

223 U. S.

Opinions Per Curiam.

## OPINIONS PER CURIAM, ETC., FROM OCTOBER 9, 1911, TO MARCH 31, 1912.

No. 497. QUINCY, OMAHA & KANSAS CITY RAILROAD COMPANY, PLAINTIFF IN ERROR, *v.* ORA T. SHOHONEY. In error to the Supreme Court of the State of Missouri. Motion to dismiss or affirm submitted May 29, 1911. Decided October 23, 1911. *Per Curiam*. Dismissed for the want of jurisdiction. *Waters-Pierce Oil Co. v. Texas*, 212 U. S. 112, 116, 117; *Leathe v. Thomas*, 207 U. S. 93; *Giles v. Teasley*, 193 U. S. 146; *Eustis v. Bolles*, 150 U. S. 361. *Mr. John A. Eaton* for the plaintiff in error. *Mr. I. N. Watson* for the defendant in error.

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No. 524. YEUNG HOW, SOMETIMES KNOWN AS YEUNG CHOW, APPELLANT, *v.* HART H. NORTH, UNITED STATES COMMISSIONER OF IMMIGRATION, ETC., ET AL. Appeal from the Circuit Court of the United States for the Northern District of California. Motion to dismiss or affirm submitted October 9, 1911. Decided October 23, 1911. *Per Curiam*. Dismissed for the want of jurisdiction. *Farrell v. O'Brien*, 199 U. S. 100; *David Kaufman & Sons Co. v. Smith*, 216 U. S. 610; *Fong Yue Ting v. United States*, 149 U. S. 698, 716; § 14 of act of May 6, 1882, 22 Stat. 61. *Mr. Carroll Cook*, *Mr. Arthur A. Birney* and *Mr. Henry F. Woodard* for the appellant. *The Attorney General*, *The Solicitor General*, and *Mr. Assistant Attorney General Harr* for the appellees.

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No. 635. W. S. BRYAN, APPELLANT, *v.* BLISS-COOK OAK COMPANY ET AL. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Motion

to dismiss or affirm submitted October 9, 1911. Decided October 23, 1911. *Per Curiam*. Dismissed for the want of jurisdiction. *Louisville & Nashville R. R. Co. v. Mottley*, 211 U. S. 149; *Macfadden v. United States*, 213 U. S. 288. *Mr. Julian Laughlin* for the appellant. *Mr. John B. Jones* and *Mr. George B. Rose* for the appellees.

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No. 636. W. S. BRYAN, APPELLANT, *v.* EDWIN S. LAYMAN. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Motion to dismiss or affirm submitted October 9, 1911. Decided October 23, 1911. *Per Curiam*. Dismissed for the want of jurisdiction. *Louisville & Nashville R. R. Co. v. Mottley*, 211 U. S. 149; *Macfadden v. United States*, 213 U. S. 288. *Mr. Julian Laughlin* for the appellant. *Mr. U. M. Rose*, *Mr. G. B. Rose*, *Mr. W. E. Hemingway*, *Mr. E. H. Adams* and *Mr. J. F. Loughborough* for the appellee.

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No. 637. W. S. BRYAN, APPELLANT, *v.* WILLIAM BAGNELL. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Motion to dismiss or affirm submitted October 9, 1911. Decided October 23, 1911. *Per Curiam*. Dismissed for the want of jurisdiction. *Louisville & Nashville R. R. Co. v. Mottley*, 211 U. S. 149; *Macfadden v. United States*, 213 U. S. 288. *Mr. Julian Laughlin* for the appellant. *Mr. U. M. Rose*, *Mr. G. B. Rose*, *Mr. W. E. Hemingway* and *Mr. J. F. Loughborough* for the appellee.

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No. 638. MARCUS G. RIDER, APPELLANT, *v.* BLISS-COOK OAK COMPANY ET AL. Appeal from the United States



223 U. S.

Opinions Per Curiam.

Circuit Court of Appeals for the Eighth Circuit. Motion to dismiss or affirm submitted October 9, 1911. Decided October 23, 1911. *Per Curiam*. Dismissed for the want of jurisdiction. *Louisville & Nashville R. R. Co. v. Mottley*, 211 U. S. 149; *Macfadden v. United States*, 213 U. S. 288. *Mr. Julian Laughlin* for the appellant. *Mr. John B. Jones* and *Mr. G. B. Rose* for the appellees.

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No. 639. S. L. MOSER, APPELLANT, *v.* EDWIN S. LAYMAN. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Motion to dismiss or affirm submitted October 9, 1911. Decided October 23, 1911. *Per Curiam*. Dismissed for the want of jurisdiction. *Louisville & Nashville R. R. Co. v. Mottley*, 211 U. S. 149; *Macfadden v. United States*, 213 U. S. 288. *Mr. Julian Laughlin* for the appellant. *Mr. U. M. Rose*, *Mr. G. B. Rose*, *Mr. W. E. Hemingway*, *Mr. E. H. Adams* and *Mr. J. F. Loughborough* for the appellee.

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No. 713. ELIZABETH CASSIDY ET AL., PLAINTIFFS IN ERROR, *v.* THE PEOPLE OF THE STATE OF COLORADO, ON THE RELATION OF THE ATTORNEY GENERAL OF COLORADO. In error to the Supreme Court of the State of Colorado. Motion to dismiss or affirm submitted October 9, 1911. Decided October 13, 1911. *Per Curiam*. Dismissed for the want of jurisdiction. *Farrell v. O'Brien*, 199 U. S. 100; *David Kaufman & Sons Co. v. Smith*, 216 U. S. 610; *Elder v. Colorado*, 204 U. S. 85. *Mr. Henry J. Hersey* for the plaintiffs in error. *Mr. George Q. Richmond*, *Mr. Benjamin Griffith*, *Mr. Henry A. Lindsley* and *Mr. Frederic D. McKenney* for the defendant in error.

No. 299. J. A. SCRIVEN COMPANY, APPELLANT, *v.* RICE-STIX DRY GOODS COMPANY. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Motion to dismiss submitted October 18, 1911. Decided October 23, 1911. *Per Curiam*. Dismissed for the want of jurisdiction. *Farrell v. O'Brien*, 199 U. S. 100; *David Kaufman & Sons Co. v. Smith*, 216 U. S. 610; § 6 of act of March 3, 1891, chap. 517, 26 Stat. 828. And see *Hutchinson*, *Pierce & Co. v. Loewy*, 217 U. S. 457. *Mr. Arthur v. Briesen* and *Mr. Hans v. Briesen* for the appellant. *Mr. F. W. Lehmann* and *Mr. S. L. Swarts* for the appellee.

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No. 413. MIKE BEECHAM, PLAINTIFF IN ERROR, *v.* THE UNITED STATES. In error to the Supreme Court of the Philippine Islands. Submitted October 19, 1911. Decided October 23, 1911. *Per Curiam*. Dismissed for the want of jurisdiction. *Farrell v. O'Brien*, 199 U. S. 100; *David Kaufman & Sons Co. v. Smith*, 216 U. S. 610; *Downes v. Bidwell*, 182 U. S. 244; *Hawaii v. Mankichi*, 190 U. S. 197; *Rasmussen v. United States*, 197 U. S. 520; *Dorr v. United States*, 195 U. S. 138; *Trono v. United States*, 199 U. S. 521; *Grafton v. United States*, 206 U. S. 333. *Mr. William J. Rohde* for the plaintiff in error. *The Attorney General* and *Mr. Assistant Attorney General Harr* for the defendant in error.

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No. 414. MIKE BEECHAM, PLAINTIFF IN ERROR, *v.* THE UNITED STATES. In error to the Supreme Court of the Philippine Islands. Submitted October 19, 1911. Decided October 23, 1911. *Per Curiam*. Dismissed for the want of jurisdiction. *Farrell v. O'Brien*, 199 U. S. 100; *David Kaufman & Sons Co. v. Smith*, 216 U. S. 610; *Downes v. Bidwell*, 182 U. S. 244; *Hawaii v. Mankichi*,



223 U. S.

Opinions Per Curiam.

190 U. S. 197; *Rassmussen v. United States*, 197 U. S. 520; *Dorr v. United States*, 195 U. S. 138; *Trono v. United States*, 199 U. S. 521; *Grafton v. United States*, 206 U. S. 333. Mr. William J. Rohde for the plaintiff in error. The Attorney General and Mr. Assistant Attorney General Harr for the defendant in error.

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No. 361. ROBERT GILLAND, PLAINTIFF IN ERROR, *v.* THE UNITED STATES. In error to the Circuit Court of the United States for the District of South Dakota. Argued October 12, 1911. Decided October 24, 1911. *Per Curiam*. Judgment reversed, upon confession of error by counsel for the defendant in error, and cause remanded for further proceedings in conformity to law. Mr. Louis W. Crofoot for the plaintiff in error. The Attorney General and The Solicitor General for the defendant in error.

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No. —. Original. *Ex parte*: IN THE MATTER OF J. WESLEY GLASGOW, PETITIONER. Motion for leave to file a petition for a writ of *habeas corpus*. Submitted October 23, 1911. Decided October 30, 1911. *Per Curiam*. Denied. *Ex parte Mirzan*, 119 U. S. 584; *Riggins v. United States*, 199 U. S. 547; *In re Lincoln*, 202 U. S. 178. Mr. John C. Fay for the petitioner.

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No. 14. JOSEPH R. MOORE ET AL., PLAINTIFFS IN ERROR, *v.* THE STATE OF NEW JERSEY. In error to the Court of Errors and Appeals of the State of New Jersey. Argued for the plaintiff in error and submitted for the

defendant in error October 26, 1911. Decided October 30, 1911. *Per Curiam*. Dismissed for the want of jurisdiction. *Farrell v. O'Brien*, 199 U. S. 100; *David Kaufman & Sons Company v. Smith*, 216 U. S. 610; *Simon v. Craft*, 182 U. S. 427; *Twining v. New Jersey*, 211 U. S. 111; *Felts v. Murphy*, 201 U. S. 123. *Mr. Thomas P. Fay* for the plaintiffs in error. *Mr. Edmund Wilson* for the defendant in error.

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No. 571. DAVID A. COLLIER ET AL., PLAINTIFFS IN ERROR, *v.* J. G. SMALTZ AND IOWA RAILROAD LAND COMPANY. In error to the Supreme Court of the State of Iowa. Motions to dismiss or affirm submitted October 23, 1911. Decided October 30, 1911. *Per Curiam*. Dismissed for the want of jurisdiction. *Hannis Distilling Co. v. Baltimore*, 216 U. S. 285, 288, and cases cited; *Turner v. New York*, 168 U. S. 90; *Terry v. Anderson*, 95 U. S. 628. *Mr. F. T. Hughes* for the plaintiffs in error. *Mr. T. M. Zink* for J. G. Smaltz, and *Mr. Charles A. Clark* for the Iowa Railroad Land Company.

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No. 12. THE MERCANTILE TRUST COMPANY ET AL., APPELLANTS, *v.* THE TEXAS & PACIFIC RAILWAY CO. ET AL. Appeal from the Circuit Court of the United States for the Eastern District of Louisiana. Submitted October 23, 1911. Decided October 30, 1911. *Per Curiam*. Decree affirmed with costs. *Herndon v. Chicago, Rock Island & Pacific Railway*, 218 U. S. 135, 158, and cases cited. *Mr. Murphy J. Foster* and *Mr. William W. Green* for the appellants. *Mr. John F. Dillon*, *Mr. Chas. E. Fenner*, *Mr. W. B. Spencer* and *Mr. Chas. Payne Fenner* for the appellees. *Mr. Walter Guion* filed a brief as *amicus curiæ*.



223 U. S.

Opinions Per Curiam.

No. 23. ROGER SHERMAN, SUCCESSOR IN TRUST, AND D. H. PINNEY, PLAINTIFFS IN ERROR, *v.* LIBBIE GOODWIN. In error to the Supreme Court of the Territory of Arizona. Submitted October 26, 1911. Decided November 6, 1911. *Per Curiam*. Dismissed for the want of jurisdiction. *Idaho & O. Land Improvement Co. v. Bradbury*, 132 U. S. 509, 513; *Garzot v. Rios de Rubio*, 209 U. S. 284. *Mr. Walter Bennett* and *Mr. D. H. Pinney* for the plaintiffs in error. *Mr. J. F. Wilson* for the defendant in error.

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No. 762. W. H. TOLLIVER ET UX., APPELLANTS, *v.* THE GREAT NORTHERN RAILWAY COMPANY. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. Motion to dismiss submitted October 30, 1911. Decided November 6, 1911. *Per Curiam*. Dismissed for the want of jurisdiction. *Weir v. Rountree*, 216 U. S. 607, and cases cited. *Mr. Miles Poindexter* and *Mr. O. C. Moore* for the appellants. *Mr. E. C. Lindley* for the appellee.

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No. 555. CHICAGO, ROCK ISLAND & PACIFIC RAILWAY COMPANY, PLAINTIFF IN ERROR, *v.* C. W. BRADBURY. In error to the Supreme Court of the State of Iowa. Motions to dismiss or affirm and for damages submitted November 6, 1911. Decided November 13, 1911. *Per Curiam*. Dismissed for the want of jurisdiction. *Mutual Life Insurance Co. v. McGrew*, 188 U. S. 291, 308; *Farrell v. O'Brien*, 199 U. S. 100; *Southern Ry. Co. v. United States*, 222 U. S. 20; *Schlemmer v. Buffalo &c. Ry. Co.*, 205 U. S. 1; and 220 U. S. 590. *Mr. Carroll Wright* for the plaintiff in error. *Mr. Horatio F. Dale* and *Mr. John G. Myerly* for the defendant in error.

No. 57. CONRAD T. STRUCKMANN AND ERNST C. H. W. WAEGE, APPELLANTS, *v.* THE UNITED STATES. Appeal from the Court of Claims. Argued November 13, 1911. Decided December 4, 1911. *Per Curiam*. Judgment affirmed. *United States v. Heinszen*, 206 U. S. 370. *Mr. Edward S. Hatch, Mr. Vincent P. Donihee and Mr. Walter F. Welch* for the appellants. *The Attorney General and The Solicitor General* for the appellee.

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No. 148. WILLIAM BAIRD, PLAINTIFF IN ERROR, *v.* ALLEN P. HOWISON ET AL. In error to the Supreme Court of the State of Alabama. Motion to dismiss submitted December 4, 1911. Decided December 11, 1911. *Per Curiam*. Dismissed for the want of jurisdiction. *Dewey v. Des Moines*, 173 U. S. 193, 198, and cases cited; *Haire v. Rice*, 204 U. S. 291, 301; *Thomas v. Iowa*, 209 U. S. 258; *Waters-Pierce Oil Co. v. Texas*, 212 U. S. 112, 118; *Goodrich v. Ferris*, 214 U. S. 71, 79. *Mr. Alexander M. Garber* for the plaintiff in error. *Mr. John P. Tillman* for the defendant in error.

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No. 306. C. L. VAN SICE, APPELLANT, *v.* THE IBEX MINING COMPANY. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Motion to dismiss or affirm submitted December 11, 1911. Decided December 18, 1911. *Per Curiam*. Dismissed for the want of jurisdiction. *Bagley v. General Fire Extinguisher Company*, 212 U. S. 477; *Macfadden v. United States*, 213 U. S. 288, 293; *Pope v. Louisville, New Albany &c. Railway Company*, 173 U. S. 573, 577, and cases cited. *Mr. Edwin H. Park* for the appellant. *Mr. Charles Cavender and Mr. Gerald Hughes* for the appellee.



223 U. S.

Opinions Per Curiam.

No. 106. WILSON-MOLINE BUGGY COMPANY, PLAINTIFF IN ERROR, *v.* C. B. E. HAWKINS. In error to the Supreme Court of the State of Kansas. Submitted for the plaintiff in error December 11, 1911. Decided December 18, 1911. *Per Curiam*. Judgment reversed. *International Textbook Company v. Pigg*, 217 U. S. 91. *Mr. Almon W. Bulkley and Mr. C. E. More* for the plaintiff in error. No appearance for the defendant in error.

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No. 114. THE PITTSBURGH, CINCINNATI, CHICAGO & ST. LOUIS RAILWAY COMPANY, PLAINTIFF IN ERROR, *v.* THE STATE OF INDIANA. In error to the Supreme Court of the State of Indiana. Argued and submitted December 15, 1911. Decided December 18, 1911. *Per Curiam*. Judgment affirmed with costs. *Chicago, R. I. & Pac. Ry. Co. v. Arkansas*, 219 U. S. 453. *Mr. Samuel O. Pickens and Mr. Lawrence Maxwell* for the plaintiff in error. *Mr. James Bingham, Mr. Martin M. Hugg and Mr. Thomas M. Honan* for the defendant in error.

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No. —. Original. *Ex parte*: IN THE MATTER OF LOUIS CELLA ET AL., PETITIONERS. Motion for leave to file submitted December 18, 1911. Decided January 9, 1912. Motion for leave to file petition for writ of prohibition denied. *Mr. Howard Taylor, Mr. A. S. Worthington and Mr. Charles L. Frailey* for the petitioners. *The Attorney General, The Solicitor General, Mr. Clarence R. Wilson and Mr. Henry S. Robbins* opposing.

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No. 574. THE BORNN HAT COMPANY, PLAINTIFF IN ERROR, *v.* THE UNITED STATES. In error to the Circuit

Court of the United States for the Southern District of New York. Motion to affirm submitted January 9, 1912. Decided January 15, 1912. *Per Curiam*. Judgment affirmed on the authority of *Wilson v. United States*, 221 U. S. 361; *Dreier v. United States*, 221 U. S. 394; *American Tobacco Company v. Werckmeister*, 207 U. S. 284, 302; *Hale v. Henkel*, 201 U. S. 43, and cause remanded to the District Court of the United States for the Southern District of New York. *Mr. Abram I. Elkus* for the plaintiff in error. *The Attorney General* and *The Solicitor General* for the defendant in error.

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No. 803. WILLIAM ANDERSON AND ROBERT BARRY, PARTNERS, ETC., PLAINTIFFS IN ERROR, v. THE INHABITANTS OF THE CITY OF BORDENTOWN, N. J. In error to the Court of Errors and Appeals of the State of New Jersey. Motion to dismiss submitted January 9, 1912. Decided January 15, 1912. *Per Curiam*. Writ of error dismissed for the want of jurisdiction. *St. Paul &c. R. R. Co. v. County of Todd*, 142 U. S. 282; *St. Paul Gas Light Co. v. St. Paul*, 181 U. S. 142; *New Orleans Water Works Co. v. Louisiana*, 185 U. S. 336, 350, and cases cited; *Hamblin v. Western Land Co.*, 147 U. S. 531; *Farrell v. O'Brien*, 199 U. S. 89, 100; *Los Angeles Farming & Milling Co. v. Los Angeles*, 217 U. S. 217, 226. *Mr. E. A. Armstrong* for the plaintiffs in error. *Mr. Frederic D. McKenney*, *Mr. J. Spalding Flannery* and *Mr. William Hitz* for the defendant in error.

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No. 65. EUGENE M. THAYER, PLAINTIFF IN ERROR, v. ELIZA M. SCHABEN ET AL. In error to the Supreme Court of the State of Kansas. Argued for the plaintiff in error January 19, 1912. Decided January 22, 1912. *Per*



223 U. S.

Opinions Per Curiam.

*Curiam*. Writ of error dismissed for want of jurisdiction. *California National Bank v. Thomas*, 171 U. S. 441; *Appleby v. Buffalo*, 221 U. S. 524, 529. Mr. Charles H. Pegler, Mr. Arthur J. Eddy and Mr. Emil C. Wetten for the plaintiff in error. Mr. Fred S. Jackson for the defendants in error.

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No. 554. HORACE CHASE, INDIVIDUALLY AND AS ADMINISTRATOR, ETC., PLAINTIFF IN ERROR, *v.* LEONARD H. PHILLIPS AND SAMUEL C. LAWRENCE, TRUSTEES. In error to the Supreme Judicial Court of the State of Massachusetts. Motion to dismiss or affirm submitted January 22, 1912. Decided February 19, 1912. *Per Curiam*. Dismissed for the want of jurisdiction. *Farrell v. O'Brien*, 199 U. S. 89, 100; *San Francisco v. Itsell*, 133 U. S. 65; *Empire State-Idaho Mining Co. v. Hanley*, 205 U. S. 225, 235-236; *Chase v. Phillips*, 216 U. S. 616. Mr. Richard Y. FitzGerald for the plaintiff in error. Mr. J. L. Thorndike and Mr. E. R. Thayer for the defendants in error.

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No. —. Original. *Ex parte*: IN THE MATTER OF MATTHIAS RADIN, PETITIONER. Submitted March 4, 1912. Decided March 11, 1912. Motion for leave to file a petition for a writ of *habeas corpus* denied. Mr. Harry Levor for the petitioner.

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No. 198. WALTER E. MEYERS, TRUSTEE, ETC., PLAINTIFF IN ERROR, *v.* A. SAMUELS ET AL. In error to the Supreme Court of the State of Ohio. Argued March 8, 1912. Decided March 11, 1912. *Per Curiam*. Dismissed for want of jurisdiction. *The Missouri & Kansas Inter-*

Decisions on Petitions for Writs of Certiorari. 223 U. S.

*urban Railway Company v. The City of Olathe, Kansas*, 222 U. S. 185, 187, and cases cited. *Mr. John G. White, Mr. Amos Burt Thompson and Mr. W. B. Sanders* for the plaintiff in error. *Mr. Francis J. Wing and Mr. Nathan Loeser* for the defendants in error.

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NO. 185. BENJAMIN F. ROSELLE, PLAINTIFF IN ERROR, *v. THE COMMONWEALTH OF VIRGINIA*. In error to the Supreme Court of Appeals of the State of Virginia. Argued March 4, 1912. Decided March 18, 1912. Judgment affirmed with costs by a divided court. *Mr. Daniel Harmon, Mr. Homan W. Walsh and Mr. John T. Evans* for the plaintiff in error. *Mr. Samuel W. Williams* for the defendant in error.

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NO. 972. WARREN OZRO KYLE ET AL., ETC., APPELLANTS, *v. JOHN C. HAMMOND ET AL.* Appeal from the United States Circuit Court of Appeals for the First Circuit. Motion to dismiss or affirm submitted March 11, 1912. Decided March 18, 1912. *Per Curiam*. Dismissed for the want of jurisdiction. *Mr. Warren Ozro Kyle* for the appellants. *Mr. Hollis R. Bailey* for the appellees.

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*Decisions on Petitions for Writs of Certiorari from  
October 9, 1911, to March 31, 1912.*

NO. 619. THE ÆTNA LIFE INSURANCE COMPANY, PETITIONER, *v. JOHN T. MOORE, ADMINISTRATOR, ETC.* October 23, 1911. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted. *Mr. George S. Jones and Mr. Malcolm D. Jones*