, D. C.; James B. Sheehan, of New York City; W. Ashby Hawkins, of Baltimore, Md.; Jacob J. Lesser, of New York City; and Thomas A. Thacher, of San Francisco, Cal., were admitted to practice.

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No. 202. Utah Power & Light Company, appellant, *v.* The United States;

No. 203. The United States, appellant, *v.* Utah Power & Light Company;

No. 204. The Beaver River Power Company, appellant, *v.* The United States;

No. 205. The United States, appellant, *v.* The Beaver River Power Company;

No. 206. Lucien L. Nunn and The Beaver River Power Company, appellant, *v.* The United States; and

No. 207. The United States, appellant, *v.* Lucien L. Nunn and Beaver River Power Company. Appeals from the District Court of the United States for the District of Utah. Decrees affirmed, save as they deny the right of the United States to compensation for the past occupancy and use of its reserved lands without its permission, and in that respect decrees reversed and causes remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Van Devanter.

No. 797. Francis M. Wilson, United States attorney for the Western District of Missouri, appellant, *v.* Alexander New and Henry C. Ferris, as receivers of the Missouri, Oklahoma & Gulf Railway Company. Appeal from the District Court of the United States for the Western District of Missouri. Decree reversed with costs and cause remanded with directions to dismiss the bill. Opinion by Mr. Chief

Justice White. Concurring opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Day; Mr. Justice Pitney and Mr. Justice Van Devanter; Mr. Justice McReynolds.

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

No. 226. Francesco Massari Zavaglia, plaintiff in error, *v.* Emanuela Notarbartolo. In error to the Supreme Court of the State of Louisiana. Per curiam: Dismissed for want of jurisdiction upon the authority of *Eustis v. Bolles*, 150 U. S., 361; *Leathe v. Thomas*, 207 U. S., 93; *Gaar, Scott & Co. v. Shannon*, 223 U. S., 468; *Holden Land Co. v. Interstate Trading Co.*, 233 U. S., 536, 541; *Mellon Co. v. McCafferty*, 239 U. S., 134.

No. 303. Esteban Huertas et al., appellants, *v.* Jose Vazquez Montes, as warden of the district jail of Humacao. Appeal from the Supreme Court of Porto Rico. Per curiam: Judgment affirmed with costs upon the authority of *Flemister v. The United States*, 207 U. S., 372; *Gavieres v. The United States*, 220 U. S., 338; *Morgan v. Devine*, 237 U. S., 632, 641.

No. 596. Eugenio Kilayco, plaintiff in error, *v.* The United States. In error to the Supreme Court of the Philippine Islands. Per curiam: Judgment affirmed upon the authority of *Schick v. The United States*, 195 U. S., 65, 71-72; *Mullan v. The United States*, 212 U. S., 516, 520.

No. 652. Frank W. Tillinghast, Leonard L. Barber, and Sam A. Fenner, appellants, *v.* John J. Richards, marshal of the United States for the district of Rhode Island. Appeal from the District Court of the United States for the District of Rhode Island. Per curiam: Dismissed for want of jurisdiction upon the authority of *Franklin v. The United States*, 216 U. S. 559, 570; *Brolan v. The United States*, 236 U. S. 216; *Lamar v. The United States*, 240 U. S. 60.

No. 712. Chicago, Milwaukee & St. Paul Railway Company et al., plaintiffs in error, *v.* Minneapolis Civic & Commerce Association. In error to the Supreme Court of the State of Minnesota. The application for an order staying the giving effect to the judgment below is granted, and a supersedeas is therefore allowed upon the furnishing within fifteen days of a bond in the penal sum of \$30,000, conditioned according to law, to be approved by the clerk of this court; and until the furnishing of the bond in order to stay all proceedings including the orders of the Commission taken to give effect to the judgment below or that of the trial court which that judgment dealt with, a restraining order to that effect is hereby granted.

No. —, Original. Ex parte: In the matter of Edgar F. Hathaway and Charles Lea, petitioners. Motion for leave to file a petition for a writ of mandamus herein denied.

No. 335. The Houston Oil Company of Texas et al., petitioners, *v.* Cornelia G. Goodrich et al. Motion for a rule to show cause on respondents why they should not be punished for contempt denied.

No. 968. John W. Hamer et al., appellants, *v.* New York Railways Company et al. Ordered that this case be placed on the summary docket.

No. 497. Hendersonville Light & Power Company et al., plaintiffs in error, *v.* Blue Ridge Interurban Railway Company. Ordered that this case be placed on the summary docket.

No. 840. Louisville & Nashville Railroad Company et al., plaintiffs in error, *v.* O. Y. Layton. Ordered that this case be placed on the summary docket.

No. 880. The Toledo Newspaper Company et al., plaintiffs in error, *v.* The United States. Further consideration of the petition for writ of certiorari postponed to the hearing on the merits.

No. 895. Illinois Central Railroad Company et al., plaintiffs in error, *v.* L. A. Anderson. Further consideration of the petition for writ of certiorari postponed to the hearing on the merits.

No. 938. Baltimore & Ohio Railroad Company et al., petitioners, *v.* J. G. Leach. Petition for writ of certiorari to the Court of Appeals of the State of Kentucky granted.

No. 950. Interboro Brewing Company (Inc.), petitioner, *v.* The Standard Brewery Company of Baltimore City. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 964. E. J. Lynch, collector, etc., petitioner, *v.* Henry Turrish. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 965. E. J. Lynch, Collector, etc., petitioner, *v.* H. C. Hornby. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 953. Arthur A. Bonvillain, petitioner, *v.* H. B. Howell, trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 974. W. T. Hendrickson, Judge, etc., petitioner, *v.* Lewis Apperson. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 975. W. T. Hendrickson, Judge, etc., petitioner, *v.* Elizabeth Creager. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 976. W. T. Hendrickson, Judge, etc., petitioner, *v.* Hugh S. Gardner. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 977. W. T. Hendrickson, Judge, etc., petitioner, *v.* Mildred E. Hocker. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 978. W. T. Hendrickson, Judge, etc., petitioner, *v.* Sterling Land & Investment Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 923. Hela Van Thyn et al., petitioners, *v.* Ralph Wolf, receiver, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 932. Cleveland, Cincinnati, Chicago & St. Louis Railway Company, petitioner, *v.* Ernest H. Ohme et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 933. Mergenthaler Linotype Company, petitioner, *v.* International Typesetting Machine Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 934. Mergenthaler Linotype Company, petitioner, *v.* Intertype Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 939. Mary E. Sims et al., petitioners, *v.* W. H. Stark et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 940. Paul A. Ewert, petitioner, *v.* G. W. Beck. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 958. Chicago Great Western Railroad Company, petitioner, *v.* John Manning. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 963. Lee Line Steamers, petitioner, *v.* Atlas Transportation Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 936. Glasgow Navigation Company, Ltd., petitioner, *v.* Munson Steamship Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 951. Winfield S. Pendleton, petitioner, *v.* American Warehouse & Trading Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 967. Georgia Coast & Piedmont Railroad Company, petitioner, *v.* David Loewenthal. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 971. Red Jacket, Jr., Coal Company et al., petitioners, *v.* The United Thacker Coal Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 972. American Bank Note Company, petitioner, *v.* Blue Ridge Electric Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 885. John A. Gardner, petitioner, *v.* The Western Union Telegraph Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 956. Robert H. Oneal, petitioner, *v.* Julia G. Stewart et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 980. Robert A. Woods, etc., petitioner, *v.* Atlantic Coast Line Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 987. J. Schueler et al., petitioners, *v.* The Manitou Springs Mineral Water Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

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No. 791. Alexander M. Emerson, petitioner, *v.* Warren E. Sweetser; and

No. 792. Alfred P. Lowell, petitioner, *v.* Warren E. Sweetser. Motion to advance submitted by Mr. Solicitor General Davis for the respondent.

No. 590. William E. Peck & Company, Inc., plaintiff in error, *v.* John Z. Lowe, jr., collector, etc. Reassigned for argument on Tuesday, October 2d next, after the cases heretofore assigned for that day, on motion of Mr. Solicitor General Davis for the defendant in error.

No. 984. Southern Railway Company, petitioner, *v.* Mrs. Vinnie Butler. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. John K. Graves, in behalf of Mr. Millard Reese for the petitioner.

No. 922. North German Lloyd, Claimant, etc., petitioner, *v.* Guaranty Trust Company of New York et al. Motions to advance submitted by Mr. John A. Kratz in behalf of counsel.

No. 231. Charles H. Buchanan, plaintiff in error, *v.* William Warley. Motion for leave to file brief as *amicus curiæ* herein granted, on motion of Mr. W. Ashby Hawkins in that behalf.

No. 993. Elliott Frederick, Trustee, etc., petitioner, *v.* The Metropolitan Life Insurance Company of New York. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. C. W. Claggett in behalf of Mr. Lowrie C. Barton for the petitioner, and by Mr. W. K. Jennings for the respondent.

No. 994. Standard Fashion Company, petitioner, *v.* John J. Kuhn as Trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. James B. Sheehan and Mr. Herbert Noble for the petitioner, and by Mr. Jacob J. Lesser for the respondent.

No. 650. Hans Berg, prize master, etc., et al., appellants, British & African Steam Navigation Company; and

No. 722. Hans Berg, prize master, etc., et al., appellants, *v.* Henry G. Harrison, master of the steamship *Appam*. Motion that mandates issue at once submitted by Mr. Nathaniel Wilson in behalf of counsel for the appellees.

No. 954. Mrs. W. H. Lee, etc., et al., petitioners, *v.* Fort Worth Savings Bank & Trust Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Frederick S. Tyler in behalf of Mr. D. T. Bomar for the petitioners and by Mr. R. W. Flournoy for the respondent.

No. 985. Gratiot County State Bank, petitioner, *v.* D. Lloyd Johnson, as trustee, etc. Petition for a writ of certiorari to the Supreme Court of the State of Michigan submitted by Mr. Frederick S. Tyler in behalf of Mr. William L. Carpenter for the petitioner and by Mr. Edward J. Moinet for the respondent.

No. 1005. The National City Bank of Chicago, petitioner, *v.* Kalamazoo City Savings Bank. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. J. S. Flannery and Mr. F. D. McKenney for the petitioner and by Mr. Dallas Boudeman for the respondent.

No. 989. Victor Pakas, 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. I. H. Linton in behalf of Mr. Terence J. McManus for the petitioner.

No. 991. Clara Kelly, executrix, etc., petitioner, *v.* Pennsylvania Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. John C. Gittings in behalf of Mr. John B. Brooks for the petitioner and by Mr. F. D. McKenney for the respondent.

No. 1006. Charles A. Nones, petitioner, *v.* The State of New Jersey. Petition for a writ of supersedeas to the New Jersey Court of Errors and Appeals submitted by Mr. Barry Mohun and Mr. Henry E. Davis for the petitioner, and the petition denied.

No. 262. The Pullman Company, plaintiff in error, *v.* W. V. Knott, as comptroller of the State of Florida. Motion to dismiss submitted by Mr. Thomas F. West for the defendant in error in support of the motion, and by Mr. Frank B. Kellogg, Mr. C. A. Severance, Mr. Robert E. Olds, Mr. G. S. Fernald, and Mr. John E. Hartridge for the plaintiff in error in opposition thereto.

No. 945. The United States Fidelity & Guaranty Company, appellant, *v.* The Travelers Insurance Machine Company. Motion to transfer to the summary docket submitted by Mr. John W. Davis in behalf of Mr. William Marshall Bullitt for the appellant.

No. 545. The United States, appellant, *v.* United Shoe Machinery Company of New Jersey et al. Argument continued by Mr. H. La Rue Brown for the appellant and by Mr. Charles F. Choate, jr., for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 20, will be as follows: Nos. 545, 142 (and 143), 764, 124, 52, 167, 168, 170, 171, and 176.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 20, 1917.

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

W. L. Ward, of Dallas, Tex., and Albert Lee Dorsey, of Springfield, Tenn., were admitted to practice.

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The Chief Justice announced that the court will take a recess from Monday, the 26th instant, to Monday, April 9, next.

The Chief Justice also announced the following order:

*Order:* It is ordered that the cases heretofore placed on the summary docket, viz: Nos. 519, 407, 732, 251, 577 (and 578), 762, 795, 594, 760, 968, 497, and 840, be, and they are hereby, assigned for argument on Monday, April 9, at the head of the call for that day.

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No. 167. Central Fortuna, plaintiff in error, *v.* The People of Porto Rico. In error to the Supreme Court of Porto Rico. Dismissed with costs on motion of Mr. H. P. Blair, for the plaintiff in error.

No. 545. The United States, appellant, *v.* The United Shoe Machinery Company of New Jersey et al. Argument continued by Mr. Charles F. Choate, jr., and Mr. Frederick P. Fish for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 21, will be as follows: Nos. 545, 142 (and 143), 764, 124, 52, 168. 170, 171, 176, and 177.

64422-17-83

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 21, 1917.

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

Joseph Warren House, jr., of Little Rock, Ark., Lee McCandliss, of New York City, James W. Morse, of Estherville, Iowa, and Charles A. Atkinson, of Chicago, Ill. were admitted to practice.

No. 945. United States Fidelity & Guaranty Company, appellant, *v.* The Travelers Insurance Machine Company. Motion to dismiss or affirm submitted by Mr. D. R. Castleman and Mr. Walter Bennett for the appellee in support of the motion, and by Mr. William Marshall Bullitt for the appellant in opposition thereto.

No. 177. The Chicago, Rock Island & Pacific Railway Company, plaintiff in error, *v.* The State of Kansas on the relation of S. M. Brewster, attorney general, et al. Continued, per stipulation.

No. 545. The United States, appellant, *v.* United Shoe Machinery Company of New Jersey et al. Argument continued by Mr. Frederick P. Fish for the appellees, and concluded by Mr. Constantine J. Smyth for the appellant.

Nos. 142 and 143. Manufacturers Railway Company et al., appellants, *v.* The United States et al. Argument commenced by Mr. Sidney F. Andrews for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 22, will be as follows: Nos. 142 (and 143), 764, 124, 52, 168, 170, 171, 176, 178, and 179 (and 180).

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 22, 1917.

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

W. Russell Osborn, of New York City, N. Y.; Charles W. Dille, of Cleveland, Ohio; and John D. Morgan, of New York City, N. Y., were admitted to practice.

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No. 231. Charles H. Buchanan, plaintiff in error, *v.* William Warley. Leave granted to file brief as *amicus curiæ* on motion of Mr. Frederick W. Lehmann in that behalf.

Nos. 142 and 143. Manufacturers Railway Company et al., appellants, *v.* The United States. Argument continued by Mr. Sidney F. Andrews for the appellants, by Mr. Blackburn Esterline for the United States, by Mr. Joseph W. Folk for the Interstate Commerce Commission, and concluded by Mr. Daniel N. Kirby for the appellants.

No. 764. First National Bank of Bay City, plaintiff in error, *v.* Grant Fellows, Attorney General, etc. Argument commenced by Mr. W. C. Elliott for the plaintiff in error, continued by Mr. Edward S. Clark for the plaintiff in error and by Mr. Henry M. Campbell for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 23, will be as follows: Nos. 764, 124, 52, 168, 170, 171, 176, 178, 179 (and 180), and 183.

64422—17—85

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 23, 1917.

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

Alfred E. Cohen, of Richmond, Va., was admitted to practice.

No. 461. Motion Picture Patents Company et al., appellants, *v.* The United States. Reassigned for argument on Monday, October 2 next, after the cases heretofore assigned for that day, on motion of Mr. Solicitor General Davis for the appellee.

No. 714. The Chicago & Alton Railroad Company et al., plaintiffs in error, *v.* William J. McWhirt. Leave granted to file additional brief, on motion of Mr. Alexander Britton in behalf of counsel for the plaintiffs in error.

No. 183. St. Louis, Iron Mountain & Southern Railway Company, appellant, *v.* William F. McKnight et al., Railroad Commissioners of the State of Arkansas. Passed, per stipulation of counsel.

No. 231. Charles H. Buchanan, plaintiff in error, *v.* William Warley. Leave granted to file brief as amicus curiæ on motion of Mr. A. E. Cohen in that behalf.

No. 764. First National Bank of Bay City, plaintiff in error, *v.* Grant Fellows, Attorney General, etc. Argument continued by Mr. John G. Johnson for the defendant in error, and concluded by Mr. Solicitor General Davis for the United States, by leave of court.

No. 124. Lehigh Valley Railroad Company, appellant, *v.* The United States. Argued by Mr. George T. Buckingham for the appellant, and by Mr. Assistant to the Attorney General Todd for the appellee.

No. 52. Ida A. Van Dyke et al., appellants, *v.* W. Paul Geary et al., members of the Corporation Commission of Arizona, et al. Argued by Mr. William C. Prentiss for the appellants, and by Mr. Samuel Herrick for the appellees.

No. 168. Western Oil Refining Company, plaintiff in error, *v.* A. W. Lipscomb, clerk of the county court of Maury County, etc. Submitted by Mr. H. C. True for the plaintiff in error, and by Mr. Frank M. Thompson for the defendant in error.

Adjourned until Monday next at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 26, 1917.

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

Charles W. Parker, of Newark, N. J.; William H. Winter, of El Paso, Tex.; Leander A. Dale, of El Paso, Tex.; Tom D. McKeown, of Ada, Okla.; John T. Hays, of Hobart, Okla.; James M. Hays, of Okmulgee, Okla.; Frank C. McGirr, of Pittsburgh, Pa.; Millard Davis, of New York City; and J. Walter Dohany, of Detroit, Mich., were admitted to practice.

No. 714. The Chicago & Alton Railroad Company et al., plaintiffs in error, *v.* William J. McWhirt. In error to the Supreme Court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 269. The State of California, plaintiff in error, *v.* Deseret Water, Oil & Irrigation Company. In error to the Supreme Court of the State of California. Judgment reversed with costs; and cause remanded for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Day.

No. 733. Lehigh Valley Railroad Company, appellant, *v.* The United States et al. Appeal from the District Court of the United States for the Eastern District of Pennsylvania. Decree affirmed. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the court:

No. 650. Hans Berg, Prize Master, etc., et al., appellants, *v.* British & African Steam Navigation Company; and

No. 722. Hans Berg, Prize Master, etc., et al., appellants, *v.* Henry G. Harrison, Master, etc. Motion that mandates issue at once granted.

No. 791. Alexander M. Emerson, petitioner, *v.* Warren E. Sweetser. Motion to advance granted, and cause assigned for argument on Monday, April 9 next, after the cases heretofore assigned for that day.

No. 792. Alfred P. Lowell, petitioner, *v.* Warren E. Sweetser. Motion to advance granted, and cause assigned for argument on Monday, April 9 next, after the cases heretofore assigned for that day.

No. 922. North German Lloyd, claimant of the steamship *Kronprinzessin Cecilie*, petitioner, *v.* Guaranty Trust Company of New York et al. Motion to advance granted, and cause assigned for argument on Monday, April 9 next, after the cases heretofore assigned for that day.

No. 945. The United States Fidelity & Guaranty Company, appellant, *v.* The Travelers' Insurance Machine Company. Ordered that this case be placed on the summary docket and assigned for argument on Monday, April 9 next.

No. 985. Gratiot County State Bank, petitioner, *v.* D. Lloyd Johnson, as trustee, etc. Petition for a writ of certiorari to the Supreme Court of the State of Michigan granted.

No. 954. Mrs. W. H. Lee, etc., et al., petitioners, *v.* Fort Worth Savings Bank & Trust Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 984. Southern Railway Company, petitioner, *v.* Mrs. Vinnie Butler. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 991. Clara Kelly, executrix, etc., petitioner, *v.* Pennsylvania Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 993. Elliott Frederick, trustee, etc., petitioner, *v.* The Metropolitan Life Insurance Company of New York. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 994. Standard Fashion Company, petitioner, *v.* John J. Kuhn, as trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1005. National City Bank of Chicago, petitioner, *v.* Kalamazoo City Savings Bank. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

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*Order.*—It is ordered by the court that section 4 of rule 37 of the rules of this court be amended so as to read as follows, viz:

“4. An application for a writ of certiorari will be deemed in time when the petition therefor, accompanied by the printed record and

brief, is filed within the period prescribed by law: *Provided*, This is followed by submitting the petition in open court on some motion day not later than the first one which follows a period of four weeks after such filing. Notice of the date of submission and copies of the petition and brief must be filed as required by section 3 of this rule."

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No. 393. Lee Wilson & Company, appellant, *v.* The United States. Motion to advance submitted by Mr. Solicitor General Davis for the appellee.

No. 527. The United States, appellant, *v.* Daniel J. Leary and George Leary, administrators, etc., et al. Motion to advance submitted by Mr. Solicitor General Davis for the appellant.

No. 1014. The United States, petitioner, *v.* Brooklyn Eastern District Terminal. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Solicitor General Davis for the petitioner, and by Mr. Henry B. Closson for the respondent.

No. 481. The United States of America, appellant, *v.* The United States Steel Corporation et al. Motion for leave to file brief of Mr. H. S. Mecartney as *amicus curiæ* submitted by Mr. W. C. Sullivan, and motion denied.

No. 744. Lincoln Gas & Electric Light Company, appellant, *v.* City of Lincoln et al. Motion to advance submitted by Mr. W. M. Morning for the appellees.

No. 955. The Illinois Central Railroad Company, appellant, *v.* State Public Utilities Commission of Illinois et al. Motion to advance submitted by Mr. R. Walton Moore in behalf of counsel for the appellant.

No. 902. American Express Company et al., plaintiffs in error, *v.* The State of South Dakota ex rel. Clarence C. Caldwell, Attorney General, et al. Motion for leave to file brief herein as *amicus curiæ* granted on motion of Mr. R. Walton Moore in that behalf.

No. 1026. Alexander Doyle, petitioner, *v.* Hamilton Fish Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John A. Kratz in behalf of Mr. Max J. Kohler for the petitioner, with leave to counsel on both sides to file brief on or before April 6 next.

No. 959. Central Trust Company of New York, petitioner, *v.* The Texas Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. R. B. H. Lyon, in behalf of Mr. Arthur H. Van Brunt for the petitioner, and by Mr. Amos L. Beaty for the respondent.

No. 999. Central Trust Company of New York and Equitable Trust Company of New York, petitioners, *v.* The Texas Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. R. B. H. Lyon in behalf of Mr. Arthur H. Van Brunt and Mr. George Wellwood Murray for the petitioners, and by Mr. Amos L. Beaty for the respondent.

No. 744. Lincoln Gas & Electric Light Company, appellant, *v.* The City of Lincoln et al. Petition of appellant for leave to file bill of review submitted by Mr. Robert Burns, Mr. Charles A. Frueauff, and Mr. E. C. Strode for the appellant in support of the petition.

No. 1003. Byron F. Babbitt, Trustee, etc., petitioner, *v.* Caroline S. Read et al., as Executors, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Charles A. Boston for the petitioner, and by Mr. Charles E. Rushmore for the respondent.

No. 1020. Caroline S. Read et al., as Executors, etc., et al., petitioners, *v.* Byron F. Babbitt, Trustee, etc. Cross-petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Wallace Green in behalf of Mr. Charles E. Rushmore for the cross-petitioners, and by Mr. P. Taylor Bryan and Mr. George H. Williams for the respondent.

No. 826. Washington Railway & Electric Company, plaintiff in error, *v.* Ann Catharine Scala, Administratrix, etc. Motion to dismiss and for damages submitted by Mr. D. W. O'Donohue and Mr. Arthur A. Alexander for the defendant in error in support of the motion and by Mr. John S. Barbour for the plaintiff in error in opposition thereto.

No. 1013. Rivers & Harbors Improvement Company, Owner, etc., petitioner, *v.* John S. Latta et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Frederic D. McKenney in behalf of Mr. Russell T. Mount for the petitioner.

No. 1018. Matthew Howard Reed, petitioner, *v.* Cropp Concrete Machinery Company and Andrew J. Cropp. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Otto Raymond Barnett for the petitioner and by Mr. William Nevarre Cromwell and Mr. Lewis P. Greist for the respondent.

No. 1024. Washington Railway & Electric Company, petitioner, *v.* Mina L. Clark, Administratrix. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. John S. Barbour and Mr. George P. Hoover for the petitioner and by

Mr. Wilton J. Lambert and by Mr. Rudolph H. Yeatman for the respondent.

No. 986. The Michigan Central Railroad Company, petitioner, *v.* Everett A. Tripp. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. J. Walter Dohany and Mr. Frank E. Robson for the petitioner and by Mr. Sidney T. Miller for the respondent.

No. 997. Douglas Park Jockey Club, plaintiff in error, *v.* T. H. Talbott et al., etc. Motion for restraining order or temporary injunction submitted by Mr. E. W. Hines in behalf of Mr. John Bryce Baskin and Mr. Harvey Myers for the plaintiff in error in support of the motion and by Mr. Fred Forcht, Mr. John T. Shelby, Mr. Robert L. Northcutt, and Mr. John Craig Shelby for the defendants in error in opposition thereto.

Adjourned until Monday, April 9, at 12 o'clock.

The day call for Monday, April 9, will be as follows: Nos. 519, 407, 732, 251, 577 (and 578), 762, 795, 594, 760, 968, 497, 840, 945, 365, 621, 604, 721, 741, 894, 902, 310, 791 (and 792), and 922.

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## SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 9, 1917.

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

Frank S. Katzenbach, jr., of Trenton, N. J.; Guy H. Sturgis, of Portland, Me.; Frank W. McAllister, of Jefferson City, Mo.; Carroll S. Chaplin, of Portland, Me.; Biagio Merendino, of Clarksburg, W. Va.; Fairfax Cosby, of San Francisco, Cal.; Henry P. Frank, of Portland, Me.; Martin E. Turner, of Eufaula, Okla.; Edward E. Johnson, of Wausau, Wis.; Louis L. Stephens, of Pierre, S. Dak.; Lewis J. Dann, of Charlotte, Mich.; Lyle Pettijohn, of St. Paul, Minn.; C. N. Davie, of Gainesville, Ga.; Paul B. Cromelin, of Washington, D. C.; Ras Young, of Longview, Tex.; Michael Schenck, of Hendersonville, N. C.; James Henry Harrison, of Newark, N. J.; John Wahl Queen, of Jersey City, N. J.; Francis V. Dobbins, of Rahway, N. J.; and Isidor J. Kresel, of New York City, were admitted to practice.

No. 683. The United States, plaintiff in error, *v.* Mathew T. Gradwell et al.; and

No. 684. The United States, plaintiff in error, *v.* Charles Hambly et al. In error to the District Court of the United States for the District of Rhode Island. Judgments affirmed. Opinion by Mr. Justice Clarke.

Nos. 775 and 776. The United States, plaintiff in error, *v.* Edward O'Toole et al. In error to the District Court of the United States for the Southern District of West Virginia. Judgments affirmed. Opinion by Mr. Justice Clarke.

No. 374. Jesse Isidor Straus et al., composing the firm of R. H. Macy & Company, petitioners, *v.* Victor Talking Machine Company. **On writ** of certiorari to 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 cause

remanded to said district court. Opinion by Mr. Justice Clarke. Dissenting: Mr. Justice Holmes, Mr. Justice McKenna, and Mr. Justice Van Devanter.

No. 715. Motion Picture Patents Company, petitioner, *v.* Universal Film Manufacturing Company et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed with costs and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Clarke. Dissenting: Mr. Justice Holmes, Mr. Justice McKenna, and Mr. Justice Van Devanter.

No. 401. The United States of America *v.* Solomon Louis Ginsberg. On a certificate from the United States Circuit Court of Appeals for the Eighth Circuit. First question certified answered in the negative. Fourth question certified answered in the affirmative. Opinion by Mr. Justice McReynolds.

No. 63. The United States of America, plaintiff in error, *v.* James F. Rowell et al. In error to the District Court of the United States for the Western District of Oklahoma. Judgment reversed, and cause remanded with directions to grant a new trial. Opinion by Mr. Justice Van Devanter.

No. 262. The Pullman Company, plaintiff in error, *v.* W. V. Knott, as comptroller of the State of Florida. In error to the Supreme Court of the State of Florida. Dismissed with costs. Opinion by Mr. Justice Day.

No. 697. The United States *v.* Lucky S. Waller and Mamie S. Waller. On a certificate from the United States Circuit Court of Appeals for the Eighth Circuit. Question certified answered in the negative. Opinion by Mr. Justice Day.

No. 124. Lehigh Valley Railroad Company, appellant, *v.* The United States. Appeal from the District Court of the United States for the Southern District of New York. Decree affirmed. Opinion by Mr. Justice Holmes.

No. 38. Franklin O. Bunting, plaintiff in error, *v.* The State of Oregon. In error to the Supreme Court of the State of Oregon. Judgment affirmed with costs. Opinion by Mr. Justice McKenna. Dissenting: The Chief Justice, Mr. Justice Van Devanter, and Mr. Justice McReynolds. (Mr. Justice Brandeis took no part in the consideration or decision of this case.)

No. 649. The United States, plaintiff in error, *v.* Solomon Kefnfskey. In error to the District Court of the United States for the Eastern District of Louisiana. Judgment reversed, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice McKenna.

The Chief Justice announced the following orders of the court:

No. 25. Frank C. Stettler, plaintiff in error, *v.* Edwin V. O'Hara et al., constituting the Industrial Welfare Commission of the State of Oregon; and

No. 26. Elmira Simpson, plaintiff in error, *v.* Edwin V. O'Hara et al., constituting the Industrial Welfare Commission of the State of Oregon. In error to the Supreme Court of the State of Oregon. Per curiam: Judgments affirmed with costs by an equally divided court.

No. 393. Lee Wilson & Company, appellant, *v.* The United States. Motion to advance granted, and cause assigned for argument on Tuesday, October 2d next, after the cases heretofore assigned for that day.

No. 527. The United States, appellant, *v.* Daniel J. Leary et al., administrators, etc., et al. Motion to advance granted, and cause assigned for argument on Tuesday, October 2d next, after the cases heretofore assigned for that day.

No. 744. Lincoln Gas & Electric Light Company, appellant, *v.* the City of Lincoln et al. Motion to advance granted, and cause assigned for argument on Tuesday, October 2d next, after the cases heretofore assigned for that day.

No. 955. Illinois Central Railroad Company, appellant, *v.* State Public Utilities Commission of Illinois et al. Motion to advance granted, and cause assigned for argument on Tuesday, October 2d next, after the cases heretofore assigned for that day.

No. 744. Lincoln Gas & Electric Light Company, appellant, *v.* the City of Lincoln et al. Motion for leave to file a bill of review in this case denied.

No. 997. Douglas Park Jockey Club, plaintiff in error *v.* T. H. Talbott et al., etc. Motion for a restraining order or temporary injunction in this case denied.

No. 826. Washington Railway & Electric Company, plaintiff in error, *v.* Ann Catherine Scala, administratrix, et al. Ordered that this case be placed on the summary docket, and assigned for argument on Monday, May 7, next.

No. 989. Victor Pakas, petitioner. *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 1014. The United States, petitioner, *v.* Brooklyn Eastern District Terminal. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 959. Central Trust Company of New York, petitioner, *v.* Texas Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 999. Central Trust Company of New York et al., petitioners, *v.* The Texas Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 986. The Michigan Central Railroad Company, petitioner, *v.* Everett A. Tripp. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1003. Byron F. Babbitt, trustee, etc., petitioner, *v.* Caroline S. Reed et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1020. Caroline S. Reed et al., executors, etc., petitioners, *v.* Byron F. Babbitt, trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1013. Rivers & Harbors Improvement Company, owner, etc., petitioner, *v.* John S. Latta et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 1018. Matthew Howard Reed, petitioner, *v.* Cropp Concrete Machine Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1024. Washington Railway & Electric Company, petitioner, *v.* Mina L. Clark, administratrix, etc. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 1026. Alexander Doyle, petitioner, *v.* Hamilton Fish Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

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No. 741. The United States *v.* Bessie Wildcat, a minor, et al. Death of David Knight, one of the respondents herein, suggested, and appearance of C. C. Taylor, the duly appointed, qualified, and acting guardian of the person and estate of Wiley Knight, a minor and sole heir of David Knight, as a party respondent herein, filed and entered, on motion of Mr. Solicitor General Davis in behalf of counsel for said respondent.

No. 1012. The United States, appellant, *v.* Illinois Central Railroad Company et al. Appeal from the District Court of the United States for the Northern District of Illinois. Dismissed, on motion of Mr. Solicitor General Davis for the appellant.

No. 1015. The United States, petitioner, *v.* William B. Poland et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Solicitor

General Davis for the petitioner. with leave to counsel for respondents to file brief within 10 days.

No. 1016. David W. Sidey, petitioner, *v.* The City of Marceline, in the county of Linn and State of Missouri. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. John T. Wayland for the petitioner.

No. 924. Wirt K. Winton, administrator, etc., et al., appellants, *v.* Jack Amos et al., etc. Suggestion of diminution of record and motion for writ of certiorari submitted by Mr. William W. Scott for the appellants in support of the motion, with leave to Mr. Solicitor General Davis to file brief in opposition.

No. 926. John London, appellant, *v.* Jack Amos et al., etc.;

No. 927. Walter S. Field et al., appellants. *v.* Jack Amos et al., etc.; and

No. 930. Katie A. Howe, executrix, etc., appellant, *v.* Jack Amos et al., etc. Suggestion of diminution of record and motion for writ of certiorari submitted by Mr. Guion Miller for the appellants, with leave to Mr. Solicitor General Davis to file brief in opposition.

No. 1057. Charles W. Rantoul, jr., petitioner, *v.* North German Lloyd; and

No. 1058. Maurice Hanssens, petitioner, *v.* North German Lloyd. Petition for writs of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. John A. Kratz, jr., in behalf of Mr. J. Parker Kirlin, Mr. Charles R. Hickox, and Mr. Edward E. Blodgett, for the petitioners; and by Mr. Joseph Larocque, Mr. Walter C. Noyes, and Mr. Joseph D. Bedle, for the respondent.

No. 995. Southern Pacific Company, petitioner, *v.* California Adjustment Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Charles H. Bates in behalf of Mr. C. W. Durbrow and Mr. William F. Herrin, for the petitioner; and by Mr. Leon E. Morris, for the respondent.

No. 422. Hathaway Harper, plaintiff in error, *v.* The Board of County Commissioners of Oklahoma County, Oklahoma, et al. Motion to dismiss submitted by Mr. Charles J. Kappler, for the defendants in error, in support of the motion and by Mr. Arthur J. Moseley, for the plaintiff in error, in opposition thereto.

No. 974. W. T. Hendrickson, judge, etc., petitioner, *v.* Lewis Apperson;

No. 975. W. T. Hendrickson, judge, etc., petitioner, *v.* Elizabeth Creager;

No. 976. W. T. Hendrickson, judge, etc., petitioner, *v.* Hugh S. Gardner;

No. 977. W. T. Hendrickson, judge, etc., petitioner, *v.* Mildred E. Hocker; and

No. 978. W. T. Hendrickson, judge, etc., petitioner, *v.* Sterling Land & Investment Company. Motion to advance submitted by Mr. W. O. Harris, jr., in behalf of Mr. Helm Bruce, for the petitioner.

No. 791. Alexander M. Emerson, petitioner, *v.* Warren E. Sweetser. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Dismissed with costs on motion of Mr. Henry Wheeler for the petitioner.

No. 792. Alfred P. Lowell, petitioner, *v.* Warren E. Sweetser. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Dismissed with costs on motion of Mr. Henry Wheeler for the petitioner.

No. 1047. Francis Semidey et al., petitioners, *v.* Central Aguirre Company, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Elijah N. Zoline and Mr. Perry Allen for the petitioners, and by Mr. Charles Hartzell and Mr. Malcolm Donald for the respondents.

No. 1025. Illinois Surety Company, petitioner, *v.* Standard Underground Cable Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Albert J. Hopkins for the petitioner, and by Mr. George B. Gordon for the respondent.

No. 973. Guy B. Biddinger, appellant, *v.* The Commissioner of Police of the City of New York. Motion to advance submitted by Mr. Isidor J. Kresel and Mr. Louis Marshall for the appellee in support of the motion, and by Mr. Moses H. Grossman for the appellant in opposition thereto.

No. 25. Original. *Ex parte* In the matter of The Indiana Transportation Company, petitioner. Motion of certain parties for leave to file return to rule to show cause submitted by Mr. Frederick S. Tyler in behalf of Mr. Harry W. Standidge, proctor for the moving parties.

No. 1056. Thomas Gilcrease, petitioner, *v.* G. R. McCullough et al. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. A. J. Biddison for the petitioner, with leave to print record within 10 days.

No. 1019. Charles Hathaway et al., etc., petitioners, *v.* Joseph B. Martindale et al., receivers, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Alfred B. Cruikshank for the petitioner and by Mr. Charles E. Rushmore for the respondent.

No. 619. Don Lacy, as liquidating agent, etc., plaintiff in error, *v.* Mollie Ezzard. Motion to dismiss or affirm submitted by Mr. David A. Gourick in behalf of Mr. Harvey R. Winn, Mr. Henry E. Asp, and Mr. Henry G. Snyder for the defendant in error in support of the motion and by Mr. W. F. Wilson and Mr. Enoch A. Chase for the plaintiff in error in opposition thereto.

No. 13, Original. The State of Missouri, complainant, *v.* Chicago, Burlington & Quincy Railroad Company. Leave granted to file stipulation for appointment of commissioner and motion for appointment of commissioner submitted by Mr. Frank W. McAllister for the complainant.

No. 297. A. Leo Weil, plaintiff in error, *v.* Henry K. Black, judge, etc. In error to the Supreme Court of Appeals of the State of West Virginia. Dismissed with costs and mandate granted on motion of Mr. Charles F. Wilson for the plaintiff in error.

No. 6, Original. The State of Arkansas, complainant, *v.* The State of Tennessee. Motion to fix time within which defendant shall take proofs and designate time for submission of cause submitted by Mr. Caruthers Ewing for the complainant.

No. 1039. Union Sand & Material Company, petitioner, *v.* The State of Arkansas. Petition for a writ of certiorari to the Supreme Court of the State of Arkansas submitted by Mr. Caruthers Ewing for the petitioner.

No. 998. Charles D. Smith et al., as Charles D. Smith & Company et al., petitioners, *v.* Copiah County et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Caruthers Ewing for the petitioner and by Mr. J. S. Sexton for the respondents.

No. 1, Original. The State of Georgia, complainant, *v.* The Tennessee Copper Company et al. Motion of intervenor, State of Tennessee, for modification of former orders and decrees herein submitted by Mr. Joe V. Williams in behalf of Mr. Frank M. Thompson, the attorney general of Tennessee.

No. 1049. Fentress Coal & Coke Company, petitioner, *v.* Beecher Elmore. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Joe V. Williams in behalf of Mr. White B. Miller for the petitioner.

No. 979. American Steel Foundries, petitioner, *v.* The Tri-City Central Trades Council et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Max Pam for the petitioner and by Mr. Frank C. Smith for the respondents.

No. 1022. The Saalfield Publishing Company et al., petitioners, *v.* G. & C. Merriam Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Wade H. Ellis and Mr. Challen B. Ellis for the petitioners and by Mr. William B. Hale for the respondent.

No. 1006. Charles A. Nones, petitioner, *v.* The State of New Jersey. Petition for a writ of certiorari to the Court of Errors and Appeals of the State of New Jersey submitted by Mr. Barry Mohun and Mr. Henry E. Davis by the petitioner and by Mr. J. H. Harrison and Mr. Wilbur A. Mott for the respondent. Leave to counsel for the petitioner to file additional brief before Friday next.

No. 392. The St. Louis, San Francisco & Texas Railway Company. plaintiff in error, *v.* Maud Smith, administratrix, etc. Motion to dismiss or affirm submitted by Mr. Judson H. Wood and Mr. James P. Haven for the defendant in error in support of the motion and by Mr. W. F. Evans and Mr. Frank Andrews for the plaintiff in error in opposition thereto.

No. 571. Emma F. Doepel et al., heirs, etc., plaintiffs in error, *v.* Luttie B. Jones et al. Motion to dismiss or affirm submitted by Mr. J. F. King and Mr. W. P. Hackney for the defendants in error in support of the motion and by Mr. Milton Brown for the plaintiffs in error in opposition thereto.

No. 620. The Norfolk & Western Railway Company. plaintiff in error, *v.* Cornelius H. Melvin. In error to the Court of Appeals for the Fourth Judicial District, State of Ohio. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 519. International Lumber Company, plaintiff in error, *v.* The United States. Ordered placed at the foot of the call for to-day.

No. 594. The Ohio River Contract Company, plaintiff in error, *v.* Hon. Thomas R. Gordon, judge of Jefferson Circuit Court. Argued by Mr. W. Overton Harris for the plaintiff in error and submitted by Mr. Matthew O'Doherty for the defendant in error.

No. 732. Seaboard Air Line Railway. plaintiff in error, *v.* Cynthia Williams, administratrix, etc. Argued by Mr. J. B. S. Lyles for the plaintiff in error and by Mr. W. Boyd Evans for the defendant in error.

No. 251. The Minneapolis & St. Louis Railroad Company, plaintiff in error, *v.* Nora Gotschall, as administratrix, etc. Submitted by Mr. George H. Lamar in behalf of Mr. William H. Bremner and Mr. Frederick M. Miner for the plaintiff in error and argued by Mr. Lyle Pettijohn for the defendant in error.

No. 577. The Pennsylvania Railroad Company, plaintiff in error, *v.* Olivit Brothers; and

No. 578. The Pennsylvania Railroad Company, plaintiff in error, *v.* Isaac W. Carr et al. Argument commenced by Mr. Frederic D. McKenney for the plaintiff in error and continued by Mr. E. P. Stout for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 10, will be as follows: Nos. 577 (and 578), 762, 795, 407, 760, 968, 497, 840, 945, 365, 621, 604, 721, 741, 894, 902, 310, 922, and 519.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 10, 1917.

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

Cloyd H. Read, of Dallas, Tex., and Herbert B. Moses, of New York City, were admitted to practice.

No. 348. Rosa C. Goode et al., plaintiffs in error, *v.* The United States. In error to the Court of Appeals of the District of Columbia. Dismissed with cost on motion of counsel for the plaintiffs in error.

No. 577. The Pennsylvania Railroad Co., plaintiff in error, *v.* Olivit Brothers; and

No. 578. The Pennsylvania Railroad Co. *v.* Isaac W. Carr et al. Argument concluded by Mr. E. P. Stout for the defendants in error.

No. 762. Seaboard Air Line Railway, plaintiff in error, *v.* J. H. Lorick. Argued by Mr. J. B. S. Lyles for the plaintiff in error and by Mr. Frank G. Tompkins for the defendant in error.

No. 795. Albert E. Sutton et al., appellants, *v.* John H. C. L. English. Argued by Mr. Allen G. Fisher for the appellants and by Mr. Cecil H. Smith for the appellee.

No. 407. Baltrus S. Yankaus, plaintiff in error, *v.* Moses Feltenstein et al. Argued by Mr. Jesse C. Adkins for the plaintiff in error and submitted by Mr. Jacob W. Hartman for the defendants in error.

No. 760. The Missouri Pacific Railway Co., plaintiff in error, *v.* Margaret L. Taber, guardian, etc. Submitted by Mr. Edward J. White, Mr. Thomas Hackney, and Mr. Martin Lyons for the plaintiff in error and by Mr. John T. Wayland for the defendant in error.

No. 968. John W. Hamer et al., appellants, *v.* New York Railways Company et al. Argued by Mr. A. S. Gilbert for the appellants and by Mr. Richard Reid Rogers for the appellees.

No. 497. Hendersonville Light & Power Company et al., plaintiffs in error, *v.* Blue Ridge Interurban Railway Company. Argued by Mr. Michael Schenck for the plaintiffs in error and by Mr. Charles W. Tillett for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 11, will be as follows: Nos. 840, 945, 365, 621, 604, 721, 741, 894, 902, 310, 922, and 519.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 11, 1917.

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

Jacob C. Le Bosky, of Chicago, Ill.; Oliver E. Sweet, of Rapid City, S. Dak.; Harry C. Howard, of Kalamazoo, Mich.; and John F. Barry, of Boston, Mass., were admitted to practice.

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No. 571. Emma F. Doepel et al., etc., plaintiffs in error, *v.* Luttie B. Jones. Leave granted to file supplemental brief on motion of Mr. Samuel Herrick in behalf of counsel for the plaintiffs in error.

No. 840. Louisville & Nashville Railroad Company et al., plaintiffs in error, *v.* O. Y. Layton. Argued by Mr. Sanders McDaniel for plaintiff in error and by Mr. Marion Smith for the defendant in error.

No. 945. United States Fidelity & Guaranty Company, appellant, *v.* The Travelers Insurance Machine Company. Argued by Mr. William Marshall Bullitt for the appellant and by Mr. David R. Castleman for the appellee.

No. 365. Franklin K. Lane, Secretary of the Interior, plaintiff in error, *v.* Svan Høglund. Argued by Mr. Assistant Attorney General Kearful for the plaintiff in error and by Mr. Francis W. Clements for the defendant in error.

No. 621. The United States, plaintiff in error, *v.* Foster L. Davis. Submitted by Mr. Assistant Attorney General Warren for the plaintiff in error. No brief was filed for the defendant in error.

No. 604. Charles Mason et al., plaintiffs in error, *v.* The United States. Submitted with leave to counsel for both sides to file briefs hereafter.

No. 741. The United States *v.* Bessie Wildcat, a minor, et al. Leave granted to file brief as *amicus curiae* on motion of Mr. R. C. Allen in that behalf.

No. 741. *The United States v. Bessie Wildcat, a minor, et al.* Four and one-half hours allowed for argument, and three counsel allowed to appear in argument for Wildcat et al., on motion of Mr. Assistant Attorney General Kearful. Argument commenced by Mr. Assistant Attorney General Kearful for the United States.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 12, will be as follows: Nos. 741, 894, 902, 310, 922, 519, 721, 85, 67 (and 95), and 170.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 12, 1917.

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

Frank M. Powell, of Clarksburg, W. Va.; John R. Milburn, of Washington, D. C.; Ernest F. Mechlin, of Washington, D. C.; Howard F. Bishop, of Chicago, Ill.; Ernest E. Watson, of St. Paul, Minn.; Clare B. Tinkham, of Hammond, Ind.; J. Coody Johnson, of Wewoka, Okla.; and A. A. Davidson, of Tulsa, Okla.

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No. 741. *The United States v. Bessie Wildcat*, a minor, et al. Leave granted to file brief as *amicus curiæ*, on motion of Mr. F. W. Clements in that behalf.

No. 85. *Harriet H. Gould et al., appellants, v. Hyde Park Water Company et al.* Submitted by Mr. Frederick S. Deitrick and Mr. Roscoe Walsworth for the appellants, and by Mr. Robert M. Morse and Mr. William M. Richardson for the appellees.

No. 741. *The United States v. Bessie Wildcat*, a minor, et al. Argument continued by Mr. Assistant Attorney General Kearful for The United States, by Mr. Joseph C. Stone and Mr. John J. Shea for Wildcat et al., by Mr. A. A. Davidson for Bissett et al., by Mr. Charles B. Stuart for Wildcat et al., and by Mr. Assistant Attorney General Kearful for The United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 13, will be as follows: Nos. 741, 894, 902, 310, 922, 519, 721, 67 (and 95), 170, and 171.

64422—17—92

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 13, 1917.

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

W. W. Noffsinger, of Muskogee, Okla.; Warren J. Duffey, of Toledo, Ohio; C. E. Corbett, of Wewoka, Okla.; and Chilton Atkinson, of St. Louis, Mo., were admitted to practice.

No. 902. American Express Company et al., plaintiffs in error, *v.* The State of South Dakota ex rel. Clarence C. Caldwell, Attorney General, etc. Leave granted to file brief as *amicus curiae*, on motion of Mr. Joseph W. Folk in that behalf.

No. 231. Charles H. Buchanan, plaintiff in error, *v.* William Warley. Leave granted to file brief as *amicus curiae*, on motion of Mr. Chilton Atkinson in that behalf.

No. 741. The United States *v.* Bessie Wildcat, a minor, et al. Argument concluded by Mr. Assistant Attorney General Kearful for The United States.

No. 894. G. Washington Lott, appellant, *v.* David W. Pittman, Sheriff, etc. Submitted by Mr. John Randolph Cooper for the appellant, and by Mr. Clifford Walker for the appellee.

No. 902. American Express Company et al., plaintiffs in error, *v.* The State of South Dakota ex rel. Clarence C. Caldwell, Attorney General, etc. Argument commenced by Mr. C. O. Bailey for the plaintiffs in error, continued by Mr. B. P. Kerfoot for the plaintiffs in error, by Mr. O. E. Sweet for the defendant in error, and concluded by Mr. B. P. Kerfoot for the plaintiffs in error.

No. 310. The United States and Interstate Commerce Commission, appellants, *v.* Illinois Central Railroad Company. Argument commenced by Mr. Assistant Attorney General Underwood for the appellants, and continued by Mr. Robert V. Fletcher for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 16, will be as follows: Nos. 310, 922, 519, 721, 67 (and 95), 170, 171, 176, 178, and 179 (and 180).

# SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 16, 1917.

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

John S. Freeman, of Philadelphia, Pa.; F. C. Proctor, of Houston, Tex.; Thomas H. Franklin, of San Antonio, Tex.; Albert L. Hopkins, of Chicago, Ill.; and Arthur Du Bois, of New York City, were admitted to practice.

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The Chief Justice announced the following orders of the court:

No. 25, Original. *Ex parte*: In the matter of the Indiana Transportation Company, petitioner. The application of the parties is granted in so far as it asks that they be permitted to file a brief in support of the return made or to be made in compliance with the order heretofore entered (see *Ex parte Indiana Transportation Company*, 242 U. S., 281) and in other respects the application is denied.

No. 85. Harriet H. Gould and Frederick A. Waldron, appellants, *v.* Hyde Park Water Company, First National Bank of Boston, and City of Boston. Appeal from the District Court of the United States for the District of Massachusetts. *Per curiam*: Dismissed for want of jurisdiction upon the authority of *Deming v. Carlisle Packing Co.* (226 U. S., 102, 105); *Consolidated Turnpike Co. v. Norfolk, &c., Railway Co.* (228 U. S., 596, 600); *Stewart v. Kansas City* (239 U. S., 14).

No. 392. St. Louis, San Francisco & Texas Railway Company, plaintiff in error, *v.* Maud Smith, administratrix of the estate of M. T. Seale, deceased. In error to the Court of Civil Appeals for the Fifth Supreme Judicial District of the State of Texas. *Per curiam*: Judgment affirmed with costs upon the authority of *Missouri, K. & T. Ry. Co. v. Wulf* (226 U. S., 569); *Seaboard Air Line v. Koennecke* (239 U. S., 354); *Seaboard Air Line v. Renn* (241 U. S. 293).

See *St. Louis, San Francisco & Texas Ry. Co. v. Seale*, 229 U. S., 156.

No. 422. Hathaway Harper, plaintiff in error, *v.* The Board of County Commissioners of Oklahoma County, State of Oklahoma, et al. In error to the Supreme Court of the State of Oklahoma. *Per curiam*: Dismissed for want of jurisdiction upon the authority of *Deming v. Carlisle Packing Company*, 226 U. S. 102, 105; *Consolidated Turnpike Co. v. Norfolk, &c., Railway Co.*, 228 U. S. 596, 600; *Stewart v. Kansas City*, 239 U. S. 14.

No. 619. Don Lacy, as Liquidating Agent of the Oklahoma City National Bank, plaintiff in error, *v.* Mollie Ezzard. In error to the Supreme Court of the State of Oklahoma. *Per curiam*: Judgment affirmed with costs upon the authority of: 1. *Chemical National Bank v. Hartford Deposit Co.*, 161 U. S. 1; *Capital National Bank v. First National Bank of Cadiz*, 172 U. S. 425; *Union National Bank v. McBoyle*, 243 U. S. 26. 2. *Kansas City Southern v. Albers Commission Co.*, 223 U. S. 573, 591; *Cresswill v. Knights of Pythias*, 225 U. S. 246, 261; *Norfolk & Western Ry. Co. v. West Virginia*, 236 U. S. 605, 609-610. 3. *Southern Pacific Co. v. Schuyler*, 227 U. S. 601, 611-612.

No. 732. Seaboard Air Line Railway, plaintiff in error, *v.* Cynthia Williams, administratrix of the estate of W. E. Williams, deceased. In error to the Supreme Court of the State of South Carolina. *Per curiam*: Judgment affirmed with costs upon the authority of *Chicago Junction Railway Co. v. King*, 222 U. S. 222; *Seaboard Air Line Railway v. Padgett*, 236 U. S. 668; *Baltimore & Ohio R. R. Co. v. Whitacre*, 242 U. S. 169.

No. 945. United States Fidelity & Guaranty Company, appellant, *v.* The Travelers Insurance Machine Company. Appeal from the District Court of the United States for the District of Arizona. *Per curiam*: Dismissed for want of jurisdiction upon the authority of *Bache v. Hunt*, 193 U. S. 523; *Louisville Trust Co. v. Knott*, 191 U. S. 225; *Railroad Commission of Mississippi v. Louisville & Nashville R. R. Co.*, 225 U. S. 272, 279.

No. 852. A. S. Cohn, petitioner, *v.* R. A. Malone, trustee of A. S. Cohn, bankrupt. Order entered herein on March 6, 1917, vacated and set aside, and petition for writ of certiorari granted.

No. 855. Samuel C. Cohen, as trustee in bankruptcy of Elias W. Samuels, bankrupt, petitioner, *v.* Elias W. Samuels. Order entered herein on March 6, 1917, vacated and set aside, and petition for writ of certiorari granted.

No. 1, Original. The State of Georgia, complainant, *v.* Tennessee Copper Company et al. Motion of intervenor, The State of Tennessee, to modify former orders and decrees of this court denied.

No. 6, Original. The State of Arkansas, complainant, *v.* The State of Tennessee. Ordered that defendant proceed and take its testimony

and file same with the clerk of this court on or before the 1st of July next. Further ordered that the case be assigned for hearing on Tuesday, October 2 next.

No. 13, Original. The State of Missouri, complainant, *v.* Chicago, Burlington & Quincy Railroad Company. Ordered that A. F. Rec- tor, Esquire, of Marshall, Missouri, be appointed commissioner to take the testimony in this case and report the same to the court.

No. 973. Guy B. Biddinger, appellant, *v.* The Commissioner of Police of the City of New York. Motion to advance granted, and cause assigned for argument on Tuesday, October 2 next, after the cases heretofore assigned for that day.

No. 974. W. T. Hendrickson, Judge of the County Court of Taylor County, Kentucky, petitioner, *v.* Lewis Apperson;

No. 975. W. T. Hendrickson, Judge of the County Court of Taylor County, Kentucky, petitioner, *v.* Elizabeth Creager;

No. 976. W. T. Hendrickson, Judge of the County Court of Taylor County, Kentucky, petitioner, *v.* Hugh S. Gardner;

No. 977. W. T. Hendrickson, Judge of the County Court of Taylor County, Kentucky, petitioner, *v.* Mildred E. Hocker;

No. 978. W. T. Hendrickson, judge of the County Court of Taylor County, Kentucky, petitioner, *v.* Sterling Land & Investment Com- pany. Motions to advance granted and cases assigned for hearing on Tuesday, October 2 next, after the cases heretofore assigned for that day.

No. 924. Wirt K. Winton, administrator of the estate of Charles F. Winton, deceased, et al., appellants, *v.* Jack Amos et al., etc.;

No. 926. John London, appellant, *v.* Jack Amos et al., etc.;

No. 927. Walter S. Field et al., appellants, *v.* Jack Amos et al., etc., and

No. 930. Katie A. Howe, executrix of the estate of Chester Howe, deceased, appellant, *v.* Jack Amos et al., etc. Motions for writs of certiorari on suggestion of diminution of the record severally denied.

No. 571. Emma F. Doepel et al., etc., plaintiffs in error, *v.* Luttie B. Jones et al., etc. Ordered that this case be placed on the summary docket and assigned for Monday, May 7, after the case heretofore assigned for that day.

No. 995. Southern Pacific Company, petitioner, *v.* California Ad- justment Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 998. Charles D. Smith et al., petitioners, *v.* Copiah County et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1006. Charles A. Nones, petitioner, *v.* The State of New Jersey. Petition for a writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 1016. David W. Sidey, petitioner, *v.* The City of Marceline, in the County of Linn, State of Missouri. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1019. Charles Hathaway et al., etc., petitioners, *v.* Joseph B. Martindale et al., receivers, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1022. The Saalfield Publishing Company et al., petitioners, *v.* G. & C. Merriam Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1025. Illinois Surety Company, petitioner, *v.* Standard Underground Cable Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 1039. Union Sand & Material Company, petitioner, *v.* The State of Arkansas. Petition for a writ of certiorari to the Supreme Court of the State of Arkansas denied.

No. 1047. Francis Semidey et al., petitioners, *v.* Central Aguirre Company, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 1049. Fentress Coal & Coke Company, petitioner, *v.* Beecher Elmore. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1057. Charles W. Rantoul, Jr., petitioner, *v.* North German Lloyd. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 1058. Maurice Hanssens, petitioner, *v.* North German Lloyd. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

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No. 293. The United States, plaintiff in error, *v.* Grover C. Arrington. In Error to the District Court of the United States for the Western District of Virginia. Dismissed, on motion of Mr. Solicitor General Davis, for the plaintiff in error.

No. 1031. The United States *v.* Ng. Sam et al., petitioners, *v.* Joseph H. Wallis, Assistant Commissioner of Immigration, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Robert M. Moore for the petitioners, and by Mr. Solicitor General Davis for the respondent.

No. 472. Paul Hill Saunders, plaintiff in error, *v.* Daniel Shaw et al. Motion to dismiss or affirm submitted by Mr. H. H. Glassie in behalf of Mr. Frank L. Richardson for the defendants in error in support of the motion, and by Mr. William Winans Wall for the plaintiff in error in opposition thereto.

No. 1050. Sidney J. Brooks, Receiver, etc., petitioner, *v.* Empire Trust Company et al. 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. Walter P. Napier for the petitioner, and by Mr. Thomas H. Franklin, Mr. Stephen H. Olin, and Mr. Henry C. Coke for the respondents.

Nos. 1000 and 1001. Industrial Accident Commission of the State of California, petitioner, *v.* Southern Pacific Company. Petitions for writs of certiorari to the Supreme Court of the State of California submitted by Mr. Evans Browne in behalf of Mr. Christopher M. Bradley for the petitioner, and by Mr. Henley C. Booth and Mr. William F. Herrin for the respondent.

No. 1065. Northern Pacific Railway Company et al., petitioners, *v.* E. W. McComas. Petition for a writ of certiorari to the Supreme Court of the State of Oregon submitted by Mr. Evans Browne in behalf of Mr. Charles H. Carey, Mr. James B. Kerr, and Mr. Charles A. Hart for the petitioners.

No. 1072. Mount Vernon & Marshall Hall Steamboat Company, Limited, petitioner, *v.* John L. McKenney. Petition for a writ of certiorari to the Court of Appeals for the District of Columbia submitted by Mr. T. Morris Wampler, Mr. Daniel Thew Wright, and Mr. Henry F. Woodard for the petitioners.

No. 1002. Union Pacific Railroad Company, petitioner, *v.* Eva E. Cook, Administratrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of Iowa submitted by Mr. A. A. Hoehling, Jr., in behalf of Mr. Alfred G. Ellick and Mr. N. H. Loomis for the petitioner, and by Mr. William R. Greene for the respondent.

No. 1043. Union Pacific Railroad Company, petitioner, *v.* Maude M. Henderson, Administratrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of Nebraska submitted by Mr. A. A. Hoehling, Jr., in behalf of Mr. Alfred G. Ellick and Mr. N. H. Loomis for the petitioner, and by Mr. T. J. Mahoney and Mr. J. A. C. Kennedy for the respondent.

No. 1040. Hugh Chambers, trustee, etc., petitioner, *v.* Continental Trust Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. R. S. Wimberly for the petitioner, and by Mr. George S. Jones and Mr. Orville A. Park for the respondent.

No. 1044. Joseph Hertzberg et al., petitioners, *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. Walter Jeffreys Carlin for the petitioners.

No. 1073. Presbyterian Home Hospital et al., petitioners, *v.* Mary Dockery Gooch, by her next friend, William D. Gooch. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. E. W. Bradford in behalf of Mr. John L. Stout, and Mr. John W. Farley for the petitioners.

No. 1074. Keystone Wood Company, petitioner, *v.* Susquehanna Boom Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Mortimer C. Rhone for the petitioner, and by Mr. Max L. Mitchell and Mr. N. M. Edwards for the respondent.

No. 793. Willie M. Going, administratrix, etc., plaintiff in error, *v.* Norfolk & Western Railway Company. Petition for leave to proceed *in forma pauperis* submitted by Mr. W. L. Welborn for the petitioner.

No. 342. The Cuyahoga River Power Company, plaintiff in error, *v.* The Northern Realty Company et al. Motion to dismiss or affirm submitted by Mr. Joseph S. Clark and Mr. John C. Weadock for the defendants in error in support of the motion, and by Mr. William Z. Davis, Mr. Carroll G. Walter, and Mr. John L. Wells for the plaintiff in error in opposition thereto.

No. 468. Walter Brandt, appellant, *v.* Thomas W. Morgan, Warden, etc. Appeal from the District Court of the United States for the District of Kansas. Dismissed with costs, on motion of counsel for the appellant.

No. 310. The United States and The Interstate Commerce Commission, appellants, *v.* The Illinois Central Railroad Company. Argument continued by Mr. Robert V. Fletcher for the appellee, and concluded by Mr. Joseph W. Folk for The Interstate Commerce Commission.

No. 922. North German Lloyd, claimant, etc., petitioner, *v.* Guaranty Trust Company of New York et al. Argument commenced by Mr. Joseph Larocque for the petitioner, continued by Mr. J. Parker Kirlin for Guaranty Trust Company of New York, and by Mr. James M. Beck for The National City Bank.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 17, will be as follows: Nos. 922, 519, 721, 67 (and 95), 170, 171, 176, 178, 179 (and 180), and 184.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 17, 1917.

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

G. G. Bower, of Bainbridge, Ga.; F. V. Brown, of Seattle, Wash.; Guy W. C. Ross, of Minneapolis, Minn.; and Justin Frank Seiler, of Elizabethton, Tenn., were admitted to practice.

No. 791. Alexander M. Emerson, petitioner, *v.* Warren E. Sweetser, and

No. 792. Alfred P. Lowell, petitioner, *v.* Warren E. Sweetser. Mandates granted, on motion of Mr. Solicitor General Davis for the respondent.

No. 184. Albert Pick & Company, plaintiff in error, *v.* Frank C. Jordan, secretary of state of the State of California. Submitted by Mr. W. I. Brobeck for the plaintiff in error and by Mr. U. S. Webb for the defendant in error.

No. 922. North German Lloyd, claimant, etc., petitioner, *v.* Guaranty Trust Company of New York et al. Argument concluded by Mr. Walter C. Noyes for the petitioner.

No. 519. International Lumber Company, plaintiff in error, *v.* The United States. In error to the United States Circuit Court of Appeals for the Eighth Circuit. Dismissed, pursuant to the sixteenth rule, on motion of Mr. Solicitor General Davis for the defendant in error.

No. 721. Thomas Ewing, Commissioner of Patents, petitioner, *v.* The United States ex rel. The Fowler Car Company. Argued by Mr. Solicitor General Davis for the petitioner and by Mr. George L. Wilkinson for the respondent.

No. 67. The Hart Steel Company et al., petitioners, *v.* The Railroad Supply Company, and

No. 95. The Railroad Supply Company, petitioner, *v.* Elyria Iron & Steel Co. Argument commenced by Mr. Frederick P. Fish for the petitioners, continued by Mr. Taylor E. Brown for the respondents.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 18, will be as follows: Nos. 67 (and 95), 170, 171, 176, 178, 179 (and 180), 185, 189 (and 190), 192, and 194.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 18, 1917.

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

Farrar L. McCain, of Tulsa, Okla.; Edgar Bromberger, of New York City; Henry C. Neuwirth, of New York City; and Tappan Gregory, of Chicago, Ill., were admitted to practice.

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No. 961. Henry G. S. Noble, etc., appellant, *v.* The Western Union Telegraph Company et al.; and

No. 962. Henry G. S. Noble, etc., appellant, *v.* The United Telegram Company et al. Motion to advance submitted by Mr. H. S. Robbins for the appellant.

No. 67. The Hart Steel Company et al., petitioners, *v.* The Railroad Supply Company; and

No. 95. The Railroad Supply Company, petitioner, *v.* Elyria Iron & Steel Company. Argument continued by Mr. Taylor E. Brown for the Railroad Supply Company, and concluded by Mr. Frank F. Reed for the Hart Steel Company et al. and Elyria Iron & Steel Company.

No. 170. The Santa Fe Pacific Railroad Company, appellant, *v.* Franklin K. Lane, Secretary of the Interior. Argued by Mr. Alexander Britton for the appellant, and by Mr. Assistant Attorney General Kearful for the appellee.

No. 171. Chicago Life Insurance Company et al., plaintiffs in error, *v.* Bertha R. Cherry. Argued by Mr. Charles A. Atkinson for the plaintiffs in error, and by Mr. Vernon R. Loucks for the defendant in error.

No. 176. Chicago, Milwaukee & St. Paul Railroad Company of Idaho, appellant, *v.* The United States. Argument commenced by Mr. F. M. Dudley for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 19, will be as follows: Nos. 176, 178, 179 (and 180), 185, 189 (and 190), 192, 194, 195, 196 and 197.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 19, 1917.

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

Hampton D. Ewing, of New York City; Redmond D. Stephens, of Chicago, Ill.; and John H. Coss, of Mansfield, Ohio, were admitted to practice.

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No. 196. The Salt Lake Investment Company, plaintiff in error, *v.* Oregon Short Line Railroad Company. Passed, per stipulation.

No. 176. Chicago, Milwaukee & St. Paul Railway Company of Idaho, appellant, *v.* The United States. Argument continued by Mr. F. M. Dudley for the appellant, continued by Mr. Assistant Attorney General Kearful for the appellee, and concluded by Mr. H. H. Field for the appellant.

No. 178. Emma Taylor, administratrix of Frank Taylor et al., plaintiffs in error, *v.* Drainage District Number Fifty-six of Emmet County, Iowa, et al. Submitted by Mr. Edgar A. Morling for the plaintiffs in error and by Mr. J. W. Morse and Mr. H. H. Obear for the defendants in error.

No. 179. Frank P. Chesbrough, plaintiff in error, *v.* Frank T. Woodworth; and

No. 180. Frank T. Woodworth, plaintiff in error, *v.* Frank P. Chesbrough. Argument commenced by Mr. Edward S. Clark for Woodworth and continued by Mr. Thomas A. E. Weadock for Chesbrough.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 20, will be as follows: Nos. 179 (and 180), 185, 189 (and 190), 192, 194, 195, 197, 198, 200, and 201.

64422-17-97

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 20, 1917.

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

Thomas H. Dowd, of Cortland, N. Y.; Peter F. McAllister, of Ithaca, N. Y.; P. W. McMullan, of Elizabeth City, N. C.; and Charles F. Curley, of Wilmington, Del., were admitted to practice.

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No. 192. Norfolk Southern Railroad Company, plaintiff in error, *v.* W. C. Chatman. Leave granted to Mr. C. M. Bain to argue *pro hac vice*, on motion of Mr. Charles Whedbee for the defendant in error.

No. 1046. Schneider Granite Company, plaintiff in error, *v.* Gast Realty & Investment Company and Emily Gast. Motion to advance submitted by Mr. C. B. Allen in behalf of counsel for the plaintiff in error.

No. 198. Adolfo Garcia Granada, plaintiff in error and appellant, *v.* Jose Sta. Maria et al. In error to the Supreme Court of the Philippine Islands. Dismissed with costs, pursuant to the 10th rule.

No. 179. Frank P. Chesbrough, plaintiff in error, *v.* Frank T. Woodworth; and

No. 180. Frank T. Woodworth, plaintiff in error, *v.* Frank P. Chesbrough. Argument continued by Mr. Thomas A. E. Weadock for Chesbrough, and concluded by Mr. Edward S. Clark for Woodworth.

No. 185. McGoldrick Lumber Company, appellant, *v.* Charles J. Kinsolving et al. Submitted by Mr. John P. Gray for the appellant, and by Mr. James H. Forney and Mr. Frank L. Moore for the appellees.

No. 189. Patrick Sutton, plaintiff in error, *v.* The State of New Jersey; and

No. 190. Frank Mihm, plaintiff in error, *v.* The State of New Jersey. Argued by Mr. Frank Bergen for the plaintiffs in error, and submitted by Mr. John Bentley for the defendant in error.

No. 192. Norfolk Southern Railroad Company, plaintiff in error, *v.* W. C. Chatman. Argued by Mr. C. M. Bain (by special leave) for the plaintiff in error, and by Mr. Charles Whedbee and Mr. P. W. McMullan for the defendant in error.

No. 194. Lehigh Valley Railroad Company, plaintiff in error, *v.* James H. Barlow. Argued by Mr. Peter F. McAllister for the plaintiff in error, and continued by Mr. Clayton R. Lusk for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 23, will be as follows: Nos. 195, 197, 200, 201, 361, 140, 208, 210, 211, and 213.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 23, 1917.

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

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S. Milton Simpson, of Washington, D. C.; Louis W. Mack, of Chicago, Ill.; Harrison A. Bronson, of Grand Forks, N. Dak.; Robert Ethan Little, of Washington, D. C.; William R. Eaton, of Denver, Colo.; Frederick W. Mansfield, of Boston, Mass.; John E. Swift, of Milford, Mass.; Peter F. Ward, of Hot Springs, S. Dak.; William B. Dudley, of Hot Springs, S. Dak.; and James P. McGovern, of New York City, were admitted to practice.

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No. 762. Seaboard Air Line Railway, plaintiff in error, *v.* J. H. Lorick. In error to the Supreme Court of the State of South Carolina. Judgment affirmed with costs. Opinion by Mr. Justice Brandeis. Dissenting: Mr. Justice Van Devanter and Mr. Justice McReynolds.

No. 497. Hendersonville Light & Power Company et al., plaintiffs in error, *v.* Blue Ridge Interurban Railway Company. In error to the Supreme Court of the State of North Carolina. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 621. The United States of America, plaintiff in error, *v.* Foster L. Davis. In error to the District Court of the United States for the Territory of Hawaii. Judgment reversed and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice McKenna.

No. 492. Oregon & California Railroad Company et al. *v.* The United States. On certificate from and writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree modified and affirmed, and cause remanded to the District Court of the United States for the District of Oregon. Opinion by Mr. Justice McKenna. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 606. H. Snowden Marshall, appellant, *v.* Robert B. Gordon, Sergeant at Arms of the House of Representatives of the United

States. Appeal from the District Court of the United States for the Southern District of New York. Final order reversed with costs, and cause remanded with directions to discharge the relator from custody. Opinion by Mr. Chief Justice White.

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

No. 185. McGoldrick Lumber Company, appellant, *v.* Charles J. Kinsolving et al. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. Per curiam: Judgment affirmed with costs upon the authority of *Johnson v. Towsley*, 13 Wall., 72; *Shepley v. Cowan*, 91 U. S., 330; *DeCambra v. Rogers*, 189 U. S., 119; *Greenameyer v. Coate*, 212 U. S., 434.

No. 961. Henry G. S. Noble, as president of the New York Stock Exchange, appellant, *v.* The Western Union Telegraph Company et al.; and

No. 962. Henry G. S. Noble, as president of the New York Stock Exchange, appellant, *v.* The United Telegram Company. Motion to advance granted, and cases assigned for argument with cases Nos. 680 and 681.

No. 793. Willie M. Going, administratrix, etc., plaintiff in error, *v.* Norfolk & Western Railway Company. Motion for leave to proceed *in forma pauperis* denied.

No. 342. The Cuyahoga River Power Company, plaintiff in error, *v.* The Northern Realty Company. Ordered that this case be placed on the summary docket, and assigned for argument on Monday, May 7 next, after the cases heretofore assigned for that day.

No. 472. Paul Hill Saunders, plaintiff in error, *v.* Daniel Shaw et al. Ordered that this case be placed on the summary docket, and assigned for argument on Monday, May 7 next, after the cases heretofore assigned for that day.

No. 1015. The United States, petitioner, *v.* William B. Poland et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 1056. Thomas Gilcrease, petitioner, *v.* G. R. McCullough et al. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma granted.

No. 1065. Northern Pacific Railway Company et al., petitioners, *v.* E. W. McComas. Petition for a writ of certiorari to the Supreme Court of the State of Oregon granted.

No. 1002. Union Pacific Railroad Company, petitioner, *v.* Eva E. Cook, administratrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of Iowa denied.

No. 1031. The United States ex rel. Ng. Sam et al., petitioners, *v.* Joseph H. Wallis, Assistant Commissioner of Immigration, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1040. Hugh Chambers, trustee, etc., petitioner, *v.* Continental Trust Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1043. Union Pacific Railroad Company, petitioner, *v.* Maude M. Henderson, administratrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of Nebraska denied.

No. 1044. Joseph Hertzberg et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1050. Sidney J. Brooks, receiver, etc., petitioner, *v.* Empire Trust Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1072. Mount Vernon & Marshall Hall Steamboat Company, Ltd., petitioner, *v.* John L. McKenney. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 1073. Presbyterian Home Hospital et al., petitioners, *v.* Mary Dockery Gooch, by her next friend, William D. Gooch. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1074. Keystone Wood Company, petitioner, *v.* Susquehanna Boom Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 536. Franz Tempel, plaintiff in error, *v.* The United States. Motion to place on the summary docket submitted by Mr. Solicitor General Davis for the defendant in error.

No. 719. The United States, petitioner, *v.* Iver Ingebretsen Ness. Motion to place on the summary docket submitted by Mr. Solicitor General Davis for the petitioner.

No. 1085. Nick A. Mayers, petitioner, *v.* The Union Railroad Company. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. Frank C. McGirr and Mr. John M. Freeman for the petitioner, and by Mr. Samuel McClay for the respondent.

No. 1089. Francisco Arias and Rosario Arias, the latter being represented by her guardian ad litem, Francisco Arias, appellants, *v.* Mariano Veloso, Damiano Veloso, and Melchor Veloso. Appeal from the Supreme Court of the Philippine Islands. Docketed and dismissed with costs, on motion of Mr. Evans Browne for the appellees.

No. 24, Original. State of Minnesota, complainant, *v.* State of Wisconsin. Leave granted to file reply, on motion of Mr. Lyndon A. Smith for the complainant.

No. 1051. John B. Gleason, petitioner, *v.* Mary C. Thaw. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Gist Blair and Mr. John B. Gleason for the petitioner.

No. 646. D. M. Hiller et al., plaintiffs in error, *v.* Thomas B. Crenshaw, clerk, et al. Motion to dismiss submitted by Mr. R. L. Bartels for the defendants in error in support of the motion, and by Mr. H. D. Minor for the plaintiff in error in opposition thereto.

No. 1075. The City of Centralia, petitioner, *v.* A. R. Titlow, as Receiver, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Blackburn Esterline, Mr. Samuel H. Piles, Mr. James B. Howe, and Mr. Dallas V. Halverstadt for the petitioner.

No. 210. E. I. du Pont de Nemours Powder Company et al., petitioners, *v.* Walter E. Masland et al. Passed temporarily, per stipulation of counsel.

No. 195. William W. Withnell et al., plaintiffs in error, *v.* William R. Bush Construction Company. Argued by Mr. C. B. Allen for the plaintiffs in error and submitted by Mr. Edward C. Kehr for the defendant in error.

No. 197. Josephine B. Lewis, Executric, etc., appellant, *v.* The United States. Submitted by Mr. L. Russell Alden and Mr. E. F. Colladay for the appellant and by Mr. Assistant Attorney General Thompson for the appellee.

No. 200. The Toledo Railways & Light Company, plaintiff in error, *v.* Walter L. Hill et al., Executors, etc. Argued by Mr. Robert Burns for the plaintiff in error and by Mr. Howard S. Gans for the defendant in error.

No. 211. Erie Railroad Company, plaintiff in error, *v.* Evelyn J. Purucker, Administratrix, etc. Argued by Mr. C. E. McBride for the plaintiff in error and by Mr. W. S. Kerr for the defendant in error.

No. 201. Norman S. Wear impleaded *sub. nom.* The Wear Sand Company et al., plaintiffs in error, *v.* The State of Kansas ex rel. S. M. Brewster, Attorney General. Passed.

No. 361. Emilio Valdez, plaintiff in error, *v.* The United States. Argument commenced by Mr. T. T. Ansberry for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 24, will be as follows: Nos. 361, 140, 208, 213, 214, 215, 216, 217, 219, and 220.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 24, 1917.

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

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No. — Original. Ex parte Park Square Automobile Station, petitioner. Motion for leave to file a petition for writ of mandamus submitted by Mr. E. C. Stone in that behalf.

No. 361. Emilio Valdez, plaintiff in error, *v.* The United States. Argument continued by Mr. T. T. Ansberry for the plaintiff in error and submitted by Mr. Solicitor General Davis and by Mr. Assistant Attorney General Warren for the defendant in error.

No. 140. Park Square Automobile Station, plaintiff in error, *v.* American Locomotive Company. Argued by Mr. Edward C. Stone for the plaintiff in error and submitted by Mr. Robert G. Dodge for the defendant in error.

No. 208. United Copper Securities Company et al., plaintiffs in error, *v.* Amalgamated Copper Company et al. Argument commenced by Mr. Ferdinand E. M. Bullowa for plaintiffs in error, continued by Mr. Louis Marshall for defendant in error, Adolph Lewi-son, and by Mr. John A. Garver, counsel for defendants in error. Amalgamated Copper Company et al., and concluded by Mr. Ferdinand E. M. Bullowa for the plaintiffs in error.

No. 213. Seaboard Air Line Railway, plaintiff in error, *v.* Elizabeth Blackwell. Submitted by Mr. Lamar C. Rucker for the plaintiff in error. No appearance for the defendant in error.

No. 214. D. B. Smith et al., plaintiffs in error, *v.* Third National Exchange Bank of Sandusky, Ohio, et al. Argument commenced by Mr. F. G. Morris for plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 25, will be as follows: Nos. 214, 215, 216, 217, 219, 220, 221, 222, 227, and 229.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 25, 1917.

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

L. H. Fisher, of Washington, D. C.; Roswell King, of Jacksonville, Fla.; Patrick J. O'Brien, of Missoula, Mont.; Roger Montgomery, of Tunica, Miss.; Robert G. Dodge, of Boston, Mass.; and John H. Wourms, of Wallace, Idaho, were admitted to practice.

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No. 27, Original. The State of North Dakota, complainant, *v.* The State of Minnesota. Motion and stipulation for the appointment of a commissioner to take testimony, submitted by Mr. Harrison A. Bronson for the complainant.

No. 227. Lazarus, Michel and Lazarus, petitioners, *v.* W. P. G. Harding et al., trustees, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Dismissed for the want of prosecution.

No. 229. Stanley Meisukas, plaintiff in error, *v.* Greenough Red Ash Coal Company. Passed, per stipulation of counsel.

No. 214. D. B. Smith et al., plaintiffs in error, *v.* Third National Exchange Bank of Sandusky, Ohio, et al. Argument continued by Mr. F. G. Morris for the plaintiffs in error, by Mr. W. H. Winter for the defendants in error, and concluded by Mr. F. G. Morris for the plaintiffs in error.

No. 215. Farmers' Irrigation District et al., plaintiffs in error, *v.* The State of Nebraska on the relation of Peter O'Shea. Submitted by Mr. Fred A. Wright for the plaintiffs in error and by Mr. Thomas M. Morrow for the defendant in error.

No. 216. R. J. Darnell, appellant, *v.* George R. Edwards et al., constituting the Mississippi Railroad Commission. Argued by Mr. Roger Montgomery for the appellant and submitted by Mr. James N. Flowers for the appellees.

No. 217. Pennsylvania Tunnel and Terminal Railroad Company, plaintiff in error, *v.* Charles E. Hendrickson et al., State Board of Assessors et al. Submitted by Mr. Albert C. Wall for the plaintiff in error and by Mr. John W. Wescott and Mr. John R. Hardin for the defendants in error.

No. 219. Southern Railway Company, plaintiff in error, *v.* H. E. Puckett. Argued by Mr. Sanders McDaniel for the plaintiff in error and by Mr. Edgar Watkins for the defendant in error.

No. 220. Puget Sound Traction, Light & Power Company, appellant, *v.* Charles A. Reynolds et al. Submitted by Mr. James B. Howe for the appellant and by Mr. W. V. Tanner and Mr. Scott Z. Henderson for the appellees.

No. 221. The Pennsylvania Railroad Company, Lessee, etc., plaintiff in error, *v.* Albert G. Towers et al., constituting the Public Service Commission of Maryland. Argument commenced by Mr. Frederic D. McKenney for the plaintiff in error and continued by Mr. W. Cabell Bruce for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 26, will be as follows: Nos. 221, 222, 230, 231, 235, 237, 239 (and 240), 241, 243, and 244.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 26, 1917.

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

F. Harold Schmitt, of Chicago, Ill., Rudolph Bumgardner, of Staunton, Va., H. Bedford Duff, of Erie, Pa., and Worth Allen, of Chicago, Ill., were admitted to practice.

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No. 244. David E. Sowers et al., plaintiffs in error, *v.* Frank T. Johnson et al. In error to the Supreme Court of the State of Colorado. Dismissed with costs, pursuant to the tenth rule.

No. 221. The Pennsylvania Railroad Company, lessee, etc., plaintiff in error, *v.* Albert G. Towers et al., constituting the Public Service Commission of Maryland. Argument continued by Mr. W. Cabell Bruce for the defendants in error and concluded by Mr. F. D. McKenney for the plaintiff in error.

No. 222. The Missouri Pacific Railway Company, plaintiff in error, *v.* McGrew Coal Company. Argued by Mr. James F. Green for the plaintiff in error and by Mr. Edwin A. Krauthoff for the defendant in error.

No. 230. The Cudahy Packing Company, plaintiff in error, *v.* The State of Minnesota. Argued by Mr. Robert E. Olds for the plaintiff in error and by Mr. Lyndon A. Smith for the defendant in error.

No. 231. Charles H. Buchanan, plaintiff in error, *v.* William Warley. Leave granted Mr. H. R. Pollard to file brief as *amicus curiæ*, on motion of Mr. Pendleton Beckley in that behalf. Leave granted to Mr. Wells H. Blodgett and others to file brief as *amici curiæ*, on motion of Mr. Clayton B. Blakey in that behalf.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 27, will be as follows: Nos. 231, 235, 237, 239 (and 240), 241, 243, 245, 246, 247, and 248.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 27, 1917.

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

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No. 246. E. O. Ellison, plaintiff in error, *v.* City of La Moure et al. Continued, per stipulation.

No. 247. David Lloyd, plaintiff in error, *v.* City of La Moure et al. Continued, per stipulation.

No. 231. 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 concluded by Mr. Moorfield Storey for the plaintiff in error.

No. 235. Illinois Surety Company, plaintiff in error, *v.* The John Davis Company et al. Argument commenced by Mr. Albert J. Hopkins for the plaintiff in error, continued by Mr. William D. McKenzie, and Mr. Worth Allen for the defendants in error, and concluded by Mr. Albert J. Hopkins for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 30, will be as follows: Nos. 237, 239 (and 240), 241, 243, 245, 248, 249, 250, 252, and 183.

64422—17—103

# SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 30, 1917.

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Present. The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

William H. Taylor, of Boston, Mass.; Frederick R. Graves, of New York City; Sergeant Prentiss Freeling, of Oklahoma City, Okla.; Samuel Doerfler, of Cleveland, Ohio; Thomas S. Dunlap, of Cleveland, Ohio; Clifford Pabody Smith, of Boston, Mass.; Chester H. Terrell, of San Antonio, Tex.; Theo. C. Eggers, of St. Louis, Mo.; Troy Wilson Lewis, of Little Rock, Ark.; and Frederick C. Fisher, of Manila, P. I., were admitted to practice.

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No. 840. Louisville & Nashville Railroad Company and Atlantic Coast Line Railroad Company, lessees of Georgia Railroad and Banking Company et al., plaintiffs in error *v.* O. Y. Layton. In error to the Supreme Court of the State of Georgia. Judgment affirmed with costs. Opinion by Mr. Justice Clarke.

No. 685. The United States, plaintiff in error, *v.* Jesse T. Morehead. In error to the District Court of the United States for the District of Montana. Judgment reversed and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brandeis.

No. 275. St. Louis, Iron Mountain & Southern Railway Company, plaintiff in error, *v.* C. A. Starbird, administrator of the estate of Adam Miller, deceased; and

No. 796. C. A. Starbird, administrator of the estate of Adam Miller, deceased, plaintiff in error, *v.* St. Louis, Iron Mountain & Southern Railway Company. In error to the Supreme Court of the State of Arkansas. Judgment reversed with costs to the railroad company; and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Day.

No. 577. The Pennsylvania Railroad Company, plaintiff in error, *v.* Olivit Brothers. In error to the Supreme Court of the State of New Jersey. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 578. The Pennsylvania Railroad Company, plaintiff in error, *v.* Isaac W. Carr and Fannie G. Estes, partners, doing business as Isaac W. Carr & Company. In error to the Supreme Court of the State of New Jersey. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 894. G. Washington Lott, appellant, *v.* David W. Pittman, Sheriff of Ware County, Georgia. Appeal from the District Court of the United States for the Southern District of Georgia. Final order affirmed with costs. Opinion by Mr. Justice McKenna.

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The Chief Justice announced the following orders of the Court:

No. 140. Park Square Automobile Station, plaintiff in error, *v.* American Locomotive Company. In error to the District Court of the United States for the Northern District of New York. *Per curiam*: Dismissed for want of jurisdiction upon the authority of *McLish v. Roff*, 141 U. S. 661; *Bender v. Pennsylvania Company*, 148 U. S. 502; *McDonnell v. Jordan*, 169 U. S. 734; *Heike v. United States*, 217 U. S. 423.

No. 195. William W. Withnell, M. Cecile Withnell, his wife; Maud E. Hager et al., plaintiffs in error, *v.* William R. Bush Construction Company. In error to the St. Louis Court of Appeals, State of Missouri. *Per curiam*: Judgment reversed with costs upon the authority of *Gast Realty Company v. Schneider Granite Company*, 240 U. S. 55.

No. 217. Pennsylvania Tunnel & Terminal Railroad Company, plaintiff in error, *v.* Charles E. Hendrickson et al., State board of assessors, and Edward I. Edwards, comptroller. In error to the Supreme Court of the State of New Jersey. *Per curiam*: Judgment affirmed with costs upon the authority of *Florida Central & Peninsular Railroad Co. v. Reynolds*, 183 U. S. 471.

No. 646. D. M. Hiller and Max Miller et al., sureties, plaintiffs in error, *v.* Thomas B. Crenshaw, clerk, W. E. Woolen, revenue agent, and John C. McLemore, clerk. In error to the Supreme Court of the State of Tennessee. *Per curiam*: Dismissed for want of jurisdiction upon the authority of *Eustis v. Bolles*, 150 U. S. 361; *Leathe v. Thomas*, 207 U. S. 93; *Mellon Company v. McCafferty*, 239 U. S. 134.

No. —, Original. *Ex parte* In the matter of Park Square Automobile Station, petitioner. Motion for leave to file petition for writ of mandamus herein granted, and rule to show cause awarded returnable Monday, May 21 next.

No. 27, Original. The State of North Dakota, complainant, *v.* The State of Minnesota. Motion to appoint Wallace B. Douglass as commissioner to take and return the testimony in this cause granted.

No. 1046. Schneider Granite Company, plaintiff in error, *v.* Gast Realty & Investment Company and Emily Gast. Motion to advance granted, and cause assigned for argument on Tuesday, October 2 next, after the cases heretofore assigned for that day.

No. 536. Franz Tempel, plaintiff in error, *v.* The United States. Motion to place on summary docket granted.

No. 719. The United States, petitioner, *v.* Iver Engebretsen Ness. Motion to place on summary docket granted.

Nos. 1000 and 1001. Industrial Accident Commission of California, petitioner, *v.* Southern Pacific Company. Petitions for writs of certiorari to the Supreme Court of the State of California denied.

No. 1051. John B. Gleason, petitioner, *v.* Mary C. Thaw. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1075. City of Centralia, petitioner, *v.* A. R. Titlow, as receiver, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1085. Nick A. Mayers, petitioner, *v.* The Union Railroad Company. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania denied.

The Chief Justice also announced that the call of the docket will be suspended for the term after the argument of the cases specially assigned for Monday, May 7, and the Court will then take a recess until Monday, May 21. No petitions for writs of certiorari or motions, except motions for admission to practice, will be received after Monday, June 4.

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No. 860. Joseph Friedman, plaintiff in error, *v.* The United States. Motion to dismiss submitted by Mr. Assistant to the Attorney General Todd in behalf of Mr. Solicitor General Davis for the defendant in error in support of the motion, and by Mr. William H. Taylor for the plaintiff in error in opposition thereto.

No. 897. H. N. Johnson et al., etc., appellants, *v.* William G. McAdoo, Secretary of the United States Treasury Department. Motion to affirm submitted by Mr. Assistant to the Attorney General Todd in behalf of Mr. Solicitor General Davis for the appellee in support of the motion, with leave to Mr. Cornelius J. Jones for the appellant to file opposition on or before Friday next.

No. 1033. Supreme Lodge of the World, Loyal Order of the Moose, petitioner, *v.* Thomas P. Kenney, as administrator, etc. Petition for

a writ of certiorari to the Supreme Court of the State of Alabama submitted by Mr. E. J. Henning for the petitioner.

No. 521. The Philippine Sugar Estates Development Company, Limited, plaintiff in error and appellant, *v.* The Government of the Philippine Islands. Motion to dismiss submitted by Mr. Samuel T. Ansell for the defendant in error and appellee in support of the motion, and by Mr. Antonio M. Opisso for the plaintiff in error and appellant in opposition thereto. Motion to amend transcript of record submitted by Mr. Antonio M. Opisso for the plaintiff in error and appellant.

No. 1077. J. N. M. Shimer, petitioner, *v.* Sabine W. Wister. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Benjamin Micou in behalf of Mr. J. S. Freeman for the petitioner, and by Mr. Thomas Stokes and Mr. George Whorton Pepper for the respondent.

No. 1093. John Kenny, petitioner, *v.* Laban Miller et al. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. Charles J. Kappler for the petitioner, with leave to Mr. Assistant Attorney General Todd to file brief herein within one week if so advised. Leave granted to print record herein within ten days.

No. 520. Ohio C. Barber, petitioner, *v.* The Columbia Chemical Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Charles E. Smoyer for the petitioner, and by Mr. W. T. Holliday for the respondent.

Nos. 1080, 1081, 1082, and 1083. Ocean Steamship Company, Ltd., petitioner, *v.* United States Steel Products Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. L. Russell Alden in behalf of Mr. Charles S. Haight for the petitioner, and by Mr. J. Parker Kirlin for the respondent.

No. 1087. Edward N. Maul and Florida Citrus Supply Company, petitioners, *v.* L. B. Skinner Manufacturing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. F. M. Durrence and Mr. George C. Bedell for the petitioners, and by Mr. T. Hart Anderson for the respondent.

No. 1055. Industrial Accident Commission of the State of California, petitioner, *v.* Southern Pacific Company. Petition for a writ of certiorari to the Supreme Court of the State of California submitted by Mr. Evans Browne in behalf of Mr. Christopher M. Bradley for the petitioner, and by Mr. Henley C. Booth and Mr. William F. Herrin for the respondent.

No. 889. The City of Englewood, plaintiff in error, *v.* The Denver & South Platte Railway Company. Motion to vacate supersedeas submitted by Mr. Fred Farrar for the defendant in error in support of the motion and by Mr. L. F. Twitchell for the plaintiff in error in opposition thereto.

No. 806. William Terry, plaintiff in error, *v.* The State of Kansas. In error to the Supreme Court of the State of Kansas. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 237. Nevada-California-Oregon Railway, plaintiff in error, *v.* Joseph Burrus. Submitted by Mr. James Glynn for the plaintiff in error, and by Mr. Sardis Summerfield and Mr. John E. Raker for the defendant in error.

No. 239. The New York Central & Hudson River Railroad Company, plaintiff in error, *v.* Michael Tonsellito, an infant, etc. Submitted by Mr. Albert C. Wall for the plaintiff in error, and by Mr. Alexander Simpson for the defendant in error.

No. 240. The New York Central & Hudson River Railroad Company, plaintiff in error, *v.* James Tonsellito. Submitted by Mr. Albert C. Wall for the plaintiff in error, and by Mr. Alexander Simpson for the defendant in error.

No. 241. The Missouri, Kansas & Texas Railway Company of Texas et al., plaintiffs in error, *v.* J. H. Ward et al. Submitted by Mr. Alexander Britton and Mr. Joseph M. Bryson for the plaintiffs in error. No counsel appeared for the defendants in error.

No. 243. The United States of America for the use of T. H. Kessler & Company, plaintiff in error, *v.* Title Guaranty & Surety Company. Continued per stipulation of counsel.

No. 245. Perry G. Lanham, as administrator, etc., et al., plaintiff in error, *v.* J. F. McKeel. Submitted by Mr. Orion L. Rider for the plaintiffs in error, and by Mr. J. F. McKeel, in propria persona.

No. 248. American Express Company, plaintiff in error, *v.* United Horse Shoe Company. Argued by Mr. Charles F. Patterson for the plaintiff in error, and by Mr. W. Pitt Gifford for the defendant in error.

No. 249. The Buckeye Powder Company, plaintiff in error, *v.* E. I. du Pont de Nemours Powder Company et al. Argument commenced by Mr. Twyman O. Abbott for the plaintiff in error, and continued by Mr. Frank S. Katzenbach, jr., for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, May 1, will be as follows: Nos. 249, 250, 252, 183, 229, 253, 254, 255, 256, and 263.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, MAY 1, 1917.

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

Clare Greacen, of Washington, D. C.; William W. Hampton, jr., of Gainesville, Fla.; Charles F. Taplin, of Cleveland, Ohio; Eugene L. Culver, of Tacoma, Wash.; and Lindsay L. Thompson, of Olympia, Wash., were admitted to practice.

No. 255. H. H. Hale, plaintiff in error, *v.* E. W. Record. In error to the Supreme Court of the State of Oklahoma. Dismissed, with costs, pursuant to the tenth rule.

No. 256. The Mississippi Railroad Commission et al., appellants, *v.* The Mobile & Ohio Railroad Company. Submitted by Mr. James N. Flowers for the appellants and by Mr. S. R. Prince and Mr. Carl Fox for the appellee.

No. 263. Moses D. Beer, plaintiff in error, *v.* American Express Company. Passed temporarily.

No. 249. The Buckeye Powder Company, plaintiff in error, *v.* E. I. du Pont de Nemours Powder Company et al. Argument continued by Mr. Frank S. Katzenbach, jr., for the defendant in error and concluded by Mr. William H. Button for the defendant in error.

No. 250. The State of Nebraska, ex rel. Henry C. Bittenbender et al., plaintiffs in error, *v.* The Excise Board of the City of Lincoln, Nebr. Submitted by Mrs. Ada M. Bittenbender for the plaintiffs in error and by Mr. George W. Berge and Mr. C. Petrus Peterson for the defendant in error.

No. 252. J. Sam Rowland et al., railroad commissioners of the State of Arkansas, appellants, *v.* Sidney E. Boyle, as administrator, etc., et al. One hour additional time allowed each side in the reargument of this case, on motion of Mr. Joseph M. Hill, in that behalf. Reargument commenced by Mr. Joseph M. Hill for the appellants, continued by Mr. S. P. Freeling for the appellants, and by Mr. S. T. Bledsoe for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, May 2, will be as follows: Nos. 252, 183, 229, 254, 264, 265, 266, 267, 268, 270.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MAY 2, 1917.

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

C. Henri Lewis, jr., of Detroit, Mich, and David Groberg, of Brooklyn, N. Y., were admitted to practice.

No. 183. St. Louis, Iron Mountain and Southern Railway Company, appellant, *v.* William F. McKnight et al., Railroad Commissioners of the State of Arkansas. Death of Howard H. Gallup, one of the appellees, suggested and the appearance of Mrs. Jennie Gallup, executrix, etc., filed and entered, on motion of Mr. Allyn Smith for the appellees.

No. 263. Moses D. Beer, plaintiff in error, *v.* American Express Company. In error to the Supreme Court of the State of Mississippi. Dismissed with costs on motion of Mr. Levi Cooke in behalf of counsel for the plaintiff in error.

No. 265. Domaso Apurado et al., plaintiffs in error and appellants, *v.* Ensebia Broce et al. In error to and appeal from the Supreme Court of the Philippine Islands. Dismissed with costs, pursuant to the 10th Rule.

No. 268. Francis C. Welch et al., trustees, etc., plaintiffs in error, *v.* The City of Boston. In error to the Superior Court of the State of Massachusetts. Dismissed with costs, pursuant to the 10th Rule.

No. 252. J. Sam Rowland et al., Railroad Commissioners of the State of Arkansas, appellants, *v.* Sidney E. Boyle, as administrator, etc., et al. Reargument continued by Mr. S. T. Bledsoe and Mr. J. M. Moore for the appellees and concluded by Mr. Joseph M. Hill for the appellants.

No. 183. St. Louis, Iron Mountain and Southern Railway Company, appellant, *v.* William F. McKnight et al., Railroad Commissioners of the State of Arkansas. Argued by Mr. J. M. Moore for the appellant and Mr. Allyn Smith for the appellees.

No. 229. Stanley Meisukas, plaintiff in error, *v.* Greenough Red Ash Coal Company. Argued by Mr. Jesse C. Adkins for the plaintiff in error and by Mr. Charles W. Pierson for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, May 3, will be as follows: 253, 254, 264, 266, 267, 270, 210, 271, 273, and 276.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, MAY 3, 1917.

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

James A. O'Neill, of Ironwood, Mich., Gustave A. Wolf, of Grand Rapids, Mich., and Francis P. Garland, of Boston, Mass., were admitted to practice.

No. 270. The United States, appellant, *v.* The Board of County Commissioners of Osage County, Oklahoma, et al. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Dismissed on motion of counsel for the appellant.

No. 253. Hidekuni Iwata, appellant, *v.* Charles T. Cornell, as immigration inspector in charge. Submitted by Mr. Lewis H. Smith for the appellant, and by Mr. Solicitor General Davis for the appellee.

No. 254. Erie Railroad Company, plaintiff in error, *v.* Henry M. Stone et al., etc. Argued by Mr. William E. Cushing for the plaintiff in error. No brief filed for defendants in error.

No. 264. The United States ex rel. The State of Louisiana, petitioner, *v.* Hon. Aleck Boorman, Judge, U. S. District Court, Western District of Louisiana. Death of Hon. Aleck Boorman suggested, and motion to make his successor in office party respondent, submitted by Mr. Harry Gamble for the petitioner, and substitution ordered.

No. 264. The United States ex rel. The State of Louisiana, petitioner, *v.* Hon. George Whitfield Jack, Judge, U. S. District Court, Western District of Louisiana. Argued by Mr. Harry Gamble for the petitioner, and by Mr. Henry Bernstein and Mr. Willard F. Keeney for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, May 4, will be as follows: Nos. 266, 267, 210, 271, 273, 276, 277, 278 (and 279), 282, and 283.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, MAY 4, 1917.

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

Charles S. Burg, of St. Louis, Mo.; Henry Newhall Berry, of Lynn, Mass.; Frank Smith, of Philadelphia, Pa.; Asahel W. Gage, of Chicago, Ill.; John L. Bernstein, of New York City; and Elmer J. Lundy, of Tulsa, Okla., were admitted to practice.

No. 266. Grand Rapids & Indiana Railway Company, plaintiff in error, *v.* The United States. Submitted by Mr. James H. Campbell and Mr. Elvert M. Davis for the plaintiff in error, and by Mr. Assistant Attorney General Underwood and Mr. S. Milton Simpson for the defendant in error.

No. 267. The Atchison, Topeka & Santa Fe Railway Company, petitioner, *v.* The United States. Argued by Mr. Paul Burks for the petitioner, and by Mr. Assistant Attorney General Underwood for the respondent.

No. 210. E. I. du Pont de Nemours Powder Company et al., petitioners, *v.* Walter E. Masland et al. Argued by Mr. Edwin J. Prindle for the petitioners, and by Mr. George Wharton Pepper for the respondents.

No. 271. William E. Wall et al., appellants, *v.* Parrot Silver & Copper Company et al. Argument commenced by Mr. Francis P. Garland for the appellants, and continued by Mr. L. O. Evans for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, May 7, will be as follows: 271, 273, 276, 326, 571, 342, and 472.

64422—17—108

## SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 7, 1917.

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

Donald H. McLean, of Elizabeth, N. J.; Charles C. Chapman, of Ashland, Ohio; Joe, Crider, jr., of Los Angeles, Cal.; Ralph T. Keyser, of New York City; Albert H. Putney, of Chicago, Ill.; William F. Dickinson, of Chicago, Ill.; William A. Sheehan, of Washington, D. C.; and Edwin B. Morgan, of Wilkes-Barre, Pa., were admitted to practice.

No. 52. Ida A. Van Dyke and Cleve W. Van Dyke, appellants *v.* W. Paul Geary, Amos W. Cole, and Frank A. Jones, members of the Corporation Commission of the State of Arizona et al. Appeal from the District Court of the United States for the District of Arizona. Decree affirmed with costs. Opinion by Mr. Justice Brandeis. Dissenting: Mr. Justice McReynolds.

No. 334. Gulf, Colorado & Santa Fe Railway Company, plaintiff in error, *v.* Texas Packing Company and Wabash Railroad Company. In error to the Court of Civil Appeals, Third Supreme Judicial District, State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 922. North German Lloyd, claimant of the steamship Kronprinzessin Cecilie, petitioner, *v.* Guaranty Trust Company of New York and National City Bank of New York. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit Decree reversed with costs, and cause remanded to the District Court of the United States for the District of Massachusetts for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Pitney and Mr. Justice Clarke.

No. 171. Chicago Life Insurance Company and The Federal Life Insurance Company, plaintiffs in error, *v.* Bertha R. Cherry. In error to the Appellate Court for the First District of the State of

Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 721. Thomas Ewing, Commissioner of Patents, petitioner, *v.* The United States ex rel. The Fowler Car Company. On writ of certiorari to the Court of Appeals of the District of Columbia. Judgment reversed with costs, and cause remanded with instructions to reverse the judgment of the Supreme Court of the District of Columbia and direct it to discharge the rule and dismiss the petition. Opinion by Mr. Justice McKenna.

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The Chief Justice announced the following orders of the court:

No. 897. H. N. Johnson et al., appellants, *v.* William G. McAdoo, Secretary of the United States Treasury Department. Appeal from the Court of Appeals of the District of Columbia. Per curiam: Judgment affirmed with costs upon the authority of *Belknap v. Schild* (161 U. S., 10); *Postal Supply Co. v. Bruce* (194 U. S., 601); *Goldberg v. Daniels* (231 U. S., 218); *Louisiana v. McAdoo* (234 U. S., 627).

No. 860. Joseph Friedman, plaintiff in error, *v.* The United States. 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 *MacFadden v. United States* (213 U. S., 288).

No. 521. The Philippine Sugar Estates Development Company (Ltd.), plaintiff in error and appellant, *v.* The Government of the Philippine Islands. Motion to dismiss denied, and motion to amend transcript of record granted.

No. 889. The City of Englewood, plaintiff in error, *v.* The Denver & South Platte Railway Company. Motion to vacate supersedeas granted.

No. 37. The City of Cincinnati, appellant, *v.* The Cincinnati & Hamilton Traction Company et al. Ordered that this case be restored to the docket for reargument.

No. 313. The Northern Ohio Traction & Light Company et al., plaintiff in error, *v.* The State of Ohio on the relation of Hubert C. Pontius, prosecuting attorney, etc. Ordered that this case be advanced for argument at the same time as case No. 37.

No. 520. Ohio C. Barber, petitioner *v.* The Columbia Chemical Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1033. Supreme Lodge of the World, Loyal Order of Moose, petitioner, *v.* Thomas P. Kenney, as administrator, etc. Petition for a writ of certiorari to the Supreme Court of the State of Alabama denied.

No. 1077. N. J. M. Shimer, petitioner, *v.* Sabine W. Wister. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

Nos. 1080, 1081, 1082, and 1083. Ocean Steamship Company, Limited, petitioner, *v.* United States Steel Products Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1087. Edward N. Maull et al., petitioners, *v.* L. B. Skinner Manufacturing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

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Nos. 878 and 879. Philadelphia & Reading Railway Company, plaintiff in error, *v.* The United States. Motion to dismiss submitted by Mr. Assistant to the Attorney General Todd in behalf of Mr. Solicitor General Davis for the defendant in error in support of the motion, and by Mr. William Clarke Mason and Mr. Charles Heebner for the plaintiff in error in opposition thereto.

No. 1103. Emanuel J. Doyle, collector of internal revenue, petitioner, *v.* Mitchell Brothers Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Assistant to the Attorney General Todd in behalf of Mr. Solicitor General Davis for the petitioner, and by Mr. Mark Norris for the respondent.

No. 1112. Ralph H. Cameron, appellant, *v.* Thomas F. Weed, register of the United States land office, Phoenix, Arizona, et al. Appeal from the District Court of the United States for the District of Arizona. Docketed and dismissed with costs, on motion of Mr. Assistant to the Attorney General Todd in behalf of Mr. Solicitor General Davis for the appellees.

No. 1107. J. M. Shelton et al., petitioners, *v.* Gas Securities Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Houston Thompson in behalf of Mr. Irving B. Melville for the petitioners, and by Mr. Platt Rogers and Mr. James G. Rogers for the respondent.

Nos. 832, 833, and 834. Mateo Fajardo Cardona, plaintiff in error, *v.* The People of Porto Rico. Motion to dismiss or affirm submitted by Mr. Samuel T. Ansell for the defendants in error in support of the motion, and by Mr. Willis Sweet for the plaintiff in error in opposition thereto.

No. 1105. Wilson D. Wing, 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. Weldon Bailey and Mr. Henry C. Coke for the petitioner, and by Mr. T. M. Kennerly for the respondent.

No. 849. Prairie Oil & Gas Company et al., plaintiffs in error, *v.* Annie Carter. Motion to dismiss submitted by Mr. W. W. Hastings in behalf of Mr. S. W. Hayes for the defendant in error in support of the motion.

No. 1096. Southern Railway Company, petitioner, *v.* Virginia McGuin, administratrix, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Charles D. Drayton in behalf of Mr. R. Walton Moore for the petitioner, and by Mr. Leo P. Harlow for the respondent.

No. 1034. W. C. Bass and R. T. Butler, petitioners, *v.* Mrs. M. A. Geiger. Petition for a writ of certiorari to the Supreme Court of the State of Florida submitted by Mr. G. B. Craighill in behalf of Mr. George Palmer Garrett for the petitioner.

No. 1111. Chin Hing, petitioner, *v.* Henry M. White, as commissioner of immigration, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth circuit submitted by Mr. Charles R. Pierce for the petitioner, with leave to counsel for the respondent to file brief within three days.

No. 1088. Nicholas F. Brady et al., as executors, etc., petitioners, *v.* Charles W. Anderson, late collector of internal revenue, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John M. Perry for the petitioners, and by Mr. Solicitor General Davis for the respondent.

No. 271. William E. Wall et al., appellants, *v.* Parrot Silver & Copper Company et al. Argument continued by Mr. L. O. Evans and Mr. John A. Garver for the appellees and concluded by Mr. Asa P. French for the appellants.

No. 273. Joe Adams et al., appellants, *v.* W. V. Tanner, attorney general of the State of Washington, et al. Argued by Mr. Dallas V. Halverstadt for the appellants, and by Mr. L. L. Thompson for the appellees.

No. 276. Andrew West, appellant, *v.* Edward Rutledge Timber Company et al. Argument commenced by Mr. S. M. Stockslager for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, May 8, will be as follows: 276, 826, 571, 342, and 472.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, MAY 8, 1917.

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

Samuel D. Pepper, of Port Huron, Mich.; W. S. McConnaughey, of Dayton, Ohio; and Hance H. Cleland, of Olympia, Wash., were admitted to practice.

No. 1008. The Delaware Lackawanna & Western Railroad Company, plaintiff in error, *v.* Lillian Williver, administratrix, etc. In error to the Court of Errors and Appeals of the State of New Jersey. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 276. Andrew West, appellant, *v.* Edward Rutledge Timber Company et al. Argument continued by Mr. S. M. Stockslager for the appellant, by Mr. Charles Donnelly for the appellees, and concluded by Mr. Stiles W. Burr for the appellees.

No. 826. Washington Railway & Electric Company, plaintiff in error, *v.* Ann Catherine Scala, administratrix, etc. Argued by Mr. John S. Barbour for the plaintiff in error and by Mr. Daniel W. O'Donoghue for the defendant in error.

No. 571. Emma F. Doepel et al., etc., plaintiffs in error, *v.* Luttie B. Jones et al. Argued by Mr. Samuel Herrick for the plaintiffs in error and by Mr. J. F. King for the defendants in error.

No. 342. The Cuyahoga River Power Company, plaintiff in error, *v.* The Northern Realty Company et al. Argument commenced by Mr. Carroll G. Walter for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, May 9, will be as follows: Nos. 342 and 472.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MAY 9, 1917.

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

Herman B. Goodstein, of New York City, and Lewis R. Graham, of New Orleans, La., were admitted to practice.

No. 342. The Cuyahoga River Power Company, plaintiff in error, *v.* The Northern Realty Company et al. Argument continued by Mr. Carroll G. Walter for the plaintiff in error and concluded by Mr. Joseph S. Clark for the defendants in error.

No. 472. Paul Hill Saunders, plaintiff in error, *v.* Daniel Shaw et al. Argued by Mr. William Winans Wall for the plaintiff in error and by Mr. Frank L. Richardson for the defendants in error.

Adjourned until Monday, the 21st instant, at 12 o'clock.

The day call has been suspended for the term.

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## SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 21, 1917.

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

Vernon E. West, of Washington, D. C.; Thomas F. Turner, of Amarillo, Tex.; Warren Gard, of Hamilton, Ohio; Arthur L. Webb, of Brooklyn, N. Y.; William Shafer, of New York City; Marvin Jones, of Amarillo, Tex.; George T. McDermott, of Topeka, Kans.; Alfred B. Crossley, of Topeka, Kans.; Charles F. Diggs, of Washington, D. C.; John E. Palmer, of St. Paul, Minn.; John H. Holt, of Washington, D. C.; Thomas L. Blanton, of Abilene, Tex.; Dawes E. Brisbine, of Faith, S. Dak.; Frank F. Ey, of San Francisco, Cal.; Ambrose G. Todd, of New York City; William L. Symons, of Cleveland, Ohio; William A. Hammer, of Harpers Ferry, W. Va.; W. Edgar Leedy, of Shenandoah Junction, W. Va.; Fletcher G. Flaherty, of San Francisco, Cal.; Joseph G. Magee, of Philadelphia, Pa.; Cary Nelson Davis, of Huntington, W. Va.; Godfrey Goldmark, of New York City; and William Mayo Atkinson, of Jersey City, N. J., were admitted to practice.

No. 192. Norfolk Southern Railroad Company, plaintiff in error, *v.* W. C. Chatman. 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 North Carolina. Opinion by Mr. Justice Clarke.

No. 95. The Railroad Supply Company, petitioner, *v.* Elyria Iron & Steel Company. On writ of certiorari to 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 the Northern District of Ohio. Opinion by Mr. Justice Clarke. (Mr. Justice Day did not take any part in the decision of this case.)

No. 67. The Hart Steel Company and Guilford S. Wood, petitioners. *v.* The Railroad Supply Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Cir-

cuit. Decree reversed with costs, and cause remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Clarke. (Mr. Justice Day did not take any part in the decision of this case.)

No. 189. Patrick Sutton, plaintiff in error, *v.* The State of New Jersey; and

No. 190. Frank Mihm, plaintiff in error, *v.* The State of New Jersey. In error to the Court of Errors and Appeals of the State of New Jersey. Judgments affirmed with costs. Opinion by Mr. Justice Brandeis. Dissenting: Mr. Justice McKenna and Mr. Justice Pitney.

No. 208. United Copper Securities Company and Arthur P. Heinze, plaintiffs in error, *v.* Amalgamated Copper Company, Anaconda Copper Company, Adolph Lewisohn, et al. In error to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed with costs, and cause remanded to the District court of the United States for the Southern District of New York. Opinion by Mr. Justice Brandeis.

No. 968. John W. Hamer et al., appellants, *v.* New York Railways Company et al. Appeal from the District Court of the United States for the Southern District of New York. Decree affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 194. Lehigh Valley Railroad Company, plaintiff in error, *v.* James H. Barlow. In error to the Supreme Court of the State of New York. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McReynolds.

No. 214. D. B. Smith and Gertrude W. Smith, plaintiffs in error, *v.* Third National Exchange Bank of Sandusky, Ohio, and F. P. Zollinger. In error to the Supreme Court of the State of New Mexico. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 222. The Missouri Pacific Railway Company, plaintiff in error, *v.* McGrew Coal Company; and

No. 223. The Missouri Pacific Railway Company, plaintiff in error, *v.* Edward J. McGrew et al., executors, etc. In error to the Supreme Court of the State of Missouri. Judgments affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 760. The Missouri Pacific Railway Company, plaintiff in error, *v.* Margaret L. Taber, guardian of Harry H. Small, Grace L. Small, and Margaret G. Small, minors. In error to the Supreme Court of the State of Missouri. Dismissed for want of jurisdiction. Opinion by Mr. Justice McReynolds.

No. 469. The Valley Steamship Company, plaintiff in error, *v.* John J. Wattawa; and

No. 470. The Valley Steamship Company, plaintiff in error, *v.* Joseph Mraz. In error to the Court of Appeals, Eighth District, State of Ohio. Dismissed for want of jurisdiction. Opinion by Mr. Justice McReynolds.

No. 280. Southern Pacific Company, plaintiff in error, *v.* Marie Jensen. In error to the Supreme Court, Appellate Division, Third Department, of the State of New York. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McReynolds. Dissenting: Mr. Justice Holmes, Mr. Justice Pitney, Mr. Justice Brandeis, and Mr. Justice Clarke.

No. 281. Clyde Steamship Company, plaintiff in error, *v.* William Alfred Walker. In error to the Supreme Court, Appellate Division, Third Department, of the State of New York. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McReynolds. Dissenting: Mr. Justice Holmes, Mr. Justice Pitney, Mr. Justice Brandeis, and Mr. Justice Clarke.

No. 321. The New York Central & Hudson River Railroad Company, plaintiff in error, *v.* James Winfield. In error to the Supreme Court, Appellate Division, Third Judicial Department, of the State of New York. 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 Brandeis and Mr. Justice Clarke.

No. 353. Erie Railroad Company, plaintiff in error, *v.* Amy L. Winfield. In error to the Court of Errors and Appeals of the State of New Jersey. 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 Brandeis and Mr. Justice Clarke.

No. 365. Franklin K. Lane, Secretary of the Interior, plaintiff in error, *v.* Svan Høglund. In error to the Court of Appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 741. The United States *v.* Bessie Wildcat, a minor, et al. On certificate from and writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decree of District Court of the United States for the Eastern District of Oklahoma affirmed, and cause remanded to said District Court. Opinion by Mr. Justice Day. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 407. Baltrus S. Yankaus, plaintiff in error, *v.* Moses Feltenstein and Abraham Rosenstein. In error to the City Court of New York City, State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Day. (Mr. Justice Pitney concurs in the result.)

No. 197. Josephine B. Lewis, executrix of the Estate of James Lewis, deceased, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Day. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 210. E. I. du Pont de Nemours Powder Company and du Pont Fabrikoid Company, petitioners, *v.* Walter E. Masland et al. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decree reversed with costs, and cause remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 237. Nevada-California-Oregon Railway, plaintiff in error, *v.* Joseph Burrus. In error to the Supreme Court of the State of Nevada. Dismissed for want of jurisdiction. Opinion by Mr. Justice Holmes. Dissenting: Mr. Chief Justice White and Mr. Justice Clarke.

No. 252. J. Sam Rowland, William F. McKnight, and Thomas E. Wood, railroad commissioners of the State of Arkansas, appellants, *v.* Sidney E. Boyle, as administrator of the estate of Wilbur F. Boyle, deceased, and The St. Louis & San Francisco Railroad Company. Appeal from the District Court of the United States for the Eastern District of Arkansas. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 179. Frank P. Chesbrough, plaintiff in error, *v.* Frank T. Woodworth. In error to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Eastern District of Michigan. Opinion by Mr. Justice McKenna.

No. 180. Frank T. Woodworth, plaintiff in error, *v.* Frank P. Chesbrough. In error to the United States Circuit Court of Appeals for the Sixth Circuit. Dismissed for want of jurisdiction. Opinion by Mr. Justice McKenna.

No. 310. The United States and Interstate Commerce Commission, appellants, *v.* Illinois Central Railroad Company. Appeal from the District Court of the United States for the Eastern District of Illinois. Decree reversed, and cause remanded with directions to grant the motions to dismiss the petition. Opinion by Mr. Justice McKenna.

No. 276. Andrew West, appellant, *v.* Edward Rutledge Timber Company and Northern Pacific Railway Company. 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 District of Idaho. Opinion by Mr. Justice McKenna.

No. 200. The Toledo Railways & Light Company, plaintiff in error, *v.* Walter L. Hill and Ralph L. Spotts, as executors of the last will and testament of Harford B. Kirk, deceased. In error to the District Court of the United States for the Southern District of New York. Judgment reversed with costs, and cause remanded with directions to dismiss the complaint for want of jurisdiction. Opinion by Mr. Chief Justice White.

No. 229. Stanley Meisukas, plaintiff in error, *v.* Greenough Red Ash Coal Company. In error to the District Court of the United States for the Eastern District of New York. Judgment affirmed with costs. Opinion by Mr. Chief Justice White.

No. 248. American Express Company, plaintiff in error, *v.* United States Horse Shoe Company. In error to the Supreme Court of the State of Pennsylvania. 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. 251. Minneapolis & St. Louis Railroad Company, plaintiff in error, *v.* Nora Gotschall, as administratrix of the estate of Merlin E. Gotschall, deceased. In error to the Supreme Court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Chief Justice White.

No. 594. The Ohio River Contract Company, plaintiff in error, *v.* Honorable Thomas R. Gordon, judge Jefferson Circuit Court. In error to the Court of Appeals of the State of Kentucky. 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. 253. Hidekuni Iwata, appellant, *v.* Charles T. Cornell, as immigration inspector in charge. Appeal from the District Court of the United States for the Southern District of California. Per curiam: Judgment affirmed with costs upon the authority of: 1. Bugajewitz *v.* Adams (228 U. S., 585, 590, 591). 2. Zakonaite *v.* Wolf (226 U. S., 272); Lewis *v.* Frick (223 U. S., 291). 3. United States *v.* Juy Toy (198 U. S., 253); Chin Yow *v.* United States (208 U. S., 8); Tang Tun *v.* Edsell (223 U. S., 673); Low Wah Suey *v.* Backus (225 U. S., 460).

Nos. 878 and 879. Philadelphia & Reading Railway Company, plaintiff in error, *v.* The United States. In error to the District Court of the United States for the Eastern District of Pennsylvania. Per curiam: Dismissed for want of jurisdiction upon the authority of *McLish v. Roff* (141 U. S., 661, 665); *Covington v. First National Bank* (185 U. S., 270, 277); *Heike v. United States* (217 U. S., 423).

No. 178. Emma Taylor, administratrix of Frank Taylor, deceased, and John P. Kirby, plaintiffs in error, *v.* Drainage District Number Fifty-six of Emmet County, Iowa, et al. In error to the Supreme Court of the State of Iowa. Per curiam: Judgment affirmed with costs upon the authority of *Huling v. Kaw Valley Railway Improvement Company* (130 U. S., 559); *Winona & St. Paul Land Company v. Minnesota* (159 U. S., 540); *Leigh v. Green* (193 U. S., 79); *Ballard v. Hunter* (204 U. S., 241, 261, 262); *American Land Co. v. Zeiss* (219 U. S., 47).

Nos. 832, 833, and 834. Mateo Fajardo Cardona, plaintiff in error, *v.* The People of Porto Rico. In error to the Supreme Court of Porto Rico. Per curiam: Dismissed for want of jurisdiction upon the authority of *Deming v. Carlisle Packing Co.* (226 U. S., 102, 105); *Overton v. Oklahoma* (235 U. S., 31); *Stewart v. Kansas City* (239 U. S., 14).

No. 250. The State of Nebraska ex rel. Henry C. Bittenbender and Ada M. Bittenbender, plaintiffs in error, *v.* The Excise Board of the City of Lincoln, Nebraska. In error to the Supreme Court of the State of Nebraska. 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); *Mellon Co. v. McCafferty* (239 U. S., 134). 2. *Jones v. Montague* (194 U. S., 147); *Richardson v. McChesney* (218 U. S., 487); *Stearns v. Wood* (236 U. S., 75).

No. 266. Grand Rapids & Indiana Railway Company, plaintiff in error, *v.* The United States. 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 *Hollander v. Fechheimer* (162 U. S., 326); *California National Bank v. Stateler* (171 U. S., 447); *Martinez v. International Banking Corporation* (220 U. S., 214, 222-223).

No. 849. Prairie Oil & Gas Company, Senes W. Anthony, and Charles Anthony, plaintiffs in error, *v.* Annie Carter. In error to the Supreme Court of the State of Oklahoma. Per curiam: Dismissed for want of jurisdiction upon the authority of section 237, Judicial Code, as amended by the act of Congress of September 6, 1916 (Chap. 448, 39 Stat. 726). See *Prairie Oil and Gas Co.* (243 U. S., —).

No. 372. *George Schwede v. Zenith Steamship Co.* On certificate from and writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Per curiam: Judgment of District Court of the United States for the Northern District of Ohio affirmed with costs by an equally divided court and cause remanded to the said District Court. (Mr. Justice Day took no part in the consideration or decision of this case.)

*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.

No. 1093. *John Kenney, petitioner, v. Laban Miles et al.* Petition for writ of certiorari to the Supreme Court of the State of Oklahoma granted.

No. 1103. *Emanuel J. Doyle, collector of internal revenue, petitioner, v. Mitchell Brothers Company.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 1055. *Industrial Accident Commission of the State of California, petitioner, v. Southern Pacific Company.* Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 1034. *W. C. Bass et al., petitioners, v. Mrs. M. A. Geiger.* Petition for writ of certiorari to the Supreme Court of the State of Florida denied.

No. 1088. *Nicholas F. Brady et al., as executors, etc., petitioners, v. Charles W. Anderson, late collector of internal revenue, etc.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1096. *Southern Railway Company, petitioner, v. Virginia McGuin, administratrix, etc.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 1105. *Wilson D. Wing, petitioner, v. Charles Dillingham, receiver, etc., et al.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1107. *J. M. Shelton et al., petitioners, v. Gas Securities Company.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1111. *Chin Hing, petitioner, v. Henry M. White, as Commissioner of Immigration, etc.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 53. Cheney Brothers Company et al., plaintiffs in error, *v.* The Commonwealth of Massachusetts;

No. 65. Ben F. Looney, attorney general of the State of Texas, appellant, *v.* Crane Company;

No. 56. International Harvester Company of New Jersey et al., appellants, *v.* The United States;

No. 69. The United States of America, appellant, *v.* Lehigh Valley Railroad Company et al.;

No. 324. The United States of America, appellant, *v.* Reading Company et al.;

No. 339. Reading Company et al., appellants, *v.* The United States of America;

No. 481. The United States of America, appellant, *v.* United States Steel Corporation et al.; and

No. 545. The United States, appellant, *v.* United Shoe Machinery Company of New Jersey et al. Ordered that these cases be restored to the docket for reargument.

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The Chief Justice also announced that the court will adjourn for the term on Monday, June 11th next.

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No. 21, Original. Ex parte in the matter of Bernard B. Selling et al., a special committee, etc., petitioners. Case stricken from the docket on motion of Mr. Solicitor General Davis in behalf of counsel for petitioners.

No. 658. Laser Grain Company, plaintiff in error, *v.* The United States of America. Motion to require plaintiff in error to elect which of two writs of error it will prosecute or to dismiss the writ of error from this court submitted by Mr. Solicitor General Davis for the defendant in error, and by Mr. John S. Leahy, Mr. Irvin V. Barth, and Mr. Walter H. Saunders for the plaintiff in error in opposition thereto.

No. 870. William A. Trogler et al., appellants, *v.* The United States et al. Motion to dismiss submitted by Mr. Solicitor General Davis for the appellees in support of the motion, and by Mr. Edwin H. Park for the appellants in opposition thereto.

No. 532. The St. Louis Southwestern Railway Company et al., appellants, *v.* The United States et al. Motion to advance submitted by Mr. Henry G. Herbel for the appellants.

No. 837. The Contributors to the Pennsylvania Hospital, plaintiff in error, *v.* The City of Philadelphia et al. Motion to advance submitted by Mr. Ernest Lowengrund and Mr. John P. Connelly for the defendants in error.

No. 922. North German Lloyd, claimant, etc., petitioner, *v.* Guaranty Trust Company of New York et al. Motion that mandate issue forthwith submitted by Mr. Charles Henry Butler in behalf of Mr. Walter C. Noyes, Mr. Joseph Larocque, and Mr. Joseph D. Bedle for the petitioner, in support of the motion, and by Mr. J. Parker Kirlin, Mr. Charles R. Hickox, Mr. Edward E. Blodgett, and Mr. James M. Beck for the respondents, in opposition thereto.

No. —, Original. *Ex parte* in the matter of Cornelia G. Goodrich et al., petitioners. Motion for leave to file petition for writ of prohibition submitted by Mr. Hannis Taylor and Mr. William D. Gordon for the petitioners.

No. 524. Paul Scharrenberg, petitioner, *v.* The Dollar Steamship Company et al. Motion to advance submitted by Mr. Jackson H. Ralston and Mr. William E. Richardson in support of the same, and by Mr. Walter S. Penfield in opposition thereto.

No. 601. St. Louis, Iron Mountain & Southern Railway Company, plaintiff in error, *v.* William Ingram. Motion to dismiss or affirm or place on summary docket submitted by Mr. Jackson H. Ralston and Mr. William E. Richardson for the defendant in error in support of the motion, and by Mr. Troy Pace for the plaintiff in error in opposition thereto.

No. 1098. H. A. A. Smith, petitioner, *v.* The Government of the Canal Zone *ex rel.* William C. MacIntyre. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Jackson H. Ralston, Mr. William E. Richardson, and Mr. Frank Feuille for the petitioner.

No. 581. Zoila Ibanez de Aldecoa y Palet et al., appellants, *v.* The Hongkong and Shanghai Banking Corporation et al.; and

No. 582. Joaquin Ibanez de Aldecoa y Palet et al., appellants, *v.* The Hongkong & Shanghai Banking Corporation et al. Ordered that these cases be heard together as one case, on motion of Mr. F. C. Fisher for the appellees.

No. 836. Southern Pacific Company, plaintiff in error, *v.* Frank R. Stewart. Motion to dismiss submitted by Mr. Charles H. Bates in behalf of Mr. Thomas Armstrong, jr., for the defendant in error in support of the motion, and by Mr. Henley C. Booth and Mr. William F. Herrin for the plaintiff in error in opposition thereto.

No. 29, Original. *Ex parte* In the matter of Bernie J. Bernhard, petitioner. Submitted by Mr. Charles B. Gillson for the petitioner.

No. 20, October term, 1911. Sidney Henry et al. *v.* A. B. Dick Company. Petition of Margaret Henry for leave to file bill of review in the District Court of the United States for the Southern

District of New York submitted by Mr. Hans v. Briesen and Mr. Arthur v. Briesen for the petitioner.

No. 969. Fidelity & Columbia Trust Company, as executor and trustee, plaintiff in error, *v.* City of Louisville. Motion to advance submitted by Mr. Swagar Sherley in behalf of Mr. Pendleton Beckley for the defendant in error.

No. 1045. Central of Georgia Railway Company, plaintiff in error, *v.* William A. Wright, comptroller general of the State of Georgia. Petition for writ of certiorari to Supreme Court of the State of Georgia submitted by Mr. Levi Cooke in behalf of Mr. A. R. Lawton and Mr. T. M. Cunningham for the plaintiff in error in support of the petition.

No. 1086. Ralph K. Blair 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. Levi Cooke in behalf of Mr. J. J. Dunne, Mr. Allen G. Wright, Mr. T. E. K. Cormac, and Mr. F. R. Coudert for the petitioners, and by Mr. Solicitor General Davis for the respondent.

No. 1115. Union Pacific Railroad Company, petitioner, *v.* Erba J. Phillips, as administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of Nebraska submitted by Mr. A. A. Hoehling, jr., in behalf of Mr. Nelson H. Loomis and Mr. Alfred G. Ellick for the petitioner, and by Mr. John J. Halligan and Mr. C. Petrus Peterson for the respondent.

No. 943. The People of the State of New York ex rel. New York and Queens Gas Company, plaintiffs in error, *v.* Edward E. McCall et al., commissioners, etc. Motion to dismiss submitted by Mr. Godfrey Goldmark, Mr. Arthur DuBois, and Mr. George S. Coleman for the defendants in error, in support of the motion, and by Mr. John A. Garver for the plaintiff in error in opposition thereto.

No. 799. Jennie McCarty MacMath, administratrix, etc., appellant, *v.* The United States. Motion to remand case for additional findings of fact submitted by Mr. Barry Mohun in behalf of Mr. L. T. Michener for the appellant in support of the motion and by Mr. Solicitor General Davis and Mr. Assistant Attorney General Thompson for the appellee in opposition thereto, with leave to counsel for the appellant to file an additional brief within three days.

No. 1135. Daisy B. James, petitioner, *v.* Delaware, Lackawanna & Western Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. J. S. Easby-Smith in behalf of Mr. Alexander Simpson for the petitioner.

No. 31, Original. Ex parte in the matter of The Park Square Automobile Station, petitioner. Submitted by Mr. Edward C. Stone for

the petitioner with leave to counsel for the respondent to file brief within five days.

No. 1097. Maine Northwestern Development Company, petitioner, *v.* Northwestern Commercial Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. George H. Lamar in behalf of Mr. William H. Gorham for the petitioner and by Mr. W. H. Bogle and Mr. Carroll B. Graves for the respondent.

No. 1126. J. Knox Greer, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. James C. Denton and Mr. Frank Lee for the petitioner and by Mr. Solicitor General Davis for the respondent.

No. 1030. Large Oil Company, plaintiff in error, *v.* E. B. Howard, State Auditor of the State of Oklahoma. Petition for a writ of certiorari to Supreme Court of the State of Oklahoma submitted by Mr. Frank B. Burford, Mr. John H. Burford, Mr. John H. Brennan, and Mr. J. B. A. Robertson for the plaintiff in error in support of the petition.

No. 735. H. C. Jones et al., plaintiffs in error, *v.* Buffalo Creek Coal & Coke Company. Motion to dismiss or affirm submitted by Mr. Carey N. Davis, Mr. C. W. Campbell, Mr. D. W. Brown, and Mr. W. R. Lilly for the defendant in error in support of the motion and by Mr. Maynard F. Stiles for the plaintiffs in error in opposition thereto.

No. ——. Robert D. Kinney, petitioner, *v.* Elmer C. Rice. Motion for leave to file petition for writ of certiorari to the Supreme Court of the State of Pennsylvania without a duly certified copy of the record, as required by the rule, submitted by Mr. Robert D. Kinney pro se.

No. 1124. William P. Ellison, Inc., petitioner, *v.* Marshall S. Hagar, as trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John Ridout in behalf of Mr. Jacob J. Lesser for the petitioner, and by Mr. Oscar W. Jeffrey for the respondent.

No. ——. Original. Ex parte in the matter of J. S. Kilgore, sr., and L. K. Hunter, petitioners. Motion for leave to file petition for writ of mandamus submitted by Mr. W. E. Breese for the petitioners.

No. 1027. Philadelphia & Reading Coal & Iron Company, plaintiff in error, *v.* John Gilbert. Motion to dismiss or affirm or place on the summary docket submitted by Mr. Samuel Seabury and Mr. William M. Seabury for the defendant in error in support of the motion, and by Mr. Pierre M. Brown for the plaintiff in error in opposition thereto.

No. 25, Original. Ex parte in the matter of The Indiana Transportation Company, petitioner. Argument commenced by Mr. Charles E. Kremer for the petitioner, continued by Mr. Harry W. Standidge (by special leave) in support of return of respondents, and concluded by Mr. Russell Mott for the petitioner.

Adjourned until Monday, June 4 next, at 12 o'clock.

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# SUPREME COURT OF THE UNITED STATES.

MONDAY, JUNE 4, 1917.

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

Gilbert A. McElroy, of Los Angeles, Cal.; Rufus Miley Weaver, of Gettysburg, Pa.; Rex B. Goodcell, of San Bernardino, Cal.; Charles A. Helsell, of Fort Dodge, Iowa; Matthew W. Murphy, of Fargo, N. Dak.; James L. Norris, of Washington, D. C.; C. C. Hamby, of Prescott, Ark.; Willis J. Egleston, of Helena, Mont.; Harry Faber White, of Duluth, Minn.; Almon E. Clevenger, of Cleveland, Ohio; Herman J. Nord, of Cleveland, Ohio; Abe J. David, of Elizabeth, N. J.; Charles E. Houston, of Wheaton, Minn.; Otto Bernard Linstad, of Pierre, S. Dak.; John Steward Gleaton, of Atlanta, Ga.; Towne Young, of Dallas, Tex.; Lee I. Starling, of Dallas Tex.; C. B. Reeder, of Amarillo, Tex.; D. T. Garth, of Teague, Tex.; William C. Guthrie, of Jacksonville, Fla.; E. Perry Thomas, of Montgomery, Ala.; Leslie E. Hubbard, of Denver, Colo.; H. M. Whitaker, of Beaumont, Tex.; George D. Beattys, of New York City; Edward R. Johnston, of Chicago, Ill.; Howard L. Jamison, of Kansas City, Mo.; Mahlon D. Kiefer, of Washington, D. C.; and William H. Lyon, of Sioux Falls, S. Dak., were admitted to practice.

No. 256. The Mississippi Railroad Commission, George R. Edwards, F. M. Sheppard, and W. B. Wilson, members thereof, et al., appellants, *v.* The Mobile & Ohio Railroad Company. Appeal from the District Court of the United States for the Southern District of Mississippi. Decree affirmed with costs. Opinion by Mr. Justice Clarke.

No. 264. The United States of America *ex rel.* the State of Louisiana, petitioner, *v.* Hon. George Whitfield Jack, judge, United States District Court, Western District of Louisiana. On writ of certiorari 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 Louisiana. Opinion by Mr. Justice Clarke.

No. 271. William E. Wall et al., appellants, *v.* Parrot Silver & Copper Company et al. Appeal from the District Court of the United States for the District of Montana. Decree affirmed with costs. Opinion by Mr. Justice Clarke.

No. 183. St. Louis, Iron Mountain & Southern Railway Company, appellant, *v.* William F. McKnight et al., Railroad Commissioners, etc. 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 Eastern District of Arkansas. Opinion by Mr. Justice Brandeis.

No. 235. Illinois Surety Company, plaintiff in error, *v.* The John Davis Company, Emma E. Bairstow. George H. Bairstow, and Jesse E. Blackmer, executors. etc., et al. 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 Northern District of Illinois. Opinion by Mr. Justice Brandeis. Dissenting: Mr. Justice Van Devanter and Mr. Justice McReynolds.

No. 241. The Missouri, Kansas & Texas Railway Company of Texas; Missouri, Kansas & Texas Railway Company; and American Surety Company of New York, plaintiffs in error, *v.* J. H. Ward, J. R. Ward, and Houston & Texas Central Railroad Company. In error to the Court of Civil Appeals, Third Supreme Judicial District of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 239. The New York Central & Hudson River Railroad Company, plaintiff in error, *v.* Michael Tonsellito, an infant, who sues by James Tonsellito, his next friend. 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. 240. The New York Central & Hudson River Railroad Company, plaintiff in error, *v.* James Tonsellito. In error to the Court of Errors and Appeals of the State of New Jersey. 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 Brandeis concurs in the result.)

No. 604. Charles Mason and A. Hanson, plaintiffs in error, *v.* The United States. In error to the District Court of the United States for the District of Alaska, second division. Judgment affirmed. Opinion by Mr. Justice McReynolds.

No. 168. Western Oil Refining Company, plaintiff in error, *v.* A. W. Lipscomb, clerk of the County Court of Maury County, State of Tennessee, as successor in office of H. W. Thomas, deceased. 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 Van Devanter. Dissenting: Mr. Chief Justice White.

No. 176. Chicago, Milwaukee & St. Paul Railway Company of Idaho, appellant, *v.* The United States. Appeal from 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 District of Idaho. Opinion by Mr. Justice Van Devanter. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 211. Erie Railroad Company, plaintiff in error, *v.* Evelyn J. Purucker, administratrix of Byron B. Marietta, deceased. In error to the Court of Appeals of Richland County, State of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 215. Farmers Irrigation District, William Holden, et al., Board of Directors of the Farmers Irrigation District, plaintiffs in error, *v.* The State of Nebraska on the relation of Peter O'Shea. In error to the Supreme Court of the State of Nebraska. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 254. Erie Railroad Company, plaintiff in error, *v.* Henry M. Stone and Clark Noble, partners, doing business under the name of Stone & Noble. In error to the Court of Appeals of Crawford County, 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 Day.

No. 267. The Atchison, Topeka & Santa Fe Railway Company, petitioner, *v.* The United States. On writ of certiorari 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 Southern District of California. Opinion by Mr. Justice Day. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 472. Paul Hill Saunders, plaintiff in error, *v.* Daniel Shaw and the Board of Drainage Commissioners of the Bayou Terre-Aux-Boeufs Drainage District. 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 Holmes.

No. 213. Seaboard Air Line Railway, plaintiff in error, *v.* Elizabeth Blackwell. In error to the Court of Appeals of the State of Georgia. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by

Mr. Justice McKenna. Dissenting: The Chief Justice, Mr. Justice Pitney, and Mr. Justice Brandeis.

No. 342. The Cuyahoga River Power Company, plaintiff in error, *v.* The Northern Realty Company and The Northern Ohio Traction & Light Company. In error to the Court of Appeals, Eighth District, of the State of Ohio. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice White. (Mr. Justice Day and Mr. Justice Clarke took no part in the consideration or decision of this case.)

No. 571. Emma F. Doepel et al., heirs at law of Holin H. Fearnow, deceased, plaintiffs in error, *v.* Luttie B. Jones, Elmer Jones, and Phoenix Mutual Life Insurance Company. In error to the Supreme Court of the State of Oklahoma. 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. 29, Original. *Ex parte*: In the matter of Bernie J. Bernhard, petitioner. *Per curiam*: Rule discharged and petition dismissed upon the authority of section 6 of the act of Congress of July 30, 1894 (28 Stat., 160); section 3, Rule VIII of the Court of Appeals of the District of Columbia.

No. 658. Laser Grain Company, plaintiff in error, *v.* The United States of America. 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 *Hannis Distilling Co. v. Baltimore* (216 U. S., 285); *Hendricks v. The United States* (223 U. S., 178, 184). See *In re Palliser* (136 U. S., 257, 265-268); *Horner v. United States* (143 U. S., 207, 214); *Benson v. Henkel* (198 U. S., 1, 15); *United States v. Thayer* (209 U. S., 39, 44); *Hyde v. The United States* (225 U. S., 347, 361).

No. 184. Albert Pick & Company, plaintiff in error, *v.* Frank C. Jordan, Secretary of State of the State of California. In error to the Supreme Court of the State of California. *Per curiam*: Judgment affirmed with costs upon the authority of *Kansas City, etc., Railway Co. v. Kansas*, 240 U. S., 227.

No. 601. The St. Louis, Iron Mountain & Southern Railway, plaintiff in error, *v.* William Ingram. In error to the Supreme Court of the State of Arkansas. *Per curiam*: Judgment affirmed with costs upon the authority of *Chicago Junction Railway Co. v. King*, 222 U. S., 222; *Seaboard Air Line Railway v. Padgett*, 236 U. S., 668; *Baltimore & Ohio R. R. Co. v. Whitacre*, 242 U. S., 169.

*Order.*—It is ordered that General Order in Bankruptcy No. XXXII be amended so as to read as follows: Opposition to discharge or composition: A creditor opposing the application of a bankrupt for his discharge, or for the confirmation of a composition, shall enter his appearance in opposition thereto on the day when the creditors are required to show cause, and shall file a specification in writing of the grounds of his opposition within 10 days thereafter, unless the time shall be shortened or enlarged by special order of the judge.

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No. —, Original. *Ex parte*: In the matter of Cornelia G. Goodrich et al., petitioners. Motion for leave to file petition for writ of prohibition denied.

No. —, Original. *Ex parte*: In the matter of J. S. Kilgore, sr., and L. K. Hunter, petitioners. Motion for leave to file petition for writ of mandamus denied.

No. —. Robert D. Kinney, petitioner, *v.* Elmer C. Rice. Motion for leave to file petition for writ of certiorari without certified copy of transcript of record denied.

No. 799. Jennie McCarty MacMath, administratrix, etc., appellant, *v.* The United States. Motion to remand for additional findings of fact denied, without prejudice.

No. 524. Paul Scharrenberg, petitioner, *v.* The Dollar Steamship Company et al. Motion to advance granted, and cause assigned for argument on Tuesday, October 2, next, after the cases heretofore assigned for that day.

No. 532. The St. Louis Southwestern Railway Company et al., appellants, *v.* The United States et al. Motion to advance granted, and cause assigned for argument on Tuesday, October 2, next, after the cases heretofore assigned for that day.

No. 837. The Contributors to the Pennsylvania Hospital, plaintiffs in error, *v.* The City of Philadelphia et al. Motion to advance granted, and cause assigned for argument on Tuesday, October 2, next, after the cases heretofore assigned for that day.

No. 969. Fidelity & Columbia Trust Company, as executor and trustee, etc., plaintiff in error, *v.* City of Louisville. Motion to advance granted, and cause assigned for argument on Tuesday, October 2, next, after the causes heretofore assigned for that day.

No. 735. H. C. Jones et al., plaintiffs in error, *v.* Buffalo Creek Coal & Coke Company;

No. 836. Southern Pacific Company, plaintiff in error, *v.* Frank R. Stewart;

No. 870. William A. Trogler and F. W. Keitel, appellants, *v.* The United States et al.;

No. 943. The People of the State of New York ex rel. New York & Queens Gas Company, plaintiffs in error, *v.* Edward E. McCall et al., Commissioners, etc.; and

No. 1027. Philadelphia & Reading Coal & Iron Company, plaintiff in error, *v.* John Gilbert. Ordered that these cases be placed on the summary docket.

No. 1030. Large Oil Company, plaintiff in error, *v.* E. B. Howard, State Auditor of the State of Oklahoma. Further consideration of the petition for writ of certiorari postponed to the hearing on the writ of error.

No. 1045. Central of Georgia Railway Company, plaintiff in error, *v.* William A. Wright, Comptroller General of the State of Georgia. Further consideration of the petition for writ of certiorari postponed to the hearing on the writ of error.

No. 1126. J. Knox Greer, 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. 1086. Ralph K. Blair and Thomas Addis, 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. 1097. Maine Northwestern Development Company, petitioner, *v.* Northwestern Commercial Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1098. H. A. A. Smth, petitioner, *v.* The Government of the Canal Zone ex rel. William C. MacIntyre. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1115. Union Pacific Railroad Company, petitioner, *v.* Erba J. Phillips, as administratrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of Nebraska denied.

No. 1124. William P. Ellison, Inc., petitioner, *v.* Marshall S. Hagar, as trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1135. Daisy B. James, petitioner, *v.* Delaware, Lackawanna & Western Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

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No. 461. Motion Picture Patents Company, appellants, *v.* The United States. Order reassigning case for argument on October 2,

1917, set aside on motion of Mr. Solicitor General Davis for the appellee.

No. 741. *The United States v. Bessie Wildcat, a minor, et al.* Leave granted to present petition for rehearing within 30 days, on motion of Mr. Solicitor General Davis for the United States.

No. 171. *Chicago Life Insurance Company et al., plaintiffs in error, v. Bertha R. Cherry.* Motion in regard to taxation of costs submitted by Mr. John W. Davis in behalf of Mr. Charles A. Atkinson for the plaintiffs in error.

No. 1129. *The Delaware, Lackawanna & Western Railroad Company, petitioners, v. Robert H. Madden.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. W. W. McGee in behalf of Mr. William S. Jenney for the petitioner and by Mr. Clayton R. Lusk for the respondent.

Nos. 1035, 1036, 1037, and 1038. *Western Union Telegraph Company, plaintiff in error, v. Louisville & Nashville Railroad Company et al.* Motions to dismiss or affirm submitted by Mr. E. Perry Thomas and Mr. Henry L. Stone for the defendants in error in support of the motion, and by Mr. William M. Williams, Mr. Rush Taggart, Mr. Ray Rushton, and Mr. Forney Johnston for the plaintiff in error in opposition thereto. Petition for writ of certiorari submitted by Mr. William M. Williams, Mr. Rush Taggart, Mr. Ray Rushton, and Mr. Forney Johnston for the plaintiff in error in support of the petition, and by Mr. Henry L. Stone and Mr. E. Perry Thomas for the defendants in error in opposition thereto.

No. 1110. *Indian Land & Trust Company et al., petitioners, v. Robert L. Owen.* Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. Lewis C. Lawson for the petitioners, and by Mr. W. W. Noffsinger for the respondent.

No. —, Original. *Ex parte:* In the matter of *Park & Tilford, petitioner.* Motion for leave to file petition for writ of mandamus submitted by Mr. Vincent P. Donihee and Mr. Edward S. Hatch for the petitioner.

No. 1062. *W. P. Tucker, petitioner, v. Crawford State Bank.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Duncan U. Fletcher, in behalf of Mr. J. C. Davant for the petitioner, and by Mr. Peter O. Knight for the respondent.

No. 1102. *P. C. O'Brien, county treasurer of Cuyahoga County, appellant, v. John D. Rockefeller.* Motion to dismiss submitted by Mr. A. E. Clevenger and Mr. W. B. Sanders for the appellee in support of the motion, and by Mr. Samuel Doerfler and Mr. Thomas

S. Dunlap for the appellant in opposition thereto. Petition for a writ of certiorari submitted by Mr. Rufus S. Day in behalf of Mr. Samuel Doerfler and Mr. Thomas S. Dunlap for the appellant in support of the petition, and by Mr. A. E. Clevenger and Mr. W. B. Sanders for the appellee in opposition thereto.

No. 1154. Samuel M. Kintner and Halsey M. Barrett, receivers, etc., petitioners, *v.* Atlantic Communication Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. James H. Hayden in behalf of Mr. Frederick W. Winter for the petitioners, and by Mr. Frederick P. Fish, Mr. Harrison F. Lyman, and Mr. Harvey E. Knight for the respondent.

No. —, Original. *Ex parts*: In the matter of Avasta Hughes, as administratrix of the goods, chattels, and credits of John F. Hughes, deceased, petitioner. Motion for leave to file petition for writ of prohibition or mandamus submitted by Mr. Benjamin Patterson for the petitioner.

No. 1131. Max Jaffe et al., petitioners, *v.* J. A. E. Pyle, as trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. George T. Hogg for the petitioner.

No. 1118. Crew-Levick Company, plaintiff in error, *v.* Commonwealth of Pennsylvania. Motion to advance submitted by Mr. Joseph L. Kun for the defendant in error.

No. 1153. The Barrett Company, etc., et al., petitioners, *v.* Thomas Ewing, Commissioner of Patents. Petition for a writ of certiorari to the United Circuit Court of Appeals for the Second Circuit submitted by Mr. W. H. Swenarton and Mr. T. D. Merwin for the petitioners.

No. 7, Original. The State of Wyoming, complainant, *v.* The State of Colorado et al. Motion to fix time for reargument, etc., submitted by Mr. L. E. Hubbard for the defendants.

No. 820. Joseph Freedman, 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. William H. Taylor for the petitioner, and by Mr. Solicitor General Davis for the respondent.

No. 24, Original. The State of Minnesota, complainant, *v.* The State of Wisconsin. Motion for the appointment of a commissioner herein to take testimony, etc., granted on motion of Mr. Charles R. Pierce for the defendant.

No. 28. The State of South Dakota, complainant, *v.* The State of Minnesota. Motion for the appointment of a commissioner herein to take testimony, etc., granted on motion of Mr. Charles R. Pierce for the defendant.

No. 919. William Cramp & Sons Ship & Engine Building Company, petitioner, *v.* International Curtis Marine Turbine Company et al. Motion to advance for hearing with No. 485 submitted by Mr. Reeve Lewis in behalf of counsel for the respondents.

No. 1132. The Standard Gas Light Company of the city of New York, petitioner, *v.* R. G. Packard Company. 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. John A. Garver for the petitioner, and by Mr. Mark Ash for the respondent.

No. 855. Samuel C. Cohen, as trustee, etc., petitioner, *v.* Elias W. Samuels. Motion to advance submitted by Mr. Frederick S. Tyler in behalf of counsel for the petitioner.

No. 334. Gulf, Colorado & Santa Fe Railway Company, plaintiff in error, *v.* Texas Packing Company et al. Ordered that mandate issue at once, on motion of Mr. Frederick S. Tyler for the defendants in error.

No. 1143. W. H. Lyon, petitioner, *v.* John P. Bleeg, trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Thomas Sterling, Mr. Park Davis, and Mr. C. C. Caldwell for the petitioner, and by Mr. C. O. Bailey and Mr. J. H. Voorhees for the respondent.

No. 1149. The Aeolian Company, petitioner, *v.* Victor Talking Machine Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. George D. Beattys and Mr. Arthur C. Rounds for the petitioner, and by Mr. Thomas E. French and Mr. Samuel H. Richards for the respondent.

No. 1139. The City of Richmond, petitioner, *v.* Elizabeth W. Bird et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. George Wayne Anderson for the petitioner.

No. 1141. Frank Welch, petitioner, *v.* G. W. Ellis et al. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. W. W. Hastings in behalf of Mr. William P. Thompson for the petitioner.

No. 1146. M. F. Witte, petitioner, *v.* W. A. Shelton, as U. S. marshal, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr.

C. J. Kappler in behalf of Mr. Paul A. Ewert, Mr. Norman R. Haskell, and Mr. Henry C. Lewis for the petitioner, and by Mr. Solicitor General Davis for the respondent.

No. 1147. C. H. Tiedemann, petitioner, *v.* W. A. Shelton, as U. S. marshal, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. C. J. Kappler in behalf of Mr. Norman R. Haskell, Mr. E. G. McAdams, and Mr. Henry C. Lewis for the petitioner, and by Mr. Solicitor General Davis for the respondent.

No. 1113. Harriet L. Biggs, petitioner, *v.* George E. Morris et al. Petition for a writ of certiorari to the Court of Errors and Appeals of the State of New Jersey submitted by Mr. Donald H. McLean for the petitioner, and by Mr. Benjamin F. Edsall for the respondents.

No. 1128. Illinois Central Railroad Company, 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. C. D. Drayton in behalf of Mr. Blewett Lee and Mr. W. S. Horton for the petitioner, and by Mr. Solicitor General Davis for the respondent.

No. 1123. Caleb B. Riggs et al., petitioners, *v.* John J. Gillespie. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Hannis Taylor in behalf of Mr. Charles E. Hogg for the petitioner.

No. 253. Hidekuni Iwata, appellant, *v.* Charles T. Cornell, as Immigration Inspector in Charge. Motion for leave to present petition for rehearing within 60 days submitted by Mr. Lewis H. Smith for the appellant.

No. 1133. John Frederick Wallach et al., petitioners, *v.* Cornelius K. G. Billings et al. Petition for a writ of certiorari to the Supreme Court of the State of Illinois submitted by Mr. Edward R. Johnston in behalf of Mr. Jacob Newman, Mr. C. H. Poppenhusen, and Mr. Henry L. Stern for the petitioners, and by Mr. Jesse J. Ricks and Mr. J. F. Meagher for the respondent.

No. 1114. Crane Company, petitioner, *v.* Fidelity Trust Company, trustee, 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. C. W. Fulton for the petitioner, and by Mr. Randolph W. Childs for the respondents.

No. 1151. Joseph E. Wise et al., petitioners, *v.* Cornelius C. Watts et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. G. H. Brevillier, Mr. Selim M. Franklin, and Mr. James W. Vroom for the petitioners. Motion to dismiss submitted by Mr. Joseph W. Bailey and Mr. Weldon Bailey for the respondents. Leave granted to file

brief of Frank J. Duffy, as *amicus curiæ*, on motion of Mr. William C. Prentiss in that behalf.

No. 1122. Carolina, Clinchfield & Ohio Railway, plaintiff in error, *v.* George W. Stroup, by next friend, Mary Stroup. Motion to dismiss or affirm submitted by Mr. Robert Burrow and Mr. Isaac Harr for the defendant in error in support of the motion, and by Mr. John W. Price for the plaintiff in error in opposition thereto.

No. 1136. Felt & Tarrant Manufacturing Company, petitioner, *v.* Burroughs Adding Machine Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. H. N. Low in behalf of Mr. Henry Love Clarke for the petitioner, and by Mr. Edward W. Rector and Robert H. Parkinson for the respondent.

No. —, Original. *Ex parte*: In the matter of Don M. Roberts, petitioner. Motion for leave to file a petition for writ of habeas corpus submitted by Mr. Frans E. Lindquist for the petitioner.

No. —, Original. *Ex parte*: In the matter of Dennis Shea for the petitioner. Motion for leave to file petition for a writ of habeas corpus submitted by Mr. Frans E. Lindquist for the petitioner.

No. 657. Joseph Henry Bash et al., plaintiffs in error, *v.* William Howald. Motion to dismiss submitted by Mr. J. B. Ferguson for the defendant in error in support of the motion, and by Mr. P. C. Simons for the plaintiffs in error in opposition thereto.

No. 786. Empire Mill Company, plaintiff in error, *v.* Blackwell Lumber Company. Motion to dismiss or affirm or modify the super-sedeas submitted by Mr. John P. Gray for the defendant in error in support of the motion, and by Mr. Charles W. Beale for the plaintiff in error in opposition thereto.

No. 1029. Omaha Baum Iron Store Company, formerly Omaha Iron Store Company, appellant, *v.* Moline Plow Company. Motion to dismiss submitted by Mr. Thomas A. Banning and Mr. Samuel W. Banning for the appellee in support of the motion, and by Mr. Otto Raymond Barnett for the appellant in opposition thereto.

No. 526. St. Louis & San Francisco Railroad Company, plaintiff in error, *v.* Edgar E. Hodge, a minor, etc. In error to the Supreme Court of the State of Oklahoma. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 568. The St. Louis Southwestern Railway Company, appellant, *v.* W. H. McLaughlin et al., constituting, etc. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Dismissed per stipulation.

No. 937. The United States of America *ex relatione* Anty Reynolds, plaintiff in error, *v.* Franklin K. Lane, Secretary of the Interior. In

error to the Court of Appeals of the District of Columbia. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 504. Bert Williams et al., plaintiffs in error, *v.* A. P. Sandles et al.;

No. 528. Idora Hill Mining Company plaintiff in error, *v.* Harry Olson et al.;

No. 580. Peter Marshall, plaintiff in error, *v.* Chicago, Rock Island & Pacific Railway Company; and

No. 805. Lew You, appellant, *v.* Edward White, commissioner of immigration, etc. Pursuant to the provisions of section 2, rule 10, the clerk reported these cases to the court for dismissal for failure to print the transcripts of records.

Adjourned until Monday next at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, JUNE 11, 1917.

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

Frederick L. Fishback, of Washington, D. C.; George A. Burr, of Paragould, Ark.; William Frederick Duncan, of Wylie, Tex.; Lilian Brock, of Dallas, Tex.; Thomas Joseph Dowdell, of Montgomery, Ala.; W. V. Tyler, of Millen, Ga.; Soterios Nicholson, of Washington, D. C.; Rutherford Lapsley, of Anniston, Ala.; Elbert A. Williams, of Atkins, Ark.; W. Marcus Weatherred, of Coleman, Tex.; John Charles Jones, of Sacramento, Cal.; Robert Craig Greene, of Washington, D. C.; John B. Singeltary, of Bradentown, Fla.; Louis Curl Penry, of Fort Worth, Tex.; Frank M. Betts, of Little Rock, Ark.; and A. Thomas, of Benton, Ark., were admitted to practice.

No. 826. Washington Railway & Electric Company, plaintiff in error, *v.* Ann Catherine Scala, administratrix of the estate of Alvin Joseph Scala, deceased. In error to the Court of Appeals of the District of Columbia. Petition for writ of certiorari denied and judgment affirmed with costs. Opinion by Mr. Justice Clarke. (Mr. Chief Justice White took no part in the consideration or decision of this case.)

No. 902. American Express Company, George C. Taylor, individually and as president of The American Express Company, and Wells, Fargo & Company, plaintiffs in error, *v.* The State of South Dakota *ex rel.* Clarence C. Caldwell, as attorney general of the State of South Dakota, et al. In error to the Supreme Court of the State of South Dakota. Judgment modified as indicated in the opinion of this court, and, as so modified, affirmed with costs; and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Brandeis. Dissenting: Mr. Justice McKenna.

No. 273. Joe Adams et al., appellants, *v.* W. V. Tanner, attorney general of the State of Washington, and George H. Crandall, prosecuting attorney of Spokane County, State of Washington. Ap-

peal from the District Court of the United States for the Eastern District of Washington. Decree reversed with costs; and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice McReynolds. Dissenting: Mr. Justice McKenna, Mr. Justice Brandeis, Mr. Justice Holmes, and Mr. Justice Clarke.

No. 617. Robert L. Greene, auditor, et al., etc., et al., appellants, *v.* Louisville & Interurban Railroad Company; and

No. 618. Robert L. Greene, auditor, et al., etc., et al., appellants, *v.* Louisville Railway Company. Appeals from the District Court of the United States for the Eastern District of Kentucky. Decrees affirmed with costs. Opinion by Mr. Justice Pitney. Dissenting: Mr. Justice Holmes, Mr. Justice Brandeis, and Mr. Justice Clarke.

No. 778. Louisville & Nashville Railroad Company, appellant, *v.* Robert L. Greene, auditor, etc., et al., etc., and

No. 779. Robert L. Greene, auditor, etc., et al., etc., appellants, *v.* The Louisville & Nashville Railroad Company. Appeals from the District Court of the United States for the Eastern District of Kentucky. Decree upon appeal in No. 778 reversed with costs; and upon appeal in No. 779 affirmed with costs; and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Pitney. Dissenting: Mr. Justice Holmes, Mr. Justice Brandeis, and Mr. Justice Clarke.

No. 642. Illinois Central Railroad Company, appellant, *v.* Robert L. Greene, auditor, et al., etc., et al.

No. 643. Robert L. Greene, auditor, et al., etc., et al., appellants, *v.* Illinois Central Railroad Company.

No. 644. Illinois Central Railroad Company, appellant, *v.* Robert L. Greene, Auditor, et al., etc., et al.; and

No. 645. Robert L. Greene, Auditor, et al., etc., et al., appellants, *v.* Illinois Central Railroad Company. Appeals from the District Court of the United States for the Eastern District of Kentucky. Decrees affirmed with costs. Opinion by Mr. Justice Pitney. Dissenting: Mr. Justice Holmes, Mr. Justice Brandeis, and Mr. Justice Clarke in Nos. 643 and 645. In Nos. 642 and 644 they concurred in the result.

No. 216. R. J. Darnell, appellant, *v.* George R. Edwards et al., constituting the Mississippi Railroad Commission. Appeal from the District Court of the United States for the Southern District of Mississippi. Decree modified and affirmed with costs. Opinion by Mr. Justice Pitney.

No. 219. Southern Railway Company, plaintiff in error, *v.* H. E. Puckett. In error to the Court of Appeals of the State of Georgia. Judgment affirmed with costs. Opinion by Mr. Justice Pitney. Dissenting: Mr. Chief Justice White.

No. 220. Puget Sound Traction, Light & Power Company, appellant, *v.* Charles A. Reynolds et al. Appeal from the District Court of the United States for the Western District of Washington. Decree affirmed with costs. Opinion by Mr. Justice Pitney. Dissenting: Mr. Chief Justice White, Mr. Justice McKenna, and Mr. Justice McReynolds.

No. 245. Perry G. Lanham, as Administrator of the Estate of Mary J. Lanham, deceased, et al., plaintiffs in error, *v.* J. F. McKeel. In error to the Supreme Court of the State of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Justice Pitney.

No. 475. William McCoach, Collector of Internal Revenue, petitioner, *v.* Insurance Company of North America. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment of the Circuit Court of Appeals reversed with costs and judgment of the District Court of the United States for the Eastern District of Pennsylvania affirmed with costs and cause remanded to said District Court. Opinion by Mr. Justice Pitney. Dissenting: Mr. Chief Justice White and Mr. Justice McKenna. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 234. Olivia H. Hopkins et al., appellants, *v.* Frank Walker et al. Appeal from the District Court of the United States for the District of Montana. Decree reversed with costs and cause remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Van Devanter.

No. 170. The Santa Fe Pacific Railroad Company, appellant, *v.* Franklin K. Lane, Secretary of the Interior. Appeal from the Court of Appeals of the District of Columbia. Decree reversed with costs; and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Van Devanter.

No. 25, Original. *Ex parte* In the matter of The Indiana Transportation Company, petitioner. Rule made absolute and writ of prohibition granted. Opinion by Mr. Justice Holmes.

No. 24. Paine Lumber Company, Limited, et al., appellants, *v.* Elbridge H. Neal, individually, etc., et al. Appeal from the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed with costs; and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by

Mr. Justice Holmes. Dissenting: Mr. Justice Pitney, Mr. Justice McKenna, Mr. Justice Van Devanter, and Mr. Justice McReynolds.

No. 361. Emilio Valdez, plaintiff in error, *v.* The United States. In error to the Supreme Court of the Philippine Islands. Judgment affirmed. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Clarke and Mr. Chief Justice White.

No. 31, Original. *Ex parte* In the matter of The Park Square Automobile Station, petitioner. Rule to show cause discharged and petition for writ of mandamus dismissed.

No. 764. First National Bank of Bay City, plaintiff in error, *v.* Grant Fellows, Attorney General of the State of Michigan, on the relation of Union Trust Company, et al. In error to the Supreme Court of the State of Michigan. Judgment reversed with costs; and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Chief Justice White. Dissenting: Mr. Justice Van Devanter and Mr. Justice Day.

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

No. 657. Joseph Henry Bash, et al., plaintiffs in error, *v.* William Howald. In error to the Supreme Court of the State of Oklahoma. *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. Ry. Co.*, 228 U. S., 596, 600; *Parker v. McLain*, 237 U. S., 469; *Stewart v. Kansas City*, 238 U. S., 14. In re *Neagle*, 135 U. S., 55; In re *Delgado*, 140 U. S., 586, 588.

Nos. 1035, 1036, 1037, and 1038. Western Union Telegraph Company, plaintiff in error, *v.* Louisville & Nashville Railroad Company. In error to the Supreme Court of the State of Alabama. *Per curiam*: Judgments affirmed with costs, upon the authority of *Pensacola Telegraph Co. v. Western Union Telegraph Co.*, 96 U. S., 1; *Western Union Telegraph Co. v. Ann Arbor R. R. Co.*, 178 U. S., 239; *Western Union Telegraph Co. v. Pennsylvania R. R. Co.*, 195 U. S., 540; *Western Union Telegraph Co. v. Richmond*, 224 U. S., 160; *Louisville & Nashville R. R. Co. v. Western Union Telegraph Co.*, 237 U. S., 300. Petitions for writs of certiorari denied.

No. 1122. Carolina, Clinchfield & Ohio Railway, plaintiff in error, *v.* George W. Stroup. 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 section 3 of the act of Congress of September 6, 1916, 39 Stat., 726, 727, c. 448.

No. 1029. Omaha Baum Iron Store Co., formerly Omaha Iron Store Co., appellant, *v.* Moline Plow Company. Appeal from the District Court of the United States for the District of Nebraska. *Per curiam*: Dismissed for want of jurisdiction upon the authority

of *Aspen Mining & Smelting Co. v. Billings*, 150 U. S., 31, 37; *Brown v. Alton Water Co.*, 222 U. S., 325; *Metropolitan Water Co. v. Kaw Valley District*, 223 U. S., 519; *Union Trust Co. v. Westhus*, 228 U. S., 519; *Shapiro v. United States*, 235 U. S., 412.

No. 1102. P. C. O'Brien, county treasurer of Cuyahoga County, appellant, *v. John D. Rockefeller*. Appeal from the United States Circuit Court of Appeals for the Sixth Circuit. Per curiam: Dismissed for want of jurisdiction upon the authority of: 1. *Weir v. Rountree*, 216 U. S., 607; *Bagley v. General Fire Extinguisher Co.*, 212 U. S., 477; *Merriam Co. v. Syndicate Publishing Co.*, 237 U. S., 618; *Norton v. Whiteside*, 239 U. S., 144, 146-147; 2. *Arbuckle v. Blackburn*, 191 U. S., 405. Petition for writ of certiorari denied.

No. — Original. Ex parte: In the matter of Donn M. Roberts, petitioner; and

No. — Original. Ex parte: In the matter of Dennis Shea. Per curiam: Motions for leave to file petitions for writs of habeas corpus denied on the authority of *United States v. Mosley*, 238 U. S., 383.

No. 786. Empire Mill Company, plaintiff in error, *v. Blackwell Lumber Company*. In error to the Supreme Court of the State of Idaho. Per curiam: Dismissed for want of jurisdiction upon the authority of *Luxton v. North River Bridge Co.*, 147 U. S., 337; *Southern Railway Co. v. Postal Telegraph-Cable Co.*, 179 U. S., 641; *Grays Harbor Logging Co. v. Coats-Fordney Logging Co.*, 243 U. S., 251.

No. —, Original. Ex parte: In the matter of Park & Tilford, petitioner. Motion for leave to file petition for writ of mandamus granted and rule to show cause awarded returnable on Tuesday, October 2 next.

No. —, Original. Ex parte: In the matter of Avasta Hughes, petitioner. Motion for leave to file petition for writs of prohibition and mandamus denied.

No. 253. Hidekuni Iwata, appellant, *v. Charles T. Cornell*, as Immigration Inspector in Charge. Motion for leave to present petition for rehearing within 60 days denied.

No. 20, October term, 1911. Sidney Henry et al. *v. A. B. Dick Company*. Motion for leave to file bill of review in the District Court of the United States for the Southern District of New York granted.

No. 855. Samuel C. Cohen, as trustee, etc., petitioner, *v. Elias W. Samuels*. Motion to advance granted and cause assigned for argument on Tuesday, October 2 next, after the cases heretofore assigned for that day.

No. 1118. Crew-Levick Company, plaintiff in error, *v.* Commonwealth of Pennsylvania. Motion to advance granted and cause assigned for argument on Tuesday, October 2 next, after the cases heretofore assigned for that day.

No. 919. William Cramp & Sons Ship & Engine Building Company, petitioner, *v.* International Curtis Marine Turbine Company et al. Motion to advance for hearing with case No. 485 granted.

No. 1139. The City of Richmond, petitioner, *v.* Elizabeth W. Bird et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 820. Joseph Freedman, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 1062. W. P. Tucker, petitioner, *v.* Crawfordsville State Bank. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1110. Indian Land & Trust Company et al., petitioners, *v.* Robert L. Owen. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 1113. Harriet L. Biggs, petitioner, *v.* George E. Morris et al. Petition for a writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 1114. Crane Company, petitioner, *v.* Fidelity Trust Company, trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1123. Caleb B. Riggs et al., petitioners, *v.* John J. Gillespie. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 1128. Illinois Central Railroad Company, 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. 1129. The Delaware, Lackawanna & Western Railroad Company, petitioner, *v.* Robert H. Madden. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1131. Max Jaffe et al., petitioners, *v.* J. A. E. Pyle, as trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1132. The Standard Gas Light Company of the City of New York, petitioner, *v.* R. G. Packard Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1133. John Frederick Wallach et al., petitioners, *v.* Cornelius K. G. Billings. Petition for a writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 1136. Felt & Tarrant Manufacturing Company, petitioner, *v.* Burroughs Adding Machine Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1141. Frank Welch, petitioner, *v.* G. W. Ellis et al. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 1143. W. H. Lyon, petitioner, *v.* John P. Bleeg, trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1146. M. F. Witte, petitioner, *v.* W. A. Shelton, as United States marshal, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1147. C. H. Tiedemann, petitioner, *v.* W. A. Shelton, as United States marshal, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1149. The Aeolian Company, petitioner, *v.* Victor Talking Machine Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 1151. Joseph E. Wise et al., petitioners, *v.* Cornelius C. Watts et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1153. The Barrett Company, etc., et al., petitioners, *v.* Thomas Ewing, Commissioner of Patents. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1154. Samuel M. Kintner et al., receivers, etc., petitioners, *v.* Atlantic Communication Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 7, Original. The State of Wyoming, complainant, *v.* The State of Colorado et al. Ordered that this case be assigned for reargument on the first Monday in January, 1918. Briefs for complainant to be filed not later than September 1 next, briefs for defendants to be filed not later than October 1 next, and brief for the United States to be filed not later than December 1 next. All briefs in reply to be filed not later than the first Monday in January next.

No. 171. Chicago Life Insurance Company et al., plaintiffs in error, *v.* Bertha R. Cherry. Motion of plaintiff in error to tax costs of

printing parts of transcript of record unnecessarily printed at the instance of the defendant in error granted, the clerk to tax the amount to be paid.

No. 642. Illinois Central Railroad Company, appellant, *v.* Robert L. Greene et al., etc.;

No. 643. Robert L. Greene et al., etc., appellants, *v.* Illinois Central Railroad Company;

No. 644. Illinois Central Railroad Company, appellant, *v.* Robert L. Greene et al., etc.; and

No. 645. Robert L. Greene et al., etc., appellants, *v.* Illinois Central Railroad Company. Leave granted to present petition for rehearing within 60 days, on motion of Mr. Edmund F. Trabue for The Illinois Central Railroad Company.

No. 67. The Hart Steel Company et al., petitioner, *v.* The Railroad Supply Company; and

No. 95. The Railroad Supply Company, petitioner, *v.* Elyria Iron & Steel Company. Leave granted to present petition for rehearing within 60 days, on motion of Mr. Clarence E. Mehlhope for The Railroad Supply Company.

No. 1115. Union Pacific Railroad Company, petitioner, *v.* Erba J. Phillips, as administratrix of the Estate of Ray Chester Phillips, deceased. Motion for leave to present petition for rehearing within 30 days submitted by Mr. A. A. Hoehling, jr., in behalf of counsel for the petitioner, and motion denied.

No. 342. The Cuyahoga River Power Company, plaintiff in error, *v.* The Northern Realty Company et al. Leave granted to present petition for rehearing within 60 days, on motion of Mr. Wade H. Ellis in behalf of counsel for the plaintiff in error.

*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.