

NEW YORK LIFE INSURANCE COMPANY *v.*
HEAD.

ERROR TO THE SUPREME COURT OF THE STATE OF MISSOURI.

No. 255. Argued March 10, 1914.—Decided June 8, 1914.

Decided on authority of the preceding case.
241 Missouri, 420, reversed.

THE facts are stated in the opinion.

Mr. James H. McIntosh, with whom *Mr. Gardiner Lathrop*, *Mr. Cyrus Crane*, *Mr. O. W. Pratt* and *Mr. S. W. Moore* were on the brief, for plaintiff in error.

Mr. Buckner F. Deatherage, with whom *Mr. Goodwin Creason*, *Mr. James S. Botsford*, *Mr. W. P. Borland* and *Mr. James A. Reed* were on the brief, for defendant in error.

MR. CHIEF JUSTICE WHITE delivered the opinion of the court.

This case is governed by the opinion in No. 254 just decided. The policy sued on was one of the two issued to Richard G. Head in Kansas City, Missouri, in favor of his minor son. It was delivered at Kansas City and the first premium paid there, as in the previous case, and the subsequent premiums were paid in New Mexico. There was borrowed upon the policy by authority of the proper probate court in New Mexico the sum of \$2,270.00 under a loan agreement and pledge; there was a default and an adjustment of the policy as in the other case. The case was tried in the court of first instance with the other case, was embraced in the Supreme Court of Missouri by the

234 U. S.

Counsel for Appellant.

same opinion by which the other case was disposed of, and there thus being no distinction between the two cases, for reasons given in the other case, No. 254,

The judgment is reversed.

FLORIDA EAST COAST RAILWAY COMPANY *v.*
UNITED STATES.

APPEAL FROM THE COMMERCE COURT.

No. 383. Argued January 15, 16, 1913.—Decided June 8, 1914.

The rule that a finding of fact made by the Interstate Commerce Commission concerning a matter within the scope of the authority delegated to it is binding and may not be reëxamined in the courts, does not apply where the finding was made without any evidence whatever to support it; the consideration of such a question involves not an issue of fact, but one of law which it is the duty of the courts to examine and decide.

The record does not disclose any evidence justifying the order of the Commission directing a reduction of rates which had been held to be reasonable by a prior order of the Commission.

In a proceeding against several railroads, testimony as to the condition of traffic on certain railroads does not tend to establish conditions on another road in regard to which no testimony is given and where the record shows essential differences between it and those roads in regard to which the testimony was given.

200 Fed. Rep. 797, reversed.

THE facts, which involve the validity of an order of the Interstate Commerce Commission establishing rates on citrus fruits and vegetables from points of production in Florida to exterior points of consumption, are stated in the opinion.

Mr. Frederick C. Bryan and Mr. Alex. St. Clair-Abrams
for appellant.