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# SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 8, 1894.

Present : The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, Mr. Justice Jackson, and Mr. Justice White.

The Chief Justice said :

“As the gentlemen of the bar are aware, it has been the custom of the court to adjourn on the first day of the term, in order to enable its members to pay their respects to the President of the United States in a body ; but, as the President is absent, we will dispose of such business as may be properly brought before us before taking the usual adjournment.”

Robert Thorne, of ———; Frank L. Fish, of Vergennes, Vt. ; William H. Bliss, of Burlington, Vt. ; William M. Eccles, of St. Louis, Mo. ; C. C. Wright, of Modesto, Cal. ; Samuel A. Putnam, of Washington, D. C. ; Thomas G. Hayes, of Baltimore, Md. ; William S. Bryan, jr., of Baltimore, Md. ; Frank Gosnell, of Baltimore, Md. ; George R. Simpson, of Washington, D. C. ; George L. Morton, of Washington, D. C. ; Charles E. Wilson, of San Francisco, Cal. ; Frederick E. Chapin, of Washington, D. C., and William Quinby, of Boston, Mass., were admitted to practice.

No. 28.—The Northern Pacific Railroad Company, plaintiff in error, vs. Henry Bush. In error to the circuit court of the United States for the northern district of Illinois. Submission set aside and cause dismissed with costs on motion of Mr. A. H. Garland for the plaintiff in error.

No. 630.—Mrs. Lillian W. Egan and husband, plaintiffs in error, vs. A. Hart *et al.* Motions to dismiss or affirm submitted by Mr. A. H. Leonard in support of motions and by Mr. Charles J. Boatner in opposition thereto.

No. 3.—The Pittsburgh and Southern Coal Company, plaintiff in error, vs. John W. Bates, sheriff, etc., and

No. 10.—The Pittsburgh and Southern Coal Company, plaintiff in error, vs. the State of Louisiana for use of the Charity Hospital of New Orleans. Passed subject to the provisions of section 9 of rule 26 on motion of Mr. Frederic D. McKenney in behalf of counsel.

No. 5.—William W. Dunham, administrator, etc., *et al.*, appellants, *vs.* James E. Jones *et al.* Death of James E. Jones, one of the appellees, suggested and order of publication granted, on motion of Mr. W. Hallett Phillips in behalf of counsel for the appellants.

No. 735.—Charles Collins Buck *et al.*, plaintiffs in error, *vs.* The State of Louisiana. Motions to dismiss or affirm submitted by Mr. W. Hallett Phillips, Mr. H. J. Leon, and Mr. M. J. Cunningham in support of motions, and leave granted to Mr. Duane E. Fox to file brief in opposition thereto within one week.

No. 701.—The Central Railroad Company of New Jersey, plaintiff in error *vs.* Bernard Keegan. Motion to advance submitted by Mr. A. G. Vanderpoel in support of same.

No. 615.—George Taylor, appellant *vs.* The Girard Life Insurance Annuity and Trust Co., of Philadelphia. Appearance of Eleanor Taylor, administratrix, etc., as appellant herein filed and entered on motion of Mr. R. Ross Perry for the appellant.

No. 35.—The Southern Pacific Railroad Company, appellant, *vs.* The United States. Appeal from the circuit court of the United States for the northern district of California. Dismissed on motion of Mr. J. Hubley Ashton for the appellant.

No. 813.—Count Joseph Telfener, plaintiff in error, *vs.* George W. Russ. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. J. L. Peeler for the plaintiff in error in support of petition, and by Mr. S. R. Fisher for the defendant in error in opposition thereto.

No. 6.—The Worcester, Nashua and Rochester Railroad Company, plaintiff in error, *vs.* The John Hancock Mutual Life Insurance Company.

No. 18.—The Worcester, Nashua and Rochester Railroad Company, plaintiff in error, *vs.* Robert L. Day *et al.*

No. 73.—The Worcester, Nashua and Rochester Railroad Company, plaintiff in error, *vs.* The India Mutual Insurance Co.

No. 74.—The Worcester, Nashua and Rochester Railroad Company *vs.* A. A. Sweet.

No. 468.—The Worcester, Nashua and Rochester Railroad Company, plaintiff in error, *vs.* The People's Savings Bank. In error to the superior court of the State of Massachusetts. Dismissed per stipulation.

No. 249.—Margaret W. Allis *et al.*, executors and plaintiffs in error, *vs.* The State Bank of Crete, Nebraska, *et al.* In error to the circuit court of the United States for the district of Nebraska. Dismissed per stipulation.

No. 257.—George Hayes, appellant, *vs.* Valentine Fischer. Appeal from the circuit court of the United States for the southern district of New York. Dismissed per stipulation.

No. 259.—Arthur Kirk, appellant, *vs.* John E. Du Bois. Appeal from the circuit court of the United States for the western district of Pennsylvania. Dismissed with costs on authority of counsel for appellant.

No. 126.—John D. Mayfield *et al.*, plaintiffs in error, *vs.* M. T. Matta. Stipulation to reverse judgment of lower court submitted.

The court will commence the call of the docket to-morrow, pursuant to the 26th rule. The day call for Tuesday, October 9, will be as follows: Nos. 1, 2, 4, 7, 8, 12, 13, 14, 16, and 19.



# SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 9, 1894.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, Mr. Justice Jackson, and Mr. Justice White.

George M. Shipman, of Belvidere, New Jersey; William Warner Hopkin, of New York City, and Rinaldo R. Briggs, of Duluth, Minn., were admitted to practice.

No. 126.—John D. Mayfield *et al.*, plaintiffs in error, *vs.* M. T. Matta. In error to the circuit court of the United States for the northern district of Texas. Judgment reversed at cost of plaintiffs in error per stipulation and cause remanded to be proceeded in according to law.

No. ———.—J. W. Todd *et al.*, plaintiffs in error, *vs.* The United States. Motion to docket and dismiss denied and leave granted to docket cause.

No. 584.—Amado Chaves *et al.*, appellants, *vs.* The United States *et al.*, and

No. 585.—The Pueblos of Zia, Santa Ana, and Jemez, appellants, *vs.* The United States *et al.* Continued on motion of Mr. Solicitor-General Maxwell, for the appellees.

No. 631.—The Texas and Pacific Railway Company, appellant, *vs.* The Interstate Commerce Commission. Reassigned for argument on the second Monday (12th) of November next, on motion of Mr. Solicitor-General Maxwell, for the appellee.

No. 740.—Willie Johnson, *alias* Willie Overton, plaintiff in error, *vs.* The United States.

No. 741.—Francis A. Coffin *et al.*, plaintiffs in error, *vs.* The United States.

No. 747.—William H. Moses *et al.*, plaintiffs in error, *vs.* The United States.

No. 765.—Thomas Westmoreland, plaintiff in error, *vs.* The United States.

No. 766.—Sephus Wright *et al.*, plaintiffs in error, *vs.* The United States. Motions to advance submitted by Mr. Solicitor-General Maxwell for the defendant in error.

No. 687.—The Bate Refrigerating Company, appellant, *vs.* Ferdinand Sulzberger *et al.* Leave granted Mr. B. F. Lee to file brief herein on behalf of the Chemical Rubber Company.

No. 591.—The United States, appellant, *vs.* Earl B. Coe. Motion to dismiss submitted by Mr. E. M. Sanford in support of motion and by Mr. Solicitor-General Maxwell in opposition thereto.

No. 4, Original.—The United States, complainant, *vs.* The State of Texas. Motion to fix day for argument submitted by Mr. Edgar Allen for the complainant.

No. 639.—The United States, appellant, *vs.* The Trans-Missouri Freight Association *et al.* Motion to dismiss submitted by Mr. A. B. Browne, Mr. A. T. Britton, Mr. George R. Peck, and Mr. L. W. Bowers in support of motion, and by Mr. Solicitor-General Maxwell in opposition thereto. Reassigned for argument on the first Monday (3d) of December next, on motion of Mr. A. B. Browne for the appellees.

No. 8.—The Southern Pacific Railroad Company in New Mexico, plaintiff in error, *vs.* Teofilo Esquivel. Continued on motion of Mr. J. Hubley Ashton for plaintiff in error.

No. 14.—William J. Connell *et al.*, appellants, *vs.* John A. Smiley. Passed, subject to the provisions of section 9, rule 26.

No. 1.—William Wright, appellant, *vs.* David G. Yuengling, jr., and

No. 2.—William Wright, appellant, *vs.* Johnston Beggs. Argued by Mr. Andrew M. Todd for appellant, and by Mr. B. F. Lee for appellees.

No. 4.—John J. Schillinger *et al.*, appellants, *vs.* The United States. Argument commenced by Mr. John C. Fay, for appellants, and continued by Mr. Assistant Attorney-General Conrad, for appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 10, will be as follows: Nos. 4, 7, 12, 13, 16, 19, 20, 21, 22, and 23.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 10, 1894.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, Mr. Justice Jackson, and Mr. Justice White.

Henry N. Obear, of Washington, D. C., was admitted to practice.

No. 675.—The United States, appellant, *vs.* E. C. Knight Company *et al.* Reassigned for argument on Monday, the 22d instant, on motion of Mr. John E. Parsons for the appellees.

No. 12.—Edward Byrne, appellant, *vs.* The United States. Passed, subject to the provisions of section 9 of the 26th rule, on account of sickness of counsel, on motion of Mr. W. J. Moberly for the appellant.

No. 123.—The Pacific Coast Steamship Company, appellant, *vs.* The United States. Passed, subject to the provisions of section 9 of the 26th rule, on motion of Mr. Assistant Attorney-General Conrad for the appellee.

No. 22.—The Washburn and Moen Manufacturing Company, appellant, *vs.* The Freeman Wire Company. Passed for settlement.

No. 23.—George D. Haven, plaintiff in error, *vs.* Archibald Borland. In error to the circuit court of the United States for the northern district of California. Dismissed with costs, pursuant to the 19th rule.

No. 4.—John J. Schillinger *et al.*, appellants, *vs.* The United States. Argument continued by Mr. Assistant Attorney-General Conrad for the appellee and concluded by Mr. William G. Johnson for the appellants.

No. 7.—R. B. Hooper, plaintiff in error, *vs.* The people of the State of California. Argued by Mr. John E. Parsons, for the plaintiff in error, and by Mr. A. B. Browne, for defendants in error.

No. 13.—J. L. Thomson *et al.*, appellants, *vs.* The Smith & Griggs Manufacturing Co. *et al.* Appeal from the circuit court of the United States for the district of Connecticut. Dismissed with costs, pursuant to the 19th rule.

No. 19.—Arthur Origet, plaintiff in error, *vs.* Edward L. Hedden, collector, &c. Argument commenced by Mr. E. B. Smith, for the plaintiff in error, and continued by Mr. Assistant Attorney-General Whitney, for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 11, will be as follows: Nos. 19, 16, 20, 21, 24 (and 25), 29, 30, 32, 33, and 36.



# SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 11, 1894.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, Mr. Justice Jackson, and Mr. Justice White.

Denis A. Spellissy, of New York City, was admitted to practice.

No. 105.—Samuel Lazarus, plaintiff in error, *vs.* Wm. Walter Phelps. Death of defendant in error suggested and appearance of John J. Phelps, Wm. E. Bond, and Thomas R. White, jr., executors of Wm. Walter Phelps, deceased, as defendants in error, herein filed and entered on motion of Mr. Leigh Robinson for defendants in error.

No. 24.—William Talbert, appellant, *vs.* The United States, and

No. 25.—The United States, appellant, *vs.* William Talbert. Appearance of Richard T. Talbert, administrator of William Talbert, deceased, as appellant in No. 24 and appellee in No. 25, filed and entered on motion of Mr. S. S. Henkle for Talbert.

No. 29.—The New Orleans City and Lake Railroad Company, plaintiff in error, The State of Louisiana *ex rel.* The City of New Orleans. Passed, subject to the provisions of section 9 of rule 26, on motion of Mr. E. B. Whitney in behalf of counsel.

No. 33.—The City of New Orleans, appellant, *vs.* the Louisville and Nashville Railroad Company *et al.* Passed, subject to the provisions of section 9 of rule 26, on motion of Mr. E. B. Whitney, in behalf of counsel.

No. 30.—The Missouri Pacific Railway Company, plaintiff in error, *vs.* The State of Nebraska *ex rel.*, The Board of Transportation of the State of Nebraska. Passed per stipulation, subject to the provisions of section 9 of rule 26.

No. 32.—The Cleveland Fence Company, appellant, *vs.* The Indianapolis Fence Company *et al.* Appeal from the circuit court of the United States for the district of Indiana. Dismissed with costs pursuant to the 10th rule.

No. 254.—The American Preservers Company, appellant, *vs.* Edmund R. Norris *et al.* Appeal from the circuit court of the United States for the eastern district of Missouri. Dismissed, with costs, on authority of counsel for appellant.



No. 256.—H. Julian Allen *et al.*, appellants, *vs.* G. Lewis Merrill *et al*  
Appeal from the circuit court of the United States for the northern district of New York. Dismissed, with costs, on motion of counsel for appellants.

No. 19.—Arthur Origet, plaintiff in error, *vs.* Edward L. Hedden, collector, &c. Argument continued by Mr. Assistant Attorney-General Whitney for the defendant in error, and concluded by Mr. E. B. Smith for plaintiff in error.

No. 16.—Thomas C. Chappell, plaintiff in error, *vs.* James M. Waterworth. Argued by Mr. W. Cabell Bruce and Mr. Thomas C. Chappell for plaintiff in error, and by Mr. Solicitor-General Maxwell for defendant in error.

No. 20.—The Washington and Idaho Railroad Company, appellant, *vs.* The Cœur d'Alene Railway and Navigation Company *et al.*; and

No. 21.—The Washington and Idaho Railroad Company, appellant, *vs.* S. V. William Osborn. Passed subject to the provisions of section 9 of rule 26.

No. 24.—Richard T. Talbert, adm'r, &c., appellant, *vs.* The United States; and

No. 25.—The United States, appellant, *vs.* Richard T. Talbert, adm'r., &c. Argument commenced by Mr. S. S. Henkle for Talbert, adm'r.

Adjourned until to-morrow at twelve o'clock.

The day call for Friday, October 12, will be as follows: Nos. 24 (and 25), 36, 37, 39, 40, 41, 42, 43, 44, and 45.



# SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 12, 1894.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, Mr. Justice Jackson, and Mr. Justice White.

W. O. Hart, of New Orleans, La., was admitted to practice.

No. 22.—The Washburn and Moen Manufacturing Company, appellant, *vs.* The Freeman Wire Company. Appeal from the circuit court of the United States for the eastern district of Missouri. Dismissed with costs on motion of Mr. John R. Bennett for the appellant.

No. 724.—The Board of County Commissioners of the County of Kingman, Kansas, plaintiff in error, *vs.* Cornell University. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit, submitted by Mr. E. B. Smith, in behalf of Mr. George Gray, for the plaintiff in error, in support of the petition, and by Mr. W. H. Rossington and Mr. Charles Blood Smith for the defendant in error, in opposition thereto.

No. 42.—Roland H. Smith *et al.*, appellants, *vs.* The Pittsburgh Gas Co. Appeal from the circuit court of the United States for the western district of Pennsylvania. Dismissed, with costs, pursuant to the tenth rule.

No. 43.—Harry C. McCarty *et al.*, appellants, *vs.* The Lehigh Valley Railroad Company. Continued, per stipulation.

No. 24.—Richard T. Talbert, admr., &c., appellant, *vs.* The United States, and

No. 25.—The United States, appellant, *vs.* Richard T. Talbert, admr., &c. Argument continued by Mr. S. S. Henkle for Talbert. The court declined to hear further argument.

No. 36.—Thomas D. Olin *et al.*, appellants, *vs.* Henry Timken. Argument commenced by Mr. George J. Murray for appellants and continued by Mr. Wm. M. Eccles for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 15, will be as follows: Nos. 36, 393, 26 (and 27), 602, 619, 648, 633, 641, 244, and 661.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 15, 1894.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, Mr. Justice Jackson, and Mr. Justice White.

Ludovic Bennet, of Brooklyn, N. Y.; Marshall A. Spooner, of Minneapolis, Minn., and L. A. Posey, of Aiken, S. C., were admitted to practice.

No. 38.—James Hampden Robb and Charles E. Strong, trustees, appellants, *vs.* August Vos. Appeal from the circuit court of the United States for the southern district of Ohio. Decree affirmed with costs. Opinion by Mr. Justice Shiras. (Mr. Justice Jackson and Mr. Justice White not having heard the argument took no part in the decision.)

No. 24.—Richard T. Talbert, administrator, &c., appellant, *vs.* The United States; and

No. 25.—The United States, appellant, *vs.* Richard T. Talbert, administrator, &c. Appeals from the Court of Claims. Judgment affirmed. Opinion by Mr. Chief Justice Fuller.

The Chief Justice also announced the following orders of the Court:

No. 630.—Mrs. Lillian W. Egan and husband, plaintiffs in error, *vs.* A. Hart *et al.* Motions to dismiss or affirm postponed to the hearing on the merits.

No. 701.—The Central Railroad Company of New Jersey, plaintiff in error, *vs.* Bernard Keegan. Motion to advance granted, and the cause advanced as under the 32d rule, to be submitted on printed briefs.

No. 813.—Count Joseph Telfener, plaintiff in error, *vs.* George W. Russ. Petition for a writ of certiorari to the United States circuit court of appeals for the 5th circuit, granted.

No. 639.—The United States, appellant, *vs.* The Trans-Missouri Freight Association *et al.* Motion to dismiss postponed to the hearing on the merits.

No. 740.—Willie Johnson, *alias* Willie Overton, plaintiff in error, *vs.* The United States.

No. 741.—Francis A. Coffin *et al.*, plaintiffs in error, *vs.* The United States.

No. 747.—William H. Moses *et al.*, plaintiffs in error, *vs.* The United States.

No. 765.—Thomas Westmoreland, plaintiff in error, *vs.* The United States; and

No. 766.—Sephus Wright *et al.*, plaintiffs in error, *vs.* The United States. Motions to advance granted and causes assigned for argument on the first Monday (3d) of December next after the case already set down for that day.

No. 4, Original.—The United States, complainant, *vs.* The State of Texas. Assigned for argument on the third Monday (17th) of December next, by consent of counsel, and on motion of Mr. Edgar Allan for the complainant.

No. 59.—Thomas W. Alsop *et al.*, executors, &c., *et al.*, appellants, *vs.* Andrew J. Riker, and

No. 63.—Andrew J. Riker, appellant, *vs.* Thomas W. Alsop *et al.*, executors, &c., *et al.* Appearance of John Campbell and Archibald Campbell, executors of Allan Campbell, deceased, as parties herein, filed and entered on motion of Mr. Robert Christy in behalf of counsel.

No. 615.—Eleanor Taylor, administratrix, &c., appellant, *vs.* The Girard Life Insurance, Annuity and Trust Company, of Philadelphia.

Appearance of Frederick W. Taylor, Mary Imlay Taylor, and Isabel N. Taylor, heirs at law of George Taylor, deceased, as parties appellants herein filed and entered, and time granted to make other heir party appellant, on motion of Mr. R. Ross Perry for the appellants.

No. 673.—F. R. Osborne, plaintiff in error, *vs.* The State of Florida. Reassigned for argument on the 29th instant on motion of Mr. W. H. Lamar in behalf of counsel.

No. 791.—The Oceanic Steam Navigation Company, claimant, &c., appellant, *vs.* Grace Howard Potter *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit, submitted by Mr. Randall Hagner in behalf of Mr. Willard Parker Butler, for the appellees, in support of petition, and Mr. E. P. Wheeler, for the appellant, in opposition thereto.

No. 199.—John D. Beardsley, appellant, *vs.* The Arkansas and Louisiana Railway Company. Ordered, that appellant give new appeal bond on or before the first Monday (5th) of November next, or supersedeas vacated, on motion of Mr. John J. Joyce, for the appellee.

No. 7.—Original. The State of California, complainant, *vs.* the Southern Pacific Company. Motion to fix day for the argument of this case submitted by Mr. W. B. Matthews in behalf of counsel.

No. 493.—John A. Wright, plaintiff in error, *vs.* William Rollins. In error to the supreme court of the State of California. Dismissed per stipulation, on motion of Mr. Calderon Carlisle, for the plaintiff in error.

No. 512.—James Connors, plaintiff in error, *vs.* The United States. Reassigned for argument on the first Monday (3d) of December next, after the cases already set down for that day, on motion of Mr. M. B. Gerry for the plaintiff in error.

No. —.—*Ex parte* in the matter of Martha Groves and Wm. J. Groves, petitioners. Motion for leave to file petition for a writ of mandamus submitted by Mr. George A. King for the petitioners.

No. 688.—Mrs. A. F. Sipperly *et al.*, appellants, *vs.* John O. Smith *et al.* Motions to dismiss or affirm submitted by Mr. Charles H. Armes in support of motions and by Mr. J. W. Judd in opposition thereto.

No. 698.—Daniel Benton, *alias* Wm. Newby, plaintiff in error, *vs.* The United States. Reassigned for argument on the 2d Monday (10th) of December next, on motion of Mr. Carroll C. Boggs, in behalf of counsel for the plaintiff in error.

No. 244.—Victor Meyer *et al.*, plaintiffs in error, *vs.* Walter F. Richards. Reassigned for argument on the 22d instant on account of sickness of counsel, and by consent.

No. 36.—Thomas D. Olin *et al.*, appellants, *vs.* Henry Timken. Argument continued by Mr. Wm. M. Eccles for the appellee, and concluded by Mr. George J. Murray for the appellants.

No. 393.—William Tregea, plaintiff in error, *vs.* The Board of Directors of the Modesto Irrigation District. Argument commenced by Mr. Thomas B. Bond for plaintiff in error, and continued by Mr. C. C. Wright for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 16, will be as follows: Nos. 393, 26 (and 27), 602, 619, 648, 633, 641, 661, 541, and 637.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 16, 1894.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, Mr. Justice Jackson, and Mr. Justice White.

Henry Calver, of Washington, D. C., was admitted to practice.

No. 393.—William Tregoe, plaintiff in error, *vs.* The Board of Directors of the Modesto Irrigation District. Argument continued by Mr. C. C. Wright for the defendant in error, and concluded by Mr. Thomas B. Bond for the plaintiff in error.

No. 26.—The Singer Manufacturing Company, appellant, *vs.* The June Manufacturing Company, and

No. 27.—The Singer Manufacturing Company, appellant, *vs.* George P. Bent. Argument commenced by Mr. Lawrence Maxwell, jr., for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 17, will be as follows: Nos. 26, (and 27), 602, 619, 648, 633, 641, 661, 541, 637, and 667.

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## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 17, 1894.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, Mr. Justice Jackson, and Mr. Justice White.

Edward S. Elliott, of Savannah, Ga., and Charles G. Van Fleet, of Los Angeles, Cal., were admitted to practice.

No. 19.—Arthur Origet, plaintiff in error, *vs.* Edward L. Hedden, collector, &c. Death of Edward L. Hedden, the defendant in error herein, suggested, and appearance of Elizabeth C. Hedden, executrix, &c., filed and entered on motion of Mr. Solicitor-General Maxwell for the defendant in error.

No. 823.—Thomas M. Richardson, appellant, *vs.* Clarinda Green *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. William A. Maury in behalf of Mr. C. A. Dolph for the appellant in support of the petition and by Mr. Lewis L. McArthur for the appellees in opposition thereto.

No. 550.—Charles Edward Lewis, appellant, *vs.* Pima County, Arizona Territory. Submitted pursuant to the 20th rule by Mr. W. H. Barnes and Mr. W. H. Rossington for the appellant and Mr. Charles Weston Wright for the appellee.

No. 26.—The Singer Manufacturing Company, appellant, *vs.* The June Manufacturing Company; and

No. 27.—The Singer Manufacturing Company, appellant, *vs.* George P. Bent. Argument continued by Mr. C. K. Affield for the appellant, by Mr. John G. Elliott and Mr. William Henry Browne for the June Manufacturing Company, by Mr. Wallace Heckman for Bent, and concluded by Mr. Lawrence Maxwell, jr., for the appellant.

No. 602.—The People of the State of New York, appellants, *vs.* John C. Enc. Argued by Mr. John D. Lindsay for the appellants and submitted by Mr. George Bliss for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 18, will be as follows: Nos. 619, 648, 633, 641, 661, 541, 637, 667, 379, and 569.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 18, 1894.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, Mr. Justice Jackson, and Mr. Justice White.

James A. Kellogg, of Minneapolis, Minn., was admitted to practice.

No. 637.—Thomas Thompson, plaintiff in error, *vs.* The United States. Submitted by Mr. A. H. Garland for the plaintiff in error, and by Mr. Assistant Attorney-General Whitney for the defendant in error.

No. 619.—The United States and the Cherokee Nation, appellants, *vs.* Charles Journeycake, principal chief of the Delaware Indians. Argued by Mr. J. H. McGowan for the appellee, and submitted by Mr. Assistant Attorney-General Dodge for the United States, by Mr. C. A. Maxwell and Mr. George S. Chase for the Cherokee Nation, and by Mr. Thomas C. Fletcher for the appellee.

No. 671.—The United States and the Cherokee Nation, appellants, *vs.* Johnson Blackfeather, principal chief of the Shawnee Indians. Reassigned for argument after No. 619.

No. 671.—The United States and the Cherokee Nation, appellants, *vs.* Johnson Blackfeather, principal chief of the Shawnee Indians. Argued by Mr. Charles Brownell for the appellee, and submitted by Mr. Assistant Attorney-General Dodge for the United States and by Mr. C. A. Maxwell and Mr. George S. Chase for the Cherokee Nation, with leave to counsel for appellants to file supplemental brief within ten days.

No. 648.—The United States, appellant, *vs.* The Union Pacific Railway Company *et al.* One hour additional time allowed in the argument of this case, on motion of Mr. John F. Dillon, for appellees. Argument commenced by Mr. Solicitor-General Maxwell for the appellant and continued by Mr. Rush Taggart for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 19, will be as follows: Nos. 648, 633, 641, 661, 541, 667, 379, 569, 689, and 698.



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 19, 1894.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, Mr. Justice Jackson, and Mr. Justice White.

No. 648.—The United States, appellant, *vs.* The Union Pacific Railway Company *et al.* Argument continued by Mr. Rush Taggart and Mr. John F. Dillon for the appellees, and concluded by Mr. Solicitor-General Maxwell for the appellant.

No. 633.—The Pittsburgh, Cincinnati and St. Louis Railway Company *et al.*, appellants, *vs.* The Keokuk and Hamilton Bridge Company. Argument commenced by Mr. George Hoadly for the appellants.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 22, will be as follows: Nos. 633, 641, 661, 541, 667, 379, 569, 689, 622, and 675.

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# SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 22, 1894.

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Present : The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, Mr. Justice Jackson, and Mr. Justice White.

Charles O. Brewster, of New York City ; Robert H. Kern, of St. Louis, Mo. ; Thomas J. Rowe, of St. Louis, Mo. ; Hooper Alexander, of Atlanta, Ga., and John K. Shields, of Morristown, Tenn., were admitted to practice.

No. 1.—William Wright, appellant, *vs.* David G. Yuengling, jr. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed, with costs. Opinion by Mr. Justice Brown.

No. 2.—William Wright, appellant, *vs.* Johnston Beggs. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Brown.

The Chief Justice announced the following orders of the court :

No. 735.—Charles Collins Buck et al., plaintiffs in error, *vs.* The State of Louisiana. In error to the supreme court of the State of Louisiana. Dismissed for the want of jurisdiction.

No. 724.—The Board of County Commissioners of the County of Kingman, Kansas, plaintiff in error, *vs.* Cornell University. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 791.—The Oceanic Steam Navigation Company, claimant, appellant, *vs.* Grace Howard Potter *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 7, Original.—The State of California, complainant, *vs.* Southern Pacific Company. Assigned for argument on the third Monday (17th) of December next, after the case already set down for that day.

No. —.—*Ex parte* in the matter of Martha Groves *et al.*, petitioners. Motion for leave to file petition for a writ of mandamus denied.

No. 823.—Thomas M. Richardson *et al.*, appellants, *vs.* Clarinda Green *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 899 of October term, 1893.—The Pittsburgh, Cincinnati, Chicago and St. Louis Railway Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, &c., *et al.*

No. 900, of October term, 1893.—The Indianapolis and Vincennes Railroad Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, &c., *et al.*; and

No. 908 of October term, 1893.—The Cleveland, Cincinnati, Chicago & St. Louis Railway Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, &c. Petitions for rehearing denied.

No. 775.—Harvey F. Batchelor, plaintiff in error, *vs.* The United States. Motion to advance submitted by Mr. Assistant Attorney-General Whitney for the defendant in error.

No. 825.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* Clara Mase, administratrix, &c. Thomas F. Oakes, Henry C. Payne, and Henry C. Rouse, receivers of the Northern Pacific Railroad Company, substituted as plaintiffs in error herein, by consent of counsel and on motion of Mr. A. H. Garland for the plaintiffs in error.

No. 633.—The Pittsburgh, Cincinnati and St. Louis Railway Company *et al.*, appellants, *vs.* The Keokuk and Hamilton Bridge Company. Argument continued by Mr. George Hoadly for the appellants, by Mr. Lyman Trumbull and Mr. Edwin Walker for the appellee, and concluded by Mr. George Hoadly for the appellants.

No. 641.—Emil J. Pepke, appellant, *vs.* Joseph E. Cronan, as sheriff, &c. Argued by Mr. Marshall A. Spooner for the appellant, and by Mr. W. H. Standish for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 23, will be as follows: Nos. 661, 541, 667, 379, 569, 689, 622, 675, 244, and 37.

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 23, 1894.

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Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, Mr. Justice Jackson, and Mr. Justice White.

William R. Andrews, of Seattle, Wash., was admitted to practice.

No. 661.—Horace G. Allis, plaintiff in error, *vs.* The United States. Argued by Mr. John R. Dos Passos and Mr. A. H. Garland for the plaintiff in error, and by Mr. Assistant Attorney-General Conrad for the defendant in error.

No. 541.—In the matter of the application of Gustave A. Jahn & Co. Argued by Mr. E. B. Smith for Jahn & Co., and submitted by Mr. Solicitor-General Maxwell for the United States.

No. 667.—Clyde Mattox, plaintiff in error, *vs.* The United States. Argued by Mr. A. S. Browne and Mr. L. T. Michener for the plaintiff in error, and submitted by Mr. Assistant Attorney-General Conrad for the defendant in error.

No. 379.—Royal Ingraham, plaintiff in error, *vs.* The United States. Submitted with leave to counsel to file briefs within ten days.

No. 569.—Nicholas Mazarakos, plaintiff in error, *vs.* The United States. In error to the district court of the United States for the northern district of Illinois. Dismissed, pursuant to the tenth rule.

No. 689.—The U. S. *ex rel.* The International Contracting Company, plaintiff in error, *vs.* Daniel S. Lamont, Secretary of War. Argued by Mr. A. S. Worthington for the plaintiff in error, and submitted by Mr. Solicitor-General Maxwell for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 24, will be as follows: Nos. 622, 675, 244, 37, 39, 40, 41, 44, 45, and 47 (and 48).

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 24, 1894.

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Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

No. 351.—George Mason, appellant, *vs.* Harvey Spalding. Appeal from the supreme court of the District of Columbia. Dismissed with costs, on motion of Mr. W. L. Cole for the appellant.

No. 675.—The United States, appellant, *vs.* E. C. Knight Company *et al.* Argued by Mr. Samuel F. Phillips and Mr. Solicitor-General Maxwell for the appellant, and by Mr. John G. Johnson for the appellees.

No. 622.—The United States, appellant, *vs.* Johnson Blackfeather, principal chief of the Shawnee Indians. Argument commenced by Mr. Assistant Attorney-General Dodge for the appellant, and continued by Mr. Charles Brownell for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 25, will be as follows: Nos. 622, 244, 37, 39, 40 (and 41), 44, 45, 47 (and 48), 49 (and 50 and 51), and 53.

6527—13

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 25, 1894.

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Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Beverly Lacy Hodghead, of San Francisco, Cal., and Ernest C. Her-  
rick, of Cherokee, Iowa, were admitted to practice.

No. 37.—Frederick W. Muser *et al.*, plaintiffs in error, *vs.* Daniel Magone, collector. Ordered that case proceed in name of Frederick W. Muser and Curt Muser, surviving partners of the firm of Muser Brothers, as plaintiffs in error herein, on motion of Mr. Edwin B. Smith for the plaintiffs in error.

No. 622.—The United States, appellant, *vs.* Johnson Blackfeather, prin-  
cipal chief of the Shawnee Indians. Argument continued by Mr. Charles Brownell for the appellee, and concluded by Mr. Assistant Attorney-Gen-  
eral Dodge for the appellant.

No. 244.—Victor Meyer *et al.*, plaintiffs in error, *vs.* Walter T. Rich-  
ards. Submitted by Mr. E. H. Farrar, Mr. B. F. Jonas, and Mr. E. B. Kruttschnitt for the plaintiffs in error, and by Mr. H. L. Lazarus for the defendant in error, with leave to counsel to file additional briefs within thirty days.

No. 37.—Frederick W. Muser *et al.*, plaintiffs in error, *vs.* Daniel Magone, collector, etc. Argued by Mr. Edwin B. Smith for the plaintiffs in error, and by Mr. Assistant Attorney-General Whitney for the defend-  
ant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 26, will be as follows: Nos. 39,  
40 (and 41), 44, 45, 47 (and 48), 49 (and 50 and 51), 53, 54, 55, and 57.

6527—14

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 26, 1894.

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Present : The Chief Justice, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Charles A. Hess, of New York City, and Andrew Wilson, of Washington, D. C., were admitted to practice. The Chief Justice announced the following order of the Court :

No. 38.—James Hampden Robb and Charles E. Strong, trustees, appellants, vs. August Vos. Ordered that William Stix be made a party appellee herein, as of March 7, 1894, and that all orders entered herein since that date be amended accordingly.

No. 39.—Florine A. Austin, administratrix, etc., appellant, vs. The United States. Argued by Mr. John C. Fay and Mr. Samuel Shellabarger for the appellant, and by Mr. Assistant Attorney-General Conrad for the appellee.

No. 40.—The Pennsylvania Railroad Company *et al.*, plaintiffs in error, vs. Thomas W. Jones, and

No. 41.—The Pennsylvania Railroad Company *et al.*, plaintiffs in error, vs. Charles T. Stewart. Argument commenced by Mr. Enoch Totten for the plaintiffs in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 29, will be as follows: Nos. 40, (and 41), 44, 45, 47 (and 48), 49 (and 50 and 51), 53, 54, 55, 57, and 673.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 29, 1894.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

George McLellan Robbins, of Titusville, Fla., was admitted to practice.

No. 550.—Charles Edward Lewis, appellant, *vs.* Pima County, Arizona Territory. Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 517.—Mary P. Greeley, executrix, &c., appellant, *vs.* R. H. Lowe *et al.* Appeal from the circuit court of the United States for the northern district of Florida. Decree reversed with costs and cause remanded for further proceedings to be had therein in conformity with the opinion of this court. Opinion by Mr. Justice Brown. Dissenting, Mr. Chief Justice Fuller.

No. 602.—The People of the State of New York, appellants, *v.* John C. Eno. Appeal from the circuit court of the United States for the southern district of New York. Order reversed with costs and cause remanded with directions to dismiss the writ of habeas corpus and to remand the accused to the custody of the proper State authorities. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Field and Mr. Justice Shiras.

No. 688.—Mrs. A. F. Sipperly *et al.*, appellants, *vs.* John O. Smith *et al.* Appeal from the supreme court of the Territory of Utah. Dismissed with costs. Opinion by Mr. Chief Justice Fuller.

No. 641.—Emil J. Pepke, appellant, *vs.* Joseph E. Cronan, sheriff, &c. Appeal from the district court of the United States for the district of North Dakota. Order affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 591.—The United States, appellant, *vs.* Earl B. Coe. Motion to dismiss denied. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court:

No. 775.—Harry F. Batchelor, plaintiff in error, *vs.* The United States. Motion to advance granted, and cause assigned for argument on the third Monday (21st) of January next.



No. 83.—R. Sophia Chase, executrix, etc., plaintiff in error, *vs.* The United States. Motion to dismiss submitted by Mr. Solicitor-General Maxwell, Mr. Assistant Attorney-General Conrad, and Mr. Assistant Attorney-General Dodge in support of motion, and by Mr. A. C. Harris and Mr. John C. Chaney in opposition thereto.

No. 114.—Hymann Sonn *et al.*, plaintiffs in error, *vs.* Daniel Magone, collector, &c. ; and

No. 208.—Louis A. Salomon *et al.*, plaintiffs in error, *vs.* W. H. Robertson, collector, &c. Continued per stipulation, on account of sickness of counsel, on motion of Mr. Solicitor-General Maxwell for the defendants in error.

No. 424.—William Grimm, plaintiff in error, *vs.* The United States. Reassigned for argument on the third Monday (21st) of January next, after the case heretofore set down for that day.

No. 807.—P. J. Bannon *et al.*, plaintiffs in error, *vs.* The United States.

No. 811.—Henry N. Frisbie, plaintiff in error, *vs.* The United States.

No. 822.—J. W. Todd *et al.*, plaintiffs in error, *vs.* The United States. Motions to advance submitted by Mr. Solicitor-General Maxwell for the defendant in error.

No. 631.—The Texas and Pacific Railway Company, appellant, *vs.* The Interstate Commerce Commission. Reassigned for argument on the first Monday (3d) of December next, after cases already set down for that day.

No. 539.—The St. Louis and San Francisco Railway Company, plaintiff in error, *vs.* Etta James. Advanced pursuant to the 32d rule, to be submitted on printed briefs, on motion of Mr. F. W. Hackett for the defendant in error.

No. 615.—Eleanor Taylor, administratrix, &c., *et al.*, appellants, *v.* The Girard Life Insurance Annuity and Trust Company of Philadelphia. Ordered that the administratrix and such heirs at law as have heretofore been made parties appellants herein have leave to prosecute this appeal without the joinder of Eleanor Pearson, one of the heirs at law of George Taylor, deceased, as she has refused to join in said appeal, and that this order operate as a severance in that respect.

No. 40.—The Pennsylvania Railroad Company *et al.*, plaintiffs in error, *vs.* Thomas W. Jones, and

No. 41.—The Pennsylvania Railroad Company *et al.*, plaintiffs in error, *vs.* Charles T. Stewart. Argument continued by Mr. Enoch Totten for the plaintiffs in error, by Mr. W. L. Cole and Mr. William A. Cook for the defendants in error, and concluded by Mr. Enoch Totten for the plaintiffs in error.

No. 687.—The Bate Refrigerating Company, appellant, *vs.* Ferdinand Sulzberger *et al.* Reassigned for argument on the second Monday (12th) of November; after the case already set down for that day.

No. 44.—The Consolidated Electric Light Company, appellant, *vs.* The McKeesport Light Company. One-half hour additional time allowed each side in the argument of this case, on motion of Mr. Edmund Wetmore for appellant. Argument commenced by Mr. Leonard E. Curtis for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 30, will be as follows: Nos. 44, 45, 47 (and 48), 49 (and 50 and 51), 53, 54, 55, 57, 673, and 58.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 30, 1894.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

No. 58.—William M. Bennett, plaintiff in error, *vs.* George Harkrader. Passed subject to the provisions of section 9 of rule 26.

No. 44.—The Consolidated Electric Light Company, appellant, *vs.* The McKeesport Light Company. Argument continued by Mr. Leonard E. Curtis for the appellant, by Mr. Frederic P. Fish for the appellee, and concluded by Mr. Edmund Wetmore for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 31, will be as follows: Nos. 45, 47 (and 48), 49 (and 50 and 51), 53, 54, 55, 57, 673, 59 (and 63), and 60.

6527—17



# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 31, 1894.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

No. 729.—The Cincinnati, New Orleans and Texas Pacific Railway Company *et al.*, appellants, *vs.* the Interstate Commerce Commission; and

No. 832.—The Interstate Commerce Commission, appellant, *vs.* The Cincinnati, New Orleans and Texas Pacific Railway Company *et al.* Motion to advance submitted by Mr. Solicitor-General Maxwell for the Interstate Commerce Commission.

No. 7, Original.—The State of California, complainant, *vs.* Southern Pacific Company. Motion that counsel for the city of Oakland be granted leave to take part in the oral argument of this case. Submitted by Mr. James Lowndes in behalf of counsel.

No. 45.—Frederick Wehrman, appellant, *vs.* T. B. Conklin *et al.* Argued by Mr. Charles A. Clark for the appellant and by Mr. Ernest C. Herrick for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 1, will be as follows: Nos. 47 (and 48), 49 (and 50 and 51), 53, 54, 55, 57, 673, 59 (and 63), 60, and 61.

6527—18

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 1, 1894.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Frank F. Rozzelle, of Kansas City, Mo., was admitted to practice.

No. 156.—The National Cash Register Company, appellant, *vs.* The Boston Cash Indicator and Recorder Company. Appeal from the circuit court of the United States for the district of Massachusetts. Dismissed with costs on motion of counsel for appellant.

No. 47.—Charles E. Simmons, trustee, *et al.*, appellants, *vs.* The Burlington, Cedar Rapids and Northern Railway Company *et al.*; and

No. 48.—The Burlington, Cedar Rapids and Northern Railway Company, appellant, *vs.* Charles E. Simmons, trustee. Argued by Mr. Charles A. Clark for Simmons *et al.* and by Mr. J. M. Woolworth for the Railway Company *et al.*

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 2, will be as follows: Nos. 49 (and 50 and 51), 53, 54, 55, 57, 673, 59 (and 63), 60, 61, and 62.

6527—19

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 2, 1894.

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Present : The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

John W. Loveland, of New York City, was admitted to practice.

No. 62.—Jerome F. Manning, appellant, *vs.* Irvine G. McLarren, special administrator. Passed subject to the provisions of section 9 of rule 26, on account of sickness of counsel, on motion of Mr. Robert Christy in behalf of counsel.

No. 538.—Joseph F. Hamilton *et al.*, plaintiffs in error, *vs.* J. T. Brown *et al.* Submitted pursuant to the 20th rule by Mr. H. E. Barnard for the plaintiffs in error and by Mr. S. R. Fisher for the defendants in error.

No. 49.—The Lake Superior Ship Canal, Railway and Iron Company, plaintiff in error, *vs.* Walter A. Cunningham ;

No. 50.—The Lake Superior Ship Canal, Railway and Iron Company, plaintiff in error, *vs.* Hugh Finan ; and

No. 51.—Michael Donahoe, plaintiff in error, *vs.* The Lake Superior Ship Canal, Railway and Iron Company.

Argument commenced by Mr. Dan. H. Ball for The Lake Superior Ship Canal, Railway and Iron Company, and continued by Mr. Don M. Dickinson for Cunningham, Finan, and Donahoe.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 5, will be as follows : Nos. 49 (50 and 51), 54, 53, 55, 57, 673, 59 (and 63), 60, 61, and 64.

6527—20

# SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 5, 1894.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, and Mr. Justice Brown.

Russell H. Landale, of New York City, was admitted to practice.

No. 16.—Thomas C. Chappell, plaintiff in error, *vs.* James M. Waterworth. In error to the circuit court of the United States for the district of Maryland. Judgment reversed with costs and cause remanded with directions to remand it to the circuit court of the fifth judicial circuit of the State of Maryland. Opinion by Mr. Justice Gray.

No. 541.—In the matter of the application of Gustave A. Jahn & Co. upon certain merchandise entered by the "Alps" August 15, 1890.

On a certificate from the United States circuit court of appeals for the second circuit.

Question certified answered in the affirmative.

Opinion by Mr. Chief Justice Fuller.

The Chief Justice also announced the following orders of the court:

No. 807.—P. J. Bannon *et al.*, plaintiffs in error, *vs.* The United States. Motion to advance granted and cause assigned for argument on the third Monday (21st) of January next, after the cases already set down for that day.

No. 811.—Henry N. Frisbie, plaintiff in error, *vs.* The United States. Motion to advance granted and cause assigned for argument on the first Monday (4th) of March next.

No. 822.—J. W. Todd *et al.*, plaintiffs in error, *vs.* The United States. Motion to advance granted and cause assigned for argument on the first Monday (4th) of March next, after the case already set down for that day.

No. 729.—The Chicago, New Orleans and Texas Pacific Railway Company *et al.*, appellants, *vs.* The Interstate Commerce Commission; and

No. 832.—The Interstate Commerce Commission, appellant, *vs.* The Chicago, New Orleans and Texas Pacific Railway Company *et al.* Motion to advance granted and case assigned for argument on the first Monday (4th) of March next, after the cases already set down for that day.

No. 7, Original.—The State of California, complainant, *v.* Southern Pacific Company. Leave granted to counsel for the city of Oakland to argue this case orally as *amicus curiæ*.

No. 815.—William H. Cochran *et al.*, plaintiffs in error, *v.* The United States. Motion to advance submitted by Mr. Assistant Attorney-General Whitney for defendant in error.

No. 814.—Alfred P. Thom, receiver, etc., appellant, *v.* John B. Pittard *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. R. Ross Perry in behalf of Mr. R. M. Hughes for appellees in support of petition.

No. 838.—Julius Ueberweg, appellant, *vs.* La Compagnie Générale Transatlantique. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. R. D. Benedict and Mr. Edward K. Jones for the appellee in support of petition, and by Mr. H. G. Ward and Mr. Harrington Putnam for the appellant, in opposition thereto.

No. 705.—The Berwind-White Coal Mining Company, appellant, *vs.* The Steamship "Kate," &c. Motion to advance submitted by Mr. George Bethune Adams for appellant.

No. 199.—John D. Beardsley, appellant, *vs.* The Arkansas and Louisiana Railway Co. Response to rule filed and motion for leave to file bond now tendered submitted by Mr. A. H. Garland for appellant, and leave granted to Mr. John J. Joyce, for appellee, to file opposition thereto on or before the 19th inst.

No. 49.—The Lake Superior Ship Canal, Railway and Iron Company, plaintiff in error, *vs.* Walter A. Cunningham ;

No. 50.—The Lake Superior Ship Canal, Railway and Iron Company, plaintiff, *vs.* Hugh Finan ; and

No. 51.—Michael Donahoe, plaintiff in error, *vs.* The Lake Superior Ship Canal, Railway and Iron Company.

Argument concluded by Mr. John F. Dillon for The Lake Superior Ship Canal, Railway and Iron Company.

No. 54.—William Deering, appellant, *vs.* The Winona Harvester Works *et al.* Argument commenced by Mr. Thomas A. Banning for the appellant and continued by Mr. P. C. Dyrenforth for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 6, will be as follows: Nos. 54, 53, 55, 57, 673, 59 (and 63), 60, 61, 64, and 65.



# SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 6, 1894.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, and Mr. Justice Brown.

William C. Miller, of Charleston, S. C., was admitted to practice.

No. 252.—Harriet S. Sellers, appellant, *vs.* H. C. Miller *et al.* Appeal from the circuit court of the United States for the northern district of Texas. Dismissed with costs on motion of counsel for appellant.

No. 54.—William Deering, appellant, *vs.* The Winona Harvester Works *et al.* Argument continued by Mr. P. C. Dyrenforth for the appellees and concluded by Mr. Thomas A. Banning for the appellant.

No. 66.—Amos Woodruff, trustee, *et al.*, plaintiffs in error, *vs.* The State of Mississippi *et al.* Passed.

No. 57.—The State of Indiana *ex rel.* Walter Stanton, trustee, plaintiff in error, *vs.* Arista Glover *et al.* Argued by Mr. L. T. Michener for the defendants in error, and submitted by Mr. J. M. Wilson, Mr. Solomon Claypool, and Mr. William A. Ketcham for the plaintiff in error and by Mr. Charles B. Stewart for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 7, will be as follows: Nos. 53, 55, 673, 59 (and 63), 60, 61, 64, 65, 67, and 68.

6527—22

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 7, 1894.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, and Mr. Justice Shiras.

No. 68.—H. G. Young *et al.*, appellants, *vs.* H. L. Fox *et al.* Appeal from the circuit court of the United States for the eastern district of Tennessee. Dismissed with costs pursuant to the tenth rule.

No. 53.—William Coupe *et al.*, plaintiffs in error, *vs.* Herman Royer *et al.* Argued by Mr. Wilmarth H. Thurston and Mr. Edmund Wetmore for the plaintiffs in error, and by Mr. M. A. Wheaton for the defendants in error.

No. 55.—Catherine Goldey, plaintiff in error, *vs.* The Morning News, of New Haven. Passed.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 8, will be as follows: Nos. 673, 59 (and 63), 60, 61, 64, 65, 67, 69, 70, and 71.

6527—23

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 8, 1894.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, and Mr. Justice Shiras.

No. 71.—George S. Wheeler, plaintiff in error, *vs.* Wm. Augustus White. In error to the supreme court of the State of New York. Dismissed with costs pursuant to the tenth rule.

No. 673.—F. R. Osborne, plaintiff in error, *vs.* The State of Florida. Argued by Mr. John E. Hartridge for the plaintiff in error, and submitted by Mr. John C. Cooper for the defendant in error.

No. 59.—Thomas W. Alsop *et al.*, executors, etc., *et al.*, appellants, *vs.* Andrew J. Riker; and

No. 63.—Andrew J. Riker, appellant, *vs.* Thomas W. Alsop *et al.* executors, etc., *et al.* Argued by Mr. Andrew J. Riker in person, by Mr. George W. Wingate for Alsop *et al.*, and submitted by Mr. John M. Bowers for William Whitewright.

No. 60.—John Hobart Warren *et al.*, appellants, *vs.* William J. Keep. Argued by Mr. N. Davenport for appellee, and submitted by Mr. Esek Cowen for appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 9, will be as follows: Nos. 61, 64, 65, 67, 69, 70, 72, 75, 76, and 77.

6527—24

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 9, 1894.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, and Mr. Justice Shiras.

James L. Hopkins, of St. Louis, Mo., was admitted to practice.

No. 72.—George S. Wheeler, executor and plaintiff in error, *vs.* Lucy Maria Terrel. In error to the supreme court of the State of New York. Dismissed with costs pursuant to the tenth rule.

No. 61.—The steamship *Breakwater*, etc., appellant, *vs.* The New York, Lake Erie and Western Railroad Company. Argued by Mr. Frank D. Sturgis for the appellant, and Mr. George Bethune Adams for the appellee.

No. 64.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* James Holmes, and

No. 65.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* David O'Brien. Question of jurisdiction argued by Mr. W. R. Andrews for Holmes, and by Mr. Reese H. Voorhees for O'Brien in support of motions to dismiss, and by Mr. A. H. Garland for the Northern Pacific Railroad Company in opposition thereto.

No. 67.—Mary T. Hays *et al.*, plaintiffs in error, *vs.* Edward Steiger. Submitted by Mr. Frederic Hall for the plaintiffs in error. No counsel appeared for defendant in error.

No. 69.—George T. Emmons *et al.*, plaintiffs in error, *vs.* Theodore Haltem. Submitted by Mr. D. A. McKnight and Mr. M. B. Gerry for the plaintiffs in error, and by Mr. H. B. Moulton for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 12, will be as follows: Nos. 70, 75, 76, 77, 531, 687, 78, 79, 80, and 81.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 12, 1894.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Sabert M. Casey, of Fort Madison, Iowa; Albert Cardozo, jr., of New York City; William A. Sargent, of Boston, Mass., and Edward G. Herendeen, of Elmira, N. Y., were admitted to practice.

No. 31.—Joel B. Erhardt, collector, &c, plaintiff in error, *vs.* Frederick A. Schroeder *et al.* In error to the circuit court of the United States for the southern district of New York. Judgment reversed with the costs and cause remanded, with directions to set aside the verdict and to order a new trial in order that a jury may pass upon the real character of the tobacco contained in the ten bales withdrawn by the importers. Opinion by Mr. Justice Shiras. (Mr. Justice Brewer was not present at the argument and took no part in the decision of this case.)

No. 661.—Horace G. Allis, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the eastern district of Arkansas. Judgment affirmed. Opinion by Mr. Justice Brewer.

No. 64.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* James Holmes, and

No. 65.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* David O'Brien. In error to the supreme court of the State of Washington. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice also announced the following orders of the court:

No. 83.—R. Sophia Chase, executrix, etc., plaintiff in error, *vs.* The United States. Motion to dismiss postponed to the hearing on the merits.

No. 705.—The Berwind-White Coal Mining Company, appellant, *vs.* The Steamship Kate, etc. Motion to advance granted and cause advanced, as under the thirty-second rule, to be submitted on printed arguments.

No. 814.—Alfred P. Thom, receiver, &c., appellant, *vs.* John B. Pitard, *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 815.—William H. Cochran *et al.*, plaintiffs in error, *vs.* The United States. Motion to advance granted and cause assigned for argument on the first Monday (4th) of March next, after the cases already set down for that day.

No. 838.—Julius Ueberweg, appellant, *vs.* La Compagnie Générale Transatlantique. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the second circuit denied.

No. 673.—F. R. Osborne, plaintiff in error, *vs.* The State of Florida. Ordered that this cause be restored to the docket for reargument before a full bench.

No. 788.—Alexander Allen, plaintiff in error, *vs.* The United States. Advanced, and assigned for argument on the first Monday (4th) of March next, after the cases already set down for that day, on motion of Mr. Assistant Attorney-General Whitney for the defendant in error.

No. 756.—Charles Davis, plaintiff in error, *vs.* The Elmira Savings Bank. Motion to advance submitted by Mr. Assistant Attorney-General Whitney for the plaintiff in error.

No. 184.—John A. Bentley, appellant, *vs.* The United States. Suggestion of diminution of record and motion for a writ of certiorari submitted by Mr. A. G. Safford for the appellant in support of motion, and by Mr. Assistant Attorney-General Dodge in opposition thereto.

No.—*Ex parte*: In the matter of Eliab W. Metcalf, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. Frank W. Hackett in behalf of counsel for petitioner.

No. 75.—John T. Davis *et al.*, appellants, *vs.* John H. Schwartz *et al.* Death of John T. Davis, one of the appellants herein suggested, and cause ordered to proceed in the name of Andrew Sproule, surviving partner of Samuel C. Davis & Co., on motion of Mr. J. W. Noble for the appellant.

No. 839.—Clay Peters, plaintiff in error, *vs.* The United States. Motion for leave to prosecute *in forma pauperis* and for the allowance of a supersedeas submitted by Mr. L. T. Michener for the plaintiff in error.

No. 78.—William H. Jones, plaintiff in error, *vs.* The Commonwealth of Virginia. In error to the supreme court of appeals of the State of Virginia. Dismissed with costs pursuant to the tenth rule.

No. 79.—J. J. Mallan *et al.*, plaintiffs in error, *vs.* John W. Bransford, treasurer, etc. In error to the supreme court of appeals of the State of Virginia. Dismissed with costs pursuant to the tenth rule.

No. 80.—Charles Scheele, appellant, *vs.* Jeremiah Lordan, chief of police, etc. Appeal from the circuit court of the United States for the eastern district of Texas. Dismissed with costs pursuant to the tenth rule.

No. 70.—The Consolidated Roller Mill Company, appellant, *vs.* The Barnard & Leas Manufacturing Company. Argued by Mr. George H. Lathrop for the appellant and by Mr. Robert H. Parkinson for the appellee.

No. 75.—Andrew Sprouls, surviving partner, etc., appellant, *vs.* John H. Schwartz *et al.* Argument commenced by Mr. John W. Noble for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 13, will be as follows: Nos. 75, 76, 77, 531, 687, 81, 82, 83, 84, and 85.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 13, 1894.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

No. 82.—F. N. Deland, appellant, *vs.* The County of Platte. Submitted by Mr. George A. Sanders for the appellant. No appearance for the appellee.

No. 75.—Andrew Sproule, surviving partner, etc., appellant, *vs.* John H. Schwartz *et al.* Argument continued by Mr. John W. Noble for the appellant, by Mr. David Sheean for the appellees, and concluded by Mr. John W. Noble for the appellant.

No. 76.—Charles C. Harrison *et al.*, plaintiffs in error, *vs.* Hermann Fortlage *et al.* Argued by Mr. John G. Johnson for the plaintiffs in error, and by Mr. William Allen Butler for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 14, will be as follows: Nos. 77, 531, 687, 81, 83, 84, 85, 86, 87, and 88.

6527—27





## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 14, 1894.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

No. 88.—Charles A. Miller, treasurer, etc., plaintiff in error, *vs.* The Western Union Telegraph Company. In error to the circuit court of the United States for the southern district of Ohio. Dismissed with costs pursuant to the tenth rule.

No. 77.—Bella A. Johnson, executrix, etc., *et al.*, appellants, *vs.* The Atlantic, Gulf and West India Transit Company *et al.* Argued by Mr. George F. Curtis, Mr. Wilkinson Call, and Mr. A. H. Garland, for the appellants, and by Mr. A. H. Wintersteen, for the appellees.

No. 531.—Asa P. Potter, plaintiff in error, *vs.* The United States. Argument commenced by Mr. W. S. B. Hopkins, for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 15, will be as follows: Nos. 531, 687, 81, 83, 84, 85, 86, 87, 89, and 90.

6527—28



# SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 15, 1894.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Paul D. Cravath, of New York City, was admitted to practice.

No. 77.—Bella A. Johnson, executrix, etc., *et al.*, appellants, *vs.* The Atlantic, Gulf and West India Transit Company *et al.* Leave granted to file supplemental brief herein, within one week, on motion of Mr. Wilkinson Call for the appellants.

No. 89.—George F. Deck, appellant, *vs.* Joseph B. Foraker. Submitted by Mr. W. L. Terry for the appellant and by Mr. D. W. Jones for the appellee.

No. 531.—Asa P. Potter, plaintiff in error, *vs.* The United States. Argument continued by Mr. W. S. B. Hopkins for the plaintiff in error, by Mr. Assistant Attorney-General Conrad for the defendant in error, and concluded by Mr. Henry D. Hyde for the plaintiff in error.

No. 687.—The Bate Refrigerating Company, appellant, *vs.* Ferdinand Sulzberger *et al.* Leave granted to file brief herein on behalf of The Harrison International Telephone Company, on motion of Mr. B. H. Bristow for said company. Leave granted to file brief herein on behalf of Milo G. Kellogg, on motion of Mr. Edmund Wetmore in behalf of Mr. Charles H. Aldrich for said Kellogg. One hour additional time allowed each side in the argument of this case, on motion of Mr. James C. Carter for the appellant. Argument commenced by Mr. Charles E. Mitchell for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 16, will be as follows: Nos. 687, 81, 83, 84, 85, 86, 87, 90, 91, and 92.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 16, 1894.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

No. 687.—The Bate Refrigerating Company, appellant, *vs.* Ferdinand Sulzberger *et al.* Argument continued by Mr. Charles E. Mitchell for the appellant, by Mr. Wheeler H. Peckham and Mr. Edmund Wetmore for the appellees, and by Mr. James C. Carter for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 19, will be as follows: Nos. 687, 81, 83, 84, 85, 86, 87, 90, 91, and 92.

6527—30



# SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 19, 1894.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Charles W. Smith, of Indianapolis, Ind.; John J. A. Powell, of Wytheville, Va.; P. H. Gadsden, of Charleston, S. C., and William L. Martin, of Montgomery, Ala., were admitted to practice.

No. 622.—The United States, appellant, *vs.* Johnson Blackfeather, principal chief of the Shawnee Indians. Appeal from the Court of Claims; judgment reversed and cause remanded, with directions to recompute the amount due the claimants in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 619.—The United States and the Cherokee Nation, appellants, *vs.* Charles Journeycake, principal chief of the Delaware Indians. Appeal from the Court of Claims; judgment affirmed. Opinion by Mr. Justice Brewer.

No. 671.—The United States and the Cherokee Nation, appellants, *vs.* Johnson Blackfeather, principal chief of the Shawnee Indians. Appeal from the Court of Claims; judgment affirmed. Opinion by Mr. Justice Brewer.

No. 4.—John J. Schillinger *et al.*, appellants, *vs.* The United States. Appeal from the Court of Claims; judgment affirmed. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Harlan and Mr. Justice Shiras.

No. 633.—The Pittsburg, Cincinnati and St. Louis Railway Company *et al.*, appellants, *vs.* The Keokuk and Hamilton Bridge Company. On a certificate from the United States circuit court of appeals for the Seventh circuit. Second question certified answered in the affirmative. Opinion by Mr. Justice Gray. (Mr. Chief Justice Fuller, having been of counsel, did not sit in this case or take any part in its decision.)

No. 36.—Thomas D. Olin *et al.*, appellants, *vs.* Henry Timken. Appeal from the circuit court of the United States for the southern district of Ohio; decree reversed with costs, and cause remanded with a direction to dismiss the bill. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced that the court would adjourn from Friday, the 23d instant, to Monday, December 3d.

The Chief Justice also announced the following orders of the court:

No. 184.—John A. Bentley, appellant, *vs.* The United States. Motion for writ of certiorari denied.

No. 756.—Charles Davis, plaintiff in error, *vs.* The Elmira Savings Bank. Motion to advance granted, and cause assigned for argument on the first Monday (4th) of March next, after the cases already set down for that day.

No. 841.—Hiram P. McKnight, plaintiff in error, *vs.* Charles C. James, warden of the Ohio penitentiary. Motion for leave to prosecute this cause in *forma pauperis* denied.

No. —. *Ex parte*: In the matter of Eliot W. Metcalf, petitioner. Motion for leave to file petition for a writ of mandamus denied.

No. 541.—In the matter of Gustave A. Jahn & Co. Mandate granted on motion of Mr. Solicitor-General Maxwell for the United States.

No. 596.—George A. Pearce, plaintiff in error, *vs.* The State of Texas *et al.* Motions to dismiss or affirm submitted by Mr. William L. Martin in support of motions.

No. 831.—The Last Chance Mining Company *et al.*, plaintiffs in error, *vs.* The Tyler Mining Company. Petition for writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. W. B. Heyburn for the plaintiffs in error in support of petition, and by Mr. J. R. McBride and Mr. J. N. Dolph for the defendant in error in opposition thereto.

No. 371.—John J. Shipman *et al.*, plaintiffs in error, *vs.* William Fletcher *et al.*, in error to the supreme court of the District of Columbia. Dismissed per stipulation on motion of Mr. Westel Willoughby for the plaintiffs in error.

No. 204.—P. F. Duffy, auditor, *et al.*, appellants, *vs.* Alexander B. Green *et al.* Passed on motion of Mr. T. S. Riley for the appellants.

No. 199.—John D. Beardsley, appellant, *vs.* The Arkansas and Louisiana Railway Company. Motion for approval of new bond herein. Submitted by Mr. A. H. Garland in support of motion and Mr. John J. Joyce in opposition thereto.

No. 847.—B. Frank Nealley *et al.*, appellants, *vs.* The Steamship Michigan. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit. Submitted by Mr. J. Wilson Leakin and Mr. Harrington Putnam for the appellee in support of petition.

No. 690.—Henry Morgan, guardian, &c., *et al.*, appellants, *vs.* J. E. Potter, guardian, &c., *et al.* Advanced and submitted as under the thirty-second rule by Mr. T. F. Garver for the appellants and by Mr. W. H. Rossington and Mr. Charles Blood Smith for the appellees.

No. 702.—The Postal Telegraph Cable Company, plaintiff in error, *vs.* The State of Alabama. Submitted pursuant to the twentieth rule by Mr. T. Moultrie Mordecai and Mr. P. H. Gadsden for the plaintiff in error and by Mr. William L. Martin for the defendant in error.

No. 735.—Charles Collins Buck *et al.*, plaintiffs in error, *v.* The State of Louisiana. Motion for mandate submitted by Mr. W. Hallett Phillips in support of motion, and Mr. Duane E. Fox in opposition thereto.

No. —. *Ex parte*: In the matter of Lafayette Hudson, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. A. H. Garland for the petitioner, with leave to Mr. Solicitor-General Maxwell to file opposition thereto on or before Wednesday.

No. —. *Ex parte*: In the matter of Famous Smith, petitioner. Motion for leave to file petition for a writ of habeas corpus submitted by Mr. A. H. Garland for the petitioner, with leave to Mr. Solicitor-General Maxwell to file opposition on or before Friday next.

No. 687.—The Bate Refrigerating Company, appellant, *vs.* Ferdinand Sulzberger *et al.* Argument concluded by Mr. James C. Carter for the appellant.

No. 81.—H. P. Lloyd, assignee, &c., plaintiff in error, *vs.* Hattie A. Matthews *et al.* Argued by Mr. H. P. Lloyd for the plaintiff in error and submitted by Mr. C. J. Helm for the defendants in error.

No. 83.—R. Sophia Chase, executor, &c., plaintiff in error, *vs.* The United States. Argued by Mr. John C. Chaney for the plaintiff in error and by Mr. Assistant Attorney-General Dodge for the defendant in error.

No. 84.—The Baltimore and Potomac Railroad Company *et al.*, plaintiffs in error, *vs.* Franklin H. Mackey, administrator, &c. Argument commenced by Mr. Enoch Totten for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 20, will be as follows: Nos. 84, 85, 86, 87, 90, 91, 92, 93, 94, and 95.

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 20, 1894.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

No. 847.—B. Frank Nealley *et al.*, appellants, *vs.* The Steamship Michigan. Leave granted to counsel for appellants to file brief in opposition to petition for writ of certiorari herein on or before Friday next, on motion of Mr. Eugene P. Carver for appellants.

No. 93.—John H. Tennant *et al.*, plaintiffs in error, *vs.* H. W. Dudley *et al.* Passed for settlement.

No. 112.—The Massachusetts and Southern Construction Company, appellant, *vs.* The Township of Cane Creek, S. C. Submitted pursuant to the twentieth rule by Mr. Samuel Lord for the appellant and by Mr. Ira B. Jones for the appellee.

No. 84.—The Baltimore and Potomac Railroad Company *et al.*, plaintiffs in error, *vs.* Franklin H. Mackey, administrator, &c. Argument continued by Mr. Enoch Totten for the plaintiffs in error, by Mr. Franklin H. Mackey for the defendant in error, and concluded by Mr. Enoch Totten for the plaintiffs in error.

No. 85.—The Old National Bank of Evansville, Ind., plaintiff in error, *vs.* The German-American National Bank of Peoria, Ill. Argued by Mr. Alpheus H. Snow for the plaintiff in error and by Mr. C. W. Smith for the defendant in error.

No. 86.—Laurette Estelle Horne, administratrix, &c., plaintiff in error, *vs.* The Geo. H. Hammond Company. Argument commenced by Mr. Eugene P. Carver for the plaintiff in error and continued by Mr. George Putnam for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 21, will be as follows: Nos. 86, 87, 90, 91, 92, 94, 95, 30, 96, and 97.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 21, 1894.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

John L. Peak and Elijah Robinson, of Kansas City, Mo., were admitted to practice.

No. 831.—The Last Chance Mining Company *et al.*, plaintiffs in error, *vs.* The Tyler Mining Company. Petition for writ of certiorari to the United States court of appeals for the ninth circuit granted.

No. 96.—J. J. Dellara, plaintiff in error, *vs.* E. S. Moorman, treasurer, &c. In error to the corporation court of Lynchburg, Va. Dismissed with costs pursuant to the tenth rule.

No. 86.—Lawrette Estelle Horne, administratrix, &c., plaintiff in error, *vs.* The George H. Hammond Company. Argument continued by Mr. George Putnam for the defendant in error and concluded by Mr. Eugene P. Carver for the plaintiff in error.

No. 87.—Christopher C. Campbell, plaintiff in error, *vs.* The City of Haverhill. Argument commenced by Mr. Harvey D. Hadlock for the plaintiff in error and continued by Mr. Frederic P. Fish for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 22, will be as follows: Nos. 87, 90, 91, 92, 94, 95, 30, 97, 98, and 99.

6527—33



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 22, 1894.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

J. Vance Lewis, of Takoma Park, Md., was admitted to practice.

No. 706.—William B. Burnet, appellant, *vs.* John W. Jacobus, U. S. marshal, &c. Appeal from the circuit court of the United States for the southern district of New York. Dismissed, with costs, on motion of Mr. George Hoadly for the appellant.

No. 849.—George M. MacDonald *et al.*, plaintiffs in error, *vs.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit and for order staying mandate. Submitted by Mr. William H. Barnum for MacDonald in support of petition.

No. 813.—Count Joseph Telfener, plaintiff in error, *vs.* George W. Russ. Advanced and assigned for argument on the first Monday (4th) of March next, after cases already set down for that day, on motion of Mr. Frederic D. McKenney in behalf of counsel.

No. 98.—Mayer Halff *et al.*, appellants, *vs.* John W. Phillips *et al.* Appeal from the circuit court of the United States for the northern district of Texas. Dismissed, with costs, pursuant to the tenth rule.

No. 99.—Frank P. Dickson, appellant, *vs.* George P. Olmstead. Continued per stipulation.

No. 87.—Christopher C. Campbell, plaintiff in error, *vs.* The City of Haverhill. Argument continued by Mr. Frederic P. Fish for the defendant in error, and concluded by Mr. Harvey D. Hadlock for the plaintiff in error.

No. 90.—James H. Linford, jr., appellant, *vs.* Ephraim P. Ellison. Submitted by Mr. J. L. Rawlins for the appellant, and by Mr. J. G. Sutherland and Mr. Arthur Brown for the appellee.

No. 91.—George A. Cunningham *et al.*, appellants, *vs.* The Macon and Brunswick Railroad Company *et al.* Argument commenced by Mr. Charles N. West for the appellants, and continued by Mr. George Hoadly for the appellees and by Mr. John Howard for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 23, will be as follows: Nos. 91, 92, 94, 95, 30, 97, 100, 101, 102, and 103.



# SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 23, 1894.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

John C. Judge, of Minneapolis, Minn., was admitted to practice.

No. 371.—John J. Shipman *et al.*, plaintiffs in error, *vs.* William Fletcher *et al.* Order of dismissal stricken out and case restored to the docket, per stipulation, and on motion of Mr. Westel Welloughby for the plaintiffs in error.

No. 24.—Richard T. Talbert, administrator, &c., appellant, *vs.* The United States; and

No. 25.—The United States, appellant, *vs.* Richard T. Talbert, administrator, &c. Mandate granted on motion of Mr. S. S. Henkle for Talbert.

No. 91.—George A. Cunningham *et al.*, appellants, *vs.* The Macon and Brunswick Railroad Company *et al.* Argument concluded by Mr. John Howard for the appellants.

No. 92.—Joseph S. Brown, appellant, *vs.* B. D. Spilman *et al.* Submitted by Mr. Thomas I. Stealey for the appellant, and by Mr. John A. Hutchinson for the appellees.

No. 94.—C. & A. Potts & Co., appellants, *vs.* Frank F. Creager *et al.* Argued by Mr. Chester Bradford and Mr. Ernest W. Bradford for the appellants; and by Mr. Wm. Hubbell Fisher for the appellees.

No. 633.—The Pittsburgh, Cincinnati and St. Louis Railway Company *et al.*, *vs.* The Keokuk and Hamilton Bridge Co. Mandate granted per stipulation.

Adjourned until Monday, December 3, at 12 o'clock.

The day call for Monday, December 3, will be as follows: Nos. 95, 30, 97, 100, 101, 102, 103, 693, 639, and 740.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 3, 1894.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Michael Kinealy, of St. Louis, Mo., Walter A. Johnston, of Washington, D. C., W. P. Washburn, of Knoxville, Tenn., T. S. Webb, of Knoxville, Tenn., Jerome Templeton, of Knoxville, Tenn., John W. Green, of Knoxville, Tenn., C. E. Lucky, of Knoxville, Tenn., Leon Journalmon, of Knoxville, Tenn., Horace Van Deventer, of Knoxville, Tenn., J. H. Lionberger, of St. Louis, Mo., Wesley G. Carr, of Pittsburg, Pa., and Nathaniel T. Guernsey, of Des Moines, Iowa, were admitted to practice.

No. 637.—Thomas Thompson, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the western district of Arkansas. Judgment reversed and cause removed with directions to award a new trial. Opinion by Mr. Justice Shiras.

No. 60.—John Hobart Warren *et al.*, appellants, *vs.* William J. Keep. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed, with costs and interest. Opinion by Mr. Justice Shiras.

No. 61.—The steamship *Breakwater*, etc., appellant, *v.* The New York, Lake Erie and Western Railroad Company. Appeal from the circuit court of the United States for the eastern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 54.—William Deering, appellant, *v.* The Winona Harvester Works *et al.* Appeal from the circuit court of the United States for the district of Minnesota. Decree reversed with costs, and cause remanded for further proceedings to be had therein in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 112.—The Massachusetts and Southern Construction Company, appellant, *v.* The Township of Cane Creek, Lancaster County, S. C. Appeal from the circuit court of the United States for the district of South Carolina. Decree reversed at the cost of the appellant, and cause remanded, with directions to sustain the plea to the jurisdiction and to dismiss the bill for want of jurisdiction. Opinion by Mr. Justice Brewer.

No. 82.—F. N. Deland, appellant, *vs.* The County of Platte. Appeal from the circuit court of the United States for the western district of Missouri. Dismissed with costs. Opinion by Mr. Chief Justice Fuller.

No. 81.—H. P. Lloyd, assignee, &c., plaintiff in error, *vs.* Hattie A. Matthews *et al.* In error to the court of appeals of the State of Kentucky. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 19.—Arthur Origet, plaintiff in error, *vs.* Elizabeth C. Hedden, executrix, &c. In error to the circuit court of the United States for the southern district of New York. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 37.—Frederick W. Muser *et al.*, &c., plaintiffs in error, *vs.* Daniel Magone, collector, &c. In error to the circuit court of the United States for the southern district of New York. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

The Chief Justice also announced the following orders of the court :

No. 199.—John D. Beardsley, appellant, *vs.* The Arkansas and Louisiana Railway Company. Motion to vacate supersedeas granted and supersedeas vacated accordingly.

No. 839.—Clay Peters, plaintiff in error, *vs.* The United States. Motions for leave to prosecute *in forma pauperis* and for allowance of supersedeas denied.

No. 735.—Charles Collins Buck *et al.*, plaintiffs in error, *vs.* The State of Louisiana. Motion for mandate denied.

No. 847.—B. Frank Nealley *et al.*, appellants, *vs.* The Steamship Michigan. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. —, Original.—*Ex parte*: In the matter of Famous Smith, petitioner. Motion for leave to file petition for a writ of *habeas corpus* denied.

No. —, Original.—*Ex parte*: In the matter of Lafayette Hudson, petitioner. Motion for leave to file petition for a writ of mandamus granted and rule to show cause awarded, returnable on the first Monday, seventh of January next.

No. 69.—George T. Emmons *et al.*, plaintiffs in error, *vs.* Theodore Haltern. In error to the district court of the United States for the district of Alaska. Judgment affirmed with costs by a divided court.

No. 57.—The State of Indiana *ex rel.* Walter Stanton, trustee, plaintiff in error, *vs.* Arista Glover *et al.* Leave granted plaintiff in error to file suggestions within ten days in respect of the delay in docketing this case in this court.

No. 667.—Clyde Mattox, plaintiff in error, *vs.* The United States. Leave granted counsel to file further briefs herein within ten days upon the question of the admissibility of the alleged contradictory statements, and the cause will then be taken on resubmission to the full bench on brief, if counsel so indicate.

No. 841.—Hiram P. McKnight, plaintiff in error, *vs.* Charles C. James, warden, &c. Advanced and assigned for argument on the third Monday (seventeenth) of December instant, after cases already set down for that day.

No. 12.—Edward Byrne, appellant, *vs.* The United States. Motion to fix a day for the argument of this case submitted by Mr. Solicitor-General Maxwell, for the appellee.

No. 484.—The United States, appellant, *vs.* Van B. Gunnison. Submitted pursuant to the 20th rule by Mr. Assistant Attorney-General Dodge, for the appellant, and by Mr. George A. King, for the appellee.

No. 622.—The United States, appellant, *vs.* Johnson Blackfeather, principal chief, etc. Mandate granted on motion of Mr. Solicitor-General Maxwell for the appellant.

No. 692.—Nathan Marcus, plaintiff in error, *vs.* The United States. Motion to advance submitted by Mr. Solicitor-General Maxwell for the defendant in error.

No. 831.—The Last Chance Mining Company *et al.*, plaintiffs in error, *vs.* The Tyler Mining Company. Motion to advance submitted by Mr. Solicitor-General Maxwell in support of motion.

No. 552.—The United States, appellant, *vs.* John M. Albred. Submitted pursuant to the 20th rule by Mr. Assistant Attorney-General Dodge and Mr. Charles W. Russell for the appellant, and by Mr. Charles C. Lancaster for the appellee.

No. —, Original.—*Ex parte*: In the matter of Isaac L. Rice, petitioner. Motion for leave to file petitions for writs of prohibition and mandamus submitted by Mr. Nathan Bijur in support of motion, and by Mr. Thomas Hart, jr., and Mr. Samuel Dickson in opposition thereto.

No. 852.—James H. Walker *et al.*, appellants, *vs.* Anna L. Brown, administratrix, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit, submitted by Mr. Henry S. Robbins for the appellants in support of petition, and by Mr. N. T. Guernsey for the appellee in opposition thereto.

No. 859.—F. M. Billing *et al.*, appellants, *vs.* James N. Gilmer. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit, submitted by Mr. W. A. Gunter for the appellee in support of petition.

No. 649.—The Postal Telegraph Cable Company, plaintiff in error, *vs.* Wirt Adams, revenue agent of the State of Mississippi. Submitted, pursuant to the 20th rule, by Mr. T. Moultrie Mordecai and Mr. P. H. Gadsden for the plaintiff in error, and by Mr. Marcellus Green for the defendant in error.

No. 674.—George W. Folsom, plaintiff in error, *vs.* The Township of Ninety-six, in the county of Abbeville, State of South Carolina. Submitted pursuant to the 32d rule by Mr. John K. Shields for the plaintiff in error, and by Mr. William C. Miller for the defendant in error.

No. 701.—The Central Railroad Company of New Jersey, plaintiff in error, *vs.* Bernard Keegan. Submitted pursuant to the 32d rule by Mr. R. W. De Forest for the plaintiff in error, and by Mr. A. G. Vanderpoel for the defendant in error.

No. 639.—The United States, appellant, *vs.* The Trans-Missouri Freight Association *et al.* Passed subject to the provisions of section 9, of rule 26, on motion of Mr. A. B. Browne for the appellees.

No. 95.—The Texas and Pacific Railway Company, appellant, *vs.* The Interstate Transportation Company. Argued by Mr. John F. Dillon for appellant, and by Mr. George A. King for the appellee.

No. 30.—The Missouri Pacific Railway Company, plaintiff in error, *vs.* The State of Nebraska *ex rel.* The Board of Transportation of the State of Nebraska. Argument commenced by Mr. John F. Dillon for the plaintiff in error and continued by Mr. George H. Hastings for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 4, will be as follows: Nos. 30, 97, 100, 101, 102, 103, 693, 740, 741, and 747.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 4, 1894.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

M. J. Donovan, of San Francisco, Cal., and Frank Warner Angel, of New York City, were admitted to practice.

No. 12.—Edward Byrne, appellant, *vs.* The United States. Assigned for argument on Monday, the 10th instant, at the foot of the call.

No. 30.—The Missouri Pacific Railway Company, plaintiff in error, *vs.* The State of Nebraska, *ex rel.* The Board of Transportation of the State of Nebraska. Argument concluded by Mr. John F. Dillon for the plaintiff in error.

No. 97.—Josephine P. Waldron, plaintiff in error, *vs.* Mary A. Waldron. Submitted by Mr. William H. Barnum for the plaintiff in error and by Mr. Charles H. Aldrich for the defendant in error.

No. 100.—Jacob Michels, appellant, *vs.* George P. Olmstead. Submitted by Mr. John D. Conely for the appellant and by Mr. John L. Peak for the appellee.

No. 101.—Robert T. Swan, trustee, appellant, *vs.* John Hill *et al.* Submitted by Mr. A. T. Britton and Mr. A. B. Browne for appellant. No counsel appeared for the appellees.

No. 102.—Stevenson Burke *et al.*, appellants, *vs.* The American Loan and Trust Company. Argued by Mr. Stevenson Burke for the appellants and by Mr. Benjamin F. Blair for the appellee.

No. 103.—Mary White *et al.* appellants, *vs.* Frances M. Joyce, executrix, etc., *et al.* Death of Frances M. Joyce, executrix, and Ann Joyce, two of the appellees herein, suggested, and case ordered to proceed without making new parties, per stipulation, on motion of Mr. William John Miller for the appellees.

No. 103.—Mary White *et al.*, appellants, *vs.* William John Miller, executor, etc., *et al.* Argument commenced by Mr. Henry Wise Garnett for the appellants and continued by Mr. William John Miller for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 5, will be as follows: Nos. 103, 693, 740, 741, 747, 765, 766, 512, 631, and 104.



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 5, 1894.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Edward P. Seeds, of Manchester, Iowa, was admitted to practice.

No. 103.—Mary White *et al.*, appellants, *vs.* William John Miller, executor, etc., *et al.* Argument continued by Mr. William John Miller for the appellees, and concluded by Mr. A. S. Worthington for the appellants.

No. 693.—William Dunbar, plaintiff in error, *vs.* The United States. Argument commenced by Mr. John H. Mitchell for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 6, will be as follows: Nos. 693, 740, 741, 747, 765, 766, 512, 631, 104, and 105.

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## SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 6, 1894.

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Present : The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

John D. Kernan, of Forestport, N. Y. ; Mortimer F. Taylor, of Denver, Colo. ; Charles T. Noland, of St. Louis, Mo., and Earl M. Cranston, of Denver, Colo., were admitted to practice.

No. 693.—William Dunbar, plaintiff in error, *vs.* The United States. Argument continued by Mr. Assistant Attorney-General Conrad for the defendant in error, and concluded by Mr. John H. Mitchell for the plaintiff in error.

No. 740.—Willie Johnson, alias Willie Overton, plaintiff in error, *vs.* The United States. Submitted by Mr. Assistant Attorney-General Whitney for the defendant in error. No counsel appeared for the plaintiff in error.

No. 741.—Francis A. Coffin *et al.*, plaintiffs in error, *vs.* The United States. Argument commenced by Mr. William H. H. Miller for the plaintiff in error and continued by Mr. Assistant Attorney-General Conrad for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 7, will be as follows: Nos. 741, 747, 765, 766, 512, 631, 104, 105, 106, and 107.

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# SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 7, 1894.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

No. 106.—The Warwick Manufacturing Company *et al.*, appellants, *vs.* Kansas City and George C. Hale. Appeal from the circuit court of the United States for the western district of Missouri. Dismissed, with costs, pursuant to the tenth rule.

No. 741.—Francis A. Coffin *et al.*, plaintiffs in error, *vs.* The United States. Argument continued by Mr. Assistant Attorney-General Conrad for the defendant in error and concluded by Mr. Ferdinand Winter for the plaintiffs in error.

No. 747.—William H. Moses *et al.*, plaintiffs in error, *vs.* The United States. Argument commenced by Mr. William F. Mattingly for the plaintiffs in error and continued by Mr. A. B. Duvall and Mr. Solicitor-General Maxwell for the defendant in error and by Mr. W. L. Cole for the plaintiffs in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 10, will be as follows: Nos. 747, 765, 766, 512, 631, 104, 105, 107, 698, and 12.

6527—40



# SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 10, 1894.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Angelo Tillinghast Freedley, of Philadelphia, Pa.; George Clark, of Waco, Tex., and J. M. Nathans, of Charleston, S. C., were admitted to practice.

No. 689.—The United States *ex relatione* the International Contracting Company, plaintiff in error, *vs.* Daniel S. Lamont, Secretary of the Department of War. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 40.—The Pennsylvania Railroad Company *et al.*, plaintiffs in error, *vs.* Thomas W. Jones, and

No. 41.—The Pennsylvania Railroad Company *et al.*, plaintiffs in error, *vs.* Charles T. Stewart. In error to the supreme court of the District of Columbia. Judgments of the supreme court in general term reversed with costs, and causes remanded with directions to set aside the judgments of the special term, and to permit the plaintiffs to elect to become nonsuit as against the Pennsylvania Railroad Company and take judgments on the verdicts against the other defendants, and if they do not so elect, then to set aside the verdicts and order new trials generally. Opinion by Mr. Justice Shiras.

No. 45.—Frederick Wehrman, appellant, *vs.* T. B. Conklin *et al.* Appeal from the circuit court of the United States for the northern district of Iowa. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 49.—The Lake Superior Ship Canal, Railway, and Iron Company, plaintiff in error, *vs.* Walter A. Cunningham. In error to the circuit court of the United States for the western district of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 50.—The Lake Superior Ship Canal, Railway, and Iron Company, plaintiff in error, *vs.* Hugh Finan. In error to the circuit court of

the United States for the western district of Michigan. Judgment reversed with costs and cause remanded, with directions to award a new trial. Opinion by Mr. Justice Brewer.

No. 51.—Michael Donohoe, plaintiff in error, *vs.* The Lake Superior Ship Canal, Railway, and Iron Company. In error to the circuit court of the United States for the western district of Michigan. Judgment reversed with costs and cause remanded, with directions to award a new trial. Opinion by Mr. Justice Brewer.

No. 59.—Thomas W. Alsop *et al.*, executors, etc., *et al.*, appellants, *vs.* Andrew J. Riker, and

No. 63.—Andrew J. Riker, appellant, *vs.* Thomas W. Alsop *et al.*, executors, etc., *et al.* Appeals from the circuit court of the United States for the southern district of New York. Decree reversed at the costs of the complainants and cause remanded, with directions to dismiss the bill without prejudice to an action at law. Opinion by Mr. Justice Harlan.

No. 83.—R. Sophia Chase, executrix, etc., plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the district of Indiana. Judgment affirmed. Opinion by Mr. Justice Harlan.

No. 406.—Benjamin A. Plumley, plaintiff in error, *vs.* The Commonwealth of Massachusetts. In error to the supreme judicial court of the State of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice Harlan. Dissenting: Mr. Chief Justice Fuller, Mr. Justice Field, and Mr. Justice Brewer.

No. 596.—George A. Pearce, plaintiff in error, *vs.* The State of Texas *et al.* In error to the court of criminal appeals of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

The Chief Justice also announced the following orders of the court:

No. 692.—Nathan Marcus, plaintiff in error, *vs.* the United States. Motion to advance granted and cause assigned for argument on the second Monday of the next term.

No. 831.—The Last Chance Mining Company *et al.*, plaintiffs in error, *vs.* The Tyler Mining Company. Motion to advance granted and cause assigned for argument on the first Monday (fourth) of March next, after the cases already set down for that day.

No. 852.—James H. Walker *et al.*, appellants, *vs.* Anna L. Brown, administratrix, etc., *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit granted.

No. 859.—F. M. Billing *et al.*, executors, &c., appellants, *vs.* James N. Gilmer. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 796.—The State of South Carolina, plaintiff in error, *vs.* Edward B. Wesley. Motions to dismiss or affirm submitted by Mr. Robert W. Shand in support of motions and by Mr. Samuel W. Melton in opposition thereto.

No. 722.—The St. Louis, Iron Mountain and Southern Railway Company, plaintiff in error, *vs.* S. P. Leep. In error to the supreme court of the State of Arkansas; dismissed with costs on motion of Mr. John F. Dillon for the plaintiff in error.

No. 203.—James Gilfillan *et al.*, appellants, *vs.* Henry E. McKee *et al.* Motion to waive certain costs submitted by Mrs. A. B. Duvall and Mr. Calderon Carlisle in support of motion and by Mr. Enoch Totten, Mr. Reginald Fendall, Mr. S. S. Henkle, and Mr. Nathaniel Wilson in opposition thereto. Motion for an order requiring the appellants to pay costs within ten days or that the appeal be dismissed for want of prosecution; submitted by Mr. Enoch Totten, Mr. Reginald Fendall, Mr. S. S. Hinkle, and Mr. Nathaniel Wilson in support of motion, with leave to Mr. A. B. Duvall to file brief in opposition thereto.

No. 727.—The Cleveland, Cincinnati, Chicago and St. Louis Railway Company, plaintiff in error, *vs.* Millard F. Brown. Motion to advance submitted by Mr. Samuel P. Wheeler for the defendant in error in support of motion.

No. 4, Original.—The United States, complainant, *vs.* The State of Texas. Motion to reassign this cause argued by Mr. A. H. Garland for the defendant in support of motion and by Mr. Edgar Allan for the complainant in opposition thereto. Reassigned for argument on the first Monday (4th) of March next after the cases already set down for that day.

No. 165.—George E. Belknap *et al.*, appellants, *vs.* George F. Schild. Motion to compel appellants to file security for damages and costs submitted by Mr. L. T. Michener, Mr. W. W. Dudley, Mr. M. M. Estee, and Mr. J. H. Miller for the appellees in support of motion, and by Mr. Solicitor-General Maxwell for the appellants in opposition thereto.

No. 667.—Clyde Mattox, plaintiff in error, *vs.* The United States. Resubmitted by Mr. L. T. Michener, Mr. W. W. Dudley, Mr. Charles R. Reddick, and Mr. A. S. Browne for the plaintiff in error and by Mr. Assistant Attorney-General Conrad for the defendant in error.

No. 688.—Mrs. A. F. Sipperly *et al.*, appellants, *vs.* John O. Smith *et al.* Motion for mandate submitted by Mr. Charles H. Armes in support of motion and by Mr. J. L. Rawlins in opposition thereto.

No. 267.—Martha E. Babb *et al.*, plaintiffs in error, *vs.* Dorsey A. Jamison, administrator, etc., *et al.* Motions to dismiss or affirm submitted by Mr. T. J. Rowe in support of motions and by Mr. Michael Kinealy in opposition thereto.

No. 698.—Daniel Benton, alias William Newby, plaintiff in error, *vs.* The United States. In error to the district court of the United States for the southern district of Illinois. Dismissed pursuant to the tenth rule.

No. 747.—William H. Moses *et al.*, plaintiffs in error, *vs.* The United States. Argument concluded by Mr. W. L. Cole for the plaintiffs in error.

No. 765.—Thomas Westmoreland, plaintiff in error, *vs.* The United States. Submitted by Mr. C. L. Herbert plaintiff in error, with leave to Mr. Assistant Attorney-General Whitney to file brief for the defendant in error on or before Friday next.

No. 766.—Sephus Wright *et al.*, plaintiffs in error, *vs.* The United States. Submitted by Mr. Assistant Attorney-General Whitney for the defendant in error; no counsel appeared for the plaintiff in error.

No. 512.—James Connors, plaintiff in error, *vs.* The United States. Argued by Mr. M. B. Gerry for the plaintiff in error, and by Mr. Assistant Attorney-General Conrad for the defendant in error.

No. 710.—George Andrews, appellant, *vs.* Benjamin Swartz, sheriff, etc. Motion to advance submitted by Mr. W. H. Stryker in support of motion, and by Mr. George M. Shipman in opposition thereto.

No. 631.—The Texas and Pacific Railway Company, appellant, *vs.* The Interstate Commerce Commission. Argument commenced by Mr. John F. Dillon for the appellant.

Adjourned until to-morrow, at 12 o'clock.

The day call for Tuesday, December 11, will be as follows: Nos. 631, 104, 105, 107, 698, 12, 55, 108, 109, and 110.

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 11, 1894.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Willis E. Everette, of Tacoma, Wash., was admitted to practice.

No. 108.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* Jennie L. Geiger. In error to the supreme court of the State of Texas. Dismissed with costs on motion of Mr. John F. Dillon for the plaintiff in error.

No. 110.—The Texas and Pacific Railway Company *et al.*, plaintiffs in error, *vs.* A. McElroy; and

No. 111.—The Texas and Pacific Railway Company *et al.*, plaintiffs in error, *vs.* H. Wilson. Passed for settlement on motion of Mr. John F. Dillon for the plaintiffs in error.

No. 631.—The Texas and Pacific Railway Company, appellant, *vs.* The Interstate Commerce Commission. Argument continued by Mr. John F. Dillon for the appellant, by Mr. John D. Kernan and Mr. Simon Sterne for the appellee, and concluded by Mr. John F. Dillon for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 12, will be as follows: Nos. 104, 105, 107, 12, 55, 109, 113, 115, 116, and 118.

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# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 12, 1894.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

No. 849.—George M. McDonald *et al.*, plaintiffs in error, *vs.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 841.—Hiram P. McKnight, plaintiff in error, *vs.* Charles C. James, warden, *etc.* Motion for writ of habeas corpus denied.

No. 115.—The Southern Pacific Railroad Company, appellant, *vs.* Samuel McCutcheon; and

No. 116.—The Southern Pacific Railroad Company, appellant, *vs.* Joseph R. Graham *et al.* Passed, subject to the provisions of section 9 of rule 26, on motion of Mr. J. Hubley Ashton for the appellant.

No. 118.—Henry Beuttell, plaintiff in error, *vs.* Daniel Magone, collector, *etc.* Passed, subject to the provisions of section 9 of rule 26, on motion of Mr. Assistant Attorney-General Whitney for the defendant in error.

No. 119.—E. Nalle & Co., appellants, *vs.* Wade R. Young *et al.* Passed, subject to the provisions of section 9 of rule 26, on motion of Mr. C. J. Boatner for the appellants.

No. 104.—Thomas R. McGahan *et al.*, appellants, *vs.* The National Bank of Rondout, N. Y. Argued by Mr. J. N. Nathans for the appellants and by Mr. Theodore G. Barker for the appellee.

No. 105.—Samuel Lazarus, plaintiff in error, *vs.* Wm. Walter Phelps. Argued by Mr. F. C. Dillard for the plaintiff in error and by Mr. Leigh Robiason for the defendant in error.

No. 107.—James Henderson *et al.*, appellants, *vs.* Mayer Goldsmith. Argument commenced by Mr. George Putnam for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 13, will be as follows: Nos. 107, 12, 55, 109, 113, 120, 121, 122, 124, and 125.

# SUPREME COURT OF THE UNITED STATES,

THURSDAY, DECEMBER 13, 1894.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Emery S. Walker and Robert Mather, of Chicago, Ill., were admitted to practice.

No. 161.—The Market Street Cable Railway Company, plaintiff in error, *vs.* B. N. Rowley. Submitted pursuant to the twentieth rule by Mr. Harvey S. Brown and Mr. William S. Booth for the plaintiff in error and by Mr. John H. Miller and Mr. John L. Boone for the defendant in error.

No. 664.—Elijah B. Sherman, appellant, *vs.* The United States. Submitted pursuant to the twentieth rule by Mr. Charles H. Aldrich and Mr. Charles W. Needham for the appellant and by Mr. Assistant Attorney-General Dodge for the appellee.

No. 107.—James Henderson *et al.*, appellants, *vs.* Mayer Goldsmith. Argument continued by Mr. George Putnam for the appellants, by Mr. Henry M. Rogers for the appellee, and concluded by Mr. George Putnam for the appellant.

No. 12.—Edward Byrne, appellant, *vs.* The United States. Submitted by Mr. Assistant Attorney-General Dodge for the appellee; no brief filed for the appellant.

No. 55.—Catherine Goldey, plaintiff in error, *vs.* The Morning News, of New Haven. Argued by Mr. Henry B. B. Stapler for the defendant in error and submitted by Mr. Mirabeau L. Towns for the plaintiff in error.

No. 109.—William McCabe, appellant, *vs.* John O. Matthews. Argued by Mr. Henry Wise Garnett for the appellant and submitted by Mr. H. Bisbee for the appellee.

No. 113.—The National Bank of Rondout, New York, appellant, *vs.* David R. Smith *et al.* Argued by Mr. Theodore G. Barker for the appellant and by Mr. H. A. M. Smith for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 14, will be as follows: Nos. 120, 121, 122, 124, 125, 127, 128 (and 135), 129, 131, and 132.

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 14, 1894.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Frank Spurlock, of Chattanooga, Tenn.; Samuel J. Elder, of Winchester, Mass.; T. C. Ryan, of Wausau, Wis.; James E. Leach, of Boston, Mass., and Thomas A. Jenckes, of Providence, R. I., were admitted to practice.

No. 619.—The United States and the Cherokee Nation, appellants, *vs.* Charles Journeycake, principal chief of the Delaware Indians. Mandate granted on motion of Mr. Thomas C. Fletcher for the appellee.

No. 127.—The Board of County Commissioners of the County of Jackson *et al.*, appellants, *vs.* The Metropolitan Trust Company of New York *et al.* Appeal from the circuit court of the United States for the district of Kansas. Dismissed with costs, pursuant to the tenth rule.

No. 120.—E. S. Ernest, plaintiff in error, *vs.* The State of Missouri. Argued by Mr. Lawrence Maxwell, jr., and Mr. S. N. Taylor for the plaintiff in error, and submitted by Mr. R. F. Walker for the defendant in error.

No. 121.—The East Lake Land Company, plaintiff in error, *vs.* Isaiah C. Brown. Submitted by Mr. John T. Morgan for the plaintiff in error and by Mr. D. P. Bestor for the defendant in error.

No. 128.—The United States, appellant, *vs.* The Berdan Fire Arms Manufacturing Company. Passed until No. 135 is reached on motion of Mr. Solicitor-General Maxwell for the appellant.

No. 122.—William A. Sweet *et al.*, plaintiffs in error, *vs.* Christian Rechel. Argued by Mr. Thomas A. Jenckes for the plaintiffs in error and by Mr. Samuel J. Elder for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 17, will be as follows: Nos. 124, 125, 129, 131, 132, 7 (original), 841, 118, 133, and 134.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 17, 1894.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Andrew Squire and Virgil P. Kline, of Cleveland, Ohio; B. H. Baker, of Montague, Tex.; M. H. Boutell, of Minneapolis, Minn.; J. Parker Kirlin, of New York City; James W. Henderson, of Dover, N. H.; James Perry Wood, of New London, Mo., and Peter J. Somers, of Milwaukee, Wis., were admitted to practice.

No. 484.—The United States, appellant, *vs.* Van B. Gunneson. Appeal from the Court of Claims. Judgment reversed and cause remanded with directions to render judgment for the United States. Opinion by Mr. Justice White.

No. 89.—George F. Dick, appellant, *vs.* Joseph B. Foraker. Appeal from the circuit court of the United States for the eastern district of Arkansas. Decree reversed with costs and cause remanded with directions to dismiss the bill. Opinion by Mr. Justice White.

No. 531.—Asa P. Potter, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the district of Massachusetts. Judgment reversed and cause remanded with directions to award a new trial. Opinion by Mr. Justice Brewer.

No. 702.—The Postal Telegraph Cable Company, plaintiff in error, *vs.* The State of Alabama. In error to the circuit court of the United States for the middle district of Alabama. Judgment reversed at the cost of the plaintiff in error and cause remanded to the said circuit court with directions to remand it to the State court. Opinion by Mr. Justice Gray.

No. 379.—Royal Ingraham, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the district of Rhode Island. Judgment affirmed. Opinion by Mr. Justice Harlan.

*Ex parte:* In the matter of Isaac L. Rice, petitioner; motion for leave to file petition for writs of prohibition and mandamus denied. Opinion by Mr. Chief Justice Fuller.

No. 86.—Lawrette Estelle Horne, administratrix, &c., plaintiff in error, *vs.* The George H. Hammond Company. In error to the circuit court of the United States for the district of Massachusetts. Judgment reversed at the cost of the plaintiff in error, and cause remanded for further proceedings. Opinion by Mr. Chief Justice Fuller.

No. 101.—Robert T. Swan, trustee, appellant, *vs.* John Hill *et al.* Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 39.—Florine A. Austin, administratrix, etc., appellant, *vs.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Chief Justice Fuller.

No. 90.—James H. Linford, jr., appellant, *vs.* Ephraim P. Ellison. Appeal from the supreme court of the Territory of Utah. Dismissed for want of jurisdiction. Opinion by Mr. Chief Justice Fuller. Dissenting, Mr. Justice Harlan.

The Chief Justice announced that the court would adjourn on Friday, December 21, until Monday, January 7, 1895.

The Chief Justice also announced the following orders of the court :

No. 203.—James Gilfillan *et al.*, appellants, *vs.* Henry E. McKee *et al.*; motion by appellants that the clerk be permitted to waive the payment of certain costs, and by appellees that appellants be ruled to pay certain costs within ten days or that the appeal be dismissed, denied.

No. 688.—Mrs. A. F. Sipperly *et al.*, appellants, *vs.* John O. Smith *et al.* Motion for mandate to issue denied.

No. 710.—George Andrews, appellant, *vs.* Benjamin Swartz, sheriff, etc. Motion to advance granted and cause assigned for argument on the third Monday (21st) of January next, after the cases already set down for that day.

No. 727.—The Cleveland, Cincinnati, Chicago and St. Louis Railway Company, plaintiff in error, *vs.* Millard F. Brown. Motion to advance granted and cause advanced, as under the thirty-second rule, to be submitted on printed briefs.

No. 30.—The Missouri Pacific Railway Company, plaintiff in error, *vs.* The State of Nebraska, *ex rel.* The Board of Transportation of the State of Nebraska. Restored to the docket for argument before a full bench.

No. 103.—Mary White *et al.*, appellants, *vs.* William J. Miller, executor, etc., *et al.* Leave granted to counsel to file briefs herein, within ten days, on the question of the jurisdiction of this court.

No. 165.—George E. Belknap *et al.*, appellants, *vs.* George F. Schild. Motion to require the appellants to file security for damages and costs denied.

No. 267.—Martha E. Babb *et al.*, plaintiffs in error, *vs.* Dorsey A. Jamison, administrator, etc., *et al.* In error to the supreme court of the State of Missouri. Dismissed for the want of jurisdiction, on the authority of *Duncan vs. Missouri*, 152 U. S., 377.

No. 121.—The East Lake Land Company, plaintiff in error, *vs.* Isaiah C. Brown. In error to the circuit court of the United States for the northern district of Alabama. Judgment reversed, with costs, on the authority of *Chappell vs. Waterworth*, 155 U. S., 102, and cause remanded to the said circuit court, with a direction to remand it to the city court of Birmingham, county of Jefferson, Ala.

No. 747.—William H. Moses *et al.*, administrators, etc., plaintiffs in error, *vs.* The United States. In error to the court of appeals of the District of Columbia. Judgment affirmed by a divided court.

No. 12.—Edward Byrne, appellant, *vs.* The United States. Appeal from the Court of Claims. Judgment affirmed, pursuant to the sixteenth rule.

No. 726.—Charlotte Ewer, plaintiff in error, *vs.* The People of the State of New York. Motion to advance submitted by Mr. Elbridge T. Gerry for the defendants in error.

No. 139.—Samuel Mather *et al.*, plaintiffs in error, *vs.* Richard Rillston. Passed subject to the provisions of section 9 of rule 26, on motion of Mr. George F. Edmunds for the plaintiffs in error.

No. 729.—The Cincinnati, New Orleans and Texas Pacific Railway Company *et al.*, appellants, *vs.* The Interstate Commerce Commission; and

No. 832.—The Interstate Commerce Commission, appellant, *vs.* The Cincinnati, New Orleans and Texas Pacific Railroad Company *et al.* Reassigned for argument on the first Monday (7th) of January next, after the cases already set down for that day, on motion of Mr. George F. Edmunds for the Interstate Commerce Commission.

No. 582.—George A. Eddy *et al.*, receivers, etc., appellants, *vs.* Annie Letcher. Death of George A. Eddy and H. C. Cross, receivers, suggested, and the appearance of Henry C. Rouse, receiver, herein filed and entered, on motion of Mr. James Hagerman for the appellants.

No. 582.—Henry C. Rouse, receiver, etc., appellants, *vs.* Annie Letcher. Motion to dismiss submitted by Mr. James P. Wood in support of motion, and by Mr. James Hagerman and Mr. George P. B. Jackson in opposition thereto.

No. 708.—The United States, appellant, *vs.* Benjamin Healy. Motion to advance submitted by Mr. Solicitor-General Maxwell for the appellant.

No. 517.—Mary P. Greeley, executrix, etc., appellant, *vs.* R. H. Lowe, *et al.* Motion that mandate issue submitted by Mr. W. B. King in behalf of counsel.

No. 7, Original.—The State of California, complainant, *vs.* Southern Pacific Company. Two hours and forty minutes each allowed the complainant and defendant and The City of Oakland in the argument hereof, and leave that three counsel for the defendant be heard in the argument of this cause granted on motion of Mr. Harvey S. Brown for the defendant.

No. 806.—Clementine Ulman, by her husband and next friend, Alfred J. Ulman, plaintiff in error, *vs.* The Mayor and City Council of Baltimore *et al.* Motions to dismiss or affirm submitted by Mr. T. G. Hayes and Mr. W. S. Bryan, jr., in support of motions, and by Mr. M. R. Walter in opposition thereto.

No. 134.—Hugh Young *et al.*, appellants, *vs.* Emanuel Foerster. Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs pursuant to the tenth rule.

No 8.—*Ex parte*: Original. In the matter of the New York and Porto Rico Steamship Company, petitioner. Argued by Mr. George A. Black for the petitioner and by Mr. J. Parker Kirilin for the respondent.

No. 124.—D. E. Roberts *et al.*, appellants, *vs.* The Northern Pacific Railroad Company. Argument commenced by W. William F. Vilas for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 18, will be as follows: Nos. 124, 125, 129, 131, 132, 7 (original), 841, 118, 133, and 135 (and 128).

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 18, 1894.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Thomas L. Waters, of Alexandria, Va.; John Barnes, of Rhineland, Wis., and George Robertson, of Mexico, Mo., were admitted to practice.

No. 671.—The United States *et al.*, appellants, *vs.* Johnson Blackfeather, principal chief, etc. Motion that mandate issue and motion and stipulation to reform judgment herein submitted by Mr. Charles Brownell for the appellee.

No. 124.—D. E. Roberts *et al.*, appellants, *vs.* The Northern Pacific Railroad Company. Argument continued by Mr. A. H. Garland and Mr. James McNaught for the appellee, and concluded by Mr. William F. Vilas for the appellants.

No. 125.—The United States *ex rel.* Henry Siegel, plaintiff in error, *vs.* Otto Thoman, comptroller, etc. Submitted with leave to counsel to file briefs within fifteen days.

No. 129.—Eliza Cooper *et al.*, plaintiffs in error, *vs.* Stewart Newell. Submitted by Mr. F. Charles Hume for the plaintiffs in error, and by Mr. A. H. Garland and Mr. John Ireland for the defendant in error.

No. 131.—The United States, plaintiff in error, *vs.* The Western Union Telegraph Company *et al.* Argued by Mr. Solicitor-General Maxwell for the plaintiff in error and by Mr. Rush Taggart for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 19, will be as follows: Nos. 132, 133, 118, 841, 7 (original), 135 (and 128), 136, 137, 138, and 139.



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 19, 1894.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

George S. Payson, of Chicago, Ill., and William B. Greeley, of New York City, were admitted to practice.

No. 804.—Charles Wade, plaintiff in error, *vs.* Birt Ringo. Death of Birt Ringo suggested and appearance of R. W. Lawder and Rosa Ringo, administrators, etc., as defendants in error herein, filed and entered on motion of Mr. George Robertson for the defendants in error.

No. 864.—Henry Wineman, jr., appellant, *vs.* The Steamer Iron Chief, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Harvey D. Goulder for the appellee in support of the petition and by Mr. H. C. Wisner for the appellant in opposition thereto.

No. 132.—R. H. Lindsay, assessor, etc., *et al.*, appellants and plaintiffs in error, *vs.* The First National Bank of Shreveport *et al.* Argued by Mr. W. W. Howe for the appellants and plaintiffs in error and submitted by Mr. A. H. Leonard for the appellees and defendants in error.

No. 133.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* Robert N. Smith *et al.* Argued by Mr. W. W. Howe for the plaintiff in error and submitted by Mr. John F. Dillon and Mr. Winslow S. Pierce for the plaintiff in error and by Mr. A. H. Leonard for the defendant in error.

No. 118.—Henry Benttell, plaintiff in error, *vs.* Daniel Magone, collector, etc. Argued by Mr. Edwin B. Smith for the plaintiff in error and by Mr. Assistant Attorney-General Whitney for the defendant in error.

No. 841.—Hiram P. McKnight, plaintiff in error, *vs.* Charles C. James, warden of the Ohio penitentiary. Argued by Mr. J. K. Richards for the defendant in error and submitted by the plaintiff in error *in propria persona.*

No. 7, Original.—The State of California, complainant, *vs.* Southern Pacific Company. Argument commenced by Mr. W. H. H. Hart for the complainant and continued by Mr. William M. Stewart for the defendant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 20, will be as follows: Nos. 7 (original), 135 (and 128), 136, 137, 138, 140, 141, 142, 143, and 144.



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 20, 1894.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

B. Howell Jones, of Ogden, Utah, was admitted to practice.

No. 29.—The New Orleans City and Lake Railroad Company, plaintiff in error, *vs.* The State of Louisiana *ex rel.* The City of New Orleans;

No. 33.—The City of New Orleans, appellant, *vs.* The Louisville and Nashville Railroad Company *et al.*; and

No. 62.—Jerome F. Manning, appellant, *vs.* Irvine G. McLarren, as special administrator, etc. Ordered to be placed at the foot of the call for the first Monday (7th) of January next.

No. 7, Original.—The State of California, complainant, *vs.* Southern Pacific Company. Argument continued by Mr. William M. Stewart and Mr. J. Hubley Ashton for the defendant and by Mr. John S. Miller and Mr. William R. Davis for the city of Oakland.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 21, will be as follows: Nos. 7 (original), 135 (and 128), 136, 137, 138, 140, 141, 142, 143, and 144.

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 21, 1894.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

William H. Cochran, of New York City; Henry Wollman, of Kansas City, Mo.; Joshua S. Salmon, of Morristown, N. J., and J. M. Long, of Paris, Tex., were admitted to practice.

No. 274.—Elizabeth Abraham *et al.*, appellants, *vs.* Harriet Ordway. Death of Harriet Ordway suggested, and appearance of Frederick E. Ordway, Mary Elizabeth Ordway, and Ellen Preston, devisees of Harriet Ordway, deceased, filed and entered on motion of Mr. W. L. Cole in behalf of counsel for appellees.

No. 7, Original.—The State of California, complainant, *vs.* Southern Pacific Company. Argument continued by Mr. William R. Davis for the city of Oakland, by Mr. John K. Cowen for the defendant, and concluded by W. H. H. Hart for the complainant.

Adjourned until Monday, January 7, 1895, at 12 o'clock.

The day call for Monday, January 7, will be as follows: Nos. 135 (and 128), 136, 137, 138, 140, 141, 142, 143, 144, and 729 (and 832).

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# SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 7, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Edward B. Peirce, of Van Buren, Ark.; Alvan T. Tracy, of Washington, D. C.; Albert H. Adams, of Chicago, Ill.; Charles A. Terry, of New York City; John W. Happer and Alexander E. Warner, of Portsmouth, Va.; and William Vincent Allen, of Madison, Nebr., were admitted to practice.

No. 7.—R. B. Hooper, plaintiff in error, *vs.* The People of the State of California. In error to the superior court of the city and county of San Francisco, State of California. Judgment affirmed, with costs. Opinion by Mr. Justice White. Dissenting, Mr. Justice Harlan, Mr. Justice Brewer, and Mr. Justice Jackson.

No. 53.—William Coupe *et al.*, plaintiffs in error, *vs.* Herman Royer *et al.* In error to the circuit court of the United States for the district of Massachusetts. Judgment reversed, with costs, and cause remanded, with directions to set aside the verdict and award a new trial. Opinion by Mr. Justice Shiras.

No. 95.—The Texas and Pacific Railway Company, appellant, *vs.* The Interstate Transportation Company. Appeal from the circuit court of the United States for the eastern district of Louisiana. Decree dismissing the bill amended so that the same shall be without prejudice generally, and, as so amended, affirmed with costs. Opinion by Mr. Justice Shiras.

No. 161.—The Market Street Cable Railway Company, plaintiff in error, *vs.* B. N. Rowley. In error to the circuit court of the United States for the northern district of California. Judgment reversed with costs, and cause remanded, with a direction to set aside the verdict and grant a new trial. Opinion by Mr. Justice Shiras. Dissenting: Mr. Justice Brown.

No. 75.—Andrew Sproule, surviving partner, etc., *et al.*, appellants, *vs.* John H. Swartz *et al.* Appeal from the circuit court of the United States for the southern district of Iowa. Appeal as to the appellee, Frank B. Kent, dismissed for the want of jurisdiction, and, as to the other appellees, decree affirmed, with costs. Opinion by Mr. Justice Brown.

No. 87.—Christopher C. Campbell, plaintiff in error, *vs.* The City of Haverhill. In error to the circuit court of the United States for the district of Massachusetts. Judgment affirmed, with costs. Opinion by Mr. Justice Brown.

No. 94.—C. & A. Potts & Co., appellants, *vs.* Frank F. Creager *et al.* Appeal from the circuit court of the United States for the southern district of Ohio. Decree reversed, with costs, and cause remanded for further proceedings to be had therein, in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 552.—The United States, appellant, *vs.* John M. Allred. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brown.

No. 765.—Thomas Westmoreland, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the eastern district of Texas. Judgment affirmed. Opinion by Mr. Justice Brewer.

No. 109.—William McCabe, appellant, *vs.* John O. Matthews. Appeal from the circuit court of the United States for the northern district of Florida. Decree affirmed, with costs. Opinion by Mr. Justice Brewer.

No. 102.—Stevenson Burke *et al.*, appellants, *vs.* The American Loan and Trust Company. Appeal from the circuit court of the United States for the northern district of Ohio. Decrees affirmed with costs. Opinion by Mr. Justice Brewer. (Mr. Justice Brown took no part in the decision of this case.)

No. 85.—The Old National Bank of Evansville, Ind., plaintiff in error, *vs.* The German-American National Bank of Peoria, Ill. In error to the circuit court of the United States for the district of Indiana. Judgment affirmed, with costs and interest. Opinion by Mr. Justice Brewer.

No. 129.—Eliza Cooper *et al.*, plaintiffs in error, *vs.* Stewart Newell. In error to the circuit court of the United States for the eastern district of Texas. Judgment reversed, with costs, and cause remanded for further proceedings. Opinion by Mr. Chief Justice Fuller.

No. 57.—The State of Indiana, *ex rel.* Walter Stanton, trustee, plaintiff in error, *vs.* Arista Glover *et al.* In error to the circuit court of the United States for the district of Indiana. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 796.—The State of South Carolina, plaintiff in error, *vs.* Edward B. Wesley. In error to the circuit court of the United States for the district of South Carolina. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 8, Original.—*Ex parte*: In the matter of the New York and Porto Rico Steamship Company, petitioner. Petition for a writ of prohibition denied. Opinion by Mr. Chief Justice Fuller.

The Chief Justice also announced the following orders of the court:

No. 747.—William H. Moses *et al.*, plaintiffs in error, *vs.* The United States. Petition for rehearing granted, and cause restored to the docket, with leave to file additional briefs on the question of the effect of the alleged settlement on the liability of the sureties, or other questions, if desired, and to resubmit to a full bench.

No. 708.—The United States, appellant, *vs.* Benjamin Healy. Motion to advance granted and cause assigned for argument on the second Monday of the next term after the cases already set down for that day; or cause may be submitted on printed briefs at any time before the first Monday (4th) of March next.

No. 726.—Charlotte Ewer, plaintiff in error, *vs.* The people of the State of New York. Motion to advance granted and cause assigned for argument on the second Monday of the next term after the cases already set down for that day, or cause may be submitted on printed briefs at any time before the first Monday (4th) of March next.

No. 806.—Clementine Ulman, etc., plaintiff in error, *vs.* The Mayor and City Council of Baltimore *et al.* Motions to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 671.—The United States *et al.*, appellants, *vs.* Johnson Blackfeather, principal chief, etc. Motion that the mandate issue at once granted and leave given to apply to the Court of Claims for the reformation of the decree in accordance with the agreement of counsel.

No. 864.—Henry Wineman, jr., appellant, *vs.* The steamer *Iron Chief*, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 512.—James Conuors, plaintiff in error, *vs.* The United States. Restored to the docket with leave to resubmit on printed briefs to a full bench, and to file additional briefs within ten days if desired.

No. 138.—Thomas Bardon, appellant, *vs.* The Land and River Improvement Company. Passed on account of sickness of counsel subject to the provisions of section 9 of rule 26, on motion of Mr. William F. Vilas in behalf of counsel.

No. 149.—The Sioux City and St. Paul Railroad Company, appellant, *vs.* The United States. Passed until No. 214 is reached, on motion of Mr. Solicitor General Maxwell, for the appellee.

No. 235.—Joel B. Erhardt, collector, etc., plaintiff in error, *vs.* Josephine W. Wupperman *et al.* In error to the circuit court of the United States for the southern district of New York. Dismissed with costs on motion of Mr. Solicitor-General Maxwell for the plaintiff in error.

No. 746.—J. T. Stokes *et al.*, plaintiffs in error, *vs.* The United States ;  
 No. 755.—James H. Reagan, plaintiff in error, *vs.* The United States ;  
 No. 770.—Lewis C. Staller, plaintiff in error, *vs.* The United States ;  
 No. 857.—Sam Downing, *alias* Sam Hickey, plaintiff in error, *vs.* The

United States ;

No. 363.—John Brown, plaintiff in error, *vs.* The United States ; and

No. 871.—M. L. Johnson, captain U. S. Navy, appellant, *vs.* David B. Sayre. Motions to advance submitted by Mr. Solicitor-General Maxwell in support of motions.

No. 9, Original.—*Ex parte*: In the matter of Lafayette Hudson, petitioner. Demurrer to return filed on motion of Mr. A. H. Garland for the petitioner. Submitted by Mr. A. H. Garland and Mr. William M. Cravens for the petitioner, and by Mr. Solicitor-General Maxwell for the respondent, and Judge Isaac C. Parker in *propria persona*.

No. 502.—R. H. Epperson, plaintiff in error, *vs.* Carter Bros. & Co. Death of R. H. Epperson suggested and appearance of A. C. Epperson, administrator of R. H. Epperson, deceased, as plaintiff in error herein, filed and entered on motion of Mr. W. W. Upton for the plaintiff in error.

No. 881.—W. P. Sayward *et al.*, plaintiffs in error, *vs.* Thomas Nunan *et al.* In error to the supreme court of the State of Washington. Docketed and dismissed with costs on motion of Mr. Edward B. Whitney, for the defendants in error.

No. 452.—The Delaware and Hudson Canal Company, plaintiff in error, *vs.* The Commonwealth of Pennsylvania. Submitted pursuant to the 20th rule by Mr. M. E. Olmsted for the plaintiff in error, and by Mr. W. U. Hensel and Mr. J. A. Stranahan for the defendant in error.

No. 876.—Joseph A. Davidson, plaintiff in error, *vs.* The Mexican National Railroad Company. Motion to advance for oral argument submitted by Mr. Frederic D. McKenney for the plaintiff in error.

No. 880.—The Mexican National Railroad Company, plaintiff in error, *vs.* Joseph A. Davidson. Motion to advance for oral argument submitted by Mr. Joseph A. Choate, for the plaintiff in error.

No. 577.—Moyle C. Fox, executor, etc., appellant, *vs.* Henry C. Haastick. Submitted pursuant to the 20th rule by Mr. C. W. Bennett and Mr. J. A. Marshall, for the appellant, and by Mr. Given Campbell, Mr. F. S. Richards, and Mr. Arthur Brown, for the appellee.

No. 793.—James T. Shields, jr., receiver, etc., appellant, *vs.* John Coleman *et al.* Submitted pursuant to the 20th rule by Mr. H. J. May, Mr. Tully R. Cornick, and Mr. J. K. Shields, for the appellant, and by Mr. H. H. Ingersall, for the appellee.



No. 135.—The Berdan Firearms Manufacturing Company, appellant, *vs.* The United States, and

No. 128.—The United States, appellant, *vs.* the Berdan Firearms Manufacturing Company. Argument commenced by Mr. Assistant Attorney-General Conrad, for the United States, and continued by Mr. George S. Boutwell and Mr. Joseph H. Choate, for the Berdan Firearms Manufacturing Company, and by Mr. Assistant Attorney-General Conrad, for the United States.

Adjourned until to-morrow at 12 o'clock.

The call for Tuesday, January 8, will be as follows: Nos. 135 (and 128), 136, 137, 729 (and 832), 141, 142, 143, 144, 140, and 29.



# SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 8, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

William P. Thompson and W. W. Hastings, of Tahlequah, Ind. T., were admitted to practice.

No. 135.—The Berdan Fire Arms Manufacturing Company, appellant, *vs.* The United States; and

No. 128.—The United States, appellant, *vs.* The Berdan Fire Arms Manufacturing Company. Argument concluded by Mr. Assistant Attorney-General Conrad for the United States.

No. 136.—The F. O. Matthiessen & Weichers Sugar Refining Company, appellant, *vs.* The Steamship Ludvig Holberg, etc. Argued by Mr. George A. Black for the appellant and by Mr. Harrington Putnam for the appellee.

No. 137.—Cyrus F. Palmer, appellant, *vs.* The Village of Corning. Argument commenced by Mr. E. H. Risley for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 9, will be as follows: Nos. 137, 729 (and 832), 141, 142, 143, 144, 140, 29, 33, and 62.

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# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 9, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Charles C. Marshall, of New York City; H. C. Van Voorhis, of Zanesville, Ohio, and J. H. Bromwell, of Cincinnati, Ohio, were admitted to practice.

No. 62.—Jerome F. Manning, appellant, *vs.* Irvine G. McLarren, as special administrator, etc. Appeal from the circuit court of the United States for the district of Massachusetts. Dismissed with costs, pursuant to the tenth rule.

No. 137.—Cyrus F. Palmer, appellant, *vs.* The Village of Corning. Argument continued by Mr. George T. Spencer for the appellee and concluded by Mr. E. H. Risley for the appellant.

No. 729.—The Cincinnati, New Orleans and Texas Pacific Railway Company *et al.*, appellants, *vs.* The Interstate Commerce Commission; and

No. 832.—The Interstate Commerce Commission, appellant, *vs.* The Cincinnati, New Orleans and Texas Pacific Railway Company *et al.* Argument commenced by Mr. N. J. Hammond for the Interstate Commerce Commission and continued by Mr. Ed. Baxter for the railroad companies.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 10, will be as follows: Nos. 729 (and 832), 141, 142, 143, 144, 140, 29, 33, 3, and 10.

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# SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 10, 1895.

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Present : The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Grove L. Johnson, of Sacramento, Cal., and Chas. M. Cassin, of Santa Cruz, Cal., were admitted to practice.

No. 882.—John H. Linck, appellant, *vs.* Salt Lake City *et al.* Appeal from the supreme court of the Territory of Utah. Docketed and dismissed with costs on motion of Mr. J. L. Rawlins, for the appellees.

No. 140.—T. C. Mattingly, administrator, etc., appellant, *vs.* The Northwestern Virginia Railroad Company *et al.* Passed on account of sickness of counsel, subject to the provisions of section 9, of rule 26, on motion of Mr. W. L. Cole, for the appellant.

No. 125.—The United States *ex rel.*, Henry Siegel, plaintiff in error, *vs.* Otto Thoman, comptroller, etc. Leave granted to Mr. E. A. O'Sullivan to file brief for defendant in error herein.

No. 729.—The Cincinnati, New Orleans, and Texas Pacific Railway Company *et al.*, appellants, *vs.* The Interstate Commerce Commission, and

No. 832.—The Interstate Commerce Commission, appellant, *vs.* The Cincinnati, New Orleans and Texas Pacific Railway Company *et al.* Argument concluded by Mr. George F. Edmunds for the Interstate Commerce Commission.

No. 141.—N. L. Ard, plaintiff in error, *vs.* Alexander Brandon ;

No. 142.—N. L. Ard, plaintiff in error, *vs.* C. H. Pratt ;

No. 143.—Mary E. Wood, plaintiff in error, *vs.* J. M. Beach, and

No. 144.—William Maddox, plaintiff in error, *vs.* Nelson Burnham. Argued by Mr. William Lawrence for the plaintiff in error and by Mr. A. B. Browne for the defendants in error.

No. 29.—The New Orleans City and Lake Railroad Company, plaintiff in error, *vs.* The State of Louisiana, *ex rel.*, The City of New Orleans. Submitted by Mr. George Denegre and Mr. Walter D. Denegre, for the plaintiff in error, and by Mr. E. A. O'Sullivan for the defendant in error.

No. 33.—The City of New Orleans, appellant, *vs.* The Louisville and Nashville Railroad Company, *et al.* Submitted by Mr. George Denegre and Mr. Walter D. Denegre, for the appellees. No brief filed for the appellant.

No. 3.—The Pittsburgh and Southern Coal Company, plaintiff in error, *vs.* John W. Bates, sheriff, etc. ; and

No. 10.—The Pittsburgh and Southern Coal Company, plaintiff in error, *vs.* The State of Louisiana for use of the Charity Hospital of New Orleans. Argument commenced by Mr. W. S. Benedict for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 11, will be as follows: Nos. 3 (and 10), 145, 146, 147, 150, 151, 152, 153, 154, and 155.



# SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 11, 1895.

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Present : The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Lewis Sperry, of Hartford, Conn., Eugene J. Hainer, of Aurora, Nebr., and Andrew M. Sullivan, of St. Louis, Mo., were admitted to practice.

No. 145.—The Hat Sweat Manufacturing Company, appellant, *vs.* The Davis Sewing Machine Company, *et al.* Appeal from the circuit court of the United States for the northern district of New York. Dismissed with costs pursuant to the tenth rule.

No. 147.—The Greenwood district of Sebastian County, plaintiff in error, *vs.* The Missouri and Arkansas Mining and Lumber Company. In error to the circuit court of the United States for the western district of Arkansas. Dismissed with costs pursuant to the tenth rule.

No. 3.—The Pittsburgh and Southern Coal Company, plaintiff in error, *vs.* John W. Bates, sheriff, *etc.* ; and

No. 10.—The Pittsburgh and Southern Coal Company, plaintiff in error, *vs.* The State of Louisiana, for use of the Charity Hospital of New Orleans. Argument continued by Mr. W. S. Benedict for the plaintiff in error, by Mr. M. J. Cunningham and Mr. George Gray for the defendants in error, and concluded by Mr. George A. King for the plaintiff in error.

No. 146.—Pullman's Palace Car Company, plaintiff in error, *vs.* The Metropolitan Street Railway Company. Argument commenced by Mr. Gardiner Lathrop for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 14, will be as follows : Nos. 146, 150, 151, 152, 153, 154, 155, 138, 157, and 158.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 14, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

George A. Cunningham and John W. Spencer, of Evansville, Ind.; S. A. Northway, of Jefferson, Ohio; Carter Berkley Taylor, of Philadelphia, Pa.; D. A. Holmes, of Sioux City, Iowa; Henry C. Evert, of Washington, D. C., and C. S. Darrow, of Chicago, Ill., were admitted to practice.

No. 92.—Joseph S. Brown, appellant, *vs.* B. D. Spilman *et al.* Appeal from the circuit court of the United States for the district of West Virginia. Decree sustaining the original bill reversed, and decree sustaining the demurrer and dismissing the crossbill reversed with costs, and cause remanded for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice Shiras.

No. 664.—Elijah B. Sherman, appellant, *vs.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brown.

No. 841.—Hiram P. McKnight, plaintiff in error, *vs.* Charles C. James, warden of the Ohio Penitentiary. In error to the circuit court of Ohio for the second judicial circuit. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brown.

The Chief Justice announced the following orders of the court:

No. 746.—J. T. Stokes *et al.*, plaintiffs in error, *vs.* The United States;

No. 755.—James H. Reagan, plaintiff in error, *vs.* United States; and

No. 770.—Lewis C. Statler, plaintiff in error, *vs.* The United States.

Motions to advance granted, and cases assigned for argument on the first Monday (4th) of March next after the cases already set down for that day.

No. 857.—Sam Downing, alias Sam Hickory, plaintiff in error, *vs.* The United States; and

No. 683.—John Brown, plaintiff in error, *vs.* The United States. Motions to advance granted, and cases assigned for argument on the first

Monday (4th) of March next, after the cases already set down for that day, and records ordered printed at public expense.

No. 871.—M. L. Johnson, captain United States Navy, appellant, *vs.* David B. Sayre. Motion to advance granted, and cause assigned for argument on the first Monday (1st) of April next.

No. 876.—Joseph A. Davidson, plaintiff in error, *vs.* The Mexican National Railroad Company; and

No. 880.—The Mexican National Railroad Company, plaintiff in error, *vs.* Joseph A. Davidson. Motions to advance granted, and cases advanced as under the 32d rule to be submitted on printed briefs, or, if counsel prefer, they will be advanced to be heard as one case, by agreement of counsel, on the second Monday of the next term after the cases heretofore assigned for that day, and one hour assigned to each side for oral argument.

No. 33.—The City of New Orleans, appellant, *vs.* The Louisville and Nashville Railroad Company *et al.*; appeal from the circuit court of the United States for the eastern district of Louisiana; decree affirmed with costs for want of prosecution.

No. 452.—The Delaware and Hudson Canal Company, plaintiff in error, *vs.* The Commonwealth of Pennsylvania. In error to the supreme court of Pennsylvania. Judgment reversed with costs upon the authority of New York, Lake Erie and Western Railroad Company *vs.* Commonwealth of Pennsylvania, 153 U. S., 628, and cause remanded for further proceedings consistent with the opinion in that case.

No. 865.—The Vulcan Iron Works, appellant, *vs.* Ellen M. Smith, executrix, etc., *et al.* Petition for writ of certiorari to the United States circuit court of appeals for the ninth circuit, submitted by Mr. John H. Miller and Mr. M. M. Estee for the appellees, in support of petition, with leave to Mr. Calderon Carlisle for the appellant to file brief in opposition within one week.

No. 359.—The Norfolk and Western Railroad Company, plaintiff in error, *vs.* Edmund Pendleton; advanced to be submitted with No. 153, on motion of Mr. W. H. Bolling for the plaintiff in error.

No. 153 and No. 359.—The Norfolk and Western Railroad Company, plaintiff in error, *vs.* Edmund Pendleton. Submitted by Mr. W. H. Bolling, Mr. W. J. Robertson, and Mr. Joseph I. Doran for the plaintiff in error, and by Mr. Jno. J. A. Powell for the defendant in error, with leave to file additional briefs within two weeks.

No. 885.—The City of Evansville, plaintiff in error, *vs.* William S. Dennett. Advanced as under the 32d rule, on motion of Mr. George A. Sanders for the defendant in error.



*Ex parte*: In the matter of Eugene V. Debs *et al.*, petitioners. Motion for leave to file petition for a writ of *habeas corpus* and for writ of error presented by Mr. Clarence S. Darrow for petitioners. Petition for writ of error assigned for argument on Wednesday, the 16th instant.

No. 603.—E. M. Bacon *et al.*, plaintiffs in error, *vs.* The State of Texas. Motion to dismiss submitted by Mr. Charles A. Culberson in support of motion, and by Mr. J. Hubley Ashton, Mr. Thomas D. Cobbs, and Mr. Charles W. Ogden in opposition thereto.

No. 700.—Springville City, plaintiff in error, *vs.* Perry A. Thomas *et al.* Motion to dismiss submitted by Mr. Parley L. Williams in support of motion and by Mr. Joseph L. Rawlins in opposition thereto.

No. 751.—The St. Louis, Cape Girardeau and Fort Smith Railway Company, plaintiff in error, *vs.* The State of Missouri, at the relation of Edwin G. Merriam. Motion to dismiss or affirm submitted by Mr. John F. Dillon, Mr. Winslow S. Pierce, and Mr. Harry Hubbard in support of motions and by Mr. John W. Noble in opposition thereto.

No. 157.—George A. Gindele *et al.*, plaintiffs in error, *vs.* John Corrigan. In error to the supreme court of the State of Illinois. Dismissed with costs pursuant to the tenth rule.

No. 146.—Pullman's Palace Car Company, plaintiff in error, *vs.* The Metropolitan Street Railway Company. Argument continued by Mr. Gardiner Lathrop for the plaintiff in error and by Mr. Frank Hagerman and Mr. Wallace Pratt for the defendant in error and concluded by Mr. Gardiner Lathrop for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

\*The day call for Tuesday, January 15, will be as follows: Nos. 150, 151, 152, 154, 155, 138, 158, 159, 160, and 162.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 15, 1895.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Gray, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Russell C. Stewart, of Easton, Pa.; James L. McCaskill, and A. J. McLaurin, of Brandon, Miss., and H. F. Merritt, of Chicago, Ill., were admitted to practice.

No. 4, Original.—The United States, complainant, *vs.* The State of Texas. Leave granted to file stipulation and additional evidence, on motion of Mr. A. H. Garland for the defendant.

No. 886.—Luther R. Graves *et al.*, appellants, *vs.* The County of Saline. Advanced, as under the thirty-second rule, on motion of Mr. George A. Sanders for the appellants.

No. 159.—The Inland and Coastwise Transportation Company of Baltimore *et al.*, appellants, *vs.* Joseph Cornell *et al.* Appeal from the supreme court of the District of Columbia. Dismissed with costs, pursuant to the tenth rule.

No. 150.—Leverett Saltonstall, collector, etc., plaintiff in error, *vs.* Weibusch & Hilger (Limited). Argued by Mr. Assistant Attorney-General Whitney for the plaintiff in error, and by Mr. Francis Lynde Stetson for the defendant in error.

No. 151.—William Stewart, plaintiff in error, *vs.* The City of Easton *et al.* Argued by Mr. C. Berkeley Taylor and Mr. A. T. Freedley for the plaintiff in error, and by Mr. H. J. Steele for the defendants in error.

No. 152.—The Southern Pacific Company, plaintiff in error, *vs.* Malola Pool, administratrix, &c. Argument commenced by Mr. Maxwell Evarts for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 16, will be as follows: Nos. 152, 154, 155, 138, 158, 160, 162, 163, 164, and 165.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 16, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

A. L. Sanborn, of Madison, Wis., was admitted to practice.

No. 163.—Thomas Maddock, appellant, *vs.* Jonathan Coxon *et al.* Appeal from the circuit court of the United States for the district of New Jersey. Dismissed with costs pursuant to the tenth rule.

No. 210.—David Schreiner, administrator, etc., appellant, *vs.* Julia S. Smith *et al.* Appeal from the circuit court of the United States for the northern district of Illinois. Dismissed with costs on authority of counsel for the appellant.

No. 152.—The Southern Pacific Company, plaintiff in error, *vs.* Malola Pool, administratrix, etc. Argument continued by Mr. Maxwell Evarts for the plaintiff in error, by Mr. Samuel Shellabarger for the defendant in error, and concluded by Mr. Maxwell Evarts for the plaintiff in error.

*Ex parte:* In the matter of Eugene V. Debs *et al.*, petitioners. Petition for writ of error argued by Mr. C. S. Darrow for the petitioners, and by Mr. Assistant Attorney-General Whitney as *amicus curiæ*.

No. 160.—James H. Brown, plaintiff in error, *vs.* Amelia P. Webster. Submitted by Mr. J. H. Blair for the plaintiff in error, and Mr. Frank W. Hackett for the defendant in error.

No. 154.—The Bell Silver and Copper Mining Company *et al.*, plaintiffs in error and appellants, *vs.* The First National Bank of Butte *et al.* Argument commenced by Mr. A. H. Garland for the plaintiffs in error and appellants, and continued by Mr. M. Kirkpatrick for the defendants in error and appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 17, will be as follows: Nos. 154, 155, 138, 158, 162, 164, 165, 139, 166, and 167.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 17, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

John Green Ballance, of San Antonio, Texas, and L. W. Anderson, of Rocky Mount, Va., were admitted to practice.

The Chief Justice announced the following orders of the court:

No. 10, Original.—*Ex parte*: In the matter of Eugene V. Debs *et al.*, petitioners. Petition for writ of error denied.

No. 11, Original.—*Ex parte*: In the matter of Eugene V. Debs *et al.*, petitioners. Motion for leave to file petition for a writ of *habeas corpus* and *certiorari* granted, and rule to show cause awarded, returnable on Monday, the 28th instant.

No. 202.—The New York, Lake Erie and Western Railroad Company, plaintiff in error, *vs.* Andrew Brown. In error to the circuit court of the United States for the southern district of New York. Dismissed per stipulation.

No. 241.—The Continental Insurance Company of the city of New York, plaintiff in error, *vs.* The Union Insurance Company of Philadelphia. In error to the circuit court of the United States for the southern district of New York. Dismissed per stipulation.

No. 154.—The Bell Silver and Copper Mining Company *et al.*, plaintiffs in error and appellants, *vs.* The First National Bank of Butte *et al.* Argument continued by Mr. M. Kirkpatrick for the defendants in error and appellees, and concluded by Mr. A. H. Garland for the plaintiffs in error and appellants.

No. 155.—The National Cash Register Company, appellant, *vs.* The Boston Cash Indicator and Recorder Company *et al.* Argued by Mr. Edward Rector and Mr. Lysander Hill for the appellant, and by Mr. Frederick P. Fish for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 18, will be as follows: Nos. 138, 158, 162, 164, 165, 139, 166, 167, 168, and 169.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 18, 1895.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

James M. Beck, of Philadelphia, Pa., was admitted to practice.

No. 11, Original.—*Ex parte*: In the matter of Eugene V. Debs *et al.*, petitioners. Stipulation of counsel as to return day of rule to show cause, and enlargement of petitioners on bail. Submitted by Mr. Assistant Attorney-General Whitney for the United States.

No. 138.—Thomas Bardon, appellant, *vs.* The Land and River Improvement Company. Argued by Mr. W. C. Silverthorn and Mr. T. C. Ryan for the appellant and by Mr. A. L. Sanborn for the appellee.

No. 158.—The Pennsylvania Railroad Company, appellant, *vs.* The Wabash, St Louis and Pacific Railway Company *et al.* Argued by Mr. George Hoadly for the appellant and submitted by Mr. George Wellard for the appellant and Mr. Wells H. Blodgett for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 21, will be as follows: Nos. 162, 164, 165, 139, 166, 167, 168, 169, 775, and 424.

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## SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 21, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Shiras, and Mr. Justice White.

A. C. Dustin, of Cleveland, Ohio, and Henry Clark Johnson, of New York City, were admitted to practice.

No. 613.—Herman Sparf and Hans Hanson, plaintiffs in error, *vs.* The United States. In error to the circuit court of the United States for the northern district of California. Judgment as to the defendant Hans Hanson affirmed, and as to the defendant Herman Sparf reversed, and cause remanded, with directions to set aside the verdict as to the defendant Herman Sparf, and award a new trial as to him. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Gray and Mr. Justice Shiras. Dissenting as to reversal of judgment as to Sparf: Mr. Justice Brewer and Mr. Justice Brown.

No. 151.—William Stuart, plaintiff in error, *vs.* The City of Easton. In error to the circuit court of the United States for the eastern district of Pennsylvania. Judgment reversed, at the costs of the plaintiff in error, and cause remanded with leave to apply for amendment and for further proceedings. Opinion by Mr. Chief Justice Fuller.

No. 582.—Henry C. Rouse, receiver, etc., appellant, *vs.* Annie Letcher. Appeal from the United States circuit court of appeals for the eighth circuit. Dismissed for the want of jurisdiction and cause remanded to the circuit court of the United States for the eastern district of Missouri. Opinion by Mr. Chief Justice Fuller.

No. 649.—The Postal Telegraph Cable Company, plaintiff in error, *vs.* Wirt Adams, revenue agent, etc. In error to the supreme court of the State of Mississippi. Judgment affirmed, with costs and interest. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice Brewer and Mr. Justice Harlan.

No. 675.—The United States, appellant, *vs.* E. C. Knight Company *et al.* Appeal from the United States circuit court of appeals for the third circuit. Decree affirmed and cause remanded to the circuit court of the United States for the eastern district of Pennsylvania. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice Harlan.

The Chief Justice also announced the following order of the court:

No. 603.—E. M. Bacon *et al.*, plaintiffs in error, *vs.* The State of Texas. Motion to dismiss postponed to the hearing of the cause on its merits.

No. 11, Original.—*Ex parte*: In the matter of Eugene V. Debs *et al.*, petitioners. On motion of the Attorney-General of the United States, and on consideration of the stipulation signed by counsel for the petitioners and the Attorney-General, filed herein, dated January 17, 1895, it appearing to the court that it is stipulated that the time for the return of the rule heretofore granted herein may be extended until the last Monday of March next, and that in the meantime petitioners may be let to bail in the sum of \$2,000; it is now here ordered that the hearing on the return to the rule to show cause why the writ of *habeas corpus* should not issue be, and the same is hereby, set down for Monday, the 25th day of March, 1895, and that pending the determination of this proceeding the petitioners be enlarged upon bail in the sum of \$2,000 each, the bonds to be conditioned to abide the further order of this court and to be approved by either of the judges of the circuit court of the United States for the northern district of Illinois.

No. 512.—James Connors, plaintiff in error, *vs.* The United States. Resubmitted by Mr. E. T. Wells and Mr. M. F. Taylor for the plaintiff in error, and by Mr. Assistant Attorney-General Conrad for the defendant in error.

No. 515.—The United States, appellant, *vs.* John I. Davenport. Submitted by Mr. Assistant Attorney General Dodge and Mr. Felix Branigan for the appellant, and by Mr. R. R. McMahon for the appellees.

No. 551.—The United States, appellant, *vs.* Mervin B. Converse. Appeal from the Court of Claims; dismissed on motion of Mr. Solicitor-General Maxwell for the appellant.

No. 892.—The Cincinnati, Hamilton and Dayton Railroad Company, appellant, *vs.* William R. McKeen. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit, submitted by Mr. Lawrence Maxwell, jr., for the appellant, in support of petition, and by Mr. W. H. H. Miller for the appellee in opposition thereto.

No. 709.—August Bergemann, appellant, *vs.* Edmund A. Backer, sheriff, etc. Motion to advance submitted by Mr. Joshua S. Salmon in support of motion.

No. 791.—The Oceanic Steam Navigation Company, appellant, *vs.* Grace Howard Potter *et al.* Petition for writ of certiorari to bring up addition to record, submitted by Mr. Everett P. Wheeler in support of motion, and by Mr. William Parker Butler in opposition thereto.

No. 710.—George Andrews, appellant, *vs.* Benjamin Swartz, sheriff, etc. Submitted by Mr. George M. Shipman for the appellant and by Mr. William A. Stryker for the appellee.

No. 807.—P. J. Bannon *et al.*, plaintiffs in error, *vs.* The United States. Motion to postpone hearing submitted by Mr. B. F. Dowell for the plaintiffs in error.

No. —, Original.—*Ex parte*: In the matter of Louis F. Streep, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Frank Warner Angel for the petitioner.

No. 224.—Henry E. McKee, appellant, *vs.* Ward H. Lamon. Appearance of Robert — Lamon, administrator of Ward H. Lamon, deceased, as appellee herein, filed and entered on motion of Mr. Frederic D. McKenney, in behalf of counsel.

No. 225.—Ward H. Lamon *et al.*, appellants, *vs.* Henry E. McKee. Death of Ward H. Lamon suggested and appearance of Robert — Lamon, administrator, etc., as a party appellant herein, filed, and entered on motion of Mr. Frederic D. McKenney in behalf of counsel.

No. 94.—C. and A. Potts & Co., appellants, *vs.* Frank F. Creager *et al.* Motion for mandate to issue submitted by Mr. E. W. Bradford for appellants.

No. 357.—The Michigan Dairy Company *et al.*, appellants, *vs.* James W. Converse. Death of appellee suggested and appearance of C. C. Converse, executor, etc., as appellee herein, filed and entered, on motion of Mr. Duane E. Fox on behalf of counsel.

No. 828.—The Postal Telegraph Cable Company, plaintiff in error, *vs.* The Mayor and City Council of Baltimore. Motions to dismiss or affirm submitted by Mr. Thomas G. Hayes and Mr. W. S. Bryan, jr., in support of motions and by Mr. George H. Bates in opposition thereto.

No. 162.—Lucien Baker, appellant, *vs.* Samuel N. Wood *et al.* Argued by Mr. H. M. Teller for the appellant and Mr. E. O. Wolcott for the appellees.

No. 164.—The Risdon Iron and Locomotive Works, appellant, *vs.* Philip Medart *et al.* Submitted by Mr. M. A. Wheaton, Mr. F. J. Kierce, and Mr. E. R. Taylor for the appellant and by Mr. Wm. M. Eccles for the appellees.



No. 165.—George E. Belknap *et al.*, appellants, *vs.* George F. Schild. Argument commenced by Mr. Assistant Attorney-General Conrad for the appellants and continued by Mr. J. H. Miller for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 22, will be as follows: Nos. 165, 139, 166, 167, 168, 169, 775, 424, 14, and 807.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 22, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

The Chief Justice announced the following order of the court:

No. —, Original.—*Ex parte*: In the matter of William Robertson, petitioner. Petition for writ of error denied.

No. —, Original.—*Ex parte*: In the matter of E. R. Chapman, petitioner. Motion for leave to file petition for a writ of *habeas corpus* submitted by Mr. J. M. Wilson for the petitioner.

No. —, Original.—*Ex parte*: In the matter of J. S. Shriver, petitioner. Motion for leave to file petition for a writ of *habeas corpus* submitted by Mr. A. J. Dittenhoefer for the petitioner.

No. 14.—William J. Connell *et al.*, appellants, *vs.* John A. Smiley. Submitted by Mr. W. J. Connell for the appellants and by Mr. W. J. Bryan for the appellee.

No. 165.—George E. Belknap *et al.*, appellants, *vs.* George F. Schild. Argument continued by Mr. J. H. Miller for the appellee, and concluded by Mr. Assistant Attorney-General Conrad for the appellants.

No. 139.—Samuel Mather *et al.*, plaintiffs, in error, *vs.* Richard Rillston. Argument commenced by Mr. A. C. Dustin for the plaintiffs in error, and continued by Mr. F. O. Clark for the defendant in error, and by Mr. George F. Edmunds for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 23, will be as follows: Nos. 139, 166, 167, 168, 169, 775, 424, 807, 170, and 171.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 23, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

John L. Bretz, of Jasper, Ind.; M. W. Johnson and Frank Lee, of Paris, Tex., and Henry K. White, of St. Joseph, Mo., were admitted to practice.

No. 192.—George F. Orchard, plaintiff in error, *vs.* William Alexander; and

No. 193.—Eben Pierce, plaintiff in error, *vs.* James A. Frace. Passed subject to the provisions of section 9 of rule 26, on motion of Mr. Frederic D. McKenney for the plaintiffs in error.

No. 139.—Samuel Mather *et al.*, plaintiffs in error, *vs.* Richard Rillston. Argument concluded by Mr. George F. Edmunds for the plaintiffs in error.

No. 166.—The United States, plaintiff in error, *vs.* George H. Piatt *et al.*;

No. 167.—The United States, plaintiff in error, *vs.* Monroe Salisbury;

No. 168.—The United States, plaintiff in error, *vs.* Monroe Salisbury;

No. 169.—The United States, plaintiff in error, *vs.* Monroe Salisbury;

No. 170.—The United States, plaintiff in error, *vs.* Monroe Salisbury; and

No. 171.—The United States, plaintiff in error, *vs.* Monroe Salisbury. Submitted by Mr. Solicitor-General Maxwell for the plaintiff in error, with leave to counsel for defendants in error to file briefs, and to counsel for plaintiff in error to file reply brief.

No. 775.—Henry F. Batchelor, plaintiff in error, *vs.* The United States. Argued by Mr. John T. Morgan for the plaintiff in error, and by Mr. Assistant Attorney-General Conrad for the defendant in error.

No. 424.—William Grimm, plaintiff in error, *vs.* The United States. Argued by Mr. Solicitor-General Maxwell for the defendant in error, and submitted by Mr. D. P. Dyer for the plaintiff in error.

No. 807.—P. J. Bannon *et al.*, plaintiffs in error, *vs.* The United States. Motion to postpone hearing denied. Announced by Mr. Chief Justice Fuller.

No. 807.—P. J. Bannon *et al.*, plaintiffs in error, *vs.* The United States. Argued by Mr. A. B. Browne and Mr. B. F. Dowell for the plaintiffs in error, and by Mr. Assistant Attorney-General Conrad for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 24, will be as follows : Nos. 172, 173 (and 174, 175, and 176), 177, 178, 179, 180, 181 (and 182), 183, 184, and 186.



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 24, 1895.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

No. 407.—The United States, on the relation of George G. Merrick *et al.*, plaintiffs in error, *vs.* Charles Foster, Secretary of the Treasury. In error to the supreme court of the District of Columbia. Dismissed, with costs, on motion of Mr. J. M. Wilson for the plaintiffs in error.

No. 177.—Robert Hitchcock *et al.*, appellants, *vs.* The Wanzer Lamp Company *et al.* Appeal from the circuit court of the United States for the northern district of New York. Dismissed, with costs, pursuant to the tenth rule.

No. 184.—John A. Bentley, appellant, *vs.* The United States. Appeal from the Court of Claims. Dismissed pursuant to the tenth rule.

No. 186.—George A. Bartlett, appellant, *vs.* The United States. Appeal from the Court of Claims. Dismissed per stipulation.

No. 300.—R. G. Huston *et al.*, appellants, *vs.* The Lookout Mountain Railroad Company *et al.* Appeal from the circuit court of the United States for the eastern district of Tennessee. Dismissed, with costs, on authority of counsel for the appellants.

No. 172.—Daniel M. Frost, appellant, *vs.* Frederick T. M. Wenie *et ux.* Argued by Mr. W. T. S. Curtis and Mr. Samuel Shellabarger for the appellant and by Mr. Frederic D. McKenney for the appellees.

No. 173.—The St. Louis and San Francisco Railway Company, plaintiff in error, *vs.* John B. Gill;

No. 174.—The St. Louis and San Francisco Railway Company, plaintiff in error, *vs.* John Stevenson;

No. 175.—The St. Louis and San Francisco Railway Company, plaintiff in error, *vs.* M. H. Trimble; and

No. 176.—The St. Louis and San Francisco Railway Company, plaintiff in error, *vs.* A. H. Carter. Argued by Mr. E. D. Kenna for the plaintiff in error and by Mr. A. H. Garland for the defendants in error.

No. 179.—Thomas V. Cooper, collector, etc., plaintiff in error, *vs.* John and James Dobson. Argument commenced by Mr. Assistant Attorney-General Whitney for the plaintiff in error and continued by Mr. Richard P. White for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 25, will be as follows: Nos. 179, 178, 180, 181 (and 182), 183, 187, 188, 189, 190, and 191.



# SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 25, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

W. B. Homer, of St. Louis, Mo., and Arthur R. Moore, of Fredonia, N. Y., were admitted to practice.

No. 187.—Thomas Devlin, appellant, *vs.* William Heise *et al.* Appeal from the circuit court of the United States for the district of Maryland. Dismissed, with costs, pursuant to the tenth rule.

No. 189.—E. T. Pollard, appellant, *vs.* The Bonsak Machine Company. Continued per stipulation.

No. 191.—Jonathan Lindsay *et al.*, plaintiffs in error, *vs.* Samuel Turney *et al.*, etc. Submitted by Mr. W. A. Henderson and Mr. Leon Jourolmon for the plaintiffs in error, and by Mr. W. P. Washburn and Mr. Jerome Templeton for the defendants in error.

No. 179.—Thomas V. Cooper, collector, etc., plaintiff in error, *vs.* John and James Dobson. Argument continued by Mr. Richard P. White for the defendants in error, and concluded by Mr. Assistant Attorney-General Whitney for the plaintiff in error.

No. 178.—Daniel Magone, collector, etc., plaintiff in error, *vs.* Peter Weiderer *et al.* Argued by Mr. Assistant Attorney-General Whitney for the plaintiff in error, and by Mr. Edward Hartley for the defendants in error.

No. 180.—B. H. Evers *et al.*, appellants, *vs.* Thomas Watson *et al.* Submitted by Mr. James L. McCaskill for the appellants, and by Mr. J. Hubley Ashton and Mr. Frank Johnston for the appellees.

No. 181.—Erwin Davis, appellant, *vs.* Angelica Wakelee. Argued by Mr. Walter S. Logan for the appellant, and by Mr. Anson Maltby for the appellee.

No. 183.—The County Court of St. Charles County *et al.*, plaintiffs in error, *vs.* The United States *ex rel.* William F. Shelley. In error to the

circuit court of the United States for the eastern district of Missouri. Dismissed with costs pursuant to the sixteenth rule, on motion of Mr. W. B. Homer for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 28, will be as follows: Nos. 188, 190, 194, 195, 196, 197, 198, 199, 200, and 201.

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# SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 28, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

James Harold Warner, of New York City; Willard F. Keeney, of Grand Rapids, Mich.; Anthony Van Wagenen, of Sioux City, Iowa; James G. Dudley, of Paris, Texas; Andrew C. Cruce, of Ardmore, Ind. T.; John G. McNutt, of Terre Haute, Ind., and George A. Knight, of Brazil, Ind., were admitted to practice.

No. 105.—Samuel Lazarus, plaintiff in error, *vs.* John J. Phelps *et al.*, executors of Wm. Walter Phelps, deceased. In error to the circuit court of the United States for the northern district of Texas. Judgment affirmed, with costs and interest. Opinion by Mr. Justice Brown.

No. 693.—William Dunbar, plaintiff in error, *vs.* The United States. In error to the district court of the United States for the district of Oregon. Judgment affirmed. Opinion by Mr. Justice Brewer. Dissenting, Mr. Justice Field.

The Chief Justice announced the following orders of the court:

No. 865.—The Vulcan Iron Works, appellant, *vs.* Ellen M. Smith, executrix, etc., *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit granted.

No. 709.—August Bergemann, appellant, *vs.* Edmund A. Backer, sheriff, etc. Motion to advance granted, and cause assigned for argument on the first Monday (4th) of March next, after the cases already set down for that day.

No. 700.—Springville City, plaintiff in error, *vs.* Perry A. Thomas *et al.* Motion to dismiss postponed to the hearing of the case on its merits.

No. 791.—The Oceanic Steam Navigation Company, claimant, etc., appellant, *vs.* Grace Howard Potter *et al.* Motion for writ of certiorari directing the United States circuit court of appeals to return a transcript of the proceedings on applications to take additional testimony granted, and the motion for other writ of certiorari or rule or order denied.

No. 828.—The Postal Telegraph Cable Company, plaintiff in error, *vs.* The Mayor and City Council of Baltimore. In error to the court of appeals of the State of Maryland. Judgment affirmed, with costs, upon the authority of *St. Louis vs. Western Union Telegraph Company*, 148 U. S., 92.

No. 892.—The Cincinnati, Hamilton and Dayton Railroad Company, appellant *vs.* William R. McKeen. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. —, Original.—*Ex parte*: In the matter of Louis F. Streep, petitioner. Motion for leave to file petition for writ of mandamus denied on the authority of *Chateaugay Iron Company, petitioner*, 128 U. S., 544.

No. 515.—The United States, appellant, *vs.* John I. Davenport. Appeal from the Court of Claims. Judgment affirmed by a divided court.

No. 191.—Jonathan Lindsay *et al.*, plaintiffs in error, *vs.* Samuel Turney *et al.* In error to the circuit court of the United States for the eastern district of Tennessee. Judgment affirmed, with costs.

The Chief Justice also announced that the court would take a recess from Monday, February 4, to Monday, March 4.

No. 551.—The United States, appellant, *vs.* Mervin B. Converse; and

No. 552.—The United States, appellant, *vs.* John M. Allred. Mandates granted on motion of Mr. Solicitor-General Maxwell for the appellants.

No. 812.—M. F. Ball *et al.*, plaintiffs in error, *vs.* The United States; and

No. 842.—Babe Beard, plaintiff in error, *vs.* The United States. Motions to advance submitted by Mr. Solicitor-General Maxwell for the defendant in error.

No. 893.—Charles Pollock, appellant, *vs.* The Farmers' Loan and Trust Company *et al.*; and

No. 894.—Lewis H. Hyde, appellant, *vs.* The Continental Trust Company of the City of New York *et al.* Advanced and assigned for argument on the first Monday (4th) of March next, after the cases already set down for that day, on motion of Mr. B. H. Bristow in behalf of counsel for appellants.

No. —. —Arthur D. Andrews, plaintiff in error, *vs.* The United States. Motion for leave to proceed as a pauper, submitted by Mr. S. M. White in behalf of counsel for the plaintiff in error.

No. 183.—The County Court of St. Charles County *et al.*, plaintiffs in error, *vs.* The United States *ex rel.* William F. Shelley. Mandate granted, on motion of Mr. W. B. Homer for the defendant in error.

No. 881.—W. P. Sayward *et al.*, plaintiffs in error, *vs.* Thomas Nunan *et al.* Motion for mandate to issue submitted by Mr. E. B. Whitney for the defendants in error in support of motion, and by Mr. James Coleman for the plaintiffs in error in opposition thereto.

No. —, Original.—*Ex parte*: In the matter of The Lehigh Mining and Manufacturing Company, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. R. A. Ayers, for the petitioner, in support of motion, and by Mr. F. S. Blair, in opposition thereto.

No. 843.—Alonzo Gerard, appellant, *vs.* The Diebold Safe and Lock Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit, submitted by Mr. Patrick O'Farrell, for the appellant, in support of the petition.

No. 203.—James Gilfillan *et al.*, appellants, *vs.* Henry E. McKee *et al.* Appearance of Charlotte V. Latrobe, executrix of John H. B. Latrobe, deceased, as a party appellee herein, filed and entered on motion of Mr. Enoch Totten, for said executrix.

No. 226.—Henry E. McKee, appellant, *vs.* Charlotte V. Latrobe, executrix of John H. B. Latrobe, deceased. Suggestion of diminution of record herein, and motion for writ of certiorari submitted by Mr. Enoch Totten, for the appellee, in support of motion, and by Mr. John J. Weed and Mr. Jeff. Chandler, for the appellant, in opposition thereto.

No. 194.—Albert Price *et al.*, plaintiffs in error, *vs.* Elijah Chism. Continued per stipulation.

No. 197.—The Boston and Albany Railroad Company, plaintiff in error, *vs.* Patrick J. O'Reilly. Passed on account of sickness of counsel, subject to the provisions of section 9 of rule 26, on motion of Mr. John B. Cotton for the defendant in error.

No. 199.—John D. Beardsley, appellant, *vs.* The Arkansas and Louisiana Railway Company. Passed for submission on motion of Mr. A. H. Garland for the appellant.

No. 201.—The Dubuque and Sioux City Railroad Company *et al.*, plaintiffs in error, *vs.* Thomas Snell. In error to the supreme court of the State of Iowa. Dismissed with costs pursuant to the tenth rule.

No. 856.—Harriet Tuttle Drake *et al.*, &c., appellants, *vs.* Rachel Reggel *et al.* Appeal from the supreme court of the Territory of Utah. Dismissed with costs on authority of counsel for the appellants.

No. 188.—John Neel, administrator, &c., plaintiff in error, *vs.* The Pennsylvania Company. Submitted by Mr. Dirlam for the plaintiff in error. No counsel appeared for the defendant in error.

No. 190.—The Sanford Fork and Tool Company *et al.*, appellants, *vs.* Howe, Brown & Company (limited) *et al.* Argued by Mr. George A. Knight for the appellant, and by Mr. Sidney B. Davis for the appellees.

No. 195.—The Maricopa and Phoenix Railroad Company, appellants, *vs.* The Territory of Arizona. Submitted by Mr. H. S. Brown for the appellant. No counsel appeared for the appellee.

No. 196.—The Ætna Life Insurance Company, plaintiff in error, *vs.* The County of Lyon, Iowa. Argument commenced by Mr. F. B. Daniels for the plaintiff in error, and continued by Mr. Anthony van Wagenau for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 29, will be as follows: Nos. 196, 198, 200, 203, 205, 206, 207, 209, 212, and 213.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 29, 1895.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Thomas O'Hara, of Benton Harbor, Mich., was admitted to practice.

No. 203.—James Gilfillan *et al.*, appellants, *vs.* Henry E. McKee *et al.*;

No. 224.—Henry E. McKee, appellant, *vs.* Robert Lamon, administrator of Ward H. Lamon;

No. 225.—Robert Lamon, administrator of Ward H. Lamon *et al.*, appellants, *vs.* Henry E. McKee;

No. 226.—Henry E. McKee, appellant, *vs.* Charlotte V. Latrobe, executrix, etc., and

No. 291.—John D. McPherson, executor and appellant, *vs.* Henry E. McKee *et al.* Assigned for argument on the second Monday, 11th of March, per stipulation of counsel, on motion of Mr. Calderon Carlisle, of counsel for McPherson, executor.

No. 205. The Bate Refrigerating Company, appellant, *vs.* Daniel Toffey *et al.* Passed until after decision of No. 687, per stipulation.

No. 206. The L. E. Waterman Company, appellant, *vs.* Charles B. Webster *et al.* Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs, pursuant to the tenth rule.

No. 207.—The New York, Lake Erie and Western Railroad Company, plaintiff in error, *vs.* Laura F. Rush. Passed.

No. 212.—The Gulf, Colorado and Santa Fe Railway Company, plaintiff in error, *vs.* J. H. Shane. Submitted by Mr. A. T. Britton and Mr. A. B. Browne for the plaintiff in error, and by Mr. A. H. Garland for the defendant in error.

No. 213.—Herman Royer, plaintiff in error, *vs.* The Shultz Belting Company. In error to the circuit court of the United States for the eastern district of Missouri. Dismissed with costs, pursuant to the tenth rule.

No. 196. The *Ætna Life Insurance Company*, plaintiff in error, *vs.* The County of Lyons, Iowa. Argument continued by Mr. Anthony Van Wagenen and Mr. N. T. Guernsey for the defendant in error, and concluded by Mr. A. B. Cummins for the plaintiff in error.

No. 198. The Grand Rapids and Indiana Railroad Company *et al.*, plaintiffs in error, *vs.* John Butler. Death of defendant in error suggested, and appearance of John M. Butler, individually and as executor of John Butler, deceased, Philura Butler, Josephine A. Bouchard, Julia A. Bouck, and Carrie E. Barker, as defendants in error, herein filed and entered, per stipulation on motion of Mr. W. F. Keeney for defendants in error.

No. 198.—The Grand Rapids and Indiana Railroad Company *et al.*, plaintiffs in error, *vs.* John M. Butler, individually and as executor, *etc.*, *et al.* Argued by Mr. W. F. Keeney for defendants in error, and submitted by Mr. T. J. O'Brien for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 30, will be as follows: Nos. 200, 209, 214, 149, 215, 216, 217, 218, 219, and 220.



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 30, 1895.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Malcolm Jackson, of Charleston, W. Va., was admitted to practice.

No. 200.—The Black Diamond Coal Mining Company, plaintiff in error, *vs.* The Excelsior Coal Company. Argued by Mr. M. M. Estee for the plaintiff in error and by Mr. Charles R. Miller for the defendant in error.

No. 209.—The County Court of Wayne County, plaintiff in error, *vs.* The Society for Savings. Argued by Mr. Malcolm Jackson for the plaintiff in error and by Mr. F. B. Enslow for the defendant in error.

No. 149.—The Sioux City and St. Paul Railroad Company, appellant, *vs.* the United States; and

No. 214.—The Sioux City and St. Paul Railroad Company, plaintiff in error, *vs.* Lewis Countryman *et al.* Passed, to be heard with No. 293 as one case.

No. 215.—Anthony P. Carr, appellant, *vs.* W. H. Fife *et al.* Submitted by Mr. John Arthur, Mr. Thomas Carroll, and Mr. Heber J. May for the appellant and by Mr. Galusha Parsons for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 31, will be as follows: Nos. 216, 217, 218, 219, 220 (and 260), 221, 222, 223, 227, and 228.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 31, 1895.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Hamilton Parks, of Nashville, Tenn., was admitted to practice.

No. 217.—The Union Pacific Railway Company, plaintiff in error, *vs.* Otto Wyler. Passed, on account of sickness of counsel, subject to the provisions of section 9 of rule 26, on motion of Mr. W. Hallett Phillips for the defendant in error.

No. 221.—The Winona and St. Peter Land Company, plaintiff in error, *vs.* The State of Minnesota. Passed to be argued with No. 236 as one case, on motion of Mr. James A. Tawney for the plaintiff in error.

No. 222.—The City of New Orleans, appellant, *vs.* The Texas and Pacific Railway Company *et al.* Passed, on account of sickness of counsel, subject to the provisions of section 9 of rule 26, on motion of Mr. A. B. Browne in behalf of counsel.

No. 227.—George W. Patton & Co., plaintiffs in error, *vs.* The United States. Passed subject to the provisions of section 9 of rule 26, on motion of Mr. F. P. Pritchard for the plaintiff in error.

No. 228.—Winfield Scott Keyes *et al.*, appellants, *vs.* The Eureka Consolidated Mining Company. Passed subject to the provisions of section 9 of rule 26, on motion of Mr. A. B. Browne in behalf of counsel.

No. 216.—The Corinne Mill, Canal, and Stock Company, plaintiff in error, *vs.* William Johnson. Argued by Mr. J. M. Wilson for the plaintiff in error, and by Mr. O. B. Hallam for the defendant in error.

No. 218.—Hiram Barney, late collector, etc., plaintiff in error, *vs.* Alexander Rickard *et al.*, executors. Argued by Mr. Assistant Attorney-General Whitney for the plaintiff in error. No counsel appeared for the defendants in error.

No. 219.—A. F. Seeberger, collector, etc., plaintiff in error, *vs.* The Wright and Lawther Oil and Lead Manufacturing Company. Argued



by Mr. Assistant Attorney-General Whitney for the plaintiff in error, with leave to counsel for the defendant in error to file brief within one week, and to counsel for plaintiff in error to file reply brief within three days thereafter.

No. 220.—The Richmond Silver Mining Company, plaintiff in error, *vs.* Sebastian Koenigsberger, administrator, etc. Passed until No. 260 is reached.

No. 223.—The Newport News and Mississippi Valley Company, plaintiff in error, *vs.* A. R. Pace. Argued by Mr. Maxwell Evarts for the plaintiff in error, and by Mr. Hamilton Parks for the defendant in error. Leave granted counsel for the defendant in error to file brief within one week, and to counsel for the plaintiff in error to file reply brief within three days thereafter.

Adjourned until Monday, February 4, at 12 o'clock.



# SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 4, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

James E. Humphrey, of Purcell, Ind. T.; Joseph P. Mullen, of Fort Smith, Ark.; Robert V. Belt, of Washington, D. C.; John L. Pyle, of Huron, S. Dak.; Charles A. Keigwin, of Washington, D. C.; John L. Semple, of Camden, N. J.; Theodore E. Burton, of Cleveland, Ohio, and John Marshall Smedes, of Cincinnati, Ohio, were admitted to practice.

No. 70.—The Consolidated Roller Mill Company, appellant, *vs.* The Barnard & Leas Manufacturing Company. Appeal from the circuit court of the United States for the northern district of Illinois. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 667.—Clyde Mattox, plaintiff in error, *vs.* The United States. In error to the district court of the United States for the district of Kansas. Judgment affirmed. Opinion by Mr. Justice Brown. Dissenting, Mr. Justice Shiras, Mr. Justice Gray, and Mr. Justice White.

No. 9, Original.—*Ex parte*: In the matter of Lafayette Hudson, petitioner. Petitioner adjudged to be entitled to a writ of mandamus. Opinion by Mr. Justice Gray. Dissenting: Mr. Justice Brewer and Mr. Justice Brown. (Mr. Justice White took no part in the decision of this case.)

No. 710.—George Andrews, appellant, *vs.* Benjamin Swartz, sheriff of the county of Warren, in the State of New Jersey. Appeal from the circuit court of the United States for the district of New Jersey. Order affirmed with costs. Opinion by Mr. Justice Harlan.

No. 104.—Thomas R. McGahan, *et al.*, appellants, *vs.* The National Bank of Rondout, New York. Appeal from the circuit court of the United States for the district of South Carolina. Decree affirmed, with costs. Opinion by Mr. Chief Justice Fuller.

No. —, Original.—*Ex parte*: In the matter of E. R. Chapman, petitioner. Motion for leave to file petition for a writ of habeas corpus denied. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice Field.

No. —, Original.—*Ex parte*: In the matter of John S. Shriver, petitioner. Motion for leave to file petition for a writ of *habeas corpus* denied. Opinion by Mr. Justice Fuller. Dissenting: Mr. Justice Field.

The Chief Justice announced the following orders of the court:

No. 94.—C. & A. Potts & Co., appellants, *vs.* Frank F. Creager *et al.* Motion for mandate granted.

No. 151.—William Stuart, plaintiff in error, *vs.* The City of Easton *et al.* Ordered that mandate issue at once.

No. 812.—M. F. Ball *et al.*, plaintiffs in error, *vs.* The United States. Motion to advance granted and cause assigned for argument on the first Monday (4th) of March next, after the cases already set down for that day.

No. 842.—Bales Beard, plaintiff in error, *vs.* The United States. Motion to advance granted and cause assigned for argument on the first Monday (4) of March next, after the cases already set down for that day.

No. 843.—Alonzo Gerard, appellant, *vs.* The Diebold Safe and Lock Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 881.—W. P. Sayward *et al.*, plaintiffs in error, *vs.* Thomas Nunan *et al.* Motion for mandate granted.

No. —.—Arthur D. Andrews, plaintiff in error, *vs.* The United States. Motion for leave to proceed in *forma pauperis* denied.

No. 196.—The *Ætna* Life Insurance Company, plaintiff in error, *vs.* The County of Lyon, in the State of Iowa. In error to the circuit court of the United States for the northern district of Iowa. Judgment affirmed with costs by a divided court.

No. 209.—The County Court of Wayne County, plaintiff in error, *vs.* The Society for Savings. In error to the circuit court of the United States for the district of West Virginia. Judgment affirmed with costs and interest by a divided court.

*Order.*—It is ordered by the court that mandates issue in all cases decided prior to the first day of January, 1895, when applied for, except in cases docketed and dismissed under the ninth rule.

No. 123.—The Pacific Coast Steamship Company, etc., appellant, *vs.* The United States. Appeal from the circuit court of the United States for the district of Washington. Dismissed per stipulation, on motion of Mr. Assistant Attorney-General Conrad for the appellee.

No. 515.—The United States, appellant, *vs.* John I. Davenport. Mandate granted per stipulation, on motion of Mr. Assistant Attorney-General Conrad for the appellant.

No. 900.—Joel Parker Whitney *et al.*, appellants, *vs.* The United States. Appeal from the Court of Private Land Claims. Docketed and dismissed on motion of Mr. Assistant Attorney-General Conrad for the appellee.

No. 632.—The Illinois Central Railroad Company, plaintiff in error, *vs.* Mary G. Brown. Motions to dismiss or affirm submitted by Mr. Josiah Patterson in support of motions, and by Mr. H. W. McCorry in opposition thereto.

No. 533.—J. S. Winter, plaintiff in error, *vs.* The City Council of Montgomery. Motion to dismiss submitted by Mr. L. A. Shaver in support of motion, and by Mr. H. E. Paine in opposition thereto.

No. 75.—Andrew Sproule, surviving partner, etc., *et al.*, appellants, *vs.* John H. Schwartz *et al.* Mandate granted on motion of Mr. Frederic D. McKenney in behalf of counsel.

No. 876.—Joseph A. Davidson, plaintiff in error, *vs.* The Mexican National Railroad Company ; and

No. 880.—The Mexican National Railroad Company, plaintiff in error, *vs.* Joseph A. Davidson. Submitted by Mr. Frederic D. McKenney in behalf of Mr. Edward M. Shepard for Davidson, and Mr. Treadwell Cleveland for the railroad company.

No. 129.—Eliza Cooper *et al.*, plaintiffs in error, *vs.* Stewart Newell. Mandate granted on motion of Mr. A. H. Garland for the defendant in error.

No. 773.—Santiago Ainsa, administrator, etc., *et al.*, appellants, *vs.* The United States. Motion to advance submitted by Mr. A. B. Browne in behalf of counsel for appellants.

No. 207.—The New York, Lake Erie and Western Railroad Company, plaintiff in error, *vs.* Laura F. Rush. In error to the circuit court of the United States for the northern district of Ohio. Dismissed, with costs, per stipulation.

Adjourned until Monday, March 4, at 12 o'clock.

The day call for Monday, March 4, will be as follows: Nos. 811, 822, 815, 788, 756, 813, 831, 4 (original), 746, and 755.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 4, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Rufus C. Garland, of Washington, D. C.; W. Y. Masters, of Portland, Oregon; R. B. Bowler, of Cincinnati, Ohio; Joseph Kling, of New York City; A. D. Fallett, of Marietta, Ohio; Edmund F. Richardson, of Del Norte, Col.; Thomas J. McDermott, of St. Paul, Minn.; John D. Burnett, of Evergreen, Ala.; Thomas B. Alcom, of Pittsburgh, Pa.; James T. Hubbell, of Norwalk, Conn.; Howard W. Taylor, of Danbury, Conn.; Clarence H. Miller, of Austin, Texas; Wilson H. Jenkins, of Camden, N. J.; Wm. B. Wallace, of Visalia, Cal.; Joseph T. Bunting, of Philadelphia, Pa., and Cyrus G. Kean, of Wynnewood, Ind. Ty., were admitted to practice.

No. 137.—Cyrus F. Palmer, appellant, *vs.* The Village of Corning. Appeal from the circuit court of the United States for the northern district of New York. Decree affirmed with costs. Opinion by Mr. Justice White.

No. 195.—The Maricopa and Phoenix Railroad Company, appellant, *vs.* The Territory of Arizona. Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs. Opinion by Mr. Justice White.

No. 97.—Josephine P. Waldron, plaintiff in error, *vs.* Mary A. Waldron. In error to the circuit court of the United States for the northern district of Illinois. Judgment reversed with costs, and cause remanded, with directions to set aside the verdict and grant a new trial. Opinion by Mr. Justice White.

No. 160.—James H. Brown, plaintiff in error, *vs.* Amelia P. Webster. In error to the circuit court of the United States for the district of Nebraska. Judgment affirmed with costs and interest. Opinion by Mr. Justice White.

No. 125.—The United States *ex rel.* Henry Siegel, plaintiff in error, *vs.* Otto Thoman, comptroller, etc. In error to the circuit court of the United States for the eastern district of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 741.—Francis A. Coffin *et al.*, plaintiffs in error, *vs.* The United States. In error to the district court of the United States for the district of Indiana. Judgment reversed and cause remanded, with directions to grant a new trial. Opinion by Mr. Justice White.

No. 91.—George A. Cunningham *et al.*, appellants, *vs.* The Macon and Brunswick Railroad Company *et al.* Appeal from the circuit court of the United States for the southern district of Georgia. Decree affirmed with costs. Opinion by Mr. Justice White.

No. 77.—Bella A. Johnson, executrix, etc., *et al.*, appellants, *vs.* The Atlantic, Gulf and West India Transit Company *et al.* Appeal from the circuit court of the United States for the northern district of Florida. Decree affirmed with costs. Opinion by Mr. Justice Shiras.

No. 173.—The St. Louis and San Francisco Railway Company, plaintiff in error, *vs.* John B. Gill;

No. 174.—The St. Louis and San Francisco Railway Company, plaintiff in error, *vs.* John Stevenson;

No. 175.—The St. Louis and San Francisco Railway Company, plaintiff in error, *vs.* M. H. Trimble; and

No. 176.—The St. Louis and San Francisco Railway Company, plaintiff in error, *vs.* A. H. Carter. In error to the supreme court of the State of Arkansas. Judgments affirmed with costs and interest. Opinion by Mr. Justice Shiras.

No. 751.—The St. Louis, Cape Girardeau and Fort Smith Railway Company, plaintiff in error, *vs.* The State of Missouri, at the relation of Edwin G. Merriam. In error to the supreme court of the State of Missouri. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Shiras.

No. 215.—Anthony P. Carr, appellant, *vs.* W. H. Fife *et al.* Appeal from the circuit court of the United States for the district of Washington. Decree affirmed with costs. Opinion by Mr. Justice Shiras.

Nos. 153 and 359.—The Norfolk and Western Railroad Company, plaintiff in error, *vs.* Edmund Pendleton. In error to the supreme court of appeals of the State of Virginia. Judgments affirmed with costs. Opinion by Mr. Justice Shiras.

No. 577.—Moylan C. Fox, executor, etc., appellant, *vs.* Henry C. Haastick. Appeal from the supreme court of the Territory of Utah. Decree affirmed with costs. Opinion by Mr. Justice Shiras.

No. 132.—R. H. Lindsay, assessor, *etc.*, *et al.*, appellants and plaintiffs in error, *vs.* The First National Bank of Shreveport, La., *et al.* Appeal from and in error to the circuit court of the United States for the western district of Louisiana. Decree reversed with costs and cause remanded with directions to sustain the defendant's exceptions and dismiss the suit. Opinion by Mr. Justice Shiras.

No. 136.—The F. O. Matthiessen & Wiechers Sugar Refining Company, appellant, *vs.* The steamship "Ludvig Holberg," *etc.* Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 150.—Leverett Saltonstall, collector, *etc.*, plaintiff in error, *vs.* Weibusch & Hilger, limited. In error to the circuit court of the United States for the district of Massachusetts. Judgment reversed with costs and cause remanded with directions to grant a new trial. Opinion by Mr. Justice Brown.

No. 155.—The National Cash Register Company, appellant, *vs.* The Boston Cash Indicator and Recorder Company *et al.* Appeal from the circuit court of the United States for the district of Massachusetts. Decree reversed with costs and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 180.—B. H. Evers *et al.*, appellants, *vs.* Thomas Watson *et al.* Appeal from the circuit court of the United States for the northern district of Mississippi. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 200.—The Black Diamond Coal Mining Company, plaintiff in error, *vs.* The Excelsior Coal Company. In error to the circuit court of the United States for the northern district of California. Judgment reversed with costs and cause remanded with directions to set aside the verdict and grant a new trial. Opinion by Mr. Justice Brown.

No. 807.—P. J. Bannon *et al.*, plaintiffs in error, *vs.* The United States. In error to the district court of the United States for the district of Oregon. Judgment affirmed. Opinion by Mr. Justice Brown.

No. 128.—The United States, appellant, *vs.* The Berdan Fire Arms Manufacturing Company; and

No. 135.—The Berdan Fire Arms Manufacturing Company, appellant, *vs.* The United States. Appeals from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brewer. (Mr. Justice White took no part in the decision of these cases.)

No. 141.—N. L. Ard, plaintiff in error, *vs.* Alexander Brandon; and

No. 142.—N. L. Ard, plaintiff in error, *vs.* C. H. Pratt. In error to the supreme court of the State of Kansas. Judgments reversed with costs



and causes remanded for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice Brewer. (Mr. Justice Gray was not present at the argument and took no part in the decision of these cases.)

No. 143.—Mary E. Wood, plaintiff in error, *vs.* J. M. Beach; and

No. 144.—William Maddox, plaintiff in error, *vs.* Nelson Burnham. In error to the supreme court of the State of Kansas. Judgments affirmed with costs. Opinions by Mr. Justice Brewer. (Mr. Justice Gray was not present at the argument, and took no part in the decision of these cases.)

No. 216.—The Corinne Mill, Canal and Stock Company, plaintiff in error, *vs.* William Johnson. In error to the supreme court of the Territory of Utah. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 424.—William Grimm, plaintiff in error, *vs.* The United States. In error to the district court of the United States for the eastern district of Missouri. Judgment affirmed. Opinion by Mr. Justice Brewer.

No. 120.—E. S. Emert, plaintiff in error, *vs.* The State of Missouri. In error to the supreme court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Gray.

No. 775.—Harry F. Batchelor, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the district of Montana. Judgment reversed and cause remanded, with directions to arrest judgment and discharge the defendant. Opinion by Mr. Justice Gray.

No. 56.—The Citizens' Savings and Loan Association, plaintiff in error, *vs.* The County of Perry. In error to the circuit court of the United States for the southern district of Illinois. Judgment reversed with costs, and cause remanded for a judgment in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan.

No. 166.—The United States, plaintiff in error, *vs.* George H. Piatt *et al.* In error to the circuit court of the United States for the northern district of California. Judgment reversed and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Harlan.

Nos. 167, 168, 169, 170, and 171.—The United States, plaintiff in error, *vs.* Monroe Salisbury. In error to the circuit court of the United States for the northern district of California. Judgments reversed and causes remanded with directions to overrule the demurrers and for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Harlan.



No. 158.—The Pennsylvania Railroad Company, appellant, *vs.* The Wabash, St. Louis and Pacific Railway Company *et al.* Appeal from the circuit court of the United States for the northern district of Illinois. Decree affirmed with costs. Opinion by Mr. Justice Harlan.

No. 29.—The New Orleans City and Lake Railroad Company, plaintiff in error, *vs.* The State of Louisiana *ex rel.* The City of New Orleans. In error to the supreme court of the State of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 146.—Pullman's Palace Car Company, plaintiff in error, *vs.* The Metropolitan Street Railway Company. In error to the circuit court of the United States for the western district of Missouri. Judgment reversed with costs, and cause remanded with directions to enter a judgment in favor of the plaintiff for the sum of \$47,500, with interest thereon from the 30th day of March, 1888, at the rate allowed by the laws of Illinois. Opinion by Mr. Justice Harlan. (Mr. Justice Brewer took no part in the consideration or decision of this case.)

No. 172.—Daniel M. Frost, appellant, *vs.* Frederick T. M. Wenie *et ux.* Appeal from the circuit court of the United States for the district of Kansas. Decree affirmed with costs. Opinion by Mr. Justice Harlan.

No. 84.—The Baltimore and Potomac Railroad Company *et al.*, plaintiffs in error, *vs.* Franklin H. Mackey, administrator, etc. In error to the supreme court of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 687.—The Bate Refrigerating Company, appellant, *vs.* Ferdinand Sulzberger *et al.* On a certificate from the United States circuit court of appeals for the second circuit. It is the opinion of this court that the invention for which the United States patent to John J. Bate was issued was, under the facts stated, "previously patented in a foreign country" within the meaning of those words in section 4887 of the Revised Statutes, and that the United States patent to him expired, under the terms of that section, before the expiration of seventeen years from its date. Opinion by Mr. Justice Harlan.

No. 139.—Samuel Mather *et al.*, plaintiffs in error, *vs.* Richard Rillston. In error to the circuit court of the United States for the western district of Michigan. Judgment affirmed with costs and interest. Opinion by Mr. Justice Field.

No. 154.—The Bell Silver and Copper Mining Company *et al.*, plaintiffs in error and appellants, *vs.* The First National Bank of Butte *et al.* In error to and appeal from the supreme court of the Territory of Montana. Judgment affirmed with costs and cause remanded to the supreme court of the State of Montana. Opinion by Mr. Justice Field.

No. 3.—The Pittsburg and Southern Coal Company, plaintiff in error, *vs.* John W. Bates, sheriff, etc.; and

No. 10.—The Pittsburg and Southern Coal Company, plaintiff in error, *vs.* The State of Louisiana, for the use of the Charity Hospital of New Orleans. In error to the supreme court of the State of Louisiana. Judgments affirmed with costs. Opinions by Mr. Justice Field.

No. 67.—Mary T. Hays *et al.*, plaintiffs in error, *vs.* Edward Steiger. In error to the supreme court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Field.

*Ex parte:* In the matter of the Lehigh Mining and Manufacturing Company. Petitioner's motion for leave to file petition for a writ of mandamus denied. Opinion by Mr. Chief Justice Fuller.

No. 14.—William J. Connell *et al.*, appellants, *vs.* John A. Smiley. Appeal from the circuit court of the United States for the district of Nebraska. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 113.—The National Bank of Rondout, appellant, *vs.* David R. Smith in his own right and as surviving co-partner of D. R. Smith & Co. *et al.* Appeal from the circuit court of the United States for the district of South Carolina. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice also announced the following orders of the court:

No. 164.—The Risdon Iron and Locomotive Works, appellant, *vs.* Philip Medart *et al.* Motion to dismiss denied, and leave granted to counsel for appellees to argue the case orally on such day of this term as may be hereafter determined.

No. 773.—Santiago Ainsa, administrator, etc., *et al.*, appellants, *vs.* The United States. Motion to advance granted, and cause assigned for argument on the second Monday of the next term of the cases already set down for that day.

No. 533.—J. S. Winter, plaintiff in error, *vs.* The City Council of Montgomery. In error to the Supreme Court of the State of Alabama. Dismissed for the want of jurisdiction on the authority of *Eustis vs. Bolles*, 150 U. S., 361, and cases cited.

No. 632.—The Illinois Central Railroad Company, plaintiff in error, *vs.* Mary G. Brown. In error to the circuit court of the United States for the western district of Tennessee. Dismissed for the want of jurisdiction upon the authority of *Railway Company vs. Roberts*, 141 U. S., 690, and *McLish vs. Raff*, *id.*, 661.

No. 827.—The United States, appellant, *vs.* Louis Huning. Appeal from the Court of Private Land Claims. Dismissed on motion of Mr. Solicitor-General Conrad for the appellant.

No. 393.—William Tregea, plaintiff in error, *vs.* The Board of Directors of the Modesto Irrigation District. Motion for leave to file brief submitted by Mr. William M. Stewart in behalf of counsel.

No. 915.—John G. Moore, appellant, *vs.* Joseph S. Miller, Commissioner of Internal Revenue. Advanced and assigned for argument after Nos. 893 and 894, on motion of Mr. Samuel Shellabarger for the appellant.

No. 929.—John J. Johnson, trustee, plaintiff in error, *vs.* Kate Van Wyck. In error to the court of appeals for the District of Columbia. Docketed and dismissed with costs on motion of Mr. William F. Mattingly for the defendant in error.

No. 716.—The Chicago, Kansas and Western Railroad Company, plaintiff in error, *vs.* Clifford R. Pontius. Motion to dismiss or affirm submitted by Mr. J. H. Mahan in support of motion and by Mr. George R. Peck, Mr. A. T. Britton, and Mr. A. B. Browne in opposition thereto.

No. 909.—Charles Moran *et al.*, appellants, *vs.* J. C. Hagerman, administrator, etc., *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Wheeler H. Peckham for the appellants in support of the petition and by Mr. W. E. F. Deal, Mr. Edward Tauszky, and Mr. Horatio C. King for the appellees in opposition thereto.

No. 822.—J. W. Todd *et al.*, plaintiffs in error, *vs.* The United States. Postponed to the foot of the assignment for Monday next, on motion of Mr. John C. Fay, for the plaintiffs in error.

No. 234.—W. N. Walton, administrator, etc., plaintiff in error, *vs.* The Marietta Chair Company. Motion to amend writ of error submitted by Mr. E. B. Whitney for the plaintiff in error and leave granted to Mr. A. D. Follet to file brief in opposition thereto.

No. 872.—Sidney I. Wailes, plaintiff in error, *vs.* Marion de Kalb Smith, comptroller, etc. Motion to dismiss submitted by Mr. John P. Poe in support of motion and by Mr. John T. Morgan in opposition thereto.

No. 93.—John H. Tennant *et al.*, plaintiffs in error, *vs.* H. W. Dudley *et al.* In error to the circuit court of the United States for the northern district of Texas. Dismissed with costs per stipulation.

No. 926.—George F. Underhill, plaintiff in error, *vs.* Jose Manuel Hernandez. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Salter S. Clark, for the plaintiff in error in support of the petition, and by Mr. F. R. Coudert and Mr. Joseph Kling for the defendant in error, in opposition thereto.

No. 928.—Theodore Lambert, appellant, *vs.* George Barrett, sheriff, etc. Motion to advance submitted by Mr. Wilson H. Jenkins in support of motion.

No. 11.—Original. *Ex parte*: In the matter of Eugene V. Debs *et al.*, petitioners. Motion for leave to file certain stipulations and exhibits submitted by Mr. Frederic D. McKenney in behalf of counsel.

No. 746.—J. T. Stokes *et al.*, plaintiffs in error, *vs.* The United States. Submitted by Mr. John D. Burnett for the plaintiffs in error and by Mr. Solicitor-General Conrad for the defendant in error.

No. 755.—James H. Reagan, plaintiff in error, *vs.* The United States. Submitted by Mr. A. H. Garland for the plaintiff in error and by Mr. Solicitor-General Conrad for the defendant in error.

No. 811.—Henry N. Frisbie, plaintiff in error, *vs.* The United States. Argued by Mr. Assistant Attorney-General Whitney for the defendant in error and submitted by Mr. O. B. Sansum for the plaintiff in error.

No. 815.—William H. Cochran *et al.*, plaintiffs in error, *vs.* The United States. Argued by Mr. E. F. Richardson for the plaintiffs in error and submitted by Mr. C. S. Thomas for the plaintiffs in error and Mr. Solicitor-General Conrad for the defendant in error.

No. 788.—Alexander Allen, plaintiff in error, *vs.* The United States. Submitted by Mr. Solicitor-General Conrad for the defendant in error. No counsel appeared for the plaintiff in error.

No. 756.—Charles Davis, plaintiff in error, *vs.* the Elmira Savings Bank. Argument commenced by Mr. Edw. Winslow Paige for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 5, will be as follows: Nos. 756, 813, 831, 4 (Original), 770, 857, 863, 709, 893, and 894.



# SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 5, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Martin M. Crane, of Austin, Tex.; John J. O'Neill, of St. Louis, Mo.; Elijah V. Brookshire, of Crawfordsville, Ind., and John T. Dunn, of Elizabeth, N. J., were admitted to practice.

No. 11, Original.—*Ex parte*: In the matter of Eugene V. Debs *et al.*, petitioners. Motion for leave to file certain stipulations and exhibits granted. Announced by Mr. Chief Justice Fuller.

No. 709.—August Bergemann, appellant, *vs.* Edmund A. Backer, sheriff, etc. Submitted on briefs to be filed within two weeks on motion of Mr. Joshua S. Salmon for appellee.

No. 857.—Sam Downing alias Sam Hickory, plaintiff in error, *vs.* The United States. Submitted on briefs to be filed within three weeks on motion of Mr. A. H. Garland for the plaintiff in error.

No. 863.—John Brown, plaintiff in error, *vs.* The United States. Submitted on briefs to be filed within ten days on motion of Mr. Assistant Attorney-General Whitney for the defendant in error.

No. 889.—The United States, appellant, *vs.* Eugenia R. Sweeney, administratrix, etc. Submitted by Mr. Assistant Attorney-General Dodge and Mr. C. C. Binney for the appellant, and by Joseph W. Stryker for the appellee.

No. 756.—Charles Davis, plaintiff in error, *vs.* The Elmira Savings Bank. Argument continued by Mr. Edward Winslow Paige for the plaintiff in error, by Mr. Edward G. Herendeen and Mr. James C. Carter for the defendant in error, and concluded by Mr. Edward Winslow Paige for the plaintiff in error. Leave granted to Mr. A. S. Hutchins to file brief herein on behalf of the Metropolitan Savings Bank.

No. 813.—Count Joseph Telfener, plaintiff in error, *vs.* George W. Russ. Argument commenced by Mr. J. L. Peeler for the plaintiff in error and continued by Mr. Clarence H. Miller for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 6, will be as follows: Nos. 813, 831, 4 (original), 770, 893, 894, 915, 812, 842, and 192.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 6, 1895.

Present : The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

William C. Gulliver, of New York City, was admitted to practice.

The Attorney-General presented to the court the Hon. Holmes Conrad, Solicitor-General, and it was ordered that his commission be recorded.

No. 893.—Charles Pollock, appellant, *vs.* The Farmers' Loan and Trust Company *et al.* ;

No. 894.—Lewis H. Hyde, appellant, *vs.* The Continental Trust Company of the city of New York *et al.*, and

No. 915.—John G. Moore, appellant, *vs.* Joseph S. Miller, Commissioner of Revenue. On the application of the Attorney-General of the United States it is ordered by the court that these cases be argued as one case, that three counsel be allowed to argue for each side, that the Attorney-General be granted leave to argue the questions involved in cases Nos. 893 and 894, and that five hours be allowed each side for argument.

No. 9, Original.—*Ex parte* : In the matter of Lafayette Hudson, petitioner. Leave granted to withdraw original bond from the files upon leaving a certified copy, on motion of Mr. A. H. Garland, for the petitioner.

No. 812.—M. F. Ball *et al.*, plaintiffs in error, *vs.* The United States. Ordered by the court that case be passed and record printed at public expense.

No. 813.—Count Joseph Telfener, plaintiff in error, *vs.* George W. Russ. Argument continued by Mr. Clarence H. Miller and Mr. Joseph Wheeler for the defendant in error, and concluded by Mr. J. L. Peeler for the plaintiff in error.

No. 831.—The Last Chance Mining Company *et al.*, plaintiff in error, *vs.* The Tyler Mining Company. Argument commenced by Mr. W. B. Heyburn for the plaintiffs in error, and continued by Mr. Arthur Brown for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 7, will be as follows: Nos. 831, 4 (original), 770, 893 (and 894 and 915), 842, 192, 193, 58, 140, and 115.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 7, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Arthur H. Taylor, of Petersburg, Indiana; William F. McNagny, of Columbia City, Indiana; and David T. Bomar, of Fort Worth, Texas, were admitted to practice.

No. 4, Original.—The United States, complainant, *vs.* The State of Texas. Reassigned for argument on the second Monday of the next term, after the cases already set down for that day.

No. 811.—Henry N. Frisbie, plaintiff in error, *vs.* The United States. Leave granted to file additional brief herein, on motion of Mr. Assistant Attorney-General Whitney for the defendant in error.

No. 115.—The Southern Pacific Railroad Company, appellant, *vs.* Samuel McCutcheon. Appeal from the circuit court of the United States for the southern district of California. Dismissed with costs, on motion of Mr. J. Hubley Ashton for the appellant.

No. 116.—The Southern Pacific Railroad Company, appellant, *vs.* Joseph R. Graham *et al.* Appeal from the circuit court of the United States for the southern district of California. Dismissed with costs, on motion of Mr. J. Hubley Ashton for the appellant.

No. 831.—The Last Chance Mining Company *et al.*, plaintiffs in error, *vs.* The Tyler Mining Company. Argument continued by Mr. Arthur Brown and Mr. J. R. McBride for the defendant in error, and concluded by Mr. C. S. Voorhees for the plaintiffs in error.

No. 770.—Lewis C. Statler, plaintiff in error, *vs.* The United States. Argued by Mr. Thomas B. Alcorn for the plaintiff in error, and by Mr. Assistant Attorney-General Whitney for the defendant in error.

No. 893.—Charles Pollock, appellant, *vs.* The Farmers' Loan and Trust Company *et al.*;

No. 894.—Lewis H. Hyde, appellant, *vs.* The Continental Trust Company, of the city of New York, *et al.*; and

No. 915.—John G. Moore, appellant, *vs.* Joseph S. Miller, Commissioner of Internal Revenue. Argument commenced by Mr. William D. Guthrie for appellants in Nos. 893 and 894.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 8, will be as follows: Nos. 893, 894, 915, 842, 192, 193, 140, 197, 58, and 822.





# SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 8, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

T. J. Hudson, of Fredonia, Kans.; Watson C. Squire, of Seattle, Wash.; J. Carroll McCaffrey, of Philadelphia, Pa.; John N. Steele, of Baltimore, Md.; Francis K. Carey, of Baltimore, Md., and Robert W. Candler, of New York City, were admitted to practice.

No. 831.—The Last Chance Mining Company *et al.*, plaintiffs in error, *vs.* The Tyler Mining Company. Leave granted to file additional brief herein within five days, on motion of Mr. W. B. Heyburn for the plaintiffs in error.

No. 522.—The National Dredging Company, plaintiff in error, *vs.* The State of Alabama. In error to the supreme court of the State of Alabama. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 893.—Charles Pollock, appellant, *vs.* The Farmers' Loan and Trust Company *et al.*;

No. 894.—Lewis H. Hyde, appellant, *vs.* The Continental Trust Company, of the city of New York, *et al.*; and

No. 915.—John G. Moore, appellant, *vs.* Joseph S. Miller, Commissioner of Internal Revenue. Argument continued by Mr. Wm. D. Guthrie and Mr. Clarence A. Seward for the appellants, in Nos. 893 and 894, and Mr. Assistant Attorney-General Whitney for the United States.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 11, will be as follows: Nos. 893 (894 and 915), 842, 203 and 291, 224 and 225, 226, 192 and 193, 140, 197, 58 and 822.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 11, 1895.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Gilbert R. Fox, of Norristown, Pa., and Willis B. Smith, of Richmond, Va., were admitted to practice.

No. 118.—Henry Bentell, plaintiff in error, *v.* Daniel Magone, late collector of the port of New York. In error to the circuit court of the United States for the southern district of New York. Judgment reversed with costs and cause remanded with directions to grant a new trial. Opinion by Mr. Justice White.

No. 179.—Thomas V. Cooper, collector of customs for the district of Philadelphia, plaintiff in error, *vs.* John Dobson and James Dobson, trading as John & James Dobson. In error to the circuit court of the United States for the eastern district of Pennsylvania. Judgment reversed with costs and cause remanded, with directions to award a new trial. Opinion by Mr. Justice Shiras.

No. 181.—Erwin Davis, appellant, *vs.* Angelica Wakelee.

No. 182.—Erwin Davis, appellant, *vs.* Pierre B. Cornwall. Appeals from the circuit court of the United States for the southern district of New York. Decrees affirmed, with costs. Opinion by Mr. Justice Brown.

No. 55.—Catherine Goldey, plaintiff in error, *vs.* The Morning News, of New Haven. In error to the circuit court of the United States for the eastern district of New York. Judgment affirmed, with costs. Opinion by Mr. Justice Gray.

No. 188.—John Neel, administrator, etc., plaintiff in error, *vs.* The Pennsylvania Company. In error to the circuit court of the United States for the northern district of Ohio. Judgment reversed, with costs, and cause remanded, with directions to remand the case to the State court, with costs against the defendant. Opinion by Mr. Chief Justice Fuller.

No. 107.—James Henderson *et al.*, claimants of the steamship "Caledonia," etc., appellants, *vs.* Mayer Goldsmith. Appeal from the circuit

court of the United States for the district of Massachusetts. Decree affirmed, with costs. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice Brown, Mr. Justice Harlan, and Mr. Justice Brewer.

The Chief Justice announced that after the disposition of the cases on the call for to-day the court will take a recess until Monday, March 25th.

The Chief Justice also announced the following orders of the court:

No. 909.—Charles Moran *et al.*, appellants, *vs.* J. C. Hagerman, administrator, etc., *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit; denied.

No. 926.—George F. Underhill, plaintiff in error, *vs.* Jose Manuel Hernandez. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit; granted.

No. 928.—Theodore Lambert, appellant, *vs.* George Barrett, sheriff, etc. Motion to advance granted, and cause assigned for argument on the fourth Monday (25th) of March, after the cases already set down for that day.

No. 218.—Hiram Barney, late collector, etc., plaintiff in error, *vs.* Alexander Rickard *et al.*, executors, etc. Leave granted to counsel in case of Barney, collector, etc., *vs.* White *et al.*, No. 248, to file briefs in this case within one week upon the points which are supposed to be common to both cases.

No. 631.—The Texas and Pacific Railway Company, appellant, *vs.* The Interstate Commerce Commission;

No. 729.—The Cincinnati, New Orleans, and Texas Pacific Railway Company *et al.*, appellants, *vs.* The Interstate Commerce Commission; and

No. 832.—The Interstate Commerce Commission, appellant, *vs.* The Cincinnati, New Orleans, and Texas Pacific Railway Company *et al.* Restored to the docket for reargument at the next term.

No. 235.—Joel B. Erhardt, collector, etc., plaintiff in error, *vs.* Josephine W. Wupperman *et al.* Mandate granted on motion of Mr. Solicitor-General Conrad for the plaintiff in error.

Nos. 911 and 912.—John H. Durland, plaintiff in error, *vs.* The United States. Motion to advance submitted by Mr. Solicitor-General Conrad for the defendant in error.

No. 422.—The State of New York, appellant, *vs.* The United States. Motion to dismiss submitted by Mr. Solicitor-General Conrad, Mr. Assistant Attorney-General Whitney, and Mr. Assistant Attorney-General Dodge in support of motion, and by Mr. W. Hallett Phillips in opposition thereto.

No. 613.—Herman Sparf and Hans Hanson, plaintiffs in error, *vs.* The United States. Mandate granted as to plaintiff in error Sparf on motion of Mr. Solicitor-General Conrad for the defendant in error.

No. 128.—The United States, appellant, *vs.* The Berdan Firearms Manufacturing Company; and

No. 135.—The Berdan Firearms Manufacturing Company, appellant, *vs.* The United States. Mandate granted on motion of Mr. George S. Boutwell for the Berdan Firearms Manufacturing Company.

No. 622.—The United States, appellant, *vs.* Johnson Blackfeather, principal chief, etc. Motion to recall mandate and reform the judgment herein submitted by Mr. Charles Brownell in support of motion and by Mr. Assistant Attorney-General Dodge in opposition thereto.

No. 261.—Joseph L. White, plaintiff in error, *vs.* Martha Ann Van Horn *et al.* Death of Mary Ann Boling, one of the defendants in error herein, suggested, and appearance of James W. Boling, John C. Boling, Robert V. Boling, Fannie Johnson and her husband, A. S. Johnson, Charles C. and Mary E. Price, heirs at law, as defendants in error herein, filed and entered on motion of Mr. M. H. Beach for the defendants in error.

No. 874.—John H. Colvin, appellant, *vs.* The City of Jacksonville *et al.* Advanced as under the thirty-second rule on motion of Mr. J. C. Cooper for the appellees and submitted by Mr. H. Bisbee for the appellant and by Mr. J. C. Cooper for the appellees.

No. 893.—Charles Pollock, appellant, *vs.* The Farmers' Loan and Trust Company *et al.*

No. 894.—Lewis H. Hyde, appellant, *vs.* The Continental Trust Company of the city of New York *et al.*; and

No. 915.—John G. Moore, appellant, *vs.* Joseph S. Miller, Commissioner of Internal Revenue. Argument continued by Mr. Assistant Attorney-General Whitney for the United States and by Mr. George F. Edmunds for the appellant in No. 915.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 12th, will be as follows: Nos. 893 (and 894 and 915), 842, 203 (and 291, 224, 225, and 226), 192 (and 193), 140, 197, 58, and 822.

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 12, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

William H. H. Hart, of Washington, D. C., was admitted to practice.

No. 893.—Charles Pollock, appellant, *vs.* The Farmers' Loan and Trust Company *et al.*;

No. 894.—Lewis H. Hyde, appellant, *vs.* The Continental Trust Company of the city of New York *et al.*; and

No. 915.—John G. Moore, appellant, *vs.* Joseph S. Miller, Commissioner of Internal Revenue. Argument continued by Mr. Attorney-General Olney for the United States, by Mr. James C. Carter for the appellees in No. 894, and by Mr. Joseph H. Choate for the appellants in Nos. 893 and 894.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 13, will be as follows: Nos. 893 (and 894 and 915), 842, 203 (and 291, 224, 225, and 226), 192 (and 193), 140, 197, 58, and 822.

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## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 13, 1895.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

No. 893.—Charles Pollock, appellant, *vs.* The Farmers' Loan and Trust Company *et al.*;

No. 894.—Lewis H. Hyde, appellant, *vs.* The Continental Trust Company of the City of New York *et al.*; and

No. 915.—John G. Moore, appellant, *vs.* Joseph S. Miller, Commissioner of Internal Revenue. Argument concluded by Mr. Joseph H. Choate for the appellants in Nos. 893 and 894.

No. 842.—Babe Beard, plaintiff in error, *vs.* The United States. Submitted by Mr. John H. Rogers for the plaintiff in error and by Mr. Assistant Attorney-General Dickinson for the defendant in error.

No. 192.—George F. Orchard, plaintiff in error, *vs.* William Alexander; and

No. 193.—Eben Pierce, plaintiff in error, *vs.* James A. Frace. Argued by Mr. W. H. Pritchard for the plaintiffs in error and submitted by Mr. C. C. Lancaster for the defendants in error.

No. 203.—James Gilfillan *et al.*, appellants, *vs.* Henry E. McKee *et al.* Death of Ward H. Lamon, one of the appellees herein, suggested, and appearance of Robert Lamon, executor, etc., filed and entered on motion of Mr. Nathaniel Wilson for Lamon's executor. Passed to be heard with No. 291 on motion of Mr. A. B. Duvall for appellants in No. 291.

No. 224.—Henry E. McKee, appellant, *vs.* Robert Lamon, executor, etc.;

No. 225.—Robert Lamon, executor, etc., *et al.*, appellants, *vs.* Henry E. McKee; and

No. 226.—Henry E. McKee, appellant, *vs.* Charlotte V. Latrobe, executrix, etc. Submitted by Mr. Nathaniel Wilson and Mr. James Coleman for Lamon, executor, etc., *et al.*, and argument commenced by Mr. John J. Weed for McKee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 14, will be as follows: Nos. 224, 225, 226, 203, 291, 140, 197, and 822.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 14, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Mason N. Richardson, of Washington, D. C., was admitted to practice.

No. 334.—Robert M. King, appellant, *vs.* W. S. Jackson, sheriff, etc. Appeal from the circuit court of the United States for the western district of Tennessee. Dismissed, the cause having abated owing to the death of the appellant, on motion of Mr. Don M. Dickinson for the appellant.

No. 159.—The Inland and Coastwise Transportation Company *et al.*, appellants, *vs.* Joseph Cornell *et al.* Mandate granted on motion of Mr. Mason N. Richardson in behalf of counsel for appellees.

No. 140.—T. C. Mattingly, administrator, etc., appellant, *vs.* The North-western Virginia Railroad Company *et al.* Submitted by Mr. W. L. Cole for the appellant and by Mr. John A. Hutchinson for the appellees.

No. 224.—Henry E. McKee, appellant, *vs.* Robert Lamon, executor, etc.;

No. 225.—Robert Lamon, executor, etc., *et al.*, appellants, *vs.* Henry E. McKee; and

No. 226.—Henry E. McKee, appellant, *vs.* Charlotte V. Latrobe, executrix, etc. Argument continued by Mr. John J. Weed and Mr. Jeff Chandler for McKee, by Mr. Enoch Totten for Latrobe, executrix, etc., and concluded by Mr. Jeff Chandler for McKee.

No. 203.—James Gilfillan *et al.*, appellants, *vs.* Henry E. McKee *et al.*; and

No. 291.—John D. McPherson, executor, etc., appellant, *vs.* Henry E. McKee *et al.* Argument commenced by Mr. George F. Appleby for McPherson, executor, etc.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 15, will be as follows: Nos. 203, 291, 197, and 822.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 15, 1895.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Arthur W. Seeligson, of San Antonio, Tex.; Peter White, of Marquette, Mich.; Valle Reyburn, of St. Louis, Mo., and James C. Strong, of Buffalo, N. Y., were admitted to practice.

No. —.—Charles P. Barrett, plaintiff in error, *vs.* The United States; motion for leave to proceed *in forma pauperis*, and that record be printed at public expense. Submitted by Mr. H. N. Obear for the plaintiff in error.

No. 197.—The Boston and Albany Railroad Company, plaintiff in error, *vs.* Patrick J. O'Reilly. Submitted by Mr. Samuel Hoar for the plaintiff in error and by Mr. Charles W. Needham and Mr. John B. Cotton for the defendant in error, with leave to counsel for plaintiff in error to file additional brief within ten days.

No. 203.—James Gilfillan *et al.*, appellants, *vs.* Henry E. McKee *et al.*; and

No. 291.—John D. McPherson, executor, etc., appellant, *vs.* Henry E. McKee *et al.* Argument continued by Mr. S. S. Henkle for Mrs. Ellen Cochrane, by Mr. Enoch Totten for Latrobe, executrix, etc., and concluded by Mr. Calderon Carlisle for McPherson, executor, etc. Submitted on printed arguments by Mr. A. B. Duvall for Gilfillan *et al.*

No. 822.—J. W. Todd *et al.*, plaintiffs in error, *vs.* The United States. Reassigned for argument on Monday, the 25th instant, after the cases already set down for that day, the time for argument to be limited to one hour on each side.

Adjourned until Monday next at 12 o'clock.

There will be no call of the docket on Monday, the 18th instant.

The day call for Monday, March 25, will be as follows: Nos. 11 (original), 928, 822, 58, 229, 230, 231, 232, 233, and 234.



# SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 18, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Sanford H. Dudley, of Boston, Mass., and Wm. McArthur, of New York City, were admitted to practice.

No. 219.—Anthony F. Seeberger, collector, etc., plaintiff in error, *vs.* Wright and Lawther Oil and Lead Manufacturing Company. In error to the circuit court of the United States for the northern district of Illinois. Judgment affirmed with costs and interest. Opinion by Mr. Justice Brown.

No. 746.—J. T. Stokes *et al.*, plaintiffs in error, *vs.* The United States. In error to the district court of the United States for the southern district of Alabama. Judgment affirmed. Opinion by Mr. Justice Brown.

No. 793.—James T. Shields, jr., receiver, etc., appellant, *vs.* John Coleman *et al.* Appeal from the circuit court of the United States for the eastern district of Tennessee. Order of January 31, 1894, overruling the motion of appellant to vacate the order appointing a temporary receiver and directing him to take possession of the railroad property set aside. Costs in this court to be paid by the appellees and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Brewer.

No. 811.—Henry N. Frisbie, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the eastern district of Louisiana. Judgment affirmed. Opinion by Mr. Justice Brewer.

No. 100.—Jacob Michels, appellant, *vs.* George P. Olmstead. Appeal from the circuit court of the United States for the western district of Missouri. Decree affirmed, with costs. Opinion by Mr. Justice Gray.

No. 690.—Henry Morgan, guardian, etc., *et al.*, appellants, *vs.* J. E. Potter, guardian, etc., *et al.* On a certificate from the United States circuit court of appeals for the eighth circuit. First question certified answered in the negative. Opinion by Mr. Justice Gray.

No. 162.—Lucien Baker, appellant, *vs.* Samuel N. Wood *et al.* Appeal from the circuit court of the United States for the district of Colorado. Decree reversed, with costs, and cause remanded, with a direction to enter a decree for complainant in conformity with the opinion of this court. Opinion by Mr. Chief Justice Fuller.

No. 716.—The Chicago, Kansas and Western Railroad Company, plaintiff in error, *vs.* Clifford R. Pontius. In error to the supreme court of the State of Kansas. Judgment affirmed, with costs. Opinion by Mr. Chief Justice Fuller.

No. 880.—The Mexican National Railroad Company, plaintiff in error, *vs.* Joseph A. Davidson ; and

No. 876.—Joseph A. Davidson, plaintiff in error, *vs.* The Mexican National Railroad Company. On certificates from the United States circuit court of appeals for the second circuit. Both questions certified answered in the negative. Opinion by Mr. Chief Justice Fuller.

No. 7, Original.—The State of California, complainant, *vs.* Southern Pacific Company. Bill in equity. Dismissed with costs. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice Harlan and Mr. Justice Brewer.

The Chief Justice announced the following orders of the court :

No. —.—Charles P. Barrett, plaintiff in error, *vs.* The United States. Motion for leave to proceed *in forma pauperis* and that record be printed at public expense denied.

No. 422.—The State of New York, appellant, *vs.* The United States. Motion to dismiss postponed to the hearing on the merits.

No. 622.—The United States, appellant, *vs.* Johnson Blackfeather, principal chief, etc. Motion to recall mandate and reform the judgment denied.

Nos. 911 and 912.—John H. Durland, plaintiff in error, *vs.* The United States. Motion to advance granted and causes assigned for argument on the second Monday of the next term, after the cases already set down for that day.

No. 110.—The Texas and Pacific Railway Company *et al.*, plaintiffs in error, *vs.* A. McElroy. In error to the court of appeals of the State of Texas. Dismissed, with costs, on motion of Mr. D. D. Duncan in behalf of counsel for the plaintiffs in error.

No. 111.—The Texas and Pacific Railway Company *et al.*, plaintiffs in error, *vs.* H. Wilson. In error to the court of appeals of the State of Texas. Dismissed, with costs, on motion of Mr. D. D. Duncan in behalf of counsel for the plaintiffs in error.

No. 751.—The St. Louis, Cape Girardeau and Fort Smith Railway Company, plaintiff in error, *vs.* The State of Missouri, *ex rel.* Edwin G. Merriam. Mandate granted, on motion of Mr. D. D. Duncan, for the defendant in error.

No. 710.—George Andrews, appellant, *vs.* Benjamin Swartz, sheriff, etc. Mandate granted, on motion of Mr. William A. Stryker, for the appellee.

No. 946.—Lem Moon Sing, appellant, *vs.* The United States *et al.* Motion to advance submitted by Mr. Maxwell Evarts for the appellant.

No. 382.—James T. Campbell *et al.*, plaintiffs in error, *vs.* Richard T. Carroll. Leave to withdraw the appearance of Mr. George D. Reynolds as counsel for the plaintiffs in error, granted, on motion of Mr. A. G. Saford, in behalf of Mr. Reynolds.

No. 923.—The Wabash Western Railway, plaintiff in error, *vs.* Joseph Brow. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Frederic D. McKenney, in behalf of Mr. Alfred Russell for the plaintiff in error, in support of the petition, and Mr. Edwin F. Conely for the defendant in error, in opposition thereto.

No. 789.—James A. Carr, administrator, etc., plaintiff in error, *vs.* William Nichols. Motions to dismiss or affirm submitted by Mr. George P. B. Jackson in support of motions, and by Mr. George A. Madill in opposition thereto.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 25th, will be as follows: Nos. 11 (original), 928, 822, 58, 229, 230, 231, 232, 233, and 234.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 25, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Arthur E. Mack, of San Francisco, Cal.; Sherman Hoar, of Waltham, Mass.; Carlos F. Woolrich, of Stockton, Cal.; David M. Neuberger, of New York City; Thomas F. McGarry, of Grand Rapids, Mich., and George A. Farr, of Grand Haven, Mich., were admitted to practice.

No. 770.—Lewis C. Statler, plaintiff in error, *vs.* The United States. In error to the district court of the United States for the western district of Pennsylvania. Judgment affirmed. Opinion by Mr. Justice White.

No. 872.—Sidney I. Wailes, plaintiff in error, *vs.* Marion de Kalb Smith, comptroller of the treasury of the State of Maryland. In error to the court of appeals of the State of Maryland. Dismissed for the want of jurisdiction. Opinion by Mr. Justice White.

No. 815.—William H. Cochran *et al.*, plaintiffs in error, *vs.* The United States. In error to the district court of the United States for the district of Colorado. Judgments reversed and cause remanded, with directions to grant a new trial. Opinion by Mr. Justice Brown.

No. 889.—The United States, appellant, *vs.* Eugenia R. Sweeney, administratrix, &c. Appeal from the Court of Claims. Judgment reversed and cause remanded, with directions to dismiss the petition. Opinion by Mr. Justice Brown.

No. 190.—The Sanford Fork and Tool Company *et al.*, appellants, *vs.* Howe, Brown & Company, Limited, *et al.* Appeal from the circuit court of the United States for the district of Indiana. Decree reversed, with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Brewer.

No. 740.—Willie Johnson, *alias* Willie Overton, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the western district of Arkansas. Judgment affirmed. Opinion by Mr. Justice Brewer.

No. 755.—James H. Reagan, plaintiff in error, *vs.* The United States. In error to the district court of the United States for the western district of Texas. Judgment affirmed. Opinion by Mr. Justice Brewer.

No. 234.—W. N. Walton, administrator, etc., plaintiff in error, *vs.* The Marietta Chair Company. Ordered by the court that the writ of error herein be amended by substituting the name of Lowell W. Ellenwood for that of W. N. Walton as the party plaintiff in error in this cause. Opinion by Mr. Justice Gray.

No. 138.—Thomas Bardon, appellant, *vs.* The Land and River Improvement Company. Appeal from the circuit court of the United States for the western district of Wisconsin. Decree affirmed, with costs. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court :

No. 923.—The Wabash Western Railway, plaintiff in error, *vs.* Joseph Brow. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit. Granted.

No. 946.—Lem Moon Sing, appellant, *vs.* The United States *et al.* Motion to advance granted and cause assigned for argument on the third Monday (15th) of April next.

No. 871.—M. L. Johnson, captain, United States Navy, appellant, *vs.* David B. Sayre. Leave granted to Lieut. Littleton W. T. Waller to appear specially for the plaintiff in error, on motion of Mr. Solicitor-General Conrad for plaintiff in error.

No. 181.—Erwin Davis, appellant, *vs.* Angelica Wakelee ; and

No. 182.—Erwin Davis, appellant, *vs.* Pierre B. Cornwall. Motion for mandates to issue submitted by Mr. Anson Maltby for the appellees in support of motion, and by Mr. Walter S. Logan and Mr. Charles M. Demond for the appellant in opposition.

No. 234.—Lowell W. Ellenwood, administrator, etc., plaintiff in error, *vs.* The Marietta Chair Company. Motion to dismiss submitted by Mr. A. D. Follett in support of motion, and by Mr. E. B. Whitney in opposition thereto.

No. 234.—Lowell W. Ellenwood, administrator, etc., plaintiff in error, *vs.* The Marietta Chair Company. Passed, subject to the provisions of section 9 of Rule 26, on motion of Mr. E. B. Whitney for the plaintiff in error, and consent of Mr. A. D. Follett for the defendant in error.

No. 958.—Robert B. Dashiell, appellant, *vs.* James B. M. Grovenor *et al.* Petition for writ of certiorari to the United States circuit court of appeals for the fourth circuit. Submitted by Mr. W. A. Jenner and Mr. W. G. Wilson for the appellees in support of the petition, and by Mr. S. F. Phillips and Mr. Frederic D. McKenney for the appellant in opposition thereto.

No. 233.—The Pacific Railroad, appellant, *vs.* The United States. Passed, subject to the provisions of section 9 of rule 26, on motion of Mr. Assistant Attorney-General Dodge for the appellee.

No. 834.—Juan Pedro Camon, appellant, *vs.* The United States. Motion to advance submitted by Mr. Alexander Britton in behalf of counsel for the appellant.

No. 301.—Hermann R. Baltzer *et al.*, plaintiffs in error, *vs.* The State of North Carolina. Death of Hermann R. Baltzer suggested and cause ordered to proceed in the name of the surviving partner as plaintiff in error herein, on motion of Mr. Alexander Britton in behalf of counsel.

No. 374.—Hermann R. Baltzer, plaintiff in error, *vs.* The State of North Carolina. Death of plaintiff in error suggested, and appearance of Mattie P. Baltzer and Ernest V. Baltzer, executrix and executor of Hermann R. Baltzer, deceased, as plaintiffs in error herein, filed and entered, on motion of Mr. Alexander Britton in behalf of counsel.

No. 353.—The C. A. Treat Manufacturing Company, plaintiff in error, *vs.* The Standard Steel and Iron Company *et al.* Motion to dismiss submitted by Mr. Charles W. Needham in behalf of Mr. W. G. Beale and Mr. E. S. Isham in support of the motion, and by Mr. John S. Cooper in opposition thereto.

No. 314.—The Lehigh Valley Railroad Company, appellant, *vs.* Francis Kearney *et al.*; death of Mary F. Tronson, executrix, etc., one of the appellees herein suggested, and appearance of Elwood C. Harris, admr., etc., as party appellee herein, filed and entered on motion of Mr. Robert J. Fisher in behalf of counsel for the appellees.

No. 941.—The steamship *Delaware* etc., appellant, *vs.* Charles H. Winnett *et al.*; advanced as under the 32d rule on motion of Mr. Harrington Putnam for the appellees.

No. 959.—The steamship *Delaware*, etc., appellant, *vs.* Charles H. Winnett *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. J. Parker Kirlin for the appellant in support of petition.

No. 943.—The steamship *Beaconsfield*, etc., appellants, *vs.* Albert W. Sanbern. Advanced as under the 32d rule on motion of Mr. J. Parker Kirlin for the appellants.

No. 375.—John Keane, plaintiff in error, *vs.* Anna Sophia Brygger, executrix, etc., *et al.* Leave granted to apply the provisions of section 9, rule 10, to this cause in printing the transcript of record, on motion of Mr. Frederic D. McKenney for plaintiff in error.

No. 876.—Joseph A. Davidson, plaintiff in error, *vs.* The Mexican National Railroad Company; and

No. 880.—The Mexican National Railroad Company, plaintiff in error, *vs.* Joseph A. Davidson. Motion for mandates to issue submitted by Mr. Frederic D. McKenney in behalf of Mr. E. M. Shepard in support of motion, and by Mr. Treadwell Cleveland in opposition thereto.

No. 928.—Theodore Lambert, appellant, *vs.* George Barrett, sheriff, &c. Submitted by Mr. John L. Semple for the appellant, and by Mr. Wilson H. Jenkins for the appellee.

No. 231.—The Board of County Commissioners of the County of Jackson *et al.*, appellants, *vs.* The Metropolitan Trust Company of the City of New York *et al.* Appeal from the circuit court of the United States for the district of Kansas. Dismissed with costs, pursuant to the tenth rule.

No. 818.—The Davis and Rankin Building and Manufacturing Company, plaintiff in error, *vs.* William H. Barber *et al.* Motion to dismiss submitted by Mr. George A. Knight in support of motion, and by Mr. L. T. Michener in opposition thereto.

No. 276.—Charles A. Morgan, plaintiff in error, *vs.* The State of South Dakota. In error to the supreme court of the State of South Dakota. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 397.—Thomas F. Lawson, plaintiff in error, *vs.* W. S. Kelly. In error to the supreme court of the State of Texas. Dismissed with costs, on authority of counsel for the plaintiff in error.

No. 11, Original.—*Ex parte*: In the matter of Eugene V. Debs *et al.*, petitioners. Three hours allowed to each side, and leave granted to three counsel to appear for each side in the argument of this case, on motion of Mr. Lyman Trumbull for the petitioners. Argument commenced by Mr. Lyman Trumbull for the petitioners and continued by Mr. Assistant Attorney-General Whitney for respondents, by Mr. S. S. Gregory for the petitioners, and by Mr. Edwin Walker for the respondents.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 26, will be as follows: Nos. 11 (original), 822, 58, 229, 230, 232, 236 (and 221), 237, 238, 239, and 240.



# SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 26, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Thomas W. Proctor, of Boston, Mass.; John H. McCrahon, of Syracuse, N. Y.; Ronald K. Brown, of New York City; William Thompson, of Chicago, Ill., and D. E. Voris, of Marion, Iowa, were admitted to practice.

No. 236 and No. 221.—The Winona and St. Peter Land Company, plaintiff in error, *vs.* The State of Minnesota. Continued per stipulation.

No. 237.—Dirfenthal and Salomon, appellants, *vs.* The Hamburg-Americkanischer Packetfahrt Aktien Gesellschaft. Appeal from the circuit court of the United States for the eastern district of Louisiana. Dismissed with costs pursuant to the tenth rule.

No. 11, Original.—*Ex parte*: In the matter of Eugene V. Debs *et al.*, petitioners. Argument continued by Mr. Attorney-General Olney for the respondents, and concluded by Mr. C. S. Darrow for the petitioners.

No. 822.—J. W. Todd *et al.*, plaintiffs in error, *vs.* The United States. Argued by Mr. John C. Fay for the plaintiffs in error, and by Mr. Assistant Attorney-General Whitney for the defendant in error.

No. 58.—William M. Bennett, plaintiff in error, *vs.* George Harkrader. Argument commenced by Mr. J. H. Mitchell for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 27, will be as follows: Nos. 58, 229, 230, 232, 238, 239, 240, 242, 243, and 245.



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 27, 1895.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

C. L. Andrus, of Stamford, N. Y., was admitted to practice.

No. 242.—Edwin T. Williams *et al.*, appellants, *vs.* The Passumpsic Savings Bank. Appeal from the circuit court of the United States for the northern district of Florida. Dismissed with costs, pursuant to the tenth rule.

No. 58.—William M. Bennett, plaintiff in error, *vs.* George Harkrader. Argument continued by Mr. Samuel F. Phillips for the defendant in error and concluded by Mr. J. H. Mitchell for the plaintiff in error.

No. 229.—Dwight Cutler, garnishee, etc., plaintiff in error, *vs.* Anna B. Huston. Argued by Mr. George A. Farr for the plaintiff in error and by Mr. T. F. McGarry and Mr. Edwin F. Uhl for the defendant in error.

No. 230.—Robert McCormick, plaintiff in error, *vs.* J. D. Hayes. Argument commenced by Mr. Charles A. Clark for the plaintiff in error. Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 28, will be as follows: Nos. 230, 232, 238, 239, 240, 243, 245, 246, 247, and 248.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 28, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

No. 830.—The Rutland Railroad Company, plaintiff in error, *vs.* The Central Vermont Railroad Company *et al.* Advanced for argument with No. 299, as one case, per stipulation, on motion of Mr. George F. Edmunds for the plaintiff in error.

No. 246.—J. W. Sexton *et al.*, appellants, *vs.* Henry Jones *et al.* Appeal from the circuit court of the United States for the district of Oregon. Dismissed with costs, pursuant to the tenth rule.

No. 248.—Hiram Barney, collector, &c., plaintiff in error, *vs.* Joseph H. White *et al.* Passed, subject to the provisions of section 9 of rule 26, on motion of Mr. Assistant Attorney-General Whitney for the plaintiff in error.

No. 692.—Nathan Marcus, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the southern district of New York. Dismissed per stipulation, and mandate granted.

No. 230.—Robert McCormick, plaintiff in error, *vs.* J. D. Hayes. Argument continued by Mr. D. E. Voris for the defendant in error, and concluded by Mr. Charles A. Clark for the plaintiff in error.

No. 232.—Joseph S. Kennedy *et al.*, plaintiffs in error, *vs.* Daniel Magone, collector, &c. Submitted by Mr. A. P. Ketcham for the plaintiffs in error, and by Mr. Assistant Attorney-General Whitney for the defendant in error.

No. 238.—The Wisconsin Central Railroad Company, plaintiff in error, *vs.* William O. Forsythe. Leave granted to Mr. William F. Vilas to argue in behalf of plaintiff in error. Argument commenced by Mr. Louis D. Branders for the plaintiff in error and continued by Mr. William F. Vilas for the plaintiff in error, and by Mr. George G. Greene for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 29, will be as follows: Nos. 238, 239, 240, 243, 245, 247, 217, 250, 251, and 253.

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 29, 1895.

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Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

William Wallace Bartlett, of Minneapolis, Minn., and George W. Hubbell, of New York City, were admitted to practice.

No. 280.—The Union Pacific Railway Company *et al.*, appellants, *vs.* The Chicago, Rock Island and Pacific Railway Company; and

No. 281.—The Union Pacific Railway Company, appellant, *vs.* The Chicago, Milwaukee and St. Paul Railway Company. Passed until after the determination of Nos. 444 and 445, per stipulation, on motion of Mr. A. B. Browne in behalf of counsel.

No. 964.—The New York Life Insurance Company, plaintiff in error, *vs.* Eudora V. Smith, administratrix, &c. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit, submitted by Mr. George W. Hubbell for the plaintiff in error, in support of petition.

No. 238.—The Wisconsin Central Railroad Company, plaintiff in error, *vs.* William O. Forsythe. Argument continued by Mr. George G. Greene and Mr. A. B. Browne for the defendant in error, and concluded by Mr. Louis D. Brandeis for the plaintiff in error.

No. 239.—The Central Land Company of West Virginia, plaintiff in error, *vs.* John B. Laidley. Argument commenced by Mr. F. B. Enslow for the plaintiff in error, and continued by Mr. W. E. Chilton and Mr. J. F. Brown for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 1, will be as follows: Nos. 239, 240, 243, 245, 247, 217, 250, 251, 253, and 871.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 1, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

James Monroe Olmstead, of Boston, Mass.; James P. Judge, of Brooklyn, N. Y.; Arthur English, of St. Louis, Mo.; James W. Blackburn, jr. of Frankfort, Ky.; George M. Emory, of Seattle, Wash.; Wm. H. Lyles, of Columbia, S. C., and George Cromwell, of New York City, were admitted to practice.

No. 212.—The Gulf, Colorado and Santa Fe Railway Company, plaintiff in error, *vs.* J. H. Shane. In error to the United States court for the Indian Territory. Judgment reversed with costs and cause remanded, with directions to set aside the verdict and grant a new trial. Opinion by Mr. Justice White.

No. 874.—John H. Colvin, appellant, *vs.* The City of Jacksonville *et al.* Appeal from the circuit court of the United States for the southern district of Florida. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Shiras.

No. 192.—George F. Orchard, plaintiff in error, *vs.* William Alexander. In error to the supreme court of the State of Washington. Judgment affirmed, with costs. Opinion by Mr. Justice Brewer.

No. 193.—Eben Pierce, plaintiff in error, *vs.* James A. Frace. In error to the supreme court of the State of Washington. Judgment affirmed, with costs. Opinion by Mr. Justice Brewer.

No. 789.—James A. Carr, administrator, etc., plaintiff in error, *vs.* William Nichols. In error to the supreme court of the State of Missouri. Judgment affirmed, with costs. Opinion by Mr. Justice Brewer.

No. 46.—Stephen A. Ralli *et al.*, appellants, *vs.* Howard D. Troop *et al.* Appeal from the circuit court of the United States for the southern district of New York. Decree reversed, with costs, and the claim of general average disallowed, and cause remanded for further proceedings, consistent with the opinion of this court. Opinion by Mr. Justice Gray. Dissenting: Mr. Justice Brown and Mr. Justice Harlan.

No. 709.—August Bergemann, appellant, *vs.* Edmund A. Backer, sheriff of the county of Morris, State of New Jersey. Appeal from the circuit court of the United States for the district of New Jersey. Order affirmed, with costs. Opinion by Mr. Justice Harlan.

No. 218.—Hiram Barney, late collector, etc., plaintiff in error, *vs.* Alexander Rickard *et al.*, executors, etc. In error to the circuit court of the United States for the southern district of New York. Judgment reversed, with costs, and cause remanded, with a direction to award a new trial. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court :

No. 393.—William Tregea, plaintiff in error, *vs.* The Board of Directors of the Modesto Irrigation District. Motion for leave to file additional brief herein granted, notice to be given to counsel, and cause restored to the docket for reargument on the second Monday of the next term, after the cases already set down for that day.

No. 181.—Erwin Davis, appellant, *vs.* Angelica Wakelee; and

No. 182.—Erwin Davis, appellant, *vs.* Pierre B. Cornwall. Motion that mandates issue granted.

No. 234.—Lowell W. Ellenwood, administrator, etc., plaintiff in error, *vs.* The Marietta Chair Company. Motion to dismiss denied.

No. 834.—Juan Pedro Camon, appellant, *vs.* The United States. Motion to advance denied.

No. 876.—Joseph A. Davidson, plaintiff in error, *vs.* The Mexican National Railroad Company; and

No. 880.—The Mexican National Railroad Company, plaintiff in error, *vs.* Joseph A. Davidson. Motion that mandates issue granted.

No. 958.—Robert B. Dashiell, appellant, *vs.* James B. M. Grosvenor *et al.* Petition for a writ of certiorari in the United States circuit court of appeals for the fourth circuit granted.

No. 959.—The Steamship "Delaware," etc., appellant, *vs.* Charles H. Winnett *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 941.—The Steamship "Delaware," etc., appellant, *vs.* Charles H. Winnett *et al.* Order advancing cause vacated, and the cause ordered to be consolidated with No. 959.

No. 741.—Francis A. Coffin *et al.*, plaintiffs in error, *vs.* The United States. Motion that mandate issue submitted by Mr. Solicitor-General Conrad in support of motion, and by Mr. Wm. H. H. Miller in opposition thereto.

No. 919.—J. E. Tindal *et al.*, plaintiffs in error, *vs.* Edward B. Wesley. Petition for a writ of certiorari to the United States circuit court of appeals

for the fourth circuit, submitted by Mr. Henry N. Obear and Mr. S. W. Melton for the plaintiffs in error in support of petition, and by Mr. Wm. H. Lyles and Mr. R. W. Shand for the defendant in error in opposition thereto.

No. 796.—The State of South Carolina, plaintiff in error, *vs.* Edward B. Wesley. Mandate granted on motion of Mr. Wm. H. Lyles for the appellee.

No. 695.—D. S. Thomas, plaintiff in error, *vs.* J. M. Lane *et al.* Motion to dismiss submitted by Mr. Frank W. Hackett in support of motion.

No. 871.—M. L. Johnson, captain, U. S. Navy, appellant, *vs.* David B. Sayre. Motion of Mr. John W. Happer to postpone this cause until the next term denied, and cause reassigned for argument on the 15th instant, after the case already set down for that day.

No. 965.—William H. Brauer *et al.*, appellants, *vs.* Compania De Navi-gacion La Flecha. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. George Cromwell in behalf of Mr. W. Mynderse for the appellee in support of petition, and by Mr. W. W. MacFarland for the appellants in opposition thereto.

No. 534.—Thomas Farmer, plaintiff in error, *vs.* The National Life Association, of Hartford, Conn. Writ of certiorari to bring up additional record granted on motion of Mr. Roger Foster for the defendant in error.

No. 657.—William M. Fishback *et al.*, appellants, *vs.* The Pacific Express Company. Advanced for submission on briefs on motion of Mr. A. H. Garland for the appellants. Submitted by Mr. A. H. Garland, Mr. James P. Clarke, and Mr. R. C. Garland for the appellants, and by Mr. W. W. Morsman for the appellee.

No. 239.—The Central Land Company of West Virginia, plaintiff in error, *vs.* John B. Laidley. Argument continued by Mr. J. F. Brown for the defendant in error, and concluded by Mr. J. H. Ferguson for the plaintiff in error.

No. 240.—John E. DuBois, appellant, *vs.* Arthur Kirk. Argument commenced by Mr. George A. Jenks for the appellant, and continued by Mr. Thomas W. Bakewell for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 2, will be as follows: Nos. 240, 243, 245, 247, 217, 250, 251, 253, 255, and 258.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 2, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Robert T. Hough, of Hillsboro, Ohio, and Tracy L. Jeffords, of Washington, D. C., were admitted to practice.

No. 240.—John E. Du Bois, appellant, *vs.* Arthur Kirk. Argument continued by Mr. Thomas W. Bakewell and Mr. William Bakewell for the appellee, and concluded by Mr. George A. Jenks for the appellant.

No. 243.—Havemeyers and Elder Sugar Refining Company, plaintiff in error, *vs.* Daniel Magone, collector, etc. Argued by Mr. Edwin B. Smith for the plaintiff in error, and by Mr. Assistant Attorney-General Whitney for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 3, will be as follows: Nos. 245, 247, 217, 250, 251, 253, 255, 258, 260 (and 220), and 261.

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## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 3, 1895.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Clinton Gurnee, of San Francisco, Cal., was admitted to practice.

No. 775.—Harry F. Batchelor, plaintiff in error, *vs.* The United States. Mandate granted on motion of Mr. John T. Morgan for the plaintiff in error.

No. 245.—Henry F. Spencer, plaintiff in error, *vs.* Alexander McDougall. Argued by Mr. Louis D. Brandeis for the plaintiff in error, and by Mr. George G. Greene and Mr. A. B. Browne for the defendant in error.

No. 247.—The Eastern Oregon Gold Mining Company, Limited, plaintiff in error, *vs.* C. S. Miller. In error to the circuit court of the United States for the district of Oregon. Dismissed, with costs, pursuant to the sixteenth rule, on motion of Mr. J. H. Mitchell for the defendant in error.

No. 217.—The Union Pacific Railway Company, plaintiff in error, *vs.* Otto Wyler. Argument commenced by Mr. A. A. Hoehling, jr., for the plaintiff in error, and continued by Mr. W. Hallett Phillips for the defendant in error, and by Mr. Samuel Shellabarger for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 4, will be as follows: Nos. 217, 250, 251, 253, 255, 258, 260 (and 220), 261, 262, and 263 (and 264, 265, and 266).



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 4, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

George Bradford Carr, of Philadelphia, Pa., was admitted to practice.

No. 217.—The Union Pacific Railway Company, plaintiff in error, *vs.* Otto Wyler. Argument concluded by Mr. Samuel Shellabarger for the plaintiff in error.

No. 250.—The Episcopal City Mission *et al.*, appellants, *vs.* Lucy T. Brown *et al.* Submitted by Mr. George Bury for the appellants and by Mr. Charles M. Osborn and Mr. Samuel A. Lynde for the appellees.

No. 251.—George D. Harter *et al.*, appellants, *vs.* James P. Twobig. Argued by Mr. Henry W. Harter for the appellants and submitted by Mr. William E. Gautt for the appellee.

No. 253.—W. C. Jones, plaintiff in error, *vs.* The East Tennessee, Virginia and Georgia Railroad Company. Argument commenced by Mr. H. H. Ingersoll for the plaintiff in error. The court declined to hear further argument.

No. 255.—The Gulf, Colorado and Santa Fe Railway Company, plaintiff in error, *vs.* Hefley & Lewis. Submitted by Mr. A. T. Britton, Mr. A. B. Browne, Mr. George R. Peck, and Mr. J. W. Terry for the plaintiff in error. No brief filed for defendants in error.

No. 258.—Mason P. Gray, plaintiff in error, *vs.* The State of Connecticut. Submitted by Mr. Solomon Lucas for the defendant in error, with leave to counsel for the plaintiff in error to file brief to-morrow.

No. 260.—Sebastian Koenigsberger, administrator, etc., plaintiff in error, *vs.* The Richmond Silver Mining Company; and

No. 220.—The Richmond Silver Mining Company, plaintiff in error, *vs.* Sebastian Koenigsberger, administrator, etc. Argument commenced by Mr. G. C. Moody for the administrator.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 5, will be as follows: Nos. 260 (and 220), 261, 262, 263 (and 264, 265, and 266), 268, 269, 270 (and 273), 271, 272, and 274.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 5, 1895.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Eugene S. Ives, of New York City, and Joseph S. Clark, of Philadelphia, Pa., were admitted to practice.

No. 974.—*Ex parte*: In the matter of James Lennon, appellant. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Walter H. Smith, Mr. G. M. Barber, and Mr. Frank Hurd, for the appellant, in support of the petition.

No. 262.—E. W. Clark, appellant, *vs.* Charles Reeder. Passed, subject to the provisions of section 9 of rule 26, on motion of Mr. Joseph S. Clark, for the appellant.

No. 269.—The Washington Gaslight Company, plaintiff in error, *vs.* The District of Columbia. Continued per stipulation.

No. 260.—Sebastian Knoenigsberger, administrator, etc., plaintiff in error, *vs.* The Richmond Silver Mining Company; and

No. 220.—The Richmond Silver Mining Company, plaintiff in error, *vs.* Sebastian Knoenigsberger, administrator, etc. Argument continued by Mr. Wager Swayue for the mining company and concluded by Mr. S. S. Burdett for the administrator.

No. 261.—Joseph L. White, plaintiff in error, *vs.* Martha Ann Van Horn *et al.* Submitted by Mr. E. H. Graham for the plaintiff in error, and by Mr. Morgan H. Beach for the defendants in error.

No. 263.—The New York, Lake Erie and Western Railroad Company, plaintiff in error, *vs.* The Commonwealth of Pennsylvania;

No. 264.—The Tioga Railroad Company, plaintiff in error, *vs.* The Commonwealth of Pennsylvania;

No. 265.—The New York, Lake Erie and Western Coal and Railroad Company, plaintiff in error, *vs.* The Commonwealth of Pennsylvania; and

No. 266.—The New York, Pennsylvania and Ohio Railroad Company, plaintiff in error, *vs.* The Commonwealth of Pennsylvania. Argued by Mr. M. E. Olmsted for the plaintiff in error and by Mr. James A. Stranahan for the defendant in error.

No. 268.—William W. Armstrong, appellant, *vs.* The United States. Submitted with leave to counsel to file briefs within one week.

No. 270.—John Simpson, appellant, *vs.* The steamer "Oregon," etc.; and

No. 273.—The Oregon Short Line and Utah Northern Railway Company, appellant, *vs.* The Ship "Clan Mackenzie," etc. Passed until Monday next.

No. 271.—Henry J. Lucher *et al.*, plaintiffs in error, *vs.* The United States. Submitted by Mr. J. L. Bradford for the plaintiffs in error and by Mr. Solicitor-General Conrad for the defendant in error.

No. 272.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* Alfred J. Wilin. Submitted by Mr. A. H. Garland, Mr. W. E. Cullen, and Mr. J. K. Toole for the plaintiff in error, and by Mr. Frank H. Woody for the defendant in error.

No. 274.—Elizabeth Abraham *et al.*, appellants, *vs.* Frederick E. Ordway *et al.*, etc. Submitted by Mr. Franklin H. Mackey and Mr. H. O. Claughton for the appellants. No brief filed for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 8, will be as follows: Nos. 270 (and 273), 275, 277, 278, 279, 282, 283, 284, 285 (and 422), 286.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 8, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

George L. Sterling, of New York City; Frank P. Blair, of Chicago, Ill.; William A. Barber, of Chester, S. C.; John C. Edwards, of McLeansboro, Ill.; Frank T. Kent, of Syracuse, N. Y.; Arthur H. O'Connor, of Washington, D. C.; William Herring, of Tombstone, Ariz.; A. C. McNulty, of Washington, D. C.; William Pierrepont Williams, of New York City, and Henry S. Cattell, of Philadelphia, Pa., were admitted to practice.

No. 788.—Alexander Allen, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the western district of Arkansas. Judgment reversed and cause remanded, with directions to set aside the verdict and award a new trial. Opinion by Mr. Justice Shiras. Dissenting: Mr. Justice Brewer.

No. 52.—Cornelius P. Keeler *et al.*, appellants, *vs.* The Standard Folding Bed Company. Appeal from the circuit court of the United States for the district of Massachusetts. Decree reversed with costs and cause remanded, with directions to dismiss the bill. Opinion by Mr. Justice Shiras. Dissenting: Mr. Justice Brown, Mr. Chief Justice Fuller, and Mr. Justice Field.

No. 253.—W. C. Jones, plaintiff in error, *vs.* The East Tennessee, Virginia and Georgia Railroad Company. In error to the circuit court of the United States for the eastern district of Tennessee. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 353.—The C. A. Treat Manufacturing Company, plaintiff in error, *vs.* The Standard Steel and Iron Company. In error to the circuit court of the United States for the northern district of Illinois. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 818.—The Davis and Rankin Building and Manufacturing Company, plaintiff in error, *vs.* William W. Barber *et al.* In error to the circuit court of the United States for the district of Indiana. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 271.—Henry J. Lutcher *et al.*, plaintiffs in error, *vs.* The United States. In error to the circuit court of the United States for the eastern district of Texas. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 893.—Charles Pollock, appellant, *vs.* The Farmers' Loan and Trust Company *et al.* Appeal from the circuit court of the United States for the southern district of New York. Decree reversed with costs and cause remanded, with directions to enter a decree in favor of complainant in respect only of the voluntary payment of the tax on the rents and income of the real estate of the defendant company and that which it holds in trust, and on the income from the municipal bonds owned or so held by it. Opinion by Mr. Chief Justice Fuller. Separate opinion by Mr. Justice Field. Separate dissenting opinions by Mr. Justice White and Mr. Justice Harlan.

No. 894.—Lewis H. Hyde, appellant, *vs.* The Continental Trust Company of New York *et al.* Appeal from the circuit court of the United States for the southern district of New York. Decree reversed with costs and cause remanded, with directions to enter a decree in favor of complainant in respect only of the voluntary payment of the tax on the rents and income of the real estate of the defendant company and that which it holds in trust, and on the income from the municipal bonds owned or so held by it. Opinion by Mr. Chief Justice Fuller. Separate opinion by Mr. Justice Field. Separate dissenting opinions by Mr. Justice White and Mr. Justice Harlan.

The Chief Justice announced to the bar that as Friday next would be Good Friday the court would adjourn from Thursday until Monday next.

The Chief Justice also announced the following order of the court:

*Order.*—The reporter having represented that owing to the number of decisions at the term it will be impracticable to put the reports in one volume, it is therefore now here ordered that he publish an additional volume in this year, pursuant to section 681 of the Revised Statutes.

No. 695.—D. S. Thomas, plaintiff in error, *vs.* J. M. Lane *et al.* Leave granted to amend writ of error herein. Motion to dismiss denied and motion to affirm postponed to the hearing on the merits.

No. 919.—J. E. Tindal *et al.*, plaintiffs in error, *vs.* Edward B. Wesley. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit granted.

No. 965.—William W. Brauer *et al.*, appellants, *vs.* Compania de Navegacion La Flecha. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 974.—*Ex parte*: In the matter of James Lennon, appellant. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit granted.

No. 813.—Count Joseph Telfener, plaintiff in error, *vs.* George W. Russ. Restored to the docket for reargument before a full bench.

No. 243.—Havemeyer and Elder Sugar Refining Company, plaintiff in error, *vs.* Daniel Magone, collector, etc. In error to the circuit court of the United States for the southern district of New York. Judgment affirmed with costs by a divided court.

No. 756.—Charles Davis, plaintiff in error, *vs.* The Elmira Savings Bank. Restored to the docket for reargument at the next term.

No. 136.—The F. O. Matthiessen and Wiechers Sugar Refining Company, appellant, *vs.* The Steamship "Ludvig Holberg," etc. Mandate granted on motion of Mr. George Bethune Adams in behalf of counsel.

No. 274.—Elizabeth Abraham *et al.*, appellants, *vs.* Frederick E. Ordway *et al.* Leave granted to Mr. J. J. Darlington to file brief for the appellees herein and to Mr. H. O. Claughton to file reply thereto within five days.

No. —, Original.—*Ex parte*: In the matter of The Keasbey and Mattison Company, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. Edward K. Jones for the petitioner.

No. 705.—The Berwind-White Coal Mining Company, appellant, *vs.* The Steamship *Kate*, etc. Submitted under the thirty-second rule by Mr. George Bethune Adams for the appellant, and Mr. J. Parker Kirlin for the appellee. Leave granted to Mr. W. B. Williams to file brief herein on behalf of certain persons not parties to the case, and to Mr. George Bethune Adams to file reply brief on or before Friday next.

No. 934.—John D. Shiver, plaintiff in error, *vs.* The United States;

No. 936.—Stephen M. Folsom, plaintiff in error, *vs.* The United States;

No. 938.—A. F. McDowell, plaintiff in error, *vs.* The United States;

No. 962.—Warren F. Putnam, plaintiff in error, *vs.* The United States; and

No. 963.—Warren F. Putnam, plaintiff in error, *vs.* The United States; motions to advance submitted by Mr. Solicitor-General Conrad for the defendant in error.

No. 980.—Robert Charlson, plaintiff in error, *vs.* The United States. In error to the district court of the United States for the northern district of Alabama. Docketed and dismissed on motion of Mr. Solicitor-General Conrad for the defendant in error.

No. 219.—A. F. Seeberger, collector, etc., plaintiff in error, *vs.* Wright & Lawther Oil and Lead Manufacturing Company. Mandate granted on motion of Mr. Solicitor-General Conrad for the plaintiff in error.

No. 199.—John D. Beardsley, appellant, *vs.* The Arkansas and Louisiana Railway Company. Submitted by Mr. A. H. Garland and Mr. J. M. Moore for the appellant and by Mr. John J. Joyce for the appellee.

No. 978.—Leverett Saltonstall, collector, etc., plaintiff in error, *vs.* Joseph Birtwell. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit. Submitted by Mr. Solicitor-General Conrad for the plaintiff in error in support of petition, with leave to counsel for the defendant in error to file brief in opposition on or before Monday next.

No. 107.—James Henderson *et al.*, appellants, *vs.* Mayer Goldsmith. Mandate granted on motion of Mr. Frederic D. McKenney in behalf of counsel.

No. 283.—Joseph Lalone *et al.*, appellants, *vs.* The United States. Writ of certiorari, with leave to file return by consent, granted on motion of Mr. A. B. Browne for the appellants.

No. 279.—W. D. Kenner, appellant, *vs.* Stephen Bitely. Appeal from the circuit court of the United States for the western district of Virginia. Dismissed with costs pursuant to the tenth rule.

No. 283.—Joseph Lalone *et al.*, appellants, *vs.* The United States. Passed on motion of Mr. A. B. Browne for the appellants.

No. 284.—Charles A. Weeks, plaintiff in error, *vs.* Coleman Bridgman. Continued.

No. 286.—E. B. Tredway, plaintiff in error, *vs.* William Riley. In error to the supreme court of the State of Nebraska. Dismissed with costs, pursuant to the tenth rule.

No. 270.—John Simpson, appellant, *vs.* The Steamer "Oregon," etc.; and

No. 273.—The Oregon Short Line and Utah Northern Railway Company, appellant, *vs.* The Ship "Clan MacKenzie," etc. Argument commenced by Mr. C. E. S. Wood for Simpson.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 9, will be as follows: Nos. 270 (and 273), 275, 277, 278, 282, 285 (and 422), 234, 228, 287, and 288.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 9, 1895.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

No. 974.—*Ex parte*: In the matter of James Lennon, appellant. Ordered that the transcript of record accompanying the petition in this case be taken as the return to the writ of certiorari herein, on motion of Mr. Walter H. Smith for the appellants.

No. 287.—The Oakland Electric Light and Motor Company, plaintiff in error, *vs.* Nathaniel S. Keith. In error to the circuit court of the United States for the northern district of California. Dismissed with costs, pursuant to the tenth rule.

No. 288.—Clement T. Hyde *et al.*, appellants, *vs.* Andrew Hogue *et al.* Appeal from the circuit court of the United States for the district of West Virginia. Dismissed with costs, pursuant to the tenth rule.

No. 270.—John Simpson, appellant, *vs.* The Steamer Oregon, etc.; and

No. 273.—The Oregon Short Line and Utah Northern Railway Company, appellant, *vs.* The Ship Clan Mackenzie, etc. Argument continued by Mr. C. E. S. Wood for Simpson and the Clan Mackenzie; by Mr. Artemas H. Holmes for the Oregon and the railway company, and concluded by Mr. C. E. S. Wood for Simpson and the Clan Mackenzie. Leave granted to Mr. William A. Maury to file brief in behalf of intervenors herein, and to Mr. Artemas H. Holmes to file reply thereto within five days.

No. 275.—Jane M. Teall *et al.*, appellants, *vs.* A. Schroder *et al.* Argued by Mr. H. M. Foote for the appellants, and by Mr. S. F. Leib for the appellees.

No. 277.—The Corporation of the Catholic Bishop of Nesqually, in Washington Territory, appellant, *vs.* John Gibbon *et al.* Argument commenced by Mr. Heber J. May for the appellant and continued by Mr. Solicitor-General Conrad for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 10, will be as follows: Nos. 277, 278, 282, 285 (and 422), 234, 228, 289 (and 345), 290, 292, 293 (and 149 and 214).



# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 10, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Madison B. Davis, of Sioux City, Iowa, and Lawrence Cooper, of Huntsville, Ala., were admitted to practice.

No. 289.—The United States, appellant, *vs.* Thomas Smith, and

No. 345.—Thomas Smith, appellant, *vs.* The United States. Submitted by Mr. Assistant Attorney-General Dodge and Mr. Felix Brannigan for the United States, and by Mr. Eppa Hunton and Mr. J. Altheus Johnson for Smith.

No. 290.—Mariano Barela, appellant, *vs.* Guadalupe S. de Garcia y Perea. Appeal from the supreme court of the Territory of New Mexico. Dismissed with costs, pursuant to the tenth rule.

No. 277.—The Corporation of the Catholic Bishop of Nesqually, in Washington Territory, appellant, *vs.* John Gibbon *et al.* Argument continued by Mr. Solicitor-General Conrød for the appellees, and concluded by Mr. A. H. Garland for the appellant.

No. 278.—Joel Parker Whitney, plaintiff in error, *vs.* Frank C. Taylor. Argued by Mr. B. E. Valentine for the plaintiff in error, and by Mr. C. W. Holcomb for the defendant in error.

No. 282.—Alexander Frankenthal *et al.*, plaintiffs in error, *vs.* W. Scott Cook. Argument commenced by Mr. Frank P. Blair for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 11, will be as follows: Nos. 282, 285 (and 422), 234, 228, 292, 293 (and 149 and 214), 294, 295, 296, and 297 (and 298 and 307).

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 11, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, and Mr. Justice Shiras.

George E. Clark, of Algona, Iowa, was admitted to practice.

No. 293.—The Chicago, Milwaukee and St. Paul Railway Company, appellant, *vs.* The United States *et al.* Leave granted to Mr. William Lawrence to file brief herein in behalf of certain settlers.

No. 149.—The Sioux City and St. Paul Railroad Company *et al.*, appellants, *vs.* The United States. Leave granted to Mr. William L. Joy to file brief herein in behalf of certain settlers.

No. 149.—The Sioux City and St. Paul Railroad Company *et al.*, appellants, *vs.* The United States. Death of Elias F. Drake and Amherst H. Wilder, trustees, and appointment of Alexander M. Drake and William P. Jewett as trustees suggested, and appearance of said Alexander M. Drake and William P. Jewett, trustees, as parties appellants herein filed and entered, on motion of Mr. George B. Young for the appellants.

No. 294.—M. H. Meeks, appellant, *vs.* Christina Schall *et al.* Appeal from the circuit court of the United States for the northern district of Alabama. Dismissed with costs pursuant to the tenth rule.

No. 296.—Bamberger, Bloom & Co., plaintiffs in error, *vs.* W. W. Schoolfield *et al.* Submitted by Mr. Milton Humes for the plaintiffs in error and by Mr. Lawrence Cooper for the defendants in error, with leave to counsel for plaintiffs in error to file supplemental brief within five days.

No. 297.—The Dubuque and Sioux City Railroad Company, appellant, *vs.* Morris K. Jessup, surviving trustee;

No. 298.—Morris K. Jessup, surviving trustee, appellant, *vs.* The Illinois Central Railroad Company *et al.*, and

No. 307.—The Cedar Falls and Minnesota Railroad Company, appellant, *vs.* The Illinois Central Railroad Company. Continued per stipulation.

No. 282.—Alexander Frankenthal *et al.*, plaintiffs in error, *vs.* W. Scott Cook. Argument concluded by Mr. F. P. Blair for the defendant in error and submitted by Mr. W. T. Hutchings for the plaintiffs in error.

No. 285.—The United States, appellant, *vs.* The State of New York ; and

No. 422.—The State of New York, appellant, *vs.* The United States.

Argued by Mr. David B. Hill for the State of New York and by Mr. Assistant Attorney-General Whitney for the United States.

No. 345.—Thomas Smith, appellant, *vs.* The United States. Leave granted counsel for appellant to file additional brief herein within five days, on motion of Mr. J. Altheus Johnson for the appellant.

No. 234.—Lowell W. Ellenwood, administrator, etc., plaintiff in error, *vs.* The Marietta Chair Company. Argument commenced by Mr. E. B. Whitney for the plaintiff in error and continued by Mr. A. D. Follett for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 15, will be as follows: Nos. 234, 228, 292, 293 (149 and 214), 295, 871, 946, 299 (and 830), 301, and 302.



# SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 15, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Trafford N. Jayne, of Minneapolis, Minn.; Walter Dorsey Davidge, jr., of the District of Columbia; Publius V. Hoffman, of Chicago, Ill.; George W. Gibbons, of New York City, and Hiram Holbrook Rose, of Chicago, Ill., were admitted to practice.

No. 831.—The Last Chance Mining Company *et al.*, plaintiffs in error, *vs.* The Tyler Mining Company. On writ of certiorari to the United States circuit court of appeals for the ninth circuit. Judgments of the United States circuit court of appeals and of the circuit court of the United States for the district of Idaho reversed, with costs, and cause remanded to the said circuit court with directions to grant a new trial. Opinion by Mr. Justice Brewer.

No. 928.—Theodore Lambert, appellant, *vs.* George Barrett, sheriff of the county of Camden, in the State of New Jersey. Appeal from the circuit court of the United States for the district of New Jersey. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 140.—T. C. Mattingly, administrator, etc., appellant, *vs.* The Northwestern Virginia Railroad Company *et al.* Appeal from the circuit court of the United States for the district of West Virginia. Decree reversed, costs in this court and in the circuit court to be paid by the Baltimore and Ohio Railroad Company, and cause remanded, with a direction to remand it to the State court. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court:

No. 741.—Francis A. Coffin *et al.*, plaintiffs in error, *vs.* The United States. Motion that mandate issue granted.

No. 934.—James D. Shiver, plaintiff in error, *vs.* The United States. Motion to advance granted and cause advanced, as under the thirty-second rule, to be submitted on printed briefs, on or before the fourth Monday (22d) of April, or on the Tuesday after the second Monday of October next, as counsel may be advised.

No. 936.—Stephen M. Folsom, plaintiff in error, *vs.* The United States. Motion to advance granted and cause advanced, as under the thirty-second rule, to be submitted on printed briefs, on the Tuesday after the second Monday of October next.

No. 938.—A. F. McDowell, plaintiff in error, *vs.* The United States. Motion to advance granted, and cause advanced, as under the thirty-second rule, to be submitted on printed briefs at any time on or before the fourth Monday (22d) of April, or on the Tuesday after the second Monday of October next, as counsel may be advised.

No. 962 and 963.—Warren F. Putnam, plaintiff in error, *vs.* The United States. Motions to advance granted, and causes assigned for argument on the second Monday of the next term, after the cases already set down for that day.

No. —., Original.—*Ex parte*: In the matter of The Keasbey and Mattison Company, petitioner. Motion for leave to file petition for a writ of mandamus granted, and rule to show cause awarded, returnable on the first day of the next term.

No. 282.—Alexander Frankenthal *et al.*, plaintiffs in error, *vs.* W. Scott Cook. In error to the United States court for the Indian Territory. Judgment affirmed, with costs and interest, by a divided court.

No. 285.—The United States, appellant, *vs.* The State of New York; and

No. 422.—The State of New York, appellant, *vs.* The United States. Restored to the docket for reargument at the next term.

No. 148, of October term, 1892.—Mrs. Mary C. W. Fleitas, appellant, *vs.* Gilbert M. Richardson *et al.* Petition for leave to file a bill of review in the circuit court of the United States for the eastern district of Louisiana. Submitted by Mr. V. B. Edwards for the appellant.

No. 767.—Lew Rosen, plaintiff in error, *vs.* The United States;

No. 930.—William H. Markham, plaintiff in error, *vs.* The United States; and

No. 933.—A. W. Bellew, plaintiff in error, *vs.* The United States. Motions to advance submitted by Mr. Solicitor-General Conrad for the defendants in error.

No. 987.—Louis F. Streep, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the southern district of New York. Docketed and dismissed, on motion of Mr. Solicitor-General Conrad for the defendant in error.

No. 988.—Charles P. Barrett, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the district of South Carolina. Docketed and dismissed, on motion of Mr. Solicitor-General Conrad for the defendant in error.

No. 989.—William L. Hunter, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the northern district of Georgia. Docketed and dismissed, on motion of Mr. Solicitor-General Conrad for the defendant in error.

No. 295.—The Town of Andes, plaintiff in error, *vs.* Dudley P. Ely. Motion to continue submitted by Mr. C. L. Andrus for the plaintiff in error in support of motion, and by Mr. J. B. Gleason for the defendant in error in opposition thereto.

No. 985.—Michael Francis Maloy, appellant, *vs.* Hermann Duden. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. W. D. Davidge and Mr. William McArthur for the appellant in support of petition, and by Mr. R. K. Brown for the appellee in opposition thereto.

No. —, Original.—*Ex parte*: In the matter of Robert W. Buchanan, petitioner. Hearing on petition for a writ of error postponed until to-morrow.

No. 984.—The Ferryboat Montclair, etc., appellant, *vs.* The Easton and Amboy Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit. Submitted by Mr. George Bethune Adams and Mr. Franklin A. Wilcox for the appellant in support of the petition and by Mr. Henry W. Goodrich for the appellee in opposition thereto.

No. 383.—The Prairie State National Bank, etc., appellant, *vs.* The United States; and

No. 399.—The United States, appellant, *vs.* Charles A. Hitchcock *et al.* Continued, per stipulation, on motion of Mr. A. B. Browne in behalf of counsel.

No. 301.—William G. Taaks, plaintiff in error, *vs.* The State of North Carolina. Passed, to be heard with No. 374 as one case, when that case is reached.

No. 302.—George S. Wheeler *et al.*, plaintiffs in error, *vs.* Catharine Mallon. In error to the city court of Brooklyn, in the State of New York. Dismissed with costs, pursuant to the tenth rule.

No. 382.—James T. Campbell *et al.*, plaintiffs in error, *vs.* Richard T. Carroll. In error to the supreme court of the State of Missouri. Dismissed with costs, on the authority of counsel for the plaintiffs in error.

No. 896.—The Union Pacific Railway Company, plaintiff in error, *vs.* Robert E. Harris. Motions to dismiss or affirm submitted by Mr. George G. Vest in support of motions and by Mr. Willard Teller, Mr. Samuel Shellabarger, and Mr. J. M. Wilson in opposition thereto.

No. 319.—Louis Dejonge *et al.*, plaintiffs in error, *vs.* Daniel Magone, collector, etc. Continued per stipulation.

No. 332.—James C. Hays, executor, etc., appellant, *vs.* Mahlon Apgar. Continued per stipulation.

No. 234.—Lowell W. Ellenwood, administrator, etc., plaintiff in error, *vs.* The Marietta Chair Company. Argument continued by Mr. A. D. Follett for the defendant in error and concluded by Mr. E. B. Whitney for the plaintiff in error.

No. 228.—Winfield Scott Keyes *et al.*, appellants, *vs.* The Eureka Consolidated Mining Company. Argued by Mr. R. E. Foot for the appellants, and by Mr. A. B. Browne for the appellee.

No. 292.—The County of Gratiot, plaintiff in error, *vs.* Henry M. Aylesworth. Argument commenced by Mr. Thomas S. Jerome for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 16, will be as follows: Nos. 292, 293 (149 and 214), 295, 871, 946, 299 (and 830), 233, 262, 303, and 304.



# SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 16, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

B. F. Fifield, of Montpelier, Vt., and C. A. Prouty, of Newport, Vt., were admitted to practice.

The Chief Justice announced the following order of the court:

No. 295.—The Town of Andes, plaintiff in error, *vs.* Dudley P. Ely. Motion to continue denied.

No. 309.—D. E. Wood *et al.*, plaintiff in error, *vs.* Bach, Cory & Co. Submitted by Mr. P. V. Hoffman, Mr. Charles H. Aldrich, and Mr. N. C. Sears for the plaintiffs in error, and by Mr. R. A. Childs for the defendants in error.

No. 716.—The Chicago, Kansas and Western Railroad Company, plaintiff in error, *vs.* Clifford R. Pontius. Mandate granted on motion of Mr. William A. McKenney in behalf of counsel.

No. 292.—The County of Gratiot, plaintiff in error, *vs.* Henry M. Aylesworth. Argument concluded by Mr. Thomas S. Jerome for the defendant in error, and submitted by Mr. Charles J. Willett for the plaintiff in error.

No. 233.—The Pacific Railroad, appellant, *vs.* The United States. Submitted by Mr. A. T. Britton, Mr. A. B. Browne, and Mr. James Coleman for the appellant, and by Mr. Assistant Attorney-General Dodge for the appellee.

No. 12, Original.—*Ex parte:* In the matter of Robert W. Buchanan, petitioner. Petition for a writ of error argued by Mr. J. J. Noah and Mr. Denis A. Spellissy for petitioner, and by Mr. John D. Lindsay for the respondents.

No. 293.—The Chicago, Milwaukee and St. Paul Railway Company, appellant, *vs.* The United States *et al.*;

No. 149.—The Sioux City and St. Paul Railroad Company *et al.*, appellant, *vs.* The United States; and

No. 214.—The Sioux City and St. Paul Railroad Company, plaintiff in error, *vs.* Louis Countryman *et al.* Argument commenced by Mr. George



B. Young for the Sioux City and St. Paul Railroad Company *et al.*, and continued by Mr. W. H. Norris for the Chicago, Milwaukee and St. Paul Railway Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 17, will be as follows: Nos. 293 (and 149 and 214), 295, 871, 946, 299 (and 830), 262, 303, 304, 305, and 306.

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## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 17, 1895.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

William Winthrop, of Washington, D. C., was admitted to practice.

The Chief Justice announced the following order of the court:

No. 12, original.—*Ex parte*: In the matter of Robert W. Buchanan, petitioner. Petition for a writ of error denied.

No. 326.—The Farmers' Loan and Trust Company, appellant, *vs.* The Chicago, Portage and Superior Railway Company *et al.* Continued, per stipulation.

No. 293.—The Chicago, Milwaukee and St. Paul Railway Company, appellant, *vs.* The United States *et al.*;

No. 149.—The Sioux City and St. Paul Railroad Company *et al.*, appellants, *vs.* The United States; and

No. 214.—The Sioux City and St. Paul Railroad Company, plaintiff in error, *vs.* Lewis Countryman *et al.* Argument continued by Mr. W. H. Norris for the Chicago, Milwaukee and St. Paul Railway Company, by Mr. Assistant Attorney-General Dickinson for the United States, and by Mr. M. B. Davis for Countryman *et al.*, and concluded by Mr. George B. Young for the Sioux City and St. Paul Railroad Company *et al.*

No. 295.—The Town of Andes, plaintiff in error, *vs.* Dudley P. Ely. Argument commenced by Mr. William H. Johnson for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 18, will be as follows: Nos. 295, 871, 946, 299 (and 830), 262, 303, 304, 305, 306, and 308.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 18, 1895.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

No. 328.—William H. Robertson, collector, etc., plaintiff in error, *vs.* Morris J. Drucker, and

No. 337.—Morris J. Drucker, plaintiff in error, *vs.* William H. Robertson, collector. Continued, per stipulation on motion of Mr. Assistant Attorney-General Whitney for the collector.

No. 348.—Eugene Beebe *et al.*, plaintiffs in error, *vs.* The United States. Death of Eugene Beebe, one of the plaintiffs in error, herein suggested, and cause continued on motion of Mr. H. C. Tompkins for the plaintiffs in error.

No. 248.—Hiram Barney, collector, etc., plaintiff in error, *vs.* Joseph H. White *et al.* Remittitur filed and cause submitted on joint memorandum by Mr. Assistant Attorney-General Whitney for the plaintiff in error, and by Mr. Samuel F. Phillips and Mr. Frederic D. McKenney for the defendants in error.

No. 295.—The Town of Andes, plaintiff in error, *vs.* Dudley P. Ely. Argument continued by Mr. J. B. Gleason for the defendant in error, and concluded by Mr. William H. Johnson for the plaintiff in error.

No. 871.—M. L. Johnson, captain United States Navy, appellant, *vs.* David B. Sayre. Argued by Mr. L. W. T. Waller (by special leave) for the appellant and by Mr. A. E. Warner and Mr. John W. Happer for the appellee.

No. 946.—Lem Moon Sing, appellant, *vs.* The United States *et al.* Argument commenced by Mr. Maxwell Evarts for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 19, will be as follows: Nos. 946, 299 (and 830), 262, 303, 304, 305, 306, 308, 310 (and 311 and 312), and 313.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 19, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

No. 946.—Lem Moon Sing, appellant, *vs.* The United States *et al.* Argument continued by Mr. Maxwell Evarts for the appellant, by Mr. Assistant Attorney-General Dickinson for the appellees, and concluded by Mr. Maxwell Evarts for the appellant.

Nos. 299 and 830.—The Rutland Railroad Company, plaintiff in error, *vs.* The Central Vermont Railroad Company *et al.* Argument commenced by Mr. C. A. Prouty for the plaintiff in error and continued by Mr. E. J. Phelps for the defendants in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 22, will be as follows: Nos. 299 (and 830), 262, 303, 304, 305, 306, 308, 310 (and 311 and 312), 313, and 314.

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## SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 22, 1895.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

W. H. Hubbard, of Defiance, Ohio; J. T. Keena, of Detroit, Mich., and Frederick Charles Clift, of Oakland, Cal., were admitted to practice.

No. 124.—D. E. Roberts *et al.*, appellants, *vs.* The Northern Pacific Railroad Company. Appeal from the circuit court of the United States for the western district of Wisconsin. Decree affirmed, with costs. Opinion by Mr. Justice Shiras.

No. 164.—The Risdon Iron and Locomotive Works, appellant, *vs.* Philip Medart *et al.* Appeal from the circuit court of the United States for the northern district of California. Decree reversed, with costs, and cause remanded, with directions to dismiss the bill. Opinion by Mr. Justice Brown.

No. 240.—John E. Dubois, appellant, *vs.* Arthur Kirk. Appeal from the circuit court of the United States for the western district of Pennsylvania. Decree affirmed, with costs. Opinion by Mr. Justice Brown. Dissenting: Mr. Justice Field.

No. 220.—The Richmond Silver Mining Company, plaintiff in error, *vs.* Sebastian Koenigsberger, administrator, etc., and

No. 260.—Sebastian Koenigsberger, administrator, etc., plaintiff in error, *vs.* The Richmond Silver Mining Company. In error to the circuit court of the United States for the district of South Dakota. Judgment affirmed; each party to pay one-half of the costs in this court. Opinion by Mr. Justice Gray.

No. 223.—The Newport News and Mississippi Valley Company, plaintiff in error, *vs.* A. R. Pace. In error to the circuit court of the United States for the western district of Tennessee. Judgment affirmed with costs and interest. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced that the call of the docket will be suspended for the term on Friday, May 3 next.

The Chief Justice also announced the following orders of the court :

No. 984.—The Ferryboat “Montclair,” etc., appellant, *vs.* The Easton and Amboy Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit. Denied.

No. 964.—The New York Life Insurance Company, plaintiff in error, *vs.* Eudora V. Smith, administratrix, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit. Denied.

No. 978.—Leverett Saltonstall, collector, etc., plaintiff in error, *vs.* Joseph Birtwell. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit. Granted as of April 8, 1895.

No. 148, of October term, 1892.—Mrs. Mary C. W. Fleitas, appellant, *vs.* Gilbert M. Richardson *et al.* Petition for leave to file bill of review in the circuit court of the United States for the eastern district of Louisiana. Denied.

No. 767.—Lew Rosen, plaintiff in error, *vs.* The United States. Motion to advance granted and cause assigned for argument on the second Monday of the next term, after the cases already set down for that day.

No. 933.—A. W. Bellew, plaintiff in error, *vs.* The United States. Motion to advance granted and cause assigned for argument on the second Monday of the next term, after the cases already set down for that day.

No. 930.—William H. Markham, plaintiff in error, *vs.* The United States. Motion to advance granted and cause assigned for argument on the third Monday of November next.

No. 985.—Michael Francis Maloy, appellant, *vs.* Hermann Duden. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit. Denied.

No. 705.—The Berwind-White Coal Mining Company, appellant, *vs.* The Steamship “Kate” etc. Order of submission set aside and writ of certiorari directed to be issued, requiring the whole record and cause to be sent up to this court for its consideration.

No. 268.—William W. Armstrong, appellant, *vs.* The United States. Appeal from the Court of Claims. Judgment affirmed on the authority of *United States v. Fletcher* (148 U. S., 84).

No. 292.—The County of Gratiot, plaintiff in error, *vs.* Henry M. Aylesworth. In error to the circuit court of the United States for the eastern district of Michigan. Judgment affirmed, with costs and interest, by a divided court.

No. 248.—Hiram Barney, collector, etc., plaintiff in error, *vs.* Joseph H. White *et al.* In error to the circuit court of the United States for the southern district of New York. Judgment affirmed for the sum of

\$1,039.02, with interest thereon from March 24, 1883, until paid, and costs in said circuit court; each party to pay one-half of the costs in this court.

No. 839.—Clay Peters, plaintiff in error, *vs.* The United States;

No. 891.—The Flournoy Live Stock and Real Estate Company, appellant, *vs.* William H. Beck;

No. 898.—W. H. Clune *et al.*, plaintiffs in error, *vs.* The United States; and

No. 945.—John Ansbro, plaintiff in error, *vs.* The United States. Motions to advance submitted by Mr. Solicitor-General Conrad in support of motions.

No. 318.—Lippman Topplitz *et al.*, plaintiffs in error, *vs.* Edwin A. Merritt, collector, etc. In error to the circuit court of the United States for the southern district of New York. Dismissed, with costs, on authority of counsel for the plaintiffs in error, on motion of Mr. Solicitor-General Conrad for the defendant in error.

No. 807.—P. J. Bannon *et al.*, plaintiffs in error, *vs.* The United States. Motion that mandate issue submitted by Mr. Solicitor-General Conrad in support of motion, and by Mr. A. B. Browne and Mr. B. F. Dowell in opposition thereto.

No. 860.—Frank Moore, plaintiff in error, *vs.* The State of Missouri. Motion to advance submitted by Mr. Thomas C. Fletcher in behalf of counsel for the plaintiff in error.

No. —., Original.—*Ex parte*: In the matter of John M. Quarles, sr., and David Butler, petitioners. Motion for leave to file petition for a writ of *habeas corpus* submitted by Mr. W. C. Glenn in support of motion, with leave to Mr. Solicitor-General Conrad to file brief in opposition within three days.

No. —., Original.—*Ex parte*: In the matter of James A. McEntire and John H. Goble, petitioners. Motion for leave to file petition for a writ of *habeas corpus* submitted by Mr. W. C. Glenn in support of motion, with leave to Mr. Solicitor-General Conrad to file brief in opposition within three days.

No. 951.—W. P. Sayward, plaintiff in error, *vs.* Arthur A. Denny *et al.*, as executors, etc. Motions to dismiss or affirm submitted by Mr. G. M. Emory in support of motions and by Mr. Charles E. Shephard in opposition thereto.

No. 304.—The Baltimore and Ohio Railroad Company, plaintiff in error, *vs.* Emma Griffith. Passed, subject to the provision of section 9 of rule 26, on motion of Mr. John K. Cowen for the plaintiff in error.

No. 215.—Anthony P. Carr, appellant, *vs.*, W. H. Fife *et al.* Mandate granted on motion of Mr. H. J. May for the appellant.

No. 793.—James T. Shields, jr., receiver, etc., appellant, *vs.* John Coleman *et al.* Mandate granted on motion of Mr. H. J. May for the appellant.

No. 928.—Theodore Lambert, appellant, *vs.* George Barrett, sheriff, etc. Motion that mandate issue submitted by Mr. Wilson H. Jenkins for the appellee.

No. 943.—The Steamship "Beaconsfield," etc., appellants, *vs.* Albert W. Sanbern. Submitted by Mr. J. Parker Kirlin for the appellants, and by Mr. Wm. G. Choate for the appellee.

Nos. 299 and 830.—The Rutland Railroad Company, plaintiff in error, *vs.* The Central Vermont Railroad Company *et al.* Argument concluded by Mr. George F. Edmunds for the plaintiff in error.

No. 262.—E. W. Clark, appellant, *vs.* Charles Reeder. Argument commenced by Mr. Joseph S. Clark for the appellant, and continued by Mr. James McColgan for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 23, will be as follows: Nos. 262, 303, 305, 306, 308, 310 (and 311 and 312), 313, 314, 315, and 316.



# SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 23, 1895.

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Present : The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

The Chief Justice announced the following order :

No. 893.—Charles Pollock, appellant, *vs.* The Farmers' Loan and Trust Company *et al.*; and

No. 894.—Lewis H. Hyde, appellant, *vs.* The Continental Trust Company of the City of New York *et al.* It is ordered by the court that the consideration of the two petitions for rehearing in these cases be reserved until Monday, May 6 next, when a full bench is expected, and in that event two counsel on a side will be heard at that time.

No. 315.—Edward S. Ritchie, appellant, *vs.* George W. Merrill *et al.* Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs, pursuant to the tenth rule.

No. 262.—E. W. Clark, appellant, *vs.* Charles Reeder. Argument continued by Mr. Bernard Carter for the appellee and concluded by Mr. R. C. Dale for the appellant.

No. 303.—Herbert S. De Sollar, appellant, *vs.* William B. Hanscomb. Argued by Mr. Chapin Brown for the appellant and submitted by Mr. W. C. Kingsley for the appellee.

No. 305.—John M. Boyd, appellant, *vs.* The Janesville Hay Tool Company *et al.* Argument commenced by Mr. Curtis T. Benedict for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 24, will be as follows: Nos. 305, 306, 308, 310 (and 311 and 312), 313, 314, 316, 317, 318, and 321.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 24, 1895.

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Present : The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

William H. Ingersoll, of Brooklyn, N. Y. ; Claude A. O. Rosell, of Washington, D. C. ; Robert D. Murray, of New York City, and Thomas S. Hopkins, of Washington, D. C., were admitted to practice.

No. 248.—Hiram Barney, collector, etc., plaintiff in error, *vs.* Joseph H. White *et al.* Mandate granted on motion of Mr. Frederic D. McKenney for the defendants in error.

No. 317.—John Bruce Thompson, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the southern district of New York. Dismissed pursuant to the tenth rule.

No. 305.—John M. Boyd, appellant, *vs.* The Janesville Hay Tool Company *et al.* Argument continued by Mr. Curtis T. Benedict for the appellant, by Mr. Charles K. Offield for the appellees, and concluded by Mr. Curtis T. Benedict for the appellant.

No. 306.—Ozias W. Shipman, plaintiff in error, *vs.* The Straitsville Central Mining Company. Argued by Mr. Frederic D. McKenney for the plaintiff in error, and by Mr. J. Holdsworth Gordon for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 25, will be as follows: Nos. 308, 310 (and 311 and 312), 313, 314, 316, 321, 322 (and 323), 324, 325, and 327.

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# SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 25, 1895.

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Present : The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

No. 308.—Ozias Townsend, appellant, *vs.* The St. Louis and Sandoval Coal and Mining Company *et al.* Argued by Mr. Upton M. Young for the appellant, and by Mr. Green B. Raum for the appellees.

No. 310.—Edward S. Richards, appellant, *vs.* The Chase Elevator Company *et al.* ;

No. 311.—Edward S. Richards, appellant, *vs.* The Michigan Central Railroad Company *et al.* ; and

No. 312.—Edward S. Richards, appellant, *vs.* The Chicago and Grand Trunk Railroad Company *et al.* Argued by Mr. Charles K. Offield for the appellant, and by Mr. George S. Payson for the railroad companies, and by Mr. John W. Munday for the elevator company *et al.*

No. 313.—Harvey Spalding *et al.*, appellants, *vs.* George Mason. Argument commenced by Mr. W. Willoughby for the appellants, and continued by Mr. W. L. Cole for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 26, will be as follows: Nos. 313, 314, 316, 321, 322 (and 323), 324, 325, 327, 329, and 330.

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## SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 26, 1895.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

George Kearney, of Washington, D. C., was admitted to practice.

No. 329.—Robert J. Chester *et al.*, plaintiffs in error, *vs.* J. H. and B. T. Hillsman *et al.* In error to the supreme court of the State of Tennessee. Dismissed with costs, pursuant to the tenth rule.

No. 313.—Harvey Spalding *et al.*, appellants, *vs.* George Mason. Argument continued by Mr. W. L. Cole for the appellee, and concluded by Mr. W. Willoughby for the appellants.

No. 314.—The Lehigh Valley Railroad Company, appellant, *vs.* Francis Kearney *et al.* Argument commenced by Mr. Robert J. Fisher for the appellant, and continued by Mr. Elwood C. Harris for the appellees and Mr. C. E. Mitchell for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 29, will be as follows: Nos. 314, 316, 321, 322 (and 323), 324, 325, 327, 330, 331, and 333.

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# SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 29, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

D. B. Spagnoli, of Jackson, Cal.; Harold G. Underwood, of Milwaukee, Wis.; Herbert T. Jennings, of New York City; Edward H. Weil, of Philadelphia, Pa.; Levi B. Alricks, of Harrisburg, Pa., and Thomas Mills Day, jr., of Jacksonville, Fla., were admitted to practice.

No. 255.—The Gulf, Colorado and Santa Fe Railway Company, plaintiff in error, *vs.* Hefley & Lewis, a firm composed of J. D. Hefley and A. J. Lewis. In error to the county court of Milam County, State of Texas. Judgment reversed, with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Brewer.

No. 278.—Joel Parker Whitney, plaintiff in error, *vs.* Frank C. Taylor. In error to the circuit court of the United States for the northern district of California. Judgment affirmed, with costs. Opinion by Mr. Justice Brewer.

The Chief Justice announced the following orders of the court:

No. 839.—Clay Peters, plaintiff in error, *vs.* The United States;

No. 891.—The Flournoy Live Stock and Real Estate Company, appellant, *vs.* William H. Beck;

No. 898.—W. H. Clune *et al.*, plaintiffs in error, *vs.* the United States;

No. 945.—John Ansbro, plaintiff in error, *vs.* The United States; and

No. 860.—Frank Moore, plaintiff in error, *vs.* The State of Missouri. Motions to advance granted and cases assigned for argument on the second Monday of the next term, after the cases already set down for that day.

No. 309.—D. E. Wood *et al.*, plaintiffs in error, *vs.* Bach, Cory & Co. In error to the circuit court of the United States for the northern district of Illinois. Judgment affirmed, with costs and interest, by a divided court.

No. 822.—J. W. Todd *et al.*, plaintiffs in error, *vs.* The United States. Leave granted to counsel to file briefs within four days upon the question

whether a commissioner of the circuit court of the United States, when holding a preliminary examination, may be regarded as a "court of the United States" within section 5406 of the Revised Statutes.

No. 972.—Charles L. Borgmeyer, administrator, etc., plaintiff in error, *vs.* William Idler *et al.* Motions to dismiss or affirm submitted by Mr. M. Hampton Todd and Mr. Edward H. Weil in support of motions, and by Mr. Samuel F. Phillips and Mr. Frederic D. McKenney in opposition thereto.

No. 877.—The United States, appellant, *vs.* The City of Santa Fe ;

No. 544.—Daniel A. Bucklin, appellant, *vs.* The United States ;

No. 961.—Daniel A. Bucklin, plaintiff in error, *vs.* The United States ;

No. 956.—Dan K. Swearingen, plaintiff in error, *vs.* The United States ;

No. 960.—George L. Wheeler, plaintiff in error, *vs.* The United States ; and

No. 986.—Dennis Davis, plaintiff in error, *vs.* The United States. Motion to advance submitted by Mr. Solicitor-General Conrad in support of motion.

No. 998.—Starling Tucker, plaintiff in error, *vs.* The United States. In error to the district court of the United States for the eastern district of Texas. Docketed and dismissed on motion of Mr. Solicitor-General Conrad for the defendant in error.

No. 974.—*Ex parte*: In the matter of James Lennon, appellant. Leave granted Mr. George C. Greene to appear and file brief herein.

No. 992.—Marion County, Tex., plaintiff in error, *vs.* W. N. Coler & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit, submitted by Mr. R. C. Garland and Mr. A. H. Garland for the plaintiff in error in support of the petition, and by Mr. W. S. Herndon for the defendants in error in opposition thereto.

No. 705.—The Berwind-White Coal Mining Company, appellant, *vs.* The Steamship Kate, etc. Motion to advance submitted by Mr. George Bethune Adams for the appellant.

No. —, Original.—*Ex parte*: In the matter of William Belt, alias William Jones, petitioner. Motion for leave to file petition for a writ of *habeas corpus* submitted by Mr. George Kearney in support of the motion, with leave to Mr. Solicitor-General Conrad to file brief in opposition thereto within three days.

No. 31.—Joel B. Erhardt, collector, etc., plaintiff in error, *vs.* Frederick A. Schroeder *et al.* Motion to recall and modify the mandate herein submitted by Mr. Frederic D. McKenney in behalf of Mr. E. B. Smith for the defendants in error.

No. 997.—Edward E. O'Brien, appellant, *vs.* Brice Alan Miller *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. George Cromwell in behalf of Mr. W. Mynderse for the appellees in support of the petition, and by Mr. George A. Black for the appellant in opposition thereto.

No. 331.—Patrick McAleer *et al.*, plaintiffs in error, *vs.* Alice S. Hill, executrix, etc. In error to the supreme court of the State of Washington. Dismissed, with costs, pursuant to the tenth rule.

No. 333.—The State of Wisconsin *ex rel.* John R. Baltzell, plaintiff in error, *vs.* Robert G. Siebecker, circuit judge, etc. Continued.

No. 314.—The Lehigh Valley Railroad Company, appellant, *vs.* Francis Kearney *et al.* Argument concluded by Mr. C. E. Mitchell for the appellant.

No. 316.—The National Park Bank of New York, plaintiff in error, *vs.* William Remsen. Death of William Remsen suggested and appearance of Charles Remsen and William Manice, executor, etc., as defendants in error herein filed and entered on motion of Mr. Robert D. Murray in behalf of counsel for defendants in error.

No. 316.—The National Park Bank of New York, plaintiff in error, *vs.* Charles Remsen and William Manice, executor, etc. Argued by Mr. Robert D. Murray for the plaintiff in error and by Mr. William H. Ingersoll for the defendants in error.

No. 321.—Marion Russell *et al.*, plaintiffs in error, *vs.* The Maxwell Land Grant Company. Submitted by Mr. Ira W. Buell for the plaintiffs in error and by Mr. Charles E. Gast and Mr. Frank Springer for the defendant in error.

No. 322.—The Thorn Wire Hedge Company, appellant, *vs.* The Washburn & Moen Manufacturing Company; and

No. 323.—The Washburn & Moen Manufacturing Company, appellant, *vs.* The Thorn Wire Hedge Company. Argument commenced by Mr. George C. Fry for the Thorn Wire Hedge Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 30th, will be as follows: Nos. 322 (and 323), 324, 325, 327, 330, 335, 336, 338, 339, and 340.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 30, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, and Mr. Justice Shiras.

No. 330.—W. B. Eldridge, appellant, *vs.* Peter J. Trezevant *et al.* Leave granted to counsel for the appellees to file brief herein within fifteen days from this date, on motion of Mr. John Selden in behalf of counsel.

No. 335.—John S. Stantou *et al.*, appellants, *vs.* The Union Trust Company, of New York, *et al.* Appeal from the circuit court of the United States for the district of Kansas. Dismissed with costs pursuant to the tenth rule.

No. 340.—Charles McSorley *et al.*, plaintiffs in error, *vs.* Alice S. Hill, as executor, etc. In error to the supreme court of the State of Washington. Dismissed with costs pursuant to the tenth rule.

No. 322.—The Thorn Wire Hedge Company, appellant, *vs.* The Washburn & Moen Manufacturing Company; and

No. 323.—The Washburn & Moen Manufacturing Company, appellant, *vs.* The Thorn Wire Hedge Company. Argument continued by Mr. George C. Fry for The Thorn Wire Hedge Company, by Mr. F. W. Lehmann and Mr. C. C. Washburn for the Washburn & Moen Manufacturing Company, and concluded by Mr. George C. Fry for The Thorn Wire Hedge Company.

No. 324.—The Dr. S. A. Richmond Nervine Company, appellant, *vs.* Samuel A. Richmond. Argument commenced by Mr. Benjamin Butterworth for the appellant and continued by Mr. William Henry Browne for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, May 1, will be as follows: Nos. 324, 325, 327, 330, 336, 338, 339, 341, 342, and 343.



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MAY 1, 1895.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

E. C. Johnson, of Port Townsend, Wash., was admitted to practice.

No. 344.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* George C. Ragsdale. In error to the circuit court of the United States for the district of Minnesota. Dismissed with costs on motion of Mr. R. C. Garland for the plaintiff in error.

No. 324.—The Dr. S. A. Richmond Nervine Company, appellant, *vs.* Samuel A. Richmond. Argument continued by Mr. William Henry Browne for the appellee and concluded by Mr. Benjamin Butterworth for the appellant.

No. 325.—O. W. Rash, plaintiff in error, *vs.* John W. S. Farley. Submitted by Mr. John H. Rogers for the plaintiff in error. No counsel appeared for the defendant in error.

No. 327.—Hetty H. R. Green *et al.*, appellants, *vs.* George M. Bogue *et al.* Death of Henry W. Hoyt, one of the appellees, suggested, and appearance of Delia Hoyt, individually and as administratrix and guardian, etc., filed and entered on motion of Mr. George W. Smith for the appellees. Argued by Mr. L. H. Bisbee for the appellants, and by Mr. George W. Smith for the appellees.

No. 330.—W. B. Eldridge, appellant, *vs.* Peter J. Trezevant *et al.* Submitted by Mr. Wade R. Young for the appellant, leave having been heretofore granted to counsel for appellees to file brief hereafter.

No. 336.—Henry H. Eby, appellant, *vs.* Solomon E. King *et al.* Argument commenced by Mr. Harold G. Underwood for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, May 2, will be as follows: Nos. 336, 338, 339, 341, 342, 343, 346, 347, 349, and 350.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, MAY 2, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

No. 1000.—The Enterprise Mining Company, appellant, *vs.* The Rico-Aspen Consolidated Mining Company *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit. Submitted by Mr. C. S. Thomas for the appellees in support of petition, with leave to Mr. Frederic D. McKenney, for the appellant, to file brief in opposition on or before the 10th instant.

No. 346.—F. M. Thorp *et al.*, appellants, *vs.* The Tenam Ditch Company. Continued on motion of Mr. R. C. Garland for the appellants.

No. 350.—The Gulf, Colorado and Santa Fe Railway Company, plaintiff in error, *vs.* P. Johnson & Son. Submitted by Mr. A. B. Browne, Mr. A. T. Britton, Mr. George R. Peck, and Mr. J. W. Terry for the plaintiff in error. No one appeared for the defendants in error.

No. 336.—Henry H. Eby, appellant, *vs.* Solomon E. King *et al.* Argument continued by Mr. Harold G. Underwood for the appellant, by Mr. John G. Manahan for the appellees, and concluded by Mr. Harold G. Underwood for the appellant.

No. 338.—The Little Rock and Memphis Railroad Company, appellant, *vs.* The East Tennessee, Virginia and Georgia Railroad Company *et al.* Continued.

No. 339.—William Haws *et al.*, appellants, *vs.* The Victoria Copper Mining Company. Continued.

No. 341.—Charles W. Horne, plaintiff in error, *vs.* C. A. Smith *et al.* Submitted by Mr. H. Bisbee for the plaintiff in error and by Mr. George M. Robbins for the defendants in error.

No. 342.—H. T. Cowley, appellant, *vs.* The Northern Pacific Railroad Company. Continued.

No. 885.—The City of Evansville, plaintiff in error, *vs.* William S. Dennett. Submitted by Mr. George A. Cunningham for the plaintiff in error, and by Mr. George A. Sanders for the defendant in error.

No. 343.—Amanda W. France, plaintiff in error, *vs.* John W. Connor *et al.* Argument commenced by Mr. Charles N. Potter for the plaintiff in error, and continued by Mr. Samuel Shellabarger for the defendants in error, and by Mr. A. B. Browne for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, May 3, will be as follows : Nos. 343, 347, 349, 352, 354, 355, 356, 357, 358, and 360.



# SUPREME COURT OF THE UNITED STATES.

FRIDAY, MAY 3, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

No. 813.—Count Joseph Telfener, plaintiff in error, *vs.* George W. Russ. Motion of Mr. Joseph Wheeler for the defendant in error to assign this case for reargument at the present term denied.

No. 354.—Lewis P. Kelsey *et al.*, appellants, *vs.* W. J. Crowther *et al.* Continued per stipulation.

No. 357.—The Michigan Dairy Company *et al.*, appellants, *vs.* C. C. Converse, executor of James W. Converse, deceased. Continued.

No. 360.—Ella L. Laing, plaintiff in error, *vs.* Thomas G. Rigney. Continued per stipulation.

No. 332.—James C. Hays, executor, etc., appellant, *vs.* Mahlon Apgar. Appeal from the circuit court of the United States for the district of New Jersey. Dismissed, each party to pay his own costs, per stipulation.

No. 343.—Amanda W. France, plaintiff in error, *vs.* John W. Connor *et al.* Argument concluded by Mr. A. B. Browne for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call has been suspended for the term.

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# SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 6, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, Mr. Justice Jackson, and Mr. Justice White.

John C. Weadock, of Bay City, Mich.; William Jay, of New York City; Albert D. Marks, of Nashville, Tenn.; Robert Pritchard, of Chattanooga, Tenn.; Joseph Rothschild, of San Francisco, Cal.; Foster V. Brown, of Chattanooga, Tenn.; Clarence A. Hight, of Portland, Me.; Henry N. Rice, of Boston, Mass.; Edwin Forrest, of Washington, D. C.; R. D. Evans, of Baraboo, Wis.; Orville Rinehart, of Minneapolis, Minn., and Leonidas D. Yarrell, of Emporia, Va., were admitted to practice.

No. 103.—Mary White *et al.*, appellants, *vs.* Wm. J. Miller, executor, etc., *et al.* Appeal from the supreme court of the District of Columbia. Decree reversed, with costs, and cause remanded with directions to proceed in accordance with the opinion of this court. Opinion by Mr. Justice Shiras.

No. 233.—The Pacific Railroad, appellant, *vs.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Shiras.

No. 270.—John Simpson, appellant, *vs.* The Steamer "Oregon," etc.; and

No. 273.—The Oregon Short Line and Utah Northern Railway Company, appellant, *vs.* The Ship "Clan Mackenzie," etc. Appeals from the circuit court of the United States for the district of Oregon. Decree reversed, with costs to the original libellant as against the steamship "Oregon," and with costs to the "Oregon" as against the intervenors, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 277.—The Corporation of the Catholic Bishop of Nesqually in Washington Territory, appellant, *vs.* John Gibbon *et al.* Appeal from the circuit court of the United States for the district of Washington. Decree affirmed. Opinion by Mr. Justice Brewer.

No. 234.—Lowell W. Ellenwood, administrator, etc., plaintiff in error, *vs.* The Marietta Chair Company. In error to the circuit court of the United States for the southern district of Ohio. Judgment affirmed, with costs. Opinion by Mr. Justice Gray.

No. 871.—M. L. Johnson, captain United States Navy, appellant, *vs.* David B. Sayre. Appeal from the circuit court of the United States for the eastern district of Virginia. Order reversed, with costs, and cause remanded, with directions to remand Sayre to custody. Opinion by Mr. Justice Gray.

No. 17.—Benjamin Rich *et al.*, appellants, *vs.* Tamlin Braxton *et al.* Appeal from the circuit court of the United States for the district of West Virginia. Decree affirmed with costs. Opinion by Mr. Justice Harlan.

No. 275.—Jane M. Teall *et al.*, appellants, *vs.* A. Schroeder *et al.* Appeal from the circuit court of the United States for the northern district of California. Decree affirmed with costs. Opinion by Mr. Justice Field.

No. 199.—John D. Beardsley, appellant, *vs.* The Arkansas and Louisiana Railway Company. Appeal from the circuit court of the United States for the eastern district of Arkansas. Dismissed with costs. Opinion by Mr. Chief Justice Fuller.

No. 228.—Winfield Scott Keyes *et al.*, appellants, *vs.* The Eureka Consolidated Mining Company. Appeal from the circuit court of the United States for the northern district of California. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 951.—W. P. Sayward, plaintiff in error, *vs.* Arthur A. Denny *et al.*, as executors, etc. In error to the supreme court of the State of Washington. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court :

No. 705.—The Berwind-White Coal Mining Company, appellant, *vs.* The Steamship Kate, etc. Motion to advance granted, and cause assigned for argument on the first Monday of January next.

No. 877.—The United States, appellant, *vs.* The City of Santa Fe. Motion to advance granted, and cause assigned for argument on the first Monday of January next, after the case already set down for that day.

No. 544.—Daniel A. Bucklin, appellant, *vs.* The United States ;

No. 961.—Daniel A. Bucklin, plaintiff in error, *vs.* The United States ;

No. 956.—Dan. K. Swearingen, plaintiff in error, *vs.* The United States ;

No. 960.—George L. Wheeler, plaintiff in error, *vs.* The United States ;  
and

No. 986.—Dennis Davis, plaintiff in error, *vs.* The United States. Motions to advance granted, and causes assigned for argument on the second Monday of the next term, after the cases already set down for that day.

No. 972.—Charles L. Borgmeyer, administrator, etc., plaintiff in error, *vs.* William Idler *et al.* Motions to dismiss or affirm denied for want of a printed record.

No. 997.—Edward E. O'Brien, appellant, *vs.* Brice Alan Miller *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit. Granted.

No. 992.—Marion County, Texas, plaintiff in error, *vs.* W. N. Coles & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit. Denied.

No. 325.—O. W. Rash, plaintiff in error, *vs.* John W. S. Farley. In error to the court of appeals of the State of Kentucky. Judgment affirmed with costs, on the authority of *Emert vs. Missouri*, No. 120 on the docket for the present term.

No. 350.—The Gulf, Colorado and Santa Fe Railway Company, plaintiff in error, *vs.* P. Johnson & Son. In error to the county court of Coleman County, Texas. Judgment reversed, with costs, on the authority of *The Gulf, Colorado and Santa Fe Railway Company vs. Hefley & Lewis*, No. 255 on the docket for the present term, and cause remanded for further proceedings not inconsistent with the opinion of the court in that case.

No. 7, Original.—The State of California, complainant, *vs.* Southern Pacific Company. It being brought to the attention of the court that counsel have agreed upon the amount hereinafter named as reasonable compensation in the premises, in addition to the allowance heretofore made for expenses, it is ordered that the sum of \$3,000 be, and it is hereby, allowed to William A. Maury, esq., as compensation for services rendered by him as commissioner herein, and that said sum be taxed in the costs accordingly.

No. 31.—Joel B. Erhardt, collector, etc., plaintiff in error, *vs.* Frederick A. Schroeder *et al.* Motion to recall and modify mandate granted, and mandate ordered to be recalled and modified by striking from the judgment therein the words, "In order that the jury may pass upon the real character of the tobacco contained in the ten bales withdrawn by the importers."

No. 987.—Louis F. Streep, plaintiff in error, *vs.* The United States. Motion to vacate order docketing and dismissing this cause, and for leave to docket same, submitted by Mr. Frank W. Angel for the plaintiff in error.

No. 247.—The Eastern Oregon Gold Mining Company (Limited), plaintiff in error, *vs.* C. S. Miller. Mandate granted on motion of Mr. John H. Mitchell for the defendant in error.

No. 1009.—The Grand Trunk Railway Company, plaintiff in error, *vs.* Mary E. Tennant, administratrix. Petition for a writ of certiorari to the United States circuit court of appeals of the first circuit submitted by Mr. Melville Church, Mr. A. A. Strout, Mr. Henry N. Rice, and Mr. Clarence A. Hight for the plaintiff in error in support of petition, with leave to Mr. John B. Cotton, for the defendant in error, to file brief in opposition thereto within one week.

No. 486.—The United States, appellant, *vs.* Juan Chaves *et al.*; and

No. 999.—The United States, plaintiff in error, *vs.* A certain tract of land in Cumberland Township, etc. Motions to advance submitted by Mr. Solicitor-General Conrad for the United States.

No. 978.—Leverett Saltonstall, collector, etc., plaintiff in error, *vs.* Joseph Birtwell. Death of plaintiff in error suggested, and appearance of Rose L. Saltonstall, Philip L. Saltonstall, and Richard M. Saltonstall, executors, etc., as plaintiffs in error herein filed and entered on motion of Mr. Solicitor-General Conrad for the plaintiffs in error.

No. 996.—H. H. Myers, appellant, *vs.* J. C. League *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. R. R. Briggs for the appellant in support of petition.

No. 1005.—The National Life Insurance Company, of Montpelier, Vt., plaintiff in error, *vs.* The Board of Education of the City of Huron, S. Dak. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Charles H. Armes in behalf of Mr. R. J. Wells for the defendant in error in support of petition, and by Mr. N. T. Guernsey for the plaintiff in error in opposition thereto.

No. 709.—August Bergemann, appellant, *vs.* Edmund A. Backur, sheriff, etc. Mandate granted on motion of Mr. J. S. Salmon for the appellee.

No. 84.—The Baltimore and Potomac Railroad Company *et al.*, plaintiffs in error *vs.* Franklin H. Mackey, administrator, etc. Motion for mandate to issue submitted by Mr. Franklin H. Mackey for the defendant in error.

No. 3, Original.—The State of Virginia, complainant, *vs.* The State of Tennessee. Motion for a decree herein submitted by Mr. R. Taylor Scott for the complainant.

No. 913.—J. H. White *et al.*, appellants, *vs.* Boyd Ewing, receiver, etc. Advanced as under the thirty-second rule, on motion of Mr. Heber J. May for the appellants.

No. 690.—Henry Morgan, guardian, etc., *et al.*, appellants, *vs.* J. E. Potter, guardian, etc., *et al.* Mandate granted per stipulation on motion of Mr. Frederic D. McKenney in behalf of counsel.



No. 958.—Róbert B. Dashiell, appellant, *vs.* James B. M. Grosvenor *et al.* Motion to advance submitted by Mr. Frederic D. McKenney for the appellant.

No. 1001.—Sherman W. Knevals, trustee, *et al.*, appellants, *vs.* The Florida Central and Peninsular Railroad Company *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Edwin Forrest in behalf of Mr. H. Bisbee for the appellants in support of the petition.

No. 991.—John H. Colvin, appellant, *vs.* The City of Jacksonville *et al.* Motion to advance for submission at this term submitted by Mr. Edwin Forrest in behalf of counsel.

No. 697.—J. S. Noble *et al.*, plaintiffs in error, *vs.* S. M. Mitchell. Motions to dismiss or affirm submitted by Mr. Charles Wilkinson in support of motions and by Mr. John M. Chilton in opposition thereto.

No. 893.—Charles Pollock, appellant, *vs.* The Farmers' Loan and Trust Company *et al.*; and

No. 894.—Lewis H. Hyde, appellant, *vs.* The Continental Trust Company of the city of New York *et al.* The Chief Justice said: In these cases appellants made application for a rehearing as to those propositions upon which the court was equally divided, whereupon the Attorney-General presented a suggestion that if any rehearing were granted it should embrace the whole case. Treating this suggestion as amounting in itself to an application for a rehearing, and not desiring to restrict the scope of the argument, we set down both applications to be heard to-day before a full bench, which the anticipated presence of our brother Jackson, happily realized, enabled us to do. No further argument will be desired. We were obliged, however, to limit the number of counsel to two on each side; but as to the time, we await the suggestions of counsel.

Five hours granted to each side in the argument of these cases, on motion of Mr. Joseph H. Choate for the appellants.

No. 915.—John G. Moore, appellant, *vs.* Joseph S. Miller, Commissioner of Internal Revenue. Leave granted to file an additional brief herein on motion of Mr. J. M. Wilson, for the appellant.

No. 893.—Charles Pollock, appellant, *vs.* The Farmers' Loan and Trust Company *et al.*, and

No. 894.—Lewis H. Hyde, appellant, *vs.* The Continental Trust Company of the city of New York *et al.* Argument commenced by Mr. William D. Guthrie for the appellants, and continued by Mr. Assistant Attorney-General Whitney for the United States.

Adjourned until to-morrow at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, MAY 7, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, Mr. Justice Jackson, and Mr. Justice White.

No. 1001.—Sherman W. Knevals, trustee, *et al.*, appellants, *vs.* The Florida Central and Peninsula Railroad Company *et al.* Leave granted to file brief in opposition to the petition for a writ of certiorari herein within five days, on motion of Mr. Frederic D. McKenney for the appellees.

No. 893.—Charles Pollock, appellant, *vs.* The Farmers' Loan and Trust Company *et al.*; and

No. 894.—Lewis H. Hyde, appellant, *vs.* The Continental Trust Company of the city of New York *et al.* Argument continued by Mr. Assistant Attorney-General Whitney and Mr. Attorney-General Olney for the United States, and by Mr. Joseph H. Choate for the appellants.

Adjourned until to-morrow at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MAY 8, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, Mr. Justice Jackson, and Mr. Justice White.

J. Walter Blandford, of Washington, D. C., was admitted to practice.

No. 915.—John G. Moore, appellant, *vs.* Joseph S. Miller, Commissioner of Internal Revenue. Motion of Mr. Samuel Shellabarger for additional oral argument herein in behalf of the appellant denied.

No. 893.—Charles Pollock, appellant, *vs.* The Farmers' Loan and Trust Company *et al.*; and

No. 894.—Lewis H. Hyde, appellant, *vs.* The Continental Trust Company of the city of New York *et al.* Argument concluded by Mr. Joseph H. Choate for the appellants.

Adjourned until Monday, May 20, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 20, 1895.

Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, Mr. Justice Jackson, and Mr. Justice White.

George Anderson, of Vicksburg, Miss.; Hugo Kanzler, of New York City; Christopher C. Holland, of Guthrie, O. T.; Frederick S. Duncan, of New York City, and Francis H. Stephens, of Washington, D. C., were admitted to practice.

No. 893.—Charles Pollock, appellant, *vs.* The Farmers' Loan and Trust Company *et al.*; and

No. 894.—Lewis H. Hyde, appellant, *vs.* The Continental Trust Company, of the city of New York, *et al.* It is ordered by the court that the decrees heretofore entered herein by this court be, and the same are hereby, vacated and set aside. Announced by Mr. Chief Justice Fuller.

No. 893.—Charles Pollock, appellant, *vs.* The Farmers' Loan and Trust Company *et al.*, and

No. 894.—Lewis H. Hyde, appellant, *vs.* The Continental Trust Company of the city of New York *et al.* Appeals from the circuit court of the United States for the southern district of New York. Decrees reversed with costs and causes remanded with directions to grant the relief prayed. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice Harlan, Mr. Justice Brown, Mr. Justice Jackson, and Mr. Justice White.

No. 232.—Joseph S. Kennedy *et al.*, plaintiffs in error, *vs.* Daniel Magone, collector, etc. In error to the circuit court of the United States for the southern district of New York. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 250.—The Episcopal City Mission *et al.*, appellants, *vs.* Lucy T. Brown *et al.* Appeal from the circuit court of the United States for the northern district of Illinois. Decree affirmed with costs. Opinion by Mr. Justice White.

No. 217.—The Union Pacific Railway Company, plaintiff in error, *vs.* Otto Wyler. In error to the circuit court of the United States for the western district of Missouri. Judgment reversed with costs and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice White.

No. 766.—Sephus Wright *et al.*, plaintiffs in error, *vs.* The United States. In error to the circuit court of the United States for the eastern district of Texas. Judgments affirmed. Opinion by Mr. Justice White.

No. 11.—James P. Stoneroad, plaintiff in error, *vs.* George W. Stoneroad. In error to the supreme court of the Territory of New Mexico. Judgment reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice White.

No. 197.—The Boston and Albany Railroad Company, plaintiff in error, *vs.* Patrick J. O'Reilly. In error to the circuit court of the United States for the district of Massachusetts. Judgment reversed with costs, and cause remanded with directions to set aside the verdict and award a new trial. Opinion by Mr. Justice Shiras.

No. 305.—John M. Boyd, appellant, *vs.* The Janesville Hay Tool Company *et al.* Appeal from the circuit court of the United States for the western district of Wisconsin. Decree affirmed with costs. Opinion by Mr. Justice Shiras. (Mr. Justice Gray did not hear the argument and took no part in the decision of this case.)

No. 272.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* Alfred J. Wilin. In error to the circuit court of the United States for the district of Montana. Judgment affirmed with costs and interest. Opinion by Mr. Justice Shiras.

No. 103.—Mary White *et al.*, appellants, *vs.* Wm. J. Miller, executor, *etc.*, *et al.* Decree entered herein on the 6th instant vacated and set aside and decree of supreme court of the District of Columbia reversed. The appellants, Mary White and Francis P. White, and the appellees to pay one half of the costs, respectively, and cause remanded, with directions to proceed in accordance with the opinion of this court, this decree to be entered *nunc pro tunc*, as of May 6, 1895. Announced by Mr. Justice Shiras.

No. 289.—The United States, appellant, *vs.* Thomas Smith ; and

No. 345.—Thomas Smith, appellant, *vs.* The United States. Appeals from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brown.

No. 310.—Edward S. Richards, appellant, *vs.* The Chase Elevator Company and Henry J. Chase, president ;

No. 311.—Edward S. Richards, appellant, *vs.* The Michigan Central Railroad Company *et al.* ; and

No. 312.—Edward S. Richards, appellant, *vs.* The Chicago and Grand Trunk Railroad Company *et al.* Appeals from the circuit court of the United States for the northern district of Illinois. Decrees affirmed with costs. Opinion by Mr. Justice Brown.

No. 943.—Elizabeth Cleugh, claimant, etc., appellants, *vs.* Albert W. Sanbern. On a certificate from the United States circuit court of appeals for the second circuit. All the questions certified answered in the affirmative. Opinion by Mr. Justice Brown.

No. 306.—Ozias W. Shipman, plaintiff in error, *vs.* The Straitsville Central Mining Company. In error to the circuit court of the United States for the southern district of Ohio. Judgment reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brown. (Mr. Justice Gray was not present at the argument and took no part in the decision of this case.)

No. 336.—Henry H. Eby, appellant, *vs.* Solomon E. King *et al.* Appeal from the circuit court of the United States for the northern district of Illinois. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 295.—The Town of Andes, plaintiff in error, *vs.* Dudley P. Ely. In error to the circuit court of the United States for the northern district of New York. Judgment affirmed with costs and interest. Opinion by Mr. Justice Brewer.

No. 303.—Herbert S. DeSollar, appellant, *vs.* William B. Hanscomb. Appeal from the circuit court of the United States for the district of Colorado. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 316.—The National Park Bank of New York, plaintiff in error, *vs.* Charles Remsen *et al.*, executors, etc. In error to the circuit court of the United States for the southern district of New York. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 321.—Marion Russell *et al.*, plaintiffs in error, *vs.* The Maxwell Land Grant Company. In error to the circuit court of the United States for the district of Colorado. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 822.—J. W. Tood *et al.*, plaintiffs in error, *vs.* The United States. In error to the district court of the United States for the northern district of Alabama. Judgment reversed and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Harlan.

No. 14.—Original. *Ex parte:* In the matter of John M. Quarles and David Butler, petitioners, and

No. 15, Original.—*Ex parte:* In the matter of James McIntyre and John H. Gable, petitioners. Leave granted to file petitions for writs of habeas corpus, and writs of habeas corpus denied. Opinion by Mr. Justice Gray. Dissenting: Mr. Chief Justice Fuller.

No. 512.—James Connors, plaintiff in error, *vs.* The United States. In error to the district court of the United States for the district of Colorado. Judgment affirmed. Opinion by Mr. Justice Harlan.

No. 274.—Elizabeth Abraham *et al.*, appellants, *vs.* Frederick E. Ordway *et al.* Appeal from the supreme court of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Harlan.

No. 896.—The Union Pacific Railway Company, plaintiff in error, *vs.* Robert E. Harris. In error to the United States circuit court of appeals for the eighth circuit. Judgment affirmed with costs and cause remanded to the circuit court of the United States for the district of Colorado. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court :

No. 807.—P. J. Bannon and C. J. Mulkey, plaintiffs in error, *vs.* The United States. Motion that mandate issue granted.

No. 928.—Theodore Lambert, appellant, *vs.* George Barrett, sheriff, *etc.* Motion that mandate issue granted.

No. 84.—The Baltimore and Potomac Railroad Company *et al.*, plaintiffs in error, *vs.* Franklin H. Mackey, administrator, *etc.* Motion that mandate issue granted.

No. 486.—The United States, appellant, *vs.* Juan Chaves *et al.* Motion to advance granted and cause assigned for argument on the second Monday of the next term after No. 773.

No. 999.—The United States, plaintiff in error, *vs.* A Certain Tract of Land in Cumberland Township, *etc.* Motion to advance granted and cause assigned for argument on the first Monday of January after the cases already set down for that day.

No. 697.—J. S. Noble *et al.*, plaintiffs in error, *vs.* S. M. Mitchell. Motions to dismiss or affirm denied for want of a printed record.

No. 958.—Robert B. Dashiell, appellant, *vs.* James B. M. Grosvenor *et al.* Motion to advance granted and cause assigned for argument on the first Monday of January next after the cases already set down for that day.

No. 987.—Louis F. Streep, plaintiff in error, *vs.* The United States. Motion to vacate order docketing and dismissing this cause and for leave to docket same granted at the costs of plaintiff in error, and cause advanced for argument on the second Monday of the next term after the cases already set down for that day.

No. 996.—H. H. Myers, appellant, *vs.* J. C. League *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 1001.—Sherman W. Knevals, trustee, appellant, *vs.* The Florida Central and Peninsular Railroad Company *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 1005.—The National Life Insurance Company of Montpelier, Vt., plaintiff in error, *vs.* The Board of Education of the City of Huron, S. Dak. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 3, Original.—The State of Virginia, complainant, *vs.* The State of Tennessee. Motion for decree submitted May 6 denied and the case stricken from the docket without prejudice to the filing of a new bill or petition to obtain the order desired.

No. 1000.—The Enterprise Mining Company, appellant, *vs.* The Rico-Aspen Consolidated Mining Company *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit granted.

No. 1009.—The Grand Trunk Railway Company, plaintiff in error, *vs.* Mary E. Tennant, administratrix. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 913.—J. H. White *et al.*, appellants, *vs.* Boyd Ewing, receiver, etc. Motion for leave to submit granted, and cause submitted.

No. 330.—W. B. Eldridge, appellant, *vs.* Peter J. Trezevant *et al.* Submission set aside and cause restored to the docket for argument.

The Chief Justice also announced that the court would adjourn for the term on Monday, June 3, next.

No. 638.—Benjamin H. Johnson, appellant, *vs.* The United States *et al.* ;

No. 670.—Samuel Marks *et al.*, appellants, *vs.* The United States *et al.* ; and

No. 753.—Alvin C. Leighton, appellant, *vs.* The United States *et al.* Motions to advance submitted by Mr. Solicitor-General Conrad for the United States.

No. 1021.—The United States, appellant, *vs.* James M. Burr, *et al.* Motion to advance granted and cause submitted by Mr. Wallace MacFarlane for the appellant ; Mr. Charles Curie, Mr. David I. Mackie, and Mr. W. Wickham Smith for the appellees.

No. 978.—Rose L. Saltonstall *et al.*, etc., plaintiffs in error, *vs.* Joseph Birtwell. Advanced and assigned for argument on the second Monday of the next term, after the cases already set down for that day, on motion of Mr. Solicitor-General Conrad for the plaintiffs in error.



No. 1011.—Charles Smith, plaintiff in error, *vs.* The United States, and  
 No. 1012.—Webber Isaacs, plaintiff in error, *vs.* The United States.  
 Motions to advance submitted by Mr. Solicitor-General Conrad for the  
 United States.

No. 1019.—George Goode, plaintiff in error, *vs.* The United States.  
 Motion to advance submitted by Mr. Solicitor-General Conrad in support  
 of motion and by Mr. Charles W. Bartlett and Mr. Francis H. Stephens  
 in opposition thereto.

No. 1017.—Brooke Mackall, appellant, *vs.* Westel Willoughby. Motion  
 to vacate supersedeas submitted by Mr. W. Willoughby and Mr. A. A.  
 Birney in support of motion, with leave to Mr. Henry E. Davis to file  
 opposition thereto within one week.

No. —, Original.—*Ex parte*: In the matter of William P. Parkhouse,  
 petitioner. Motion for leave to file petition for a writ of habeas corpus  
 submitted by Mr. J. C. Carter for the petitioner.

No. 1022.—The mayor, etc., of the city of New York, appellants, *vs.*  
 Robert W. Workman. Petition for a writ of certiorari to the United  
 States circuit court of appeals for the second circuit by Mr. Harrington  
 Putnam for the appellee in support of the petition, and by Mr. David J.  
 Dean for the appellants in opposition thereto.

No. 959.—The Steamship "Delaware," etc., appellants, *vs.* Charles H.  
 Winnett, *et al.* Motion to advance submitted by Mr. Harrington Putnam  
 for the appellees.

No. —.—Original. *Ex parte*: In the matter of E. C. Beach, peti-  
 tioner. Motion for leave to file petition for a writ of habeas corpus sub-  
 mitted by Mr. J. Altheus Johnson and Mr. William A. Barber for the  
 petitioner.

No. 839.—Clay Peters, plaintiff in error, *vs.* The United States. Mo-  
 tion of Mr. Fred Beall for the plaintiff in error for leave to prosecute  
 this cause in *forma pauperis* denied.

No. 885.—The City of Evansville, plaintiff in error, *vs.* William S.  
 Dennett. Motion of Mr. A. W. Hatch for the defendant in error for  
 oral argument of this case denied, but leave granted to counsel for defend-  
 ant in error to file additional brief within twenty days and to counsel for  
 the plaintiff in error to file reply thereto within ten days thereafter.

No. 556.—Charles W. Leach *et al.*, appellants, *vs.* The Watervale Min-  
 ing Company of Chicago. Appeal from the supreme court of the Terri-  
 tory of Arizona. Dismissed with cost on motion of Mr. A. B. Browne  
 for the appellants.

No. 793.—James T. Shields, jr., receiver, etc., appellant, *vs.* John Coleman *et al.* Motion to recall and modify the mandate herein submitted by Mr. H. H. Ingersoll for the appellees.

No. 672.—The Royal Clay Manufacturing Company, plaintiff in error, *vs.* The Chicago Sewer Pipe and Coal Company. In error to the circuit court of the United States for the northern district of Illinois. Dismissed, with costs, on authority of counsel for plaintiff in error.

Adjourned until Monday next, at 12 o'clock.



# SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 27, 1895.

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Present : The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice White.

Samuel R. Church, of Washington, D. C. ; Charles Fred Tucker, of Dallas, Tex., and Rome G. Brown, of Minneapolis, Minn., were admitted to practice.

No. 229.—Dwight Cutler, plaintiff in error, *vs.* Anna B. Huston. In error to the circuit court of the United States for the western district of Michigan. Judgment affirmed, with costs and interest. Opinion by Mr. Justice Shiras.

No. 263.—The New York, Lake Erie and Western Railroad Company, plaintiff in error, *vs.* The Commonwealth of Pennsylvania ;

No. 264.—The Tioga Railroad Company, plaintiff in error, *vs.* The Commonwealth of Pennsylvania ;

No. 265.—The New York, Lake Erie and Western Coal and Railroad Company, plaintiff in error, *vs.* The Commonwealth of Pennsylvania ; and

No. 266.—The New York, Pennsylvania and Ohio Railroad Company, plaintiff in error, *vs.* The Commonwealth of Pennsylvania. In error to the supreme court of the State of Pennsylvania. Judgment affirmed, with costs. Opinion by Mr. Justice Shiras. Dissenting: Mr. Justice Harlan.

No. 327.—Hetty H. R. Green *et al.*, appellants, *vs.* George M. Bogue *et al.* Appeal from the circuit court of the United States for the northern district of Illinois. Decree affirmed with costs. Opinion by Mr. Justice Shiras.

No. 58.—William M. Bennett for himself and as administrator of M. H. Gibbons, deceased, plaintiff in error, *vs.* George Harkrader. In error to the district court of the United States for the district of Alaska. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 11, Original.—*Ex parte*: In the matter of Eugene V. Debs *et al.*, petitioners. Petition for writs of habeas corpus and certiorari denied. Opinion by Mr. Justice Brewer.

No. 946.—Lem Moon Sing, appellant, *vs.* The United States *et al.* Appeal from the district court of the United States for the northern district of California. Order affirmed. Opinion by Mr. Justice Harlan. Dissenting, Mr. Justice Brewer.

No. 842.—Babe Beard, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the western district of Arkansas. Judgment reversed and cause remanded, with directions to set aside the verdict and award a new trial. Opinion by Mr. Justice Harlan.

No. 251.—George D. Harter *et al.*, appellants, *vs.* James P. Twohig. Appeal from the circuit court of the United States for the district of Nebraska. Decree reversed, with costs, and cause remanded, with directions to dismiss the bill. Opinion by Mr. Chief Justice Fuller.

No. 262.—E. W. Clark, appellant, *vs.* Charles Reeder. Appeal from the circuit court of the United States for the district of West Virginia. Decree affirmed, with costs. Opinion by Mr. Chief Justice Fuller.

No. 314.—The Lehigh Valley Railroad Company, appellant, *vs.* Francis Kearney *et al.* Appeal from the circuit court of the United States for the district of New Jersey. Decree reversed, with costs, and cause remanded with directions to dismiss the bill. Opinion by Mr. Chief Justice Fuller.

No. 991.—John H. Colvin, appellant, *vs.* The City of Jacksonville *et al.* Appeal from the circuit court of the United States for the southern district of Florida. Motion to advance for submission on printed briefs granted, and cause submitted. Decree affirmed, with costs. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court:

No. 638.—Benjamin H. Johnson, appellant, *vs.* The United States *et al.*;

No. 670.—Samuel Marks *et al.*, appellants, *vs.* The United States *et al.*;

No. 753.—Alvin C. Leighton, appellant, *vs.* The United States *et al.*;

No. 1011.—Charles Smith, plaintiff in error, *vs.* The United States;

No. 1012.—Webber Isaacs, plaintiff in error, *vs.* The United States, and

No. 1019.—George Goode, plaintiff in error, *vs.* The United States.

Motions to advance granted, and causes assigned for argument on the second Monday of the next term after the cases already set down for that day.

No. 793.—James T. Shields, jr., receiver, etc., appellant, *vs.* John Coleman *et al.* Motion to recall and modify mandate issued herein stricken from the docket.

No. 959.—The Steamship Delaware, etc., appellant, *vs.* Charles H. Winnett *et al.* Motion to advance granted and cause assigned for argument on the first Monday in January next, after the cases already set down for that day.

No. 1022.—The Mayor, Aldermen, and Commonalty of the City of New York *et al.*, appellants, *vs.* Robert W. Workman. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. —, Original.—*Ex parte*: In the matter of William P. Parkhouse, petitioner. Motion for leave to file petition for writs of *habeas corpus* and certiorari denied.

No. 1024.—Crawford Goldsby, *alias* Cherokee Bill, plaintiff in error, *vs.* The United States. Advanced and assigned for argument on the second Monday of the next term, after the cases already set down for that day, on motion of Mr. Solicitor-General Conrad for the defendant in error.

No. 1034.—The United States, plaintiff in error, *vs.* A Certain Tract of Land in Cumberland Township, Adams County, State of Pennsylvania. Advanced and assigned for argument on the second Monday of January next, after No. 999, on motion of Mr. Solicitor-General Conrad for the plaintiff in error.

No. 1032.—The United States, appellant, *vs.* Merck & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit. Submitted by Mr. Solicitor-General Conrad for the appellant in support of the petition.

No. 1033.—The London Assurance, appellant, *vs.* Companhia De Moagens Do Barreiro. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit. Submitted by Mr. W. W. MacFarland for the appellant in support of petition.

No. 1038.—Charles Thiede, plaintiff in error, *vs.* The United States. Leave granted to plaintiff in error to prosecute this case *in forma pauperis*, on motion of Mr. W. T. S. Curtis, in behalf of counsel.

No. 1036.—John D. Warner, appellant, *vs.* The City of New Orleans. Motion of Mr. Richard De Gray, for the appellant, to advance for oral argument denied, but case advanced as under the thirty-second rule, to be submitted on printed briefs.

No. 1026.—Plutarco Ornelas, consul of the Republic of Mexico, appellant, *vs.* Inez Ruiz *et al.* Motion to advance submitted by Mr. Frederic D. McKenney for the appellant.

Adjourned until Monday next, at 12 o'clock.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, JUNE 3, 1895.

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Present: The Chief Justice, Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, and Mr. Justice White.

No. 261.—Joseph L. White, plaintiff in error, *vs.* Martha Ann Van Horn *et al.* In error to the circuit court of the United States for the northern district of Texas. Judgment affirmed with costs, except in regard to the issues between the defendant and the executors of Baker, defendants in the call in warranty, and cause remanded with directions to grant, on application of defendant, a new trial in regard to the issues between the defendant and the executors of Baker, defendants in the call in warranty. Opinion by Mr. Justice White.

No. 913.—J. H. White *et al.*, appellants, *vs.* Boyd Ewing, receiver, etc. On a certificate from the United States circuit court of appeals for the sixth circuit. Question certified answered in the affirmative. Opinion by Mr. Justice Brown.

No. 238.—The Wisconsin Central Railroad Company, plaintiff in error, *vs.* William O. Forsythe. In error to the circuit court of the United States for the western district of Wisconsin. Judgment reversed with costs, and cause remanded with directions to award a new trial. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Harlan. (The Chief Justice took no part in the consideration and decision of this case.)

No. 245.—Henry F. Spencer, plaintiff in error, *vs.* Alexander McDougal. In error to the circuit court of the United States for the western district of Wisconsin. Judgment reversed with costs, and cause remanded with directions to award a new trial. Opinion by Mr. Justice Brewer. (The Chief Justice took no part in the consideration and decision of this case.)

No. 133.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* Robert N. Smith *et al.* In error to the circuit court of the United States for the western district of Louisiana. Judgment reversed with costs, and cause remanded with directions to award a new trial. Opinion by Mr. Justice Brewer.

No. 341.—Charles W. Horne, plaintiff in error, *vs.* C. A. Smith *et al.* In error to the circuit court of the United States for the northern district of Florida. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 130.—Henry Hilton *et al.*, plaintiffs in error, *vs.* Gustave Bertin Guyot, as official liquidator, *etc., et al.* In error to the circuit court of the United States for the southern district of New York. Judgment reversed with costs and cause remanded, with directions to set aside the verdict and to order a new trial. It is further ordered that this judgment be entered *nunc pro tunc* as of the first Monday of November, 1894. Opinion by Mr. Justice Gray. Dissenting: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, and Mr. Justice Jackson.

No. 34.—Henry Hilton *et al.*, appellants, *vs.* Gustave Bertin Guyot, as official liquidator, *etc., et al.* Appeal from the circuit court of the United States for the southern district of New York. Decree reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court in the case of Hilton *et al. vs.* Guyot *et al.*, No. 130 on the docket of the present term. It is further ordered that this decree be entered *nunc pro tunc* as of the first Monday of November, 1894. Opinion by Mr. Justice Gray. Dissenting: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, and Mr. Justice Jackson.

No. 15.—Samuel J. Ritchie, plaintiff in error, *vs.* James B. McMullen *et al.* In error to the circuit court of the United States for the northern district of Ohio. Judgment affirmed with costs and interest. Opinion by Mr. Justice Gray. (Mr. Justice White, not having been a member of the court when this case was argued, took no part in the decision.)

No. 239.—The Central Land Company of West Virginia, plaintiff in error, *vs.* John B. Laidley. In error to the supreme court of appeals of the State of West Virginia. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Gray. Dissenting, Mr. Justice Field. Mandate ordered stayed.

No. 863.—John Brown, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the western district of Arkansas. Judgment reversed and cause remanded with directions to set aside the judgment, as well as the verdicts upon each count of the indictment, and grant a new trial. Opinion by Mr. Justice Harlan. Dissenting, Mr. Justice Brewer and Mr. Justice Brown.

No. 258.—Mason P. Gray, plaintiff in error, *vs.* The State of Connecticut. In error to the supreme court of errors of the State of Connecticut. Judgment affirmed, with costs. Opinion by Mr. Justice Field.

No. 308.—Ozias Townsend, appellant, *vs.* The St. Louis and Sandoval Coal and Mining Company *et al.* Appeal from the circuit court of the

United States for the southern district of Illinois. Decree affirmed, with costs. Opinion by Mr. Justice Shiras. Announced by Mr. Chief Justice Fuller.

No. —, Original.—*Ex parte*: In the matter of William Belt, petitioner. Motion for leave to file petition for a writ of habeas corpus denied. Opinion by Mr. Chief Justice Fuller.

No. 198.—The Grand Rapids and Indiana Railroad Company *et al.*, plaintiffs in error, *vs.* John M. Butler. In error to the supreme court of the State of Michigan. Judgment affirmed, with costs. Opinion by Mr. Chief Justice Fuller.

No. 1021.—The United States, appellant, *vs.* James M. Burr *et al.* On a certificate from the United States circuit court of appeals for the second circuit. First question certified, answered in the affirmative; second question certified, answered in the negative. Opinion by Mr. Chief Justice Fuller.

The Chief Justice also announced the following orders of the court:

No. 270.—John Simpson, appellant, *vs.* The Steamer Oregon; and

No. 273.—The Oregon Short Line and Utah Northern Railway Company, appellant, *vs.* The Ship "Clan Mackenzie," etc. It is ordered by the court that the decree heretofore entered herein be amended by adding thereto the following words: "Without prejudice, however, to the right of the court below, or of the district court, in its discretion, to treat the intervening petitions as independent libels, and to issue process thereon against the steamer "Oregon," her owners or charterers, or to take such other proceedings therein as justice may require."

No. 1026.—Plutarco Ornelas, consul of the Republic of Mexico, appellant, *vs.* Inez Ruiz *et al.* Motion to advance granted, and cause assigned for argument on the first Monday of January next, after the cases already set down for that day.

No. 1032.—The United States, appellant, *vs.* Merck & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 1033.—The London Assurance, appellant, *vs.* Companhia de Moagens do Barreiro. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit granted.

No. 16. Original.—*Ex parte*: In the matter of E. C. Beach, petitioner. Motion for leave to file petition for a writ of habeas corpus granted, and rule to show cause awarded, returnable on the first Monday of the next term (October 14, 1895).

No. 1038.—Charles Thiede, plaintiff in error, *vs.* The People of the Territory of Utah. Advanced and assigned for argument on the second



Monday of the next term, after the cases already set down for that day, on motion of Mr. Assistant Attorney-General Dickinson for the defendants in error.

No. 1046.—Walter R. Wiggs, appellant, *vs.* The Southern Pacific Railroad Company. Appeal from the circuit court of the United States for the northern district of California. Docketed and dismissed, with costs, on motion of Mr. J. Hubley Ashton for the appellee.

No. 1020.—The Lehigh Mining and Manufacturing Company, plaintiff in error, *vs.* J. J. Kelly, jr., *et al.* Advanced, as under the thirty-second rule, on motion of Mr. F. S. Blair for the defendants in error.

No. 1044.—Josephine Wupperman, appellant, *vs.* The Steamship Carib Prince, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit. Submitted by Mr. George A. Black for the appellant, in support of petition, and by Mr. J. Parker Kirlin for the appellee, in opposition thereto.

No. 1043.—William Law *et al.*, appellants, *vs.* The Steamship Trave, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit. Submitted by Mr. W. D. Shipman for the appellee, in support of the petition, and by Mr. Harrington Putnam and Mr. Eugene P. Carver for the appellants, in opposition thereto.

After a recess the Chief Justice announced the following orders of the court :

No. 310.—Edward S. Richards, appellant, *vs.* The Chase Elevator Company *et al.*;

No. 311.—Edward S. Richards, appellant, *vs.* The Michigan Central Railroad Company *et al.*, and

No. 312.—Edward S. Richards, appellant, *vs.* The Chicago and Grand Trunk Railroad Company *et al.*

Ordered that the mandates in these cases be stayed until the further order of the court.

*Order.*—It is now here ordered by the court that all the cases on the docket not decided and all the other business of the term not disposed of by the court be, and the same are hereby, continued until the next term of the court.

Adjourned to the time and place appointed by law.