

DECISIONS PER CURIAM FROM MAY 1, 1917, TO
JUNE 11, 1917, NOT INCLUDING ACTION ON
PETITIONS FOR WRITS OF CERTIORARI.

No. 897. H. N. JOHNSON ET AL., APPELLANTS, *v.* WILLIAM G. McADOO, SECRETARY OF THE UNITED STATES TREASURY DEPARTMENT. Appeal from the Court of Appeals of the District of Columbia. Motion to affirm submitted April 30, 1917. Decided May 7, 1917. *Per Curiam*. Judgment affirmed with costs upon the authority of *Belknap v. Schild*, 161 U. S. 10; *Postal Supply Co. v. Bruce*, 194 U. S. 601; *Goldberg v. Daniels*, 231 U. S. 218; *Louisiana v. McAdoo*, 234 U. S. 627. *Mr. Cornelius J. Jones* for appellants. *The Solicitor General* for appellee.

No. 860. JOSEPH FRIEDMAN, PLAINTIFF IN ERROR, *v.* UNITED STATES. In error to the United States Circuit Court of Appeals for the First Circuit. Motion to dismiss submitted April 30, 1917. Decided May 7, 1917. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *MacFadden v. United States*, 213 U. S. 288. *Mr. William H. Taylor* for plaintiff in error. *The Solicitor General* for the United States.

No. 253. HIDEKUNI IWATA, APPELLANT, *v.* CHARLES T. CORNELL, AS IMMIGRATION INSPECTOR IN CHARGE. Appeal from the District Court of the United States for the Southern District of California. Submitted May 3, 1917. Decided May 21, 1917. *Per Curiam*. Judgment affirmed with costs upon the authority of (1) *Bugajewitz v. Adams*,

228 U. S. 585, 590, 591; (2) *Zakonaite v. Wolf*, 226 U. S. 272; *Lewis v. Frick*, 223 U. S. 291; (3) *United States v. Juy Toy*, 198 U. S. 253; *Chin Yow v. United States*, 208 U. S. 8; *Tang Tun v. Edsell*, 223 U. S. 673; *Low Wah Suey v. Backus*, 225 U. S. 460. *Mr. Lewis H. Smith* for appellant. *The Solicitor General* for appellee.

Nos. 878 and 879. PHILADELPHIA & READING RAILWAY COMPANY, PLAINTIFF IN ERROR, *v.* UNITED STATES. In error to the District Court of the United States for the Eastern District of Pennsylvania. Motion to dismiss submitted May 7, 1917. Decided May 21, 1917. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *McLish v. Roff*, 141 U. S. 661, 665; *Covington v. First National Bank*, 185 U. S. 270, 277; *Heike v. United States*, 217 U. S. 423. *Mr. William Clarke Mason* and *Mr. Charles Heebner* for plaintiff in error. *The Solicitor General* for the United States.

No. 178. EMMA TAYLOR, ADMINISTRATRIX OF FRANK TAYLOR, DECEASED, AND JOHN P. KIRBY, PLAINTIFFS IN ERROR, *v.* DRAINAGE DISTRICT NUMBER FIFTY-SIX OF EMMET COUNTY, IOWA, ET AL. In error to the Supreme Court of the State of Iowa. Submitted April 19, 1917. Decided May 21, 1917. *Per Curiam*. Judgment affirmed with costs upon the authority of *Huling v. Kaw Valley Railway Improvement Co.*, 130 U. S. 559; *Winona & St. Paul Land Co. v. Minnesota*, 159 U. S. 540; *Leigh v. Green*, 193 U. S. 79; *Ballard v. Hunter*, 204 U. S. 241, 261, 262; *American Land Co. v. Zeiss*, 219 U. S. 47. *Mr. Edgar A. Morling* for plaintiffs in error. *Mr. Hugh H. Obear* for defendants in error.

244 U. S.

Decisions Per Curiam, Etc.

Nos. 832, 833, and 834. MATEO FAJARDO CARDONA, PLAINTIFF IN ERROR, *v.* PEOPLE OF PORTO RICO. In error to the Supreme Court of Porto Rico. Motion to dismiss or affirm submitted May 7, 1917. Decided May 21, 1917. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *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. Willis Sweet* for plaintiff in error. *Mr. S. T. Ansell* for defendant in error.

No. 250. STATE OF NEBRASKA EX REL. HENRY C. BITTENBENDER AND ADA M. BITTENBENDER, PLAINTIFFS IN ERROR, *v.* EXCISE BOARD OF THE CITY OF LINCOLN, NEBRASKA. In error to the Supreme Court of the State of Nebraska. Submitted May 1, 1917. Decided May 21, 1917. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of (1) *Eustis v. Bolles*, 150 U. S. 361; *Leathe v. Thomas*, 207 U. S. 93; *Mellon Co. v. McCafferty*, 239 U. S. 134; (2) *Jones v. Montague*, 194 U. S. 147; *Richardson v. McChesney*, 218 U. S. 487; *Stearns v. Wood*, 236 U. S. 75. *Mrs. Ada M. Bittenbender* for plaintiffs in error. *Mr. C. Petrus Peterson* and *Mr. George W. Berge* for defendant in error.

No. 266. GRAND RAPIDS & INDIANA RAILWAY COMPANY, PLAINTIFF IN ERROR, *v.* UNITED STATES. In error to the United States Circuit Court of Appeals for the Sixth Circuit. Submitted May 4, 1917. Decided May 21, 1917. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Hollander v. Fechheimer*, 162 U. S. 326; *California National Bank v. Stateler*, 171 U. S. 447; *Martinez v. International Banking Corporation*, 220 U. S.

214, 222-223. *Mr. James H. Campbell and Mr. Elvert M. Davis* for plaintiff in error. *Mr. Assistant Attorney General Underwood and Mr. S. Milton Simpson* for the United States.

NO. 849. PRAIRIE OIL & GAS COMPANY, SENES W. ANTHONY, AND CHARLES ANTHONY, PLAINTIFFS IN ERROR, *v. ANNIE CARTER*. In error to the Supreme Court of the State of Oklahoma. Motion to dismiss submitted May 7, 1917. Decided May 21, 1917. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of § 237, Judicial Code, as amended by the Act of Congress of September 6, 1916, c. 448, 39 Stat. 726. (Petition for a writ of certiorari denied, March 12, 1917.) *Mr. Joseph W. Bailey and Mr. George S. Ramsey* for plaintiffs in error. *Mr. S. W. Hayes* for defendant in error.

NO. 372. GEORGE SCHWEDE *v. ZENITH STEAMSHIP CO.* On certificate from and writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Argued October 17, 18, 1916. Reargued January 10, 11, 1917. Decided May 21, 1917. *Per Curiam*. Judgment of the District Court of the United States for the Northern District of Ohio affirmed with costs by an equally divided court and cause remanded to the said District Court. (Mr. Justice Day took no part in the consideration or decision of this case.) *Mr. R. B. Newcomb and Mr. Frank M. Cobb* for Schwede. *Mr. Luther Day* for Zenith Steamship Company.

NO. 29. Original. *Ex parte*: IN THE MATTER OF BERNIE J. BERNHARD, PETITIONER. Submitted May 21, 1917. Decided June 4, 1917. *Per Curiam*. Rule discharged and

244 U. S.

Decisions Per Curiam, Etc.

petition dismissed upon the authority of § 6 of the Act of Congress of July 30, 1894, 28 Stat. 160; § 3, Rule VIII of the Court of Appeals of the District of Columbia. *Mr. Charles B. Gillson* for petitioner.

No. 658. LASER GRAIN COMPANY, PLAINTIFF IN ERROR, *v.* UNITED STATES OF AMERICA. In error to the District Court of the United States for the Eastern District of Missouri. Motion to require plaintiff in error to elect, etc., or to dismiss, submitted May 21, 1917. Decided June 4, 1917. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Hannis Distilling Co. v. Baltimore*, 216 U. S. 285; *Hendricks v. United States*, 223 U. S. 178, 184. See *In re Palliser*, 136 U. S. 257, 265-268; *Horner v. United States*, 143 U. S. 207, 214; *Benson v. Henkel*, 198 U. S. 1, 15; *United States v. Thayer*, 209 U. S. 39, 44; *Hyde v. United States*, 225 U. S. 347, 361. *Mr. John S. Leahy*, *Mr. Irvin V. Barth* and *Mr. Walter H. Saunders* for plaintiff in error. *The Solicitor General* for the United States.

No. 184. ALBERT PICK & COMPANY, PLAINTIFF IN ERROR, *v.* FRANK C. JORDAN, SECRETARY OF STATE OF THE STATE OF CALIFORNIA. In error to the Supreme Court of the State of California. Submitted April 17, 1917. Decided June 4, 1917. *Per Curiam*. Judgment affirmed with costs upon the authority of *Kansas City, &c. Railway Co. v. Kansas*, 240 U. S. 227. *Mr. W. I. Brobeck* for plaintiff in error. *Mr. U. S. Webb* and *Mr. Raymond Benjamin* for defendant in error.

No. 601. ST. LOUIS, IRON MOUNTAIN & SOUTHERN RAILWAY, PLAINTIFF IN ERROR, *v.* WILLIAM INGRAM.

In error to the Supreme Court of the State of Arkansas. Motion to dismiss or affirm or place on the summary docket submitted May 21, 1917. Decided June 4, 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. Troy Pace* for plaintiff in error. *Mr. J. H. Ralston* and *Mr. William E. Richardson* for defendant in error.

No. —. Original. *Ex parte*: IN THE MATTER OF CORNELIA G. GOODRICH ET AL., PETITIONERS. Submitted May 21, 1917. Decided June 4, 1917. Motion for leave to file petition for writ of prohibition denied. *Mr. Hannis Taylor* and *Mr. William D. Gordon* for petitioners.

No. —. Original. *Ex parte*: IN THE MATTER OF J. S. KILGORE, SR., AND L. K. HUNTER, PETITIONERS. Submitted May 21, 1917. Decided June 4, 1917. Motion for leave to file petition for writ of mandamus denied. *Mr. W. E. Breese* for petitioners.

NO. 657. JOSEPH HENRY BASH, ET AL., PLAINTIFFS IN ERROR, *v.* WILLIAM HOWALD. In error to the Supreme Court of the State of Oklahoma. Motion to dismiss submitted June 4, 1917. Decided June 11, 1917. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Deming v. Carlisle Packing Co.*, 226 U. S. 102, 105; *Consolidated Turnpike v. Norfolk &c. Ry. Co.*, 228 U. S. 596, 600; *Parker v. McLain*, 237 U. S. 469; *Stewart v. Kansas*

244 U. S.

Decisions Per Curiam, Etc.

City, 239 U. S. 14; *In re Neagle*, 135 U. S. 55; *In re Delgado*, 140 U. S. 586, 588. *Mr. P. C. Simons* for plaintiffs in error. *Mr. J. B. Ferguson* for defendant in error.

Nos. 1035, 1036, 1037, and 1038. WESTERN UNION TELEGRAPH COMPANY, PLAINTIFF IN ERROR, *v.* LOUISVILLE & NASHVILLE RAILROAD COMPANY. In error to the Supreme Court of the State of Alabama. Motions to dismiss or affirm and petitions for writs of certiorari submitted June 4, 1917. Decided June 11, 1917. *Per Curiam*. Judgments affirmed with costs, upon the authority of *Pensacola Telegraph Co. v. Western Union Telegraph Co.*, 96 U. S. 1; *Western Union Telegraph Co. v. Ann Arbor R. R. Co.*, 178 U. S. 239; *Western Union Telegraph Co. v. Pennsylvania R. R. Co.*, 195 U. S. 540; *Western Union Telegraph Co. v. Richmond*, 224 U. S. 160; *Louisville & Nashville R. R. Co. v. Western Union Telegraph Co.*, 237 U. S. 300. Petitions for writs of certiorari denied. *Mr. Rush Taggart*, *Mr. Ray Rushton*, *Mr. William M. Williams* and *Mr. Forney Johnston* for plaintiff in error. *Mr. Henry L. Stone* and *Mr. E. Perry Thomas* for defendant in error.

No. 1122. CAROLINA, CLINCHFIELD & OHIO RAILWAY, PLAINTIFF IN ERROR, *v.* GEORGE W. STROUP. In error to the United States Circuit Court of Appeals for the Sixth Circuit. Motion to dismiss or affirm submitted June 4, 1917. Decided June 11, 1917. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of § 3 of the Act of Congress of September 6, 1916, c. 448, 39 Stat. 726, 727. *Mr. John W. Price* for plaintiff in error. *Mr. Robert Burrow* and *Mr. Isaac Harr* for defendant in error.

NO. 1029. OMAHA BAUM IRON STORE CO., FORMERLY OMAHA IRON STORE CO., APPELLANT, *v.* MOLINE PLOW COMPANY. Appeal from the District Court of the United States for the District of Nebraska. Motion to dismiss submitted June 4, 1917. Decided June 11, 1917. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Aspen Mining & Smelting Co. v. Billings*, 150 U. S. 31, 37; *Brown v. Alton Water Co.*, 222 U. S. 325; *Metropolitan Water Co. v. Kaw Valley District*, 223 U. S. 519; *Union Trust Co. v. Westhus*, 228 U. S. 519; *Shapiro v. United States*, 235 U. S. 412. *Mr. Otto Raymond Barnett* for appellant. *Mr. Thomas A. Banning* and *Mr. Samuel W. Banning* for appellee.

NO. 1102. P. C. O'BRIEN, COUNTY TREASURER OF CUYAHOGA COUNTY, APPELLANT, *v.* JOHN D. ROCKEFELLER. Appeal from the United States Circuit of Appeals for the Sixth Circuit. Motion to dismiss and petition for writ of certiorari submitted June 4, 1917. Decided June 11, 1917. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of (1) *Weir v. Rountree*, 216 U. S. 607; *Bagley v. General Fire Extinguisher Co.*, 212 U. S. 477; *Merriam Co. v. Syndicate Publishing Co.*, 237 U. S. 618; *Norton v. Whiteside*, 239 U. S. 144, 146-147; (2) *Arbuckle v. Blackburn*, 191 U. S. 405. Petition for writ of certiorari denied. *Mr. Samuel Doefler* and *Mr. Thomas S. Dunlap* for appellant. *Mr. A. E. Clevenger* and *Mr. W. B. Sanders* for appellee.

No. —. Original. *Ex parte*: IN THE MATTER OF DONN M. ROBERTS, PETITIONER; and

No. —. Original. *Ex parte*: IN THE MATTER OF

244 U. S.

Decisions Per Curiam, Etc.

DENNIS SHEA. Submitted June 4, 1917. Decided June 11, 1917. *Per Curiam*. Motions for leave to file petitions for writs of habeas corpus denied on the authority of *United States v. Mosley*, 238 U. S. 383. *Mr. Frans E. Lindquist* for petitioners.

NO. 786. EMPIRE MILL COMPANY, PLAINTIFF IN ERROR, *v.* BLACKWELL LUMBER COMPANY. In error to the Supreme Court of the State of Idaho. Motion to dismiss or affirm or modify supersedeas submitted June 4, 1917. Decided June 11, 1917. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Luxton v. North River Bridge Co.*, 147 U. S. 337; *Southern Railway Co. v. Postal Telegraph-Cable Co.*, 179 U. S. 641; *Grays Harbor Logging Co. v. Coats-Fordney Logging Co.*, 243 U. S. 251. *Mr. Charles W. Beale* for plaintiff in error. *Mr. John P. Gray* for defendant in error.

No. —. Original. *Ex parte*: IN THE MATTER OF AVASTA HUGHES, PETITIONER. Submitted June 4, 1917. Decided June 11, 1917. Motion for leave to file petition for writs of prohibition and mandamus denied. *Mr. Benjamin Patterson* for petitioner.

No. 20. October Term, 1911. SIDNEY HENRY ET AL. *v.* A. B. DICK COMPANY. Submitted May 21, 1917. Decided June 11, 1917. Motion for leave to file bill of review in the District Court of the United States for the Southern District of New York granted. *Mr. Hans von Briesen* and *Mr. Arthur von Briesen* for Margaret Henry, petitioner.