

SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 12, 1891.

The Court met pursuant to law.

Present : Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Blatchford, Mr. Justice Lamar, Mr. Justice Brewer, and Mr. Justice Brown.

John Bassett Moore, of Washington, D. C.; Percy Werner, of St. Louis, Mo.; Thomas J. Kennedy, of Bayonne, N. J.; and Lyman R. Critchfield, of Wooster, Ohio, were admitted to practice.

No. 6.—Original. *Ex parte* : In the matter of Thomas Henry Cooper, petitioner.

No. 58.—The Schooner *Sylvia Handy*, etc., *et al.*, appellants, *vs.* The United States.

No. 7.—Original. *Ex parte* : In the matter of John L. Rapier, petitioner.

No. 8.—Original. *Ex parte* : In the matter of George W. Dupre, petitioner.

No. 9.—Original. *Ex parte* : In the matter of George W. Dupre, petitioner.

No. 644.—The People of the State of New York *ex rel.* Edward Annan, plaintiff in error, *vs.* Andrew Walsh, police justice, etc., *et al.*

No. 987.—The United States, appellant, *vs.* The Des Moines Navigation and Railway Company *et al.*

No. 983.—The Pacific Express Company, appellant, *vs.* James M. Seibert, State auditor, etc., *et al.*

No. 1026.—Charles Counselman, appellant, *vs.* Frank Hitchcock, United States marshal, etc.

No. 2.—The Iron Silver Mining Company, plaintiff in error, *vs.* The Mike & Starr Gold and Silver Mining Company.

No. 3.—The Iron Silver Mining Company, plaintiff in error, *vs.* The Mike & Starr Gold and Silver Mining Company.

No. 7.—John L. Sullivan *et al.*, plaintiffs in error, *vs.* The Iron Silver Mining Company.

No. 1044.—Robert M. Boyd *et al.*, appellants, *vs.* The United States.

No. 1050.—Charles Sternbach *et al.*, appellants, *vs.* The United States.

No. 1052.—Marshall Field & Co., appellants, *vs.* Jno. M. Clark, collector.

No. 1061.—The United States, appellant, *vs.* Ballin, Joseph & Co.

No. 1024.—The Louisville Water Company, plaintiff in error, *vs.* Wm. Clark, sheriff, etc.

Ordered by the court, that these cases be reassigned for hearing on the 9th of November next.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 13, will be as follows: Nos. 4, 8, 10, 14, 15, 16, 18, 19, 22, and 23.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 13, 1891.

Present: Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Blatchford, Mr. Justice Lamar, Mr. Justice Brewer, and Mr. Justice Brown.

C. W. Witters, of St. Albans, Vt.; Clifford S. Walton, of Washington, D. C.; John Coker, of McLeansboro, Ill.; Lewellyn A. Shaver, of Washington, D. C.; Wm. Wade Hampton, of Gainesville, Fla.; John F. Downing, of Dansville, Ill.; Henry W. Sanford, of Addison, N. Y.; Vincent D. Markham, of Denver, Col.; Ashley M. Gould, of Kansas City, Mo., and Albert J. Graeffe, of New York City, were admitted to practice.

No. 4.—Jesse Spalding, collector, etc., plaintiff in error, *vs.* George F. Stodder et al. In error to the circuit court of the United States for the northern district of Illinois. Judgment affirmed, with costs and interest, on motion of Mr. Solicitor-General Taft, for plaintiff in error.

No. 8.—Joseph Nethercleft et al., plaintiffs in error, *vs.* Wm. H. Robertson, 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 plaintiffs in error, on motion of Mr. Solicitor-General Taft, for the defendant in error.

No. 14.—James A. Eldredge *et al.*, executors, etc., *et al.*, appellants, *vs.* The United States. Continued per stipulation of counsel on motion of Mr. Solicitor-General Taft.

No. 15.—James A. Eldredge *et al.*, executors, etc., *et al.*, appellants, *vs.* The United States. Continued per stipulation on motion of Mr. Solicitor-General Taft.

Ex-parte: In the matter of J. Sloat Fassett, petitioner. Motion for leave to file petition for a writ of prohibition and rule to show cause submitted by Mr. Solicitor-General Taft for the petitioner.

No. 86.—The United States, plaintiff in error, *vs.* The Denver and Rio Grande Railway Company.

No. 87.—The United States, plaintiff in error, *vs.* The Denver and Rio Grande Railroad Company. Passed subject to provisions of section 9, Rule 26, on motion of Mr. Assistant Attorney-General Maury, for the plaintiff in error.

No. 828.—I. B. Cox *et al.*, plaintiffs in error, *vs.* E. J. Hart. Dismissed as to S. E. Echols, one of the plaintiffs in error, on motion of Mr. W. Hallett Phillips.

No. 46.—Alexander Moses, plaintiff in error, *vs.* The State of Mississippi. Passed subject to the provisions of sec. 9, Rule 26, on motion of Mr. W. Hallett Phillips, in behalf of counsel.

No. 1158.—Richard McLish, plaintiff in error, *vs.* A. B. Raff *et al.* Submitted by Mr. W. Hallett Phillips and Mr. W. O. Davis for the plaintiff in error, and by Mr. W. A. Ledbetter for the defendants in error.

No. 19.—The United States, plaintiff in error, *vs.* The Boston and Albany Railroad Company. Passed subject to provisions of sec. 9, Rule 26, on motion of Mr. Solicitor-General Taft for the plaintiff in error.

No. 37.—Charles Moran, trustee, appellant, *vs.* The Pittsburg, Cincinnati and St. Louis Railway Company *et al.* Passed subject to provisions of sec. 9, Rule 26, on motion of Mr. George Hoadly for the appellant.

No. 1031.—The Chicago and Grand Trunk Railway Company, plaintiff in error, *vs.* Thomas Wellman. Motion to advance submitted by Mr. George F. Edmunds and Mr. E. W. Meddaugh for the plaintiff in error.

No. 190.—Robert W. Waterman, appellant, *vs.* James M. Banks, executor, etc. Appearance of Jane G. Waterman, executrix of Robt. W. Waterman, deceased, entered on motion of Mr. George F. Edmunds for appellant.

No. 163.—Solomon Brown, plaintiff in error, *vs.* Theo. B. Smart *et al.* Suggestion of death of plaintiff in error, and appearance of Eva Brown, administratrix, filed and entered on motion of Mr. Henry Wise Garnett in behalf of counsel.

No. 1115.—Charles McElvaine, appellant, *vs.* A. A. Brush, agent, etc.

No. 1123.—Nicolla Trezza, appellant, *vs.* A. A. Brush, agent, etc.

No. 1125.—Charles McElvaine, appellant, *vs.* A. A. Brush, agent, etc. Motion to advance submitted by Mr. Charles F. Tabor for the appellee.

No. 719.—J. Talman Budd, plaintiff in error, *vs.* The People of the State of New York.

Advanced to be heard with No. 644, on motion of Mr. Reginald Fendall, in behalf of counsel.

No. 824.—Thomas Knight, plaintiff in error, *vs.* The United Land Association.

Leave to E. S. Pillbury to file brief herein before argument of the case, granted on motion of Mr. Joseph McKenna, in behalf of counsel.

No. 325 of 1890.—John Halsted, plaintiff in error, *vs.* Sarah A. Buster *et al.* Motion for leave to file petition for rehearing, submitted by Mr. W. L. Cole, in behalf of counsel.

No. 91.—Schuyler's Steam Towboat Line, plaintiff in error, *vs.* John Salisbury. Motion to compel plaintiff in error to give new bond on writ

of error, submitted by Mr. J. Rider Cady in support of motion, and by Mr. W. Frothingham in opposition thereto.

No. 1422.—Anne Williams, widow, &c., *et al.*, appellants, *vs.* Catherine Williams. Appeal from the circuit court of the United States for the district of Kansas. Docketed and dismissed with costs on motion of Mr. W. T. S. Curtis for the appellee.

No. 553.—John T. Underwood *et al.*, appellants, *vs.* Henry Gerber *et al.* Suggestion of death of Fred'k W. Underwood, one of the appellants, filed and appearance of John T. Underwood *et al.*, executors, etc., entered on motion of Mr. Wm. G. Henderson in behalf of counsel.

No. 645.—The People of the State of New York *ex rel.* Francis E. Pinto, plaintiff in error, *vs.* Andrew Walsh, police justice, etc. Advanced to be heard with No. 644, on motion of Mr. Charles F. Tabor for the defendants in error.

No. 1406.—*Ex parte*: In the matter of Edward W. Hallinger, appellant. Motion to advance submitted by Mr. C. H. Winfield in support of same.

No. 1400.—Oscar Rice, plaintiff in error, *vs.* Jane Sanger, administratrix. Motion to dismiss submitted by Mr. J. D. McCleverty in support of motion.

No. 909.—Samuel Fielden, plaintiff in error, *vs.* The People of the State of Illinois.

No. 977.—Michael Schwab, appellant, *vs.* A. W. Berggren, warden, etc., *et al.* Motions to advance submitted by Mr. Moses Salomon in support of motions.

No. 879.—Daniel Runkle, plaintiff in error, *vs.* Santiago J. Burnham, use, etc. Suggestion of death of plaintiff in error and appearance of Wm. Runkle *et al.*, adm'rs, etc. Filed and entered on motion of Mr. Wm. H. Taft in behalf of counsel.

No. 23.—E. C. Cross *et al.*, appellants, *vs.* L. H. Allen. Appearance of John D. Allen, adm'r of L. H. Allen, the appellee herein, *et al.*, filed and entered on motion of Mr. J. H. Mitchell for appellants.

No. 632. The City of New Orleans *et al.*, plaintiffs in error, *vs.* The New Orleans Water Works Company *et al.*

No. 639.—Edward Conery, jr., *et al.*, plaintiffs in error, *vs.* The New Orleans Water Works Company *et al.* Motion to advance for hearing with Nos. 66, 67, and 68 submitted by Mr. Wm. A. McKenney in behalf of counsel.

No. 1009.—Wm. H. Jones, plaintiff in error, *vs.* The Commonwealth of Virginia.

No. 1010.—J. J. Mallan *et al.*, plaintiff in error, *vs.* John W. Bransford, trustee.

No. 1045.—J. J. Dillard, plaintiff in error, *vs.* E. S. Moorman, trustee.

No. 1316.—James H. Gregory *et al.*, plaintiffs in error, *vs.* John W. Bransford, trustee.

No. 1317.—Joseph Lawson *et al.*, plaintiffs in error, *vs.* John W. Bransford, trustee.

No. 1318.—L. E. Litchford *et al.*, plaintiffs in error, *vs.* M. J. Day, sergeant, etc. Motions to advance submitted by Mr. William A. McKenney in support of motions, and by Mr. R. Taylor Scott in opposition thereto.

No. 1324.—John McNulta, receiver, etc., plaintiff in error, *vs.* J. R. Lockridge, administrator, etc. Motions to dismiss or affirm submitted by Mr. J. W. Patton in support of motion and by Mr. Wells H. Blodgett in opposition thereto.

No. 784.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* George Hambly. Motion to dismiss submitted by Mr. S. L. Glaspell in support of motion, and by Mr. A. H. Garland, Mr. H. J. May, and Mr. James McNaught in opposition thereto.

No. 1185.—Erwin Davis, appellant *vs.* Angelica Wakelee.

No. 1186.—Erwin Davis, appellant *vs.* Pierre B. Cornwall. Motions to dismiss or affirm submitted by Mr. Anson Maltby in support of motions and by Mr. Joseph H. Choate in opposition thereto.

No. 16.—Harry S. McCartney, plaintiff in error, *vs.* Jas. L. Crittenden *et al.* In error to the circuit court of the United States for the northern district of California. Dismissed with costs pursuant to the 19th rule.

18.—Wm. A. Cooke, jr., appellant, *vs.* The Globe Files Company *et al.* Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs pursuant to the 10th rule.

22.—John J. Schillinger *et al.*, appellants, *vs.* H. L. Cranford *et al.* Appeal from the supreme court of the District of Columbia. Dismissed with costs pursuant to the 10th rule.

No. 10.—Samuel G. Hickman, plaintiff in error, *vs.* The City of Fort Scott.

Argued by Mr. A. H. Wintersteen for the plaintiff in error, and Mr. J. D. McCleverty for the defendant in error.

No. 23.—E. C. Cross *et al.*, appellants, *vs.* J. D. Allen, adm'r., etc., *et al.* Argued by Mr. John H. Mitchell for the appellants, and Mr. C. E. S. Wood for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 14, will be as follows: Nos. 26, 27, 30, 31, 38, 39, 40, 41, 43, and 44.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 14, 1891.

Present: Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Blatchford, Mr. Justice Lamar, Mr. Justice Brewer, and Mr. Justice Brown.

Solomon Hix Bethea, of Dixon, Ill., Young John Pope, of Newberry, S. C., W. I. Babb, of Mount Pleasant, Iowa, George S. Mower, of Newberry, S. C., Edward Lyman Short, of New York City, and Joseph Leicester Atkins, of Washington, D. C., were admitted to practice.

No. 136.—Walter J. Kidd, appellant, *vs.* Newman A. Ransom. Motion to reverse, etc., per stipulation submitted by Mr. Charles K. Offield for the appellant.

No. 1185.—Erwin Davis, appellant, *vs.* Angelica Wakelee.

No. 1186.—Erwin Davis, appellant, *vs.* Pierre B. Cornwall. Submission of motions to dismiss or affirm set aside on motion of Mr. Edwin B. Smith in behalf of counsel.

No. 26.—James M. Houston *et al.*, plaintiffs in error, *vs.* Robert Simpson *et ux.* In error to the superior court of Union County, North Carolina. Dismissed with costs on authority of counsel for plaintiffs in error.

No. 27.—The Wiggins Ferry Company, appellant, *vs.* The Ohio and Mississippi Railway Company *et al.* Argued by Mr. Henry Hitchcock for the appellant and by Mr. Lawrence Maxwell, jr., for the appellees.

No. 30.—Allen Magowan *et al.*, appellants, *vs.* The New York Belting and Packing Company. Argument commenced by Mr. F. C. Lowthorp, jr., for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 15, will be as follows: Nos. 30, 31, 38, 39, 40, 41, 43, 44, 45, and 47.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 15, 1891.

Present : Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Blatchford, Mr. Justice Lamar, Mr. Justice Brewer, and Mr. Justice Brown.

Daniel M. Browning, of Benton, Ill., Thomas F. Maher, of New Orleans, La., and Henry C. Simms and F. B. Enslow, of Huntington, West Va., were admitted to practice.

Ex parte: In the matter of Thomas A. Green, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. B. W. Perkins for petitioner.

No. 30.—Allen Magowan *et al.*, appellants, *vs.* The New York Belting and Packing Company. Argument continued by Mr. F. C. Lowthorp, jr., for the appellants; by Mr. B. F. Lee for the appellee, and concluded by Mr. F. C. Lowthorp, jr., for the appellants.

No. 31.—Julia H. McLean *et al.*, appellants, *vs.* Ruggles W. Clapp *et al.* Leave granted Mr. E. B. Smith to file supplemental brief for appellants herein. Argument commenced by Mr. E. B. Smith for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 16, will be as follows : Nos. 31, 38, 39, 40, 41, 44, 45, 47, 48, and 49.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 16, 1891.

Present : Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Blatchford, Mr. Justice Lamar, Mr. Justice Brewer, and Mr. Justice Brown.

Robert Dollard, of Scotland, S. Dak., was admitted to practice.

No. 49.—John M. Francis, appellant *vs.* The United States. Appeal from the Court of Claims. Dismissed pursuant to the 10th rule.

No. 31.—Julia H. McLean *et al.* appellants, *vs.* Ruggles W. Clapp *et al.* Argument continued by Mr. E. B. Smith for the appellants, by Mr. Solomon H. Bethea and Mr. Sherwood Dixon for the appellees, and concluded by Mr. E. B. Smith for the appellants.

No. 38.—Sylvester H. Kneeland, appellant, *vs.* Charles L. Luce and John T. Newton. Argument commenced by Mr. John M. Butler for the appellant, and continued by Mr. Charles Pratt for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 19, will be as follows : Nos. 38, 39, 40, 41, 44, 45, 47, 48, 999, and 984.

SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 19, 1891.

Present : Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Blatchford, Mr. Justice Lamar, Mr. Justice Brewer, and Mr. Justice Brown.

Thaddeus D. Kenneson and George Brush, of New York City, and W. T. Houston, of Meridian, Miss., were admitted to practice.

Mr. Justice Field announced the following orders of the court :

No. 10.—Original. *Ex parte* : In the matter of J. Sloat Fassett, petitioner. Motion for leave to file petition for a writ of prohibition granted, and rule to show cause ordered, returnable on the first Monday in November next.

No. 1115.—Charles McElvaine, appellant, *vs.* A. A. Brush, agent, etc.

No. 1123.—Nicola Trezza, appellant, *vs.* A. A. Brush, agent, etc.

No. 1125.—Charles McElvaine, appellant, *vs.* A. W. Brush, agent, etc. Motions to advance granted and cases assigned for argument on the 7th day of December next at the head of the call for that day.

No. 909.—Samuel Fielden, plaintiff in error, *vs.* The People of the State of Illinois.

No. 977.—Michael Schwab, appellant, *vs.* A. W. Berggren, warden, etc., *et al.* Motions to advance granted and cases assigned for argument on the 7th day of December next after cases already set down for that day.

No. 1031.—The Chicago and Grand Trunk Railway Company, plaintiff in error, *vs.* Thomas Wellman. Motion to advance granted, and case assigned for argument before a full bench.

No. 632.—The City of New Orleans *et al.*, plaintiffs in error, *vs.* The New Orleans Water Works Company *et al.*

No. 639.—Edward Conery, jr., *et al.*, plaintiffs in error, *vs.* The New Orleans Water Works Company *et al.* Motions to advance granted, and cases assigned for hearing with Nos. 66, 67, and 68.

No. 27.—The Wiggins Ferry Company, appellant, *vs.* The Ohio and Mississippi Railway Company *et al.* Ordered for reargument before a full bench after cases assigned for argument on the 9th of November next.

No. 91.—Schuyler's Steam Towboat Line, plaintiff in error, *vs.* John Salisbury. Motion to require the plaintiff in error to give a new writ of error bond granted ; said bond to be filed within two weeks or writ of error to be dismissed.

No. 1009.—Wm. H. Jones, plaintiff in error, *vs.* The Commonwealth of Virginia.

No. 1010.—J. J. Mailan *et al.*, plaintiffs in error, *vs.* John W. Bransford, treas'r, etc.

No. 1045.—J. J. Dillard, plaintiff in error, *vs.* E. S. Moorman, treas'r, etc.

No. 1316.—James H. Gregory *et al.*, plaintiffs in error, *vs.* John W. Bransford, treas'r, etc.

No. 1317.—Joseph Lawson *et al.*, plaintiffs in error, *vs.* John W. Bransford, treas'r, etc.

No. 1318.—L. E. Litchford *et al.*, plaintiffs in error, *vs.* M. J. Day, sergeant, etc. Motion to advance denied.

No. 136.—Walter J. Kidd, appellant, *vs.* Newman A. Ransom. Appeal from the circuit court of the United States for the northern district of Illinois.

Decree reversed and cause remanded with directions to dismiss the bill, per stipulation of counsel.

Ex parte: In the matter of Thomas A. Green, petitioner. Motion for leave to file petition for writ of mandamus denied.

No. 1201.—John C. Adams, plaintiff in error, *vs.* The United States. In error to the district court of the United States for the district of Kansas. Judgment reversed and cause remanded for a new trial, on motion of Mr. Solicitor-General Taft for the defendant in error.

No. 98.—E. L. Hedden, late collector, etc., plaintiff in error, *vs.* Edward I. Horsman. 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 Taft for the plaintiff in error.

No. 1191.—Peter J. Claassen, plaintiff in error, *vs.* The United States. Motion to advance submitted by Mr. Samuel Shellabarger in support of motion.

No. 1429.—The Forked Deer Milling Company, appellant, *vs.* The Rickerson Roller Mill Company. Appeal from the circuit court of the United States for the western district of Tennessee. Docketed and dismissed with costs, on motion of Mr. Isham G. Harris for the appellee.

No. 1227.—The Moline Plow Company, plaintiff in error, *vs.* Jno. A. Webb & Bro. Motions to dismiss or affirm submitted by Mr. M. F. Morris in support of motions, and by Mr. Henry Wise Garnett in opposition thereto.

Submitted, pursuant to the 20th rule, by Mr. Henry Wise Garnett for the plaintiff in error, and by Mr. M. F. Morris for the defendants in error.

No. 5.—Original. The United States, complainant, *vs.* The State of Texas. Motion for leave to file an amended answer herein granted on motion. Mr. A. H. Garland in support of motion.

No. 1208.—James E. Boyd, plaintiff in error, *vs.* The State of Nebraska *ex rel.* John M. Thayer. Motion to advance submitted by Mr. A. H. Garland in support of motion.

No. 1235.—Eugene Logan *et al.*, plaintiffs in error, *vs.* The United States.

No. 1315.—Eugene Logan *et al.*, appellants, *vs.* George A. Knight, U. S. marshal. Motion for leave to prosecute these cases *in forma pauperis* submitted by Mr. A. H. Garland in support of motion.

No. 1235.—Eugene Logan *et al.* plaintiffs in error, *vs.* The United States. Motion to advance submitted by Mr. Attorney-General Miller in support of motion.

No. 5.—Original. The United States, complainant, *vs.* The State of Texas. Motion to fix day for argument of demurrer submitted by Mr. Edgar Allen in support of motion. Leave granted complainant to file certain specified documents and depositions on motion of Mr. Edgar Allen for the complainant.

No. 1288. The Michigan Insurance Bank, plaintiff in error, *vs.* Anson Eldred. Motion to advance submitted by Mr. John C. Pennie in support of motion.

No. 1185.—Erwin Davis, appellant, *vs.* Angelica Wakelee.

No. 1186.—Erwin Davis, appellant, *vs.* Pierre B. Cornwall. Motions to advance submitted by Mr. T. D. Kenneson in support of motions.

No. 824.—Thomas Knight, plaintiff in error, *vs.* The United Land Association. Motion to postpone argument of this case submitted by Mr. Charles N. Fox in support of motion.

No. 999.—The Crosby Steam Gage and Valve Company, appellant, *vs.* The Consolidated Safety Valve Company. Motion to postpone argument of this case submitted by Mr. Edmund Wetmore in support of motion.

No. 941.—Wm. Deering, appellant, *vs.* The Winona Harvester Works. Motion to correct transcript of record submitted by Mr. Thomas A. Banning in support of motion.

No. 1400.—Oscar Rice, plaintiff in error, *vs.* Jane Sanger, admx. Suggestion of diminution of the record and motion for writ of certiorari submitted by Mr. E. F. Ware in support of motion.

Leave granted Mr. E. F. Ware to file brief in opposition to motion to dismiss this case.

No. 1064.—The Metropolitan National Bank, plaintiff in error, *vs.* Sumner E. Claggett *et al.*, admrs., etc.

Motions to dismiss or affirm submitted by Mr. Leslie W. Russell in support of motion and by Mr. Charles A. Peabody in opposition thereto.

No. 38.—Sylvester H. Kneeland, appellant, *vs.* Charles L. Luce and John T. Newton. Argument continued by Mr. Charles Pratt for the appellees, and concluded by Mr. Robert G. Ingersoll for the appellant.

No. 39.—Sylvester H. Kneeland, appellant, *vs.* C. L. Luce & Co. *et al.* Argument commenced by Mr. Robert G. Ingersoll for the appellant, and continued by Mr. Charles Pratt for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 20, will be as follows: Nos. 39, 40, 41, 44, 45, 47, 48, 999, 984, and 824.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 20, 1891.

Present : Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Blatchford, Mr. Justice Lamar, Mr. Justice Brewer, and Mr. Justice Brown.

Mr. Justice Field announced the following orders of the court :

No 824.—Thomas Knight, plaintiff in error, *vs.* The United Land Association *et al.*

Motion to postpone argument of this case denied.

No. 999.—The Crosby Steam Gage and Valve Co., appellant, *vs.* The Consolidated Safety Valve Company. Motion to postpone argument of this case denied.

No. 1208.—James E. Boyd, plaintiff in error, *vs.* The State of Nebraska *ex rel.* John M. Thayer. Motion to advance granted and case assigned for argument on the 7th day of December next, after cases already set down for that day.

No. 39.—Sylvester H. Kneeland, appellant, *vs.* C. L. Luce & Co. *et al.* Argument continued by Mr. W. I. Babb for the appellees, and concluded by Mr. John M. Butler for the appellant.

No. 40.—Henry M. Rector, appellant, *vs.* Matilda Lipscomb. Argued by Mr. A. H. Garland for the appellant, with leave to counsel for the appellee to file brief within two weeks.

No. 1422.—Anne Williams, widow, *et al.*, appellants, *vs.* Catherine Williams. Leave to issue mandate in this cause granted on motion of Mr. Wm. E. Earle for appellee.

No. 41.—The Charlotte, Columbia and Augusta Railroad Company, plaintiff in error, *vs.* Wade Hampton Gibbes, treasurer of Richland County. Argued by Mr. Linden Kent for the plaintiff in error, and by Mr. Wm. E. Earle for the defendant in error.

No. 44.—Edward L. McClain, appellant, *vs.* Andrew Ortmyer *et al.* Argument commenced by Mr. James Moore for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 21, will be as follows : Nos. 44, 45, 47, 48, 999, 984, 824, 50, 51, and 52.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 21, 1891.

Present: Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Blatchford, Mr. Justice Lamar, Mr. Justice Brewer, and Mr. Justice Brown.

Edward S. Doolittle, of Huntington, W. Va., was admitted to practice.

No. 44.—Edward L. McClain, appellant, *vs.* Andrew Ortmyer *et al.* Argument continued by Mr. James Moore for the appellant, by Mr. Thomas A. Banning for the appellees, and concluded by Mr. Edmond Wetmore for the appellant.

No. 45.—The Union Pacific Railway Company, plaintiff in error, *vs.* William C. Reddon. Argued by Mr. John F. Dillon for the plaintiff in error, and submitted by Mr. Arthur Brown for the defendant in error.

No. 47.—Henry Thomas Coghlan, appellant, *vs.* The South Carolina Railroad Company. On motion of Mr. H. E. Young—leave granted both sides to file supplemental briefs within two weeks, and argument commenced by Mr. H. E. Young for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 22, will be as follows: Nos. 47, 48, 999, 984, 824, 50, 51, 52, 53, and 54.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 22, 1891.

Present : Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Blatchford, Mr. Justice Lamar, Mr. Justice Brewer, and Mr. Justice Brown.

John K. Hallock, of Erie, Pa., was admitted to practice.

No. 48.—The Horn Silver Mining Company, plaintiff in error, *vs.* The People of the State of New York. Passed, to be restored to the call subject to the provisions of section 9, Rule 26, on motion of Mr. A. H. Garland in behalf of counsel.

No. 53.—Seth Gage, appellant, *vs.* Spencer Kellogg *et al.* Appeal from the circuit court of the United States for the northern district of New York. Dismissed with costs pursuant to the 10th rule.

No. 54.—John McCreary, appellant, *vs.* The Pennsylvania Canal Company. Submitted by Mr. Charles S. Whitman for the appellant and by Mr. S. S. Hollingsworth for the appellee.

No. 47.—Henry Thomas Coghlan, appellant, *vs.* The South Carolina Railroad Company. Argument continued by Mr. H. E. Young for the appellant and concluded by Mr. Wm. E. Earle for the appellee.

No. 999.—The Crosby Steam Gage and Valve Company, appellant, *vs.* The Consolidated Safety Valve Company. Argued by Mr. Edmund Wetmore for the appellant, and by Mr. Thomas William Clarke for the the appellee.

No. 984.—Erwin Davis, plaintiff in error, *vs.* Algernon S. Patrick. Argument commenced by Mr. J. M. Woolworth for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 23, will be as follows : Nos. 984, 824, 50, 51, 52, 55, 56, 57, 59, and 60 and 71.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 23, 1891.

Present : Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Blatchford, Mr. Justice Lamar, Mr. Justice Brewer, and Mr. Justice Brown.

No. 984.—Erwin Davis, plaintiff in error, *vs.* Algernon S. Patrick. Argument continued by Mr. J. M. Woolworth, for the plaintiff in error ; by Mr. John L. Webster, for the defendant in error, and concluded by Mr. J. M. Woolworth, for the plaintiff in error.

No. 824.—Thomas Knight, plaintiff in error, *vs.* The United Land Association *et al.* Leave to file amendment to record granted, on motion of Mr. Charles N. Fox for the defendants in error. Argument commenced by Mr. E. R. Taylor for the plaintiff in error, and continued by Mr. Charles N. Fox for the defendants in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 26, will be as follows : Nos. 824, 50, 51, 52, 55, 56, 57, 59, 60, (and 71) and 969.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 26, 1891.

Present : Mr. Justice Field, Mr. Justice Bradley, Mr. Justice Harlan, Mr. Justice Blatchford, Mr. Justice Lamar, Mr. Justice Brewer, and Mr. Justice Brown.

James R. Ward, of Carrollton, Ill., was admitted to practice.

No. 1324.—John McNulta, receiver, etc., plaintiff in error, *vs.* J. R. Lockridge, administrator, etc. In error to the supreme court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Brown.

No. 30.—Allen Magowan *et al.*, appellants, *vs.* The New York Belting and Packing Company. Appeal from the circuit court of the United States for the district of New Jersey. Decree affirmed with costs and interest. Opinion by Mr. Justice Blatchford.

No. 317.—The United States, appellant, *vs.* The Missouri, Kansas and Texas Railway Company *et al.* Appeal from the circuit court of the United States for the district of Kansas. Decree reversed, and cause remanded, with directions to overrule the several demurrers to the bill and to require answers from the defendants, and for other proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Harlan.

No. 32.—Edwin S. Fowler *et al.*, appellants, *vs.* The Equitable Trust Company.

No. 33.—The Equitable Trust Company, appellant, *vs.* Edwin S. Fowler *et al.* Appeals from the circuit court of the United States for the southern district of Illinois. Decree reversed; the costs in this court to be paid by the Equitable Trust Company, and cause remanded, with directions to modify its decree in accordance with the principles of the opinion of this court. Opinion by Mr. Justice Harlan.

No. 34.—Rose H. Fowler, appellant, *vs.* The Equitable Trust Company.

No. 35.—The Equitable Trust Company, appellant, *vs.* Rose H. Fowler *et al.* Appeals from the circuit court of the United States for the southern district of Illinois. Decree reversed; costs in this court to be paid

by the Equitable Trust Company, and cause remanded, with directions to make such modifications in the decree as will be consistent with the opinion of this court. Opinion by Mr. Justice Harlan.

No. 36.—Sophie Fowler *et al.*, appellants, *vs.* The Equitable Trust Company. Appeal from the circuit court of the United States for the southern district of Illinois. Decree affirmed with costs and interest. Opinion by Mr. Justice Harlan.

No. 20.—Asahel Gage, appellant, *vs.* John H. Bane. 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. 10.—Samuel G. Hickman, plaintiff in error, *vs.* The City of Fort Scott. In error to the circuit court of the United States for the district of Kansas. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

Mr. Justice Field announced the following orders of the court :

No. 1191.—Peter J. Claassen, plaintiff in error, *vs.* The United States. Motion to advance granted and cause assigned for argument on the 7th day of December next after cases already set down for that day.

No. 5.—Original. The United States, complainant, *vs.* The State of Texas. Motion to set demurrers for argument granted, and demurrers assigned for argument on the 7th day of December next, after cases already advanced for hearing on that day.

No. 1288.—The Michigan Insurance Bank, plaintiff in error, *vs.* Anson Eldred. Motion to advance granted, the time for hearing the case to be hereafter fixed by agreement of parties.

No. 1185.—Erwin Davis, appellant, *vs.* Angelica Wakelee.

No. 1186.—Erwin Davis, appellant, *vs.* Pierre B. Cornwall. Motions to advance denied.

No. 45.—The Union Pacific Railroad Company, plaintiff in error, *vs.* William C. Reddon. In error to the supreme court of the Territory of Utah. Judgment affirmed with costs by a divided court.

No. 1400.—Oscar Rice, plaintiff in error, *vs.* Jane Sanger, admx. Motion to dismiss denied and motion for a writ of certiorari granted.

No. 941.—William Deering, appellant, *vs.* The Winonas Harvester Works, *et al.* Motion for leave to withdraw transcript of record from the files for the purpose of correction granted.

No. 1026.—Charles Counselman, appellant, *vs.* Frank Hitchcock, U. S. marshal, etc. Reassigned for argument on the 7th day of December next after cases already set down for that day, on motion of Mr. Attorney-General Miller for the appellee.

No. 1117.—The United States, plaintiff in error, *vs.* The Western Union Telegraph Company.

No. 1301.—The United States, appellant, *vs.* The Colton Marble and Lime Co. *et al.*

No. 1302.—The United States, appellant, *vs.* The Southern Pacific Railroad Co. *et al.*

No. 1374.—The United States, appellant, *vs.* The Southern Pacific Railroad Co. *et al.*

No. 1375.—The United States, appellant, *vs.* The Southern Pacific Railroad Co. *et al.*

No. 1391.—The United States, appellant, *vs.* David D. Budd *et al.*

Motions to advance submitted by Mr. Attorney-General Miller in support of motions.

No. 1338.—The District of Columbia, plaintiff in error, *vs.* Harvey S. Hutton. Motion to advance submitted by Mr. Solicitor-General Taft in support of motion.

No. 1296.—James A. Simmons, plaintiff in error, *vs.* The United States. Advanced and assigned for argument with No. 1191, on motion of Mr. Solicitor General Taft in support of motion.

No. 1157.—The United States, appellant, *vs.* William Wilson.

No. 1393.—Nishimura Ekiu, appellant, *vs.* The United States. Motions to advance submitted by Mr. Solicitor General Taft in support of motions.

No. 594.—The United States, plaintiff in error, *vs.* Clarinda McLean. In error to the circuit court of the United States for the district of Kansas. Dismissed on motion of Mr. Solicitor General Taft for the plaintiff in error.

No. 1428.—Joel B. Erhardt, collector, etc., plaintiff in error, *vs.* Julius Cohn *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 Taft for the plaintiff in error.

No. 63.—The San Pedro and Cañon del Agua Company, appellant, *vs.* The United States. Passed, to be restored to the call subject to provisions of section 9, Rule 26, on motion of Mr. Solicitor General Taft for the appellee.

No. 1048.—John Boyd *et al.*, plaintiffs in error, *vs.* The United States. Advanced and assigned for argument on the 14th day of December next, on motion of Mr. Assistant Attorney-General Maury, for the defendant in error.

No. 4.—Jesse Spalding, collector, etc., plaintiff in error, *vs.* George F. Stodder *et al.* Mandate granted on motion of Mr. Solicitor-General Taft for the plaintiff in error.

No. 1345.—The Corporation of the Catholic Bishop of Nesqually, in Washington Territory, appellant, *vs.* John Gibbon *et al.* Motion to advance submitted by Mr. A. H. Garland in support of motion.

No. 942.—George Ralston, appellant, *vs.* The British and American Mortgage Company (limited) *et al.* Motion to dismiss pursuant to the fifteenth rule, submitted by Mr. James Lowndes in support of motion.

No. 5.—Original. The United States, complainant, *vs.* The State of Texas. Leave to file stipulation that clerk open and publish depositions herein granted on motion of Mr. Edgar Allen for the complainant, and clerk ordered to open and publish depositions.

No. 203.—The Rumford Chemical Works, appellant, *vs.* John P. Muth *et al.* Appeal from the circuit court of the United States for the district of Maryland. Dismissed with costs on the authority of counsel for the appellant.

No. 237.—The Wedge Block Pavement Company, appellant, *vs.* The City of Cleveland *et al.* Appeal from the circuit court of the United States for the northern district of Ohio. Dismissed with costs, on the authority of counsel for the appellant.

No. 824.—Thomas Knight, plaintiff in error, *vs.* The United Land Association *et al.* Argument continued by Mr. Charles N. Fox for the defendants in error, and concluded by Mr. Edward R. Taylor for the plaintiff in error.

No. 50.—J. McGregor Adams, plaintiff in error, *vs.* The Bellaire Stamping Company *et al.* Argued by Mr. J. H. Raymond for the plaintiff in error and by Mr. Lysander Hill for the defendants in error.

No. 51.—J. Irving Pearce, assignee, etc., appellant, *vs.* James H. Rice. Argument commenced by Mr. H. W. Jackson for the appellant and continued by Mr. L. H. Bisbee for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 27, will be as follows: Nos. 51, 52, 55, 56, 57, 59, 60 (and 71), 969, 61, and 62.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 27, 1891.

Present : Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Blatchford, Mr. Justice Lamar, Mr. Justice Brewer, and Mr. Justice Brown.

No. 51.—J. Irving Pearce, assignee, etc., appellant, *vs.* James H. Rice. Argument continued by Mr. L. H. Bisbee for the appellee and concluded by Mr. H. W. Jackson for the appellant.

No. 52.—The Patent Clothing Company (limited), appellant, *vs.* H. B. Glover & Co. Argued by Mr. Causten Brown for the appellant and by Mr. G. M. Plympton for the appellees.

No. 55.—The American Net and Twine Company, plaintiff in error, *vs.* Roland Worthington, collector, etc. Argued by Mr. Edward Hartley for the plaintiff in error and by Mr. Assistant Attorney-General Parker for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 28, will be as follows : Nos. 56, 57, 59, 60 (and 71), 969, 61, 62, 64, 65, and 66.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 28, 1891.

Present : The Chief Justice and all the Associate Justices except Mr. Justice Bradley, and Mr. Justice Gray.

Charles R. Miller, of Canton, Ohio, was admitted to practice.

No. 1304.—Joel P. Toms, appellant, *vs.* Julia Francis Owen. Appeal from the circuit court of the United States for the eastern district of Michigan. Dismissed with costs on motion of Mr. C. I. Walker, for the appellant.

No. 62.—Bertha Hammond (sued as Bertha Hopkins) *et al.*, appellants, *vs.* William B. Hopkins *et al.* Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. George F. Edmunds, for the appellants.

No. 56.—John Sparhawk *et al.*, assignees, etc., appellants, *vs.* Charles T. Yerkes, jr., *et al.*

No. 57.—John Sparhawk *et al.*, assignees, etc., appellants, *vs.* Shreve Ackley *et al.*

Argued by Mr. Wayne MacVeagh for the appellants and by Mr. F. P. Prichard for the appellees.

No. 59.—The Fire Insurance Association (limited), plaintiff in error, *vs.* John W. Wickham, jr., *et al.* Argued by Mr. C. I. Walker for the plaintiff in error, and by Mr. F. H. Canfield and Mr. Joseph H. Choate for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 29, will be as follows : Nos. 60 (and 71), 969, 61, 64, 65, 66, 67, 68, 632, and 639.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 29, 1891.

Present : The Chief Justice and all the Associate Justices except Mr. Justice Bradley and Mr. Justice Gray.

Walter B. Sommerville, of New Orleans, La., and Samuel M. Hunter, of Newark, Ohio, were admitted to practice.

No. 60.—A. H. Johnson, appellant, *vs.* The St. Louis, Iron Mountain and Southern Railway Company.

No. 71.—The St. Louis, Iron Mountain and Southern Railway Company, appellant, *vs.* A. H. Johnson. Passed until to-morrow.

No. 969.—The Leadville Coal Company *et al.*, appellants, *vs.* William McCreery *et al.*, trustees *et al.* Argued by Mr. C. C. Baldwin for the appellees and submitted by Mr. Henry Crawford for the appellants.

No. 61.—Michael Sietz, plaintiff in error, *vs.* The Brewers' Refrigerating Machine Company. Argued by Mr. Esek Cowen for the plaintiff in error, and by Mr. Jno. H. V. Arnold for the defendant in error.

No. 64.—The Willcox & Gibbs Sewing Machine Company, plaintiff in error, *vs.* Daniel S. Ewing. Argued by Mr. Wayne MacVeagh for the plaintiff in error and by Mr. Frank P. Prichard for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 30, will be as follows : Nos. 60 (and 71), 65, 66, 67, 68, 632, 639, 69, 70, and 72.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 30, 1891.

Present : The Chief Justice and all the Associate Justices except Mr. Justice Bradley and Mr. Justice Gray.

F. P. Poché, of New Orleans, La., and J. M. Rothschild, of San Francisco, Cal., were admitted to practice.

No. 74.—The Union Pacific Railway Company, appellant, *vs.* William F. Thompson, *et al.* Appeal from the circuit court of the United States for the district of Colorado. Dismissed with costs on motion of Mr. John F. Dillon, for the appellant.

No. 1444.—Frank Murray *et al.*, plaintiffs in error, *vs.* The First National Bank of Montague, Texas. In error to the United States court for Indian Territory. Docketed and dismissed with costs on motion of Mr. Halbert E. Paine, for the defendant in error.

No. 1114.—Robert D. Hunter *et al.*, plaintiffs in error, *vs.* John L. Coyle. In error to the circuit court of the United States for the western district of Missouri. Dismissed with costs on authority of counsel for the plaintiffs in error.

No. 60.—A. H. Johnson, appellant, *vs.* The St. Louis, Iron Mountain and Southern Railway Company.

No. 71.—The St. Louis, Iron Mountain and Southern Railway Company, appellant, *vs.* A. H. Johnson.

Argued by Mr. John J. Horner and Mr. A. H. Garland for Johnson and by Mr. John F. Dillon for the railway company.

No. 65.—The Kāukauna Water Power Company *et al.*, plaintiffs in error, *vs.* The Green Bay and Mississippi Canal Company. Argument commenced by Mr. Alfred L. Cary for the plaintiffs in error and continued by Mr. Moses Hooper for the defendants in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 2, will be as follows : Nos. 65, 66, 67, 68, 632, 639, 69, 70, 72, and 73.

SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 2, 1891.

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

Austin M. Keene, of Fort Scott, Kans., and John A. Taylor, of New York City, were admitted to practice.

No. 44.—Edward L. McClain, appellant, *vs.* Andrew Ortmyer *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. 31.—Julia H. McLean, *et al.*, appellants, *vs.* Ruggles W. Clapp, *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 Brewer. (The Chief Justice, Mr. Justice Bradley, and Mr. Justice Gray did not hear the argument nor take part in the decision of this case.)

No. 38.—Sylvester H. Kneeland, appellant, *vs.* Charles L. Luce and John T. Newton. Appeal from the circuit court of the United States for the district of Indiana. Decree affirmed with costs and interest. Opinion by Mr. Justice Brewer. (The Chief-Justice, Mr. Justice Bradley, and Mr. Justice Gray did not hear the argument nor take part in the decision of this case.)

No. 999.—The Crossby Steam Gage and Valve Company, appellant, *vs.* The Consolidated Safety Valve Company. Appeal from the circuit court of the United States for the district of Massachusetts. Decree affirmed with costs and interest. Opinion by Mr. Justice Blatchford. (Mr. Justice Gray was not present at the argument, and took no part in the decision of this case.)

The Chief Justice announced the following orders of the court :

No. 1117.—The United States, plaintiff in error, *vs.* The Western Union Telegraph Company *et al.* Motion to advance denied.

No. 1157.—The United States, appellant, *vs.* William Wilson. Motion to advance granted and cause assigned for argument on the 11th day of January next.

No. 1301.—The United States, appellant, *vs.* The Colton Marble and Lime Company *et al.*

No. 1302.—The United States, appellant, *vs.* The Southern Pacific Railroad Company *et al.*

No. 1374.—The United States, appellant, *vs.* The Southern Pacific Railroad Company *et al.*

No. 1375.—The United States, appellant, *vs.* The Southern Pacific Railroad Company *et al.*

No. 1338.—The District of Columbia, plaintiff in error, *vs.* Harry S. Hutton. Motions to advance granted and causes assigned for argument on the 11th day of January next, after the cases already set down for that day.

No. 1345.—The corporation of the Catholic bishop of Nesqually, etc., appellant, *vs.* John Gibbon *et al.* Motion to advance denied.

No. 1391.—The United States, appellant, *vs.* David D. Budd *et al.* Motion to advance granted and cause assigned for argument on the 11th day of January next, after cases already set down for that day.

No. 1393.—Nishimura Ekin, appellant, *vs.* The United States *et al.* Motion to advance granted and cause assigned for argument on the 14th day of December next, after the case already set down for that day.

No. 1051.—Edward H. Hornor, appellant, *vs.* The United States *et al.* Motion to advance submitted by Mr. Solicitor-General Taft in support of motion.

No. 40.—Henry H. Rector, appellant, *vs.* Matilda Lepscomb. Leave granted to file additional brief for the appellant, on motion of Mr. H. J. May for appellant.

No. 1000.—The Mutual Reserve Fund Life Association, plaintiff in error, *vs.* Wm. P. Woodson *et al.* Motion to reverse the judgment of the circuit court herein, per stipulation of counsel, and that mandate issue, submitted by Mr. H. J. May, in behalf of counsel.

No. 1418.—Jabez G. Smale *et al.* *vs.* Charles H. Mitchell. Motion to advance submitted by Mr. H. J. May, in behalf of counsel.

No. 92.—William Wright, appellant, *vs.* David G. Yuengling, jr.

No. 93.—William Wright, appellant, *vs.* Johnston Beggs.

Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. H. J. May, in behalf of counsel.

Ex parte: In the matter of Lau Ow Bew, petitioner. Petition for a writ of certiorari to the circuit court of appeals of the ninth circuit, submitted by Mr. J. Hubley Ashton, for the petitioner.

No. 396.—Marian W. McIntyre *et al.*, appellants, *vs.* Henry F. Roeschlaub. Appeal from the circuit court of the United States for the district of Colorado. Dismissed with costs, and mandate granted on motion of Mr. W. Hallett Phillips, in behalf of counsel for the appellants.

No. 65.—The Kaukauna Water Power Company *et al.*, plaintiffs in error, *vs.* The Green Bay and Mississippi Canal Company. Argument continued by Mr. Moses Hooper for the defendant in error, and concluded by Mr. D. S. Ordway for the plaintiffs in error.

No. 66.—The New Orleans Waterworks Company, appellant, *vs.* The Southern Brewing Company.

No. 67.—The New Orleans Waterworks Company, appellant, *vs.* The People's Ice Manufacturing Company.

No. 68.—The New Orleans Waterworks Company, appellant, *vs.* The Maginnis Oil and Soap Works.

Argued by Mr. J. R. Beckwith for the appellants, by Mr. George Denegre and Mr. Charles W. Horner for the appellee, in No. 68, and submitted by Mr. Alfred Goldthwaite for the appellees in No. 66 and No. 67.

No. 632.—The City of New Orleans *et al.*, plaintiffs in error, *vs.* The New Orleans Waterworks Company *et al.*

No. 639.—Edward Conery, jr., *et al.* plaintiffs in error, *vs.* The New Orleans Waterworks Company *et al.*

Argument commenced by Mr. Carleton Hunt for the plaintiffs in error in No. 632.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 3, will be as follows: Nos. 632, (and 639,) 69, 70, 72, 73, 75, 76, 77, 78, and 79.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 3, 1891.

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

No. 807.—The Kansas City, St. Joseph and Council Bluffs Railroad Company, appellant, *vs.* The Chicago, St. Paul and Kansas City Railway Company. Stipulation to reverse decree of circuit court submitted by Mr. J. M. Woolworth for the appellant.

No. 1450.—Florence W. Wanton, appellant, *vs.* Frank E. DeWolf *et al.* Appeal from the circuit court of the United States for the northern district of California. Docketed and dismissed with costs, on motion of Mr. A. B. Browne for appellees.

No. 5, original.—The United States, complainant, *vs.* The State of Texas. Leave to file notice as to filing testimony, etc., granted on motion of Mr. H. J. May in behalf of counsel.

No. 1211.—Romeo Lewis *et al.*, plaintiffs in error, *vs.* Abraham Barnhart *et al.*

No. 1212.—Romeo Lewis *et al.*, plaintiffs in error, *vs.* Joseph Phillips *et al.*

No. 1213.—Romeo Lewis *et al.*, plaintiffs in error, *vs.* Andrew Johnson *et al.*

No. 1214.—Romeo Lewis *et al.*, plaintiffs in error, *vs.* Onno Dirks *et al.*

No. 1215.—Romeo Lewis *et al.*, plaintiffs in error, *vs.* Oliver M. Dye *et al.*

No. 1216.—Romeo Lewis *et al.*, plaintiffs in error, *vs.* Celicia Boner *et al.*

No. 1217.—Romeo Lewis *et al.*, plaintiffs in error, *vs.* Celicia Boner.

Submitted pursuant to the twentieth rule by Mr. S. S. Puterbaugh for the plaintiffs in error, and by Mr. R. E. Williams for the defendants in error.

No. 79.—Andrew Oleson, plaintiff in error, *vs.* H. W. Cox. In error to the supreme court of the State of Kansas. Dismissed with costs pursuant to the tenth rule.

No. 632.—The city of New Orleans *et al.*, plaintiffs in error, *vs.* The New Orleans Water Works Company *et al.*

No. 639.—Edward Conery, jr., *et al.*, plaintiffs in error, *vs.* The New Orleans Water Works Company *et al.* Argument continued by Mr. Carleton Hunt for the city of New Orleans *et al.*; by Mr. J. R. Beckwith and Mr. Gus A. Breaux for the defendants in error, and concluded by Mr. F. P. Poché for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 4, will be as follows: Nos. 69, 70, 72, 73, 75, 76, 77, 78, 80, and 81.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 4, 1891.

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

No. 118.—James H. Fisk, plaintiff in error, *vs.* D. V. B. Henarie *et al.* Leave granted to file assignment of errors on motion of Mr. J. H. Mitchell for the plaintiff in error.

No. 80.—The County of Bay, plaintiff in error, *vs.* Jane A. Douglass. In error to the circuit court of the United States for the eastern district of Michigan. Dismissed with costs, pursuant to the 10th rule.

No. 69.—Daniel D. T. Farnsworth *et al.*, appellants, *vs.* Joseph Duffner. Argued by Mr. H. J. May for the appellants, and by Mr. H. M. Russell for the appellee.

No. 70.—Henry M. Meyers, appellant, *vs.* The Groom Shovel Company. Argued by Mr. W. Bakewell for the appellant, and by Mr. Francis T. Chambers for the appellee.

No. 72.—James C. Thompson, plaintiff in error, *vs.* George W. Baker *et al.* Submitted by Mr. D. A. McKnight for the plaintiff in error, and by Mr. Sawnie Robertson for the defendants in error.

No. 73.—J. J. Lang *et al.*, plaintiffs in error, *vs.* W. S. Woods. Submitted by Mr. John Johns for the plaintiffs in error. No counsel appeared for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 5, will be as follows: Nos. 75, 76, 77, 78, 81, 82, 83, 84, 85, and 88.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 5, 1891.

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

Z. Gibbons, of Lexington, Ky., and W. E. Dodge, of Fargo, N. Dak., were admitted to practice.

No. 81.—James B. Innis, appellant, *vs.* Henry Bolton *et al.* Appeal from the supreme court of the Territory of Idaho. Dismissed with costs on the authority of counsel for the appellant, and cause remanded to the supreme court of the State of Idaho.

No. 82.—William Hayward, appellant, *vs.* Henry Bolton *et al.* Appeal from the supreme court of the Territory of Idaho. Dismissed with costs on the authority of counsel for the appellant, and cause remanded to the supreme court of the State of Idaho.

No. 83.—Gus. Larson, plaintiff in error, *vs.* Charles S. Cox. In error to the supreme court of the State of Kansas. Dismissed with costs, pursuant to the 10th rule.

No. 85.—Henry S. Woodruff, appellant, *vs.* Lawrence Carr. Appeal from the circuit court of the United States for the district of Minnesota. Dismissed with costs, pursuant to the 10th rule.

No. 588.—The Eureka Spindle Company, appellant, *vs.* The Sawyer Spindle Company. Appeal from the circuit court of the United States for the district of Massachusetts. Dismissed per stipulation.

No. 75.—Andrew W. Smyth, appellant, *vs.* The New Orleans Canal & Banking Company *et al.* Submitted by Mr. J. Ward Gurley, jr., for the appellant and by Mr. Henry C. Miller, Mr. J. L. Bradford, and Mr. G. A. Breaux for the appellees.

No. 76.—The United States, appellant, *vs.* The Union Coal Company. Argued by Mr. Assistant Attorney-General Maury for the appellant, and by Mr. John F. Dillon for the appellee.

No. 77.—Frederic P. Olcott *et al.*, appellants, *vs.* O. B. Headrick. Argued by Mr. H. H. Ingersoll for the appellee, and submitted by Mr. W. M. Baxter for the appellants.

No. 78.—Lebbens H. Rogers, plaintiff in error, *vs.* The United States. Argued by Mr. George Bliss for the plaintiff in error, and by Mr. Solicitor-General Taft for the defendant in error.

No. 84.—The Simmons Creek Coal Company *et al.*, appellants, *vs.* Joseph I. Doran. Argument commenced by Mr. A. W. Reynolds for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 6, will be as follows: Nos. 84, 88, 89, 62, 90, 91, 94, 95, 96, and 97.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 6, 1891.

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

No. 118.—James H. Fisk, plaintiff in error, *vs.* D. V. B. Henarie *et al.* Motion to vacate order granting leave to plaintiff in error to file assignment of errors, submitted by Mr. J. N. Dolph in support of motion.

No. 91.—Schuyler's Steam Tow Boat Line, plaintiff in error, *vs.* John Salisbury. In error to the supreme court of the State of New York. Dismissed with costs, for failure to comply with the order of this court of October 19th last requiring new writ of error bond.

No. 94.—John Torrent, appellant, *vs.* The Duluth Lumber Company. Appeal from the circuit court of the United States for the district of Minnesota. Dismissed with costs pursuant to the 10th rule.

No. 97.—Charles L. Ficklen *et al.*, plaintiffs in error, *vs.* The Taxing District of Shelby County, Tennessee, *et al.* Assigned for argument on the 9th day of November next, after cases already set down for that day.

No. 84.—The Simmons Creek Coal Company *et al.*, appellants, *vs.* Joseph I. Doran. Argument continued by Mr. A. W. Reynolds for the appellants, by Mr. J. H. Ferguson for the appellee, and conducted by Mr. A. W. Reynolds for the appellants.

No. 88.—Thomas Craig, administrator, etc., plaintiff in error, *v.* The Continental Insurance Company, of New York. Argument commenced by Mr. Don M. Dickinson, for the plaintiff in error, and continued by Mr. F. H. Canfield, for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday November 9, will be as follows: Nos. 88, 6 original, 58, 62, 90, 96, 7, 8, and 9 original, 644, 645, and 719, 987, and 983.

SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 9, 1891.

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

Clarence A. Brandenburg, of Washington, D. C.; W. T. Hughes, of Denver, Colo.; Edward L. Scarritt, of Kansas City, Mo.; Spencer Clinton, of Buffalo, N. Y., and Charles J. Willett, of St. Louis, Mich., were admitted to practice.

No. 54.—John McCreary, appellant, *vs.* The Pennsylvania Canal Company. Appeal from the circuit court of the United States for the eastern district of Pennsylvania. Decree affirmed with costs. Opinion by Mr. Justice Brown. (Mr. Justice Bradley and Mr. Justice Gray were not present at the argument and took no part in the decision of this cause.)

No. 55.—The American Net and Twine Company, plaintiff in error, *vs.* Roland Worthington, collector, etc. In error to the circuit court of the United States for the district of Massachusetts. 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 Bradley and Mr. Justice Gray were not present at the argument and took no part in the decision of this cause.)

No. 984.—Erwin Davis, plaintiff in error, *vs.* Algernon S. Patrick. 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 Brewer. (The Chief Justice, Mr. Justice Bradley, and Mr. Justice Gray were not present at the argument and took no part in the decision of this cause.)

No. 969.—The Leadville Coal Company *et al.*, appellants, *vs.* U. S., William McCreery *et al.* Appeal from the circuit court of the United States for the northern district of Ohio. Decree affirmed with costs. Opinion by Mr. Justice Brewer. (Mr. Justice Bradley and Mr. Justice Gray were not present at the argument and took no part in the decision of this cause.)

No. 1064.—The Metropolitan National Bank, plaintiff in error, *vs.* Sumner E. Claggett *et al.*, administrators, etc. In error to the Supreme Court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Lamar.

No. 39.—Sylvester H. Kneeland, appellant, *vs.* C. L. Luce & Company *et al.* Appeal from the circuit court of the United States for the district of Indiana. Order affirmed with costs and interest except as to the First National Bank of Mount Pleasant, Whitney & Co., H. E. Bowers, Emily Worthington, T. P. M. Roome, Hugh Dougherty, and Wm. J. Craig, and as to them the appeal is dismissed for want of jurisdiction. Opinion by Mr. Justice Blatchford. (Mr. Justice Gray was not present at the argument and took no part in the decision of this cause.)

No. 28.—Mrs. Sarah E. Marshall, plaintiff in error, *vs.* H. B. Holmes, sheriff, etc., *et al.* In error to the court of appeals of the second circuit, State of Louisiana. Judgment reversed with costs and cause remanded, for such proceedings as are consistent with the opinion of this court. Opinion by Mr. Justice Harlan.

No. 1227.—The Moline Plow Company, plaintiff in error, *vs.* John A. Webb and Brother. In error to the circuit court of the United States for the western district of Texas. Judgment reversed with costs and cause remanded, with directions to grant a new trial and for further proceedings consistent with the opinion of this court. Opinion by Mr. Justice Harlan. (Mr. Justice Gray took no part in the decision of this case.)

No. 61.—Michael Seltz, plaintiff in error, *vs.* The Brewers' Refrigerating Machine Company. In error to the circuit court of the United States for the eastern district of New York. Judgment affirmed with costs and interest. Opinion by Mr. Chief Justice Fuller. (Mr. Justice Bradley and Mr. Justice Gray did not hear the argument of this case and took no part in its decision.)

The Chief Justice announced the following orders of the court :

No. 784.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* George Hambly. Motion to dismiss denied.

No. 1235.—Eugene Logan *et al.*, plaintiffs in error, *vs.* The United States.

No. 1315.—Eugene Logan *et al.*, appellants, *vs.* George A. Knight, marshal, etc. Motion to advance granted, and cases assigned for argument on the 11th day of January next after cases already set down for that day. Motion to prosecute *in forma pauperis* denied.

No. 1051.—Edward H. Hornor, appellant, *vs.* The United States *et al.* Motion to advance granted and cause assigned for argument on the 11th day of January next, after cases already set down for that day.

No. 1418.—Jabez B. Small *et al.* vs. Charles H. Mitchell. Motion to advance granted and cause assigned for argument on the 11th day of January next, after cases already set down for that day.

No. 118.—James H. Fist, plaintiff in error, vs. D. V. B. Henarie *et al.* Motion to vacate the order granting plaintiff in error leave to file assignment of errors and to strike assignment of errors from the files denied.

No. 942.—George Ralston, appellant, vs. The British and American Mortgage Company (Limited) *et al.*, in error to the circuit court of the United States for the western district of Louisiana. Motion to dismiss granted and appeal dismissed with costs pursuant to the fifteenth rule.

No. 95.—The Pacific Express Company, plaintiff in error, vs. The Taxing District of Shelby County, Tennessee, in error to the supreme court of the State of Tennessee. Judgment reversed with costs, per stipulation, and cause remanded to be proceeded with according to law and justice.

No. 807.—The Kansas City, St. Joseph and Council Bluffs Railroad Company, appellant, vs. The Chicago, St. Paul and Kansas City Railway Company. Appeal from the circuit court of the United States for the western district of Missouri. Decree reversed, each party to pay one-half the costs in this court, per stipulation, and cause remanded to be proceeded in according to law and justice.

No. 1000.—The Mutual Reserve Fund Life Association, plaintiff in error, vs. William P. Woodson *et al.* In error to the circuit court of the United States for the eastern district of Virginia. Judgment reversed, costs to be paid by the plaintiff in error, except docket fee, per stipulation, and cause remanded to said circuit court with directions to remand to the State court. Ordered that mandate issue at once.

No. 1348.—The United States, appellant, vs. Abner Hazeltine. Appeal from the Court of Claims. Dismissed, per stipulation, on motion of Mr. Solicitor-General Taft for the appellant.

No. 98.—E. L. Hedden, late collector, etc., plaintiff in error, vs. Edward I. Horsman. Mandate granted on motion of Mr. Solicitor-General Taft for the plaintiff in error.

No. 828.—T. B. Cox *et al.*, plaintiffs in error, vs. E. J. Hart. Motion that clerk be authorized to issue certified copy of judgment of dismissal as to S. E. Eckels, one of the plaintiffs in error herein, submitted by Mr. W. Hallett Phillips in support of motion.

No. 1729 of October term, 1890.—Eugene Beebe *et al.*, plaintiffs in error, vs. The United States. Motion to rescind judgment of April 27, 1891, docketing and dismissing this cause to recall the mandate issued herein and for leave to docket the case. Submitted by Mr. Michael L.

Woods in support of motion, and by Mr. Solicitor-General Taft in opposition thereto, with leave to both sides to file briefs on or before Monday next.

No. 1310.—The Gulf, Colorado and Santa Fé Railway Company, plaintiff in error, *vs.* Hefley & Lewis. Motion to advance submitted by Mr. A. B. Browne in support of same.

No. 1099.—E. Nalle & Company, appellants, *vs.* Wade R. Young *et al.* Motion to dismiss submitted by Mr. Wade R. Young in support of motion, and by Mr. John Johns in opposition thereto.

No. 1376.—The Town of Andes, plaintiff in error, *vs.* Dudley P. Ely. Motion to dismiss or advance submitted by Mr. J. B. Gleason in support of motion, and by Mr. Isaac H. Maynard in opposition thereto.

No. 983.—The Pacific Express Company, appellant, *vs.* James M. Seibert, State auditor, etc., *et al.* Submitted by Mr. Westel W. Morsman for the appellant, and by Mr. John M. Wood for the appellees.

No. 88.—Thomas Craig, administrator, etc., plaintiff in error, *vs.* The Continental Insurance Company of New York. Argument concluded by Mr. F. H. Canfield for the defendant in error.

No. 6.—Original: *Ex parte.* In the matter of Thomas Henry Cooper, petitioner. One hour additional time allowed each side in the argument of this case, on motion of Mr. Calderon Carlisle for the petitioner. Argument commenced by Mr. Calderon Carlisle for the petitioner, and continued by Mr. Solicitor-General Taft for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 10, will be as follows: Nos. 6 original, 58, 62, 90, 96, 7, 8, and 9 original, 644, 645, and 719, 987, 2, 3, and 7, and 1049.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 10, 1891.

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

Joseph W. Kinsley, of Helena, Mont., was admitted to practice.

No. 1049.—Robert M. Boyd *et al.*, appellants, *vs.* The United States *et al.*

No. 1050.—Charles Sternbach *et al.*, appellants, *vs.* The United States.

No. 1052.—Marshall Field & Co., appellant, *vs.* John M. Clark, collector, etc.

No. 1061.—The United States, appellant, *vs.* Ballin, Joseph & Co. Re-assigned for argument on the 30th day of November, on motion of Mr. Solicitor-General Taft, for the United States.

No. 190.—Jane G. Waterman, extx., etc., appellant, *vs.* James M. Banks, exer., etc.

No. 191.—J. L. Porter, appellant, *vs.* James M. Banks, exer., etc. Leave granted to file assignment of errors in these cases, on motion of Mr. George F. Edmunds for the appellants.

No. 6.—Original. *Ex parte*: In the matter of Thomas Henry Cooper, petitioner. Argument continued by Mr. Solicitor-General Taft and Mr. Attorney-General Miller, for the respondent, and concluded by Mr. Joseph H. Choate for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 11, will be as follows: Nos. 58, 62, 90, 89, 96, 7, 8, and 9 original, 644, 645, and 719, 987, 2, 3, and 7, and 1024.

9214—22

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 11, 1891.

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

J. M. Longenecker, of Chicago, Ill., was admitted to practice.

No. 58.—The schooner *Sylvia Handy*, etc., *et al.*, appellants, *vs.* The United States. Argued by Mr. W. G. Johnson and Mr. Calderon Carlisle for the appellants, and by Mr. Solicitor-General Taft and Attorney-General Miller for the appellee.

No. 62.—Bertha Hammond (sued as Bertha Hopkins) *et al.*, appellants, *vs.* William B. Hopkins *et al.* Argument commenced by Mr. Walter D. Davidge for the appellants, and continued by Mr. Samuel L. Phillips for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 12, will be as follows: Nos. 62, 90, 89, 96, 7, 8, and 9 original, 644, 645, and 719, 987, 2, 3, and 7, 1024 and 27.

9214—23

C

SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 12, 1891.

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

Wm. J. Hendrick, of Frankfort, Ky., was admitted to practice.

No. 995.—The Kentucky Central Railroad Company, plaintiff in error, *vs.* the Commonwealth of Kentucky. Motion to advance submitted by Mr. Wm. J. Hendrick, for the defendant in error.

No. 62.—Bertha Hammond (sued as Bertha Hopkins) *et al.*, appellants, *vs.* William B. Hopkins *et al.* Argument continued by Mr. Samuel Shellabarger, for the appellees, and concluded by Mr. George F. Edmunds, for the appellants.

No. 90.—Simeon F. Hall *et al.*, plaintiffs in error, *vs.* John H. Cordell *et al.*

Argued by Mr. J. A. Sleeper for the plaintiffs in error, and by Mr. Ashley M. Gould for the defendants in error.

Ex parte: In the matter of Frank D. Sturges, receiver, etc. Petition. Motion for leave to file petition for a writ of prohibition submitted by Mr. W. E. Dodge in behalf of counsel for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 13, will be as follows: Nos. 89, 96, 7, 8, and 9 original, 644, 645, and 719, 987, 2, 3, and 7, 1024, 27, 97, and 99.

9214—24

SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 13, 1891.

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

The Chief Justice announced the following order of the court:

Ex parte. In the matter of Frank D. Sturges, receiver, etc., petitioner. Motion for leave to file petition for writ of prohibition denied.

No. 99.—Robert Craig *et al.*, plaintiffs in error, *vs.* Brainard H. Warner; continued per stipulation.

No. 89.—Stutsman County, appellant, *vs.* Charles S. Wallace *et al.* Argued by Mr. John F. Dillon for the appellant and by Mr. W. E. Dodge for the appellees.

No. 96.—The Deseret Salt Company, plaintiffs in error, *vs.* D. P. Tarpey. Assigned for argument after No. 97, on motion of Mr. Wm. H. H. Miller for the defendant in error.

Adjourned until Monday next, at 12 o'clock.

The day call for Monday, November 16, will be as follows: Nos. 7, 8, and 9 original, 644, 645, and 719, 987, 2, 3, and 7, 1024, 27, 97, 96, 100 and 101.

9214—25

SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 16, 1891.

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

No. 59.—The Fire Insurance Association (Limited), plaintiff in error, *vs.* John W. Wickham, jr., *et al.* In error to the circuit court of the United States for the eastern district of Michigan. Judgment affirmed with costs and interests. Opinion by Mr. Justice Brown. (Mr. Justice Bradley and Mr. Justice Gray took no part in the decision of this case.)

No. 40.—Henry M. Rector, appellant, *vs.* Matilda Lipscomb. Appeal from the circuit court of the United States for the eastern district of Arkansas. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brewer. (Mr. Justice Bradley and Mr. Justice Gray took no part in the decision of this case.)

No. 52.—The Patent Clothing Company (Limited), appellant, *vs.* H. B. Glover *et al.* Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

(Mr. Justice Bradley and Mr. Justice Gray took no part in the decision of this case.)

No. 23.—E. C. Cross *et al.*, appellants, *vs.* John DeWitt Allen, administrator, etc., *et al.* Appeal from the circuit court of the United States for the district of Oregon. Decree affirmed with costs. Opinion by Mr. Justice Lamar.

No. 77.—Frederick Olcott *et al.*, appellants, *vs.* O. B. Headrick. Appeal from the circuit court of the United States for the eastern district of Tennessee. Decree affirmed with costs and interest. Opinion by Mr. Justice Blatchford.

No. 78.—Lebbeus H. Rogers, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the southern district of New York. Judgment affirmed.

Opinion by Mr. Justice Blatchford.

No. 60.—A. H. Johnson, appellant, *vs.* The St. Louis, Iron Mountain and Southern Railway Company. Appeal from the district court of the United States for the eastern district of Arkansas. Decree affirmed with costs. Opinion by Mr. Justice Blatchford, Mr. Justice Lamar dissenting. (Mr. Justice Gray took no part in the decision of this case.)

No. 71.—The St. Louis, Iron Mountain and Southern Railway Company, appellant, *vs.* A. H. Johnson. Appeal from the district court of the United States for the eastern district of Arkansas. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Blatchford. (Mr. Justice Gray took no part in the decision of this case.)

No. 64.—The Wilcox & Gibbs Sewing Machine Company, plaintiff in error, *vs.* Daniel S. Ewing. 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 grant a new trial and for further proceedings consistent with the opinion of this court. Opinion by Mr. Justice Harlan. Mr. Justice Bradley and Mr. Justice Gray took no part in the decision of this case.

No. 72.—James C. Thompson, plaintiff in error, *vs.* George W. Baker *et al.* In error to the circuit court of the United States for the northern district of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 50.—J. McGregor Adams, plaintiff in error, *vs.* The Bellaire Stamping Company *et al.* In error to the circuit court of the United States for the southern district of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice Field.

No. 1458.—Lau Ow Bew *vs.* The United States. Petition for writ of certiorari granted. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court :

No. 828.—T. B. Cox *et al.*, plaintiffs in error, *vs.* E. J. Hart. Motion that the clerk be authorized to issue a certified copy of the judgment of dismissal as to S. E. Echols, one of the plaintiffs in error herein, granted.

No. 1099.—E. Nalle & Company, appellants, *vs.* Wade R. Young *et al.* Motion to dismiss denied.

No. 1310.—The Gulf, Colorado and Santa Fé Railway Company, plaintiff in error, *vs.* Hefley and Lewis. Motion to advance denied.

No. 1376.—The Town of Andes, plaintiff in error, *vs.* Dudley P. Ely. Motions to dismiss or advance denied.

No. 995.—The Kentucky Central Railroad Company, plaintiff in error, *vs.* The Commonwealth of Kentucky. Motion to advance denied.

No. 66.—The New Orleans Water Works Company, appellant, *vs.* The Southern Brewing Company. Appeal from the circuit court of the United

States for the eastern district of Louisiana. Decree affirmed with costs by a divided court.

No. 67.—The New Orleans Water Works Company, appellant, *vs.* The People's Ice Manufacturing Company. Appeal from the circuit court of the United States for the eastern district of Louisiana. Decree affirmed with costs by a divided court.

No. 68.—The New Orleans Water Works Company, appellant, *vs.* The Maginnis Oil and Soap Works. Appeal from the circuit court of the United States for the eastern district of Louisiana. Decree affirmed with costs by a divided court.

No. 73.—J. J. Lang *et al.*, plaintiffs in error, *vs.* W. S. Woods. In error to the circuit court of the United States for the northern district of Texas. Judgment affirmed with costs and interest by a divided court.

No. 55.—The American Net and Twine Company, plaintiff in error, *vs.* Roland Worthington, collector, etc. Mandate granted on motion of Mr. Solicitor-General Taft for the defendant in error.

No. 1417.—The Chicago, St. Paul, Minneapolis and Omaha Railway Company, plaintiff in error, *vs.* John Roberts. Motions to dismiss or affirm submitted by Mr. W. A. Day and Mr. J. L. Macdonald in support of motions, and by Mr. Enoch Totten and Mr. J. H. Howe in opposition thereto.

No. 999.—The Crosby Steam Gauge and Valve Company, appellant, *vs.* The Consolidated Safety Valve Company. Mandate granted on motion of Mr. Thomas William Clarke for the appellee.

No. 1406.—*Ex parte* Edward W. Hallinger, appellant. Motion to dismiss or affirm submitted by Mr. C. H. Winfield in support of motion.

No. 100.—Edward Barr Company (limited) *et al.*, appellants, *vs.* The New York and New Haven Automatic Sprinkler Company. Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs pursuant to the 10th rule.

No. 101.—The Bradford Gas Light and Heating Company, appellant, *vs.* The Citizens' Light and Heat Company. Appeal from the circuit court of the United States for the western district of Pennsylvania. Dismissed with costs, pursuant to the 10th rule.

No. 7.—Original. *Ex parte*: In the matter of John L. Rapier, petitioner.

No. 8.—Original. *Ex parte*: In the matter of George W. Dupre, petitioner.

No. 9.—Original. *Ex parte*: In the matter of George W. Dupre, petitioner, one hour additional time granted to each side, on motion of Mr. James C. Carter for the petitioner, George W. Dupre. Argument com-

menced by Mr. Hannis Taylor for petitioner, John L. Rapier, and continued by Mr. Assistant Attorney-General Maury for the respondent, and by Mr. James C. Carter for the petitioner, George W. Dupre.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 17, will be as follows: Nos. 7, 8, and 9 original, 644, 645, and 719, 987, 2, 3, and 7, 1024, 27, 97, 96, 102 and 103.

C

SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 17, 1891.

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

No. 11.—Original. The State of Iowa, complainant, *vs.* The State of Illinois. On motion of Mr. John Y. Stone, for the complainant, leave granted to file bill of complaint, answer, reply, cross bill, and answer to cross bill, and motion to fix day for hearing taken under advisement.

No. 1343.—Frank R. Chandler, as trustee and executor, etc., *et al.*, appellants, *vs.* Josephine Pomeroy *et al.* Submitted pursuant to the 20th rule by Mr. C. C. Bohney for the appellants and by Mr. George W. Smith and Mr. John Maynard Harlan for the appellees.

No. 102.—The Amador Queen Mining Company, plaintiff in error, *vs.* William DeWitt.

In error to the supreme court of the State of California. Dismissed with costs, pursuant to the 10th rule.

No. 7.—Original. *Ex parte*: In the matter of John L. Rapiet, petitioner.

No. 8.—Original. *Ex parte*: In the matter of George W. Dupre, petitioner.

No. 9.—Original. *Ex parte*: In the matter of George W. Dupre, petitioner. Argument continued by Mr. James C. Carter for the petitioner, George W. Dupre, by Mr. Attorney-General Miller for the respondent, and concluded by Mr. Thomas J. Semmes for the petitioner, George W. Dupre.

No. 644.—The People of the State of New York, *ex rel.* Edward Annan, plaintiff in error, *vs.* Andrew Walsh, police justice, etc., *et al.*

No. 645.—The People of the State of New York, *ex rel.* Francis E. Pinto, plaintiff in error, *vs.* Andrew Walsh, police justice etc., *et al.*

No. 719.—J. Tolman Budd, plaintiff in error, *vs.* The People of the State of New York. Argument commenced by Mr. B. F. Tracy for Annan and Pinto.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 18, will be as follows: Nos. 644, 645, and 719, 987, 2, 3, and 7, 1024, 27, 97, 96, 103, 104, and 105.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 18, 1891.

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

No. 105.—Leo Stein *et al.*, appellants, *vs.* Josiah Borst. 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. 27.—The Wiggins Ferry Company, appellant, *vs.* The Ohio and Mississippi Railway Company *et al.* Reassigned for argument on the 30th instant, after No. 106, on motion of Mr. Lawrence Maxwell, jr., for the appellees, and consent of Mr. Henry Hitchcock for the appellant.

No. 644.—The People of the State of New York *ex rel.* Edward Annan, plaintiff in error, *vs.* Andrew Walsh, police justice, *et al.*

No. 645.—The people of the State of New York, *ex rel.* Francis E. Pinto, plaintiff in error, *vs.* Andrew Walsh, police justice, etc., *et al.*

No. 719.—J. Talman Budd, plaintiff in error, *vs.* The People of the State of New York.

Argument continued by Mr. Spencer Clinton for Budd; by Mr. J. A. Hyland for Andrew Walsh, police justice, etc., *et al.*, and concluded by Mr. W. N. Dykman for Annan and Pinto.

No. 987.—The United States, appellant, *vs.* The Des Moines Navigation and Railway Company *et al.* Argument commenced by Mr. Attorney-General Miller for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 19, will be as follows: Nos. 987, 2, 3, and 7, 1024, 97, 96, 103, 104, 106, 107, and 108.

9214—28

SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 19, 1891.

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

No. 107.—William A. Williams, plaintiff in error, *vs.* John Glenn, trustee, etc. In error to the circuit court of United States for the western district of North Carolina. Dismissed with costs pursuant to the tenth rule.

No. 108.—John L. Morehead, plaintiff in error, *vs.* John Glenn, trustee, etc. In error to the circuit court of the United States for the western district of North Carolina. Dismissed with costs pursuant to the tenth rule.

No. 987.—The United States, appellant, *vs.* The Des Moines Navigation and Railway Company *et al.* Argument continued by Mr. Attorney-General Miller for the appellant, by Mr. C. H. Gatch and Mr. Benton J. Hall for the appellees, and concluded by Mr. John Y. Stone for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 20, will be as follows: Nos. 2, 3, and 7, 1024, 97, 96, 103, 104, 106, 109, 110, and 111.

9214—29

SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 20, 1891.

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

No. 109.—Mary E. Wriston, executrix, etc., plaintiff in error, *vs.* John Glenn, trustee, etc., in error to the circuit court of the United States for the western district of North Carolina. Dismissed with costs pursuant to the 10th rule.

No. 110.—S. P. Alexander, plaintiff in error, *vs.* John Glenn, trustee, etc. In error to the circuit court of the United States for the western district of North Carolina. Dismissed with costs pursuant to the 10th rule.

No. 111.—H. G. Springs, plaintiff in error, *vs.* John Glenn, trustee, etc. In error to the circuit court of the United States for the western district of North Carolina. Dismissed with costs pursuant to the 10th rule.

No. 2. } The Iron Silver Mining Company, plaintiff in error, *vs.* The
No. 3. } Mike and Starr Gold and Silver Mining Company.

No. 7.—John L. Sullivan *et al.*, plaintiffs in error, *vs.* The Iron Silver Mining Company. Argument commenced by Mr. L. S. Dixon for the Iron Silver Mining Company and continued by Mr. T. M. Patterson for the Mike and Starr Gold and Silver Mining Company and Sullivan *et al.*

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 23, will be as follows: Nos. 2, 3, and 7, 1024, 97, 96, 103, 104, 106, 112, 113, and 114.

9214—30

SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 23, 1891.

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

Charles M. Swift and Israel T. Cowles, of Detroit, Mich.; Wm. Waldo Hyde, of Hartford, Conn.; Wm. M. Payson, of Portland, Me.; Edmund D. Barry, of Grand Rapids, Mich.; George C. Heard, of Washington, D. C., and Tully R. Cornick, jr., of Knoxville, Tenn., were admitted to practice.

No. 88.—Thomas Craig, administrator, etc., plaintiff in error, *vs.* The Continental Insurance Company of New York. In error to the circuit court of the United States for the eastern district of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 75.—Andrew W. Smyth, appellant, *vs.* The New Orleans Canal and Banking Company *et al.* Appeal from the circuit court of the United States for the eastern district of Louisiana. Decree affirmed with costs. Opinion by Mr. Justice Field. (Mr. Justice Blatchford took no part in the decision of this case.)

The Chief Justice announced the following orders of the court:

No. 1406.—*Ex parte*: In the matter of Edward W. Hallinger, appellant. Appeal from the circuit court of the United States for the district of New Jersey. Dismissed.

No. 1729 of October term 1890.—Eugene Beebe *et al.*, plaintiffs in error, *vs.* The United States. Motion to rescind the judgment docketing and dismissing this cause, to recall the mandate, and for leave to docket case, granted.

No. 76.—The United States, appellant, *vs.* The Union Coal Company. Appeal from the circuit court of the United States for the district of Colorado. Decree affirmed by a divided court.

The Chief Justice also announced that the court would adjourn at the conclusion of business on Wednesday, the 25th instant, until Monday, the 30th instant.

No. 30.—Allen Magowan *et al.*, appellants, *vs.* The New York Belting and Packing Company. Mandate granted, on motion of Mr. B. F. Lee for the appellees.

No. 336.—John Hoyt *et al.*, appellants, *vs.* John H. Horne. Suggestion of death of John Hoyt, one of the appellants herein, and appearance of William J. Hoyt, executor, etc., filed and entered, on motion of Mr. B. F. Lee for appellants.

No. 1455.—The Chicago Wire and Spring Company, plaintiff in error, *vs.* The American Wire Company. In error to the circuit court of the United States for the northern district of Illinois. Dismissed with costs, on motion of Mr. C. W. Needham of counsel for the plaintiff in error.

No. 1377. } E. P. Ferry *et al.*, executors, etc., *et al.*, plaintiffs in error, *vs.*
 No. 1378. } The County of King *et al.*

Motions to dismiss or affirm submitted by Mr. Reese H. Voorhees and Mr. Jno. Paul Jones in support of motions, and by Mr. J. C. Haines in opposition thereto.

No. 43.—The Fall River, Warren and Providence Railroad Company, plaintiff in error, *vs.* Page, Richardson & Co. Stipulation to reverse the judgment of the circuit court herein, submitted by Mr. F. W. Hackett in behalf of counsel.

No. 161.—James F. Hiltou *et al.*, appellants, *vs.* James E. Jones *et al.* Motion to postpone hearing until No. 371 is reached, submitted by Mr. W. Hallett Phillips in support of motion and by Mr. John H. Ames and Mr. N. S. Harwood in opposition thereto.

No. 1007.—The Henderson Bridge Company *et al.*, plaintiffs in error, *vs.* The City of Henderson. Motion to dismiss submitted by Mr. J. G. Carlisle in support of motion, and by Mr. William Lindsay in opposition thereto.

No. 1234.—The County of Franklin, Illinois, plaintiff in error, *vs.* The German Savings Bank of Davenport, Iowa. Submitted pursuant to the 20th rule by Mr. D. M. Browning for the plaintiff in error and by Mr. E. E. Cook and Mr. S. P. Wheeler for the defendant in error.

No. 1320.—Richard S. Tyler, plaintiff in error, *vs.* Cass County. Motion to dismiss or affirm submitted by Mr. John F. Dillon and Mr. Harry Hubbard in support of motion, and by Mr. Wm. H. Francis in opposition thereto.

No. 112.—Wm. A. Williams, plaintiff in error, *vs.* John Glenn, trustee, etc., in error to the circuit court of the United States for the western district of North Carolina. Dismissed with costs, pursuant to the 10th rule.

No. 2 and No. 3.—The Iron Silver Mining Company, plaintiff in error, vs. The Mike and Starr Gold and Silver Mining Company, and

No. 7.—John L. Sullivan *et al.*, plaintiffs in error, vs. The Iron Silver Mining Company.

Argument concluded by Mr. Ashley Pond, for the Iron Silver Mining Company.

No. 1024.—The Louisville Water Company, plaintiff in error, vs. William Clark, sheriff, etc.

Argument commenced by Mr. William Lindsay for the plaintiff in error, and continued by Mr. Helm Bruce and Mr. J. P. Helm for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 24, will be as follows :

Nos. 1024, 97, 96, 103, 104, 106, 113, 114, 115, and 116.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 24, 1891.

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

Emory S. Huston, of Burlington, Iowa, and W. P. Preble, jr., of New York City, were admitted to practice.

No. 1067.—Edward F. Lawrence, administrator, etc., appellant, *vs.* William H. Nelson *et al.*

Submitted pursuant to the twentieth rule by Mr. H. A. Gardner and Mr. Wm. McFadon for the appellant, and by Mr. Henry S. Robbins for the appellees.

No. 32.—Edwin S. Fowler *et al.*, appellants, *vs.* The Equitable Trust Company.

No. 33.—The Equitable Trust Company, appellant, *vs.* Edwin S. Fowler *et al.*

No. 34.—Rose H. Fowler, appellant, *vs.* The Equitable Trust Company.

No. 35.—The Equitable Trust Company, appellant, *vs.* Rose H. Fowler *et al.*

No. 36.—Sophie Fowler *et al.*, appellants, *vs.* The Equitable Trust Company. Mandates granted on motion of Mr. William M. Springer in behalf of counsel.

No. 117.—Eveline Scott, executrix, etc., appellant, *vs.* George H. Ellery. Suggestion of death of George H. Ellery, the appellee herein, and appearance of Cornelia Ellery, administratrix, etc., filed and entered on motion of Mr. E. S. Huston for appellee.

No. 1024.—The Louisville Water Company, plaintiff in error, *vs.* William Clark, sheriff, etc.

Argument continued by Mr. J. P. Helm for the defendant in error, and concluded by Mr. T. L. Burnett for the plaintiff in error.

No. 97.—Charles L. Ficklen *et al.* plaintiffs in error, *vs.* The Taxing District of Shelby County, Tenn., *et al.* In error to the supreme court of the State of Tennessee.

Dismissed with costs, for failure to prosecute the case in the manner directed by the court.

No. 96.—The Deseret Salt Company, plaintiff in error, *vs.* D. P. Tarpey. Argued by Mr. Wm. H. H. Miller for the defendant in error, and submitted by Mr. P. L. Williams for the plaintiff in error.

No. 103.—The Board of County Commissioners of the County of Chaffee, plaintiff in error, *vs.* Andrew Potter. Submitted by Mr. Thomas Macon for the plaintiff in error, with leave to counsel for the defendant in error to file briefs.

No. 104. The New Orleans and Northeastern Railroad Company, plaintiff in error, *vs.* Joseph H. S. Jopes. Argued by Mr. Edward Colston for the plaintiff in error and by Mr. Calderon Carlisle for the defendant in error.

No. 106. Nicholas Finn, plaintiff in error, *vs.* J. Sam. Brown, receiver, etc. Argument commenced by Mr. T. M. Patterson for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 25, will be as follows :

Nos. 106, 113, 114, 115, 116, 117, 118, 119, 120, and 121.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 25, 1891.

Present: The Chief Justice, Mr. Justice Bradley, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Blatchford, Mr. Justice Lamar, Mr. Justice Brewer, and Mr. Justice Brown.

Seth Newman, of Fargo, N. Dak., was admitted to practice.

No. 117.—Eveline Scott, executrix, etc., appellant, *vs.* Cornelia Ellery, administratrix, etc. Submitted by Mr. H. Scott Howell and Mr. Wm. C. Howell for the appellant, and by Mr. E. S. Huston for the appellee.

No. 106.—Nicholas Finn, plaintiff in error *vs.* J. Sam. Brown, receiver, etc. Argument continued by Mr. T. M. Patterson for the plaintiff in error; by Mr. John B. Henderson for the defendant in error, and concluded by Mr. T. M. Patterson for the plaintiff in error.

No. 113.—C. H. Van Stone, plaintiff in error, *vs.* The Stillwell and Bierce Manufacturing Company.

Submitted by Mr. S. M. Stockslager for the plaintiff in error. No counsel appeared for the plaintiff in error.

No. 114.—David L. Hammond *et al.*, plaintiffs in error, *vs.* Walter S. Johnston, receiver, etc., *et al.*

Argument commenced by Mr. D. T. Jewett for the plaintiffs in error, and continued by Mr. James M. Lewis and Mr. John B. Henderson for the defendants in error.

Adjourned until Monday next at twelve o'clock.

The day call for Monday, November 30, will be as follows:

Nos. 114, 1049, 1050, 1052, 1061, 27, 115, 116, 118, and 119.

9214—33,



SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 30, 1891.

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

I. Augustus Stanwood and David Ives Mackie, of New York City, W. H. Pritchard, of Tacoma, Wash., and J. Wharton Clark, of Washington, D. C., were admitted to practice.

The Chief Justice announced the following orders of the court :

No. 43.—The Fall River, Warren and Providence Railroad Company, plaintiff in error, *vs.* Page, Richardson and Company. In error to the circuit court of the United States for the district of Rhode Island. Judgment reversed per stipulation, and cause remanded for such action therein as may be consistent with law.

No. 161.—James F. Hilton *et al.*, appellants, *vs.* James E. Jones *et al.* Motion to postpone the argument of this case until No. 371 on the docket for the present term is reached in regular call of the docket ; postponed until the motion to dismiss, filed herein, is submitted ; and upon the latter motion so much of the record as is necessary in order to properly pass upon the motion, must be printed.

No. 1454.—The United States, plaintiff in error, *vs.* George Sanges *et al.* Motion to advance submitted by Mr. Solicitor-General Taft, in support of motion.

Nos. 8 and 9, original.—*Ex parte* : In the matter of George W. Dupre, petitioner. On motion of Mr. James C. Carter, for the petitioner, leave granted both sides to file additional briefs herein.

No. 1185.—Erwin Davis, appellant, *vs.* Angelica Wakelee.

No. 1186.—Erwin Davis, appellant, *vs.* Pierre B. Cornwall. Motion to dismiss or affirm submitted by Mr. Anson Maltby in support of motions and by Mr. Joseph H. Choate, Mr. H. A. Root, and Mr. T. D. Kenneson in opposition thereto.

No. 1398.—The Michigan Dairy Company *et al.*, appellants, *vs.* James W. Converse. Motion that mandate or other proper process issue herein submitted by Mr. Duane E. Fox in support of motion.

No. 114.—David L. Hammond *et al.*, plaintiffs in error, *vs.* Walter S. Johnson, receiver, etc., *et al.* Argument continued by Mr. John B. Henderson for the defendants in error, and concluded by Mr. George F. Edmunds for the plaintiffs in error.

No. 1049.—Robert M. Boyd *et al.*, appellants, *vs.* The United States *et al.*

No. 1050.—Charles Sternbach *et al.*, appellants, *vs.* The United States.

No. 1052.—Marshall Field & Co., appellant, *vs.* Jno. M. Clark, collector, etc. On motion of Mr. Stephen G. Clarke, of counsel for Sternbach *et al.*, one hour and a half additional time allowed to each side in the argument of these cases. Arguments commenced by Mr. W. Wickham Smith, for Boyd *et al.* and continued by Mr. Edwin B. Smith for Sternbach *et al.* and Mr. N. W. Bliss for Marshall Field & Co.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 1, will be as follows :

Nos. 1049, 1050, 1052, 1061, 27, 115, 116, 118, 119, 48, 120, and 121.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 1, 1891.

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

No. 52.—The Patent Clothing Company (Limited), appellant, *vs.* H. B. Glover & Company. Mandate granted on motion of Mr. William A. McKenney in behalf of counsel for the appellees.

No. 1049.—Robert M. Boyd *et al.*, appellants, *vs.* The United States *et al.*

No. 1050.—Charles Sternbach *et al.*, appellants, *vs.* The United States.

No. 1052.—Marshall Field & Co., appellant, *vs.* Jno. M. Clark, collector, etc.

Argument continued by Mr. John P. Wilson for Marshall Field & Co. by Mr. Solicitor-General Taft and Mr. Attorney-General Miller for the appellees, and by Mr. Stephen G. Clarke for Sternbach *et al.*

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 2, will be as follows:

Nos. 1049, 1050, and 1052, 1061, 27, 115, 116, 118, 119, 48, 120, and 121.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 2, 1891.

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

Walter C. Anthony, of Newburgh, N. Y., and John Proctor Clarke, of New York City, were admitted to practice.

No. 115.—Matthew T. Gibson, appellant, *vs.* The Charter Oak Life Insurance Company of Hartford, Conn. Submitted by Mr. Arthur Brown and Mr. Lyttleton Price for the appellant, and by Mr. A. P. Hyde for the appellee.

No. 116.—Charles G. Chever, plaintiff in error, *vs.* J. W. Hornor *et al.* Submitted by Mr. J. Q. Charles for the plaintiff in error. No counsel appeared for the defendants in error.

No. 1049.—Robert M. Boyd *et al.*, appellants, *vs.* The United States *et al.*

No. 1050.—Charles Sternbach *et al.*, appellants, *vs.* The United States.

No. 1052.—Marshall Field & Co., appellant, *vs.* John M. Clark, collector, etc. Argument concluded by Mr. Stephen G. Clarke, for Sternbach *et al.*

No. 1061.—The United States, appellant, *vs.* Ballin, Joseph & Co. Argued by Mr. Solicitor-General Taft and Mr. Attorney-General Miller for the appellant, and by Mr. Edwin B. Smith for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 3, will be as follows:

Nos. 27, 118, 119, 48, 120, 121, 122, 123, 124, and 125.

9214-36

SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 3, 1891.

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

James A. Stranahan, of Harrisburg, Pa., and James W. Bryan, of Covington, Ky., were admitted to practice.

No. 909.—Samuel Fielden, plaintiff in error, *vs.* The People of the State of Illinois.

No. 977.—Michael Schwab, appellant, *vs.* A. W. Berggren, warden, etc., *et al.* Reassigned for argument at the head of the call for the 21st instant, on motion of Mr. O. D. Barrett for Fielden and Schwab, and consent of Mr. George Hunt, attorney-general of Illinois.

No. 27.—The Wiggins Ferry Company, appellant, *vs.* The Ohio and Mississippi Railway Company *et al.* Argued by Mr. Henry Hitchcock, for the appellant; and by Mr. Lawrence Maxwell, jr., for the appellees.

No. 118.—James H. Fisk, plaintiff in error, *vs.* D. V. B. Henarie *et al.* Argument commenced by Mr. John H. Mitchell for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 4, will be as follows:

Nos. 118, 119, 48, 120, 121, 122, 123, 124, 125, and 126.

9214-37

SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 4, 1891.

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

No. 46.—Alexander Moses, plaintiff in error, *vs.* The State of Mississippi. In error to the Supreme Court of the State of Mississippi. Dismissed with costs per stipulation.

No. 1087.—The Fidelity and Casualty Company of New York, plaintiff in error, *vs.* Milla Morris, by her next friend, Henrietta Morris. Submitted pursuant to the 20th rule by Mr. C. S. Thomas for the plaintiff in error, and by Mr. Samuel P. Rose for the defendant in error.

No. 118.—James H. Fisk, plaintiff in error, *vs.* D. V. B. Henarie *et al.* Argument continued by Mr. John H. Mitchell for the plaintiff in error, by Mr. J. N. Dolph for the defendants in error, and concluded by Mr. John H. Mitchell for the plaintiff in error.

No. 119.—The New Orleans City and Lake Railroad Company, plaintiff in error, *vs.* The City of New Orleans. Argument commenced by Mr. Charles F. Buck for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 7, will be as follows:

Nos. 119, 1115, 1123, 1125, 1208, 1191, 1296, 5 originals, 1026, and 48.

SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 7, 1891.

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

Job P. Lyon, of Seattle, Wash., and Thomas M. Knapp, of St. Louis, Mo., were admitted to practice.

No. 104.—The New Orleans and Northeastern Railroad Company, plaintiff in error, *vs.* Joseph H. S. Jopes. In error to the circuit court of the United States for the southern district of Mississippi. Judgment reversed with costs and cause remanded, with directions to award a new trial. Opinion by Mr. Justice Brewer.

No. 1158.—Richard McLish, plaintiff in error, *vs.* A. B. Raff *et al.* In error to the United States court for the Indian Territory. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Lamar.

No. 1417.—The Chicago, St. Paul, Minneapolis and Omaha Railway Company, plaintiff in error, *vs.* John Roberts. In error to the circuit court of the United States for the district of Minnesota. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Lamar.

No. 1007.—The Henderson Bridge Company *et al.*, plaintiffs in error, *vs.* The City of Henderson. In error to the court of appeals of the State of Kentucky. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Blatchford. Dissenting, Mr. Justice Harlan.

No. 51.—J. Irving Pearce, as assignee, etc., appellant, *vs.* James H. Rice. 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. 47.—Henry Thomas Coghlan, appellant, *vs.* The South Carolina Railroad Company *et al.* Appeal from the circuit court of the United States for the district of South Carolina. Decree affirmed with costs. Opinion by Mr. Justice Harlan.

No. 90.—Simeon F. Hall *et al.*, plaintiff in error, *vs.* John H. Cordell *et al.* 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 Harlan.

No. 13.—The Singer Manufacturing Company, appellant, *vs.* Wm. A. Wright, comptroller-general, etc., *et al.* Appeal from the circuit court of the United States for the northern district of Georgia. Dismissed with costs. Opinion by Mr. Justice Field.

No. 56.—John Sparhawk *et al.*, assignees, etc., appellants, *vs.* Charles T. Yerkes, jr., a bankrupt, *et al.*, and

No. 57.—John Sparhawk *et al.*, assignees, etc., appellants, *vs.* Shreve Ackley *et al.* Appeals from the circuit court of the United States for the eastern district of Pennsylvania. Decrees affirmed with costs. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice Brewer and Mr. Justice Harlan. (Mr. Justice Bradley and Mr. Justice Gray took no part in the decision of these cases.)

No. 70.—Henry M. Myers, appellant, *vs.* The Groom Shovel Company. Appeal from the circuit court of the United States for the western district of Pennsylvania. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller. (Mr. Justice Bradley and Mr. Justice Gray took no part in the decision of this case.)

No. 1377, No. 1378—E. P. Ferry *et al.*, executors, etc., *et al.*, plaintiffs in error, *vs.* The County of King *et al.*

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. 1185. Erwin Davis, appellant, *vs.* Angelica Wakelee, and No. 1186. Erwin Davis, appellant, *vs.* Pierre B. Cornwell.

Motions to dismiss or affirm denied.

No. 1454. The United States, plaintiff in error, *vs.* George Sanges *et al.* Motion to advance granted and cause assigned for argument on the 11th day of January, after cases Nos. 1235 and 1315, already set down for that day.

No. 909.—Samuel Fielden, plaintiff in error, *vs.* The People of the State of Illinois, and No. 977.—Michael Schwab, appellant, *vs.* A. W. Berggren, warden, etc., *et al.*

Reassigned for argument on the 11th of January, after cases already set down for that day.

No. 1087.—The Fidelity and Casualty Company of New York, plaintiff in error, *vs.* Milla Morris, by her next friend, Henrietta Morris.

Writ of certiorari ordered to bring up the proceedings for the removal of the cause from the State court.

The Chief Justice also announced the following:

The court will adjourn on Monday, December 21, until Monday, January 4. Opinions will be delivered and motions heard on Monday, the 21st of December, and any case which may be under argument will be finished, but no case will be taken up for argument on that day.

No. 889.—The Interstate Commerce Commission, appellant, *vs.* The Baltimore and Ohio Railroad Company. Motion to fix day for argument submitted by Mr. Attorney-General Miller for the appellant.

No. 1191.—Peter J. Claassen, plaintiff in error, *vs.* The United States.

No. 1296.—James A. Simmons, plaintiff in error, *vs.* The United States.

Ordered to be placed on the call for to-day after No. 1026, on motion of Mr. Attorney-General Miller for the defendant in error.

No. 142.—The United States, plaintiff in error, *vs.* Horace M. Ruggles *et al.* In error to the circuit court of the United States for the southern district of New York. Dismissed on motion of Mr. Solicitor-General Taft for the plaintiff in error.

No. 1458.—Lau Ow Bew, appellant, *vs.* The United States. Advanced, and assigned for argument on the 11th day of January, after cases already set down for that day.

No. 137.—The New Orleans Pacific Railway Company *et al.*, appellants, *vs.* John D. Parker *et al.* Motion to dismiss submitted by Mr. A. H. Garland and Mr. A. H. Leonard in support of motion, and by Mr. Jno. F. Dillon, Mr. Wager Swayne, and Mr. W. W. Howe in opposition thereto.

No. 286.—The Union Pacific Railway Company, plaintiff in error, *vs.* Ralph A. Pidcock. In error to the supreme court of the Territory of Utah. Dismissed with costs, on motion of Mr. John F. Dillon for the plaintiff in error.

No. 157.—The Sioux City and Iowa Falls Town Lot & Land Company, plaintiff in error, *vs.* Thomas G. Guffey *et al.* Suggestion of death of W. W. Curtis, one of the defendants in error herein, and appearance of Jane L. Curtis and Charles William Curtis, heirs, &c., filed and entered on motion of Mr. S. S. Burdett for defendants in error.

The State of Maryland, complainant, *vs.* The State of West Virginia. Motion for leave to file bill of complaint submitted by Mr. Wm. Pinkney Whyte for the complainant.

No. 1450.—Florence W. Wauton, appellant, *vs.* Frank E. DeWolf *et al.* Motion to strike out and vacate order of November 3d docketing and dismissing this cause and for leave to docket same, submitted by Mr. W. Hallett Phillips in support of motion, and by Mr. A. B. Browne in opposition thereto.

No. 167.—Thomas H. Bacon *et al.*, appellants, *vs.* Alfred D. Chandler, receiver, etc.. Suggestion of death of Thomas H. Bacon, one of the appellants herein, and appearance of Isaac Jackson, administrator, etc., filed and entered, on motion of Mr. Frank W. Hackett for the appellants.

No. 167.—Isaac Jackson, administrator, etc., *et al.*, appellants, *vs.* Alfred D. Chandler, receiver, etc. Appeal from the circuit court of the United States for the district of Massachusetts. Dismissed with costs and mandate granted on motion of Mr. Frank W. Hackett for the appellants.

No. 43.—The Fall River, Warren and Providence Railroad Company, plaintiff in error, *vs.* Page, Richardson & Co. Mandate granted on motion of Mr. Frank W. Hackett in behalf of counsel.

No. 412.—Eliot W. Metcalf, plaintiff in error, *vs.* The City of Watertown. Motion for leave to withdraw writ of error for the purpose of correcting it by placing thereon the seal of the circuit court of the United States for the western district of Wisconsin. Submitted by Mr. C. E. Monroe in support of motion.

No. 1118.—R. H. Lindsay, assessor, *et al.* appellants and plaintiffs in error, *vs.* The First National Bank of Shreveport *et al.* Motion to dismiss submitted by Mr. A. H. Leonard in support of motion and by Mr. W. W. Howe in opposition thereto.

No. 1115.—Charles McElvaine, appellant, *vs.* Augustus A. Brush, agent, etc. Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs per stipulation.

No. 1015.—Sarah A. Sloan *et al.*, plaintiffs in error, *vs.* James M. Strickler, administrator, etc. Motion to dismiss submitted by Mr. V. D. Markham in support of motion and by Mr. L. S. Dixon and Mr. W. T. Hughes in opposition thereto.

No. 1065.—John S. Martin, appellant, *vs.* Jesse S. Gray. Submitted pursuant to the 20th rule by Mr. L. N. Dembitz for the appellant and by Mr. B. F. Buckner for the appellee.

No. 1244.—Frederic Dumont *et al.*, appellants, *vs.* Charles M. Fry, trustee, *et al.*, and

No. 1245.—Edward H. Reynes, sole surviving assignee, etc., appellant, *vs.* Charles M. Fry, trustee, *et al.* Appeals from the circuit court of the United States for the southern district of New York. Dismissed per stipulation without costs to either party.

No. 119.—The New Orleans City and Lake Railroad Company, plaintiff in error, *vs.* The City of New Orleans. Argument continued by Mr. Charles F. Buck for the plaintiff in error, by Mr. Walter B. Sommerville for the defendant in error, and concluded by Mr. Charles F. Buck for the plaintiff in error.

No. 1123.—Nicola Trezza, appellant, *vs.* A. A. Brush, agent, etc.

No. 1125. Charles McElvaine, appellant, *vs.* A. A. Brush, agent etc. Argued by Mr. George M. Curtis for the appellant in No. 1125. The court declined to hear argument for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 8, will be as follows :

Nos. 1208, 5 original, 1026, 1191, 1296, 48, 120, 121, 122, and 123.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 8, 1891.

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

Henry D. Estabrook, of Omaha, Nebr.; Isaac A. Rigby, of Concordia, Kans.; W. E. Chilton, of Charleston, W. Va.; and J. W. Cutrer, of Clarksdale, Miss., were admitted to practice.

No. 1208.—James E. Boyd, plaintiff in error, *vs.* The State of Nebraska *ex rel.* John M. Thayer. Argued by Mr. James C. Cowin, Mr. Henry D. Estabrook, and Mr. A. H. Garland for the plaintiff in error, and by Mr. J. L. Webster and Mr. John F. Dillon for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 9, will be as follows :

Nos. 5, original, 1026, 1191, 1296, 48, 120, 121, 122, 123, and 124.

9214-40



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 9, 1891.

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

Merrill Moores, of Indianapolis, Ind., was admitted to practice.

No. 5, original.—The United States, complainant, *vs.* The State of Texas. Demurrers to bill argued by Mr. A. H. Garland in support of same, and by Mr. Edgar Allen in opposition thereto.

No. 1026.—Charles Counselman, appellant, *vs.* Frank Hitchcock, U. S. marshal, etc. Argument commenced by Mr. Jno. N. Jewett for the appellant, and continued by Mr. G. M. Lambertson for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 10, will be as follows :

Nos. 1026, 1191, 1296, 48, 120, 121, 122, 123, 124, and 125.

9214-41

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 10, 1891.

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

Charles P. Taft, of Cincinnati, Ohio; John R. Read, of Philadelphia, Pa.; A. B. Webb, of Washington, D. C., and James Frake, of Chicago, Ill., were admitted to practice.

No. 1026.—Charles Counselman, appellant, *vs.* Frank Hitchcock, U. S. marshal, etc. Argument continued by Mr. G. M. Lambertson and Mr. Assistant Attorney-General Parker for the appellee, and concluded by Mr. James C. Carter for the appellant.

No. 1191.—Peter J. Claassen, plaintiff in error, *vs.* The United States. Argument commenced by Mr. Hector M. Hitchings for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 11, will be as follows:

Nos. 1191, 1296, 48, 120, 121, 122, 123, 124, 125, and 126.

9214-42



SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 11, 1891.

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

Sydney B. Davis, of Terre Haute, Ind.; James L. Tanner, of Gadsden, Ala.; and A. W. Schalek, of Pottsville, Pa., were admitted to practice.

No. 1415.—James H. Rice, appellant, *vs.* John V. Rice *et al.* Suggestion of death of Josiah Morris, one of the appellees herein, and motion for an order of publication submitted by Mr. George H. Bates for the appellant.

No. 1191.—Peter J. Claassen, plaintiff in error, *vs.* The United States. Argument continued by Mr. Hector M. Hitchings for the plaintiff in error, by Mr. Solicitor General Taft for the defendant in error, and concluded by Mr. Hector M. Hitchings for the plaintiff in error.

No. 1296.—James A. Simmons, plaintiff in error, *vs.* The United States. Argument commenced by Mr. John Jay Joyce for the plaintiff in error. The court declined to hear further argument.

No. 48.—The Horn Silver Mining Company, plaintiff in error, *vs.* The People of the State of New York. Argued by Mr. Julien T. Davis for the plaintiff in error, and submitted by Mr. Charles F. Tabor for the defendants in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 14, will be as follows:

Nos. 120, 121, 122, 123, 124, 125, 126, 1048, 1393, and 127.

9214-43

SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 14, 1891.

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

No. 69.—Daniel D. T. Farnsworth and Philip Thomas, appellants, *vs.* Joseph Duffner. Appeal from the district court of the United States for the district of West Virginia. Decree reversed with costs and cause remanded, with directions to dismiss the bill as to these appellants. Opinion by Mr. Justice Brewer. (Mr. Justice Gray took no part in the decision of this cause.)

No. 106.—Nicholas Finn, plaintiff in error, *vs.* J. Sam Brown, receiver, etc. In error to the circuit court of the United States for the district of Colorado. Judgment affirmed, with costs and interest. Opinion by Mr. Justice Blatchford.

No. 29.—The State of Maine, plaintiff in error, *vs.* The Grand Trunk Railway Company of Canada. In error to the circuit court of the United States for the district of Maine. Judgment reversed, with costs, and cause remanded, with directions to enter judgment in favor of the State for the amount of the taxes demanded. Opinion by Mr. Justice Field. Dissenting: Mr. Justice Bradley, Mr. Justice Harlan, Mr. Justice Lamar, and Mr. Justice Brown.

No. 632.—The City of New Orleans *et al.*, plaintiffs in error, *vs.* The New Orleans Water Works Company *et al.*; and

No. 639.—Edward Conery, jr., *et al.*, plaintiffs in error, *vs.* The New Orleans Water Works Company *et al.*

In error to the supreme court of the State of Louisiana. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brown, announced by Mr. Chief Justice Fuller.

No. 1234.—The County of Franklin, Ills., plaintiff in error, *vs.* The German Savings Bank of Davenport, Iowa. In error to the circuit court of the United States for the southern district of Illinois. Judgment af-

firmed, with costs and interest. Opinion by Mr. Justice Brown, announced by Mr. Chief Justice Fuller.

No. 114.—David L. Hammond *et al.*, plaintiffs in error, *vs.* Walter S. Johnston, receiver, etc., *et al.* In error to the supreme court of the State of Missouri. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 116.—Charles G. Chever, plaintiff in error, *vs.* J. W. Horner *et al.* In error to the supreme court of the State of Colorado. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court :

No. 137.—The New Orleans Pacific Railway Company *et al.*, appellants, *vs.* John D. Parker *et al.* Motion to dismiss postponed to the hearing on the merits.

No. 889.—The Interstate Commerce Commission, appellant, *vs.* The Baltimore and Ohio Railroad Company. Assigned for argument on the 11th day of January after cases already set down for that day.

No. 1015.—Sarah A. Sloan, *et al.*, plaintiffs in error, *vs.* James M. Strickler, administrator, etc. In error to the supreme court of the State of Colorado. Dismissed for the want of jurisdiction.

No. 1118.—R. H. Lindsay, assessor, *et al.*, appellants and plaintiffs in error, *vs.* The First National Bank of Shreveport *et al.* Motion to dismiss denied.

No. — Original. The State of Maryland, complainant, *vs.* The State of West Virginia. Motion for leave to file bill of complaint granted and subpoenas ordered to issue, returnable on the first Monday in March.

No. 1428.—Joel B. Erhardt, collector, etc., plaintiff in error, *vs.* Julius Cohn *et al.* Mandate granted on motion of Mr. Solicitor-General Taft for the plaintiff in error. †

No. 335.—The Oregon Railway and Navigation Company, plaintiff in error, *vs.* The Oregonian Railway Company (Limited). Motion for leave to submit this case without printing the record submitted by Mr. J. N. Dolph for the plaintiff in error.

No. 1340.—The Pewabic Mining Company, appellant, *vs.* Thomas H. Mason *et al.*

No. 1416.—Alfred A. Marcus, appellant, *vs.* Thomas H. Mason *et al.* Motions to dismiss and vacate the supersedeas submitted by Mr. Don M. Dickinson and Mr. Alfred Russell in support of motions, and by Mr. Thomas H. Talbot, Mr. Robert M. Morse, jr., and Mr. J. Lewis Stackpole in opposition thereto.

No. 1159.—Frederick Benham Myers *et al.*, plaintiffs in error, *vs.* The Kingston Coal Company. Motions to dismiss or affirm submitted by Mr.

Henry W. Palmer and Mr. H. B. Payne in support of motions, and by Mr. A. Ricketts in opposition thereto.

No. 888.—Benjamin H. Tatem *et al.*, executors, &c., *et al.*, appellants, *vs.* Altha Chadwick. Motions to dismiss or affirm submitted by Mr. Henry E. Davis in support of motions, and by Mr. Martin F. Morris and Mr. J. C. Robinson in opposition thereto.

No. 537.—The Richmond and Danville Railroad Company, plaintiff in error, *vs.* S. N. Dykeman. In error to the circuit court of the United States for the northern district of Georgia. Dismissed per stipulation on motion of Mr. Linden Kent for the plaintiff in error.

No. 161.—James F. Hilton *et al.*, appellants, *vs.* James E. Jones *et al.* Motion to dismiss submitted by Mr. John H. Ames and Mr. N. S. Harwood in support of motion, and by Mr. W. Hallett Phillips, Mr. S. S. Gregory, and Mr. James S. Harlan in opposition thereto.

No. 768.—The Illinois Central Railroad Company, appellant, *vs.* The people of the State of Illinois.

No. 974.—The city of Chicago, appellant, *vs.* The Illinois Central Railroad Company *et al.*

No. 975.—The people of the State of Illinois, appellant, *vs.* The Illinois Central Railroad Company *et al.*

No. 976.—The United States, appellant, *vs.* The people of the State of Illinois *et al.*

Motion to advance submitted by Mr. John S. Miller, in support of motion.

No. 141.—N. F. Short, plaintiff in error, *vs.* Wilberforce Sully *et al.* In error to the circuit court of the United States for the northern district of Texas. Dismissed with costs on authority of counsel for the plaintiff in error.

No. 215.—The Fowler Manufacturing Company *et al.*, appellants, *vs.* Ariel Cameron. Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs on the authority of counsel for appellants.

No. 127.—William T. Coleman, appellant, *vs.* James D. Walker. Appealed from the circuit court of the United States for the northern district of California. Dismissed with costs per stipulation.

No. 120.—The City of Brenham, plaintiff in error, *vs.* The German American Bank. Argued by Mr. S. R. Fisher for the plaintiff in error, and by Mr. Henry Sayles and Mr. A. H. Garland for the defendant in error.

No. 121.—John H. McNee, plaintiff in error, *vs.* Peter J. Donahue. Argued by Mr. S. F. Leib, for the plaintiff in error, and submitted by Mr. Philip G. Galpin for the defendant in error.

No. 10.—Original. *Ex parte*: In the matter of J. Sloat Fassett, petitioner. Argument commenced by Mr. Solicitor-General Taft for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 15, will be as follows:

Nos. 10, original, 122, 123, 124, 125, 126, 1048, 1393, 128, 129, and 130.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 15, 1891.

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

Mortimer Nye, of La Porte, Ind., was admitted to practice.

No. 10.—Original. *Ex parte*: In the matter of J. Sloat Fassett, petitioner.

Argument continued by Mr. Solicitor-General Taft for the petitioner, by Mr. Elihu Root for the respondent, and concluded by Mr. Solicitor-General Taft for the petitioner.

Nos. 122, 123.—The Sunflower Oil Company, appellant, *vs.* Benjamin Wilson, receiver, etc.

Argued by Mr. Holmes Cummins for the appellee, and submitted by Mr. John W. Cutrer for the appellants.

No. 124.—John B. Thompson *et al.*, plaintiffs in error, *vs.* The United States. Argument commenced by Mr. Phil. B. Thompson, jr., for the plaintiffs in error, and continued by Mr. Assistant Attorney-General Maury for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 16, will be as follows:

Nos. 124, 125, 126, 1048, 1393, 128, 129, 130, 131, and 132.

9214-45

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 16, 1891.

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

Frederick M. Leonard, of Philadelphia, Pa., was admitted to practice.

No. 131.—Nevada M. Bloomer, appellant, *vs.* John Todd *et al.* Appeal from the supreme court of the Territory of Washington. Dismissed with costs per stipulation, and cause remanded to the supreme court of the State of Washington.

No. 124.—John B. Thompson *et al.*, plaintiffs in error, *vs.* The United States. Argument continued by Mr. Assistant Attorney-General Maury for the defendant in error, and concluded by Mr. Phil. B. Thompson, jr., for the plaintiffs in error.

No. 125.—E. C. Eames *et al.*, plaintiffs in error, *vs.* Samuel Kaiser. Argued by Mr. A. H. Garland for the defendant in error, and submitted by Mr. M. L. Crawford and Mr. Sawnie Robertson for the plaintiffs in error.

No. 126.—C. A. Kennedy, plaintiff in error, *vs.* Ellen McKee *et al.* Submitted by Mr. Sawnie Robertson for the plaintiff in error. No counsel appeared for the defendants in error.

No. 1048.—John Boyd *et al.*, plaintiffs in error, *vs.* The United States. Argued by Mr. Heber J. May for the plaintiffs in error, and by Mr. Assistant Attorney-General Maury for the defendant in error.

No. 1393.—Ni-himura Ekiu, appellant, *vs.* The United States. Argued by Mr. Assistant Attorney-General Parker, for the appellee, and submitted by Mr. Lyman J. Mowry, for the appellant.

No. 128.—The Washburn & Moen Manufacturing Company *et al.*, appellants, *vs.* The Beat 'Em All Barbed Wire Company *et al.*

No. 129.—The Washburn & Moen Manufacturing Company *et al.*, appellants, *vs.* W. W. Norwood.

No. 130.—The Washburn & Moen Manufacturing Company *et al.*, appellants, *vs.* John D. Wiler *et al.* One hour additional time on each side granted and argument commenced by Mr. John R. Bennett, for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 17, will be as follows :

Nos. 128, 129 and 130, 132, 133, 134, 135, 137, 138. 139, 140, and 143.

9214-46

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 17, 1891.

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

J. W. Johnson, of Oklahoma City, Oklahoma Territory, was admitted to practice.

No. 1473.—Edward H. Hornor, appellant, *vs.* The United States *et al.* Advanced and assigned for argument on the 11th day of January next, after No. 1051, on motion of Mr. Solicitor-General Taft for the United States.

No. 133.—Brooke Mackall, jr., appellant, *vs.* Alfred Richards. Appeal from the supreme court of the District of Columbia. Dismissed with costs, pursuant to the 10th rule.

No. 128.—The Washburn & Moen Manufacturing Company *et al.*, appellants, *vs.* The Beat 'Em All Barbed Wire Company *et al.*

No. 129.—The Washburn & Moen Manufacturing Company *et al.*, appellants, *vs.* W. W. Norwood.

No. 130.—The Washburn & Moen Manufacturing Company *et al.*, appellants, *vs.* John D. Wiler *et al.*

Argument continued by Mr. John R. Bennett for the appellants, and by Mr. A. S. Blair for appellees, and concluded by Mr. Wm. H. Singleton for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 18, will be as follows:

Nos. 132, 134, 135, 137, 138, 139, 140, 143, 144, and 145.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 18, 1891.

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

No. 132.—The St. Paul, Minneapolis and Manitoba Railway Company, plaintiff in error, *vs.* The County of Todd, Minn. Argued by Mr. M. D. Grover for the plaintiff in error, and submitted by Mr. Moses E. Clapp for the defendant in error.

No. 135.—The South Branch Lumber Company, appellant, *vs.* George Ott *et al.* Argued by Mr. Frank J. Smith for the appellant, and by Mr. John C. Bills for the appellees.

Adjourned until Monday next at 12 o'clock.

There will be no call of the docket on Monday, December 21. The day call for Monday, January 4, 1892, will be as follows:

Nos. 134, 137, 138, 139, 140, 143, 144, 145, 146 and 147.

9214—48



SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 21, 1891.

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

Bellamy Storer, of Cincinnati, Ohio; Walter H. Bishop, of Eustis, Fla.; Milton H. Myrick, of San Francisco, Cal.; John L. McLaurin, of Bennettsville, S. C.; and Frank C. Partridge, of Proctor, Vt., were admitted to practice.

No. 65.—The Kaukauna Water Power Company *et al.*, plaintiffs in error, *vs.* The Green Bay and Mississippi Canal Company. In error to the circuit court of Outagamie County, State of Wisconsin. Judgment affirmed with costs. Opinion by Mr. Justice Brown; dissenting, Mr. Justice Harlan.

No. 1065.—John S. Martin, appellant, *vs.* Jesse S. Gray. Appeal from the circuit court of the United States for the district of Kentucky. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 113.—C. A. Van Stone, plaintiff in error, *vs.* The Stillwell and Bierce Manufacturing Company. In error to the circuit court of the United States for the western district of Missouri. Judgment affirmed with costs and interest. Opinion by Mr. Justice Lamar.

No. 824.—Thomas Knight, plaintiff in error, *vs.* The United Land Association and Clinton C. Tripp. In error to the supreme court of the State of California. Judgment reversed with costs and cause remanded, with instructions to take further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Lamar. Concurring opinion by Mr. Justice Field.

No. 1191.—Peter J. Claassen, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the southern district of New York. Judgment affirmed. Opinion by Mr. Justice Gray.

No. 1296.—James A. Simmons, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the southern district of New York. Judgment affirmed. Opinion by Mr. Justice Gray.

No. 96.—The Deseret Salt Company, plaintiff in error, *vs.* D. P. Tarpey. In error to the supreme court of the Territory of Utah. Judgment affirmed with costs. Opinion by Mr. Justice Field.

No. 1450.—Florence W. Wauton, appellant, *vs.* Frank E. De Wolf *et al.* Appeal from the circuit court of the United States for the northern district of California. Motion to set aside order of November 3 docketing and dismissing this cause, and for leave to file the record and docket the case, denied. Opinion by Mr. Chief Justice Fuller.

No. 1125.—Charles McElvaine, appellant, *vs.* Augustus A. Brush, as agent and warden of Sing Sing prison, etc. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs, and mandate ordered to be issued at once. Opinion by Mr. Chief Justice Fuller.

No. 1123.—Nicola Trezza, appellant, *vs.* A. A. Brush, agent and warden at Sing Sing prison, etc. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs, and mandate ordered to be issued at once. Opinion by Mr. Chief Justice Fuller.

Mr. Justice Field announced the following order of the court :

No. 768.—The Illinois Central Railroad Company, appellant, *vs.* The People of the State of Illinois *et al.*

No. 974.—The City of Chicago, appellant, *vs.* The Illinois Central Railroad Company *et al.*

No. 975.—The People of the State of Illinois, appellant, *vs.* The Illinois Central Railroad Company.

No. 976.—The United States, appellant, *vs.* The People of the State of Illinois *et al.*

Motion to advance granted, and cases set down for argument on the second Monday of the next term. (The Chief Justice and Mr. Justice Blatchford took no part in the consideration and decision of this motion.)

The Chief Justice announced the following orders of the court :

No. 161.—James F. Hilton *et al.*, appellants, *vs.* James E. Jones *et al.* Motion to dismiss and motion to postpone the hearing of this case until No. 371 is reached, denied.

No. 335.—The Oregon Railway and Navigation Company, plaintiff in error, *vs.* The Oregonian Railway Company (Limited). Motion for leave to submit this cause when reached in its regular order upon printed briefs, without printing the record, granted.

No. 1288.—The Michigan Insurance Bank, plaintiff in error, *vs.* Anson Eldred. Assigned for argument at the foot of the call for January 25, next.

No. 1340.—The Pewabic Mining Company, appellant, *vs.* Thomas H. Mason *et al.*

No. 1416.—Alfred A. Marcus, appellant, *vs.* Thomas H. Mason *et al.* Motion to vacate the supersedeas denied, and motions to dismiss the appeals postponed to the hearing on the merits.

No. 888.—Benjamin H. Tatem *et al.*, appellants, *vs.* Altha Chadwick. Appeal from the supreme court of the State of Montana. Dismissed for the want of jurisdiction.

No. 1159.—Frederick Benham Myers *et al.*, plaintiffs in error, *vs.* The Kingston Coal Company. In error to the supreme court of the State of Pennsylvania. Dismissed for the want of jurisdiction.

No. 4, original.—The State of Nebraska, complainant, *vs.* The State of Iowa. On motion of Mr. Charles J. Greene, for the complainant, leave granted to file testimony and exhibits herein, and by stipulation of counsel case assigned for argument on the 25th of January next, after cases already set down for that day.

No. 51.—J. Irving Pearce, assignee, etc., appellant, *vs.* James H. Rice. Motion of Mr. C. W. Needham for the mandate to issue in this cause denied.

No. 869.—The Southern Kansas Railway Company, plaintiff in error, *vs.* J. S. Briscoe. Motion to advance pursuant to the 32d rule submitted by Mr. A. H. Garland in support of motion.

No. 1398.—The Michigan Dairy Company *et al.*, appellants, *vs.* James W. Converse.

Motion to strike out order of October 5 last docketing and dismissing this cause, and for leave to file the record and docket the case, argued by Mr. E. M. Marble in support of motion and by Mr. Duane E. Fox in opposition thereto, and motion granted upon payment of costs.

No. 1257.—Richmond Silver Mining Company, plaintiff in error, *vs.* Victor Dorne. Motion to dismiss submitted by Mr. S. S. Burdett and Mr. G. C. Moody in support of motion, and by Mr. Herbert E. Dickson and Mr. Wager Swayne in opposition thereto.

No. 97.—Charles L. Ficklin *et al.*, plaintiffs in error, *vs.* The Taxing District of Shelby County, Tennessee, *et al.* Motion to set aside the judgment of dismissal of November 24 and to reinstate case upon the docket for an oral argument submitted by Mr. W. Hallett Phillips in support of motion.

No. 1406.—*Ex parte*: Edward W. Hallinger, appellant. Motion of Mr. C. H. Winfield for a certified copy of the decree herein granted.

No. 61.—Michael Seitz, plaintiff in error, *vs.* The Brewers' Refrigerating Machine Company. Motion of Mr. William A. McKenney, in behalf of counsel for the defendant in error, that mandate issue herein, denied.

No. 969.—The Leadville Coal Company *et al.*, appellants, *vs.* Wm. McCreery *et al.*, Trustees *et al.* Motion of Mr. C. D. Hine, for the appellees, to modify the decree herein granted, and motion for mandate denied.

No. 1448.—The Coosaw Mining Company, appellant, *vs.* The State of South Carolina *ex rel.*, B. R. Tillman *et al.* Motion to advance argued by Mr. Wm. E. Earle in support of motion, and by Mr. T. W. Bacot in opposition thereto. Motion granted and case assigned for argument on the second Monday of March next.

Adjourned until Monday, January 4, 1892, at 12 o'clock.

The day call for Monday, January 4, 1892, will be as follows:

Nos. 134, 137, 138, 139, 140, 143, 144, 145, 146, and 147.



SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 4, 1892.

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

John J. Jenkins, of Chippewa Falls, Wis.; E. V. Spencer, of Susanville, Cal.; John B. Elam, of Indianapolis, Ind.; Edmund Tauszky, of San Francisco, Cal.; Charles Carroll, of New Orleans, La.; Sherman Hartwell Hubbard, of Bridgeport, Conn.; William C. Glenn, of Atlanta, Ga.; L. P. Sandels, of Fort Smith, Ark.; and Nils P. Haugen, of River Falls, Wis., were admitted to practice.

No. 27.—The Wiggins Ferry Company, appellant, *vs.* The Ohio and Mississippi Railway Company *et al.* Appeal from the circuit court of the United States for the southern district of Illinois. Decree reversed, without costs, and cause remanded for such further proceedings as may be consonant with justice and in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

Nos. 122 and 123.—The Sunflower Oil Company, appellant, *vs.* Benjamin Wilson, receiver of the Mobile and Northwestern Railway Co. Appeals from the district court of the United States for the northern district of Mississippi. Decrees affirmed with costs and interest. Opinion by Mr. Justice Brown. (Mr. Justice Lamar took no part in the decision of these cases.)

No. 115.—Matthew T. Gisborn, appellant, *vs.* The Charter Oak Life Insurance Company of Hartford, Conn. Appeal from the supreme court of the Territory of Utah. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 103.—The Board of County Commissioners of the County of Chaffee, plaintiff in error, *vs.* Andrew Potter. In error to the circuit court of the United States for the district of Colorado. Judgment affirmed with costs and interest. Opinion by Mr. Justice Lamar. Dissenting: Mr. Justice Gray.

No. 983.—The Pacific Express Company, appellant, *vs.* James M. Seibert, State auditor, *et al.* Appeal from the circuit court of the United States for the western district of Missouri. Decree affirmed with costs. Opinion by Mr. Justice Lamar.

No. 883.—The district township of Doon, in Lyon County, State of Iowa, plaintiff in error, *vs.* Theron Cummins. In error to the circuit court of the United States for the northern district of Iowa. Judgment reversed, with costs, and cause remanded with directions to enter judgment for the defendant. Opinion by Mr. Justice Gray. Dissenting: Mr. Justice Brown, Mr. Justice Harlan, and Mr. Justice Brewer.

No. 24.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* The Territory of Washington, *ex rel.* Hiram Dustin, prosecuting attorney, &c. In error to the supreme court of the Territory of Washington. Judgment reversed, with costs, and cause remanded to the supreme court of the State of Washington, with instructions to enter judgment for the defendant dismissing the petition. Opinion by Mr. Justice Gray. Dissenting: Mr. Justice Brewer, Mr. Justice Field, and Mr. Justice Harlan.

No. 1048.—John Boyd and Eugene Standley, *alias* Eugene Stanton, plaintiffs in error, *vs.* The United States. In error to the circuit court of the United States for the western district of Arkansas. Judgments reversed, and cause remanded with directions to grant a new trial. Opinion by Mr. Justice Harlan.

No. 117.—Eveline Scott, executrix, etc., appellant *vs.* Cornelia Ellery, administratrix, etc. Appeal from the circuit court of the United States for the southern district of Iowa. Decree affirmed with costs. Opinion by Mr. Justice Harlan.

No. 126.—Calvin A. Kennedy, plaintiff in error, *vs.* Ellen McKee *et al.* In error to the circuit court of the United States for the northern district of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 41.—The Charlotte, Columbia and Augusta Railroad Company, plaintiff in error, *vs.* Wade Hampton Gibbes, treasurer of Richland County. In error to the supreme court of the State of South Carolina. Judgment affirmed with costs. Opinion by Mr. Justice Field. (Mr. Justice Bradley and Mr. Justice Gray took no part in the decision of this case.)

No. 84.—The Simmons Creek Coal Company *et al.*, appellants, *vs.* Joseph I. Doran. Appeal from the district court of the United States for the district of West Virginia. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 1320.—Richard S. Tyler, plaintiff in error, *vs.* Cass County. In error to the supreme court of the State of North Dakota. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 89.—Stutsman County, appellant, *vs.* Charles S. Wallace *et al.* Appeal from the supreme court of the Territory of Dakota. Decree reversed with costs, and cause remanded to the supreme court of the State of North Dakota for further proceedings to be had therein, in conformity with law. Opinion by Mr. Chief Justice Fuller.

No. 132.—The St. Paul, Minneapolis and Manitoba Railway Company, plaintiff in error, *vs.* The County of Todd, Minnesota. In error to the supreme court of the State of Minnesota. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 118.—James H. Fisk, plaintiff in error, *vs.* D. V. B. Henarie *et al.* In error to the circuit court of the United States for the district of Oregon. Judgment reversed with costs and cause remanded with a direction to remand it to the State court. Opinion by Mr. Chief-Justice Fuller. Dissenting: Mr. Justice Field and Mr. Justice Harlan.

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

No. 97.—Charles L. Ficklen *et al.*, plaintiffs in error, *vs.* The Taxing District of Shelby County, Tennessee, *et al.*

Motion to rescind the judgment of dismissal entered herein on November 24, 1891, to restore case to the docket, and assign same for oral argument, granted and case assigned for argument on Monday, January 25, after cases already set down for that day.

No. 869.—The Southern Kansas Railway Company, plaintiff in error, *vs.* J. S. Briscoe. Motion to advance pursuant to the 32d rule granted.

No. 1257.—The Richmond Silver Mining Company, plaintiff in error, *vs.* Victor Dorne. Motion to dismiss denied.

No. 1301.—The United States, appellant, *vs.* The Colton Marble and Lime Co. *et al.*

No. 1302.—The United States, appellant, *vs.* The Southern Pacific Railroad Co. *et al.*

No. 1374.—The United States, appellant, *vs.* The Southern Pacific Railroad Co. *et al.*

No. 1375.—The United States, appellant, *vs.* The Southern Pacific Railroad Co. *et al.* Reassigned for argument on the 7th of March, on motion of Mr. Attorney-General Miller, for the appellant.

No. 178.—John T. Ludeling, plaintiff in error, *vs.* John Chaffe *et al.* Substituted for No. 146 in the call of the docket, on motion of Mr. William A. Maury, in behalf of counsel.

No. 1340.—The Pewabic Mining Company, appellant, *vs.* Thomas H. Mason *et al.*

No. 1416.—Alfred A. Marcus, appellant, *vs.* Thomas H. Mason *et al.* Motion to advance submitted by Mr. Don M. Dickinson in support of motion, and by Mr. T. H. Talbot in opposition thereto.

No. 284.—The Union Pacific Railway Company, appellant, *vs.* The Central Trust Company, of New York, *et al.* Appeal from the circuit court of the United States for the district of Nevada. Dismissed with costs on motion of Mr. John F. Dillon for the appellant.

No. 483.—Mrs. Mary C. W. Fleitas, appellant, *vs.* Gilbert M. Richardson *et al.* Motion and stipulation to advance to be heard with No. 299 submitted by Mr. W. W. Howe in behalf of counsel.

No. 38.—Sylvester H. Kneeland, appellant, *vs.* Charles L. Luce *et al.*

No. 39.—Sylvester H. Kneeland, appellant, *vs.* C. L. Luce & Company *et al.* Mandates granted, on motion of Mr. A. H. Garland, in behalf of counsel.

No. 1089.—The German Bank of Memphis *et al.*, appellants, *vs.* The United States. Motion to advance submitted by Mr. A. H. Garland in support of motion and by Mr. Attorney-General Miller in opposition thereto.

No. 1031.—The Chicago and Grand Trunk Railway Company, plaintiff in error, *vs.* Thomas Wellman. Assigned for argument on January 18, on motion of Mr. Otto Kirehner in behalf of counsel.

No. 3, original.—The State of Virginia, complainant, *vs.* The State of Tennessee. Leave to file stipulations, evidence, and exhibits herein granted, on motion of Mr. G. W. Pickle for the defendant.

No. 1227.—The Moline Plow Company, plaintiff in error, *vs.* John A. Webb & Bro. Mandate granted on motion of Mr. William A. McKenney in behalf of counsel.

No. 220.—Isaac N. Topliff, appellant, *vs.* John A. Topliff *et al.* Ordered to be passed until No. 277 is reached, on motion of Mr. John Ridout in behalf of counsel.

No. 438.—The St. Paul, Minneapolis and Manitoba Railway Company, plaintiff in error, *vs.* The State of Minnesota *ex rel.* the city of Minneapolis. In error to the district court of Hennepin County, Minn. Dismissed with costs per stipulation.

No. 722.—James A. Briggs, executor, etc., appellant, *vs.* The United States. Submitted pursuant to the 20th rule by Mr. Phil. B. Thompson, jr., and Mr. W. J. Moberly for the appellant, and by Mr. Assistant Attorney-General Maury for the appellee.

No. 828.—T. B. Cox *et al.*, plaintiffs in error, *vs.* E. J. Hart. Submitted pursuant to the 29th rule by Mr. Eugene Williams for the plaintiffs in error, and by Mr. W. Hallett Phillips for the defendant in error.

No. 1071.—A. C. Petri, *et al.*, plaintiffs in error, *vs.* The Commercial National Bank of Chicago. Submitted pursuant to the 20th rule by Mr. W. Hallett Phillips for the plaintiffs in error, and by Mr. John Selden for the defendant in error.

No. 1446.—The Denver and Rio Grande Western Railway Company, plaintiff in error, *vs.* D. C. Dodge. Submitted, pursuant to the 20th rule, by Mr. John A. Marshall for the plaintiff in error, and by Mr. P. L. Williams for the defendant in error.

No. 134.—The Grand Trunk Railway Company of Canada, plaintiff in error, *vs.* Albert Ives, administrator, *etc.* Argument commenced by Mr. Otto Kirchner for the plaintiff in error. Further argument suspended by the court for the present.

No. 137.—The New Orleans Pacific Railway Company *et al.*, appellants, *vs.* John D. Parker *et al.* Argument commenced by Mr. W. W. Howe for the appellants, and continued by Mr. John F. Dillon for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 5, will be as follows: Nos. 137, 134, 138, 139, 140, 143, 144, 145, 178, and 147.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 5, 1892.

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

Hampton L. Carson, of Philadelphia, Pa.; Arthur E. Walradt, of New York City; and William Richardson, of Huntsville, Ala., were admitted to practice.

No. 147.—Adolph Liebenroth *et al.*, plaintiffs in error, *vs.* William H. Robertson, late collector, etc. Ordered by the court to be postponed to follow No. 146.

No. 178.—John T. Ludeling, plaintiff in error, *vs.* John Chaffé *et al.* Suggestion of death of John T. Ludeling, the plaintiff in error herein, and appearance of Maria Copely Ludeling, for herself as universal legatee and as executrix, filed and entered, on motion of Mr. William H. Taft for the plaintiff in error.

No. 137.—The New Orleans Pacific Railway Company *et al.*, appellants, *vs.* John D. Parker *et al.* Argument continued by Mr. John F. Dillon for the appellants, and concluded by Mr. A. H. Garland for the appellees.

No. 134.—The Grand Trunk Railway Company of Canada, plaintiff in error, *vs.* Albert Ives, administrator, etc. Argument resumed by Mr. Otto Kirchner for the plaintiff in error, continued by Mr. Don M. Dickinson for the defendant in error, and concluded by Mr. Otto Kirchner for the plaintiff in error.

No. 138.—The Delaware City, Salem and Philadelphia Steamboat Navigation Company, plaintiff in error, *vs.* Anthony Reybold. Argument commenced by Mr. Anthony Higgins for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 6, will be as follows: Nos. 138; 139, 140, 143, 144, 145, 178, 148, 149, and 150.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 6, 1892.

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

Henry J. Steele, of Easton, Pa., and Albert Hagen, of Cœur d'Alene, Idaho, were admitted to practice.

No. 138.—The Delaware City, Salem and Philadelphia Steamboat Navigation Company, plaintiff in error, *vs.* Anthony Reybold. Argument continued by Mr. Anthony Higgins for the plaintiff in error, by Mr. Edward G. Bradford for the defendant in error, and concluded by Mr. Anthony Higgins for the plaintiff in error.

No. 139.—William Edgar Bird, plaintiff in error, *vs.* Samuel Benlisa, administrator, etc. Argued by Mr. J. B. C. Drew and Mr. A. H. Garland for the plaintiff in error, and by Mr. J. C. Cooper for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 7, will be as follows: Nos. 140, 143, 144, 145, 178, 148, 149, 150, 151, and 152.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 7, 1892.

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

John E. Craig, of Keokuk, Iowa, was admitted to practice.

No. 734.—Joseph Inglehart *et al.*, appellants, *vs.* Ida May Stansbury. Suggestion of death of Ida May Stansbury, the appellee herein, and appearance of the Washington Loan and Trust Company, executor, filed and entered on motion of Mr. M. F. Morris, for the appellee.

No. 1231.—John Glenn, trustee, etc., plaintiff in error, *vs.* J. Carter Marbury. Motion of Mr. Conway Robinson, jr., to enforce stipulation to submit pursuant to the 20th rule, granted, and cause ordered to be submitted on the 11th inst., and that all briefs be filed on or before the 15th instant.

No. 1044.—Rudolph Eichorn, plaintiff in error, *vs.* Wm. H. Hoover *et al.* In error to the supreme court of the District of Columbia. Dismissed per stipulation, costs to be paid by the defendants in error, on motion of Mr. A. S. Worthington for the defendants in error.

No. 655.—T. G. Phelps, collector, etc., plaintiff in error, *vs.* J. C. Siegfried *et al.* Submitted pursuant to the 20th rule by Mr. Assistant Attorney-General Maury for the plaintiff in error, and by Mr. Jno. S. Mosby for the defendants in error.

No. 1095.—The Chicago, Rock Island and Pacific Railway Company, appellant, *vs.* The Denver and Rio Grande Railroad Company; and

No. 1109.—The Denver and Rio Grande Railroad Company, appellant, *vs.* The Chicago, Rock Island and Pacific Railway Company. Submitted pursuant to the 20th rule by Mr. Thomas F. Withrow for the Chicago, Rock Island and Pacific Railway Company, and by Mr. E. O. Wolcott for the Denver and Rio Grande Railroad Company.

No. 140.—Ezekiel Clark, plaintiff in error, *vs.* Leverett B. Sidway. Argued by Mr. C. C. Nourse for the plaintiff in error, and by Mr. John N. Jewett for the defendant in error.

No. 143.—The Rector, etc., of the Church of the Holy Trinity, plaintiff in error, *vs.* The United States. Argued by Mr. Seaman Miller for the plaintiff in error, and submitted by Mr. Assistant Attorney-General Maury for the defendant in error.

No. 144.—E. L. Hedden, late collector, etc., plaintiff in error, *vs.* Wm. E. Iselin *et al.* Argued by Mr. Assistant Attorney-General Maury for the plaintiff in error, and submitted by Mr. F. L. Stetson for the defendants in error.

No. 145.—Daniel Magone, collector, etc., plaintiff in error, *vs.* Clara Rosenstein. Argument commenced by Mr. Assistant Attorney-General Maury for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 8, will be as follows: Nos. 145, 178, 148, 149, 150, 151, 152, 153, 154, and 155.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 8, 1892.

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

Benjamin F. Fowler, of Sundance, Wyo., was admitted to practice.

No. 749.—The United States, appellant, *vs.* The Alabama Great Southern Railroad Company. Submitted pursuant to the 20th rule by Mr. Assistant Attorney-General Parker for the appellant, and by Mr. M. D. Brainard, Mr. Charles King, and Mr. Wm. B. King for the appellee.

No. 455.—Robert W. Waterman, appellant, *vs.* Philander M. Alden *et al.* Ordered, that Jane G. Waterman, executrix, &c., be made the appellant herein in place of Robert W. Waterman, deceased, and cause submitted pursuant to the 20th rule by Mr. Wm. R. Plum for the appellant, and by Mr. John P. Wilson for the appellees.

No. 1292.—Victor Meyer *et al.*, plaintiff in error, *vs.* Walter T. Richards. Submitted pursuant to the 20th rule by Mr. E. H. Farrar, Mr. B. F. Jonas, and Mr. E. B. Kruttschnitt for the plaintiffs in error, and by Mr. Henry L. Lazarus for the defendant in error.

No. 153.—The New York and Texas Land Company (Limited), plaintiff in error, *vs.* William Vataw. Continued per stipulation.

No. 145.—Daniel Magone, collector, etc., plaintiff in error, *vs.* Clara Rosenstein. Argument continued by Mr. Assistant Attorney-General Maury for the plaintiff in error; by Mr. H. Aplington for the defendant in error, and concluded by Mr. Assistant Attorney-General Maury for the plaintiff in error.

No. 178.—Maria Capely Ludeling, legatee and executrix, etc., plaintiff in error, *vs.* John Chaffe *et al.* Argued by Mr. S. H. Hubbard and Mr. William H. Taft for the plaintiff in error, and submitted by Mr. C. J. Boatner for the defendants in error.

No. 148.—Maurice Gandy *et al.*, appellants, *vs.* The Main Belting Company *et al.* Submitted by Mr. Amos Broadnax and Mr. J. Edgar Bull for the appellants, with leave to counsel for the appellees to file brief and counsel for appellants to file reply brief within one week.

No. 149.—Andrew W. Kent, executor, etc., appellant, *vs.* The Lake Superior Ship Canal Railway and Iron Company *et al.* Argued by Mr. E. P. Wheeler for the appellant, and by Mr. John E. Parsons for the appellees.

No. 151.—The United States, plaintiff in error, *vs.* A. S. Wetten *et al.*

No. 152.—The United States, plaintiff in error, *vs.* A. S. Wetten *et al.* Argued by Mr. Solicitor-General Taft for the plaintiff in error. No counsel appeared for the defendants in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 11, will be as follows: Nos. 150, 154, 155, 1157, 1338, 1391, 1235, 1315, 1454, and 1051.



SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 11, 1892.

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

Charles S. Holt, of Chicago, Ill.; Francis Lawton, of New York City; George H. Patrick, of Montgomery, Ala.; M. B. Bailey, of Danville, Ill.; Willard R. Cray, of Minneapolis, Minn.; John Lind, of New Ulm, Minn.; James A. Tawney, of Winona, Minn., and Jerome C. Kearby, of Dallas, Tex., were admitted to practice.

No. 124. John B. Thompson *et al.*, plaintiffs in error, *vs.* The United States. In error to the circuit court of the United States for the district of Kentucky. Judgment affirmed. Opinion by Mr. Justice Brown. Dissenting, Mr. Justice Field.

No. 987. The United States, appellant, *vs.* The Des Moines Navigation and Railway Company *et al.* Appeal from the circuit court of the United States for the northern district of Iowa. Decree affirmed. Opinion by Mr. Justice Brewer.

No. 1026.—Charles Counselman, appellant, *vs.* Frank Hitchcock, marshal, etc. Appeal from the circuit court of the United States for the northern district of Illinois. Decree reversed with costs and cause remanded with a direction to discharge the appellant from custody on the writ of habeas corpus. Opinion by Mr. Justice Blatchford.

No. 10.—Original. *Ex parte*: In the matter of J. Sloat Fassett, petitioner. Petition for a writ of prohibition denied. Opinion by Mr. Justice Blatchford.

No. 121.—John H. McNee, plaintiff in error, *vs.* Peter J. Donahue. In error to the supreme court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Field.

No. 125.—E. C. Eames *et al.*, plaintiffs in error, *vs.* Samuel Kaiser. In error to the circuit court of the United States for the northern district of Texas. Judgment reversed with costs and cause remanded with a direction to award a new trial. Opinion by Mr. Chief Justice Fuller. (Mr. Justice Blatchford took no part in the decision of this case.)

The Chief Justice announced the following orders of the court :

No. 1089.—The German Bank of Memphis *et al.*, appellant, *vs.* The United States. Motion to advance denied.

No. 1340.—The Pewabic Mining Company, appellant, *vs.* Thomas H. Mason *et al.*; and

No. 1416.—Alfred A. Marcus, appellant, *vs.* Thomas H. Mason *et al.* Motion to advance granted, and causes assigned for argument on the second Monday of March next.

No. 483.—Mrs. Mary C. W. Fleitas, appellant, *vs.* Gilbert M. Richardson *et al.* Motion to advance to be heard with No. 299 as one case granted.

No. 145.—Daniel Magone, collector, etc., plaintiff in error, *vs.* Clara Rosenstein. In error to the circuit court of the United States for the southern district of New York. Judgment affirmed, with costs and interest, upon the authority of *Oberteuffer vs. Robertson*, collector, etc., 116 U. S., 499.

No. 655.—T. G. Phelps, collector, etc., plaintiff in error, *vs.* J. C. Siegfried *et al.* 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 sustain the demurrer and dismiss the action, upon the authority of *United States vs. Mosby*, 133 U. S., 273.

No. 1087.—The Fidelity and Casualty Company of New York, plaintiff in error, *vs.* Milla Morris, by Henrietta Morris, her next friend. In error to the circuit court of the United States for the district of Colorado. Judgment affirmed with costs and interest by a divided court.

No. 1358.—The United States, appellant, *vs.* John Finn. Appeal from the Court of Claims. Dismissed on motion of Mr. Solicitor-General Taft for the appellant.

No. 1348.—The United States, appellant, *vs.* Abner Hazeltine. Mandate granted on motion of Mr. Solicitor-General Taft for the appellant.

No. 516.—George I. Seney, trustee, appellant, *vs.* The Wabash Western Railway Company.

No. 620.—The United States Trust Company of New York, appellant, *vs.* The Wabash Western Railway Company.

No. 626.—The Wabash Western Railway Company, appellant, *vs.* The United States Trust Company of New York. Motions to advance these cases to be heard with No. 223 submitted by Mr. William A. Maury and Mr. Theodore Sheldon in support of motion, and by Mr. Wells H. Blodgett in opposition thereto.

No. 779.—The Keokuk and Western Railroad Company, appellant, *vs.* The State of Missouri, *ex rel.*, William H. Wine, collector.

No. 780.—The Keokuk and Western Railroad Company, appellant, *vs.* The County Court of Scotland County, Missouri, *et al.*

No. 1078.—The Keokuk and Western Railroad Company, appellant, *vs.* The County Court of Scotland County, Missouri, *et al.* Motion to advance submitted by Mr. Eppa Hunton in support of same.

No. 157.—The Sioux City and Iowa Falls Town Lot and Land Company, plaintiff in error, *vs.* Thomas L. Griffey *et al.*

Suggestion of death of Thomas L. Griffey, one of the defendants in error herein, and appearance of Tealie Griffey and George Jay, sole heirs at law, &c., as defendants in error herein, filed and entered, on motion of Mr. S. S. Burdett, for the defendants in error.

No. 889.—The Interstate Commerce Commission, appellant, *vs.* The Baltimore and Ohio Railroad Company. Reassigned for argument on the 25th instant, on motion of Mr. J. M. Wilson for the appellant.

Ex parte.—In the matter of John O. Shaw, jr., petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. Michael H. Cardozo in support of motion.

No. 1266.—Henry E. McKee, appellant, *vs.* John H. B. Latrobe. Suggestion of death of appellee herein, and order of publication granted on motion of Mr. J. J. Weed for the appellant.

No. 909.—Samuel Fielden, plaintiff in error, *vs.* The People of the State of Illinois; and

No. 977.—Michael Schwab, appellant, *vs.* A. W. Berggren, Warden, & Co., *et al.*

Reassigned for argument on the 18th instant, after No. 1031, on motion of Mr. George Hunt, for the defendants in error and appellees.

No. 1360.—Richard P. Barden *et al.*, plaintiffs in error, *vs.* The Northern Pacific Railroad Company. Motion to advance submitted by Mr. A. H. Garland in support of motion.

No. 209.—B. F. Gilman, appellant, *vs.* Wm. B. Lake *et al.* Appeal from the circuit court of the United States for the northern district of California. Dismissed with costs on the authority of counsel for the appellant.

No. 1157.—The United States, appellant, *vs.* William Wilson. Reassigned for argument on the 18th inst., after cases already set down for that day, on motion of Mr. Solicitor-General Taft, for the appellant.

No. 1391.—The United States, appellant, *vs.* David D. Budd *et al.* Reassigned for argument on the 25th inst., after cases already set down for that day.

No. 1031.—John Glenn, trustee, etc., plaintiff in error, *vs.* J. Carter Marbury. Submitted pursuant to the 20th rule by Mr. Charles Marshall,

Mr. John Howard, Mr. Henry Wise Garnett, and Mr. Conway Robinson, jr., for the plaintiff in error, and by Mr. M. F. Morris for the defendant in error.

No. 150.—The National Steamship Company, Limited, plaintiff in error, *vs.* Charles H. Tugman. Argued by Mr. John Chetwood for the plaintiff in error, and by Mr. Delos McCurdy for the defendant in error.

No. 154.—Ebenezer B. Convers, plaintiff in error, *vs.* The Atchison, Topeka and Santa Fé R. R. Company in Chicago. Argued by Mr. Charles M. Sturges for the plaintiff in error, and by Mr. Charles S. Holt for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 12, will be as follows: Nos. 155, 1338, 1235, 1315, 1454, 1051, 1473, 1418, 1458, and 156.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 12, 1892.

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

No. 1226.—J. M. Melton, receiver, etc., appellant, *vs.* The Capital City Bank of Nashville *et al.* Appeal from the circuit court of the United States for the middle district of Tennessee. Dismissed with costs per stipulation of counsel.

No. 1235.—Eugene Logan *et al.*, plaintiffs in error, *vs.* The United States; and

No. 1315.—Eugene Logan *et al.*, appellants, *vs.* George A. Knight, U. S. marshal. Reassigned for argument on the 18th instant after cases already set down for that day.

No. 155.—The Home Benefit Association, plaintiff in error, *vs.* Henrietta P. Sargent. Argued by Mr. Francis Lawton for the plaintiff in error, and by Mr. Miron Winslow for the defendant in error.

No. 1338.—The District of Columbia, plaintiff in error, *vs.* Harry S. Hutton. Argued by Mr. Assistant Attorney-General Maury for the plaintiff in error, and by Mr. Andrew B. Duvall for the defendant in error.

No. 1454.—The United States, plaintiff in error, *vs.* George Sanges *et al.* Argument commenced by Mr. Solicitor-General Taft for the plaintiff in error, and continued by Mr. William C. Glenn for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 13, will be as follows: Nos. 1454, 1051, 1473, 1418, 1458, 156, 157, 158, 159 (and 643), and 160.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 13, 1892.

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

John H. Hamline, of Chicago, Ill., and Edward Campbell, of Uniontown, Pa., were admitted to practice.

No. 178.—Maria Copley Ludeling, legatee and executrix, etc., plaintiff in error, *vs.* John Chaffe *et al.* Leave granted to file additional briefs on both sides herein, on motion of Mr. Charles J. Boatner for the defendants in error.

No. 160.—Lewis P. Brooke, appellant, *vs.* D. A. Penick, trustee, *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. 1454.—The United States, plaintiff in error, *vs.* George Sanges *et al.* Argument continued by Mr. Williams C. Glenn for the defendants in error, and concluded by Mr. Attorney-General Miller for the plaintiff in error.

No. 1051.—Edward H. Horner, appellant, *vs.* The United States *et al.* Argued by Mr. Alfred Taylor for the appellant, and by Mr. Solicitor-General Taft for the appellees.

No. 1473.—Edward H. Horner, appellant, *vs.* The United States *et al.* Argument commenced by Mr. Herman Aaron for the appellant, and continued by Mr. Solicitor-General Taft for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 14, will be as follows: Nos. 1473, 1418, 1458, 156, 157, 158, 159 (and 643), 161, 162, and 163.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 14, 1892.

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

E. Cooper Shapley, of Philadelphia, Pa.; Henry W. Taft, of New York City, and James Hamilton Lewis, of Seattle, Wash., were admitted to practice.

No. 161.—James F. Hilton *et al.*, appellants, *vs.* James E. Jones *et al.* Appeal from the circuit court of the United States for the district of Nebraska. Dismissed, with costs, pursuant to the 10th rule.

No. 162.—The Standard Life and Accident Insurance Company of Detroit, Mich., plaintiff in error, *vs.* Henry D. Hutcheraft, executor, &c. In error to the circuit court of the United States for the southern district of Ohio. Dismissed, with costs, pursuant to the 10th rule.

No. 1473.—Edward H. Horner, appellant, *vs.* The United States *et al.* Argument continued by Mr. Solicitor-General Taft for the appellees and concluded by Mr. Alfred Taylor for the appellant.

No. 1418.—Jabez G. Smale *et al.* *vs.* Charles H. Mitchell. Argued by Mr. W. C. Goudy for Smale *et al.*, and by Mr. S. S. Gregory for Mitchell.

No. 1458.—Law O. W. Bew, appellant, *vs.* The United States. Argued by Mr. J. Hubley Ashton for the appellant, and by Mr. Assistant Attorney-General Parker for the appellee.

No. 156.—William P. Dunwoody, appellant, *vs.* The United States. Argument commenced by Mr. George A. King, for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 15, will be as follows: Nos. 156, 157, 158, 159 (and 643), 163, 164, 165, 166, 168, and 169.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 15, 1892.

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

W. U. Hensel, of Lancaster, Pa. ; William B. Given, of Columbia, Pa. ; and Wm. B. Loomis, of Marietta, Ohio, were admitted to practice.

No. 164.—Christian H. Hershey *et al.*, appellants, *vs.* Gilbert H. Blakesley. Appeal from the circuit court of the United States for the district of Connecticut. Dismissed with costs, pursuant to the 10th rule.

No. 166.—Joseph Oteri, appellant, *vs.* Vincenzo Scalzo. Suggestion of death of appellee herein and cause ordered to be passed for the present, on motion of Mr. George A. King for the appellee.

No. 168.—William H. Kennedy *et al.*, appellants, *vs.* John McTammany, jr. Appeal from the circuit court of the United States for the district of Massachusetts. Dismissed with costs, pursuant to the 10th rule.

No. 156.—William P. Dunwoody, appellant, *vs.* The United States. Argument continued by Mr. George A. King for the appellant, and concluded by Mr. Assistant Attorney-General Cotton for the appellee.

No. 157.—The Sioux City and Iowa Falls Town Lot and Land Company, plaintiff in error, *vs.* Tealie Griffey *et al.*, &c. Argument commenced by Mr. William L. Joy for the plaintiff in error, continued by Mr. S. S. Burdett and Mr. O. C. Treadway for the defendants in error, and by Mr. W. C. Goudy for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 18, will be as follows: Nos. 157, 158, 159 (and 643), 163, 165, 169, 1031, 6, 909 (and 977), and 1157.

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 18, 1892.

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

Tazewell Ellett, of Richmond, Va.; Bradley G. Schley, of Milwaukee, Wis.; Ambrose Tighe, of St. Paul, Minn.; and Lloyd W. Bowers, of Winona, Minn., were admitted to practice.

No. 749.—The United States, appellant, *vs.* The Alabama Great Southern Railroad Company. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brown.

No. 135.—The South Branch Lumber Company, appellant, *vs.* George Ott *et al.* Appeal from the circuit court of the United States for the southern district of Iowa. Decree affirmed, with costs. Opinion by Mr. Justice Brewer.

No. 138.—The Delaware City, Salem and Philadelphia Steamboat Navigation Company, plaintiff in error, *vs.* Anthony Reybold. In error to the court of errors and appeals of the State of Delaware. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Lamar.

No. 1393.—Nishimura Ekiu, appellant, *vs.* The United States *et al.* Appeal from the circuit court of the United States for the northern district of California. Order affirmed. Opinion by Mr. Justice Gray. Dissenting, Mr. Justice Brewer.

No. 1024.—The Louisville Water Company, plaintiff in error, *vs.* William Clark, sheriff of Jefferson County, Kentucky. In error to the court of appeals of the State of Kentucky. Decree affirmed with costs. Opinion by Mr. Justice Harlan.

No. 1071.—A. C. Petri *et al.*, etc., plaintiffs in error, *vs.* The Commercial National Bank of Chicago. 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. Chief Justice Fuller.

The Chief Justice announced the following orders of the court :

No. 516.—George I. Seney, trustee, appellant, *vs.* The Wabash Western Railway Company ;

No. 620.—The United States Trust Company of New York, appellant, *vs.* The Wabash Western Railway Company ; and

No. 626.—The Wabash Western Railway Company, appellant, *vs.* The United States Trust Company of New York.

Motions to advance these cases to be heard with No. 223, denied.

No. 779.—The Keokuk and Western Railroad Company, plaintiff in error, *vs.* The State of Missouri *ex rel.* William H. Wine, collector ;

No. 780.—The Keokuk and Western Railroad Company, appellant, *vs.* The County Court of Scotland County, Missouri, *et al.* ; and

No. 1078.—The Keokuk and Western Railroad Company, appellant, *vs.* The County Court of Scotland County, Missouri, *et al.*

Motion to advance denied.

No. 1360.—Richard P. Barden *et al.*, plaintiffs in error, *vs.* The Northern Pacific Railroad Company. Motion to advance granted and cause assigned for argument on the second Monday of the next term after cases already set down for that day.

Ex parte: In the matter of John O. Shaw, jr., trustee, petitioner. Motion for leave to file petition for a writ of mandamus granted and rule to show cause ordered returnable on the first Monday of March next.

No. 1446.—The Denver and Rio Grande Western Railway Company, plaintiff in error, *vs.* D. C. Dødge. In error to the supreme court of the Territory of Utah. Judgment affirmed with costs, by a divided court.

No. 1445.—William Hawes *et al.*, appellants, *vs.* The Victoria Copper Mining Company. Motion to dismiss or affirm submitted by Mr. Charles H. Armes in support of motion, and by Mr. John A. Marshall in opposition thereto.

No. 1493.—The County of Cass, in the State of Missouri, *et al.*, appellants, *vs.* Albert Parker. Appeal from the circuit court of the United States for the western district of Missouri. Docketed and dismissed with costs on motion of Mr. S. S. Burdett for the appellee.

Ex parte: In the matter of Woods & Lovejoy, petitioners. Petition for a writ of certiorari to the circuit court of appeals for the eighth circuit to bring up the case of Woods & Lovejoy *vs.* Lindanvall, submitted by Mr. Frank C. Partridge in behalf of Mr. Willard R. Cray in support of the petition, with leave of Mr. John Lind to file brief in opposition thereto.

No. 1367.—John D. McPherson, executor, etc., appellant, *vs.* Henry E. McKee *et al.* Leave to file appeal bond herein, to be approved by the clerk of this court, granted on motion of Mr. Calderon Carlisle for the appellant.

No. 157.—The Sioux City and Iowa Falls Town Lot and Land Company, plaintiff in error, *vs.* Thomas L. Guffey *et al.* Argument concluded by Mr. W. C. Goudy for the plaintiff in error.

No. 158.—John Tyler, appellant, *vs.* Sarah C. Savage. Argued by Mr. Wm. A. Maury for the appellant, and by Mr. Wm. Wirt Henry for the appellee.

No. 159.—Johnson N. Camden, appellant, *vs.* W. A. Steuart *et al.*

No. 643.—Wm. A. Stuart, appellant, *vs.* The Greenbrier White Sulphur Springs Company. Submitted by Mr. J. Holdsworth Gordon for Camden, by Mr. A. F. Mathews for Stuart, and by Mr. Tazewell Ellett, Mr. Wm. A. Maury, and Mr. H. H. Marshall for the Greenbrier White Sulphur Springs Company. On motion of Mr. Wm. A. Maury leave granted to file stipulation and addition to record herein.

No. 163.—Eva Brown, administratrix and plaintiff in error, *vs.* Theodore B. Smart *et al.* Submitted by Mr. Charles Marshall for the plaintiff in error, and by Mr. M. R. Walter and Mr. C. A. Boston for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 19, will be as follows: Nos. 165, 169, 1031, 6, 909, 977, 1157, 1235, 1315, and 170.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 19, 1892.

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

Edward C. Stringer and Frederick L. McGhee, of St. Paul, Minn., Calvin P. Sampson, of Boston, Mass., and Clifford Brigham, of Salem, Mass., were admitted to practice.

The Chief Justice announced that the court would adjourn from Monday, February 1, to Monday, February 29, next.

No. 165.—The Ansonia Brass and Copper Company, appellant, *vs.* The Electrical Supply Company. Argued by Mr. Joshua Pusey and Mr. Charles E. Mitchell for the appellant, and by Mr. Morris W. Seymour and Mr. Charles R. Ingersoll for the appellee.

No. 169.—The New York, Lake Erie and Western Railroad Company, plaintiff in error, *vs.* David T. Winter. Suggestion of death of David T. Winter, the defendant in error herein, and appearance of Clifford Brigham, administrator, etc., filed and entered on motion of Mr. Clifford Brigham for the defendant in error.

No. 169.—The New York, Lake Erie and Western Railroad Company, plaintiff in error, *vs.* Clifford Brigham, administrator, etc. Argument commenced by Mr. Calvin P. Sampson for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 20, will be as follows: Nos. 169, 1031, 6, 909, 977, 1157, 1235, 1315, 170, and 171.

9214—61

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 20, 1892.

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

Edward B. Whitney, of New York, N. Y.; Orren T. Holt, of Houston, Tex.; Adolphus A. Ellis, of Ionia, Mich.; Thomas Pugh Martin, of Fort Worth, Tex.; John L. Townley, of St. Paul, Minn.; George N. Baxter, of Faribault, Minn.; Charles E. Barrett, of Indianapolis, Ind.; and Charles L. Jewett, of New Albany, Ind., were admitted to practice.

No. 251.—Epaminondas Wilson, appellant, *vs.* Albert Hammacher *et al.* Appeal from the circuit court of the United States for the district of Massachusetts. Dismissed with costs per stipulation.

No. 10.—Original. *Ex parte*: In the matter of J. Sloat Fassett, petitioner. Certified copy of order denying petition for a writ of prohibition ordered to issue, on motion of Mr. Solicitor-General Taft, for the petitioner.

No. 169.—The New York, Lake Erie and Western Railroad Company, plaintiff in error, *vs.* Clifford Brigham, administrator, etc. Argument continued by Mr. Calom P. Sampson for the plaintiff in error, by Mr. Clifford Brigham for the defendant in error, and concluded by Mr. Seth J. Thomas for the plaintiff in error.

No. 1031.—The Chicago and Grand Trunk Railway Company, plaintiff in error, *vs.* Thomas Wellman. Argued by Mr. George F. Edmunds for the plaintiff in error, and by Mr. A. A. Ellis for the State of Michigan, and submitted by Mr. William T. Mitchell for the defendant in error.

No. 6.—John O'Neil, plaintiff in error, *vs.* The State of Vermont. Argued by Mr. A. H. Garland for the plaintiff in error, and by Mr. George F. Edmunds for the defendant in error.

No. 909.—Samuel Fielden, plaintiff in error, *vs.* The People of the State of Illinois; and

No. 977.—Michael Schwab, appellant, *vs.* A. W. Berggun, warden, etc., *et al.* One hour additional time allowed each side in the argument of these cases, on motion of Mr. Benjamin F. Butler for the plaintiff in error and appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 21, will be as follows: Nos. 909 (and 977), 1157, 1235, 1315, 170, 171, 172, 173, 174, and 175.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 21, 1892.

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

Eugene W. Britt, of San Diego, Cal., was admitted to practice.

No. 174.—Charles W. Berry, plaintiff in error, *vs.* William E. Wood. In error to the supreme court of the Territory of Montana. Dismissed with costs, pursuant to the 10th rule, and cause remanded to the supreme court of the State of Montana.

No. 909.—Samuel Fielden, plaintiff in error, *vs.* The People of the State of Illinois; and,

No. 977.—Michael Schwab, appellant, *vs.* A. W. Berggren, warden, *etc., et al.* Argument commenced by Mr. Moses Salomon for the plaintiff in error and appellant, and continued by Mr. George Hunt for the defendants in error and appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 22, will be as follows: Nos. 909 977, 1157, 1235, 1315, 170, 171, 172, 173, and 175.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 22, 1892.

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

The Chief Justice said :

Since the adjournment yesterday, a very heavy loss has befallen the country and the court and a great sorrow been visited upon us in the death of Mr. Justice Bradley. The court will not proceed with business, but will adjourn until Tuesday next at the usual hour, when motions noticed for Monday will be entertained.

Adjourned until Tuesday next at 12 o'clock.

The day call for Tuesday, January 26, will be as follows: Nos. 909, 977, 1157, 1235, 1315, 170, 171, 172, 173, and 175.

9214—64

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 26, 1892.

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

David B. Johnson, of Minneapolis, Minn., and W. W. McDowell, of Memphis, Tenn., were admitted to practice.

No. 154.—Ebenezer B. Convers, plaintiff in error, *vs.* The Atchison, Topeka and Santa Fé Railroad Company in Chicago. 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 enter a judgment in terms securing to Convers the amount of the damages found by the jury. Opinion by Mr. Justice Brewer. Announced by Mr. Justice Blatchford. (The Chief Justice took no part in the decision of this case.)

No. 139.—William Edgar Bird, plaintiff in error, *vs.* Samuel Benlisa, administrator, etc. 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. Announced by Mr. Justice Blatchford.

No. 155.—The Home Benefit Association, plaintiff in error, *vs.* Henrietta P. Sargent. In error to the circuit court of the United States for the southern district of New York. Judgment affirmed with costs and interest. Opinion by Mr. Justice Blatchford. Dissenting, Mr. Justice Brown.

No. 144.—Edward L. Hedden, late collector, etc., plaintiff in error, *vs.* William E. Iselin, *et al.* In error to the circuit court of the United States for the southern district of New York. Judgment affirmed with costs and interest. Opinion by Mr. Justice Blatchford.

No. 140.—Ezekiel Clark, plaintiff in error, *vs.* Leverett B. Sidway. 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 Blatchford.

No. 156.—William P. Dunwoody, appellant, *vs.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Harlan.

The Chief Justice announced the following orders of the court :

No. 1445.—William Haws *et al.*, appellants, *vs.* The Victoria Copper Mining Company. Motions to dismiss or affirm denied.

No. 120.—The City of Brenham, plaintiff in error, *vs.* The German-American Bank. Ordered that this cause be restored to the docket to be heard on the second Monday of March next, after cases already assigned for that day. Counsel are limited to one hour on each side, but if counsel so determine, the case will be taken on submission at any time between this date and the second Monday in March.

No. 1292.—Victor Meyer *et al.*, plaintiffs in error, *vs.* Walter T. Richards. In error to the circuit court of the United States for the eastern district of Louisiana. Judgment affirmed with costs by a divided court.

No. 889.—The Interstate Commerce Commission, appellant, *vs.* The Baltimore and Ohio Railroad Company. Reassigned for argument on the 14th of March, next after No. 1340.

No. 1424.—John A. Nash, appellant, *vs.* George W. Harshman. Motion for a restraining order submitted by Mr. David S. Hounshell for the appellant.

No. 1378.—E. P. Ferry *et al.*, executors, etc., *et al.*, plaintiffs in error, *vs.* The County of King *et al.* Motion for the mandate to issue in this cause denied.

No. 784.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* George Hambly. Motion to enforce stipulation to submit under the 20th rule submitted by Mr. S. L. Glaspell in support of the motion and by Mr. A. H. Garland and Mr. H. J. May in opposition thereto.

No. 1330.—Albert H. Glaspell, plaintiff in error, *vs.* The Northern Pacific Railroad Company. Advanced, pursuant to the 32d rule, on motion of Mr. S. L. Glaspell for the plaintiff in error.

No. 1288.—The Michigan Insurance Bank, plaintiff in error, *vs.* Anson Eldred. Suggestion of diminution of the record herein, and motion for a writ of certiorari submitted by Mr. George P. Miller in support of motion, and by Mr. A. L. Cary in opposition thereto.

No. 97.—Charles L. Ficklen *et al.*, plaintiff in error, *vs.* The Taxing District of Shelby County, Tenn., *et al.* Reassigned for argument on the 14th of March next, after No. 889. On motion of Mr. W. Hallett Phillips for the plaintiff in error.

No. 1364.—Henry L. Yesler, plaintiff in error, *vs.* The Board of Harbor Line Commissioners *et al.* Motion to advance submitted by Mr. William A. McKenney in behalf of counsel.

No. 166.—Joseph Oteri, appellant, *vs.* Vincenzo Scalzo. Appearance of Sarah Scalzo *et al.*, executors of Vincenzo Scalzo, deceased, as appellees herein, filed and entered on motion of Mr. Charles W. Hornor for the appellees.

No. 161.—James F. Hilton *et al.*, appellants, *vs.* James E. Jones *et al.* Motion for the mandate to issue in this cause denied.

No. 227.—B. W. Goode, appellant, *vs.* William H. Gaines *et al.* Ordered to be postponed when reached; to be heard with Nos. 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, and 315, all to be argued as one case, on motion of Mr. A. H. Garland in behalf of counsel.

No. 379.—Michael C. McDonald, appellant, *vs.* George Belding *et ux.* Motion to advance to be heard after Nos. 227 and 302, etc., denied.

No. 1452.—John F. McNutt, appellant, *vs.* George F. Bosworth *et al.* Appeal from the circuit court of the United States for the eastern district of Tennessee. Dismissed, with costs, on motion of Mr. A. H. Garland, for the appellant.

No. 1453.—John F. McNutt, appellant, *vs.* The Cardiff Coal and Iron Company. Appeal from the circuit court of the United States for the eastern district of Tennessee. Dismissed, with costs, on motion of Mr. A. H. Garland, for the appellant.

No. 330.—Milton L. Trester, plaintiff in error, *vs.* The Missouri Pacific Railway Company. In error to the circuit court of the United States for the district of Nebraska. Dismissed per stipulation.

No. 1054.—Charlotte H. Richardson, plaintiff in error, *vs.* William J. Bryan. In error to the superior court of the State of Massachusetts. Dismissed with costs, on authority of counsel for the plaintiff in error.

No. 480.—Charles Wilkins *et al.*, plaintiffs in error, *vs.* George W. Tourtelot *et al.* Motion for leave to apply the provisions of section 9 of rule 10 in printing the transcript of record herein. Argument submitted by Mr. William M. Springer in support of motion, and by Mr. Wallace Pratt and Mr. Jefferson Brumback in opposition thereto.

No. 170.—Benjamin F. Butler, plaintiff in error, *vs.* The National Home for Disabled Volunteer Soldiers. Ordered to be passed for the present but to retain its place on the call, on motion of Mr. B. F. Butler for the plaintiff in error.

No. 175.—James Larkin *et al.*, plaintiffs in error, *vs.* David N. Upton *et al.* Ordered to be passed for the present, but to retain its place on the call.

No. 909.—Samuel Fielden, plaintiff in error, *vs.* The People of the State of Illinois.

No. 977.—Michael Schwab, appellant, *vs.* A. W. Berggren, warden, etc., *et al.* Argument concluded by Mr. Benjamin F. Butler, for the plaintiff in error and appellant.

No. 1157.—The United States, appellant, *vs.* William Wilson. Argued by Mr. Assistant Attorney-General Parker, for the appellant, and by Mr. Harvey Spalding, for the appellee.

No. 1235.—Eugene Logan *et al.*, plaintiffs in error, *vs.* The United States. Argument commenced by Mr. J. C. Kearby, for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 27, will be as follows: Nos. 1235, 171, 172, 173, 1288, 4 original, 1391, 176, 177, and 146.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 27, 1892.

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

No. 1288.—The Michigan Insurance Bank, plaintiff in error, *vs.* Anson Eldred. Leave granted to file and print alleged additional record presented, the court reserving decision on the application for a writ of certiorari and the final disposition of such additional record until after the argument of the cause.

No. 285.—Artemas Roberts, plaintiff in error, *vs.* Walter F. Lewis. Motions to dismiss or affirm submitted by Mr. J. M. Woolworth and Mr. L. C. Burr in support of motions, and by Mr. John H. Ames and Mr. N. S. Harwood in opposition thereto.

No. 118.—James H. Fisk, appellant, *vs.* D. V. B. Henarie *et al.* Leave granted for the mandate to issue after February 1, on motion of Mr. J. H. Mitchell for the appellant.

No. 1048.—John Boyd *et al.*, plaintiffs in error, *vs.* The United States. Mandate granted, on motion of Mr. Solicitor-General Taft, for the defendant in error.

No. 114.—David L. Hammond *et al.*, plaintiffs in error, *vs.* Walter S. Johnston, receiver, etc., *et al.* Ordered, that mandate be not issued until further order of the court, on motion of Mr. H. H. Denison, for the plaintiffs in error.

No. 1235.—Eugene Logan *et al.*, Plaintiffs in error, *vs.* The United States. Argument continued by Mr. Solicitor-General Taft for the defendant in error, and concluded by Mr. A. H. Garland for the plaintiffs in error.

No. 171.—The Winona and St. Peter Railroad Company, plaintiff in error, *vs.* The Town of Plainview, and

No. 172.—The Winona & St. Peter Railroad Company, plaintiff in error, *vs.* The Town of Elgin. Argument commenced by Mr. Lloyd W. Bowers for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 28, will be as follows: Nos. 171 (and 172), 173, 1288, 4 original, 1391, 176, 177, 146, 147, and 179.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 28, 1892.

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

George W. Somerville, of Sleepy Eye, Minn., was admitted to practice.

No. 1396.—Olivia B. Hall, etc., appellant, *vs.* J. J. Bradford. Motion for a decree of reversal on confession of error by the appellee herein, submitted by Mr. C. W. Needham in behalf of counsel for the appellant.

No. 320.—Richard Worthington, appellant, *vs.* Dana Estes *et al.* Appeal from the circuit court of the United States for the southern district of New York. Dismissed per stipulation on motion of Mr. G. G. Frelinghuysen for the appellees.

No. 337.—The attorney-general of the Commonwealth of Massachusetts, appellant, *vs.* The Western Union Telegraph Company. Appeal from the circuit court of the United States for the district of Massachusetts. Dismissed per stipulation.

No. 179.—William L. Scruggs, appellant, *vs.* The United States. Appeal from the Court of Claims. Dismissed pursuant to the 10th rule.

No. 171.—The Winona & St. Peter Railroad Company, plaintiff in error, *vs.* The town of Plainview, and

No. 172.—The Winona & St. Peter Railroad Company, plaintiff in error, *vs.* The town of Elgin. Argument continued by Mr. C. K. Davis and Mr. F. B. Kellogg for the defendants in error, and concluded by Mr. Lloyd W. Bowers for the plaintiff in error.

No. 173.—Alfred M. Hoyt *et al.*, appellants, *vs.* Wm. H. Latham, *et al.* Argument commenced by Mr. Thomas Wilson for the appellants, and continued by Mr. C. K. Davis for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 29, will be as follows: Nos. 173, 1288, 4 original, 1391, 176, 177, 146, 147, 180, and 181.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 29, 1892.

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

Rozel Weissinger, of Louisville, Ky., Smith McPherson, of Red Oak, Iowa, and J. J. Stewart, of Council Bluffs, Iowa, were admitted to practice.

No. 251.—Epaminondas Wilson, appellant, *vs.* Albert Hammacher *et al.* Mandate granted per stipulation, on motion of Mr. J. M. Woolworth in behalf of counsel.

No. 180.—Michael J. Cramer, appellant, *vs.* The United States. Appeal from the Court of Claims. Dismissed pursuant to the tenth rule.

No. 173.—Alfred M. Hoyt *et al.*, appellants, *vs.* Wm. H. Latham *et al.* Argument continued by Mr. C. K. Davis for the appellees, and concluded by Mr. Thomas Wilson for the appellants.

No. 1288. The Michigan Insurance Bank, plaintiff in error, *vs.* Anson Eldred. Argued by Mr. George P. Miller for the plaintiff in error, and by Mr. Alfred L. Cary and Mr. F. C. Winkler for the defendant in error.

No. 4. Original.—The State of Nebraska, complainant, *vs.* The State of Iowa. Argued by Mr. C. J. Greene and Mr. J. M. Woolworth for the complainant, and by Mr. Smith McPherson for the defendant.

Adjourned until Monday next at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 1, 1892.

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

William H. Barnum, of Chicago, Illinois, was admitted to practice.

No. 137.—The New Orleans Pacific Railway Company *et al.*, appellants, *vs.* John D. Parker *et al.* Appeal from the circuit court of the United States for the western district of Louisiana. Decrees reversed with costs and cause remanded with directions to dismiss the bills of Parker and Hamlin and for further proceedings, in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 150.—The National Steamship Company (Limited), plaintiff in error, *vs.* Charles H. Tugman. In error to the circuit court of the United States for the eastern district of New York. Judgment affirmed with costs and interest. Opinion by Mr. Justice Brown.

No. 157.—The Sioux City and Iowa Falls Town Lot and Land Company, plaintiff in error, *vs.* Tealie, Griffey, *et al.*, &c. In error to the supreme court of the State of Iowa. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 169.—The New York, Lake Erie & Western Railroad Company, &c., plaintiff in error, *vs.* Clifford Brigham, administrator, &c. In error to the circuit court of the United States for the district of Massachusetts. Judgment affirmed with costs and interest. Opinion by Mr. Justice Lamar.

No. 1338.—The District of Columbia, plaintiff in error, *vs.* Harry S. Hutton. In error to the supreme court of the District of Columbia. Judgment affirmed with costs and interest. Opinion by Mr. Justice Lamar.

No. 158.—John Tyler, appellant, *vs.* Sarah C. Savage. Appeal from the circuit court of the United States for the eastern district of Virginia. Decree affirmed with costs and interest. Opinion by Mr. Justice Blatchford.

Nos. 151 and 152.—The United States, plaintiff in error, *vs.* Augustus S. Witten *et al.* In error to the circuit court of the United States for the western district of Virginia. Judgments reversed and causes remanded with directions to set aside the verdicts and to order new trials. Opinion by Mr. Justice Gray.

No. 1418.—Jabez G. Smale *et al.*, plaintiffs in error, *vs.* Charles H. Mitchell. On a certificate from the United States circuit court of appeals for the seventh circuit.

It is the opinion of this court that the plaintiffs in error were entitled to a new trial, upon their application in the circuit court and payment of costs, without showing other cause than that a judgment was entered against them within the year; and it is ordered and adjudged that it be so certified to the said circuit court of appeals, upon which that court will proceed to render the proper judgment in the case pending before it. Opinion by Mr. Justice Field.

No. 7.—Original. *Ex parte*: In the matter of John L. Rapier, petitioner.

No. 8.—Original. *Ex parte*: In the matter of George W. Dupre, petitioner.

No. 9.—Original. *Ex parte*: In the matter of George W. Dupre, petitioner. Petitions for writs of *habeas corpus* denied and rules to show cause discharged. Opinion by Mr. Chief Justice Fuller.

No. 1208.—James E. Boyd, plaintiff in error, *vs.* The State of Nebraska, *ex rel.* John M. Thayer. In error to the supreme court of the State of Nebraska. Judgment reversed with costs, and cause remanded to be proceeded in according to law and in conformity with the opinion of this court. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice Field.

The Chief Justice announced the following orders of the court:

No. 285.—Artemus Roberts, plaintiff, in error, *vs.* Walter F. Lewis. Motion for leave to amend writ of error granted. Motion to dismiss denied. Motion to affirm postponed to the hearing of the cause on its merits.

No. 480.—Charles Wilkins *et al.* plaintiffs in error, *vs.* George W. Tournelott *et al.* Motion for leave to proceed under section 9 of rule 10 in printing the record herein and for leave to withdraw the record denied.

No. 784.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* George Hambly. Motion to submit pursuant to the 20th rule denied.

No. 1364.—Henry L. Yesler, plaintiff in error, *vs.* The Board of Harbor Line Commissioners *et al.* 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. 1396.—Olivia B. Hall, etc., appellant, *vs.* J. J. Bradford. Appeal from the circuit court of the United States for the southern district of Mississippi. Decree reversed at the cost of the appellee for errors confessed, per stipulation, and cause remanded for further proceedings in accordance with law.

No. 1424.—John A. Nash, appellant, *vs.* George W. Harshman. Motion for a restraining order denied.

It is ordered that the following allotment be made of the Chief Justice and Associate Justices of this court among the circuits, agreeably to the act of Congress in such case made and provided, and that such allotment be entered of record, viz :

For the first circuit, Horace Gray, Associate Justice.

For the second circuit, Samuel Blatchford, Associate Justice.

For the third circuit, John M. Harlan, Associate Justice.

For the fourth circuit, Melville W. Fuller, Chief Justice.

For the fifth circuit, Lucius Q. C. Lamar, Associate Justice.

For the sixth circuit, Henry B. Brown, Associate Justice.

For the seventh circuit, John M. Harlan, Associate Justice.

For the eighth circuit, David J. Brewer, Associate Justice.

For the ninth circuit, Stephen J. Field, Associate Justice.

It is ordered by the court that mandates issue in all cases decided prior to the first of January, 1892, when applied for, except cases docketed and dismissed under the ninth rule.

No. 29.—The State of Maine, plaintiff in error, *vs.* The Grand Trunk Railway Company of Canada. Ordered that the mandate be not issued until the further order of the court, on motion of Mr. A. A. Strout for the defendant in error.

No. 839.—John F. Brown, plaintiff in error, *vs.* The Commonwealth of Massachusetts. Motion to advance submitted by Mr. A. E. Pillsbury in support of motion.

No. 78.—Lebbeus H. Rogers, plaintiff in error, *vs.* The United States. Ordered that the mandate be not issued until the further order of the court, on motion of Mr. Solicitor-General Taft for the defendant in error.

No. 704.—The United States, appellant, *vs.* A. G. Norrell. Appeal from the third judicial district court of the Territory of Utah. Decree reversed in part and affirmed in part, per stipulation, and cause remanded with directions to enter a decree in accordance with the stipulation, on motion of Mr. Solicitor-General Taft for the appellant.

No. 234.—Charles August Edelhoff *et al.*, plaintiff in error, *vs.* William H. Robertson, collector, &c. In error to the circuit court of the United States for the southern district of New York. Judgment so far as com-

plained against by Edelhoff *et al.* reversed with costs and cause remanded, with directions to grant a new trial, on motion of Mr. Solicitor-General Taft for the defendant in error, who confessed error.

No. 869.—The Southern Kansas Railway Company, plaintiff in error, *vs.* J. S. Briscoe. Motions to dismiss or affirm submitted by Mr. A. H. Garland and Mr. H. J. May in support of motions, and by Mr. George R. Peck, Mr. A. T. Britton, and Mr. A. B. Brown in opposition thereto.

No. 1208.—James E. Boyd, plaintiff in error, *vs.* The State of Nebraska *ex rel.* John M. Thayer. Motion of Mr. A. H. Garland for the plaintiff in error, for the mandate to issue herein, denied.

No. 764.—Josiah Barnett, assignee, appellant, *vs.* Patrick H. Kinney. Motions to dismiss or affirm submitted by Mr. John W. Warner and Mr. Wm. Stone Abert in support of the motions and by Mr. William H. H. Miller in opposition thereto.

No. 189.—The Chateaugay Ore and Iron Company, plaintiff in error, *vs.* Theodore A. Blake. Leave to file motion to dismiss herein granted, on motion of Mr. R. D. Mussey for the defendant in error.

No. 734.—Joseph Inglehart *et al.*, appellants, *vs.* The Washington Loan and Trust Company, executor of Ida May Stansbury. Motions to dismiss or affirm submitted by Mr. M. F. Morris and Mr. J. J. Darlington in support of motions, and leave granted to file briefs in opposition thereto within two weeks.

No. 761.—The Montana Company (Limited) *et al.*, plaintiffs in error, *vs.* The St. Louis Mining and Milling Company. Motions to dismiss or affirm submitted by Mr. John B. Clayberg in support of motions and by Mr. A. H. Garland and Mr. H. J. May in opposition thereto.

No. 144.—E. L. Hedden, late collector, &c., plaintiff in error, *vs.* William E. Iselin *et al.* Mandate granted on motion of Mr. Assistant Attorney-General Maury for the plaintiff in error.

Ex parte: In the matter of Thomas H. Heath, petitioner. Petition for a writ of error argued by Mr. John Lyon in support of same and by Mr. Assistant Attorney-General Maury in opposition thereto.

No. 1391.—The United States, appellant, *vs.* David D. Budd *et al.* Argued by Mr. Assistant Attorney-General Parker for the appellant and by Mr. Jeff. Chandler for the appellees.

Adjourned until Monday, February 29, at 12 o'clock.

The day call for Monday, February 29, will be as follows: Nos. 170, 175, 176, 177, 146, 147, 181 (and 182, 183, and 184), 185, 186 (and 278), and 21 and 187.

SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 29, 1892.

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

William C. Hannis, of Philadelphia, Pa., and James W. Green, of Lawrence, Kans., were admitted to practice.

No. 1343.—Frank R. Chandler, as trustee and executor, etc., *et al.*, appellants, *vs.* Josephine Pomeroy *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 enter a decree for the plaintiff and for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 173.—Alfred M. Hoyt *et al.*, appellants, *vs.* William D. Latham *et al.* Appeal from the circuit court of the United States for the district of Minnesota. Decree reversed with costs, and cause remanded with directions to dismiss the bill with costs. Opinion by Mr. Justice Brown. Dissenting, Mr. Justice Field. (Mr. Justice Brewer did not sit upon the argument of this cause and took no part in its decision.)

No. 128.—The Washburn & Moen Manufacturing Company *et al.*, appellants, *vs.* The Beat-'em-all-Barbed Wire Company *et al.*;

No. 129.—The Washburn & Moen Manufacturing Company *et al.*, appellants, *vs.* W. W. Norwood; and

No. 130.—The Washburn & Moen Manufacturing Company *et al.*, appellants, *vs.* John D. Wiler *et al.* Appeals from the circuit court of the United States for the northern district of Iowa. Decrees reversed with costs, and causes remanded with directions to enter a decree for the plaintiff for an accounting, and for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brown. Dissenting, Mr. Justice Field.

No. 4.—Original. The State of Nebraska, complainant, *vs.* the State of Iowa.

Mr. Justice Brewer announced the opinion of the court, but reserved the entry of decree until parties agree upon designation of the boundary

in accordance with the principles set forth in the opinion. If no agreement is possible then this court will appoint a commission to survey and report in accordance with the views expressed in the opinion.

Nos. 2 and 3.—The Iron Silver Mining Company, plaintiff in error, *vs.* The Mike & Starr Gold and Silver Mining Company. In error to the circuit court of the United States for the district of Colorado. Judgments affirmed with costs. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Field, Mr. Justice Harlan, and Mr. Justice Brown.

No. 7.—John L. Sullivan *et al.*, plaintiffs in error, *vs.* The Iron Silver Mining 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. 143.—The Rector, Church Wardens, and Vestrymen of the Church of the Holy Trinity, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the southern district of New York. Judgment reversed and cause remanded for further proceedings to be had therein in conformity with the opinion of this court. Opinion by Mr. Justice Brewer.

No. 1031.—The Chicago and Grand Trunk Railway Company, plaintiff in error, *vs.* Thomas Wellman. In error to the supreme court of the State of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 1061.—The United States, appellant, *vs.* Bailin, Joseph & Company. Appeal from the circuit court of the United States for the southern district of New York. Decree reversed and cause remanded for further proceedings to be had therein in conformity with the opinion of this court. Opinion by Mr. Justice Brewer.

No. 171.—The Winona & St. Peter Railroad Company, plaintiff in error, *vs.* the town of Plainview.

No. 172.—The Winona & St. Peter Railroad Company, plaintiff in error, *vs.* The Town of Elgin. In error to the supreme court of the State of Minnesota. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Blatchford. (Mr. Justice Brewer did not sit in these cases or take any part in their decision.)

No. 1051.—Edward H. Horner, appellant, *vs.* The United States *et al.* Appeal from the circuit court of the United States for the southern district of New York. Order affirmed. Opinion by Mr. Justice Blatchford.

No. 719.—J. Talman Budd, plaintiff in error, *vs.* The People of the State of New York. In error to the superior court of Buffalo, State of New York.

No. 644.—The People of the State of New York, *ex rel.* Edward Annan, plaintiff in error, *vs.* Andrew Walsh, police justice, etc., *et al.*

No. 645.—The People of the State of New York, *ex rel.* Francis E. Pinto, plaintiff in error, *vs.* Andrew Walsh, police justice, etc., *et al.* In error to the supreme court of the State of New York. Judgments affirmed with costs. Opinion by Mr. Justice Blatchford. Dissenting: Mr. Justice Brewer, Mr. Justice Field, and Mr. Justice Brown.

No. 25.—The Union Mutual Life Insurance Company, appellant, *vs.* Philander C. Hanford, *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 Gray.

No. 119.—The New Orleans City and Lake Railroad Company, plaintiff in error, *vs.* The City of New Orleans. In error to the supreme court of the State of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice Gray.

No. 178.—Maria Capley Ludeling, for herself, etc., plaintiff in error, *vs.* John Chaffee *et al.* In error to the supreme court of the State of Louisiana. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Gray.

No. 455.—Jane G. Waterman, executrix, etc., appellant, *vs.* Philander M. Alden *et al.*, etc. Appeal from the circuit court of the United States for the northern district of Illinois. Decree affirmed with costs. Opinion by Mr. Justice Gray.

No. 1067.—Edward F. Lawrence, as administrator, etc., appellant, *vs.* William Nelson and George M. French. Appeal from the circuit court of the United States for the northern district of Illinois. Decree affirmed with costs and interest. Opinion by Mr. Justice Gray.

No. 1288.—The Michigan Insurance Bank, plaintiff in error, *vs.* Anson Eldred. In error to the circuit court of the United States for the eastern district of Wisconsin. Judgment reversed with costs, and cause remanded with directions to set aside the verdict and to order a new trial. Opinion by Mr. Justice Gray; dissenting, Mr. Justice Brewer.

No. 1052.—Marshall Field & Company, appellant, *vs.* John M. Clark, collector. 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. 1049.—Robert M. Boyd *et al.*, appellants, *vs.* The United States *et al.* Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed. Opinion by Mr. Justice Harlan.

No. 1050.—Charles Sternbach *et al.*, etc., appellants, *vs.* The United States. Appeal from the circuit court of the United States for the south-

ern district of New York. Decree affirmed. Opinion by Mr. Justice Harlan.

No. 5. Original. The United States, complainant, *vs.* The State of Texas. Demurrer overruled. Opinion by Mr. Justice Harlan. Dissenting, Mr. Chief Justice Fuller and Mr. Justice Lamar.

No. 977.—Michael Schwab, appellant, *vs.* A. W. Berggren, warden, etc. 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. 909.—Samuel Fielden, plaintiff in error, *vs.* The People of the State of Illinois. In error to the supreme court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 722.—James A. Briggs, executor, etc., appellant, *vs.* The United States. Appeal from the Court of Claims. Judgment reversed and cause remanded with directions to pass upon the question whether the transaction was an absolute sale or merely a mortgage or pledge; and according to the view adopted the amount of the proceeds due and payable to the petitioner should be ascertained. Opinion by Mr. Justice Field.

No. 48.—The Horn Silver Mining Company, plaintiff in error, *vs.* The People of the State of New York. In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Field. Dissenting: Mr. Justice Harlan.

Ex parte: In the matter of John Woods and Stephen B. Lovejoy, partners as Woods & Lovejoy, petitioners. Petition for writ of certiorari to the circuit court of appeals for the eighth circuit, denied. Opinion by Mr. Chief Justice Fuller.

No. 62.—Bertha Hammond (sued as Bertha Hopkins), etc., *et al.*, appellants, *vs.* William B. Hopkins *et al.* Appeal from the supreme court of the District of Columbia. Decree reversed, with costs and cause remanded with directions to dismiss the bill. Opinion by Mr. Chief Justice Fuller.

No. 6, Original.—In the matter of Thomas Henry Cooper, petitioner. Petition for a writ of prohibition denied. Opinion by Mr. Chief Justice Fuller.

No. 58.—The Schooner *Syleria Handy*, etc., appellants, *vs.* The United States. Appeal from the district court of the United States for the district of Alaska. Decree affirmed. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice Field.

The Chief Justice announced the following orders of the court:

No. 114.—David L. Hammond *et al.*, plaintiffs in error, *vs.* Walter S. Johnston, receiver, etc., *et al.* Order staying mandate in this cause set aside.

No. 839.—John F. Brown, plaintiff in error, *vs.* The Commonwealth of Massachusetts. Motion to advance granted, and cause assigned for argument on the first Monday of April next.

No 734.—Joseph Inglehart *et al.*, appellant, *vs.* The Washington Loan and Trust Company, executor, etc. Motions to dismiss or affirm postponed to the hearing on the merits.

No. 761.—The Montana Company (limited) *et al.*, plaintiffs in error, *vs.* The St. Louis Mining and Milling Company. Motions to dismiss or affirm denied.

No. 764.—Josiah Barnett, assignee, appellant, *vs.* Patrick H. Kinney. Motions to dismiss or affirm denied.

No. 1415.—James H. Rice, appellant, *vs.* John V. Rice *et al.* Leave granted the appellant to take out a new citation to the proper representatives of Josiah Morris, deceased, one of the appellees herein.

No. 1281.—The Central Land Company of West Virginia, plaintiff in error, *vs.* John B. Laidley. Motions to dismiss or affirm submitted by Mr. J. F. Brown, Mr. W. E. Chilton, and Mr. J. E. Kenna in support of same, and by Mr. J. H. Ferguson, Mr. Henry C. Simms, and Mr. F. B. Enslow in opposition thereto.

No. 1198.—The Township of Pleasant Valley, Lancaster County, S. C., appellant, *vs.* The Massachusetts and Southern Construction Company. Appeal from the circuit court of the United States for the district of South Carolina. Dismissed with costs by consent of counsel for appellant and mandate granted on motion of Mr. James Lowndes for the appellee.

No. 1396.—Olivia B. Hall, etc., appellant, *vs.* J. J. Bradford. Mandate granted on motion of Mr. C. W. Needham in behalf of counsel.

No. 196.—The Pittsburg & Southern Coal Company, plaintiff in error, *vs.* John W. Bates, sheriff, etc. Passed until No. 494 is reached, on motion of Mr. George A. King, for the plaintiff in error.

No. 1508. The Northern Pacific Railroad Company, plaintiff in error, *vs.* Dominick Amato. Motions to dismiss or affirm submitted by Mr. Roger Foster in support of motions, and by Mr. A. H. Garland and Mr. H. J. May, in opposition thereto.

No. 625.—Jesse P. Farley, appellant, *vs.* James J. Hill *et al.* Motion to substitute Norman W. Kettson *et al.* in the place and stead of the St. Paul Trust Company, executor of Kettson, submitted by Mr. C. D. O'Brien in support of motion, and by Mr. Harvey, officer for the executor, and Mr. M. D. Grover and Mr. George B. Young, for the appellees, in opposition thereto.

No. 1208.—James E. Boyd, plaintiff in error, *vs.* The State of Nebraska, *ex rel.* John M. Thayer. Mandate granted, on motion of Mr. H. J. May, for the plaintiff in error.

Ex-parte: In the matter of George Bailey *et al.*, petitioners. 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 petitioners, and by Mr. Wm. W. Goodrich in opposition thereto.

No. 813.—The Union Trust Company of New York, plaintiff in error, *vs.* Jacob Binz *et al.*

No. 875.—The Houston, East and West Texas Railway Company, plaintiff in error, *vs.* Jacob Binz, *et al.* In error to the supreme court of the State of Texas. Dismissed without costs to either party and mandates granted on motion of Mr. William A. McKenney in behalf of counsel.

No. 1418.—Jabez G. Smale *et al.* *vs.* Charles H. Mitchell. Mandate granted on motion of Mr. William A. McKenney in behalf of counsel.

No. 1236.—Elizabeth McCalla, appellant, *vs.* M. A. Bane *et al.* Appeal from the circuit court of the United States for the district of Oregon. Dismissed with cost on authority of counsel for appellant.

No. 176.—Eugene C. Gordon, plaintiff in error, *vs.* The Third National Bank of Chattanooga, Tenn. Submitted by Mr. Milton Humes, for the plaintiff in error, and by Mr. William Richardson, for the defendant in error.

No. 170.—Benjamin F. Butler, plaintiff in error, *vs.* The National Home for Disabled Volunteer Soldiers. Argument commenced by Mr. Eugene M. Johnson, for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 1, will be as follows: Nos. 170, 175, 177, 146, 147, 181 (and 182, 183, and 184), 185, 186 (and 278), 21 (and 187) and 188.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 1, 1892.

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

No. 1301. The United States, appellant *vs.* The Colton Marble and Lime Co., *et al.*

No. 1302. The United States, appellant, *vs.* The Southern Pacific Railroad Co., *et al.*

No. 1374. The United States, appellant, *vs.* The Southern Pacific Railroad Co., *et al.*

No. 1375. The United States, appellant, *vs.* The Southern Pacific Railroad Co., *et al.* Reassigned for argument on the first Monday of April next, on motion of Mr. Solicitor-General Taft for the appellants.

No. 1358. The United States, appellant, *vs.* John Finn. Mandate granted on motion of Mr. Solicitor-General Taft for the appellant.

No. 199.—The Banque Franco-Egyptienne *et al.*, appellants, *vs.* John Crosby Brown *et al.* Appeal from the circuit court of the United States for the southern district of New York. Dismissed. Clerk's costs in this court to be paid by the appellants per stipulation.

No. 200.—Henry Louis Bishoffsheim, appellant, *vs.* John Crosby Brown *et al.* Appeal from the circuit court of the United States for the southern district of New York. Dismissed. Clerk's costs in this court to be paid by the appellant per stipulation.

No. 213.—Richard O'Donnell, plaintiff in error, *vs.* The Town of Southfield. In error to the circuit court of the United States for the eastern district of New York. Dismissed per stipulation.

No. 280.—Frederick Myers, appellant, *vs.* Oscar F. Hawley. Appeal from the circuit court of the United States for the southern district of New York. Dismissed and mandate granted per stipulation.

No. 469.—Elon A. Marsh *et al.*, plaintiffs in error, *vs.* James Scott. In error to the supreme court of the State of Illinois. Dismissed and mandate granted per stipulation.

No. 188.—Laurent Lacassague, appellant, *vs.* François Chapuis, executor, etc. Submitted by Mr. Alfred Goldthwaite for the appellant, and by Mr. A. H. Leonard and Mr. Morris Marks for the appellee.

No. 170.—Benjamin F. Butler, plaintiff in error, *vs.* The National Home for Disabled Volunteer Soldiers. Argument continued by Mr. Eugene M. Johnson for the plaintiff in error, by Mr. Assistant Attorney-General Maury for the defendant in error, and concluded by Mr. Benjamin F. Butler for the plaintiff in error. (The Chief Justice did not sit during the argument of this case.)

No. 175.—James Larkin *et al.*, plaintiffs in error, *vs.* David N. Upton *et al.* Argued by Mr. William M. Stewart for the plaintiffs in error, and by Mr. W. W. Dixon and Mr. S. S. Burdett for the defendants in error.

No. 177.—William C. Wilson, plaintiff in error, *vs.* Jesse Seligman. Argument commenced by Mr. James S. Botsford for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 2, will be as follows: Nos. 177, 146, 147, 181 (182, 183, and 184), 185, 186 (and 278), 21 (and 187) 189, 190, and 191.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 2, 1892.

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

No. 177.—William C. Wilson, plaintiff in error, *vs.* Jesse Seligman. Argument continued by Mr. James S. Botsford for the plaintiff in error. The court did not desire to hear further argument.

No. 146.—Otto Heinze *et al.*, plaintiffs in error, *vs.* C. E. Miller *et al.*, executors of C. A. Arthur, deceased, late collector, &c. Argued by Mr. Stephen G. Clarke for the plaintiffs in error and by Mr. Assistant Attorney-General Parker for the defendants in error.

No. 147.—Adolph Liebenroth *et al.*, plaintiffs in error, *vs.* W. H. Robertson, late collector, etc. Argued by Mr. Stephen G. Clarke for the plaintiffs in error, and by Mr. Assistant Attorney-General Maury for the defendant in error.

No. 181.—The Mutual Life Insurance Company, of New York, *et al.*, plaintiffs in error, *vs.* Sallie E. Hillmon ;

No. 182.—The Mutual Life Insurance Company, of New York, plaintiff in error, *vs.* Sallie E. Hillmon ;

No. 183.—The New York Life Insurance Company, plaintiff in error, *vs.* Sallie E. Hillmon ; and

No. 184.—The Connecticut Mutual Life Insurance Company, plaintiff in error, *vs.* Sallie E. Hillmon. One hour additional time allowed each side in the argument of these cases, on motion of Mr. Julien T. Davies for the plaintiffs in error. Argument commenced by Mr. Julien T. Davies for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 3, will be as follows: Nos. 181, (and 182, 183, and 184), 185, 186 (and 278), 21 (and 187) 189, 190, 191, 192, 193, and 194.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 3, 1892.

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

No. 1334.—John Simpson, appt., *vs.* The Steamer "Oregon," etc.; and

No. 1339.—The Oregon Short Line and Utah Northern Railway Co., appt., *vs.* The Ship "Clan Mackenzie," etc. Motion to advance submitted by Mr. C. E. S. Wood in support of same.

No. 192.—George W. Forbes, plff. in error, *vs.* Lewis Thomas. In error to the supreme court of the State of Nebraska. Dismissed with costs, pursuant to Rule 10.

No. 181.—The Mutual Life Ins. Co. of N. Y. *et al.*, plffs. in error, *vs.* Sallie E. Hillmon.

No. 182.—The Mutual Life Ins. Co. of N. Y., plff. in error, *vs.* Sallie E. Hillmon.

No. 183.—The New York Life Ins. Co., plff. in error, *vs.* Sallie E. Hillmon.

No. 184.—The Connecticut Mutual Life Ins. Co., plff. in error, *vs.* Sallie E. Hillmon. The argument of these cases was continued by Mr. Julien T. Davies, of counsel for the plaintiffs in error, and Mr. Samuel A. Riggs and Mr. L. B. Wheat, of counsel for the defendant in error, and concluded by Mr. Edward S. Isham, of counsel for the plaintiffs in error.

No. 185.—The People of N. Y., *ex rel.* The New York Electric Lines Co., plff. in error, *vs.* R. M. Squire, comm'r, &c. Argument commenced by Mr. E. M. Marble, of counsel for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 4, will be as follows: Nos. 185, 186 and 278, 21 and 187, 189, 190, 191, 193, 194, 195 and 197.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 4, 1892.

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

James McNamara, of Alpena, Mich., S. C. Patton, of Hallettsville, Texas, and Frank L. Dodge, of Davenport, Iowa, were admitted to practice.

No. 195.—James C. Covert, appellant, *vs.* Joseph B. Sargent *et al.* Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs pursuant to the 10th rule.

No. 185.—The People of the State of New York *ex rel.* The New York Electric Lines Company, plaintiff in error, *vs.* Rollin M. Squire, as commissioner of public works, etc. Argument continued by Mr. E. M. Marble for the plaintiff in error, and by Mr. David J. Dean for the defendant in error, and concluded by Mr. E. M. Marble for the plaintiff in error.

No. 21.—B. J. Sage, plaintiff in error, *vs.* The Board of Liquidation of the State of Louisiana; and

No. 187.—John I. Adams & Company, plaintiffs in error, *vs.* The Board of Liquidation of the State of Louisiana. Argued by Mr. Charles W. Horner and Mr. B. J. Sage for the plaintiffs in error, with leave to counsel for the defendant in error to file brief within fifteen days, and to counsel for the plaintiffs in error to file reply brief within five days thereafter.

No. 186.—William Crawford, appellant, *vs.* Charles A. Neal, and

No. 278.—Charles A. Neal, appellant, *vs.* John A. Crawford *et al.* Passed.

No. 189.—The Chateaugay Ore and Iron Company, plaintiff in error, *vs.* Theodore A. Blake. Argument commenced by Mr. Edmund Wetmore for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 7, will be as follows: Nos. 189, 190, 191, 193, 194, 197, 198, 201, 202, and 204.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 7, 1892.

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

Joseph H. Nathan, of Sheffield, Ala.; Edward L. Bartlett, of Santa Fe, N. Mex.; W. E. Cullen, of Helena, Mont.; John M. Cheney, of Orlando, Fla.; George E. Price, of Charleston, W. Va., and Samuel L. Flournoy, of Charleston, W. Va., were admitted to practice.

No. 1095.—The Chicago, Rock Island & Pacific Railway Company, appellant, *vs.* The Denver & Rio Grande Railroad Company; and.

No. 1109.—The Denver & Rio Grande Railroad Company, appellant, *vs.* The Chicago, Rock Island & Pacific Railway Company. Appeals from the circuit court of the United States for the district of Colorado. Decree modified as indicated in the opinion of this court, and, as so modified, affirmed, each party to pay one-half of the costs in this court. Opinion by Mr. Justice Brown. Dissenting: Mr. Justice Brewer.

No. 148.—Maurice Gandy *et al.*, appellants, *vs.* The Main Belting Company *et al.* Appeal from the circuit court of the United States for the eastern district of Pennsylvania. Decree reversed, with costs, and cause remanded, with directions to enter an interlocutory decree for the plaintiff, and for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 1473.—Edward H. Horner, appellant, *vs.* The United States *et al.* Appeal from the circuit court of the United States for the southern district of New York. Order affirmed. Opinion by Mr. Justice Blatchford.

The Chief Justice announced the following order of the court:

No. 625.—Jesse P. Farley, appellant, *vs.* James J. Hill *et al.* Motion to substitute Kittson *et al* in the place of the executor of N. W. Kittson, deceased, as appellees herein, denied.

No. 1281.—The Central Land Company of West Virginia, plaintiff in error, *vs.* John B. Laidley. Motions to dismiss or affirm postponed to the hearing on the merits.

No. 1334.—John Simpson, appellant, *vs.* the steamer "Oregon," etc., and

No. 1339.—The Oregon Short Line & Utah Northern Railway Company, appellant, *vs.* the ship “Clan MacKenzie,” etc. Motions to advance denied.

No. 1508.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* Dominick Amats. Motions to dismiss or affirm postponed until the record is printed.

No. 1512.—George Baily *et al.*, appellants, *vs.* John P. Sundberg. Motion for certiorari to review the decision of the circuit court of appeals for the second circuit denied.

No. 11, original.—The State of Iowa, complainant, *vs.* The State of Illinois. Assigned for argument on the second Monday of the next term after cases already set down for that day.

No. 699 of October term, 1890.—The schooner “W. P. Sayward,” etc., appellant, *vs.* The United States. Order of April 27, 1891, staying the mandate in this case vacated, the mandate to issue at the close of the term.

Mr. Attorney-General Miller addressed the court as follows :

May it please the Court : On the 6th day of February last the bar of this court adopted a memorial which I now have the honor to present :

“*Resolved*, That the members of the bar of the Supreme Court of the United States desire to record their sense of the loss that has come to the profession and to the nation in the death of Joseph P. Bradley, justice of this court.

“He brought to the bench long experience, great energy, strong and patriotic convictions, a scholarship as wide and varied as it was thorough and exact, and an unyielding courage. He was at the same time one of those rare characters in which vast learning is united with intense activity and business capacity ; a master of men as well as books, practical as well as theoretical.

During his long service here he has more than done every duty, growing constantly in his work and in the regard of his fellows and of the nation, until, in the fullness of age, rounded and softened by years of judicial duty, gentle scholarship, and labor for the people, he has passed away lamented by the bar, the bench, and the country that he served ; a life complete, with a large place in history among the creators and moulders of our national jurisprudence.

Resolved, That a copy of these resolutions be presented by the president and secretary of this meeting to the family of Mr. Justice Bradley, with the sincere sympathy of the profession in their bereavement, and that the Attorney-General be requested to present to the Supreme Court in session the proceedings of this meeting.”

These occasions are recurring with painful frequency. In each of the years 1887, 1888, 1889, 1890, and now again at the threshold of 1892, an honored member of this court has been summoned into that presence of inconceivable solemnity, where all must appear at last to answer for duty done or duty neglected. Well may the bar and the court say they are "becoming reluctant to grant these, their last highest honors." Yet neither in length of days, nor in their results, is the end of the life of Justice Bradley untimely. Having passed the limit prescribed by the Psalmist, and "by reason of strength" attained almost fourscore years, all the journey rich and useful in the fruits of his talents, his industry, and his learning, "like the mildness, the serenity, the continuing benignity of the summer's day he has gone down with slow, descending, grateful, long-lingering light," the radiance of the evening giving sure promise of a morning and a morrow of endless brightness.

The oldest of eleven children, of Puritan New England lineage, Joseph P. Bradley was born on a farm in Albany County, New York, on the 14th day of March, 1813, and therefore, on January 22d last, the day of his death, was near the end of his seventy-ninth year.

The means of his parents, who at his birth were only nineteen years old, were slender, and the circumstances of his childhood and youth were very hard. The little farm was rugged, almost mountainous, the soil thin and barren. The meager crops were eked out by cutting wood from the hillsides and burning it into charcoal, which young Bradley peddled about the streets of Albany. But though sore pressed to supply the needs of their fast-growing flock, this father and mother were of the intelligent farmer class, so often ambitious to give their children a better chance than their own, and they did for their boy the best they could. A few months' country school in winter, and a few books, were the foundation on which a great superstructure of learning was built, a foundation which, with all due respect to so-called improved school systems and modern methods, it is believed was all the better for the ambitious boy, because the opportunities were rare and the few books so entirely mastered. In the intervals of necessary work we can imagine this boy, in garments homespun and home-made, every thread and every stitch inwoven with the warmth of a mother's love, slight of form but full of life and energy, quick of motion and quick of temper, eager and apt in all the sports with his fellows, but even more eager and more apt in the use of his slight opportunities, by book or school, to feed the beginnings of that hunger of the mind which was the spur of his whole life and which to the last was insatiable.

At sixteen this boy, with so few advantages, instead of a pupil became the teacher of a winter school, an occupation continued for four seasons. This was the best possible training, because it necessitated thoroughness. As a pupil one may get along with superficial knowledge. Before one

can instruct, he must not merely know, but he must know how and why and for what purpose; he must know not merely facts, but principles. At twenty, entering the freshman class at Rutgers, with a very meagre preparation in Greek and Latin, at the end of the year he had, nevertheless, made such progress as to jump the sophomore and enter the junior class, and was graduated two years later with the late Secretary Frelinghuysen, Governor Newell, and Cortlandt Parker, all eminent in the law and in public affairs.

Mr. Parker says that Bradley was *facile princeps* in his class, though compelled to miss the last term of his course, in order, by teaching, to earn money to pay his way.

Of many incidents of his student life, suggestive of his future character and achievements, time forbids to speak. They all prophesied a man of integrity, of industry, and of notable talents.

Young Bradley does not seem to have been strikingly precocious—was not a genius like Grotius or Hamilton, striding at once to the front of his profession. His first years at the bar, as with most young men, were a struggle; his success and greatness were a growth, the result of days of toil and nights of study. The unfolding of the law to him is admirably described in his own language:

“As in the creation we may suppose that the light of the stars did not all burst upon man at a single moment, but came upon him from their distant chambers in successive beams one after another, according to their recondite stations in space, so in the study of the law one great principle after another comes to the yearning mind and overspreads it with light and gladness; and many long years may elapse before one can feel that he has really mastered the law and fully obtained the ‘gladsome light of jurisprudence’ spoken of by Lord Coke.”

As a student and as a man a most striking trait of his character was thoroughness. He studied almost everything, and whatever he studied became his own, a part of his very self.

In concluding the address (already quoted from) delivered by him before the students of the law school of the University of Pennsylvania in 1884, an address worthy the pen of Blackstone, Justice Bradley pictured the ideal lawyer as follows: “To sum up all in one word, in order to be an accomplished lawyer it is necessary, besides having a knowledge of the law, to be an accomplished man, graced with at least a general knowledge of history, of science, of philosophy, of the useful arts, of the modes of business, of everything, in fact, that concerns the well-being and intercourse of men in society. He ought to be a man of large understanding; he must be a man of large acquirements and rich in general information, for he is a priest of the law, which is the bond and support of civil society,

and which extends to and regulates every relation of one man to another in that society and every transaction that takes place in it. Trained in such a profession and having these acquirements and two things more, which can never be omitted from the category of qualifications—incorruptible integrity and a high sense of honor—the true lawyer can not but be the highest style of a man, fit for any position of trust, public or private; one to whom the community can look up as a leader and guide; fit to judge and to rule in the highest places of magistracy and government, an honor to himself, an honor to his kind.”

Studying his life and its results, one is impressed that this picture was ever before him. By a long life of striving, probably more nearly than any one of his time, he attained to that lofty ideal.

Of Sir Thomas More, the first layman commoner to become lord chancellor, and who was wiser than his cotemporaries by at least three hundred years, it is said that “he was perfecting himself in most of the liberal sciences, as music, arithmetic, geometry, astronomy, and growing to be a perfect historian.” So of Judge Bradley. While the law was his business and the great study of his life, many, perhaps I should say most, other fields of knowledge were diligently cultivated, not only as recreations, but as auxiliary to his profession. Mathematics, for which he had a special fondness and aptitude, and which he pursued with delight into its most abstruse applications, astronomy, theology, biblical criticism, languages, literature, science, political economy, in short, he seemed to have studied almost everything, and to have made a part of himself all that his thought had touched. Yet wide and profound as were the general researches of this great man, they were only subsidiary to his work in the law. For thirty years he studied and practiced his profession in all its branches with great diligence and great success.

William Pinkney is said to have declared that, in his time, only two men at the bar of the United States had mastered Coke upon Littleton—Chief-Justice Parsons and himself. Indeed, to acquire a thorough knowledge of English and American jurisprudence, as administered in the courts of law, chancery, and admiralty, is a life task, to be accomplished only by large abilities under the spur of high ambition. Add to this a thorough acquaintance with the jurisprudence of republican and imperial Rome, with the Code Napoleon, and generally with the laws of continental Europe, and we approximate the strictly professional resources of this great lawyer and judge. Indeed, to speak the truth of this man’s marvelous learning is to invite the charge of exaggerated eulogy. Yet neither in his writings nor in personal intercourse was there any display by Justice Bradley of his acquirements. One was impressed, not with what he knew, but with what he was and what he did. All that he learned enlarged the man; it did not merely add to the load of his possessions.

He was a modest man.

“Knowledge is proud that he has learned so much;
Wisdom is humble that he knows no more.”

Nor was Justice Bradley simply a student, a man of learning. He was a practical business man, a man of affairs—a man to be called upon where large business interests were to be handled—a patriot, not only wise in council, but capable, energetic, and efficient in action when the Government was in peril, when troops were to be raised, transportation furnished, and men, munitions, and supplies hurried to the front.

Prior to his appointment to this bench Mr. Bradley never held a public office; yet no man was more active and influential, by word and deed, on the side of whatsoever things were just and of good report in his city and State.

His study of the law was not as something abstract, speculative, lifeless, but in its relations to society—yea, as the very essence, the lifeblood of civil society, even as the surgeon studies the life of his living subject. He had not the gift of eloquence, as the term is generally understood in its relation to juries; but he had what is vastly more important to a lawyer and a judge, the power of clear, terse, vigorous statement, which, illuminating the subject under discussion, if it does not enlist the feelings, does convince the understanding.

Politically his affinity was rather in the school of Hamilton than of Jefferson. He believed that, in framing the Federal Constitution, the fathers intended to create a nation, a sovereign among the sovereigns of the earth; and, his judgment approving their work, he omitted no opportunity to assert and vindicate that sovereignty. Hence in his decisions upon constitutional questions, whether arising out of economic or quasi-political issues, the national idea always appears, even as the strand royal in the woof of all the banners of Britain.

Of the quality and measure of his work as a justice of this court, running through near sixty volumes of the reports, there is no need to speak. With all his learning, with all his familiarity with reported decisions, Justice Bradley's opinions rarely rest primarily on adjudged cases. They are bottomed in principle, and then, when practicable, buttressed by authority. The principle involved is clearly stated, with its necessary logical results, and cases are cited to show that, on similar facts, like deductions have approved themselves to other judges—been sanctioned by other courts. The conclusion is right, not because others have said so, but others with him have said so, because it is right. Being what he was, the work of Justice Bradley could not be less than what it is—worthy of the man, an honor to the great court and the great country for which he spoke. His opinions are their own eulogy, the best, the most enduring monument to the fame of their author.

But let no jurist suppose that popular fame awaits him. Such honors are for more showy service, for men on horseback, or for those in political life who touch the people's heart—excite national enthusiasm. The laws of society like the laws of nature work unseen and in silence. The principle of gravitation, pervading and regulating the material universe, was unnoted by men for near six thousand years. If the law herself, omnipresent and all-beneficent, excites so little interest, her priests, quietly ministering in her temple, must be content with respect and veneration. They may not hope for popular applause.

Justice Bradley was a Christian man, cherished the domestic virtues in his home, was a good neighbor, and a good citizen. He tried always to preserve a conscience void of offense toward God and man. Charges against his integrity or honor fell away from him as hurtless as hail from the face of yonder monument. To assert that such endowments, enriched by such cultivation, have perished, that the light of such a life has sunk in endless night, is to impeach the economy of nature.

Justice Bradley was a great lawyer, a great magistrate, a great man. He exalted the tribunal wherein he sat; he enlarged the measure of the place he occupied. His successor will in due time be appointed; his place will not soon be filled.

The Chief Justice responded :

We receive the memorial of the bar and the address of the Attorney-General as deserved tributes to the eminent man, whose labors have illuminated the conclusions of this tribunal, and whose gracious presence has been to its members a source of inspiration and fraternal regard, for so many years. We, indeed, sorrow deeply that we shall see his face no more.

The story of the lives of those who have triumphed over adverse circumstance and by indomitable will and industry attained that greatness in usefulness and in fame to which their mental gifts entitled them, is always full of interest and instruction, and in portraying the early difficulties surmounted by our departed brother, the Attorney-General has justly called attention to the impressive lesson taught, in that particular, by his career, and indicated one of the most striking grounds of the success with which that career was attended. For the capacity for unremitting intellectual toil was his, accompanied by that power of concentration wherein lies the secret of mastery.

He had not only the "inquiring" but the "intending" mind. He not only looked into things, but threw himself upon them and possessed himself of them. In each instance, his nature seemed subdued to what it worked in, "like the dyer's hand." Minuteness and comprehensiveness went together, so that to his understanding the illustration from the

Arabian Nights might well be applied, as it was to Bacon, that it resembled the fairy's tent, which could be placed, perfect in its proportions, on the hand, but set up upon the plain, whole armies could encamp beneath its shade.

It would be unreasonable to say that he took "all knowledge for his province," yet the range of his studies was vast; the books chewed and digested, many; and his acquaintance with affairs so extensive, that what was original and what acquired poured from him in a common flood.

If, as has been said, great judges may be divided into those who decide the particular dispute correctly, and those who, in doing that, expound the principles which will govern future cases, Mr. Justice Bradley undeniably belonged to the latter class; for his decisions in disposing of the matter in hand so explained the reason and the philosophy of the rule applied, as to furnish a guide to the solution of problems to come.

Taking his seat upon this bench, conversant with every branch of the law, and with a mind filled with the results of brooding over fundamental principles in the vigils of many years, there is no ground for surprise that he has left a lasting impress upon the jurisprudence of his country. His opinions from the 9th Wallace to the 141st United States (numbering nearly five hundred), couched in pure, undefiled English, vigorous but elegant, whether in the great domain of constitutional law, in cases at law or in equity, in admiralty, in patent causes, covering the whole field of judicial investigation, whether involving the application of the subtle learning of the common law, or the refined and equitable distinctions of the civil, whether treating of the principles of social order, of civil and political liberty, the bases of forms of government or the immortal structure of his own, constitute a repository of statesmanlike views, and of enlightened rules in the administration of justice, resting upon the eternal principles of right and wrong, which will never pass into oblivion—an edifice which will remain even though time erase from its corner stone the name of the architect and builder. This is the exceeding great reward of an illustrious magistrate, that his work in contributing to the progress and happiness of mankind by the just enforcement of the laws, will last as long as humanity endures.

The President of the United States, in acknowledging the official notification of Mr. Justice Bradley's death, said: "He was not only learned in the law, but the temper of his mind was so fine and his wisdom so great that I do not wonder that you valued his counsels so highly." This observation is discriminating and just, for it touches that reserved force, termed character, which gave Mr. Justice Bradley an influence beyond the mere words he wrote or uttered. Fineness of mind, wisdom of thought, cordiality of heart, simplicity of manner, conscientious devotion to duty, an absolute integrity—these he had, and possessing these, he has

left no unfinished window in the palace of the reputation bequeathed to posterity. Never suffering the talents given him to be weakened or extirpated by disuse, he persevered in the performance of public duty far beyond the period assigned as entitling to well-earned repose.

And so beneath the quiet stars, that appeared in the heavens as the twilight faded away, he continued to reap the harvest of a well-spent life, and at the summons of his Master came, bringing his sheaves with him.

An adjournment has heretofore been had as a mark of respect to the memory of our beloved associate, and a majority of our number has attended the committal of his body in the sure and certain hope of the life of the world to come. The resolutions and the remarks which have accompanied their presentation will be entered upon the record.

No. 145.—Daniel Magone, collector, &c., plaintiff in error, *vs.* Clara Rosenstein. Mandate granted on motion of Mr. Assistant Attorney-General Maury for the plaintiff in error.

No. 1085.—The United States, appellant, *vs.* Schoverling, Daly & Gales. Motion to advance submitted by Mr. Albert Comstock for appellees.

No. 525.—The Sheffield Furnace Company, appellant, *vs.* James P. Witherow. Motion for leave for Henry McCormick, assignee, &c., to be made appellee herein in place of James P. Withrow, submitted by Mr. A. H. Wintersteen in support of motion. Motion to vacate supersedeas submitted by Mr. A. H. Wintersteen in support of motion and by Mr. J. H. Nathan in opposition thereto, who also moved for leave to file new appeal bond.

No. 12.—Original. The State of Maryland, complainant, *vs.* The State of West Virginia. Leave granted to file answer and cross bill on or before the second Monday of the next term, on motion of Mr. Alfred Caldwell for the defendant.

No. 13.—Original. *Ex parte*, in the matter of John O. Shaw, jr., trustee, petitioner. Leave granted to Mr. J. Hubley Asleton to intervene herein and file brief on or before Wednesday next.

No. 367.—The St. Louis, Iron Mountain and Southern Railway Company, plaintiff in error, *vs.* Solon Humphreys *et al.*, trustees. In error to the circuit court of the United States for the southern district of New York. Dismissed per stipulation.

No. 198.—Harriet C. Jones *et al.*, administrators and appellants, *vs.* Eliza A. Cunningham *et al.* Passed.

No. 189.—The Chateaugay Ore and Iron Company, plaintiff in error, *vs.* Theodore A. Blake. Argument continued by Mr. Edmund Wetmore for the plaintiff in error, and by Mr. R. D. Mussey and Mr. L. E. Chit-

tenden for the defendant in error, and concluded by Mr. Frank E. Smith for the plaintiff in error.

No. 190.—Jane G. Waterman, executrix, etc., appellant, *vs.* James M. Banks, executor, etc., and

No. 191.—J. L. Porter, appellant, *vs.* James M. Banks, executor, etc. Argument commenced by Mr. George F. Edmunds for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 8, will be as follows: Nos. 190 (and 191), 193, 194, 197, 201, 202, 204, 205, 206, and 207.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 8, 1892.

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

S. P. Hamilton, of Chester, S. C., and W. L. Hillyer, of Washington, D. C., were admitted to practice.

No. 217.—Thomas J. Fisher, appellant, *vs.* J. Randolph Tucker *et al.* Suggestion of death of Thomas J. Fisher and motion to substitute Jessie Adelaide Sunderland as appellant herein, submitted by Mr. C. J. Hillyer in support of motion.

No. 190. Jane G. Waterman, executrix, etc., appellant, *vs.* James M. Banks, executor, etc.; and

No. 191.—J. L. Porter, appellant, *vs.* James M. Banks, executor. Argument continued by Mr. George F. Edmunds for the appellants, by Mr. C. C. Bonney for the appellees, and concluded by Mr. George F. Edmunds for the appellants.

No. 13.—Original. *Ex parte:* In the matter of John O. Shaw, jr., trustee, petitioner. Argument of return to rule to show cause commenced by Mr. Michael H. Cardozo for the petitioner and concluded by Mr. Don M. Dickinson for the respondent.

No. 193.—The Spaulding Lumber Company, plaintiff in error, *vs.* The United States. Argument commenced by Mr. F. O. Clark for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 9, will be as follows: Nos. 193, 194, 197, 201, 202, 204, 205, 206, 207, and 208.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 9, 1892.

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

Frank L. Freeman, of Washington, D. C., was admitted to practice.

No. 194.—The Lehigh Zinc and Iron Company (limited), plaintiff in error, *vs.* Charles Banford *et al.* Passed, per stipulation suggesting death of Charles Banford, on motion of Mr. William A. McKenney in behalf of counsel.

No. 233.—George E. Hamilton, appellant, *vs.* Lucia B. Cutts *et al.* Appeal from the supreme court of the District of Columbia. Dismissed, clerk's costs to be paid by appellant, per stipulation.

No. 359.—The Citizens Street Railway Company, of Pine Bluff, Ark., appellant, *vs.* Wiley Jones. Appeal from the circuit court of the United States for the eastern district of Arkansas. Dismissed with costs on motion of counsel for appellant.

No. 387.—The First National Bank of Pine Bluff, Arkansas, *et al.*, plaintiffs in error, *vs.* The Hanover National Bank of the city of New York. In error to the circuit court of the United States for the eastern district of Arkansas. Dismissed with costs on motion of counsel for plaintiffs in error.

No. 193.—The Spalding Lumber Company, plaintiff in error, *vs.* The United States. Argument continued by Mr. F. O. Clark, for the plaintiff in error, by Mr. Solicitor-General Taft, for the defendant in error, and concluded by Mr. F. O. Clark, for the plaintiff in error.

No. 197.—Clinton C. Tripp, plaintiff in error, *vs.* The Santa Rosa Street Railroad Company *et al.* Submitted by Mr. P. G. Galpine, for the plaintiff in error. No counsel appeared for the defendant in error.

No. 201.—Jared W. Dillman, appellant, *vs.* John F. Hastings *et al.*, administrators, etc. Argued by Mr. A. S. Worthington for the appellant. No counsel appeared for the appellees.

No. 204.—The Pope Manufacturing Company, appellant, *vs.* R. Philip Gormully, and

No. 205.—The Pope Manufacturing Company, appellant, *vs.* The Gormully and Jeffery Manufacturing Company *et al.* Argument commenced by Mr. L. L. Coburn for the appellants, and continued by Mr. C. K. Affield for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 10, will be as follows: Nos. 204, (and 205), 206 (and 207 and 208), 202, 210, 211, 212, 214, 216, 217, and 218.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 10, 1892.

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

B. F. Leighton, of Washington, D. C., and Edwin A. Austin, of Topeka, Kansas, were admitted to practice.

No. 120.—The City of Brenham, plaintiff in error, *vs.* The German-American Bank. Leave granted to Mr. W. Hallett Phillips to withdraw his appearance as counsel for the plaintiff in error.

No. 1143.—The Chicago and Northwestern Railway Company, appellant, *vs.* The State of Iowa. Appeal from the circuit court of the United States for the southern district of Iowa. Dismissed with costs on motion of Mr. W. C. Goudy, for the appellant.

No. 1144.—The Chicago and Northwestern Railway Company, appellant, *vs.* Spencer Smith, *et al.*, commissioners, etc. Appeal from the circuit court of the United States for the southern district of Iowa. Dismissed with costs, on motion of Mr. W. C. Goudy, for the appellant.

No. 1145.—The Sioux City and Pacific Railway Company, appellant, *vs.* Spencer Smith, *et al.*, commissioners, etc. Appeal from the circuit court of the United States for the southern district of Iowa. Dismissed with costs on motion of Mr. W. C. Goudy, for the appellant.

No. 1141.—The Chicago, Burlington and Quincy Railroad Company, appellant, *vs.* The State of Iowa. Appeal from the circuit court of the United States for the southern district of Iowa. Dismissed with costs on authority of counsel for appellant.

No. 1142.—The Chicago, Burlington and Quincy Railroad Company, appellant, *vs.* Spencer Smith *et al.*, commissioners, etc. Appeal from the circuit court of the United States for the southern district of Iowa. Dismissed with costs on authority of counsel for the appellant.

No. 1218.—The Chicago, Burlington and Quincy Railroad Company, appellant, *vs.* Peter A. Day *et al.*, commissioners, etc., appeal from the circuit court of the United States for the southern district of Iowa. Dismissed with costs on authority of counsel for the appellant.

No. 214.—The Globe Telephone Company of New York *et al.*, appellants, *vs.* The American Bell Telephone Company *et al.* Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs, pursuant to the 10th rule.

No. 218.—Milton H. Bennett *et al.*, plaintiffs in error, *vs.* Frank R. Baker. In error to the circuit court of the United States for the northern district of Illinois. Dismissed with costs, pursuant to the 10th rule.

No. 204.—The Pope Manufacturing Company, appellant, *vs.* R. Philip Gormully; and

No. 205.—The Pope Manufacturing Company, appellant, *vs.* The Gormully and Jeffery Manufacturing Company *et al.* Argument continued by Mr. Charles K. Offield and Mr. W. C. Goudy for the appellees, and concluded by Mr. Edmund Wetmore for the appellant.

Nos. 206, 207, 208.—The Pope Manufacturing Company, appellant, *vs.* The Gormully and Jeffery Manufacturing Company *et al.* Argument commenced by Mr. L. L. Coburn for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 11, will be as follows: Nos. 206 (207 and 208), 202, 210, 211, 212, 216, 217, 1448, 1340 (and 1416), and 120.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 11, 1892.

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

Henry A. M. Smith, of Charleston, S. C., and Pliny B. Smith, of Chicago, Ill., were admitted to practice.

Nos. 206, 207, 208.—The Pope Manufacturing Company, appellant, *vs.* The Gormully and Jeffery Manufacturing Company *et al.* Argument continued by Mr. L. L. Coburn for the appellant, by Mr. Charles K. Offield for the appellees, and concluded by Mr. Edmund Wetmore for the appellant.

No. 202.—Samuel H. Kissam *et al.*, plaintiffs in error, *vs.* Henry J. Anderson, receiver, &c. Argument commenced by Mr. George Zabriskie for the plaintiffs in error.

Adjourned until Monday next at twelve o'clock.

The day call for Monday, March 14, will be as follows: Nos. 202, 210, 211, 212, 216, 217, 1448, 1340 (and 1416), 120, and 889.

9214—80



SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 14, 1892.

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

S. L. Samuels, of Waco, Tex., and Louis M. Fulton, of New York city, were admitted to practice.

No. 165.—The Ansonia Brass and Copper Company, appellant, *vs.* The Electrical Supply Company. Appeal from the circuit court of the United States for the district of Connecticut. Decree affirmed with costs. Opinion by Mr. Justice Brown; dissenting, Mr. Justice Field.

No. 175.—James Larkin *et al.*, plaintiffs in error, *vs.* David N. Upton *et al.* In error to 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 Brewer.

No. 1157.—The United States, appellant, *vs.* William Wilson. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Lamar.

No. 146.—Otto Heinze *et al.*, plaintiffs in error, *vs.* Charles E. Miller *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 an instruction to grant a new trial. Opinion by Mr. Justice Blatchford.

No. 147.—Adolph Liebenroth *et al.*, plaintiffs in error, *vs.* William H. Robertson, late collector, 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 an instruction to grant a new trial. Opinion by Mr. Justice Blatchford.

No. 177.—William C. Wilson, plaintiff in error, *vs.* Jesse Seligman. In error to the circuit court of the United States for the eastern district of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Gray.

No. 170.—Benjamin F. Butler, plaintiff in error, *vs.* The National Home for Disabled Volunteer Soldiers. 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 Harlan. Dissenting, Mr. Justice Brown. (The Chief Justice and Mr. Justice Gray took no part in the decision of this case.

No. 149.—Andrew Wesley Kent, executor, etc., appellant, *vs.* The Lake Superior Ship Canal and Iron Company, *et al.* Appeal from the circuit court of the United States for the eastern district of New York. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 1458.—Lau Ow Bew, appellant *vs.* the United States. On writ of certiorari to the United States circuit court of appeals for the ninth circuit. Judgment reversed and cause remanded to the circuit court of the United States for the northern district of California, with directions to reverse its judgment and discharge the petitioner. Opinion by Mr. Chief Justice Fuller. Mandate granted.

The Chief Justice announced the following orders of the court.

No. 525.—The Sheffield Furnace Company, appellant, *vs.* James P. Witherow. Motion to add the name of Henry McCormick as appellee and to amend the record denied. Motion to require appellant to give new bond granted and appellant ruled to file a new supersedeas bond within thirty days, to be approved by the clerk of this court.

No. 1085.—The United States, appellant, *vs.* Schoverling, Daly & Gales. Motion to advance granted and cause assigned for argument on the third Monday of the next term.

No. 1458.—Lau Ow Bew, appellant, *vs.* The United States. Ordered that writ of certiorari issue, returnable forthwith, and that the record already filed be taken as the return thereto in accordance with the stipulation of the parties.

No. 271.—Hiram Barney, late collector, etc., plaintiff in error, *vs.* Stephen W. Waterbury *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 Taft, for the plaintiff in error.

Nos. 1051, 1473.—Edward H. Horner, appellant, *vs.* The United States *et al.* Mandates granted on motion of Mr. Solicitor-General Taft for the appellees.

No. 704.—The United States, appellant, *vs.* A. G. Norrell. Mandate granted on motion of Mr. Solicitor-General Taft for the appellant.

No. 1221.—The United States, appellant, *vs.* Perry & Ryer. Motion to advance submitted by Mr. Solicitor-General Taft in support of motion.

No. 271.—Hiram Barney, late collector, etc., plaintiff in error, *vs.* Stephen W. Waterbury *et al.* Mandate granted on motion of Mr. Frederic D. McKenney for the defendants in error.

No. 1330.—Albert H. Glaspell, plaintiff in error, *vs.* The Northern Pacific Railroad Company. Submitted pursuant to the 32d rule by Mr. Samuel L. Glaspel for the plaintiff in error, and by Mr. A. H. Garland and Mr. H. J. May for the defendant in error.

No. 1513.—The Farmers and Merchants' State Bank *et al.*, appellants, *vs.* David Armstrong, receiver, etc. Advanced to be heard with No. 377 as one case on motion of Mr. J. W. Warrington for the appellants.

No. 202.—Samuel H. Kissam *et al.*, plaintiffs in error, *vs.* Henry J. Anderson, receiver, etc. Argument continued by Mr. George Zabriskie for the plaintiffs in error; by Mr. George W. Wingate and Mr. Benjamin H. Bristow for the defendant in error; and concluded by Mr. Joseph H. Choate for the plaintiffs in error.

No. 1448.—The Coosaw Mining Company, appellant, *vs.* The State of South Carolina, *ex rel.* B. R. Tillman, *et al.* Substituted for No. 210 in the call by consent of counsel in both cases. Argument commenced by Mr. Augustine T. Smythe for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 15, will be as follows: Nos. 1448, 211, 212, 216 (and 217), 210, 1340 (and 1416), 120, 889, 97, and 186.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 15, 1892.

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

Henry B. B. Stapler and John De Witt Warner, of New York City, Arthur L. Hughes, of Chicago, Ill., and Wm. E. Simmons, of Lawrenceville, Ga., were admitted to practice.

No. 1513.—The Farmers and Merchants' State Bank *et al.*, appellants, *vs.* David Armstrong, receiver, etc. Motion that the whole record of the case be sent up to this court for its consideration, submitted by Mr. J. W. Warrington for the appellants.

No. 1516.—William M. Marine, collector, etc., appellant, *vs.* Eldridge Packham *et al.*, etc. Appeal from the circuit court of the United States for the district of Maryland. Dismissed with costs, on motion of Mr. Solicitor-General Taft for the appellant.

No. 221.—The New England Mortgage Security Company, plaintiff in error, *vs.* Jacob M. Gay. Writ of certiorari awarded on motion of Mr. N. J. Hammond for the plaintiff in error.

No. 1484.—The New Chester Water Company *et al.*, appellants, *vs.* The Holly Manufacturing Company. Appeal from the circuit court of the United States for the eastern district of Pennsylvania. Dismissed with costs, per stipulation.

No. 1448.—The Coosaw Mining Company, appellant, *vs.* The State of South Carolina, *ex rel.* B. R. Tellman *et al.* Argument continued by Mr. Augustine T. Smythe for the appellant, by Mr. Henry A. M. Smith and Mr. George S. Mower for the appellees, and concluded by Mr. Edward McCrady, jr., for the appellant.

No. 211.—Ora Haley, plaintiff in error, *vs.* Lewis H. Breeze, treasurer, etc. Submitted by Mr. W. T. Hughes for the plaintiff in error and by Mr. D. E. Parks for the defendant in error.

No. 212.—Eleanor Nesbit, plaintiff in error, *vs.* The Independent District of Riverside, County of Lyon, submitted by Mr. W. Willoughby for the plaintiff in error. No counsel appeared for the defendant in error.

No. 216.—F. W. Sharon *et al.*, Trustees, appellants, *vs.* J. Randolph Tucker *et al.*, and

No. 217. Thomas J. Fisher, appellant, *vs.* J. Randolph Tucker *et al.* Argument commenced by Mr. J. H. Ralston for the appellants, and continued by Mr. Henry Wise Garnett and Mr. Eppa Hunton for the appellees, and by Mr. C. J. Hillyer for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 16, will be as follows: Nos. 216 (and 217), 210, 1340 (and 1416), 120, 889, 97, 186 (and 278), 219, 221, and 222.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 16, 1892.

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

Charles E. Hellier, of Boston, Mass.; Darius D. Hare, of Upper Sandusky, Ohio, and James W. Owens, of Newark, Ohio, were admitted to practice.

No. 216.—F. W. Sharon *et al.*, trustees, appellants, *vs.* J. Randolph Tucker *et al.*, and

No. 217.—Thomas J. Fisher, appellant, *vs.* J. Randolph Tucker *et al.* Argument concluded by Mr. C. J. Hillyer for the appellants.

No. 210.—Josiah Bedon, plaintiff in error, *vs.* William R. Davie *et al.* Argued by Mr. S. P. Hamilton and Mr. Mills Dean for the plaintiff in error, and by Mr. Edward McCrady, jr., for the defendants in error.

No. 1340.—The Pewabic Mining Company, appellant, *vs.* Thomas H. Mason *et al.*, and

No. 1416.—Alfred A. Marcus, appellant, *vs.* Thomas H. Mason *et al.* Argument commenced by Mr. J. L. Stackpole for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 17, will be as follows: Nos. 1340 (and 1416), 120, 889, 97, 186 (and 278), 219, 221, 222, 223, and 224.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 17, 1892.

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

Thos. Jefferson Pereles, of Milwaukee, Wis., and Elwood C. Harris, of Newark, N. J., were admitted to practice.

No. 1340.—The Pewabic Mining Company, appellant, *vs.* Thomas A. Mason *et al.*, and

No. 1416.—Alfred A. Marcus, appellant, *vs.* Thomas H. Mason *et al.* Argument continued by Mr. Robert M. Morse for the appellants, by Mr. Don M. Dickinson for the appellees, and concluded by Mr. T. H. Talbot for the appellants.

No. 120.—The city of Brenham, plaintiff in error, *vs.* The German-American Bank. Argued by Mr. A. H. Garland for the defendant in error, and submitted by Mr. S. R. Fisher for the plaintiff in error, and by Mr. Henry Sayles for the defendant in error.

No. 889.—The Interstate Commerce Commission, appellant, *vs.* The Baltimore and Ohio Railroad Company. Argument commenced by Mr. A. G. Safford for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 18, will be as follows: Nos. 889, 97, 186 (and 278), 219, 221, 222, 223, 224, 225, and 226.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 18, 1892.

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

James H. Shankland, of Los Angeles, Cal., and Clarence D. Ashley, of New York City, were admitted to practice.

No. 1353.—William M. Marine, collector, etc., appellant, *vs.* Arthur W. Robson. Appeal from the circuit court of the United States for the district of Maryland. Dismissed with costs, on motion of Mr. Solicitor-General Taft for the appellant.

No. 252.—Benjamin F. Butler, plaintiff in error, *vs.* Charles P. Goreley, assignee, etc. Continued per stipulation, on motion of Mr. O. D. Barrett for the plaintiff in error.

No. 889.—The Interstate Commerce Commission, appellant, *vs.* The Baltimore and Ohio Railroad Company. Argument continued by Mr. A. G. Safford for the appellant, by Mr. John K. Cowen for the appellee, and concluded by Mr. Samuel Shellabarger for the appellant.

No. 97.—Charles L. Ficklen *et al.*, plaintiffs in error, *vs.* The Taxing District of Shelby County, Tennessee, *et al.* Argument commenced by Mr. S. P. Walker for the defendants in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 21, will be as follows: Nos. 97, 186 (and 278), 219, 221, 222, 223, 224, 225, 226, and 228.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 21, 1892.

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

John J. Lentz, of Columbus, Ohio, Fabius M. Clarke, of New York City, and James M. Brown, of Toledo, Ohio, were admitted to practice.

No. 159.—Johnson M. Camden, appellant, *vs.* William A. Stuart *et al.*, and

No. 643.—William A. Stuart, appellant, *vs.* The Greenbrier White Sulphur Springs Company. Appeals from the circuit court of the United States for the district of West Virginia. Decree affirmed with costs and interest, *nunc pro tunc* as of January 18, 1892. Opinion by Mr. Justice Brown.

No. 188.—Laurent Lacassagne, appellant, *vs.* Francois Chapuis, testamentary executor, etc. Appeal from the circuit court of the United States for the western district Louisiana. Decree dismissing the bill absolutely so modified as to declare that it is without prejudice to an action at law, and, as so modified, affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 211.—Ora Haley, plaintiff in error, *vs.* Lewis H. Breeze, treasurer, &c. In error to the supreme court of the State of Colorado. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

Ex parte.—In the matter of Thomas H. Heath, petitioner. Petition for a writ of error denied. Opinion by Mr. Chief Justice Fuller.

No. 176.—Eugene C. Gordon, plaintiff in error, *vs.* The Third National Bank of Chattanooga, Tenn. In error to the circuit court of the United States for the northern district of Alabama. Judgment affirmed with costs and interest. Opinion by Mr. Chief Justice Fuller.

No. 197.—Clinton C. Tripp, plaintiff in error, *vs.* The Santa Rosa Street Railroad Company *et al.* In error to the supreme court of the State of California. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court :

No. 217.—Thomas J. Fisher, appellant, *vs.* J. Randolph Tucker *et al.* The death of Thomas J. Fisher, the appellant herein, having been suggested, leave granted to substitute the executors of Fisher and their grantee as parties appellants in this cause.

No. 1221.—The United States, appellant, *vs.* Perry & Ryer. Motion to advance granted and cause assigned for argument on the third Monday of the next term, after cases already set down for that day.

No. 1513.—The Farmers and Merchants' State Bank *et al.*, appellants, *vs.* David Armstrong, receiver, etc. Motion that the whole record be directed to be sent up, denied.

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. 171.—The Winona and St. Peter Railroad Company, plaintiff in error, *vs.* The Town of Plainview, and

No. 172.—The Winona and St. Peter Railroad Company, plaintiff in error, *vs.* The Town of Elgin. Motion for mandates denied.

No. 988.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* J. L. Patterson, county treasurer, etc. Motion to advance submitted by Mr. A. H. Garland in support of same.

No. 290.—The American Artificial Stone Pavement Company (limited), appellant, *vs.* The Vulcanite Paving Company *et al.* Motion to reverse decree of circuit court herein per stipulation, submitted by Mr. Hector T. Fenton for the appellant.

No. 1122.—The Monongahela Navigation Company, appellant and plaintiff in error, *vs.* The United States. Motion to advance submitted by Mr. Attorney-General Miller in support of same.

No. 1148.—The Sioux City and St. Paul Railroad Company, appellant, *vs.* The United States. Motion to advance submitted by Mr. Attorney-General Miller in support of same.

No. 1352.—George H. Francouer, plaintiff in error, *vs.* Oscar Newhouse. In error to the circuit court of the United States for the northern district of California. Dismissed with costs per stipulation, on motion of Mr. S. S. Burdett for the defendant in error.

No. 254.—Robert A. Balloch, appellant, *vs.* William R. Hooper *et al.* On suggestion of death of William Hooper, one of the appellees herein, order of publication granted, on motion of Mr. S. S. Henkle for the appellant.

No. 185.—The people of the State of New York *ex rel.* the New York Electric Lines Company, plaintiff in error, *vs.* Rollin M. Squire, as commissioner of public works, etc. Leave to intervene and file brief herein granted Mr. Melville Egleston; brief to be filed on or before Friday next.

No. 1400.—Oscar Rice, plaintiff in error, *vs.* Jane Sanger, administratrix. Motion to dismiss submitted by Mr. William A. McKenney in behalf of Mr. J. D. McCleverty in support of motion, and by Mr. E. F. Ware in opposition thereto.

No. 97.—Charles L. Ficklen *et al.*, plaintiffs in error, *vs.* The Taxing District of Shelby County, Tennessee, *et al.* Argument concluded by Mr. W. Hallett Phillips for the plaintiffs in error.

No. 186.—William Crawford, appellant, *vs.* Charles A. Neal, and

No. 278.—Charles A. Neal, appellant, *vs.* John A. Crawford *et al.* Argued by Mr. C. E. S. Wood for Neal, and by Mr. John H. Mitchell for Crawford *et al.*

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 22, 1892, will be as follows: Nos. 219, 221, 222, 223, 224, 225, 226, 228, 229, and 231.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 22, 1892.

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

Julius C. Pomerene, of Coshocton, Ohio, Barrett Potter, of Brunswick, Me., and Albert Swartzlander, of Omaha, Nebr., were admitted to practice.

No. 229.—The Railway Register Manufacturing Company, appellant, *vs.* The Central Park, North and East River Railroad Company *et al.*, and

No. 267.—The Railway Register Manufacturing Company, appellant, *vs.* The Broadway and Seventh Avenue Railroad Company, *et al.* Continued per stipulation.

No. 231.—John M. Lamb, appellant, *vs.* Robert McGuire. Appeal from the supreme court of the Territory of Idaho. Dismissed with costs pursuant to 10th rule, and remanded to the supreme court of the State of Idaho.

No. 219.—John Price, administrator, etc., plaintiff in error, *vs.* The Detroit, Grand Haven and Milwaukee Railway Company. Argued by Mr. E. G. Stevenson for the plaintiff in error, and by Mr. W. A. Day for the defendant in error.

No. 221.—The New England Mortgage Security Company, plaintiff in error, *vs.* Jacob M. Gay. Argued by Mr. N. J. Hammond for the plaintiff in error. No counsel appeared for the defendant in error.

No. 222.—Freeman C. Dodge *et al.*, appellants, *vs.* L. W. Tulleys, trustee, *et al.* Argument commenced by Mr. Albert Swartzlander for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 23, will be as follows: Nos. 222, 223, 224, 225, 226, 228, 232, 235, 236, and 238.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 23, 1892.

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

Melvin Grigsby, of Sioux Falls, South Dak., and James Burrow Dennis, of Cape Girardeau, Mo., were admitted to practice.

No. 232.—Elijah W. Meddaugh *et al.*, appellants, *vs.* Nathaniel Wilson. Passed per stipulation on account of sickness of counsel.

No. 238.—Mary Wall, appellant, *vs.* The District of Columbia. Appeal from the supreme court of the District of Columbia *et al.* Dismissed with costs pursuant to the 10th rule.

No. 222.—Freeman C. Dodge *et al.*, appellants, *vs.* L. W. Tulleys, trustee, *et al.* Argument concluded by Mr. Albert Swartzlander for the appellants and submitted by Mr. Smith McPherson for the appellees.

No. 223.—The Quincy, Missouri and Pacific Railroad Company *et al.*, appellants, *vs.* Solomon Humphreys *et al.*, receivers, etc. On motion of Mr. D. H. Chamberlain leave granted to Mr. James Thomson to file brief on part of the appellants and to counsel for appellees to file reply brief, both to be filed within one week. Leave also granted to two counsel to open the case for the appellants. Argued by Mr. D. H. Chamberlain and Mr. Everett W. Pattison for the appellants, and by Mr. Wells H. Blodgett and Mr. Thomas H. Hubbard for the appellees.

No. 224.—The Hartford Life and Annuity Insurance Company *vs.* Emily Unsell. Submitted by Mr. Chester H. Krum for the plaintiff in error, and by Mr. George D. Reynolds for the defendant in error.

No. 225.—Elizabeth S. Smith, executrix, etc., appellant, *vs.* Artemas Gale *et al.* Argument commenced by Mr. C. K. Davis for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 24, will be as follows: Nos. 225, 226, 228, 235, 236, 239, 240, 241, 242, and 243.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 24, 1892.

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

Mr. A. Walker Otis, of New York City, and James O'Neill, of Neillsville, Wis., were admitted to practice.

No. 243.—The Commercial National Bank *et al.*, appellants, *vs.* Brown, Bonnell & Company *et al.* Appeal from the circuit court of the United States for the northern district of Ohio. Dismissed, with costs, pursuant to the tenth rule.

No. 225.—Elizabeth S. Smith, executrix, &c., appellants, *vs.* Artemus Gale *et al.* Argument concluded by Mr. C. K. Davis, for the appellees, and submitted by Mr. Enoch Totten and Mr. Franklin H. Mackey, for the appellant.

No. 226.—Belford, Clark & Company *et al.*, appellants, *vs.* Charles Scribner. Submitted by Mr. Newton A. Partridge for the appellants, and by Mr. Walter C. Larned for the appellee.

No. 228.—Delos E. Culver, plaintiff in error, *vs.* George Wilkinson, receiver, etc. Passed on account of sickness of counsel.

No. 235.—Hiram H. McLane *et al.*, appellants, *vs.* Z. King & Son *et al.* Argued by Mr. A. G. Riddle for the appellees, and submitted by Mr. M. F. Morris for the appellants.

No. 236.—Pleasant H. Pendleton *et al.*, plaintiffs in error, *vs.* Charles H. Russell, receiver, etc. Argued by Mr. A. Walker Otis for the plaintiffs in error, and submitted by Mr. James A. Dennison for the defendant in error.

No. 239.—The Syracuse Chilled Plow Company, appellant, *vs.* J. S. Robinson *et al.* Appeal from the circuit court of the United States for the northern district of New York. Dismissed with costs for want of prosecution.

No. 240.—The Columbia and Puget Sound Railroad Company, plaintiff in error, *vs.* Willard C. Hawthorne. Argued by Mr. A. H. Holmes for the plaintiff in error, and by Mr. John B. Allen for the defendant in error.

No. 241.—The ship *Blue Jacket*, etc., appellant, vs. The Tacoma Mill Company. Argument commenced by Mr. John B. Allen for the appellant, and continued by Mr. John H. Mitchell for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 25, will be as follows: Nos. 241, 242, 244, 245, 246, 247, 248, 249, 250, and 253.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 25, 1892.

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

Elbert D. Weed, of Helena, Mont., Louis G. Richardson, of Toledo, Ohio, and S. L. Glasgow and Jno. J. Seerley, of Burlington, Iowa, were admitted to practice.

No. 419.—The Farmers' Loan and Trust Company, appellant, *vs.* Morgan's Louisiana and Texas Railroad and Steamship Company *et al.* Appeal from the circuit court of the United States for the northern district of Texas. Dismissed per stipulation.

No. 241.—The ship "Blue Jacket," etc., appellants, *vs.* The Tacoma Mill Company. Argument continued by Mr. John H. Mitchell for the appellee and concluded by Mr. John B. Allen for the appellant.

No. 242.—The J. S. Keator Lumber Company, plaintiff in error, *vs.* Benjamin F. Thompson *et al.* Argued by Mr. James O'Neill for the defendants in error and submitted by Mr. J. K. Edsall for the plaintiff in error.

No. 244.—Joseph T. Torrence, appellant, *vs.* Susan M. Shedd *et al.* Argued by Mr. C. M. Osborn for the appellant and by Mr. Frederic Ullman and Mr. William Ritchie for the appellees.

No. 245.—Roger M. Sherman, plaintiff in error, *vs.* Irving Grinnell *et al.*, executors, etc. Argued by Mr. Treadwell Cleveland for the defendants in error and submitted by Mr. Roger M. Sherman for the plaintiff in error.

No. 246.—Henry Hayes, administrator, etc., appellant, *vs.* Dundas T. Pratt, executor, etc., *et al.* Argued by Mr. A. Q. Keasbey for the appellant and by Mr. John R. Emery for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 28, will be as follows: Nos. 247, 248, 249, 250, 253, 255, 256, 257, 258, and 259.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 28, 1892.

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

Myra Bradwell, of Chicago, Ill.; Wm. H. Mitchell, of Boston, Mass.; Allan R. Joy, of Livingston, Mont.; Horace G. Stone, of St. Paul, Minn.; and Frank J. Mather, of New York city, were admitted to practice.

No. 1391.—The United States, appellant, *vs.* David E. Budd *et al.* Appeal from the circuit court of the United States for the district of Washington. Decree affirmed. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Brown and Mr. Justice Harlan.

No. 210.—Josiah Bedon, plaintiff in error, *vs.* William R. Davie *et al.* In error to the district court of the United States for the western district of South Carolina. Judgment affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 120.—The City of Brenham, plaintiff in error, *vs.* The German-American Bank. In error to the circuit court of the United States for the western district of Texas. Judgment reversed with costs and cause remanded, with a direction to sustain the defendant's general demurrer and special demurrer and exceptions to the plaintiff's original petition, and to sustain the special exceptions and demurrers of the defendant to the plaintiff's supplemental petition, and to enter judgment thereon in favor of the defendant and dismissing both of said petitions with a general judgment for the defendant. Opinion by Mr. Justice Blatchford. Dissenting: Mr. Justice Harlan, Mr. Justice Brewer, and Mr. Justice Brown.

No. 198.—Jane G. Waterman, executrix, etc., appellant, *vs.* James M. Banks, executor, etc., and

No. 191.—J. L. Porter, appellant, *vs.* James M. Banks, executor, etc. Appeals from the circuit court of the United States for the northern district of California. Decrees reversed with costs and causes remanded with directions to dismiss the bills. Opinion by Mr. Justice Harlan.

No. 1400.—Oscar Rice, plaintiff in error, *vs.* Jane Sanger, administratrix. In error to the supreme court of the State of Kansas. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 201.—Jared W. Dillman, appellant, *vs.* John F. Hastings *et al.*, administrators, etc. Appeal from the circuit court of the United States for the northern district of Ohio. Decree reversed with costs and cause remanded, with a direction to enter a decree for \$13,912.95, with interest at six per cent from February 12, 1886, to the date of the decree. Opinion by Mr. Chief Justice Fuller.

No. 869.—The Southern Kansas Railway Company, plaintiff in error, *vs.* Jeremiah S. Briscoe. In error to the circuit court of the United States for the western district of Arkansas. Judgment affirmed with costs and interest. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court:

No. 290.—The American Artificial Stone Pavement Company (limited), appellant, *vs.* The Vulcanite Paving Company *et al.* Appeal from the circuit court of the United States for the eastern district of Pennsylvania. Decree reversed with costs per stipulation and cause remanded, to be proceeded in according to law.

No. 988.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* J. L. Patterson, county treasurer, etc. Motion to advance denied.

No. 1122.—The Monongahela Navigation Company, appellant and plaintiff in error, *vs.* The United States. Motion to advance granted and cause assigned for argument on the third Monday of the next term after cases already set down for that day.

No. 1148.—The Sioux City and St. Paul Railroad Company, appellant, *vs.* The United States. Motion to advance denied.

No. 219.—John Price, administrator, etc., plaintiff in error, *vs.* The Detroit, Grand Haven and Milwaukee Railway Company. In error to the circuit court of the United States for the eastern district of Michigan. Judgment affirmed with costs by a divided court.

The Attorney-General presented to the court the Hon. Charles H. Aldrich, Solicitor-General, and it was ordered that his commission be recorded.

No. 146.—Otto Heinze *et al.*, plaintiffs in error, *vs.* C. E. Miller *et al.*, etc.

No. 147.—Adolph Liebenroth *et al.*, plaintiffs in error, *vs.* Wm. H. Robertson, late collector. Motion for mandates submitted by Mr. Benjamin Barker in support of motion.

No. 231.—John M. Lamb, appellant, *vs.* Robert McGuire. Mandate granted on motion of Mr. John Goode for the appellee.

No. 1338.—The District of Columbia, plaintiff in error, vs. Harry S. Hutton. Mandate granted on motion of Mr. A. B. Duvall for the defendant in error.

No. 266.—Charles Foster, appellant, vs. The Mansfield, Coldwater and Lake Michigan Railroad Company *et al.* Passed, under rule 26, on motion of Mr. W. Hallett Phillips in behalf of the appellant.

No. 1495.—The Northern Pacific Railroad Company, plaintiff in error, vs. J. F. Ellis. Motion to dismiss submitted by Mr. William F. Vilas in support of motion, and by Mr. A. H. Garland and Mr. H. J. May in opposition thereto.

No. 255.—The Consolidated Bunting Apparatus Company, appellant, vs. The Peter Schoenhofen Brewing Company. Continued, per stipulation.

No. 258.—Simeon E. Church *et al.*, appellants, vs. John Swann. Appeal from the circuit court of the United States for the southern district of Alabama. Dismissed with costs, pursuant to the 10th rule.

No. 247.—Bernard Beer, plaintiff in error, vs. Thomas Mackin. Argued by Mr. Jefferson Chandler for the plaintiff in error, and by Mr. John F. Dillon for the defendant in error.

No. 248.—Michael Crotty, plaintiff in error, vs. The Union Mutual Life Insurance Company of Maine. Argued by Mr. Frederic D. McKenney for the plaintiff in error, and by Mr. J. H. Drummond for the defendant in error.

No. 249. The Red River Cattle Company of Texas *et al.*, plaintiffs in error, vs. Alfred Sully. Submitted by Mr. Sawnie Robertson and Mr. W. O. Davis for the plaintiffs in error, and by Mr. J. W. Brown for the defendant in error.

No. 250. J. Brander Matthews *et al.*, executors, etc., appellants, vs. Caleb H. Warner *et al.* Argument commenced by Mr. William A. Abbott for the appellant.

Adjourned until to-morrow at twelve o'clock. The day call for Tuesday, March 29, will be as follows: Nos. 250, 253, 256, 257, 259, 260, 261, 262 (and 263), 264, and 265.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 29, 1892.

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

Ben. Eli Guthrie, of Macon, Mo., Wm. S. Shirk, of Sedalia, Mo., and E. C. Boudinot, of Tahlequah, Ind. T., were admitted to practice.

The Chief Justice announced the following order :

No. 221.—The New England Mortgage Security Company, plaintiff in error, *vs.* Jacob M. Gay. Leave is given counsel for the plaintiff in error in this case to file briefs within ten days on the question whether the amount involved is sufficient for us to maintain our jurisdiction.

No. 264.—Walter J. Kidd, appellant, *vs.* William Smith Horry *et al.* Appeal from the circuit court of the United States for the eastern district of Pennsylvania. Dismissed with costs pursuant to the tenth rule.

No. 250.—J. Brander Matthews *et al.*, executors, etc., appellants, *vs.* Caleb H. Warner *et al.* Argument continued by Mr. William A. Abbott for the appellants, by Mr. Joseph B. Warner for the appellees, and concluded by Mr. John F. Dillon for the appellants.

No. 256.—The State of Missouri *ex rel.* and to use of The Quincy, Missouri and Pacific Railroad Company, plaintiff in error, *vs.* Anderson W. Harris *et al.*, judges of the county court of Sullivan County, Mo. (Substituted for No. 253.) Argued by Mr. John P. Butler for the plaintiff in error, and by Mr. A. W. Mullins for the defendants in error.

No. 257.—The United States *ex rel.* Joseph E. Jones, plaintiff in error, *vs.* The County Court of Macon County and the judges thereof. Argument commenced by Mr. George A. Sanders for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock. The day call for Wednesday, March 30, will be as follows: Nos. 257, 253, 259, 260, 261, 262 (and 263), 265, 268, 269, and 270.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 30, 1892.

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

E. S. Quinton, of Topeka, Kans., was admitted to practice.

No. 261.—William W. Hickies *et al.*, appellants, *vs.* Charles E. Philes *et al.* On suggestion of death of Wm. W. Hickies, one of the appellants herein, ordered that this cause be continued, on motion of Mr. Thomas J. Geary, in behalf of counsel.

No. 268.—Berenice F. Choteau, plaintiff in error, *vs.* The Kansas City Stock Yards Company. In error to the circuit court of the United States for the western district of Missouri. Dismissed with costs pursuant to the tenth rule.

No. 1146.—The Chicago, Milwaukee and St. Paul Railway Company, appellant, *vs.* The State of Iowa. Appeal from the circuit court of the United States for the southern district of Iowa. Dismissed with costs, on motion of counsel for the appellant.

No. 1147.—The Chicago, Milwaukee and St. Paul Railway Company, appellant, *vs.* Spencer Smith *et al.*, commissioners, *etc.* Appeal from the circuit court of the United States for the southern district of Iowa. Dismissed with costs on motion of counsel for the appellant.

No. 257.—The U. S. *ex rel.* Joseph E. Jones, plaintiff in error, *vs.* The County Court of Macon County and the Judges thereof. Argument continued by Mr. George A. Sanders for the plaintiff in error, by Mr. Ben. Eli Guthrie for the defendants in error, and concluded by Mr. George A. Sanders for the plaintiff in error. Leave granted to Mr. Joseph Shippen and Mr. Ben. Eli Guthrie to file supplemental briefs on or before Saturday next.

No. 259.—George H. White, administrator, appellant, *vs.* Ira P. Rankin *et al.* Argued by Mr. F. J. Lippett for the appellees, and submitted by Mr. M. A. Wheaton for the appellant and by Mr. D. L. Smoot for the appellees.

No. 260.—E. Van Winkle & Company, plaintiffs in error, *vs.* Canty Crowell *et al.* Argued by Mr. H. C. Tompkins for the defendants in error, and submitted by Mr. W. A. Gunter and Mr. John D. Roquemore for the plaintiffs in error.

No. 262.—John H. Sessions, appellant, *vs.* John M. Romadka, *et al.*; and

No. 263.—John M. Romadka *et al.*, appellants, *vs.* John H. Sessions. Argument commenced by Mr. C. E. Mitchell for Sessions.

Adjourned until to-morrow at 12 o'clock. The day call for Thursday, March 31, will be as follows: Nos. 262 (and 263), 253, 265, 269, 270, 272, 273, 275, 276, 220 (and 277).



SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 31, 1892.

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

Howard Henderson, of Chicago, Ills. ; Walter C. Noyes, of New London, Conn. ; Wm. H. Johnson, Oneonta, N. Y., and James F. Mister, of Kansas City, Mo., were admitted to practice.

No. 273.—Quong Lee Lum, appellant, *vs.* James Rankin, sheriff, *etc.* Appeal from the circuit court of the United States for the northern district of California. Dismissed with costs pursuant to the 10th rule.

Nos. 14 and 15.—James A. Eldredge *et al.*, appellants, *vs.* The United States. Appeals from the supreme court of the Territory of Utah. Dismissed on motion of counsel for the appellants.

No. 262.—John H. Sessions, appellant, *vs.* John M. Romadka *et al.*, and

No. 263.—John M. Romadka *et al.*, appellants, *vs.* John H. Sessions. Argument continued by Mr. C. E. Mitchell for Sessions, by Mr. F. C. Winkler for Romadka *et al.*, and concluded by Mr. C. E. Mitchell for Sessions.

No. 253.—Arthur W. Windett, appellant, *vs.* The Union Mutual Life Insurance Company. Argument commenced by Mr. A. W. Windett for the appellant, and continued by Mr. P. S. Grosscup for the appellee.

Adjourned until to-morrow at 12 o'clock. The day call for Friday, April 1st, will be as follows: Nos. 253, 265, 269, 270, 272, 275, 276, 220 (and 277), 279, and 281.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 1, 1892.

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

L. Cabell Williamson, of Washington, D. C., and Charles J. Perkins, of San Bernardino, Cal., were admitted to practice.

No. 260.—E. Van Winkle & Company, plaintiffs in error, *vs.* Cantey Crowell *et al.* Writ of certiorari awarded on motion of Mr. H. C. Tompkins for the defendants in error and consent of Mr. H. C. Sample for the plaintiffs in error.

No. 322.—Allen Baker, plaintiff in error, *vs.* Thomas Kilgore, next friend, *etc.* Suggestion of death of Allen Baker, the plaintiff in error herein, and appearance of James S. Neilson and Samuel Hudson, executors, *etc.*, filed and entered on motion of Mr. Felix A. Reeve for plaintiffs in error.

No. 1220.—Marshall Ayeres, assignee, *etc.*, *et al.*, appellants, *vs.* Michael W. Manning *et al.* Appeal from the circuit court of the United States for the southern district of Illinois. Dismissed with costs on motion of Mr. John M. Harlan for the appellants.

No. 281.—Henry Kitteringham, plaintiff in error, *vs.* the Blair Town Lot and Land Company. In error to the supreme court of the State of Iowa. Dismissed with costs pursuant to the tenth rule.

No. 253.—Arthur W. Windett, appellant, *vs.* The Union Mutual Life Insurance Company. Argument continued by Mr. P. S. Grosseup for the appellee, and concluded by Mr. A. W. Windett for the appellant. Leave granted to Mr. A. W. Windett to file additional brief within one week.

No. 265.—Maria J. Galliher, appellant, *vs.* H. P. Cadwell. Argued by Mr. John B. Allen for the appellant and by Mr. John H. Mitchell for the appellee.

No. 269.—E. P. Kellum *et al.*, appellants, *vs.* Morrell C. Keith. Argued by Mr. E. S. Quinton for the appellee, and submitted by Mr. W. H. Rossington, Mr. Charles B. Smith, and Mr. E. J. Dallas for the appellants.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 4, will be as follows: Nos. 270, 272, 275, 276, 220 (and 277), 279, 839, 1301, 1302, 1374, and 1375.

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 4, 1892.

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

Robert McMurdy, of Chicago, Ill.; Daniel B. Holmes, of Kansas City, Mo.; W. H. Hyatt, of Little Rock, Ark.; Joseph Shillington and C. Maurice Smith, of Washington, D. C.; R. D. Weston Smith, of Boston, Mass., and John Sawyer Hanna, of New York City, were admitted to practice.

No. 204.—The Pope Manufacturing Company, appellant, *vs.* R. Philip Gormully. 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. 205.—The Pope Manufacturing Company, appellant, *vs.* The Gormully and Jeffery Manufacturing 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 Brown.

No. 206.—The Pope Manufacturing Company, appellant, *vs.* The Gormully and Jeffery Manufacturing 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 Brown.

No. 207.—The Pope Manufacturing Company, appellant, *vs.* The Gormully and Jeffery Manufacturing 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 Brown.

No. 208.—The Pope Manufacturing Company, appellant, *vs.* The Gormully and Jeffery Manufacturing 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 Brown.

No. 235.—Hiram H. McLane *et al.*, appellants, *vs.* Z. King & Son *et al.* Appeal from the circuit court of the United States for the western district of Texas. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 134.—The Grand Trunk Railway Company of Canada, plaintiff in error, *vs.* Albert Ives, administrator, etc. In error to the circuit court of the United States for the eastern district of Michigan. Judgment affirmed with costs and interest. Opinion by Mr. Justice Lamar (announced by Mr. Justice Blatchford).

No. 241.—The ship *Blue Jacket*, etc., appellant, *vs.* The Tacoma Mill Company. Appeal from the supreme court of the Territory of Washington. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the district of Washington for further proceedings according to law. Opinion by Mr. Justice Blatchford.

No. 6.—John O'Neil, plaintiff in error, *vs.* The State of Vermont. In error to the Supreme Court of the State of Vermont. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Blatchford. Dissenting: Mr. Justice Field, Mr. Justice Harlan, and Mr. Justice Brewer.

No. 1235.—Eugene Logan *et al.*, plaintiffs in error, *vs.* The United States. In error to the circuit court of the United States for the northern district of Texas. Judgment reversed and cause remanded with directions to set aside the verdict and to order a new trial. Opinion by Mr. Justice Gray. (Mr. Justice Brewer took no part in the decision of this cause.)

No. 1454.—The United States, plaintiff in error, *vs.* George Sanges *et al.* In error to the circuit court of the United States for the northern district of Georgia. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Gray.

No. 240.—The Columbia and Puget Sound Railroad Company, plaintiff in error, *vs.* Willard C. Hawthorne. In error to the supreme court of the Territory of Washington. Judgment reversed with costs, and cause remanded to the supreme court of the State of Washington, with directions to set aside the verdict and to order a new trial. Opinion by Mr. Justice Gray.

No. 242.—The J. S. Keator Lumber Company, plaintiff in error, *vs.* Benjamin F. Thompson *et al.* 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 Harlan.

No. 224.—The Hartford Life and Annuity Insurance Company, plaintiff in error, *vs.* Emily Unsell. In error to the circuit court of the United States for the eastern district of Missouri. Judgment affirmed with costs and interest. Opinion by Mr. Justice Harlan.

No. 1448.—The Coosaw Mining Company, appellant, *vs.* The State of South Carolina, *ex rel.* B. R. Tillman, governor, *et al.* Appeal from the circuit court of the United States for the district of South Carolina. Decree affirmed with costs. Opinion by Mr. Justice Harlan.

No. 249.—The Red River Cattle Company of Texas *et al.*, plaintiffs in error, *vs.* Alfred Sully. 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. Chief Justice Fuller.

No. 256.—The State of Missouri *ex rel.* and to the use of The Quincy, Missouri and Pacific Railroad Company, plaintiff in error, *vs.* Anderson W. Harris *et al.*, judges of county court of Sullivan County, Mo. In error to the supreme court of the State of Missouri. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 245.—Roger M. Sherman, plaintiff in error, *vs.* Irving Grinnell *et al.*, executors, etc. In error to the city court of New York. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 1330.—Albert H. Glaspell, plaintiff in error, *vs.* The Northern Pacific Railroad Company. In error to the circuit court of the United States for the district of North Dakota. Judgment reversed with costs and cause remanded with directions to send it back to the district court for the fifth judicial district, Stutsman County, North Dakota, and to return the original files to that court. Opinion by Mr. Chief Justice Fuller.

No. 274.—Bernard Beers, plaintiff in error, *vs.* Thomas Mackin. In error to the circuit court of the United States for the district of Nebraska. Judgment affirmed with costs and interest by a divided court. Announced by Mr. Chief Justice Fuller.

No. 13, original.—*Ex parte*: In the matter of John O. Shaw, jr., trustee, petitioner. Leave granted to file brief herein, on motion of Mr. Attorney-General Miller for the United States.

No. 1490.—Clyde Mattox, plaintiff in error, *vs.* The United States.

No. 1503.—Alexander Lewis, plaintiff in error, *vs.* The United States. Motion to advance submitted by Mr. Attorney-General Miller in support of motion.

No. 1489.—C. A. Benson, plaintiff in error, *vs.* The United States. Motion to advance submitted by Mr. Solicitor-General Aldrich in support of motion.

No. 1520.—The United States, appellant, *vs.* The "Old Settlers," etc.; and

No. 1521.—The "Old Settlers," etc., appellants, *vs.* The United States. Motions to advance and for a writ of *certiorari* submitted by Mr. R. H. Voorhees, Mr. A. H. Garland, and Mr. John Paul Jones, in support of motions, and by Mr. Attorney-General Miller and Mr. Solicitor-General Aldrich in opposition to motion for writ of *certiorari* and in support of motion to advance.

No. 1401.—D. E. Wood *et al.*, plaintiffs in error, *vs.* Bach, Cory & Company. Leave granted to withdraw the transcript of the record herein for the purpose of correction, on motion of Mr. Charles H. Aldrich for the plaintiffs in error.

No. 828.—T. B. Cox *et al.*, plaintiffs in error, *vs.* E. J. Hart. Motion to vacate submission under the 20th rule herein submitted by Mr. H. E. Paine in support of motion, and by Mr. W. Hallett Phillips in opposition thereto.

No. 1139.—The Chicago, Rock Island and Pacific Railway Company, appellant, *vs.* The State of Iowa. Appeal from the circuit court of the United States for the southern district of Iowa. Dismissed with costs on motion of counsel for the appellant.

No. 1140.—The Chicago, Rock Island and Pacific Railway Company, appellant, *vs.* Spencer Smith *et al.*, commissioner, etc. Appeal from the circuit court of the United States for the southern district of Iowa. Dismissed with costs on motion of counsel for the appellant.

No. 1369.—The National Exchange Bank of Baltimore, Md., appellant, *vs.* W. H. Peters, receiver, *et al.* Motion to dismiss submitted by Mr. R. M. Hughes and Mr. A. P. Thorn in support of motion and by Mr. W. F. Frick in opposition thereto.

No. 1479.—The New York and New England Railroad Company, plaintiff in error, *vs.* Harriet S. Ramsey *et al.* Motion to dismiss or affirm submitted by Mr. Lawrence Godkins in support of motion and by Mr. W. C. Anthony in opposition thereto.

No. 270.—F. L. Underwood *et al.*, appellants, *vs.* The Metropolitan National Bank of the City of New York *et al.* Suggestion of death of John J. Mastin, one of the appellees herein, and appearance of Julia Mastin, executrix, etc., filed and entered on motion of Mr. James F. Mister for the appellants, and per stipulation. Argued by Mr. James F. Mister for the appellants and submitted by Mr. C. O. Tichenor for the appellees.

No. 272.—William H. Robertson, late collector, etc., plaintiff in error, *vs.* Bernard J. Salomon *et al.* Argument commenced by Mr. Assistant Attorney-General Parker for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 5, will be as follows: Nos. 272, 275, 276, 220 (and 277), 279, 839, 1301, 1302, 1374, and 1375.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 5, 1892.

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

James E. Cotter, of Boston, Mass., was admitted to practice.

The Chief Justice announced the following orders of the court:

No. 1490.—Clyde Mattox, plaintiff in error, *vs.* The United States. Motion to advance granted and cause assigned for argument on the 25th instant at the head of the call.

No. 1503.—Alexander Lewis, plaintiff in error, *vs.* The United States.

No. 1489.—C. A. Benson, plaintiff in error, *vs.* The United States. Motion to advance granted and causes assigned for argument on the third Monday of the next term after cases already assigned for that day. Ordered that record in No. 1489 be printed at public expense.

No. 272.—William H. Robertson, late collector, etc., plaintiff in error, *vs.* Bernard J. Salomon *et al.* Argument continued by Mr. Assistant Attorney-General Parker for the plaintiff in error, by Mr. Edwin B. Smith for the defendants in error, and concluded by Mr. Assistant Attorney-General Parker for the plaintiff in error.

Nos. 428, 429.—The Lehigh Valley Railroad Company, plaintiff in error, *vs.* The Commonwealth of Pennsylvania. Advanced and assigned for argument with Nos. 275 and 276 on motion of Mr. M. E. Olmsted for the plaintiff in error.

Nos. 275, 276, 428, and 429.—The Lehigh Valley 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. 220.—Isaac N. Tapliff, appellant, *vs.* John A. Tapliff *et al.*, and

No. 577.—John A. Tapliff *et al.*, appellants, *vs.* Isaac N. Tapliff. Argued by Mr. Henry S. Sherman for John A. Tapliff *et al.*, and by Mr. W. W. Boynton for Isaac N. Tapliff.

No. 279.—Sigmund Meyerheim *et al.*, plaintiffs in error, *vs.* William H. Robertson, late collector, etc. Argument commenced by Mr. Edwin B. Smith for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 6, will be as follows: Nos. 279, 839 1301 (and 1302, 1374, and 1375), 166, 282, 283, 285, 287, 288, and 289.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 6, 1892.

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

John Herbert, of Boston, Mass., and Frank W. M. Cutecheon, of St. Paul, Minn., were admitted to practice.

No. 288.—The Washington and Georgetown Railroad Company, appellant, *vs.* The District of Columbia *et al.* Continued per stipulation.

No. 289.—Asenath A. Ware *et al.*, appellants, *vs.* The Galveston City Company. Continued per stipulation.

No. 279.—Siegmond Meyerheim *et al.*, plaintiffs in error, *vs.* William H. Robertson, late collector, etc. Argument continued by Mr. Edwin B. Smith for the plaintiffs in error, by Mr. Assistant Attorney-General Parker for the defendant in error, and concluded by Mr. Edwin B. Smith for the plaintiffs in error.

No. 839.—John F. Brown, plaintiff in error, *vs.* The Commonwealth of Massachusetts. Argued by Mr. R. D. Weston-Smith for the plaintiff in error, and by Mr. A. E. Pillsbury for the defendant in error.

No. 1301.—The United States, appellant, *vs.* The Colton Marble and Lime Company *et al.*

Nos. 1302, 1374, and 1375.—The United States, appellant, *vs.* The Southern Pacific Railroad Company *et al.* One hour additional time allowed each side in the argument of these cases, on motion of Mr. Assistant Attorney-General Maury for the appellant. Argument commenced by Mr. Assistant Attorney-General Maury for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 7, will be as follows: Nos. 1301 (and 1302, 1374, and 1375), 166, 282, 283, 285, 287, 291, 292, 293 and 294.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 7, 1892.

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

Fletcher Ladd, of Boston, Mass., and R. T. Barton, of Winchester, Va., were admitted to practice.

No. 146.—Otto Heinze *et al.*, plaintiffs in error, *vs.* C. E. Miller *et al.*, executors, etc.; and

No. 147.—Adolph Liebenroth *et al.*, plaintiffs in error, *vs.* Wm. H. Robertson, late collector, etc. Mandates granted.

No. 293.—Elizabeth T. Belt, executrix, etc., appellant, *vs.* Joseph B. Cumming *et al.*, executors, etc. Appeal from the circuit court of the United States for the southern district of Georgia. Dismissed with costs pursuant to the tenth rule.

No. 1301.—The United States, appellant, *vs.* The Colton Marble and Lime Company *et al.*, and

Nos. 1302, 1374, and 1375.—The United States, appellant, *vs.* The Southern Pacific Railroad Company *et al.* Argument continued by Mr. Assistant Attorney-General Maury for the appellant, and by Mr. James C. Carter for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 8, will be as follows: Nos. 1301 (and 1302, 1374, and 1375), 166, 282, 283, 285, 287, 291, 292, 294 and 295.

9214—99

SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 8, 1892.

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

Cyrus P. Flick, of Washington, D. C., was admitted to practice.

No. 295.—Theodore J. Lynde *et al.*, appellants, *vs.* Lewis Sperling. Appeal from the supreme court of the Territory of Montana. Dismissed with costs, pursuant to the tenth rule, and cause remanded to the supreme court of the State of Montana.

No. 1301.—The United States, appellant, *vs.* The Colton Marble and Lime Company *et al.*; and

Nos. 1302, 1374, and 1375.—The United States, appellant, *vs.* The Southern Pacific Railroad Company *et al.* Argument concluded by Mr. John C. Chaney for the appellant.

No. 166.—Joseph Oteri, appellant, *vs.* Sarah Scalzo *et al.*, executors of Vincenzo Scalzo, deceased. Argued by Mr. Joseph P. Hornor for the appellant and by Mr. George A. King for the appellees.

No. 282.—S. W. Washington, administrator, *etc.*, *et al.*, appellants, *vs.* H. L. Opie. Argument commenced by Mr. Marshall McCormick for the appellants and continued by Mr. Robert White for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 11, will be as follows: Nos. 282, 283, 285, 287, 291, 292, 294, 296, 297, and 298.

9214—100

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 11, 1892.

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

George H. Hastings, of Crete, Nebr.; Charles L. Burr, of Lincoln, Nebr.; Ralph Whelan, of Minneapolis, Minn.; and J. F. Bullitt, jr., of Big Stone Gap, Va., were admitted to practice.

No. 225.—Eliza S. Smith, executrix, etc., appellant, *vs.* Artemas Gale *et al.* Appeal from the supreme court of the Territory of Dakota. Decree affirmed with costs and cause remanded to the supreme court of the State of South Dakota. Opinion by Mr. Justice Brown.

No. 189.—The Chateaugay Ore and Iron Company, plaintiff in error, *vs.* Theodore A. Blake. In error to the circuit court of the United States for the southern district of New York. Judgment affirmed with costs and interest. Opinion by Mr. Justice Brewer.

No. 222.—Freeman C. Dodge *et al.*, appellants, *vs.* L. W. Tulleys, trustee, *et al.* Appeal from the circuit court of the United States for the district of Nebraska. Decree modified by reducing the amount found due Burnham, Tulleys & Company to \$1,094.16, and the attorney's fee from \$1,000 to \$500, and, as so modified, affirmed, costs in this court to be paid by the appellees. Opinion by Mr. Justice Brewer.

No. 1508.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* Dominick Amato. In error to the United States circuit court of appeals for the second circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the southern district of New York for further proceedings. Opinion by Mr. Justice Blatchford. Dissenting: Mr. Justice Brewer and Mr. Justice Brown.

No. 226.—Belford, Clarke & Company *et al.*, appellants, *vs.* Charles Scribner. Appeal from the circuit court of the United States for the northern district of Illinois. Decree affirmed with costs and interest. Opinion by Mr. Justice Blatchford.

No. 244.—Joseph T. Torrence, appellant, *vs.* Susan M. Shedd *et al.* Appeal from the circuit court of the United States for the northern dis-

trict of Illinois. Decree reversed for want of jurisdiction, costs in this court to be paid by the appellant, and cause remanded with directions to render a decree against him for costs in that court, and to remand the case to the State court. Opinion by Mr. Justice Gray.

No. 216.—F. W. Sharon, *et al.*, trustees, appellants, *vs.* J. Randolph Tucker *et al.* Appeal from the supreme court of the District of Columbia. Decree reversed, each party to pay his own costs, and cause remanded with directions to enter a decree declaring the title of the complainants to the premises described in their complaint, by adverse possession of the parties through whom they claim to be complete, and that the defendants be enjoined from asserting title to the said premises through their former owner. Opinion by Mr. Justice Field.

No. 217.—E. J. Stellwagen *et al.*, executors, etc., *et al.*, appellants, *vs.* J. Randolph Tucker *et al.* Appeal from the supreme court of the District of Columbia. Decree reversed, each party to pay his own costs, and cause remanded with directions to enter a decree declaring the title of the appellants to the premises described in the bill of complaint, by adverse possession of the parties through whom they claim, to be complete, and that the defendants be enjoined from asserting title to the said premises through their former owner. Opinion by Mr. Justice Field.

No. 267.—The United States, *ex rel.* Joseph E. Jones, plaintiff in error, *vs.* The County Court of Macon County and the Judges thereof. In error to the circuit court of the United States for the eastern district of Missouri. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 269.—E. P. Kellum *et al.*, appellants, *vs.* Morrell C. Keith. Appeal from the circuit court of the United States for the district of Kansas. Decree reversed. Costs in this court and in the circuit court to be paid by the appellants, and cause remanded, with directions to remand it to the State court. Opinion by Mr. Chief Justice Fuller.

No. 97.—Charles L. Ficklen *et al.*, etc., plaintiffs in error, *vs.* The taxing district of Shelby County, Tenn., *et al.* In error to the supreme court of the State of Tennessee. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller. Dissenting, Mr. Justice Harlan. The Chief Justice announced the following orders of the court.

No. 1495.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* J. F. Ellis. In error to the supreme court of the State of Wisconsin. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 828.—T. B. Cox *et al.*, plaintiffs in error, *vs.* E. J. Hart. Motion to vacate the submission under the 20th rule denied.

No. 1479.—The New York and New England Railroad Company, plaintiff in error, *vs.* Harriet S. Rumsey *et al.* Motions to dismiss or affirm postponed to the hearing on the merits.

No. 1520.—The United States, appellant, *vs.* "The Old Settlers," etc., and

No. 1521.—The "Old Settlers," etc., appellants, *vs.* The United States. Motion for writ of certiorari granted and motion to advance denied, with leave to renew the same at the next term.

The Chief Justice also announced that, as Friday next would be Good Friday, the court would adjourn on Thursday until Monday next; that the call of the docket would cease on Friday, the 29th instant, and that the court would take a recess from Monday, May 2, to Monday, May 16, next.

No. 19.—The United States, plaintiff in error, *vs.* The Boston and Albany Railroad Company. In error to the circuit court of the United States for the district of Massachusetts. Dismissed, costs in this court to be paid by the defendant in error, on motion of Mr. Solicitor-General Aldrich for the plaintiff in error.

No. 816.—Daniel Magone, collector, etc., plaintiff in error, *vs.* Jesse S. Blydenburgh. In error to the circuit court of the United State for the southern district of New York. Dismissed on motion of Mr. Solicitor-General Aldrich for the plaintiff in error.

No. 869.—The Southern Kansas Railway Company, plaintiff in error, *vs.* J. S. Briscoe. Mandate granted on motion of Mr. H. J. May for the defendant in error.

No. 1315.—Eugene Logan *et al.*, appellants, *vs.* George A. Knight, U. S. marshal. Appeal from the circuit court of the United States for the northern district of Texas. Dismissed with costs on motion of Mr. H. J. May for the appellants.

No. 298.—Marion Flaherty, appellant, *vs.* The United States. Appeal from the supreme court of the Territory of Montana. Dismissed with costs, pursuant to the 10th rule, and cause remanded to the supreme court of the State of Montana.

No. 282.—S. W. Washington, administrator, etc., *et al.*, appellants, *vs.* H. L. Opie. Argument continued by Mr. Robert White for the appellee, and concluded by Mr. R. T. Barton for the appellants.

No. 283.—Aut Miller, plaintiff in error, *vs.* Ernst Ammon. Argument commenced by Mr. C. C. Cole for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 12, will be as follows: Nos. 283, 285, 287, 291, 292, 294, 296, 297, 299 (and 483), and 300.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 12, 1892.

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

No. 722.—James A. Briggs, executor, etc., appellant, *vs.* The United States. Mandate granted on motion of Mr. Phil. B. Thompson, jr., for the appellant.

No. 300.—Martha P. Stotesbury *et al.*, executors, etc., appellants, *vs.* The United States. Continued per stipulation.

No. 283.—Aut Miller, plaintiff in error, *vs.* Ernst Ammon. Argument continued by Mr. C. C. Cole for the plaintiff in error, by Mr. Edgar C. Blum for the defendant in error, and concluded by Mr. C. C. Cole for the plaintiff in error.

No. 285.—Artemas Roberts, plaintiff in error, *vs.* Walter F. Lewis. Argued by Mr. John H. Ames for the plaintiff in error, and by Mr. L. C. Burr for the defendant in error.

No. 287.—The St. Joseph and St. Louis Railroad Company, appellant, *vs.* Solon Humphreys *et al.*, receivers, etc. Argument commenced by Mr. E. W. Pattison for the appellant. The court declined to hear further argument.

No. 291.—The United States, plaintiff, *vs.* George R. Eaton. Submitted by Mr. Assistant Attorney-General Parker for the plaintiff, and by Mr. P. A. Collins for the defendant.

No. 292.—Charles A. Gregory *et al.*, appellants, *vs.* The Boston Safe Deposit and Trust Company *et al.* Argument commenced by Mr. F. A. Brooks for the appellants, and continued by Mr. T. H. Talbot for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 13, will be as follows: Nos. 292, 294, 296, 297, 299 (and 483), 301, 227 (and 302 to 315), 316, 318, and 319.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 13, 1892.

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

A. P. Jetmore, of Topeka, Kans., and John A. W. Smith, of Birmingham, Ala., were admitted to practice.

No. 292.—Charles A. Gregory *et al.*, appellants, *vs.* The Boston Safe Deposit and Trust Company *et al.* Argument continued by Mr. Thomas H. Talbot and Mr. John Lowell for the appellees, and concluded by Mr. F. A. Brooks for the appellants.

No. 294.—James W. Kendall *et al.*, plaintiffs in error, *vs.* The San Juan Silver Mining Company. Submitted by Mr. E. T. Wells and Mr. R. T. McNeal for the plaintiff in error, and by Mr. A. T. Britton and Mr. A. B. Browne for the defendant in error.

No. 296.—Joseph Furrer, administrator, etc., appellant, *vs.* James M. Ferris, receiver, etc. Argued by Mr. O. S. Brumback for the appellant and by Mr. A. W. Scott for the appellee.

No. 297.—W. H. Barnett, plaintiff in error, *vs.* The City of Denison. Submitted by Mr. H. Chilton for the plaintiff in error. No counsel appeared for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 14, will be as follows: Nos. 299 (and 483), 301, 227 (and 302 to 315), 316, 318, 319, 228, 321, 322, and 323.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 14, 1892.

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

Joseph H. Parsons, of Birmingham, Ala., was admitted to practice.

No. 321.—Daniel B. St. John, plaintiff in error, *vs.* The City of Toledo, Ohio. In error to the circuit court of the United States for the northern district of Ohio. Dismissed with costs pursuant to the 10th rule.

No. 299.—Francis B. Fleitas, appellant, *vs.* Gilbert M. Richardson.

No. 483.—Mrs. Mary C. W. Fleitas, appellant, *vs.* Gilbert M. Richardson *et al.* Argued by Mr. J. R. Beckwith for the appellants and by Mr. Thomas J. Semmes for the appellees.

No. 301.—Pierre Felix *et al.*, appellants, *vs.* Matthewson T. Patrick *et al.* Argued by Mr. Wm. D. Shipman and Mr. J. C. Cowin for the appellants, and by Mr. John L. Webster for the appellees.

Adjourned until Monday next, at 12 o'clock.

The day call for Monday, April 18, will be as follows: Nos. 227 (and 302 to 315), 316, 318, 319, 228, 322, 323, 324, 325 (and 326), and 327.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 18, 1892.

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

Wm. G. Yerger, of Greenville, Miss.; Robert O. Burton, of Raleigh, N. C., and Henry C. Flower, of Kansas City, Mo., were admitted to practice.

No. 212.—Eleanor Nesbit, plaintiff in error, *vs.* The Independent District of Riverside, in the county of Lyon. In error to the circuit court of the United States for the northern district of Iowa. Judgment affirmed with costs. Opinion by Mr. Justice Brewer. Dissenting, Mr. Justice Harlan.

No. 248.—Michael Crotty, plaintiff in error, *vs.* The Union Mutual Life Insurance Company of Maine. 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. (Mr. Justice Gray took no part in the decision of this case.)

No. 259.—George H. White, administrator etc., appellant, *vs.* Ira P. Rankin *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 a direction to hear it upon the merits. Opinion by Mr. Justice Blatchford.

No. 272.—William H. Robertson, late collector, etc., plaintiff in error, *vs.* Bernard J. Salomon *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 a direction to grant a new trial, and to take further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Blatchford.

No. 279.—Siegmond Meyerbeim *et. al.*, plaintiffs in error, *vs.* William H. Robertson, late 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 Blatchford.

No. 253.—Arthur W. Windett, appellant, *vs.* the Union Mutual Life Insurance Company of Maine. Appeal from the circuit court of the United States for the northern district of Illinois. Decree affirmed with costs and interest. Opinion by Mr. Justice Gray.

No. 839.—John F. Brown, plaintiff in error, *vs.* The Commonwealth of Massachusetts. In error to the supreme court of the State of Massachusetts. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Gray.

No. 236.—Pleasant H. Pendleton *et al.*, plaintiffs in error, *vs.* Charles H. Russell, receiver, etc. In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Field.

No. 21.—B. J. Sage, plaintiff in error *vs.* The Board of Liquidation of the State of Louisiana. In error to the supreme court of the State of Louisiana. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Field.

No. 187.—John I. Adams & Company, plaintiffs in error, *vs.* the Board of Liquidation of the State of Louisiana. In error to the supreme court of the State of Louisiana. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Field.

No. 1369.—The National Exchange Bank of Baltimore, Md., appellant, *vs.* W. H. Peters, receiver, etc., *et al.* Appeal from the circuit court of the United States for the eastern district of Virginia. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 186.—William Crawford, appellant, *vs.* Charles A. Neal; and

No. 278.—Charles A. Neal, appellant, *vs.* John A. Crawford *et al.* Appeals from the circuit court of the United States for the district of Oregon. Decree affirmed, each appellant to pay the costs of his appeal. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following order of the court:

No. 1301.—The United States, appellant, *vs.* The Colton Marble and Lime Company *et al.*

No. 1302.—The United States, appellant, *vs.* The Southern Pacific Railroad Company *et al.*

No. 1374.—The United States, appellant, *vs.* The Southern Pacific Railroad Company *et al.*

No. 1375.—The United States, appellant, *vs.* The Southern Pacific Railroad Company *et al.* Ordered for reargument before a full bench of nine justices.

No. 816.—Daniel Magone, collector, etc., plaintiff in error, *vs.* Jesse S. Blydenburgh. Mandate granted on motion of Mr. Solicitor-General Aldrich for the plaintiff in error.

No. 1297.—The United States, appellant, *vs.* Charles L. Fitch. Appeal from the circuit court of the United States for the western district of Michigan. Dismissed on motion of Mr. Solicitor-General Aldrich for the appellant.

No. 1383.—The United States, appellant, *vs.* Thomas B. Bashaw. Appeal from the circuit court of the United States for the eastern district of Missouri. Dismissed on motion of Mr. Solicitor-General Aldrich for the appellant.

No. 1431.—The United States, appellant, *vs.* Ralph L. Goodrich. Appeal from the circuit court of the United States for the eastern district of Arkansas. Dismissed on motion of Mr. Solicitor-General Aldrich for the appellant.

No. 1474.—The United States, appellant, *vs.* William C. Perry. Appeal from the circuit court of the United States for the district of Kansas. Dismissed on motion of Mr. Solicitor-General Aldrich for the appellant.

No. 1502.—The United States, appellant, *vs.* John B. Clough. Appeal from the circuit court of the United States for the western district of Tennessee. Dismissed on motion of Mr. Solicitor-General Aldrich for the appellant.

No. 1538.—The United States, plaintiff in error, *vs.* George N. Baxter. In error to the circuit court of the United States for the district of Minnesota. Dismissed on motion of Mr. Solicitor-General Aldrich for the plaintiff in error.

No. 1230.—James Gilfillan *et al.*, appellants, *vs.* Henry E. McKee *et al.* Suggestion of death of John H. B. Latrobe, one of the appellees herein, and order of publication granted, on motion of Mr. W. S. Flippen for the appellants.

No. 1546.—James H. Crider, appellant, *vs.* Steele & Walker, &c. Appeal from the United States court for the Indian Territory. Docketed and dismissed with costs, on motion of Mr. Charles Blood Smith for the appellees.

No. 159, of October term, 1889.—Leonard Mackall *et al.*, appellants, *vs.* Brooke Mackall, jr., *et al.* Motion for leave to file a bill of review in the supreme court of the District of Columbia submitted by Mr. S. S. Henkle in support of motion.

No. 324.—John Cadwalader, collector, etc., plaintiff in error, *vs.* John Wanamaker *et al.* Continued per stipulation.

No. 227.—B. W. Goode, appellant, *vs.* William H. Gaines *et al.*

No. 302.—George H. Smith, appellant, *vs.* William H. Gaines *et al.*

No. 303.—Patrick Dugan, appellant, *vs.* William H. Gaines *et al.*

No. 304.—Charlotte Colm, appellant, *vs.* William H. Gaines *et al.*

No. 305.—R. E. Allen, appellant, *vs.* William H. Gaines *et al.*

No. 306.—James Madison, appellant, *vs.* William H. Gaines *et al.*

No. 307.—D. C. Rugg, appellant, *vs.* William H. Gaines *et al.*

No. 308.—Algernon S. Garnett, appellant, *vs.* William H. Gaines *et al.*

No. 309.—Algernon S. Garnett, appellant, *vs.* William H. Gaines *et al.*

No. 310.—D. C. Rugg, appellant, *vs.* William H. Gaines *et al.*

No. 311.—Vina Granger, appellant, *vs.* William H. Gaines *et al.*

No. 312.—Otto Neubert, appellant, *vs.* William H. Gaines *et al.*

No. 313.—John J. Sumpter *et al.*, appellants, *vs.* William H. Gaines *et al.*

No. 314.—George G. Latta, appellant, *vs.* William H. Gaines *et al.*

No. 315.—George G. Latta, appellant, *vs.* William H. Gaines *et al.*

Suggestion of death of Maria Gaines, one of the appellees herein, and appearance of Albert B. Gaines, executor, etc., and William H. Gaines *et al.*, sole devisees and legatees, filed and entered on motion of Mr. U. M. Rose for the appellants. Argued by Mr. John McClure for the appellants and by Mr. U. M. Rose for the appellees.

No. 316.—Julia A. Jenkins *et al.*, plaintiffs in error, *vs.* William A. Collard. Submitted by Mr. S. A. Miller for the plaintiffs in error and by Mr. J. D. Brannon for the defendant in error.

No. 318.—Joseph C. Willard, appellant, *vs.* Henry K. Willard. Argued by Mr. William F. Mattingly for the appellant and by Mr. Martin F. Morris for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 19, will be as follows: Nos. 319, 228, 322, 323, 325 (and 326), 327, 328, 329, 331, and 332.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 19, 1892.

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

Lloyd B. Wight, of Washington, D. C., was admitted to practice.

No. 315.—George G. Latta, appellant, *vs.* William H. Gaines *et al.* Stipulation to correct record filed on motion of Mr. U. M. Rose for appellees.

No. 328.—The Hamilton Gaslight and Coke Company, appellants, *vs.* The City of Hamilton. Continued per stipulation.

No. 331.—Isaac R. Kulp, appellant, *vs.* Frederick H. Souder. Appeal from the circuit court of the United States for the eastern district of Pennsylvania. Dismissed with costs pursuant to the tenth rule.

No. 319.—The Franklin Telegraph Company *et al.*, appellants, *vs.* John Harrison *et al.* Argued by Mr. John F. Dillon and Mr. Rush Taggart for the appellants and by Mr. S. S. Hollingsworth and Mr. R. C. McMurtrie for the appellees.

No. 228.—Delos E. Culver, plaintiff in error, *vs.* George Wilkinson, receiver, etc. Argument commenced by Mr. R. Floyd Clarke for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 20, will be as follows: Nos. 228, 322, 323, 325 (and 326), 327, 329, 332, 333, 334, and 335.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 20, 1892.

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

Howard Morris, of Milwaukee, Wis., was admitted to practice.

No. 341.—John L. Hardee, appellant, *vs.* Benjamin J. Wilson.

No. 345.—George J. McGourkey, trustee, appellant, *vs.* The Toledo and Ohio Central Railroad Company *et al.*

No. 360.—Henry Root, appellant, *vs.* The Third Avenue Railroad Company.

No. 364.—Henry W. Potts, assignee, etc., plaintiff in error, *vs.* William H. Wallace. Continued per stipulation.

No. 333.—Gains W. Perkins, appellant, *vs.* The Haney Manufacturing Company and Elijah Haney. Appeal from the circuit court of the United States for the western district of Michigan. Dismissed with costs pursuant to the tenth rule.

No. 335.—The Oregon Railway and Navigation Company, plaintiffs in error, *vs.* The Oregonian Railway Company (limited). Submitted on printed argument by Mr. J. N. Dolph for the plaintiff in error.

No. 228.—Delos E. Culver, plaintiff in error, *vs.* George Wilkinson, receiver, etc. Argument continued by Mr. R. Floyd Clarke for the plaintiff in error; by Mr. Cortlandt Parker and Mr. R. Wayne Parker for the defendant in error, and concluded by Mr. R. Floyd Clarke for the plaintiff in error.

No. 322.—James S. Nielson *et al.*, executors, etc., plaintiffs in error, *vs.* Thomas Kilgore, next friend, etc. Argued by Mr. H. H. Ingersoll for the defendant in error, and submitted by Mr. Felix A. Reeve for the plaintiffs in error.

No. 323.—Margaret C. Freeman, appellant, *vs.* George Asmus. Argument commenced by Mr. William D. Baldwin for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 21, will be as follows: Nos. 323, 325 (and 326), 327, 329, 332, 324, 336, 338, 339, and 340.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 21, 1892.

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

Philip Maurs, of Washington, D. C., was admitted to practice.

No. 340.—The City of Augusta, plaintiff in error, *vs.* Charles Bard. In error to the circuit court of the United States for the district of Kansas. Dismissed with costs pursuant to the 10th rule.

No. 323.—Margaret C. Freeman, appellant, *vs.* George Asmus. Argument continued by Mr. William D. Baldwin for the appellant, by Mr. T. B. Kerr and Mr. W. Bakewell for the appellee, and concluded by Mr. William D. Baldwin for the appellant.

No. 325.—Henry H. Hancock, appellant, *vs.* The Louisville and Nashville Railroad Company *et al.*, and

No. 326.—The Shelby Railroad Company, appellant, *vs.* The Louisville and Nashville Railroad Company *et al.*

Argument commenced by Mr. B. F. Buckner for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 22, will be as follows: Nos. 325 (and 326), 327, 329, 332, 334, 336, 338, 339, 342, and 343.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 22, 1892.

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

Fred. M. Dudley, of St. Paul, Minn., Charles S. Noyes, of New York city, Preston L. Sever, of Stuart, Iowa, and William R. Kelly, of Omaha, Nebr., were admitted to practice.

No. 1353.—William M. Marine, collector, etc., appellant, *vs.* Arthur W. Robson.

No. 1393.—Nishimura Ekin, appellant, *vs.* The United States *et al.* Mandates granted on motion of Mr. Solicitor-General Aldrich in support of motion.

No. 1490.—Clyde Mattox, plaintiff in error, *vs.* The United States. Leave granted to plaintiff in error to proceed *in forma pauperis*; record ordered printed at public expense, and cause reassigned for argument on the third Monday of the next term, after cases already assigned for that day, on motion of Mr. Solicitor-General Aldrich for the defendant in error.

No. 325.—Henry H. Hancock, appellant, *vs.* The Louisville and Nashville Railroad Company *et al.*; and

No. 326.—The Shelby Railroad Company, appellant, *vs.* The Louisville and Nashville Railroad Company *et al.* Argument continued by Mr. B. F. Buckner for the appellants, by Mr. J. C. Beckham for the appellees, and concluded by Mr. B. F. Buckner for the appellants.

No. 327.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* Ida May Cox. Argued by Mr. John F. Dillon for the plaintiff in error and by Mr. W. Hallett Phillips for the defendant in error.

No. 329.—Count Joseph Telferier, plaintiff in error, *vs.* George W. Russ. Argument commenced by Mr. Robert G. Ingersoll for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 25, will be as follows: Nos. 329, 332, 334, 336, 338, 329, 342, 343, 344, and 346.

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 25, 1892.

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

George F. McQuillan, of Portland, Me.; James B. Jenkins, of Oneida, N. Y.; Thomas B. Hardin, of Seattle, Wash., and George G. Carey, jr., of Baltimore, Md., were admitted to practice.

No. 262.—John H. Sessions, appellant, *vs.* John M. Romadka *et al.*, and

No. 263.—John M. Romadka *et al.*, appellants, *vs.* John H. Sessions. Appeals from the circuit court of the United States for the eastern district of Wisconsin. Decree reversed, costs in this court to be paid by the defendants, and cause remanded with directions to enter a decree upon the basis of the master's report. Opinion by Mr. Justice Brown.

No. 270.—F. L. Underwood *et al.*, appellants, *vs.* The Metropolitan National Bank of the city of New York *et al.* Appeal from the circuit court of the United States for the western district of Missouri. Decree affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 291.—The United States, plaintiff, *vs.* George R. Eaton. On a certificate of division in opinion between the judges of the circuit court of the United States for the district of Massachusetts. Questions certified answered in the negative. Opinion by Mr. Justice Blatchford.

No. 285.—Artemus Roberts, plaintiff in error, *vs.* Walter F. Lewis. In error to the circuit court of the United States for the district of Nebraska. Judgment reversed with costs and cause remanded for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice Gray.

No. 292.—Charles A. Gregory *et al.*, appellants, *vs.* The Boston Safe Deposit and Trust Company *et al.* Appeal from the circuit court of the United States for the district of Massachusetts. Decree so modified that the dismissal of the bill of complaint is without prejudice to any claim the plaintiffs or either of them may rightfully assert in equity suit No. 21707, in the court below, to the proceeds of the judgment against Swift. The costs in this court are adjudged to the appellees. Opinion by Mr. Justice Harlan.

No. 1211.—Romeo Lewis *et al.*, plaintiffs in error, *vs.* Abraham Barnhart *et al.*

No. 1212.—Romeo Lewis *et al.*, plaintiffs in error, *vs.* Joseph Phillips *et al.*

No. 1213.—Romeo Lewis *et al.*, plaintiffs in error, *vs.* Andrew Johnson *et al.*

No. 1214.—Romeo Lewis *et al.*, plaintiffs in error, *vs.* Onno Dirks *et al.*

No. 1215.—Romeo Lewis *et al.*, plaintiffs in error, *vs.* Oliver M. Dye *et al.*

No. 1216.—Romeo Lewis *et al.*, plaintiffs in error, *vs.* Celicia Boner *et al.*

No. 1217.—Romeo Lewis *et al.*, plaintiffs in error, *vs.* Celicia Boner.

In error to the circuit court of the United States for the northern district of Illinois. Judgments affirmed with costs. Opinion by Mr. Justice Harlan.

No. 294.—Jamer W. Kendall *et al.*, plaintiffs in error, *vs.* The San Juan Silver Mining Company. In error to the supreme court of the State of Colorado. Judgment affirmed with costs. Opinion by Mr. Justice Field.

No. 335.—The Oregon Railway and Navigation Company, plaintiff in error, *vs.* The Oregonian Railway Company (limited). In error to the circuit court of the United States for the district of Oregon. Judgment reversed with costs and cause remanded with a direction to overrule the demurrer and to take such further proceedings as shall be according to law and not inconsistent with the opinion of this court in the case of *The Oregon Railway and Navigation Company vs. The Oregonian Railway Company (limited)*, 130 *U. S.*, 1. Announced by Mr. Chief Justice Fuller.

No. 223.—The Quincy, Missouri and Pacific Railroad Company *et al.*, appellants, *vs.* Solon Humphreys *et al.*, receivers, etc. Appeal from the circuit court of the United States for the eastern district of Missouri. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 287.—The St. Joseph and St. Louis Railroad Company, appellant, *vs.* Solon Humphreys *et al.*, receivers, etc. Appeal from the circuit court of the United States for the eastern district of Missouri. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

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

No. 159 of October term, 1889. Leonard Mackall *et al.*, appellant, *vs.* Brooke Mackall, jr., *et al.* Petition for leave to file bill of review in the supreme court of the District of Columbia denied.

No. 2.—The Iron Silver Mining Company, plaintiff in error, *vs.* The Mike and Starr Gold and Silver Mining Company. It is ordered by the

court that the mandate in this cause be stayed; that notice be given to counsel for the defendant in error that an application for a rehearing has been made; and leave is hereby granted counsel on both sides to file printed briefs on or before the first day of the next term of this court upon the question whether a rehearing should be granted and the judgment be reversed and the cause remanded.

No. 1292.—Victor Meyer *et al.*, plaintiffs in error, *vs.* Walter T. Richards. Petition for a rehearing granted and judgment of January 26, 1892, vacated and annulled, and cause restored to the docket for oral argument before a full bench of nine justices.

No. 1525.—William D. Cross, plaintiff in error, *vs.* The United States. Motion to dismiss submitted by Mr. Solicitor-General Aldrich in support of motion, and by Mr. C. Maurice Smith and Mr. Joseph Shillington in opposition thereto.

No. 986.—Amos Woodruff, trustee, *et al.*, plaintiffs in error, *vs.* The State of Mississippi *et al.* Motion to advance submitted by Mr. Frank Johnston in support of motion.

Nos. 1028, 1029, and 1030.—The United States, appellant, *vs.* M. J. Julian. Motions to reverse judgments of the district court of the United States for the middle district of Tennessee, per stipulation of counsel, submitted by Mr. George A. King for the appellee.

No. 1014.—H. P. Lloyd, assignee, etc., plaintiff in error, *vs.* Hattie A. Matthews *et al.* Motion to dismiss submitted by Mr. Charles H. Fisk in support of motion and by Mr. H. P. Lloyd and Mr. C. L. Raison, jr., in opposition thereto.

No. 329.—Count Joseph Telfener, plaintiff in error, *vs.* George W. Russ. Argument continued by Mr. Robert G. Ingersoll for the plaintiff in error, by Mr. Jefferson Chandler and Mr. John J. Weed for the defendant in error, and concluded by Mr. Robert G. Ingersoll for the plaintiff in error.

No. 332.—Adolph Rossman, plaintiff in error, *vs.* E. L. Hedden, late collector, etc. Argued by Mr. Edward Hartley for the plaintiff in error and by Mr. Assistant Attorney-General Parker for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 26, will be as follows: Nos. 334, 336, 338, 339, 342, 343, 344, 346, 347, and 348.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 26, 1892.

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

Thomas Lynch, of Antigo, Wis., John E. McMullen, of Chilton, Wis., and Allen R. Bushnell, of Madison, Wis., were admitted to practice.

No. 357.—Herman Sturm, appellant, *vs.* F. A. Boker *et al.* Continued per stipulation.

No. 379.—Michael C. McDonald, appellant, *vs.* George Belding *et ux.* Submitted by Mr. John McClure for the appellant and by Mr. N. M. Rose and Mr. R. G. Davies for the appellees.

No. 339.—The city of Clay Center, Kans., appellant, *vs.* The Farmers' Loan and Trust Company. Submitted by Mr. J. B. Johnson and Mr. John Martin for the appellant and by Mr. W. H. Rossington, Mr. Charles Blood Smith, and Mr. Herbert B. Turner for the appellee.

No. 344.—Elizabeth Barton, appellant, *vs.* Samuel S. Brown *et al.* Submitted by Mr. Richard DeGray for the appellant, and by Mr. Joseph P. Hornor and Mr. Guy M. Hornor for the appellees.

No. 334.—Collis P. Huntington, plaintiff in error, *vs.* Elizabeth C. Attrill. Argued by Mr. Hugh L. Bond, jr., and Mr. John K. Cowen for the plaintiff in error, and by Mr. W. A. Fisher for the defendant in error.

No. 336.—Wm. J. Hoyt, &c., appellants, *vs.* John H. Horne. Argument commenced by Mr. Philip Mauro for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 27, will be as follows: Nos. 336, 338, 342, 343, 346, 347, 348, 349, 350 (and 351 and 352), and 353.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 27, 1892.

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

Mark Norris, of Grand Rapids, Mich., was admitted to practice.

No. 350.—The Mountain Maid Mining Company, plaintiff in error, *vs.* James Reilly. In error to the supreme court of the Territory of Arizona. Dismissed with costs pursuant to the 10th rule.

No. 351.—George G. Berry *et al.*, plaintiffs in error, *vs.* James Reilly. In error to the supreme court of the Territory of Arizona. Dismissed with costs pursuant to the 10th rule.

No. 352.—Benoni Blackmore, plaintiff in error, *vs.* James Reilly. In error to the supreme court of the Territory of Arizona. Dismissed with costs pursuant to the 10th rule.

No. 353.—John T. Foote, plaintiff in error, *vs.* John Glenn, trustee, etc. In error to the circuit court of the United States for the district of New Jersey. Dismissed with costs pursuant to the 10th rule.

No. 336.—Wm. J. Hoyt, etc., appellant, *vs.* John H. Horne. Argument continued by Mr. Philip Mauro for the appellant, by Mr. Frederic P. Fish for the appellee, and concluded by Mr. Anthony Pollok for the appellant.

No. 338.—The South Spring Hill Gold Mining Company, plaintiff in error, *vs.* The Amador Medean Gold Mining Company. Argued by Mr. George S. Boutwell for the plaintiff in error. No counsel appeared for the defendant in error.

No. 342.—Aquila H. Pickering, plaintiff in error, *vs.* John A. Lomax *et al.* Argued by Mr. William E. Furness for the plaintiff in error and submitted by Mr. Robert Hervey for the defendants in error.

No. 343.—Mary Bardon, appellant, *vs.* The Northern Pacific Railroad Company. Argument commenced by Mr. John B. Sanborn for the appellant and continued by Mr. James McNaught for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 28, will be as follows: Nos. 343, 346, 347, 348, 349, 354, 355, 356, 358, and 361.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 28, 1892.

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

No. 19.—The United States, plaintiff in error, *vs.* The Boston and Albany Railroad Company. Mandate granted on motion of Mr. Solicitor-General Aldrich for the plaintiff in error.

No. 354.—Jesse Kepner, as treasurer, etc., appellant, *vs.* Nathaniel J. Dustin. Appeal from the circuit court of the United States for the northern district of Ohio. Dismissed with costs pursuant to the 10th rule.

No. 361.—Theodore H. Kleinschmidt, Mayor, etc., *et al.*, appellants, *vs.* William Davenport *et al.* Appeal from the Supreme Court of the Territory of Montana. Dismissed with costs, pursuant to the 10th rule and cause remanded to the supreme court of the State of Montana.

No. 343.—Mary Bardon, appellant, *vs.* The Northern Pacific Railroad Company. Argument continued by Mr. James McNaught for the appellee and concluded by Mr. William F. Vilas for the appellant.

No. 346.—James B. Ryan *et al.*, appellants, *vs.* Charles H. Hard *et al.* Argued by Mr. John B. Gleason for the appellants and by Mr. James B. Jenkins for the appellees.

No. 347.—The Benson Mining and Smelting Company, appellant, *vs.* The Alta Mining and Smelting Company. Argued by Mr. T. M. Norwood for the appellee and submitted by Mr. Nathaniel Wilson for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 29th, will be as follows: Nos. 348, 349, 355, 356, 358, 362, 363, 365, 366, and 368.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 29, 1892.

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

No. 1379.—Jacob Eichel *et al.*, plaintiffs in error, *vs.* David L. Wallace *et al.* In error to the circuit court of the United States for the district of Kentucky. Dismissed with costs on authority of counsel for the plaintiffs in error.

No. 356.—John J. Schillinger *et al.*, appellants, *vs.* The United States. Continued on motion of Mr. Solicitor-General Aldrich for the appellee.

No. 363.—Lippman Toplitz *et al.*, plaintiffs in error, *vs.* E. A. Merritt, late collector, etc. In error to the circuit court of the United States for the southern district of New York. Dismissed with costs pursuant to the tenth rule.

No. 365.—Colin Cameron, appellant, *vs.* The United States. Continued on motion of Mr. Solicitor-General Aldrich for the appellee.

No. 366.—Dolores G. Astiazara *et al.*, appellants, *vs.* The Santa Rita Land and Mining Company *et al.* Continued on motion of Mr. A. B. Browne for the appellees.

No. 368.—Henry Junge, plaintiff in error, *vs.* E. L. Hedden, late collector. Continued on motion of Mr. E. B. Smith for the plaintiff in error.

No. 348.—John W. S. Earnshaw, plaintiff in error, *vs.* John Cadwalader, collector, etc. Argued by Mr. W. S. Hall for plaintiff in error and by Mr. Assistant Attorney-General Parker for the defendant in error.

No. 349.—George E. Dowling *et al.*, plaintiffs in error, *vs.* The National Exchange Bank of Boston. Argued by Mr. Michael Brown for the plaintiffs in error and by Mr. Mark Norris for the defendant in error.

No. 355.—Wm. Aerkfetz, by his next friend, plaintiff in error, *vs.* Solon Humphreys *et al.*, receivers. Submitted on printed argument by Mr. C. E. Warner and Mr. L. T. Griffin for the plaintiff in error, and on the printed record by Mr. W. H. Blodgett for the defendants in error.

No. 358.—The City of Bellaire, plaintiff in error, *vs.* The Baltimore and Ohio Railroad Company. Continued per stipulation.

No. 362.—Philander Derby *et al.*, appellants, *vs.* Daniel L. Thompson *et al.* Continued.

Adjourned until Monday next at 12 o'clock.



SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 2, 1892.

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

Lewis M. Bradley, of Mound City, Ill., and Henry E. Asp, of Guthrie, Okla., were admitted to practice.

No. 220.—Isaac N. Topliff, appellant, *vs.* John A. Topliff, *et al.*, and

No. 277.—John A. Topliff, *et al.*, appellants, *vs.* Isaac N. Topliff. Appeals from the circuit court of the United States for the northern district of Ohio. Decree affirmed; costs in this court to be paid by Isaac N. Topliff. Opinion by Mr. Justice Brown.

No. 221.—The New England Mortgage Security Company, plaintiff in error, *vs.* Jacob M. Gay. In error to the circuit court of the United States for the southern district of Georgia. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brown. Dissenting, Mr. Justice Lamar and Mr. Justice Brewer.

No. 297.—W. H. Barnett, plaintiff in error, *vs.* The City of Denison. In error to the circuit court of the United States for the eastern district of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Brown. Dissenting, Mr. Justice Brewer.

No. 296.—Joseph Furrer, as administrator, etc., appellant, *vs.* James M. Ferris, receiver, etc. Appeal from the circuit court of the United States for the northern district of Ohio. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 185.—The People of the State of New York, *ex. rel.* The New York Electric Lines Company, plaintiff in error, *vs.* Rollin M. Squire, as Commissioner, &c. In error to the court of common pleas of the city and county of New York. Judgment affirmed with costs. Opinion by Mr. Justice Lamar. (Announced by Mr. Justice Blatchford.)

No. 228.—Delos E. Culver, plaintiff in error, *vs.* George Wilkinson, Records, etc. In error to the circuit court of the United States for the southern district of New York. Judgment affirmed with costs and interest. Opinion by Mr. Justice Blatchford.

No. 318.—Joseph C. Willard, appellant, *vs.* Henry K. Willard. Appeal from the supreme court of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Gray. (Mr. Justice Brewer took no part in this decision).

No. 282.—S. W. Washington, administrator, etc., *et al.*, appellants, *vs.* H. L. Opie. Appeal from the circuit court of the United States for the district of West Virginia. Decree reversed with costs and cause remanded with directions to dismiss the bill. Opinion by Mr. Justice Harlan.

No. 339.—The city of Clay Center, Kans., appellant, *vs.* The Farmers' Loan and Trust Company. Appeal from the circuit court of the United States for the district of Kansas. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 227.—B. W. Goode, appellant, *vs.* William H. Gaines, *et al.*

No. 302.—George H. Smith, appellant, *vs.* William H. Gaines, *et al.*

No. 303.—Patrick Dugan, appellant, *vs.* William H. Gaines, *et al.*

No. 304.—Charlotte Cohn, appellant, *vs.* William H. Gaines, *et al.*

No. 305.—R. E. Allen, appellant, *vs.* William H. Gaines, *et al.*

No. 306.—James Madison, appellant, *vs.* William H. Gaines, *et al.*

No. 307.—D. C. Rugg, appellant, *vs.* William H. Gaines, *et al.*

No. 308.—A. S. Garnett, appellant, *vs.* William H. Gaines, *et al.*

No. 309.—A. S. Garnett, appellant, *vs.* William H. Gaines, *et al.*

No. 310.—D. C. Rugg *vs.* William H. Gaines *et al.*

No. 311.—Vina Granger *vs.* William H. Gaines *et al.*

No. 312.—Otto Neubert *vs.* William H. Gaines *et al.*

No. 313.—John J. Sumpter *et al.* *vs.* William H. Gaines *et al.*

No. 314.—George G. Latta *vs.* William H. Gaines *et al.*

No. 315.—George G. Latta *vs.* William H. Gaines *et al.*

Appeals from the circuit court of the United States for the eastern district of Arkansas. Decrees reversed, each party to pay one-half of the costs in this court, and causes remanded for further proceedings to be had therein in conformity with the opinion of this court. Opinion by Mr. Chief Justice Fuller.

Nos. 275, 276, 428, and 429.—The Lehigh Valley Railroad Company, plaintiff in error, *vs.* The Commonwealth of Pennsylvania. In error to the supreme court of the State of Pennsylvania. Judgments affirmed with costs. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court :

No. 120.—The City of Brenham, plaintiff in error, *vs.* The German-American Bank. Leave is granted to file a petition for a rehearing herein, which being considered, it is ordered that the judgment entered in this cause upon the 28th of March, 1892, be, and the same is hereby, vacated and set aside, and judgment is now this day entered, reversing the

judgment of the circuit court of the United States for the western district of Texas, and remanding said cause for further proceedings not inconsistent with the opinion of this court hereinbefore filed, and the petition for rehearing is denied.

No. 986.—Amos Woodruff, trustee, *et al.*, plaintiffs in error, *vs.* The State of Mississippi *et al.* Motion to advance denied without prejudice to its renewal at the next term.

Nos. 1028, 1029, and 1030.—The United States, appellant, *vs.* M. J. Julian. Appeals from the district and circuit courts of the United States for the middle district of Tennessee. Judgments reversed per stipulation and causes remanded to be proceeded in according to law.

Ordered that all parts of Rule 67 of the Rules of Practice for the Courts of Equity of the United States, as now existing, be, and the same are hereby, superseded, and the following rule is promulgated as such Rule 67:

After the cause is at issue commissions to take testimony may be taken out in vacation as well as in term, jointly by both parties or severally by either party, upon interrogatories filed by the party taking out the same in the clerk's office, ten days' notice thereof being given to the adverse party to file cross-interrogatories before the issuing of the commission; and if no cross-interrogatories are filed at the expiration of the time, the commission may issue *ex parte*. In all cases the commissioner or commissioners may be named by the court or by a judge thereof, and the presiding judge of the court exercising jurisdiction may, either in term time or in vacation, vest in the clerk of the court general power to name commissioners to take testimony.

Either party may give notice to the other that he desires the evidence to be adduced in the cause to be taken orally, and thereupon all the witnesses to be examined shall be examined before one of the examiners of the court, or before an examiner to be specially appointed by the court. The examiner, if he so request, shall be furnished with a copy of the pleadings.

Such examination shall take place in the presence of the parties or their agents, by their counsel or solicitors, and the witnesses shall be subject to cross-examination and reëxamination, all of which shall be conducted as near as may be in the mode now used in common-law courts.

The depositions taken upon such oral examination shall be reduced to writing by the examiner, in the form of question put and answer given; provided that, by consent of parties, the examiner may take down the testimony of any witness in the form of narrative.

At the request of either party, with reasonable notice, the deposition of any witness shall, under the direction of the examiner, be taken down

either by a skillful stenographer or by a skillful typewriter, as the examiner may elect, and when taken stenographically shall be put into type-writing or other writing: *Provided*, That such stenographer or typewriter has been appointed by the court, or is approved by both parties.

The testimony of each witness, after such reduction to writing, shall be read over to him and signed by him in the presence of the examiner, and of such of the parties or counsel as may attend; provided, that if the witness shall refuse to sign his deposition so taken, then the examiner shall sign the same, stating upon the record the reasons, if any, assigned by the witness for such refusal.

The examiner may, upon all examinations, state any special matters to the court as he shall think fit; and any question or questions which may be objected to shall be noted by the examiner upon the deposition, but he shall not have power to decide on the competency, materiality, or relevancy of the questions; and the court shall have power to deal with the costs of incompetent, immaterial, or irrelevant depositions, or parts of them, as may be just.

In case of refusal of witnesses to attend, to be sworn, or to answer any question put by the examiner, or by counsel or solicitor, the same practice shall be adopted as is now practiced with respect to witnesses to be produced on examination before an examiner of said court on written interrogatories.

Notice shall be given by the respective counsel or solicitors to the opposite counsel or solicitors, or parties, of the time and place of the examination, for such reasonable time as the examiner may fix by order in each cause.

When the examination of witnesses before the examiner is concluded, the original depositions, authenticated by the signature of the examiner, shall be transmitted by him to the clerk of the court, to be there filed of record, in the same mode as prescribed in section 865 of the Revised Statutes.

Testimony may be taken on commission in the usual way, by written interrogatories and cross-interrogatories, on motion to the court in term time or to a judge in vacation, for special reasons, satisfactory to the court or judge.

Where the evidence to be adduced in a cause is to be taken orally, as before provided, the court may, on motion of either party, assign a time within which the complainant shall take his evidence in support of the bill, and a time thereafter within which the defendant shall take his evidence in defense, and a time thereafter within which the complainant shall take his evidence in reply; and no further evidence shall be taken in the cause, unless by agreement of the parties, or by leave of court first obtained, on motion for cause shown.

The expense of the taking down of depositions by a stenographer, and of putting them into typewriting or other writing shall be paid in the first instance by the party calling the witness, and shall be imposed by the court as part of the costs upon such party as the court shall adjudge should ultimately bear them.

The Chief Justice also announced that the court would adjourn for the term on Monday, the 16th instant.

No. 1558.—Horatio J. J. Wise, master, etc., appellant, *vs.* Myers Bennett *et al.*, claimants. Petition for a writ of certiorari submitted by Mr. James Thomson in support of same, with leave to Mr. Robert H. Smith to file brief in opposition thereto.

No. 1559.—Mary E. Post, administratrix, etc., plaintiff in error, *vs.* The County of Pulaski. Petition for writ of certiorari submitted by Mr. Harry Hubbard and Mr. John F. Dillon in support of same, with leave to Mr. Lewis M. Bradley to file brief in opposition thereto.

No. 1471.—Milton L. Baer, plaintiff in error, *vs.* Moran Brothers Company, a corporation. Motion to advance submitted by Mr. John H. Mitchell in support of same.

No. 1012.—Jacob C. Mann, appellant, *vs.* The Tacoma Land Company. Motion to advance submitted by Mr. T. H. N. McPherson in support of same.

No. 1560.—Edward W. Hallinger, appellant, *vs.* Charles Birdsall, jailer, etc. Appeal from the district court of the United States for the district of New Jersey. Docketed and dismissed with costs on motion of Mr. C. H. Winfield for the appellee, and mandate granted.

No. 1540.—The Great Western Telegraph Company, plaintiff in error, *vs.* Hiram Purdy. Motion to amend writ of error and for new citation herein granted, on motion of Mr. C. W. Needham in behalf of counsel.

No. 1330.—Albert H. Glaspell, plaintiff in error, *vs.* The Northern Pacific Railroad Company. Motion to withhold mandate for leave to amend the record and for a rehearing upon the amended record, submitted by Mr. A. H. Garland for the defendant in error.

No. 1545.—John F. Meagher *et al.*, plaintiffs in error, *vs.* The Minnesota Thresher Manufacturing Company. Motion to dismiss submitted by Mr. C. K. Davis and Mr. Frank W. M. Cutcheon, in support of motion, and by Mr. Horace G. Stone, in opposition thereto.

Nos. 1466, 1467, 1468, 1469.—Edward Roby, plaintiff in error, *vs.* Charles W. Colehour *et al.* Motions to dismiss or affirm submitted by Mr. W. C. Goudy and Mr. H. S. Monroe in support of motions, and by Mr. John M. Palmer in opposition thereto.

Adjourned until Monday, May 16, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 16, 1892.

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

George K. French, of Washington, D. C. ; William R. Reagan, of Ardmore, Okla ; W. C. Williams, of Milwaukee, Wis. ; Henry W. Harter, of Canton, Ohio ; John H. Gaff, of Sault Ste Marie, Mich. ; and Jacob H. Lichliter, of Washington, D. C., were admitted to practice.

No. 889.—The Interstate Commerce Commission, appellant, *vs.* The Baltimore and Ohio Railroad Company. Appeal from the circuit court of the United States for the southern district of Ohio. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 342.—Aquila H. Pickering, plaintiff in error, *vs.* John A. Lomax *et al.* In error to the supreme court of the State of Illinois. Judgment reversed, with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Brown.

No. 301.—Pierre Felix *et al.*, appellants, *vs.* Matthewson T. Patrick *et al.* Appeal from the circuit court of the United States for the district of Nebraska. Decree affirmed with costs. Opinion by Mr. Justice Brown. Dissenting, Mr. Justice Field.

No. 336.—William J. Hoyt, etc., appellant, *vs.* John H. Horne. Appeal from the circuit court of the United States for the district of Massachusetts. Decree reversed with costs and cause remanded with instruction to enter a decree for the plaintiff upon the first claim, and for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 344.—Elizabeth Barton, appellant, *vs.* Samuel S. Brown *et al.* Appeal from the circuit court of the United States for the eastern district of Louisiana. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No 1340.—The Pewabic Mining Company, appellant, *vs.* Thomas H. Mason *et al.*

No. 1416.—Alfred A. Marcus, appellant, *vs.* Thomas H. Mason *et al.* Appeals from the circuit court of the United States for the western district of Michigan. Decrees affirmed with costs. Opinion by Mr. Justice Brewer. (Mr. Justice Gray took no part in the decision of this case.)

No. 283.—Aut Miller, plaintiff in error, *vs.* Ernst Ammon. In error to the circuit court of the United States for the southern district of Iowa. Judgment reversed with costs and cause remanded with instructions to overrule the demurrer to the answer. (Opinion by Mr. Justice Brewer.)

No. 355.—William Aerkfetz, etc., plaintiff in error, *vs.* Solon Humphreys *et al.*, receivers, etc. In error to the circuit court of the United States for the eastern district of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 347.—The Benson Mining and Smelting Company, appellant, *vs.* The Alta Mining and Smelting Company. Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 265.—Maria J. Galliher, appellant, *vs.* H. P. Cadwell. Appeal from the supreme court of the Territory of Washington. Decree affirmed with costs and cause remanded to the supreme court of the State of Washington. Opinion by Mr. Justice Brewer.

No. 325.—Henry H. Hancock, appellant, *vs.* The Louisville and Nashville Railroad Company *et al.*, and

No. 326.—The Shelby Railroad Company, appellant, *vs.* The Louisville and Nashville Railroad Company *et al.* Appeals from the circuit court of the United States for the district of Kentucky. Decrees affirmed with costs. Opinion by Mr. Justice Brewer.

No. 202.—Samuel H. Kissam *et al.*, plaintiffs in error, *vs.* Henry J. Anderson, receiver, 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 directions to grant a new trial. Opinion by Mr. Justice Brewer.

No. 323.—Margaret C. Freeman, appellant, *vs.* George Asmus. Appeal from the circuit court of the United States for the eastern district of Pennsylvania. Decree reversed with costs and cause remanded with a direction to dismiss the bill with costs. Opinion by Mr. Justice Blatchford.

No. 346.—James B. Ryan *et al.*, appellants, *vs.* Charles H. Hard *et al.* Appeal from the circuit court of the United States for the northern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 348.—John W. S. Earnshaw, plaintiff in error, *vs.* John Cadwalader, collector, etc. In error to the circuit court of the United States for the eastern district of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 12.—Thomas J. Meehan, plaintiff in error, *vs.* John K. Valentine, executor, etc. In error to the circuit court of the United States for the eastern district of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice Gray.

No. 42.—The St. Louis, Vandalia and Terre Haute Railroad Company, appellant, *vs.* The Terre Haute and Indianapolis Railroad Company. Appeal from the circuit court of the United States for the southern district of Illinois. Decree affirmed with costs. Opinion by Mr. Justice Gray.

No. 163.—Eva Brown, executrix, etc., plaintiff in error, *vs.* Theodore B. Smart *et al.*, etc. In error to the court of appeals of the State of Maryland. Judgment affirmed with costs. Opinion by Mr. Justice Gray.

No. 181.—The Mutual Life Insurance Company of New York *et al.*, plaintiffs in error, *vs.* Sallie E. Hillmon. In error to the circuit court of the United States for the district of Kansas. Dismissed without costs. Opinion by Mr. Justice Gray.

No. 182.—The Mutual Life Insurance Company of New York, plaintiff in error, *vs.* Sallie E. Hillmon.

No. 183.—The New York Life Insurance Company, plaintiff in error, *vs.* Sallie E. Hillmon; and

No. 184.—The Connecticut Mutual Life Insurance Company of Hartford, Conn., plaintiff in error, *vs.* Sallie E. Hillmon. In error to the circuit court of the United States for the district of Kansas. Judgments reversed with costs, and causes remanded with directions to set aside the verdicts and to order new trials. Opinion by Mr. Justice Gray.

o. 13.—Original. *Ex parte*: In the matter of John O. Shaw, jr., trustee, petitioner. Petition for a writ of mandamus denied. Opinion by Mr. Justice Gray. Dissenting, Mr. Justice Harlan.

No. 828.—T. B. Cox, *et al.*, plaintiffs in error, *vs.* E. J. Hart. In error to the circuit court of the United States for the northern district of Texas. Judgment affirmed, with costs. Opinion by Mr. Justice Harlan.

No. 1231.—John Glenn, trustee, plaintiff in error, *vs.* J. Carter Marbury. In error to the supreme court of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 322.—James S. Nielson *et al.*, executors, &c., plaintiffs in error, *vs.* Thomas Kilgore, next friend, etc. In error to the supreme court of the State of Tennessee. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 349.—George E. Dowling, plaintiff in error, *vs.* The National Exchange Bank of Boston. In error to the circuit court of the United States for the western district of Michigan. Judgment rendered with costs as to the defendant Dowling, and cause remanded with directions to grant him a new trial. Opinion by Mr. Justice Harlan.

No. 379.—Michael McDonald, appellant, *vs.* George Belding and Amanda Belding, his wife. 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 Harlan.

No. 250.—J. Brander Matthews *et al.* executors, etc., appellants, *vs.* Caleb H. Warner *et al.* Appeal from the circuit court of the United States for the district of Massachusetts. Decree affirmed with costs. Opinion by Mr. Justice Harlan. (Mr. Justice Gray took no part in the decision of this case.)

No. 319.—The Franklin Telegraph Company *et al.*, appellants, *vs.* John Harrison *et al.* Appeal from the circuit court of the United States for the eastern district of Pennsylvania. Decree affirmed with costs. Opinion by Mr. Justice Harlan. Dissenting: Mr. Chief Justice Fuller and Mr. Justice Brewer.

No. 316.—Julia A. Jenkins *et al.*, plaintiffs in error, *vs.* William A. Collard. In error to the circuit court of the United States for the southern district of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice Field.

No. 329.—Count Joseph Telfener, plaintiff in error, *vs.* George W. Russ. In error to the circuit court of the United States for the western district of Texas. Judgment reversed with costs and cause remanded with directions to grant a new trial and to take further proceedings in accordance with the opinion of the court. Opinion by Mr. Justice Field.

No. 343.—Mary Bardon, appellant, *vs.* The Northern Pacific Railroad Company. Appeal from the circuit court of the United States for the western district of Wisconsin. Decree reversed with costs and cause remanded with a direction to dismiss the bill. Opinion by Mr. Justice Field.

No. 166.—Joseph Oteri, appellant, *vs.* Sarah Scalzo *et al.*, executors, &c. Appeal from the circuit court of the United States for the eastern district of Louisiana. Decree reversed with costs and cause remanded for further in conformity with the opinion of this court. Opinion by Mr. Chief Justice Fuller.

No. 327.—The Texas and Pacific Railway Company, plaintiff in error *vs.* Ida May Cox. In error to the circuit court of the United States for the

eastern district of Texas. Judgment affirmed, with cost and interest. Opinion by Mr. Chief Justice Fuller.

No. 332.—Adolph Rossman, plaintiff in error, *vs.* E. L. Hedden, late 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. Chief Justice Fuller.

No. 338.—The South Spring Hill Gold Mining Company, plaintiff in error, *vs.* The Amador Medean Gold Mining Company. In error to the circuit court of the United States for the northern district of California. Judgment reversed with costs and cause remanded for further proceedings in conformity with law. Opinion by Mr. Chief Justice Fuller.

No. 1545.—John F. Meagher *et al.*, plaintiffs in error, *vs.* The Minnesota Thrasher Manufacturing Company. In error to the supreme court of the State of Minnesota. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 1525.—William D. Cross, plaintiff in error, *vs.* The United States. In error to the supreme court of the District of Columbia. Dismissed for want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court :

No. 1012.—Jacob C. Mann, appellant, *vs.* The Tacoma Land Company.

No. 1471.—Milton L. Baer, plaintiff in error, *vs.* Moran Brothers Company. Motions to advance denied, but leave granted to counsel in these cases to file briefs in No. 1364.

No. 1014.—H. P. Lloyd, assignee, etc., plaintiff in error, *vs.* Hattie A. Matthews *et al.* Motion to dismiss postponed to the hearing on the merits.

No. 1330.—Albert H. Glaspell, plaintiff in error, *vs.* The Northern Pacific Railroad Company. Motion to withhold mandate, for leave to amend record, and for rehearing on amended record denied.

No. 1558.—Horatio J. J. Wise, master, etc., appellant, *vs.* Myers, Bennett *et al.* Motion for a writ of certiorari to the United States circuit court of appeals for the fourth circuit, denied, with costs.

No. 1559.—Mary E. Post, administratrix, etc., plaintiff in error, *vs.* The county of Pulaski. Motion for a writ of certiorari to the United States circuit court of appeals for the seventh circuit, denied, with costs.

No. 262.—John H. Sessions, appellant, *vs.* John M. Romadka *et al.*

No. 263.—John M. Romadka *et al.*, appellants, *vs.* John H. Sessions. Decree of April 25, 1892, vacated, and decree now entered reversing the decree of the circuit court of the United States for the eastern district of Wisconsin. Costs in this court to be paid by Romadka *et al.*, and cause remanded with directions for further proceedings in conformity with the

opinion of this court, with authority, however, to the circuit court if, in its opinion, law and justice shall so require, to modify the total amount of damages as found by the master.

No. 5.—Original. The United States, complainant, *vs.* The State of Texas. Leave granted to send original depositions to printer, on motion of Mr. Attorney-General Miller for the complainant.

No. 193.—The Spalding Lumber Company, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the western district of Michigan. Dismissed on motion of Mr. Attorney-General Miller for the defendant in error.

No. 1503.—Alexander Lewis, plaintiff in error, *vs.* The United States. Leave granted to the plaintiff in error to proceed in *forma pauperis*, and ordered that the record herein be printed at public expense, on motion of Mr. Attorney-General Miller for the defendant in error.

No. 1077.—The United States, appellant, *vs.* A. H. Faulkner. Appeal from the district court of the United States for the middle district of Tennessee. Decree reversed per stipulation and cause remanded to be proceeded in according to law, on motion of Mr. Attorney-General Miller for the appellant.

No. 1.—Original.—The State of New Jersey, complainant, *vs.* The State of Delaware. Leave granted to file stipulation herein, on motion of Mr. A. H. Garland in behalf of counsel.

No. 4.—Original.—The State of Nebraska, complainant, *vs.* The State of Iowa. Ordered that decree be entered and costs taxed in accordance with stipulation, on motion of Mr. C. J. Greene for the complainant.

No. 1360.—Richard P. Barden *et al.*, plaintiffs in error, *vs.* The Northern Pacific Railroad Company. Reassigned for argument on the second Monday of December next, at the foot of the call, on motion of Mr. M. F. Morris for the plaintiffs in error.

No. 1568.—Sarah G. Marshall *et al.*, appellants, *vs.* Woodbury Wheeler *et al.* Motion of Mr. William A. McKenney to docket and dismiss this cause submitted, and ordered that the cause be docketed and motion to dismiss be continued until the next term.

No. 1563.—Charles E. Cook, appellant, *vs.* C. A. Hart, sheriff, etc. Advanced and assigned for argument on the third Monday of the next term, on motion of Mr. W. C. Williams for the appellee.

No. 1299.—John McCloskey, plaintiff in error, *vs.* Frank Hurst. In error to the circuit court of the United States for the eastern district of Louisiana. Motions to dismiss or affirm submitted by Mr. William Grant and Mr. J. D. Rouse in support of motion. Dismissed for the want of jurisdiction.

No. 457.—Jacob Darst, plaintiff in error, *vs.* George H. Boggs *et al.* In error to the circuit court of the United States for the district of Nebraska. Dismissed per stipulation.

No. 707.—The Central Trust Company of New York, appellant, *vs.* M. H. C. Bacon, widow, etc. Appeal from the circuit court of the United States for the eastern district of Tennessee. Dismissed per stipulation.

No. 851.—John J. Kain, executor, etc., appellant, *vs.* Nimick & Co. *et al.* Appeal from the circuit court of the United States for the district of West Virginia. Dismissed with costs on motion of counsel for the appellant.

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.

