

Cases Disposed of Without Consideration by the Court. 241 U. S.

Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Harvey D. Goulder* and *Mr. Frank S. Masten* for the petitioner. *Mr. William B. Cady* and *Mr. Francis S. Laws* for the respondent.

No. 1051. THE HAWGOOD & AVERY TRANSIT COMPANY, PETITIONER, *v.* THE MEAFORD TRANSPORTATION COMPANY; and

No. 1052. THE HAWGOOD & AVERY TRANSIT COMPANY, PETITIONER, *v.* ELLEN WILLIAMS, ADMINISTRATRIX, ETC. June 12, 1916. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Harvey D. Goulder* for the petitioner. *Mr. Charles E. Kremer* and *Mr. George L. Canfield* for the respondents.

No. 1053. INDEPENDENT PNEUMATIC TOOL COMPANY, PETITIONER, *v.* BURKE ELECTRIC COMPANY. June 12, 1916. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr. John Robert Taylor* and *Mr. L. S. Bacon* for the petitioner. *Mr. Clifton V. Edwards* for the respondent.

CASES DISPOSED OF WITHOUT CONSIDERATION
BY THE COURT FROM JANUARY 12, 1916, TO
JUNE 12, 1916.

No. 173. CARRIE H. COLLINS ET AL., PLAINTIFFS IN ERROR, *v.* RUFUS PHILIPS ET AL., TRUSTEES, ETC., ET AL. In error to the Supreme Court of the State of Pennsyl-

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vania. January 12, 1916. Dismissed with costs, pursuant to the tenth rule. *Mr. Charles K. Robinson* and *Mr. James W. Collins* for the plaintiffs in error. *Mr. William J. Kyle* and *Mr. John C. Bane* for the defendants in error.

No. 177. D. F. DEATON, PLAINTIFF IN ERROR, *v.* THE COMMONWEALTH OF KENTUCKY. In error to the Court of Appeals of the State of Kentucky. January 13, 1916. Dismissed with costs, pursuant to the tenth rule. *Mr. Edward S. Jouett* for the plaintiff in error. No appearance for the defendant in error.

No. 192. THE UNITED STATES, APPELLANT, *v.* MELVEN BOOTH, ADMINISTRATOR, ETC. Appeal from the Court of Claims. January 17, 1916. Dismissed on motion of *Mr. Solicitor General Davis* for the appellant. *The Attorney General* for the appellant. *Mr. George A. King* for the appellee.

No. 206. J. C. McCLELLAND, AS STATE AUDITOR OF THE STATE OF OKLAHOMA, ET AL., APPELLANTS, *v.* MISSOURI, KANSAS & TEXAS RAILWAY COMPANY. Appeal from the District Court of the United States for the Western District of Oklahoma. January 20, 1916. Dismissed with costs, pursuant to the tenth rule. *Mr. Charles West* for the appellants. No appearance for the appellee.

No. 190. REBECCA LOTH ET AL., PLAINTIFFS IN ERROR, *v.* THE CITY OF ST. LOUIS ET AL. In error to the Supreme

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Court of the State of Missouri. January 20, 1916. Dismissed with costs on motion of *Mr. David Goldsmith* for the plaintiffs in error. *Mr. David Goldsmith* for the plaintiffs in error. *Mr. Truman P. Young* for the defendants in error.

NO. 753. CHU TAI NGAN, PETITIONER, *v.* SAMUEL W. BACKUS, COMMISSIONER, ETC. January 24, 1916. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit dismissed on motion of counsel for the petitioner. *Mr. O. P. Stidger* and *Mr. C. L. Bouve* for the petitioner. No brief for the respondent.

NO. 225. MARTIN H. FREE, PLAINTIFF IN ERROR, *v.* THE WESTERN UNION TELEGRAPH COMPANY. In error to the Supreme Court of the State of Wisconsin. January 24, 1916. Dismissed with costs, pursuant to the tenth rule. *Mr. B. I. Salinger* and *Mr. Frederick S. Tyler* for the plaintiff in error. *Mr. Rush Taggart*, *Mr. George H. Fearons* and *Mr. Francis Raymond Stark* for the defendant in error.

[Note: This judgment was set aside and case restored to docket June 12, 1916. See p. 656, *ante*.]

NO. 251. ANNA YOUNG, APPELLANT, *v.* WEST END STREET RAILWAY COMPANY ET AL. Appeal from the District Court of the United States for the District of Massachusetts. January 26, 1916. Dismissed with costs, pursuant to the tenth rule. *Mr. Burton E. Eames* for the appellant. *Mr. Alexander Britton*, *Mr. Evans Browne* and *Mr. Charles A. Williams* for the appellees.

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NO. 252. AMY CURTIS, APPELLANT, *v.* WEST END STREET RAILWAY COMPANY ET AL. Appeal from the District Court of the United States for the District of Massachusetts. January 26, 1916. Dismissed with costs, pursuant to the tenth rule. *Mr. Burton E. Eames* for the appellant. *Mr. Alexander Britton*, *Mr. Evans Browne* and *Mr. Charles A. Williams* for the appellees.

NO. 868. CONGREGACION DE LA MISSION DE SAN VICENTE DE PAUL, APPELLANT, *v.* FRANCISCO REYES Y MIJARES AND EL BANCO ESPANOL FILIPINO. Appeal from the Supreme Court of the Philippine Islands. February 21, 1916. Docketed and dismissed with costs, on motion of *Mr. Evans Browne* for the appellees. *Mr. Evans Browne* for the appellees. No one opposing.

NO. 313. W. C. HAGAN ET AL., PLAINTIFFS IN ERROR, *v.* MADISON F. LARKIN. In error to the Superior Court of Cochise County, State of Arizona. February 21, 1916. Dismissed with costs, on motion of counsel for the plaintiffs in error. *Mr. Benjamin C. Tunnison* for the plaintiffs in error. No appearance for the defendant in error.

NO. 544. SOUTHERN OREGON COMPANY, PLAINTIFF IN ERROR, *v.* W. W. GAGE, SHERIFF OF COOS COUNTY, ORE. In error to the Supreme Court of the State of Oregon. February 21, 1916. Dismissed with costs, on motion of counsel for the plaintiff in error. *Mr. Joseph Simon* and *Mr. John M. Gearin* for the plaintiff in error. No appearance for the defendant in error.

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NO. 584. ERIE RAILROAD COMPANY, PLAINTIFF IN ERROR, *v.* GEORGE PROWSKI, AS ADMINISTRATOR, ETC. In error to the Supreme Court of the State of New York. February 21, 1916. Dismissed with costs, on motion of counsel for the plaintiff in error. *Mr. George F. Brownell* for the plaintiff in error. No appearance for the defendant in error.

NO. 243. THE CURTICE BROTHERS COMPANY, APPELLANT, *v.* HARRY E. BARNARD ET AL. Appeal from the United States Circuit Court of Appeals for the Seventh Circuit. February 23, 1916. Dismissed without costs to either party, per stipulation of counsel. *Mr. Lawrence Maxwell* for the appellant. *Mr. Bert Winters* for the appellees.

NO. 13, Original. THE STATE OF SOUTH DAKOTA, COMPLAINANT, *v.* CHARLES H. CASSILL. February 29, 1916. Dismissed per stipulation of counsel. *Mr. Clarence C. Caldwell, Mr. Edward E. Wagner* and *Mr. Robert J. Gamble* for the complainant. *Mr. Charles H. Cassill, pro se.*

NO. 298. NORTHERN EXPRESS COMPANY, PLAINTIFF IN ERROR, *v.* THE STATE OF WASHINGTON. In error to the Supreme Court of the State of Washington. February 29, 1916. Dismissed with costs, on motion of counsel for the plaintiff in error. *Mr. Charles W. Bunn* for the plaintiff in error. *Mr. W. V. Tanner* for the defendant in error.

NO. 10. JOE JUDGE AND M. BUNTING, PLAINTIFFS IN ERROR, *v.* FRANK M. POWERS, JUDGE, ETC., ET AL. In er-

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ror to the Supreme Court of the State of Iowa. March 2, 1916. Dismissed with costs, on motion of *Mr. Frederick S. Tyler* for the plaintiffs in error. *Mr. B. I. Salinger* and *Mr. Frederick S. Tyler* for the plaintiffs in error. No appearance for the defendants in error.

No. 267. NATIONAL SURETY COMPANY ET AL., PLAINTIFFS IN ERROR, *v.* THE UNITED STATES TO THE USE OF J. A. HOLLINGER ET AL. In error to the United States Circuit Court of Appeals for the Third Circuit. March 6, 1916. Dismissed with costs, on motion of counsel for the plaintiff in error. *Mr. A. C. Stamm* for the plaintiffs in error. *Mr. John E. Fox* for the defendants in error.

No. 221. WILLIAM A. STOWE, PLAINTIFF IN ERROR, *v.* EMMA F. TAYLOR. In error to the Superior Court of the State of Massachusetts. March 8, 1916. Dismissed with costs, on motion of counsel for the plaintiff in error. *Mr. Hollis R. Bailey* for the plaintiff in error. *Mr. James H. Veahey* for the defendant in error.

No. 297. J. F. CUNNINGHAM, APPELLANT, *v.* J. P. FLOURNOY, SHERIFF, ETC., ET AL. Appeal from the District Court of the United States for the Western District of Louisiana. March 14, 1916. Dismissed with costs, pursuant to the tenth rule. *Mr. Taliaferro Alexander* for the appellant. No appearance for the appellees.

No. 304. MASSACHUSETTS BONDING & INSURANCE COMPANY, PLAINTIFF IN ERROR, *v.* REALTY TRUST COM-

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PANY ET AL. In error to the Supreme Court of the State of Georgia. March 15, 1916. Dismissed with costs, on motion of counsel for the plaintiff in error. *Mr. John D. Little, Mr. Arthur G. Powell, Mr. Marion Smith, Mr. Max F. Goldstein and Mr. Eugene Dodd* for the plaintiff in error. *Mr. William A. Wimbish, Mr. Leonard Haas and Mr. Hudson Moore* for the defendants in error.

No. 738. JUDSON HARMON, RECEIVER, ETC., PLAINTIFF IN ERROR, *v.* ANDREW C. BROWN, ADMINISTRATOR, ETC. In error to the Supreme Court of the State of Indiana. March 17, 1916. Dismissed with costs, per stipulation. *Mr. John B. Elam* for the plaintiff in error. *Mr. James E. Watson* for the defendant in error.

No. 315. FRANCISCO GOENAGA Y OLSA ET AL., APPELLANTS, *v.* ELISA GALLARDO Y SEARY ET AL. Appeal from the District Court of the United States for Porto Rico. March 17, 1916. Dismissed with costs, on motion of counsel for the appellant. *Mr. N. B. K. Pettingill* for the appellants. *Mr. Frederic R. Coudert and Mr. Howard Thayer Kingsbury* for the appellees.

No. 932. GEORGE WAKEFIELD, APPELLANT, *v.* JOHN J. BRADLEY, MARSHAL, ETC., ET AL. Appeal from the District Court of the United States for the Northern District of Illinois. April 3, 1916. Docketed and dismissed with costs, on motion of *Mr. Solicitor General Davis* for the appellees. *The Attorney General* for the appellees. No one opposing.

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NO. 276. LUCIUS E. JUDSON, AS TRUSTEE, ETC., PETITIONER, *v.* WILLIAM A. NASH, AS TRUSTEE, ETC., ET AL. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. April 3, 1916. Dismissed with costs, on motion of counsel for the petitioner. *Mr. Oscar A. Lewis* for the petitioner. *Mr. John M. Bowers* for the respondent.

NO. 526. WILLIAM WHALLEY, PLAINTIFF IN ERROR, *v.* PHILADELPHIA & READING RAILWAY COMPANY. In error to the Supreme Court of the State of Pennsylvania. April 3, 1916. Dismissed with costs, on motion of counsel for the plaintiff in error. *Mr. Augustus Trask Ashton* and *Mr. John C. Bell* for the plaintiff in error. *Mr. Wm. Clarke Mason* for the defendant in error.

NO. 713. CHIN QUOCK WAH, APPELLANT, *v.* HENRY M. WHITE, COMMISSIONER, ETC. Appeal from the District Court of the United States for the Western District of Washington. April 3, 1916. Dismissed with costs, pursuant to the tenth rule. *Mr. Joseph F. O'Connell* for the appellant. *The Attorney General* for the appellee.

NO. 934. M. HEIMER, PLAINTIFF IN ERROR, *v.* THE STATE OF GEORGIA. In error to the Court of Appeals of the State of Georgia. April 5, 1916. Docketed and dismissed with costs on motion of *Mr. William Wallace, Jr.*, in behalf of counsel for the defendant in error. *Mr. Wm. Wallace, Jr.*, for the defendant in error. No one opposing.

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NO. 609. AMERICAN SURETY COMPANY OF NEW YORK, PLAINTIFF IN ERROR, *v.* THE STATE OF IDAHO, TO AND FOR THE USE AND BENEFIT OF CLARA MILLS ET AL. In error to the Supreme Court of the State of Idaho. April 17, 1916. Dismissed, each party paying its own costs, per stipulation of counsel. *Mr. James H. Richards* and *Mr. Oliver O. Haga* for the plaintiff in error. *Mr. Joseph H. Peterson* for the defendants in error.

NO. 718. S. S. WHITE DENTAL MANUFACTURING COMPANY, PETITIONER, *v.* OSCAR H. PIEPER ET AL., ETC. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. April 17, 1916. Dismissed with costs, on motion of counsel for the petitioner. *Mr. Henry N. Paul, Jr.*, *Mr. Joseph C. Fraley* and *Mr. Edward Rector* for the petitioner. *Mr. Charles A. Brown* for the respondent.

NO. 461. GEORGE W. CALDWELL ET AL., ETC., PLAINTIFFS IN ERROR, *v.* GEORGE W. DONAGHEY ET AL. In error to the Supreme Court of the State of Arkansas. April 24, 1916. Dismissed with costs, on motion of counsel for the plaintiffs in error. *Mr. J. W. Blackwood* for the plaintiffs in error. *Mr. W. E. Hemingway*, *Mr. G. B. Rose* and *Mr. J. F. Loughborough* for the defendants in error.

NO. 789. SWIFT & COMPANY, PLAINTIFF IN ERROR, *v.* AGNES CATANI. In error to the Supreme Court of the State of Pennsylvania. April 24, 1916. Dismissed per stipulation. *Mr. Charles B. Lenahan* for the plaintiff in error. *Mr. Rush Trescott* for the defendant in error.

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No. 39. JOHN F. CUBBINS, APPELLANT, *v.* MISSISSIPPI RIVER COMMISSION ET AL. Appeal from the District Court of the United States for the Western District of Tennessee. April 24, 1916. Dismissed with costs, pursuant to the tenth rule. *Mr. Barnette E. Moses* for the appellant. *Mr. H. F. Roleson* for the appellees.

No. 24. Original. *Ex parte:* IN THE MATTER OF THE MOTION PICTURE PATENTS COMPANY, PETITIONER. April 24, 1916. Petition for writ of mandamus dismissed on motion of counsel for petitioner. *Mr. Melville Church* for the petitioner.

No. 379. JAMES F. THRIFT, COMPTROLLER OF THE CITY OF BALTIMORE, PLAINTIFF IN ERROR, *v.* PHILIP D. LAIRD. In error to the Court of Appeals of the State of Maryland. April 28, 1916. Dismissed with costs, on motion of counsel for the plaintiff in error. *Mr. Alexander Preston* and *Mr. S. S. Field* for the plaintiff in error. *Mr. W. Cabell Bruce* for the defendant in error.

No. 346. THE UNITED STATES OF AMERICA, APPELLANT, *v.* THE LAKE SHORE & MICHIGAN SOUTHERN RAILWAY COMPANY ET AL. Appeal from the District Court of the United States for the Southern District of Ohio. May 1, 1916. Dismissed on motion of *Mr. Solicitor General Davis* for the appellant. *The Attorney General* for the appellant. No appearance for the appellees.

No. 238. THE PENNSYLVANIA RAILROAD COMPANY, PLAINTIFF IN ERROR, *v.* KATE SETERA, AS ADMINISTRA-

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TRIX, ETC. In error to the Supreme Court of the State of New York. May 1, 1916. Dismissed with costs, on motion of *Mr. Frederic D. McKenney* for the plaintiff in error. *Mr. Frederic D. McKenney* and *Mr. Harold J. Adams* for the plaintiff in error. No appearance for the defendant in error.

NO. 771. A. S. DOWD, RECEIVER, ETC., ET AL., PLAINTIFFS IN ERROR, *v.* UNITED MINE WORKERS OF AMERICA ET AL. In error to the District Court of the United States for the Western District of Arkansas. May 2, 1916. Dismissed with costs on motion of *Mr. J. B. McDonough* for the plaintiffs in error. *Mr. James B. McDonough* for the plaintiffs in error. *Mr. George L. Grant* and *Mr. Henry Warrum* for the defendants in error.

NO. 272. MARK CRAIG, PLAINTIFF IN ERROR, *v.* COMMONWEALTH OF KENTUCKY. In error to the Hardin County Quarterly Court, the State of Kentucky. Argued for defendant in error May 3, 1916. Decided May 3, 1916. Judgment reversed with costs and cause remanded for further proceedings upon confession of error by the defendant in error and motion of *Mr. Arthur H. Mann* for the defendant in error. *Mr. Hobson L. James* for the plaintiff in error. *Mr. Arthur H. Mann* for the defendant in error.

NO. 377. PORTER LAWSON, PLAINTIFF IN ERROR, *v.* THE STATE OF LOUISIANA. In error to the Supreme Court of the State of Louisiana. May 4, 1916. Dismissed with costs, pursuant to the tenth rule. *Mr. Taliaferro Alexander* for the plaintiff in error. No appearance for the defendant in error.

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NO. 306. THE UNITED STATES ET AL., APPELLANTS, *v.* ST. LOUIS, IRON MOUNTAIN & SOUTHERN RAILWAY COMPANY ET AL. Appeal from the District Court of the United States for the Eastern District of Illinois. May 22, 1916. Dismissed on motion of *Mr. Solicitor General Davis* for the appellants. *The Attorney General* for the appellants. *Mr. Edward A. Haid* and *Mr. Henry G. Herbel* for the appellees.

NO. 387. THE CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY COMPANY, PLAINTIFF IN ERROR, *v.* E. G. MASSINGALE, AS ADMINISTRATOR, ET AL. In error to the Court of Appeals of the State of Kentucky. May 22, 1916. Dismissed with costs, on motion of counsel for the plaintiff in error. *Mr. John Galvin* and *Mr. Edward Colston* for the plaintiff in error. *Mr. James N. Sharpe* for the defendants in error.

NO. 873. POSTAL TELEGRAPH COMPANY, APPELLANT, *v.* THE CITY OF PORTLAND. Appeal from the District Court of the United States for the District of Oregon. June 5, 1916. Dismissed with costs, on motion of counsel for the appellant. *Mr. William D. Fenton* and *Mr. Alfred A. Hampson* for the appellant. No appearance for the appellee.

NO. 903. NICOLA CERRI, AS ITALIAN CONSULAR AGENT, ETC., PLAINTIFF IN ERROR, *v.* GIOVANNI PAGANO, ADMINISTRATOR, ETC. In error to the Supreme Court of the State of Ohio. June 5, 1916. Dismissed with costs, on motion of counsel for the plaintiff in error. *Mr. Newton D. Baker* for the plaintiff in error. No appearance for the defendant in error.

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NO. 727. CHARLES FRANK ET AL., APPELLANTS, *v.* UNION PACIFIC RAILROAD COMPANY ET AL. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. June 12, 1916. Dismissed with costs, on motion of counsel for the appellants. *Mr. Samuel Untermeyer, Mr. Louis Marshall, Mr. Myron L. Learned and Mr. Abraham Benedict* for the appellants. *Mr. N. H. Loomis* for the appellees.