

OPINIONS PER CURIAM, ETC., FROM OCTOBER 13, 1913, TO JANUARY 5, 1914.

No. —. Original. *Ex parte*: IN THE MATTER OF ASSETS COLLECTING COMPANY, PETITIONER. Submitted October 14, 1913. Decided October 20, 1913. Motion for leave to file petition for writs of mandamus or certiorari denied. *Mr. Ferdinand E. M. Bullowa* and *Mr. Richard S. Harvey* for the petitioner.

No. —. Original. *Ex parte*: IN THE MATTER OF YOUNG, SMYTHE FIELD COMPANY, PETITIONER. Submitted October 14, 1913. Decided October 20, 1913. Motion for leave to file petition for a writ of mandamus denied. *Mr. Mortimer C. Rhone* and *Mr. A. R. Jackson* for the petitioners.

No. —. CHARLES ANDERSON, PETITIONER, *v.* WILLIAM H. MOYER, WARDEN OF THE UNITED STATES PENITENTIARY AT ATLANTA, GA. Submitted October 20, 1913. Decided October 27, 1913. Motion for leave to file petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit and to proceed *in forma pauperis* denied. *Mr. Lamar Hill* for the petitioner.

No. —. CARL OLIVER, PLAINTIFF IN ERROR, *v.* THE STATE OF TEXAS. Submitted October 21, 1913. Decided October 27, 1913. Motion for leave to docket cause and proceed *in forma pauperis* denied. *Mr. Cecil H. Smith* for the petitioner.

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NO. 575. THE GLENWOOD LIGHT & WATER COMPANY, APPELLANT, *v.* THE TOWN OF GLENWOOD SPRINGS. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Motion to dismiss or affirm submitted October 21, 1913. Decided October 27, 1913. *Per Curiam*. Appeal dismissed. *Press Pub. Co. v. Monroe*, 164 U. S. 105, 111-112; *Defiance Water Co. v. Defiance*, 191 U. S. 184, 191; *Shulthis v. McDougal*, 225 U. S. 561; *Joplin v. Southwest Missouri Light Co.*, 191 U. S. 150, 157; *Knoxville Water Co. v. Knoxville*, 200 U. S. 22; *Swope v. Leffingwell*, 105 U. S. 3-4. *Mr. W. P. Malburn, Mr. W. H. Bryant and Mr. George L. Nye* for the appellant. *Mr. John A. Rush* for the appellee.

NO. 153. CHINO LEE, PLAINTIFF IN ERROR, *v.* THE UNITED STATES. In error to the Supreme Court of the Philippine Islands. Submitted October 22, 1913. Decided October 27, 1913. *Per Curiam*. Judgment affirmed. *Mugler v. Kansas*, 123 U. S. 623, 659-663; *Holden v. Hardy*, 169 U. S. 366; *Louisville & Nashville Railroad Co. v. F. W. Cook Brewing Co.*, 223 U. S. 70, 82; *Price v. United States*, 165 U. S. 311. *Mr. A. D. Gibbs* for the plaintiff in error. *The Attorney General and Mr. Assistant Attorney General Denison* for the defendant in error.

NO. 584. HENRY C. KING, APPELLANT, *v.* U. B. BUSKIRK, TRUSTEE, ET AL. Appeal from the United States Circuit Court of Appeals for the Fourth Circuit. Motion to dismiss or affirm submitted October 14, 1913. Decided October 27, 1913. *Per Curiam*. Dismissed for the want of jurisdiction. *Fay v. Crozer*, 217 U. S. 455, 456, and cases cited; *Farrell v. O'Brien*, 199 U. S. 100; *Waters-*

Pierce Oil Co. v. Texas, 212 U. S. 112, 117-118. *Mr. Maynard F. Stiles* for the appellant. *Mr. Frank Cox* and *Mr. W. R. Lilly* for the defendants in error.

NO. 516. *M. V. KIRKPATRICK, APPELLANT, v. WYATT A. HARNESBERGER, TRUSTEE, ETC.* Appeal from the District Court of the United States for the Southern District of Georgia. Motion to dismiss submitted October 15, 1913. Decided November 3, 1913. *Per Curiam*. Dismissed for the want of jurisdiction. *Merritt v. Bowdoin College*, 169 U. S. 551, 556. *Mr. Samuel H. Myers* for the appellant. *Mr. Wm. H. Fleming* for the appellee.

NO. 539. *THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY ET AL., APPELLANTS, v. THE UNITED STATES ET AL.* Appeal from the United States Commerce Court. Argued October 27 and 28, 1913. Decided November 3, 1913. *Per Curiam*. Decree affirmed on the authority of *Illinois Central Railroad Company v. Interstate Commerce Commission*, 206 U. S. 454, and cases cited; *Chicago, Rock Island & Pacific Ry. Co. v. Interstate Commerce Commission*, 218 U. S. 88, 110; *Proctor & Gamble Co. v. United States*, 225 U. S. 282, 297-298; *Interstate Commerce Commission v. Louisville & Nashville R. R. Co.*, 227 U. S. 88, 91. *Mr. C. W. Durbrow*, *Mr. Robert Dunlap*, *Mr. H. A. Scandrett*, *Mr. T. J. Norton*, *Mr. Maxwell Evarts* and *Mr. James G. Wilson* for the appellants. *The Attorney General*, *The Solicitor General* and *Mr. Blackburn Esterline* for the United States. *Mr. P. J. Farrell* for The Interstate Commerce Commission. *Mr. Wm. E. Lamb*, *Mr. Geo. E. Farrand*, *Mr. Rush C. Butler* and *Mr. Stephen A. Foster* for intervenors.

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No. 688. JOHN RONEY ET AL., PLAINTIFFS IN ERROR, v. H. J. VAN NESS. In error to the Supreme Court of the State of California. Motion to dismiss submitted October 27, 1913. Decided November 3, 1913. *Per Curiam*. Dismissed for the want of jurisdiction. Revised Statutes, § 1008; *Allen v. Southern Pacific R. R. Co.*, 173 U. S. 479, 484; *Aspen Min. & Smelting Co. v. Billings*, 150 U. S. 31, 36; *Scarborough v. Pargoud*, 108 U. S. 567. Mr. A. E. Bolton for the plaintiffs in error. Mr. Theodore A. Bell for the defendant in error.

No. 520. PACIFIC CREOSOTING COMPANY, PLAINTIFF IN ERROR, v. THE UNITED STATES. In error to the United States Circuit Court of Appeals for the Ninth Circuit. Motion to dismiss submitted October 27, 1913. Decided November 3, 1913. *Per Curiam*. Dismissed for the want of jurisdiction. *Anglo-Californian Bank v. United States*, 175 U. S. 37; *Macfadden v. United States*, 213 U. S. 288, 294. Mr. George E. de Steiguer for the plaintiff in error. The Attorney General, The Solicitor General and Mr. Assistant Attorney General Adkins for the defendant in error.

No. 413. JOHN ZELLER, PLAINTIFF IN ERROR, v. THE STATE OF NEW JERSEY. In error to the Court of Errors and Appeals of the State of New Jersey. Motion to dismiss or affirm submitted October 27, 1913. Decided November 3, 1913. *Per Curiam*. Dismissed for the want of jurisdiction. *Hurtado v. California*, 110 U. S. 516; *Maxwell v. Dow*, 176 U. S. 581, 584; *Twining v. New Jersey*, 211 U. S. 78; *Farrell v. O'Brien*, 199 U. S. 89, 100. Mr. Marshall Van Winkle for the plaintiff in error. Mr. Edmond Wilson, Mr. Robert H. McCarter and Mr. Pierre P. Garven for the defendant in error.

NO. 221. WILLIAM S. LOVELL, AS TRUSTEE IN BANKRUPTCY, ETC., PLAINTIFF IN ERROR, *v.* HENRY HENTZ & COMPANY ET AL. In error to the United States Circuit Court of Appeals for the Fifth Circuit. Motion to dismiss or affirm submitted October 27, 1913. Decided November 3, 1913. *Per Curiam*. Dismissed for the want of jurisdiction. *Lovell v. Newman*, 227 U. S. 412. *Mr. Walker Percy* and *Mr. H. Generes Dufour* for the plaintiff in error. *Mr. Phelan Beale* for the defendants in error.

NO. 44. THE MISSOURI, KANSAS & TEXAS RAILWAY COMPANY OF TEXAS, PLAINTIFF IN ERROR, *v.* OLIVER LETOT. In error to the Court of Civil Appeals for the Fourth Supreme Judicial District of the State of Texas. Submitted by plaintiff in error November 5, 1913. Decided November 10, 1913. *Per Curiam*. Dismissed for want of jurisdiction on the authority of *Missouri, Kansas & Texas Railway Company v. May*, 194 U. S. 267. *Mr. Joseph M. Bryson* for the plaintiff in error. No appearance for the defendant in error.

NO. 436. C. F. EASTON, RECEIVER, ETC., PLAINTIFF IN ERROR, *v.* THE CHICAGO HOTEL COMPANY ET AL. In error to the District Court of the United States for the Western District of Washington. Motion to dismiss submitted November 10, 1913. Decided November 17, 1913. *Per Curiam*. Dismissed for want of jurisdiction on the authority of *United States v. Congress Construction Co.*, 222 U. S. 199; *Fore River Shipbuilding Co. v. Hogg*, 219 U. S. 195; *Louisville Trust Co. v. Knott*, 191 U. S. 225; *Smith v. McKay*, 161 U. S. 355. *Mr. Stephen A. Keenan* for the

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plaintiff in error. *Mr. Chas. W. Dorr, Mr. Aldis B. Browne, Mr. Alexander Britton and Mr. Evans Browne* for the defendants in error.

No. 8. Original. *Ex parte*: IN THE MATTER OF AMERICA CAPO, PETITIONER. On petition for writ of mandamus. Argued November 10, 11, 1913. Decided November 17, 1913. *Per Curiam*. The rule to show cause hitherto allowed is discharged and the petition for the allowance of the writ of mandamus is dismissed, and the prayer for the writ consequently denied. *Ex parte Harding*, 219 U. S. 363. *Mr. Frederic D. McKenney and Mr. F. H. Dexter* for the petitioner. *Mr. Malcolm Donald, Mr. Charles Hartzell and Mr. M. Rodriguez-Serra* for the respondent.

No. 9. NEW LOUISVILLE JOCKEY CLUB ET AL., PLAINTIFFS IN ERROR, *v.* THE CITY OF OAKDALE ET AL.; and

No. 10. LENNOX LAND COMPANY, PLAINTIFF IN ERROR, *v.* CITY OF OAKDALE ET AL. In error to the Court of Appeals of the State of Kentucky. Submitted October 30, 1913. Decided November 17, 1913. *Per Curiam*. Dismissed for the want of jurisdiction. *Mount Pleasant v. Beckwith*, 100 U. S. 531; *Kelly v. Pittsburgh*, 104 U. S. 80; *Castillo v. McConnico*, 168 U. S. 674. *Mr. Wm. H. Field and Mr. Bernard Flexner* for the plaintiffs in error. *Mr. J. M. Chilton* for the defendants in error.

No. 3. THE MAYOR AND ALDERMEN OF THE CITY OF VICKSBURG, APPELLANTS, *v.* VICKSBURG WATER WORKS COMPANY. Appeal from the Circuit Court of the United

States for the Southern District of Mississippi. Submitted October 30, 1913. Decided December 1, 1913. *Per Curiam*. Dismissed for the want of jurisdiction, upon the authority of *Bayard v. Lombard*, 9 How. 530; *Payne v. Niles*, 26 How. 219; *Indiana v. Liverpool, London & G. Ins. Co.*, 109 U. S. 168, and cause remanded to the District Court of the United States for the Southern District of Mississippi. *Mr. T. C. Catchings, Mr. O. W. Catchings and Mr. George Anderson* for the appellants. *Mr. Joseph Hirsh and Mr. J. C. Bryson* for the appellee.

No. 332. JACOB GLOS ET AL., PLAINTIFFS IN ERROR, *v.* WILLIAM L. O'CONNELL, COUNTY TREASURER, ETC., ET AL. In error to the Supreme Court of the State of Illinois. Motion to dismiss submitted November 17, 1913. Decided December 1, 1913. *Per Curiam*. Dismissed for the want of jurisdiction, on the authority of *Jacob Glos v. The City of Chicago &c.*, 226 U. S. 599, and authorities there cited. Submitted by the plaintiffs in error, *pro se*. *Mr. George Gillette* for the defendants in error.

No. 48. WILLIAM RABB, PLAINTIFF IN ERROR, *v.* THE STATE OF LOUISIANA. In error to the Criminal District Court for the Parish of Orleans, State of Louisiana. Submitted November 6, 1913. Decided December 1, 1913. *Per Curiam*. Affirmed, with costs, upon the authority of *Foppiano v. Speed*, 199 U. S. 501. *Mr. Paul A. Sompayrac* for the plaintiff in error. *Mr. R. G. Pleasant* for the defendant in error.

No. —. Original. *Ex parte*: IN THE MATTER OF BANCO TERRITORIAL Y AGRICOLA DE PUERTA RICO AND

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THE BANCO COMMERCIAL DE PUERTO RICO, TRUSTEES, PETITIONERS. Submitted November 17, 1913. Decided December 1, 1913. Motion for leave to file petition for writ of certiorari denied. *Mr. Frederic D. McKenney* and *Mr. Francis H. Dexter* for the petitioners.

NO. 94. JOE DARSEY, PLAINTIFF IN ERROR, *v.* THE STATE OF GEORGIA. In error to the Supreme Court of the State of Georgia. Argued December 4, 1913. Decided December 8, 1913. *Per Curiam*. Dismissed for the want of jurisdiction. (*Heike v. United States*, 217 U. S. 423.) *Mr. John Randolph Cooper* for the plaintiff in error. *Mr. Thos. S. Felder* for the defendant in error.

NO. 588. ATLANTIC COAST LINE RAILROAD COMPANY, PLAINTIFF IN ERROR, *v.* JAMES A. MILLER. In error to the Supreme Court of the State of South Carolina. Motion to affirm submitted December 1, 1913. Decided December 8, 1913. *Per Curiam*. Judgment affirmed with costs, on authority of *Chicago, Burlington & Quincy R. R. Co. v. McGuire*, 219 U. S. 541. *Mr. P. A. Willcox* and *Mr. Frederic D. McKenney* for the plaintiff in error. *Mr. L. D. Jennings* for the defendant in error.

NO. 558. LOUIS ELIE JOSEPH HENRY DE GALARD DE BRASSAC DE BEARN, ETC., PLAINTIFF IN ERROR, *v.* PIERRE DE BEARN;

NO. 559. LOUIS ELIE JOSEPH HENRY DE GALARD DE BRASSAC DE BEARN, ETC., PLAINTIFF IN ERROR, *v.* FRANCOIS DE BEARN;

No. 560. LOUIS ELIE JOSEPH HENRY DE GALARD DE BRASSAC DE BEARN, ETC., PLAINTIFF IN ERROR, *v.* ODON DE BEARN; and

No. 561. LOUIS ELIE JOSEPH HENRY DE GALARD DE BRASSAC DE BEARN, ETC., PLAINTIFF IN ERROR, *v.* JEAN BAPTISTE CHAUMET. In error to the Court of Appeals of the State of Maryland. Motion to dismiss or affirm and for damages submitted November 17, 1913. Decided December 8, 1913. *Per Curiam*. Dismissed for the want of jurisdiction. (*Eustis v. Bolles*, 150 U. S. 361; *Wood v. Chesborough*, 228 U. S. 672; *Adams v. Russell*, 229 U. S. 358, and authorities there cited; *Hamblin v. Western Land Co.*, 147 U. S. 531; *Deming v. Carlisle Packing Co.*, 226 U. S. 102; see *De Bearn v. De Bearn*, 225 U. S. 695.) *Mr. Maurice Leon* for the plaintiff in error. *Mr. J. Kemp Bartlett* and *Mr. Edgar Allan Poe* for the defendants in error.

No. 272. PARIS & GREAT NORTHERN RAILROAD COMPANY, PLAINTIFF IN ERROR, *v.* MRS. GEORGIA BOSTON ET AL. In error to the Court of Civil Appeals for the Sixth Supreme Judicial District of the State of Texas. Argued and submitted December 2, 1913. Decided December 15, 1913. Judgment affirmed with costs and interest by an equally divided court. *Mr. W. F. Evans* and *Mr. Edgar Wright* for the plaintiff in error. *Mr. Fred B. Rhodes* for the defendants in error.

No. 127. WASHINGTON DREDGING & IMPROVEMENT COMPANY, PLAINTIFF IN ERROR, *v.* THE STATE OF WASHINGTON, E. V. BUSSELL ET AL. In error to the Supreme Court of the State of Washington. Argued December 11, 12, 1913. Decided December 15, 1913. *Per Curiam*.

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Dismissed for want of jurisdiction. 1. *Eustis v. Bolles*, 150 U. S. 361; *Preston v. Chicago*, 226 U. S. 447, 450; *Wood v. Chesborough*, 228 U. S. 672, 677. 2. *Deming v. Carlisle Packing Co.*, 226 U. S. 102; *Standard Oil Company of Indiana v. Missouri*, 224 U. S. 271, 287. Mr. W. F. Hays and Mr. Chas. E. Shepard for the plaintiff in error. Mr. Alfred Battle, Mr. George B. Cole, Mr. Richard A. Balingier, Mr. George E. de Steiguer, Mr. Jas. A. Kerr, Mr. W. V. Tanner, Mr. Douglas C. Conover, Mr. Wm. M. Watson, Mr. Chas. W. Bunn, Mr. Ira Bronson, Mr. Jas. B. Murphy, Mr. Wm. B. Stratton and Mr. John C. Higgins for the defendants in error.

No. 103. JOHN E. HEAVNER ET AL., PLAINTIFFS IN ERROR, *v.* THE CITY OF ELKINS. In error to the Supreme Court of Appeals of the State of West Virginia. Argued December 5, 8, 1913. Decided December 15, 1913. *Per Curiam*. Judgment affirmed with costs. *Schaefer v. Werling*, 188 U. S. 516; *Detroit v. Parker*, 181 U. S. 399, etc. Mr. A. R. Stallings and Mr. Jas. A. Bent for the plaintiffs in error. Mr. R. H. Allen for the defendant in error.

No. —. Original. *Ex parte*: IN THE MATTER OF ADOLPH GRIMSINGER, PETITIONER. Submitted December 8, 1913. Decided December 15, 1913. Motion for leave to file a petition for writ of *habeas corpus* denied. Mr. Geo. F. Curtis for the petitioner. *The Solicitor General* opposing.

No. —. Original. *Ex parte*: IN THE MATTER OF JONAS JONES, PETITIONER. Submitted December 15, 1913. De-

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cided December 22, 1913. Motion for leave to file petition for writ of *habeas corpus* denied. *Mr. W. I. Cruce* and *Mr. A. C. Cruce* for the petitioner. *The Solicitor General* opposing.

NO. 449. PARKER-WASHINGTON COMPANY, PLAINTIFF IN ERROR, *v.* HAROLD CRAMER, A MINOR, ETC. In error to the District Court of the United States for the Northern District of Illinois. Motion to dismiss or affirm, etc., submitted December 22, 1913. Decided January 5, 1914. *Per Curiam*. Dismissed for want of jurisdiction. *Union Trust Company of St. Louis v. Westhus*, 228 U. S. 519. *Mr. Henry R. Rathbone* and *Mr. Shepard Barclay* for the plaintiff in error. *Mr. Michael F. Gallagher* for the defendant in error.

No. —. Original. JAMES M. COCKINS, PETITIONER, *v.* ADELAIDE MILLER BLICK AND HORACE J. MILLER. Submitted December 22, 1913. Decided January 5, 1914. Petition for a writ of error denied. *Mr. Samuel S. Mehard* and *Mr. Harvey A. Miller* for the petitioner. *Mr. John S. Ferguson* and *Mr. Joseph N. Ulman* for the respondents.

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NO. 709. THE UNITED STATES, PETITIONER, *v.* NIPISING MINES COMPANY. October 20, 1913. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted. *The Attorney*