

Brown Vs. Walling

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Court : US Supreme Court

Decided On : Feb-04-1907

Appeal No. : 204 U.S. 320

Appellant : Brown

Respondent : Walling

Judgement :

Brown v. Walling - 204 U.S. 320 (1907)

U.S. Supreme Court Brown v. Walling, 204 U.S. 320 (1907)

Brown v. Walling

No. 81

Argued January 10, 1907

Decided February 4, 1907

204 U.S. 320

ERROR TO THE SUPREME COURT

OF THE STATE OF COLORADO

SYLLABUS

Decided on authority of *Bacon v. Walker, ante*, p. [204 U. S. 311](#).

9 Idaho 740 affirmed.

The facts are stated in the opinion.

MR. JUSTICE Mc KENNA delivered the opinion of the Court.

This action was brought in the Probate Court in and for Elmore County, State of Idaho, for the sum of \$200 damages sustained by defendant in error by the violation by plaintiffs in error of 1210, 1211, of the Revised Statutes of Idaho. The amended complaint alleged that the offense was committed by plaintiffs in error by wrongfully and negligently permitting and allowing their sheep to graze

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within two miles of the dwelling house of defendant in error and upon the government lands around his premises. The defense, set up by demurrer, was, as in *Bacon v. Walker, ante*, p. [204 U. S. 311](#), that those

sections were void under the due process and equality clauses of the Fourteenth Amendment of the Constitution of the United States. The trial court rendered judgment for the defendant in error, which was affirmed by the District Court for Elmore County and by the supreme court of the state. 9 Idaho 740.

The case was argued with *Bacon v. Walker*, and, on the authority of that case, the judgment is *Affirmed*.

MR. JUSTICE BREWER and MR. JUSTICE PECKHAM dissent.

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