

Shepard Vs. Barkley

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Court : US Supreme Court

Decided On : May-06-1918

Appeal No. : 247 U.S. 1

Appellant : Shepard

Respondent : Barkley

Judgement :

Shepard v. Barkley - 247 U.S. 1 (1918)

U.S. Supreme Court Shepard v. Barkley, 247 U.S. 1 (1918)

Shepard v. Barkley

No. 257

Argued April 23, 1918

Decided May 6, 1918

247 U.S. 1

APPEAL FROM THE CIRCUIT COURT OF APPEALS

FOR THE EIGHTH CIRCUIT

SYLLABUS

Decided on the authority of [Watson v. Jones](#), 13 Wall. 679.

222 F. 669, affirmed.

Memorandum opinion by MR. CHIEF JUSTICE WHITE, by direction of the Court.

The Court is of the opinion that the following propositions are well founded, although some members of the

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Court differ concerning them: (a) that the appeal in this case brings up for review both the causes which were decided by the court below at the same time, and both therefore will be controlled by the decree here to be rendered; (b) that the order allowing an amendment as to the form of the appeal and the parties which was previously made without prejudice to the right of the appellees to object to the same at the hearing on the merits was rightfully granted, and the objection which was at the hearing on the merits made by the appellees is without merit; (c) that, under the case as made by the pleadings, there is authority to review.

The approach to the merits being thus cleared, without any difference on the subject, the Court is of opinion that the doctrines by which the case is controlled have been so affirmatively and conclusively settled by a prior decision of this Court as to cause it to be unnecessary as a matter of original consideration to restate them. [Watson v. Jones](#), 13 Wall. 679. And the want of any possible reason for removing this case from the control of the doctrines of the *Watson* case is, if needs be, conclusively shown by the many cases referred to by the court below in its opinion (222 F. 669), in which the *Watson* case was made controlling and decisive as to controversies not in substance differing from the one here presented. *Sherard v. Walton*, 206 F. 562; *Helm v. Zarecor*, 213 F. 648; *Bonham v. Sharp*, 213 F. 660; *Harris v. Cosby*, 173 Ala. 81; *Sanders v. Baggerly*, 96 Ark. 117; *Permanent Commission of Missions v. Pacific Synod*, 157 Cal. 105; *Mack v. Kime*, 129 Ga. 1; *First Presbyterian Church of Lincoln v. First*

Cumberland Presbyterian Church of Lincoln, 245 Ill. 74; *Fussell v. Hail*, 233 Ill. 73; *Fancy Prairie Church v. King*, 245 Ill. 120; *Pleasant Grove Congregation v. Riley*, 248 Ill. 604; *Ramsey v. Hicks*, 174 Ind. 428; *Bentle v. Ulay*, 175 Ind. 494; *Wallace v. Hughes*,

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131 Ky. 445; *Carothers v. Moseley*, 99 Miss. 671; *Hayes v. Manning*, 263 Mo. 1; *Missouri Valley College v. Guthrie*, 263 Mo. 52; *First Presbyterian Church v. Cumberland Presbyterian Church*, 34 Okl. 503; *Brown v. Clark*, 102 Tex. 323.

Affirmed.

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