

## SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 12, 1896.

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The court met pursuant to law.

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

Charles E. Buell, of Madison, Wis.; Silas C. Sweet, of Des Moines, Iowa; William Henry Dennis, of Washington, D. C., and Simon Lyon, of Washington, D. C., were admitted to practice.

The Chief Justice announced that the court would commence the call of the docket to-morrow, pursuant to the twenty-sixth rule.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 13, will be as follows: Nos. 2, 3, 4, 5 (and 6 and 7), 8, 9, 10 (and 16), 11 (and 129 and 130), 12, and 14 (and 15).

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# SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 13, 1896.

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

Thomas F. West, of Fort Worth, Texas; Fred. W. Bentley, of Wichita, Kans.; David Smyth, of Wichita, Kans.; Edward L. Gies, of Washington, D. C.; Henry J. Grannis, of Duluth, Minn.; L. H. Spilman, of Knoxville, Tenn., and Warren S. Burt, of New York City, were admitted to practice.

No. 4.—Joseph Lalone et al., appellants, *v.* The United States. Submitted by Mr. A. T. Britton and Mr. A. B. Browne for the plaintiffs in error, with leave to Mr. Solicitor-General Conrad for the defendant in error to file brief within one week, and to counsel for the plaintiffs in error to reply thereto within three days thereafter.

No. 33.—David G. Swaim, appellant, *v.* The United States. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. Solicitor-General Conrad, for the appellee.

No. 45.—The United States, appellant, *v.* Earl B. Coe. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. Solicitor-General Conrad for the appellee.

No. 508.—Mollie King et al., plaintiffs in error, *v.* The United States. Confession of error submitted by Mr. Solicitor-General Conrad, Mr. Assistant Attorney-General Whitney, and Mr. Assistant Attorney-General Dickinson for the defendant in error.

No. 522.—L. I. Rosencrans, plaintiff in error, *v.* The United States;

No. 536.—James Mills, plaintiff in error, *v.* The United States;

No. 551.—Herman Keck, plaintiff in error, *v.* The United States;

No. 563.—The Interstate Commerce Commission, appellant, *v.* The Alabama Midland Railway Company;

No. 578.—Jess Nofire and John Nofire, plaintiffs in error, *v.* The United States;

No. 579.—C. L. Addington, plaintiff in error, *v.* The United States, and

No. 588.—Frank Carver, plaintiff in error, *v.* The United States. Motions to advance submitted by Mr. Solicitor-General Conrad for the United States and the Interstate Commerce Commission.

No. 606.—The United States, appellant, *v.* George P. Lies & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Solicitor-General Conrad and Mr. Assistant Attorney-General Whitney for the appellant in support of the petition, and by Mr. Charles Curie, Mr. W. Wickham Smith, and Mr. David Ives Mackie for the appellees, in opposition thereto.

No. ———.—Warren E. Price, plaintiff in error, *v.* The United States. Motion to docket and dismiss submitted by Mr. Solicitor-General Conrad for the defendant in error.

No. 31.—Rufus E. Graves, plaintiff in error, *v.* The United States. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. Assistant Attorney-General Whitney for the defendant in error.

No. 333.—The United States *ex rel.* Charles D. Long, plaintiff in error, *v.* William Lochren, Commissioner of Pensions. Motion to dismiss submitted by Mr. Assistant Attorney-General Whitney in support of motion.

No. 530.—The United States, appellant, *v.* Edward Kurtz. Submitted pursuant to the twentieth rule by Mr. Assistant Attorney-General Dodge for the appellant, and by Mr. Charles C. Lancaster for the appellee.

No. 617.—The District of Columbia, appellant, *v.* George E. Johnson, administrator, etc. ;

No. 618.—The District of Columbia, appellant, *v.* Margaret R. Sheckels et al. ;

No. 619.—The District of Columbia, appellant, *v.* John T. H. Hall, and

No. 620.—The District of Columbia, appellant, *v.* William Dickson, assignee. Motion to advance submitted by Mr. Assistant Attorney-General Dodge for the appellant.

No. 402.—George McElroy et al., plaintiffs in error, *v.* The United States. Submitted by Mr. William M. Cravens for the plaintiffs in error, and by Mr. Assistant Attorney-General Dickinson for the defendant in error.

No. 547.—The United States, plaintiff, *v.* Henry Hewecker. Motion to dismiss submitted by Mr. A. J. Rose in support of motion, and by Mr. Assistant Attorney-General Dickinson in opposition thereto.

No. 344.—The United States, appellant, *v.* The American Bell Telephone Company et al. Motion for leave to file brief herein on behalf of the Standard Telephone Company submitted by Mr. James McNaught in support of motion.

No. 622.—The County of Mercer, in the State of Kentucky, plaintiff in error, *v.* The Provident Life and Trust Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Samuel Dickson and Mr. Thomas W. Bullitt for the defendant in error in support of petition, and by Mr. A. P. Humphrey and Mr. George M. Davie for the plaintiff in error in opposition thereto.

No. 3.—The City of New Orleans, appellant, *v.* The Texas and Pacific Railway Company et al. Passed to be restored to the call after sixty days on motion of Mr. W. Willoughby in behalf of counsel.

No. 596.—Henry J. Havnor, plaintiff in error, *v.* The People of the State of New York. Motion to advance submitted by Mr. Warren S. Burt and Mr. Albert I. Sire for the plaintiff in error.

No. 608.—Ray W. Jones, appellant, *v.* Patrick Meehan et al. Motion to advance submitted by Mr. George E. Hamilton in behalf of counsel for the appellant, and by Mr. C. D. O'Brien and Mr. Orville Rinehart in opposition thereto.

No. 550.—The Warren Valley Stock Company, appellant, *v.* Hoke Smith, Secretary of the Interior, et al. Motion to advance submitted by Mr. Frederic D. McKenney for the appellant.

No. 22.—John H. McBride, appellant, *v.* The Grand De Tour Plow Company et al. Passed on motion of Mr. Frederic D. McKenney in behalf of counsel.

No. 512.—The Hurlbut Land and Cattle Company, appellant, *v.* John S. Truscott, county treasurer, etc. Motion to advance submitted by Mr. J. M. Wilson for the appellant.

No. 586.—Levi C. Weir, President of the Adams Express Company, appellant, *v.* L. C. Norman, auditor of public accounts of Kentucky; and

No. 614.—The Western Union Telegraph Company, appellant, *v.* L. C. Norman, auditor of public accounts of Kentucky. Motions to advance submitted by Mr. Lawrence Maxwell, jr., and Mr. W. A. Sudduth for the appellants, and by Mr. W. J. Hendrick for the appellee.

No. 497.—John F. Bushnell, plaintiff in error, *v.* Cyrus A. Leland, receiver, etc. Motion to advance submitted by Mr. Edward Winslow Paige and Mr. F. W. Holden for the defendant in error.

Nos. 509 and 510.—The American Security and Trust Company, of New York, plaintiff in error, *v.* Frederick N. Pauly, as receiver, etc. Motion to advance submitted by Mr. Edward Winslow Paige for the defendant in error.

No. 535.—The United States, appellant, *v.* Charles G. Gilliat, administrator, etc. Motion to dismiss submitted by Mr. F. W. Hackett in sup-

port of motion, and by Mr. Assistant Attorney-General Dodge and Mr. Charles W. Russell in opposition thereto.

No. 561.—Prentiss D. Cheney, appellant, *v.* John S. Bilby. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Charles E. Magoon for the appellant in support of the petition.

No. 601.—E. H. Hubbard, assignee, etc., appellant, *v.* J. Kennedy Tod et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. A. B. Browne in behalf of Mr. John C. Coombs and Mr. Henry J. Taylor for the appellant in support of the petition.

No. 615.—Caroline M. Forsyth, appellant, *v.* The City of Hammond et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. A. B. Browne in behalf of Mr. Charles H. Aldrich for the appellees in support of the petition, and by Mr. W. H. H. Miller, Mr. Ferd. Winter and Mr. John B. Elam for the appellant in opposition thereto.

No. 549.—Lewis Perrine et al., plaintiffs in error, *v.* Mary Kemble Slack. Motion for a writ of supersedeas or other appropriate writ submitted by Mr. Calderon Carlisle, Mr. J. M. Wilson and Mr. William G. Johnson for the plaintiffs in error in support of motion with leave to counsel for the defendant in error to file briefs in opposition thereto on or before the 21st instant.

No. 264.—Octavia J. Parsons, plaintiff in error, *v.* Gustav Venzke et al. Submitted pursuant to the twentieth rule by Mr. Seth Newman for the plaintiff in error, and by Mr. W. H. Standish for the defendant in error.

No. 65.—The Kansas City, Fort Scott and Memphis Railroad Company, plaintiff in error, *v.* J. M. Seawell et al. In error to the supreme court of the State of Missouri. Dismissed per stipulation.

No. 207.—The Northern Pacific Railroad Company, appellant, *v.* The City of Spokane et al. Appeal from the United States circuit court of appeals for the ninth circuit. Dismissed with costs on authority of counsel for the appellant.

No. 236.—The Northern Pacific Railroad Company, plaintiff in error, *v.* Eugene Teeter. In error to the United States circuit court of appeals for the eighth circuit. Dismissed per stipulation.

No. 237.—The Northern Pacific Railroad Company, plaintiff in error, *v.* Andrew Mortenson. In error to the United States circuit court of appeals for the eighth circuit. Dismissed per stipulation.

No. 315.—Temple Short et al., appellants, *v.* John F. Pierce et al. Appeal from the supreme court of the Territory of Utah. Dismissed with costs on authority of counsel for appellants, and cause remanded to the supreme court of the State of Utah.

No. 441.—The Mount Pleasant Equitable Co-Op. et al., appellants, *v.* W. P. Noble Mercantile Company et al. Appeal from the supreme court of the Territory of Utah. Dismissed with costs per stipulation, and cause remanded to the supreme court of the State of Utah. Mandate granted.

No. 429.—James Dyer, plaintiff in error, *v.* The United States. Motion to advance submitted by Mr. A. B. Browne in behalf of counsel for the plaintiff in error.

No. 2.—Albert Price et al., plaintiffs in error, *v.* Elijah Chism. In error to the supreme court of the State of Arkansas. Dismissed with costs pursuant to the tenth rule.

No. 5.—The Dubuque and Sioux City Railroad Company, appellant, *v.* Joseph Sampson, trustee;

No. 6.—Joseph Sampson, trustee, appellant, *v.* The Illinois Central Railroad Company et al.; and

No. 7.—The Cedar Falls and Minnesota Railroad Company, appellant, *v.* The Illinois Central Railroad Company. Appeals from the circuit court of the United States for the northern district of Illinois. Dismissed per stipulation.

No. 11.—The Chicago and Northwestern Railway Company, plaintiff in error, *v.* The City of Chicago. Passed until Nos. 129 and 130 are reached, on motion of Mr. John J. Herrich for plaintiffs in error in Nos. 129 and 130.

No. 12.—The Northern Pacific Railroad Company, plaintiff in error, *v.* Junius G. Sanders et al.. Passed subject to the provisions of section 9, rule 26.

No. 8.—The State of Wisconsin *ex rel.* John R. Baltzell, plaintiff in error, *v.* Robert G. Siedecker, circuit judge, etc. Argued by Mr. Charles E. Buell for the defendant in error, and submitted by Mr. A. L. Sanborn for the plaintiff in error.

No. 9.—Zeph T. Hill, plaintiff in error, *v.* John Corcoran. Argued by Mr. W. C. Beecher for the plaintiff in error, and by Mr. Frederic D. McKenney for the defendant in error.

No. 10.—The Prairie State National Bank of Chicago, Ill., appellant, *v.* The United States, and

No. 16.—The United States, appellant, *v.* Charles A. Hitchcock et al. Argument commenced by Mr. Howard Henderson for the appellant in No. 10.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 14, will be as follows: Nos. 10 (and 16), 14 (and 15), 17, 19, 20, 21, 24, 25, 26 and 30.

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# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 14, 1896.

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

No. 85.—Santiago Ainsa, administrator, etc., appellant, *v.* The New Mexico and Arizona Railroad Company; and

No. 86.—Santiago Ainsa, administrator, etc., appellant, *v.* The New Mexico and Arizona Railroad Company et al. Passed, to be heard with No. 181 as one case when that case is reached, on motion of Mr. M. G. Reynolds, in behalf of counsel.

No. 32.—The Northern Pacific Railroad Company, appellant, *v.* Charles W. Cannon et al. Appeal from the United States circuit court of appeals for the ninth circuit. Dismissed with costs on motion of Mr. A. B. Browne for the appellant.

No. 321.—The United States, appellant, *v.* The Winona and St. Peter Railroad Company et al.; and

No. 322.—The United States, appellant, *v.* The St. Paul and Sioux City Railroad Company et al. Reassigned for argument on the 9th of November on motion of Mr. A. B. Browne in behalf of counsel.

No. 602.—The Winona and St. Peter Railroad Company et al., appellants, *v.* The United States. Ordered that this cause be submitted on briefs to be filed during the week commencing November 9 on motion of Mr. A. B. Browne in behalf of counsel.

No. 19.—The United States, appellant, *v.* Philip Roettinger, administrator of Jacob Clark, deceased. Appeal from the Court of Claims. Dismissed per stipulation.

No. 24.—Ana J. Dominguez de Guyer et al., plaintiffs in error, *v.* William Banning. Passed subject to the provisions of section 9, rule 26.

No. 10.—The Prairie State National Bank of Chicago, Ill., appellant, *v.* The United States; and

No. 16.—The United States, appellant, *v.* Charles A. Hitchcock et al. Argument continued by Mr. Howard Henderson for the appellant in



No. 10; by Mr. George A. King for the appellees in No. 16, and concluded by Mr. A. B. Browne for the appellant in No. 10, and submitted by Mr. Assistant Attorney-General Dodge for the United States.

Nos. 14 and 15.—The Chicago, St. Paul, Minneapolis and Omaha Railway Company, plaintiff in error, *v.* John Roberts. Argument commenced by Mr. Thomas Wilson for the plaintiff in error and continued by Mr. J. L. Macdonald for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 15, will be as follows: Nos. 14 (and 15), 17, 20, 21, 25, 26, 30, 37, 40, and 41.



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 15, 1896.

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

The Chief Justice announced the following order:

No. —.—W. E. Price, plaintiff in error, *v.* The United States. Motion to docket and dismiss denied, and leave granted plaintiff in error to appear in propria persona and docket the case.

No. 361.—The Southern Pacific Railroad Company et al., appellants, *v.* The United States. Reassigned for argument on November 9 after the case already set down for that day on motion of Mr. Assistant Attorney-General Dickinson for the appellee.

No. 40.—Amado Chaves et al., appellants, *v.* The United States et al.;

No. 41.—The Pueblos of Zia et al., appellants, *v.* The United States et al.;

No. 42.—Manuel Crespin et al., appellants, *v.* The United States; and

No. 43.—Leandro Sandoval et al., appellants, *v.* The United States et al. Passed, subject to the provisions of section 9, rule 26.

No. 30.—O. T. Moore, plaintiff in error, *v.* The City of Eufaula. In error to the supreme court of the State of Alabama. Dismissed with costs on motion of Mr. J. H. Ashton for the plaintiff in error.

Nos. 14 and 15.—The Chicago, St. Paul, Minneapolis and Omaha Railway Company, plaintiff in error, *v.* John Roberts. Argument continued by Mr. J. L. Macdonald for the defendant in error, and concluded by Mr. Thomas Wilson for the plaintiff in error.

No. 17.—William Henry, appellant, *v.* The Alabama and Vicksburg Railroad Company. Submitted by Mr. Wade R. Young for the appellant. No brief filed for the appellee.

No. 20.—Henry H. Tucker, appellant, *v.* Gordon McKay, trustee, etc. Argument commenced by Mr. Charles Allen Taber for the appellant. The court declined to hear further argument.

No. 21.—The Wisconsin Central Railroad Company, appellant, *v.* The United States. Argument commenced by Mr. Louis D. Brandeis for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 16, will be as follows: Nos. 21, 25, 26, 37, 46, 49, 52, 57, 58 and 59.



# SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 16, 1896.

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

P. B. McKenzie, of Eufaula, Ala.; Michael F. McCullen, of Philadelphia, Pa.; John Jackson Hubbell, of Newark, N. J., and Beverley T. Crump, of Richmond, Va., were admitted to practice.

No. 318.—The United States, appellant, *v.* The Oregon and California Railroad Company et al. Reassigned for argument on the 9th of November after the cases already set down for that day on motion of Mr. Assistant Attorney-General Dickinson for the appellant.

No. 59.—R. L. Walker et al., plaintiffs in error, *v.* E. Collins et al., partners, etc. Passed, subject to the provisions of section 9, rule 26.

No. 178.—The East Tennessee, Virginia, and Georgia Railway Company et al., appellants, *v.* W. R. Jordan. Appeal from the circuit court of the United States for the southern district of Georgia. Dismissed with costs per stipulation.

No. 21.—The Wisconsin Central Railroad Company, appellant, *v.* The United States. Argument continued by Mr. Louis D. Brandeis for the appellant and concluded by Mr. Assistant Attorney-General Dodge for the appellee.

No. 25.—William G. Ford et al., appellants, *v.* The Delta and Pine Land Company et al. Argument commenced by Mr. Casey Young for the appellants and continued by Mr. Frank Johnston for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 19, will be as follows: Nos. 25, 26, 37, 46, 49, 52, 57, 58, 356 (and 357) and 314.

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## SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 19, 1896.

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

Fred. W. Keam, of Cincinnati, Ohio; Rankin D. Jones, of Cincinnati, Ohio; Joseph T. Richards, of Salt Lake City, Utah; Edward H. Thomas, of Washington, D. C., and James H. McIntosh, of Omaha, Nebr., were admitted to practice.

No. 48.—The Bear Lake and River Water Works and Irrigation Company et al., appellants, *v.* William Garland et al. Appeal from the supreme court of the Territory of Utah. Decree affirmed with costs and cause remanded to the supreme court of the State of Utah. Opinion by Mr. Justice Peckham.

No. 27.—The American Road Machine Company, appellant, *v.* The Pennock and Sharp Company et al. Appeal from the circuit court of the United States for the eastern district of Pennsylvania. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court:

No. 6, of October term, 1895.—The Singer Manufacturing Company, appellant, *v.* The June Manufacturing Company;

No. 7, of October term, 1895.—The Singer Manufacturing Company, appellant, *v.* George P. Bent; and

No. 195, of October term, 1895.—The United States, appellant, *v.* The Winchester and Potomac Railroad Company. Orders staying mandates herein vacated.

No. 586.—Levi C. Weir, president, etc., appellant, *v.* L. C. Norman, auditor, etc.; and

No. 614.—The Western Union Telegraph Company, appellant, *v.* L. C. Norman, auditor, etc. Motions to advance granted, and cases assigned for argument with Nos. 337, 338, 339, 340, 352, 398, 399, 400, 401, and 405, as one case, on the 7th of December, next, and Nos. 337, 338, 339, 340, 352, 398, 399, 400, 401, 405, 448, 469, 470 and 471, reassigned for argument on that day.

No. 344.—The United States, appellant, *v.* The American Bell Telephone Company et al. Motion of counsel for the Standard Telephone Company to file brief herein granted.

No. 429.—James Dyer, plaintiff in error, *v.* The United States; and

No. 497.—John F. Bushnell, plaintiff in error, *v.* Cyrus A. Leland, receiver, etc. Motions to advance granted and cases assigned for argument on the 7th day of December next after the cases already set down for that day.

No. 508.—Mollie King et al., plaintiffs in error, *v.* The United States. In error to the circuit court of the United States for the western district of Arkansas. Judgment reversed upon confession of error by counsel for the defendant in error and cause remanded for further proceedings in conformity to law.

Nos. 509 and 510.—The American Surety Company, of New York, plaintiff in error, *v.* Frederick N. Pauly, as receiver, etc. Motion to advance denied.

No. 512.—The Hurlbut Land and Cattle Company, appellant, *v.* John S. Truscott, county treasurer. Motion to advance denied.

No. 522.—L. I. Rosencrans, plaintiff in error, *v.* The United States;

No. 536.—James Mills, plaintiff in error, *v.* The United States;

No. 551.—Herman Keck, plaintiff in error, *v.* The United States;

No. 578.—Jess Nofire et al., plaintiffs in error, *v.* The United States;

No. 579.—C. L. Addington, plaintiff in error, *v.* The United States;

No. 588.—Frank Carver, plaintiff in error, *v.* The United States; and

No. 550.—The Warner Valley Stock Company, appellant, *v.* Hoke Smith, Secretary, etc., et al. Motions to advance granted and cases assigned for argument on the 7th of December next after the cases already set down for that day.

No. 561.—Prentiss D. Cheney, appellant, *v.* John S. Bilby. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 563.—The Interstate Commerce Commission, appellant, *v.* The Alabama Midland Railway Company et al. Motion to advance granted and cause assigned for argument on the third Monday of January, 1897.

No. 596.—Henry J. Havnor, plaintiff in error, *v.* The People of the State of New York. Motion to advance denied.

No. 601.—E. H. Hubbard, assignee, etc., appellant, *v.* J. Kennedy Tod et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit granted.

No. 606.—The United States, appellant, *v.* George P. Lies & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 608.—Ray W. Jones, appellant, *v.* Patrick Meehan et al. Motion to advance denied.

No. 615.—Caroline M. Forsyth, appellant, *v.* The City of Hammond et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit granted.

No. 617.—The District of Columbia, appellant, *v.* George E. Johnson, administrator, etc.;

No. 618.—The District of Columbia, appellant, *v.* Margaret R. Sheckels et al., etc.;

No. 619.—The District of Columbia, appellant, *v.* Joseph T. H. Hall; and

No. 620.—The District of Columbia, appellant, *v.* William Dickson, assignee, etc. Motion to advance denied.

No. 622.—The County of Mercer, in the State of Kentucky, plaintiff in error, *v.* The Provident Life and Trust Company, etc. Writ of certiorari to the United States circuit court of appeals for the sixth circuit granted.

No. 17.—William Henry, appellant, *v.* The Alabama and Vicksburg Railroad Company. Appeal from the circuit court of the United States for the southern district of Mississippi. Dismissed with costs on the authority of *Jacobs v. George*, 150 United States, 415.

No. 20.—Henry H. Tucker, appellant, *v.* Gordon McKay, trustee, etc. Appeal from the circuit court of the United States for the district of Massachusetts. Dismissed for the want of jurisdiction on the authority of *Smith v. McKay*, 161 United States, 355.

No. 533.—Aldace F. Walker et al., receivers, etc., appellants, *v.* Wilson T. Keenan et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied. (Mr. Justice Gray took no part in the consideration of this application.)

No. 625.—Warren E. Price, plaintiff in error, *v.* The United States. Advanced and assigned for argument on the third Monday of January, 1897, on motion of Mr. Solicitor-General Conrad for the defendant in error.

No. 495.—Albert L. France, et al., plaintiffs in error, *v.* The United States. Reassigned for argument on the 9th of November next after the cases already set down for that day on motion of Mr. Assistant Attorney-General Whitney for the defendant in error.

No. 472.—Joseph R. Dunlop, plaintiff in error, *v.* The United States. Reassigned for argument on the 14th of December next on motion of Mr. Assistant Attorney-General Dickinson for the defendant in error.

No. —, Original.—*Ex parte*: In the matter of Augustus I. Ambler, petitioner. Motion for leave to file petition submitted by Mr. C. E. Barber for the petitioner.

No. 319.—The United States, appellant, *v.* The Union Pacific Railway Company et al. Reassigned for argument with Nos. 321 and 322 as one case, on the 9th of November next, on motion of Mr. J. M. Wilson, in behalf of counsel.

No. 635.—Kingman & Co., plaintiffs in error, *v.* The Western Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. James H. McIntosh for the plaintiffs in error in support of the petition.

No. 556.—William Dugald Stuart, plaintiff in error, *v.* The City of Easton. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. C. B. Taylor, Mr. A. T. Freedley, and Mr. W. B. Rawle for the plaintiff in error in support of the petition.

No. 573.—The Boston Safe Deposit and Trust Company, appellant, *v.* Grant Wilkins et al.; and

No. 574.—The Boston Safe Deposit and Trust Company, appellant, *v.* Samuel W. Groome et al. Petitions for writs of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Henry B. Tompkins for the appellant, in support of petitions, and by Mr. C. E. Lucky and Mr. L. H. Spilman for Wilkins et al., and Mr. Willard Parker Butler for Groome et al., in opposition thereto.

No. 447.—E. W. Agnew, plaintiff in error, *v.* The United States. Reassigned for argument on the 9th of November next, after the cases already set down for that day, on motion of Mr. E. K. Foster for the plaintiff in error.

No. 627.—Abram W. Hendry et al., appellants, *v.* Ocean Steamship Company;

No. 629.—The Merchants and Miners' Transportation Company, appellant, *v.* The Norfolk and Western Railroad Company; and

No. 630.—The Merchants and Miners' Transportation Company, appellant, *v.* The Norfolk and Western Railroad Company et al. Petitions for writs of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. Eugene P. Carver and Mr. Edward E. Blodgett for the appellants in support of the petitions, with leave to counsel for the appellees to file briefs in opposition thereto within one week.

No. 57.—The Western Union Telegraph Company, plaintiff in error, *v.* J. O. Tyler. In error to the supreme court of appeals of the State of



Virginia. Dismissed with costs, on motion of Mr. J. Hubley Ashton for the plaintiff in error.

No. 152.—R. J. Dailey et al., plaintiffs in error, *v.* The State of Ohio. In error to the supreme court of the State of Ohio. Dismissed with costs, on motion of Mr. J. Hubley Ashton for the plaintiffs in error.

No. 284.—Charles W. Nordstrom, plaintiff in error, *v.* The State of Washington. Reassigned for argument on the 30th of November next, on motion of Mr. Henry E. Davis in behalf of counsel.

No. 284.—Charles W. Nordstrom, plaintiff in error, *v.* The State of Washington. Motion for leave to proceed in forma pauperis, and that record be printed at public expense. Submitted by Mr. Henry E. Davis in behalf of counsel for the plaintiff in error.

No. 370.—The Franklin Sugar Refining Company, appellant, *v.* The Steamship Silvia, etc. Motion to advance submitted by Mr. J. Parker Kirlin for the appellee.

No. 631.—Charles H. Bauman et al.; appellants, *v.* John W. Ross et al., Commissioners of the District of Columbia;

No. 632.—John W. Ross et al., Commissioners of the District of Columbia, appellants, *v.* Charles H. Bauman et al.;

No. 633.—Butler F. Abbot, appellant, *v.* John W. Ross et al., Commissioners of the District of Columbia; and

No. 634.—John W. Ross et al., Commissioners of the District of Columbia, appellants, *v.* Charles H. Armes et al. Motions to advance submitted by Mr. A. S. Worthington in support of motions.

No. 489.—The Press Publishing Company, plaintiff in error, *v.* Harriet Monroe. Motions to dismiss or affirm submitted by Mr. George H. Yeaman and Mr. Henry S. Monroe in support of motions, and by Mr. John M. Bowers in opposition thereto.

No. 25.—William G. Ford et al., appellants, *v.* The Delta and Pine Land Company et al. Argument continued by Mr. Frank Johnston for the appellees and concluded by Mr. Casey Young for the appellants.

No. 26.—George F. Tuttle, plaintiff in error, *v.* P. Crowley, chief of police, etc. Passed, subject to the provisions of section 9, rule 26.

No. 375.—Sandy White, plaintiff in error, *v.* The United States. Submitted by Mr. J. A. W. Smith for the plaintiff in error and by Mr. Assistant Attorney-General Whitney for the defendant in error.

No. 37.—The United States, appellant, *v.* Alfred H. Elliott et al. Argument commenced by Mr. George H. Gorman for the appellant,

continued by Mr. James Lowndes for the appellees, and concluded by Mr. Assistant Attorney-General Dodge for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 20, will be as follows: Nos. 52, 49, 46, 58, 60, 356 (and 357), 314, 410 (and 411, 412, and 413), 415 and 344.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 20, 1896.

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

M. C. Butler, of Edgefield, S. C., was admitted to practice.

No. 334.—Robert Robertson et al., appellants, *v.* The United States et al. Reassigned for argument on the 7th of December next, after the cases already set down for that day, on motion of Mr. J. H. Ralston for the appellants.

No. 462.—The Henderson Bridge Company, plaintiff in error, *v.* The Commonwealth of Kentucky. Advanced, to be heard with Nos. 586 and 614, as one case, on the 7th of December next.

No. 343.—L. A. Lincecum, plaintiff in error, *v.* The United States. Leave granted to Mr. John T. Morgan to withdraw his appearance for the plaintiff in error herein.

No. 344.—The United States, appellant, *v.* The American Bell Telephone Company et al. Reassigned for argument on the 9th of November next at the head of the call.

No. 218.—The Yosemite Mining and Milling Company, appellant, *v.* Joseph E. Galigher et al. Appeal from the supreme court of the Territory of Utah. Dismissed per stipulation and cause remanded to the supreme court of the State of Utah. Mandate granted.

No. 52.—The Germania Iron Company et al., appellants, *v.* The United States. Argued by Mr. William W. Billson for the appellants and by Mr. Assistant Attorney-General Dickinson for the appellee.

No. 49.—The United States, appellant, *v.* William J. Verdier, administrator. Argued by Mr. Assistant Attorney-General Dodge for the appellant and by Mr. Harvey Spalding for the appellee.

No. 494.—C. S. Wight, plaintiff in error, *v.* The United States. Passed on motion of Mr. Attorney-General Harmon for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 21, will be as follows: Nos. 46, 58, 60, 356 (and 357), 314, 410 (and 411, 412 and 413), 415, 393, 416 and 300.



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 21, 1896.

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

W. B. Lamar, of Tallahassee, Fla., was admitted to practice.

No. 314.—James Compton, appellant, *v.* James R. Jesup et al., trustees, et al. Reassigned for argument on the 30th of November next, after the cases already set down for that day.

No. 415.—The New York Indians, appellants, *v.* The United States. Reassigned for argument on the 30th of November next, after the cases already set down for that day, on motion of Mr. Henry E. Davis for the appellants.

No. 87.—F. R. Osborne, plaintiff in error, *v.* The State of Florida. Reassigned for argument on the 30th of November next, after the cases already set down for that day, on motion of Mr. W. B. Lamar for the defendant in error.

No. 58.—The Citizens' Bank of Louisiana, appellant, *v.* Clifton Cannon, sheriff, etc., et al. Argued by Mr. William A. Maury for the appellant, and submitted by Mr. M. J. Cunningham, Mr. A. H. Leonard, and Mr. Alexander Porter Morse for the appellees.

No. 46.—The Central Pacific Railway Company, appellant, *v.* The United States. Argued by Mr. Solicitor-General Conrad for the appellee, and submitted by Mr. Joseph K. McCammon and Mr. Charles H. Tweed for the appellant.

No. 356.—The United States, plaintiff in error, *v.* Martin T. McMahon; and

No. 357.—Martin T. McMahon, plaintiff in error, *v.* The United States. Argued by Mr. Assistant Attorney-General Dodge for the United States, and by Mr. Richard R. McMahon for Martin T. McMahon.

No. 60.—W. B. Grimes Dry Goods Company, plaintiff in error, *v.* John Malcolm, and Paul Waples, trustee. Argued by Mr. Arthur G. Moseley for the defendants in error, and submitted by Mr. G. B. Denison for the plaintiff in error.

No. 410.—J. M. Scott et al., appellants, *v.* James Donald ;

No. 411.—J. M. Scott, plaintiff in error, *v.* James Donald ;

No. 412.—J. M. Scott, plaintiff in error, *v.* James Donald ; and

No. 413.—R. M. Gardner et al., plaintiffs in error, *v.* James Donald.

Argument commenced by Mr. William A. Barber for appellants and plaintiffs in error, and continued by Mr. J. P. Kennedy Bryan for the appellee and defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 22, will be as follows: Nos. 410, (and 411, 412 and 413), 393, 416, 300, 343, 403 (and 426), 336, 439, 480 and 485.



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 22, 1896.

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

No. 549.—Lewis Perrine et al., plaintiffs in error, *v.* Mary Kemble Slack. Leave granted to file reply brief herein on or before to-morrow, on motion of Mr. Calderon Carlisle for the plaintiffs in error.

No. 343.—L. A. Lincecum, plaintiff in error, *v.* The United States. Passed.

No. 336.—Avington A. Edgington, plaintiff in error, *v.* The United States. Passed.

No. 439.—Cul. Rowe, plaintiff in error, *v.* The United States. Submitted by Mr. Ben T. Duval and Mr. William M. Cravens for the plaintiff in error, and by Mr. Assistant Attorney-General Dickinson for the defendant in error.

No. 480.—Lowry W. Humes, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the western district of Tennessee. Dismissed with costs, pursuant to the tenth rule.

No. 393.—Charles W. Acers, plaintiff in error, *v.* The United States. Submitted, with leave to plaintiff in error to file brief within one week, and to defendant in error to file brief within three days thereafter, on motion of Mr. R. C. Garland for the plaintiff in error.

No. 410.—J. M. Scott et al., appellants, *v.* James Donald;

No. 411.—J. M. Scott, plaintiff in error, *v.* James Donald;

No. 412.—J. M. Scott, plaintiff in error, *v.* James Donald; and

No. 413.—R. M. Gardner et al., plaintiffs in error, *v.* James Donald. Argument continued by Mr. J. P. Kennedy Bryan for appellee and defendant in error, and concluded by Mr. William A. Barber for the appellants and plaintiffs in error.

No. 416.—James B. Wilson, plaintiff in error, *v.* The United States. Submitted, with leave to counsel for both sides to file briefs within one week.

No. 300.—The Central Railroad and Banking Company of Georgia et al., appellants, *v.* William A. Wright, comptroller-general of the State of Georgia. Argued by Mr. A. R. Lawton for the appellants, and by Mr. J. M. Terrell for the appellee.

No. 403.—Boyden Power Brake Company et al., appellants, *v.* George Westinghouse, jr., et al.; and

No. 426.—George Westinghouse, jr., et al., appellants, *v.* Boyden Power Brake Company et al. Argument commenced by Mr. George H. Christy for Westinghouse et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 23, will be as follows: Nos. 403 (and 426), 485, 486, 371, 381, 389, 496, 61, 62 and 63.

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## SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 23, 1896.

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

W. B. Felker, of Denver, Colo., was admitted to practice.

No. 486.—Richard D. Uthoff, plaintiff in error, *v.* The United States. In error to the district court of the United States for the district of Maryland. Dismissed with costs, pursuant to the tenth rule.

No. 371.—Alexander Allen, plaintiff in error, *v.* The United States. Submitted by Mr. Solicitor-General Conrad for the defendant in error. No counsel appeared for plaintiff in error.

No. 381.—John Brown, plaintiff in error, *v.* The United States. Submitted by Mr. Assistant Attorney-General Dickinson for the defendant in error, with leave to file brief within one week. No counsel appeared for plaintiff in error.

No. 389.—Henry Starr, plaintiff in error, *v.* The United States. Submitted by Mr. A. H. Garland for the plaintiff in error, and by Mr. Solicitor-General Conrad for the defendant in error.

No. 496.—Pleasant Draper, plaintiff in error, *v.* The United States. Submitted by Mr. J. W. Strevell for the plaintiff in error, and by Mr. Assistant Attorney-General Dickinson for the defendant in error, with leave to file brief within one week.

No. 62.—J. J. Douglas, plaintiff in error, *v.* The Commonwealth of Kentucky. Passed, subject to the provisions of section 9, rule 26.

No. 511.—The Mutual Benefit Life Insurance Company, appellant, *v.* William Huebner et al. Appeal from the circuit court of the United States for the district of Kansas. Dismissed with costs, on motion of counsel for appellant.

No. 403.—Boyden Power Brake Company et al., appellants, *v.* George Westinghouse, jr., et al.; and

No. 426.—George Westinghouse, jr., et al., appellants, *v.* Boyden Power Brake Company et al. Argument continued by Mr. Lysander



Hill and Mr. Hector T. Fenton for the Boyden Company et al., and concluded by Mr. Frederic H. Betts for Westinghouse et al.

Adjourned until Monday next at 12 o'clock. The day call for Monday, October 26, will be as follows: Nos. 485, 61, 63, 64, 66, 31, 67, 56 (and 68) 69 and 70.



# SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 26, 1896.

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

Robert S. Lovett, of Houston, Tex., and Edward S. Evarts, of Chicago, Ill., were admitted to practice.

No. 535.—The United States, appellant, *v.* Charles G. Gilliat, administrator, etc. Appeal from the Court of Claims. Dismissed. Opinion by Mr. Justice Peckham. (Announced by Mr. Chief Justice Fuller.)

No. 257.—Rose L. Saltonstall et al., executors, etc., plaintiffs in error, *v.* Joseph Birtwell. On certiorari to the United States circuit court of appeals for the first circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the district of Massachusetts. Opinion by Mr. Justice Shiras. Dissenting, Mr. Chief Justice Fuller, Mr. Justice Field, Mr. Justice Harlan, and Mr. Justice Brewer.

No. 530.—The United States, appellant, *v.* Edward Kurtz. Appeal from the Court of Claims. Judgment reversed and cause remanded, with directions to enter a new judgment in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 547.—The United States, plaintiff, *v.* Henry Hewecker. On a certificate of division in opinion between the judges of the circuit court of the United States for the southern district of New York. Dismissed. Opinion by Mr. Chief Justice Fuller.

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

No. 333.—The United States *ex rel.* Charles D. Long, plaintiff in error, *v.* William Lochren, Commissioner of Pensions. In error to the court of appeals of the District of Columbia. Dismissed without costs to either party, on authority of *United States v. Boutwell*, 17 Wall., 604, and other cases.

No. 549.—Lewis Perrine et al., plaintiffs in error, *v.* Mary Kemble Slack. Counsel requested to file briefs on the question of the jurisdiction of this court on or before the first Monday (2d) of November.

No. 284.—Charles W. Nordstrom, plaintiff in error, *v.* The State of Washington. Motion that record be printed at public expense granted.

No. 370.—The Franklin Sugar Refining Company, appellant, *v.* The Steamship *Silvia*, etc. Motion to advance denied.

No. 573.—The Boston Safe Deposit and Trust Company, appellant, *v.* Grant Wilkins et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit granted.

No. 574.—The Boston Safe Deposit and Trust Company, appellant, *v.* Samuel W. Groome et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 631.—Charles H. Bauman et al., appellants, *v.* John W. Ross et al., Commissioners, etc.;

No. 632.—John W. Ross et al., Commissioners, etc., appellants, *v.* Charles H. Bauman et al.;

No. 633.—Butler F. Abbot, appellant, *v.* John W. Ross et al., Commissioners, etc.; and

No. 634.—John W. Ross et al., Commissioners, etc., appellants, *v.* Charles H. Armes et al. Motions to advance granted and cases assigned for argument on the third Monday of January next, to be heard as one case, after the cases already set down for that day.

No. 635.—Kingman & Co., plaintiffs in error, *v.* The Western Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit granted.

No. —, Original.—*Ex parte*: In the matter of Augustus I. Ambler, petitioner. Motion for leave to file petition ordered to be heard with the application already pending.

No. 371.—Alexander Allen, plaintiff in error, *v.* The United States. Ordered that the charge of the trial court be printed in full.

No. 19.—The United States, appellant, *v.* Philip Roettinger, administrator, etc. Mandate granted on motion of Mr. Solicitor-General Conrad for the appellant.

No. 100.—The Atlantic and Pacific Railroad Company, plaintiff in error, *v.* Robert Mingus. Leave granted to file brief herein in behalf of the United States on motion of Mr. Solicitor-General Conrad for the United States.

No. 494.—C. S. Wight, plaintiff in error, *v.* The United States. Reassigned for argument at the foot of the call for November 4 next on motion of Mr. Assistant Attorney-General Whitney for the defendant in error.

No. 78.—Augusta P. Glover et al., appellants, *v.* Mary E. Patten et al. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. Charles J. Bonaparte for the appellants.

No. 552.—The Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, plaintiff in error, *v.* The Long Island Loan and Trust Company, executor, etc. Motions to dismiss or affirm submitted by Mr. E. W. Kittredge and Mr. Joseph Wilby in support of motions, and by Mr. Lawrence Maxwell, jr., and Mr. Charles E. Burr in opposition thereto.

No. 67.—The United States, appellant, *v.* The Trans-Missouri Freight Association et al. Passed on motion of Mr. Attorney-General Harmon for the appellant.

No. 66.—Bernard Hussman, plaintiff in error, *v.* William H. Durham. Passed on account of the death of the plaintiff in error.

No. 31.—Rufus E. Graves, plaintiff in error, *v.* The United States. Passed.

No. 56.—William H. Wood, appellant, *v.* Moylan C. Fox, surviving executor, etc.; and

No. 68.—John N. Whitney, appellant, *v.* Moylan C. Fox, surviving executor, etc. Passed, subject to the provisions of section 9, rule 26.

No. —, Original.—*Ex parte*: In the matter of Augustus I. Ambler, petitioner. Argued by Mr. Augustus I. Ambler in propria persona.

No. 485.—Max Cohen, plaintiff in error, *v.* The United States. Submitted by Mr. William Colton for the plaintiff in error, and by Mr. Assistant Attorney-General Whitney for the defendant in error.

No. 61.—Henry K. Willard, administrator, etc., appellant, *v.* Thomas N. Wood, executor, etc., et al. Argument commenced by Mr. William H. Dennis for the appellant, and continued by Mr. John Sidney Webb and Mr. John Selden for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 27, will be as follows: Nos. 61, 63, 64, 69, 70, 71, 72 (and 73), 74, 75 and 76.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 27, 1896.

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

Robert Weil, of New York City, was admitted to practice.

No. 74.—G. F. B. Howard, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the western district of Tennessee. Dismissed with costs, pursuant to the tenth rule.

No. 76.—William A. Phillips, plaintiff in error, *v.* The Cherokee Nation or tribe of Indians et al. In error to the United States court in the Indian Territory. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 61.—Henry K. Willard, administrator, etc., appellant, *v.* Thomas N. Wood, executor, etc., et al. Argument concluded by Mr. Enoch Totten for the appellant.

No. 63.—Mrs. Lillian W. Egan and husband, plaintiffs in error, *v.* A. Hart et al. Submitted with leave to counsel to file briefs within ten days.

No. 64.—The Atlantic and Pacific Railroad Company, plaintiff in error, *v.* Mary J. Laird. Submitted by Mr. A. T. Britton and Mr. A. B. Browne for the plaintiff in error, and by Mr. George H. Smith for the defendant in error.

No. 69.—The United States, plaintiff in error, *v.* The Chicago, Rock Island and Pacific Railroad Company. Argued by Mr. Solicitor-General Conrad for the plaintiff in error, and by Mr. Robert Mather for the defendant in error.

No. 70.—The Northern Pacific Railroad Company, plaintiff in error, *v.* Leonard P. Colburn. Argued by Mr. C. W. Bunn for the plaintiff in error. No brief filed for the defendant in error.

No. 71.—The Old Jordan Mining and Milling Company, plaintiff in error, *v.* Societe Anonyme des Mines de Lexington. Argued by Mr.

L. T. Michener for the plaintiff in error, and by Mr. J. M. Wilson for the defendant in error.

Nos. 72 and 73.—Lewis C. Karrick, appellant, *v.* Charles L. Hannaman. Argument commenced by Mr. J. M. Wilson for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 28, will be as follows: Nos. 72 (and 73), 75, 77, 79, 80, 81, 82, 83, 84 and 88.



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 28, 1896.

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

Edward St. Clair Thompson, of Washington, D. C., was admitted to practice.

No. 98.—The steam yacht *Conqueror*, etc., appellant, *v.* Frederick W. Vanderbilt. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. Assistant Attorney-General Whitney for the appellant.

No. 535.—The United States, appellant, *v.* Charles G. Gilliat, administrator, etc. Mandate granted on motion of Mr. F. W. Hackett for the appellee.

No. 100.—The Atlantic and Pacific Railroad Company, plaintiff in error, *v.* Robert Mingus. Passed on motion of Mr. A. B. Browne for the plaintiff in error.

No. 77.—Charles M. Matthews et al., executors, etc., appellants, *v.* Peter Heyner et al. Appeal from the court of appeals of the District of Columbia. Dismissed with costs, pursuant to the tenth rule.

No. 79.—J. M. Scales et al., plaintiffs in error, *v.* Charles Dillingham et al., receivers, etc. Passed to the head of the call for Monday next, on motion of Mr. Edward St. Clair Thompson for the plaintiffs in error.

No. 80.—James S. Valk, survivor, etc., appellant, *v.* The United States et al. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. Assistant Attorney-General Howry for the appellees.

No. 81.—James S. Standley et al., appellants, *v.* Stephen Roberts, sheriff, etc. Appeal from the United States circuit court of appeals for the eighth circuit. Dismissed with costs pursuant to the tenth rule.

No. 82.—George F. Dearborn, plaintiff in error, *v.* Peter Moran et al. Passed on motion of Mr. Frederic D. McKenney for the plaintiff in error.

No. 84.—William R. Watkins, plaintiff in error, *v.* William Rennie. Passed on suggestion of death of plaintiff in error.

Nos. 72 and 73.—Lewis C. Karrick, appellant, *v.* Charles L. Hannaman. Argument continued by Mr. J. M. Wilson for the appellant, by Mr. J. L. Rawlins for the appellee, and concluded by Mr. J. M. Wilson for the appellant.

No. 75.—Carlotta M. MacGreal et al., appellants, *v.* Rose M. Taylor et al., executrices, etc. Argued by Mr. Henry E. Davis for the appellants, and by Mr. Job Barnard and Mr. William F. Mattingly for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 29, will be as follows: Nos. 83, 88, 89, 90 (and 91 to 97 inclusive), 99, 101, 102, 103, 104 and 105.





# SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 29, 1896.

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

Williamson W. Fuller, of New York City, was admitted to practice.

Nos. 90 to 97.—The State of Washington, appellant, *v. M. L. Coovert*. Submitted by Mr. W. C. Jones for the appellant, with leave to Mr. Charles C. Beaman, in behalf of Mr. Joseph H. Choate, to file statement for the appellee.

No. 99.—D. S. Thomas, plaintiff in error, *v. J. M. Lane et al.*, partners, etc. In error to the supreme court of the Territory of Arizona. Dismissed with costs pursuant to the tenth rule.

No. 101.—J. S. Noble et al., plaintiffs in error, *v. S. M. Mitchell*. Submitted by Mr. J. M. Chilton and Mr. A. A. Wiley for the plaintiffs in error, and by Mr. Charles Wilkinson for the defendant in error.

No. 102.—The Panama Railroad Company, appellant, *v. The Napier Shipping Company, Limited*. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. David D. Duncan, in behalf of counsel.

No. 104.—Henry M. Rector, appellant, *v. Edward Fitzgerald*. Passed, subject to the provisions of section 9, rule 26.

No. 105.—The St. Louis and San Francisco Railway Company, plaintiff in error, *v. Leonard Mathews*. Passed to be heard with No. 118 as one case on motion of Mr. David D. Duncan in behalf of counsel.

No. 83.—George A. Fowler et al., plaintiffs in error, *v. S. Warren Lamson et al.* Passed to the head of the call for Thursday next.

No. 88.—The Texas and Pacific Railway Company, plaintiff in error, *v. Charles Manton*, administrator, etc. Argued by Mr. David D. Duncan for the plaintiff in error, and submitted by Mr. James G. Dudley and Mr. A. H. Garland for the defendant in error.

No. 89.—Frederick Maish et al., appellants, *v. The Territory of Arizona*. Submitted by Mr. Charles W. Wright for the appellants, and by Mr. William H. Barnes for the appellee.

No. 103.—Springville City, plaintiff in error, *v.* Perry A. Thomas et al. Argued by Mr. J. L. Rawlins for the plaintiff in error, and submitted by Mr. P. L. Williams for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 30, will be as follows: Nos. 108, 109, 110, 111, 112, 113, 114, 115, 116 and 117.



# SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 30, 1896.

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

No. 530.—The United States, appellant, *v.* Edward Kurtz. Mandate granted on motion of Mr. Solicitor-General Conrad for the appellant.

No. 547.—The United States, plaintiff, *v.* Henry Hewecker. Mandate granted on motion of Mr. A. J. Rose for the defendant.

No. 103.—Springville City, plaintiff in error, *v.* Perry A. Thomas et al. Leave granted to counsel in No. 242 to file briefs herein on or before Monday next, on motion of Mr. J. M. Wilson for the plaintiff in error in No. 242.

No. 108.—The city of New Orleans et al., appellants, *v.* The Citizens' Bank of Louisiana. Passed on motion of Mr. William A. Mawry for the appellee.

No. 109.—The United States, appellant, *v.* Mitchell King. Passed for settlement on motion of Mr. Solicitor-General Conrad for the appellant.

No. 110.—Charles E. Collins, plaintiff in error, *v.* The State of New Hampshire. Passed to be heard with Nos. 382, 383 and 384, on motion of Mr. Steele in behalf of counsel.

No. 111.—The Grand Lodge of the State of Louisiana, F. and A. Masons, plaintiff in error, *v.* The City of New Orleans. Passed on motion of Mr. Alexander Porter Morse in behalf of counsel.

No. 112.—Lewis Miller, plaintiff in error, *v.* The Cornwall Railroad Company. Continued per stipulation.

No. 115.—The United States, appellant, *v.* Desiderio Gomez et al. Passed for settlement on motion of Mr. Solicitor-General Conrad for the appellant.

No. 116.—The United States, appellant, *v.* Frank Perew et al. Passed for settlement on motion of Mr. Solicitor-General Conrad for the appellant.

No. 117.—Lewis C. Rockwell, plaintiff in error, *v.* The Farmers' National Bank of Longmont. In error to the court of appeals of the State of Colorado. Dismissed with costs, pursuant to the tenth rule.

No. 113.—Lewis M. Stone, appellant, *v.* The United States et al. Submitted by Mr. W. B. Matthews, Mr. C. A. Keigum, and Mr. S. Shellabarger for the appellant, and by Mr. Assistant Attorney-General Howry for the appellees.

No. 114.—James H. De Vaughn et al., appellants, *v.* Sarah W. Hutchinson et al. Argued by Mr. H. O. Claughton for the appellants, and by Mr. J. M. Wilson for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 2, will be as follows: Nos. 118, 119, 120, 121, 122, 123, 124, 125, 126 and 127.



## SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 2, 1896.

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

Burton H. Loucks and Thomas M. Fields, of Washington, D. C., were admitted to practice.

No. 356.—The United States, plaintiff in error, *v.* Martin T. McMahon; and

No. 357.—Martin T. McMahon, plaintiff in error, *v.* The United States. In error to the United States circuit court of appeals for the second circuit. Judgment reversed and cause remanded to the circuit court of the United States for the southern district of New York, with directions to enter a new judgment in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 264.—Octavia J. Parsons, plaintiff in error, *v.* Gustav Venzke et al. In error to the district court of Richland County, State of North Dakota. Judgment affirmed, with costs. Opinion by Mr. Justice Brewer.

No. 402.—George McElroy et al., plaintiffs in error, *v.* 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, and for further proceedings to be had therein in conformity with the opinion of this court. Opinion by Mr. Chief Justice Fuller.

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

No. 556.—William Dugald Stuart, plaintiff in error, *v.* The City of Easton et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit. Granted.

No. 627.—Abram W. Hendry et al., appellants, *v.* Ocean Steamship Company. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit. Granted.

No. 629.—The Merchants and Miners' Transportation Company, appellant, *v.* The Norfolk and Western Railroad Company, claimant; and

No. 630.—The Merchants and Miners' Transportation Company, appellant, *v.* The Norfolk and Western Railroad Company et al. Petition for writs of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 552.—The Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, plaintiff in error, *v.* The Long Island Loan and Trust Company, executor, etc. Motions to dismiss or affirm postponed to the hearing on the merits.

No. 449.—The United States, appellant, *v.* Wong Kim Ark. Restored to the docket and assigned for oral argument on the third Monday of January next, after the cases already set down for that day.

No. 485.—Max Cohen, plaintiff in error, *v.* The United States. In error to the district court of the United States for the district of Maryland. Judgment reversed and cause remanded for further proceedings to be had therein in conformity to law on the authority of *McElroy et al. v. U. S.*, No. 402, decided to-day.

No. 69.—The United States, plaintiff in error, *v.* The Chicago, Rock Island and Pacific Railroad Company. Restored to the docket, with leave to counsel to submit the same on brief already filed, or which may be filed within thirty days herefrom.

No. 416.—James B. Wilson, plaintiff in error, *v.* The United States. In error to the district court of the United States for the district of Indiana. Judgment affirmed, on the authority of *Rosen v. U. S.*, 161 U. S., 89.

The Chief Justice also announced that the court would take a recess from November 16 to November 30.

No. 132.—The United States, appellant, *v.* Aniceto Martinez et al. Passed on motion of Mr. Solicitor-General Conrad for the appellant.

No. 513.—Elverton R. Chapman, plaintiff in error, *v.* The United States. Motion to dismiss submitted by Mr. Solicitor-General Conrad in support of motion, and by Mr. George F. Edmunds, Mr. J. M. Wilson, and Mr. A. A. Hoehling, jr., in opposition thereto.

No. 546.—Wilkes C. Prather, plaintiff in error, *v.* The United States. Motion to dismiss submitted by Mr. Solicitor-General Conrad in support of motion, and by Mr. Henry E. Davis and Mr. J. M. Wilson in opposition thereto.

No. 539.—The Interstate Commerce Commission, appellant, *v.* The Detroit, Grand Haven and Milwaukee Railway Company. Motion to advance submitted by Mr. Solicitor-General Conrad for the appellant.

No. 577.—Dennis Davis, plaintiff in error, *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Conrad for the defendant in error.

No. 336.—Avington A. Edgington, plaintiff in error, *v.* The United States. Submitted by Mr. A. H. Garland, Mr. R. C. Garland, and Mr. Smith McPherson for the plaintiff in error, and by Mr. Assistant Attorney-General Whitney for the defendant in error.

No. 127.—Frederick L. Manson, appellant, *v.* Charles C. Duncanson. Passed on motion of Mr. Walter H. Smith for the appellant.

No. 506.—The United States, appellant, *v.* Dixon N. Garlinger. Motion to advance submitted by Mr. F. P. Dewees for the appellee.

No. 128.—The New York, New Haven and Hartford Railroad Company, plaintiff in error, *v.* The People of the State of New York. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. W. H. Dennis for the defendants in error.

No. 113.—Lewis M. Stone, appellant, *v.* The United States et al. Motion to set aside submission and for leave to argue orally submitted by Mr. J. M. Wilson for the appellant.

No. 79.—J. M. Scales et al., plaintiffs in error, *v.* Charles Dillingham et al., receivers, etc. In error to the court of civil appeals of the State of Texas. Dismissed with costs pursuant to the tenth rule.

No. 105.—The St. Louis and San Francisco Railway Company, plaintiff in error, *v.* Leonard Mathews; and

No. 118.—The Missouri Pacific Railway Company, plaintiff in error, *v.* J. C. Simmons, administrator, etc. Passed until Wednesday on motion of Mr. Percy Werner for the defendant in error, in No. 105.

No. 119.—Charlotte Ewer, plaintiff in error, *v.* The People of the State of New York. In error to the supreme court of the State of New York. Dismissed with costs, the case having abated.

No. 120.—The Cleveland, Cincinnati, Chicago and St. Louis Railway Company, plaintiff in error, *v.* Millard F. Brown. On a certificate from the United States circuit court of appeals for the seventh circuit. Stricken from the docket.

No. 121.—The Western Union Telegraph Company, plaintiff in error, *v.* Jacob Michelson. In error to the supreme court of the State of Georgia. Dismissed with costs per stipulation.

No. 122.—Jacob Henry Hentz et al., appellants, *v.* Samuel G. Cornwell, surviving partner. Submitted, record to be printed, and briefs filed on or before the 30th instant, on motion of Mr. Thomas M. Fields for the appellants.

No. 124.—Jack Davis, plaintiff in error, *v.* The United States. In error to the district court of the United States for the western district of Texas. Dismissed pursuant to the sixteenth rule.

No. 126.—Ransom Payne, appellant, *v.* W. S. Robertson et al. Passed.

No. 123.—Horace M. Cake et al., appellants, *v.* Martha V. Mohun, executrix, etc. Argued by Mr. W. L. Cole for the appellants, and by Mr. J. J. Darlington for the appellee.

No. 125.—A. A. McCullough, plaintiff in error, *v.* The Commonwealth of Virginia. Submitted by Mr. Richard L. Maury for the plaintiff in error, and by Mr. R. Taylor Scott for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 3, will be as follows: Nos. 11 (and 129 and 130), 131, 133, 134, 135, 136, 137, 139, 140 and 141.





## SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 3, 1896.

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

W. S. Monteith, of Columbia, S. C., and Ogden Hiles, of Salt Lake City, Utah, were admitted to practice.

No. 493.—The United States, appellant, *v.* John C. Delaney. Submitted, pursuant to the twentieth rule, by Mr. Assistant Attorney-General Dodge and Mr. George H. Gorman for the appellant, and by Mr. John C. Chaney, Mr. W. W. Dudley and Mr. L. T. Michener for the appellee.

No. 133.—The Gulf, Colorado and Santa Fe Railway Company, plaintiff in error, *v.* W. H. Ellis, by his next friend, H. W. Ellis. Submitted, with leave to counsel for plaintiff in error to file brief within one week. No counsel appeared for defendant in error.

No. 137.—The Texas and Pacific Railway Company, plaintiff in error, *v.* Elizabeth Nolan, etc. In error to the United States circuit court of appeals for the fifth circuit. Dismissed with costs, pursuant to the tenth rule.

No. 131.—Jane M. McKee, etc., et al., appellants, *v.* The United States. Argued by Mr. W. S. Monteith for the appellants, and by Mr. Assistant Attorney-General Dodge for the appellee.

No. 140.—James S. Glover et al., appellants, *v.* The United States. Argued by Mr. James Lowndes for the appellants, and by Mr. W. S. Monteith for certain interested parties.

No. 139.—Peter Wilson, appellant, *v.* Fred. J. Kiesel et al. Argued by Mr. Ogden Hiles for the appellant. No counsel appeared for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 4, will be as follows: Nos. 134, 135, 118 (and 105), 136, 141, 142, 143, 144, 145 and 494.



# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 4, 1896.

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

Abbot R. Heywood, of Ogden, Utah, was admitted to practice.

No. 113.—Lewis M. Stone, appellant, *v.* The United States et al. Motion to set aside submission granted and cause ordered for argument after No. 134.

No. 142.—Milo Elmore et al., plaintiffs in error, *v.* The Vicksburg, Shreveport and Pacific Railroad Company. In error to the supreme court of the State of Louisiana. Dismissed with costs pursuant to the tenth rule.

No. 143.—James A. Shreve et al., plaintiffs in error, *v.* Walter S. Cheeseman et al. In error to the circuit court of the United States for the District of Colorado. Dismissed with costs pursuant to the tenth rule.

No. 144.—John Milton Carothers, plaintiff in error, *v.* Isaac Mayer et al. Submitted by Mr. A. T. Britton and Mr. A. B. Browne for the defendants in error, with leave to counsel for plaintiff in error to file briefs within ten days and to counsel for defendants in error to reply thereto within five days thereafter.

No. 145.—The Northern Pacific Railroad Company, plaintiff in error, *v.* Samuel Maclay et al. In error to the United States circuit court of appeals for the ninth circuit. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 135.—William H. Moses et al., administrators, etc., plaintiffs in error, *v.* The United States. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. W. L. Cole for the plaintiffs in error.

No. 139.—Peter Wilson, appellant, *v.* Fred. J. Kiesel et al. Leave granted to file briefs herein on behalf of the appellees, on motion of Mr. A. R. Heywood for the appellees.

No. 134.—The New Orleans Water Works Company, appellant, *v.* The City of New Orleans. Argued by Mr. J. R. Beckwith for the appellant, and by Mr. S. L. Gilmore and Mr. H. J. Leavy for the appellee.

No. 113.—Lewis M. Stone, appellant, *v.* The United States et al. Argued by Mr. Charles A. Keigwin and Mr. J. M. Wilson for the appellant, and by Mr. Assistant Attorney-General Howry for the appellees.

No. 136.—The Texas and Pacific Railway Company, plaintiff in error, *v.* P. A. Scoville. Submitted with leave to counsel for the plaintiff in error to file brief within one week. No counsel appeared for the defendant in error.

No. 105.—The St. Louis and San Francisco Railway Company, plaintiff in error, *v.* Leonard Mathews. Leave granted to counsel for plaintiff in error to file additional brief herein within one week, and to counsel for defendant in error to reply thereto within three days thereafter.

No. 105.—The St. Louis and San Francisco Railway Company, plaintiff in error, *v.* Leonard Mathews; and

No. 118.—The Missouri Pacific Railway Company, plaintiff in error, *v.* J. C. Simmons, administrator, etc. Argued by Mr. David D. Duncan for the plaintiffs in error, and submitted by Mr. Percy Werner for the defendant in error in No. 105, and by Mr. W. M. Williams for the defendant in error in No. 118.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 5, will be as follows: Nos. 141, 494, 11 (and 129 and 130), 83, 146, 147, 148, 149, 150 and 151.



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 5, 1896.

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

No. 148.—The Chicago, Kansas and Nebraska Railway Company, plaintiff in error, *v.* Judson B. Van Cleave. In error to the supreme court of the State of Kansas. Dismissed with costs, pursuant to the tenth rule.

No. 141.—The Savannah, Florida and Western Railway Company, appellant, *v.* The Florida Fruit Exchange. Argued by Mr. John E. Hartridge for the appellant, and by Mr. C. M. Cooper for the appellee.

No. 494.—C. S. Wight, plaintiff in error, *v.* The United States. Argument commenced by Mr. Hugh L. Bond for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 6, will be as follows: Nos. 494, 11 (and 129 and 130), 83, 146, 147, 149, 150, 151, 153 and 154.



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 6, 1896.

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

No. 235.—The Wabash Western Railway, plaintiff in error, *v.* Joseph Brow. Submitted pursuant to the twentieth rule by Mr. Alfred Russell for the plaintiff in error, and by Mr. Edwin F. Conely for the defendant in error.

No. 283.—James Carson, appellant, *v.* Henry Bohl, agent of the Second National Bank of Xenia, Ohio. Appeal from the United States circuit court of appeals for the sixth circuit. Dismissed with costs on motion of counsel for appellant.

No. 494.—C. S. Wight, plaintiff in error, *v.* The United States. Argument continued by Mr. Assistant Attorney-General Whitney for the defendant in error, and concluded by Mr. Hugh L. Bond for the plaintiff in error.

No. 11.—The Chicago and Northwestern Railway Company, plaintiff in error, *v.* The City of Chicago; and

Nos. 129 and 130.—The Chicago, Burlington and Quincy Railroad Company, plaintiff in error, *v.* The City of Chicago. Argument commenced by Mr. John J. Herrick for the Chicago, Burlington and Quincy Railroad Company, and continued by Mr. E. E. Osborn for the Chicago and Northwestern Railway Company, and by Mr. John S. Miller for the City of Chicago.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 9, will be as follows: Nos. 11 (and 129 and 130), 83, 344, 319, 321, 322, 361, 318, 495 and 447.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 9, 1896.

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

Elisha C. Field, of Chicago, Ill.; Clinton L. Nourse, of Des Moines, Iowa; Charles A. Bishop, of Des Moines, Iowa; William King Richardson, of Boston, Mass., and William B. Vansize, of New York City, were admitted to practice.

No. 46.—The Central Pacific Railroad Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Peckham.

No. 375.—Sandy White, plaintiff in error, *v.* The United States. In error to the district court of the United States for the northern district of Alabama. Judgment affirmed. Opinion by Mr. Justice Peckham.

No. 489.—The Press Publishing Company, plaintiff in error, *v.* Harriet Monroe. In error to the United States circuit court of appeals for the second circuit. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Gray.

The Chief Justice announced the following orders of the court:

No. 506.—The United States, appellant, *v.* Dixon N. Garlinger. Motion to advance denied.

No. 539.—The Interstate Commerce Commission, appellant, *v.* The Detroit, Grand Haven and Milwaukee Railway Company. Motion to advance granted, and cause assigned for argument on the third Monday of January next, after the cases already set down for that day.

No. 577.—Dennis Davis, plaintiff in error, *v.* The United States. Motion to advance granted, and cause assigned for argument on the third Monday of January next, after the cases already set down for that day.

Nos. 90 to 97.—The State of Washington, appellant, *v.* M. L. Coovert. Appeals from the circuit court of the United States for the district of Washington. Orders reversed with costs and causes remanded with

directions to discharge the writs and dismiss the petitions, on the authority of *Ex parte Royal*, 117 U. S., 241; *Whitten v. Tomlinson*, 160 U. S., 231-242, and cases cited.

No. 361.—The Southern Pacific Railroad Company et al., appellants, *v. The United States*. Postponed to the foot of the call of assigned cases for to-day on motion of Mr. Joseph H. Choate for the appellants.

No. 645.—The Louisville Trust Company, appellant, *v. The Louisville, New Albany and Chicago Railway Company*; and

No. 646.—The Louisville Banking Company, appellant, *v. The Louisville, New Albany and Chicago Railway Company*. Petition for writs of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. George W. Kretzinger and Mr. E. C. Field for the appellee in support of the petition.

No. 100.—The Atlantic and Pacific Railroad Company, plaintiff in error, *v. Robert Mingus*. Assigned for argument on the 7th of December next after the cases already set down for that day, on motion of Mr. Assistant Attorney-General Dickinson.

No. 639.—Edwin Norton et al., appellants, *v. Milton A. Wheaton*. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. H. N. Low, Mr. John H. Miller, Mr. John W. Munday, Mr. Edmund Adcock, and Mr. Edward S. Evarts for the appellants in support of the petition, and by Mr. M. A. Wheaton for the appellee in opposition thereto.

No. 615.—Caroline M. Forsythe, appellant, *v. The City of Hammond et al.* Motion to advance submitted by Mr. A. B. Browne in behalf of counsel for appellees.

No. 644.—The Chicago, Milwaukee and St. Paul Railway Company, plaintiff in error, *v. Elizabeth L. Grant, executrix, etc., et al.* In error to the supreme court of the State of Iowa. Dismissed with costs, per stipulation, on motion of Mr. Charles A. Bishop for the defendants in error.

No. 631.—Charles A. Bauman et al., appellants, *v. John W. Ross et al., Commissioners, etc.*;

No. 632.—John W. Ross et al., Commissioners, etc., appellants, *v. Charles H. Bauman et al.*;

No. 633.—Butler F. Abbott, appellant, *v. John W. Ross et al., Commissioners, etc., and*

No. 634.—John W. Ross et al., Commissioners, etc., appellants, *v. Charles H. Armes et al.* Reassigned for argument on the 7th of December next after the cases already set down for that day, on motion of Mr. Nathaniel Wilson for Bauman et al.

No. 11.—The Chicago and Northwestern Railway Company, plaintiff in error, *v.* The City of Chicago;

Nos. 129 and 130.—The Chicago, Burlington and Quincy Railroad Company, plaintiff in error, *v.* The City of Chicago. Argument continued by Mr. John S. Miller for the City of Chicago, and concluded by Mr. John J. Herrick for the Chicago, Burlington and Quincy Railroad Company.

No. 83.—George A. Fowler et al., plaintiffs in error, *v.* S. Warren Lamson et al. Argued by Mr. E. F. Thompson for the plaintiffs in error, and submitted by Mr. L. H. Bisbee for the defendants in error.

No. 344.—The United States, appellant, *v.* The American Bell Telephone Company et al. Nine hours allowed in the argument of this case. Argument commenced by Mr. R. S. Taylor for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 10, will be as follows: Nos. 344, 319, 321, 322, 318, 495, 447, and 361.





## SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 10, 1896.  

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

No. 344.—The United States, appellant, *v.* The American Bell Telephone Company et al. Argument continued by Mr. R. S. Taylor for the appellant, and by Mr. Frederick P. Fish for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 11, will be as follows: Nos. 344, 319, 321, 322, 318, 495, 447 and 361.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 11, 1896.

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

James J. Storrow, jr., of Boston, Mass.; Charles Neave, of Boston, Mass., and Howard C. Lewis, of Schenectady, N. Y., were admitted to practice.

No. 319.—The United States, appellant, *v.* The Union Pacific Railway Company et al.;

No. 321.—The United States, appellant, *v.* The Winona and St. Peter Railroad Company et al.; and

No. 322.—The United States, appellant, *v.* The St. Paul and Sioux City Railroad Company et al. Reassigned for argument after No. 447.

No. 344.—The United States, appellant, *v.* The American Bell Telephone Company et al. Argument continued by Mr. Frederick P. Fish and Mr. Joseph H. Choate for the appellees, and concluded by Mr. Causten Browne for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 12, will be as follows: Nos. 318, 495, 447, 319, 321, 322 and 361.



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 12, 1896.

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

E. S. Heller, of San Francisco, Cal., was admitted to practice.

No. 67.—The United States, appellant, *v.* The Trans-Missouri Freight Association et al. Assigned for argument on the 30th instant, after the cases already set down for that day, on motion of Mr. Assistant Attorney-General Dickinson for the appellant.

No. 318.—The United States, appellant, *v.* The Oregon and California Railroad Company et al. Argued by Mr. Assistant Attorney-General Dickinson and Mr. George H. Williams for the appellant, and by Mr. J. Hubley Ashton and Mr. Joseph H. Choate for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 13, will be as follows: Nos. 495, 447, 319, 321, 322 and 361.



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 13, 1896.

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

Robert Jones Monaghan, of Philadelphia, Pa., was admitted to practice.

No. 495.—Albert L. France et al., plaintiffs in error, *v.* The United States. Argued by Mr. A. W. Goldsmith and Mr. James C. Carter for the plaintiffs in error, and by Mr. Assistant Attorney-General Whitney for the defendant in error.

No. 447.—E. W. Agnew, plaintiff in error, *v.* The United States. Submitted by Mr. Eleazer K. Foster for the plaintiff in error, and by Mr. Solicitor-General Conrad for the defendant in error.

Adjourned until Monday next at 12 o'clock.

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# SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 16, 1896.

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

Nelson Y. Dungan, of Somerville, N. J., was admitted to practice.

No. 355.—Fallbrook Irrigation District et al., appellants, *v.* Maria King Bradley and Charles Sidney Bradley, her husband. Appeal from the circuit court of the United States for the southern district of California. Decree reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Peckham. Dissenting: Mr. Chief Justice Fuller and Mr. Justice Field.

No. 49.—The United States, appellant, *v.* William J. Verdier, administrator, etc. Appeal from the Court of Claims. Judgment reversed and cause remanded with directions to dismiss the petition. Opinion by Mr. Justice Brown. Mr. Justice Gray did not hear the argument and took no part in the decision of this case.

No. 13.—William Tregua, plaintiff in error, *v.* The Board of Directors of the Modesto Irrigation District. In error to the supreme court of the State of California. Dismissed with costs. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Harlan, Mr. Justice Gray and Mr. Justice Brown.

No. 381.—John Brown, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the western district of Arkansas. Judgment reversed and cause remanded with directions to set aside the verdict and order a new trial. Opinion by Mr. Justice Gray. Dissenting: Mr. Justice Brewer, Mr. Justice Brown and Mr. Justice Peckham.

No. 21.—The Wisconsin Central Railroad Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice Peckham.

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

No. 615.—Caroline M. Forsyth, appellant, *v.* The City of Hammond et al. Motion to advance granted, and cause assigned for argument on the third Monday of January next after the cases already set down for that day.

No. 639.—Edwin Norton et al., appellants, *v.* Milton A. Wheaton. Order for a rule to show cause why a certiorari should not issue to bring up the decree of the United States circuit court of appeals herein, that it may be determined whether upon an appeal from an interlocutory decree granting a temporary injunction in a patent case, the circuit courts of appeals can render or direct a final decree on the merits; said rule to be returnable on the second Monday of January next.

No. 645.—The Louisville Trust Company, appellant, *v.* The Louisville, New Albany and Chicago Railway Company; and

No. 646.—The Louisville Banking Company, appellant, *v.* The Louisville, New Albany and Chicago Railway Company. Petition for writs of certiorari to the United States circuit court of appeals for the sixth circuit granted.

No. 8.—The State of Wisconsin ex rel. John R. Baltzell, plaintiff in error, *v.* Robert G. Siebecker, circuit judge, etc. In error to the supreme court of the State of Wisconsin. Judgment affirmed with costs on the authority of *Wertz v. Hoagland*, 114 U. S., 606, and *Fallbrook Irrigation District v. Bradley*, just decided.

No. 9.—Zeph T. Hill, plaintiff in error, *v.* John Corcoran. In error to the supreme court of the State of Colorado. Judgment affirmed with costs by a divided court.

No. 403.—Boyden Power Brake Company et al., appellants, *v.* George Westinghouse, jr., et al.; and

No. 426.—George Westinghouse, jr., et al., appellants, *v.* Boyden Power Brake Company et al. Restored to the docket for reargument.

No. 652.—Noble L. McGinnis, for himself, etc., appellant, *v.* The United States. Appeal from the Court of Claims. Docketed and dismissed on motion of Mr. Solicitor General Conrad for the appellee.

No. 25.—William G. Ford et al., appellants, *v.* The Delta and Pine Land Company et al. Motion of Mr. Reese B. Edmonson in behalf of counsel for the appellants for leave to file a supplemental brief herein denied.

No. 490.—The American Sugar Refining Company, appellant, *v.* The Steamship G. R. Booth, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit, to bring up

the entire record, submitted by Mr. Harrington Putnam for the appellant in support of petition, and by Mr. J. Parker Kirlin for the appellee in opposition thereto.

No. 109.—The United States, appellant, *v.* Mitchell King. Motion to dismiss submitted by Mr. J. P. Kennedy Bryan in support of motion, and by Mr. Assistant Attorney General Dodge in opposition thereto.

Adjourned until Monday, November 30, at 12 o'clock.

The day call for Monday, November 30, will be as follows: Nos. 319, 321, 322, 361, 284, 314, 415, 87, 67 and 343.



## SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 30, 1896.

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

Miller Outcalt, of Cincinnati, Ohio; Frederick Hertenstein, of Cincinnati, Ohio; John M. Dillon, of New York City; James H. Hayden, of Washington, D. C., and J. J. Burt, of San Francisco, Cal., were admitted to practice.

No. 131.—Jane M. McKee, etc., et al., appellants, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Peckham.

No. 83.—George A. Fowler et al., executors, etc., plaintiffs in error, *v.* S. Warren Lamson et al. In error to the supreme court of the State of Illinois. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Peckham.

No. 493.—The United States, appellant, *v.* John C. Delaney. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Peckham.

No. 4.—Joseph Lalone et al., appellants, *v.* The United States. Appeal from the circuit court of the United States for the eastern district of Wisconsin. Decree reversed and cause remanded with directions to dismiss the bill. Opinion by Mr. Justice Peckham.

No. 101.—J. S. Noble et al., etc., plaintiffs in error, *v.* S. M. Mitchell. In error to the supreme court of the State of Alabama. Judgment affirmed with costs. Opinion by Mr. Justice White. Dissenting: Mr. Justice Harlan.

No. 64.—The Atlantic and Pacific Railroad Company, plaintiff in error, *v.* Mary J. Laird. In error to the United States circuit court of appeals for the ninth circuit. Judgment affirmed with costs and cause remanded to the circuit court of the United States for the southern district of California. Opinion by Mr. Justice White.



No. 496.—Pleasant Draper, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the district of Montana. Judgment reversed and cause remanded for proceedings in conformity with the opinion of this court. Opinion by Mr. Justice White.

No. 10.—The Prairie State National Bank, of Chicago, Ill., appellant, *v.* The United States; and

No. 16.—The United States, appellant, *v.* Charles A. Hitchcock et al. Appeals from the Court of Claims. Judgments affirmed. Opinion by Mr. Justice White.

No. 140.—James S. Glover et al., appellants, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice White.

No. 35.—Arthur D. McClellan, plaintiff in error, *v.* George W. Chipman, assignee, etc. In error to the superior court of the State of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 36.—The Traders National Bank, plaintiff in error, *v.* George W. Chipman, assignee, etc., et al. In error to the supreme judicial court of the State of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 34.—Emma J. Gonzales, appellant, *v.* E. W. French et al. Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs. Opinion by Mr. Justice Shiras.

No. 37.—The United States, appellant, *v.* Alfred H. Elliott et al. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Shiras.

No. 53.—Eugene W. Coughran et al., plaintiffs in error, *v.* Henry C. Bigelow et al. In error to the supreme court of the Territory of Utah. Judgment affirmed with costs and cause remanded to the supreme court of the State of Utah. Opinion by Mr. Justice Shiras.

No. 58.—The Citizens Bank of Louisiana, appellant, *v.* Clifton Cannon, sheriff, etc., et al. Appeal from the circuit court of the United States for the western district of Louisiana. Decree reversed with costs and cause remanded with directions to proceed in conformity with the opinion of this court. Opinion by Mr. Justice Shiras.

No. 336.—Avington A. Edgington, plaintiff in error, *v.* The United States. In error to the district court of the United States for the southern district of Iowa. Judgment reversed and cause remanded with directions to set aside the verdict and award a new trial. Opinion by Mr. Justice Shiras. Dissenting: Mr. Justice Brown.

No. 300.—The Central Railroad and Banking Company of Georgia et al., appellants, *v.* William A. Wright, Comptroller-General, etc. Appeal from the circuit court of the United States for the southern district of Georgia. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 71.—The Old Jordan Mining and Milling Company, plaintiff in error, *v.* Societe Anonyme des Mines de Lexington. In error to the supreme court of the Territory of Utah. Judgment affirmed with costs and cause remanded to the supreme court of the State of Utah. Opinion by Mr. Justice Brown. (Mr. Justice Peckham was not present at the argument and took no part in the decision of this case.)

No. 123.—Horace M. Çake et al., appellants, *v.* Martha V. Mohun, executrix, etc. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 144.—John Milton Carothers, plaintiff in error, *v.* Isaac Mayer et al. In error to the supreme court of the State of Montana. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brown.

No. 113.—Lewis M. Stone, appellant, *v.* The United States et al. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brewer.

No. 393.—Charles W. Acers, plaintiff in error, *v.* The United States. In error to the district court of the United States for the western district of Arkansas. Judgment affirmed. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Shiras.

No. 70.—The Northern Pacific Railroad Company, plaintiff in error, *v.* Leonard P. Colburn. In error to the supreme court of the State of Montana. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Brewer.

No. 1.—The Missouri Pacific Railway Company, plaintiff in error, *v.* The State of Nebraska ex rel. The Board of Transportation of the State of Nebraska. In error to the supreme court of the State of Nebraska. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Gray.

No. 47.—Charles Warner, plaintiff in error, *v.* The Texas and Pacific Railway Company. In error to the United States circuit court of appeals for the fifth circuit. Judgment reversed with costs and cause remanded to the circuit court of the United States for the eastern district of Texas with directions to set aside the verdict and to order a new trial. Opinion by Mr. Justice Gray.

No. 106.—The Berwind-White Coal Mining Company, appellant, *v.* The Steamship Kate, etc. On a writ of certiorari to the United States circuit court of appeals for the second circuit. Decree of district court of the United States for the southern district of New York affirmed with costs and cause remanded to said court. Opinion by Mr. Justice Harlan.

No. 134.—The New Orleans Water Works Company, appellant, *v.* The City of New Orleans. Appeal from the circuit court of the United States for the eastern district of Louisiana. Decree affirmed with costs. Opinion by Mr. Justice Harlan.

No. 439.—Cul Rowe, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the western district of Arkansas. Judgment reversed and cause remanded with directions to grant a new trial. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Brown.

No. 60.—W. B. Grimes Dry Goods Company, plaintiff in error, *v.* John Malcolm et al. In error to the United States circuit court of appeals for the eighth circuit. Judgment affirmed with costs and cause remanded to the United States court in the Indian Territory. Opinion by Mr. Justice Harlan.

No. 11.—The Chicago and Northwestern Railway Company, plaintiff in error, *v.* The City of Chicago. In error to the supreme court of the State of Illinois. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Harlan.

No. 139.—Peter Wilson, appellant, *v.* Fred J. Kiesel et al. Appeal from the supreme court of the territory of Utah. Dismissed with costs and cause remanded to the supreme court of the State of Utah. Opinion by Mr. Chief Justice Fuller.

No. 513.—Elverton R. Chapman, plaintiff in error, *v.* The United States. In error to the court of appeals of the District of Columbia. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 546.—Wilkes C. Prather, plaintiff in error, *v.* The United States. In error to the court of appeals of the District of Columbia. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 549.—Lewis Perrine et al., plaintiffs in error, *v.* Mary Kemble Slack. In error to the court of appeals of the District of Columbia. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 235.—The Wabash Western Railway, plaintiff in error, *v.* Joseph Brow. On writ of certiorari to the United States circuit court of appeals for the sixth circuit. Judgments of the said United States circuit court of appeals and the circuit court of the United States for the eastern district

of Michigan reversed with costs and cause remanded to said circuit court with directions to grant a new trial, sustain the motion to set aside the service of the declaration, and rule to plead and dismiss the action. Opinion by Mr. Chief Justice Fuller.

No. 460.—National Accident Society, plaintiff in error, *v.* Fannie Spiro. On a certificate from the United States circuit court of appeals for the sixth circuit. Question certified answered in the negative. Opinion by Mr. Chief Justice Fuller.

No. 61.—Henry K. Willard, administrator, etc., appellant, *v.* Thomas N. Wood, executor, etc., et al. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

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

No. 109.—The United States, appellant, *v.* Mitchell King. Appeal from the circuit court of the United States for the district of South Carolina. Dismissed on the authority of *Chase v. United States*, 155 U. S., 489.

No. 490.—The American Sugar Refining Company, appellant, *v.* The Steamship G. R. Booth, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit to bring up the entire record denied.

No. 649.—The Western Union Telegraph Company, plaintiff in error, *v.* The State of Indiana. Motion to advance submitted by Mr. Judson Harmon in behalf of counsel for the defendant in error.

No. 626.—Hoke Smith, Secretary of the Department of the Interior, et al., appellants, *v.* Jefferson Reynolds, etc. Motion to advance submitted by Mr. Solicitor General Conrad for the plaintiffs in error.

No. 275.—The Oregon Short Line and Utah Northern Railway Company, appellant, *v.* The Northern Pacific Railroad Company. Motion to dismiss, etc., submitted by Mr. John F. Dillon for the appellant.

No. 284.—Charles W. Nordstrom, plaintiff in error, *v.* The State of Washington. Reassigned for argument at the foot of the call for to-day on motion of Mr. James Hamilton Lewis for the plaintiff in error.

No. 660.—The Louisville Trust Company, trustee, appellant, *v.* The City of Cincinnati. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. St. John Boyle, Mr. Alexander Pope Humphrey, Mr. George M. Davie and Mr. E. A. Ferguson for the appellant in support of the petition, and by Mr. J. D. Branan and Mr. Frederick Hertenstein for the appellee in opposition thereto.

No. 663.—Joseph E. Doherty, plaintiff in error, *v.* Clarence M. Knowlton. In error to the supreme judicial court of the State of Maine. Docketed and dismissed with costs on motion of Mr. Ellis C. Johnston for the defendant in error.

No. 515.—J. D. Adams, plaintiff in error, *v.* The State of Texas. Motion for leave to proceed *in forma pauperis* submitted by Mr. A. B. Browne in behalf of counsel for the plaintiff in error.

No. 587.—N. S. Swenson, plaintiff in error, *v.* Russell Sage, assignee, etc. Submitted pursuant to the twentieth rule by Mr. Moses E. Clapp, for the plaintiff in error, and by Mr. A. T. Britton and Mr. A. B. Browne for the defendant in error.

No. 641.—Thomas Allen, plaintiff in error, *v.* The State of Georgia. Motion to advance submitted by Mr. A. B. Browne in behalf of counsel.

No. 403.—Boyden Power Brake Company et al., appellants, *v.* George Westinghouse, jr., et al.; and

No. 426.—George Westinghouse, jr., et al., appellants, *v.* Boyden Power Brake Company et al. Motion to fix day for reargument herein submitted by Mr. Hector T. Fenton for the Boyden Power Brake Company et al.

No. 122.—Jacob Henry Hentz et al., appellants, *v.* Samuel G. Cornwall, surviving partner, etc. Appeal from the court of appeals of the District of Columbia. Dismissed with costs and mandate granted on motion of Mr. Edward H. Thomas for the appellee.

No. 522.—L. I. Rosecrans, plaintiff in error, *v.* The United States. Reassigned for argument on the second Monday of January next on motion of Mr. S. S. Burdett for the plaintiff in error.

No. 550.—The Warner Valley Stock Company, appellant, *v.* Hoke Smith, Secretary of the Interior, et al. Leave granted to Mr. Joseph K. McCammon to file brief herein on behalf of certain interested parties.

No. 310.—A. S. Churchill, attorney-general, et al., etc., appellants, *v.* Oliver Ames et al;

No. 311.—A. S. Churchill, attorney-general, et al., etc., appellants, *v.* George Smith et al., and

No. 312.—A. S. Churchill, attorney-general, et al., etc., appellants, *v.* Henry L. Higginson et al. Motion to fix a day for reargument of these cases submitted by Mr. Frederic D. McKenney in behalf of counsel.

No. 643.—Francisco Gonzales y Borrego et al., appellants, *v.* William P. Cunningham, sheriff, etc. Motion to dismiss herein postponed for one week on motion of Mr. Solicitor General Conrad for the appellee.

No. 343.—L. A. Lincecum, plaintiff in error, *v.* The United States. In error to the district court of the United States for the northern district of Texas. Dismissed with costs pursuant to the tenth rule.

No. 591.—Charles A. Gregory, appellant, *v.* John C. Kemp Van Ee. Motion to dismiss submitted by Mr. Russell Gray in support of motion and by Mr. F. A. Brooks in opposition thereto.

No. 319.—The United States, appellant, *v.* The Union Pacific Railway Company et al. Postponed for argument after Nos. 321 and 322.

No. 321.—The United States, appellant, *v.* The Winona and St. Peter Railroad Company et al.; and

No. 322.—The United States, appellant, *v.* The St. Paul and Sioux City Railroad Company et al. Argument commenced by Mr. Solicitor General Conrad for the appellant and continued by Mr. Thomas Wilson for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 1, will be as follows: Nos. 321 (and 322), 319, 361, 314, 415, 87, 67 and 284.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 1, 1896.

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

C. Whittle Sams, of Norfolk, Va., was admitted to practice.

No. 551.—Herman Keck, plaintiff in error, *v.* The United States. Reassigned for argument at the foot of the call for Monday next on motion of Mr. Solicitor General Conrad for the defendant in error.

No. 602.—The Winona and St. Peter Railroad Company et al., appellants, *v.* The United States. Submitted by Mr. J. A. Tawney for the appellants and by Mr. Solicitor General Conrad for the appellee.

No. 321.—The United States, appellant, *v.* The Winona and St. Peter Railroad Company et al.; and

No. 322.—The United States, appellant, *v.* The St. Paul and Sioux City Railroad Company et al. Argument continued by Mr. Thomas Wilson for the appellees and concluded by Mr. Solicitor General Conrad for the appellant.

No. 275.—The Oregon Short Line and Utah Northern Railway Company, appellant, *v.* The Northern Pacific Railroad Company. Appeal from the United States circuit court of appeals for the ninth circuit. Dismissed, without costs, per stipulation, and cause remanded for such further proceedings as may be necessary or proper to carry out the terms of the stipulation or otherwise to secure the rights of the parties.

No. 319.—The United States, appellant, *v.* The Union Pacific Railway Company et al. Argument commenced by Mr. John F. Dillon for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 2, will be as follows: Nos. 319, 361, 314, 415, 87, 67 and 284.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 2, 1896.

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

William H. Preble, of Boston, Mass., was admitted to practice.

No. 67.—The United States, appellant, *v.* The Trans-Missouri Freight Association et al. Leave granted to Mr. E. J. Phelps to file brief herein in behalf of certain interested parties.

No. 194.—The Gulf, Colorado and Santa Fe Railway Company, plaintiff in error, *v.* A. B. Roff. In error to the United States circuit court of appeals for the eighth circuit. Dismissed with costs per stipulation.

No. 614.—The Western Union Telegraph Company, appellant, *v.* L. C. Norman, auditor of public accounts of the Commonwealth of Kentucky. Appeal from the circuit court of the United States for the district of Kentucky. Dismissed with costs per stipulation.

No. 319.—The United States, appellant, *v.* The Union Pacific Railway Company et al. Argument continued by Mr. John F. Dillon for the appellees, and concluded by Mr. Solicitor General Conrad for the appellant.

No. 361.—The Southern Pacific Railroad Company et al., appellants, *v.* The United States. Two hours' additional time allowed in the argument of this case. Argument commenced by Mr. Joseph H. Choate for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 3, will be as follows: Nos. 361, 314, 415, 87, 67 and 284.

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## SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 3, 1896.

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

No. 587.—N. S. Swenson, plaintiff in error, *v.* Russell Sage, assignee, etc. Leave granted to file brief herein on behalf of the United States, on motion of Mr. Assistant Attorney General Dickinson for the United States.

No. 361.—The Southern Pacific Railroad Company et al., appellants, *v.* The United States. Argument continued by Mr. Joseph H. Choate for the appellants, by Mr. Joseph H. Call and Mr. Assistant Attorney General Dickinson for the appellee, and concluded by Mr. Joseph H. Choate for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 4, will be as follows: Nos. 314, 415, 87, 67 and 284.

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## SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 4, 1896.

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

No. —, Original. Ex parte. In the matter of John Chetwood, jr., petitioner. Motion for leave to file petition for a writ of certiorari or other appropriate writ submitted by Mr. A. B. Browne for the petitioner.

No. 4.—Joseph Lalone et al., appellants, *v.* The United States. Mandate granted on motion of Mr. A. B. Browne for the appellants.

No. 314.—James Compton, appellant, *v.* James R. Jesup and Edward H. Dixon, trustees, et al. Argued by Mr. Judson Harmon and Mr. John G. Milburn for the appellant, and by Mr. Henry Crawford and Mr. Rush Taggart for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 7, will be as follows: Nos. 415, 87, 67, 284, 337 (and 338), 339, 340, 352, 398, 399, 400, 401, 405, 586 (and 462), 448 (and 469, 470, 471), 429, 497, 536 and 578.



## SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 7, 1896.

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

Frank S. Monnett, of Columbus, Ohio; Francis Bacon James, of Cincinnati, Ohio; James Troy, of Brooklyn, N. Y.; Thomas H. Troy, of Brooklyn, N. Y.; James J. Kennedy, of Brooklyn, N. Y., and James W. McCreery, of Greeley, Col., were admitted to practice.

No. 371.—Alexander Allen, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the western district of Arkansas. Judgment affirmed. Opinion by Mr. Justice Brown.

No. 23.—The Rogers Locomotive Machine Works et al., plaintiffs in error, *v.* The American Emigrant Company. In error to the supreme court of the State of Iowa. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Harlan.

The Chief Justice announced the following orders of the court:

No. —, Original.—*Ex parte*: In the matter of Augustus I. Ambler, petitioner. Motions and petitions denied.

No. 310.—A. S. Churchill, attorney-general, et al., etc., appellants, *v.* Oliver Ames et al.

No. 311.—A. S. Churchill, attorney-general, et al., etc., appellants, *v.* George Smith et al.; and

No. 312.—A. S. Churchill, attorney-general, et al., etc., appellants, *v.* Henry L. Higginson et al. Motion to assign these cases for reargument denied without prejudice to a renewal thereof later in the term.

No. 403.—Boyden Power Brake Company et al., appellants, *v.* George Westinghouse, jr., et al.; and

No. 426.—George Westinghouse, jr., et al., appellants, *v.* Boyden Power Brake Company et al. Motion to assign for reargument granted and cause assigned for the third Monday of January next after the cases already set down for that day.

No. 515.—J. D. Adams, plaintiff in error, *v.* The State of Texas. Motion for leave to prosecute *in forma pauperis* denied.

No. 591.—Charles A. Gregory, appellant, *v.* John C. Kemp Van Ee. Appeal from the circuit court of the United States for the district of Massachusetts. Dismissed with costs.

No. 626.—Hoke Smith, Secretary of the Department of the Interior, et al., appellants, *v.* Jefferson Reynolds, for himself, etc. Motion to advance granted and cause assigned for argument on the third Monday of January next after the cases already set down for that day.

No. 641.—Thomas Allen, plaintiff in error, *v.* The State of Georgia. Motion to advance granted and cause assigned for argument on the third Monday of January next after the cases already set down for that day.

No. 649.—The Western Union Telegraph Company, plaintiff in error, *v.* The State of Indiana. Motion to advance granted and cause assigned for argument with Nos. 469, 470 and 471 as one case, or it will be taken on printed brief if counsel shall be so advised.

No. 660.—The Louisville Trust Company, trustee, appellant, *v.* The City of Cincinnati. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. —, Original.—*Ex parte*: In the matter of John Chetwood, jr., petitioner. Motion for leave to file petition for certiorari or other appropriate writ granted, and rule to show cause awarded, returnable on the first Monday of January next.

No. 14.—The Chicago, St. Paul, Minneapolis and Omaha Railway Company, plaintiff in error, *v.* John Roberts. In error to the supreme court of the State of Minnesota. Judgment affirmed with costs by a divided court. (Mr. Justice Field took no part in the consideration and decision of this case.)

No. 15.—The Chicago, St. Paul, Minneapolis and Omaha Railway Company, plaintiff in error, *v.* John Roberts. In error to the supreme court of the State of Minnesota. Judgment affirmed with costs by a divided court. (Mr. Justice Field took no part in the consideration and decision of this case.)

No. 429.—James Dyer, plaintiff in error, *v.* The United States. In error to the district court of the United States for the western district of Arkansas. Judgment reversed upon confession of error by counsel for the defendant in error and cause remanded for further proceedings in conformity to law.

No. 21.—The Wisconsin Central Railroad Company, appellant, *v.* The United States. Mandate granted on motion of Mr. Solicitor General Conrad for the appellee.

No. 643.—Francisco Gonzales y Borrego et al., appellants, *v.* William P. Cunningham, sheriff, etc. Motions to dismiss or affirm submitted by Mr. H. L. Warren in support of motion, and by Mr. Thomas B. Catron, Mr. Samuel F. Phillips and Mr. Frederic D. McKenney in opposition thereto. Leave granted to counsel for appellee to file additional brief within four days on motion of Mr. Holmes Conrad for the appellee.

No. —, Original.—*Ex parte*: In the matter of the Atlantic City Railroad Company, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. William Houston Kenyon for the petitioner.

No. 213.—The United States et al., appellants, *v.* The Northwestern Express, Stage and Transportation Company. Submitted pursuant to the twentieth rule by Mr. Assistant Attorney General Howry for the appellant, and by Mr. John B. Sanborn, Mr. Charles King and Mr. William B. King for the appellee.

Nos. 655 and 658.—Albert F. Holden, plaintiff in error, *v.* Harvy Hardy, sheriff of Salt Lake County, Utah. Motion to advance submitted by Mr. J. M. Wilson for the plaintiff in error.

No. —, Original.—*Ex parte*: In the matter of Charles F. Jones, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. Frank W. Hackett in behalf of Mr. F. A. Brooks for the petitioner.

No. 457.—Henry Craemer, plaintiff in error, *v.* The State of Washington. Motion to dismiss submitted by Mr. A. W. Hastie in support of motion, and by Mr. James Hamilton Lewis and Mr. Frank B. Crosthwaite in opposition thereto.

No. 477.—Adolph Krug, plaintiff in error, *v.* The State of Washington. Motion to dismiss submitted by Mr. A. W. Hastie and Mr. Joseph Shillington in support of motion, and by Mr. James Hamilton Lewis in opposition thereto.

No. 543.—James Murphy, plaintiff in error, *v.* The State of Washington. Motion to advance submitted by Mr. A. W. Hastie for the defendant in error.

No. 361.—The Southern Pacific Railroad Company et al., appellants, *v.* The United States. Motion for leave to file abstract of record submitted by Mr. J. Hubley Ashton for the appellants.

No. 463.—Pullman's Palace Car Company, appellant, *v.* Central Transportation Company. Motion to dismiss submitted by Mr. John G. Johnson and Mr. Frank P. Prichard in support of motion, and by Mr. A. H. Wintersteen, Mr. Robert T. Lincoln, Mr. E. S. Isham and Mr. Joseph H. Choate in opposition thereto.

No. 554.—Leander J. McCormick, plaintiff in error, *v.* The Market National Bank of Chicago. Submitted pursuant to the twentieth rule by Mr. A. M. Pence for the plaintiff in error, and by Mr. Hiram T. Gilbert for the defendant in error.

No. 448.—The Western Union Telegraph Company, appellant, *v.* A. C. Daily, auditor, etc. Appeal from the circuit court of the United States for the district of Indiana. Dismissed with costs on motion of counsel for appellant.

No. 69.—The United States, plaintiff in error, *v.* The Chicago, Rock Island and Pacific Railroad Company. Submitted pursuant to order of November 2, 1896, by Mr. Solicitor General Conrad for the plaintiff in error, and by Mr. Robert Mather for the defendant in error.

No. 415.—The New York Indians, appellants, *v.* The United States. Argument commenced by Mr. Henry E. Davis for the appellants, and continued by Mr. Charles C. Binney for the appellees, and by Mr. Joseph H. Choate for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 8, will be as follows: Nos. 415, 87, 67, 284, 337 (and 338, 339, 340, 352, 398, 399, 400, 401, 405, 586 and 462), 469 (and 470 and 471), 497, 536, 578 and 579.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 8, 1896.

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

No. 415.—The New York Indians, appellants, *v.* The United States. Argument concluded by Mr. Joseph H. Choate for the appellants.

No. 87.—F. R. Osborne, plaintiff in error, *v.* The State of Florida. Argued by Mr. John E. Hartridge for the plaintiff in error, and by Mr. W. B. Lamar for the defendant in error.

No. 67.—The United States, appellant, *v.* The Trans-Missouri Freight Association et al. Three counsel allowed to appear and argue for the appellees, and one hour additional time allowed each side in the argument of this case on motion of Mr. John F. Dillon for the appellees. Argument commenced by Mr. Attorney-General Harmon for the appellant, and continued by Mr. John F. Dillon for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 9, will be as follows: Nos. 67, 284, 337 (and 338, 339, 340, 352, 398, 399, 400, 401, 405, 586 and 462), 469 (and 470 and 471), 497, 536, 578, 579, 588 and 550.



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 9, 1896.

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

John F. Hager, of Ashland, Ky., and Henry W. Williams, of Boston, Mass., were admitted to practice.

No. 136.—The Texas and Pacific Railway Company, plaintiff in error, *v.* P. A. Scoville. In error to the United States circuit court of appeals for the fifth circuit. Dismissed with costs on motion of Mr. John F. Dillon for the plaintiff in error.

No. 140.—James S. Glover et al., appellants, *v.* The United States. Mandate granted on motion of Mr. Solicitor General Conrad for the appellee.

No. 67.—The United States, appellant, *v.* The Trans-Missouri Freight Association et al. Argument continued by Mr. James C. Carter and Mr. Edward J. Phelps for the appellees, and concluded by Mr. Attorney General Harmon for the appellant. Leave granted to Mr. W. F. Guthrie to file supplemental brief herein if he shall be so advised.

No. 284.—Charles W. Nordstrom, plaintiff in error, *v.* The State of Washington. Argument commenced by Mr. James Hamilton Lewis for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 10, will be as follows: Nos. 284, 337 (and 338, 339, 340, 352, 398, 399, 400, 401, 405, 586 and 462), 469 (and 470, 471 and 649), 497, 536, 578, 579, 588, 550 and 334.

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## SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 10, 1896.

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

No. 284.—Charles W. Nordstrom, plaintiff in error, *v.* The State of Washington. Argument continued by Mr. James Hamilton Lewis for the plaintiff in error, and concluded by Mr. Addison W. Hastie for the defendant in error.

No. 586.—Levi C. Weir, president of the Adams Express Company, appellant, *v.* L. C. Norman, auditor of public accounts of Kentucky; and

No. 462.—The Henderson Bridge Company, plaintiff in error, *v.* The Commonwealth of Kentucky. Order that these cases be heard with Nos. 337, etc., as one case rescinded.

No. 469.—The American Express Company, plaintiff in error, *v.* The State of Indiana;

No. 470.—The Adams Express Company, plaintiff in error, *v.* The State of Indiana;

No. 471.—The United States Express Company, plaintiff in error, *v.* The State of Indiana; and

No. 649.—The Western Union Telegraph Company, plaintiff in error, *v.* The State of Indiana. Ordered that these cases be heard with Nos. 337, etc., as one case and that three hours be allowed each side in the argument.

No. 352.—The Western Union Telegraph Company, appellants, *v.* Ebenezer W. Poe, auditor of the State of Ohio, et al. Appeal from the United States circuit court of appeals for the sixth circuit. Dismissed with costs on motion of Mr. Lawrence Maxwell, jr., for the appellants.

No. 401.—The Western Union Telegraph Company, appellant, *v.* Ebenezer W. Poe, auditor of the State of Ohio. Appeal from the circuit court of the United States for the southern district of Ohio. Dismissed with costs on motion of Mr. Lawrence Maxwell, jr., for the appellant.

No. 405.—The Western Union Telegraph Company, appellant, *v.* Ebenezer W. Poe, auditor of the State of Ohio. Appeal from the circuit court of the United States for the southern district of Ohio. Dismissed with costs on motion of Mr. Lawrence Maxwell, jr., for the appellant.

No. 337.—Henry Sanford, president, etc., appellant, *v.* Ebenezer W. Poe, auditor, etc., et al.;

No. 338.—Henry Sanford, president, etc., appellant, *v.* Ebenezer W. Poe, auditor, etc., et al.;

No. 339.—James C. Fargo, president, etc., appellant, *v.* Ebenezer W. Poe, auditor, etc., et al.;

No. 340.—Thomas C. Platt, president, etc., appellant, *v.* Ebenezer W. Poe, auditor, etc., et al.;

No. 398.—Clarence A. Seward, vice-president, etc., appellant, *v.* Ebenezer W. Poe, auditor, etc.;

No. 399.—James C. Fargo, president, etc., appellant, *v.* Ebenezer W. Poe, auditor, etc.;

No. 400.—Thomas C. Platt, president, etc., appellant, *v.* Ebenezer W. Poe, auditor, etc.;

No. 469.—The American Express Company, plaintiff in error, *v.* The State of Indiana;

No. 470.—The Adams Express Company, plaintiff in error, *v.* The State of Indiana;

No. 471.—The United States Express Company, plaintiff in error, *v.* The State of Indiana; and

No. 649.—The Western Union Telegraph Company, plaintiff in error, *v.* The State of Indiana. Argument commenced by Mr. Lawrence Maxwell, jr., for the express companies, and continued by Mr. Thomas McDougall for the auditor of the State of Ohio et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 11, will be as follows: Nos. 337 (and 338, 339, 340, 398, 399, 400, 469, 470, 471 and 649), 586 (and 462), 497, 536, 578, 579, 588, 550, 334 and 100.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 11, 1896.

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

Charles J. Patterson, of Brooklyn, N. Y.; Frank H. Scott, of Chicago, Ill., and John J. Pershing, of Lincoln, Nebr., were admitted to practice.

No. 649.—The Western Union Telegraph Company, plaintiff in error, *v.* The State of Indiana. Submitted with leave to counsel for the plaintiff in error to file briefs within one week and to counsel for defendant in error to reply thereto within one week thereafter.

No. 37.—The United States, appellant, *v.* Alfred H. Elliott et al. Mandate granted on motion of Mr. Ward Thoron in behalf of counsel.

No. 337.—Henry Sanford, president, etc., appellant, *v.* Ebenezer W. Poe, auditor, etc., et al.;

No. 338.—Henry Sanford, president, etc., appellant, *v.* Ebenezer W. Poe, auditor, etc., et al.;

No. 339.—James C. Fargo, president, etc., appellant, *v.* Ebenezer W. Poe, auditor, etc., et al.;

No. 340.—Thomas C. Platt, president, etc., appellant, *v.* Ebenezer W. Poe, auditor, etc., et al.;

No. 398.—Clarence A. Seward, vice-president, etc., appellant, *v.* Ebenezer W. Poe, auditor, etc.;

No. 399.—James C. Fargo, president, etc., appellant, *v.* Ebenezer W. Poe, auditor, etc.;

No. 400.—Thomas C. Platt, president, etc., appellant, *v.* Ebenezer W. Poe, auditor, etc.;

No. 469.—The American Express Company, plaintiff in error, *v.* The State of Indiana;

No. 470.—The Adams Express Company, plaintiff in error, *v.* The State of Indiana; and

No. 471.—The United States Express Company, plaintiff in error, *v.* The State of Indiana. Argument continued by Mr. J. K. Richards for

the auditor of the State of Ohio et al., by Mr. William A. Ketcham and Mr. Judson Harmon for the State of Indiana, and concluded by Mr. James C. Carter for the American Express Company.

No. 352.—The Western Union Telegraph Company, appellant, *v.* Ebenezer W. Poe, auditor, etc., et al.;

No. 401.—The Western Union Telegraph Company, appellant, *v.* Ebenezer W. Poe, auditor, etc.; and

No. 405.—The Western Union Telegraph Company, appellant, *v.* Ebenezer W. Poe, auditor, etc. Motion that mandates issue forthwith submitted by Mr. Frank S. Monnett for the appellee.

No. 275.—The Oregon Short Line and Utah Northern Railway Company, appellant, *v.* The Northern Pacific Railroad Company. Mandate granted on motion of Mr. Rush Taggart in behalf of counsel for the appellant.

No. 586.—Levi C. Weir, president, etc., appellant, *v.* L. C. Norman, auditor of public accounts of Kentucky; and

No. 462.—The Henderson Bridge Company, plaintiff in error, *v.* The Commonwealth of Kentucky. Argument commenced by Mr. James P. Helm for the Henderson Bridge Company.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 14, will be as follows: Nos. 586 (and 462), 497, 536, 578, 579, 588, 550, 334, 100 and 631 (and 632, 633 and 634).

## SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 14, 1896.

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

Edgar Smith, of Fort Smith, Ark., and Edward S. Dodge, of Boston, Mass., were admitted to practice.

No. 50.—The Covington and Lexington Turnpike Road Company et al., plaintiffs in error, *v.* A. P. Sanford et al. In error to the court of appeals of the State of Kentucky. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the principles of the opinion of this court. Opinion by Mr. Justice Harlan.

No. 318.—The United States, appellant, *v.* The Oregon and California Railroad Company et al. Appeal from the United States circuit court of appeals for the ninth circuit. Decree of the United States circuit court of appeals reversed, and decree of the circuit court of the United States for the district of Oregon affirmed, and cause remanded to said circuit court. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice Field and Mr. Justice Shiras.

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

No. 457.—Henry Craemer, plaintiff in error, *v.* The State of Washington. In error to the supreme court of the State of Washington. Dismissed for the want of jurisdiction on the authority of *Spies v. Illinois*, 123 U. S., 131, and other cases.

No. 477.—Adolph Krug, plaintiff in error, *v.* The State of Washington. In error to the supreme court of the State of Washington. Dismissed for the want of jurisdiction on the authority of *Spies v. Illinois*, 123 U. S., 131, and other cases.

No. 463.—Pullman's Palace Car Company, appellant, *v.* Central Transportation Company. Motion to dismiss postponed to the hearing of the cause on its merits.

No. 543.—James Murphy, plaintiff in error, *v.* The State of Washington. Motion to advance granted and cause assigned for argument on the third Monday of January next after the cases already set down for that day.

Nos. 655 and 658.—Albert F. Holden, plaintiff in error, *v.* Harvy Hardy, sheriff, etc. Motion to advance granted and cases assigned for argument on the third Monday of October next.

No. 416.—James B. Wilson, plaintiff in error, *v.* The United States. Mandate stayed and leave given counsel for the plaintiff in error to file brief within fifteen days.

No. 125.—A. A. McCullough, plaintiff in error, *v.* The Commonwealth of Virginia. Submission set aside and case restored to the docket for oral argument.

No. 284.—Charles W. Nordstrom, plaintiff in error, *v.* The State of Washington. In error to the supreme court of the State of Washington. Judgment affirmed on the authority of *Hurtado v. California*, 101 U. S., 516; *Davis v. Texas*, 139 U. S., 652; *McNulty v. California*, 149 U. S., 645; *Talton v. Mayes*, 163 U. S., 376, and *Draper v. United States*, 164 U. S., —.

No. 554.—Leander J. McCormick, plaintiff in error, *v.* The Market National Bank of Chicago. Leave granted to counsel to file briefs herein on the question of jurisdiction of this court within ten days.

The Chief Justice also announced that the court would take a recess from Monday, December 21, 1896, to Monday, January 4, 1897.

No. 504.—William P. Craighill et al., appellants, *v.* Avarilla Lambert et al.;

No. 516.—Tla-Koo-Yel-lee, plaintiff in error, *v.* The United States; and

Nos. 661 and 662.—Richard S. Williams, plaintiff in error, *v.* The United States. Motions to advance submitted by Mr. Solicitor General Conrad for the United States.

No. 409.—The Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, appellant, *v.* The Board of Public Works of the State of West Virginia. Motion to advance submitted by Mr. T. S. Riley for the appellee.

No. 604.—The United States, plaintiff in error, *v.* R. E. McGlashen. Motion to dismiss submitted by Mr. George E. Sutherland and Mr. H. L. Eaton in support of the motion, and by Mr. Solicitor General Conrad in opposition thereto.

No. 6, Original.—The State of Missouri, complainant, *v.* The State of Iowa. Leave to file report of commissioners, etc., granted on motion of Mr. R. F. Walker for the complainant.

No. 519.—The United States, appellant, *v.* Lewis A. Eaton. Motion to advance submitted by Mr. John C. Chaney for the appellee.

No. 259.—The Western Union Telegraph Company, plaintiff in error, *v. C. G. Rawlings*. In error to the supreme court of the State of Georgia. Dismissed with costs on motion of Mr. J. Hubley Ashton for the plaintiff in error.

No. 651.—John Chisholm et al., appellants, *v. William V. Abbott et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. John Lowell and Mr. Edward S. Dodge for the appellants in support of the petition.

No. 82.—George F. Dearborn, plaintiff in error, *v. Peter Moran et al.* In error to the supreme court of the State of Washington. Dismissed with costs on motion of Mr. Frederic D. McKenney for the plaintiff in error.

No. 8, Original.—Ex parte: In the matter of Samuel J. McCaully, petitioner;

No. 9, Original.—Ex parte: In the matter of Israel C. Kallock, petitioner; and

No. 10, Original.—Ex parte: In the matter of William O. Lusby, petitioner. Leave granted to file petitions for writs of *certiorari* and *habeas corpus*; rule to show cause awarded returnable Monday, January 4, 1897, and petitioners admitted to bail, on motion of Mr. Henry E. Davis for the petitioners.

No. 366.—Thomas P. Beal, receiver, etc., plaintiff in error, *v. The Essex Savings Bank*. Motion to advance submitted by Mr. Edward Winslow Paige in support of motion.

No. 550.—The Warner Valley Stock Company, appellant, *v. Hoke Smith, Secretary, etc., et al.* Reassignment for argument at the foot of the call for this day.

No. 586.—Levi C. Weir, president of the Adams Express Company, appellant, *v. L. C. Norman*, auditor of public accounts of Kentucky; and

No. 462.—The Henderson Bridge Company, plaintiff in error, *v. The Commonwealth of Kentucky*. Argument continued by Mr. William J. Hendrick for the Commonwealth of Kentucky, and concluded by Mr. Lawrence Maxwell, jr., for the Adams Express Company.

No. 497.—John F. Bushnell, plaintiff in error, *v. Cyrus A. Leland*, receiver, etc. Argument commenced by Mr. John J. Crawford for the plaintiff in error, and continued by Mr. F. W. Holden and Mr. Edward Winslow Paige for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 15, will be as follows: Nos. 497, 536, 578, 579, 588, 334, 100, 631 (and 632, 633 and 634), 550 and 551.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 15, 1896.

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

John S. Watson, of Fargo, N. Dak., was admitted to practice.

No. 497.—John F. Bushnell, plaintiff in error, *v.* Cyrus A. Leland, receiver, etc. Argument continued by Mr. Edward Winslow Paige for the defendant in error, and concluded by Mr. John J. Crawford for the plaintiff in error. Leave granted Mr. Edward Winslow Paige to file supplemental brief herein on or before Saturday next.

No. 536.—James Mills, plaintiff in error, *v.* The United States. Submitted by Mr. Assistant Attorney General Dickinson for the defendant in error. No counsel appeared for the plaintiff in error.

No. 578.—Jess Nofire and John Nofire, plaintiffs in error, *v.* The United States. Submitted by Mr. Assistant Attorney General Whitney for the defendant in error. No counsel appeared for the plaintiff in error.

No. 579.—C. L. Addington, plaintiff in error, *v.* The United States. Submitted by Mr. C. L. Addington *in propria persona*, and by Mr. Solicitor General Conrad for the defendant in error.

No. 588.—Frank Carver, plaintiff in error, *v.* The United States. Submitted by Mr. William M. Cravens for the plaintiff in error with leave to Mr. Solicitor General Conrad for the defendant in error to file brief on or before Thursday next.

No. 334.—Robert Robertson et al., appellants, *v.* The United States. Argued by Mr. J. H. Ralston for the appellants, and by Mr. Solicitor General Conrad for the appellee.

No. 100.—The Atlantic and Pacific Railroad Company, plaintiff in error, *v.* Robert Mingus. Argument commenced by Mr. Edward J. Phelps for the plaintiff in error, and continued by Mr. Assistant Attorney General Dickinson for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 16, will be as follows: Nos. 100, 631, 632, 633, 634, 550, 551 and 472.



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 16, 1896.

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

R. W. Blue, of Pleasanton, Kans.; Orrin L. Miller, of Kansas City, Kans.; Robert S. Clymer, of Woodbury, N. J., and Edward W. Kuhlemeier, of Philadelphia, Pa., were admitted to practice.

No. 100.—The Atlantic and Pacific Railroad Company, plaintiff in error, *v.* Robert Mingus. Argument continued by Mr. Assistant Attorney General Dickinson for the United States, and concluded by Mr. A. B. Browne for the plaintiff in error.

No. 631.—Charles H. Bauman et al., appellants, *v.* John W. Ross et al., Commissioners of the District of Columbia;

No. 632.—John W. Ross et al., Commissioners of the District of Columbia, appellants, *v.* Charles H. Bauman et al.;

No. 633.—Butler F. Abbot, appellant, *v.* John W. Ross et al., Commissioners of the District of Columbia; and

No. 634.—John W. Ross et al., Commissioners of the District of Columbia, appellants, *v.* Charles H. Armes et al. Argument commenced by Mr. A. S. Worthington for the Commissioners of the District of Columbia, and continued by Mr. Nathaniel Wilson for Bauman et al. and Abbot, and by Mr. W. L. Cole for Armes et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 17, will be as follows: Nos. 631, 632, 633, 634, 550, 551 and 472.

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# SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 17, 1896.

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

Seabury C. Mastick, of New York City, was admitted to practice.

No. 631.—Charles H. Bauman et al., appellants, *v.* John W. Ross et al., Commissioners of the District of Columbia;

No. 632.—John W. Ross et al., Commissioners of the District of Columbia, appellants, *v.* Charles H. Bauman et al.;

No. 633.—Butler F. Abbot, appellant, *v.* John W. Ross et al., Commissioners of the District of Columbia; and

No. 634.—John W. Ross et al., Commissioners of the District of Columbia, appellants, *v.* Charles H. Armes et al. Argument continued by Mr. W. L. Cole for Armes et al., by Mr. Chapin Brown for Bauman et al., and concluded by Mr. A. S. Worthington for the District Commissioners.

No. 550.—The Warner Valley Stock Company, appellant, *v.* Hoke Smith, Secretary of Interior, et al. Argument commenced by Mr. Fred-eric D. McKenney for the appellant, and continued by Mr. Assistant Attorney General Whitney for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 18, will be as follows: Nos. 550, 551 and 472.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 18, 1896.

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

Charles W. Raymond, of Watseka, Ill., and Abel E. Blackmar, of New York City, N. Y., were admitted to practice.

No. 361.—The Southern Pacific Railroad Company et al., appellants, *v.* The United States. Leave granted to file abstract of record herein.

No. 150.—The Chicago, Burlington and Quincy Railroad Company, plaintiff in error, *v.* Charles L. Jones. In error to the supreme court of the State of Illinois. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 550.—The Warner Valley Stock Company, appellant, *v.* Hoke Smith, Secretary of the Interior, et al. Argument continued by Mr. Assistant Attorney General Whitney and Mr. Solicitor General Conrad for the appellees, and concluded by Mr. Frederic D. McKenney for the appellant.

No. 551.—Herman Keck, plaintiff in error, *v.* The United States. Argued by Mr. Francis B. James for the plaintiff in error, and by Mr. Assistant Attorney General Whitney for the defendant in error.

Adjourned until Monday next at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 21, 1896.

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

Severo Mallet-Prevost, of New York City, and Chester I. Long, of Medicine Lodge, Kans., were admitted to practice.

No. 89.—Frederick Maish et al., appellants, *v.* The Territory of Arizona. Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 643.—Francisco Gonzales y Borrego et al., appellants, *v.* William P. Cunningham, sheriff, etc. Appeal from the supreme court of the Territory of New Mexico. Order affirmed with costs. Opinion by Mr. Chief Justice Fuller.

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

No. 352.—The Western Union Telegraph Company, appellant, *v.* Ebenezer W. Poe, auditor, etc., et al.;

No. 401.—The Western Union Telegraph Company, appellant, *v.* Ebenezer W. Poe, auditor, etc.; and

No. 405.—The Western Union Telegraph Company, appellant, *v.* Ebenezer W. Poe, auditor, etc. Motion that mandates herein issue at once granted.

No. 371.—Alexander Allen, plaintiff in error, *v.* The United States. Ordered that time for mandate to issue herein be enlarged to sixty days.

No. 70.—The Northern Pacific Railroad Company, plaintiff in error, *v.* Leonard P. Colburn. Ordered that time for mandate to issue herein be enlarged to sixty days.

No. 366.—Thomas P. Beal, receiver, etc., plaintiff in error, *v.* The Essex Savings Bank. Motion to advance denied, but leave given to counsel herein to file briefs in No. 201 if they shall be so advised.

No. 409.—The Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, appellant, *v.* the Board of Public Works of the State of West Virginia. Motion to advance granted and cause assigned for argument on the third Monday of October next after the cases already set down for that day.

No. 504.—William P. Craighill et al., appellants, *v.* Avarilla Lambert et al. Motion to advance granted and cause assigned for argument on the third Monday of October next after the cases already set down for that day.

No. 516.—Tla-Koo-Yel-lee, plaintiff in error, *v.* the United States. Motion to advance granted and cause assigned for argument on the first Monday of March next.

No. 519.—The United States, appellant, *v.* Lewis A. Eaton. Motion to advance denied.

No. 604.—The United States, plaintiff in error, *v.* R. E. McGlashan. Motion to dismiss denied.

No. 651.—John Chisholm et al., appellants, *v.* William V. Abbott et al. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

Nos. 661 and 662.—Richard S. Williams, plaintiff in error, *v.* The United States. Motion to advance granted and cases assigned for argument on the third Monday of October next after the cases already set down for that day.

No. 28.—The Cunard Steamship Company, appellant, *v.* Cyprien Fabre, manager, etc. Restored to the docket for reargument on the question whether the *Iberia* was in fault. Counsel to be limited to one hour on each side.

No. 69.—The United States, plaintiff in error, *v.* The Chicago, Rock Island and Pacific Railroad Company. In error to the circuit court of the United States for the northern district of Illinois. Judgment affirmed by a divided court.

No. 306.—The State of Missouri *ex rel.* The Laclede Gas Light Company, plaintiff in error, *v.* Michael J. Murphy, street commissioner, etc. Restored to the docket for reargument.

No. 131.—Jane M. McKee, etc., et al., appellants, *v.* The United States. Mandate granted on motion of Mr. Solicitor General Conrad for the appellee.

No. 188.—Robert Perrin, appellant, *v.* The United States. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. Solicitor General Conrad for the appellee.

No. 325.—The United States, appellant, *v.* William J. Barnette. Submitted pursuant to the twentieth rule by Mr. Assistant Attorney General Dodge and Mr. George H. Gorman for the appellant, and by John S. Blair and Mr. Charles Abert for the appellee.

No. 584.—The United States, appellant *v.* Ranlett & Stone. Advanced as under the thirty-second rule on motion of Mr. Solicitor General Conrad for the appellant.

No. 669.—The United States, appellant, *v.* John W. Herron;

No. 670.—The United States, appellant, *v.* Thomas E. Milchrist; and

No. 671.—The United States, appellant, *v.* Charles A. Garter. Motion to advance submitted by Mr. Solicitor General Conrad for the appellants.

No. 181.—Santiago Ainsa, administrator, etc., appellant, *v.* The United States; and

No. 184.—Juan Pedro Camou, appellant, *v.* The United States. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. A. B. Browne in behalf of counsel.

No. 512.—The Hurlbut Land and Cattle Company, appellant, *v.* John S. Truscott, county treasurer, etc. Submitted, pursuant to the twentieth rule, by Mr. J. M. Wilson for the appellant and by Mr. J. W. Strevell for the appellee.

No. 7, Original of October Term, 1894.—The State of California, complainant, *v.* Southern Pacific Company. Motion to retax costs herein submitted by Mr. S. M. White in behalf of counsel for complainant and by Mr. J. Hubley Ashton for the defendant in opposition thereto.

No. 551.—Herman Keek, plaintiff in error, *v.* The United States. Leave granted to defendant in error to file supplemental brief herein on motion of Mr. Assistant Attorney General Whitney for the defendant in error.

No. 676.—The Southern Railway Company, appellant, *v.* The Carnegie Steel Company (Limited). Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Willis B. Smith and Mr. Henry Crawford for the appellant in support of petition, with leave to Mr. Nicholas P. Bond for the appellee to file brief in opposition within one week.

No. 472.—Joseph R. Dunlop, plaintiff in error, *v.* The United States. Argued by Mr. William S. Forrest and Mr. A. H. Garland for the plaintiff in error, and by Mr. Attorney General Harmon and Mr. Assistant Attorney General Dickinson for the defendant in error.

No. 480.—Lowry W. Humes, plaintiff in error, *v.* The United States. Judgment of dismissal set aside, mandate recalled, and case restored to the docket on motion of Mr. A. H. Garland, in behalf of counsel for the plaintiff in error, and consent of Mr. Attorney General Harmon for the defendant in error.

Adjourned until Monday, January 4, 1897, at 12 o'clock.

The day call for Monday, January 4, will be as follows: Nos. 102, 128, 31, 66, 78, 98, 33, 24, 127 and 45.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 4, 1897.

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

Robert Neill, of Batesville, Ark.; Theodore E. Hancock, of Syracuse, N. Y.; Charles S. Albert, of Minneapolis, Minn.; Fulton Lewis, of Washington, D. C.; William B. Sterling, of Omaha, Neb.; Page Morris, of Duluth, Minn., and Harmon Sheldon Graves, of New York City, were admitted to practice.

No. 87.—F. R. Osborne, plaintiff in error, *v.* The State of Florida. In error to the supreme court of the State of Florida. Judgment affirmed with costs. Opinion by Mr. Justice Peckham.

No. 495.—Albert L. France et al., plaintiffs in error, *v.* The United States. In error to the district court of the United States for the southern district of Ohio. Judgment reversed and cause remanded with directions to set aside the judgment and discharge the plaintiffs in error. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Harlan.

No. 536.—James Mills, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the western district of Arkansas. Judgment reversed and cause remanded with directions to grant a new trial. Opinion by Mr. Justice Peckham.

No. 389.—Henry Starr, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the western district of Arkansas. Judgment reversed and cause remanded with directions to grant a new trial. Opinion by Mr. Justice White.

No. 213.—The United States et al., appellants, *v.* The Northwestern Express, Stage and Transportation Company. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice White.

No. 497.—John F. Bushnell, plaintiff in error, *v.* Cyrus A. Leland, receiver, etc. In error to the district court of the United States for the district of Connecticut. Judgment affirmed with costs and interest. Opinion by Mr. Justice White.

No. 88.—The Texas and Pacific Railway Company, plaintiff in error, *v.* Charles Manton, administrator, etc. In error to the United States circuit court of appeals for the fifth circuit. Judgment affirmed with costs and cause remanded to the circuit court of the United States for the eastern district of Texas. Opinion by Mr. Justice Shiras.

No. —, Original.—*Ex parte*: In the matter of Charles F. Jones, petitioner. Motion for leave to file petition for a writ of mandamus denied. Opinion by Mr. Justice Brown.

No. 588.—Frank Carver, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the western district of Arkansas. Judgment reversed and cause remanded with directions to set aside the conviction and order a new trial. Opinion by Mr. Justice Brown. (Mr. Justice Brewer and Mr. Justice Peckham concur in the judgment.)

No. 578.—Jess Nofire and John Nofire, plaintiffs in error, *v.* The United States. In error to the circuit court of the United States for the western district of Arkansas. Judgment reversed and cause remanded with directions to surrender the defendants to the duly constituted authorities of the Cherokee Nation. Opinion by Mr. Justice Brewer.

No. 25.—William G. Ford, jr., et al., appellants, *v.* The Delta and Pine Land Company et al. Appeal from the circuit court of the United States for the southern district of Mississippi. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 105.—The St. Louis and San Francisco Railway Company, plaintiff in error, *v.* Leonard Matthews. In error to the supreme court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Gray.

No. 118.—The Missouri Pacific Railway Company, plaintiff in error, *v.* J. C. Simmons, administrator, etc. In error to the supreme court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Gray.

No. —, Original.—*Ex parte*: In the matter of the Atlantic City Railroad Company, petitioner. Motion for leave to file petition for a writ of mandamus denied. Opinion by Mr. Chief Justice Fuller.

No. —.—Martin F. Morris et al., appellants, *v.* The United States. Motion to consolidate appeals herein and docket as one case, per stipulation of counsel, submitted by Mr. Attorney General Harmon for the appellee.

No. 70.—The Northern Pacific Railroad Company, plaintiff in error, *v.* Leonard P. Colburn. Motion to recall mandate, vacate judgment and restore case to the docket, submitted by Mr. Solicitor General Conrad for the United States.



No. 617.—The District of Columbia, appellant, *v.* George E. Johnson, administrator, etc. ;

No. 618.—The District of Columbia, appellant, *v.* Margaret R. Sheckels et al., etc.;

No. 619.—The District of Columbia, appellant, *v.* Joseph T. H. Hall ; and

No. 620.—The District of Columbia, appellant, *v.* William Dickson, assignee, etc. Submitted pursuant to the twentieth rule by Mr. Assistant Attorney General Dodge and Mr. Robert A. Howard for the District of Columbia, and by Mr. J. J. Johnson for Johnson, administrator, by Mr. W. L. Cole for Sheckels et al., by Mr. Edwin Forrest for Hall, and by Mr. V. B. Edwards for Dickson, assignee.

No. 11, Original.—*Ex parte*: In the matter of Elverton R. Chapman, petitioner. Leave granted to file petition for writs of habeas corpus and certiorari. Rule to show cause awarded returnable Monday, March 22, and petitioner admitted to bail, on motion of Mr. George F. Edmunds for the petitioner.

No. 157.—The Union Pacific Railway Company, plaintiff in error, *v.* George J. Novak. In error to the United States circuit court of appeals for the ninth circuit. Dismissed with costs on motion of Mr. J. M. Wilson for plaintiff in error.

No. 8, Original.—*Ex parte*: In the matter of Samuel J. McCaully, petitioner ;

No. 9, Original.—*Ex parte*: In the matter of Israel C. Kollock, petitioner ; and

No. 10, Original.—*Ex parte*: In the matter of William O. Lusby, petitioner. Returns to rules herein assigned for argument on the 18th instant on motion of Mr. H. E. Davis for the petitioners.

No. —, Original.—*Ex parte*: In the matter of Edward Eckart, petitioner. Motion for leave to file petition for a writ of habeas corpus and for leave to proceed herein *in forma pauperis* submitted by Mr. Rublee A. Cole for the petitioner.

No. 306.—The State of Missouri *ex rel.* The Laclede Gaslight Company, plaintiff in error, *v.* Michael J. Murphy, street commissioner, etc. Motion to fix day for reargument submitted by Mr. Isaac H. Lionberger for the plaintiff in error.

No. 524.—The Chicago, Burlington and Quincy Railroad Company, plaintiff in error, *v.* The State of Nebraska *ex rel.* The City of Omaha. Motions to dismiss or affirm submitted by Mr. W. J. Connell in support of motions and by Mr. Charles J. Greene in opposition thereto.

No. —, Original.—Ex parte: In the matter of C. & A. Potts & Co., petitioners. Motion for leave to file petition for a writ of mandamus submitted by Mr. E. W. Bradford for the petitioners.

No. 362.—J. W. Bull, appellant, *v.* Charles E. Dickerman et al. Motion to advance submitted by Mr. Page Morris in behalf of counsel.

No. 102.—The Panama Railroad Company, appellant, *v.* The Napier Shipping Company (Limited). Passed subject to the provisions of section 9, rule 26, on motion of Mr. H. S. Graves in behalf of counsel.

No. 128.—The New York, New Haven and Hartford Railroad Company, plaintiff in error, *v.* The People of the State of New York. Argued by Mr. John M. Bowers for the plaintiff in error and by Mr. Theo. E. Hancock and Mr. William Henry Dennis for the defendants in error.

No. 31.—Rufus E. Graves, plaintiff in error, *v.* The United States. 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, January 5, will be as follows: Nos. 31, 66, 78, 98, 33, 24, 127, 45, 12 and 111.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 5, 1897.

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

No. 66.—Bernhard Hussman, plaintiff in error, *v.* William H. Durham. Death of Bernhard Hussman suggested and appearance of Katherine Hussman, executrix of Bernhard Hussman, deceased, as plaintiff in error herein filed and entered on motion of Mr. C. C. Cole for the plaintiff in error.

No. 31.—Rufus E. Graves, plaintiff in error, *v.* The United States. Argument continued by Mr. Assistant Attorney General Whitney for the defendant in error, and concluded by Mr. C. C. Cole for the plaintiff in error.

No. 66.—Katherine Hussman, executrix, etc., plaintiff in error, *v.* William H. Durham. Argued by Mr. C. C. Cole for the plaintiff in error, and submitted by Mr. C. C. Nourse for the defendant in error.

No. 78.—Augusta P. Glover et al., appellants, *v.* Mary E. Patten et al. Argument commenced by Mr. Charles J. Bonaparte for the appellants, and continued by Mr. Henry E. Davis for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 6, will be as follows: Nos. 78, 98, 33, 24, 127, 45, 12, 111, 108 and 146.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 6, 1897.

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

Bronson Winthrop and Andrew Wilson, of New York City, were admitted to practice.

No. 446.—E. Allgeyer & Co., plaintiffs in error, *v.* The State of Louisiana. Submitted, pursuant to the twentieth rule, by Mr. Branch K. Miller for the plaintiffs in error, and by Mr. M. J. Cunningham and Mr. E. Howard McCaleb for the defendant in error.

No. 78.—Augusta P. Glover et al., appellants, *v.* Mary E. Patten et al. Argument concluded by Mr. Charles J. Bonaparte for the appellants.

No. 98.—The Steam Yacht Conqueror, etc., appellant, *v.* Frederick W. Vanderbilt. Argument commenced by Mr. Assistant Attorney General Whitney for the appellants, and continued by Mr. Elihu Root for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 7, will be as follows: Nos. 98, 33, 24, 127, 45, 12, 111, 108, 146 and 147.



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 7, 1897.

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

George W. Wilson, of London, Ohio, was admitted to practice.

No. 98.—The Steam Yacht Conqueror, etc., appellant, *v.* Frederick W. Vanderbilt. Argument continued by Mr. Elihu Root for the appellee, and concluded by Mr. Assistant Attorney General Whitney for the appellant.

No. 33.—David G. Swaim, appellant, *v.* The United States. Argument commenced by Mr. Benjamin Butterworth for the appellant, continued by Mr. Attorney General Harmon for the appellee, and concluded by Mr. J. H. Gillpatrick for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 8, will be as follows: Nos. 24, 127, 45, 12, 111, 108, 146, 147, 149 and 151.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 8, 1897.

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

Ira D. Orton, of San Francisco, Cal., was admitted to practice.

No. 24.—Ana J. Dominguez de Guyer et al., plaintiffs in error, *v.* William Banning. Argued by Mr. Jefferson Chandler for the plaintiffs in error, and by Mr. S. M. White for the defendant in error.

No. 127.—Frederick L. Manson, appellant, *v.* Charles C. Duncanson. Argument commenced by Mr. Walter H. Smith for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 11, will be as follows: Nos. 127, 45, 12, 111, 108, 146, 147, 149, 151 and 522.



## SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 11, 1897.

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

Charles A. Towne, of Duluth, Minn.; Millard Patterson, of El Paso, Tex.; William L. Pierce, of Pittsburg, Pa.; Horace L. Cheyney, of Philadelphia, Pa., and Robert Brent Mitchell, of San Francisco, Cal., were admitted to practice.

No. 550.—The Warner Valley Stock Company, appellant, *v.* Hoke Smith, Secretary of the Interior, et al. Appeal from the court of appeals of the District of Columbia. Decree reversed, the costs in this court to be paid by the appellant, and cause remanded with directions to reverse the decree of the supreme court of the District of Columbia and remand the cause to that court with directions to dismiss the bill, with costs, for want of proper parties. Opinion by Mr. Justice Gray.

No. 447.—E. W. Agnew, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the southern district of Florida. Judgment affirmed. Opinion by Mr. Chief Justice Fuller.

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

No. 416.—James B. Wilson, plaintiff in error, *v.* The United States. Motion to set aside judgment denied, and order staying mandate vacated.

No. 669.—The United States, appellant, *v.* John W. Herron.

No. 670.—The United States, appellant, *v.* Thomas E. Milchrist; and

No. 671.—The United States, appellant, *v.* Charles A. Garter. Motion to advance denied.

No. 676.—Southern Railway Company, appellant, *v.* Carnegie Steel Company (Limited). Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit granted.

No. 7, Original, of October Term, 1894.—The State of California, complainant, *v.* Southern Pacific Company. Motion to retax costs herein denied.

No. 70.—The Northern Pacific Railroad Company, plaintiff in error, *v.* Leonard P. Colburn. Mandate stayed until further order, and leave granted to the United States to file brief herein within thirty days. And additional briefs may be filed within the same time by the parties if so advised.

No. 306.—The State of Missouri *ex rel.* The Laclede Gas Light Company, plaintiff in error, *v.* Michael J. Murphy, street commissioner, etc. Assigned for reargument on the second Monday of next term after the cases already set down for that day, unless sooner reached on the call of the docket.

No. 362.—J. W. Bull, appellant, *v.* Charles E. Dickerman et al. Motion to advance denied.

No. 524.—The Chicago, Burlington and Quincy Railroad Company, plaintiff in error, *v.* The State of Nebraska *ex rel.* The City of Omaha. Motions to dismiss or affirm postponed to the hearing of the case on its merits.

No. —, —. Mathew F. Morris et al., appellants, *v.* The United States. Motion to consolidate appeals herein and docket as one case granted.

No. —, Original.—*Ex parte*: In the matter of Edward Eckert, petitioner. Motion for leave to file petition for a writ of *habeas corpus* granted, and rule to show cause awarded returnable on the first Monday of February next. Motion for leave to proceed *in forma pauperis* denied.

No. —, Original.—*Ex parte*: In the matter of C. & A. Potts & Co., petitioners. Motion for leave to file petition for a writ of mandamus granted, and rule to show cause awarded returnable on the first Monday of February next.

No. 415.—The New York Indians, appellants, *v.* The United States. Restored to the docket for reargument on the second Monday of the next term after the cases already set down for that day.

No. 12.—The Northern Pacific Railroad Company, plaintiff in error, *v.* Junius G. Sanders et al. Leave granted to the United States to file brief herein, on motion of Mr. Solicitor General Conrad for the United States. Reassigned for argument at the head of the call for Monday next.

No. 167.—The Bondholders and Purchasers of the Iron Railroad, appellants, *v.* The Toledo, Delphos and Burlington Railroad Company et al. Passed, on motion of Mr. John C. Coombs for the appellants.

No. 639.—Edwin Norton et al., appellants, *v.* Milton A. Wheaton. Return to rule to show cause why a writ of certiorari should not issue to bring up the decree of the United States circuit court of appeals herein, that it may be determined whether upon an appeal from an interlocutory



decree granting a temporary injunction in a patent case, the circuit court of appeals can render or direct a final decree on the merits. Passed until Monday next, on motion of Mr. John H. Miller for the respondent.

No. 200.—The Vulcan Iron Works, appellant, *v.* Ellen L. Smith, executrix, etc., et al. Ordered that the question arising in this case “whether, upon an appeal from an interlocutory decree granting a temporary injunction in a patent case, the circuit court of appeals can render or direct a final decree on the merits,” be argued with No. 639 on Monday next on motion of Mr. Calderon Carlisle for the appellant.

No. 684.—The Reliance Marine Insurance Company (Limited), appellant, *v.* The New York and Cuba Mail Steamship Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit, submitted by Mr. William Parkin and Mr. W. W. MacFarland for the appellant in support of the petition, and by Mr. Harrington Putnam for the appellee in opposition thereto.

No. 204.—The Capital Bank, of St. Paul, Minn., plaintiff in error, *v.* School District No. 26, Barnes County, North Dakota. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. William M. Jones for the plaintiff in error in support of the petition, and by Mr. S. L. Glaspell for the defendant in error in opposition thereto. Motion to dismiss submitted by Mr. William Small in support of motion and by Mr. William M. Jones in opposition thereto.

No. 7, Original.—*Ex parte*: In the matter of John Chetwood, jr., petitioner. Leave granted to file replication herein on motion of Mr. A. B. Browne for the respondent.

No. 683.—William Campbell et al., appellants, *v.* Thomas DeQ. Richardson et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Frederick P. Fish, Mr. W. C. Strawbridge and Mr. John G. Johnson for the appellees in support of the petition, with leave to Mr. William L. Pierce for the appellants to file brief in opposition thereto on or before the 22d instant.

No. 584.—The United States, appellant, *v.* Ranlett & Stone. Motion for leave to make oral argument herein submitted by Mr. William A. Maury in behalf of counsel for the appellees.

No. 556.—William Dugald Stuart, plaintiff in error, *v.* The City of Easton et al. Motion to advance submitted by Mr. C. B. Taylor for the plaintiff in error.

No. —, Original.—*Ex parte*: In the matter of Gustave Alix, master of Belgian steamship *Caucase*. Motion for leave to file petition for a writ of prohibition submitted by Mr. Horace L. Cheyney for the petitioner.

No. 187.—The United States, appellant, *v.* Joshua Gorham. Death of Joshua Gorham, the appellee herein, suggested, and motion to substitute John T. Gorham, William P. Gorham, Celeta C. Ozment and husband, John J. Ozment, Nancy J. Harger and husband, George A. Harger, heirs of Joshua Gorham, deceased, submitted by Mr. John Wharton Clark for the appellee.

No. 220.—The United States Mutual Accident Association of the City of New York, plaintiff in error, *v.* R. Maud Hodgkin. In error to the court of appeals of the District of Columbia. Dismissed per stipulation.

No. 491.—Henry C. King, plaintiff in error, *v.* M. B. Mullins et al. Submitted pursuant to the twentieth rule by Mr. Maynard F. Stiles for the plaintiff in error and by Mr. J. H. Ferguson and Mr. W. E. Chilton for the defendants in error.

No. 621.—Thomas W. Jones, plaintiff in error, *v.* Alfred G. Brim, road supervisor, etc. Submitted pursuant to the twentieth rule by Mr. Franklin S. Richards for the plaintiff in error and by Mr. Parley L. Williams for the defendant in error.

No. 522.—L. I. Rosencrans, plaintiff in error, *v.* The United States. Submitted by Mr. Thomas H. Carter and Mr. S. S. Burdett for the plaintiff in error, and by Mr. Solicitor General Conrad for the defendant in error.

No. 127.—Frederick L. Manson, appellant, *v.* Charles C. Duncanson. Argument continued by Mr. Walter H. Smith for the appellant, by Mr. William F. Mattingly for the appellee, and concluded by Mr. Walter H. Smith for the appellant.

No. 7, Original.—*Ex parte*: In the matter of John Chetwood, jr., petitioner. Rule to show cause argued by Mr. A. B. Browne for the petitioner and by Mr. Robert Brent Mitchell for the respondent.

No. 45.—The United States, appellant, *v.* Earl B. Coe. Argument commenced by Mr. Matt. G. Reynolds for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 12, will be as follows: Nos. 45, 111, 108, 146, 147, 149, 151, 153, 154 and 155.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 12, 1897.

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

Charles Offutt, of Omaha, Nebr., was admitted to practice.

No. —, Original.—Ex parte: In the matter of The Singer Manufacturing Company, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. Charles K. Offield for the petitioner.

No. —, Original.—Ex parte: In the matter of The Singer Manufacturing Company, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. Charles K. Offield for the petitioner.

No. 204.—The Capital Bank of St. Paul, Minn., plaintiff in error, *v.* School District No. 26, Barnes County, N. Dak. Leave granted to Mr. William M. Jones to file brief herein in opposition to motion to dismiss within one week, and to counsel to file reply thereto within three days thereafter.

No. 45.—The United States, appellant, *v.* Earl B. Coe. Argument continued by Mr. Matt. G. Reynolds for the appellant, by Mr. A. M. Stevenson and Mr. John F. Shafroth for the appellee, and concluded by Mr. Matt. G. Reynolds for the appellant.

No. 111.—The Grand Lodge of the State of Louisiana, F. & A. Masons, plaintiff in error, *v.* The City of New Orleans; and

No. 108.—The City of New Orleans et al., appellants, *v.* The Citizens' Bank of Louisiana. Passed.

No. 146.—T. H. Rhodes, plaintiff in error, *v.* The State of Iowa. Submitted by Mr. J. W. Blythe for the plaintiff in error, and by Mr. Milton Remley for the defendant in error.

No. 147.—The Fourth Street National Bank of Philadelphia, appellant, *v.* Robert M. Yardley, receiver, etc. Argument commenced by Mr. Samuel Dickson for the appellant, and continued by Mr. Silas W. Pettit for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 13, will be as follows: Nos. 147, 149, 151, 153, 154, 155, 156, 158 (and 159, 160, 161 and 165), 162 and 163.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 13, 1897.

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

Marcus T. C. Williams, of Kansas City, Mo.; John B. Sherwood, of Indianapolis, Ind., and Charles C. Linthicum, of Chicago, Ill., were admitted to practice.

No. —, Original.—Ex parte: In the matter of Charles Johnson, petitioner. Motion for leave to file petition for a writ of *habeas corpus* and motion for leave to proceed *in forma pauperis* herein submitted by Mr. John J. Weed for the petitioner.

No. 578.—Jess Nofire and John Nofire, plaintiffs in error, *v.* The United States. Motion to re-form the judgment herein submitted by Mr. Assistant Attorney General Whitney for the defendant in error.

No. 292.—The State of South Carolina, appellant, *v.* The Port Royal and Augusta Railway Company et al. Appeal from the circuit court of the United States for the district of South Carolina. Dismissed, costs to be paid by the appellees per stipulation.

No. 293.—Henry B. King et al., appellants, *v.* The Port Royal and Augusta Railway Company et al. Appeal from the circuit court of the United States for the district of South Carolina. Dismissed, costs to be paid by appellees per stipulation.

No. 323.—The State of South Carolina, appellant, *v.* The Port Royal and Augusta Railway Company. Appeal from the circuit court of the United States for the district of South Carolina. Dismissed, costs to be paid by the appellee per stipulation.

No. 158.—Alfred Clarke, plaintiff in error, *v.* J. J. McDade;

No. 159.—Alfred Clarke, plaintiff in error, *v.* J. J. McDade;

No. 160.—Alfred Clarke, plaintiff in error, *v.* C. W. Mott et al.;

No. 161.—Alfred Clarke, plaintiff in error, *v.* C. W. Mott et al.; and

No. 165.—Alfred Clarke, plaintiff in error, *v.* J. J. McDade. Submitted by Mr. A. C. Searle for the plaintiff in error. No counsel appeared for the defendants in error.

No. 147.—The Fourth Street National Bank of Philadelphia, appellant, *v.* Robert M. Yardley, receiver, etc. Argument continued by Mr. Silas W. Pettit for the appellee, and concluded by Mr. Richard C. Dale for the appellant.

No. 149.—E. M. Patton, plaintiff in error, *v.* The Texas and Pacific Railway Company. Argued by Mr. Millard Patterson for the plaintiff in error, and by Mr. D. D. Duncan for the defendant in error.

No. 151.—James M. Deweese, jr., appellant, *v.* Jacob Reinhard et al. Argument commenced by Mr. G. M. Lambertson for the appellant, and continued by Mr. Charles Offutt and Mr. Charles E. Magoon for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 14, will be as follows: Nos. 151, 153, 154, 155, 156, 111, 108, 162, 163 and 164.



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 14, 1897.

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

Samuel W. Moore, of Kansas City, Mo.; Hubert Remley, of Iowa City, Iowa, and Noah W. Shafer, of Pittsburg, Pa., were admitted to practice.

No. 151.—James M. Dewese, jr., appellant, *v.* Jacob Reinhard et al. Argument continued by Mr. Charles E. Magoon for the appellees, and concluded by Mr. G. M. Lambertson for the appellant.

No. 153.—The Salt Lake City Brewing Company, plaintiff in error, *v.* The Fred. W. Wolf Company. Submitted by Mr. William C. Hall for the plaintiff in error, and by Mr. Parley L. Williams for the defendant in error.

No. 154.—Robert G. Hedrick, plaintiff in error, *v.* The Atchison, Topeka and Santa Fe Railroad Company et al. Argued by Mr. M. T. C. Williams for the plaintiff in error, and by Mr. Samuel W. Moore for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 15, will be as follows: Nos. 155, 156, 111, 108, 162, 163, 164, 166, 168 and 169.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 15, 1897.

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

J. F. King, of New Kirk, Okla., and Sidney Hayden, of Holton, Kans., were admitted to practice.

No. 6, Original.—The State of Missouri, complainant, *v.* The State of Iowa. Leave granted to file consent as to entry of decree herein on motion of Mr. Hubert Remley in behalf of counsel.

No. 166.—Frank S. Hoskins, plaintiff in error, *v.* The State of Minnesota. In error to the supreme court of the State of Minnesota. Dismissed with costs pursuant to the tenth rule.

No. 168.—The St. Anthony Falls Water Power Company, plaintiff in error, *v.* The Board of Water Commissioners of the City of St. Paul; and

No. 169.—The Minneapolis Mill Company, plaintiff in error, *v.* The Board of Water Commissioners of the City of St. Paul. Continued per stipulation.

No. 155.—Margaret M. Gibson, appellant, *v.* The United States. Argued by Mr. T. H. N. McPherson for the appellant, and by Mr. Assistant Attorney General Dodge for the appellee.

No. 156.—The Lake Shore and Michigan Southern Railway Company, plaintiff in error, *v.* The State of Ohio *ex rel.* Russell C. Humphrey. Argued by Mr. George C. Greene for the plaintiff in error, and by Mr. T. E. Burton for the defendant in error.

No. 483.—The State of Louisiana *ex rel.* the Citizens' Bank of Louisiana, plaintiff in error, *v.* The Board of Assessors of the Parish of Orleans *et al.* Advanced and assigned for argument with No. 108, as one case, per stipulation, on motion of Mr. William A. Maury for the plaintiff in error.

No. 108.—The City of New Orleans et al., appellants, *v.* The Citizens' Bank of Louisiana; and

No. 483.—The State of Louisiana ex rel. the Citizens' Bank of Louisiana, plaintiff in error, *v.* The Board of Assessors of the Parish of Orleans et al. Argument commenced by Mr. M. J. Cunningham for the State tax collectors and assessors.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 18, will be as follows: Nos. 108 (and 483), 111, 162, 12, 563, 625, 449, 539, 577 and 615.





## SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 18, 1897.

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

Alice A. Minick, of Lincoln, Nebr.; Caroline H. Pier, of Milwaukee, Wis.; John R. Cooper, of Macon, Ga.; George Spalding, of Monroe, Mich., and John B. Corliss, of Detroit, Mich., were admitted to practice.

No. 66.—Katherine Hussman, executrix, etc., plaintiff in error, *v.* William H. Durham. In error to the supreme court of the State of Iowa. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 133.—The Gulf, Colorado and Santa Fe Railway Company, plaintiff in error, *v.* W. H. Ellis, by his next friend, H. W. Ellis. In error to the supreme court of the State of Texas. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Gray, Mr. Chief Justice Fuller and Mr. Justice White.

No. 411.—J. M. Scott, plaintiff in error, *v.* James Donald. In error to the circuit court of the United States for the district of South Carolina. Judgment affirmed with costs and interest. Opinion by Mr. Justice Shiras. (Announced by Mr. Chief Justice Fuller.) Dissenting: Mr. Justice Brown. (Mr. Justice Brewer was not present at the argument and took no part in the decision.)

No. 412.—J. M. Scott, plaintiff in error, *v.* James Donald. In error to the circuit court of the United States for the district of South Carolina. Judgment affirmed with costs and interest. Opinion by Mr. Justice Shiras. (Announced by Mr. Chief Justice Fuller.) Dissenting: Mr. Justice Brown. (Mr. Justice Brewer was not present at the argument and took no part in the decision.)

No. 413.—R. M. Gardner et al., plaintiff in error, *v.* James Donald. In error to the circuit court of the United States for the district of South Carolina. Judgment affirmed with costs and interest. Opinion by Mr. Justice Shiras. (Announced by Mr. Chief Justice Fuller.) Dissenting: Mr. Justice Brown. (Mr. Justice Brewer was not present at the argument and took no part in the decision.)

No. 410.—J. M. Scott et al., appellants, *v.* James Donald. Appeal from the circuit court of the United States for the district of South Carolina. Decree amended by being restricted to the parties named as plaintiff and defendants in the bill, and, as so amended, affirmed with costs. Opinion by Mr. Justice Shiras. (Announced by Mr. Chief Justice Fuller.) (Mr. Justice Brewer did not hear the argument and took no part in the decision.)

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

No. 6, Original.—The State of Missouri, complainant, *v.* The State of Iowa. Decree entered establishing and declaring boundary line as delineated and set forth in report of commissioners.

No. 556.—William Dugald Stuart, plaintiff in error, *v.* The City of Easton et al. Motion to advance denied.

No. 584.—The United States, appellant, *v.* Ranlett & Stone. This case will be taken on printed briefs at any time before the second Monday of April. The motion for leave to make oral argument is denied, but may be renewed at the next term.

No. 684.—The Reliance Marine Insurance Company (Limited), appellant, *v.* The New York and Cuba Mail Steamship Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. —, Original.—*Ex parte*: In the matter of Gustave Alix, master of the Belgian steamship *Caucase*, petitioner. Motion for leave to file petition for a writ of prohibition granted and rule to show cause awarded returnable on the first Monday of February.

No. —, Original.—*Ex parte*: In the matter of the Singer Manufacturing Company, petitioner; and

No. —, Original.—*Ex parte*: In the matter of the Singer Manufacturing Company, petitioner. Motions for leave to file petitions for writs of mandamus denied on authority of *In re Atlantic City Railroad*, petitioner, decided at this term.

No. 578.—Jess Nofire and John Nofire, plaintiffs in error, *v.* The United States. Motion to amend judgment granted.

No. —, Original.—*Ex parte*: In the matter of Charles Johnson, petitioner. Motion for leave to file petition for a writ of *habeas corpus* granted and rule to show cause awarded returnable on the first Monday of February. Motion for leave to proceed *in forma pauperis* granted.

No. 551.—Herman Keck, plaintiff in error, *v.* The United States. Case restored to the docket for reargument, with leave to submit to the full bench on printed briefs at any time prior to the first Monday of March.

No. 553.—Jacob Yoes, appellant, *v.* The United States. Appeal from the Court of Claims. Dismissed per stipulation, and mandate granted on motion of Mr. Assistant Attorney General Dodge for the appellee.

No. 104.—Henry M. Rector, appellant, *v.* Edward Fitzgerald. Ordered to be placed on call for to-morrow on motion of Mr. Sam. W. Williams for the appellee.

No. 626.—Hoke Smith, Secretary of the Interior, et al., appellants, *v.* Jefferson Reynolds, etc. Reassigned for argument after No. 205 on motion of Mr. Assistant Attorney General Whitney for the appellants.

No. 563.—The Interstate Commerce Commission, appellant, *v.* The Alabama Midland Railway Company et al. One hour additional time on each side in the argument of this case granted on motion of Mr. Assistant Attorney General Whitney for the appellant.

No. 594.—Henry B. Tompkins, plaintiff in error, *v.* Frances M. Cooper, administratrix, etc. Motion to dismiss submitted by Mr. W. C. Glenn in support of motion, and by Mr. Alex. C. King in opposition thereto.

No. 28.—The Cunard Steamship Company, appellant, *v.* Cyprien Fabre, manager, etc. Motion to fix day for reargument submitted by Mr. R. D. Benedict for the appellee.

No. 449.—The United States, appellant, *v.* Wong Kim Ark. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. J. Hubley Ashton for the appellee.

No. 525.—The Louisville Water Company, plaintiff in error, *v.* The Commonwealth of Kentucky. Motions to dismiss or affirm submitted by Mr. James P. Helm and Helm Bruce in support of motions, and by Mr. T. L. Burnett in opposition thereto.

No. 108.—The City of New Orleans et al., appellants, *v.* The Citizens' Bank of Louisiana; and

No. 483.—The State of Louisiana ex rel. the Citizens' Bank of Louisiana, plaintiff in error, *v.* The Board of Assessors of the Parish of Orleans et al. Argument continued by Mr. M. J. Cunningham for the State tax collectors and assessors, by Mr. William A. Maury for the Citizens' Bank of Louisiana, and concluded by Mr. Samuel L. Gilmore for the City of New Orleans. Leave granted to Mr. William A. Maury to file an additional brief herein on or before Thursday.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 19, will be as follows: Nos. 111, 162, 12, 563, 625, 539, 577, 615, 403 (and 426) and 104.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 19, 1897.

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

No. 641.—Thomas Allen, plaintiff in error, *v.* The State of Georgia. Submitted by Mr. W. C. Glenn for the plaintiff in error, and by Mr. J. M. Terrell and Mr. John R. Cooper for the defendant in error.

No. 104.—Henry M. Rector, appellant, *v.* Edward Fitzgerald. Appeal from the United States circuit court of appeals for the eighth circuit. Dismissed with costs pursuant to the tenth rule.

No. 639.—Edwin Norton et al., appellants, *v.* Milton A. Wheaton. Argued on return to rule by Mr. Calderon Carlisle, of counsel for appellant in No. 200, and by Mr. John H. Miller for the appellants, and submitted by Mr. M. A. Wheaton *pro se*.

No. 111.—The Grand Lodge of the State of Louisiana, F. and A. Masons, plaintiff in error, *v.* The City of New Orleans. Argued by Mr. C. F. Buck for the plaintiff in error, and by Mr. Samuel L. Gilmore for the defendant in error.

No. 162.—Joseph Robinson, appellant, *v.* W. A. Caldwell. Submitted by Mr. Assistant Attorney General Dickinson for the appellant, and by Mr. Charles A. Maxwell and Mr. George S. Chase for the appellee.

No. 625.—Warren E. Price, plaintiff in error, *v.* The United States. Submitted by Mr. Warren E. Price *pro se*, and by Mr. Assistant Attorney General Dickinson for the defendant in error.

No. 577.—Dennis Davis, plaintiff in error, *v.* The United States. Submitted with leave to file briefs.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 20, will be as follows: Nos. 12, 563, 539, 615, 403 (and 426), 543, 163, 164, 170 and 171.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 20, 1897.

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

Edgar Wilson, of Boise City, Idaho, was admitted to practice.

No. 615.—Caroline M. Forsyth, appellant, *v.* The City of Hammond et al. Argued by Mr. William H. H. Miller and Mr. Benjamin Harrison for the appellant, and by Mr. Charles H. Aldrich for the appellees.

No. 163.—The Oceanic Steam Navigation Company, claimant, etc., appellant, *v.* Grace Howard Potter et al. Argument commenced by Mr. Frederick W. Whitridge for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 21, will be as follows: Nos. 163, 12, 563, 539, 403 (and 426), 543, 164, 170, 171 and 172.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 21, 1897.

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

No. 163.—The Oceanic Steam Navigation Company, claimant, etc., appellants, *v.* Grace Howard Pötter et al. Argument continued by Mr. Frederick W. Whitridge for the appellees, by Mr. Everett P. Wheeler for the appellant, and concluded by Mr. Willard Parker Butler for the appellees.

No. 164.—The United States, appellant, *v.* Henry G. McMillan et al. Argued by Mr. Assistant Attorney General Dodge for appellant and by Mr. Arthur Brown for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 22, will be as follows: Nos. 12, 563, 539, 403 (and 426), 543, 170, 171, 172, 173 and 174.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 22, 1897.

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

Carl E. Lindsay, of Santa Cruz, Cal.; Joel M. Marx, of New York City, and Mark Ash, of New York City, were admitted to practice.

No. 174.—Clementine Ulman, by her husband and next friend, Alfred J. Ulman, plaintiff in error, *v.* The Mayor and City Council of Baltimore et al. Argued by Mr. M. R. Walter for the plaintiff in error, and by Mr. Thomas G. Hayes for the defendants in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 25, will be as follows: Nos. 12, 563, 539, 403 (and 426), 543, 102, 170, 171, 172 and 173.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 25, 1897.

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

Robert Dunlap, of Chicago, Ill., John M. Barker, of Mexico, Mo., and Constantine J. Smyth, of Omaha, Nebr., were admitted to practice.

No. 158.—Alfred Clarke, plaintiff in error, *v. J. J. McDade*;

No. 159.—Alfred Clarke, plaintiff in error, *v. J. J. McDade*;

No. 160.—Alfred Clarke, plaintiff in error, *v. C. W. Mott et al.*;

No. 161.—Alfred Clarke, plaintiff in error, *v. C. W. Mott et al.*; and

No. 165.—Alfred Clarke, plaintiff in error, *v. J. J. McDade*. In error to the superior court of the city and county of San Francisco, State of California. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Peckham.

No. 334.—Robert Robertson et al., appellants, *v. The United States et al.* Appeal from the district court of the United States for the northern district of California. Order affirmed. Opinion by Mr. Justice Brown. Dissenting: Mr. Justice Harlan. (Mr. Justice Gray was not present at the argument and took no part in the decision of this case.)

No. 325.—The United States, appellant, *v. William J. Barnette*. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Gray. (Mr. Justice Field and Mr. Justice Brewer took no part in the consideration of this case.)

The Chief Justice announced the following orders of the court:

No. 204.—The Capital Bank of St. Paul, Minn., plaintiff in error, *v. School District No. 26, Barnes County, N. Dak.* Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 525.—The Louisville Water Company, plaintiff in error, *v. The Commonwealth of Kentucky*. Motions to dismiss or affirm postponed to the hearing of the case on its merits.

No. 594.—Henry B. Tompkins, plaintiff in error, *v. Frances M. Cooper, administratrix, etc.* Motion to dismiss denied.



No. 403.—Boyden Power Brake Company et al., appellants, *v.* George Westinghouse, jr., et al.; and

No. 426.—George Westinghouse, jr., et al., appellants, *v.* Boyden Power Brake Company et al. Reassigned for reargument on the first Monday of March next after the case already set down for that day.

No. 28.—The Cunard Steamship Company, appellant, *v.* Cyprien Fabre, manager, etc. Assigned for reargument, as heretofore directed, on the first Monday of March next after the cases already set down for that day.

No. 12.—The Northern Pacific Railroad Company, plaintiff in error, *v.* Junius G. Sanders et al.;

No. 563.—The Interstate Commerce Commission, appellant, *v.* The Alabama Midland Railway Company et al.; and

No. 539.—The Interstate Commerce Commission, appellant, *v.* The Detroit, Grand Haven and Milwaukee Railway Company. Reassigned for argument on the second Monday of March next.

No. 174.—Clementine Ulman, etc., plaintiff in error, *v.* The Mayor and City Council of Baltimore et al. In error to the court of appeals of the State of Maryland. Judgment affirmed with costs on the authority of *Spencer v. Merchant*, 125 U. S., 345.

The Chief Justice also announced that the court would take a recess from Monday, February 1, to Monday, March 1.

No. 463.—Pullman's Palace Car Company, appellant, *v.* Central Transportation Company. Motion to advance submitted by Mr. Frank P. Prichard for the appellee.

No. 480.—Lowry W. Humes, plaintiff in error, *v.* The United States. Motion to advance submitted by Mr. Assistant Attorney General Whitney for the defendant in error.

No. 310.—A. S. Churchill, Attorney General, et al., etc., appellants, *v.* Oliver Ames et al.;

No. 311.—A. S. Churchill, Attorney General, et al., etc., appellants, *v.* George Smith et al.; and

No. 312.—A. S. Churchill, Attorney General, et al., etc., appellants, *v.* Henry L. Higginson et al. Motion to fix day for reargument of these cases submitted by Mr. Constantine J. Smyth for the appellants.

No. —, Original.—*Ex parte*: In the matter of Philip Hien, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. William H. Singleton for the petitioner.

No. 694.—The Safety Insulated Wire and Cable Company, plaintiff in error, *v.* The Mayor and City Council of Baltimore. Petition for a

writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. William Pinkney Whyte for the plaintiff in error in support of the petition.

No. 217.—The Northern Pacific Railroad Company, plaintiff in error, *v.* Archie Beaton. Continued per stipulation on motion of Mr. A. B. Browne for the plaintiff in error.

No. 278.—Daniel A. Camfield et al., appellants, *v.* The United States. Leave granted to Mr. C. W. Bunn to file brief herein, on motion of Mr. A. B. Browne in his behalf.

No. 8, Original.—*Ex parte*: In the matter of Samuel J. McCaully, petitioner;

No. 9, Original.—*Ex parte*: In the matter of Israel C. Kollock, petitioner; and

No. 10, Original.—*Ex parte*: In the matter of William O. Lusby, petitioner. Argued on returns to rules by Mr. Henry E. Davis and Mr. J. M. Wilson for the petitioners, and by Mr. Solicitor General Conrad for the respondent.

No. 102.—The Panama Railroad Company, appellant, *v.* The Napier Shipping Company (Limited). Argued by Mr. Frederic R. Coudert for the appellant, and by Mr. Wilhelmus Mynderse for the appellee.

No. 170.—Joaquin Martin, plaintiff in error, *v.* The Atchison, Topeka and Santa Fe Railroad Company. Submitted with leave to counsel for the plaintiff in error to file brief within one week, and to counsel to defendant in error to file brief within ten days thereafter.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 26, will be as follows: Nos. 171, 172, 173, 175, 176, 177, 179, 180, 182 and 183.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 26, 1897.

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

Adiel Sherwood, of St. Louis, Mo., and W. W. Fry, of Mexico, Mo., were admitted to practice.

No. 176.—The Jonson Engineering and Foundry Company, appellant, *v.* The Steam Yacht Paradox, etc. Appeal from the district court of the United States for the southern district of New York. Dismissed with costs pursuant to the tenth rule.

No. 179.—Lafayette Hudson, plaintiff in error, *v.* the United States. In error to the district court of the United States for the western district of Arkansas. Dismissed pursuant to the tenth rule.

No. 171.—Margaret E. Walker, plaintiff in error, *v.* The New Mexico and Southern Pacific Railroad Company. Argued by Mr. Neill B. Field for the plaintiff in error and by Mr. Robert Dunlap for the defendant in error.

No. 172.—Charles Wade, plaintiff in error, *v.* R. W. Lawder et al., administrators, etc. Argued by Mr. John M. Barker for the plaintiff in error and by Mr. W. W. Fry for the defendants in error.

No. 173.—The Burlington Gaslight Company, plaintiff in error, *v.* The Burlington, Cedar Rapids and Northern Railway Company. Argued by Mr. P. Henry Smyth 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 Wednesday, January 27, will be as follows: Nos. 175, 177, 180, 182, 183, 543, 185, 186, 187 and 189.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 27, 1897.

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

No. 325.—The United States, appellant, *v.* William J. Barnette. Mandate granted on motion of Mr. John S. Blair for the appellee.

No. 543.—James Murphy, plaintiff in error, *v.* The State of Washington. In error to the supreme court of the State of Washington. Dismissed with costs pursuant to the tenth rule.

No. 183.—The United States, appellant, *v.* Donaciano Gurule et al.; and

No. 185.—The United States, appellant, *v.* Jesus Armijo y Jaramillo. Passed on motion of Mr. Matt. G. Reynolds for the appellant.

No. 175.—The Steam Tug John G. Stevens, her engines, etc., Edward H. Loud et al., owners, appellants, *v.* Frederick H. Gladwish et al. Argued by Mr. Harrington Putnam for the appellants, and by Mr. Mark Ash and Mr. J. Parker Kirlin for the appellees.

No. 177.—Edward Hodgson, plaintiff in error, *v.* The State of Vermont. Passed and assigned for argument on the second Monday of March next, after the cases already set down for that day, on motion of Mr. E. J. Phelps for the appellant.

No. 180.—Celestine Pim, plaintiff in error, *v.* The City of St. Louis et al. Argument commenced by Mr. Leverett Bell for the plaintiff in error. The court declined to hear further argument.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 28, will be as follows: Nos. 182, 186, 187, 189, 190, 191, 192, 195, 196 and 197.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 28, 1897.

Present: Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White and Mr. Justice Peckham.

Charles N. Butler, of Philadelphia, Pa., and W. P. Gardiner, of Los Angeles, Cal., were admitted to practice.

Nos. 189 and 190.—The United States, appellant, *v.* James C. Reed. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. Assistant Attorney General Dodge for the appellant.

No. 191.—B. F. Dowell et al., plaintiffs in error, *v.* Daniel W. Applegate et al. Passed.

No. 195.—The Rio Arriba Land and Cattle Company, appellant, *v.* The United States. Passed, to be argued with No. 205 as one case, on motion of Mr. Matt. G. Reynolds for the appellee.

No. 197.—William Pinkerton et al., appellants, *v.* The United States. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. Matt. G. Reynolds for the appellee.

No. 182.—Thomas F. Oakes et al., receivers, etc., plaintiffs in error, *v.* Clara Mase, administratrix, etc. Submitted by Mr. C. W. Bunn for the plaintiffs in error. No counsel appeared for defendant in error.

No. 186.—Martin B. Hayes, appellant, *v.* The United States. Argued by Mr. John H. Knaebel for the appellant, and by Mr. Matt. G. Reynolds for the appellee.

No. 187.—The United States, appellant, *v.* Joshua Gorham. Argued by Mr. Alexander Porter Morse for the appellant, and by Mr. John Wharton Clark for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 29, will be as follows: Nos. 192, 196, 198, 199, 200, 201, 202 and 203.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 29, 1897.

Present: Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White and Mr. Justice Peckham.

W. B. Fleming, of Louisville, Ky., and James E. Fenton, of Spokane, Wash., were admitted to practice.

No. 192.—William Cutajar, appellant, *v.* The United States et al. Submitted with leave to counsel for appellant to file brief within ten days, and to counsel for appellee to file reply within one week thereafter.

No. 196.—A. H. Nelson et al., plaintiffs in error, *v.* Richard Flint. Passed.

No. 198.—E. M. Parsons, plaintiff in error, *v.* The Chicago and Northwestern Railway Company. Passed.

No. 199.—Salt Lake City, plaintiff in error, *v.* Elizabeth B. Tucker et al. Submitted by Mr. William McKay for the plaintiff in error, and by Mr. William T. S. Curtis for the defendants in error.

No. 200.—The Vulcan Iron Works, appellant, *v.* Ellen L. Smith, executrix, etc., et al. Passed.

No. 201.—Frederick N. Pauly, receiver, etc., plaintiff in error, *v.* The State Loan and Trust Company. Argued by Mr. Edward Winslow Paige for the plaintiff in error, and by Mr. W. P. Gardiner for the defendant in error.

Adjourned until Monday next at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 1, 1897.

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

William M. Pierson, of San Francisco, Cal.; L. M. Strong, of Kenton, Ohio; Edward Ryan Woodle, of Chicago, Ill.; Curtis Tilton, of Philadelphia, Pa.; Eugene Hagen, of Topeka, Kans.; Justus W. Smith, of New York City; Sidney F. Andrews, of Chicago, Ill.; Bayard T. Hainer, of Guthrie, Okla.; David Stewart, of Baltimore, Md.; John E. Burke, of Chicago, Ill.; Thomas R. Morrow, of Kansas City, Mo., and Charles A. Blair and Charles H. Smith, of Jackson, Mich., were admitted to practice.

No. 63.—Mrs. Lillian W. Egan and husband, plaintiffs in error, *v. A. Hart et al.* In error to the supreme court of the State of Louisiana. Dismissed for the want of jurisdiction. Opinion by Mr. Justice White.

No. 621.—Thomas W. Jones, plaintiff in error, *v. Alfred G. Brim*, road supervisor of district No. 2, Summit County, Utah. In error to the supreme court of the State of Utah. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 522.—L. I. Rosencrans, plaintiff in error, *v. The United States*. In error to the circuit court of the United States for the district of Montana. Judgment affirmed. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Gray and Mr. Justice White.

No. 180.—Celestine Pim, plaintiff in error, *v. The City of St. Louis et al.* In error to the supreme court of the State of Missouri. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Harlan.

No. 579.—C. L. Addington, plaintiff in error, *v. The United States*. In error to the circuit court of the United States for the eastern district of Texas. Judgment affirmed. Opinion by Mr. Justice Harlan.

No. 162.—Joseph Robinson, appellant, *v. William A. Caldwell*. Appeal from the circuit court of the United States for the district of Idaho. Dismissed with costs. Opinion by Mr. Justice Harlan.

No. 51.—The Steamship Valencia, etc., et al., appellants, *v.* William H. Ziegler et al. On a certificate from the United States circuit court of appeals for the second circuit. Question certified answered in the negative. Opinion by Mr. Justice Harlan.

No. 337.—Henry Sanford, president of the Adams Express Company, appellant, *v.* Ebenezer W. Poe, auditor, etc., et al. ;

No. 338.—Henry Sanford, president of the Adams Express Company, appellant, *v.* Ebenezer W. Poe, auditor, etc., et al. ;

No. 339.—James C. Fargo, president of the American Express Company, appellant, *v.* Ebenezer W. Poe, auditor, etc., et al. ; and

No. 340.—Thomas C. Platt, president of the United States Express Company, appellant, *v.* Ebenezer W. Poe, auditor, etc., et al. Appeals from the United States circuit court of appeals for the sixth circuit ; and

No. 398.—Clarence A. Seward, vice-president of the Adams Express Company, appellant, *v.* Ebenezer W. Poe, auditor, etc. ;

No. 399.—James C. Fargo, president of the American Express Company, appellant, *v.* Ebenezer W. Poe, auditor, etc. ; and

No. 400.—Thomas C. Platt, president of the United States Express Company, appellant, *v.* Ebenezer W. Poe, auditor, etc. Appeals from the circuit court of the United States for the southern district of Ohio. Decrees affirmed with costs. Opinion by Mr. Chief Justice Fuller. Dissenting : Mr. Justice White, Mr. Justice Field, Mr. Justice Harlan and Mr. Justice Brown.

No. 469.—The American Express Company, plaintiff in error, *v.* The State of Indiana ;

No. 470.—The Adams Express Company, plaintiff in error, *v.* The State of Indiana ; and

No. 471.—The United States Express Company, plaintiff in error, *v.* The State of Indiana. In error to the Marion circuit court, Marion County, State of Indiana. Judgment affirmed with costs and interest. Opinion by Mr. Chief Justice Fuller.

No. 649.—The Western Union Telegraph Company, plaintiff in error, *v.* The State of Indiana. In error to the supreme court of the State of Indiana. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller. Dissenting : Mr. Justice Harlan and Mr. Justice White.

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

No. 683.—William Campbell et al., appellants, *v.* Thomas De Q. Richardson et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 310.—A. S. Churchill, attorney general, et al., etc., appellants, *v.* Oliver Ames et al. ;



No. 311.—A. S. Churchill, attorney general, et al., etc., appellants, *v.* George Smith et al.; and

No. 312.—A. S. Churchill, attorney general, et al., etc., appellants, *v.* Henry L. Higginson et al. Motion to fix day for reargument granted and cases assigned for argument on the first Monday in April next.

No. 480.—Lowry W. Humes, plaintiff in error, *v.* The United States. Motion to advance granted and cause assigned for argument on the second Monday of the next term after the cases already set down for that day.

No. 694.—The Safety Insulated Wire and Cable Company, plaintiff in error, *v.* The Mayor and City Council of Baltimore. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 16, Original.—*Ex parte*: In the matter of Philip Hien, petitioner. Motion for leave to file petition for a writ of mandamus granted, and rule to show cause awarded returnable on the first Monday of March.

No. 306.—The State of Missouri *ex rel.* The Laeledge Gaslight Company, plaintiff in error, *v.* Michael J. Murphy, street commissioner, etc. Motion to advance denied.

No. 587.—N. S. Swenson, plaintiff in error, *v.* Russell Sage, assignee, etc. Restored to the docket for reargument.

No. 512.—The Hurlbut Land and Cattle Company, appellant, *v.* John S. Truscott, county treasurer, etc. Appeal from the United States circuit court of appeals for the ninth circuit. Dismissed for the want of jurisdiction on the authority of *Smith v. Adams*, 130 U. S., 167; *McLish v. Roff*, 141 U. S., 661; *Hume v. Bowie*, 148 U. S., 245; *Gurnee v. Patrick County*, 137 U. S., 141; *Bender v. Pennsylvania County*, 148 U. S., 508.

No. 701.—The United States, petitioner, *v.* The Steam Tug "Three Friends," etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit granted, and cause assigned for argument on the 15th instant, on motion of Mr. Attorney General Harmon for the petitioner.

No. 551.—Herman Keck, plaintiff in error, *v.* The United States. Motion to fix day for reargument submitted by Mr. Solicitor General Conrad for the defendant in error.

No. 430.—William Faxon, jr., trustee, et al., appellants, *v.* The United States et al. Motion to advance submitted by Mr. Solicitor General Conrad for the appellees.

No. 115.—The United States, appellant, *v.* Desiderio Gomez et al. Appeal from the Court of Private Land Claims. Dismissed on motion of Mr. Solicitor General Conrad for the appellant.

No. 116.—The United States, appellant, *v.* Frank Perew et al. Appeal from the Court of Private Land Claims. Dismissed on motion of Mr. Solicitor General Conrad for the appellant.

No. 132.—The United States, appellant, *v.* Aniceto Martinez et al. Appeal from the Court of Private Land Claims. Dismissed on motion of Mr. Solicitor General Conrad for the appellant.

No. 183.—The United States, appellant, *v.* Donaciano Gurule et al. Appeal from the Court of Private Land Claims. Dismissed on motion of Mr. Solicitor General Conrad for the appellant.

No. 185.—The United States, appellant, *v.* Jesus Armijo y Jaramillo. Appeal from the Court of Private Land Claims. Dismissed on motion of Mr. Solicitor General Conrad for the appellant.

No. 700.—The United States, appellant, *v.* Edgar M. Wilson, administrator, etc. Advanced to be heard with No. 320 as one case on motion of Mr. Assistant Attorney General Dodge for the appellant.

No. 481.—Ambrose P. S. Stuart, appellant, *v.* Kent K. Hayden, receiver, etc., et al. Motion to advance submitted by Mr. John M. Thurston in behalf of counsel.

No. 478.—Thomas C. Chappell, plaintiff in error, *v.* Mary Ball Chappell. Suggestion of diminution of the record, and motion for writ of certiorari submitted by Mr. Thomas C. Chappell *in propria persona*. Motions to dismiss or affirm submitted by Mr. Samuel Maddox and Mr. David Stewart in support of motions, and by Mr. Thomas C. Chappell in opposition thereto. Motion to strike motions to dismiss or affirm from the files submitted by Mr. Thomas C. Chappell in support of same.

No. 682.—Standard Elevator Company et al., appellants, *v.* National Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Frank T. Brown for appellants in support of petition, and by Mr. James H. Raymond for the appellees in opposition thereto.

No. 13, Original.—*Ex parte*: In the matter of Charles Johnson, petitioner. Leave granted to file proof of service of rule to show cause herein on motion of Mr. John J. Weed for the petitioner. Hearing on return to rule postponed to March 1 next.

No. 688.—A. M. Thomas et al., etc., appellants, *v.* Gay & Reed et al. Motion to advance submitted by Mr. J. F. King for the appellants.

No. 703.—Dennis Ryan, petitioner, *v.* James Staples. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted, with leave to file briefs hereafter, on motion of Mr. Frederic D. McKenney for the petitioner.

No. 15, Original.—*Ex parte*: In the matter of Gustave Alix, master, etc. Time for return to rule to show cause extended to March 1 next on motion of Mr. J. W. Robinson for respondent.

No. 696.—The Illinois Central Railroad Company, petitioner, *v.* Wilbur F. Davidson. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. William E. Mason, Mr. Sidney F. Andrews and Mr. James Fentress in support of the petition, and by Mr. Edward Ryan Woodle in opposition thereto.

No. 450.—John S. Stalleup, plaintiff in error, *v.* The City of Tacoma. Motion to dismiss submitted by Mr. B. S. Grosscup in support of motion, and by Mr. E. O. Wolcott and Mr. John F. Shafroth in opposition thereto.

Adjourned until Monday, February 15, at 12 o'clock.

The day call for Monday, March 1, will be as follows: Nos. 516, 403 (and 426), 28, 68 (and 56), 59, 449, 191, 196, 198 and 202.

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## SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 15, 1897.

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

Edward P. Vilas, of Milwaukee, Wis.; Charles Robinson Smith, of New York City; Daniel William Baker, of Washington, D. C.; Stephen J. Cox, jr., of New York City, and H. M. Garwood, of Bastrop, Tex., were admitted to practice.

No. 31.—Rufus E. Graves, plaintiff in error, *v.* The United States. In error to the district court of the United States for the northern district of Iowa. Judgment reversed and cause remanded with directions to grant a new trial. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Harlan.

No. 187.—The United States, appellant, *v.* Joshua Gorham. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Peckham.

No. 617.—The District of Columbia, appellant, *v.* George E. Johnson, administrator, etc.;

No. 618.—The District of Columbia, appellant, *v.* Margaret R. Sheekels et al., executrices, etc.;

No. 619.—The District of Columbia, appellant, *v.* Joseph T. H. Hall; and

No. 620.—The District of Columbia, appellant, *v.* William Dickson, assignee, etc. Appeals from the Court of Claims. Judgments reversed and causes remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Peckham.

No. 625.—Warren E. Price, plaintiff in error, *v.* The United States. In error to the district court of the United States for the northern district of California. Judgment affirmed. Opinion by Mr. Justice Peckham.

No. 182.—Thomas F. Oakes et al., receivers, etc., plaintiffs in error, *v.* Clara Mase, administratrix, etc. In error to the United States circuit

court of appeals for the eighth circuit. Judgment reversed with costs and cause remanded to the circuit court of the United States for the district of Minnesota with directions to enter judgment for the original defendant. Opinion by Mr. Justice White. Dissenting: Mr. Justice Harlan.

No. 156.—The Lake Shore and Michigan Southern Railway Company, plaintiff in error, *v.* The State of Ohio *ex rel.* Russell C. Humphrey. In error to the supreme court of the State of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice White. (Mr. Justice Brewer concurs in the result.)

No. 100.—The Atlantic and Pacific Railroad Company, plaintiff in error, *v.* Robert Mingus. In error to the supreme court of the Territory of New Mexico. Judgment affirmed with costs. Opinion by Mr. Justice Brown. (Mr. Justice Gray was not present at the argument and took no part in the decision of this case.)

No. 78.—Augusta P. Glover *et al.*, appellants, *v.* Mary E. Patten *et al.* Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 472.—Joseph R. Dunlop, plaintiff in error, *v.* The United States. In error to the district court of the United States for the northern district of Illinois. Judgment affirmed. Opinion by Mr. Justice Brown.

No. 52.—The Germania Iron Company *et al.*, appellants, *v.* The United States. Appeal from the United States circuit court of appeals for the eighth circuit. Decree affirmed and cause remanded to the circuit court of the United States for the district of Minnesota. Opinion by Mr. Justice Brewer. (Mr. Justice Gray was not present at the argument and took no part in the decision of this case.)

No. 151.—James M. Dewese, jr., appellant, *v.* Jacob Reinhard *et al.* Appeal from the United States circuit court of appeals for the eighth circuit. Decree affirmed with costs and cause remanded to the circuit court of the United States for the district of Nebraska. Opinion by Mr. Justice Brewer.

No. 173.—The Burlington Gaslight Company, plaintiff in error, *v.* The Burlington, Cedar Rapids and Northern Railway Company. In error to the supreme court of the State of Iowa. Judgment affirmed with costs. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Peckham.

No. 319.—The United States, appellant, *v.* The Union Pacific Railway Company *et al.* Appeal from the United States circuit court of appeals for the eighth circuit. Decree affirmed and cause remanded to the circuit court of the United States for the district of Kansas. Opinion by Mr. Justice Brewer.

No. 321.—The United States, appellant, *v.* The Winona and St. Peter Railroad Company et al. Appeal from the United States circuit court of appeals for the eighth circuit. Decree affirmed and cause remanded to the circuit court of the United States for the district of Minnesota. Opinion by Mr. Justice Brewer.

No. 322.—The United States, appellant, *v.* The St. Paul and Sioux City Railroad Company et al. Appeal from the United States circuit court of appeals for the eighth circuit. Decree affirmed and cause remanded to the circuit court of the United States for the district of Minnesota. Opinion by Mr. Justice Brewer.

No. 602.—The Winona and St. Peter Railroad Company et al., appellants, *v.* The United States. Appeal from the United States circuit court of appeals for the eighth circuit. Decree affirmed and cause remanded to the circuit court of the United States for the district of Minnesota. Opinion by Mr. Justice Brewer.

No. 577.—Dennis Davis, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the western district of Arkansas. Judgment affirmed. Opinion by Mr. Justice Brewer.

No. 18.—Martha Hopkins et al., appellants, *v.* William H. Grimsbaw et al. Appeal from the supreme court of the District of Columbia. Decree reversed with costs and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Gray.

No. 164.—The United States, appellant, *v.* Henry G. McMillan et al. Appeal from the supreme court of the Territory of Utah. Decree reversed and cause remanded to the circuit court of the United States for the district of Utah for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Gray.

No. 200.—The Vulcan Iron Works, appellant, *v.* Ellen L. Smith, executrix, etc., et al. On writ of certiorari to the United States circuit court of appeals for the ninth circuit. Dismissed pursuant to stipulation. Opinion by Mr. Justice Gray.

No. 639.—Edwin Norton et al., appellants, *v.* Milton A. Wheaton. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied. Opinion by Mr. Justice Gray.

No. 7, Original.—*Ex parte*: In the matter of John Chetwood, jr., petitioner. Petition for writ of certiorari granted and rule made absolute. Opinion by Mr. Chief Justice Fuller.

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

No. 463.—Pullman's Palace Car Company, appellant, *v.* Central Transportation Company. Motion to advance denied.

No. 430.—William Faxon, jr., trustee, et al., appellants, *v.* The United States et al. Motion to advance denied.

No. 450.—John C. Stallcup, plaintiff in error, *v.* The City of Tacoma. In error to the supreme court of the State of Washington. Dismissed for the want of jurisdiction on the authority of *Newport Light Company v. City of Newport et al.*, 151 U. S., 528; *Gormley v. Clark*, 134 U. S., 338; *Marchant v. Pennsylvania Railroad Company*, 153 U. S., 380; *Leeper v. Texas*, 139 U. S., 462; *Railway Company v. Iowa*, 160 U. S., 389; *Eustis v. Bolles*, 150 U. S., 361; and other cases.

No. 478.—Thomas C. Chappell, plaintiff in error, *v.* Mary Ball Chappell. In error to the court of appeals of the State of Maryland. Dismissed for the want of jurisdiction.

No. 481.—Ambrose P. S. Stuart, appellant, *v.* Kent K. Hayden, receiver, etc., et al. Motion to advance denied.

No. 551.—Herman Keck, plaintiff in error, *v.* The United States. Motion to fix day for reargument granted, and cause assigned for hearing on the second Monday of the next term after the cases already set down for that day.

No. 682.—Standard Elevator Company et al., appellants, *v.* National Company et al. Petition for writ of certiorari to the United States circuit court of appeals for the seventh circuit granted.

No. 688.—A. M. Thomas et al., appellants, *v.* Gay & Reed 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. 664.—The Missouri, Kansas and Texas Railway Company, plaintiff in error, *v.* Charles Haber et al. Motion to advance submitted by Mr. Holmes Conrad in behalf of counsel for defendants in error.

No. 715.—Charles and Robert P. Clarke, petitioners, *v.* The Steamship Elfrida, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. D. W. Baker in support of petition and by Mr. J. Parker Kirlin in opposition thereto.

No. 697.—James E. Simpson et al., appellants, *v.* The United States. Suggestion of diminution of record herein and motion for writ of certiorari submitted by Mr. Joseph K. McCammon for the appellants. Leave granted Mr. Assistant Attorney General Dodge to file brief in opposition on or before Friday next.

No. 716.—Joseph Raymond, appellant, *v.* John Lange. Appeal from the circuit court of the United States for the eastern district of Louisiana. Docketed and dismissed with costs on motion of Mr. William A. Maury for the appellee.

No. 217.—The Northern Pacific Railroad Company, plaintiff in error, *v.* Archie Beaton. In error to the United States circuit court of appeals for the ninth circuit. Dismissed with costs on motion of Mr. A. B. Browne for the plaintiff in error.

No. 701.—The United States, petitioner, *v.* The Steamer Three Friends, etc. Leave granted to Mr. Calderon Carlisle to file brief herein as *amicus curiæ*, by consent of counsel on both sides, and to counsel for respondents to file reply brief on or before Friday next. Argument commenced by Mr. Assistant Attorney General Whitney for the petitioner, continued by Mr. W. Hallett Phillips and Mr. W. A. Cockrell for the respondents, and concluded by Mr. Attorney General Harmon for the petitioner.

Adjourned until Monday, March 1, at 12 o'clock.

The day call for Monday, March 1, will be as follows: Nos. 516, 403 (and 426), 28, 68 (and 56), 59, 449, 191, 196, 198 and 202.





# SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 1, 1897.

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

T. H. Alexander, of Washington, D. C.; George S. Batcheller, of Washington, D. C.; George F. Moore, of Montgomery, Ala.; Arthur E. Dowell, of Washington, D. C.; F. A. Woodard, of Wilson, N. C.; Miles Crowley, of Galveston, Tex.; Joseph B. Doe, of Milwaukee, Wis.; Henry A. Axline, of Columbus, Ohio; E. M. Harmon, of Washington, D. C.; George Whitelock, of Baltimore, Md.; John De Witt Veeder, of Las Vegas, N. Mex.; A. E. Harvey, of Lincoln, Nebr.; Cass E. Herrington, of Denver, Col.; Frederic R. Coudert, jr., of New York City; John M. Reynolds, of Bedford, Pa., and Lewis Miles, of Corydon, Iowa, were admitted to practice.

No. 446.—E. Allgeyer & Co., plaintiffs in error, *v.* The State of Louisiana. In error to the supreme court of the State of Louisiana. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Peckham.

No. 147.—The Fourth Street National Bank of the city of Philadelphia, appellant, *v.* Robert M. Yardley, receiver of the Keystone National Bank. On a certificate from the United States circuit court of appeals for the third circuit. First question certified answered in the affirmative. Opinion by Mr. Justice White. Dissenting: Mr. Justice Gray, Mr. Justice Brewer and Mr. Justice Peckham.

No. 193.—James H. Walker et al., appellants, *v.* Anna L. Brown, administratrix, etc., et al. On writ of certiorari to the United States circuit court of appeals for the eighth circuit. Decree reversed with costs and cause remanded to the circuit court of the United States for the southern district of Iowa for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice White.

No. 208.—The United States, appellant, *v.* The City of Santa Fe. Appeal from the Court of Private Land Claims. Decree reversed and

cause remanded with directions to dismiss the petition. Opinion by Mr. Justice White. (Mr. Justice Brewer concurs in the result.)

No. 114.—James H. De Vaughn et al., appellants, *v.* Sarah W. Hutchinson et al. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Shiras.

No. 33.—David G. Swaim, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Shiras.

No. 171.—Margaret E. Walker, plaintiff in error, *v.* The New Mexico and Southern Pacific Railroad Company. In error to the supreme court of the Territory of New Mexico. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 431.—Samuel Whitehill Barber et al., plaintiffs in error, *v.* The Pittsburg, Fort Wayne and Chicago Railway Company et al. On a certificate from the United States circuit court of appeals for the third circuit. First question certified answered in the negative, and the answer to the second question certified must be that Amanda Stephens took an estate tail under the devise to her. Opinion by Mr. Justice Gray.

No. 554.—Leander J. McCormick, plaintiff in error, *v.* The Market National Bank of Chicago. In error to the supreme court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Gray.

No. 128.—The New York, New Haven and Hartford Railroad Company, plaintiff in error, *v.* 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 Harlan. (Mr. Justice Gray did not sit or take part in the consideration and decision of this case.)

No. 201.—Frederick N. Pauly, receiver, etc., plaintiff in error, *v.* The State Loan and Trust Company. In error to the United States circuit court of appeals for the ninth circuit. Judgment affirmed with costs and cause remanded to the circuit court of the United States for the southern district of California. Opinion by Mr. Justice Harlan.

No. 129.—The Chicago, Burlington and Quincy Railroad Company, plaintiff in error, *v.* The City of Chicago. In error to the supreme court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Brewer. (The Chief Justice did not sit in this case or participate in its decision.)

No. 130.—The Chicago, Burlington and Quincy Railroad Company, plaintiff in error, *v.* The City of Chicago. In error to the supreme court of the State of Illinois. Judgment affirmed with costs. Opinion by

Mr. Justice Harlan. Dissenting: Mr. Justice Brewer. (The Chief Justice did not sit in this case or participate in its decision.)

No. 172.—Charles Wade, plaintiff in error, *v.* R. W. Lawder et al., administrators of Birt Ringo, deceased. In error to the supreme court of the State of Missouri. Dismissed for want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 9, Original.—*Ex parte*: In the matter of Israel C. Kollock, petitioner. Petition for writs of habeas corpus and certiorari denied. Opinion by Mr. Chief Justice Fuller.

No. 8, Original.—*Ex parte*: In the matter of Samuel J. McCaully, petitioner. Petition for writs of habeas corpus and certiorari denied. Opinion by Mr. Chief Justice Fuller.

No. 10, Original.—*Ex parte*: In the matter of William O. Lusby, petitioner. Petition for writs of habeas corpus and certiorari denied. Opinion by Mr. Chief Justice Fuller.

No. 701.—The United States, petitioner, *v.* The Steamer Three Friends, etc. On writ of certiorari to the United States circuit court of appeals for the fifth circuit. Decree of the district court of the United States for the southern district of Florida reversed and cause remanded to said court with directions to resume the custody of the vessel and proceed with the case in conformity with the opinion of this court. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice Harlan.

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

No. 664.—The Missouri, Kansas and Texas Railway Company, plaintiff in error, *v.* Charles Haber 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, or the case will be taken on printed briefs on or before the first Monday of April next.

No. 715.—Charles Clarke and Robert P. Clarke, petitioners, *v.* The Steamship Elfrida, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit granted.

No. 697.—James E. Simpson et al., appellants, *v.* The United States. Motion for writ of certiorari to bring up additional record denied.

ORDER: The reporter having represented that owing to the number of decisions at the term it will be impracticable to put the reports in one volume, it is therefore now here ordered that he publish an additional volume in this year, pursuant to section 681 of the Revised Statutes.

No. 572.—E. J. Augustin, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the eastern district of Louisiana. Dismissed on motion of Mr. Charles F. Buck, in behalf of counsel for the plaintiff in error, and mandate granted.

No. 371.—Alexander Allen, plaintiff in error, *v.* The United States. Order as to mandate entered on motion of Mr. Attorney General Harmon for the defendant in error.

No. 192.—William Cutajar, appellant, *v.* The United States et al. Appeal from the circuit court of the United States for the southern district of New York. Dismissed on authority of counsel for appellant.

No. 54.—The Patapsco Guano Company, appellant, *v.* The Board of Agriculture of North Carolina et al. Leave granted to counsel for appellant to file supplemental brief herein on motion of Mr. F. A. Woodward in behalf of counsel.

No. 18.—Martha Hopkins et al., appellants, *v.* William H. Grimshaw et al. Mandate granted, per stipulation, on motion of Mr. F. H. Mackey for the appellants.

No. 373.—Alexander S. Hooe, jr., et al., plaintiffs in error, *v.* Jacob Werner et al.; and

No. 374.—Alexander S. Hooe, jr., et al., plaintiffs in error, *v.* Hugh Jamieson et al. Submitted pursuant to the thirty-second rule by Mr. Frederic D. McKenney and Mr. A. R. Bushnell for the plaintiffs in error, and by Mr. S. S. Barney for the defendants in error.

No. 698.—St. Louis Car Coupler Company, petitioner, *v.* Shickle, Harrison & Howard Iron Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Frederic D. McKenney, Mr. Chester H. Krum and Mr. Henry M. Post in support of petition, and by Mr. Melville Church and Mr. George H. Knight in opposition thereto.

No. 666.—Willis Thorp, plaintiff in error, *v.* S. A. Bonfield et al. Motion to advance submitted by Mr. John M. Thurston in behalf of counsel.

No. 586.—Levi C. Weir, president of the Adams Express Company, appellant, *v.* L. C. Norman, auditor of public accounts of Kentucky. Leave granted to file additional brief herein for the appellant, and to file reply within five days, on motion of Mr. Lawrence Maxwell, jr., for the appellant.

No. 619.—The District of Columbia, appellant, *v.* Joseph T. H. Hall. Mandate granted on motion of Mr. Edwin Forrest for the appellant.

No. 516.—Tla-Koo-Yel-Lee, plaintiff in error, *v.* The United States. Submitted by the plaintiff in error, and by Mr. Solicitor General Conrad for the defendant in error.

No. 191.—B. F. Dowell et al., plaintiffs in error, *v.* Daniel W. Applegate et al. In error to the supreme court of the State of Oregon. Dismissed with costs pursuant to the tenth rule.

No. 317.—Howard B. Bullard, plaintiff in error, *v.* The Des Moines and Fort Dodge Railroad Company. In error to the supreme court of the State of Iowa. Dismissed per stipulation.

No. 202.—The Twin City National Bank of New Brighton, plaintiff in error, *v.* Enos H. Nebeker; and

No. 203.—The Lumberman's National Bank of Williamsport, plaintiff in error, *v.* James N. Huston. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. Solicitor General Conrad for the defendants in error.

No. 16, Original.—*Ex parte*: In the matter of Phillip Hien, petitioner. Leave granted to Mr. William A. Megrath to appear specially and make oral argument for the respondents herein, on motion of Mr. Solicitor General Conrad.

No. 12, Original.—*Ex parte*: In the matter of C. A. Potts & Co., petitioners. Argued by Mr. E. W. Bradford and Mr. Chester Bradford for petitioners, and by Mr. Edw. F. Boyd for the respondent.

No. 15, Original.—*Ex parte*: In the matter of Gustave Alix, master, etc. Motion to quash return, for leave to take testimony, and on return to rule argued by Mr. Horace L. Cheyney for the petitioner and by Mr. Curtis Tilton for the respondent.

No. 403.—Boyden Power Brake Company et al., appellants, *v.* George Westinghouse et al.; and

No. 426.—George Westinghouse, jr., et al., appellants, *v.* Boyden Power Brake Company et al. Reargument commenced by Mr. George H. Christy for Westinghouse et al., and continued by Mr. Hector T. Fenton for Boyden Power Brake Company et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 2, will be as follows: Nos. 403 (and 426), 28, 68 (and 56), 59, 449, 196, 198, 205 (and 599 and 195), 626 and 206.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 2, 1897.

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

Richard Yates, of Jacksonville, Ill., and Osgood Smith, of New York City, were admitted to practice.

No. 617.—The District of Columbia, appellant, *v.* George E. Johnson, administrator, etc. ;

No. 618.—The District of Columbia, appellant, *v.* Margaret R. Sheckels et. al. ; and

No. 620.—The District of Columbia, appellant, *v.* William Dickson, assignee, etc. Mandates granted on motion of Mr. V. B. Edwards for the appellees.

No. 403.—Boyden Power Brake Company et al., appellants, *v.* George Westinghouse, jr., et al. ; and

No. 426.—George Westinghouse, jr., et al., appellants, *v.* Boyden Power Brake Company et al. Argument continued by Mr. Hector T. Fenton and Mr. Lysander Hill for the Boyden Company et al., and concluded by Mr. Frederic Betts for Westinghouse et al.

No. 28.—The Cunard Steamship Company, appellant, *v.* Cyprien Fabre, manager, etc. Argument commenced by Mr. R. D. Benedict for appellee, and continued by Mr. F. R. Coudert for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 3, will be as follows: Nos. 28, 68 (and 56), 59, 449, 196, 198, 205 (and 599 and 195), 626, 206 and 189 (and 190).

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 3, 1897.

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

Fred. T. McGurrin, of Salt Lake City, Utah; William D. Totten, of Kalkaska, Mich.; Chalmers Curtis, of Petoskey, Mich.; Otto Raymond Barnett, of Chicago, Ill.; Henry R. Pebbles, of Chicago, Ill., and Gilbert Ray Hawes, of New York City, were admitted to practice.

No. 28.—The Cunard Steamship Company, appellant, *v.* Cyprien Fabre, manager, etc. Argument continued by Mr. Frederic R. Coudert for the appellant and concluded by Mr. R. D. Benedict for the appellee.

No. 196.—A. H. Nelson et al., plaintiffs in error, *v.* Richard Flint. Argued by Mr. A. R. Heywood for the plaintiffs in error and submitted by Mr. Pliney B. Smith for the defendant in error.

No. 59.—R. L. Walker et al., plaintiffs in error, *v.* E. Collins et al., etc. Argued by Mr. W. E. Brown for the plaintiffs in error and submitted by Mr. A. P. Jetmore for the defendants in error.

No. 68.—John N. Whitney, appellant, *v.* Moylan C. Fox, surviving executor, etc., and

No. 56.—William H. Wood, appellant, *v.* Moylan C. Fox, surviving executor, etc. Argument commenced by Mr. Arthur Brown for the appellants and continued by Mr. J. M. Wilson for the appellees. Further argument postponed until Friday.

Adjourned until to-morrow at 11 o'clock. The day call for Friday, March 5, will be as follows: Nos. 68 (and 56) 449, 198, 205 (and 599 and 195) 626, 206, 189 (and 190) 209 210 and 211.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 4, 1897.

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

The Chief Justice announced that the court would take a recess in order to attend the inauguration of the President of the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 5, will be as follows: Nos. 68 (and 56) 449, 198, 205 (and 599 and 195) 626, 206, 189 (and 190) 209, 210 and 211.

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## SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 5, 1897.

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

Henry S. Dewey, of Boston, Mass., and Harry E. Churchill, of Greeley, Cal., were admitted to practice.

No. 210.—J. Harrison Johnson, appellant, *v.* The Baltimore and Potomac Railroad Company. Passed for settlement.

No. 14, Original.—*Ex parte*: In the matter of Edward Eckart, petitioner. Hearing on return to rule fixed for the 22d instant, on motion of Mr. W. H. Mybrea for the respondent.

No. 68.—John N. Whitney, appellant, *v.* Moylan C. Fox, surviving executor, etc., and

No. 56.—William H. Wood, appellant, *v.* Moylan C. Fox, surviving executor, etc. Argument continued by Mr. J. M. Wilson for the appellee, and concluded by Mr. Arthur Brown for the appellants.

No. 449.—The United States, appellant, *v.* Wong Kim Ark. Argument commenced by Mr. Solicitor-General Conrad for the appellant, and continued by Mr. Maxwell Evarts and Mr. J. Hubley Ashton for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 8, will be as follows: Nos. 449, 198, 205 (and 599 and 195), 626, 206, 189 (and 190), 209, 211, 12, and 563.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 8, 1897.

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

Herbert P. Bissell, of Buffalo, N. Y.; A. Bell Malcomson, of New York City; William R. Curran, of Pekin, Ill.; Herbert Green, of New York City, and William C. White, of Duluth, Minn., were admitted to practice.

No. 98.—The Steam Yacht Conqueror, etc., appellant, *v.* Frederick W. Vanderbilt. On writ of certiorari to the United States circuit court of appeals for the second circuit. Decree reversed with costs, and cause remanded to the district court of the United States for the southern district of New York for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

The Chief Justice announced the following orders of the court:

No. 696.—The Illinois Central Railroad Company, petitioner, *v.* Wilbur F. Davidson. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 703.—Dennis Ryan, petitioner, *v.* James Staples. Petition for a writ of error or writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 698.—St. Louis Car Coupler Company, petitioner, *v.* Shickle, Harrison & Howard Iron Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 666.—Willis Thorp, plaintiff in error, *v.* S. A. Bonfield et al. Motion to advance granted and cause advanced as under the thirty-second rule, to be submitted on printed briefs.

No. 149.—E. M. Patton, plaintiff in error, *v.* The Texas and Pacific Railway Company. In error to the United States circuit court of appeals for the fifth circuit. Dismissed for want of jurisdiction because the judgment is not final.

The Hon. Judson Harmon then addressed the court as follows:

"I have the honor to present my successor in the office of Attorney General of the United States, the Hon. Joseph McKenna. I have here his commission in due form of law, which I ask may be properly recorded."

The Chief Justice responded:

"The court extends a cordial welcome to the incoming Attorney General, at the same time expressing to his predecessor the high regard and best wishes of its members. Let the commission be recorded."

No. 724.—The United States, petitioner, *v.* The Buffalo Natural Gas Fuel Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Solicitor General Conrad and Mr. Assistant Attorney General Whitney in support of petition, and by Mr. Herbert P. Bissell in opposition thereto.

No. 503.—E. J. Peck and Leo Simmons, trustees, plaintiffs in error, *v.* Daniel Birtwell. Motion to advance submitted by Mr. Franklin H. Mackey for the plaintiffs in error in support of motion, and by Mr. Ashley M. Gould and Mr. Leon Tobriner for the defendant in error in opposition thereto.

No. 728.—The Missouri, Kansas and Texas Trust Company, petitioner, *v.* Theodore M. Krumseig et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. William C. White in support of petition, and by Mr. Page Morris in opposition thereto.

No. 681.—The Brooklyn and New York Ferry Company, plaintiff in error, *v.* Katie J. McMahon, administratrix, etc. Motions to dismiss or affirm submitted by Mr. C. J. Patterson in support of motions, and by Mr. James Troy and Mr. George Bethune Adams in opposition thereto.

No. 720.—Hugh Murphy, appellant, *v.* The Colorado Paving Company et al. Advanced under the thirty-second rule on motion of Mr. Frederic D. McKenney for the appellant.

No. 466.—Jeremiah R. Harmon, appellant, *v.* Anthony Harmon et al.; and

No. 467.—Jacob M. Harmon, appellant, *v.* Jeremiah R. Harmon et al. On writs of certiorari to the United States circuit court of appeals for the seventh circuit. Dismissed with costs and mandates granted on motion of Mr. Clarence A. Burley for the petitioners.

No. 212.—The Chicago, Milwaukee and St. Paul Railway Company, plaintiff in error, *v.* Frank T. Campbell et al., railroad commissioners of State of Iowa. Continued on motion of Mr. A. B. Browne in behalf of counsel for the plaintiff in error.

No. 626.—Hoke Smith, Secretary of the Department of the Interior, et al., appellants, *v.* Jefferson Reynolds, etc. Leave granted to counsel for appellee to file supplemental brief herein on or before Friday next, on motion of Mr. Alphonso Hart for the appellee.

No. 345.—Adam S. B. Baker, plaintiff in error, *v.* John Brickell; and

No. 346.—Fairfax H. Wheelan, administrator, etc., plaintiff in error, *v.* John Brickell. Motions to dismiss submitted by Mr. S. W. Holladay and Mr. E. B. Holladay in support of motions, and by Mr. Charles N. Fox in opposition thereto.

No. 449.—The United States, appellant, *v.* Wong Kim Ark. Argument continued by Mr. J. Hubley Ashton for the appellee, and concluded by Mr. Solicitor General Conrad for the appellant.

No. 198.—E. M. Parsons, plaintiff in error, *v.* The Chicago and Northwestern Railway Company. Argument commenced by Mr. C. C. Nourse for the plaintiff in error, and continued by Mr. Lloyd W. Bowers for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 9, will be as follows: Nos. 198, 205 (and 599 and 195), 626, 206, 189 (and 190), 209, 211, 12, 563 and 539.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 9, 1897.

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

William Blaikie, of New York City; John W. Parker, of Taylor, Texas, and G. L. Solignac, of Santa Fe, N. Mex., were admitted to practice.

No. 198.—E. M. Parsons, plaintiff in error, *v.* The Chicago and North-western Railway Company. Leave granted to Mr. Assistant Attorney General Whitney to file brief herein within one week on behalf of the United States, and to Mr. Lloyd W. Bowers to reply thereto within three days thereafter. Argument continued by Mr. Lloyd W. Bowers for the defendant in error and concluded by Mr. C. C. Nourse for the plaintiff in error.

No. 205.—The United States, appellant, *v.* Julian Sandoval et al.;

No. 599.—Levi P. Morton, appellant, *v.* The United States; and

No. 195.—The Rio Arriba Land and Cattle Company, appellant, *v.* The United States. One hour additional time allowed to counsel for Sandoval et al., Morton, and the Rio Arriba Land and Cattle Company, and leave granted to three counsel to appear in the argument. Argument commenced by Mr. Matt. G. Reynolds for the United States and continued by Mr. F. W. Clancy for the Rio Arriba Land and Cattle Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 10, will be as follows: Nos. 205 (and 599 and 195), 626, 206, 189 (and 190), 209, 211, 12, 563, 539 and 177.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 10, 1897.

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

No. 205.—The United States, appellant, *v.* Julian Sandoval et al. ;

No. 599.—Levi P. Morton, appellant, *v.* The United States; and

No. 195.—The Rio Arriba Land and Cattle Company, appellant, *v.* The United States. Argument continued by Mr. F. W. Clancy for the Rio Arriba Land and Cattle Company, by Mr. Matt. G. Reynolds for the United States, by Mr. T. B. Catron for Levi P. Morton, and concluded by Mr. John DeW. Veeder for Sandoval et al.

No. 626.—Hoke Smith, Secretary of the Department of Interior, et al., appellants, *v.* Jefferson Reynolds, etc. Argued by Mr. Assistant Attorney General Whitney for the appellants and by Mr. Alphonso Hart for the appellee.

No. 206.—The California National Bank, plaintiff in error, *v.* Nat. Kennedy. Argued by Mr. Edward Winslow Paige for the plaintiff in error and submitted by Mr. George Fuller for the defendant in error.

Nos. 189 and 190.—The United States, appellant, *v.* James C. Reed. Argument commenced by Mr. Assistant Attorney General Dodge for the appellant and continued by Mr. G. E. P. Howard for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 11, will be as follows: Nos. 189 (and 190), 209, 211, 12, 563, 539, 177, 214, 215 and 216.

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## SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 11, 1897.

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

Thomas J. Anderson, of Salt Lake City, Utah; Robert M. McLane, jr., of Baltimore, Md.; O. F. Goddard, of Billings, Mont., and T. E. K. Cormac, of San Francisco, Cal., were admitted to practice.

Nos. 189 and 190.—The United States, appellant, *v.* James C. Reed. Argument continued by Mr. G. E. P. Howard for the appellee, and concluded by Mr. Assistant Attorney General Dodge for the appellant.

No. 209.—The Mayor and City Council of Baltimore, appellants, *v.* The Baltimore Trust and Guarantee Company, trustee. Argument commenced by Mr. Thomas G. Hayes for the appellants, and continued by Mr. Francis K. Carey and Mr. E. J. D. Cross for the appellee, and by Mr. Thomas G. Hayes for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 12, will be as follows: Nos. 209, 211, 12, 563, 539, 177, 214, 215, 216 and 219.



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 12, 1897.

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

No. 177.—Edward Hodgson, plaintiff in error, *v.* The State of Vermont. Continued per stipulation.

No. 733.—The Interstate Commerce Commission, appellant, *v.* The Cincinnati, New Orleans and Texas Pacific Railway Company et al. Motion to advance submitted by Mr. Assistant Attorney General Whitney for the appellant.

No. 209.—The Mayor and City Council of Baltimore, appellants, *v.* The Baltimore Trust and Guarantee Company, trustee. Argument concluded by Mr. Thomas G. Hayes for the appellants.

No. 211.—The Spokane Falls and Northern Railway Company, plaintiff in error, *v.* W. H. Ziegler. Submitted by Mr. A. T. Britton, Mr. A. B. Browne and Mr. Albert Allen for the plaintiff in error. No counsel appeared for the defendant in error.

No. 12.—The Northern Pacific Railroad Company, plaintiff in error *v.* Junius G. Sanders et al. Reargued by Mr. A. B. Browne for the plaintiff in error, and by Mr. W. F. Sanders and Mr. S. S. Burdett for the defendants in error.

No. 563.—The Interstate Commerce Commission, appellant, *v.* The Alabama Midland Railway Company et al. Argument commenced by Mr. L. A. Shaver for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 15, will be as follows: Nos. 563, 539, 214, 215, 216, 219, 221, 222, 223 (and 224, 225 and 226) and 227.





## SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 15, 1897.

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

Cornelius Hardy, of Ardmore, Ind. T., and George Turner, of Spokane, Wash., were admitted to practice.

No. 111.—The Grand Lodge of the State of Louisiana, F. & A. Masons, plaintiff in error, *v.* The City of New Orleans. In error to the supreme court of the State of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice Brown.

No. 641.—Thomas Allen, plaintiff in error, *v.* The State of Georgia. In error to the supreme court of the State of Georgia. Judgment affirmed with costs. Opinion by Mr. Justice Brown.

No. 12, Original.—*Ex parte*: In the matter of C. and A. Potts & Co., petitioners. Ordered: That unless an application for leave to file a petition for a rehearing in the case of C. and A. Potts & Co. *v.* Frank F. Creager et al. shall be made within twenty days, and shall, upon consideration, be granted by this court, an order will be entered that the writ of mandamus issue as prayed for. Opinion by Mr. Justice Gray.

No. 462.—The Henderson Bridge Company, plaintiff in error, *v.* The Commonwealth of Kentucky. In error to the court of appeals of the State of Kentucky. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice White, Mr. Justice Field, Mr. Justice Harlan and Mr. Justice Brown.

No. 586.—Levi C. Weir, president of Adams Express Company, appellant, *v.* L. C. Norman, auditor of public accounts of Kentucky. Appeal from the circuit court of the United States for the district of Kentucky. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice White, Mr. Justice Field, Mr. Justice Harlan and Mr. Justice Brown.

Nos. 337 and 338.—Henry Sanford, president of the Adams Express Company, appellant, *v.* Ebenezer W. Poe, auditor of the State of Ohio, et al.;

No. 339.—James C. Fargo, president of the American Express Company, appellant, *v.* Ebenezer W. Poe, auditor of the State of Ohio, et al.;

No. 340.—Thomas C. Platt, president of the United States Express Company, appellant, *v.* Ebenezer W. Poe, auditor of the State of Ohio, et al.;

No. 398.—Clarence A. Seward, vice-president of the Adams Express Company, appellant, *v.* Ebenezer W. Poe, auditor of the State of Ohio;

No. 399.—James C. Fargo, president of the American Express Company, appellant, *v.* Ebenezer W. Poe, auditor of the State of Ohio;

No. 400.—Thomas C. Platt, president of the United States Express Company, appellant, *v.* Ebenezer W. Poe, auditor of the State of Ohio;

No. 469.—The American Express Company, plaintiff in error, *v.* The State of Indiana;

No. 470.—The Adams Express Company, plaintiff in error, *v.* The State of Indiana; and

No. 471.—The United States Express Company, plaintiff in error, *v.* The State of Indiana. Petition for rehearing denied. Opinion by Mr. Justice Brewer.

No. 15, Original.—*Ex parte*: In the matter of Gustave Alix, master, etc., petitioner. Petition for writ of prohibition denied. Opinion by Mr. Chief Justice Fuller.

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

No. 503.—E. J. Peck and Leo Simmons, trustees, plaintiffs in error, *v.* Daniel Birtwell. Motion to advance denied.

No. 724.—The United States, petitioner, *v.* The Buffalo Natural Gas Fuel Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 728.—The Missouri, Kansas and Texas Trust Company, petitioner, *v.* Theodore M. Krumseig et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit granted.

No. 733.—The Interstate Commerce Commission, appellant, *v.* The Cincinnati, New Orleans and Texas Pacific Railway Company et al. Motion to advance granted, and cause assigned for argument on the 22d instant after the cases already set down for that day.

No. 146.—T. H. Rhodes, plaintiff in error, *v.* The State of Iowa. Restored to the docket for oral argument.

No. 70.—The Northern Pacific Railroad Company, plaintiff in error, *v. Leonard P. Colburn*. Motion on behalf of the United States to set aside the judgment herein denied.

No. 626.—Hoke Smith, Secretary of the Department of the Interior, et al., appellants, *v. Jefferson Reynolds, etc.* Appeal from the court of appeals of the District of Columbia. Decree reversed on the authority of *Warner Valley Stock Company v. Hoke Smith, Secretary, etc., et al.*, 165 U. S., 28, each party to pay their own costs in this court, and cause remanded to the said court of appeals, with directions to reverse the decree of the supreme court of the District of Columbia and remand the cause to that court with directions to dismiss the bill, with costs, for want of proper parties.

No. 345.—Adam S. B. Baker, plaintiff in error, *v. John Brickell*. In error to the supreme court of the State of California. Dismissed for want of jurisdiction on the authority of *San Francisco v. Itsell*, 133 U. S., 65; *Bacon v. Texas*, 163 U. S., 207, 227, and cases cited.

No. 346.—Fairfax H. Wheelan, administrator, etc., plaintiff in error, *v. John Brickell*. In error to the supreme court of the State of California. Dismissed for want of jurisdiction on the authority of *California v. Holladay*, 159 U. S., 415, 417; *Bacon v. Texas*, 163 U. S., 207, 227, and cases cited.

No. 681.—The Brooklyn and New York Ferry Company, plaintiff in error, *v. Katie J. McMahon*, administratrix, etc. In error to the supreme court of the State of New York. Dismissed for the want of jurisdiction on the authority of *Missouri v. Andriano*, 138 U. S., 496.

No. 701.—The United States, petitioner, *v. The Steamer Three Friends, etc.* Mandate granted on motion of Mr. Attorney General McKenna for the petitioner.

No. 24.—Ana J. Dominguez de Guyer et al., plaintiffs in error, *v. William Banning*. Leave granted to Mr. Solicitor General Conrad to file brief herein in behalf of the United States within ten days, and to counsel to file reply thereto within ten days thereafter.

No. 706.—The United States, appellant, *v. Numa Raymond et al.* Appeal from the Court of Private Land Claims. Dismissed on motion of Mr. Solicitor General Conrad for the appellant.

No. 211.—The Spokane Falls and Northern Railway Company, plaintiff in error, *v. W. H. Ziegler*. Leave granted to Mr. George Turner to file brief herein on behalf of the defendant in error within ten days.

No. 722.—The Burdon Central Sugar Refining Company et al., appellants, *v. Jacob M. Payne et al.* Motion to advance submitted by Mr. John S. Blair for the appellants.

No. 747 and 748.—E. H. R. Green, petitioner, *v.* The Farmers' Loan and Trust Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. C. W. Ogden for the petitioner.

No. 104.—Henry M. Rector, appellant, *v.* Edward Fitzgerald. Motion to vacate decree of dismissal and to restore case to the docket submitted by Mr. Robert A. Howard in behalf of counsel for the appellant, and by Mr. S. W. Williams in opposition thereto.

No. 537.—Leander C. Goodsell, plaintiff in error, *v.* The Delta and Pine Land Company et al. Motion to dismiss submitted by Mr. J. Hubley Ashton, in behalf of Mr. Frank Johnston, for support of motion, and by Mr. T. B. Catron in opposition thereto.

No. 615.—Caroline M. Forsyth, appellant, *v.* The City of Hammond et al. Leave to file suggestions as to Indiana legislative records since argument of this case granted on motion of Mr. Frederic D. McKenny in behalf of counsel for the appellees.

No. 645.—The Louisville Trust Company, appellant, *v.* The Louisville, New Albany and Chicago Railway Company; and

No. 646.—The Louisville Banking Company, appellant, *v.* The Louisville, New Albany and Chicago Railway Company. Motion by appellee to direct the circuit court of the United States for the district of Kentucky, sitting at Louisville, to vacate an order entered by it on the 14th day of November, 1896, submitted by Mr. George W. Kretzinger, Mr. E. C. Field and Mr. James S. Pirtle for the appellee.

No. 563.—The Interstate Commerce Commission, appellant, *v.* The Alabama Midland Railway Company et al. Argument continued by Mr. L. A. Shaver for the appellant, and by Mr. Ed Baxter for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 16, will be as follows: Nos. 563, 539, 214, 215, 216, 219, 221, 222, 223 (and 224, 225 and 226) and 227.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 16, 1897.

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

Alex. Hadden, of Cleveland, Ohio, was admitted to practice.

No. 563.—The Interstate Commerce Commission, appellant, *v.* The Alabama Midland Railway Company et al. Leave granted to Mr. Ed. Baxter to file supplemental brief herein on behalf of the appellees. Argument concluded by Mr. Assistant Attorney General Whitney for the appellant.

No. 539.—The Interstate Commerce Commission, appellant, *v.* The Detroit, Grand Haven and Milwaukee Railway Company. Argued by Mr. Assistant Attorney General Whitney for the appellant and by Mr. Harrison Gear for the appellee.

No. 214.—The City Railway Company, appellant, *v.* The Citizens' Street Railroad Company. Argument commenced by Mr. Addison C. Harris for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 17, will be as follows: Nos. 214, 215, 216, 219, 221, 222, 223 (and 224, 225 and 226), 227, 228 and 135.



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 17, 1897.

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

George G. Reynolds, of Brooklyn, N. Y., and Frank D. Lewis, of Riverside, Cal., were admitted to practice.

No. 214.—The City Railway Company, appellant, *v.* The Citizens' Street Railroad Company. Argument continued by Mr. Addison C. Harris for the appellant, by Mr. P. C. Knox and Mr. Benjamin Harrison for the appellee, and concluded by Mr. Addison C. Harris for the appellant.

No. 215.—The Alaska Treadwell Gold Mining Company, plaintiff in error, *v.* Patrick Whelan. Submitted by Mr. T. Z. Blakeman for the plaintiff in error and by Mr. Oscar Foote for the defendant in error.

No. 216.—The Long Island Water Supply Company, plaintiff in error, *v.* The City of Brooklyn. Argument commenced by Mr. John F. Dillon for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 18, will be as follows: Nos. 216, 219, 221, 222, 223 (and 224, 225 and 226), 227, 228, 135, 229 and 230.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 18, 1897.

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

Frederick I. Pearsall, of Brooklyn, N., Y.; Mahlon Pitney, of Morristown, N. J., and Wallace McCamant, of Portland, Oreg., were admitted to practice.

No. 746.—Joseph A. Iasigi, appellant, *v.* John E. Van de Carr, warden, etc. Advanced and assigned for argument on Monday, the 22d instant, on motion of Mr. David Keane for the appellant. Motion to admit appellant to bail submitted by Mr. David Keane in support of motion and by Mr. John D. Lindsay in opposition thereto.

No. 216.—The Long Island Water Supply Company, plaintiff in error, *v.* The City of Brooklyn. Argument continued by Mr. A. G. McDonald and Mr. George G. Reynolds for the defendant in error, and concluded by Mr. B. F. Tracy for the plaintiff in error.

No. 219.—The City of St. Louis, plaintiff in error, *v.* The Western Union Telegraph Company. Argument commenced by Mr. W. C. Marshall for the plaintiff in error, and continued by Mr. John F. Dillon for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 19, will be as follows: Nos. 219, 221, 222, 223 (and 224, 225 and 226), 227, 228, 135, 229, 230 and 231.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 19, 1897.

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

Hugh T. Mathers, of Sidney, Ohio; Louis Hamtch, of Superior, Wis., and Louis K. Hull, of Minneapolis, Minn., were admitted to practice.

No. 210.—J. Harrison Johnson, appellant, *v.* The Baltimore and Potomac Railroad Company. Appeal from the court of appeals of the District of Columbia. Dismissed per stipulation.

No. 219.—The City of St. Louis, plaintiff in error, *v.* The Western Union Telegraph Company. Argument continued by Mr. Eleneious Smith for the defendant in error, and concluded by Mr. W. C. Marshall for the plaintiff in error.

No. 221.—The F. G. Oxley Stave Company et al., plaintiffs in error, *v.* The County of Butler et al. Argued by Mr. Isaac H. Lionberger for the plaintiffs in error, and by Mr. F. M. Estes and Mr. John F. Dillon for the defendants in error.

No. 222.—Herman Zadig et al., plaintiffs in error, *v.* Ida B. Baldwin. Argued by Mr. Edmund Tauszky for the plaintiffs in error, and submitted by Mr. T. C. Van Ness for the defendant in error. Leave granted to Mr. Tauszky to file an additional brief within two days.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 22, will be as follows: Nos. 746, 733, 223 (and 224, 225 and 226), 227, 228, 135, 229, 230, 231 and 232.

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## SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 22, 1897.

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

Harlan Cleveland, of Cincinnati, Ohio; Frank H. Jones, of Springfield, Ill.; Marion De Vries, of Stockton, Cal.; Gregory L. Smith, of Mobile, Ala.; Chauncey P. Rogers, jr., of Corry, Pa., and William R. Leaken, of Savannah, Ga., were admitted to practice.

No. 67.—The United States, appellant, *v.* The Trans-Missouri Freight Association et al. Appeal from the United States circuit court of appeals for the eighth circuit. Decree of the said United States circuit court of appeals and of the circuit court of the United States for the district of Kansas reversed and cause remanded to the said circuit court for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice White, Mr. Justice Field, Mr. Justice Gray and Mr. Justice Shiras.

No. 102.—The Panama Railroad Company, appellant, *v.* The Napier Shipping Company, Limited. On writ of certiorari to the United States circuit court of appeals for the second circuit. Decree of the circuit court of the United States for the southern district of New York of July 7, 1891, affirmed, with costs to the respondent, and cause remanded to said court with directions to dismiss the libel with costs. Opinion by Mr. Justice Brown.

No. 196.—A. H. Nelson et al., plaintiffs in error, *v.* Richard Flint. Ordered that John M. Cannon, administrator of A. H. Cannon, deceased, be made a party plaintiff in error herein, the death of said A. H. Cannon having been heretofore suggested.

No. 196.—A. H. Nelson et al., plaintiffs in error, *v.* Richard Flint. In error to the supreme court of the Territory of Utah. Judgment affirmed, with costs, and 10 per cent damages, and cause remanded to the supreme court of the State of Utah. Opinion by Mr. Justice Brewer.

No. 155.—Margaret M. Gibson, appellant, *v.* the United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Chief Justice Fuller.

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

No. 104.—Henry M. Rector, appellant, *v.* Edward Fitzgerald. Motion to vacate decree of dismissal denied.

No. 537.—Leander C. Goodsell, plaintiff in error, *v.* The Delta and Pine Land Company et al. In error to the supreme court of the State of Mississippi. Dismissed for the want of jurisdiction on the authority of *Bacon v. Texas*, 163 U. S., 207, 227; *Railway Company v. Chicago*, 164 U. S., 454; *Missouri v. Andriano*, 138 U. S., 496; *Railroad Company v. Plainview*, 143 U. S., 390; *Evers v. Watson*, 156 U. S., 527, and other cases.

No. 722.—The Burdon Central Sugar Refining Company et al., appellants, *v.* Jacob U. Payne et al. Motion to advance granted and cause advanced as under rule 32, to be taken on printed briefs on or before the second Monday of April.

Nos. 747 and 748.—E. H. R. Green, petitioner, *v.* The Farmers' Loan and Trust Company et al. Petition for writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 746.—Joseph A. Iasigi, appellant, *v.* John E. Van De Carr, Warden, etc. Motion to admit appellant to bail denied.

No. 45.—The United States, appellant, *v.* Earl B. Coe. Restored to the docket for reargument.

No. 645.—The Louisville Trust Company, appellant, *v.* The Louisville, New Albany and Chicago Railway Company; and

No. 646.—The Louisville Banking Company, appellant, *v.* The Louisville, New Albany and Chicago Railway Company. The circuit court of the United States for the district of Kentucky, sitting at Louisville, directed to vacate the orders dismissing the bills on appellee giving bond in such penalty, with such sureties, and so conditioned as that court shall deem fit in the premises.

No. 232.—The United States, appellant, *v.* Simon Goldenberg et al. Passed on motion of Mr. Assistant Attorney-General Whitney for the appellant.

No. 749.—Elverton R. Chapman, petitioner, *v.* The United States. Petition for a writ of certiorari to the court of appeals of the District of Columbia, submitted by Mr. George F. Edmunds, Mr. J. M. Wilson, and Mr. A. J. Dittenhoefer for the petitioner.

No. 755.—George W. Russ, petitioner, *v.* Count Joseph Telfener. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit, submitted by Mr. Joseph Wheeler and Mr. Clarence H. Miller in support of the petition and by Mr. J. L. Peeler in opposition thereto.

No. 750.—The Republican Mining Company, petitioner, *v.* The Tyler Mining Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. W. B. Heyburn for the petitioner.

No. 573.—The Boston Safe Deposit and Trust Company, appellant, *v.* Grant Wilkins et al. Motion to advance submitted by Mr. Henry B. Tompkins for the appellant.

No. 754.—Allexey W. Von Schmidt, petitioner, *v.* A. B. Bowers. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. M. A. Wheaton and Mr. F. J. Kierce in support of petition. On motion of Mr. William A. Maury leave granted to counsel for respondent to file brief in opposition to petition within ten days.

No. 751.—The National Safe Deposit, Savings and Trust Company, administrator, etc., plaintiff in error, *v.* William G. Sterett et al. In error to the court of appeals of the District of Columbia. Dismissed with costs, and mandate granted on motion of Mr. R. Ross Perry for the plaintiff in error.

No. —, Original.—*Ex parte*: In the matter of Joseph T. H. Hall, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. Edwin Forrest for petitioner.

No. 14, Original.—*Ex parte*: In the matter of Edward Eckart, petitioner. Submitted by Mr. Rublee A. Cole for the petitioner and by Mr. W. H. Mylrea for the respondent.

No. 16, Original.—*Ex parte*: In the matter of Phillip Hien, petitioner. Argued by Mr. W. H. Singleton for the petitioner and by Mr. W. A. Megrath (by special leave) for the respondent.

No. 746.—Joseph A. Iasigi, appellant, *v.* John E. Van De Carr, warden, etc. Argued by Mr. F. R. Coudert, jr., for the appellant and by Mr. John D. Lindsay for the appellee.

No. 733.—The Interstate Commerce Commission, appellant, *v.* The Cincinnati, New Orleans and Texas Pacific Railway Company et al. Argument commenced by Mr. Harlan Cleveland for the appellant and continued by Mr. Ed. Baxter for the appellees.

The day call for Tuesday, March 23, will be as follows: Nos. 733, 223 (and 224, 225 and 226), 227, 228, 135, 229, 230, 231, 233 and 234.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 23, 1897.

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

Charles H. Lovell, of San Francisco, Cal.; Wilson R. Gay, of Seattle, Wash.; Andrew Faulk Burleigh, of Seattle, Wash.; John K. Brown, of Seattle, Wash.; Walter Allen Jones, of Wallace, Idaho, and Harold Preston, of Seattle, Wash., were admitted to practice.

No. 11, Original.—*Ex parte*: In the matter of Elverton R. Chapman, petitioner. Ordered to be placed at the head of the call for to-morrow.

No. 733.—The Interstate Commerce Commission, appellant, *v.* The Cincinnati, New Orleans and Texas Pacific Railway Company et al. Argument continued by Mr. Ed. Baxter for the appellees, and concluded by Mr. George F. Edmunds for the appellant.

No. 223.—The National Bank of Commerce of Seattle, plaintiff in error, *v.* The City of Seattle et al.;

No. 224.—The Seattle National Bank of Seattle, plaintiff in error, *v.* The City of Seattle et al.;

No. 225.—The Puget Sound National Bank of Seattle, plaintiff in error, *v.* The City of Seattle et al.; and

No. 226.—The Washington National Bank of Seattle, plaintiff in error, *v.* The County of King, State of Washington, et al. Argued by Mr. Harold Preston for the plaintiffs in error, and by Mr. A. F. Burleigh for the defendants in error in No. 226, and Mr. John K. Brown for the defendants in error in Nos. 223, 224 and 225.

No. 227.—A. B. Roff, plaintiff in error, *v.* Louisa Burney, as administratrix. Continued per stipulation.

No. 228.—The American Harrow Company, appellant, *v.* John B. Shaffer, commissioner of revenue, et al. Argument commenced by Mr. F. S. Blair for the appellant, and continued by Mr. R. Taylor Scott for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 24, will be as follows: Nos. 228, 11 (original), 135, 229, 230, 231, 233, 234, 238, 239 and 240.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 24, 1897.

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

Hosea Morrill Knowlton, of New Bedford, Mass., and Emerson Hadley, of St. Paul, Minn., were admitted to practice.

No. 228.—The American Harrow Company, appellant, *v.* John B. Shaffer, commissioner of revenue, et al. Argument continued by Mr. R. Taylor Scott for the appellees, and concluded by Mr. F. S. Blair for the appellant.

No. 11, Original.—*Ex parte*: In the matter of Elverton R. Chapman, petitioner. Argued by Mr. George F. Edmunds and Mr. A. J. Dittenhoefer for the petitioner and by Mr. Solicitor General Conrad for the respondent.

No. 135.—William H. Moses et al., administrators, etc., plaintiffs in error, *v.* The United States. Reargument commenced by Mr. William F. Mattingly for the plaintiffs in error and continued by Mr. Solicitor General Conrad for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 25, will be as follows: Nos. 135, 229, 230, 231, 233, 234, 238, 239, 240 and 241.



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 25, 1897.

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

Charles Dick and George W. Siever, of Akron, Ohio; Henry Purcell, of Watertown, N. Y.; Alexander L. Smith, of Toledo, Ohio, and J. B. Ferguson, of Enid, Okla., were admitted to practice.

No. 241.—Levi S. Whitfield, plaintiff in error, *v.* The United States. Passed.

No. 135.—William H. Moses et al., administrators, etc., plaintiffs in error, *v.* The United States. Reargument continued by Mr. Solicitor General Conrad for the defendant in error, and concluded by Mr. W. L. Cole for the plaintiffs in error.

No. 229.—William F. Davis, plaintiff in error, *v.* The Commonwealth of Massachusetts. Argued by Mr. Hosea M. Knowlton for the defendant in error, and submitted by Mr. James F. Pickering for the plaintiff in error.

No. 230.—Robert H. Hunt et al., plaintiffs in error, *v.* The United States. Submitted by Mr. Hugh C. Ward for the plaintiffs in error, with leave to counsel for the defendant in error to file brief within one week.

No. 231.—J. E. Tindal et al., plaintiffs in error, *v.* Edward B. Wesley. Argued by Mr. William A. Barber for the plaintiffs in error, and by Mr. William H. Lyles for the defendant in error.

No. 233.—George W. Sentell, jr., plaintiff in error, *v.* The New Orleans and Carrollton Railroad Company. Submitted by Mr. George Denegre for the plaintiff in error, and by Mr. Henry P. Dart for the defendant in error.

No. 234.—The United States, appellant, *v.* Clarence R. Greathouse. Argued by Mr. Assistant Attorney General Dodge for the appellant, and by Mr. John C. Fay for the appellee.

No. 239.—The Wabash Railroad Company, plaintiff in error, *v.* The City of Defiance. Argument commenced by Mr. Alexander L. Smith for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 26, will be as follows: Nos. 239, 238, 240, 242, 243, 244, 245, 246, 247 and 248.



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 26, 1897.

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

No. 746.—Joseph A. Iasigi, appellant, *v.* John E. Van De Carr, warden, etc. Leave granted to counsel for appellant to file supplemental brief herein and to counsel for the appellee to file reply within five days, on motion of Mr. Joseph Kling for the appellant.

No. 238.—George F. Underhill, plaintiff in error, *v.* Jose Manuel Hernandez. Passed on account of sickness of counsel, subject to the provisions of section 9, rule 26, on motion of Mr. Joseph Kling for the defendant in error.

No. 243.—Daniel Hamer, tax collector, etc., appellant, *v.* County of Weber. Appeal from the supreme court of the Territory of Utah. Dismissed with costs pursuant to the tenth rule, and cause remanded to the supreme court of the State of Utah.

No. 244.—Daniel Hamer, appellant, *v.* Weber County et al. Appeal from the supreme court of the Territory of Utah. Dismissed with costs pursuant to the tenth rule, and cause remanded to the supreme court of the State of Utah.

No. 239.—The Wabash Railroad Company, plaintiff in error, *v.* The City of Defiance. Argument continued by Mr. W. H. Hubbard for the defendant in error, and concluded by Mr. Henry Newbegin for the plaintiff in error.

No. 240.—Morris L. Gladson, plaintiff in error, *v.* The State of Minnesota. Argued by Mr. Emerson Hadley for the plaintiff in error, and by Mr. H. W. Childs for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 29, will be as follows: Nos. 242, 245, 246, 247, 248, 249, 250, 251, 252 and 253.



## SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 29, 1897.

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

William W. Wright, jr., of Washington, D. C.; Arthur J. Eddy, of Chicago, Ill.; William F. Herrin, of San Francisco, Cal., and Walter Bates Farr, of Boston, Mass., were admitted to practice.

No. 163.—The Oceanic Steam Navigation Company, claimant, etc., appellants, *v.* Grace Howard Potter et al. On writ of certiorari to the United States circuit court of appeals for the second circuit. Order of United States circuit court of appeals modifying the decree of the district court of the United States for the southern district of New York reversed, and decree of said district court affirmed with costs and cause remanded to said district court. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced that the court would take a recess from Monday, April 12, to Monday, April 19. The Chief Justice also announced the following orders of the court:

No. 573.—The Boston Safe Deposit and Trust Company, appellants, *v.* Grant Wilkins et al. Motion to advance denied, but leave given to submit the cause on printed briefs on or before the second Monday of April, if counsel shall be so advised.

No. 750.—The Republican Mining Company, petitioner, *v.* The Tyler Mining Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 755.—George W. Russ, petitioner, *v.* Count Joseph Telfener. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. —, Original.—*Ex parte*: In the matter of Joseph T. H. Hall, petitioner. Motion for leave to file petition for a writ of mandamus granted, and rule to show cause awarded returnable on the first Monday (5th) of April next.



No. 228.—The American Harrow Company, appellant, *v.* Joseph B. Shaffer, commissioner, etc., et al. Appeal from the circuit court of the United States for the western district of Virginia. Dismissed for the want of jurisdiction.

No. 587.—N. S. Swenson, plaintiff in error, *v.* Russell Sage, assignee, etc. Motion to dismiss submitted by Mr. Solicitor General Conrad for the United States in support of motion, and by Mr. Moses E. Clapp for the plaintiff in error, and Mr. A. T. Britton and Mr. A. B. Browne for the defendant in error in opposition thereto.

No. 742.—The United States, appellant, *v.* The American Tobacco Co., etc. Submitted pursuant to the twentieth rule by Mr. C. W. Needham and Mr. John B. Cotton for the appellee, with leave to Mr. Assistant Attorney General Dodge for the appellant to file brief hereafter.

No. 248.—The Central National Bank of Boston et al., plaintiffs in error, *v.* Aaron R. Stevens et al. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. Walter Bates Farr in behalf of counsel.

No. 763.—John Claffin, petitioner, *v.* Theodore A. Tuttle, trustee. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Edmund Wetmore and Mr. Charles W. Gould for the petitioner, with leave to Mr. B. F. Lee to file brief in opposition within five days.

No. —, Original.—*Ex parte*: In the matter of the Johnson Company, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. John C. Pennie for the petitioner.

No. 730.—Mary S. Chaplin, appellant, *v.* The United States ;

No. 731.—Henrietta Fuller et al., appellants, *v.* The United States; and

No. 743.—The United States, appellant, *v.* Mary W. Kidder et al. Motions to advance submitted by Mr. James Lowndes in support of motions.

No. 251.—The Western Union Telegraph Company, plaintiff in error, *v.* Jeb S. Howell. In error to the supreme court of the State of Georgia. Dismissed with costs pursuant to the tenth rule.

No. 242.—The American Publishing Company, plaintiff in error, *v.* A. Fisher et al. Argued by Mr. J. M. Wilson for the plaintiff in error, and by Mr. J. L. Rawlins for the defendants in error.

No. 245.—I. R. Parsons, plaintiff in error, *v.* The State of Missouri. Submitted by Mr. J. E. Craig for plaintiff in error. No brief filed for the defendant in error.

No. 246.—The Texas and Pacific Railway Company, plaintiff in error, *v.* Henry D. Cody. Argued by Mr. D. D. Duncan for the plaintiff in

error, and submitted by Mr. E. B. Kruttschmitt, Mr. Edgar H. Farrar, Mr. B. F. Jonas and Mr. Thomas F. West for the defendant in error.

No. 247.—The Texas and Pacific Railway Company, plaintiff in error, *v.* William K. Barrett. Argued by Mr. D. D. Duncan for the plaintiff in error, and submitted by Mr. A. H. Garland and Mr. R. C. Garland for the defendant in error.

No. 249.—William W. Brauer et al., appellants, *v.* Compania de Navigacion La Flecha. Argument commenced by Mr. Wilhelmus Mynderse for the appellee, and continued by Mr. William W. MacFarland for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 30, will be as follows: Nos. 249, 250, 252, 253, 254, 255, 256, 258, 260 and 261.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 30, 1897.

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

Francis M. Scott, of New York City, was admitted to practice.

No. 254.—*Ex parte*: In the matter of James Lennon, appellant. Submitted by Mr. G. M. Barber, Mr. F. H. Hurd and Mr. Walter H. Smith for the appellant, and by Mr. George C. Greene for the Lake Shore and Michigan Southern Railway Company.

No. 260.—William H. Whitehill, appellant, *v.* George A. Meeers et al. Appeal from the supreme court of the Territory of Utah. Dismissed with costs pursuant to the tenth rule and cause remanded to the supreme court of the State of Utah.

No. 249.—William W. Brauer et al., appellants, *v.* Compania de Navegacion La Fleeha. Argument continued by Mr. William W. MacFarland for the appellant and concluded by Mr. Wilhelmus Mynderse for the appellee.

No. 250.—Edwin D. Carter, plaintiff in error, *v.* Charles Ruddy et al. Submitted by Mr. J. R. McBride, Mr. Albert Allen and Mr. W. B. Heyburn for the plaintiff in error, and by Mr. Edgar Wilson for the defendants in error.

No. 252.—Alonzo W. Allen, plaintiff in error, *v.* Andrew J. Culp. Argued by Mr. George Bradford Carr for the defendant in error, and submitted by Mr. Hector T. Fenton for the plaintiff in error.

No. 253.—The Washington and Georgetown Railroad Company et al., plaintiffs in error, *v.* Margaret L. Hiekey et al. Argument commenced by Mr. Samuel Maddox for the Baltimore and Potomac Railroad Company, continued by Mr. M. J. Colbert and Mr. George E. Hamilton for the defendants in error, and concluded by Mr. W. D. Davidge for the Washington and Georgetown Railroad Company.

No. 255.—Charles E. Hovey, as survivor, etc., plaintiff in error, *v.* George Elliott et al., executors, etc. Argument commenced by Mr. Everett P. Wheeler for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 31, will be as follows: Nos. 255, 256, 258, 261, 262, 263, 265, 266, 267 and 268.



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 31, 1897.

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

James A. Walker, of Wytheville, Va., and Henry Lane Stone, of Louisville, Ky., were admitted to practice.

No. 274.—Brooke Mackall, appellant, *v.* Westel Willoughby. Passed to be heard with No. 281 as one case, and on the record in that case, on motion of Mr. Henry E. Davis for the appellant.

No. 262.—The Little Rock and Fort Smith Railway, plaintiff in error, *v.* John S. Renfroe. In error to the supreme court of the State of Arkansas. Dismissed with costs pursuant to the tenth rule.

No. 263.—John Knight, plaintiff in error, *v.* the International and Great Northern Railway Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit dismissed for want of prosecution.

No. 255.—Charles E. Hovey, as survivor, etc., plaintiff in error, *v.* George Elliott et al., executors, etc. Argument continued by Mr. Everett P. Wheeler for the plaintiff in error, by Mr. John Selden for the defendant in error, and concluded by Mr. A. S. Worthington for the plaintiff in error.

No. 256.—The St. Joseph and Grand Island Railroad Company, appellant, *v.* R. M. Steele, sheriff, etc. Argument commenced by Mr. John M. Thurston for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 1, will be as follows: Nos. 256, 258, 261, 265, 266, 267, 268, 269, 270 and 271.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 1, 1897.

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

No. 765.—The United States, appellant, *v.* The Joint Traffic Association et al. Motion to advance submitted by Mr. Solicitor General Conrad for the appellant.

No. 270.—Lewis E. Parsons, jr., appellant, *v.* The United States. Passed on motion of Mr. Solicitor General Conrad for the appellant.

No. 256.—The St. Joseph and Grand Island Railroad Company, appellant, *v.* R. M. Steele, sheriff, etc. Argument continued by Mr. John M. Thurston for the appellant, by Mr. P. L. Soper and Mr. J. H. Gillpatrick for the appellee, and concluded by Mr. John M. Thurston for the appellant.

No. 258.—The Electric Company, plaintiff in error, *v.* Joseph A. Dow, administrator, etc. Submitted by Mr. H. E. Loveren for the plaintiff in error, and by Mr. Henry M. Baker for the defendant in error.

No. 261.—The Louisville and Nashville Railroad Company, plaintiff in error, *v.* The City of Louisville. Argued by Mr. Helm Bruce for the plaintiff in error, and by Mr. Henry L. Stone for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 2, will be as follows: Nos. 265, 266, 267, 268, 269, 271, 272, 273, 276 and 277.



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 2, 1897.

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

No. 12, Original.—*Ex parte*: In the matter of C. & A. Potts & Co., petitioners. Motion for leave to file petition herein for leave to file petition for rehearing in lower court granted on motion of Mr. Charles B. Tilden in behalf of counsel for the respondent.

No. 277.—The Mayor, etc., of the city of Annapolis, plaintiff in error, *v.* Harry M. Revell et al. In error to the court of appeals of the State of Maryland. Dismissed with costs pursuant to the tenth rule.

No. 265.—John H. Stone, plaintiff in error, *v.* the United States. Submitted by Mr. John R. McBride and Mr. Charles W. Bunn for the plaintiff in error, and by Mr. Solicitor General Conrad for the defendant in error.

No. 266.—Edward E. O'Brien, appellant, *v.* Brice Alan Miller et al. Argued by Mr. Wilhelmus Mynderse for the appellees, and by Mr. Sidney Chubb for the appellant.

No. 268.—H. C. Cross et al., receivers, etc., et al., plaintiffs in error, *v.* J. M. Evans. Argued by Mr. Rush Taggart for the defendant in error, and submitted by Mr. James Hagerman and Mr. F. C. Dillard for the plaintiffs in error.

No. 269.—William May, trustee, et ux., appellants, *v.* Sarah Maria May et al. Argument commenced by Mr. W. D. Davidge for the appellants.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 5, will be as follows: Nos. 269, 310, (and 311 and 312), 267, 270, 271, 272, 273, 276, 278 and 279 (and 299).



## SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 5, 1897.

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

John S. Little, of Greenwood, Ark.; William H. H. Clayton, of Fort Smith, Ark.; Thomas H. Malone, of Nashville, Tenn.; L. E. Parsons, of Birmingham, Ala.; N. A. Acker, of San Francisco, Cal., and H. C. Bell, of Marshall, Ill., were admitted to practice.

No. 170.—Joaquin Martin, plaintiff in error, *v.* The Atchison, Topeka and Santa Fe Railroad Company. In error to the supreme court of the Territory of New Mexico. Judgment affirmed with costs. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Harlan.

No. 219.—The City of St. Louis, plaintiff in error, *v.* The Western Union Telegraph Company. In error to the circuit court of the United States for the eastern district of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Shiras.

No. 28.—The Cunard Steamship Company, appellant, *v.* Cyprien Fabre, manager, etc. On writ of certiorari to the United States circuit court of appeals for the second circuit. Decree of the district court of the United States for the eastern district of New York of January 13, 1890, with respect to the question of liability, affirmed with costs, and cause remanded to said district court with directions to enter a new decree in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 746.—Joseph A. Iasigi, appellant, *v.* John E. Van De Carr, warden, etc. Appeal from the district court of the United States for the southern district of New York. Order affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 374.—Alexander S. Hooe, jr., et al., plaintiffs in error, *v.* Hugh Jamieson et al. In error to the circuit court of the United States for the western district of Wisconsin. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 373.—Alexander S. Hooe, jr., et al., plaintiffs in error, *v.* Jacob Werner et al. In error to the circuit court of the United States for the

eastern district of Wisconsin. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

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

No. 516.—Tla-Koo-Yel-lee, plaintiff in error, *v.* The United States. Leave granted counsel to submit briefs on the question of jurisdiction of this court within two weeks.

No. 754.—Allexey W. Von Schmidt, petitioner, *v.* A. B. Bowers. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 587.—N. S. Swenson, plaintiff in error, *v.* Russell Sage, assignee. Motion to dismiss continued with leave to the United States and to each of the parties to take proofs by deposition on notice.

No. 730.—Mary S. Chaplin, appellant, *v.* The United States;

No. 731.—Henrietta Fuller et al., appellants, *v.* The United States; and

No. 743.—The United States, appellant, *v.* Mary W. Kidder et al. Motions to advance denied.

No. —, Original.—*Ex parte*: In the matter of The Johnson Company et al., petitioners. Motion for leave to file petition for a writ of mandamus denied.

No. 765.—The United States, appellant, *v.* The Joint Traffic Association 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. 245.—I. R. Parsons, plaintiff in error, *v.* The State of Missouri. In error to the supreme court of the State of Missouri. Judgment affirmed with costs, on the authority of *Emert v. Missouri*, 156 U. S., 296.

No. 109 of October Term, 1895.—James Allen, appellant, *v.* Frank J. Cannon et al. Appeal from the supreme court of the Territory of Utah. Ordered that the mandate of this court be directed to the supreme court of the State of Utah.

No. 601.—E. H. Hubbard, assignee, etc., appellant, *v.* J. Kennedy Tod et al.;

No. 718.—The Sioux City, O'Neill and Western Railway Company, appellant, *v.* The Manhattan Trust Company; and

No. 719.—The Sioux City, O'Neill and Western Railway Company et al., appellants, *v.* The Manhattan Trust Company. Motion to advance submitted by Mr. John L. Webster, Mr. George W. Wickersham, and Mr. John L. Cadwalader for the appellees in support of motion, and suggestions in reference to said motion submitted by Mr. John C. Coombs and Mr. Henry J. Taylor for the appellants.



No. 718.—The Sioux City, O'Neill and Western Railway Company, appellant, *v.* The Manhattan Trust Company; and

No. 719.—The Sioux City, O'Neill and Western Railway Company et al., appellants, *v.* The Manhattan Trust Company. Petition for writ of certiorari to bring up the entire record submitted by Mr. John C. Coombs and Mr. Henry J. Taylor for the appellants in support of petition, and by Mr. George W. Wickersham, Mr. John L. Cadwalader and Mr. John L. Webster for the appellees in opposition thereto.

No. 667.—The Bondholders and Purchasers of the Iron Railroad, appellants, *v.* The Toledo, Delphos and Burlington Railroad Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. John C. Coombs and by Mr. Charles H. Hanson for the appellants in support of petition, and by Mr. Clarence Brown for the appellees in opposition thereto.

No. 742.—The United States, appellant, *v.* The American Tobacco Company. Leave granted to file reply brief herein on or before Wednesday next on motion of Mr. John B. Cotton for the appellee.

No. 461.—The American Bell Telephone Company, appellant, *v.* The Western Union Telegraph Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. J. H. Benton, jr., and Mr. John F. Dillon for the appellees in support of the petition, and by Mr. James J. Storrow for the appellant in opposition thereto.

No. 769.—Rudolph Deimel, petitioner, *v.* Julius Stroheim et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Frank S. Bright in behalf of Mr. Hiram T. Gilbert in support of the petition, and by Mr. Levy Mayer in opposition thereto.

No. 672.—The Omaha and Council Bluffs Railway and Bridge Company of Nebraska et al., plaintiffs in error, *v.* Spencer Smith. Motion to dismiss submitted by Mr. W. S. Strawn in support of motion, and by Mr. John N. Baldwin in opposition thereto.

No. 316.—Charles P. Barrett, plaintiff in error, *v.* The United States. Continued per stipulation.

No. 324.—A. Backus, jr., & Sons et al., plaintiffs in error, *v.* The Fort Street Union Depot Company. Continued per stipulation.

No. 330.—Richard H. Fletcher, plaintiff in error, *v.* The Baltimore and Potomac Railroad Company. Continued per stipulation.

No. 269.—William May, trustee, etc., et ux., appellants, *v.* Sarah Maria May et al. Argument continued by Mr. W. D. Davidge for the appellants, by Mr. W. H. Dennis and Mr. Enoch Totten for the appellees, and concluded by Mr. W. D. Davidge for the appellants.

No. 310.—A. S. Churchill, attorney-general, et al., etc., appellants, *v.* Oliver Ames et al.;

No. 311.—A. S. Churchill, attorney-general, et al., etc., appellants, *v.* George Smith et al.; and

No. 312.—A. S. Churchill, attorney-general, et al., etc., appellants, *v.* Henry L. Higginson et al. Expiration of term of office of Churchill et al. suggested, and appearance of Constantine J. Smyth, attorney-general; W. S. Porter, secretary of state; John F. Cornell, auditor of public accounts; J. B. Meserve, State treasurer, and J. V. Wolfe, commissioner of public lands and buildings, constituting the State Board of Transportation of the State of Nebraska, and James C. Dahlman, Joseph W. Edgerton, and Gilbert L. Laws, secretaries of said board, filed and entered on motion of Mr. John L. Webster for the appellants.

No. 310.—Constantine J. Smyth, attorney-general, et al., etc., appellants, *v.* Oliver Ames et al.;

No. 311.—Constantine J. Smyth, attorney-general, et al., etc., appellants, *v.* George Smith et al.; and

No. 312.—Constantine J. Smyth, attorney-general, et al., etc., appellants, *v.* Henry L. Higginson et al. Two hours additional time to each side, and leave to three counsel to appear for appellants in the argument granted on motion of Mr. John L. Webster for appellants. Argument commenced by Mr. John L. Webster for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 6, will be as follows: Nos. 310 (and 311 and 312), 267, 270, 271, 272, 273, 276, 278, 279 (and 299) and 280.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 6, 1897.

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

H. C. Truesdale, of Minneapolis, Minn.; Thomas M. Jett, of Hillsboro, Ill., and James A. McCormick, of Syracuse, N. Y., were admitted to practice.

No. 310.—Constantine J. Smyth, attorney-general, et al., appellants, *v.* Oliver Ames et al.;

No. 311.—Constantine J. Smyth, attorney-general, et al., appellants, *v.* George Smith et al.; and

No. 312.—Constantine J. Smyth, attorney-general, et al., appellants, *v.* Henry L. Higginson et al. Argument continued by Mr. John L. Webster and Mr. William J. Bryan for the appellants and by Mr. J. M. Woolworth for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 7, will be as follows: Nos. 310 (and 311 and 312), 267, 270, 271, 272, 273, 276, 278, 279 (and 299) and 280.

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## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 7, 1897.

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

Edwin H. Peery, of Portland, Oreg., was admitted to practice.

No. 758.—John W. Baker, sheriff, etc., appellant, *v.* William Grice ;

No. 759.—John W. Baker, sheriff, etc., appellant, *v.* F. A. Austin ;

No. 760.—John W. Baker, sheriff, etc., appellant, *v.* W. E. Hawkins ;  
and

No. 761.—John W. Baker, sheriff, etc., appellant, *v.* Arthur M. Finley. Motions to advance submitted by Mr. Horace Chilton in behalf of counsel for appellant.

No. 310.—Constantine J. Smyth, attorney-general, et al., etc., appellants, *v.* Oliver Ames et al. ;

No. 311.—Constantine J. Smyth, attorney-general, et al., etc., appellants, *v.* George Smith et al. ; and

No. 312.—Constantine J. Smyth, attorney-general, et al., etc., appellants, *v.* Henry L. Higginson et al. Argument continued by Mr. James C. Carter for the appellees and concluded by Mr. John L. Webster for the appellants.

No. 267.—The Enterprise Mining Company, appellant, *v.* The Rico-Aspen Consolidated Mining Company et al. Argument commenced by Mr. R. S. Morrison for the appellees and continued by Mr. Charles H. Toll for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 8, will be as follows: Nos. 267, 271, 272, 273, 276, 278, 279 (and 299), 280, 202 and 203.



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 8, 1897.

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

No. 279.—Eloisa L. Bergere, etc., appellants, *v.* The United States et al.; and

No. 299.—The United States, appellant, *v.* Eloisa L. Bergere, etc. Submitted for No. 272 in the call on motion of Mr. Matt. G. Reynolds for the United States.

No. 272.—The United States et al., appellants, *v.* Mariano S. Otero. Appeal from the Court of Private Land Claims. Dismissed on motion of Mr. Matt. G. Reynolds for the appellants.

No. 288.—The Western Union Telegraph Company, plaintiff in error, *v.* The State of North Carolina ex rel. The Board of Railroad Commissioners et al. In error to the supreme court of the State of North Carolina. Dismissed with costs on motion of Mr. J. Hubley Ashton for the plaintiff in error.

No. 290.—The Western Union Telegraph Company, plaintiff in error, *v.* D. Kemp. In error to the supreme court of the State of Nebraska. Dismissed with costs on motion of Mr. J. Hubley Ashton for the plaintiff in error.

No. 267.—The Enterprise Mining Company, appellant, *v.* The Rico-Aspen Consolidated Mining Company et al. Argument continued by Mr. Charles H. Toll and Mr. Joel F. Vaile for the appellant and concluded by Mr. R. S. Morrison for the appellees.

No. 270.—Lewis E. Parson, jr., appellant, *v.* The United States. Argument commenced by Mr. J. A. W. Smith for the appellants and continued by Mr. Assistant Attorney General Dodge for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 9, will be as follows: Nos. 270, 271, 279 (and 299), 273, 276, 278, 280, 202, 203 and 281 (and 274).



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 9, 1897.

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

T. Tileston Wells, of New York City, was admitted to practice.

No. 270.—Lewis E. Parsons, jr., appellant, *v.* The United States. Argument continued by Mr. Assistant Attorney-General Dodge for the appellee, and concluded by Mr. L. T. Michener for the appellant.

No. 271.—Joel Parker Whitney et al., appellants, *v.* The United States et al. Argued by Mr. John H. Knæbel for the appellants, and by Mr. Matt. G. Reynolds for the appellees.

Adjourned until Monday next at 12 o'clock.

There will be no day call for Monday, April 12.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 12, 1897.

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

Richard E. Sloan, of Prescott, Ariz.; Edward C. Weaver, of Washington, D. C.; Rodolphe Claughton, of Washington, D. C.; Henry J. Weller, of Tiffin, Ohio; William C. Robinson, of Washington, D. C.; Louis B. Hasbrouck, of New York City; Stephen C. Baldwin, of New York City; J. N. Brown, of Heppner, Oreg.; Walter H. Saunders, of New Orleans, La., and Lorenzo Semple, of New York City, were admitted to practice.

No. 742.—The United States, appellant, *v.* The American Tobacco Company, for use, etc. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Peckham.

No. 38.—The First National Bank of Aberdeen, plaintiff in error, *v.* The County of Chehalis et al. In error to the supreme court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Justice Shiras. Dissenting: Mr. Justice Harlan, Mr. Justice Brown, and Mr. Justice White.

No. 223.—The National Bank of Commerce of Seattle, plaintiff in error, *v.* The City of Seattle et al.

No. 224.—The Seattle National Bank of Seattle, plaintiff in error, *v.* The City of Seattle et al.;

No. 225.—The Puget Sound National Bank of Seattle, plaintiff in error, *v.* The City of Seattle et al.; and

No. 226.—The Washington National Bank of Seattle, plaintiff in error, *v.* The County of King, State of Washington, et al. In error to the supreme court of the State of Washington. Judgments affirmed with costs. Opinion by Mr. Justice Shiras.

No. 242.—The American Publishing Company, plaintiff in error, *v.* A. Fisher et al., etc. In error to the supreme court of the Territory of Utah. Judgment reversed, with costs, and cause remanded to the supreme court of the State of Utah for further proceedings. Opinion by Mr. Justice Brewer.

No. 230.—Robert H. Hunt et al., plaintiffs in error, *v.* The United States. In error to the United States circuit court of appeals for the eighth circuit. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Gray.

No. 240.—Morris L. Gladson, plaintiff in error, *v.* The State of Minnesota. In error to the supreme court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Justice Gray. (Mr. Justice Brewer did not hear the argument and took no part in the decision of this case.)

No. 16, Original.—*Ex parte*: In the matter of Phillip Hern, petitioner. Petition for writ of mandamus denied. Opinion by Mr. Chief Justice Fuller.

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

No. 763.—John Claffin as executor, etc., et al., petitioners, *v.* Theodore A. Tuttle, trustee, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 461.—The American Bell Telephone Company, appellant, *v.* The Western Union Telegraph Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 601.—E. H. Hubbard, assignee, etc., appellant, *v.* J. Kennedy Tod et al.;

No. 718.—The Sioux City, O'Neill and Western Railway Company, appellant, *v.* The Manhattan Trust Company; and

No. 719.—The Sioux City, O'Neill and Western Railway Company et al., appellants, *v.* The Manhattan Trust Company. Motion to advance denied.

No. 667.—The Bondholders and Purchasers of the Iron Railroad, appellant, *v.* The Toledo, Delphos and Burlington Railroad Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 672.—The Omaha and Council Bluffs Railway and Bridge Company of Nebraska et al., plaintiffs in error, *v.* Spencer Smith. In error to the supreme court of the State of Iowa. Dismissed for the want of jurisdiction.

No. 718.—The Sioux City, O'Neill and Western Railway Company, appellant, *v.* The Manhattan Trust Company; and

No. 719.—The Sioux City, O'Neill and Western Railway Company et al., appellants, *v.* The Manhattan Trust Company. Petition for writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.



No. 769.—Rudolph Deimel, petitioner, *v.* Julius Stroheim et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 758.—John W. Baker, sheriff, etc., appellant, *v.* William Grice;

No. 759.—John W. Baker, sheriff, etc., appellant, *v.* F. A. Austin;

No. 760.—John W. Baker, sheriff, etc., appellant, *v.* W. E. Hawkins; and

No. 761.—John W. Baker, sheriff, etc., appellant, *v.* Arthur M. Finley. Motions to advance granted and cases assigned for argument on the second Monday of the next term after the cases already assigned for that day.

No. 12, Original.—*Ex parte*: In the matter of C. and A. Potts & Co., petitioner. Motion for leave to file a petition for rehearing in the circuit court of the United States for the southern district of Ohio in the case of C. and A. Potts & Co. *v.* Frank F. Creager, submitted by Mr. Edward Boyd and Mr. E. E. Wood in support of motion, and by Mr. Chester Bradford and Mr. E. W. Bradford in opposition thereto.

No. 766.—The Mutual Life Insurance Company, petitioner, *v.* Nellie Phinney, executrix, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Edward Lyman Short, Mr. John B. Allen, and Mr. Robert Sewall in support of petition, and by Mr. S. Warburton and Mr. A. F. Burley in opposition thereto.

No. 573.—The Boston Safe Deposit and Trust Company, appellant, *v.* Grant Wilkins et al. Submitted on motion to dismiss and on the merits, without prejudice, by Mr. Henry B. Tompkins for the appellant and by Mr. H. J. May and Mr. L. H. Spilman for the appellees.

No. 720.—Hugh Murphy, appellant, *v.* The Colorado Paving Company et al. Submitted on motion to dismiss and on the merits by Mr. C. S. Thomas, Mr. W. H. Bryant, and Mr. Frederic D. McKenney for the appellant, and by Mr. James H. Brown for the appellees.

No. 722.—The Burdon Central Sugar Refining Company et al., appellants, *v.* Jacob U. Payne et al. Submitted by Mr. John S. Blair, Mr. Walter H. Saunders, Mr. J. D. Rouse, and Mr. William Grant for the appellants, and by Mr. Charles E. Fenner for the appellees.

No. 255.—Charles E. Hovey, as survivor, etc., plaintiff in error, *v.* George Elliott et al., executors, etc., et al. Leave granted to counsel for plaintiff in error to file brief on question of jurisdiction on or before Thursday next and to counsel for defendants in error to reply, on motion of Mr. A. S. Worthington for the plaintiff in error.

No. 17, Original.—*Ex parte*: In the matter of Joseph T. H. Hall, petitioner. Submitted by Mr. Edwin Forrest for the petitioner.

No. 779.—Thomas Phillis Bryant, appellant, *v.* The United States et al. Motion to advance submitted by Mr. Lorenzo Semple for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 19, will be as follows: Nos. 279 (and 299), 273, 276, 278, 280, 202, 203, 281 (and 274), 282 and 285.



## SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 19, 1897.

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

Presley K. Ewing, of Houston, Tex.; Thomas H. Tongue, of Hillsboro, Oreg.; John F. Lewis, of Philadelphia, Pa.; J. F. Clay, of Henderson, Ky.; Samuel Williston, of Boston, Mass.; Malcolm Yeaman, of Henderson, Ky.; Thomas F. Conway, of Plattsburg, N. Y.; John W. McLoud, of South McAlester, Ind. T.; J. Hall Hitchcock, of Tecumseh, Nebr.; James W. Vroom, of Denver, Colo., and John O. H. Pitney, of Newark, N. J., were admitted to practice.

No. 135.—William H. Moses et al., administrators, etc., plaintiffs in error, *v.* The United States. In error to the court of appeals of the District of Columbia. Judgment affirmed. Opinion by Mr. Justice Peckham.

No. 253.—The Washington and Georgetown Railroad Company et al., plaintiffs in error, *v.* Margaret L. Hickey and John P. Hickey, her husband. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Peckham.

No. 14, Original.—*Ex parte*: In the matter of Edward Eckart, petitioner. Rule discharged and petition for writ of habeas corpus denied. Opinion by Mr. Justice White.

No. 222.—Herman Zadig et al., plaintiffs in error, *v.* Ida B. Baldwin. In error to the supreme court of the State of California. Dismissed for the want of jurisdiction. Opinion by Mr. Justice White.

No. 258.—The Electric Company, plaintiff in error, *v.* Joseph A. Dow, administrator, etc. In error to the supreme court of the State of New Hampshire. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Shiras.

No. 127.—Frederick L. Manson, appellant, *v.* Charles C. Duncanson. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Shiras.

No. 214.—The City Railway Company, appellant, *v.* The Citizens' Street Railroad Company. Appeal from the circuit court of the United States for the district of Indiana. Decree modified by striking out from the second paragraph the words "without regard to any limitation of time mentioned in any ordinance of the city," and also the word "forever," and as so modified affirmed with costs. Opinion by Mr. Justice Brown.

No. 254.—*Ex parte*: In the matter of James Lennon, appellant. On writ of certiorari to the United States circuit court of appeals for the sixth circuit. Decree affirmed and cause remanded to the circuit court of the United States for the northern district of Ohio. Opinion by Mr. Justice Brown.

No. 252.—Alonzo W. Allen, plaintiff in error, *v.* Andrew J. Culp. In error to the court of common pleas, No. 4, for the county of Philadelphia, State of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice Brown.

No. 250.—Edwin D. Carter, plaintiff in error, *v.* Charles Ruddy et al. In error to the United States circuit court of appeals for the ninth circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the district of Idaho. Opinion by Mr. Justice Brewer.

No. 615.—Caroline M. Forsyth, appellant, *v.* The City of Hammond et al. On writ of certiorari to the United States circuit court of appeals for the seventh circuit. Decree reversed with costs, and cause remanded to the circuit court of the United States for the district of Indiana, with directions to sustain the demurrer to the bill and dismiss the suit. Opinion by Mr. Justice Brewer.

No. 221.—The F. G. Oxley Stave Company et al., plaintiffs in error, *v.* The County of Butler et al. In error to the supreme court of the State of Missouri. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Harlan.

No. 68.—John N. Whitney, appellant, *v.* Moylan C. Fox, surviving executor, etc. Appeal from the supreme court of the Territory of Utah. Decree affirmed with costs and cause remanded to the supreme court of the State of Utah. Opinion by Mr. Justice Harlan.

No. 56.—William H. Wood, appellant, *v.* Moylan C. Fox, surviving executor, etc. Appeal from the supreme court of the Territory of Utah. Decree affirmed with costs and cause remanded to the supreme court of the State of Utah. Opinion by Mr. Justice Harlan.

No. 234.—The United States, appellant, *v.* Clarence R. Greathouse. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Harlan.

No. 12.—The Northern Pacific Railroad Company, plaintiff in error, *v. Junius G. Sanders et al.* In error to the United States circuit court of appeals for the ninth circuit. Judgment affirmed with costs and cause remanded to the circuit court of the United States for the district of Montana. Opinion by Mr. Justice Harlan.

No. 246.—The Texas and Pacific Railway Company, plaintiff in error, *v. Henry D. Cody.* In error to the United States circuit court of appeals for the fifth circuit. Judgment affirmed with costs and cause remanded to the circuit court of the United States for the northern district of Texas. Opinion by Mr. Chief Justice Fuller.

No. 247.—The Texas and Pacific Railway Company, plaintiff in error, *v. William K. Barrett.* In error to the United States circuit court of appeals for the fifth circuit. Judgment affirmed, with costs, and cause remanded to the circuit court of the United States for the northern district of Texas. Opinion by Mr. Chief Justice Fuller.

No. 11, Original.—*Ex parte:* In the matter of Elverton R. Chapman, petitioner. Petition for writs of habeas corpus and certiorari denied. Opinion by Mr. Chief Justice Fuller.

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

No. 749.—Elverton R. Chapman, petitioner, *v. The United States.* Petition for a writ of certiorari to the court of appeals for the District of Columbia denied.

No. 766.—The Mutual Life Insurance Company, of New York, petitioner, *v. Nellie Phinney, executrix, etc.* Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit granted.

No. 779.—Thomas Phillips Bryant, appellant, *v. The United States et al.* Motion to advance granted, and cause assigned for argument on the 26th instant.

No. 720.—Hugh Murphy, appellant, *v. The Colorado Paving Company et al.* Appeal from the circuit court of the United States for the district of Colorado. Dismissed for the want of jurisdiction on the authority of *Smith v. McKay*, 161 U. S., 355; *Carey v. Railway Company*, 161 U. S., 1151 (see *Colorado Paving Company v. Murphy*, 78 Fed. Rep., 28).

No. 786.—Charles W. Nordstrom, appellant, *v. William H. Moyer, sheriff of King County, and the State of Washington.* Stay of proceedings ordered.

No. 746.—Joseph A. Iasigi, appellant, *v. John E. Van De Carr, warden, etc.* Mandate granted on motion of Mr. J. E. Dodge in behalf of counsel for the appellee.

Nos. 653 and 654.—The Henderson Bridge Company et al., plaintiffs in error, *v.* The City of Henderson. Motion to dismiss submitted by Mr. J. F. Clay in support of motion, and by Mr. William Lindsay, Mr. Malcolm Yeaman, and Mr. H. W. Bruce in opposition thereto.

No. 742.—The United States, appellant, *v.* The American Tobacco Company. Mandate granted on motion of Mr. John B. Cotton for the appellee.

No. 331.—The Michigan Land and Lumber Company, limited, plaintiff in error, *v.* Charles A. Rust, survivor, etc. Continued per stipulation, on motion of Mr. A. B. Browne in behalf of counsel.

No. 725.—National Foundry and Pipe Works, limited, et al., petitioners, *v.* S. D. Andrews et al.; and

No. 726.—National Foundry and Pipe Works, limited, et al., petitioners, *v.* The City of Oconto. Petitions for writs of certiorari to the United States circuit court of appeals for the seventh circuit, submitted by Mr. George H. Noyes for the petitioners, and by Mr. W. H. Webster in opposition thereto.

No. 685.—The Houston and Texas Central Railroad Company, plaintiff in error, *v.* Martin Strycharski et al. Motion to dismiss submitted by Mr. Presley K. Ewing and Mr. Henry F. Ring in support of motion, and by Mr. Maxwell Evarts and Mr. R. S. Lovett in opposition thereto.

No. 780.—The Newark Electric Light and Power Company, petitioner, *v.* Henry M. Garden, administrator, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. John O. H. Pitney and Mr. Mahlon Pitney for the petitioner, and by Mr. Henry M. Garden in propria persona in opposition thereto.

No. 279.—Eloisa L. Bergere, for herself and others, appellant, *v.* The United States et al.; and

No. 299.—The United States, appellant, *v.* Eloisa L. Bergere, for herself and others. Argued by Mr. J. D. O'Bryan and Mr. J. W. Vroom for Bergere, and by Mr. Matt. G. Reynolds for the United States et al. Leave granted Mr. Reynolds to file supplemental brief, and to Mr. Catron to file reply thereto by the 26th instant.

No. 273.—Benton Turner, plaintiff in error, *v.* The People of the State of New York. Argument commenced by Mr. Frank E. Smith for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 20, will be as follows: Nos. 273, 276, 278, 280, 202, 203, 281 (and 274), 282, 285 and 286.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 20, 1897.

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

Horace G. Allen, of Boston, Mass., and Frederic J. Swift, of New York City, were admitted to practice.

No. 273.—Benton Turner, plaintiff in error, *v.* The People of the State of New York. Argument continued by Mr. Frank E. Smith for the plaintiff in error, by Mr. T. E. Hancock and Mr. William Henry Dennis for the defendants in error, and concluded by Mr. Frank E. Smith for the plaintiff in error.

No. 276.—The Mayor, Aldermen, and Commonalty of the City of New York et al., appellants, *v.* Robert W. Workman. Argued by Mr. Harrington Putnam for the appellees, and by Mr. Francis M. Scott for the appellants.

No. 278.—Daniel A. Camfield et al., appellants, *v.* The United States. Submitted by Mr. James W. McCreery and Mr. C. W. Bunn for the appellants, and by Mr. Solicitor-General Conrad for the appellee.

No. 280.—The London Assurance, appellant, *v.* Companhia De Moagens Do Barreiro. Argument commenced by Mr. William W. MacFarland for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 21, will be as follows: Nos. 280, 202 (and 203), 281 (and 274), 282, 285, 286, 287, 289, 291 and 294.



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 21, 1897.

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

No. 291.—Elverton R. Chapman, appellant and plaintiff in error, *v.* The United States. Appeal from and in error to the court of appeals of the District of Columbia. Dismissed pursuant to the sixteenth rule.

No. 280.—The London Assurance, appellant, *v.* Companhia De Moagens Do Barreiro. Argument continued by Mr. William W. MacFarland for the appellant, by Mr. John F. Lewis for the appellee, and concluded by Mr. William W. MacFarland for the appellant.

No. 202.—The Twin City National Bank of New Brighton, plaintiff in error, *v.* Enos H. Nebeker; and

No. 203.—The Lumberman's National Bank of Williamsport, plaintiff in error, *v.* James N. Huston. Argument commenced by Mr. John J. Crawford for the plaintiff in error. The court declined to hear further argument.

Nos. 281 and 274.—Brooke Mackall, appellant, *v.* Westel Willoughby. Argument commenced by Mr. Henry E. Davis for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 22, will be as follows: Nos. 281 (and 274), 282, 285, 286, 287, 289, 294, 295, 296 and 297.





## SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 22, 1897.

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

A. B. Kittredge, of Sioux Falls, S. Dak.; Wilbur S. Glass, of Watertown, S. Dak.; Charles Fox, of New York City, and William Winans Wall, of New Orleans, La., were admitted to practice.

No. 234.—The United States, appellant, *v.* Clarence R. Greathouse. Mandate granted on motion of Mr. John C. Fay for the appellee.

No. 297.—Lafayette Hudson, plaintiff in error, *v.* The United States. In error to the district court of the United States for the western district of Arkansas. Dismissed pursuant to the tenth rule.

No. 385.—The Fitzgerald and Mallory Construction Company, plaintiff in error, *v.* Mary Fitzgerald, administratrix, etc. In error to the supreme court of the State of Nebraska. Dismissed with costs on motion of counsel for the plaintiff in error.

Nos. 281 and 274.—Brooke Mackall, appellant, *v.* Westel Willoughby. Argument continued by Mr. Henry E. Davis for the appellant, by Mr. A. A. Birney for the appellee, and concluded by Mr. Henry E. Davis for the appellant.

No. 282.—John D. Warner, appellant, *v.* The City of New Orleans. Argued by Mr. William Grant and Mr. Wheeler H. Peckham for the appellant, and by Mr. Branch K. Miller for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 23, will be as follows: Nos. 285, 286, 287, 289, 294, 295, 296, 298, 301 and 302.



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 23, 1897.

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

William Edmond Curtis, of New York City, and Edward L. Strong, of Ogdensburg, N. Y., were admitted to practice.

No. 285.—The Penn Mutual Life Insurance Company et al., appellants, *v.* The City of Austin et al. Argued by Mr. D. T. Watson and Mr. Skipwith Wilmer for the appellants, and by Mr. S. R. Fisher for the appellees.

No. 286.—Josephine W. Wuppermann, appellant, *v.* The Steamship Carib Prince, her engines, etc., Ernest Legge, claimant. Argument commenced by Mr. Harrington Putnam for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 26, will be as follows: Nos. 286, 287, 779, 289, 294, 295, 296, 298, 301 and 302.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 26, 1897.

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

Marcus T. Hun, of Albany, N. Y.; Milton W. Smith, of Portland, Oreg.; William F. Goldbeck, of New York City; Dwight M. Lowrey, of Philadelphia, Pa.; John P. Elkin, of Indiana, Pa.; Ellery P. Ingham, of Philadelphia, Pa., and F. K. Pendleton, of New York City, were admitted to practice.

No. 209.—The Mayor and City Council of Baltimore, appellant, *v.* The Baltimore Trust and Guarantee Company, trustee. Appeal from the circuit court of the United States for the district of Maryland. Decree reversed, with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Peckham.

No. 233.—George W. Sentell, jr., plaintiff in error, *v.* The New Orleans and Carrollton Railroad Company. In error to the court of appeals for the parish of Orleans, State of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice Brown.

No. 216.—The Long Island Water Supply Company, plaintiff in error, *v.* The City of Brooklyn. In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Brewer. (Mr. Justice Peckham took no part in the decision of this case.)

No. 103.—Springville City, plaintiff in error, *v.* Perry A. Thomas, et al;

No. 153.—The Salt Lake City Brewing Company, plaintiff in error, *v.* The Fred W. Wolf Company; and

No. 199.—Salt Lake City, plaintiff in error, *v.* Elizabeth B. Tucker, et al. In error to the supreme court of the Territory of Utah. Judgments reversed with costs and cause remanded to the Supreme Court of the State of Utah for further proceedings. Opinion by Mr. Chief Justice Fuller.

No. 261.—The Louisville and Nashville Railroad Company, plaintiff in error, *v.* The City of Louisville. In error to the court of appeals of the State of Kentucky. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

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

No. 12, Original.—*Ex parte*: In the matter of C. and A. Potts & Co., petitioner. Motion for leave to file a petition for rehearing in circuit court granted.

No. 653 and No. 654.—The Henderson Bridge Company et al., plaintiffs in error, *v.* The City of Henderson. Motions to dismiss postponed to the hearing on the merits.

No. 685.—The Houston and Texas Central Railroad Company, plaintiff in error, *v.* Martin Strycharski et al. Motions to dismiss or affirm postponed to the hearing on the merits.

No. 725.—National Foundry and Pipe Works, Limited, et al., petitioners, *v.* S. D. Andrews et al.; and

No. 726.—National Foundry and Pipe Works, Limited, et al., petitioners, *v.* The City of Oconto. Petition for writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 780.—The Newark Electric Light and Power Company, petitioner, *v.* Henry M. Garden, administrator, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

The Chief Justice also announced that the call of the docket will be suspended on the 30th instant, when the court will take a recess until Monday, May 10, and that the court will adjourn for the term on Monday, May 24 next.

No. 794.—The United States, petitioner, *v.* The Roessler & Hasslacher Chemical Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Solicitor-General Conrad and Mr. Assistant Attorney-General Whitney for the petitioner, and by Mr. Albert Comstock in opposition thereto.

No. 570.—S. H. Williams, treasurer, etc., plaintiff in error, *v.* Arthur F. Eggleston, attorney for the State of Connecticut. Motions to dismiss or affirm submitted by Mr. Lewis Sperry in support of motions, and by Mr. John R. Buck and Mr. Lewis E. Stanton in opposition thereto.

No. 787.—The Steam Tug Titan, etc., petitioner, *v.* Marion E. Legg et al., administrators, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Henry W. Goodrich for the petitioner and by Mr. Henry G. Ward in opposition thereto.

No. 793.—Einstein, Wolff & Co., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. W. Wickham Smith, Mr. Charles Curie and Mr. David Ives Mackie for the petitioners.

No. 790.—The National Machine Company, petitioner, *v.* The Wheeler & Wilson Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. F. L. Freeman in behalf of Mr. Edwin H. Brown for the petitioner, and by Mr. Livingston Gifford in opposition thereto.

No. 13, Original.—*Ex parte*: In the matter of Charles Johnson, petitioner. Submitted by Mr. John J. Weed for the petitioner, and by Mr. Solicitor-General Conrad for the respondent.

No. 778.—The Barrow Steamship Company, plaintiff in error, *v.* Michael Kane. Motion to advance submitted by Mr. F. K. Pendleton for the defendant in error in support of motion, and by Mr. Esek Cowen and Mr. Harrington Putnam for the plaintiff in error in opposition thereto.

No. 764.—The Anglo-Californian Bank, etc., petitioner, *v.* The Secretary of the Treasury. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. J. F. Evans for the petitioner, with leave to Mr. Solicitor-General Conrad to file brief in opposition on or before Thursday next.

No. 613.—The Agricultural Ditch Company, plaintiff in error, *v.* The Farmers' Independent Ditch Company. Motion to dismiss submitted by Mr. F. D. McKenney in behalf of Mr. C. S. Thomas, and Mr. W. H. Bryant in support of motion.

No. 341.—Margaret A. Muse et al., plaintiffs in error, *v.* The Arlington Hotel Company. Continued on motion of Mr. James L. Pugh, jr., for the plaintiffs in error.

No. 286.—Josephine W. Wupperman, appellant, *v.* The Steamship Carib Prince, etc. Argument continued by Mr. Harrington Putnam for the appellant, by Mr. J. Parker Kirlin for the appellee, and concluded by Mr. Harrington Putnam for the appellant.

No. 287.—Augustus F. Shapleigh, plaintiff in error, *v.* The City of San Angelo. Submitted by Mr. T. K. Skinker for the plaintiff in error; no appearance for the defendant in error.

No. 779.—Thomas Phillips Bryant, appellant, *v.* The United States et al. Argued by Mr. Lorenzo Semple for the appellant, and by Mr. Charles Fox for the appellees.

No. 294.—H. M. Levy, plaintiff in error, *v.* The Superior Court of the City and County of San Francisco, Department 9, etc. Argued by Mr. William A. Maury for the plaintiff in error. No brief filed for defendant in error.

No. 289.—E. J. Peck et al., plaintiffs in error, *v.* Christian Heurich. Argument commenced by Mr. F. H. Mackey for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 27, will be as follows: Nos. 289, 295, 296, 298, 301, 302, 303 (and 304, 326, 327, 328 and 329), 305, 306 and 307.

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## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 27, 1897.

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

T. H. Thorpe, of New Orleans, La.; Richard H. Lea, of New Orleans, La., and Halbert B. Case, of Chattanooga, Tenn., were admitted to practice.

No. 305.—Alexander Lazard et al., plaintiffs in error, *v.* The Merchants and Miners' Transportation Company. In error to the court of appeals of the State of Maryland. Dismissed with costs, pursuant to the tenth rule.

No. 306.—The State of Missouri ex rel. The Laclède Gas Light Co., plaintiff in error, *v.* Michael J. Murphy, street commissioner, etc. Continued.

No. 298.—The Texas and Pacific Railway Company, plaintiff in error, *v.* Nancy J. Gay et al. Submitted by Mr. John F. Dillon, Mr. W. S. Pierce, and Mr. D. D. Duncan for the plaintiff in error, and by Mr. W. Hallet Phillips for the defendants in error.

No. 289.—E. J. Peck et al., plaintiffs in error, *v.* Christian Heurich. Argument continued by Mr. F. H. Mackey for the plaintiffs in error, by Mr. Leon Tobriner and Mr. William F. Mattingly for the defendant in error, and concluded by Mr. A. A. Birney for the plaintiffs in error.

No. 295.—The Northern Pacific Railroad Company et al., plaintiffs in error, *v.* Narcisse Poirier. Argument commenced by Mr. C. W. Bunn for the plaintiffs in error and continued by Mr. S. C. Hyde for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 28, will be as follows: Nos. 295, 296, 301, 302, 303 (and 304, 326, 327, 328 and 329), 307, 308, 309, 313 and 320 (and 700).

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 28, 1897.

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

No. 308.—Franz Huning, appellant, *v.* The United States. Appeal from the Court of Private Land Claims. Dismissed pursuant to the tenth rule.

No. 309.—Peter Menotti, plaintiff in error, *v.* Kate May Dillon et al. Submitted by Mr. S. F. Leib for the plaintiff in error, and by Mr. A. L. Rhodes for the defendants in error.

No. 295.—The Northern Pacific Railroad Company et al., plaintiffs in error, *v.* Narcisse Poirier. Argument continued by Mr. S. C. Hyde for the defendant in error and concluded by Mr. C. W. Bunn for the plaintiffs in error.

No. 296.—Robert M. Yardley, receiver, etc., appellant, *v.* George Philler, president, etc. Argued by Mr. H. B. Gill and Mr. Silas W. Pettit for the appellant and by Mr. A. T. Freedley and Mr. John G. Johnson for the appellee.

No. 301.—The Merchants and Manufacturers' National Bank of Pittsburg, Pa., plaintiff in error, *v.* The Commonwealth of Pennsylvania. Argument commenced by Mr. J. M. Wilson for the plaintiff in error, and continued by Mr. John P. Elkin for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 29, will be as follows: Nos. 301, 302, 303 (and 304 and 326, 327, 328 and 329), 307, 313, 320 (and 700), 332, 335, 342 and 347 (and 348, 349, 350 and 351).





## SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 29, 1897.

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

Henry Z. Durand, of Chicago, Ill., and W. S. Laidley, of Charleston, Kanawha County, W. Va., were admitted to practice.

No. 307.—Rafael Maria Del Castello, plaintiff in error, *v.* Walter L. McConnico et al. Continued per stipulation.

No. 335.—Mary A. Kittenring et al., plaintiffs in error, *v.* The United States ;

No. 320.—The United States, appellant, *v.* John D. Kennedy ; and

No. 700.—The United States, appellant, *v.* Edgar M. Wilson, administrator, etc. Continued on motion of Mr. Assistant Attorney-General Dodge for the United States.

No. —, Original.—*Ex parte*: In the matter of John Gibson, petitioner. Motion for leave to file petition for a writ of error submitted by Mr. E. M. Hewlett for the petitioner.

No. 332.—The Henderson Bridge Company, plaintiff in error, *v.* The Commonwealth of Kentucky. In error to the court of appeals of the State of Kentucky. Dismissed with costs pursuant to the tenth rule.

No. 301.—The Merchants and Manufacturers' National Bank of Pittsburg, Pa., plaintiff in error, *v.* The Commonwealth of Pennsylvania. Argument continued by Mr. J. P. Elkin for the defendant in error, and concluded by Mr. J. M. Wilson for the plaintiff in error.

No. 302.—Edward M. Willis et al., plaintiffs in error, *v.* The Eastern Trust and Banking Company. Argued by Mr. William G. Johnson and Mr. Calderon Carlisle for the plaintiffs in error, and by Mr. B. F. Leighton for the defendant in error.

No. 313.—Peter Defer, plaintiff in error, *v.* Marie Rose Demay et al. Continued.

No. 342.—Robert S. Reeves, plaintiff in error and appellant, *v.* James E. Oliver. Continued on motion of Mr. F. B. Crosthwaite for the plaintiff in error and appellant.

No. 347.—The Southern Express Company, plaintiff in error, *v.* The Commonwealth of Virginia ex rel. John Buford;

No. 348.—The Southern Express Company, plaintiff in error, *v.* The Commonwealth of Virginia ex rel. Edmund Pendleton;

No. 349.—The Southern Express Company, plaintiff in error, *v.* The Commonwealth of Virginia ex rel. M. G. McColgan;

No. 350.—The Southern Express Company, plaintiff in error, *v.* The Commonwealth of Virginia ex rel. J. W. McGavock; and

No. 351.—The Southern Express Company, plaintiff in error, *v.* The Commonwealth of Virginia, ex rel. James A. Walker. Continued.

No. 303.—G. G. Latta, executor, etc., et al., appellants, *v.* Vina Granger. Argued by Mr. G. B. Rose for the appellants and by Mr. John McClure for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 30, will be as follows: Nos. 353 (and 354), 358, 359, 360, 362, 363, 364, 365, 366 and 367.



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 30, 1897.

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

The Chief Justice announced the following orders of the court:

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

No. 570.—S. H. Williams, treasurer, etc., plaintiff in error, *v.* Arthur F. Eggleston, attorney for the State of Connecticut. Motions to dismiss or affirm postponed to the hearing of the case on its merits.

No. 613.—The Agricultural Ditch Company, plaintiff in error, *v.* The Farmers' Independent Ditch Company. In error to the supreme court of the State of Colorado. Dismissed for the want of jurisdiction for the want of a final judgment.

No. 764.—The Anglo-Californian Bank, etc., petitioner, *v.* The Secretary of the Treasury. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit, denied.

No. 778.—The Barrow Steamship Company, plaintiff in error, *v.* Michael Kane. 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, each side to have one hour for oral argument.

No. 787.—The Steam Tug Titan, etc., petitioner, *v.* Marion E. Legg et al., administrators, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit, denied.

No. 790.—The National Machine Company, petitioner, *v.* The Wheeler & Wilson Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit, denied.

No. 793.—Einstein, Wolff & Co., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit, denied.

No. 794.—The United States, petitioner, *v.* The Roessler and Hasslacher Chemical Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 353.—The Canton Insurance Company, Limited, et al., appellants, *v.* John MacIntyre, jr., et al., claimants, etc., et al.;

No. 354.—John MacIntyre, jr., et al., claimants, etc., appellants, *v.* The Canton Insurance Company, Limited, et al.;

No. 358.—Ira Carley et al., plaintiffs in error, *v.* Roland C. Getchell et al.;

No. 359.—The Savings and Loan Society, appellant, *v.* Multnomah County, State of Oregon, et al.;

No. 360.—Louis B. Adams et al., appellants, *v.* H. H. Henderson et al., and

No. 362.—J. W. Bull, appellant, *v.* Charles E. Deckerman et al.  
Continued.

No. 363.—Joseph H. Gowdy, appellant, *v.* W. Briggs Green. Appeal from the circuit court of the United States for the district of South Carolina. Dismissed with costs, pursuant to the tenth rule.

No. 364.—The Chicago, Milwaukee and St. Paul Railway Company, plaintiff in error, *v.* Patrick L. Solan; and

No. 365.—Louise J. Purdy et al., appellants, *v.* The United States.  
Continued.

No. 366.—Thomas P. Beal, receiver of the Maverick National Bank of Boston, plaintiff in error, *v.* The Essex Savings Bank. Continued on motion of Mr. Henry Wheeler for the plaintiff in error.

No. 367.—George P. Wetmore et al., plaintiffs in error, *v.* David Rymer et al. Continued.

Adjourned until Monday, May 10, at 12 o'clock.

The day call has been suspended for the term.



## SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 10, 1897.

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

George W. Stanley, of Lebanon, Ohio; Robert E. Doan, of Wilmington, Ohio; Alpheus T. Bulkley, of Albany, N. Y.; David B. Stewart, of St. Albans, Me.; Eli B. Felsenthal, of Chicago, Ill., and J. W. N. Whitecotton, of Provo City, Utah, were admitted to practice.

No. 17, Original.—In the matter of Joseph T. H. Hall, petitioner. Petition for a writ of mandamus denied. Opinion by Mr. Justice Peckham.

No. 280.—The London Assurance, appellant, *v.* Companhia De Moagens Do Barreiro. On writ of certiorari to the United States circuit court of appeals for the third circuit. Decree affirmed with costs and cause remanded to the district court of the United States for the eastern district of Pennsylvania. Opinion by Mr. Justice Peckham.

No. 59.—R. L. Walker et al., plaintiffs in error, *v.* E. Collins et al., etc. In error to the United States circuit court of appeals for the eighth circuit. Judgments of the said United States circuit court of appeals and of the circuit court of the United States for the district of Kansas reversed. All the costs from the time of the removal of the cause from the State court to be paid by the plaintiffs in error, and cause remanded to the said circuit court with directions to remand the cause to the district court of Harvey County, Kans. Opinion by Mr. Justice White. Dissenting: Mr. Justice Harlan.

No. 229.—William F. Davis, plaintiff in error, *v.* The Commonwealth of Massachusetts. In error to the superior court of the State of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 268.—H. C. Cross et al., receivers et al., plaintiffs in error, *v.* J. M. Evans. On a certificate from the United States circuit court of appeals for the fifth circuit. Certificate dismissed. Opinion by Mr. Justice White. Dissenting: Mr. Justice Brown. (Mr. Justice Brewer not having heard the argument took no part in the decision of this case.)

No. 211.—The Spokane Falls and Northern Railway Company, plaintiff in error, *v. W. H. Ziegler*. In error to the United States circuit court of appeals for the ninth circuit. Judgment affirmed with costs and cause remanded to the circuit court of the United States for the district of Washington. Opinion by Mr. Justice Shiras.

No. 295.—The Northern Pacific Railroad Company, plaintiff in error, *v. Narcisse Poirier*. In error to the United States circuit court of appeals for the ninth circuit. Judgments of said United States circuit court of appeals and of the circuit court of the United States for the district of Washington reversed with costs and cause remanded to the said circuit court with directions to set aside the verdict and award a new trial. Opinion by Mr. Justice Shiras.

No. 314.—James Compton, appellant, *v. James R. Jesup et al.*, trustees, et al. On a certificate from the United States circuit court of appeals for the sixth circuit. It is the opinion of this court: First, that the decree of sale of March 23, 1889, confers upon Compton, in event that his claim shall not be paid by the purchasers, the right to a decree of resale of the property, situated in Ohio, and covered and affected by his lien. Second, that in event of such sale and in applying the proceeds thereof Compton will be entitled to an account of the net earnings of the Ohio division, over and above all operating expenses, taxes paid, and cash paid, if any, in redemption of receiver's certificates, and other expenses properly chargeable against the Ohio division, which net earnings should be deducted from the amount due on the two prior mortgages on said division. Third, that the decree rendered in the circuit court of the United States for the district of Indiana is not *res judicata* upon the foregoing questions. Opinion by Mr. Justice Shiras.

No. 239.—The Wabash Railroad Company, plaintiff in error, *v. The City of Defiance*. In error to the supreme court of the State of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice Brown.

No. 13, Original.—*Ex parte*: In the matter of Charles Johnson, petitioner. Petition for writ of habeas corpus denied. Opinion by Mr. Justice Brown.

No. 779.—Thomas Phillips Bryant, appellant, *v. 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 Brown.

No. 44.—David F. Campbell, plaintiff in error, *v. Alfred S. Ellet*, by John A. Ellet, his guardian. In error to the supreme court of the State of Colorado. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 267.—The Enterprise Mining Company, appellant, *v. The Rico-Aspen Consolidated Mining Company et al.* On writ of certiorari to the

United States circuit court of appeals for the eighth circuit. Decree affirmed with costs and cause remanded to the circuit of the United States for the district of Colorado. Opinion by Mr. Justice Brewer.

No. 344.—The United States, appellant, *v.* The American Bell Telephone Company et al. Appeal from the United States circuit court of appeals for the first circuit. Decree affirmed and cause remanded to the circuit court of the United States for the district of Massachusetts. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Harlan. (Mr. Justice Gray and Mr. Justice Brown were not present at the argument and took no part in the decision of this case.)

No. 631.—Charles H. Bauman et al., appellants, *v.* John W. Ross et al., Commissioners; and

No. 632.—John W. Ross, et al., Commissioners, etc., appellants, *v.* Charles H. Bauman et al. Appeals from the court of appeals of the District of Columbia. Decrees of said court of appeals and of supreme court of the District of Columbia reversed, costs in this court to be paid by appellants in No. 631 and appellees in No. 632, and cause remanded to said court of appeals for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Gray.

No. 633.—Butler F. Abbot, appellant, *v.* John W. Ross et al., Commissioners; and

No. 634.—John W. Ross et al., Commissioners., etc., appellants, *v.* Charles H. Armes et al. Appeals from the court of appeals of the District of Columbia. Decrees of said court of appeals and of the Supreme Court of the District of Columbia reversed. Costs in this court to be paid by the appellant in No. 633 and by appellees in No. 634, and cause remanded to the said court of appeals for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Gray.

No. 269.—William May, trustee, et ux., appellants, *v.* Sarah Maria May et al. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Gray.

No. 231.—J. E. Tindal et al., plaintiffs in error, *v.* Edward B. Wesley. On writ of certiorari to the United States circuit court of appeals for the fourth circuit. Judgment affirmed with costs and cause remanded to the circuit court of the United States for the district of South Carolina. Opinion by Mr. Justice Harlan.

No. 265.—John H. Stone, plaintiff in error, *v.* The United States. In error to the United States circuit court of appeals for the ninth circuit. Judgment affirmed and cause remanded to the district court of the United States for the district of Washington. Opinion by Mr. Justice Harlan.

No. 202.—The Twin City National Bank, of New Brighton, plaintiff in error, *v.* Enos H. Nebeker. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 203.—The Lumbermen's National Bank, of Williamsport, plaintiff in error, *v.* James N. Huston. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 294.—H. M. Levy, plaintiff in error, *v.* The Superior Court of the City and County of San Francisco, Department 9, etc. In error to the supreme court of the State of California. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Harlan.

No. 302.—Edward M. Willis et al., plaintiffs in error, *v.* The Eastern Trust and Banking Company. In error to the court of appeals of the District of Columbia. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 303.—G. G. Latta, executor, etc., et al., appellants, *v.* Vina Granger;

No. 304.—G. G. Latta, executor, etc., et al., appellants, *v.* Otto Neubert;

No. 326.—G. G. Latta, executor, etc., et al., appellants, *v.* Charlotte Cohn;

No. 327.—G. G. Latta, executor, etc., et al., appellants, *v.* D. C. Rugg;

No. 328.—G. G. Latta, executor, etc., et al., appellants, *v.* A. S. Garnett; and

No. 329.—G. G. Latta, executor, etc., et al., appellants, *v.* J. J. Sumpster et al. Appeals from the United States circuit court of appeals for the eighth circuit. Decrees of the said United States circuit court of appeals and the decrees of the circuit court of the United States for the eastern district of Arkansas reversed, with costs, and causes remanded to the said circuit court, with directions to enter decrees in conformity with the opinion of this court. Opinion by Mr. Chief Justice Fuller.

No. 722.—The Burdon Central Sugar Refining Company et al., appellants, *v.* Jacob M. Payne et al. On a certificate from the United States circuit court of appeals for the fifth circuit. First question answered in the negative and the second and third questions in the affirmative. Opinion by Mr. Chief Justice Fuller.

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

No. 286.—Josephine W. Wupperman, appellant, *v.* The Steamship Carib Prince, her engines, etc. Restored to the docket for reargument before a full bench.



No. 298.—The Texas and Pacific Railway Company, plaintiff in error, *v. Nancy J. Gay et al.* In error to the supreme court of the State of Texas. Judgment affirmed with costs on the authority of *Railway Company v. Johnson*, 151 U. S., 81; *Railway Company v. Anderson*, 149 U. S., 237; *Sayward v. Denny*, 158 U. S., 180; *Railway Company v. Bloom*, 164 U. S., 636.

No. 573.—The Boston Safe Deposit and Trust Company, appellant, *v. Grant Wilkins et al.* On writ of certiorari to the United States circuit court of appeals for the fifth circuit. Decree affirmed with costs by a divided court, and cause remanded to the circuit court of the United States for the northern district of Georgia.

No. 762.—Thomas Bram, plaintiff in error, *v. The United States.* Motion to advance submitted by Mr. Solicitor-General Conrad for the defendant in error.

No. 795.—The United States, petitioner, *v. Frank Dudley.* Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit, submitted by Mr. Solicitor-General Conrad for the petitioner, and by Mr. C. A. Prouty and Mr. J. P. Tucker in opposition thereto.

No. 78 of 1891.—Lebbes H. Rogers, plaintiff in error, *v. The United States.* Order withholding mandate rescinded, and mandate granted on motion of Mr. Solicitor-General Conrad for the defendant in error.

No. 581.—The Adams Express Company, plaintiff in error, *v. The State of Ohio*;

No. 582.—The American Express Company, plaintiff in error, *v. The State of Ohio*; and

No. 583.—The United States Express Company, plaintiff in error, *v. The State of Ohio.* Motion to advance submitted by Mr. J. K. Richards for the defendant in error.

No. 798.—James P. Merritt et al., appellants, *v. The President and Trustees of Bowdoin College et al.* Motion to dismiss submitted by Mr. Thomas H. Hubbard, Mr. E. S. Pillsbury, and Mr. Robert Y. Hayne in support of motion, and by Mr. Charles H. Lovell in opposition thereto.

No. 729.—The Columbia Water Power Company, plaintiff in error, *v. The Columbia Electric Street Railway, Light and Power Company.* Motion to dismiss or affirm submitted by Mr. William H. Lyles in support of motion, and by Mr. Le Roy F. Youmans in opposition thereto.

No. 804.—Henry T. Blythe et al., plaintiffs in error, *v. Florence Blythe Hinckley.* Motions to dismiss or affirm submitted by Mr. William H. H. Hart in support of motions, and by Mr. Jefferson Chandler and Mr. E. Burke Holladay in opposition thereto.

No. 797.—Rodman M. Price et al., plaintiffs in error, *v.* Anna M. Forrest et al. Motions to dismiss or affirm submitted by Mr. Frank W. Hackett, Mr. Cortlandt Parker, and Mr. R. Wayne Parker in support of motions, and by Mr. Flavel McGee in opposition thereto.

No. 247.—The Texas and Pacific Railway Company, plaintiff in error, *v.* William K. Barrett. Mandate granted on motion of Mr. William A. Maury in behalf of counsel.

No. 805.—The Mexican Central Railway Company, petitioner, *v.* Edward Evey. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit. Submitted by Mr. A. T. Britton and Mr. A. B. Browne for the petitioner, with leave to respondent to file brief within one week.

No. 800.—Alexander D. Barrow, syndic, petitioner, *v.* Richard Milliken. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit. Submitted by Mr. J. Hubley Ashton in behalf of Mr. E. H. Farrar; Mr. E. B. Kruttschmitt and Mr. B. F. Jonas for the petitioner.

No. 808.—Henry C. King, petitioner, *v.* Julius C. Williamson et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit. Submitted by Mr. Maynard F. Stiles for petitioner, with leave to respondent to file brief within one week.

Adjourned until Monday, May 24, at 12 o'clock.



## SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 24, 1897.

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

M. L. Graff, of Los Angeles, Cal.; Bamford A. Robb, of Boise, Idaho; Addison L. Holladay, of Richmond, Va.; W. H. Van Steenberg, of New York City; Louis A. Pratt, of Wausau, Wis.; R. E. Pennington, of Brenham, Tex.; Edwin C. Bradenburg, of Washington, D. C.; W. S. Taylor, of Frankfort, Ky.; J. B. Strode, of Lincoln, Nebr.; John J. Glidden, of Cincinnati, Ohio; Stanton Weaver, of Washington, D. C.; F. N. Barber, of Washington, D. C.; William E. Bundy, of Cincinnati, Ohio, and Edward C. Goodwin, of Worcester, Mass., were admitted to practice.

No. 270.—Louis E. Parsons, jr., appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Peckham.

No. 516.—Tla-Koo-Yel-Lee, plaintiff in error, *v.* The United States. In error to the district court of the United States for the district of Alaska. Judgment reversed and cause remanded with directions to set aside the verdict and grant a new trial. Opinion by Mr. Justice Peckham.

No. 255.—Charles E. Hovey, as survivor, etc., plaintiff in error, *v.* George Elliott et al., executors, etc. In error to the court of appeals of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 206.—The California National Bank, plaintiff in error, *v.* Nat. Kennedy. In error to the supreme court of the State of California. Judgment reversed with costs and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice White. Dissenting: Mr. Justice Harlan.

No. 108.—The City of New Orleans et al., appellants, *v.* The Citizens' Bank of Louisiana. Appeal from the circuit court of the United States for the eastern district of Louisiana. Decree reversed with costs and cause remanded with directions to enter a decree in conformity with

the opinion of this court, the costs in the circuit court to be equally divided. Opinion by Mr. Justice White. Dissenting: Mr. Chief Justice Fuller, Mr. Justice Brown, and Mr. Justice Peckham.

No. 483.—The State of Louisiana *ex rel.* The Citizens' Bank of Louisiana, plaintiff in error, *v.* The Board of Assessors for the Parish of Orleans et al.; in error to the Supreme Court of the State of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 296.—Robert M. Yardley, receiver, etc., appellant, *v.* George Philler, president, etc., et al. Appeal from the United States circuit court of appeals for the third circuit. Decrees of the said United States circuit court of appeals and of the circuit court of the United States for the eastern district of Pennsylvania reversed, and cause remanded to the said circuit court, with directions to allow the parties, if necessary, to re-form their pleadings so that their rights may be determined in conformity with the opinion of this court, the costs of the United States circuit court of appeals to be borne by the receiver, those of this court by the appellees, and those in the circuit court to abide the final result. Opinion by Mr. Justice White.

No. 154.—Robert G. Hedrick, plaintiff in error, *v.* The Atchison, Topeka and Santa Fe Railroad Company et al. In error to the supreme court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Shiras.

Nos. 189 and 190.—The United States, appellant, *v.* James C. Reed. Appeals from the United States circuit court of appeals for the second circuit. Decrees affirmed *nunc pro tunc* as of March 10, 1897. Opinion by Mr. Justice Shiras.

Nos. 274 and 281.—Brooke Mackall, appellant, *v.* Westel Willoughby. Appeals from the court of appeals of the District of Columbia. Decrees affirmed with costs. Opinion by Mr. Justice Shiras.

No. 256.—The St. Joseph and Grand Island Railroad Company, appellant, *v.* R. M. Steele, sheriff, etc. Appeal from the United States circuit court of appeals for the eighth circuit. Decrees of the said United States circuit court of appeals and of the circuit court of the United States for the District of Kansas reversed, the costs in this court to be paid by the appellant, and cause remanded to the said circuit court with directions to dismiss the bill of complaint for want of jurisdiction. Opinion by Mr. Justice Shiras.

No. 287.—Augustus F. Shapleigh, plaintiff in error, *v.* The City of San Angelo. In error to the circuit court of the United States for the western district of Texas. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Shiras.

No. 539.—The Interstate Commerce Commission, appellant, *v.* The Detroit, Grand Haven and Milwaukee Railway Company. Appeal from the United States circuit court of appeals for the sixth circuit. Decree affirmed with costs and cause remanded to the circuit court of the United States for the western district of Michigan. Opinion by Mr. Justice Shiras.

No. 278.—Daniel A. Camfield et al., appellants, *v.* The United States. Appeal from the United States circuit court of appeals for the eighth circuit. Decree affirmed and cause remanded to the circuit court of the United States for the district of Colorado. Opinion by Mr. Justice Brown.

No. 271.—Joel Parker Whitney et al., appellants, *v.* The United States. Appeal from the Court of Private Land Claims. Decree reversed and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 301.—The Merchants and Manufacturers' National Bank of Pittsburg, Pa., plaintiff in error, *v.* The Commonwealth of Pennsylvania. In error to the supreme court of the State of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice Brewer. (Mr. Justice Shiras did not hear the argument and took no part in the decision of this case.)

No. 494.—C. S. Wight, plaintiff in error, *v.* The United States. In error to the district court of the United States for the western district of Pennsylvania. Judgment affirmed. Opinion by Mr. Justice Brewer. (Mr. Justice White concurs in the result.)

No. 282.—John D. Warner, appellant, *v.* The City of New Orleans. On a certificate from the United States circuit court of appeals for the fifth circuit. First question certified answered in the affirmative. Opinion by Mr. Justice Brewer. (Mr. Justice White and Mr. Justice Peckham took no part in the decision of this case.)

No. 198.—E. M. Parsons, plaintiff in error, *v.* The Chicago and Northwestern Railway Company. In error to the United States circuit court of appeals for the eighth circuit. Judgment affirmed with costs and cause remanded to the circuit court of the United States for the southern district of Iowa. Opinion by Mr. Justice Brewer. (Mr. Justice Brown took no part in the decision of this case.)

No. 733.—The Interstate Commerce Commission, appellant, *v.* The Cincinnati, New Orleans and Texas Pacific Railway Company et al. On a certificate from the United States circuit court of appeals for the sixth circuit. Question certified answered in the negative. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Harlan.

No. 141.—The Savannah, Florida and Western Railway Company, appellant, *v.* The Florida Fruit Exchange. Appeal from the United

States circuit court of appeals for the fifth circuit. Decree of the said United States circuit court of appeals reversed with costs and cause remanded to the circuit court of the United States for the northern district of Florida with directions to enter a decree for the defendant, dismissing the bill without prejudice. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Harlan.

No. 29.—The Propeller *J. P. Donaldson*, Robert Holland, claimant, appellant, *v.* The Barge *Eldorado*, etc., et al. On a certificate from the United States circuit court of appeals for the sixth circuit. Question certified answered in the negative. Opinion by Mr. Justice Gray. (Mr. Justice Brown took no part in the decision of this case.)

No. 39.—The Tug *Glide* and owners, plaintiffs in error, *v.* The Atlantic Works. In error to the superior court of the State of Massachusetts. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Gray. (Mr. Justice Brewer did not hear the argument and took no part in the decision of this case.)

No. 289.—*E. J. Peck et al.*, trustees, plaintiffs in error, *v.* *Christian Heurich*. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Gray.

No. 798.—*James P. Merritt et al.*, appellants, *v.* The President and Trustees of *Bowdoin College et al.* Appeal from the circuit court of the United States for the northern district of California. Dismissed for the want of jurisdiction on the authority of *Colvin v. Jacksonville*, 158 U. S., 456; *The Bayonne*, 159 U. S., 692; *Chappell v. United States*, 160 U. S., 499, 507, and 508, and cases therein cited. Announced by Mr. Justice Harlan. (The Chief Justice did not sit and took no part in the consideration and disposition of this motion.)

No. 24.—*Ana J. Dominguez de Guyer et al.*, plaintiffs in error, *v.* *William Banning*. In error to the supreme court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 309.—*Peter Menotti*, plaintiff in error, *v.* *Kate May Dillon et al.* In error to the supreme court of the State of California. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Harlan.

No. 75.—*Carlotta MacGreal and Wilburne P. MacGreal*, appellants, *v.* *Rose M. Taylor and Mamie E. Norment*, executrices, etc. Appeal from the court of appeals of the District of Columbia. Decree reversed with costs and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Harlan. (The

Chief Justice and Mr. Justice Brown are of opinion that the decree should be affirmed.)

No. 205.—The United States, appellant, *v.* Julian Sandoval et al. ; and

No. 599.—Levi P. Morton, appellant, *v.* The United States. Appeals from the Court of Private Land Claims. Decree as to Levi P. Morton affirmed, and as to Julian Sandoval et al. reversed, and cause remanded with directions to enter a decree in conformity with the opinion of this court. Opinion by Mr. Chief Justice Fuller.

No. 195.—The Rio Arriba Land and Cattle Company (Limited), appellant, *v.* The United States. Appeal from the Court of Private Land Claims. Decree affirmed. Opinion by Mr. Chief Justice Fuller.

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

No. 581.—The Adams Express Company, plaintiff in error, *v.* The State of Ohio ;

No. 582.—The American Express Company, plaintiff in error, *v.* The State of Ohio ; and

No. 583.—The United States Express Company, plaintiff in error, *v.* The State of Ohio. Motion to advance granted and causes assigned for argument as one case on the second Monday of the next term after the cases already set down for that day.

No. 729.—The Columbia Water Power Company, plaintiff in error, *v.* The Columbia Electric Street Railway, Light and Power Company. Motions to dismiss or affirm postponed to the hearing of the case on its merits.

No. 762.—Thomas Bram, plaintiff in error, *v.* The United States. Motion to advance granted and cause assigned for argument on the second Monday of the next term at the head of the call for that day.

No. 795.—The United States, petitioner, *v.* Frank Dudley. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 797.—Rodman M. Price et al., plaintiffs in error, *v.* Anna M. Forrest et al. Motions to dismiss or affirm postponed to the hearing of the case on its merits.

No. 800.—Alexander D. Barrow, Syndic, petitioner, *v.* Richard Miliken. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 804.—Henry T. Blythe et al., plaintiffs in error, *v.* Florence Blythe Hinckley. In error to the supreme court of the State of California. Dismissed for the want of jurisdiction.

No. 805.—The Mexican Central Railway Company, petitioner, *v.* Edward Evey. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 808.—Henry C. King, petitioner, *v.* Julius C. Williamson et al. Consideration of petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit postponed until the next term.

No. 54.—The Patapsco Guano Company, appellant, *v.* The Board of Agriculture of North Carolina et al. Restored to the docket for reargument before a full bench.

No. 1, Original.—The State of New Jersey, complainant, *v.* The State of Delaware. Ordered, that the clerk notify counsel that the court expects this cause to be disposed of at the next term.

No. 693.—M. F. Morris et al., appellants, *v.* The United States. Advanced and assigned for argument on the first Monday in January next, on motion of Mr. Solicitor-General Conrad for the appellee.

No. 3, Original of 1895.—The United States, complainant, *v.* The State of Texas. Leave granted to withdraw from files "Guide to Republic of Texas," on motion of Mr. Solicitor-General Conrad for the complainant.

No. 2, Original.—The State of Indiana, complainant, *v.* The State of Kentucky. Report of commissioner filed and confirmed on motion of Mr. William Lindsay for the defendant.

No. 803.—Thomas F. Pickham, petitioner, *v.* The Wheeler-Bliss Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. William E. Mason in behalf of Mr. Allan C. Story in support of petition, and by Mr. J. M. Flower, Mr. Frank J. Smith, and Mr. Harrison Musgrave in opposition thereto.

No. 736.—The Capital National Bank of Lincoln, Nebr., et al., plaintiffs in error, *v.* The Coldwater National Bank of Coldwater, Mich. Motion to dismiss postponed until the next term.

No. 813.—L. H. Hyer, petitioner, *v.* Richmond Traction Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Robert Stiles and Mr. Addison L. Holliday in support of petition.

No. 62.—J. J. Douglass, plaintiff in error, *v.* The Commonwealth of Kentucky. Motion to dismiss submitted by Mr. W. S. Taylor and Mr. William Goebel in support of motion, and by Mr. John G. Carlisle in opposition thereto.

No. 815.—Thomas M. Adams et al., executors, etc., petitioners, *v.* Benjamin R. Cowen et al., trustees. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Lawrence Maxwell, jr., in support of petition, and by Mr. Judson Harmon and Mr. John Little in opposition thereto.



No. 816.—The National Accident Society, petitioner, *v.* Fannie Spiro. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. H. D. McBurney for the petitioner.

No. 817.—Edward M. Willis et al., petitioners, *v.* The Eastern Trust and Banking Company. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. William A. Maury, Mr. Calderon Carlisle, and Mr. William G. Johnson in support of petition.

No. 108.—The City of New Orleans et al., appellants, *v.* The Citizens' Bank of Louisiana; and

No. 483.—The State of Louisiana *ex rel.* The Citizens' Bank of Louisiana, plaintiff in error, *v.* The Board of Assessors for the Parish of Orleans. Mandate stayed until further order of this court, on motion of Mr. William A. Maury for the Citizens' Bank of Louisiana.

No. 665.—The Village of Norwood, appellant, *v.* Ellen R. Baker. Motion to advance postponed until the next term.

No. —, Original.—*Ex parte*: In the matter of the Board of Supervisors of Presque Isle County, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. Frederic D. McKenney in behalf of Mr. Henry M. Duffield for petitioner.

No. 814.—The American Grocery Company, petitioner, *v.* Alexis Godellot, jr. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. W. H. Van Steenberg for the petitioner, and by Mr. H. Aplington in opposition thereto.

No. 673.—The California National Bank of San Francisco, plaintiff in error, *v.* Richard P. Thomas. Motion to dismiss submitted by Mr. A. H. Ricketts in support of motion, and by Mr. Eddy Knapp and Mr. Robert Rae in opposition thereto.

No. 674.—The California National Bank of San Francisco et al., plaintiffs in error, *v.* T. K. Stateler et al. Motion to dismiss submitted by Mr. Robert Brent Mitchell in support of motion, and by Mr. Eddy Knapp and Mr. Robert Rae in opposition thereto.

No. 666.—Willis Thorp, plaintiff in error, *v.* S. A. Bonnefield et al. Submitted as under the 32d rule, per stipulation, by Mr. John M. Thurston for the plaintiff in error, and by Mr. E. S. Pillsbury for the defendant in error.

After a recess the Chief Justice announced the following orders of the court:

No. 817.—Edward M. Willis et al., petitioners, *v.* The Eastern Trust and Banking Company. Petition for writ of certiorari to the court of appeals of the District of Columbia granted.

No. 813.—L. H. Hyer, petitioner, *v.* Richmond Traction Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit granted.

No. 62.—J. J. Douglas, plaintiff in error, *v.* The Commonwealth of Kentucky. Motion to dismiss postponed to the hearing of the case on its merits.

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.

Adjourned to the time and place appointed by law.

