

DECISIONS PER CURIAM FROM FEBRUARY 6,
1917, TO APRIL 30, 1917, NOT INCLUDING AC-
TION ON PETITIONS FOR WRITS OF CER-
TIORARI.

No. —. Original. *Ex parte*: IN THE MATTER OF SAMUEL WINTNER, PETITIONER. Submitted January 29, 1917. Decided March 6, 1917. Motion for leave to file petition for writ of mandamus denied. *Mr. Harold Remington* for petitioner.

No. 23. ELOTT A. DE PASS ET AL., APPELLANTS, *v.* UNITED STATES. Appeal from the Court of Claims. Submitted January 25, 1917. Decided March 6, 1917. *Per Curiam*. Judgment affirmed upon the authority of *Dooley v. United States*, 182 U. S. 222; *Armstrong v. United States*, 182 U. S. 243; *Fourteen Diamond Rings*, 183 U. S. 176; *De Lima v. Bidwell*, 182 U. S. 1. *Mr. Henry M. Ward* and *Mr. H. W. Van Dyke* for appellants. *Mr. Assistant Attorney General Warren* for appellee.

No. 236. SOUTHERN SURETY COMPANY, PLAINTIFF IN ERROR, *v.* BOARD OF COUNTY COMMISSIONERS OF OKLAHOMA COUNTY, ETC. In error to the Supreme Court of the State of Oklahoma. Motion to dismiss submitted February 5, 1917. Decided March 6, 1917. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of: (1) *Waters-Pierce Oil Co. v. Texas*, 212 U. S. 112, 118; *Kansas City Southern Ry. Co. v. Henrie*, 214 U. S. 491; *Appleby v. Buffalo*, 221 U. S. 524; *Manhattan Life Insurance Co. v. Cohen*, 234 U. S. 123, 134. (2) *Consolidated Turnpike Co. v. Norfolk &c. Ry. Co.*, 228 U. S. 596, 600;

Deming v. Carlisle Packing Co., 226 U. S. 102, 105; *Stewart v. Kansas City*, 239 U. S. 14. Mr. Arthur G. Moseley for plaintiff in error. Mr. Charles J. Kappler for defendant in error.

NO. 454. CHESAPEAKE & OHIO RY. CO., PLAINTIFF IN ERROR, *v.* JOHN B. SHAW. In error to the Court of Appeals of the State of Kentucky. Submitted January 30, 1917. Decided March 6, 1917. *Per Curiam*. Judgment affirmed with costs upon the authority of *Chicago Junction Ry. Co. v. King*, 222 U. S. 222; *Seaboard Air Line Ry. v. Padgett*, 236 U. S. 668; *Louisville & Nashville R. R. Co. v. Parker*, 242 U. S. 14; *Baltimore & Ohio R. R. Co. v. Whitacre*, 242 U. S. 169. Mr. E. L. Worthington, Mr. W. D. Cochran and Mr. LeWright Browning for plaintiff in error. Mr. Allan D. Cole for defendant in error.

NO. 466. NASHVILLE, CHATTANOOGA & ST. LOUIS RAILWAY, PLAINTIFF IN ERROR, *v.* TOY HENRY. In error to the Court of Appeals of the State of Kentucky. Motion to dismiss or affirm or place on the summary docket submitted March 6, 1917. Decided March 12, 1917. *Per Curiam*. Judgment affirmed with costs and 5 per cent. damages upon the authority of *Chicago Junction Ry. Co. v. King*, 222 U. S. 222; *Seaboard Air Line Ry. v. Padgett*, 236 U. S. 668; *Baltimore & Ohio R. R. Co. v. Whitacre*, 242 U. S. 169. Mr. D. H. Hughes and Mr. Charles K. Wheeler for plaintiff in error. Mr. Samuel A. Anderson for defendant in error.

NO. 467. NASHVILLE, CHATTANOOGA & ST. LOUIS RAILWAY, PLAINTIFF IN ERROR, *v.* GEORGE BANKS. In error

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to the Court of Appeals of the State of Kentucky. Motion to dismiss or affirm or place on the summary docket submitted March 6, 1917. Decided March 12, 1917. *Per Curiam*. Judgment affirmed with costs and 5 per cent. damages upon the authority of *Chicago Junction Ry. Co. v. King*, 222 U. S. 222; *Seaboard Air Line Ry. v. Padgett*, 236 U. S. 668; *Baltimore & Ohio R. R. Co. v. Whitacre*, 242 U. S. 169. *Mr. D. H. Hughes* and *Mr. Charles K. Wheeler* for plaintiff in error. *Mr. Samuel A. Anderson* for defendant in error.

No. 381. RAMON PASTOR DIAZ, PLAINTIFF IN ERROR, *v.* PEOPLE OF PORTO RICO; and

No. 382. LUIS ABELLA AND PEDRO G. GOICO, PLAINTIFFS IN ERROR, *v.* PEOPLE OF PORTO RICO. In error to the Supreme Court of Porto Rico. Motion to dismiss or affirm submitted March 6, 1917. Decided March 12, 1917. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of: (1) *Montana ex rel. Haire v. Rice*, 204 U. S. 291; *Thomas v. Iowa*, 209 U. S. 258; *Mallers v. Commercial Loan & Trust Co.*, 216 U. S. 613; *Appleby v. Buffalo*, 221 U. S. 524, 529. (2) *Deming v. Carlisle Packing Co.*, 226 U. S. 102, 105; *Overton v. Oklahoma*, 235 U. S. 31; *Stewart v. Kansas City*, 239 U. S. 14. *Mr. R. H. Todd* for plaintiffs in error. *Mr. Samuel T. Ansell* for defendant in error.

No. —. Original. *Ex parte*: IN THE MATTER OF PARRIS PRINCE, PETITIONER. Submitted March 6, 1917. Decided March 12, 1917. Motion for leave to file petition for writ of mandamus denied. *Mr. George E. Sullivan* for petitioner.

NO. 226. FRANCESCO MASSARI ZAVAGLIA, PLAINTIFF IN ERROR, *v.* EMANUELA NOTARBARTOLO. In error to the Supreme Court of the State of Louisiana. Motion to dismiss or affirm submitted March 6, 1917. Decided March 19, 1917. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Eustis v. Bolles*, 150 U. S. 361; *Leathe v. Thomas*, 207 U. S. 93; *Gaar, Scott & Co. v. Shannon*, 223 U. S. 468; *Holden Land Co. v. Interstate Trading Co.*, 233 U. S. 536, 541; *Mellon Company v. McCafferty*, 239 U. S. 134. *Mr. Henry L. Lazarus, Mr. David Sessler, Mr. Hannis Taylor and Mr. Girault Farrar* for plaintiff in error. *Mr. W. B. Spencer and Mr. Charles Payne Fenner* for defendant in error.

NO. 303. ESTEBAN HUERTAS ET AL., APPELLANTS, *v.* JOSE VAZQUEZ MONTES, AS WARDEN OF THE DISTRICT JAIL OF HUMACAO. Appeal from the Supreme Court of Porto Rico. Motion to dismiss or affirm submitted March 12, 1917. Decided March 19, 1917. *Per Curiam*. Judgment affirmed with costs upon the authority of *Flemister v. United States*, 207 U. S. 372; *Gavieres v. United States*, 220 U. S. 338; *Morgan v. Devine*, 237 U. S. 632, 641. *Mr. Jackson H. Ralston* for appellants. *Mr. Samuel T. Ansell* for appellee.

NO. 596. EUGENIO KILAYCO, PLAINTIFF IN ERROR, *v.* UNITED STATES. In error to the Supreme Court of the Philippine Islands. Submitted March 6, 1917. Decided March 19, 1917. *Per Curiam*. Judgment affirmed upon the authority of *Schick v. United States*, 195 U. S. 65, 71-72; *Mullan v. United States*, 212 U. S. 516, 520. *Mr. H. W. Van Dyke and Mr. Newton W. Gilbert* for plaintiff in error. *Mr. Assistant Attorney General Warren* for defendant in error.

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No. 652. FRANK W. TILLINGHAST, LEONARD L. BARBER, AND SAM A. FENNER, APPELLANTS, *v.* JOHN J. RICHARDS, MARSHAL OF THE UNITED STATES FOR THE DISTRICT OF RHODE ISLAND. Appeal from the District Court of the United States for the District of Rhode Island. Motion to dismiss or affirm or place on summary docket submitted March 12, 1917. Decided March 19, 1917. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Franklin v. United States*, 216 U. S. 559, 570; *Brolan v. United States*, 236 U. S. 216; *Lamar v. United States*, 240 U. S. 60. *Mr. Percy W. Gardner* for appellants. *The Solicitor General* for appellee.

No. —. Original. *Ex parte*: IN THE MATTER OF EDGAR F. HATHAWAY and CHARLES LEA, PETITIONERS. Submitted March 6, 1917. Decided March 19, 1917. Motion for leave to file petition for writ of mandamus denied. *Mr. Charles D. Lanning* and *Mr. William G. Johnson* for petitioners.

No. 25. FRANK C. STETTLER, PLAINTIFF IN ERROR, *v.* EDWIN V. O'HARA ET AL., CONSTITUTING THE INDUSTRIAL WELFARE COMMISSION OF THE STATE OF OREGON; and

No. 26. ELMIRA SIMPSON, PLAINTIFF IN ERROR, *v.* EDWIN V. O'HARA ET AL., CONSTITUTING THE INDUSTRIAL WELFARE COMMISSION OF THE STATE OF OREGON. In error to the Supreme Court of the State of Oregon. Argued December 16, 17, 1914. Restored to docket for reargument June 12, 1916. Reargued January 18 and 19, 1917. Decided April 9, 1917. *Per Curiam*. Judgments affirmed with costs by an equally divided court. (Mr. Justice Brandeis took no part in the consideration and decision of these cases.) *Mr. Charles W. Fulton* and *Mr.*

Rome G. Brown for plaintiffs in error. *Mr. Felix Frankfurter, Mr. A. M. Crawford, Mr. J. N. Teal and Mr. Geo. M. Brown* for defendants in error.

NO. 85. HARRIET H. GOULD and FREDERICK A. WALDRON, APPELLANTS, *v.* HYDE PARK WATER COMPANY, FIRST NATIONAL BANK OF BOSTON, and CITY OF BOSTON. Appeal from the District Court of the United States for the District of Massachusetts. Submitted April 12, 1917. Decided April 16, 1917. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Deming v. Carlisle Packing Co.*, 226 U. S. 102, 105; *Consolidated Turnpike Co. v. Norfolk & c. Ry. Co.*, 228 U. S. 596, 600; *Stewart v. Kansas City*, 239 U. S. 14. *Mr. Roscoe Walsworth and Mr. Frederick S. Deitrick* for appellants. *Mr. Robert M. Morse, Mr. Wm. M. Richardson and Mr. Edward E. Blodgett* for appellees.

NO. 392. ST. LOUIS, SAN FRANCISCO & TEXAS RAILWAY COMPANY, PLAINTIFF IN ERROR, *v.* MAUD SMITH, ADMINISTRATRIX OF THE ESTATE OF M. T. SEALE, DECEASED. In error to the Court of Civil Appeals for the Fifth Supreme Judicial District of the State of Texas. Motion to dismiss or affirm submitted April 9, 1917. Decided April 16, 1917. *Per Curiam*. Judgment affirmed with costs upon the authority of *Missouri, Kansas & Texas Ry. Co. v. Wulf*, 226 U. S. 570; *Seaboard Air Line Ry. v. Koennecke*, 239 U. S. 352, 354; *Seaboard Air Line Ry. v. Renn*, 241 U. S. 290, 293.

See *St. Louis, San Francisco & Texas Ry. Co. v. Seale*, 229 U. S. 156. *Mr. Frank Andrews and Mr. W. F. Evans* for plaintiff in error. *Mr. Judson H. Wood and Mr. James P. Haven* for defendant in error.

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NO. 422. HATHAWAY HARPER, PLAINTIFF IN ERROR, *v.* BOARD OF COUNTY COMMISSIONERS OF OKLAHOMA COUNTY, STATE OF OKLAHOMA, ET AL. In error to the Supreme Court of the State of Oklahoma. Motion to dismiss submitted April 9, 1917. Decided April 16, 1917. *Per Curiam.* Dismissed for want of jurisdiction upon the authority of *Deming v. Carlisle Packing Co.*, 226 U. S. 102, 105; *Consolidated Turnpike Co. v. Norfolk &c. Ry. Co.*, 228 U. S. 596, 600; *Stewart v. Kansas City*, 239 U. S. 14. Mr. Arthur G. Moseley for plaintiff in error. Mr. Charles J. Kappler for defendants in error.

NO. 619. DON LACY, AS LIQUIDATING AGENT OF THE OKLAHOMA CITY NATIONAL BANK, PLAINTIFF IN ERROR, *v.* MOLLIE EZZARD. In error to the Supreme Court of the State of Oklahoma. Motion to dismiss or affirm submitted April 9, 1917. Decided April 16, 1917. *Per Curiam.* Judgment affirmed with costs upon the authority of: (1) *Chemical National Bank v. Hartford Deposit Co.*, 161 U. S. 1; *Capital National Bank v. First National Bank of Cadiz*, 172 U. S. 425; *Union National Bank v. McBoyle*, 243 U. S. 26. (2) *Kansas City Southern Ry. Co. v. Albers Commission Co.*, 223 U. S. 573, 591; *Creswill v. Knights of Pythias*, 225 U. S. 246, 261; *Norfolk & Western Ry. Co. v. West Virginia*, 236 U. S. 605, 609-610. (3) *Southern Pacific Co. v. Schuyler*, 227 U. S. 601, 611-612. Mr. W. F. Wilson and Mr. Enoch A. Chase for plaintiff in error. Mr. Harvey R. Winn, Mr. Henry E. Asp and Mr. Henry G. Snyder for defendant in error.

NO. 732. SEABOARD AIR LINE RAILWAY, PLAINTIFF IN ERROR, *v.* CYNTHIA WILLIAMS, ADMINISTRATRIX OF THE

ESTATE OF W. E. WILLIAMS, DECEASED. In error to the Supreme Court of the State of South Carolina. Argued April 9, 1917. Decided April 16, 1917. *Per Curiam*. Judgment affirmed with costs upon the authority of *Chicago Junction Ry. Co. v. King*, 222 U. S. 222; *Seaboard Air Line Ry. v. Padgett*, 236 U. S. 668; *Baltimore & Ohio R. R. Co. v. Whitacre*, 242 U. S. 169. *Mr. J. B. S. Lyles* for plaintiff in error. *Mr. W. Boyd Evans* for defendant in error.

NO. 945. UNITED STATES FIDELITY & GUARANTY COMPANY, APPELLANT, *v.* TRAVELERS INSURANCE MACHINE COMPANY. Appeal from the District Court of the United States for the District of Arizona. Argued April 11, 1917. Decided April 16, 1917. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Bache v. Hunt*, 193 U. S. 523; *Louisville Trust Co. v. Knott*, 191 U. S. 225; *Railroad Commission of Mississippi v. Louisville & Nashville R. R. Co.*, 225 U. S. 272, 279. *Mr. William Marshall Bullitt* for appellant. *Mr. David R. Castleman* and *Mr. Walter Bennett* for appellee.

NO. 185. MCGOLDRICK LUMBER COMPANY, APPELLANT, *v.* CHARLES J. KINSOLVING ET AL. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. Submitted April 20, 1917. Decided April 23, 1917. *Per Curiam*. Judgment affirmed with costs upon the authority of *Johnson v. Towsley*, 13 Wall. 72; *Shepley v. Cowan*, 91 U. S. 330; *DeCambra v. Rogers*, 189 U. S. 119; *Greenmeyer v. Coate*, 212 U. S. 434. *Mr. John P. Gray*, *Mr. William E. Cullen* and *Mr. F. M. Dudley* for appellant. *Mr. James H. Forney* and *Mr. Frank L. Moore* for appellees.

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NO. 140. PARK SQUARE AUTOMOBILE STATION, PLAINTIFF IN ERROR, *v.* AMERICAN LOCOMOTIVE COMPANY. In error to the District Court of the United States for the Northern District of New York. Argued April 24, 1917. Decided April 30, 1917. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *McLish v. Roff*, 141 U. S. 661; *Bender v. Pennsylvania Company*, 148 U. S. 502; *McDonnell v. Jordan*, 169 U. S. 734; *Heike v. United States*, 217 U. S. 423. *Mr. Edward C. Stone* for plaintiff in error. *Mr. Robert G. Dodge*, *Mr. Moorfield Storey* and *Mr. Reginald H. Johnson* for defendant in error, submitted.

NO. 195. WILLIAM W. WITHNELL, M. CECILE WITHNELL, HIS WIFE; MAUD E. HAGER ET AL., PLAINTIFFS IN ERROR, *v.* WILLIAM R. BUSH CONSTRUCTION COMPANY. In error to the St. Louis Court of Appeals, State of Missouri. Argued April 23, 1917. Decided April 30, 1917. *Per Curiam*. Judgment reversed with costs upon the authority of *Gast Realty Company v. Schneider Granite Company*, 240 U. S. 55. *Mr. Clifford B. Allen* and *Mr. Edmund T. Allen* for plaintiffs in error. *Mr. Edward C. Kehr* for defendant in error, submitted.

NO. 217. PENNSYLVANIA TUNNEL & TERMINAL RAILROAD COMPANY, PLAINTIFF IN ERROR, *v.* CHARLES E. HENDRICKSON ET AL., STATE BOARD OF ASSESSORS, and EDWARD I. EDWARDS, COMPTROLLER. In error to the Supreme Court of the State of New Jersey. Submitted April 25, 1917. Decided April 30, 1917. *Per Curiam*. Judgment affirmed with costs upon the authority of *Florida Central & Peninsular R. R. Co. v. Reynolds*, 183 U. S. 471. *Mr. Albert C. Wall* for plaintiff in error. *Mr.*

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John W. Wescott and *Mr. John R. Harden* for defendants in error.

No. 646. D. M. HILLER AND MAX MILLER ET AL., SURETIES, PLAINTIFFS IN ERROR, *v.* THOMAS B. CRENSHAW, CLERK, W. E. WOOLEN, REVENUE AGENT, AND JOHN C. McLEMORE, CLERK. In error to the Supreme Court of the State of Tennessee. Motion to dismiss submitted April 23, 1917. Decided April 30, 1917. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Eustis v. Bolles*, 150 U. S. 361; *Leathe v. Thomas*, 207 U. S. 93; *Mellon Company v. McCafferty*, 239 U. S. 134. *Mr. H. D. Minor* for plaintiffs in error. *Mr. R. L. Bartels* for defendants in error.

DECISIONS ON PETITIONS FOR WRITS OF CERTIORARI, FROM FEBRUARY 6, 1917, TO APRIL 30, 1917.

No. 852. A. S. COHN, PETITIONER, *v.* R. A. MALONE, TRUSTEE OF A. S. COHN, BANKRUPT. March 6, 1917. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. *Mr. George S. Jones* for petitioner. *Mr. Alexander Akerman*, *Mr. John D. Pope* and *Mr. Charles Akerman* for respondent.

No. 855. SAMUEL C. COHEN, AS TRUSTEE IN BANKRUPTCY OF ELIAS W. SAMUELS, BANKRUPT, PETITIONER, *v.* ELIAS W. SAMUELS. March 6, 1917. Petition for a writ of certiorari to the United States Circuit Court of