

United States of America, ss:

The President of the United States of America,

To the Honorable the Judges of the District _____

Court of the United States for the Southern _____

District of New York, _____

GREETING:

Whereas, lately in the District _____ Court of the United States
for the Southern _____ District of New York, _____ before you,
or some of you, in a cause between Frank R. Brushaber, complainant, and
Union Pacific Railroad Company, defendant, wherein the decree of the
said District Court, entered in said cause on the 24th day of April,
A. D. 1914, is in the following words, viz:

"This cause came on to be heard at the April Term of this Court,
1914, and thereupon, after hearing counsel, and upon consideration
thereof, it was

Ordered, adjudged and decreed that the motion of the defendant
to dismiss the bill of complaint herein, upon the ground that Section
2 of Act of the First Session of the Sixty-third Congress, which became
a law on October 3, 1913, generally known as the "Tariff Act" and set
forth in the bill of complaint herein, is constitutional and valid and
that the complainant has not in and by said bill made or stated such a
cause as doth or ought to entitle him to any such relief as is therein
sought and prayed from or against this defendant, be and the same here-
by is granted, and that the said bill of complaint be and the same
hereby is dismissed, with costs to be taxed by the Clerk.

Dated this 24th day of April, 1914.

H. G. WARD,

United States Circuit Judge."

as by the inspection of the transcript of the record _____
_____ of the said District _____
Court, which was brought into the SUPREME COURT OF THE UNITED STATES by
virtue of an appeal _____
_____ agreeably to the act of Congress, _____
_____ in such case made and provided, fully and at
large appears.

And whereas, in the present term of October, in the year of our Lord one thousand nine hundred and fifteen, the said cause came on to be heard before the said SUPREME COURT, on the said transcript of record, and was argued by counsel:

On consideration whereof, It is now here ordered, _____ adjudged, and decreed _____ by this Court that the decree _____ of the said District _____ Court in this cause be, and the same is hereby, affirmed with costs; and that the said defendant, Union Pacific Railroad Company, recover against the said complainant Twenty dollars for its costs herein expended and have execution therefor.

January 24, 1916.

611-121

File No. 24, 196.

Supreme Court of the United States

No. 140, October Term, 1915.

Frank R. Brushaber

vs.

Union Pacific Railroad Com-
pany.

MANDATE.



6/1/16

Cost of defendant.
Clerk \$)
Printing record \$)
Attorney \$ 20.00
 \$ 20.00

James S. Simaker
Clerk of the Supreme Court of the United States.

You, therefore, are hereby commanded that such execution and proceedings be had in said cause, _____ as according to right and justice, and the laws of the United States, ought to be had, the said appeal _____ notwithstanding.

Witness the Honorable Edward D. White, Chief Justice of the United States, the twenty-ninth day of February, _____ in the year of our Lord one thousand nine hundred and sixteen.

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE SOUTHERN DISTRICT OF NEW YORK.

-----+
: FRANK R. BRUSHABER, + IN EQUITY.
: Complainant: :
: against : :
: UNION PACIFIC RAILROAD COMPANY, : Docket E 11
: Defendant. : p.121.
: :
: :
-----:

The complainant having appealed to the Supreme Court of the United States from the decree of this Court herein, filed April 25, 1914, dismissing the bill of complaint; and the Supreme Court of the United States, after hearing said appeal, having made its mandate directing that said decree be affirmed;

Now, upon motion of Henry W. Clark, Esq., Solicitor for the defendant, it is

ORDERED, ADJUDGED AND DECREED that the mandate of the Supreme Court of the United States herein be and is hereby filed; and that the decree herein filed April 25, 1914, be and the same is hereby affirmed in accordance with the direction of said mandate.

DATED this 10th day of March, 1916.

Agp

W. H. Clark
United States District Judge.

Notice of settlement waived

Davis Ansbach + Cornell
Solicitors for complainant.

1954
no 611-121

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK.

FRANK R. BRUSHABER,
Complainant
against

UNION PACIFIC RAILROAD COMPANY,
Defendant.

ORDER ON MANDATE.

E 11 p 121

HENRY W. CLARK,
Solicitor for Defendant,
165 Broadway,
New York City, N. Y.

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U.S. DISTRICT COURT
FILED
MAR 10 1916
3.00 P.M.
S. D. OF N. Y.

DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF NEW YORK.

IN EQUITY.

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:
F r a n k R. B r u s h a b e r :
Complainant :
against :
:
U N I O N P A C I F I C R A I L R O A D C O M P A N Y , :
Defendant. :
:
-----+

Book No
E 11, 121

IT IS HEREBY STIPULATED AND CONSENTED that the
time within which defendant in the above entitled suit
shall be required to file its answer to the bill of com-
plaint herein or a motion to dismiss the same be extended
to and including the 22nd day of April, 1914.
DATED April 1, 1914.

Davis Ambrose Cornell
Solicitors for complainant.

Mary W Clark
Solicitor for defendant

E 11 121.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK.
IN EQUITY.

FRANK R. BRUSHABER,
Complainant,
against
UNION PACIFIC RAILROAD COMPANY,
Defendant.

EXTENSION OF TIME TO ANSWER.

Henry W. Clark,
Attorney for Defendant,
165 Broadway,
New York City.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
IN EQUITY.

-----: :
FRANK R. BRUSHABER, :
Complainant, :
against : DOCKET NO. E11 p.121.
UNION PACIFIC RAILROAD COMPANY, :
Defendant. :
-----: :

SATISFACTION is hereby acknowledged of a judgment or decree in this Court entered in the above entitled cause in favor of Union Pacific Railroad Company, defendant, against Frank R. Brushaber, complainant, for the sum of *Twenty and ^{No}/₁₀₀ -----* Dollars, on the 10th day of March, 1916.

DATED June 2, 1916.

Henry W. Clark
Solicitor for Defendant.

STATE OF NEW YORK :
COUNTY OF NEW YORK:SS:

Before me this 2nd day of June, 1916, personally appeared HENRY W. CLARK, to me personally known to be the person who executed the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto affixed my hand and seal the day and year first above written.

E. E. Cable

NOTARY PUBLIC, KINGS CO.
CERTIFICATE FILED IN NEW YORK CO.

1954

611-121

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
IN EQUITY.

Frank R. Brushaber,
Complainant,
against

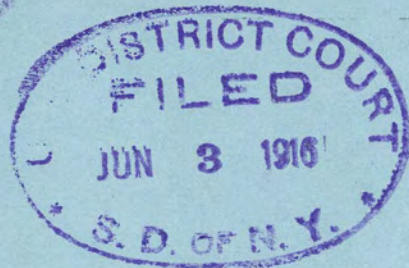
Union Pacific Railroad Company,
Defendant.

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SATISFACTION OF JUDGMENT.

Henry W. Clark,
Solicitor for Defendant,
165 Broadway,
New York City.

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The President of the United States of America, To

Union Pacific Railroad Company

GREETING:

YOU ARE HEREBY COMMANDED to appear before the Judges of the District Court of the United States of America for the Southern District of New York, in the Second Circuit, to answer a bill of complaint exhibited against you in the said Court in a suit in Equity, by

Frank R. Brushaber

and to further do and receive what the said Court shall have considered in this behalf; and this you are not to omit under the penalty on you of TWO HUNDRED AND FIFTY DOLLARS, (\$250).

WITNESS, Honorable CHARLES M. BOUGH GEORGE C. HOLT, Judge of the District Court of the United States for the Southern District of New York, at the City of New York, on the 13th day of March in the year one thousand nine hundred and fourteen and of the Independence of the United States of America the one hundred and thirty-eight

David Auerbach & Connel Alex Gilchrist Clerk.
34 Nassau St Plaintiff Sol'r.

The defendant is required to file its answer or other defense in the above cause in the Clerk's office of this Court, on or before the twentieth day after service hereof excluding the day of said service; otherwise the bill aforesaid may be taken *pro confesso*.

Alex Gilchrist Clerk.

Original

611

Office - 165 Broadway

Pres. - A. P. Mobile

Sec. - Alexander

Treas - U. S. Cross

Directors - Alto H. Ka

Montmer

Wm - G

Henry

S. D. DISTRICT COURT
FILED
MAR 13 1914
S. D. OF N. Y.

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20907

Form No. 302.

I hereby certify, That on the 13th day of March, 1914, at the City of

New York, in my district, I personally served the within Subpoena in Equity

upon the within-named Defendant Union Pacific Railroad Company

by exhibiting to Alexander Miller as Secy of said Co. at his Office # 165 Broadway, N.Y. City

the within original, and at the same time leav-

ing with him

a copy thereof.

[Signature]

United States Marshal,
Southern District of New York.

Dated March 13th, 1914

[Circular stamp: M.B.]

District Court of the United States

For the Southern District of New York.

Frank R. Brushaber
Complainant

vs.

Union Pacific Railroad
Company
Defendant

In Equity

To ALEXANDER GILCHRIST, Jr.,

Clerk U. S. District Court Southern District of N. Y.

*You will please issue a Subpoena to the
defendant in the above-entitled action.*

Davis Auerbach & Cornell

Solicitor for Plaintiff
Office and Post Office Address

New York, March 13th 1914

611-121

U. S. DISTRICT COURT

SOUTHERN DISTRICT OF N. Y.

IN EQUITY.

611
vs.

PRAECIPE FOR
SUBPOENA.

U. S. DISTRICT COURT
MAR 13 1914
* S. D. OF N. Y.
Solicitor for Plaintiff

UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF NEW YORK.

Frank R. Brushaber,
Complainant,

vs.

Union Pacific Railway Company,
Defendant.

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11-121

It is Hereby Stipulated and Agreed, that the foregoing is a true transcript of the record of the said District Court in the above-entitled matter as agreed on by the parties.

Dated, April 29, 1914.

Davis, Auerbach & Howell
Attorneys for Complainant.

Henry W. Clark
Attorney for Defendant.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

616-121

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*The Pavilion
New York City*

U. S. DISTRICT COURT
FILED
APR 30 1914
S. D. OF N. Y.

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[Faint, illegible handwriting]