

Cases Disposed of Without Consideration by the Court. 242 U. S.

CASES DISPOSED OF WITHOUT CONSIDERATION
BY THE COURT, FROM OCTOBER 9, 1916, TO
FEBRUARY 5, 1917.

No. 309. JOHN Z. LOWE, JR., COLLECTOR OF INTERNAL REVENUE, PLAINTIFF IN ERROR, *v.* SAMUEL T. HUBBARD ET AL. In error to the District Court of the United States for the Southern District of New York. October 9, 1916. Dismissed with costs, on motion of *Mr. Solicitor General Davis* for the plaintiff in error. *The Attorney General* and *The Solicitor General* for the plaintiff in error. *Mr. David Hunter Miller* and *Mr. Gordon Auchincloss* for the defendants in error.

No. 388. JOHN Z. LOWE, JR., COLLECTOR OF UNITED STATES INTERNAL REVENUE, ETC., PLAINTIFF IN ERROR, *v.* STEPHEN M. WELD ET AL. In error to the District Court of the United States for the Southern District of New York. October 9, 1916. Dismissed with costs, on motion of *Mr. Solicitor General Davis* for the plaintiff in error. *The Attorney General* and *The Solicitor General* for the plaintiff in error. *Mr. David Hunter Miller* and *Mr. Gordon Auchincloss* for the defendants in error.

No. 5. Original. THE STATE OF MINNESOTA, COMPLAINANT, *v.* THE STATE OF WISCONSIN. October 9, 1916. Dismissed on motion of *Mr. Lyndon A. Smith* for the complainant. *Mr. Lyndon A. Smith* for the complainant. *Mr. W. C. Owen* for the defendant.

No. 137. THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY, PLAINTIFF IN ERROR, *v.* THE STATE OF

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KANSAS EX REL. S. M. BREWSTER, ATTORNEY GENERAL, ETC., ET AL. In error to the Supreme Court of the State of Kansas. October 9, 1916. Dismissed with costs, on authority of counsel for the plaintiff in error. *Mr. Robert Dunlap* for the plaintiff in error. No appearance for the defendants in error.

NO. 199. TERRE HAUTE, INDIANAPOLIS & EASTERN TRACTION COMPANY, PLAINTIFF IN ERROR, *v.* ELMIRA C. WEDDLE, ADMINISTRATRIX, ETC. In error to the Supreme Court of the State of Indiana. October 9, 1916. Dismissed with costs, on motion of counsel for the plaintiff in error. *Mr. Ferdinand Winter* and *Mr. W. H. Latta* for the plaintiff in error. *Mr. Richard M. Milburn* for the defendant in error.

NOS. 224 and 225. FLORIDA EAST COAST RAILWAY COMPANY, PLAINTIFF IN ERROR, *v.* THE STATE OF FLORIDA EX REL. R. HUDSON BURR ET AL., ETC. In error to the Supreme Court of the State of Florida. October 9, 1916. Dismissed with costs on motion of counsel for the plaintiff in error. *Mr. Frederick C. Bryan* and *Mr. Alexander St. Clair Abrams* for the plaintiff in error. No appearance for the defendants in error.

NO. 238. WALTER BOWEN & COMPANY, INC., PLAINTIFF IN ERROR, *v.* THE STATE OF WASHINGTON. In error to the Supreme Court of the State of Washington. October 9, 1916. Dismissed per stipulation. *Mr. W. H. Bogle* and *Mr. Carroll B. Graves* for the plaintiff in error. *Mr. W. V. Tanner* for the defendant in error.

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No. 261. S. B. HOVEY ET AL., RECEIVERS, ETC., PLAINTIFFS IN ERROR, *v.* FAYETTE TANKERSLEY. In error to the Court of Civil Appeals of the Third Supreme Judicial District of the State of Texas. October 9, 1916. Dismissed with costs, on motion of counsel for the plaintiffs in error. *Mr. Herbert S. Garrett* for the plaintiffs in error. No appearance for the defendant in error.

No. 352. SERAPION CRIBE ET AL., APPELLANTS, *v.* R. E. MANLY ET AL. Appeal from the Supreme Court of the Philippine Islands. October 9, 1916. Dismissed with costs, on motion of counsel for the appellants. *Mr. A. D. Gibbs* for the appellants. No appearance for the appellees.

No. 448. JOHN GRANT LYMAN, APPELLANT, *v.* THOMAS D. MCCARTHY, MARSHAL, ETC. Appeal from the District Court of the United States for the Southern District of New York. October 9, 1916. Dismissed with costs, on motion of counsel for the appellant. *Mr. Henry A. Wise* and *Mr. Frederick S. Tyler* for the appellant. *The Attorney General* for the appellee.

No. 517. ST. LOUIS SOUTHWESTERN RAILWAY COMPANY, PLAINTIFF IN ERROR, *v.* W. C. ELLENWOOD. In error to the Supreme Court of the State of Arkansas. October 9, 1916. Dismissed with costs, on motion of counsel for the plaintiff in error. *Mr. A. L. Burford* and *Mr. Edward A. Haid* for the plaintiff in error. No appearance for the defendant in error.

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NO. 117. SOUTHERN RAILWAY COMPANY, PLAINTIFF IN ERROR, *v.* B. B. SAUNDERS, ADMINISTRATOR, ETC. In error to the Supreme Court of the State of North Carolina. October 12, 1916. Dismissed with costs on motion of counsel for the plaintiff in error. *Mr. L. E. Jeffries* for the plaintiff in error. *Mr. Jas. S. Manning* and *Mr. W. W. Kitchin* for the defendant in error.

NO. 122. ABRAHAM FEINBERG, PLAINTIFF IN ERROR, *v.* JOHN QUINN, JR. In error to the Supreme Judicial Court of the State of Massachusetts. October 18, 1916. Dismissed without costs to either party, per stipulation. *Mr. Lee M. Friedman* for the plaintiff in error. *Mr. Arthur D. Hill* for the defendant in error.

NO. 6. THE CITY OF MONROE, PLAINTIFF IN ERROR, *v.* THE STATE OF LOUISIANA EX REL. THE PARISH BOARD OF SCHOOL DIRECTORS OF THE PARISH OF OUACHITA, LOUISIANA. In error to the Supreme Court of the State of Louisiana. October 18, 1916. Dismissed with costs pursuant to the nineteenth rule. *Mr. S. L. Herold* and *Mr. John C. Theus* for the plaintiff in error. No appearance for the defendant in error.

NO. 12. JOHN F. COLBURN, PLAINTIFF IN ERROR, *v.* CHARLES T. WILDER, TAX ASSESSOR, ETC. In error to the Supreme Court of the Territory of Hawaii. October 18, 1916. Dismissed with costs pursuant to the nineteenth rule. *Mr. Clarence W. Ashford* for the plaintiff in error. *Mr. C. R. Hemenway* for the defendant in error.

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No. 173. OSWALD MEHLOS, PLAINTIFF IN ERROR, *v.* THE CITY OF MILWAUKEE ET AL. In error to the Supreme Court of the State of Wisconsin. October 19, 1916. Dismissed with costs on motion of counsel for the plaintiff in error. *Mr. Wm. B. Reuben* for the plaintiff in error. No appearance for the defendants in error.

No. 397. THE CHESAPEAKE & OHIO RAILWAY COMPANY, PLAINTIFF IN ERROR, *v.* GEORGE ROBERT KORNOFF. In error to the Court of Appeals of the State of Kentucky. October 19, 1916. Dismissed with costs on motion of counsel for the plaintiff in error. *Mr. John Galvin* for the plaintiff in error. No appearance for the defendant in error.

No. 16. JOHN F. CUBBINS, APPELLANT, *v.* THE MISSISSIPPI RIVER COMMISSION ET AL. Appeal from the District Court of the United States for the Eastern District of Louisiana. October 19, 1916. Dismissed with costs pursuant to the tenth rule. *Mr. Barnette E. Moses* for the appellant. *The Attorney General* for the appellees.

No. 17. JOHN F. CUBBINS, APPELLANT, *v.* COTTON BELT LEVEE DISTRICT No. 1 ET AL. Appeal from the District Court of the United States for the Eastern District of Arkansas. October 19, 1916. Dismissed with costs pursuant to the tenth rule. *Mr. Barnette E. Moses* for the appellant. No appearance for the appellees.

No. 228. THE PITTSBURGH, CINCINNATI, CHICAGO & ST. LOUIS RAILWAY COMPANY, PLAINTIFF IN ERROR, *v.*

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FARMERS TRUST & SAVINGS COMPANY, ADMINISTRATOR, ETC. In error to the Supreme Court of the State of Indiana. October 23, 1916. Dismissed with costs, on motion of *Mr. Frederic D. McKenney* for the plaintiff in error. No appearance for the defendant in error.

NO. 57. THE UNITED STATES, APPELLANT AND PLAINTIFF IN ERROR, *v.* THE NASHVILLE, CHATTANOOGA & ST. LOUIS RAILWAY. Appeal from and in error to the District Court of the United States for the Middle District of Tennessee. October 27, 1916. Dismissed, pursuant to the nineteenth rule. *The Attorney General* for the appellant and plaintiff in error. *Mr. Helm Bruce* for the appellee and defendant in error.

NO. 307. NORTHERN PACIFIC RAILWAY COMPANY, PLAINTIFF IN ERROR, *v.* WILFRED L. GIFFORD. In error to the Supreme Court of the State of Idaho. October 30, 1916. Dismissed with costs, on motion of *Mr. Alexander Britton* in behalf of counsel for the plaintiff in error. *Mr. James E. Babb*, *Mr. C. W. Bunn* and *Mr. Alexander Britton* for the plaintiff in error. No appearance for the defendant in error.

NO. 473. CLARA P. BOBB, PLAINTIFF IN ERROR, *v.* ALFRED C. F. MEYER. In error to the Supreme Court of the State of Missouri. November 6, 1916. Dismissed with costs, on motion of counsel for the plaintiff in error. *Mr. Thomas J. Rowe* for the plaintiff in error. No appearance for the defendant in error.

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NO. 80. ARTHUR J. McDONALD, AS EXECUTOR, ET AL., PLAINTIFFS IN ERROR, *v.* J. T. McDONALD ET AL. In error to the Supreme Court of the State of Arizona. November 6, 1916. Dismissed with costs, pursuant to the tenth rule. *Mr. Roy D. Keehn* for the plaintiffs in error. *Mr. Selim M. Franklin* for the defendants in error.

NO. 768. CENTRAL TRUST COMPANY OF NEW YORK, AS TRUSTEE, ETC., APPELLANT, *v.* THE UNITED STATES. Appeal from the District Court of the United States for the Southern District of Ohio. November 8, 1916. Dismissed with costs, on motion of counsel for the appellant. *Mr. Arthur H. Van Brunt* for the appellant. *The Attorney General* for the appellee.

NO. 83. FRANCIS J. TORRANCE, TRUSTEE, ETC., ET AL., PLAINTIFFS IN ERROR, *v.* FIRST-SECOND NATIONAL BANK OF PITTSBURGH. In error to the District Court of the United States for the Western District of Pennsylvania. November 9, 1916. Dismissed with costs, on motion of counsel for the plaintiffs in error. *Mr. Alvin A. Morris* for the plaintiffs in error. No appearance for the defendant in error.

NO. 96. P. P. DABNEY ET AL., PLAINTIFFS IN ERROR, *v.* CITY LAND COMPANY. In error to the Supreme Court of the State of Oregon. November 10, 1916. Dismissed with costs, pursuant to the tenth rule. *Mr. Charles W. Fulton* and *Mr. Guy C. H. Corliss* for the plaintiffs in error. *Mr. Alfred E. Clark* for the defendant in error.

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NO. 97. P. P. DABNEY ET AL., PLAINTIFFS IN ERROR, *v.* JOHN H. MIDDLETON ET AL., AS EXECUTORS, ETC. In error to the Supreme Court of the State of Oregon. November 10, 1916. Dismissed with costs, pursuant to the tenth rule. *Mr. Charles W. Fulton* and *Mr. Guy C. H. Corliss* for the plaintiffs in error. *Mr. Alfred E. Clark* for the defendants in error.

NO. 102. HIRAM CHASE, APPELLANT, *v.* PETER HANSEN. Appeal from the District Court of the United States for the District of Nebraska. November 14, 1916. Dismissed with costs, pursuant to the sixteenth rule, on motion of *Mr. C. J. Kappler* for the appellee. *Mr. Hiram Chase* for the appellant. *Mr. Charles J. Kappler* for the appellee.

NO. 589. AMERICAN BONDING COMPANY OF BALTIMORE, PLAINTIFF IN ERROR, *v.* THE UNITED STATES OF AMERICA TO THE USE OF CAESAR FRANCINI ET AL. In error to the United States Circuit Court of Appeals for the Third Circuit. November 14, 1916. Dismissed, per stipulation. *Francis B. Bracken* for the plaintiff in error. *Mr. William M. Hargest* for the defendants in error.

NO. 354. THE UNITED STATES, APPELLANT, *v.* E. DOWDEN ET AL. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. November 20, 1916. Dismissed, on motion of *Mr. Solicitor General Davis* for the appellant. *The Attorney General* for the appellant. *Mr. Reford Bond* for the appellees.

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NO. 91. WELLS, FARGO & COMPANY EXPRESS, PLAINTIFF IN ERROR, *v.* THE STATE OF OKLAHOMA;

NO. 92. THE AMERICAN EXPRESS COMPANY, PLAINTIFF IN ERROR, *v.* THE STATE OF OKLAHOMA; and

NO. 93. UNITED STATES EXPRESS COMPANY, PLAINTIFF IN ERROR, *v.* THE STATE OF OKLAHOMA. In error to the Supreme Court of the State of Oklahoma. November 20, 1916. Dismissed, on motion of counsel for the plaintiffs in error. *Mr. S. T. Bledsoe* for the plaintiffs in error. *Mr. T. B. Harrison* for the plaintiff in error in No. 92. No appearance for the defendant in error.

NO. 209. VANDALIA RAILROAD COMPANY, PLAINTIFF IN ERROR, *v.* JOHN A. HOLLAND. In error to the Supreme Court of the State of Indiana. December 4, 1916. Dismissed with costs on motion of *Mr. Frederic D. McKenney* for the plaintiff in error. *Mr. Samuel O. Pickens* and *Mr. Frederic D. McKenney* for the plaintiff in error. *Mr. Martin M. Hugg* and *Mr. Wyman J. Beckett* for the defendant in error.

NO. 174. FRED E. BARNEY, PLAINTIFF IN ERROR, *v.* CHARLES M. WAY, AS RECEIVER, ETC. In error to the Supreme Court of the State of Minnesota. December 4, 1916. Dismissed per stipulation. *Mr. H. V. Mercer* for the plaintiff in error. *Mr. James E. Trask* for the defendant in error.

NO. 182. JORGE DARD Y TEILLARD ET AL., HEIRS AT LAW OF EUGENIA TEILLARD, DECEASED, ET AL., APPELLANTS, *v.* ENRIQUE GREEN ET AL. Appeal from the Dis-

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trict Court of the United States for Porto Rico. December 4, 1916. Dismissed with costs on motion of counsel for the appellants. *Mr. Francis H. Dexter* for the appellants. *Mr. Edward S. Paine* for the appellees.

NO. 146. THE UNITED STATES, PLAINTIFF IN ERROR, *v.* WILLIAM SKINNER ET AL. In error to the District Court of the United States for the Southern District of New York. December 11, 1916. Dismissed, on motion of *Mr. Solicitor General Davis* for the plaintiff in error. *The Attorney General* for the plaintiff in error. No appearance for the defendants in error.

NO. 181. THE UNITED STATES, PLAINTIFF IN ERROR, *v.* JOHN L. BILLARD. In error to the District Court of the United States for the Southern District of New York. December 11, 1916. Dismissed, on motion of *Mr. Solicitor General Davis* for the plaintiff in error. *The Attorney General* for the plaintiff in error. No appearance for the defendant in error.

NO. 141. ARMOUR PACKING COMPANY ET AL., PLAINTIFFS IN ERROR, *v.* THE STATE OF MISSOURI, ON THE RELATION OF JOHN T. BARKER, ATTORNEY GENERAL. In error to the Supreme Court of the State of Missouri. December 12, 1916. Dismissed with costs, on motion of counsel for the plaintiffs in error. *Mr. Frank Hagerman* for the plaintiffs in error. *Mr. John T. Barker* for the defendant in error.

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NO. 114. THE MANUFACTURERS LIGHT & HEAT COMPANY ET AL., APPELLANTS, *v.* LEE OTT ET AL., PUBLIC SERVICE COMMISSION OF THE STATE OF WEST VIRGINIA. Appeal from the District Court of the United States for the Northern District of West Virginia. December 15, 1916. Dismissed with costs, on motion of counsel for the appellants. *Mr. Charles McCamic, Mr. A. Leo Weil, Mr. J. M. Clarke, Mr. George E. Price, Mr. B. M. Ambler, Mr. P. C. Knox, Mr. Frederick DeCourcy Faust and Mr. Charles F. Wilson* for the appellants. *Mr. S. B. Avis, Mr. A. A. Lilly and Mr. J. B. Sommerville* for the appellees.

NO. 622. MEMPHIS STREET RAILWAY COMPANY, PETITIONER, *v.* J. W. BOBO, ADMINISTRATOR, ETC. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. December 19, 1916. Dismissed with costs, on motion of counsel for the petitioner. *Mr. Luke E. Wright and Mr. Roane Waring* for the petitioner. *Mr. Caruthers Ewing and Mr. Ike W. Crabtree* for the respondent.

NO. 853. JUAN GATMAITAN, PLAINTIFF IN ERROR, *v.* THE UNITED STATES. In error to the Supreme Court of the Philippine Islands. January 8, 1917. Docketed and dismissed, on motion of *Mr. Solicitor General Davis* for the defendant in error. *The Attorney General and The Solicitor General* for the defendant in error. No one opposing.

NO. 854. LORENZO SONG CHONGCO, PLAINTIFF IN ERROR, *v.* THE UNITED STATES. In error to the Supreme Court of the Philippine Islands. January 8, 1917. Dock-

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eted and dismissed, on motion of *Mr. Solicitor General Davis* for the defendant in error. *The Attorney General* and *The Solicitor General* for the defendant in error. No one opposing.

No. —. Original. THE REPUBLIC OF CUBA, PLAINTIFF, *v.* THE STATE OF NORTH CAROLINA. Submitted November 6, 1916. Withdrawn January 8, 1917. Motion for leave to file declaration withdrawn on motion of *Mr. Barry Mohun* in behalf of counsel for the plaintiff. *Mr. Howard Thayer Kingsbury*, *Mr. Frederic R. Coudert* and *Mr. Marcus H. Burnstine* for the plaintiff.

No. 332. BOARD OF COUNCILMEN OF THE CITY OF FRANKFORT ET AL., APPELLANTS, *v.* EAST TENNESSEE TELEPHONE COMPANY. Appeal from the District Court of the United States for the Eastern District of Kentucky. January 8, 1917. Dismissed per stipulation of counsel. *Mr. F. M. Dailey* for the appellants. *Mr. Alexander Pope Humphrey* for the appellee.

No. 380. LOUISVILLE & NASHVILLE RAILROAD COMPANY, APPELLANT, *v.* WESTERN UNION TELEGRAPH COMPANY. Appeal from the District Court of the United States for the Eastern District of Kentucky. January 8, 1917. Dismissed with costs, on motion of counsel for the appellant. *Mr. Henry L. Stone*, *Mr. Edward S. Jouett* and *Mr. James B. Wright* for the appellant. *Mr. A. E. Richards*, *Mr. Rush Taggart* and *Mr. Alexander Pope Humphrey* for the appellee.

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No. 613. WILLIE HOPE, PLAINTIFF IN ERROR, *v.* W. F. FOLEY ET AL. In error to the Supreme Court of the State of Oklahoma. January 8, 1917. Dismissed with costs, on motion of counsel for the plaintiff in error. *Mr. George S. Ramsey, Mr. Edgar A. DeMeules and Mr. Malcolm E. Rosser* for the plaintiff in error. No appearance for the defendants in error.

No. 304. ST. LOUIS UNION TRUST COMPANY, PETITIONER, *v.* MARY E. MELLON. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. January 12, 1917. Dismissed at costs of respondent, per stipulation. *Mr. W. F. Wilson and Mr. Enoch A. Chase* for the petitioner. *Mr. J. H. Everest and Mr. R. M. Campbell* for the respondent.

No. 186. PUBLIC SERVICE GAS COMPANY, PLAINTIFF IN ERROR, *v.* BOARD OF PUBLIC UTILITIES COMMISSIONERS OF THE STATE OF NEW JERSEY ET AL. In error to the Court of Errors and Appeals of the State of New Jersey. January 19, 1917. Dismissed with costs, per stipulation, on motion of *Mr. E. A. Armstrong* for the plaintiff in error. *Mr. Frank Bergen and Mr. Thomas N. McCarter* for the plaintiff in error. *Mr. L. Edward Herrmann, Mr. Edward F. Merrey and Mr. Albert O. Miller, Jr.,* for the defendants in error.

No. 187. PUBLIC SERVICE GAS COMPANY, PLAINTIFF IN ERROR, *v.* CITY OF PATERSON ET AL. In error to the Court of Errors and Appeals of the State of New Jersey. Jan-

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uary 19, 1917. Dismissed with costs, per stipulation, on motion of *Mr. E. A. Armstrong* for the plaintiff in error. *Mr. Frank Bergen* and *Mr. Thomas N. McCarter* for the plaintiff in error. *Mr. L. Edward Herrmann*, *Mr. Edward F. Merrey* and *Mr. Albert O. Miller, Jr.*, for the defendants in error.

NO. 188. PUBLIC SERVICE GAS COMPANY, PLAINTIFF IN ERROR, *v. CITY OF PASSAIC ET AL.* In error to the Court of Errors and Appeals of the State of New Jersey. January 19, 1917. Dismissed with costs, per stipulation, on motion of *Mr. E. A. Armstrong* for the plaintiff in error. *Mr. Frank Bergen* and *Mr. Thomas McCarter* for the plaintiff in error. *Mr. L. Edward Herrmann* and *Mr. Albert O. Miller* for the defendants in error.

NO. 653. PENNSYLVANIA RAILROAD COMPANY, PLAINTIFF IN ERROR, *v. E. R. LANGILL AND G. A. EDMISTON*, AS LANGILL & EDMISTON. In error to the Supreme Court of the State of Pennsylvania. January 22, 1917. Dismissed with costs, on motion of *Mr. Frederic D. McKenney* for the plaintiff in error. *Mr. Frederic D. McKenney* and *Mr. H. W. Bikle* for the plaintiff in error. No appearance for the defendants in error.

NO. 308. THE BALTIMORE & OHIO RAILROAD COMPANY, PLAINTIFF IN ERROR, *v. WILLIAM C. HAGEN.* In error to the Court of Appeals for the Fifth District, Licking County, State of Ohio. January 22, 1917. Dismissed, per stipulation of counsel. *Mr. Alfred A. Frazier*, *Mr.*

George E. Hamilton, Mr. John W. Yerkes, Mr. John J. Hamilton and Mr. Edward Kibler for the plaintiff in error. *Mr. Rufus S. Day and Mr. F. S. Monnett* for the defendant in error.

NO. 444. JAY C. ZIEGLER ET AL., APPELLANTS, *v.* CARNEGIE TRUST COMPANY ET AL. Appeal from the District Court of the United States for the Southern District of New York. January 25, 1917. Dismissed, per stipulation. *Mr. Donald C. Strachan* for the appellants. *Mr. Joseph A. Kellogg* for the appellees.

NO. 175. ST. LOUIS, IRON MOUNTAIN & SOUTHERN RAILWAY COMPANY, PLAINTIFF IN ERROR, *v.* ANNIE RODGERS, AS ADMINISTRATRIX, ETC. In error to the Supreme Court of the State of Arkansas. February 1, 1917. Dismissed with costs, on motion of counsel for the plaintiff in error. *Mr. E. B. Kinsworthy and Mr. R. E. Wiley* for the plaintiff in error. *Mr. Thomas C. McRae and Mr. William V. Tompkins* for the defendant in error.

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NO. 134. C. C. CHESNUT, PLAINTIFF IN ERROR, *v.* MARGARET CAPEY. In error to the Supreme Court of the State of Oklahoma. August 22, 1916. Dismissed pursuant to the 28th rule. *Mr. O. L. Rider* for the plaintiff in error. *Mr. C. B. Stuart, Mr. A. C. Cruce and Mr. M. K. Cruce* for the defendant in error.