

ARKANSAS REPORTS
VOL. 84

CASES DETERMINED

IN THE

Supreme Court of Arkansas

FROM

JULY to DECEMBER, 1907

T. D. CRAWFORD
REPORTER

PUBLISHED
BY THE
STATE OF ARKANSAS
1908

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LITTLE ROCK
DEMOCRAT PRINTING & LITHOGRAPHING CO.
1908

JUDGES
OF THE
SUPREME COURT
DURING THE PERIOD OF THIS VOLUME

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ERRATA

- a 77 Ark. p. 89, third line, 1st headnote, for "will" read *which*.
 - a 78 Ark. p. 391, 4th line from bottom, for "75 Ark. 507" read *76 Ark. 423*.
 - 1 78 Ark. p. 614, lines 2-8 at top of page should have been inserted on p. 616 just before the title, MASTER AND SERVANT.
 - 1 80 Ark. 636, 8th line from bottom, for "on appropriation" read *an appropriation*.
 - 1 81 Ark. 63, erase 19th line from top.
 - 1 81 Ark. 63, line 20 from top, after the word "emoluments" insert the word *property*.
 - 1 82 Ark. 11, 3d headnote, after 3d line insert the following line:
the jury the question of negligence in failing to block
 - 1 82 Ark. 335, 2d line of 2d head note, for "May 2, 1800" read *February 28, 1893*.
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APPENDIX

I.

OPINIONS NOT REPORTED.

St. Louis, I. M. & S. Ry. Co. *v.* Cain; Appeal from Chicot Circuit Court; Zachariah T. Wood, judge; affirmed July 15, 1907; *per* McCulloch, J.

Jackson *v.* State; appeal from Garland Circuit Court; W. H. Evans, judge; affirmed October 7, 1907; *per* McCulloch, J.

Little Rock Ry. & El. Co. *v.* Putsche; appeal from Pulaski Circuit Court; Edward W. Winfield, judge; reversed July 8, 1907; *per* McCulloch, J.

Wofford *v.* Clark; appeal from Franklin Chancery Court; J. Virgil Bourland, chancellor; reversed October 21, 1907; *per curiam*.

St. Louis & S. F. Rd. Co. *v.* Scott; appeal from Crawford Circuit Court; Jephtha H. Evans, judge; affirmed October 21, 1907; *per* McCulloch, J.

Bentonville Rd. Co. *v.* Arkansas & Oklahoma Rd. Co.; appeal from Benton Chancery Court; T. H. Humphreys, chancellor; reversed in part July 8, 1907; *per* Battle, J.

Fourche Planting Co. *v.* Brown; appeal from Pulaski Chancery Court; Jesse C. Hart, judge; affirmed October 21, 1907; *per* Wood, J.

Griggs *v.* Harton; appeal from St. Francis Circuit Court; Hance N. Hutton, judge; reversed July 15, 1907; *per* Hill, C. J.

Harvey *v.* Scally; appeal from Jackson Circuit Court; Frederick D. Fulkerson, judge; affirmed November 4, 1907; *per* Hill, C. J.

Park *v.* Smith; appeal from Arkansas Chancery Court; John M. Elliott, judge; reversed November 4, 1907; *per* Hart, J.

St. Louis, I. M. & S. Ry. Co. *v.* Priest; appeal from Miller Circuit Court; Jacob M. Carter, judge; affirmed October 28, 1907; *per* Hill, C. J.

Stephenson *v.* Garner; appeal from Howard Chancery Court; James D. Shaver, chancellor; reversed November 11, 1907, *per* Battle, J.

Wilson Stave Co. *v.* Webb; appeal from Pulaski Circuit Court; Edward W. Winfield, judge; affirmed November 11, 1907; *per* Hill, C. J.

Owen *v.* Mulkey; appeal from LaFayette Circuit Court; George W. Hays, judge; reversed November 25, 1907; *per* Wood, J.

Atwood *v.* State; appeal from Franklin Circuit Court; Jephtha H. Evans, judge; affirmed December 9, 1907; *per* McCulloch, J.

Crofton *v.* State; appeal from Howard Circuit Court; James S. Steel, judge; affirmed December 9, 1907; *per* Battle, J.

Waters-Pierce Oil Co. *v.* Eggner; appeal from Garland Circuit Court; Alexander M. Duffie, judge; reversed December 2, 1907; *per* Fletcher, Special J.

II.

CASES DISPOSED OF ORALLY.

Joe Gibson *v.* State of Arkansas; Lawrence Circuit Court; Frederick D. Fulkerson, judge; appeal dismissed on motion, September 30, 1907; *per curiam*.

St. Louis, Iron Mountain & Southern Railway Company *v.* J. W. Hope; Miller Circuit Court; Jacob M. Carter, judge; settled and appeal dismissed, September 30, 1907; *per curiam*.

The Consolidated Anthracite Coal Company *v.* Anton Naegle *et al.*; Johnson Circuit Court; Hugh Basham, judge; appeal dismissed by consent, September 30, 1907; *per curiam*.

C. R. Fix *et al. v.* Susan Hoskins; Pulaski Circuit Court, 1st division; Robert J. Lea, judge; advanced and affirmed as a delay case with penalty, October 7, 1907; *per curiam*.

H. J. Hanson *v.* W. L. Connery; LaFayette Circuit Court; Charles W. Smith, judge; appeal dismissed for noncompliance with rule nine; October 7, 1907; *per curiam*.

Harriet E. Allen *et al. v.* A. F. Cook Land & Timber Company, *et al.*; Chicot Chancery Court; Marcus L. Hawkins, chancellor; compromised and appeal and cross-appeal dismissed, October 7, 1907; *per curiam*.

Henry Starnes *v.* The State of Arkansas; Jackson Circuit Court; Frederick D. Fulkerson, judge; appeal dismissed on motion, October 7, 1907; *per curiam*.

Chicago, Rock Island & Pacific Railway Company *v.* C. E. Hatfield; Saline Circuit Court; W. H. Evans, judge; settled and appeal dismissed under stipulation of counsel, October 14, 1907; *per curiam*.

P. H. Mustain *v.* R. Tindeli; Crawford Circuit Court; Jephtha H. Evans, judge; affirmed with penalty under rule seven; *per curiam*.

Henry Stroup *v.* The Watkins Laundry Machinery Company; Logan Circuit Court, northern district; Jephtha H. Evans, judge; affirmed for noncompliance with rule nine, October 21, 1907; *per curiam*.

Oscar M. Spellman *et al. v.* Lundee Chapman & Company *et al.*; Cleburne Chancery Court; Geo. T. Humphries, chancellor; appeal dismissed for noncompliance with rule nine, October 21, 1907; *per curiam*.

Cross County *v.* John Graham, *et al.*; Cross Circuit Court; Frank Smith, judge; appeal dismissed for noncompliance with rule nine, October 21, 1907; *per curiam*.

F. L. Jackson *v.* James Cheatham; Polk Circuit Court; James S. Steel, judge; appeal dismissed for noncompliance with rule nine, October 28, 1907; *per curiam*.

S. D. Higginbotham *v.* H. V. Ames; Craighead Circuit Court, Jonesboro district; Frank Smith, judge; affirmed, with ten per cent. penalty, as a delay case, November 4, 1907; *per curiam*.

H. P. Marshall *v.* Wash Pigg *et al.*; Johnson Circuit Court; Edward W. Winfield, judge; appeal dismissed on appellant's motion, November 11, 1907; *per curiam*.

St. Louis, Iron Mountain & Southern Railway Company *v.* J. D. Reinhardt; Crawford Circuit Court; Jephtha H. Evans, judge; settled and appeal dismissed, November 11, 1907; *per curiam*.

St. Louis, Iron Mountain & Southern Railway Company *v.* Columbia F. Nelson *et al.*; Crawford Circuit Court; Jephtha H. Evans, judge; settled and appeal dismissed, November 11, 1907; *per curiam*.

E. T. Green *v.* G. J. Murphy; Logan Circuit Court, Southern district; Jephtha H. Evans, judge; appeal dismissed for noncompliance with rule nine, November 18, 1907; *per curiam*.

E. C. McClain *v.* The State of Arkansas; Clark Circuit Court; Jacob M. Carter, judge; appeal dismissed on motion of the Attorney General, November 25, 1907; *per curiam*.

H. P. Watson *v.* Ida May Favens *et al.*; Grant Circuit Court; Alexander M. Duffie, judge; dismissed under stipulations of counsel, November 25, 1907; *per curiam*.

Bank of Hope *v.* W. S. Brooks, *et al.*; Hempstead Circuit Court; Jacob M. Carter, judge; settled and appeal dismissed, November 25, 1907; *per curiam*.

Lon H. Pippin *v.* E. L. Horton *et al.*; St. Francis Chancery Court; Edward D. Robertson, chancellor; appeal dismissed for noncompliance with rule nine, December 9, 1907; *per curiam*.

E. C. Dunbar *v.* T. C. Dilday; Logan Circuit Court, Southern district; Jephtha H. Evans, judge; affirmed as a delay case, without penalty, December 9, 1907.

W. D. Wheeler *v.* John LaCotts; Arkansas Chancery Court; John M. Elliott, chancellor; affirmed for noncompliance with rule nine, and cross-appeal dismissed for same cause, December 16, 1907; *per curiam*.

Saline County Bank *v.* New York Life Insurance Company; Saline Chancery Court; Alphonso Curl, chancellor; settled and appeal dismissed, December 16, 1907; *per curiam*.

Tim O'Guin *v.* Aurilla O'Guin; Union Chancery Court; E. O. Mahoney, chancellor; appeal dismissed for noncompliance with rule nine, December 16, 1907; *per curiam*.

George R. Cagle *v.* James B. Gray; Pulaski Chancery Court; Jesse C. Hart, chancellor; affirmed as a delay case, without penalty, December 23, 1907; *per curiam*.

D. L. Bain *et al. v.* The American Freehold Land Mortgage Company of London, Limited; Ashley Chancery Court; James C. Norman, chancellor; settled and appeal dismissed, December 23, 1907; *per curiam*.

Arkansas, Louisiana & Gulf Railway Company *v.* Rhinaldo W. Baird; Ashley Circuit Court; Henry W. Wells, judge; affirmed under rule seven, December 30, 1907; *per curiam*.

Ira Congleton *et al.* v. Milton Robins *et al.*; Montgomery Chancery Court; Alphonso Curl, chancellor; appeal dismissed for noncompliance with rule nine, January 13, 1908; *per curiam*.

H. L. Shultz *et al.* v. J. M. Wattenbarger *et al.*; Montgomery Chancery Court; Alphonso Curl, chancellor; affirmed for noncompliance with rule nine, January 13, 1908; *per curiam*.

Pine Bluff & Western Railroad Company v. Sarah M. Swofford *et al.*; Grant Circuit Court; W. H. Evans, judge; settled and appeal dismissed, January 20, 1908; *per curiam*.

St. Louis, Iron Mountain & Southern Railway Company v. P. H. Prince, special administrator of the estate of Harriet Gwaltney, deceased; Faulkner Circuit Court; Eugent Lankford, judge; remittitur by appellee and judgment of lower court affirmed for remainder, by consent, February 3, 1908; *per curiam*.

W. A. J. Sturdivant v. A. W. Reese, special administrator of the estate of Minnie McCorley, deceased; Howard Chancery Court; James D. Shaver, chancellor; affirmed as a delay case, without penalty, February 3, 1908; *per curiam*.

St. Louis, Iron Mountain & Southern Railway Company v. Jennetta Herid, administratrix of the estate of W. T. Herid, deceased; Pope Circuit Court; Hugh Basham, judge; appeal dismissed for noncompliance with rule nine, March 2, 1908; *per curiam*.