

## SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 13, 1902.

---

The court met pursuant to law.

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

Warren K. Snyder of Oklahoma City, Okla., Joseph A. Burkart of Washington, D. C., Robert H. Terrell of Washington, D. C., Robert Catherwood of Chicago, Ill., Sardis Summerfield of Reno, Nev., J. Douglas Wetmore of Jacksonville, Fla., George D. Leslie of San Francisco, Cal., William R. Stringfellow of New Orleans, La., P. P. Carroll of Seattle, Wash., P. H. Coney of Topeka, Kans., H. M. Rulison of Cincinnati, Ohio, William Velpeau Rooker of Indianapolis, Ind., Isaac N. Huntsberger of Toledo, Ohio, and Charles W. Mullan of Waterloo, Iowa, were admitted to practice.

The Chief Justice announced that all motions noticed for to-day would be heard to-morrow, and 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 14, will be as follows: Nos. 306, 303, 4, 5, 6, 7, 9, 10, 11 and 12.

○

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 14, 1902.

---

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

E. Howard McCaleb, jr., of New Orleans, La., Judson S. Hall of New York City, Elbert Campbell Ferguson of Chicago, Ill., John Leland Manning of Chicago, Ill., Alden B. Hurt of Washington, D. C., George M. Parsons of Boise, Idaho, Samuel H. Harris of Perry, Okla., Joachim R. Saussy, jr., of Savannah, Ga., Charles C. Vankirk of Albany, N. Y., and Heman White Chaplin of Boston, Mass., were admitted to practice.

No. 24. The United States, appellant, *v.* The Officers and Crew of the U. S. Steamer Mangrove; and

No. 34. The Officers and Enlisted Men of the U. S. Ship New York et al., appellants, *v.* The Officers and Crew of the U. S. Steamer Mangrove. Passed temporarily, on motion of Mr. Solicitor-General Richards for the United States.

No. 40. Mariano F. Sena, appellant, *v.* The United States. Passed per stipulation, on motion of Mr. Solicitor-General Richards for the appellee.

No. 216. The United States, appellant, *v.* James A. Rickert, as county treasurer, etc. Reassigned for argument on Monday, December 8 next on motion of Mr. Solicitor-General Richards for the appellant.

No. 463. Adah S. Horman, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit and motion for stay submitted by Mr. H. M. Rulinson for the petitioner, with leave to Mr. Solicitor-General Richards to file brief in opposition on or before Friday next.

No. 10, Original. The State of Washington, complainant, *v.* Northern Securities Company et al. Leave to plead, answer or demur within thirty days granted, on motion of Mr. John W. Griggs for defendants.

No. 442. Swain P. Chick et al., petitioners, *v.* Allen C. Fuller et al. Petition for writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. William J. Manning and Mr. James H. Barnard for the petitioners, and by Mr. Charles H. Aldrich and Mr. Frank F. Reed for the respondents.

No. 77. William E. Hale, as receiver, etc., petitioner, *v.* Edward P. Allinson et al. Leave granted to file brief herein, as amicus curiæ, within ten days, on motion of Mr. Heman White Chaplin.

No. 433. William E. Hale, receiver, etc., petitioner, *v.* James A. Hilliker. Petition for writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. James K. Redington in behalf of Mr. M. H. Boutelle, Mr. William E. Hale and Mr. A. L. Pincoffs for the petitioner, and by Mr. Charles E. Patterson, Mr. Alpheus Bulkeley and Mr. Charles C. Vankirk for the respondent.

No. 5. Railroad Equipment Company, appellant, *v.* Southern Railway Company et al. Passed temporarily, on motion of Mr. W. A. Henderson for the appellees.

No. 243 of 1901. John E. Hanifen, etc., petitioner, *v.* Edward A. Price et al. Motion to modify judgment submitted by Mr. W. P. Preble, jr., for the petitioner in support of motion, and by Mr. Edmund Wetmore for the respondents in opposition thereto.

No. 349. Bank of Iron Gate, plaintiff in error, *v.* Maggie A. Brady, executrix, etc. Submitted pursuant to the twentieth rule by Mr. William L. Royall for the plaintiff in error, and by Mr. Solicitor-General Richards for the defendant in error.

No. 439. The Guarantee Company of North America, petitioner, *v.* Phenix Insurance Company of Brooklyn, N. Y. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. S. A. Putman in behalf of Mr. Warren Switzer for the petitioner, and by Mr. H. C. Brome for the respondent.

No. 97. The Union Steamboat Company, petitioner, *v.* The Erie and Western Transportation Company et al. Motion for leave to intervene herein submitted by Mr. J. H. Hayden in behalf of Mr. Wilhelmus Mynderse for the Mannheim Insurance Company et al.

No. 408. The Pacific Coast Company, petitioner, *v.* W. H. Reynolds et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Thomas B. Reed and Mr. George W. Towle, jr., for the petitioner.

No. 455. London, Paris and American Bank (Limited), petitioner, *v.* Rosalie Aaronstein, executrix, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Thomas H. Clark in behalf of Mr. Louis Marshall and

Mr. Henry Ach for the petitioner, and by Mr. S. C. Scheeline for the respondent.

No. 453. Chicago and Erie Railroad Company, petitioner, *v.* William N. Shaw. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. William H. H. Miller and Mr. W. O. Johnson for the petitioner, and by Mr. James C. McShane for the respondent.

No. 394. Indiana Power Company, plaintiff in error, *v.* St. Joseph and Elkhart Power Company. Motions to dismiss or affirm submitted by Mr. Charles Francis Carusi in support of motions, and by Mr. Ferdinand Winter and Mr. Frank F. Reed in opposition thereto.

Nos. 253 and 254. The Sun Life Insurance Company of America, plaintiff in error, *v.* Albert McCabe. In error to the county court of Dallas County, Tex. Dismissed with costs, on motion of Mr. Maurice E. Locke for the plaintiff in error.

No. 464. The Burlington Trust Company et al., petitioners, *v.* Silas Porter et al. Petition for writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. O. H. Dean and Mr. B. P. Waggener for the petitioners.

No. 399. The Boston Fruit Company, petitioner, *v.* A. G. Hall et al. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. Frederic D. McKenney in behalf of Mr. J. L. Thorndike and Mr. Charles Theodore Russell for the petitioner, and by Mr. J. Parker Kirlin for the respondents.

No. 465. Cornelius J. McNamara et al., petitioners, *v.* Home Land and Cattle Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Frederic D. McKenney in behalf of Mr. George R. Peck, Mr. John S. Miller, Mr. Merritt Starr and Mr. H. G. McIntire for the petitioners, and by Mr. W. E. Cullen, Mr. E. C. Day, Mr. W. E. Cullen, jr., and Mr. F. C. Sharp for the respondents.

No. 71. The City of Austin, plaintiff in error, *v.* E. C. Bartholomew et al., receivers. In error to the circuit court of the United States for the western district of Texas. Dismissed with costs, on motion of counsel for plaintiff in error.

No. 112. The People of the State of New York ex rel. The Cayadutta Plank Road Company, plaintiff in error, *v.* Curtis S. Cummings, mayor, et al. In error to the supreme court of the State of New York. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 245. O. E. Cope, appellant, *v.* Landa H. Braden. Appeal from the supreme court of the Territory of Oklahoma. Dismissed with costs, on motion of counsel for appellant.

No. 255. William B. Brown, appellant, *v.* John H. Drain, street superintendent, etc., et al. Motions to dismiss or affirm submitted by Mr. Albert H. Crutcher in support of motions, and by Mr. Joseph H. Call in opposition thereto.

No. 303. Simeon I. Grin, appellant, *v.* John H. Shine, United States marshal. Reassigned for argument on Monday, October 27.

No. 4. Fred A. Baker, plaintiff in error, *v.* Stephen Baldwin. Submitted by Mr. Fred A. Baker and Mr. Albert B. Hall for the plaintiff in error, and by Mr. Timothy E. Tarsney for the defendant in error.

No. 6. The Glucose Sugar Refining Company, plaintiff in error, *v.* George F. Harding et al. In error to the supreme court of the State of Illinois. Dismissed with costs, pursuant to the tenth rule.

No. 7. Augustus Burgdorf et al., plaintiffs in error, *v.* The United States to the use of the Vermont Marble Company. Passed temporarily.

No. 10. A. W. Corbus, appellant, *v.* The Alaska Treadwell Gold Mining Company;

No. 13. Charles Stewart, appellant, *v.* The Washington and Alaska Steamship Company et al.;

No. 26. The Pacific Steam Whaling Company, appellant, *v.* The United States; and

Nos. 29, 30 and 31. The Pacific Coast Steamship Company, appellant, *v.* The United States. Passed temporarily.

No. 12. Freida Schradsky, plaintiff in error, *v.* The Board of County Commissioners of the County of Lake. Passed temporarily.

No. 3. The Manchester Fire Assurance Company of Manchester, England, et al., appellants, *v.* John Herriott, treasurer of the State of Iowa, et al. Appeal from the circuit court of the United States for the southern district of Iowa. Dismissed per stipulation, on motion of Mr. C. W. Mullan for the appellees.

No. 25. The Scottish Union and National Insurance Company of Edinburgh, Scotland, and London, England, plaintiffs in error, *v.* John Herriot, etc. In error to the supreme court of the State of Iowa. Dismissed per stipulation, on motion of Mr. C. W. Mullan for the defendant in error.

No. 306. Homer Bird, plaintiff in error, *v.* The United States. Argued by Mr. L. T. Michener for the plaintiff in error, and by Mr. Charles Robb and Mr. Assistant Attorney-General Beck for the defendant in error.

No. 9. The State of Iowa, plaintiff in error, *v.* Edwin O. Rood et al. Argument commenced by Mr. Charles W. Mullan for the plaintiff in error, and continued by Mr. Robert M. Wright and Mr. John P. Dolliver for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 15, will be as follows: Nos. 9, 11, 27, 43, 44, 47, 48, 50, 51 and 52.

O

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 15, 1902.

---

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

George R. Gaither of Baltimore, Md., and Lewis L. Wheelock of Owatonna, Minn., were admitted to practice.

No. 6, Original. The State of Tennessee, complainant, *v.* The State of Virginia. Time in which to file report of commissioners extended to January 1, 1903, on motion of Mr. Heber J. May in behalf of counsel.

No. 47. Mary Phelps Montgomery, executrix, etc., plaintiff in error, *v.* The City of Portland et al. Passed, per stipulation, subject to the provisions of section 9, rule 26.

No. 9. The State of Iowa, plaintiff in error, *v.* Edwin O. Rood et al. Argument concluded by Mr. Charles W. Mullan for the plaintiff in error.

No. 11. The Citizens' Bank of Louisiana, plaintiff in error, *v.* Caleb H. Parker, tax collector, etc. Argued by Mr. Henry Denis for the plaintiff in error, and by Mr. E. Howard McCaleb, jr., for the defendant in error.

No. 27. American School of Magnetic Healing et al., appellants, *v.* J. M. McAnnulty. Argument commenced by Mr. James H. Harkless for the appellants, and continued by Mr. Robert A. Howard for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 16, will be as follows: Nos. 27, 43, 44, 48, 50, 51, 52, 53, 54 and 55.

○

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 16, 1902.

---

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

Jean H. Everest of Oklahoma City, Okla., was admitted to practice.

No. 55. George Tsukamoto, appellant, *v.* John Lackmann et al. Submitted by Mr. James G. Maguire for the appellant, and by Mr. Thomas D. Riordan for the appellees.

No. 27. American School of Magnetic Healing et al., appellants, *v.* J. M. McAnnulty. Argument continued by Mr. Robert A. Howard for the appellee, and concluded by Mr. James H. Harkless for the appellants.

No. 43. The Northern Central Railway Company, plaintiff in error, *v.* The State of Maryland. Argued by Mr. Bernard Carter for the plaintiff in error, and by Mr. Louis E. McComas and Mr. George R. Gaither for the defendant in error.

No. 44. Peter Nelson et al., plaintiffs in error, *v.* The Northern Pacific Railroad Company. Argument commenced by Mr. James Hamilton Lewis for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 17, will be as follows: Nos. 44, 48, 50, 51, 52, 53 and 54.

○



# SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 17, 1902.

---

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

Edmund G. McGilton of Omaha, Nebr., James M. Johnson of St. Joseph, Mo., Albert S. Blake of Leadville, Colo., and Jonas Leroy Bennett of Chicago, Ill., were admitted to practice.

No. 44. Peter Nelson et al., plaintiffs in error, *v.* The Northern Pacific Railroad Company. Leave granted counsel for defendant in error to file supplemental brief herein and to counsel for plaintiffs in error to file reply briefs, on motion of Mr. James B. Kerr for the defendant in error. Argument continued by Mr. James Hamilton Lewis for plaintiffs in error, by Mr. Jas. B. Kerr for defendant in error, and concluded by Mr. James Hamilton Lewis for the plaintiffs in error.

No. 48. The Knights Templars and Masons' Life Indemnity Company, petitioner, *v.* Rosa B. Jarman. Argued by Mr. S. S. Gregory and Mr. Hervey Bryan Hicks for the petitioner, and by Mr. Frederick H. Bacon for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 20, will be as follows: Nos. 50, 51, 52, 53, 54, 211, 275, 147 (and 269), 273 and 309 (and 310 and 311).

○

# SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 20, 1902.

---

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

John W. Saxe of Boston, Mass., William C. Pollock of Mount Vernon, Ill., William B. Sullivan of Danvers, Mass., Conrad H. Syme of Washington, D. C., Charles L. Hutchinson of Portland, Me., H. Garland Dupre of New Orleans, La., James E. McDonald of Winnsboro, S. C., Barnwell S. Steuart of Denver, Colo., Walter Guion of New Orleans, La., John Dymond, jr., of New Orleans, La., William R. Harr of Washington, D. C., and Border Bowman of Springfield, Ohio, were admitted to practice.

No. 14. Peter Ambrosini, plaintiff in error, *v.* The United States. In error to the district court of the United States for the northern district of Illinois. Judgment reversed, and cause remanded with a direction to quash the indictment. Opinion by Mr. Chief Justice Fuller. (Mr. Justice Harlan did not hear the argument and took no part in the decision.)

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

Order: It is ordered that the following allotment be made of the Chief Justice and associate justices of this court among the circuits, agreeably to the act of Congress in such case made and provided, and that such allotment be entered of record, viz:

For the First circuit, Rufus W. Peckham, associate justice.

For the Second circuit, Rufus W. Peckham, associate justice.

For the Third circuit, George Shiras, jr., associate justice.

For the Fourth circuit, Melville W. Fuller, Chief Justice.

For the Fifth circuit, Edward D. White, associate justice.

For the Sixth circuit, John M. Harlan, associate justice.

For the Seventh circuit, Henry B. Brown, associate justice.

For the Eighth circuit, David J. Brewer, associate justice.

For the Ninth circuit, Joseph McKenna, associate justice.

No. 189 of 1901. Lee Lung, appellant, *v.* J. L. Patterson, collector; No. 245 of 1901. Henry L. Ward, treasurer, etc., petitioner, *v.* Edward Joslin's executors; and

No. 388 of 1901. N. O. Murphy et al., appellants, *v.* James L. Utter et al. Motions for leave to file petitions for rehearing denied.

No. 243 of 1901. John E. Hanifen, etc., petitioner, *v.* Edward A. Price et al. Motion to modify decree herein denied.

No. 97. The Union Steamboat Company, petitioner, *v.* The Erie and Western Transportation Company et al. Motion for leave to intervene herein granted.

No. 331. Henry B. F. Macfarland et al., Commissioners, etc., appellants, *v.* Jesse Brown et al.;

No. 332. Henry B. F. Macfarland et al., Commissioners, etc., appellants, *v.* Eugene Byrnes et al.; and

No. 341. Sanford Jacobi, plaintiff in error, *v.* The State of Alabama. Motions to advance granted, and cases assigned for argument on Monday, November 3 next.

No. 342. The Allegheny Oil Company et al., petitioners, *v.* Hiram A. Snyder et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 399. The Boston Fruit Company, petitioner, *v.* A. G. Hall et al. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 408. The Pacific Coast Company, petitioner, *v.* W. H. Reynolds et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 439. The Guarantee Company of North America, petitioner, *v.* Phenix Insurance Company of Brooklyn, N. Y. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 442. Swain P. Chick et al., petitioners, *v.* Allen C. Fuller et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 453. Chicago and Erie Railroad Company, petitioner, *v.* William N. Shaw. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 455. London, Paris and American Bank, Limited, petitioner, *v.* Rosalie Aaronstein, executrix, etc. Petition for a writ of certiorari to the United States court of appeals for the ninth circuit denied.

No. 463. Adah S. Horman, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 464. The Burlington Trust Company et al., petitioners, *v.* Silas Porter et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 55. George Tsukamoto, appellant, *v.* John Lackmann et al. Appeal from the circuit court of the United States for the northern district of California. Final order affirmed with costs, on the authority of *Minnesota v. Brundage*, 180 U. S., 499; *Markuson v. Boucher*, 175 U. S., 184; and cases cited.

No. 255. William B. Brown, appellant, *v.* John H. Drain, street superintendent, etc., et al. Appeal from the circuit court of the United States for the southern district of California. Decree affirmed with costs, on the authority of *Ex parte Spies*, 123 U. S., 131; *Richardson v. Railroad Company*, 169 U. S., 128; *Walston v. Nevin*, 128 U. S., 578; *Fallbrook Irrigation District v. Bradley*, 164 U. S., 112; *French v. Asphalt Company*, 181 U. S., 324; *King v. Portland*, 184 U. S., 61. (Mr. Justice Harlan took no part in the disposition of this case.)

No. 349. Bank of Iron Gate, plaintiff in error, *v.* Maggie A. Brady, executrix, etc. In error to the circuit court of the United States for the eastern district of Virginia. Judgment affirmed with costs, on the authority of *Veazie Bank v. Fenno*, 8 Wall., 533.

No. 394. Indiana Power Company, plaintiff in error, *v.* St. Joseph and Elkhart Power Company. In error to the supreme court of the State of Indiana. Dismissed for the want of jurisdiction, on the authority of *Pim v. St. Louis*, 165 U. S., 273; *Cook County v. Dock Company*, 138 U. S., 635; *Dewey v. Des Moines*, 173 U. S., 200; *Mining Company v. McFadden*, 180 U. S., 535.

No. 252. The United States, appellant, *v.* Arthur B. Barringer. Motion to advance submitted by Mr. Assistant Attorney-General Hoyt for the appellant.

No. 475. Harold Crowley, appellant, *v.* The United States. Appeal from the district court of the United States for the district of Porto Rico. Docketed and dismissed, on motion of Mr. Assistant Attorney-General Hoyt for the appellee.

No. 415. The Wabash Railroad Company, plaintiff in error, *v.* Charles E. Pearce. Death of Charles E. Pearce, the defendant in error herein, suggested, and order of publication granted, on motion of Mr. S. M. Lake in behalf of counsel for the plaintiff in error.

No. 418. The Wabash Railroad Company, plaintiff in error, *v.* Alexander Flannigan et al. Motion for leave to withdraw record for purpose of proper authentication granted, on motion of Mr. S. M. Lake in behalf of counsel for the plaintiff in error.

Nos. 328, 329 and 330. Charles T. Carnahan, plaintiff in error, *v.* P. K. Connolly. Motion to consolidate and that but one record be printed submitted by Mr. Barnwell S. Stuart and Mr. Charles J. Hughes, jr., for the plaintiff in error in support of motion, and by Mr. Albert S. Blake, Mr. C. S. Thomas, Mr. W. H. Bryant and Mr. H. H. Lee for the defendant in error in opposition thereto. Motions to dismiss submitted by Mr. Albert S. Blake, Mr. C. S. Thomas, Mr. W. H. Bryant and Mr. H. H. Lee in support of motions, and by Mr. Barnwell S. Stuart and Mr. Charles J. Hughes, jr., in opposition thereto.

No. —, Original. The State of Louisiana, complainant, *v.* The State of Mississippi. Motion for leave to file bill of complaint submitted by Mr. Walter Guion for the complainant.

No. 467. Peck Bros. Company of Illinois, petitioner, *v.* The Peck Bros. & Co. of Connecticut. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Henry D. Coghlan and Mr. J. A. O'Donnell for the petitioner, and by Mr. E. A. Otis for the respondent. Leave granted to counsel for petitioner to file reply brief on or before Friday next.

No. 452. The Rubber Tire Wheel Company et al., petitioners, *v.* The Goodyear Tire and Rubber Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Hoke Smith, Mr. Borden Bowman, Mr. Frederick P. Fish and Mr. John R. Bennett for the petitioners, and by Mr. Edmund Wetmore and Mr. H. A. Toulmin for the respondents. Leave granted to counsel for petitioners to file reply brief within two days.

No. 454. Southern Railway Company, petitioner, *v.* John R. Craig, administrator, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Fairfax Harrison for the petitioner, and by Mr. James E. McDonald for the respondent.

No. 443. Richard A. Burget, petitioner, *v.* Horace R. Robinson. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. John W. Corcoran and Mr. William B. Sullivan for the petitioner, and by Mr. Stiles W. Burr and Mr. John W. Saxe for the respondent.

No. 468. Perkins County, Nebraska, petitioner, *v.* E. D. Graff. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. J. H. McGowan and Mr. Charles F. Manderson for the petitioner, and by Mr. J. M. Johnson for the respondent.

No. 473. The Board of County Commissioners of Kearney County, Kansas, petitioner, *v.* L. Vandriss. Petition for a writ of certiorari to the

United States circuit court of appeals for the eighth circuit submitted by Mr. A. P. Jetmore for the petitioner.

No. 474. The Chicago House Wrecking Company, petitioner, *v.* Otto C. Birney. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. William D. McHugh and Mr. J. M. Woolworth for the petitioner, and by Mr. Charles J. Greene and Mr. R. W. Breckenridge for the respondent.

No. 469. United States Fidelity and Guaranty Company, petitioner, *v.* Omaha Building and Construction Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. E. G. McGilton for the petitioner, and by Mr. H. C. Brome for the respondent.

No. 466. Northern Pacific Railway Company, petitioner, *v.* Louise H. Adams et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. A. B. Browne and Mr. C. W. Bunn for the petitioner, and by Mr. Charles S. Voorhees and Mr. R. H. Voorhees for the respondents.

No. 4, Original. The State of Missouri, complainant, *v.* The State of Illinois et al. Leave granted to file motion to dismiss for want of prosecution, on motion of Mr. William M. Springer for the defendants.

No. 320. The Equitable Life Assurance Society of the United States, plaintiff in error, *v.* Cecil Brown, administrator, etc. Motions to dismiss or affirm submitted by Mr. Cecil Brown in support of motions, and by Mr. Allan McCulloh in opposition thereto.

No. 321. The Kansas City Suburban Belt Railway Company, plaintiff in error, *v.* Andrew Herman, a minor, et al. Motions to dismiss or affirm submitted by Mr. Silas Porter in support of motions, and by Mr. S. W. Moore, Mr. Gardner Lathrop, and Mr. Thomas R. Morrow in opposition thereto.

No. 384. Ida McClung, plaintiff in error, *v.* William A. Penny. Motion to dismiss submitted by Mr. A. G. C. Bierer in support of motion, and by Mr. Samuel H. Harris in opposition thereto.

No. 129. The New Orleans and Washington Packet Company, appellant, *v.* The Railroad Commission of Louisiana. Appeal from the circuit court of the United States for the eastern district of Louisiana. Dismissed, each party to pay its own costs, per stipulation.

No. 164. George A. Blinn, jr., et al., appellants, *v.* Dan Jenkins et al. Appeal from the circuit court of the United States for the northern district of Alabama. Dismissed with costs, per stipulation.

No. 50. Alice R. Mosheuvel et al., plaintiffs in error, *v.* The District of Columbia. Argued by Mr. Charles Cowles Tucker and Mr. Henry

E. Davis for the plaintiffs in error, and by Mr. Andrew B. Duvall for the defendant in error.

No. 51. Edward H. Clarke, petitioner, *v.* Wilbur Larremore, trustee, etc. Argued by Mr. S. Livingston Samuels for the petitioner, and by Mr. Nelson S. Spencer for the respondent.

No. 52. John Romig et al., appellants, *v.* Myrtle Gillett. Argument commenced by Mr. A. A. Hoehling, jr., for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 21, will be as follows: Nos. 52, 53, 54, 211, 275, 147 (and 269), 273, 309 and (310 and 311) 177, 248.

○

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 21, 1902.

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

George L. Lewis of Buffalo, N. Y., Anthony C. Campbell of Roswell, N. Mex., and William H. Futrell of Philadelphia, Pa., were admitted to practice.

No. 334. Henry Thomas, petitioner, *v.* Interstate Building and Loan Association. On petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit. Dismissed, on motion of Mr. Thomas H. Clark for the petitioner.

No. 182. James U. Hughes, plaintiff in error, *v.* R. B. Kepley et al. Continued, per stipulation.

No. 52. John Romig et al., appellants, *v.* Myrtle Gillett. Argument continued by Mr. A. A. Hoehling, jr., for the appellants, by Mr. William M. Springer for the appellee, and concluded by Mr. A. A. Hoehling, jr., for the appellants.

No. 53. Iowa Life Insurance Company, plaintiff in error, *v.* Lula T. Lewis. Argument commenced by Mr. Maurice E. Locke for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 22, will be as follows: Nos. 53, 54, 211, 275, 147 (and 269), 273, 309 (and 310 and 311), 177, 248 and 318.



# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 22, 1902.

---

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

Victor H. Wallace of Washington, D. C., was admitted to practice.

No. 53. Iowa Life Insurance Company, plaintiff in error, *v.* Lula T. Lewis. Argument continued by Mr. Maurice E. Locke for the plaintiff in error, by Mr. Michael J. Colbert for the defendant in error, and concluded by Mr. Maurice E. Locke for the plaintiff in error.

No. 54. E. M. Caldwell, plaintiff in error, *v.* The State of North Carolina. Argued by Mr. Charles M. Stedman for the plaintiff in error, and by Mr. Alfred M. Scales for the defendant in error.

No. 211. Phineas Pam-to-pee et al., appellants, *v.* The United States. Argument commenced by Mr. John B. Shipman for the appellants, and continued by Mr. William H. Button for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 23, will be as follows: Nos. 211, 275, 147 (and 269), 273, 309 (and 310 and 311), 177, 248, 318, 57 and 59 (and 45).

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 23, 1902.

---

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

No. 211. Phineas Pam-to-pee et al., appellants, *v.* The United States. Argument concluded by Mr. John B. Shipman for the appellants. Leave granted to appellants to file supplemental brief on or before Thursday next, on motion of Mr. John B. Shipman for appellants.

No. 275. Lone Wolf, principal chief, etc., et al., appellants, *v.* E. A. Hitchcock, Secretary of the Interior, et al. Argued by Mr. William M. Springer and Mr. Hampton L. Carson for the appellants, and by Mr. Assistant Attorney-General Van Devanter for the appellees. Leave granted to appellants to file an additional brief within one week, on motion of Mr. William M. Springer for appellants.

No. 340. The Cherokee Nation et al., appellants, *v.* E. A. Hitchcock, Secretary of the Interior. Submitted pursuant to the twentieth rule by Mr. William M. Springer for the appellants, and by Mr. Assistant Attorney-General Van Devanter and Mr. William C. Pollock for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 24, will be as follows: Nos. 147 (and 269), 273, 309 (and 310 and 311), 177, 248, 318, 57, 59 (and 45), 60 and 61.

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 24, 1902.

---

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

Robert Cairns Hayden of Washington, D. C., was admitted to practice.

No. 147. Ed. H. Reid, appellant, *v.* Robert J. Jones, sheriff, etc.; and No. 269. Ed. H. Reid, plaintiff in error, *v.* The People of the State of Colorado. Argued by Mr. John H. Denison and Mr. William M. Springer for the appellant and plaintiff in error, and by Mr. Frederic D. McKenney for the appellee and defendants in error.

No. 177. The Indiana Manufacturing Company, appellant, *v.* Armin C. Koehne et al. Argued by Mr. Chester Bradford for the appellant, and by Mr. William L. Taylor for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 27, will be as follows: Nos. 273, 309 (and 310 and 311), 248, 318, 57, 59 (and 45), 60, 61, 303 and 5.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 27, 1902.

---

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

William H. De Lacy of Washington, D. C., Julius Offenbach of New York City and Robert W. Williams, jr., of Tallahassee, Fla., were admitted to practice.

No. 38. Christian Schwartz et al., petitioners, *v.* John S. Duss et al. 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 circuit court of the United States for the western district of Pennsylvania. Opinion by Mr. Justice McKenna. Dissenting: Mr. Chief Justice Fuller and Mr. Justice Brewer. (Mr. Justice Gray and Mr. Justice Shiras took no part in the decision of this case.)

No. 46. J. M. Robinson & Co., plaintiffs in error, *v.* J. C. Belt 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 for the northern district of the Indian Territory. Opinion by Mr. Justice Brown. (Mr. Justice Shiras and Mr. Justice White concur in the result.)

The Chief Justice announced the following orders of the court:

No. 12, Original. The State of Louisiana, complainant, *v.* The State of Mississippi. Motion for leave to file bill of complaint granted, and process ordered to issue returnable Monday, January 12, 1903.

Nos. 49 and 58. The Kennedy Mining and Milling Company, plaintiff in error, *v.* The Argonaut Mining Company. Restored to the docket for reargument before a full bench.

No. 252. The United States, appellant, *v.* Arthur B. Barringer. Motion to advance granted, and cause assigned for argument on Monday, January 5 next.

No. 384. Ida McClung, plaintiff in error, *v.* William A. Penny. Motion to dismiss postponed to the hearing of the cause on its merits.

No. 452. The Rubber Tire Wheel Company et al., petitioners, *v.* The Goodyear Tire and Rubber Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 454. Southern Railway Company, petitioner, *v.* John R. Craig, administrator, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 465. Conelius J. McNamara et al., petitioners, *v.* Home Land and Cattle Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 468. Perkins County, Nebraska, petitioner, *v.* E. D. Graff. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 469. United States Fidelity and Guaranty Company, petitioner, *v.* Omaha Building and Construction Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 473. The Board of County Commissioners of Kearny County, Kansas, petitioner, *v.* L. Vandriss. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 474. The Chicago House Wrecking Company, petitioner, *v.* Otto C. Birney. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 466. Northern Pacific Railway Company, petitioner, *v.* Louise H. Adams et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit granted.

Nos. 328, 329 and 330. Charles T. Carnahan, plaintiff in error, *v.* P. K. Connolly. In error to the court of appeals of the State of Colorado. Writs of error dismissed for want of jurisdiction on the authority of *Eustis v. Bolles*, 150 U. S., 301; *Harrison v. Morton*, 171 U. S., 38; *Erie Railroad Company v. Purdy*, 185 U. S., 148; and other cases; and see *Carnahan v. Connolly*, 68 Pac. Rep., 836.

No. 485. Du Shen Tau et al., appellants, *v.* The United States;

No. 486. Lee Chin Ching, appellant, *v.* The United States; and

No. 487. Moy Yee Tai et al., appellants, *v.* The United States. Appeals from the district court of the United States for the northern district of New York. Docketed and dismissed, on motion of Mr. Solicitor-General Richards for the appellee.

No. 472. The Rural Independent School District of Allison et al., petitioners. *v.* Eleanor G. Fairfield. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted

by Mr. C. W. Maupin in behalf of Mr. R. M. Wright for the petitioners, and by Mr. R. H. Brown for the respondent.

No. 445. Silas F. King, petitioner, *v.* J. O. Bender. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. William A. Maury in behalf of Mr. J. C. Campbell and Mr. W. H. Metson for the petitioner, and by Mr. J. O. Bender pro se.

No. 175. Henry H. Bockfinger, appellant, *v.* John W. Foster et al. Motion for an order in the matter of taxation of costs for printing record submitted by Mr. James R. Keaton for the appellant.

No. 265. The Board of Directors of the Chicago Theological Seminary, plaintiff in error, *v.* The People of the State of Illinois ex rel. S. B. Raymond, county treasurer. Advanced to be heard with No. 140 as one case, on motion of Mr. John B. Cotton in behalf of counsel.

No. 476. The Minnesota Moline Plow Company et al., petitioners, *v.* The Dowagiac Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Charles M. Peck and Mr. Lysander Hill for the petitioners, and by Mr. Fred L. Chappell for the respondent.

No. 437. John M. Perkins, petitioner, *v.* Andrew B. Hendryx et al. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. Frederic D. McKenney in behalf of Mr. John M. Perkins pro se, and by Mr. Charles M. Reed and Mr. Laureson L. Scaife for the respondents.

No. 273. The United States, appellant, *v.* William T. Sampson, rear-admiral, U. S. Navy, et al. Argument commenced by Mr. Charles C. Binney for the appellant, and continued by Mr. James H. Hayden and Mr. William B. King for the appellees, and by Mr. Assistant Attorney-General Hoyt for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 28, will be as follows: Nos. 273, 309 (and 310 and 311), 248, 318, 57, 59 (and 45), 60, 61, 303 and 62.

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 28, 1902.

---

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

No. 126. Houghton E. James et al., appellants, *v.* The Germania Iron Company; and

No. 127. James Belden, appellant, *v.* The Midway Company. Continued, per stipulation.

No. 273. The United States, appellant, *v.* William T. Sampson, rear-admiral, U. S. Navy, et al. Argument concluded by Mr. Assistant Attorney-General Hoyt for the appellant.

No. 309. The United States, appellant, *v.* George Dewey, Admiral U. S. Navy; and

No. 310. George Dewey, Admiral U. S. Navy, appellant, *v.* The Don Juan de Austria et al. Argued by Mr. William B. King and Mr. Benjamin Micou for Dewey et al., and by Mr. Charles C. Binney and Mr. Assistant Attorney-General Hoyt for the United States.

No. 311. Edwin F. Stovell, etc., appellant, *v.* George Dewey, Admiral U. S. Navy. Argument commenced by Mr. Conrad H. Syme for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 29, will be as follows: Nos. 311, 248, 318, 57, 59 (and 45), 60, 61, 303, 62 and 63.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 29, 1902.

---

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

Fred Rice Rowell of Seattle, Wash., and Charles M. Boerman of Ponce, Porto Rico, were admitted to practice.

No. 273. The United States, appellant, *v.* William T. Sampson, rear-admiral, United States Navy. Petition of Elizabeth B. Sampson, administratrix of William T. Sampson, deceased, to be substituted as a party appellee herein submitted by Mr. James H. Hayden of counsel for appellees. Motion of Robley D. Evans, Henry C. Taylor and Charles S. Cotton, rear-admirals, United States Navy; French E. Chadwick and Joseph G. Eaton, captains, United States Navy; Lucien Young, commander, United States Navy; and Alexander Sharp, jr., lieutenant-commander, United States Navy, to be made parties appellees herein submitted by Mr. James H. Hayden of counsel for appellees.

No. 311. Edwin F. Stovell, etc., appellant, *v.* George Dewey, Admiral U. S. Navy, etc. Argument continued by Mr. Conrad H. Syme for the appellant, by Mr. William B. King for the appellee, and concluded by Mr. Charles W. Clagett for the appellant.

No. 248. The United States, appellant, *v.* Edward A. Moseley. Argued by Mr. Holmes Conrad for the appellee, and submitted by Mr. Assistant Attorney-General Pradt for the appellant.

No. 318. Robert E. Downs, petitioner, *v.* The United States. Argued by Mr. Ernest A. Bigelow for the petitioner, and by Mr. Assistant Attorney-General Hoyt for the respondent. Leave granted to Mr. Ernest A. Bigelow to file additional brief within three days.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 30, will be as follows: Nos. 57, 59 (and 45), 60, 61, 303, 62, 63, 64, 65 and 66.



# SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 30, 1902.

---

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

Julian Mitchell, jr., of Charleston, S. C., was admitted to practice.

No. 45. The United States, plaintiff in error, *v.* Arthur Lynah et al. Death of James Lynah, one of the defendants in error herein, suggested, and appearance of Harriet B. Lynah, sole devisee and executrix, as a party defendant in error, filed and entered, on motion of Mr. J. P. Kennedy Bryan for the defendants in error.

No. 57. Metcalf Bros. & Co., petitioner, *v.* Benjamin Barker, jr., trustee, etc. Argued by Mr. Nelson S. Spencer for the petitioner, and by Mr. Otto T. Hess and Mr. McCready Sykes for the respondent.

No. 59. The United States, plaintiff in error, *v.* Charles A. Williams et al.; and

No. 45. The United States, plaintiff in error, *v.* Arthur Lynah et al. Argument commenced by Mr. Robert A. Howard for the United States, and continued by Mr. Julian Mitchell, jr., for Williams et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 31, will be as follows: Nos. 59 (and 45), 60, 61, 303, 62, 63, 64, 65, 66 and 67.

○

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 31, 1902.

---

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

Crandal Mackey of Washington, D. C., Francis W. H. Clay of Pittsburg, Pa., William N. Graydon of Abbeville, S. C., and Alfred Battle of Seattle, Wash., were admitted to practice.

No. 381. The Fidelity and Deposit Company of Maryland, plaintiff in error, *v.* The United States of America use of Lewis E. Smoot. Submitted, pursuant to the twentieth rule, by Mr. L. H. Poole for the plaintiff in error, and by Mr. Crandal Mackey for the defendant in error.

No. 59. The United States, plaintiff in error, *v.* Charles A. Williams et al.; and

No. 45. The United States, plaintiff in error, *v.* Arthur Lynah et al. Argument continued by Mr. Julian Mitchell, jr., for Williams et al., by Mr. J. P. Kennedy Bryan for Lynah et al., and concluded by Mr. Robert A. Howard for the United States.

No. 60. W. A. Calvert, administrator, etc., plaintiff in error, *v.* The Southern Railway Company. Argued by Mr. William N. Graydon for the plaintiff in error, and by Mr. George E. Hamilton for the defendant in error.

No. 61. The Northern Pacific Railway Company, appellant, *v.* J. A. Soderberg. Argued by Mr. C. W. Bunn for the appellant, and by Mr. J. T. Ronald for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 3, will be as follows: Nos. 303, 62, 63, 64, 65, 66, 67, 331 (and 332), 341 and 68.

○

# SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 3, 1902.

---

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

Charles Gayle Brown of Montgomery, Ala., Cyrus N. Anderson of Washington, D. C., and William J. Variel of Los Angeles, Cal., were admitted to practice.

No. 35. William J. Turpin, appellant, *v.* J. B. Lemon et al. Appeal from the circuit court of the United States for the district of West Virginia. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 4. Fred A. Baker, plaintiff in error, *v.* Stephen Baldwin. In error to the supreme court of the State of Michigan. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 321. The Kansas City Suburban Belt Railway Company, plaintiff in error, *v.* Andrew Herman, a minor, etc., et al. In error to the supreme court of the State of Kansas. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

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

No. 175. Henry H. Bockfinger, appellant, *v.* John W. Foster et al., trustees, etc. Motion to remit part of the clerk's fees for supervising the printing of the record herein granted.

No. 437. John M. Perkins, petitioner, *v.* Andrew B. Hendryx et al. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 445. Silas F. King, petitioner, *v.* J. O. Bender. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 467. Peck Brothers Company of Illinois, petitioner, *v.* The Peck Bros. & Co. of Connecticut. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 472. The Rural Independent School District of Allison et al., petitioners, *v.* Eleanor G. Fairfield. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 476. The Minnesota Moline Plow Company et al., petitioners, *v.* The Dowagiac Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 50. Alice R. Mosheuvél et al., plaintiffs in error, *v.* The District of Columbia. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs by a divided court.

No. 60. William A. Calvert, administrator, etc., plaintiff in error, *v.* The Southern Railway Company. In error to the circuit court of the United States for the district of South Carolina. Judgment affirmed with costs, on the authority of *St. Louis and San Francisco Railway Company v. James*, 161 U. S., 545, and see *Calvert v. Southern Railway Company*, 64 S. C., 143; 41 S. E. Rep., 963.

No. 76. Ferdinand N. Shurtleff, appellant, *v.* The United States. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. Assistant Attorney-General Hoyt for the appellee.

No. 303. Simeon I. Grin, appellant, *v.* John H. Shine, United States marshal. Submitted by Mr. Assistant Attorney-General Hoyt and Mr. H. G. Platt and Mr. Richard Bayne for the appellee, with leave to counsel for the appellant to file brief within one week.

No. 434. J. Haseltine Carstairs et al., petitioners, *v.* The American Bonding and Trust Company of Baltimore City. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Henry M. Hoyt in behalf of Mr. Joseph De F. Junkin for the petitioners, and by Mr. Francis B. Bracken for the respondent.

No. 8, Original. The State of Kansas, complainant, *v.* The State of Colorado. Leave granted to file stipulation and answer herein, on motion of Mr. Frederic D. McKenney in behalf of counsel.

No. 361. Eliza A. Wall, plaintiff in error, *v.* Old Colony Trust Company et al. Motions to dismiss or affirm submitted by Mr. Frederic D. McKenney in behalf of Mr. Moorfield Storey, Mr. J. L. Thorndike, Mr. Ezra R. Thayer, Mr. Felix Rackemann and Mr. L. S. Dabney in support of motions, and by Mr. Lauriston L. Scaife in opposition thereto.

No. 371. Charles P. Chisholm et al., petitioners, *v.* Zachariah Johnson. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. John W. Griggs and Mr. Gustav Bissing for the petitioners, and by Mr. Robert S. Taylor for the respondent.

No. 483. W. A. Moore, petitioner, *v.* James H. Parker et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Conrad H. Syme in behalf of Mr. Henry J. Haynsworth for the petitioner, and by Mr. Fairfax Harrison for the respondents.

No. 481. Adam Foerster et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. John Wharton Clark in behalf of Mr. Joel W. West for the petitioners, and by Mr. Solicitor-General Richards for the respondent.

No. 133. The Southern Pacific Railroad Company, plaintiff in error, *v.* Frank A. Wood et al. In error to the supreme court of the State of California. Dismissed with costs, on motion of counsel for plaintiff in error.

No. 134. The Southern Pacific Railroad Company, plaintiff in error, *v.* Frederick B. Jack et al. In error to the supreme court of the State of California. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 62. The Mobile Transportation Company, plaintiff in error, *v.* The City of Mobile. Argued by Mr. Frederic G. Bromberg for the plaintiff in error, and by Mr. Harry T. Smith for the defendant in error.

No. 63. Edmund H. Chadwick, plaintiff in error, *v.* John M. Kelley. Submitted by Mr. George L. Bright for the plaintiff in error. No brief filed for the defendant in error.

No. 64. Helen C. Raub et al., plaintiffs in error, *v.* Helen C. Carpenter et al. Argument commenced by Mr. Victor H. Wallace for the plaintiffs in error, and continued by Mr. Joseph A. Burkart for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 4, will be as follows: Nos. 64, 65, 66, 67, 331 (and 332), 341, 68, 69, 70 and 72.

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 4, 1902.

---

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

Andrew J. Nellis of Johnstown, N. Y., was admitted to practice.

No. 64. Helen C. Raub et al., plaintiffs in error, *v.* Helen C. Carpenter et al. Argument continued by Mr. Joseph A. Burkart and Mr. Joseph J. Darlington for the defendants in error, and concluded by Mr. Charles Poe for the plaintiffs in error.

No. 65. Rudolph Helwig, plaintiff in error, *v.* The United States. Argued by Mr. Henry W. Rudd for the plaintiff in error, and by Mr. Assistant Attorney-General Hoyt for the defendant in error.

No. 68. John S. Swann et al., trustees, etc., plaintiffs in error, *v.* The State of West Virginia. Leave granted to Mr. Holmes Conrad to file brief herein in behalf of certain interested parties.

No. 66. John H. Evans, receiver, etc., plaintiff in error, *v.* Andrew J. Nellis. Argued by Mr. Andrew J. Nellis for the defendant in error, and submitted by Mr. Stephen B. Stanton for the plaintiff in error.

No. 67. The Union and Planters' Bank of Memphis, Tenn., plaintiff in error, *v.* The City of Memphis et al. Passed, to be heard with No. 221 as one case, by agreement of counsel.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 5, will be as follows: Nos. 331 (and 332), 341, 68, 69, 70, 72, 73 (and 74), 75, 77 and 78.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 5, 1902.

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

No. 331. Henry B. F. Macfarland et al., Commissioners, etc., appellants, *v.* Jesse Brown et al.; and

No. 332. Henry B. F. Macfarland et al., Commissioners, etc., appellants, *v.* Eugene Byrnes et al. Argued by Mr. Arthur H. O'Connor and Mr. Andrew B. Duvall for the appellants. The court declined to hear counsel for the appellees.

No. 73. The Young Women's Christian Home, appellant, *v.* John L. French, administrator, etc.; and

No. 74. Barbara Faul et al., appellants, *v.* John L. French, administrator, etc. Argument commenced by Mr. A. A. Hoehling, jr., for appellants in No. 74, and continued by Mr. Joseph J. Darlington for appellant in No. 73, and by Mr. William Henry Dennis for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 6, will be as follows: Nos. 73 (and 74), 341, 68, 69, 70, 72, 75, 77, 78 and 79.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 6, 1902.

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

G. Thomas Dunlop of Washington, D. C., was admitted to practice.

No. 68. John S. Swann et al., trustees, plaintiffs in error, *v.* The State of West Virginia. Passed, on motion of Mr. Holmes Conrad, counsel for certain interested parties.

No. 5. Railroad Equipment Company, appellant, *v.* Southern Railway Company et al. On writ of certiorari to the United States circuit court of appeals for the sixth circuit. Dismissed with costs, per stipulation.

No. 73. The Young Women's Christian Home, appellant, *v.* John L. French, administrator, etc.; and

No. 74. Barbara Faul et al., appellants, *v.* John L. French, administrator, etc. Argument continued by Mr. William Henry Dennis and Mr. J. W. Smith for the appellee, by Mr. A. A. Hoehling, jr., for the appellants in No. 74, and concluded by Mr. Joseph J. Darlington for the appellant in No. 73.

No. 69. Whitney Layton, plaintiff in error, *v.* The State of Missouri. Submitted by Mr. Silas H. Strawn and Mr. James L. Blair for the plaintiff in error, and by Mr. E. C. Crow for the defendant in error.

No. 70. S. M. Burt et al., petitioners, *v.* The Union Central Life Insurance Company. Argued by Mr. Robert Ramsey for the respondent, and submitted by Mr. Gardner Ruggles for the petitioners.

No. 75. The Oshkosh Water Works Company, plaintiff in error, *v.* The City of Oshkosh. Argued by Mr. Moses Hooper for the plaintiff in error, and by Mr. John F. Kluwin for the defendant in error.

No. 77. William E. Hale, as receiver, etc., petitioner, *v.* Edward P. Allinson et al. Argument commenced by Mr. M. H. Boutelle for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 7, will be as follows: Nos. 77, 341, 78, 79, 81, 82, 83, 84, 85 and 86.



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 7, 1902.  

---

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

No. 77. William E. Hale, as receiver, etc., petitioner, *v.* Edward P. Allinson et al. Argument continued by Mr. M. H. Boutelle for the petitioner, and concluded by Mr. John G. Johnson for the respondents.

No. 341. Sanford Jacobi, plaintiff in error, *v.* The State of Alabama. Argued by Mr. Henry L. Lazarus for the plaintiff in error, and by Mr. Charles Gayle Brown for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 10, will be as follows: Nos. 72, 78, 79, 81, 82, 83, 84, 85, 86 and 87.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 10, 1902.

---

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

James F. Tufts of Atchison, Kans., Maurice D. Rosenberg of Washington, D. C., William Robinson Payne of Chicago, Ill., Wassell Randolph of Memphis, Tenn., Samuel D. Aulls of Elmira, N. Y., Robert Wilkinson of New York City, James Todd of Chicago, Ill., Charles W. Bates of St. Louis, Mo., Stephen A. Bailey of Kansas City, Mo., and Clarence W. Rowley of Boston, Mass., were admitted to practice.

No. 37. Edward S. Dreyer, plaintiff in error, *v.* The People of the State of Illinois. In error to the supreme court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

The Chief Justice announced that the court would take a recess from Monday, November 17, to Monday, December 1 next.

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

No. 371. Charles P. Chisolm et al., petitioners, *v.* Zachariah Johnson. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 434. J. Haseltine Carstairs et al., petitioners, *v.* The American Bonding and Trust Company of Baltimore City. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 481. Adam Foerster et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 483. W. A. Moore, petitioner, *v.* James H. Parker et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 15. Clarence E. Collins, plaintiff in error, *v.* The State of New Hampshire. In error to the supreme court of the State of New Hampshire. Judgment affirmed with costs by a divided court.

No. 2. Charles F. Champion, appellant, *v.* John C. Ames, United States marshal; and

No. 80. John Francis et al., petitioners, *v.* The United States. Restored to the docket for reargument before a full bench.

No. 361. Eliza A. Wall, plaintiff in error, *v.* Old Colony Trust Company et al. In error to the supreme judicial court of the State of Massachusetts. Dismissed for the want of jurisdiction, on the authority of *Eustis v. Bolles*, 150 U. S., 361; and see *Wall v. Old Colony Trust Company*, 174 Mass., 340; 177 Mass., 275.

No. 10. A. W. Corbus, appellant, *v.* The Alaska Treadwell Gold Mining Company;

No. 13. Charles Stewart, appellant, *v.* The Washington and Alaska Steamship Company et al.;

No. 26. The Pacific Steam Whaling Company, appellant, *v.* The United States; and

Nos. 29, 30 and 31. The Pacific Coast Steamship Company, appellant, *v.* The United States. Assigned for argument as one case on Monday, December 8 next, at the head of the call.

Nos. 17 to 22. The Louisville and Jeffersonville Ferry Company, plaintiff in error, *v.* The Commonwealth of Kentucky. Assigned for reargument as one case on Monday, December 8 next, after the cases already set down for that day.

No. 28. W. T. Waggoner, plaintiff in error, *v.* J. M. Flack. Assigned for argument on Monday, December 8 next, after the cases already set down for that day.

No. 2. Charles F. Champion, appellant, *v.* John C. Ames, United States marshal; and

No. 80. John Francis et al., petitioners, *v.* The United States. Assigned for reargument as one case on Monday, December 8 next, after the cases already set down for that day.

No. 32. The United States, appellant, *v.* The California and Oregon Land Company; and

No. 33. The California and Oregon Land Company, appellant, *v.* The United States. Assigned for reargument as one case on Monday, December 8 next, after the cases already set down for that day.

Nos. 49 and 58. The Kennedy Mining and Milling Company, plaintiff in error, *v.* The Argonaut Mining Company. Assigned for reargument as one case on Monday, December 8 next, after the cases already set down for that day.

No. 41. Stephen Otis et al., plaintiffs in error, *v.* E. A. Parker. Assigned for reargument on Monday, December 8 next, after the cases already set down for that day.

No. 7. Augustus Burgdorf et al., plaintiffs in error, *v.* The United States to the use of the Vermont Marble Company. Assigned for reargument on Monday, December 8 next, after the cases already set down for that day.

No. 219. The Territory of Hawaii, appellant *v.* Osaki Mankichi. Assigned for argument on Monday, March 2 next, at the head of the call.

No. 503. Richard C. Ketchum, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the eastern district of Texas. Docketed and dismissed, on motion of Mr. Solicitor-General Richards for the defendant in error.

No. 477. The United States, appellant, *v.* The Northern Pacific Railroad Company et al. Motion for a writ of certiorari to bring up the entire case and to advance or to dismiss the certificate herein submitted by Mr. Solicitor-General Richards for the appellant.

No. 493. Jackson W. Giles, appellant, *v.* E. Jeff. Harris et al., registrars of Montgomery County, Ala. Advanced to be submitted on printed briefs as under the thirty-second rule, on motion of Mr. Wilford H. Smith for the appellant.

No. 409. Robert L. Winebrenner, appellant, *v.* Edward C. Forney. Motion to advance submitted by Mr. J. J. Darlington in behalf of counsel.

No. 488. Albert G. Ropes, etc., petitioner, *v.* The Clyde Steamship Company, etc., et al. 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 Galbraith Ward for the respondents.

No. 496. Phenix Insurance Company of Brooklyn, N. Y., petitioner, *v.* Simeon E. Leonard; and

No. 497. The Orient Insurance Company, of Hartford, Conn., petitioner, *v.* Simeon E. Leonard. Petitions for writs of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. C. W. Needham in behalf of Mr. D. J. Schuyler for the petitioners, and by Mr. Henry W. Magee and Mr. Myron H. Beach for the respondent.

No. 423. Isabella F. Blackstone, individually and as executrix, etc., plaintiff in error, *v.* Nathan F. Miller, comptroller, etc. Motion to advance submitted by Mr. Robert Wilkinson in behalf of Mr. Edward W. Sheldon for the plaintiff in error in support of motion, and by Mr. Julius Affenbach for the defendant in error in opposition thereto.

No. 173. George A. Foster, sheriff of Noble County, Oklahoma Territory, et al., appellants, *v.* J. T. Pryor et al. Motion to dismiss submitted by Mr. Fred Beall in behalf of Mr. S. H. Harris and Mr.

Henry E. Asp in support of the motion, and by Mr. Horace Speed in opposition thereto.

No. 500. The Belleville and Southern Illinois Railroad Company, petitioner, *v.* The Citizens Savings and Loan Association et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Charles W. Thomas for the petitioner, and by Mr. Edward Cunningham, jr., for the respondents.

No. 4, Original. The State of Missouri, complainant, *v.* The State of Illinois et al. Leave to withdraw motion to dismiss herein granted, on motion of Mr. James Todd for the defendants. Leave granted to file stipulation and motion as to the appointment of a commissioner and the taking of testimony, on motion of Mr. James Todd for the defendants.

No. 72. The Telluride Power Transmission Company et al., plaintiffs in error, *v.* The Rio Grande Western Railway Company. Argued by Mr. H. P. Henderson for the plaintiffs in error, and by Mr. Joel F. Vaile for the defendant in error. Leave granted to counsel for plaintiffs in error to file an additional brief within one week, and to counsel for defendant in error to file reply brief within one week thereafter.

No. 78. Dever Pickens, appellant, *v.* Susan C. Dent Roy et al. Submitted by Mr. John W. Davis for the appellant. No counsel appeared for the appellees.

No. 79. The Hartford Fire Insurance Company, petitioner, *v.* Albert A. Wilson et al., trustees. Argued by Mr. Samuel B. Paul for the petitioner, and by Mr. Henry P. Blair for the respondents.

No. 81. Harry J. Jaquith, trustee, etc., appellant, *v.* Clarence W. Rowley et al. Argued by Mr. Clarence W. Rowley for the appellees, and submitted by Mr. H. J. Jaquith for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 11, will be as follows: Nos. 82, 83, 84, 85, 86, 87, 88, 89, 90 and 91.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 11, 1902.

---

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

Charles Biddle of Philadelphia, Pa., was admitted to practice.

No. 82. Miltenberger Lawder et al., petitioners, *v.* William F. Stone, collector, etc. Submitted by Mr. Edward S. Hatch for the petitioners, and by Mr. Assistant Attorney-General Hoyt for the respondent.

No. 83. George H. Earle, jr., receiver, etc., plaintiff in error, *v.* Susan Carson. Argued by Mr. Charles Biddle and Mr. Asa W. Waters for the plaintiff in error, and by Mr. Richard C. Dale for the defendant in error.

No. 84. Joseph H. Beals, plaintiff in error, *v.* James J. Cone et al. Argument commenced by Mr. H. B. Johnson for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 12, will be as follows: Nos. 84, 85, 86, 87, 88, 89, 90, 91, 92 and 93.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 12, 1902.

---

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

No. 12. Freida Schradsky, plaintiff in error, *v.* The Board of County Commissioners of the County of Lake. Continued, per stipulation, on motion of Mr. H. B. Johnson for the plaintiff in error.

No. 142. The United States, appellant, *v.* Evett D. Nix; and

No. 195. Evett D. Nix, appellant, *v.* The United States. Suggestion of diminution of record and motion for writ of certiorari submitted by Mr. F. H. Mackey for Nix.

No. 92. James H. Easton, plaintiff in error, *v.* The State of Iowa. Passed, on motion of Mr. J. J. Crawford for the plaintiff in error.

No. 93. John Kelley, plaintiff in error, *v.* Oliver F. Rhoads. Submitted by Mr. J. A. Van Orsdel for the plaintiff in error, and by Mr. Willis Van Devanter for the defendant in error.

No. 84. Joseph H. Beals, plaintiff in error, *v.* James J. Cone et al. Argument continued by Mr. Charles S. Thomas for the defendants in error, and concluded by Mr. H. B. Johnson for the plaintiff in error.

No. 85. C. Elliott & Co. et al., appellants, *v.* Ferdinand Toepfner. Submitted by Mr. Michael Brennan for the appellee. No brief filed for appellants.

No. 86. The Home for Incurables, plaintiff in error, *v.* The City of New York. Argued by Mr. Georg L. Sterling for the defendant in error, and submitted by Mr. John M. Perry for the plaintiff in error.

No. 87. Jane Johnson, plaintiff in error, *v.* The New York Life Insurance Company. Argued by Mr. James H. McIntosh for the defendant in error, and submitted by Mr. Constantine J. Smyth for the plaintiff in error.

No. 88. Andrew W. Smythe et al., plaintiffs in error, *v.* The United States. Argument commenced by Mr. William A. Maury for the plaintiffs in error, continued by Mr. Assistant Attorney-General Beck for the defendant in error, and concluded by Mr. W. B. Spencer for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 13, will be as follows: Nos. 89, 90, 91, 94, 95, 96, 97, 98, 99 and 100.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 13, 1902.

---

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

No. 173. George A. Foster, sheriff, etc., et al., appellants, *v.* I. T. Pryor et al. Leave granted to file additional brief herein in opposition to motion to dismiss, on motion of Mr. William R. Harr for the plaintiffs in error.

No. 91. Martha E. Smith et al., plaintiffs in error, *v.* Parry L. Deweese, receiver, etc. Resignation of Parry L. Deweese as receiver suggested, and appearance of Edwin F. Brown, his successor in office, as defendant in error herein filed and entered, on motion of Mr. W. S. Shirk for defendant in error.

No. 99. Owen McCann, etc., plaintiff in error, *v.* The Commonwealth of Pennsylvania for use of Levi Wells, dairy and food commissioner. In error to the supreme court of the State of Pennsylvania. Dismissed with costs, pursuant to the tenth rule.

No. 89. E. M. Ayres, plaintiff in error, *v.* John H. Polsdorfer and wife. Argued by Mr. J. B. Heiskell and Mr. T. B. Turley for the plaintiff in error, and by Mr. Wassell Randolph for the defendants in error.

No. 90. Anton Mencke, petitioner, *v.* A Cargo of Java Sugar, etc., et al. Argued by Mr. J. Parker Kirlin for the petitioner, and by Mr. Wilhelmus Mynderse for the respondents.

No. 91. Martha E. Smith et al., plaintiffs in error, *v.* Edwin F. Brown, receiver, etc. Argued by Mr. William S. Shirk for the defendant in error, and submitted by Mr. William M. Williams for the plaintiffs in error.

No. 94. The Connecticut Mutual Life Insurance Company, petitioner, *v.* Sallie E. Hillmon. Argument commenced by Mr. L. B. Wheat for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 14, will be as follows: Nos. 94, 95, 96, 97, 98, 100, 101, 102 (and 103 and 104), 105 and 106.



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 14, 1902.

---

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

D. J. Partello of Washington, D. C., Arthur M. Jackson of Leavenworth, Kans., Buell McKeever of Chicago, Ill., and John C. Mathis of Chicago, Ill., were admitted to practice.

No. 94. The Connecticut Mutual Life Insurance Company, petitioner, *v.* Sallie E. Hillmon. Argument continued by Mr. William G. Beale for the petitioner, by Mr. L. B. Wheat for the respondent, and concluded by Mr. William G. Beale for the petitioner.

No. 100. Edward D. Page, bankrupt, appellant, *v.* Charles W. Edmunds. Argued by Mr. George W. Jacobs, jr., for the appellant, and submitted by Mr. Henry La Barre Jayne and Mr. Henry R. Edmunds for the appellee.

Adjourned until Monday next at 12 o'clock.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 17, 1902.

---

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

Pearce Horne, jr., of Washington, D. C., Robert T. Scherer of Albany, N. Y., Grant Gillespie of Bloomfield, Mo., Frank Crozier of Chicago, Ill., John Murray Downs of Albany, N. Y., and Burton T. Doyle of Washington, D. C., were admitted to practice.

No. 306. Homer Bird, plaintiff in error, *v.* The United States. In error to the district court of the United States for the district of Alaska. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. 27. American School of Magnetic Healing et al., appellants, *v.* J. M. McAnnulty. Appeal from the circuit court of the United States for the western district of Missouri. Decree reversed with costs, and cause remanded with directions to overrule the defendant's demurrer to the amended bill, with leave to answer, and to grant a temporary injunction as applied for by complainants, and to take such further proceedings as may be proper and not inconsistent with the opinion of this court. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice White and Mr. Justice McKenna.

No. 9. The State of Iowa, plaintiff in error, *v.* Edwin O. Rood et al. In error to the supreme court of the State of Iowa. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brown.

No. 52. John Romig et al., appellants, *v.* Myrtle Gillett. Appeal from the supreme court of the Territory of Oklahoma. Decree reversed with costs, and cause remanded with directions to set aside the order of the trial court, and to direct the entry of one which, without disturbing the possession of Harding, will give to the appellee the right to appear, plead, and make such defense as under the facts of the case and the principles of equity she is entitled to. Opinion by Mr. Justice Brewer.

No. 341. Sanford Jacobi, plaintiff in error, *v.* The State of Alabama. In error to the supreme court of the State of Alabama. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

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

No. 4, Original. The State of Missouri, complainant, *v.* The State of Illinois et al. Motion for appointment of Mr. Frank S. Bright as commissioner to take testimony herein granted, and order as to manner of and time for taking testimony entered.

No. 173. George A. Foster, sheriff, etc., et al., appellants, *v.* I. T. Pryor et al. Motion to dismiss postponed to the hearing of the case on its merits.

No. 409. Robert L. Winebrenner, appellant, *v.* Edward C. Forney. Motion to advance granted, and cause assigned for argument on Monday, March 2 next, after the case already set down for that day.

No. 384. Ida McClung, plaintiff in error, *v.* William A. Perry. Advanced and assigned for argument on Monday, March 2 next, after the cases already set down for that day.

No. 477. The United States, appellant, *v.* The Northern Pacific Railroad Company et al. Motion for a writ of certiorari to bring up the entire record and cause granted, the transcript submitted with the motion to stand as the return to the writ, and the case advanced and assigned for argument on the second Monday of the next term (October 19, 1903).

No. 488. Albert G. Ropes, etc., petitioner, *v.* The Clyde Steamship Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 496. Phenix Insurance Company of Brooklyn, N. Y., petitioner, *v.* Simeon F. Leonard. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 497. The Orient Insurance Company of Hartford, Conn., petitioner, *v.* Simeon F. Leonard. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 500. The Belleville and Southern Illinois Railroad Company, petitioner, *v.* The Citizens' Savings and Loan Association et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 142. The United States, appellant, *v.* Evett D. Nix; and

No. 195. Evett D. Nix, appellant, *v.* The United States. Motion for a writ of certiorari, on suggestion of diminution of record, granted.

No. 51. Edward H. Clarke, petitioner, *v.* Wilbur Larremore, trustee, etc. Restored to the docket with leave to counsel to submit the same to a full bench on or before December 15.

No. 61. The Northern Pacific Railway Company, appellant, *v.* J. A. Soderberg. Restored to the docket and assigned for reargument on Monday, December 8 next, after the cases already set down for that day.

No. 91. Martha E. Smith et al., plaintiffs in error, *v.* Edward F. Brown, receiver, etc. In error to the United States circuit court of appeals for the eighth circuit. Judgment affirmed with costs, on the authority of *Studebaker v. Perry*, 184 U. S., 258; *McDonald v. Thompson*, 184 U. S., 71; *United States v. Knox*, 102 U. S., 422 (see case below, *Deweese v. Smith*, 106 Fed. Rep., 438), and case remanded to the circuit court of the United States for the western district of Missouri.

No. 382. John A. Humbird et al., appellants, *v.* Waldo A. Avery et al. Motion for leave to the United States to intervene herein for the certification of the entire record to this court and to advance the cause submitted by Mr. Solicitor-General Richards for the United States and in behalf of the other parties.

No. 297. Andrew J. Aikens, plaintiff in error, *v.* The State of Wisconsin; and

No. 298. Albert Huegin, plaintiff in error, *v.* The State of Wisconsin. Motion to advance submitted by Mr. Louis A. Pradt in behalf of counsel.

No. 508. Christopher C. Crabb et al., petitioners, *v.* John Jay Harvey Williams. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Charles W. Needham in behalf of Mr. Thomas A. Moran and Mr. Levy Mayer for the petitioners, with leave to Mr. Frank Crozier for the respondent to file brief within six days, and to counsel for petitioners to file reply brief within four days thereafter.

No. 423. Isabella F. Blackstone, etc., plaintiff in error, *v.* Nathan F. Miller, comptroller, etc. Motion to require plaintiff in error to give a new bond submitted by Mr. A. G. Wolf in behalf of Mr. Julius Offembach for the defendants in error, and by Mr. Robert Wilkinson and Mr. E. W. Sheldon in opposition thereto.

No. 492. James L. Hyatt, as chief of police of the city of Albany, N. Y., plaintiff in error, *v.* The People of the State of New York on the relation of Charles Cockran. Motion to advance submitted by Mr. John Murray Downs for the plaintiff in error.

No. 120. Reuben M. Manley, executor, etc., plaintiff in error, *v.* Richard A. Park. Suggestion of death of the defendant in error and appearance of Anna O. Park, as assignee of Richard A. Park, as defendant in error herein filed and entered, on motion of Mr. J. F. Tufts for the defendant in error.

No. —, Original. *Ex parte*: In the matter of Thomas E. Kepner, petitioner. Motion for leave to file petition for a writ of certiorari submitted by Mr. Thomas H. Clark in behalf of Mr. Charles H. Aldrich and Mr. James Hamilton Lewis for the petitioner. Leave granted to Mr. Solicitor-General Richards to file brief in opposition within two weeks.

No. 400. The District of Columbia, appellant, *v.* Elias E. Barnes. Motion to dismiss submitted by Mr. John C. Fay in support of motion, and by Mr. Solicitor-General Richards and Mr. Robert A. Howard in opposition thereto.

No. 78. Dever Pickens, appellant, *v.* Susan C. Dent Roy et al. Leave granted to file brief for the appellees herein within five days, on motion of Mr. Burton T. Doyle in behalf of counsel.

Adjourned until Monday, December 1, at 12 o'clock.

The day call for Monday, December 1, will be as follows: Nos. 96, 97, 98, 95, 101, 102 (and 103 and 104), 105, 106, 107 and 108.

○

# SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 1, 1902.

---

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

John H. Roemer of Milwaukee, Wis., John J. McHatton of Butte, Mont., Harry H. Hall of New Orleans, La., Clarence R. Wilson of Washington, D. C., and S. S. Green of Charleston, W. Va., were admitted to practice.

No. 248. *The United States, appellant, v. Edward A. Moseley.* Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. 381. *The Fidelity and Deposit Company of Maryland, plaintiff in error, v. The United States of America use of Lewis E. Smoot.* In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 43. *The Northern Central Railway Company, plaintiff in error, v. The State of Maryland.* In error to the court of appeals of the State of Maryland. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 82. *Miltenberger Lawder et al., petitioners, v. William F. Stone, collector, etc.* On writ of certiorari to the United States circuit court of appeals for the fourth circuit. Decree of United States circuit court of appeals reversed with costs, and decree of the circuit court of the United States for the district of Maryland affirmed, and cause remanded to said circuit court with a direction to carry its judgment into effect. Opinion by Mr. Justice White.

No. 66. *John H. Evans, as receiver, etc., plaintiff in error, v. Andrew J. Nellis.* On a certificate from the United States circuit court of appeals for the second circuit. Third question certified answered in the negative. Opinion by Mr. Justice White.

No. 340. *The Cherokee Nation et al., appellants, v. Ethan A. Hitchcock, Secretary of the Interior.* Appeal from the court of appeals of

the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice White.

No. 320. The Equitable Life Assurance Society of the United States, plaintiff in error, *v. Cecil Brown, administrator, etc.* In error to the supreme court of the Territory of Hawaii. Dismissed for the want of jurisdiction. Opinion by Mr. Justice White.

No. 39. The Security Trust Company, as administrator, etc., petitioner, *v. The Black River National Bank of Lowville.* On writ of certiorari to the United States circuit court of appeals for the eighth circuit. Judgments of the United States circuit court of appeals and the circuit court of the United States for the district of Minnesota reversed with costs, and cause remanded to said circuit court with directions to enter judgment in conformity with the opinion of this court. Opinion by Mr. Justice Shiras.

No. 42. The Security Trust Company, as administrator, etc., *v. William H. Dent, as receiver, etc.* On writ of certiorari to the United States circuit court of appeals for the eighth circuit. Judgments of the United States circuit court of appeals and the circuit court of the United States for the district of Minnesota reversed with costs, and cause remanded to said circuit court with directions to enter judgment in accordance with the opinion of this court. Opinion by Mr. Justice Shiras.

No. 90. Anton Mencke, petitioner, *v. A Cargo of Java Sugar, ex ship Benlarig, J. N. Jarvie et al.* On writ of certiorari to the United States circuit court of appeals for the second circuit. Decree of the United States circuit court of appeals reversed with costs, and decree of the district court of the United States for the eastern district of New York affirmed with interest thereon from the time of its entry, and cause remanded to said district court. Opinion by Mr. Justice Shiras.

No. 331. Henry B. F. Macfarland et al., Commissioners of the District of Columbia, appellants, *v. Jesse Brown et al.* Appeal from the court of appeals of the District of Columbia. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Shiras.

No. 332. Henry B. F. Macfarland et al., Commissioners of the District of Columbia, appellants, *v. Eugene Byrnes et al.* Appeal from the court of appeals of the District of Columbia. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Shiras.

No. 303. Simeon I. Grin, appellant, *v. John H. Shine, United States marshal.* Appeal from the circuit court of the United States for the northern district of California. Order affirmed with costs. Opinion by Mr. Justice Brown.

No. 269. Ed. H. Reid, plaintiff in error, *v. The People of the State of*

Colorado. In error to the supreme court of the State of Colorado. Judgment affirmed with costs. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Brewer.

No. 147. Ed. H. Reid, appellant, *v.* Robert J. Jones, sheriff, etc. Appeal from the circuit court of the United States for the district of Colorado. Final order affirmed with costs. Opinion by Mr. Justice Harlan.

No. 86. The Home for Incurables, plaintiff in error, *v.* The City of New York. In error to the supreme court of the State of New York. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Harlan.

No. 57. Metcalf Brothers & Co., petitioner, *v.* Benjamin Barker, jr., trustee, etc. On a certificate from the United States circuit court of appeals for the second circuit. First question answered in the negative and the third question answered in the affirmative. Opinion by Mr. Chief Justice Fuller.

No. 78. Dever Pickens, appellant, *v.* Susan C. Dent Roy et al. Appeal from the United States circuit court of appeals for the fourth circuit. Decree affirmed with costs, and cause remanded to the district court of the United States for the district of West Virginia. Opinion by Mr. Chief Justice Fuller.

No. 64. Helen C. Raub et al., plaintiffs in error, *v.* Helen C. Carpenter et al. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

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

No. 297. Andrew J. Aikens, plaintiff in error, *v.* The State of Wisconsin; and

No. 298. Albert Huegin, plaintiff in error, *v.* The State of Wisconsin. Motion to advance denied.

No. 382. John A. Humbird et al., appellants, *v.* Waldo A. Avery et al. Motions for leave to the United States to intervene and that the whole record and cause be required to be sent up granted, the certified record presented with the motion to stand as a return to this order. Motion to advance granted, and cause assigned for argument on the second Monday of the next term (October 19, 1903), after the case already set down for that day.

No. 423. Isabella F. Blackstone, individually and as executrix, etc., plaintiff in error, *v.* Nathan F. Miller, comptroller, etc. Motion to require plaintiff in error to give a new bond denied. Motion to advance granted, and cause assigned for argument on Monday, January 5 next, after the case already set down for that day.

No. 492. James L. Hyatt, as chief of police of the city of Albany, N. Y., plaintiff in error, *v.* The People of the State of New York in the



relation of Charles E. Cockran. Motion to advance granted, and cause assigned for argument on Monday, January 5 next, after the cases already set down for that day.

No. 508. Christopher C. Crabb et al., petitioners, *v.* John Jay Harvey Williams. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 50. Alice R. Mosheuvel et al., plaintiffs in error, *v.* The District of Columbia. Petition for rehearing granted, and cause restored to the docket.

No. 306. Homer Bird, plaintiff in error, *v.* The United States. Mandate granted, on motion of Mr. Solicitor-General Richards for the defendant in error.

No. 108. The Missouri Pacific Railway Company, appellant, *v.* The United States. Passed, to be restored to the call subject to the provisions of section 9, rule 26, on motion of Mr. Solicitor-General Richards for the appellee.

No. 460. Mart H. Royston, trustee, et al., petitioners, *v.* Robert Weis; and

No. 461. Lawrence & Co. et al., petitioners, *v.* Albert Weis. Petitions for writs of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Leigh Robinson in behalf of Mr. Walter Gresham for the petitioners, and by Mr. James B. Stubbs for the respondents.

No. 495. American Surety Company of New York, petitioner, *v.* Henry W. Ballman et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Henry C. Willcox, Mr. Eben Richards and Mr. Jarvis W. Mason for the petitioner, and by Mr. Clinton Rowell for the respondents.

No. 501. Lanyon Zinc Company et al., petitioners, *v.* Horace F. Brown et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Albert H. Walker for the petitioners, and by Mr. P. C. Dyrenforth for the respondents.

No. 338. Ernest Wilkinson, petitioner, *v.* William Dunlap Owens, administrator, etc. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. Samuel Maddox for the petitioner, and by Mr. Clarence R. Wilson for the respondent.

No. 109. The Mutual Life Insurance Company of New York, plaintiff in error, *v.* Alphonsine McGrew. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. J. H. Ashton, of counsel for the defendant in error.

No. 440. American Colortype Company, appellant, *v.* The Continental Colortype Company. Advanced, to be submitted under the thirty-second rule, on motion of Mr. Thomas H. Clark in behalf of counsel for the appellant.

No. 372. Harry B. Smith, auditor, etc., plaintiff in error, *v.* The State of Indiana *ex rel.* Martha Lewis et al. Motion to advance submitted by Mr. Merrill Moores for the plaintiff in error.

No. 489. The Underground Railroad of the City of New York et al., appellants, *v.* The City of New York et al. Motion to advance submitted by Mr. Roger Foster for the appellants.

No. 374. George F. Harding, appellant, *v.* John S. Hart et al. Motion to dismiss submitted by Mr. Frederic Ullman and Mr. D. J. Schuyler in support of motions, and by Mr. A. A. Hoehling, jr., in opposition thereto.

No. 110. William K. Vanderbilt et al., trustees et al., plaintiffs in error, *v.* Bird S. Coler, comptroller, etc. In error to the surrogate's court of New York County, State of New York. Dismissed, per stipulation, and mandate granted.

No. 259. The Republic of Colombia, appellant, *v.* The Cauca Company et al. Motion to dismiss submitted by Mr. E. J. D. Cross, Mr. John K. Cowen, and Mr. Hugh L. Bond, jr., in support of the motion, and by Mr. William G. Johnson in opposition thereto.

No. 438. Ferdinand Siegel et al., appellants, *v.* Salomon L. Swarts, trustee, etc. Motion to dismiss submitted by Mr. David Goldsmith in support of motion, and by Mr. Edward C. Eliot in opposition thereto.

No. 107. Paul O. Weber, plaintiff in error, *v.* Charles Rogan, commissioner, etc. Submitted by Mr. F. Charles Hume for the plaintiff in error, and by Mr. C. K. Bell for the defendant in error.

No. 96. The Diamond Match Company, appellant, *v.* The Village of Ontonagon et al. Argued by Mr. Edwin Walker for the appellant, and submitted by Mr. T. L. Chadbourne for the appellee.

No. 97. The Union Steamboat Company, petitioner, *v.* The Erie and Western Transportation Company et al. Argument commenced by Mr. C. E. Kremer for the petitioner, and continued by Mr. Harvey D. Goulder for the respondents, and by Mr. Wilhelmus Mynderse for intervenors.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 2, will be as follows: Nos. 97, 98, 95, 101, 102 (and 103 and 104), 105, 106, 111, 113 and 114.

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 2, 1902.

---

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

Arthur W. North of Woodland, Cal., James W. Noel of Indianapolis, Ind., Amos H. Stephens of New York City and William C. Ryan of Doylestown, Pa., were admitted to practice.

No. 113. The San Jose Land and Water Company, plaintiff in error, *v.* The San Jose Ranch Company. Submitted by Mr. W. H. Anderson for the plaintiff in error, and by Mr. John S. Chapman for the defendant in error.

No. 97. The Union Steamboat Company, petitioner, *v.* The Erie and Western Transportation Company et al. Argument concluded by Mr. C. E. Kremer for the petitioners.

No. 98. William F. Botsford et al., appellants, *v.* Patrick Shea. Argued by Mr. Charles H. Van Alstine for the appellants, and by Mr. John H. Roemer for the appellee.

No. 95. The American Ice Company et al., appellants, *v.* The Eastern Trust and Banking Company. Argued by Mr. William G. Johnson for the appellants, and by Mr. Benjamin F. Leighton for the appellee.

No. 101. The Western Union Telegraph Company, plaintiff in error, *v.* The Borough of New Hope. Argument commenced by Mr. Silas W. Pettit for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 3, will be as follows: Nos. 101, 102 (and 103 and 104), 105, 106, 111, 114, 115, 116, 117 and 119.

○

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 3, 1902.

---

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

E. W. Ross of Savannah, Tenn., and Reuben D. Silliman of Honolulu, Hawaii, were admitted to practice.

No. 115. Harriet M. Zane, petitioner, *v.* The County of Hamilton, Ill. Death of petitioner suggested, and appearance of Ferdinand F. Favor, administrator of Harriet M. Zane, deceased, as petitioner herein filed and entered, on motion of Mr. George A. Sanders for the petitioner.

No. 114. The Texas and Pacific Railway Company, plaintiff in error, *v.* George R. L. White. In error to the United States circuit court of appeals for the fifth circuit. Dismissed with costs, on authority of counsel for the plaintiff in error.

No. 101. The Western Union Telegraph Company, plaintiff in error, *v.* The Borough of New Hope. Argument continued by Mr. Silas W. Pettit for the plaintiff in error, by Mr. William C. Ryan for the defendant in error, and concluded by Mr. Silas W. Pettit for the plaintiff in error.

Nos. 102 and 103. The Boston and Montana Consolidated Copper and Silver Mining Company, plaintiff in error and appellant, *v.* The Montana Ore Purchasing Company et al.; and

No. 104. The Boston and Montana Consolidated Copper and Silver Mining Company, appellant, *v.* The Chile Gold Mining Company et al. Argued by Mr. Louis Marshall for the plaintiff in error and appellant, and by Mr. John J. McHatton for the defendants in error and appellees.

No. 105. Charles F. Gale, receiver, etc., plaintiff in error, *v.* The Chase National Bank. Resignation of Charles F. Gale and appearance of George C. Rankin, his successor in office, as plaintiff in error herein filed and entered, on motion of Mr. E. B. Whitney for plaintiff in error.

No. 105. George C. Rankin, receiver, etc., plaintiff in error, *v.* The Chase National Bank. Argument commenced by Mr. E. B. Whitney for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 4, will be as follows: Nos. 105, 106, 111, 115, 116, 117, 119, 120, 121 and 122.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 4, 1902.

---

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

L. G. Peery of St. Louis, Mo., was admitted to practice.

The Chief Justice announced the following order:

Ordered that the letter of resignation of the reporter of this court, Mr. J. C. Bancroft Davis, and the response of the court thereto be entered upon the minutes of the court, as follows, viz:

NAHANT, MASS., *September 11, 1902.*

*To the Chief Justice and Associate Justices of the Supreme Court.*

GENTLEMEN: I hereby resign my office as reporter of this court, to take effect at once. I can not do this without thanking you for the kindness and consideration which I have received from all.

Very respectfully, your obedient servant,

J. C. BANCROFT DAVIS.

SUPREME COURT OF THE UNITED STATES,

*October 18, 1902.*

DEAR SIR: In accepting your resignation as reporter we desire to express our appreciation of your long and valuable labors in that capacity, covering a period of nineteen years and seventy-nine volumes of reports.

We sever our relations, which have been uniformly intimate and cordial, with sincere regret, and with the earnest hope that you may enjoy for many years the repose you have so well earned.

Very truly, yours,

MELVILLE W. FULLER.

JOHN M. HARLAN.

DAVID J. BREWER.

HENRY B. BROWN.

GEORGE SHIRAS, Jr.

EDWARD D. WHITE.

R. W. PECKHAM.

JOSEPH MCKENNA.

Hon. J. C. BANCROFT DAVIS.

And it is further ordered, that Mr. Charles Henry Butler be, and he is hereby, appointed reporter of this court in place of Mr. J. C. Bancroft Davis, resigned, and he is charged with the duty of reporting the decisions of the present term from its commencement.

Mr. Butler being present in court, the oaths of office were administered to him by the clerk.

No. 2. Charles F. Champion, appellant, *v.* John C. Ames, United States marshal; and

No. 80. John Francis et al., petitioners, *v.* The United States. Reassigned for reargument on Monday, December 15, on motion of Mr. William D. Guthrie for the appellant in No. 2.

No. 105. George C. Rankin, receiver, etc., plaintiff in error, *v.* The Chase National Bank. Argument continued by Mr. Edward B. Whitney for the plaintiff in error, by Mr. Thomas Thacher for the defendant in error, and concluded by Mr. Edward B. Whitney for the plaintiff in error.

No. 106. Cornelius K. G. Billings et al., plaintiffs in error, *v.* The People of the State of Illinois. Argued by Mr. James F. Meagher for the plaintiffs in error, and submitted by Mr. Howland J. Hamlin for the defendants in error.

No. 111. William Samuel Bigby, plaintiff in error, *v.* The United States. Argument commenced by Mr. Roger Foster for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 5, will be as follows: Nos. 111, 115, 116, 117, 119, 120, 121, 122, 123 and 124.

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 5, 1902.

---

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

Richard A. Ballinger of Seattle, Wash., Edgar A. Bancroft of Chicago, Ill., and Edmund A. Whitman of Boston, Mass., were admitted to practice.

No. 111. William Samuel Bigby, plaintiff in error, *v.* The United States. Argument continued by Mr. Roger Foster for the plaintiff in error, by Mr. Assistant Attorney-General Pradt for the defendant in error, and concluded by Mr. Roger Foster for the plaintiff in error.

No. 115. Ferdinand F. Favor, administrator, etc., petitioner, *v.* The County of Hamilton, Illinois. Argued by Mr. George A. Sanders for the petitioner, and submitted by Mr. J. M. Hamill for the respondent.

No. 116. Henry Bigelow Williams et al., trustees, plaintiffs in error, *v.* Hosea M. Knowlton, attorney-general. Expiration of term of office of Hosea M. Knowlton as attorney-general of Massachusetts suggested, and appearance of Herbert Parker, his successor in office, as defendant in error herein filed and entered, on motion of Mr. Edmund A. Whitman for defendant in error.

No. 116. Henry Bigelow Williams et al., trustees, plaintiffs in error, *v.* Herbert Parker, attorney-general, etc. Argued by Mr. Albert E. Pillsbury for the plaintiffs in error, and by Mr. Edmund A. Whitman for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 8, will be as follows: Nos. 10 (and 13, 26, 29, 30 and 31), 17 (and 18, 19, 20, 21 and 22), 28, 32 (and 33), 49 (and 58), 41, 7, 216 and 61.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 8, 1902.

---

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

The Chief Justice said:

“It gives me pleasure to announce to the gentlemen of the bar the appointment of Oliver Wendell Holmes, of Massachusetts, to a seat upon this bench. Mr. Holmes is present and prepared to take the oath. The clerk will read the commission, to be subsequently recorded, and administer the oath accordingly.”

The commission was then read and the oath administered by the clerk, and Mr. Justice Holmes took his seat on the bench.

Joseph Hutchinson of San Francisco, Cal., Clifton J. Pratt of Madisonville, Ky., Frank C. Jones of Houston, Tex., William J. McGee of San Francisco, Cal., Mason Williams of San Antonio, Tex., and Joseph R. Burton of Abilene, Kans., were admitted to practice.

No. 53. Iowa Life Insurance Company, plaintiff in error, *v.* Lula T. Lewis. In error to the circuit court of the United States for the northern district of Texas. Judgment reversed with costs, and cause remanded with directions to award a new trial. Opinion by Mr. Justice McKenna.

No. 48. The Knights Templars and Masons Life Indemnity Company, petitioner, *v.* Rosa B. Jarman. On writ of certiorari 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 western district of Missouri. Opinion by Mr. Justice Brown. (Mr. Justice Harlan took no part in the decision of this case.)

No. 85. C. Elliott & Co. et al., appellants, *v.* Ferdinand Toepfner. 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.



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

Order: There having been an associate justice of this court appointed since the commencement of this term, it is ordered that the following allotment be made of the Chief Justice and associate justices of this court among the circuits, agreeably to the act of Congress in such case made and provided, and that such allotment be entered of record, viz:

For the First circuit, Oliver Wendell Holmes, associate justice.

For the Second circuit, Rufus W. Peckham, associate justice.

For the Third circuit, George Shiras, jr., associate justice.

For the Fourth circuit, Melville W. Fuller, Chief Justice.

For the Fifth circuit, Edward D. White, associate justice.

For the Sixth circuit, John M. Harlan, associate justice.

For the Seventh circuit, Henry B. Brown, associate justice.

For the Eighth circuit, David J. Brewer, associate justice.

For the Ninth circuit, Joseph McKenna, associate justice.

No. —, Original. Ex parte: In the matter of Thomas E. Kepner, petitioner. Motion for leave to file petition for a writ of certiorari denied.

No. 259. The Republic of Colombia, appellant, *v.* The Cauca Company et al. Motion to dismiss postponed to the hearing of the cause on its merits.

No. 372. Harry B. Smith, auditor, etc., plaintiff in error, *v.* The State of Indiana ex rel. Martha Lewis et al. Motion to advance granted, and cause assigned for argument on Monday, October 19, 1903, after the cases already set down for that day.

No. 489. The Underground Railroad Company et al., appellants, *v.* The City of New York et al. Motion to advance for oral argument denied, but leave is granted to submit the cause on the question of jurisdiction as under the thirty-second rule, if counsel shall be so advised.

No. 338. Ernest Wilkinson, petitioner, *v.* William Dunlap Owens, administrator, etc. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 460. Mart H. Royston, trustee, et al., petitioners, *v.* Robert Weis. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 461. Lawrence & Co. et al., petitioners, *v.* Albert Weis. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 495. American Surety Company of New York, petitioner, *v.* Henry W. Ballman et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 501. Lanyon Zinc Company et al., petitioners, *v.* Horace F. Brown et al. Motion to dispense with a certificate to the record of the circuit court as printed for use in the circuit court of appeals granted. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 11. The Citizens' Bank of Louisiana, plaintiff in error, *v.* Caleb H. Parker, tax collector, etc. Restored to the docket for reargument.

No. 400. The District of Columbia, appellant, *v.* Elias E. Barnes. Appeal from the Court of Claims. Appeal dismissed. Act of June 6, 1900, 31 Stat., c. 789, p. 572; *Gordon v. United States*, 117 U. S., 697; 2 Wall., 561; *District of Columbia v. Eslin*, 183 U. S., 62, 65.

No. 438. Ferdinand Siegel et al., appellants, *v.* S. L. Swarts, trustee. Appeal from the United States circuit court of appeals for the eighth circuit. Appeal dismissed for the want of jurisdiction, on the authority of *Bogan v. Daugherty*, 184 U. S., 696; *Haseltine v. Central Bank*, 183 U. S., 130; *Keystone Manganese and Iron Company v. Martin*, 132 U. S., 91.

No. 61. The Northern Pacific Railway Company, appellant, *v.* J. A. Soderberg. Motion for leave to the United States to intervene herein and to be heard in the oral argument granted, on motion of Mr. Solicitor-General Richards for the United States.

No. 303. Simeon I. Grin, appellant, *v.* John H. Shine, United States marshal. Mandate granted, on motion of Mr. Solicitor-General Richards for the appellee.

No. 470. The W. G. Eads Brokerage Company, petitioner, *v.* The City of Fort Scott, Kans. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Joseph R. Burton in behalf of Mr. T. F. Garver for the petitioner.

No. 513. Lena M. Slater et al., petitioners, *v.* Mexican National Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Mason Williams for the petitioners.

No. 11, Original. The United States, complainant, *v.* The State of Michigan. Motion for leave to file demurrer herein granted, on motion of Mr. H. M. Oren for the defendant.

No. 7. Augustus Burgdorf et al., plaintiffs in error, *v.* The United States to the use of The Vermont Marble Company. William T. Galliher, committee of the person and trustee of the estate of George A. Shehan admitted as a party appellant herein, on motion of Mr. J. J. Darlington for the appellants.

No. 176. Walter A. Cunningham et al., petitioners, *v.* Metropolitan Lumber Company. Petition for a writ of certiorari to the United States

circuit court of appeals for the sixth circuit submitted by Mr. Thomas H. Clark in behalf of Mr. F. O. Clark for the petitioners, and by Mr. Dan H. Ball and Mr. B. J. Brown for the respondent.

No. 68. John S. Swann et al., trustees, etc., plaintiffs in error, *v.* The State of West Virginia. Petitions for rule to show cause withdrawn and cause submitted by Mr. George E. Price for the plaintiffs in error, and by Mr. Murray Briggs, Mr. Wesley Mollohan, and Mr. George W. McClintic for the defendant in error, with leave to Mr. S. S. Green, for the plaintiffs in error, to file an additional brief on or before January 15 next.

No. 10. A. W. Corbus, appellant, *v.* The Alaska-Treadwell Gold Mining Company;

No. 13. Charles Stewart, appellant, *v.* The Washington and Alaska Steamship Company et al.;

No. 26. The Pacific Steam Whaling Company, appellant, *v.* The United States; and

Nos. 29, 30 and 31. The Pacific Coast Steamship Company, appellant, *v.* The United States. Argued by Mr. S. M. Stockslager for the appellants, and by Mr. Solicitor-General Richards for the United States.

Nos. 17, 18, 19, 20, 21 and 22. The Louisville and Jeffersonville Ferry Company, plaintiff in error, *v.* The Commonwealth of Kentucky. Reargument commenced by Mr. Alexander Pope Humphrey for the plaintiff in error, and continued by Mr. D. W. Sanders for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 9, will be as follows: Nos. 17 (and 18, 19, 20, 21 and 22), 28, 32 (and 33), 49 (and 58), 41, 7, 216 and 61.

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 9, 1902.

---

Present: The Chief Justice, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna and Mr. Justice Holmes.

William J. Calhoun of Chicago, Ill., James O. Troup of Bowling Green, Ohio, and Thomas H. Ball of Houston, Tex., were admitted to practice.

Nos. 17, 18, 19, 20, 21 and 22. The Louisville and Jeffersonville Ferry Company, plaintiff in error, *v.* The Commonwealth of Kentucky. Reargument continued by Mr. D. W. Sanders for the defendant in error, and concluded by Mr. Alexander Pope Humphrey for the plaintiff in error.

No. 28. W. T. Waggoner, plaintiff in error, *v.* J. M. Flack. Argued by Mr. W. W. Flood for the plaintiff in error, and by Mr. C. K. Bell for the State of Texas. No counsel appeared for the defendant in error.

No. 32. The United States, appellant, *v.* The California and Oregon Land Company; and

No. 33. The California and Oregon Land Company, appellant, *v.* The United States. Reargument commenced by Mr. Charles W. Russell for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 10, will be as follows: Nos. 32 (and 33), 49 (and 58), 41, 7, 216 and 61.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 10, 1902.

---

Present: The Chief Justice, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna and Mr. Justice Holmes.

Uriah P. Rossiter of Erie, Pa., Arthur L. Bates of Meadville, Pa., Milton W. Shreve of Erie, Pa., Howard H. Baldrige of Omaha, Nebr., and Robert T. Platt of Portland, Oreg., were admitted to practice.

No. 216. The United States, appellant, *v.* James A. Rickert, as county treasurer. Passed, to be restored to the call subject to the provisions of section 9, rule 26, on motion of Mr. Assistant Attorney-General Beck for the appellant.

No. 32. The United States, appellant, *v.* The California and Oregon Land Company; and

No. 33. The California and Oregon Land Company, appellant, *v.* The United States. Reargument continued by Mr. A. B. Browne and Mr. John F. Dillon for the California and Oregon Land Company, and concluded by Mr. Charles W. Russell for the United States.

Nos. 49 and 58. The Kennedy Mining and Milling Company, plaintiff in error, *v.* The Argonaut Mining Company. Reargument commenced by Mr. John Garber for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 11, will be as follows: Nos. 49 (and 58), 41, 7 and 61.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 11, 1902.

---

Present: The Chief Justice, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna and Mr. Justice Holmes.

Albert C. Bollinger of Waterloo, Ill., and Charles B. Ames of Oklahoma City, Okla., were admitted to practice.

No. 7. Augustus Burgdorf et al., plaintiffs in error, *v.* The United States to the use of the Vermont Marble Company. In error to the court of appeals of the District of Columbia. Dismissed with costs, on motion of Mr. William G. Johnson for the plaintiffs in error.

Nos. 49 and 58. The Kennedy Mining and Milling Company, plaintiff in error, *v.* The Argonaut Mining Company. Reargument continued by Mr. John Garber for the plaintiff in error, by Mr. Curtis H. Lindley for the defendant in error, and concluded by Mr. John M. Wright for the plaintiff in error. Leave granted to file printed copies of oral arguments within five days.

No. 41. Stephen Otis et al., plaintiffs in error, *v.* E. A. Parker. Argument commenced by Mr. John G. Johnson for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 12, will be as follows: Nos. 41 and 61.

O

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 12, 1902.

Present: The Chief Justice, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna and Mr. Justice Holmes.

Owen N. Morron and Estanislao V. Chavez of Albuquerque, N. Mex., were admitted to practice.

No. 130. Frank Seaman, petitioner, *v.* Berliner Gramophone Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit dismissed, on authority of counsel for petitioner.

No. 41. Stephen Otis et al., plaintiffs in error, *v.* E. A. Parker. Reargument concluded by Mr. Joseph Hutchinson for the defendant in error.

No. 61. The Northern Pacific Railway Company, appellant, *v.* J. A. Soderberg. Reargued by Mr. C. W. Bunn for the appellant, by Mr. R. A. Ballinger for the appellee, and by Mr. Assistant Attorney-General Van Devanter for the United States. Leave granted to Mr. Van Devanter to file brief herein within one week.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 15, will be as follows: Nos. 2 (and 80), 119, 120, 121, 122, 123, 24 (and 34), 124, 125 and 128.

O

# SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 15, 1902.

---

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

Marion Butler of Raleigh, N. C., George M. Nethercutt of Spokane, Wash., Wilmer S. Hunt of Houston, Tex., Charles B. Stark of St. Louis, Mo., Benjamin C. Bachrach of Chicago, Ill., Edward D. Blinn of Lincoln, Ill., Arthur M. Edwards of Valdez, Alaska, William Morse Stockbridge of Washington, D. C., Benjamin N. Cardozo of New York City, Lorenzo F. Bird of Kansas City, Mo., Jeremiah Leahy of Raton, N. Mex., and J. Kemp Bartlett of Baltimore, Md., were admitted to practice.

The Chief Justice announced that the court would take a recess from Monday, December 22, to Monday, January 5 next.

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

No. 176. Walter A. Cunningham et al., petitioners, *v.* Metropolitan Lumber Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 470. The W. G. Eads Brokerage Company, petitioner, *v.* The City of Fort Scott, Kans. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 513. Lena M. Slater et al., petitioners, *v.* Mexican National Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit granted.

No. 374. George F. Harding, appellant, *v.* John S. Hart et al. Appeal from the United States circuit court of appeals for the seventh circuit. Dismissed for the want of jurisdiction, on the authority of *Huguley Manufacturing Company v. Galeton Cotton Mills*, 184 U. S., 294, and cases cited; *Rouse v. Letcher*, 156 U. S., 47, and see *Harding v. Hart*, 186 U. S., 483.

No. 520. Fred C. Kilham, administrator, etc., petitioner, *v.* William J. Wilson. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. R. T. McNeal and Mr. E. T. Wells for the petitioner.



No. 9, Original. The State of South Dakota, complainant, *v.* The State of North Carolina et al. Leave granted to open and file depositions herein, on motion of Mr. Frederic D. McKenney in behalf of counsel for complainant. Motion to fix day for argument, etc., submitted by Mr. Frederic D. McKenney in behalf of counsel for the complainant.

No. 484. Loftus Cuddy et al., petitioners, *v.* Percival W. Clements, receiver. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. Frank S. Bright in behalf of Mr. Harvey D. Goulder, Mr. S. H. Holding and Mr. F. S. Masten for the petitioners, and by Mr. M. H. Cardozo, Mr. Louis Hasbrouck and Mr. Benjamin N. Cardozo for the respondent.

No. 451. William Gray Brooks, petitioner, *v.* Charles H. Pratt, administrator, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. John C. Fay in behalf of Mr. William Gray Brooks, the petitioner, and by Mr. J. L. Thorndike for the respondent.

No. 401. Elias F. Barnes, appellant, *v.* The District of Columbia. Appeal from the Court of Claims. Dismissed, on motion of Mr. John C. Fay for the appellant.

No. 522. The National Glass Company et al., petitioners, *v.* Bryce Brothers Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. William L. Pierce, Mr. John G. Johnson and Mr. James K. Bakewell for the petitioners, and by Mr. Francis T. Chambers and Mr. J. Snowden Bell for the respondents.

No. 491. Robert A. Chesebrough, plaintiff in error, *v.* The United States. Motion to advance submitted by Mr. H. W. Van Dyke in behalf of counsel for plaintiff in error.

No. —, Original. *Ex parte*: In the matter of The Camden Interstate Railway Company, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. Z. T. Vinson for the petitioner.

No. 521. Charles L. Rawson et al., petitioners, *v.* Western Sand Blast Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Otto R. Barnett and Mr. James H. Raymond for the petitioners, with leave to counsel for respondents to file brief within one week.

No. 509. Bankers' Mutual Casualty Company, petitioner, *v.* The Minneapolis, St. Paul and Sault Sainte Marie Railway Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Burton T. Doyle in behalf of Mr. H. F. Dale and Mr. William Conner for the petitioner.

No. 523. The United States Fidelity and Guaranty Company, petitioner, *v.* D. D. Muir, as receiver, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. J. Kemp Bartlett and Mr. Isidor Rayner for the petitioner.

No. 287. George B. Rommel et al., appellants, *v.* The County Court of Barbour County et al. Appeal from the circuit court of the United States for the northern district of West Virginia. Dismissed, clerk's costs to be paid by appellants, per stipulation of counsel.

No. 51. Edward H. Clarke, petitioner, *v.* Wilbur Larremore, trustee, etc. Submitted by Mr. S. Livingston Samuels for the petitioner, and by Mr. Nelson S. Spencer for the respondent.

No. 2. Charles F. Champion, appellant, *v.* John C. Ames, United States marshal; and

No. 80. John Francis et al., petitioners, *v.* The United States. Three hours allowed to each side in the reargument of these cases, on motion of Mr. John G. Carlisle for Francis et al. Reargument commenced by Mr. William D. Guthrie for Champion, and continued by Mr. Miller Outcalt for Francis et al., and by Mr. Assistant Attorney-General Beck for Ames, United States marshal, and the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 16, will be as follows: Nos. 2 (and 80), 119, 120, 121, 122, 123, 24 (and 34), 124, 125 and 128.

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 16, 1902.

---

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

Edmund Harvey Smalley of Chicago, Ill., James Dudley Dewell, jr., of New Haven, Conn., and John C. Avery of Pensacola, Fla., were admitted to practice.

No. 24. The United States, appellant, *v.* The Officers and Crew of the U. S. Steamer Mangrove; and

No. 34. The Officers and Enlisted Men of the U. S. Ship New York et al., appellants, *v.* The Officers and Crew of the U. S. Steamer Mangrove. Assigned for argument on Monday, January 5 next, after the cases already set down for that day, on motion of Mr. Assistant Attorney-General Hoyt for the United States.

No. 2. Charles F. Champion, appellant, *v.* John C. Ames, United States marshal; and

No. 80. John Francis et al., petitioners, *v.* The United States. Rear-argument continued by Mr. Assistant Attorney-General Beck for Ames, United States marshal, and the United States, and concluded by Mr. John G. Carlisle for Francis et al.

No. 119. The Diamond Glue Company, plaintiff in error, *v.* The United States Glue Company. Argument commenced by Mr. Edgar A. Bancroft for the plaintiff in error, and continued by Mr. Charles Quarles for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 17, will be as follows: Nos. 119, 120, 121, 122, 123, 124, 125, 128, 131 and 132.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 17, 1902.

---

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

T. J. Mahoney of Omaha, Nebr., and Lewis H. Smith of Fresno, Cal., were admitted to practice.

No. 119. The Diamond Glue Company, plaintiff in error, *v.* The United States Glue Company. Argument continued by Mr. Charles Quarles and Mr. J. V. Quarles for the defendant in error, and concluded by Mr. Edgar A. Bancroft for the plaintiff in error.

No. 120. Reuben M. Manley, executor, etc., plaintiff in error, *v.* Anna O. Park, assignee, etc. Argued by Mr. L. F. Bird for the plaintiff in error, and by Mr. J. F. Tufts for the defendant in error.

No. 121. The Home Life Insurance Company of New York, plaintiff in error, *v.* A. A. Fisher, executor, etc. Submitted by Mr. W. A. Blount for the plaintiff in error, and by Mr. John C. Avery and Mr. R. R. McMahan for the defendant in error.

No. 122. The Cary Manufacturing Company, plaintiff in error, *v.* The Acme Flexible Clasp Company. Submitted by Mr. A. G. N. Vermilya for the plaintiff in error. No counsel appeared for the defendant in error.

No. 123. The North American Transportation and Trading Company, claimant, appellant, *v.* T. J. King et al. Submitted by Mr. Frederick Bausman and Mr. Daniel Kelleher for the appellant, and by Mr. Harold Preston for the appellees.

No. 124. The Mexican Central Railway Company, Limited, plaintiff in error, *v.* J. W. Eckman, guardian, etc. Submitted by Mr. A. B. Browne, Mr. Alex. Britton and Mr. Eben Richards for the plaintiff in error, and by Mr. Millard Patterson for the defendant in error.

No. 128. The Chicago, Burlington and Quincy Railroad Company, plaintiff in error, *v.* Kate G. Wolfe, administratrix, etc. Argued by Mr. J. W. Deweese for the plaintiff in error, and by Mr. T. J. Mahoney for the defendant in error.

No. 125. Francis Winslow et al., etc., appellants, *v.* The Baltimore and Ohio Railroad Company. Argument commenced by Mr. William G. Johnson for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 18, will be as follows: Nos. 125, 131, 132, 135 (and 136), 137, 138, 139, 140, 141 and 142 (and 195).

O

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 18, 1902.

---

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

Neal Power of San Francisco, Cal., and William A. Bowden of San Jose, Cal., were admitted to practice.

No. 142. The United States, appellant, *v.* Evett D. Nix; and

No. 195. Evett D. Nix, appellant, *v.* The United States. Submitted by Mr. Felix Brannigan for the United States, and by Mr. Franklin H. Mackey and Mr. Frank B. Crosthwaite for Nix, with leave to both sides to file additional briefs within fifteen days.

No. 125. Francis Winslow et al., etc., appellants, *v.* The Baltimore and Ohio Railroad Company. Argument continued by Mr. William G. Johnson for the appellants, by Mr. M. J. Colbert and Mr. George E. Hamilton for the appellee, and concluded by Mr. William G. Johnson for the appellants.

No. 131. Felix M. Hanley et al., commissioners, etc., appellants, *v.* The Kansas City Southern Railway Company. Argued by Mr. Gardiner Lathrop for the appellee, and submitted by Mr. Charles E. Warner for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 19, will be as follows: Nos. 132, 135 (and 136), 137, 138, 139, 140 (and 265), 141, 143, 144 and 145.

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 19, 1902.

---

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

Arthur B. Pugh of Salem, Va., C. C. Calhoun of Lexington, Ky., and A. W. Corley of Sutton, W. Va., were admitted to practice.

No. 145. Gustavus Leach et al., plaintiffs in error, *v.* Charles R. Burr, executor, et al. Motion to make new parties defendants in error herein submitted by Mr. William A. Meloy for the plaintiffs in error.

No. 132. Commercial Publishing Company, plaintiff in error, *v.* Samuel C. Beckwith. Argued by Mr. A. Walker Otis for the plaintiff in error, and by Mr. Anthony B. Porter for the defendant in error.

No. 138. The Pullman Company, plaintiff in error, *v.* Wirt Adams, State revenue agent. Argued by Mr. William Burry for the plaintiff in error, and submitted by Mr. Marcellus Green for the defendant in error.

No. 135. Calumet Grain and Elevator Company, appellant, *v.* The City of Chicago; and

No. 136. David Mark Cummings et al., appellants, *v.* The City of Chicago. Submitted by Mr. Warren B. Wilson and Mr. S. A. Lynde for the appellants, with leave to counsel for the appellee to file brief within five days.

Adjourned until Monday next at 12 o'clock.

○

# SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 22, 1902.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice McKenna and Mr. Justice Holmes.

Clinton Woodbury Howard of Whatcom, Wash., J. Gorham Tyssowski of Chicago, Ill., Otto C. Butz of Chicago, Ill., and Amos C. Miller of Chicago, Ill., were admitted to practice.

No. 70. S. M. Burt et al., petitioners, *v.* The Union Central Life Insurance Company. On writ of certiorari 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 western district of Texas. Opinion by Mr. Justice Brewer.

No. 211. Phineas Pam-to-pee and others, appellants, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice White and Mr. Justice McKenna.

No. 69. Whitney Layton, plaintiff in error, *v.* The State of Missouri. In error to the supreme court of the State of Missouri. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

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

No. 451. William Gray Brooks, petitioner, *v.* Charles H. Pratt, administrator, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 484. Loftus Cuddy et al., petitioners, *v.* Percival W. Clement, receiver, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 509. Bankers' Mutual Casualty Company, petitioner, *v.* The Minneapolis, St. Paul and Sault Ste. Marie Railway Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 520. Fred. C. Kilham, administrator, etc., petitioner, *v.* William J. Wilson. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.



No. 522. National Glass Company et al., petitioners, *v.* Bryce Brothers Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 523. The United States Fidelity and Guaranty Company, petitioner, *v.* D. D. Muir, as receiver, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 491. Robert A. Chesebrough, plaintiff in error, *v.* The United States. Motion to advance granted, and cause assigned for argument on Monday, October 19 next, after the cases already set down for that day.

No. 145. Gustavus Leach et al., plaintiffs in error, *v.* Charles R. Burr, executor, etc., et al. Motion to make additional parties herein denied, but briefs may be filed on behalf of any of such parties on or before January 5 next, if they shall be so advised.

No. —, Original. Ex parte: In the matter of The Camden Interstate Railway Company, petitioner. Motion for leave to file petition for a writ of mandamus denied.

No. 9, Original. The State of South Dakota, complainant, *v.* The State of North Carolina et al. Motion to fix day for hearing granted, and cause assigned for argument on Monday, April 13 next.

No. 45. The United States, plaintiff in error, *v.* Arthur Lynah et al.; and

No. 59. The United States, plaintiff in error, *v.* Charles A. Williams et al. Restored to the docket for reargument and assigned for Monday, January 5 next, after the cases already set down for that day.

No. 8. Annie R. Kean et al., plaintiffs in error, *v.* The Calumet Canal and Improvement Company. Restored to the docket for reargument and assigned for Monday, January 5 next, after the cases already set down for that day.

No. 56. Gertrude H. Hardin et al., plaintiffs in error, *v.* Charles B. Shedd. Restored to the docket for reargument and assigned for Monday, January 5 next, after the cases already set down for that day.

No. 128. The Chicago, Burlington and Quincy Railroad Company, plaintiff in error, *v.* Kate G. Wolfe, administratrix, etc. In error to the supreme court of the State of Nebraska. Judgment affirmed with costs, on the authority of Chicago and Rock Island Railroad Company *v.* Zerneck, 183 U. S., 582.

No. 529. The City Trust, Safe Deposit and Surety Company of Philadelphia, petitioner, *v.* The Glencove Granite Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Henry M. Hoyt for the petitioner, and by Mr. Horace L. Cheyney and Mr. Le Roy S. Gove for the respondent.

No. 185. The Rhode Island Locomotive Works, petitioner, *v.* The Continental Trust Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. John Ford and Mr. Thomas Emery for the petitioner, and by Mr. A. H. Joline and Mr. Clarence Brown for the respondent.

No. 517. The Great Southern Fire Proof Hotel Company, petitioner, *v.* Benjamin F. Jones et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Thomas H. Clark in behalf of Mr. J. E. Sater for the petitioner, with leave to counsel for respondents to file brief within ten days.

No. 162. The Annie Wright Seminary, plaintiff in error, *v.* The City of Tacoma. Submitted, pursuant to the twentieth rule, by Mr. John F. Shafroth for the plaintiff in error, and by Mr. David A. Gourick for the defendant in error.

No. 440. American Colortype Company, appellant, *v.* Continental Colortype Company. Submitted, pursuant to the thirty-second rule, by Mr. A. M. Pence, Mr. Otto C. Butz and Mr. Amos C. Miller for the appellant, and by Mr. John C. Mathis for the appellee.

Adjourned until Monday, January 5, 1903, at 12 o'clock.

The day call for Monday, January 5, will be as follows: Nos. 252, 423, 492, 24 (and 34), 45 (and 59), 8, 56, 117, 92 and 76.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 5, 1903.

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

John S. Partridge of San Francisco, Cal., Francis V. Keesling of San Francisco, Cal., Ernest E. Blake of El Reno, Okla., Houston Whiteside of Hutchinson, Kans., Henry Haywood Glassie of Washington, D. C., John Paul Earnest of Washington, D. C., William J. Moroney of Dallas, Tex., William A. Anderson of Richmond, Va., Augustine de Russy Sappington of Baltimore, Md., Arthur W. Machen, jr., of Baltimore, Md., Vincent A. Sheehy of Washington, D. C., and Robert W. Jennings of Juneau, Alaska, were admitted to practice.

No. 41. Stephen Otis et al., plaintiffs in error, *v.* E. A. Parker. In error to the supreme court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Brewer and Mr. Justice Peckham.

No. 119. The Diamond Glue Company, plaintiff in error, *v.* The United States Glue Company. In error to the circuit court of the United States for the eastern district of Wisconsin. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 131. Felix M. Hanley et al., commissioners, etc., appellants, *v.* The Kansas City Southern Railway Company. Appeal from the circuit court of the United States for the eastern district of Arkansas. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 89. E. M. Ayres, plaintiff in error, *v.* John H. Polsdorfer and wife. In error to the United States circuit court of appeals for the sixth circuit. Petition for writ of certiorari denied, and writ of error dismissed for the want of jurisdiction. Opinion by Mr. Justice McKenna.

No. 100. Edward D. Page, bankrupt, appellant, *v.* Charles W. Edmunds, trustee. Appeal from the United States circuit court of appeals for the third circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the eastern district of Pennsylvania. Opinion by Mr. Justice McKenna.

No. 72. The Telluride Power Transmission Company et al., plaintiffs in error, *v.* The Rio Grande Western Railway Company. In error to the supreme court of the State of Utah. Dismissed for the want of jurisdiction. Opinion by Mr. Justice McKenna.

No. 275. Lone Wolf, principal chief of the Kiowas, et al., appellants, *v.* Ethan A. Hitchcock, Secretary of the Interior, et al. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice White. (Mr. Justice Harlan concurs in the result.)

No. 120. Reuben M. Manley, executor, etc., plaintiff in error, *v.* Anna O. Park, assignee, etc. In error to the supreme court of the State of Kansas. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 36. Clinton E. Worden & Co., petitioners, *v.* California Fig Syrup Company. On writ of certiorari to the United States circuit court of appeals for the ninth circuit. Decree of the United States circuit court of appeals and of the circuit court of the United States for the northern district of California reversed with costs, and cause remanded to the said circuit court with directions to dismiss the bill of complaint. Opinion by Mr. Justice Shiras. Dissenting: Mr. Justice McKenna.

No. 63. Edmund H. Chadwick, plaintiff in error, *v.* John M. Kelley. In error to the supreme court of the State of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice Shiras. Dissenting: Mr. Justice Harlan and Mr. Justice White.

No. 318. Robert E. Downs, petitioner, *v.* The United States. On writ of certiorari to the United States circuit court of appeals for the fourth circuit. Decree affirmed, and cause remanded to the circuit court of the United States for the district of Maryland. Opinion by Mr. Justice Brown.

No. 62. The Mobile Transportation Company, plaintiff in error, *v.* The City of Mobile. In error to the supreme court of the State of Alabama. Judgment affirmed with costs. Opinion by Mr. Justice Brown.

No. 87. Jane Johnson, plaintiff in error, *v.* The New York Life Insurance Company. In error to the supreme court of the State of Iowa. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brown. Dissenting: Mr. Justice White and Mr. Justice McKenna.

No. 79. The Hartford Fire Insurance Company, petitioner, *v.* Albert A. Wilson et al., trustees. On writ of certiorari to the court of appeals of the District of Columbia. Judgment reversed with costs, and cause remanded to the said court of appeals with directions to set aside its judgment and enter one affirming the judgment of the trial court. Opinion by Mr. Justice Brewer. (Mr. Justice Brown concurs in the result.)

No. 26. The Pacific Steam Whaling Company, appellant, *v.* The United States. Appeal from the district court of the United States for the district of Alaska. Order affirmed. Opinion by Mr. Justice Brewer. (The Chief Justice took no part in the decision of this case.)

Nos. 29, 30 and 31. The Pacific Coast Steamship Company, appellant, *v.* The United States. Appeals from the district court of the United States for the district of Alaska. Orders affirmed. Opinion by Mr. Justice Brewer. (The Chief Justice took no part in the decision of these cases.)

No. 10. A. W. Corbus, appellant, *v.* The Alaska Treadwell Gold Mining Company. Appeal from the district court of the United States for the district of Alaska. Decree affirmed with costs. Opinion by Mr. Justice Brewer. (The Chief Justice took no part in the decision of this case.)

No. 13. Charles Stewart, appellant, *v.* The Washington and Alaska Steamship Company et al. Appeal from the district court of the United States for the district of Alaska. Decree affirmed with costs. Opinion by Mr. Justice Brewer. (The Chief Justice took no part in the decision of this case.)

No. 75. The Oshkosh Water Works Company, plaintiff in error, *v.* The City of Oshkosh. In error to the supreme court of the State of Wisconsin. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 73. The Young Women's Christian Home, appellant, *v.* John L. French, administrator, etc.; and

No. 74. Barbara Faul et al., appellants, *v.* John L. French, administrator, etc. Appeals from the court of appeals of the District of Columbia. Decree reversed, costs to be paid by French, administrator, and cause remanded with a direction to affirm the decree of the supreme court of the District of Columbia. Opinion by Mr. Chief Justice Fuller.

No. 101. The Western Union Telegraph Company, plaintiff in error, *v.* The Borough of New Hope. In error to the superior court of the State of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice White, Mr. Justice Peckham and Mr. Justice McKenna.

No. 122. The Cary Manufacturing Company, plaintiff in error, *v.* The Acme Flexible Clasp Company. In error to the United States circuit court of appeals for the second circuit. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 124. The Mexican Central Railway Company, Limited, plaintiff in error, *v.* J. W. Eckman, guardian, etc. In error to the circuit court

of the United States for the western district of Texas. Judgment affirmed with costs and interest. Opinion by Mr. Chief Justice Fuller.

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

No. 273. The United States, appellant, *v.* William T. Sampson, rear-admiral, U. S. Navy, et al. Ordered that Henry C. Taylor, rear-admiral, U. S. Navy, be substituted in the place and stead of William T. Sampson, deceased, as a party appellee herein.

No. 185. The Rhode Island Locomotive Works, petitioner, *v.* The Continental Trust Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 517. The Great Southern Fire Proof Hotel Company, petitioner, *v.* Benjamin F. Jones et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit granted.

No. 529. The City Trust, Safe Deposit and Surety Company of Philadelphia, petitioner, *v.* The Glencove Granite Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

Mr. Attorney-General Knox addressed the court as follows :

May it please the court :

The bar of this court has requested me to present to you the resolutions recently adopted by it expressing its estimate of the life and character of the late Mr. Justice Gray, and its deep sense of bereavement occasioned by his death.

They are as follows :

“The bar of the Supreme Court of the United States, deploring the recent death of Horace Gray, an associate justice of the court, would put upon record a brief memorial of their esteem and admiration for his judicial achievements, as well as for his qualities as a man. Therefore, be it

“*Resolved*, That we of the bar are met together to pay tribute to the memory of an able lawyer, a scholar versed in the learning of the books, and a judge who never failed to uphold the dignity of his office. He did his work thoroughly and with scrupulous efforts to dispense exact justice.

“*Resolved*, That the labors of Mr. Justice Gray, which have been constant and arduous, are deserving of the country’s gratitude. He spared nothing of health or of strength. With patience he explored the sources of the law and gathered from the past much that proved of value in its application to the needs of the present. Of sound judicial instincts, he year by year visibly grew, alike in clearness of vision and in breadth of apprehension, until in these later days his ripened powers declared him to be a fit example of the strong and truly great judge.



“*Resolved*, That we shall ever cherish a remembrance of the manly qualities of our deceased brother. Large of stature, vigorous and firm in demeanor, it needed but a slight acquaintance with the real man to recognize in Mr. Justice Gray a generous, noble spirit, a pure-minded, brave, and Christian gentleman.

“*Resolved*, That the Attorney-General be asked to present these resolutions to the court, with the request that they be entered upon the records, and that the chairman of this meeting be directed to send to the widow and family of the late Mr. Justice Gray a copy of these resolutions as an expression of our sympathy for them in the loss that they have been called upon to sustain.”

This just and temperate expression by the bar will be received, I am sure, with sentiments of full approval by the members of the court, to whom the death of Mr. Justice Gray is a personal grief, as well as by the profession and the people, to whom it is a most serious public loss.

The character and work of a judge are an open record to the world. They are impressed on judgments which survive the man, and may be imperishable. A great judge hearing contending arguments and settling their issues with convincing logic erects and leaves behind him a monument standing high in the public view. All men may know him and may estimate and speak of his labors. So men regard John Marshall, almost as if they had seen him and talked with him; and so those who did not have the privilege of intimate acquaintance with the living man might speak of Mr. Justice Gray.

He was born of the New England ancestry which has done so much to strengthen and adorn this nation—strong, self-controlled, intellectual, and aspiring. Such ancestry has produced faithful men, men of action and men of culture. Mr. Justice Gray, true to these inheritances, made early use of his advantages of environment and education. His career from his youth shows the steady advance in capacity of a man formed and trained to be a scholar, a lawyer, and a judge.

From his recognized position as a leader of the bar of his native State, he was advanced to be an associate justice and later to be chief justice of the supreme court of Massachusetts—the court which contributed the illustrious name of Shaw to the roll of distinguished American judges. In that court Mr. Justice Gray delivered many luminous opinions marked by the comprehensiveness, thoroughness, and learning which were characteristic of him, including leading ones on the law of charities, ancient grants and boundaries, contracts *ultra vires*, and the conflict of laws.

No eulogy is needed to bring before this court and bar the recollections of the steadfast labors, profound learning, and ripe ability of intellect by which his judicial service to his country was here rounded out and completed. The opinions which he delivered reflect the robust

vigor of his personality—the clearness of mind and firmness of will, the strength and purity of moral purpose, which were part of his nature. His unremitting industry, his high conception of duty, his accumulated erudition, his dignity of diction and of character, combined to make him a great jurist in all branches of the law. This court is required to explore the entire field of jurisprudence. Its jurisdiction is as broad as the range of human controversy, and Mr. Justice Gray has left fitting memorials of his capacity throughout its range—whether he deals with the technicalities of a statute, with constitutional or international law, with equity pleading, with admiralty, with the laws of property or of personal relations.

It is superfluous to comment particularly on his utterances for the court. The profession will not forget them. They will survive the passage of time and remain for the instruction and guidance of ourselves and of posterity.

In presenting these resolutions to your honors, on behalf of the bar I express the consciousness of loss to public life and service which Mr. Justice Gray's private life and character emphasize. The generosity and purity of his nature, the modesty and simple dignity which adorn worth, the courtesy of the gentleman—these qualities also marked his career and endeared him to those who were privileged to know him intimately.

I have the honor to move that the resolutions be entered upon the records of the court.

The Chief Justice responded:

It is difficult to express our sense of the loss the court has sustained in the departure of this eminent judge and dear brother.

The results of the labors of the court are announced from the bench, but the burden of its labors can be known only to those who participate in them. They only can know the value of aid in the discharge and alleviation of that burden. They only can know the closeness of the ties which bind the company of faithful workers together.

Speaking from that standpoint, it may be truthfully said of Mr. Justice Gray as he himself, when chief justice of Massachusetts, said in commemoration of one of his colleagues, that "every year of association with him brought a greater reliance upon his counsel and a closer friendship."

And, portraying on that occasion the lineaments of another, he drew a striking likeness of himself as we knew him in our common consultations. This is the portrait:

"His minute and accurate observation of the facts, his thoughtful comparison of the arguments, his careful weighing and scrutiny of precedents, his nice appreciation of legal distinctions, his grasp of fundamental



principles, his strength in presenting his own suggestions, and his candor in considering those of his associates—guided throughout by a love of justice, and tempered by common sense—made his presence a peculiar safeguard. In arriving at results that would affect the rights of his fellow-men no detail was so small as to be neglected, no field of investigation too wide to be explored. Very cautious in forming his conclusions, he was correspondingly tenacious of them when formed. He always wished the opinions of the court to be placed upon such grounds as, not going beyond what the decision of each case required, should afford a firm foothold in determining future controversies.”

The description also measurably indicates the character of his judicial utterances.

It was observed of the judgments of Lord Cottenham, that he who read them felt that they “fixed the law on the matter in hand upon a defined basis for future years.” The same impression is produced by many of the judgments of Mr. Justice Gray, while other judgments are confined, with keen precision, to the bare disposition of the particular case.

All excellent, his opinions in leading cases—and he made cases leading when he thought the occasion demanded—constitute permanent contributions to jurisprudence and imperishable monuments to his memory. They do not simply lay down rules for guidance. They are treasuries of doctrine and precedent. And in the time to come it will be found :

“Hither, as to a fountain,  
Other suns repair, and in their urns  
Draw golden light.”

Mr. Justice Gray was preceded as the head of the supreme judicial court of Massachusetts by Lemuel Shaw ; he was preceded on this bench by Joseph Story and Benjamin Robbins Curtis. Eulogy can rise no higher than the expression of the conviction that he will be ranked with them without appreciable interval.

For nearly forty years he was given grace to execute justice and to maintain truth, with the dignity and power befitting his great office, and he arrived at the resting place with unclouded mind and ready for the change. His lips are dumb, but the devouring Past can not destroy the works which follow him.

The resolutions and accompanying remarks will be entered upon the records of the court.

No. 544. The Baltimore and Ohio Railroad Company et al., petitioners, v. The Wabash Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. George E. Hamilton, Mr. W. H. H. Miller, Mr. Hugh L. Bond, jr.,

and Mr. J. H. Collins for the petitioners, and by Mr. Addison C. Harris and Mr. Wells H. Blodgett for the respondent.

No. 135. Calumet Grain and Elevator Company, appellant, *v.* The City of Chicago; and

No. 136. David Mark Cummings et al., appellants, *v.* The City of Chicago. Leave granted to file reply brief herein on the part of the appellants, on motion of Mr. Warren B. Wilson for the appellants.

No. 531. John Lawrence O'Brien, appellant, *v.* John H. Shine, United States marshal. Motion to admit appellant to bail pending the appeal submitted by Mr. John M. Thurston for appellant.

No. 388. Jeremiah F. McCarthy et al., plaintiffs in error and appellants, *v.* James F. McCarthy. Motions to dismiss or affirm submitted by Mr. Charles C. Cole and Mr. Vincent A. Sheehy in support of motions, with leave to Mr. Chapin Brown to file brief in opposition thereto on or before Wednesday next.

No. 536. William White, jr., petitioner, *v.* The Peerless Rubber Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. George H. Christy for the petitioner, and by Mr. Livingston Gifford for the respondent.

No. 156. N. T. Cook, plaintiff in error, *v.* The State of Tennessee. Motions to dismiss submitted by Mr. Charles T. Cates, jr., in support of motion, and by Mr. E. W. Ross in opposition thereto.

No. 6, Original. The State of Tennessee, complainant, *v.* The State of Virginia. Report of commissioners filed, with leave to both sides to file exceptions thereto, on motion of Mr. Charles T. Cates, jr., for the complainant.

No. 252. The United States, appellant, *v.* Arthur B. Barringer. Argued by Mr. Assistant Attorney-General Pradt for the appellant, and by Mr. George A. King for the appellee, with leave to counsel for appellant to file reply brief within five days.

No. 423. Isabella F. Blackstone, individually and as executrix, etc., plaintiff in error, *v.* Nathan F. Miller, comptroller, etc. Argument commenced by Mr. Edward W. Sheldon for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 6, will be as follows: Nos. 423, 492, 24 (and 34), 45 (and 59), 8, 56, 117, 92, 76, and 109.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 6, 1903.

---

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

Benjamin C. Tunison of Pensacola, Fla., and Lynn Helm of Los Angeles, Cal., were admitted to practice.

No. 423. Isabella F. Blackstone, individually and as executrix, etc., plaintiff in error, *v.* Nathan F. Miller, comptroller, et al. Argument continued by Mr. Edward W. Sheldon for the plaintiff in error, by Mr. Louis Marshall for the defendants in error, and concluded by Mr. Edward W. Sheldon for the plaintiff in error.

No. 492. James L. Hyatt, chief of police of the city of Albany, N. Y., plaintiff in error, *v.* The People of the State of New York on the relation of Charles E. Cockran. Argument commenced by Mr. J. Murray Downs for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 7, will be as follows: Nos. 492, 24 (and 34), 45 (and 59), 8, 56, 117, 92, 76, 109 and 40.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 7, 1903.

---

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

James E. Hogue of Hot Springs, Ark., was admitted to practice.

No. 415. The Wabash Railroad Company, plaintiff in error, *v.* Charles E. Pearce. Appearance of William N. Pearce and the Mississippi Valley Trust Company, executors of Charles E. Pearce, deceased, as defendants in error herein filed and entered, on motion of Mr. W. M. Hough in behalf of counsel for defendants in error.

No. 492. James L. Hyatt, chief of police of the city of Albany, N. Y., plaintiff in error, *v.* The People of the State of New York on the relation of Charles E. Cockran. Argument continued by Mr. J. Murray Downs for the plaintiff in error, by Mr. William S. Bryan, jr., for the defendant in error, and concluded by Mr. J. Murray Downs for the plaintiff in error.

No. 24. The United States, appellant, *v.* The Officers and Crew of the U. S. Steamer Mangrove; and

No. 34. The Officers and Enlisted Men of the U. S. Ship New York et al., appellants, *v.* The Officers and Crew of the U. S. Steamer Mangrove. Two hours additional time allowed counsel for appellants, on motion of Mr. Assistant Attorney-General Hoyt for the United States; one hour additional time allowed appellees, on motion of Mr. H. A. Herbert for appellees. Argument commenced by Mr. James H. Hayden for the New York, and continued by Mr. William B. King for the Indiana, and by Mr. Assistant Attorney-General Hoyt for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 8, will be as follows: Nos. 24 (and 34), 45 (and 59), 8, 56, 117, 92, 76, 109, 40 and 137.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 8, 1903.

---

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

William S. Dalzell of Pittsburg, Pa., and Charles F. Brown of New York City were admitted to practice.

No. 61. The Northern Pacific Railway Company, appellant, *v.* J. A. Soderberg. Leave granted to file supplemental brief on behalf of the United States, on motion of Mr. Assistant Attorney-General Van Devanter for the United States.

No. 24. The United States, appellant, *v.* The Officers and Crew of the U. S. Steamer Mangrove; and

No. 34. The Officers and Enlisted Men of the U. S. Ship New York et al., appellants, *v.* The Officers and Crew of the U. S. Steamer Mangrove. Argument continued by Mr. Assistant Attorney-General Hoyt for the United States, by Mr. Benjamin Micou and Mr. Hilary A. Herbert for the Mangrove, and by Mr. James H. Hayden for the New York.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 9, will be as follows: Nos. 24 (and 34), 45 (and 59), 8, 56, 117, 92, 76, 109, 40 and 137.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 9, 1903.

---

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

Charles E. Townsend of Jackson, Mich., was admitted to practice.

No. 24. The United States, appellant, *v.* The Officers and Crew of the U. S. Steamer Mangrove; and

No. 34. The Officers and Enlisted Men of the U. S. Ship New York et al., appellants, *v.* The Officers and Crew of the U. S. Steamer Mangrove. Argument continued by Mr. William B. King for the Indiana, and concluded by Mr. Assistant Attorney-General Hoyt for the United States.

No. 45. The United States, plaintiff in error, *v.* Arthur Lynah et al.; and

No. 59. The United States, plaintiff in error, *v.* Charles A. Williams et al. Reargued by Mr. Robert A. Howard for the plaintiff in error, by Mr. Julian Mitchell, jr., for Williams et al., and by Mr. J. P. Kennedy Bryan for Lynah et al.

No. 8. Annie R. Kean et al., plaintiffs in error, *v.* The Calumet Canal and Improvement Company. Reargument commenced by Mr. William P. Fennell for the plaintiffs in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 12, will be as follows: Nos. 8, 56, 117, 92, 76, 109, 40, 137, 139 and 140 (and 265).

○

# SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 12, 1903.

---

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

Rossa F. Downing of Washington, D. C., Carl Taylor of St. Paul, Minn., Arthur M. King of New York City and Monroe McClurg of Jackson, Miss., were admitted to practice.

No. 54. E. M. Caldwell, plaintiff in error, *v.* The State of North Carolina et al. In error to the supreme court of the State of North Carolina. Judgment reversed with costs, and cause remanded to the said supreme court to take further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Shiras.

No. 521. Charles L. Rawson et al., petitioners, *v.* Western Sand Blast Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit granted. Announced by Mr. Justice Brewer. (The Chief Justice took no part in the decision of this petition.)

The Chief Justice announced the following orders of the court:

No. 156. N. T. Cook, plaintiff in error, *v.* The State of Tennessee. In error to the supreme court of the State of Tennessee. Dismissed for the want of jurisdiction, on the authority of *Haseltine v. Savings Bank of Springfield, Mo.*, 183 U. S., 130; *Bogan v. Daugherty*, 184 U. S., 196.

No. 162. The Annie Wright Seminary, 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 *Gillis v. Stinchfield*, 159 U. S., 658; *Pittsburg Company v. Cleveland Company*, 178 U. S., 279; *Speed v. McCarthy*, 181 U. S., 275. See case below, 23 Wash., 109.

No. 388. Jeremiah F. McCarthy et al., plaintiffs in error and appellants, *v.* James F. McCarthy. Motions to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 536. William White, jr., petitioner, *v.* The Peerless Rubber Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 544. The Baltimore and Ohio Railroad Company et al., petitioners, *v.* The Wabash Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 531. John Lawrence O'Brien, appellant, *v.* John H. Shine, United States marshal. Consideration of motion to admit appellant to bail pending the appeal postponed until notice of same is given to the Attorney-General.

No. 546. Standard Sewing Machine Company, petitioner, *v.* Arthur M. Leslie. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. John Dane, jr., and Mr. Charles S. Holt for the petitioner, and by Mr. Charles K. Affield and Mr. C. C. Linthicum for the respondent.

No. 466. Northern Pacific Railway Company, petitioner, *v.* Louise H. Adams et al. Motion that transcript of record filed with petition for writ of certiorari be taken as the return to said writ submitted by Mr. A. B. Browne in behalf of Mr. C. W. Bunn for the petitioner in support of motion, and by Mr. Charles S. Voorhees and Mr. Reese H. Voorhees for the respondents in opposition thereto.

No. 548. Horace M. Dupee, petitioner, *v.* Chicago Horse Shoe Company. 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. William M. Jones and Mr. James E. Munroe for the petitioner, and by Mr. Le Roy D. Thoman for the respondent.

No. 12, Original. The State of Louisiana, complainant, *v.* The State of Mississippi. Leave granted to file demurrer to bill, on motion of Mr. Monroe McClurg for defendant. Motion and stipulation to fix day for hearing on demurrer submitted by Mr. Monroe McClurg for defendant.

No. 507. Davis & Farnum Manufacturing Company, appellant, *v.* The City of Los Angeles. Submitted, pursuant to the twentieth rule, by Mr. Lynn Helm and Mr. Henry T. Helm for the appellant, and by Mr. Albert H. Crutcher for the appellee.

No. 516. Harry J. Jaquith, trustee, appellant, *v.* G. Edwin Alden. Submitted, pursuant to the twentieth rule, by Mr. H. J. Jaquith for the appellant, and by Mr. E. M. Johnson for the appellee.

No. 8. Annie R. Kean et al., plaintiffs in error, *v.* The Calumet Canal and Improvement Company. Reargument continued by Mr. William



P. Fennell for the plaintiffs in error, by Mr. Frederick S. Winston for the defendant in error, and concluded by Mr. William P. Fennell for the plaintiffs in error.

No. 56. Gertrude H. Hardin et al., plaintiffs in error, *v.* Charles B. Shedd. Reargument commenced by Mr. Thomas Dent for the plaintiff in error, and continued by Mr. Harry S. Mecartney for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 13, will be as follows: Nos. 56, 117, 92, 76, 109, 40, 137, 139, 140 (and 265) and 141.

O

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 13, 1903.

---

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

Olin J. Wimberly of Macon, Ga., and William H. H. Llewellyn of Las Cruces, N. Mex., were admitted to practice.

No. 56. Gertrude H. Hardin et al., plaintiffs in error, *v.* Charles B. Shedd. Reargument continued by Mr. Harry S. Mecartney for the defendant in error, and concluded by Mr. Thomas Dent for the plaintiffs in error.

No. 117. George Bleistein et al., plaintiffs in error, *v.* The Donaldson Lithographing Company. Argument commenced by Mr. Ansley Wilcox for the plaintiffs in error, and continued by Mr. E. W. Kittredge for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 14, will be as follows: Nos. 117, 92, 76, 109, 40, 137, 139, 140 (and 265), 141 and 143.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 14, 1903.

---

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

Maurice D. Leehey of Seattle, Wash., was admitted to practice.

No. 117. George Bleistein et al., plaintiffs in error, *v.* The Donaldson Lithographing Company. Argument continued by Mr. E. W. Kirtledge for the defendant in error, and concluded by Mr. Arthur von Briesen for the plaintiffs in error.

No. 92. James H. Easton, plaintiff in error, *v.* The State of Iowa. Argument commenced by Mr. H. T. Reed for the plaintiff in error, and continued by Mr. C. W. Mullan for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 15, will be as follows: Nos. 92, 76, 109, 40, 137, 139, 140 (and 265), 141, 143 and 144.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 15, 1903.

---

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

William F. Henney of Hartford, Conn., was admitted to practice.

No. 531. John Lawrence O'Brien, appellant, *v.* John H. Shine, United States marshal. Leave granted to counsel for appellee to file brief in opposition to motion to admit appellant to bail within one week, on motion of Mr. Matt. G. Reynolds in behalf of the Solicitor-General.

No. 92. James H. Easton, plaintiff in error, *v.* The State of Iowa. Argument continued by Mr. C. W. Mullan for the defendant in error, and concluded by Mr. Charles F. Brown for the plaintiff in error.

No. 139. The Detroit, Fort Wayne and Belle Isle Railway, plaintiff in error, *v.* Chase S. Osborn, commissioner of railroads. Argued by Mr. John C. Donnelly for the plaintiff in error, and by Mr. Fred A. Maynard for the defendant in error.

No. 109. The Mutual Life Insurance Company of New York, plaintiff in error, *v.* Alphonsine McGrew. Argument commenced by Mr. Julien T. Davies for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 16, will be as follows: Nos. 109, 40, 137, 76, 140 (and 265), 141, 143, 144, 145 and 146.

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 16, 1903.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna and Mr. Justice Holmes.

Daniel B. Beard of Boston, Mass., was admitted to practice.

No. 145. Gustavus Leach et al., plaintiffs in error, *v.* Charles R. Burr, executor, et al. Passed, to be restored to the call subject to the provisions of section 9, rule 26, on motion of Mr. George F. Hoar in behalf of counsel for plaintiffs in error.

No. 109. The Mutual Life Insurance Company of New York, plaintiff in error, *v.* Alphonsine McGrew. Argument continued by Mr. J. Hubley Ashton for the defendant in error, and concluded by Mr. Frederic D. McKenney for the plaintiff in error.

No. 40. Mariano F. Seña, appellant, *v.* The United States. Argument commenced by Mr. Frank W. Clancy for the appellant, and continued by Mr. Matt. G. Reynolds for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 19, will be as follows: Nos. 40, 137, 76, 140 (and 265), 141, 143, 144, 146, 148 and 149.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 19, 1903.

---

Present: The Chief Justice, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna and Mr. Justice Holmes.

J. Kennedy Stout of Spokane, Wash., Frederic Thatcher Harward of Detroit, Mich., Henry Hoff Hunter of Willimantic, Conn., Charles B. Cross of Muskegon, Mich., William P. Belden of Grand Rapids, Mich., and John J. Hamilton of Washington, D. C., were admitted to practice.

No. 440. American Colortype Company, appellant, *v.* Continental Colortype Company. Appeal from the circuit court of the United States for the northern district of Illinois. Decree reversed with costs, and cause remanded for further proceedings. Opinion by Mr. Justice Holmes.

No. 96. The Diamond Match Company, appellant, *v.* The Village of Ontonagon et al. Appeal from the circuit court of the United States for the western district of Michigan. Decree affirmed with costs. Opinion by Mr. Justice McKenna.

No. 106. Cornelius K. G. Billings et al., plaintiffs in error, *v.* The People of the State of Illinois. In error to the supreme court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 77. William E. Hale, as receiver, etc., petitioner, *v.* Edward P. Allinson et al. 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 circuit court of the United States for the eastern district of Pennsylvania. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Brewer.

No. 83. George H. Earle, jr., receiver, etc., plaintiff in error, *v.* Susan Carson. In error to the United States circuit court of appeals for the third circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the eastern district of Pennsylvania. Opinion by Mr. Justice White.

No. 23. Annie Andrews, plaintiff in error, *v.* Kate H. Andrews. In error to the supreme judicial court of the State of Massachusetts. Judg-

ment affirmed with costs. Opinion by Mr. Justice White. Dissenting: Mr. Justice Brewer, Mr. Justice Shiras and Mr. Justice Peckham. (Mr. Justice Holmes, not having been a member of the court when this case was argued, took no part in this decision.)

No. 93. John Kelley, plaintiff in error, *v.* Oliver F. Rhoads. In error to the supreme court of the State of Wyoming. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Brown.

No. 107. Paul O. Weber, plaintiff in error, *v.* Charles Rogan, commissioner, etc. In error to the supreme court of the State of Texas. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brown.

No. 142. The United States, appellant, *v.* Evett D. Nix; and

No. 195. Evett D. Nix, appellant, *v.* The United States. It is ordered that these cases be remanded to the Court of Claims with instructions to revise item 12 of finding 3, by stating how much of the original item of \$5,135.50 was allowed and paid by the accounting officers of the Treasury Department, as well as the number of miles actually traveled in performing the services stated in such item. Announced by Mr. Justice Brown.

The Chief Justice announced the following orders of the court :

No. 433. William E. Hale, receiver, etc., petitioner, *v.* James A. Hilliker. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 443. Richard A. Burget, petitioner, *v.* Horace R. Robinson. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 546. Standard Sewing Machine Company, petitioner, *v.* Arthur M. Leslie. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 548. Horace M. Dupee, petitioner, *v.* Chicago Horse Shoe Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 466. Northern Pacific Railway Company, petitioner, *v.* Louise H. Adams et al. Motion that the transcript of record filed with the petition herein be taken as the return to the writ of certiorari granted without prejudice to suggesting a diminution if counsel shall be so advised.

No. 12, Original. The State of Louisiana, complainant, *v.* The State of Mississippi. Hearing on demurrer to bill assigned for Monday, March 2 next, after the cases already set down for that day.

No. 146. The United States, plaintiff in error, *v.* The S. P. Shotter Company. In error to the circuit court of the United States for the

southern district of Alabama. Dismissed, and mandate granted, on motion of Mr. Solicitor-General Richards for the plaintiff in error.

No. 38. Christian Swartz et al., petitioners, *v.* John S. Duss et al. Motion that cost of supervising printing of the record herein be taxed upon the record as printed and not upon the record as filed submitted by Mr. Henry M. Hoyt in behalf of Mr. George Shiras, 3d, and Mr. S. Schoyer, jr., for the petitioners.

No. 549. Washington National Building and Loan Association, etc., petitioner, *v.* Bertha L. Fiske and husband. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. M. J. Colbert, Mr. George E. Hamilton, Mr. J. H. Ralston and Mr. F. L. Siddons for the petitioner, and by Mr. M. D. Rosenberg, Mr. Alexander Wolf and Mr. D. W. Baker for the respondents.

No. 300. James L. Gates, plaintiff in error, *v.* Samuel C. Parmly et al., executors, etc. Leave granted to designate parts of record to be printed within fifteen days, on motion of Mr. Rublee A. Cole for the plaintiff in error.

No. 9, Original. The State of South Dakota, complainant, *v.* The State of North Carolina et al. Leave to file stipulation as to printing record herein granted, on motion of Mr. Frederic D. McKenney in behalf of counsel. Motion for an order to carry out the terms of the stipulation submitted by Mr. Frederic D. McKenney in behalf of counsel.

No. 553. Simon Rothschild, petitioner, *v.* The Memphis and Charleston Railroad Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Heber J. May for the petitioner, and by Mr. Francis Lynde Stetson and Mr. Frank P. Poston for the respondents.

No. 462. Edward E. Bessette *v.* W. B. Conkey Company. Motions for a writ of certiorari to bring up the entire record and to advance submitted by Mr. William V. Rooker for Bessette.

No. 40. Mariano F. Sena, appellant, *v.* The United States. Argument continued by Mr. Matt. G. Reynolds for the appellee, and concluded by Mr. Frank W. Clancy for the appellant.

No. 137. Edward H. Pardee et al., plaintiffs in error, *v.* A. D. Aldridge et al., trustees, et al. Argument commenced by Mr. Maxwell Evarts for the plaintiffs in error, and continued by Mr. W. J. Moroney for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 20, will be as follows: Nos. 137, 76, 140 (and 265), 141, 143, 144, 148, 149, 108 and 47.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 20, 1903.

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

John T. Reed of New York City, Eben W. Martin of Deadwood, S. Dak., Joseph B. Thompson of Pauls Valley, Ind. T., and John F. Sharp of Purcell, Ind. T., were admitted to practice.

No. 137. Edward H. Pardee et al., plaintiffs in error, *v.* A. D. Aldridge et al., trustees, et al. Argument continued by Mr. W. J. Moroney for the defendants in error, and concluded by Mr. R. S. Lovett for the plaintiffs in error. Leave granted to both sides to file additional briefs on or before Friday next.

No. 76. Ferdinand Shurtleff, appellant, *v.* The United States. Argued by Mr. Edwin B. Smith for the appellant, and by Mr. Assistant Attorney-General Pradt for the appellee.

Nos. 140 and 265. The Board of Directors of the Chicago Theological Seminary, plaintiff in error, *v.* The People of the State of Illinois ex rel. Samuel B. Raymond, county treasurer, etc. Argument commenced by Mr. John J. Herrick for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 21, will be as follows: Nos. 140 (and 265), 141, 143, 144, 148, 149, 108, 47, 145 and 150.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 21, 1903.

---

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

Daniel Trigg of Abingdon, Va., was admitted to practice.

No. 144. *The Douglas Company, appellant, v. A. F. Stone, late treasurer, etc.* Continued, on motion of Mr. Leigh Robinson in behalf of counsel.

Nos. 140 and 265. *The Board of Directors of the Chicago Theological Seminary, plaintiff in error, v. The People of the State of Illinois ex rel. Samuel B. Raymond, county treasurer, etc.* Argument concluded by Mr. John J. Herrick for the plaintiff in error, and submitted on printed briefs by Mr. E. W. Sims, Mr. Frank L. Shepard and Mr. William F. Struckman for the defendants in error.

No. 141. *The Eckington and Soldiers' Home Railway Company of the District of Columbia, plaintiff in error, v. Florence McDevitt.* Argued by Mr. John Ridout and Mr. W. L. McDermott for the plaintiff in error, and by Mr. A. S. Worthington for the defendant in error.

No. 143. *August G. Reetz, plaintiff in error, v. The People of the State of Michigan.* Argued by Mr. William P. Belden for the plaintiff in error, and by Mr. Charles B. Cross and Mr. Charles A. Blair for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 22, will be as follows: Nos. 148, 149, 108, 47, 145, 150, 151, 152, 153 and 154.

○

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 22, 1903.

---

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

Thomas George Henderson of Sioux City, Iowa, and Jonathan R. Scott of Los Angeles, Cal., were admitted to practice.

No. 154. W. F. Wyman, appellant, *v.* Virgile Herard. Appeal from the supreme court of the Territory of Oklahoma. Dismissed with costs, pursuant to the tenth rule.

No. 148. Kokomo Fence Machine Company, petitioner, *v.* Alva L. Kitselman et al. Argued by Mr. Thomas A. Banning for the petitioner, and by Mr. Robert H. Parkinson for the respondents.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 23, will be as follows: Nos. 149, 108, 47, 145, 150, 151, 152, 153, 155 and 157 (and 158).

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 23, 1903.  

---

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

Clarence H. Montgomerie y Agramonte of the City of Mexico, Republic of Mexico, and George Colvin Kennedy of Waterloo, Iowa, were admitted to practice.

No. 149. John D. Hooker et al., plaintiffs in error, *v.* The City of Los Angeles. Argued by Mr. J. S. Chapman for the plaintiffs in error, and by Mr. John F. Dillon and Mr. J. R. Scott for the defendant in error. Leave granted to counsel to file additional briefs within five days.

No. 108. The Missouri Pacific Railway Company, appellant, *v.* The United States. Argument commenced by Mr. John F. Dillon for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 26, will be as follows: Nos. 108, 47, 145, 150, 151, 152, 153, 155, 157 (and 158) and 216.

O

## SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 26, 1903.

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

William Wallace White of New York City, Edwin R. Winans of Sioux Falls, S. Dak., and Nathan A. Gibson of Muskogee, Ind. T., were admitted to practice.

No. 423. Isabella F. Blackstone, individually, etc., plaintiff in error, *v.* Nathan L. Miller, comptroller of the State of New York, et al. In error to the surrogate's court of New York County, State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice White.

No. 84. Joseph H. Beals, plaintiff in error, *v.* James J. Cone and Lyman Robinson. In error to the supreme court of the State of Colorado. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brewer.

No. 88. Andrew W. Smythe et al., plaintiffs in error, *v.* The United States. In error to the United States circuit court of appeals for the fifth circuit. Judgment affirmed, and cause remanded to the circuit court of the United States for the eastern district of Louisiana. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Peckham and Mr. Justice Shiras.

No. 44. Peter Nelson and Henry Nelson, plaintiffs in error, *v.* The Northern Pacific Railway Company. In error to the supreme court of the State of Washington. Judgment reversed with costs, and cause remanded to the said supreme court for such further proceedings as may not be inconsistent with the opinion of this court. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Brewer, Mr. Justice Brown and Mr. Justice Shiras.

The Chief Justice announced that the court would take a recess from Monday, February 2, to Monday, February 23 next.

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

No. 38. Christian Schwartz et al., petitioners, *v.* John S. Duss et al. Motion that cost of supervising printing of record be taxed upon the record as printed granted.

No. 531. John Lawrence O'Brien, appellant, *v.* John H. Shine, United States marshal. Motion to admit to bail denied under first paragraph of rule 34.

No. 549. Washington National Building and Loan Association, petitioner, *v.* Bertha L. Fiske and husband. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 553. Simon Rothschild, petitioner, *v.* The Memphis and Charleston Railroad Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 9, Original. The State of South Dakota, complainant, *v.* The State of North Carolina et al. Motion that record herein be made up and printed in accordance with stipulation of counsel granted.

No. 462. Edward E. Bessette *v.* W. B. Conkey Company. Motion for a writ of certiorari to bring up the entire record herein denied. Motion to advance for oral argument denied, but the case may be advanced and submitted as under the thirty-second rule if counsel shall be so advised.

No. 68. John S. Swann et al., trustees, etc., plaintiffs in error, *v.* The State of West Virginia. In error to the supreme court of appeals of the State of West Virginia. Decree affirmed with costs, on the authority of *King v. Mullins*, 171 U. S., 404.

No. 47. Mary Phelps Montgomery, executrix, etc., plaintiff in error, *v.* The City of Portland et al. Passed, to be restored to the call subject to the provisions of section 9, rule 26, on motion of Mr. A. B. Browne in behalf of counsel.

No. —. R. H. Field, appellant, *v.* The Barber Asphalt Paving Company. Leave to appellant to enter his own appearance herein granted, on motion of Mr. A. B. Browne in his behalf.

No. 567. A. Chesebrough et al., etc., petitioners, *v.* Matthew Bridges. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Thomas S. Hopkins in behalf of Mr. Melton Andros for the petitioners, and by Mr. A. H. Ricketts for the respondent.

No. 568. The Steamship Slingsby, etc., petitioner, *v.* Thomas Travers et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Frederic D. McKenney in behalf of Mr. J. Parker Kirlin for the petitioner, and by Mr. William C. Beecher for the respondents.

No. 108. The Missouri Pacific Railway Company, appellant, *v.* The United States. Argument continued by Mr. John F. Dillon for the appellant, by Mr. W. C. Perry for the appellee, and concluded by Mr. John F. Dillon for the appellant.

No. 150. Frank N. Prout, attorney-general, etc., appellant, *v.* James C. Starr et al. Argument commenced by Mr. F. N. Prout for the appellant, and continued by Mr. J. M. Woolworth for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 27, will be as follows: Nos. 150, 145, 151, 152, 153, 155, 157 (and 158), 216, 159 and 160.

○

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 27, 1903.

---

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

Vere Goldthwaite of Boston, Mass., Cole Leslie Harwood of New York City, and William J. Barr of New York City were admitted to practice.

Nos. 157 and 158. Louisa V. Kidd, plaintiff in error, *v.* The State of Alabama. Submitted by Mr. W. A. Gunter for the plaintiff in error, and by Mr. Francis G. Caffey for the defendant in error.

No. 150. Frank N. Prout, attorney-general, etc., appellant, *v.* James C. Starr et al. Argument continued by Mr. James M. Woolworth for the appellees, and concluded by Mr. F. N. Prout for the appellant.

No. 145. Gustavus Leach et al., plaintiffs in error, *v.* Charles R. Burr, executor, et al. Argued by Mr. William A. Meloy and Mr. George F. Hoar for the plaintiffs in error, and by Mr. J. J. Darlington for the defendants in error. Leave granted to counsel for defendants in error to file an additional brief within five days.

No. 151. Hannah Schaefer, plaintiff in error, *v.* Julius Werling et al. Argument commenced by Mr. S. M. Sayler for the plaintiff in error, and continued by Mr. John C. Chaney for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 28, will be as follows: Nos. 151, 152, 153, 155, 216, 159, 160, 161, 163 and 165 (and 166).

○



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 28, 1903.

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

Rowland B. Mahany of Buffalo, N. Y., was admitted to practice.

No. 571. James Galvin, petitioner, *v.* The City of Grand Rapids. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Timothy E. Tarsney for the petitioner.

No. 151. Hannah Schaefer, plaintiff in error, *v.* Julius Werling et al. Argument continued by Mr. John C. Chaney for the defendants in error, and concluded by Mr. W. W. Dudley for the plaintiff in error.

No. 152. Eastern Building and Loan Association of Syracuse, N. Y., plaintiff in error, *v.* Bright Williamson. Argued by Mr. William Hepburn Russell for the plaintiff in error, and by Mr. H. E. Young for the defendant in error. Leave granted to counsel for plaintiff in error to file an additional brief on or before February 7 next, and to counsel for defendant in error to reply thereto within five days thereafter.

No. 153. Theodore Read, plaintiff in error, *v.* Mississippi County. Submitted by Mr. William H. Carroll for the plaintiff in error. No counsel appeared for defendant in error.

No. 155. John E. Sexton, plaintiff in error, *v.* The People of the State of California. Argued by Mr. James Parker for the plaintiff in error, with leave to counsel for defendants in error to file brief within twenty days, and to counsel for plaintiff in error to reply within five days.

No. 216. The United States, appellant, *v.* James A. Rickert, county treasurer. Argument commenced by Mr. Assistant Attorney-General Van Devanter for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 29, will be as follows: Nos. 216, 159, 160, 161, 163, 165 (and 166), 167, 168, 169 and 170.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 29, 1903.

Present: Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, Mr. Justice White, Mr. Justice Peckham and Mr. Justice Holmes.

Warren D. Lane of Sisseton, S. Dak., and William H. Fleming of Augusta, Ga., were admitted to practice.

No. 167. Nashua Savings Bank, petitioner, *v.* Anglo-American Land Mortgage and Agency Company, Limited. Submitted by Mr. John S. H. Frink for the petitioner, and by Mr. Omar Powell for the respondent.

No. 216. The United States, appellant, *v.* James A. Rickert, as county treasurer, etc. Argument continued by Mr. Assistant Attorney-General Van Devanter for the appellant, by Mr. A. B. Kittredge and Mr. Warren D. Lane for the appellee, and concluded by Mr. Assistant Attorney-General Van Devanter for the appellant.

No. 159. The Fourth National Bank of St. Louis et al., appellants, *v.* Morton Albaugh, receiver, etc. Argument commenced by Mr. T. F. Garver for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 30, will be as follows: Nos. 159, 160, 161, 163, 165 (and 166), 168, 169, 170, 171 and 172.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 30, 1903.

---

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

John L. Kinsey of Philadelphia, Pa., A. W. Scott, jr., of San Francisco, Cal., James Alcorn of Philadelphia, Pa., and J. W. Catharine of Philadelphia, Pa., were admitted to practice.

No. 159. The Fourth National Bank of St. Louis et al., appellants, *v.* Morton Albaugh, receiver, etc. Argument continued by Mr. T. F. Garver for the appellants, by Mr. Joseph R. Webster for the appellee, and concluded by Mr. T. F. Garver for the appellants.

No. 160. The Northern Pacific Railway Company, plaintiff in error, *v.* Abner Townsend et al. Submitted by Mr. C. W. Bunn and Mr. James B. Kerr for the plaintiff in error, and by Mr. Harold Preston for the defendants in error.

No. 161. P. H. Kirwan, United States surveyor-general, et al., appellants, *v.* Simon J. Murphy et al. Argument commenced by Mr. Assistant Attorney-General Van Devanter for the appellants, and continued by Mr. M. H. Stanford and Mr. Benton Hanchett for the appellees.

Adjourned until Monday next at 12 o'clock.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 2, 1903.

---

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

James W. Vandervort of Parkersburg, W. Va., James Harvey Harrison of Pittsburg, Pa., Fred T. Beers of Peru, Ill., Frank Hurd Robinson of Hornellsville, N. Y., Arthur M. Marsh of Bridgeport, Conn., John Alexander McClure of Chickasha, Ind. T., Augustus Hobson Price of Salisbury, N. C., and Leslie P. Ross of Lawton, Okla., were admitted to practice.

No. 117. George Bleistein et al., plaintiffs in error, *v.* The Donaldson Lithographing Company. In error to the United States circuit court of appeals for the sixth circuit. Judgment of the said United States circuit court of appeals and the judgment of the circuit court of the United States for the district of Kentucky reversed with costs, and cause remanded to the circuit court of the United States for the eastern district of Kentucky with directions to set aside the verdict and grant a new trial. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Harlan and Mr. Justice McKenna.

No. 92. James H. Easton, plaintiff in error, *v.* The State of Iowa. In error to the supreme court of the State of Iowa. Judgment reversed with costs, and cause remanded to said supreme court to take further action not inconsistent with the opinion of this court. Opinion by Mr. Justice Shiras.

No. 94. The Connecticut Mutual Life Insurance Company, petitioner, *v.* Sallie E. Hillmon. On writ of certiorari 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 Kansas with instructions to grant a new trial. Opinion by Mr. Justice Brown. Dissenting: Mr. Justice Brewer and Mr. Justice White.

The Chief Justice announced the following orders of the court :

No. 141. The Eckington and Soldiers' Home Railway Company of the District of Columbia, plaintiff in error, *v.* Florence McDevitt. Ordered that this case be restored to the docket and counsel requested to submit the same on briefs to a full bench.

No. 571. James Galvin, petitioner, *v.* City of Grand Rapids. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 153. Theodore Read, plaintiff in error, *v.* Mississippi County. In error to the supreme court of the State of Arkansas. Judgment affirmed with costs, on the authority of *Morley v. Lake Shore, etc., Railway Company*, 146 U. S., 162.

No. 578. The United States, appellant, *v.* The Spanish Smack Paquete Habana, etc.; and

No. 579. The United States, appellant, *v.* The Spanish Schooner Lola, etc. Motion to advance submitted by Mr. Solicitor-General Richards for the appellants.

No. 576. The Buffalo Electric Carriage Company, petitioner, *v.* The Electric Storage Battery Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Joseph R. Edson in behalf of Mr. Thomas A. Banning and Mr. Ephraim Banning for the petitioner, and by Mr. John R. Bennett for the respondent.

No. 557. The Atlantic Trust Company, petitioner, *v.* Edgar C. Chapman, receiver, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Stanley W. Dexter, Mr. Edward B. Whitney and Mr. J. J. Scrivner for the petitioner, and by Mr. Charles N. Fox for the respondent. Leave granted to Mr. W. H. Peckham to file brief for certain interested parties.

No. 593. Frank J. Hearne, petitioner, *v.* German Insurance Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. James H. Hayden for the petitioner, and by Mr. Ernest L. Tustin, Mr. J. H. Harrison and Mr. W. S. Dalzell for the respondents.

No. 17 of October term, 1901. The Carnegie Company, petitioner, *v.* The Cambria Iron Company. Motion to recall and correct mandate herein submitted by Mr. James I. Kay, Mr. John G. Johnson and Mr. Francis T. Chambers for the respondent in support of motion, and by Mr. John R. Bennett and Mr. Thomas W. Bakewell for the petitioner in opposition thereto.

No. 264. The Board of Commissioners of Stanly County et al., petitioners, *v.* W. N. Coler & Company. Motion to advance submitted by Mr. Theodore F. Kluttz in behalf of Mr. A. C. Avery and Mr. James E. Shepherd for the petitioner, and by Mr. Augustus H. Price, Mr. Charles Price, Mr. John F. Dillon and Mr. Harry Hubbard for the respondents.

No. 540. State of Missouri *ex rel.* William Preston Hill, plaintiff in error, *v.* Alexander M. Dockery et al., etc. Motion to advance submitted by Mr. E. P. Johnson for the plaintiff in error.

No. 518. The Mutual Life Insurance Company of New York, petitioner, *v.* Eliza Maud Hill et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Frederic D. McKenney, Mr. Julien T. Davies, Mr. Edward Lyman Short and Mr. John B. Allen for the petitioner, and by Mr. S. Warburton for the respondents.

No. 551. C. M. Patterson, petitioner, *v.* R. M. Wade. Petition for writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. A. B. Brown in behalf of Mr. John H. Mitchell for the petitioner, and by Mr. Joseph Simon for the respondent.

No. 592. Walter N. Dimmick, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. George D. Collins for the petitioner, on briefs to be filed in five days for petitioner and for the United States five days thereafter.

No. —, Original. *Ex parte:* In the matter of Walter N. Dimmick, petitioner. Motion for leave to file petition for a writ of habeas corpus submitted by Mr. George D. Collins for the petitioner, on briefs to be filed in five days for petitioner and for the United States within five days thereafter.

No. 4, Original. The State of Missouri, complainant, *v.* The State of Illinois et al. Motion to modify order as to taking testimony granted, on motion of Mr. William M. Springer for the defendants.

No. 161. P. H. Kirwan, United States surveyor-general, et al., appellants, *v.* Simon J. Murphy et al. Argument continued by Mr. Benton Hanchett for the appellees, and concluded by Mr. Assistant Attorney-General Van Devanter for the appellants.

Adjourned until Monday, February 23, at 12 o'clock.

The day call for Monday, February 23, will be as follows: Nos. 163, 165 (and 166), 168, 169, 170, 171, 172, 173, 174 and 175.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 23, 1903.

---

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

No. 24. The United States, appellant, *v.* The Officers and Crew of the United States Steamer Mangrove; and

No. 34. The Officers and Enlisted Men of the United States Ship New York and others, appellants, *v.* The Officers and Crew of the United States Steamer Mangrove. Appeals from the district court of the United States for the southern district of Florida. Decree affirmed. Opinion by Mr. Justice Holmes.

No. 80. John Francis et al., petitioners, *v.* The United States. On writ of certiorari to the United States circuit court of appeals for the sixth circuit. Judgment of the said United States circuit court of appeals and of the district court of the United States for the southern district of Ohio reversed, and cause remanded to said district court with directions to set aside the verdict and grant a new trial. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Harlan.

No. 121. The Home Life Insurance Company of New York, plaintiff in error, *v.* A. A. Fisher, executor, etc. In error to the circuit court of the United States for the northern district of Florida. Judgment affirmed with costs and interest. Opinion by Mr. Justice Holmes.

No. 158. Louisa V. Kidd, executrix, etc., plaintiff in error, *v.* The State of Alabama; and

No. 157. Louisa V. Kidd, plaintiff in error, *v.* The State of Alabama. In error to the supreme court of the State of Alabama. Judgments affirmed with costs. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Harlan and Mr. Justice White.

No. 159. The Fourth National Bank of St. Louis et al., appellants, *v.* Morton Albaugh, receiver, etc. 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 Kansas. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Brewer and Mr. Justice Peckham.

No. 28. W. T. Waggoner, plaintiff in error, *v. J. M. Flack*. In error to the court of civil appeals of the second supreme judicial district, State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Peckham. (Mr. Justice Brewer concurred in the result.)

No. 65. Rudolph Helwig, plaintiff in error, *v. The United States*. 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 Peckham.

No. 81. Harry J. Jaquith, trustee, etc., appellant, *v. Clarence W. Rowley et al.* Appeal from the district court of the United States for the district of Massachusetts. Decree affirmed with costs. Opinion by Mr. Justice Peckham.

No. 95. The American Ice Company et al., appellants, *v. The Eastern Trust and Banking Company*. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Peckham.

No. 103. The Boston and Montana Consolidated Copper and Silver Mining Company, appellant, *v. The Montana Ore Purchasing Company et al.*;

No. 102. The Boston and Montana Consolidated Copper and Silver Mining Company, plaintiff in error, *v. The Montana Ore Purchasing Company et al.*; and

No. 104. The Boston and Montana Consolidated Copper and Silver Mining Company, appellant, *v. The Chile Gold Mining Company et al.* Appeals from and in error to the circuit court of the United States for the district of Montana. Decrees and judgment affirmed with costs. Opinion by Mr. Justice Peckham.

No. 125. Francis Winslow et al., substituted trustees, etc., appellants, *v. The Baltimore and Ohio Railroad Company*. Appeal from the court of appeals of the District of Columbia. Decree reversed with costs, 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 for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Peckham.

Nos. 140 and 265. The Board of Directors of the Chicago Theological Seminary, plaintiff in error, *v. The People of the State of Illinois ex rel. Samuel B. Raymond*, county treasurer. In error to the supreme court of the State of Illinois. Judgments affirmed with costs. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice White, Mr. Justice Brown and Mr. Justice Holmes.

No. 177. The Indiana Manufacturing Company, appellant, *v. Armin C. Koehne et al.* Appeal from the circuit court of the United States



for the district of Indiana. Decree affirmed with costs. Opinion by Mr. Justice Peckham.

No. 492. James L. Hyatt, chief of police of the city of Albany, N. Y., plaintiff in error, *v.* The People of the State of New York on the relation of Charles E. Cockran. In error to the court of appeals of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Peckham.

No. 16. Tomas C. Gutierrez et al., appellants, *v.* The Albuquerque Land and Irrigation Company. Appeal from the supreme court of the Territory of New Mexico. Decree affirmed with costs. Opinion by Mr. Justice White. Dissenting: Mr. Justice McKenna.

No. 132. Commercial Publishing Company, plaintiff in error, *v.* Samuel C. Beckwith. In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 252. The United States, appellant, *v.* Arthur B. Barringer. Appeal from the Court of Claims. Judgment reversed, and cause remanded with directions to dismiss the petition. Opinion by Mr. Justice White.

No. 105. George C. Rankin, receiver, etc., plaintiff in error, *v.* The Chase National Bank. In error to the United States circuit court of appeals for the second circuit. Judgment reversed with costs, and cause remanded to the circuit court of the United States for the southern district of New York, with directions to set aside the verdict and grant a new trial. Opinion by Mr. Justice White.

No. 150. Frank N. Prout, attorney-general, etc., appellant, *v.* James C. Starr et al. Appeal from the circuit court of the United States for the district of Nebraska. Decree affirmed with costs. Opinion by Mr. Justice Shiras. (Mr. Justice Harlan concurs in the result.)

No. 61. The Northern Pacific Railway Company, appellant, *v.* J. A. Soderberg. Appeal from the United States circuit court of appeals for the ninth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the district of Washington. Opinion by Mr. Justice Brown (announced by Mr. Justice Shiras). Dissenting: Mr. Justice Brewer and Mr. Justice Peckham.

No. 51. Edward H. Clarke, petitioner, *v.* Wilbur Larremore, trustee, etc. On writ of certiorari to the United States circuit court of appeals for the second circuit. Decree affirmed with costs, and cause remanded to the district court of the United States for the southern district of New York. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice White and Mr. Justice Peckham.

No. 116. Henry Bigelow Williams et al., trustees, plaintiffs in error, *v.* Herbert Parker, attorney-general, etc. In error to the supreme judicial

court of the State of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 143. August G. Reetz, plaintiff in error, *v.* The People of the State of Michigan. In error to the supreme court of the State of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice Brewer. (Mr. Justice Harlan concurred in the result.)

No. 145. Gustavus Leach et al., plaintiffs in error, *v.* Charles R. Burr, executor, etc. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 151. Hannah Schaefer, plaintiff in error, *v.* Julius Werling et al. In error to the supreme court of the State of Indiana. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 202. James Tarrance et al., plaintiffs 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 Brewer. (Mr. Justice Harlan did not hear the argument and took no part in the decision of this case.)

No. 45. The United States, plaintiff in error, *v.* Arthur Lynah et al. In error to the circuit court of the United States for the district of South Carolina. Judgment affirmed. Opinion by Mr. Justice Brewer. Concurring opinion by Mr. Justice Brown. Dissenting: Mr. Justice White, Mr. Chief Justice Fuller and Mr. Justice Harlan.

No. 59. The United States, plaintiff in error, *v.* Charles A. Williams et al. In error to the circuit court of the United States for the district of South Carolina. Judgment affirmed. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice White, Mr. Chief Justice Fuller and Mr. Justice Harlan.

Nos. 17, 18, 19, 20, 21 and 22. The Louisville and Jeffersonville Ferry Company, plaintiff in error, *v.* The Commonwealth of Kentucky. In error to the court of appeals of the State of Kentucky. Judgments reversed with costs, and causes remanded for such further proceedings as may not be inconsistent with the opinion of this court. Opinion by Mr. Justice Harlan. Dissenting: Mr. Chief Justice Fuller and Mr. Justice Shiras.

No. 216. The United States appellant, *v.* James A. Rickerts, as county treasurer, etc. On a certificate from the United States circuit court of appeals for the eighth circuit. Fourth question certified answered in the affirmative, and the first, second, third and fifth questions in the negative. Opinion by Mr. Justice Harlan. (Mr. Justice Brewer took no part in the decision of this case.)

No. 111. William Samuel Bigby, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the eastern

district of New York. Judgment affirmed. Opinion by Mr. Justice Harlan.

No. 136. David Mark Cummings et al., appellants, *v.* The City of Chicago; and

No. 135. Calumet Grain and Elevator Company, appellant, *v.* The City of Chicago. Appeals from the circuit court of the United States for the northern district of Illinois. Decrees affirmed with costs. Opinion by Mr. Justice Harlan.

No. 2. Charles F. Champion, appellant, *v.* John C. Ames, United States marshal. Appeal from the circuit court of the United States for the northern district of Illinois. Order affirmed with costs. Opinion by Mr. Justice Harlan. Dissenting: Mr. Chief Justice Fuller, Mr. Justice Brewer, Mr. Justice Shiras and Mr. Justice Peckham.

No. 109. The Mutual Life Insurance Company of New York, plaintiff in error, *v.* Alphonsine McGrew. In error to the supreme court of the State of Indiana. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice White. (Mr. Justice Peckham took no part in the decision of this case.)

No. 149. John D. Hooker et al., plaintiffs in error, *v.* The City of Los Angeles. In error to the supreme court of the State of California. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller. (Mr. Justice McKenna took no part in this decision.)

No. 309. The United States, appellant, *v.* George Dewey, Admiral U. S. Navy;

No. 310. George Dewey, Admiral U. S. Navy, appellant, *v.* The Don Juan de Austria et al.; and

No. 311. Edwin F. Stovell, etc., appellants, *v.* George Dewey, Admiral U. S. Navy. Appeals from the supreme court of the District of Columbia. Decree on the intervening libel affirmed, and decree on the libel reversed, and cause remanded with directions to enter a decree in accordance with the opinion of this court. Opinion by Mr. Chief Justice Fuller.

No. 273. The United States, appellant, *v.* Henry C. Taylor, rear-admiral, U. S. Navy. Appeal from the supreme court of the District of Columbia. Decree reversed and the cause remanded with a direction to dismiss the libel. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice Brown and Mr. Justice Brewer.

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

No. 551. C. M. Patterson, petitioner, *v.* R. M. Wade. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 557. The Atlantic Trust Company, petitioner, *v.* Edgar C. Chapman, receiver, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 568. Robert B. Whalley, master, etc., petitioner, *v.* Thomas Travers et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 576. The Buffalo Electric Carriage Company, petitioner, *v.* The Electric Storage Battery Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 593. Frank J. Hearne, petitioner, *v.* German Insurance Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 518. The Mutual Life Insurance Company of New York, petitioner, *v.* Eliza Maud Hill et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit granted.

No. 567. A. Chesebrough et al., owners, etc., petitioners, *v.* Matthew Bridges. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit granted.

No. 264. The Board of Commissioners of Stanley County et al., petitioners, *v.* W. N. Coler & Co. Motion to advance denied.

No. 540. State of Missouri ex rel. William Preston Hill, plaintiff in error, *v.* Alexander M. Dockery et al. Motion to advance granted, and cause assigned for argument on Monday, October 19 next, after the cases already set down for that date.

No. 578. The United States, appellant *v.* The Spanish Smack Paquete Habana, etc.; and

No. 579. The United States, appellant, *v.* The Spanish Schooner Lola, etc. Motion to advance granted, and cases assigned for argument (as one case) on Monday, March 16 next.

No. 580. The United States, appellant, *v.* The Fishing Smack Poder de Dios, etc.;

No. 581. The United States, appellant, *v.* The Fishing Smack Antonio y Paco, etc.;

No. 582. The United States, appellant, *v.* The Fishing Smack Engracia, etc.;

No. 583. The United States, appellant, *v.* The Fishing Smack Severito, etc.;

No. 584. The United States, appellant, *v.* The Fishing Smack Antonio Suarez, etc.;

No. 585. The United States, appellant, *v.* The Fishing Smack Fernandito, etc.;

No. 586. The United States, appellant, *v.* The Fishing Smack Oriente, etc.;

No. 587. The United States, appellant, *v.* The Fishing Smack Espana, etc.;

No. 588. The United States, appellant, *v.* The Fishing Smack Cuatro de Setiembre, etc.; and

No. 589. The United States, appellant, *v.* The Fishing Smack Santiago Apostol, etc. Advanced and assigned for argument on Monday, March 16, as one case, after Nos. 578 and 579.

No. 17 of October term, 1901. The Carnegie Steel Company, petitioner, *v.* The Cambria Iron Company. Motion to recall and correct mandate denied.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, February 24, will be as follows: Nos. 163, 165 (and 166), 168, 169, 170, 171, 172, 173, 174 and 175.

○

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, FEBRUARY 24, 1903.

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

Adrian Posey of La Plata, Md., J. Lee Patton of Philadelphia, Pa., H. Clay Campbell of Washington, D. C., James S. Young of Pittsburg, Pa., David E. Hememan of Detroit, Mich., Edward M. Dawson of Washington, D. C., David I. Sicklesteel of Chicago, Ill., Henry T. Ronning of Scarbuck, Minn., W. H. Townsend of Columbia, S. C., John S. Wilson of Manning, S. C., Michael F. Gallagher of Chicago, Ill., Samuel V. Proudfit of Glenwood, Iowa, Grant Van Sant of St. Paul, Minn., Halvor Steenerson of Crookston, Minn., Julius L. Mitchell of Charleston, S. C., and William J. Whipper of Beaufort, S. C., were admitted to practice.

No. 573. The Eufaula Cotton Oil Company et al., petitioners, *v.* The Stillwell-Bierce and Smith-Vaile Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Joseph B. Connolly in behalf of Mr. William Edgar Simonds for the petitioners, and by Mr. E. E. Wood for the respondent.

No. 608. William J. Hume, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. H. M. Jordan, Mr. J. D. Ronn and Mr. William Grant for the petitioner, and by Mr. Solicitor-General Richards and Mr. William H. Atwell for the respondent.

No. 606. Robert H. Billingslea, petitioner, *v.* Kansas City Southern Railway Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Thomas H. Ball in behalf of Mr. Presley K. Ewing and Mr. Henry F. Ring for the petitioner, and by Mr. Gardner Lathrop, Mr. Thomas R. Morrow and Mr. Samuel W. Moore for the respondents.

No. 577. Philip S. Witherspoon, petitioner, *v.* Frederick P. Olcott. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. J. H. Ralston in behalf of Mr. W. O. Davis for the petitioner.

No. 599. William E. Ferguson et al., petitioners, *v.* Enoch Helliesen et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Le Roy S. Gove and Mr. James J. Macklin for the petitioners, and by Mr. Wilhelmus Myn-derser for the respondents.

No. 603. International Postal Supply Company of New York *v.* Dwight H. Bruce. Motion to advance submitted by Mr. J. M. Beck in behalf of Mr. Louis Marshall for the International Postal Supply Com-pany.

No. 10, Original. The State of Washington, complainant, *v.* North-ern Securities Company et al. Leave granted to file replications, on motion of Mr. F. W. Cushman in behalf of counsel for complainant.

No. 402. Amada C. de Baca et al., administrators, etc., appellants, *v.* The United States et al. Submitted by Mr. H. C. Burnett for the appellants, and by Mr. Assistant Attorney-General Thompson for the appellees.

No. 493. Jackson W. Giles, appellant, *v.* E. Jeff Harris et al., board of registrars of Montgomery County, Ala. Submitted by Mr. Wilford H. Smith for the appellant, and by Mr. W. A. Gunter for the appellees.

No. 512. Joseph H. Ching, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Adrian Posey for the petitioner, and by Mr. Solicitor-General Richards for the respondent.

No. 243. Oliver Ames et al., trustees, et al., plaintiffs in error, *v.* The Board of Street Commissioners of the City of Boston. In error to the supreme judicial court of the State of Massachusetts. Dismissed, per stipulation.

No. 168. Thomas W. Potter, appellant, *v.* Mary Hall. Submitted by Mr. John W. Shartel and Mr. Jean H. Everest for the appellant, and by Mr. Charles P. Lincoln for the appellee.

No. 169. Fred T. Hegeman et al., plaintiffs in error, *v.* John H. Springer, receiver, etc. Submitted by Mr. Edward Jacobs for the plaintiffs in error, and by Mr. Chauncey S. Truax for the defendant in error.

No. 163. Atlantic and Pacific Telegraph Company, plaintiff in error, *v.* City of Philadelphia. Argued by Mr. John F. Dillon and Mr. H. B. Gill for the plaintiff in error, and by Mr. John L. Kinsey for the defendant in error.

No. 165. The National Bank and Loan Company of Watertown, N. Y., plaintiff in error, *v.* Lillian Traver Carr; and

No. 166. The National Bank and Loan Company of Watertown, N. Y., plaintiff in error, *v.* Moses Petrie. Argued by Mr. Elon R.



Brown for the defendants in error, and submitted by Mr. Henry Purcell and Mr. John Lansing for the plaintiff in error.

No. 170. Manuel S. De Cambia, plaintiff in error, *v.* Hannah Rogers et al. Argued by Mr. Franklin H. Mackey for the defendants in error, and submitted by Mr. J. C. Bates for the plaintiff in error.

No. 171. Kaoru Yamataya, appellant, *v.* Thomas M. Fisher, immigrant and Chinese inspector. Argued by Mr. Vere Goldthwaite for the appellant, and by Mr. Assistant Attorney-General Hoyt for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, February 25, will be as follows: Nos. 172, 173, 174, 175, 178, 179, 180, 181, 183 and 184.

○



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, FEBRUARY 25, 1903.

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

Horatio E. Bellows of Providence, R. I., and Othello C. Pratt of San Francisco, Cal., were admitted to practice.

No. 617. Paul Capdevielle, mayor, etc., et al., petitioners, *v.* D. M. Kilpatrick et al., executors, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. J. D. Hill in behalf of Mr. Frank B. Thomas for the petitioners, and by Mr. J. D. Rouse, Mr. William Grant and Mr. H. M. Jordan for the respondents.

No. 613. The Steamship Eagle Point, etc., petitioner, *v.* The Liverpool, Brazil and River Plate Steam Navigation Company, Limited, owner, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Frederic D. McKenney in behalf of Mr. Wilhelmus Mynderse for the petitioner, and by Mr. Harrington Putnam and Mr. C. C. Burlingham for the respondent.

No. 172. John Brownfield, plaintiff in error, *v.* The State of South Carolina. Argued by Mr. J. L. Mitchell and Mr. W. J. Whipper for the plaintiff in error, and by Mr. John S. Wilson and Mr. W. H. Townsend for the defendant in error.

No. 173. George A. Foster, sheriff, etc., et al., appellants, *v.* I. T. Pryor et al. Argued by Mr. Horace Speed for the appellants, and submitted by Mr. Henry E. Asp for the appellees.

No. 174. Clinton B. Wiser et al., appellants, *v.* John Lawler et al. Argument commenced by Mr. M. F. Gallagher for the appellants, and continued by Mr. William C. Scarritt for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, February 26, will be as follows: Nos. 174, 175, 178, 179, 180, 181, 183, 184, 186 (and 187) and 188.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, FEBRUARY 26, 1903.

---

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

Charles C. Reid of Morrillton, Ark., Elmer E. Stanton of Grand Rapids, Mich., N. Dubois Miller of Philadelphia, Pa., H. N. Atkinson of Waco, Tex., I. E. Wharton of Whiteoaks, N. Mex., Thomas S. Hunt of Arapaho, Okla., and Henry Wiener, jr., of Philadelphia, Pa., were admitted to practice.

No. 178. George H. Higgins, receiver, etc., plaintiff in error, *v.* The Fidelity Insurance, Trust and Safe Deposit Company. Resignation of George H. Higgins as receiver suggested, and appearance of George C. Rankin, his successor in office, as the plaintiff in error herein filed and entered, on motion of Mr. Asa W. Waters for the plaintiff in error.

No. 174. Clinton B. Wiser et al., appellants, *v.* John Lawler et al. Argument continued by Mr. W. C. Scarritt and Mr. H. C. McDougal for the appellees, and concluded by Mr. G. W. Kretzinger for the appellants. Leave granted to appellants to file reply brief on or before March 2.

No. 175. Henry H. Bockfinger, appellant, *v.* John W. Foster et al., trustees, etc. Argued by Mr. James R. Keaton for the appellant, and by Mr. Horace Speed and Mr. M. C. Burch for the appellees.

No. 178. George C. Rankin, receiver, etc., plaintiff in error, *v.* The Fidelity Insurance, Trust and Safe Deposit Company. Argument commenced by Mr. Asa W. Waters for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, February 27, will be as follows: Nos. 178, 179, 180, 181, 183, 184, 186 (and 187) and 188.

O

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, FEBRUARY 27, 1903.

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

William F. Woerner of St. Louis, Mo., Albert Rennie of Pauls Valley, Ind. T., Joseph L. Levy of New York City, and Fred W. Reed of Minneapolis, Minn., were admitted to practice.

No. 178. George C. Rankin, receiver of the Keystone National Bank of Erie, plaintiff in error, *v.* The Fidelity Insurance, Trust and Safe Deposit Company. Argument continued by Mr. Asa W. Waters for the plaintiff in error, and concluded by Mr. Richard C. Dale for the defendant in error.

No. 179. George Nester et al., plaintiffs in error, *v.* Frank E. Church. Argued by Mr. Timothy E. Tarsney for the plaintiffs in error, and by Mr. Frank E. Robson for the defendant in error.

No. 180. A. C. Finney, as receiver, etc., et al., plaintiffs in error, *v.* Mary A. Guy, individually and as executrix, etc. Argument commenced by Mr. Fred W. Reed for the plaintiffs in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 2, will be as follows: Nos. 180, 181, 183, 184, 186 (and 187), 188, 219, 409, 384 and 12, original.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 2, 1903.

---

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

The Chief Justice said:

I am gratified at being able to announce to the gentlemen of the bar that William R. Day, of Ohio, appointed to a seat on this bench, is present, and prepared to take the oath of office. His commission will be read by the clerk, to be afterwards recorded, and the oath will then be administered.

The commission was then read and the oath administered by the clerk, and Mr. Justice Day took his seat on the bench.

Fred Linus Carroll of Johnstown, N. Y., Lee S. Overman of Salisbury, N. C., Scott Ashton of Victor, Colo., A. W. Hutton of Los Angeles, Cal., Edward P. Dole of Honolulu, Hawaii, Wayman C. Jackson of Muscogee, Ind. T., Lake Moore of Weleetka, Ind. T., C. E. Snodgrass of Crossville, Tenn., J. A. Sawyer of Owatonna, Minn., Charles R. Davis of St. Peter, Minn., and Francis J. Kearful of New York City were admitted to practice.

No. 138. The Pullman Company, plaintiff in error, *v.* Wirt Adams, State revenue agent. In error to the supreme court of the State of Mississippi. Judgment affirmed with costs and interest. Opinion by Mr. Justice Holmes.

No. 98. William F. Botsford et al., appellants, *v.* Patrick Shea. On a certificate from the United States circuit court of appeals for the seventh circuit. First and third questions certified answered in the negative. Opinion by Mr. Justice Brown.

No. 113. The San Jose Land and Water Company, plaintiff in error, *v.* The San Jose Ranch Company. In error to the supreme court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Brown. (Mr. Justice McKenna took no part in the decision of this case.)

No. 123. The North American Transportation and Trading Company, as claimant, etc., appellant, *v.* T. J. King et al. Appeal from the district court of the United States for the district of Washington. Decree reversed with costs, and cause remanded with directions to dis-

miss the libels. Opinion by Mr. Justice Brown. (Mr. Justice Harlan concurred in the result.)

No. 142. The United States, appellant, *v.* Evett D. Nix; and

No. 195. Evett D. Nix, appellant, *v.* The United States. Appeals from the Court of Claims. Judgment reversed, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 507. Davis & Farnum Manufacturing Company, appellant, *v.* The City of Los Angeles. Appeal from the circuit court of the United States for the southern district of California. Decree affirmed with costs. Opinion by Mr. Justice Brown.

The Chief Justice announced the following orders of the court:

No. 169. Fred T. Hegeman et al., etc., plaintiffs in error, *v.* John H. Springer, as receiver, etc. In error to the United States circuit court of appeals for the second circuit. Judgment affirmed with costs, on the authority of *Bleistein v. Donaldson Company*, decided at this term; *Robinson v. Belt*, 187 U. S., 50, and the case remanded to the circuit court of the United States for the southern district of New York.

No. 179. George Nester et al., plaintiffs in error, *v.* Frank E. Church. In error to the supreme court of the State of Michigan. Dismissed for the want of jurisdiction, on the authority of *Castillo v. McConico*, 168 U. S., 674.

No. 402. Amada C. De Baca et al., administrators, etc., appellants, *v.* The United States et al. Appeal from the Court of Claims. Error being confessed by the appellees, judgment reversed, and cause remanded with directions to proceed therein according to law.

No. 512. Joseph H. Ching, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 573. The Eufaula Cotton Oil Company et al., petitioners, *v.* The Stillwell & Bierce and Smith-Vaile Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 577. Philip S. Witherspoon, petitioner, *v.* Frederick P. Olcott. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 592. Walter N. Dimmick, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 599. William E. Ferguson et al., etc., petitioners, *v.* Enoch Hellesen et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 608. William J. Hume, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 613. The Steamship Eagle Point, etc., petitioner, *v.* The Liverpool, Brazil and River Plate Steam Navigation Company, Limited. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 617. Paul Capdevielle, mayor, etc., et al., petitioners, *v.* The United States ex rel. D. M. Kilpatrick et al. 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 Walter N. Dimmick, petitioner. Motion for leave to file petition for a writ of habeas corpus denied.

No. 603. International Postal Supply Company of New York *v.* Dwight H. Bruce. Motion to advance denied, but case may be submitted as under rule 32 on or before April 6 next.

No. 142. The United States, appellant, *v.* Evett D. Nix; and

No. 195. Evett D. Nix, appellant, *v.* The United States. Mandate granted, on motion of Mr. Franklin H. Mackey for Nix.

No. 200. Veeder B. Paine, appellant, *v.* John Foster et al., trustees. Passed, on motion of Mr. S. D. Luckett for appellant.

No. 457. David R. Julian, sheriff, etc., et al., petitioners, *v.* The Central Trust Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. A. C. Avery and Mr. Lee S. Overman for the petitioners, and by Mr. Charles Price for the respondents.

No. 247. The Board of Commissioners of Wilkes County et al., petitioners, *v.* W. N. Coler & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. A. C. Avery for the petitioners, and by Mr. John F. Dillon, Mr. Harry Hubbard, Mr. John M. Dillon and Mr. Charles Price for the respondents.

No. 312. J. L. Howard et al., appellants, *v.* Capt. J. M. Fleming, warden, etc.; and

No. 313. J. L. Howard et al., plaintiffs in error, *v.* The State of North Carolina. Motions to advance submitted by Mr. Gist Blair in behalf of counsel for Howard et al.

No. 4, Original. The State of Missouri, complainant, *v.* The State of Illinois et al. Stipulation as to taking testimony submitted by Mr. William F. Woerner for the complainant.

No. 609. The Creed and Cripple Creek Mining and Milling Company, petitioner, *v.* The Uinta Tunnel Mining and Transportation Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Charles S. Thomas, Mr. W. H. Bryant and Mr. H. H. Lee for the petitioner, and by Mr. Charles J. Hughes, jr., and Mr. Scott Ashton for the respondent. Five days granted to counsel for petitioner to file reply brief.

No. 614. August Cliff, plaintiff in error, *v.* The United States;

No. 615. Frederick J. Schick, plaintiff in error, *v.* The United States; and

No. 616. William Broadwell, plaintiff in error, *v.* The United States. Advanced and assigned for argument as one case on Monday, October 19 next, after the cases already set down for that day, on motion of Mr. Francis J. Kearful for the plaintiffs in error.

No. 506. Charles T. Barney, appellant, *v.* The City of New York et al. Motion to advance for oral argument submitted by Mr. Maxwell Evarts for the appellant.

No. 612. Alphonsine Emsheimer, petitioner, *v.* The City of New Orleans. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Thomas H. Clark in behalf of Mr. J. D. Rouse, Mr. William Grant and Mr. H. M. Jordan for the petitioner.

No. 12, Original. The State of Louisiana, complainant, *v.* The State of Mississippi. Submitted on demurrer by Mr. John Dymond, jr., Mr. Alexander P. Morse and Mr. Walter Guion for the complainant, and by Mr. Monroe McClurg for the defendant, and leave granted to counsel for complainant to file reply brief in twenty days.

No. 233. Charles Doherty, plaintiff in error, *v.* The State of Vermont. In error to the supreme court of the State of Vermont. Dismissed, on authority of counsel for plaintiff in error.

No. 180. A. C. Finney, as receiver, etc., et al., plaintiffs in error, *v.* Mary A. Guy, etc. Argument continued by Mr. Fred W. Reed for the plaintiffs in error, by Mr. R. M. Bashford for the defendant in error, and concluded by Mr. Fred W. Reed for the plaintiffs in error.

No. 181. John A. Brill et al., petitioners, *v.* The Peckham Motor Truck and Wheel Company. Argument commenced by Mr. Francis Rowle for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 3, will be as follows: Nos. 181, 183, 184, 186 (and 187), 188, 219, 409, 384, 189 and 190.

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 3, 1903.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice Holmes and Mr. Justice Day.

Edward L. Smith of Hartford, Conn., was admitted to practice.

The Chief Justice announced the following order of the court:

No. 4, Original. The State of Missouri, complainant, *v.* The State of Illinois et al. Ordered that in addition to the testimony heretofore taken herein, the parties may resume the taking of testimony on March 9, 1903, and proceed with all convenient speed, so that all of the testimony shall be filed in the office of the clerk of this court on or before October 12 next.

No. 181. John A. Brill et al., petitioners, *v.* The Peckham Motor Truck and Wheel Company. Argument continued by Mr. Francis Rawle for the petitioners, by Mr. William A. Megrath and Mr. C. H. Duell for the respondent, and concluded by Mr. Frederick P. Fish for the petitioners. Leave granted to respondent to file additional brief within five days.

No. 183. Joseph J. Martin et al., petitioners, *v.* The Steamship Southwark. Argued by Mr. John F. Lewis for the petitioners, and by Mr. N. Du Bois Miller for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 4, will be as follows: Nos. 184, 186 (and 187), 188, 219, 409, 384, 189, 190, 191 and 192.



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 4, 1903.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice Holmes and Mr. Justice Day.

Orlando D. Hammond of Memphis, Tenn., was admitted to practice.

No. 24. The United States, appellant, *v.* The Officers and Crew of the U. S. Steamer Mangrove; and

No. 34. The Officers and Enlisted Men of the U. S. Ship New York et al., appellants, *v.* The Officers and Crew of the U. S. Steamer Mangrove. Mandate granted, on motion of Mr. Benjamin Micou for the appellees.

No. 192. Robert R. Wright, jr., as mayor of the city of Denver, plaintiff in error, *v.* Ellen Teresa Morgan et al. Passed, on account of sickness of counsel, subject to the provisions of section 9, rule 26.

No. 184. Contracting and Building Company of Kentucky, petitioner, *v.* The Continental Trust Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit dismissed for the want of prosecution.

Nos. 186 and 187. The Oregon and California Railroad Company, appellant, *v.* The United States. Argued by Mr. Maxwell Evarts for the appellant, and by Mr. Charles W. Russell for the appellee. Leave granted to appellant to file additional brief within one week and to appellee to reply thereto.

No. 188. The Oregon and California Railroad Company, appellant, *v.* The United States. Argued by Mr. Maxwell Evarts for the appellant, and by Mr. Charles W. Russell for the appellee.

No. 219. The Territory of Hawaii, appellant, *v.* Osaki Mankichi. Argument commenced by Mr. Edward P. Dole for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 5, will be as follows: Nos. 219, 409, 384, 189, 190, 191, 193, 194, 196, 197 and 198.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 5, 1903.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice Holmes and Mr. Justice Day.

Virgil H. Lockwood of Indianapolis, Ind., and Erskine Hazard Dickson of Philadelphia, Pa., were admitted to practice.

No. 309. The United States, appellant, *v.* George Dewey, Admiral United States Navy;

No. 310. George Dewey, Admiral United States Navy, appellant, *v.* The Don Juan de Austria, etc.; and

No. 311. Edwin F. Stovell, etc., appellant, *v.* George Dewey, Admiral United States Navy. Mandate granted, on motion of Mr. Benjamin Micou for Admiral Dewey.

No. 625. Arthur John Buston, petitioner, *v.* The Pennsylvania Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Erskine Hazard Dickson, Mr. George Wharton Pepper, Mr. Samuel Dickson and Mr. Richard C. Dale for the petitioner, and by Mr. John G. Johnson and Mr. Frank P. Prichard for the respondent.

No. 219. The Territory of Hawaii, appellant, *v.* Osaki Mankichi. Argument continued by Mr. Edward P. Dole for the appellant, by Mr. Frederic R. Coudert, jr., and Mr. Paul Fuller for the appellee, and concluded by Mr. Solicitor-General Richards for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 6, will be as follows: Nos. 409 (and 384), 189, 190, 191, 193, 194, 196, 197, 198 and 199.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 6, 1903.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice Holmes and Mr. Justice Day.

George Washington Drew of Washington, D. C., and John F. McMurray of South McAlester, Ind. T., were admitted to practice.

No. —, Original. Ex parte: In the matter of U. S. Joins, petitioner. Motion for leave to file a petition for writs of prohibition and certiorari submitted by Mr. C. L. Herbert and Mr. William I. Cruce for the petitioner, with leave to Mr. Assistant Attorney-General Van Devanter to file brief in opposition within one week.

No. 409. Robert L. Winebrenner, appellant, *v.* Edward C. Forney; and

No. 384. Ida McClung, plaintiff in error, *v.* William A. Penny. Argued by Mr. S. H. Harris for Winebrenner and McClung, and by Mr. A. G. C. Bierer for Forney and Penny.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 9, will be as follows: Nos. 189, 190, 191, 193, 194, 196, 197, 198, 199 and 201.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 9, 1903.

---

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

George Demming of Philadelphia, Pa., Melvin M. Johnson of Boston, Mass., Fayette B. Tiffany of Colorado Springs, Colo., John H. Fimple of Carrollton, Ohio, C. A. Mountjoy of New York City, Ormsby McHarg of Jamestown, N. Dak., and Herbert L. McNair of Denver, Colo., were admitted to practice.

No. 166. The National Bank and Loan Company of Watertown, N. Y., plaintiff in error, *v.* Moses Petrie; and

No. 165. The National Bank and Loan Company of Watertown, N. Y., plaintiff in error, *v.* Lillian Traver Carr. In error to the supreme court of the State of New York. Judgments affirmed with costs. Opinion by Mr. Justice Holmes. (Mr. Justice McKenna took no part in the decision of these cases.)

No. 172. John Brownfield, plaintiff in error, *v.* The State of South Carolina. In error to the supreme court of the State of South Carolina. Judgment affirmed with costs. Opinion by Mr. Justice Holmes. (Mr. Justice McKenna took no part in the decision of this case.)

No. 108. The Missouri Pacific Railway Company, appellant, *v.* The United States. Appeal from the United States circuit court of appeals for the eighth circuit. Decree of the United States circuit court of appeals and the decree 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 White. Dissenting: Mr. Justice Brewer and Mr. Justice Harlan. (Mr. Justice Brown concurs in the result.)

No. 97. The Union Steamboat Company, petitioner, *v.* The Erie and Western Transportation Company et al. On writ of certiorari to the United States circuit court of appeals for the sixth circuit. Decree affirmed with costs, and cause remanded to the district court of the

United States for the eastern district of Michigan. Opinion by Mr. Justice McKenna. (Announced by Mr. Chief Justice Fuller.)

Nos. 49 and 58. The Kennedy Mining and Milling Company, plaintiff in error, *v.* The Argonaut Mining Company. In error to the supreme court of the State of California. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice White and Mr. Justice McKenna.

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

No. 247. The Board of Commissioners of Wilkes County et al., petitioners, *v.* W. N. Coler & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit granted.

No. 457. David R. Julian, sheriff, etc., et al., petitioners, *v.* The Central Trust Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit granted.

No. 612. Alphonse Emsheimer, petitioner, *v.* The City of New Orleans. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 625. Arthur John Buston, petitioner, *v.* The Pennsylvania Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 312. J. L. Howard et al., appellants, *v.* Capt. J. M. Fleming, warden, etc.; and

No. 313. J. L. Howard et al., plaintiffs in error, *v.* The State of North Carolina. Motions to advance granted, and cases assigned for argument as one case on Monday, October 19 next, after the cases already set down for that day.

No. 506. Charles T. Barney, appellant, *v.* The City of New York et al. Motion to advance for oral argument denied.

Order: There having been an associate justice of this court appointed since the commencement of this term, it is ordered that the following allotment be made of the Chief Justice and associate justices, agreeably to the act of Congress in such case made and provided, and that such allotment be entered of record, viz:

For the First circuit, Oliver Wendell Holmes, associate justice.

For the Second circuit, Rufus W. Peckham, associate justice.

For the Third circuit, Henry B. Brown, associate justice.

For the Fourth circuit, Melville W. Fuller, Chief Justice.

For the Fifth circuit, Edward D. White, associate justice.

For the Sixth circuit, John M. Harlan, associate justice.

For the Seventh circuit, William R. Day, associate justice.

For the Eighth circuit, David J. Brewer, associate justice.

For the Ninth circuit, Joseph McKenna, associate justice.

No. 628. Henry C. Payne, Postmaster-General, plaintiff in error, *v.* The United States ex rel. The National Railway Publication Company; and

No. 629. Henry C. Payne, Postmaster-General, plaintiff in error, *v.* The United States ex rel. The Railway List Company. Petitions for writs of certiorari to the court of appeals of the District of Columbia submitted by Mr. Solicitor-General Richards for the plaintiff in error.

No. 65. Rudolph Helwig, plaintiff in error, *v.* The United States. Mandate granted, on motion of Mr. Assistant Attorney-General Hoyt for defendant in error.

No. 11. The Citizens' Bank of Louisville, plaintiff in error, *v.* Caleb H. Parker, tax collector, etc. Assigned for reargument on Monday, October 19 next, after the cases already set down for that day, on motion of Mr. Murphy J. Foster for the plaintiff in error.

No. 194. Czarnikow, MacDougall & Co., Limited, plaintiff in error, *v.* George R. Bidwell, collector, etc. Motion to continue submitted by Mr. H. W. Van Dyke in behalf of counsel for plaintiff in error, and by Mr. Solicitor-General Richards in opposition thereto.

No. 623. Charles B. Kimbell et al., petitioners, *v.* The Chicago Hydraulic Press Brick Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Edmund H. Smalley for the petitioners, and by Mr. Edward Cunningham, jr., for respondents.

No. 627. Robert L. West et al., plaintiffs in error, *v.* The State of Louisiana. Motion to advance submitted by Mr. Frederic D. McKenney in behalf of Mr. Henry L. Lazarus for the plaintiffs in error.

No. —, Original. Ex parte: In the matter of James Barton Key, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Frederic D. McKenney for the petitioner.

No. 626. Nathaniel W. Raphael, appellant, *v.* Spencer Trask et al. Death of appellant suggested, and appearance of Martha Raphael, administratrix of Nathaniel W. Raphael, deceased, as the party appellant herein filed and entered, on motion of Mr. Charles F. Carusi in behalf of counsel for appellant.

No. 141. The Eckington and Soldiers' Home Railway Company of the District of Columbia, plaintiff in error, *v.* Florence McDevitt. Submitted to a full bench by Mr. John Ridout and Mr. W. L. McDermott for the plaintiff in error, and by Mr. A. S. Worthington, Mr. J. C. Heald and Mr. Charles L. Frailey for the defendant in error.

No. 606. Robert H. Billingslea, petitioner, *v.* Kansas City Southern Railway Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit dismissed, per stipulation.

No. 189. Farmers and Merchants' Insurance Company, plaintiff in error, *v.* Frank Dabney. Submitted by Mr. Halleck F. Rose for the plaintiff in error, and by Mr. M. P. Kinkead for the defendant in error.

No. 190. Southern Pacific Railroad Company et al., appellants, *v.* The United States. Argument commenced by Mr. Maxwell Evarts for the appellants, and continued by Mr. Joseph H. Call for the appellee, and by Mr. L. E. Payson for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 10, will be as follows: Nos. 190, 191, 193, 194, 196, 197, 198, 199, 201 and 203 (and 204 and 205).

○

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 10, 1903.

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

Charles J. Williamson of Washington, D. C., Richard P. Elliott of Boston, Mass., Charles L. Patton of San Francisco, Cal., Ellwood P. Morey of Washington, D. C., and George C. Stout of Portland, Oreg., were admitted to practice.

No. 504. The State Board of Assessors of the Parish of Orleans et al., appellants, *v.* The Comptoir National d'Escompte de Paris. Motion to advance submitted by Mr. F. C. Zacharie for appellants.

No. 190. Southern Pacific Railroad Company et al., appellants, *v.* The United States. Argument concluded by Mr. L. E. Payson for the appellants.

No. 191. Samuel Bell, petitioner, *v.* The Commonwealth Title, Insurance and Trust Company. Submitted by Mr. Solicitor-General Richards and Mr. Assistant Attorney-General Beck for petitioner, and by Mr. John G. Johnson for the respondent.

No. 193. The San Diego Land and Town Company, appellant, *v.* James A. Jasper et al. Argued by Mr. John D. Works for the appellant, and by Mr. A. Haines for the appellees.

No. 194. Czarnikow, MacDougall & Co., Limited, plaintiff in error, *v.* George R. Bidwell, collector, etc. Passed.

No. 196. Bank of Commerce, plaintiff in error, *v.* Charles S. Wiltsie, prosecuting attorney. Argument commenced by Mr. Augustin Boice for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 11, will be as follows: Nos. 196, 197, 198, 199, 201, 203 (and 204 and 205), 206, 207, 208 and 209.



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 11, 1903.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Peckham and Mr. Justice Holmes.

George F. Richardson and William A. Hogan of Lowell, Mass., were admitted to practice.

No. 620. Isabella Gonzales, appellant, *v.* William Williams, United States commissioner of immigration at the port of New York. Motion to advance submitted by Mr. H. W. Van Dyke for the appellant.

No. 196. Bank of Commerce, plaintiff in error, *v.* Charles S. Wiltsie, prosecuting attorney. Argument concluded by Mr. Augustin Boice for the plaintiff in error, and submitted by Mr. Merrill Moores and Mr. C. C. Hadley for the defendant in error.

No. 197. Hunter H. Moss, jr., prosecuting attorney, etc., et al., appellants, *v.* Ellis Glenn. Argued by Mr. Hunter H. Moss, jr., for the appellants, and submitted on the record for the appellee.

No. 198. The United States, plaintiff in error, *v.* The Mission Rock Company. Argued by Mr. Solicitor-General Richards for the plaintiff in error, and by Mr. Charles Page for the defendant in error.

No. 388. Jeremiah F. McCarthy et al., plaintiffs in error and appellants, *v.* James F. McCarthy. In error to and appeal from the court of appeals of the District of Columbia. Dismissed, each party to pay its own costs in this court, per stipulation of counsel, and mandate granted.

No. 201. Clara Perry, owner, etc., plaintiff in error, *v.* Cornelius L. Haines. Argument commenced by Mr. Martin Clark for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 12, will be as follows: Nos. 201, 199, 203 (and 204 and 205), 206, 207, 208, 209, 210, 212 and 213.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 12, 1903.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Peckham and Mr. Justice Holmes.

John L. Romer of Buffalo, N. Y., Seymour C. Loomis of New Haven, Conn., and Joshua W. Caldwell of Knoxville, Tenn., were admitted to practice.

No. 201. Clara Perry, owner, etc., plaintiff in error, *v.* Cornelius L. Haines. Argument continued by Mr. Martin Clark for the plaintiff in error, by Mr. George F. Thompson for the defendant in error, and concluded by Mr. Martin Clark for the plaintiff in error.

No. 199. Charles J. Glidden, trustee, etc., plaintiff in error, *v.* John H. Harrington, collector, etc. Argued by Mr. Harvey N. Shepard for the plaintiff in error, and by Mr. George F. Richardson for the defendant in error.

No. 203. James Hennessy et al., appellants, *v.* Richardson Drug Company;

No. 204. James Hennessy et al., appellants, *v.* Walter Moise et al.; and

No. 205. James Hennessy et al., appellants, *v.* Carrie May et al. Argued by Mr. A. L. Pincoffs for the appellants, and submitted by Mr. Charles F. Tuttle for the appellees.

No. 206. The Chattanooga National Building and Loan Association, petitioner, *v.* William H. Denson et al. Submitted by Mr. Robert Pritchard for the petitioner, and by Mr. O. W. Underwood for the respondents.

No. 207. G. H. Thayer, administrator, etc., et al., plaintiffs in error, *v.* A. N. Spratt. Argued by Mr. Joseph Simon for the plaintiffs in error, and by Mr. George C. Stout for the defendant in error.

No. 208. The People of the State of Illinois ex rel. George F. Rayburn et al., plaintiffs in error, *v.* Hugh A. Binns et al. Submitted by Mr. E. D. Blinn for the plaintiffs in error. No counsel appeared for the defendants in error.

No. 209. The State of Tennessee ex rel. G. L. Maloney et al., plaintiffs in error, *v.* Stephen P. Condon et al. Argument commenced by Mr. G. W. Pickle for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 13, will be as follows: Nos. 209, 210, 212, 213, 214, 215, 217 (and 218), 220, 221 (and 67) and 222.

O

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 13, 1903.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Peckham and Mr. Justice Holmes.

George A. Mansfield of South McAlester, Ind. T., John L. Branch of New York City, and Boykin Wright of Augusta, Ga., were admitted to practice.

No. —, Original. *Ex parte*: In the matter of U. S. Joins, petitioner. Leave granted to counsel for petitioner to file reply brief within one week, on motion of Mr. W. I. Cruce for petitioner.

No. 214. The Interstate Commerce Commission, appellant, *v.* The Louisville and Nashville Railroad Company et al. Passed, to be restored to the call subject to the provisions of section 9, rule 26.

No. 209. The State of Tennessee *ex rel.* G. L. Maloney et al., plaintiffs in error, *v.* Stephen P. Condon et al. Argument continued by Mr. Joshua W. Caldwell for the defendants in error, and concluded by Mr. G. W. Pickle for the plaintiffs in error.

No. 212. Knoxville Water Company, plaintiff in error, *v.* The Mayor and Aldermen of the City of Knoxville. Argued by Mr. Charles T. Cates, jr., and Mr. Heber J. May for the plaintiff in error, and by Mr. G. W. Pickle for the defendants in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 16, will be as follows: Nos. 578 (and 579), 580 (and 581 to 589), 210, 213, 215, 217, 218, 220, 221 (and 67) and 222.

()

# SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 16, 1903.

---

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

Charles J. Heggerty of San Francisco, Cal., Edward J. McGanney of New York City, N. Y., Elmer S. B. Sutton of Sault Ste. Marie, Mich., Charles F. Kincheloe of Quincy, Ill., Ralph Bamberger of Indianapolis, Ind., Thomas W. Dodd of Laredo, Tex., John F. Lee of St. Louis, Mo., and John C. Hart of Union Point, Ga., were admitted to practice.

No. 137. Edward H. Pardee et al., plaintiffs in error, *v.* A. D. Aldridge et al., trustees et al. In error to the court of civil appeals for the fifth supreme judicial district of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice White and Mr. Justice Peckham.

No. 167. Nashua Savings Bank, petitioner, *v.* Anglo-American Land Mortgage and Agency Company, Limited. On writ of 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 New Hampshire. Opinion by Mr. Justice Brown.

No. 170. Manuel S. de Cambra, plaintiff in error, *v.* Hannah Rogers et al. In error to the supreme court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

The Chief Justice announced that the court would take a recess from Monday, March 23, to Monday, April 6 next.

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

No. 194. Czarnikow, MacDougall & Co., Limited, plaintiff in error, *v.* George R. Bidwell, collector, etc. Continued.

No. 609. The Creed and Cripple Creek Mining and Milling Company, petitioner, *v.* The Uinta Tunnel, Mining and Transportation Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit granted.

No. 623. Charles B. Kimbell et al., petitioners, *v.* The Chicago Hydraulic Press Brick Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 627. Robert L. West et al., plaintiffs in error, *v.* The State of Louisiana. Motion to advance granted, and cause assigned for argument on Monday, April 6 next.

No. 628. Henry C. Payne, Postmaster-General, plaintiff in error and petitioner, *v.* The United States ex rel. The National Railway Publication Company. Petition for a writ of certiorari to the court of appeals of the District of Columbia granted.

No. 629. Henry C. Payne, Postmaster-General, plaintiff in error and petitioner, *v.* The United States ex rel. The Railway List Company. Petition for a writ of certiorari to the court of appeals of the District of Columbia granted.

No. 504. The State Board of Assessors of the Parish of Orleans et al., appellants, *v.* The Comptoir National d'Escompte de Paris. Motion to advance granted, and cause assigned for argument on Monday, October 19 next, after the cases already set down for that day.

No. 620. Isabella Gonzales, appellant, *v.* William Williams, United States Commissioner of Immigration at the port of New York. Motion to advance granted, and cause assigned for argument on Monday, October 19 next, after the cases already set down for that day.

No. 13, Original. *Ex parte:* In the matter of James S. Barton Key, petitioner. Motion for leave to file petition for a writ of mandamus granted and rule to show cause awarded, returnable on Monday, April 6 next.

No. 32. The United States, appellant, *v.* The California and Oregon Land Company; and

No. 33. The California and Oregon Land Company, appellant, *v.* The United States. Restored to the docket, to be resubmitted on briefs to a full bench.

No. 196. Bank of Commerce, plaintiff in error, *v.* Charles S. Wiltsie, prosecuting attorney. In error to the supreme court of the State of Indiana. Dismissed for the want of jurisdiction on the authority of *Erie Railroad Company v. Purdy*, 185 U. S., 148; *Mallett v. North Carolina*, 181 U. S., 592; *Mutual Life Insurance Company v. McGrew*, 188 U. S., —; and cases cited. See 153 Ind., 460–474.

No. 197. Hunter H. Moss, jr., prosecuting attorney, etc., et al., appellants, *v.* Ellis Glenn. Appeal from the circuit court of the United States for the northern district of West Virginia. Final order reversed with costs, and cause remanded with directions to quash the writ of habeas

corpus and dismiss the petition. *Baker v. Grice*, 169 U. S., 284; *Markuson v. Boucher*, 175 U. S., 184; *Minnesota v. Brundage*, 180 U. S., 499; *Dreyer v. Illinois*, 187 U. S., 71. The mandate will issue at once.

No. 208. The People of the State of Illinois on the relation of George F. Rayburn et al., plaintiffs in error, *v. Hugh A. Binns et al.* In error to the supreme court of the State of Illinois. Dismissed for the want of jurisdiction on the authority of *Castillo v. McConnico*, 168 U. S., 674; *Butler v. Gage*, 138 U. S., 52; *Erie Railroad Company v. Purdy*, 185 U. S., 148. See 192 Ill., 68.

The Hon. John K. Richards presented Mr. Henry M. Hoyt, of Pennsylvania, his successor in office as Solicitor-General, and it was ordered that his commission be recorded.

No. 595. Edward S. Sharp, plaintiff in error, *v. The United States*. Motion to advance submitted by Mr. Solicitor-General Hoyt for the defendant in error.

No. 630. The United States, petitioner, *v. Alfred Mullins*. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Solicitor-General Hoyt for the petitioner.

No. 632. The United States of America ex rel. The Riverside Oil Company, plaintiff in error, *v. Ethan A. Hitchcock*, Secretary of the Interior. Advanced and assigned for argument after Nos. 217 and 218, on motion of Mr. Solicitor-General Hoyt for the defendant in error.

No. 638. The Mexican National Railroad Company, petitioner, *v. Niel Jackson*. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. T. W. Dodd for the petitioner.

No. 636. William A. Wright, comptroller-general, petitioner, *v. The Louisville and Nashville Railroad Company et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Boykin Wright and Mr. John C. Hart for the petitioner, and by Mr. Alex. C. King for the respondents.

No. 633. Welker Given, petitioner, *v. Times Republican Printing Company et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Philip Walker in behalf of Mr. A. A. Lipscomb for the petitioner, with leave to counsel for respondents to file brief within ten days.

No. 213. A. D. James, United States marshal, etc., et al., appellants, *v. Henry Bowman*. Argued by Mr. Solicitor-General Hoyt for the appellants, and by Mr. Swagar Sherley for the appellee.

No. 217. Cosmos Exploration Company, appellant, *v.* Gray Eagle Oil Company et al.; and

No. 218. Pacific Land and Improvement Company, appellant, *v.* Elwood Oil Company et al. Argument commenced by Mr. T. C. Van Ness for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 17, will be as follows: Nos. 217 (and 218), 632, 578 (and 579), 580 (and 581 to 589), 215, 210, 220, 221 (and 67), 222 and 223.

O



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 17, 1903.

Present: The Chief Justice, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham and Mr. Justice Holmes.

No. 630. The United States, petitioner, *v.* Alfred R. Mullins. Leave granted to counsel for the respondent to file brief herein within two weeks, on motion of Mr. Solicitor-General Hoyt for the petitioner.

No. 228. Bert Ross, appellant, *v.* Martin Aguirre, warden, etc. Continued, per stipulation.

No. 217. Cosmos Exploration Company, appellant, *v.* Gray Eagle Oil Company et al.; and

No. 218. Pacific Land and Improvement Company, appellant, *v.* Elwood Oil Company et al. Argument continued by Mr. T. C. Van Ness for the appellants, by Mr. John S. Chapman for the appellees, and concluded by Mr. Jeff. Chandler for the appellants. Leave granted to counsel for appellees to file an additional brief within ten days, and to counsel for the appellants to file reply brief within five days thereafter.

No. 632. The United States of America ex rel. The Riverside Oil Company, plaintiff in error, *v.* Ethan A. Hitchcock, Secretary of the Interior. Argument commenced by Mr. Jeff. Chandler for the plaintiff in error, and continued by Mr. J. S. Chapman for the defendant in error, and by Mr. Jeff. Chandler for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 18, will be as follows: Nos. 632, 578 (and 579), 580 (and 581 to 589), 215, 210, 220, 221 (and 67), 222, 223 and 224.

O

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 18, 1903.  

---

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

Allen Fort of Americus, Ga., and Henry F. Cochrane of Brooklyn, N. Y., were admitted to practice.

No. 632. The United States of America ex rel. The Riverside Oil Company, plaintiff in error, *v.* Ethan A. Hitchcock, Secretary of the Interior. Argument continued by Mr. Jeff. Chandler for the plaintiff in error, and concluded by Mr. Shirley C. Ward (by special leave) for the plaintiff in error. Leave granted to counsel for the plaintiff in error to file an additional brief within five days, and to counsel for the defendant in error to reply thereto within five days thereafter.

No. 215. The Singer Manufacturing Company, petitioner, *v.* Herman Cramer. Argument commenced by Mr. Charles C. Linthicum for the petitioner, continued by Mr. John H. Miller for the respondent, and by Mr. Charles K. Offield for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 19, will be as follows: Nos. 215, 578 (and 589), 580 (and 581 to 589), 210, 220, 221 (and 67), 222, 223, 224 and 225.

O

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 19, 1903.

---

Present: The Chief Justice, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham and Mr. Justice Holmes.

Edwards Herrick Childs of New York City, and James Edgar Smith of Washington, D. C., were admitted to practice.

No. 213. A. D. James, United States marshal, etc., et al., appellants, *v.* Henry Bowman. Leave granted to file an additional brief for the appellants, on motion of Mr. Solicitor-General Hoyt for the appellants.

No. 215. The Singer Manufacturing Company, petitioner, *v.* Herman Cramer. Argument concluded by Mr. Charles K. Offield for the petitioner.

No. 578. The United States, appellant, *v.* The Spanish Smack Paquete Habana, etc.;

No. 579. The United States, appellant, *v.* the Spanish Schooner Lola, etc. Argued by Mr. Solicitor-General Hoyt for the appellant, and by Mr. J. Parker Kirlin for the appellees.

No. 580. The United States, appellant, *v.* the Fishing Smack Poder de Dios, etc.;

No. 581. The United States, appellant, *v.* The Fishing Smack Antonio y Paco, etc.;

No. 582. The United States, appellant, *v.* The Fishing Smack Engracia, etc.;

No. 583. The United States, appellant, *v.* The Fishing Smack Severito, etc.;

No. 584. The United States, appellant, *v.* The Fishing Smack Antonio Suarez, etc.;

No. 585. The United States, appellant, *v.* The Fishing Smack Ferdinandito, etc.;

No. 586. The United States, appellant, *v.* The Fishing Smack Oriente, etc.;

No. 587. The United States, appellant, *v.* The Fishing Smack Espana, etc.;

No. 588. The United States, appellant, *v.* The Fishing Smack Cuatro de Setiembre, etc.;

No. 589. The United States, appellant, *v.* The Fishing Smack Santiago Apostol, etc. Argued by Mr. Solicitor-General Hoyt for the appellant, and by Mr. J. Parker Kirlin for the appellees.

No. 210. The County of St. Clair, plaintiff in error, *v.* The Interstate Sand and Car Transfer Company. Argument commenced by Mr. John F. Lee for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 20, will be as follows: Nos. 210, 220, 221 (and 67), 222, 223, 224, 225, 226, 227 and 229.

O

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 20, 1903.

Present: The Chief Justice, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham and Mr. Justice Holmes.

Bernard Flexner of Louisville, Ky., was admitted to practice.

No. —, Original. *Ex parte*: In the matter of U. S. Joins, petitioner. Leave granted to file supplemental brief in opposition to petition, on motion of Mr. George A. Mansfield for the respondent.

No. —, Original. *Ex parte*: In the matter of William W. Watts, petitioner. Motion for leave to file petition for writs of habeas corpus and certiorari and to admit petitioner to bail submitted by Mr. David W. Fairleigh for the petitioner.

No. —, Original. *Ex parte*: In the matter of D. A. Sachs, petitioner. Motion for leave to file petition for writs of habeas corpus and certiorari and to admit petitioner to bail submitted by Mr. W. M. Smith for the petitioner.

No. 210. The County of St. Clair, plaintiff in error, *v.* The Interstate Sand and Car Transfer Company. Argument concluded by Mr. John F. Lee for the defendant in error, and submitted by Mr. Charles W. Thomas for the plaintiff in error.

No. 220. The Fidelity and Deposit Company of Maryland, petitioner, *v.* The L. Bucki & Son Lumber Company. Argued by Mr. R. H. Liggett for the petitioner, and by Mr. H. Bisbee for the respondent.

No. 221. The Union and Planters' Bank of Memphis, appellant, *v.* The City of Memphis; and

No. 67. The Union and Planters' Bank of Memphis, Tenn., appellant, *v.* The City of Memphis et al. Submitted by Mr. W. H. Carroll for the appellant, and by Mr. Luke E. Wright for the appellees.

No. 222. The Texas and Pacific Railway Company, plaintiff in error, *v.* Michael Carlin. Argued by Mr. D. D. Duncan for the plaintiff in error, and submitted by Mr. F. E. Albright for the defendant in error.

No. 223. The Texas and Pacific Railway Company, plaintiff in error, *v.* Samuel E. Watson. Argued by Mr. D. D. Duncan for the plaintiff in error, and leave granted to counsel for the defendant in error to file brief within two weeks.

No. 224. The Texas and Pacific Railway Company, plaintiff in error, *v.* Abe Behymer. Argument commenced by Mr. Cone Johnson for the defendant in error.

Adjourned until Monday next at 12 o'clock.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 23, 1903.

---

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

W. W. Hammond of Peoria, Ill., Charles M. Stafford of Brooklyn, N. Y., and Eugene F. O'Neill of Brockton, Mass., were admitted to practice.

No. 212. Knoxville Water Company, plaintiff in error, *v.* The Mayor and Aldermen of the City of Knoxville. In error to the supreme court of the State of Tennessee. Judgment affirmed with costs. Opinion by Mr. Justice Holmes. (Mr. Justice White, Mr. Justice McKenna and Mr. Justice Day took no part in the decision of this case.)

No. 152. Eastern Building and Loan Association of Syracuse, N. Y., plaintiff in error, *v.* Bright Williamson. In error to the supreme court of the State of South Carolina. Judgment affirmed with costs. Opinion by Mr. Justice Brewer. (Mr. Justice White concurs in the result.)

No. 148. Kokomo Fence Machine Company, petitioner, *v.* Alva L. Kitselman et al. On writ and cross-writ of certiorari to the United States circuit court of appeals for the seventh circuit. Decree of the United States circuit court of appeals reversed with costs, and decree of the circuit court of the United States for the district of Indiana affirmed, and cause remanded to the said circuit court. Opinion by Mr. Chief Justice Fuller.

No. 203. James Hennessy et al., appellants, *v.* Richardson Drug Company;

No. 204. James Hennessy et al., appellants, *v.* Walter Moise et al.; and

No. 205. James Hennessy et al., appellants, *v.* Carrie May et al. Appeals from the circuit court of the United States for the district of Nebraska. Decrees reversed with costs, and causes remanded for a rehearing on the merits. Opinion by Mr. Chief Justice Fuller.

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

Order: The Reporter having represented that, owing to the number of decisions at the present term, it would 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. 14, Original. *Ex parte*: In the matter of U. S. Joins, petitioner. Motion for leave to file petition for writs of prohibition and certiorari granted, and rule to show cause awarded, returnable on Monday, October 19 next.

No. 595. Edward S. Sharp, plaintiff in error, *v.* The United States. Motion to advance granted, and cause assigned for argument on Monday, October 19 next, after the cases already set down for that day.

No. 636. William A. Wright, comptroller-general, petitioner, *v.* The Louisville and Nashville Railroad Company et al. Petition for writ of certiorari to the United States circuit court of appeals for the fifth circuit granted.

No. 638. The Mexican National Railroad Company, petitioner, *v.* Niel Jackson. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 15, Original. *Ex parte*: In the matter of William W. Watts, petitioner. Motion for leave to file petition for writs of habeas corpus and certiorari granted, and writs ordered to issue returnable Monday, April 6 next. Motion to admit petitioner to bail granted, the petitioner to be released on his personal recognizance in the sum of \$500, to be entered into before the judge of the district court of the United States for the district of Indiana, or, in his absence, before the clerk of said court.

No. 16, Original. *Ex parte*: In the matter of David A. Sachs, petitioner. Motion for leave to file petition for writs of habeas corpus and certiorari granted, and writs ordered to issue returnable Monday, April 6 next. Motion to admit petitioner to bail granted, the petitioner to be released on his personal recognizance in the sum of \$500, to be entered into before the judge of the district court of the United States for the district of Indiana, or, in his absence, the clerk of said court.

No. 32. The United States, appellant, *v.* The California and Oregon Land Company; and

No. 33. The California and Oregon Land Company, appellant, *v.* The United States. Resubmitted to a full bench on briefs on file, on motion of Mr. Solicitor-General Hoyt for the United States.

No. 145. Gustavus Leach et al., plaintiffs in error, *v.* Charles R. Burr, executor, et al. Mandate stayed until Monday, April 6 next, on motion of Mr. William A. Meloy for the plaintiffs in error.

No. 632. The United States of America ex rel. The Riverside Oil Company, plaintiff in error, *v.* Ethan A. Hitchcock, Secretary of the Interior. Three days' additional time in which to file reply brief granted, on motion of Mr. Shirley C. Ward for the plaintiff in error.

No. 157. Louisa V. Kidd, plaintiff in error, *v.* The State of Alabama; and

No. 158. Louisa V. Kidd, executrix, etc., plaintiff in error, *v.* The State of Alabama. Mandates granted, on motion of Mr. Thomas H. Clark for the defendant in error.

No. 619. Robert H. Downman et al., petitioners, *v.* The German Insurance Company of Freeport, Ill. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Thomas H. Clark in behalf of Mr. H. N. Atkinson for the petitioners.

No. —, Original. Ex parte: In the matter of Herman Frasch, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. Charles J. Hedrick for the petitioner.

No. 398. Antoinette B. Kinney et al., appellants, *v.* The Columbia Savings and Loan Association. Motion to advance submitted by Mr. A. A. Hoehling, jr., in behalf of counsel.

No. 336. Mexican Central Railway Company, Limited, plaintiff in error, *v.* J. M. Duthie. Advanced under the thirty-second rule, on motion of Mr. A. B. Browne for the plaintiff in error, and submitted by Mr. A. B. Browne, Mr. Alexander Britton and Mr. Eben Richards for the plaintiff in error, and by Mr. Leigh Clark for the defendant in error.

Adjourned until Monday, April 6, at 12 o'clock.

The day call for Monday, April 6, will be as follows: Nos. 224, 225, 226, 227, 229, 230, 231, 232, 234 and 627.



# SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 6, 1903.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna and Mr. Justice Holmes.

Robert B. Killgore of New York City, John G. Palfrey of Boston, Mass., Leon E. Lum of Duluth, Minn., William Wilhartz of Chicago, Ill., and Theodore Mack of Fort Worth, Tex., were admitted to practice.

No. 190. Southern Pacific Railroad Company et al., appellants, *v.* The United States. Appeal from the United States circuit court of appeals for the ninth circuit. Decree affirmed, and cause remanded to the circuit court of the United States for the southern district of California. Opinion by Mr. Justice Holmes. (Mr. Justice Brewer and Mr. Justice Day took no part in the decision of this case.)

No. 193. The San Diego Land and Town Company, appellant, *v.* James A. Jasper et al. Appeal from the circuit court of the United States for the southern district of California. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 578. The United States, appellant, *v.* The Spanish Smack Paquete Habana, etc.;

No. 579. The United States, appellant, *v.* The Spanish Schooner Lola, etc.;

No. 580. The United States, appellant, *v.* The Spanish Smack Poder de Dios, etc.;

No. 581. The United States, appellant, *v.* The Spanish Smack Antonio y Paco, etc.;

No. 582. The United States, appellant, *v.* The Spanish Smack Engracia, etc.;

No. 583. The United States, appellant, *v.* The Spanish Smack Severito, etc.;

No. 584. The United States, appellant, *v.* The Spanish Smack Antonio Suarez, etc.;

No. 585. The United States, appellant, *v.* The Spanish Smack Fer nandito, etc.;

No. 586. The United States, appellant, *v.* The Spanish Smack Oriente, etc.;

No. 587. The United States, appellant, *v.* The Spanish Smack Espana, etc.;

No. 588. The United States, appellant, *v.* The Spanish Smack Cuatro de Setiembre, etc.; and

No. 589. The United States, appellant, *v.* The Spanish Smack Santiago Apostol, etc. Appeals from the district court of the United States for the southern district of Florida. Decrees reversed, and cases remanded for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 115. Ferdinand F. Faver, administrator of Harriet M. Zane, deceased, petitioner, *v.* The County of Hamilton, Ill. On writ of certiorari to the United States circuit court of appeals for the seventh circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the southern district of Illinois. Opinion by Mr. Justice McKenna.

No. 139. The Detroit, Fort Wayne and Belle Isle Railway, plaintiff in error, *v.* Chase S. Osborn, commissioner of railroads. In error to the supreme court of the State of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 76. Ferdinand N. Shurtleff, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Peckham.

No. 155. John E. Sexton, plaintiff in error, *v.* The People of the State of California. In error to the supreme court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Peckham.

No. 173. George A. Foster, sheriff of Noble County, Okla., et al., appellants, *v.* I. T. Pryor et al. Appeal from the supreme court of the Territory of Oklahoma. Decree affirmed with costs. Opinion by Mr. Justice Peckham.

No. 180. A. C. Finney, as receiver, etc., et al., plaintiffs in error, *v.* Mary A. Guy, individually, etc. In error to the supreme court of the State of Wisconsin. Judgment affirmed with costs. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Brewer. (Mr. Justice McKenna took no part in the decision of this case.)

No. 207. G. H. Thayer, administrator, etc., et al., plaintiffs in error, *v.* A. N. Spratt. In error to the supreme court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Justice Peckham.

No. 222. The Texas and Pacific Railway Company, plaintiff in error, *v. Michael Carlin*. 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. Justice Peckham.

No. 168. Thomas W. Potter, appellant, *v. Mary Hall*. Appeal from the supreme court of the Territory of Oklahoma. Judgment reversed with costs, and cause remanded for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice White.

No. 189. Farmers and Merchants' Insurance Company, plaintiff in error, *v. Frank Dabney*. In error to the supreme court of the State of Nebraska. Judgment affirmed with costs. Opinion by Mr. Justice White. Dissenting: Mr. Justice Harlan, Mr. Justice Brewer and Mr. Justice Brown.

No. 40. Mariano F. Sena, appellant, *v. The United States*. Appeal from the Court of Private Land Claims. Decree affirmed. Opinion by Mr. Justice Brown.

No. 178. George C. Rankin, receiver, etc., plaintiff in error, *v. The Fidelity Insurance Trust and Safe Deposit Company*. In error to the United States circuit court of appeals for the third circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the eastern district of Pennsylvania. Opinion by Mr. Justice Brown. Dissenting: Mr. Justice Harlan.

No. 199. Charles J. Glidden, trustee, plaintiff in error, *v. John H. Harrington*, collector. In error to the superior court of the State of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice Brown. (Mr. Justice White took no part in the decision of this case.)

No. 191. Samuel Bell, petitioner, *v. The Commonwealth Title, Insurance and Trust Company*. On writ of certiorari to the United States circuit court of appeals for the third circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the eastern district of Pennsylvania. Opinion by Mr. Justice Brewer.

No. 220. The Fidelity and Deposit Company of Maryland, petitioner, *v. The L. Bucki & Son Lumber Company*. On writs of certiorari to the United States circuit court of appeals for the fifth circuit. Judgments affirmed with costs and interest, and cause remanded to the circuit court of the United States for the southern district of Florida. Opinion by Mr. Justice Brewer.

No. 384. Ida McClung, plaintiff in error, *v. William A. Penny*. In error to the supreme court of the Territory of Oklahoma. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brewer.

No. 409. Robert L. Winebrenner, appellant, *v.* Edward C. Forney. Appeal from the supreme court of the Territory of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice White and Mr. Justice Peckham.

No. 171. Kaoru Yamataya, appellant, *v.* Thomas M. Fisher, immigrant and Chinese inspector. Appeal from the district court of the United States for the district of Washington. Order affirmed with costs. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Brewer and Mr. Justice Peckham.

No. 186. The Oregon and California Railroad Company, appellant, *v.* The United States. Appeal from the United States circuit court of appeals for the ninth circuit. Decree affirmed, and cause remanded to the circuit court of the United States for the district of Oregon. Opinion by Mr. Justice Harlan. (Mr. Justice Brewer and Mr. Justice McKenna took no part in the decision of this case.)

No. 187. The Oregon and California Railroad Company, appellant, *v.* The United States. Appeal from the United States circuit court of appeals for the ninth circuit. Decree affirmed, and cause remanded to the circuit court of the United States for the district of Oregon. Opinion by Mr. Justice Harlan. (Mr. Justice Brewer and Mr. Justice McKenna took no part in the decision of this case.)

No. 161. P. H. Kirwan, United States surveyor-general, et al., appellants, *v.* Simon J. Murphy 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 Minnesota reversed with costs, and cause remanded to said circuit court with a direction to dismiss the bill. Opinion by Mr. Chief Justice Fuller.

No. 181. John A. Brill et al., petitioners, *v.* The Peckham Motor Truck and Wheel Company. 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 circuit court of the United States for the southern district of New York, with a direction to proceed to final hearing in due course, the court being left at liberty to deal with the preliminary injunction as it otherwise might but for this decree. Opinion by Mr. Chief Justice Fuller.

No. 209. The State of Tennessee on relation of G. L. Maloney et al., plaintiffs in error, *v.* Stephen P. Condon et al. In error to the supreme court of the State of Tennessee. Dismissed without costs to either party. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced that the court would adjourn from Thursday, the 9th instant, to Monday, the 13th instant.

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

No. 619. Robert H. Downman et al., petitioners, *v.* The German Insurance Company of Freeport, Ill. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 630. The United States, petitioner, *v.* Alfred R. Mullins. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 633. Weeker Given, petitioner, *v.* Times-Republican Printing Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 398. Antoinette B. Kinney et al., appellants, *v.* The Columbia Savings and Loan Association. Motion to advance granted, and cause advanced to be submitted under the thirty-second rule.

No. 12, Original. The State of Louisiana, complainant, *v.* The State of Mississippi. Demurrer overruled, and defendant granted leave to answer on or before October 12 next.

No. 17, Original. *Ex parte*: In the matter of Herman Frasch, petitioner. Motion for leave to file petition for a writ of mandamus granted, and rule to show cause awarded returnable on the 19th of October next.

No. —. Charles B. Kimbell et al., appellants, *v.* The Chicago Hydraulic Press Brick Company et al. Motion that the certified copy of the record filed in No. 623 be used on the appeal herein submitted by Mr. E. H. Smalley for the appellants.

No. 15, Original. *Ex parte*: In the matter of W. W. Watts, petitioner; and

No. 16, Original. *Ex parte*: In the matter of D. A. Sachs, petitioner. Leave granted to withdraw certified copy of transcript of record filed herein as an exhibit to the petitions, on motion of Mr. Bernard Flexner for the petitioners. Leave granted to file briefs herein on behalf of interested parties, on motion of Mr. William Wilhartz for such parties.

No. 285. George E. Gee, plaintiff in error, *v.* Henry D. Gee. Motion to dismiss submitted by Mr. Leon E. Lum and Mr. J. L. Washburn in support of motion, and by Mr. Thomas G. Frost in opposition thereto, with leave to counsel for defendant in error to file reply brief on or before Thursday next.

No. 535. Almond A. White, plaintiff in error, *v.* Sidney L. Wright. Motion to dismiss submitted by Mr. Leon E. Lum and Mr. J. L. Washburn in support of motion, and by Mr. Orville Rinehart in opposition thereto, with leave to counsel for defendant in error to file reply brief on or before Thursday next.

No. 357. Mary J. Lyon et al., plaintiffs in error, *v.* Margaret Gombret et al. Motions to dismiss or affirm submitted by Mr. Charles E. Magoon in behalf of Mr. J. H. Broady in support of motions, with leave to counsel for the plaintiffs in error to file brief in opposition within one week.

No. 283. Joshua M. Sears, plaintiff in error, *v.* The Board of Street Commissioners of the City of Boston. In error to the supreme judicial court of the State of Massachusetts. Dismissed with costs, per stipulation.

No. 231. The United States, plaintiff in error, *v.* The Denver and Rio Grande Railroad Company. Continued per stipulation.

No. 627. Robert L. West et al., plaintiffs in error, *v.* The State of Louisiana. Reassigned for argument on Monday, October 19 next, after the cases already set down for that day.

No. 224. The Texas and Pacific Railway Company, plaintiff in error, *v.* Abe Behymer. Argument concluded by Mr. D. D. Duncan for the plaintiff in error.

No. 13, Original. *Ex parte*: In the matter of James S. Barton Key, petitioner. Argued by Mr. Frederic D. McKenney for the petitioner, and by Mr. William C. Prentiss for the respondents, with leave to counsel for petitioner to file an additional brief on or before Thursday next.

No. 225. Joseph A. Sawyer et al., plaintiffs in error, *v.* Daniel S. Piper. Argument commenced by Mr. J. A. Sawyer for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 7, will be as follows: Nos. 225, 226, 227, 229, 230, 232, 234, 47, 214 and 235.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 7, 1903.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna and Mr. Justice Holmes.

Clarence A. Lightner of Detroit, Mich., Louis M. Sanders of Newark, N. J., and James L. Wolcott of Dover, Del., were admitted to practice.

No. 225. Joseph A. Sawyer et al., plaintiffs in error, *v.* Daniel S. Piper. Argument continued by Mr. J. A. Sawyer for the plaintiffs in error, by Mr. Robert Taylor for the defendant in error, and concluded by Mr. J. A. Sawyer for the plaintiffs in error.

No. 226. Joel W. Lockwood, petitioner, *v.* Exchange Bank of Fort Valley et al. Argued by Mr. Stephen W. Parker for Lockwood, and by Mr. Olin J. Wimberly for the bank et al.

No. 227. Lillie Winston, plaintiff in error, *v.* Walter Winston. Argued by Mr. Eugene Sweeney for the plaintiff in error, and by Mr. Daniel E. Lynch for the defendant in error.

No. 229. Eugene C. Gordon use of Mary Roper, plaintiff in error, *v.* Arthur E. Randle. Argued by Mr. S. Herbert Giesy for the plaintiff in error, and by Mr. J. J. Darlington for the defendant in error.

No. 230. William L. Snyder, executor, etc., plaintiff in error, *v.* Bernard Bettman, collector, etc. Argument commenced by Mr. J. E. Bowman for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 8, will be as follows: Nos. 230, 232, 234, 47, 214, 235 (and 236), 237, 238, 239 and 240.

○



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 8, 1903.

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

E. J. Justice of Greensboro, N. C., Scott Stewart of Cleveland, Ohio, Henry C. Lewis of Washington, D. C., and John A. Delehanty of Albany, N. Y., were admitted to practice.

No. 239. The Schooner Gibara Habana, etc., appellant, *v.* The United States. Appeal from the district court of the United States for the southern district of Florida. Dismissed, pursuant to the tenth rule.

No. 240. The Schooner Expresso, etc., appellant, *v.* The United States. Appeal from the district court of the United States for the southern district of Florida. Dismissed, pursuant to the tenth rule.

No. 230. William L. Snyder, executor, etc., plaintiff in error, *v.* Bernard Bettman, collector, etc. Argument continued by Mr. J. E. Bowman for the plaintiff in error, by Mr. Assistant Attorney-General Beck for the defendant in error, and concluded by Mr. J. E. Bowman for the plaintiff in error.

No. 232. Southern Railway Company, plaintiff in error, *v.* J. H. Allison. Argued by Mr. W. A. Henderson and Mr. F. H. Busbee for the plaintiff in error, and by Mr. E. J. Justice for the defendant in error.

No. 234. The Onondaga Nation et al., plaintiffs in error, *v.* John Boyd Thacher. Argument commenced by Mr. Edward Winslow Paige for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 9, will be as follows: Nos. 234, 47, 214, 235 (and 236), 237, 238, 241, 242, 244 and 246.

○



# SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 9, 1903.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna and Mr. Justice Holmes.

Waldo G. Morse of New York City, Edward J. Connolly of New York City, Newton D. Baker of Cleveland, Ohio, and Phelps Montgomery of New Haven, Conn., were admitted to practice.

No. 198. The United States, plaintiff in error, *v.* The Mission Rock Company. Leave granted to defendant in error to file supplemental brief, on motion of Mr. A. B. Browne in behalf of counsel.

No. 234. The Onondaga Nation et al., plaintiffs in error, *v.* John Boyd Thacher. Argument continued by Mr. Edward Winslow Paige for the plaintiffs in error, by Mr. John A. Delehanty for the defendant in error, and concluded by Mr. Edward Winslow Paige for the plaintiffs in error.

No. 47. Mary Phelps Montgomery, executrix, etc., plaintiff in error, *v.* The City of Portland et al. Argued by Mr. John H. Mitchell for the plaintiff in error, and by Mr. Thomas D. Rambant and Mr. C. E. S. Wood for the defendants in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 13, will be as follows: Nos. 214, 9 (original), 235 (and 236), 237, 238, 241, 242, 244, 246 and 247.

○

## SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 13, 1903.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna and Mr. Justice Holmes.

James C. Bergen of New York City, Hickman P. Rodgers of St. Louis, Mo., J. A. Sullivan of Richmond, Ky., James H. Merrimon of Asheville, N. C., William H. Richards of Washington, D. C., and Elbert B. Hamlin of New York City were admitted to practice.

No. 198. The United States, plaintiff in error, *v.* The Mission Rock Company. In error to the United States circuit court of appeals for the ninth circuit. Judgment affirmed, and cause remanded to the circuit court of the United States for the northern district of California. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Harlan. (Mr. Justice Brown concurs in the result.)

No. 67. The Union and Planters' Bank of Memphis, Tenn., appellant, *v.* The City of Memphis et al. Appeal from the circuit court of the United States for the western district of Tennessee. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 221. The Union and Planters' Bank of Memphis, Tenn., appellant, *v.* The City of Memphis. Appeal from the United States circuit court of appeals for the sixth circuit. Decree reversed at the costs of the appellant, and cause remanded with a direction to dismiss the appeal and writ of error. Opinion by Mr. Chief Justice Fuller.

No. 336. Mexican Central Railway Company, Limited, plaintiff in error, *v.* J. M. Duthie. In error to the circuit court of the United States for the western district of Texas. Judgment affirmed with costs and interest. Opinion by Mr. Chief Justice Fuller.

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

No. 664. Charles B. Kimbell et al., appellants, *v.* Chicago Hydraulic Press Brick Company et al. Motion for leave to use the certified copy of the transcript of record filed as an exhibit to the petition for a writ of certiorari in case No. 623 as part of the return on the appeal herein granted.

No. 285. George E. Gee, plaintiff in error, *v.* Henry D. Gee. Motion to dismiss postponed to the hearing of the cause on its merits.

No. 227. Lillie Winston, plaintiff in error, *v.* Walker Winston. In error to the supreme court of the State of New York. Judgment affirmed

with costs, on the authority of *Bell v. Bell*, 181 U. S., 175; *Streitwolf v. Streitwolf*, 181 U. S., 179; *Andrews v. Andrews*, 188 U. S., 14.

No. 535. Almond A. White, plaintiff in error, *v. Sidney L. Wright et al.* In error to the supreme court of the State of Minnesota. Dismissed for the want of jurisdiction, on the authority of *Haseltine v. Bank*, 183 U. S., 130; *Insurance Company v. Kirchoff*, 160 U. S., 374; *Meagher v. Manufacturing Company*, 145 U. S., 611.

No. 11, Original. The United States, complainant, *v. The State of Michigan.* Motion to fix day for hearing submitted by Mr. Solicitor-General Hoyt for the complainant.

No. 242. Fredericka D. Schulte et al., plaintiffs in error, *v. August Hemam.* Motion to continue submitted by Mr. John B. Henderson in behalf of Mr. William B. Thompson for the plaintiff in error in support of motion, and by Mr. Hickman P. Rodgers for the defendant in error in opposition thereto.

No. 663. Ralph Moore, etc., petitioner, *v. Southern Railway Company.* Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Jerome Templeton in behalf of Mr. Henry H. Ingersoll for the petitioner, and by Mr. W. A. Henderson and Mr. Leon Journalmon for the respondent.

No. 661. Whitaker Wright, appellant, *v. William Henkel,* United States marshal. Advanced and assigned for argument on Monday, April 20, on motion of Mr. Louis Marshall for the appellant.

No. 404. The German Savings and Loan Society, plaintiff in error, *v. Dora May Dormitzer et al.* Motions to dismiss or affirm submitted by Mr. Robert A. Howard and Mr. William W. Murray in support of motions, and by Mr. E. C. Hughes in opposition thereto.

No. 274. John Lawrence et al., trustees, etc., plaintiffs in error, *v. The Board of Street Commissioners of the City of Boston.* In error to the supreme judicial court of the State of Massachusetts. Dismissed with costs, per stipulation.

No. 214. The Interstate Commerce Commission, appellant, *v. The Louisville and Nashville Railroad Company et al.* Argued by Mr. L. A. Shaver for the appellant, and by Mr. Ed. Baxter for the appellees.

No. 9, Original. The State of South Dakota, complainant, *v. The State of North Carolina et al.* Argument commenced by Mr. Wheeler H. Peckham for the complainant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 14, will be as follows: Nos. 9 (original), 235 (and 236), 237, 238, 241, 242, 244, 246, 247 and 249 (and 250 and 251).

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 14, 1903.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna and Mr. Justice Holmes.

William R. Bagley of Madison, Wis., and Edward D. Reilly of Lancaster, Pa., were admitted to practice.

The Chief Justice announced the following orders of the court:

No. 242. Fredericka D. Schulte et al., plaintiffs in error, *v.* August Hernan. Motion to continue denied.

No. 11, Original. The United States, complainant, *v.* The State of Michigan. Motion to fix a day for argument granted, and demurrer assigned for argument on Monday, April 20, after Nos. 15 and 16, original.

No. 9, Original. The State of South Dakota, complainant, *v.* The State of North Carolina et al. Argument continued by Mr. Wheeler H. Peckham for the complainant, by Mr. George Rountree for the State of North Carolina, by Mr. D. L. Russell for Charles Salter, one of the defendants, and by Mr. James E. Shepherd for the State of North Carolina.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 15, will be as follows: Nos. 9 (original), 235 (and 236), 237, 238, 241, 242, 244, 246, 247 and 249 (and 250 and 251).

○

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 15, 1903.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna and Mr. Justice Holmes.

George Fred Williams of Boston, Mass., Stillwell H. Russell of Ardmore, Ind. T., Walter W. A. Rosenbaum of New York City, Harry A. Garfield of Cleveland, Ohio, Jacob C. Robberts of Kingfisher, Okla., and Edwin Robert Walker of Trenton, N. J., were admitted to practice.

No. 9, Original. The State of South Dakota, complainant, *v.* The State of North Carolina et al. Argument continued by Mr. James E. Shepherd for the State of North Carolina, and concluded by Mr. Wheeler H. Peckham for the complainant.

No. 235. The United States, appellant, *v.* Peter W. Barnett; and

No. 236. The United States, appellant, *v.* John C. Sweet. Argued by Mr. George A. King for the appellees, and submitted by Mr. Assistant Attorney-General Pradt for the appellants.

No. 237. The Second National Bank of Richmond, Ky., plaintiff in error, *v.* C. N. Fitzpatrick et al. Argued by Mr. J. A. Sullivan for the plaintiff in error. No counsel appeared for the defendants in error.

No. 238. Jefferson B. Conley, plaintiff in error, *v.* The Mathieson Alkali Works. Argument commenced by Mr. William W. MacFarland for the plaintiff in error, and continued by Mr. Alfred Ely for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 16, will be as follows: Nos. 238, 241, 242, 244, 246, 247, 249 (and 250 and 251), 256, 257 and 258.

○

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 16, 1903.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna and Mr. Justice Holmes.

Frederick L. Hay of Defiance, Ohio, was admitted to practice.

Nos. 249 and 250. The United States *ex rel.* Henry D. Phillips, plaintiff in error, *v.* H. Clay Evans, Commissioner, etc.; and

Nos. 251 and 322. The United States *ex rel.* Henry D. Phillips, plaintiff in error, *v.* Ethan Allen Hitchcock, Secretary, etc., et al. Motion to substitute Eugene F. Ware as a party defendant in error in these cases in the place of H. Clay Evans, and for the advancement of No. 322 for submission with the other cases granted, on motion of Mr. A. C. Campbell in behalf of counsel for the plaintiff in error. Submitted by Mr. Henry D. Phillips and Mr. Edwin R. Walker for the plaintiff in error, and by Mr. Assistant Attorney-General Campbell and Mr. A. C. Campbell for the defendants in error.

No. 238. Jefferson B. Conley, plaintiff in error, *v.* The Mathieson Alkali Works. Argument concluded by Mr. Alfred Ely for defendant in error.

No. 241. Globe Refining Company, plaintiff in error, *v.* The Landa Cotton Oil Company. Submitted by Mr. C. W. Ogden for the plaintiff in error. No counsel appeared for the defendant in error.

No. 242. Fredericka D. Schulte et al., plaintiffs in error, *v.* August Heman. Argued by Mr. Hickman P. Rodgers for the defendant in error, and submitted by Mr. William B. Thompson for the plaintiffs in error.

No. 244. Horace B. Dunbar, plaintiff in error, *v.* Lottie E. Dunbar. Argued by Mr. James Hamilton Lewis and Mr. George Fred Williams for the plaintiff in error, and by Mr. Frank H. Stewart for the defendant in error.

No. 246. Thomas P. Queenan, plaintiff in error, *v.* The Territory of Oklahoma. Argument commenced by Mr. Stillwell H. Russell for the plaintiff in error, and continued by Mr. J. C. Robberts for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 17, will be as follows: Nos. 246, 247, 256, 257, 258, 259, 260, 261, 262 and 263.

○

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 17, 1903.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna and Mr. Justice Holmes.

Thomas T. Sherman of New York City, Hunter M. Meriwether of Kansas City, Mo., and Louis B. Eppstein of Denison, Tex., were admitted to practice.

No. 14, Original. *Ex parte*: In the matter of U. S. Joins, petitioner. Motion to change return day of rule submitted by Mr. Solicitor-General Hoyt for the respondent.

No. 631. John R. Clarke, petitioner, *v.* The Town of Northampton. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. John M. Thurston, Mr. Fayette B. Tiffany and Mr. Henry J. Cookinham for the petitioner, and by Mr. Fred. Linus Carroll and Mr. Andrew J. Nellis for the respondent.

No. 531. John Lawrence O'Brien, appellant, *v.* John H. Shine, United States marshal, etc. Appeal from the circuit court of the United States for the northern district of California. Dismissed with costs, on motion of Mr. John M. Thurston for the appellant.

No. 214. The Interstate Commerce Commission, appellant, *v.* The Louisville and Nashville Railroad Company et al. Leave granted to appellant to file supplemental brief herein, on motion of Mr. L. A. Shaver for the appellant.

No. 260. V. Van Buren, plaintiff in error, *v.* Margaret U. McKinley. In error to the supreme court of the State of Idaho. Dismissed with costs, pursuant to the tenth rule.

No. 246. Thomas P. Queenan, plaintiff in error, *v.* The Territory of Oklahoma. Argument continued by Mr. J. C. Robberts for the defendant in error, and concluded by Mr. Stillwell H. Russell for the plaintiff in error. Leave granted to counsel for defendant in error to file an additional brief within ten days, and to counsel for plaintiff in error to file reply brief within five days thereafter.



No. 247. The Board of Commissioners of Wilkes County et al., petitioners, *v.* W. N. Coler & Co. Argument commenced by Mr. A. C. Avery for the petitioners, and continued by Mr. John F. Dillon for the respondents.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 20, will be as follows: Nos. 247, 256, 257, 258, 259, 261, 262, 263, 264 and 661.

○

# SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 20, 1903.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna and Mr. Justice Holmes.

Robert W. Bingham of Louisville, Ky., Homer Metzgar of Clyde, Ohio, S. S. Richards of Clyde, Ohio, J. W. Middlebrook of Tarrytown, N. Y., Florence King of Chicago, Ill., Stiles Judson, jr., of Bridgeport, Conn., Josiah T. Settle of Memphis, Tenn., Myer Cohen of Washington, D. C., Roland Gray of Boston, Mass., Edwin A. S. Lewis of Hoboken, N. J., Wellington Wells of Boston, Mass., George H. Hester of New Albany, Ind., David Moncrieffe Kirton of Chicago, Ill., and Amos L. Beaty of Sherman, Tex., were admitted to practice.

No. 224. *The Texas and Pacific Railway Company*, plaintiff in error, *v. Abe Behymer*. 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 Holmes.

The Chief Justice announced the following orders of the court:

No. 14, Original. *Ex parte*: In the matter of U. S. Joins, petitioner. Motion to change return day denied.

No. 631. John R. Clarke, petitioner, *v. The Town of Northampton*. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 663. Ralph Moore, etc., petitioner, *v. Southern Railway Company*. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 226. Joel W. Lockwood, petitioner, *v. Exchange Bank of Fort Valley et al.* Ordered that the whole record and cause be sent up to this court for consideration, and thereupon the case will be taken as submitted on the briefs already filed and argument had.

No. 242. Frederick D. Schulte et al., plaintiffs in error, *v.* August Heman. In error to the supreme court of the State of Missouri. Judgment affirmed with costs, on the authority of *Shumate v. Heman*, 181 U. S., 402; *French v. Barber Asphalt Paving Company*, id., 324; *Chadwick v. Kelly*, 187 U. S., 540; *Fallbrook Irrigation District v. Bradley*, 164 U. S., 112. See *Heman v. Schulte*, 166 Mo., 409.

Nos. 249 and 250. The United States ex rel., Henry D. Phillips, plaintiff in error, *v.* Eugene F. Ware, Commissioner of Pensions; and

Nos. 251 and 322. The United States ex rel. Henry D. Phillips, plaintiff in error, *v.* Ethan Allen Hitchcock, Secretary of the Interior, et al. In error to the court of appeals of the District of Columbia. Writs of error dismissed for the want of jurisdiction. Act of March 3, 1901, sec. 233, 31 Stat., 1189, c. 854; act of February 9, 1893, sec. 8, 27 Stat., 434, c. 74; act of March 3, 1885, 23 Stat., 443, c. 355; *Baltimore and Potomac Railroad Company v. Hopkins*, 130 U. S., 210; *United States v. Lynch*, 137 U. S., 280; *Cameron v. United States*, 146 U. S., 533; *South Carolina v. Seymour*, 153 U. S., 353.

No. 357. Mary J. Lyon et al., plaintiffs in error, *v.* Margaret Gombret et al. In error to the supreme court of the State of Nebraska. Writ of error dismissed for the want of jurisdiction, on the authority of *Eustis v. Bolles*, 150 U. S., 361; *Pierce v. Somerset Railway*, 171 U. S., 648; *Gillis v. Stinchfield*, 159 U. S., 658; *Missouri Pacific Railway Company v. Fitzgerald*, 160 U. S., 556. See *Lyon v. Gombret*, 88 N. W., 774.

No. 652. H. Bauendahl & Co., petitioners, *v.* Jacob S. Bernheimer & Bro. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Adolph G. Wolf for the petitioners, and by Mr. Max J. Kohler for the respondents.

No. 672. The Steamship Ely, etc., petitioner, *v.* William B. Bowring et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. J. Parker Kirlin and Mr. Charles R. Hickox for the petitioner, and by Mr. Wilhelmus Mynderse for the respondents.

No. 666. August A. Busch et al., appellants, *v.* G. P. Webb et al. Motion to extend restraining order submitted by Mr. A. G. Moseley and Mr. Louis B. Eppstein for the appellants in support of motion, and by Mr. Amos L. Beaty for the appellees in opposition thereto.

No. 489. The Underground Railroad of the City of New York et al., appellants, *v.* The City of New York et al. Motion that this case be taken as submitted submitted by Mr. Roger Foster for the appellants in support of the motion, and by Mr. George L. Rives, Mr. George W. Wickersham, Mr. De Lancey Nicoll and Mr. Edward M. Shepard for the appellees in opposition thereto.

No. —, Original. *Ex parte*: In the matter of The Goodyear Shoe Machinery Company, petitioner. Motion for leave to file petition for writs of prohibition and mandamus submitted by Mr. Edwards H. Childs for the petitioner in support of motion, with leave to Mr. Roger Foster to file brief in opposition on or before Friday next, and to Mr. Childs to file reply brief on or before Monday next.

No. 669. S. Warren Lamson et al., petitioners, *v.* Charles F. Hutchings, executor, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. David Moncrieffe Kirton and Mr. William H. Barnum for the petitioners.

No. 611. The New York, New Haven and Hartford Railroad Company, plaintiff in error, *v.* Patrick McKeon. Motions to dismiss or affirm submitted by Mr. Stiles Judson, jr., in support of motions, and by Mr. Arthur M. Marsh in opposition thereto.

No. 280. The People's National Bank of Lynchburg, Va., appellant, *v.* Morton Marye, auditor, etc. Continued per stipulation of counsel.

No. 247. The Board of Commissioners of Wilkes County et al., petitioners, *v.* W. N. Coler & Co. Argument continued by Mr. John F. Dillon for the respondents, and concluded by Mr. A. C. Avery for the petitioners.

No. 15, Original. *Ex parte*: In the matter of W. W. Watts, petitioner; and

No. 16, Original. *Ex parte*: In the matter of David A. Sachs, petitioner. Argued by Mr. D. W. Fairleigh and Mr. William H. H. Miller for the petitioners, and by Mr. George H. Hester (by special leave) for interested parties, and by Mr. Solicitor-General Hoyt for the respondent.

No. 11, Original. The United States, complainant, *v.* The State of Michigan. Argument on demurrer commenced by Mr. Henry M. Oren for the defendant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 21, will be as follows: Nos. 256, 257, 258, 259, 261, 262, 263, 264, 661 and 266.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 21, 1903.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna and Mr. Justice Holmes.

Alfred J. Carr of Baltimore, Md., and Walter W. Middlecoff of Stockton, Cal., were admitted to practice.

No. 11, Original. The United States, complainant, *v.* The State of Michigan. Argument on demurrer continued by Mr. Henry M. Oren for the defendant, by Mr. M. C. Burch for the complainant, and concluded by Mr. Henry M. Oren for the defendant.

No. 256. The Western Union Telegraph Company, plaintiff in error, *v.* The State of Missouri *ex rel.* Chris. Gottlieb, collector, etc. Argued by Mr. Eleneious Smith and Mr. John F. Dillon for the plaintiff in error, and by Mr. H. M. Meriwether for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 22, will be as follows: Nos. 257, 258, 259, 261, 262, 263, 264, 661, 266 and 267 (and 268).

O

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 22, 1903.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna and Mr. Justice Holmes.

Thomas D. Healy of Fort Dodge, Iowa, and Benjamin F. Washer of Louisville, Ky., were admitted to practice.

No. 257. The Defiance Water Company, appellant, *v.* The City of Defiance et al. Argued by Mr. Henry Newbegin and Mr. Robert Newbegin for the appellant, and by Mr. Henry B. Harris and Mr. Fred. L. Hay for the appellees.

No. 258. The Swan & Finch Company, appellant, *v.* The United States. Argument commenced by Mr. William B. King for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 23, will be as follows: Nos. 258, 259, 261, 262, 263, 264, 661, 266, 267 (and 268) and 270.

O

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 23, 1903.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna and Mr. Justice Holmes.

Henry C. Morris of Chicago, Ill., John Walter Lord of Baltimore, Md., John H. Voorhees of Sioux Falls, S. Dak., Claude G. Stephenson of Washington, D. C., and Nathan C. Miller of Denver, Colo., were admitted to practice.

No. 270. James P. Witherow, appellant, *v.* Carnegie Steel Company, Limited. Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs, pursuant to the tenth rule.

No. 258. The Swan & Finch Company, appellant, *v.* The United States. Argument continued by Mr. William B. King for the appellant, by Mr. Assistant Attorney-General Pradt for the appellee, and concluded by Mr. William B. King for the appellant.

No. 259. The Republic of Colombia, appellant, *v.* The Cauca Company et al. Argument commenced by Mr. William G. Johnson for the appellant, and continued by Mr. John W. Beaumont for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 24, will be as follows: Nos. 259, 261, 262, 263, 264, 661, 266, 267 (and 268), 271 and 272.

○

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 24, 1903.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna and Mr. Justice Holmes.

Clifford L. Anderson of Atlanta, Ga., and John O'Neill of Waterbury, Conn., were admitted to practice.

No. 531. John Lawrence O'Brien, appellant, *v.* John H. Shine, United States marshal. Mandate granted, on motion of Mr. D. W. Baker for the appellant.

No. 271. J. F. Hardeman et al., plaintiffs in error, *v.* Katie Turner et al. Death of Katie Turner, one of the defendants in error herein, suggested, and cause continued.

No. 272. Randolph & Randolph, appellants, *v.* J. W. Scruggs, trustee. Submitted by Mr. William M. Randolph and Mr. Wassell Randolph for the appellants. No counsel appeared for the appellee.

No. 262. The Cleveland, Cincinnati, Chicago and St. Louis Railway Company, plaintiff in error, *v.* The Village of Clyde, Ohio. In error to the supreme court of the State of Ohio. Dismissed with costs, on authority of counsel for the plaintiff in error.

No. 259. The Republic of Colombia, appellant, *v.* The Cauca Company et al. Argument continued by Mr. John W. Beaumont and Mr. John K. Cowen for the appellees, and concluded by Mr. William G. Johnson for the appellant.

No. 261. Danforth Geer et al., appellants, *v.* The Mathieson Alkali Works et al. Submitted by Mr. William W. MacFarland for the appellants, and by Mr. Alfred Ely for the appellees.

No. 263. Mutual Reserve Fund Life Association, appellant, *v.* James S. Phelps et al. Argument commenced by Mr. William D. Guthrie for the appellant, and continued by Mr. Benjamin F. Washer for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 27, will be as follows: Nos. 263, 264, 661, 266, 267 (and 268), 276, 277, 278, 279 and 281.



# SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 27, 1903.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna and Mr. Justice Holmes.

Freedom Hutchinson of Boston, Mass., S. Cameron Hinkle of Atlantic City, N. J., Robert H. Ingersoll of Atlantic City, N. J., John Peirce Bruns of Baltimore, Md., and C. W. Corliss of Seattle, Wash., were admitted to practice.

No. 236. The United States, appellant, *v.* John C. Sweet. Appeal from the Court of Claims. Judgment reversed, and cause remanded with directions to dismiss the claimant's petition. Opinion by Mr. Justice Holmes.

No. 235. The United States, appellant, *v.* Peter W. Barnett. Appeal from the Court of Claims. Judgment reversed, and cause remanded with directions to dismiss the claimant's petition. Opinion by Mr. Justice Holmes.

No. 493. Jackson W. Giles, appellant, *v.* E. Jeff. Harris et al., board of registrars of Montgomery, Ala. Appeal from the circuit court of the United States for the middle district of Alabama. Decree affirmed with costs. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Harlan, Mr. Justice Brewer and Mr. Justice Brown.

No. 206. The Chattanooga National Building and Loan Association, petitioner, *v.* William H. Denson et al. On writ of certiorari 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 Alabama. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Harlan.

No. 229. Eugene C. Gordon use of Mary G. Roper, plaintiff in error, *v.* Arthur E. Randle. In error to the court of appeals of the District of Columbia. Order affirmed with costs. Opinion by Mr. Justice McKenna.

No. 234. The Onondaga Nation et al., plaintiffs in error, *v.* John Boyd Thacher. In error to the supreme court of the State of New York. Dismissed for the want of jurisdiction. Opinion by Mr. Justice White.

No. 174. Clinton B. Wiser et al., appellants, *v.* John Lawler et al. Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 225. Joseph A. Sawyer et al., plaintiffs in error, *v.* Daniel S. Piper. In error to the supreme court of the State of Minnesota. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brewer.

No. 13, Original. *Ex parte*: In the matter of James S. Barton Key, petitioner. Petition for writ of mandamus. Rule to show cause discharged and petition dismissed. Opinion by Mr. Chief Justice Fuller.

No. 516. Harry J. Jaquith, trustee, appellant, *v.* G. Edwin Alden. Appeal from the United States circuit court of appeals for the first circuit. Decree affirmed with costs, and cause remanded to the district court of the United States for the district of Massachusetts. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice White and Mr. Justice McKenna.

The Chief Justice announced that the call of the docket will be suspended on Friday, May 1, and that the court will adjourn for the term on Monday, June 1 next.

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

No. 489. The Underground Railroad of the City of New York et al., appellants, *v.* The City of New York et al. Motion that case be taken as submitted denied.

No. 666. August A. Busch et al., appellants, *v.* G. P. Webb et al. Motion to extend restraining order denied.

No. 652. H. Bauendahl & Co., petitioners, *v.* Jacob S. Bernheimer & Bro. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 669. S. Warren Lamson et al., petitioners, *v.* Charles F. Hutchings, executor, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 672. The Steamship Ely, etc., petitioner, *v.* William B. Bowring et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 237. The Second National Bank of Richmond, Ky., plaintiff in error, *v.* C. N. Fitzpatrick et al. In error to the court of appeals of the State of Kentucky. Writ of error dismissed for the want of jurisdiction, on the authority of *Haseltine v. Central Bank*, 183 U. S., 130.

No. 611. The New York, New Haven and Hartford Railroad Company, plaintiff in error, *v.* Patrick McKeon. In error to the court of common pleas of Fairfield County, Conn. Judgment affirmed with costs and interest, on the authority of *Wheeler v. New York, etc., Railroad*

Company, 178 U. S., 321; New York and New England Railroad Company *v.* Bristol, 151 U. S., 556; Arrowsmith *v.* Harmoning, 118 U. S., 194; Little Rock, etc., Railway Company *v.* Worthen, 120 U. S., 97-102; Davidson *v.* New Orleans, 96 U. S., 97, 105; see 53 Atlantic Rep., 656.

No. 307. William R. Warner, jr., executor, etc., appellant, *v.* The Searle & Hereth Company et al. Motion to dismiss submitted by Mr. A. B. Browne in behalf of Mr. Philip C. Dyrenforth in support of motion, and by Mr. Frank T. Brown and Mr. Samuel E. Darby in opposition thereto.

No. 656. Hippolite Filhiol et al., plaintiffs in error, *v.* George H. Torney. Motion to advance submitted by Mr. J. H. McGowan for the plaintiffs in error.

No. 680. The American National Bank of Denver, petitioner, *v.* Samuel W. Watkins. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. T. J. O'Donnell for the petitioner, with leave to counsel for the respondent to file brief within five days.

No. 673. Fuller and Johnson Manufacturing Company, petitioner, *v.* A. J. Seiler. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. William R. Bagley for the petitioner, and by Mr. Charles M. Peck for the respondent, with leave to counsel for the petitioner to file reply brief within three days.

No. 678. The Western Assurance Company of Toronto, Canada, petitioner, *v.* Henri M. De Farconnet et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Harrington Putnam for the petitioner, and by Mr. Wilhelmus Mynderse for the respondents.

No. 671. A. Nelson Lewis, petitioner, *v.* Charles H. Trowbridge, trustee, et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. A. Nelson Lewis pro se, and by Mr. John K. Beach, Mr. Edmund Wetmore and Mr. Frank W. Hackett for the respondents.

No. 284. Emerson Chamberlin, appellant, *v.* The Peoria, Decatur and Evansville Railway Company et al. Appeal from the circuit court of the United States for the district of Indiana. Dismissed, per stipulation.

No. 290. Alice A. Cable, administratrix, etc., petitioner, *v.* The United States Life Insurance Company of New York City. Continued, per stipulation.

No. 277. Thomas C. Bedford et al., appellants, *v.* The United States. Continued, per stipulation.

No. 281. The Virginia-Carolina Chemical Company, petitioner, *v.* The Home Insurance Company of New York et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit. Dismissed for the want of prosecution.

No. 263. Mutual Reserve Fund Life Association, appellant, *v.* James S. Phelps et al. Argument continued by Mr. Benjamin F. Washer for the appellees, and concluded by Mr. Edmund F. Trabue for the appellant.

No. 264. The Board of Commissioners of Stanly County et al., petitioners, *v.* W. N. Coler & Co. Argument commenced by Mr. James E. Shepherd for the petitioners, and continued by Mr. John F. Dillon for the respondents.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 28, will be as follows: Nos. 264, 661, 266, 267 (and 268), 276, 278, 279, 282, 285 and 286.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 28, 1903.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna and Mr. Justice Holmes.

Charles B. Rogers of Vinita, Ind. T., Samuel Untermeyer of New York City, Mitchell D. Follansbee of Chicago, Ill., and C. H. Montgomery of Joplin, Mo., were admitted to practice.

No. 661. Whitaker Wright, appellant, *v.* William Henkel, United States marshal, etc. Leave granted to file brief herein on behalf of the United States, on motion of Mr. Solicitor-General Hoyt for the United States.

No. 276. Johnson Blackfeather, principal chief, etc., appellant, *v.* The United States. Submitted by Mr. John C. Chaney and Mr. Alphonso Hart for the appellant, and by Mr. Assistant Attorney-General Pradt and Mr. W. H. Button for the appellee.

No. 264. The Board of Commissioners of Stanly County et al., petitioners, *v.* W. N. Coler & Co. Argument continued by Mr. John F. Dillon for the respondents, and concluded by Mr. A. C. Avery for the petitioners.

No. 661. Whitaker Wright, appellant, *v.* William Henkel, United States marshal, etc. Argument commenced by Mr. Samuel Untermeyer for the appellant, and continued by Mr. Charles Fox for the appellee, and by Mr. Solicitor-General Hoyt for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 29, will be as follows: Nos. 661, 266, 267 (and 268), 278, 279, 282, 285, 286, 288 and 289.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 29, 1903.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna and Mr. Justice Holmes.

John A. Eaton of Kansas City, Mo., was admitted to practice.

No. 661. Whitaker Wright, appellant, *v.* William Henkel, United States marshal, etc. Argument continued by Mr. Solicitor-General Hoyt for the United States, and concluded by Mr. Louis Marshall for the appellant.

No. 266. Esther S. Buchanan, administratrix, etc., et al., plaintiffs in error, *v.* Laura Patterson et al. Argument commenced by Mr. Archibald H. Taylor for the plaintiffs in error, and continued by Mr. Arthur W. Machen, jr., for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 30, will be as follows: Nos. 266, 267 (and 268), 278, 279, 282, 285, 286, 288, 289 and 291.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 30, 1903.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna and Mr. Justice Holmes.

C. C. Coleman of Clay Center, Kans., and Donald Harper of New York City were admitted to practice.

No. 294. H. Hollis Hunnewell, plaintiff in error, *v.* Edward D. Presho et al., etc. Continued, per stipulation.

No. 266. Esther S. Buchanan, administratrix, etc., et al., plaintiffs in error, *v.* Laura Patterson et al. Argument continued by Mr. Arthur W. Machen, jr., Mr. Frank P. Clark and Mr. Arthur W. Machen for the defendants in error, and concluded by Mr. Edward P. Keech, jr., for the plaintiffs in error.

No. 267. George H. Mifflin et al., appellants, *v.* Benjamin F. Dutton et al.; and

No. 268. George H. Mifflin et al., appellants, *v.* The R. H. White Company. Argument commenced by Mr. Samuel J. Elder for the appellants, and continued by Mr. Andrew Gilhooly for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, May 1, will be as follows: Nos. 267 (and 268), 278, 279, 282, 285, 286, 288, 289, 291 and 292.

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, MAY 1, 1903.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna and Mr. Justice Holmes.

William A. Keener and Charles Bulkley Hubbell of New York City were admitted to practice.

No. 278. B. M. Patterson et al., appellants, *v.* The Bark Eudora. Leave granted to file brief herein on behalf of the United States, on motion of Mr. Assistant Attorney-General Purdy for the United States.

No. 155. John E. Sexton, plaintiff in error, *v.* The People of the State of California. Mandate stayed for fifteen days, on motion of Mr. James Parker for the plaintiff in error.

No. 292. W. W. Atkin, plaintiff in error, *v.* The State of Kansas. Submitted by Mr. Thomas A. Pollock for the plaintiff in error, and by Mr. C. C. Coleman and Mr. N. H. Loomis for the defendant in error.

No. 267. George H. Mifflin et al., appellants, *v.* Benjamin F. Dutton et al.; and

No. 268. George H. Mifflin et al., appellants, *v.* The R. H. White Company. Argument continued by Mr. Andrew Gilhooly for the appellees, and concluded by Mr. Edmund A. Whitman for the appellants.

No. 278. B. M. Patterson et al., appellants, *v.* The Bark Eudora. Argued by Mr. J. Hill Brinton for the appellants, and by Mr. Horace L. Cheyney for the appellee, with leave to counsel for the appellee to file an additional brief within five days.

No. 279. The Minneapolis and St. Louis Railroad Company, plaintiff in error, *v.* David D. Gano et al. Submitted by Mr. Albert E. Clarke for the plaintiff in error. No brief filed for the defendants in error.

No. 282. Anton Johanson, plaintiff in error, *v.* The State of Washington. Argued by Mr. C. W. Corliss for the plaintiff in error, and by Mr. W. B. Stratton for the defendant in error, with leave to counsel for both sides to file additional briefs within twenty days.



No. 285. George E. Gee, plaintiff in error, *v.* Henry D. Gee. Submitted by Mr. Thomas G. Frost for the plaintiff in error, and by Mr. Leon E. Lum and Mr. Jed L. Washburn for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call has been suspended for the term.

O

# SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 4, 1903.

---

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

Charles Hial Darling of Bennington, Vt., Frederick Lincoln Siddons of Washington, D. C., Henry W. Anderson of Richmond, Va., John A. Garver of New York City, J. Gray Lucas of Chicago, Ill., Franklin Dewey Richards of Salt Lake City, Utah, and Henry G. Newton of New Haven, Conn., were admitted to practice.

No. 8. Annie R. Kean et al., plaintiffs in error, *v.* The Calumet Canal and Improvement Company. In error to the supreme court of the State of Indiana. Judgment affirmed with costs. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice White and Mr. Justice McKenna.

No. 160. The Northern Pacific Railway Company, plaintiff in error, *v.* Abner Townsend et al. In error to the supreme court of the State of Minnesota. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice White. Dissenting: Mr. Justice Harlan and Mr. Justice Brown.

No. 223. The Texas and Pacific Railway Company, plaintiff in error, *v.* Samuel E. Watson. 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 White.

No. 188. The Oregon and California Railroad Company, appellant, *v.* The United States. Appeal from the United States circuit court of appeals for the ninth circuit. Decree of the said United States circuit court of appeals and of the circuit court of the United States for the district of Oregon reversed, and cause remanded to said circuit court with directions to dismiss the bill. Opinion by Mr. Justice Brown. (Mr. Justice McKenna, having filed the bill in this case as Attorney-General, did not participate in this decision.)

No. 213. A. D. James, United States marshal for the western district of Kentucky, and The United States, appellants, *v.* Henry Bowman. Appeal from the district court of the United States for the western district of Kentucky. Order affirmed. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Harlan and Mr. Justice Brown. (Mr. Justice McKenna took no part in the decision of this case.)

The Chief Justice announced the following orders of the court:

No. —, Original. *Ex parte*: In the matter of The Goodyear Shoe Machinery Company, petitioner. Motion for leave to file petition for writs of prohibition and mandamus denied.

No. 307. William R. Warner, jr., executor, etc., appellant, *v.* The Searle & Hereth Company et al. Motion to dismiss postponed to the hearing of the cause on its merits.

No. 404. The German Savings and Loan Society, plaintiff in error, *v.* Dora May Dormitzer et al. Motions to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 656. Hippolite Filhiol et al., plaintiffs in error, *v.* George H. Torney. Motion to advance denied.

No. 671. A. Nelson Lewis, petitioner, *v.* Charles H. Trowbridge, trustee, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 673. Fuller & Johnson Manufacturing Company, petitioner, *v.* A. J. Seiler. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 678. The Western Assurance Company of Toronto, Canada, petitioner, *v.* Henri M. De Farconnet et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 680. The American National Bank of Denver, petitioner, *v.* Samuel W. Watkins. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 279. The Minneapolis and St. Louis Railroad Company, plaintiff in error, *v.* David D. Gano et al. In error to the supreme court of the State of Iowa. Judgment affirmed with costs and interest, on the authority of *Electric Company v. Dow*, 166 U. S., 489; *Railroad Company v. Matthews*, 174 U. S., 96; *St. Louis, etc., Railway Company v. Paul*, 173 U. S., 404. See 114 Iowa, 713.

No. 285. George E. Gee, plaintiff in error, *v.* Henry D. Gee. In error to the supreme court of the State of Minnesota. Writ of error dismissed for the want of jurisdiction, on the authority of *Beaupre v. Noyes*, 138 U. S., 402; *Haseltine v. Central Bank of Springfield*, 183 U. S., 130. See 84 Minn., 384.

No. 534. W. C. O'Neal, plaintiff in error, *v.* The United States. Motion to dismiss submitted by Mr. Solicitor-General Hoyt for Mr. B. C. Tunison in support of motion, and by Mr. W. A. Blount in opposition thereto.

No. 688. Elbert R. Robinson, petitioner, *v.* The Chicago City Railway Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. J. Gray Lucas for the petitioner, and by Mr. Thomas A. Banning and Mr. Ephraim Banning in opposition to the petition.

No. 681. Anglo-American Provision Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. George E. Hamilton for Mr. James C. McShane for the petitioner, and by Mr. Solicitor-General Hoyt for the respondent.

No. 685. Ocean Steamship Company of Savannah, petitioner, *v.* John Richard Crooks. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Frederic D. McKenney and Mr. Julien T. Davies for the petitioner.

No. 674. Supreme Council American Legion of Honor, petitioner, *v.* Augusta E. Orcutt. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Alfred J. Carr, Mr. Henry Newbegin and Mr. Robert Newbegin for the petitioner, and by Mr. Alexander L. Smith for the respondent.

No. 686. William B. Gurney, jr., et al., petitioners, *v.* The Steamboat John H. Starin, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. J. K. Symmers and Mr. Samuel Park for the petitioners, and by Mr. Henry G. Newton for the respondent.

No. —, Original. *Ex parte:* In the matter of Helen Post, petitioner. Motion for leave to file petition for a writ of habeas corpus submitted by Mr. H. Bisbee for the petitioner, and one week allowed Solicitor-General to file opposition, if he is so advised.

No. 634. Freedom Hutchinson, trustee, appellant, *v.* Otis, Wilcox & Co. Motion to dismiss submitted by Mr. John C. Gray and Mr. Roland Gray in support of motion, and by Mr. Frederic D. McKenney and Mr. Freedom Hutchinson in opposition thereto.

No. 649. Charles H. Shaw, trustee, et al., appellants, *v.* The City of Covington et al. Motions to dismiss or affirm submitted by Mr. F. J. Hanlon in support of motions, and by Mr. Miller Outcalt in opposition thereto.

Adjourned until Monday, May 18, at 12 o'clock.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 18, 1903.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna and Mr. Justice Holmes.

Robert H. McNeill of Jefferson, N. C., E. C. Foster of Washington, D. C., Frederic P. Warfield of Washington, D. C., John C. Gittings of Washington, D. C., James B. McDonough of Fort Smith, Ark., Edgar E. Bryant of Fort Smith, Ark., Alfred Heber Holbrook of New York City, William Look of Detroit, Mich., Theodore J. Geisler of Portland, Oreg., Walter W. Ross of New York City and William M. Offley of Washington, D. C., were admitted to practice.

No. 56. Gertrude H. Hardin et al., plaintiffs in error, *v.* Charles B. Shedd. In error to the supreme court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice White and Mr. Justice McKenna.

No. 259. The Republic of Colombia, appellant, *v.* The Cauca Company et al. Appeal from the United States circuit court of appeals for the fourth circuit. Decree reversed with costs, and cause remanded to the circuit court of the United States for the northern district of West Virginia, with directions to enter a decree confirming the award for and up to the sum of \$193,204.02. Opinion by Mr. Justice Holmes.

No. 272. Randolph & Randolph, appellants, *v.* J. W. Scruggs, trustee. On a certificate from the United States circuit court of appeals for the sixth circuit. Questions answered. Opinion by Mr. Justice Holmes.

No. 238. Jefferson B. Conley, plaintiff in error, *v.* The Mathieson Alkali Works. In error to the circuit court of the United States for the southern district of New York. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 256. The Western Union Telegraph Company, plaintiff in error, *v.* The State of Missouri ex rel. Chris. Gottlieb, collector, etc. In error to the supreme court of the State of Missouri. Judgment affirmed with costs and interest. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice White and Mr. Justice Peckham. (Mr. Justice Brewer concurs in the result.)

No. 217. *Cosmos Exploration Company, appellant, v. Gray Eagle Oil Company et al.* Appeal from the United States circuit court of appeals for the ninth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the southern district of California. Opinion by Mr. Justice Peckham.

No. 218. *Pacific Land and Improvement Company, appellant, v. Elwood Oil Company et al.* Appeal from the United States circuit court of appeals for the ninth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the southern district of California. Opinion by Mr. Justice Peckham.

No. 632. *The United States of America on the relation of The Riverside Oil Company, plaintiff in error, v. Ethan A. Hitchcock, Secretary of the Interior.* In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Peckham.

No. 232. *Southern Railway Company, plaintiff in error, v. J. H. Allison.* In error to the supreme court of the State of North Carolina. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Peckham.

No. 214. *The Interstate Commerce Commission, appellant, v. The Louisville and Nashville Railroad Company et al.* Appeal from the United States circuit court of appeals for the fifth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the southern district of Alabama. Opinion by Mr. Justice White. Dissenting: Mr. Justice Harlan.

No. 258. *The Swan & Finch Company, appellant, v. The United States.* Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Brown and Mr. Justice Peckham.

No. 263. *Mutual Reserve Fund Life Association, appellant, v. James S. Phelps et al.* 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 Kentucky. Opinion by Mr. Justice Brewer.

No. 47. *Mary Phelps Montgomery, executrix, etc., plaintiff in error, v. The City of Portland et al.* In error to the supreme court of the State of Oregon. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 247. *The Board of Commissioners of Wilkes County et al., petitioners, v. W. N. Coler & Co.* On writ of certiorari to the United States circuit court of appeals for the fourth circuit. Decree affirmed with

costs, and cause remanded to the circuit court of the United States for the western district of North Carolina. Opinion by Mr. Justice Harlan.

No. 15, Original. *Ex parte*: In the matter of W. W. Watts, petitioner; and

No. 16, Original. *Ex parte*: In the matter of David A. Sachs, petitioner. Ordered that petitioners be discharged. Opinion by Mr. Chief Justice Fuller.

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

No. 674. Supreme Council American Legion of Honor, petitioner, *v.* Augusta E. Orcutt. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 681. Anglo-American Provision Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 685. Ocean Steamship Company, petitioner, *v.* John Richard Crooks. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 686. William B. Gurney, jr., et al., petitioners, *v.* The Steamboat John H. Starin, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 688. Elbert R. Robinson, petitioner, *v.* The Chicago City Railway Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 649. Charles H. Shaw, trustee, et al., appellants, *v.* The City of Covington et al. Motions to dismiss or affirm denied.

No. 696. The Northern Securities Company et al., appellants, *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Hoyt for the appellee.

No. 701. W. O. Johnson, petitioner, *v.* Southern Pacific Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. L. A. Shaver for the petitioner, and by Mr. Maxwell Evarts and Mr. Martin L. Clardy for the respondent.

No. 699. John Holmes et al., petitioners, *v.* The Ship Queen Elizabeth, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. R. D. Benedict for the petitioners, and by Mr. Wilhelmus Mynderse for the respondent.

No. 697. The Farmers' Loan and Trust Company, trustee, petitioner, *v.* The Lake Street Elevated Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh



circuit submitted by Mr. Thomas H. Clark in behalf of Mr. I. K. Boyesen for the petitioner, and by Mr. Charles H. Aldrich and Mr. Clarence A. Knight for the respondent.

No. 1, Original. The State of New Jersey, complainant, *v.* The State of Delaware. Leave granted Mr. George H. Bates, of counsel for defendant, to file motion for appointment of commissioner to take testimony and for an order in reference to manner of taking the testimony and to fix day for hearing, and motion submitted.

No. 698. Reid, Murdoch & Co., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. W. Wickham Smith and Mr. Charles Curie for the petitioners, and by Mr. Solicitor-General Hoyt for the respondent.

No. 6, Original. The State of Tennessee, complainant, *v.* The State of Virginia. Motion to confirm report of commissioners and for final decree submitted by Mr. Charles T. Cates, jr., for the complainant.

No. 574. William K. Tubman, plaintiff in error, *v.* The Baltimore and Ohio Railroad Company et al. Motion to dismiss or affirm submitted by Mr. J. S. Flannery in behalf of Mr. George E. Hamilton and Mr. Frederic D. McKenney in support of motion, and by Mr. William A. Meloy in opposition thereto.

No. 644. The New York and Porto Rico Steamship Company, plaintiff in error, *v.* J. Ochoa y Hermano; and

No. 645. The New York and Porto Rico Steamship Company, plaintiff in error, *v.* Successors of M. Lomba & Co. Motions to dismiss submitted by Mr. J. S. Flannery in behalf of Mr. Frederic D. McKenney and Mr. F. H. Dexter in support of motions, and by Mr. John G. Carlisle, Mr. F. Kingsbury Curtis, Mr. Joseph K. McCammon and Mr. James H. Hayden in opposition thereto, with leave to counsel for defendants in error to file reply brief within five days.

No. 683. James H. Gilbert, sheriff, etc., *v.* The American Surety Company of New York et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. J. S. Flannery in behalf of Mr. Frederic D. McKenney and Mr. Lynden Evans for the petitioner, and by Mr. T. A. Moran, Mr. Levy Mayer and Mr. Alfred S. Austrian for the respondents.

No. 700. F. P. Olcott et al., petitioners, *v.* Columbus Cartwright et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Maxwell Evarts and Mr. T. D. Cobb for the petitioners, with leave to counsel for respondents to file brief within eight days.



No. 693. American Sales Book Company et al., petitioners, *v.* Josephus Bullivant, jr. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Theodore J. Geisler and Mr. Leon Tobriner for the petitioners.

No. 709. The Delaware, Lackawanna and Western Railroad Company, petitioner, *v.* Eston E. Devore, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Walter W. Ross and Mr. William D. Guthrie for the petitioner, with leave to counsel for respondent to file brief within one week.

No. 301. D. N. Holden et al., appellants, *v.* J. A. Stratton et al. Motion to dismiss submitted by Mr. Frederick Bausman, in support of motion, and by Mr. George Turner and Mr. P. P. Carroll in opposition thereto.

No. 294. H. Hollis Hunnewell, plaintiff in error, *v.* Edward W. Presho et al., street commissioners, etc. In error to the supreme judicial court of the State of Massachusetts. Dismissed with costs, per stipulation.

Adjourned until Monday, June 1, at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, JUNE 1, 1903.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna and Mr. Justice Holmes.

James P. Lavin of Seattle, Wash., James C. McReynolds of Nashville, Tenn., William Kaufman of Pittsburg, Pa., Charles J. Roe of Jersey City, N. J., Joseph A. Duffy of Jersey City, N. J., Charles D. Hayt of Denver, Colo., L. C. Alexander of Waco, Tex., Jonathan R. Smith of Philadelphia, Pa., James R. P. Brown of Pittsburg, Pa., Charles A. Collin of New York City, Willard R. Bleakmore of Ardmore, Ind. T., E. Hume Talbert of New York City, Jesse D. Gustin of Salem, Mo., James H. Simpson of New York City, Hervey S. Knight of Washington, D. C., and William E. Garvin of St. Louis, Mo., were admitted to practice.

No. 241. *Globe Refining Company, plaintiff in error, v. The Landa Cotton Oil Company.* In error to the circuit court of the United States for the western district of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 246. *Thomas P. Queenan, plaintiff in error, v. The Territory of Oklahoma.* In error to the supreme court of the Territory of Oklahoma. Judgment affirmed. Opinion by Mr. Justice Holmes.

No. 634. *Freedom Hutchinson, trustee, appellant, v. Otis, Wilcox & Co.* Appeal from the United States circuit court of appeals for the first circuit. Decree affirmed with costs, and cause remanded to the district court of the United States for the district of Massachusetts. Opinion by Mr. Justice Holmes.

No. 264. *The Board of Commissioners of Stanly County et al., petitioners, v. W. N. Coler & Co.* On writ of certiorari to the United States circuit court of appeals for the fourth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the western district of North Carolina. Opinion by Mr. Justice McKenna.

No. 261. Danforth Geer et al., appellants, *v.* The Mathieson Alkali Works et al. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Justice McKenna.

No. 11, Original. The United States, complainant, *v.* The State of Michigan. Demurrer overruled, and leave granted defendant to answer. Opinion by Mr. Justice Peckham.

No. 244. Horace B. Dunbar, plaintiff in error, *v.* Lottie E. Dunbar. In error to the superior court of the State of Massachusetts. Judgment affirmed with costs and interest. Opinion by Mr. Justice Peckham.

No. 266. Esther S. Buchanan, administratrix, etc., et al., plaintiffs in error, *v.* Laura Patterson et al. In error to the court of appeals of the State of Maryland. Judgment affirmed with costs. Opinion by Mr. Justice Peckham.

No. 276. Johnson Blackfeather, principal chief, etc., appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Peckham.

No. 217. Cosmos Exploration Company, appellant, *v.* Gray Eagle Oil Company et al.; and

No. 218. Pacific Land and Improvement Company, appellant, *v.* Elwood Oil Company et al. Ordered that the decree dismissing the bills in these cases be modified by providing that the dismissal is without prejudice to such future proceedings as complainants may be advised and as so modified the decrees are affirmed. Announced by Mr. Justice Peckham.

No. 226. Joel W. Lockwood, petitioner, *v.* Exchange Bank of Fort Valley et al. On writ of certiorari to the United States circuit court of appeals for the fifth circuit. Judgment of the district court of the United States for the southern district of Georgia reversed with costs, and cause remanded to said court with directions to overrule the exceptions to the trustee's assignment of homestead and exemption, and to withhold the discharge of the bankrupt, if he be otherwise entitled thereto, until a reasonable time has elapsed for the excepting creditor to assert in a State tribunal his alleged right to subject the exempt property to the satisfaction of his claim. Opinion by Mr. Justice White.

No. 40. Mariano F. Sena, appellant, *v.* The United States. Ordered that the decree of affirmance in this case be amended by adding the following words: "So far as such decree orders that the petition be dismissed, but without prejudice to such further proceedings as petitioner may be advised to take." Announced by Mr. Justice Brown.

No. 267. George H. Mifflin et al., appellants, *v.* Benjamin F. Dutton et al.; and

No. 268. George H. Mifflin et al., appellants, *v.* The R. H. White Company. Appeals from the United States circuit court of appeals for the first circuit. Decrees affirmed with costs, and causes remanded to the circuit court of the United States for the district of Massachusetts. Opinions by Mr. Justice Brown.

No. 230. William L. Snyder, executor, etc., plaintiff in error, *v.* Bernard Bettman, collector, etc. In error to the circuit court of the United States for the southern district of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice Brown. Dissenting: Mr. Justice White, Mr. Chief Justice Fuller and Mr. Justice Peckham.

No. 219. The Territory of Hawaii, appellant, *v.* Osaki Mankichi. Appeal from the district court of the United States for the Territory of Hawaii. Order reversed with costs, and cause remanded with directions to dismiss the petition. Opinion by Mr. Justice Brown. Mr. Justice White concurs in the judgment. Dissenting: Mr. Chief Justice Fuller, Mr. Justice Harlan, Mr. Justice Brewer and Mr. Justice Peckham.

No. 282. Anton Johanson, plaintiff in error, *v.* The State of Washington. In error to the supreme court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 163. Atlantic and Pacific Telegraph Company, plaintiff in error, *v.* City of Philadelphia. In error to the circuit court of the United States for the eastern district of Pennsylvania. Judgment reversed, with costs, and cause remanded with directions to set aside the verdict and grant a new trial. Opinion by Mr. Justice Brewer. (Mr. Justice White, Mr. Justice Peckham and Mr. Justice McKenna concur in the judgment.)

No. 278. B. M. Patterson et al., appellants, *v.* The Bark Eudora. On a certificate from the United States circuit court of appeals for the third circuit. Questions answered in the affirmative. Opinion by Mr. Justice Brewer. (Mr. Justice Harlan concurs in the judgment.)

No. 175. Henry H. Bockfinger, appellant, *v.* John W. Foster et al., trustees. Appeal from the supreme court of the Territory of Oklahoma. Decree affirmed with costs. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice White. (Mr. Justice McKenna was not present at the argument, and took no part in the decision of this case.)

No. 534. W. C. O'Neal, plaintiff in error, *v.* The United States. In error to the district court of the United States for the northern district of Florida. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 661. Whitaker Wright, appellant, *v.* William Henkel, United States marshal. Appeal from the circuit court of the United States for the southern district of New York. Order affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 574. William K. Tubman, plaintiff in error, *v.* The Baltimore and Ohio Railroad Company et al. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

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

No. 1, Original. The State of New Jersey, complainant, *v.* The State of Delaware. Order appointing Mr. Francis Rawle a commissioner to take and return the testimony in this cause, and as to the manner of taking and returning said testimony, entered.

No. 6, Original. The State of Tennessee, complainant, *v.* The State of Virginia. Final decree entered.

No. —, Original. *Ex parte*: In the matter of Helen Post, petitioner. Motion for leave to file petition for a writ of habeas corpus denied, on the authority of *In re Mirzan*, 119 U. S., 584; *In re Chapman*, 156 U. S., 211; *In re Belt*, 159 U. S., 95.

No. 1. T. Walter Beam et al., appellants, *v.* Gustav H. Schwab. Cause restored to the docket for reargument and assigned to be heard before a full bench on the second Monday of next term, after the cases already assigned for that day, and a writ of certiorari ordered to issue to bring up the whole record.

No. 301. D. N. Holden et al., appellants, *v.* J. A. Stratton, trustee. Motion to dismiss postponed to the hearing of the cause on its merits.

No. 696. The Northern Securities Company et al., appellants, *v.* The United States. Motion to advance granted, and cause assigned for argument on Monday, December 14 next.

No. 697. The Farmers' Loan and Trust Company, trustee, petitioner, *v.* The Lake Street Elevated Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit granted.

No. 701. W. O. Johnson, petitioner, *v.* Southern Pacific Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit granted.

No. 683. James H. Gilbert, sheriff, petitioner, *v.* The American Surety Company of New York et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 693. American Sales Book Company et al., petitioners, *v.* Josephus Bullivant, jr. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 698. Reid, Murdoch & Co., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 699. John Holmes et al., petitioners, *v.* The Ship Queen Elizabeth. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 700. F. P. Olcott et al., petitioners, *v.* Columbus Cartwright et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 709. The Delaware, Lackawanna and Western Railroad Company, petitioner, *v.* Eston E. Devore, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 56. Gertrude H. Hardin et al., plaintiffs in error, *v.* Charles B. Shedd;

Nos. 140 and 265. The Board of Directors of the Chicago Theological Seminary, plaintiff in error, *v.* The People of the State of Illinois ex rel. S. B. Raymond, county treasurer, etc.; and

No. 263. Mutual Reserve Fund Life Association, appellant, *v.* James S. Phelps et al. Leave granted to submit petitions for rehearing herein.

No. 724. Leo W. McCray, plaintiff in error, *v.* The United States. Advanced and assigned for argument on Monday, October 19 next, with Nos. 614, 615, and 616, as one case, on motion of Mr. Assistant to the Attorney-General Day for the defendant in error.

No. 643. The Delaware Indians residing in the Cherokee Nation, appellants, *v.* The Cherokee Nation. Motion to advance submitted by Mr. J. J. Hemphill for the appellee.

No. 717. William J. Buttfield, plaintiff in error, *v.* Nevada N. Stranahan, collector, etc.; and

No. 719. William J. Buttfield, plaintiff in error, *v.* George R. Bidwell. Motions to advance submitted by Mr. Melville Church in behalf of counsel for the plaintiff in error.

No. 8, Original. The State of Kansas, complainant, *v.* The State of Colorado. Leave to file amended bill, etc., granted, on motion of Mr. C. C. Coleman for the complainant.

No. 219. The Territory of Hawaii, appellant, *v.* Osaki Mankichi. Motion to stay mandate and for leave to present petition for rehearing granted, on motion of Mr. A. P. Morse in behalf of counsel for appellee.

No. 357. Mary J. Lyon et al., plaintiffs in error, *v.* Margaret Gombret et al. Leave granted to withdraw original bond and writ of error and substitute a certified copy of same, on motion of Mr. William R. Harr.

No. 635. *Elmira Knepper v. John A. Sands*. Motion for a writ of certiorari to bring up the entire record submitted by Mr. William E. Fuller in behalf of Mr. I. S. Struble for Knepper.

No. 644. *The New York and Porto Rico Steamship Company, plaintiff in error, v. J. Ochoa y Hermano, etc.*; and

No. 645. *The New York and Porto Rico Steamship Company, plaintiff in error, v. Successors of M. Lomba & Co.* Leave granted to plaintiff in error to file additional brief within ten days and to defendants in error to reply in five days thereafter, on motion of Mr. James H. Hayden for the plaintiff in error.

No. 720. *Garvin Reid et al., petitioners, v. The Keene Five Cent Savings Bank et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. N. H. Loomis in behalf of Mr. T. F. Garver for the petitioners, and by Mr. William F. Guthrie for the respondents.

No. 727. *Alfred N. Treece et al., petitioners, v. The American Association et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Robert H. McNeill in behalf of Mr. Jerome Templeton for the petitioners, and by Mr. Jesse L. Rogers for the respondents.

No. 230. *William L. Snyder, executor, etc., plaintiff in error, v. Bernard Bettman, collector, etc.* Leave granted to present a petition for rehearing herein, on motion of Mr. J. E. Bowman for the plaintiff in error.

No. —, Original. *Ex parte*: In the matter of *L. L. Blake et al., petitioners*. Motion for leave to file petition for writs of prohibition, injunction and certiorari submitted by Mr. C. L. Herbert for the petitioners, and by Mr. Solicitor-General Hoyt in opposition thereto.

No. 714. *J. Overton Dickinson et al., petitioners, v. The Consolidated Traction Company et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Charles J. Roe, Mr. J. A. Duffy and Mr. M. I. Southard for the petitioners, and by Mr. John G. Johnson and Mr. Joseph Coult for the respondents.

No. 725. *Henry Raeder et al., petitioners, v. John W. Kauffman*. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. William E. Garvin for the petitioners, and by Mr. J. E. McKeighan, Mr. Shepard Barclay and Mr. M. F. Watts for the respondent.

No. 723. *H. F. Whitcomb et al., receivers, etc., petitioners, v. Ohio Coal Company*. Petition for a writ of certiorari to the United States



circuit court of appeals for the seventh circuit submitted by Mr. Duane E. Fox in behalf of Mr. William F. Vilas for the petitioners.

Order: It is now here ordered by the court that all the cases on the docket not decided and all the other business of the term not disposed of by the court be, and the same are hereby, continued until the next term of the court.

Adjourned to the time and place appointed by law.

○