

Opinion of the Court.

MESSINGER *v.* THE EASTERN OREGON LAND COMPANY.

APPEAL FROM THE CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT.

No. 24. Submitted November 15, 1897.—Decided January 8, 1900.

The judgment in this case affirmed upon the authority of *United States v. Oregon and California Railroad Company* and *Wilcox v. The Eastern Oregon Land Co.*

THE case is stated in the opinion. This case was submitted with *Wilcox v. Eastern Oregon Land Co.*, *ante*, 51, and a like disposition was made of it.

*Mr. John M. Gearin* for appellant.

*Mr. James K. Kelly* for appellees.

MR. JUSTICE HARLAN delivered the opinion of the court.

The parties in this case and in *Wilcox v. Eastern Oregon Land Company* stipulated that the bills, answers, decrees, assignments of error, and all other papers and proceedings in both causes, were exactly alike, with the exception that in this case it is alleged that the land patented to the defendant Messinger was patented under the provisions of the act of Congress approved May 20, 1862, entitled "An act to secure homesteads to actual settlers on the public domain," 12 Stat. 392, c. 75, and the acts supplemental thereto; that the lands patented were the south half of the northwest quarter and lots three and four of section three, township two south, of range sixteen east of the Willamette meridian, in Oregon, and were situated within twenty miles of the line of the general route of the Northern Pacific Railroad Company's road as designated on its map of August 17, 1870, and that the patent was dated the 17th day of August, 1894.

It is also stipulated by the parties to the two suits, by their

Counsel for Parties.

respective attorneys, that, unless this court otherwise ordered, only the record in the Wilcox suit should be printed, and that the appeal in this case might be heard and submitted without printing the record thereof.

Upon the authority of *United States v. Oregon & California Railroad Company* and *Wilcox v. Eastern Oregon Land Company*, just decided, the decree of the Circuit Court of Appeals, reversing the judgment of the Circuit Court and directing a decree in favor of the plaintiff, the Eastern Oregon Land Company, is

*Affirmed.*

MR. JUSTICE MCKENNA did not participate in the decision of this case.



### BLAKE *v.* McCLUNG.

ERROR TO THE SUPREME COURT OF THE STATE OF TENNESSEE.

No. 466. Submitted December 18, 1899.—Decided January 8, 1900.

The decision in *Blake v. McClung*, 172 U. S. 239, referred to; and it is held that the judgment now under review was not in conformity with the opinion and mandate in that case—the court adjudging, as it had adjudged in the previous case, that when the general property and assets of a private corporation, lawfully doing business in a State, are in the course of administration by the courts of such State, creditors who are citizens of other States are entitled, under the Constitution of the United States, to stand *in all respects* upon the same plane with creditors of like class who are citizens of such State, and cannot be denied equality of right simply because they do not reside in that State, but are citizens residing in other States of the Union.

THE case is stated in the opinion of the court.

*Mr. Tully R. Cornick* and *Mr. Heber J. May* for plaintiffs in error.

*Mr. S. C. Williams* and *Mr. John W. Green* for defendants in error.