

	Page
Customary visit to President postponed	1
Miller, J., death of (Oct. 13, 1890) announced	2
Miller, J., resolutions of the bar presented	61
Brown, J., "qualified"	76
Court adjourned because of absence of Justices who accompanied body of Justice Miller	3
Adjournment of a month (Feb. 2 to March 2)	103
Allotment orders	21, 94
Territories assigned to circuits	204
Rule 35 (writ of error under Act of Feb. 6, 1889, 35 Stat. 656) promulgated	21
Rule 8 amended	103
Rule 9 amended	103
Rule 35, 36, 37, 38 (March 3, 1891 Act establishing CCA) promulgated	202
Equity rule 67 amended	204
Admiralty rule 54 amended	104
Brief stricken from files (1099)	77
In forma pauperis granted - record to be printed at public expense (1311, 1607, ex parte Wilson)	21, 113
Costs - motion for attachment to enforce payment of denied (1280)	214

	Page
Bail granted (13 Orig.)	195
Judgment nunc pro tunc (92 of 1889, 126, 229)	113, 115, 161
Writ of error - leave granted to amend under sec. 1105 Rev. Stat. (1325)	130
Dismissal by appellant - motion to file reasons for denied (U.S. v. Griffith, No. 114) see opinion 141 U.S. 212	54

CLERK'S OFFICE,
SUPREME COURT U. S.

SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 13, 1890.

The court met pursuant to law.

Present: The Chief-Justice and all of the Associate Justices, except Mr. Justice Miller and Mr. Justice Field.

The Chief-Justice said:

The court reassembles under the shadow of impending affliction. The visit customarily paid to the President of the United States on the first day of the term will be postponed. Cases assigned for the second Monday of the term (October 20) will be set down for the third Monday of the term, the 27th of October. Applications for admissions to the bar will be entertained, and after they are disposed of the court will adjourn until to-morrow.

William R. Day and Joseph Frease, of Canton, Ohio, Frank J. Crawford, of Chicago, Ill., I. W. Stephens, of Weatherford, Tex., Fred. B. Dodge, of Minneapolis, Minn., J. C. Gilmore, of New Orleans, La., Thomas S. Riley, of Wheeling, W. Va., Wm. H. O'Hara and Daniel Davenport, of Bridgeport, Conn., Richard H. Savage, of San Francisco, Cal., W. B. Stoddard, of New Haven, Conn., and Samuel B. Adams, of Savannah, Ga., were admitted to practice.

Adjourned until to-morrow at twelve o'clock.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 14, 1890.

Present : The Chief-Justice and all of the Associate Justices, except Mr. Justice Field.

The Chief-Justice said :

“ It is with feelings of profound sadness that I announce the death of the senior Associate Justice of this Court, Mr. Justice Miller, which occurred at his residence in this city, at fifty-two minutes past ten o'clock, last evening. No business will be transacted, and the Court, as a mark of respect to the memory of its eminent associate, will adjourn until Monday next.”

Adjourned until Monday, October 20th, at twelve o'clock.

11038—2

○

SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 20, 1890.

Present: Mr. Justice Field, Mr. Justice Bradley, Mr. Justice Gray, Mr. Justice Blatchford, and Mr. Justice Lamar.

Mr. Justice Field said:

The Justices of this Court who accompanied the body of Mr. Justice Miller to its place of burial, in Iowa, have not returned to Washington. There is therefore not a quorum of Justices present to-day, and the Court will consequently stand adjourned until to-morrow at 12 o'clock.

Adjourned until to-morrow at 12 o'clock.

11038—3

○

No. 3.—D. Herbert Hostetter, admr., &c., appt. *vs.* R. C. Gray *et al.* Appearance of parties under order of publication, filed and entered on motion of Mr. F. H. Mackey in behalf of counsel.

No. 1301.—The U. S. *ex rel.* Amaza A. Redfield, plff. in error, *vs.* Wm. Windom, sec't'y, &c. Motion to advance submitted by Mr. F. H. Mackey in support of motion.

No. 1174.—Dick Duncan, appt., *vs.* T. P. McCall, sheriff, &c. Motion to advance submitted by Mr. H. J. May in support of motion.

No. 1210.—The Texas & Pacific Ry. Co., plff. in error, *vs.* the Southern Pacific Company. Motion to dismiss or affirm submitted by Mr. H. J. Levey in support of motions and by Mr. D. W. Howe and Mr. Jno. F. Dillon in opposition thereto.

No. 34.—Max Rosenthal, appt., *vs.* Kersey Coates, as assignee, &c. Death of appellee suggested and order of publication granted on motion of Mr. John Johns, in behalf of counsel.

No. 808.—R. B. Hooper, plff. in error, *vs.* The People of the State of California. Motion to advance submitted by Mr. A. B. Browne in support of motion.

No. 837.—The Atlantic & Pacific R. R. Co., appt., *vs.* J. T. Lesueur, treas'r, &c. Appeal from the supreme court of the Territory of Arizona; dismissed with costs on motion of Mr. A. B. Browne for appellant.

No. 1195.—The U. S., *ex rel.* R. Mason Lisle, pl'ff in error, *vs.* Jno. R. Lynch, 4th Auditor. Motion to advance submitted by Mr. W. V. R. Berry in behalf of counsel.

No. 1356.—F. H. Ayers *et al.*, pl'ffs in error, *vs.* A. E. Watson. Motion to advance submitted by Mr. Wm. E. Earle in support of motion.

No. 988.—Joseph N. Haddock, pl'ff in error, *vs.* Wm. M. Wright *et al.*, in error to the supreme court of the State of Florida. Dismissed with costs and mandate granted on motion of Mr. James Lowndes for the plaintiff in error.

No. 1383.—Daniel G. Ambler *et al.*, pl'ffs in error, *vs.* Isaac Eppinger. Advanced pursuant to the 32d rule on motion of Mr. James Lowndes for the plaintiffs in error.

No. 589.—C. S. Sweetland, trustee, app't, *vs.* Samuel Blatchford, surv'g exe'r, etc., on appeal from the supreme court of the District of Columbia. Dismissed with costs on motion of Mr. M. F. Morris for the appellant.

No. 1103.—David J. Hennessey, app't *vs.* George V. Bacon *et al.*, submitted by order of court by Mr. M. F. Morris for appellant and by Mr. E. G. Rogers for appellees.

No. 37.—Samuel G. Hickman, pl'ff in error, *vs.* The City of Fort Scott. Passed for settlement on motion of Mr. Wm. A. McKenney, of counsel for defendant in error.

Nos. 50, 51 and 52.—John N. A. Griswold, appt. *vs.* Rowland G. Hazard *et al.*

No. 53.—John N. A. Griswold, plff. in error, *vs.* Rowland G. Hazard *et al.* Passed pursuant to 26th rule on motion of Mr. Wm. A. McKenney, in behalf of counsel.

No. 300.—George L. Thayer, trustee, plff. in error, *vs.* Peter Butler, recr., etc.

No. 301.—Peter Butler, recr., etc., plff. in error, *vs.* Mary J. Eaton. Motion to advance to be heard with No. 239 as one case, submitted by Mr. Wm. A. McKenney, in behalf of counsel.

No. 580.—Byron M. Smith, appt., *vs.* Artemas Gale *et al.* Appearance of parties under order of publication filed and entered, on motion of Mr. Wm. A. McKenney, in behalf of counsel.

No. 1237.—Clifton Holden, appt., *vs.* The State of Minnesota. Motion to advance submitted by Mr. Wm. A. McKenney, in behalf of counsel.

No. 1213.—The Dable Grain Shovel Co., plff. in error, *vs.* Flint, Odell & Co. Submitted pursuant to 20th rule, by Mr. Wm. Zimmerman, for the plaintiff in error, and by Mr. Thos. A. Banning and Mr. Ephraim Banning, for defendants in error.

No. 999.—F. B. York, pl'ff in error, *vs.* The State of Texas; submitted pursuant to the 20th rule by Mr. Rufus H. Thayer for the plaintiff in error and by Mr. Jas. S. Hogg for the def't in error.

No. 5.—Hezekiah Bradford, pl'ff in error, *vs.* Harriet C. Miller *et al.*, adm'x, etc., in error to the supreme court of the District of Columbia. Dismissed with costs pursuant to the 10th rule.

No. 8.—Jesse Spalding, coll'r, etc., pl'ff in error, *vs.* George F. Stodder *et al.* Passed on motion of Mr. Solicitor-General Taft for plaintiff in error.

No. 18.—Joseph Nethercleft *et al.*, pl'ffs in error, *vs.* Wm. H. Robertson, coll'r, etc. Passed on motion of Mr. Solicitor-General Taft for the defendant in error.

No. 10.—The Washington Market Co., appt, *vs.* The District of Columbia. Submitted by Mr. A. A. Birney for appellant and by Mr. I. C. Hazelton and Mr. S. T. Thomas for defendant in error.

No. 17.—Johann B. Hoff, appt, *vs.* Tarrant & Company. Death of appellant suggested and case passed on motion of Mr. Wm. A. McKenney in behalf of counsel.

No. 28.—Wm. Ferguson, *et al.*, app'ts, *vs.* George G. Dent, *et al.*; Appeal from the C. C. U. S. for the western district of Tenn. Dismissed with costs, pursuant to the 19th rule.

No. 3.—D. Herbert Hostetter, adm'r, etc., app't, *vs.* R. C. Gray, *et al.*; argued by Mr. A. H. Clarke, for the appellant, and submitted by Mr. James H. Reed, for the appellees.

No. 11.—La Confiance Compagnie Anonyme D'Assurance Concentre L'Incendie, pl'ff in error, *vs.* John C. Hall; argued by Mr. Charles B. Alexander, of counsel for the plaintiff in error, and submitted by Mr. Given Campbell, for the defendant in error.

No. 19.—Abraham Shenfield, appt., *vs.* The Nashawannuck Mfg. Co., *et al.* Argued by Mr. E. N. Dickerson, for appt., and by Mr. Wm. A. Jenner, for appellees.

No. 23.—Simon Florsheim, *et al.*, appts., *vs.* Gustav Schilling. Argument commenced by Mr. L. L. Coburn, for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, the 22d inst., will be as follows:

Nos. 23, 29, 30, 31, 33, 35, 36, 39, 40, and 41.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 22, 1890.

Present: The Chief-Justice and all the Associate Justices.

Wm. V. Rowe and Albert Comstock, of New York City, and Samuel L. Gilmore, of New Orleans, La., were admitted to practice.

No. 1293.—The City of New Orleans, appt., *vs.* Wm. Wallace Whitney, admr., etc.

No. 1320.—Wm. Wallace Whitney, admr., etc., *vs.* The City of New Orleans. Motion to advance submitted by Mr. Thomas J. Semmes in support of motion.

No. 1239.—Jim Leeper *et al.*, plffs. in error, *vs.* The State of Texas. Motion to advance submitted by Mr. W. S. Flippin in support of motion.

No. 1224.—Henry B. Morrow, trustee, etc., appt., *vs.* The Cumberland Telephone and Telegraph Company. Motion to advance submitted by Mr. Ed. Baxter in behalf of counsel.

No. 30.—The New England Mortgage Security Co., appt., *vs.* J. F. Grooves, sheriff, etc., *et al.* Appeal from the C. C. U. S. for the district of Oregon. Dismissed with costs pursuant to the 19th rule.

No. 23.—Simon Florsheim *et al.*, appts., *vs.* Gustav Schelling. Argument continued by Mr. L. L. Bond for appellee, and concluded by Mr. L. L. Coburn for appellants.

No. 33.—The Covington Stock Yards Co., appt., *vs.* Chas. W. Keith *et al.*, &c. Submitted by Mr. Ed. Baxter for appellant. No counsel appeared for appellees.

No. 29.—John H. Harding, plff. in error, *vs.* W. M. Woodstock. Argued by Mr. Solicitor-General Taft for defendant in error, and submitted by Mr. S. Watson and Mr. E. N. Tillman for the plaintiff in error.

No. 31.—The Clark Thread Co., appt., *vs.* The Willimantic Linen Co. *et al.* Argument commenced by Mr. Edmund Wetmore for appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 23, 1890, will be as follows :

Nos. 31, 21, 35, 36, 39, 40, 41 (459, 460, and 852), 42, 43, and 45.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 23, 1890.

Present: The Chief-Justice and all the Associate Justices.

Edward W. Strong and Judson Harmon, of Cincinnati, Ohio; Joseph Paxton Blair, of New Orleans, La.; Thomas N. Williams, of New York City, and Sydney Richmond Taber, of Chicago, Ills., were admitted to practice.

No. 21.—Daniel Spell, appt., *vs.* The Celluloid Manufacturing Co. Appeal from the C. C. U. S. for the southern district of N. Y. Dismissed with costs, pursuant to the 15th rule, on motion of Mr. Thomas N. Williams, of counsel for appellee.

No. 31.—The Clark Thread Co., appt., *vs.* the Willimantic Linen Co. *et al.* Argument continued by Mr. W. C. Wetter and Mr. Clarence A. Seward for appellees, and concluded by Mr. Edmund Wetmore for appellant.

No. 39 (exchanged for No. 35).—The New York Belting & Packing Company, appt., *vs.* The New Jersey Car Spring and Rubber Co. Argument commenced by Mr. B. F. Lee for appellant, and continued by Mr. Authur V. Briesen for appellee, and by Mr. B. F. Lee for appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, the 24th inst., will be as follows:

Nos. 39, 36, 35, 40, 41, 42, 43, 45, 46, and 47.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 24, 1890.

Present: The Chief-Justice and all the Associate Justices.

John B. Goode, of Washington, D. C., and Morgan H. Beach, of Alexandria, Va., were admitted to practice.

No. 48.—The United States Appt., *vs.* The Central Pacific R. R. Co. On motion of Mr. Joseph K. McCammon, for appellee, passed, pursuant to the 26th rule.

No. 76.—Harry S. McCartney, plff. in error, *vs.* James L. Crittenden *et al.* On motion of Mr. Leigh Robinson, in behalf of counsel, passed, pursuant to 26th rule.

No. 837.—The Atlantic and Pacific R. R. Co., appt., *vs.* J. T. Lesueur, tr., etc. On motion of Mr. A. B. Brown, for appellant, mandate granted.

No. 1306.—Walter L. Pease, plff. in error, *vs.* Wm. C. Ritchie *et al.* Suggestion of death of plaintiff in error and proper representatives ordered to be entered, on motion of Mr. James S. Harlan, for plaintiff in error.

No. 39.—The New York Belting and Packing Co., appt., *vs.* The New Jersey Car Spring and Rubber Co. Argument concluded by Mr. B. F. Lee, for appellant.

No. 36.—Theo. H. Butler, *et al.*, appts., *vs.* George Steckel *et al.* Argued by Mr. Lysander Hill, for appellants, and by Mr. Thomas A. Banning, for appellees.

No. 41.—James Wallace Peake *et al.*, appts., *vs.* The City of New Orleans *et al.*

Four hours extra time granted in the argument of these cases, and three counsel granted leave to make oral argument for appts.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, the 27th inst., will be as follows:

Nos. 41, etc., 1126, etc., 774, 1142, 1143, 1144, 40, 35, 42, and 43.

11038—7

C

SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 27, 1890.

Present: The Chief-Justice and all the Associate Justices.

George A. King and Elmer P. Howe, of Boston, Mass.; Daniel O'Connell Callaghan, of Washington, D. C.; and N. Davenport, of Troy, N. Y., were admitted to practice.

No. 300.—George L. Thayer, trustee, plff. in error, *vs.* Peter Butler, recr., etc.

No. 301.—Peter Butler, recr., etc., plff. in error, *vs.* Mary J. Eaton. Motion to advance granted, and cases assigned for argument with No. 239 as one case. Announced by Mr. Chief-Justice Fuller.

No. 808.—R. B. Hooker, plff. in error, *vs.* The people of the State of California. Motion to advance denied. Announced by Mr. Chief-Justice Fuller.

No. 1174.—Dick Duncan, appt., *vs.* T. P. McCall, sheriff, etc. Motion to advance granted and case assigned for argument on the first Monday in December next. Announced by Mr. Chief-Justice Fuller.

No. 1239.—Jim Leeper *et al.*, plffs. in error, *vs.* The State of Texas. Motion to advance granted and case assigned for argument on the first Monday in December next, after the case already assigned for that day. Announced by Mr. Chief-Justice Fuller.

No. 1195.—The U. S. *ex rel.* R. Mason Lisle, plff. in error, *vs.* Jno. R. Lynch, Fourth Auditor, *et al.* Motion to advance granted and case assigned for argument on the third Monday in November next. Announced by Mr. Chief-Justice Fuller.

No. 1224.—Henry B. Morrow, trustee, *et al.*, appts., *vs.* The Cumberland Telephone and Telegraph Company. Motion to advance granted and case assigned for argument on the first Monday of December next, after cases already assigned for that day. Announced by Mr. Chief-Justice Fuller.

No. 1237.—Clifton Holden, appt., *vs.* The State of Minnesota. Motion to advance granted, and case assigned for argument on the third Monday of November next, after case already assigned for that day. Announced by Mr. Chief-Justice Fuller.

No. 1293.—The City of New Orleans, appt., *vs.* Wm. Wallace Whitney, admr., etc.

No. 1320.—Wm. Wallace Whitney, admr. etc., appt. *vs.* the city of New Orleans. A motion to advance granted, and case assigned for argument on the second Monday in January next. Announced by Mr. Chief-Justice Fuller.

No. 1301.—The U. S. *ex rel.* Amasa A. Redfield, plff. in error, *vs.* Wm. Windom, Secty., etc. Motion to advance granted, and case assigned for argument on the first Monday in December next, after cases already assigned for that day. Announced by Mr. Chief-Justice Fuller.

No. 1311.—C. E. Cook *et al.*, plffs. in error, *vs.* The United States. Motion to advance granted, and case assigned for argument on the third Monday of November next, after cases already assigned for that day. Motion to require the United States to print record denied. Announced by Mr. Chief-Justice Fuller.

No. 1356.—F. H. Ayers, *et al.*, plffs. in error, *vs.* A. E. Watson. Motion to advance granted. Announced by Mr. Chief-Justice Fuller.

Ex parte: In the matter of The Pennsylvania Co., petitioner. Leave granted to file petitions for writs of mandamus and rules to show cause. Awarded, returnable on the fourth Monday in November next. Announced by Mr. Chief-Justice Fuller.

Ex parte: In the matter of the Kansas City, St. Joseph & Council Bluffs R. R. Co., petitioner. Motion for leave to file petition for a writ of prohibition denied, but leave granted to file petition in No. 1324 for restraining order, etc. Announced by Mr. Chief-Justice Fuller.

No. 931.—Frank Morissey, plff. in error, *vs.* Major David Perry. Ordered that the order allowing an appeal in this case be filed, and that cause proceed as on appeal instead of writ of error. Announced by Mr. Chief-Justice Fuller.

No. 10.—The Washington Market Co., appt., *vs.* The District of Columbia *et al.* Appeal from the supreme court of District of Columbia. Dismissed, each party to pay its own costs in this court. Announced by Mr. Chief-Justice Fuller.

The United States, complainant, *vs.* The State of Texas. On motion of Mr. Attorney-General Miller, leave granted to file bill of complaint. Mr. Jas. S. Hogg, attorney-general of Texas, and Mr. A. H. Garland waived process and entered appearance for the defendant.

No. 1438.—The Interstate Commerce Com., appt., *vs.* The Baltimore and Ohio R. R. Co.

1309.—Wm. H. Alexander, plff. in error, *vs.* The United States.

1310.—Bood Crumpton etc., plff. in error, *vs.* The United States. Motions to advance submitted by Mr. Attorney-General Miller in support of motions.

Ex parte: In the matter of Wilbur Huntington, petitioner. Motion for leave to file petition for writ of habeas corpus submitted by Mr. B. W. Huntington in support of motion.

No. 1518.—Arthur Manchester, plff. in error, *vs.* The Commonwealth of Mass. Motion to advance submitted by Mr. H. C. Bliss in support of motion.

No. —.—Jno. M. Wilkerson, sheriff, etc., appt., *vs.* Chas. A. Raker. Motion to advance submitted by Mr. L. B. Kellogg in support of motion.

No. 2.—John S. Prouty, plff. in error, *vs.* The Lake Shore and Mich. So. Ry. Co. Suggestion of bankruptcy of plaintiff in error and appearance of Benjamin Barker, jr., assignee, etc., filed and entered, on motion of Mr. Edwin B. Smith, of counsel for plff. in error.

No. 317.—Julia H. McLean *et al.*, appts., *vs.* Ruggles W. Clapp *et al.* Motion to reverse decree of circuit court submitted by Mr. Edwin B. Smith in support of motion.

No. 1508.—Shibuya Jugiro, appt., *vs.* A. A. Brush, agent and warden, etc. Motion to advance submitted by Mr. D. O'C. Callahan in behalf of counsel.

No. 778.—The United States, appt., *vs.* Joseph F. Kingsley. Motion to advance submitted by Mr. Solicitor-General Taft in support of motion.

No. 824.—Robert H. Rountree *et al.*, plffs. in error, *vs.* W. H. Dail *et al.* In error to the C. C. U. S. for the eastern district of North Carolina. Dismissed with costs on motion of Mr. Frederic D. McKenney, of counsel for plaintiffs in error.

Ex parte: In the matter of the Washington and Georgetown R. R. Co., petitioner.

Motion for leave to file petition for writ of mandamus.

Submitted by Mr. Enoch Totten for petitioner.

No. 120.—Albert T. Babbitt, pl'ff in error, *vs.* Parker P. Clark, in error, to the supreme court of the State of Ohio. Dismissed with costs pursuant to the 15th rule, and mandate granted on motion of Mr. James Lowndes for the defendant in error.

Nos. 74 and 75.—Jas. A. Eldridge *et al.*, excrs., etc., *et al.*, appt's, *vs.* The United States. Continued per stipulation on motion of Mr. Robert A. Howard in behalf of counsel.

No. 644.—Geo. W. White, appt., *vs.* Ira P. Rankin *et al.* Appearance of parties under 15th rule filed and entered, on motion of Mr. Wm. A.

McKenney, in behalf of counsel for appellant, Mr. F. J. Sippett, in behalf of appellees, opposing the motion.

No. 1335.—The Pacific Express Co., plff. in error, *vs.* James K. McDowell. Motion to advance pursuant to 32d rule submitted by Mr. Wm. A. McKenney, in behalf of counsel.

No. —.—Josephine P. Waldron, plff. in error, *vs.* Mary A. Waldron. Motion for leave to docket this cause on writ of error and citation, and for leave to file transcript at future day, submitted by Mr. Wm. A. McKenney on behalf of counsel.

No. 1527.—Fred H. Long, appt., *vs.* James G. Thayer. Appeal from the C. C. U. S. for the western dist. of Missouri. Docketed and dismissed with costs, on motion of Mr. Wm. A. McKenney for appellee.

No. 895.—Pattie A. Clay, appt., *vs.* David I. Field *et al.*

No. 1085.—Lucy C. Freeman, appt., *vs.* Pattie A. Clay *et al.*

No. 1091.—David I. Field, appt., *vs.* Pattie A. Clay. Submitted pursuant to the 20th rule by Mr. W. L. Nugent for Clay *et al.*, Mr. Edward Mayes for Freeman, and Mr. Frank Johnston and Mr. J. E. McKeeghan for Field.

No. 459.—James Wallace Peake, plff. in error, *vs.* The City of New Orleans.

No. 852.—James Wallace Peake *et al.*, appts. *vs.* The City of New Orleans.

Argument commenced by Mr. Richard De Gray and continued by Mr. Grover Cleveland, for Peake *et al.*

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, the 28th inst., will be as follows :

Nos. 459, etc., 1126, etc., 774, 1142, 1143, 1144, 40, 35, 42, and 43:

SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 28, 1890.

Present: The Chief-Justice and all the Associate Justices.

No. 1141.—The Fitzgerald and Mallory Construction Co., plff. in error, *vs.* John Fitzgerald. Submitted pursuant to the 20th rule, by Mr. John F. Dillon and Mr. D. D. Duncan for the plaintiff in error, and by Mr. T. M. Marquett for the defendant in error.

No. 1317.—P. Crowley, chief of police, etc., appellant, *vs.* Henry Christensen. Submitted, pursuant to the 20th rule, by Mr. J. D. Page for the appellant and by Mr. Jos. D. Redding for appellee.

No. 459.—James Wallace Peake, plff. in error, *vs.* The City of New Orleans; and

No. 285.—James Wallace Peake *et al.*, appts., *vs.* The City of New Orleans.

Argument continued by Mr. Carleton Hunt for the city of New Orleans, and by Mr. Thomas J. Semmes for Peake *et al.*

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, the 29th inst., will be as follows:

Nos. 459, etc., 1126, etc., 774, 1142, 1143, 1144, 40, 35, 42, and 43.

11038—9

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 29, 1890.

Present: The Chief-Justice and all the Associate Justices.

Leigh Clark, of El Paso, Tex., and John Henry Keene, jr., and Joseph S. Davis, of Baltimore, Md., were admitted to practice.

No. 459.—James Wallace Peake, plff. in error, *vs.* The City of New Orleans.

No. 852.—James Wallace Peake *et al.*, appts., *vs.* The City of New Orleans. Argument concluded by Mr. Thomas J. Semmes for Peake *et al.*

No. 1142.—Edward Smith, plff. in error, *vs.* The United States.

No. 1143.—Henry Jones, plff. in error, *vs.* The United States.

No. 1144.—George S. Key, plff. in error, *vs.* The United States. Ordered that three counsel for plaintiffs in error be allowed to make oral argument herein. Argued by Mr. E. J. Waring, Mr. John Henry Keene, jr., and Mr. Archibald Stirling for the plaintiffs in error, and by Mr. Attorney-General Miller for the defendant in error.

No. 1126, etc.—The Attorney-General of Massachusetts, appt., *vs.* The Western Union Telegraph Co. Postponed for a full bench.

No. 774.—The United States, appt., *vs.* The Trinidad Coal and Coking Co. Argument commenced by Mr. Assistant Attorney-General Maury for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 30, will be as follows:

Nos. 774, 40, 35, 42, 43, 45, 46, 47, 49, and 54.

11038—10

SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 30, 1890.

Present: The Chief-Justice and all the Associate Justices.

D. L. Thornton of Versailles, Ky., was admitted to practice.

No. 774.—The United States, appt., *vs.* The Trinidad Coal and Coking Co. Argument continued by Mr. Assistant Attorney-General Maury for appellant, by Mr. Charles E. Gast and Mr. A. B. Browne for appellee, and concluded by Mr. Assistant Attorney-General Maury for appellant.

No. 40.—John Broom *et al.*, appts., *vs.* James C. Armstrong. Argued by Mr. Samuel Shellabarger for appellants, and by Mr. John B. Goode for appellee.

No. 35.—Gustav Falk *et al.*, plffs. in error, *vs.* William H. Robertson, collector, etc. Argument commenced by Mr. Joseph H. Choate for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 31, will be as follows:

Nos. 35, 42, 43, 45, 46, 47, 49, 54, 55, etc., and 56.

11038—11

SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 31, 1890.

Present: The Chief-Justice and all the Associate Justices.

C. J. Sawyer and James Q. Rice, of Washington, D. C., were admitted to practice.

No. 35.—Gustav Falk *et al.*, plffs. in error, *vs.* William H. Robertson, collector, etc. Argument continued by Mr. Assistant Attorney-General Maury, for defendant in error, and concluded by Mr. Joseph H. Choate, for plaintiffs in error.

No. 42.—Catherine Fishburn, plff. in error, *vs.* The Chicago, Milwaukee and St. Paul Railway Company. Argument commenced by Mr. B. F. Dunwiddie, for the plaintiff in error. The court declined to hear further argument.

No. 43.—John Dobson *et al.*, appts., *vs.* James Lees *et al.* Argued by Mr. Francis T. Chambers, for the appellants, and by Mr. Hector T. Fenton, for appellees.

No. 45.—Wm. G. Miller, appt., *vs.* R. M. Thompson, deputy sheriff, etc. Appeal from the C. C. U. S. for the northern district of Georgia. Dismissed, with costs, pursuant to the 19th rule.

No. 46.—John G. Williams, admr., etc., appt., *vs.* The United States. Argument commenced by Mr. George S. Boutwell, for appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 3, will be as follows:

Nos. 46, 47, 49, 54, 55, etc., 56, 57, 58, 60, and 61.

11038—12

SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 3, 1890.

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

Samuel Ashton, of New York City, and Theodore J. McMinn, of San Antonio, Tex., were admitted to practice.

No. 999.—F. B. York, plff. in error, *vs.* The State of Texas. In error to the supreme court of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Bradley and Mr. Justice Gray.

No. 3.—D. Herbert Hostetter, admr., etc., appt., *vs.* Wm. G. Park *et al.*, exrs., etc., *et al.* Appeal from the C. C. U. S. for the western district of Pa. Decree affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 36.—Theodore H. Butler *et al.*, appts., *vs.* George Steckel *et al.* Appeal from the C. C. U. S. for the northern district of Illinois. Decree affirmed with costs. Opinion by Mr. Justice Blatchford.

Ordered, That admr. of Geo. W. Earhart be made a party appellant.

No. 1213.—The Dable Grain Shovel Co., plff. in error, *vs.* Edward E. Flint *et al.* etc. In error to the C. C. U. S. for the northern district of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Gray.

No. 29.—John H. Harding, plff. in error, *vs.* W. M. Woodcock, collr., etc. In error to the C. C. U. S. for the middle district of Tennessee. Judgment affirmed with costs. Opinion by Mr. Justice Field.

No. 1210.—The Texas & Pacific Ry. Co., plff., in error, *vs.* The Southern Pacific Co. In error to the supreme court of the State of Louisiana. Judgment affirmed with costs. Opinion by Mr. Chief-Justice Fuller.

No. 42.—Catherine Fishburn, plff. in error, *vs.* The Chicago, Milwaukee and St. Paul Railway Company. In error to the C. C. U. S. for the western district of Wisconsin. Judgment affirmed with costs. Opinion by Mr. Chief-Justice Fuller.

No. 19.—Abraham Shenfield, appt. *vs.* The Nashawannuck Mfg. Co. *et al.* Appeal from the C. C. U. S. for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Chief-Justice Fuller.

No. 11.—La Confiance Compagnie Anonyme D'Assurance Contre Incendie, plff. in error, *vs.* John C. Hall. In error to the C. C. U. S. for the eastern district of Missouri. Judgment reversed with costs, and cause remanded with a direction to remand the cause to the State court. Opinion by Mr. Chief-Justice Fuller.

No. 317.—Julia H. McLean *et al.*, appts., *vs.* Ruggles W. Clapp *et al.* Motion to reverse denied. Announced by Mr. Chief-Justice Fuller.

No. 778.—The United States, appt., *vs.* Joseph F. Kingsley.

No. 1309.—Wm. H. Alexander, plff. in error, *vs.* The United States.

No. 1310.—Bood Crumpton, plff. in error, *vs.* The United States. Motions to advance granted, and cases assigned for argument on the second Monday in January next, after cases already assigned for that day. Announced by Mr. Chief-Justice Fuller.

No. 1438.—The Interstate Commerce Commission, appt., *vs.* The Baltimore & Ohio Railroad Company. Motion to advance granted and cause assigned for argument before a full bench. Announced by Mr. Chief-Justice Fuller.

No. 1508.—Shebuya Jugiro, appt., *vs.* Augustus A. Brush, agent, &c. Motion to advance granted and cause assigned for argument on the 3d Monday of November next, after cases already assigned for that day. Announced by Mr. Chief-Justice Fuller.

No. 1518.—Arthur Manchester, plff. in error, *vs.* The Commonwealth of Mass. Motion to advance granted and cause assigned for argument before a full bench. Announced by Mr. Chief-Justice Fuller.

No. 1529.—John M. Wilkerson, sheriff and appt., *vs.* Charles A. Rahrer. Motion to advance granted and cause assigned for argument before a full bench. Announced by Mr. Chief-Justice Fuller.

Josephine P. Waldron, plff. in error, *vs.* Mary A. Waldron. Motion for leave to docket this cause on writ of error and citation denied. Announcement by Mr. Chief-Justice Fuller.

Ex parte: In the matter of the Washington and Georgetown R. R. Co., petitioner. Motion for leave to file petition for writ of mandamus granted, and rule ordered to issue returnable on the 3d Monday of November next. Announced by Mr. Chief-Justice Fuller.

Ex parte: In the matter of Wilbur Huntington, petitioner. Motion for leave to file petition for a writ of habeas corpus denied. Announced by Mr. Chief-Justice Fuller.

The Chief-Justice announced the following orders :

Ordered, That the following additional rule of this court is adopted and promulgated :

35.

Writs of error under section 6 of the act of February 6, 1889, chap. 113 (25 Stat., 656).

1. The plaintiff in error shall file with the clerk of the court below, with his petition for the writ of error, an assignment of errors, which shall set out separately and particularly each error asserted and intended to be urged. No writ of error shall be allowed until such assignment of errors shall have been filed. When the error alleged is to the admission or to the rejection of evidence, the assignment of errors shall quote the full substance of the evidence admitted or rejected. When the error alleged is to the charge of the court, the assignment of errors shall set out the part referred to *totidem verbis*, whether it be in instructions given or in instructions refused. Such assignment of errors shall form part of the transcript of the record and be printed with it. When this is not done counsel will not be heard, except at the request of the court, and errors not assigned according to this rule will be disregarded, but the court, at its option, may notice a plain error not assigned.

2.—The plaintiff in error shall cause the record to be printed according to the provisions of section 2, 3, 4, 5, 6, and 9 of Rule 10.

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

For the first circuit, Horace Gray, Associate Justice.

For the second circuit, Samuel Blatchford, Associate Justice.

For the third circuit, Joseph P. Bradley, Associate Justice.

For the fourth circuit, Melville W. Fuller, Chief-Justice.

For the fifth circuit, Lucius Q. C. Lamar, Associate Justice.

For the sixth circuit, David J. Brewer, Associate Justice.

For the seventh circuit, John M. Harlan, Associate Justice.

For the eighth circuit, David J. Brewer, Associate Justice.

For the ninth circuit, Stephen J. Field, Associate Justice.

No. 1311.—C. E. Cook *et al.*, plffs. in error, *vs.* The United States. On motion of Mr. Solicitor-General Taft, of counsel for the defendant in error, leave granted to the plaintiffs in error to prosecute this cause in this court *in forma pauperis*, and such parts of the record as counsel deem necessary to the hearing ordered to be printed at public expense.

No. 732.—Arthur C. Babson, plff. in error, *vs.* Wm. H. Robertson, late collr., etc., in error to the C. C. U. S. for the southern district of New

York. Judgment reversed with costs and cause remanded, on motion of Mr. Assistant Attorney-General Maury, for the defendant in error.

No. 78.—C. A. Auffmordt *et al.*, plffs. in error, *vs.* E. L. Hedden, collector, etc. Motion of Mr. A. J. Willard, in behalf of counsel, to postpone this cause for hearing before a full bench. Denied.

No. 112.—The United States, plffs. in error, *vs.* Alfred Briggs *et al.* Passed pursuant to 26th rule, on motion of Mr. Assistant Attorney-General Parker, of counsel for the plaintiff in error.

No. 5.—Original. The United States, complainant, *vs.* The State of Texas. On motion of Mr. A. H. Garland, appearance entered for defendant and leave granted to file answer within ninety days.

No. 1471.—The Texas Land and Cattle Co. (limited), plff. in error, *vs.* J. W. Scott. Motion to dismiss submitted by Mr. A. W. Houston in support of same.

No. 1541.—William Caldwell, plff. in error, *vs.* The State of Texas. Motion for leave to docket cause and prosecute same in this court *in forma pauperis* granted.

No. 46.—John G. Williams, admr., etc., appt., *vs.* The United States. Argument continued by Mr. George S. Boutwell for the appellant, by Mr. Asst. Attorney-General Parker for the appellee, and concluded by Mr. P. E. Dye for appellant.

No. 47.—Anthony F. Seeberger, collr., etc., plff. in error, *vs.* Bernard Cahn, *et al.* Argued by Mr. Assistant Attorney-General Maury for the plaintiff in error, and by Mr. Edwin B. Smith for the defendants in error.

No. 49.—Alfred Earnshaw, plff. in error, *vs.* The United States. Argument commenced by Mr. R. C. McMurtrie for plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 4, will be as follows:

Nos. 49, 54, 24, 25, 26, 55 (and 59), 56, 57, 58, and 60.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 4, 1890.

Present: The Chief-Justice and all the Associate Justices.

No. 49.—Alfred Earnshaw, plff. in error, *vs.* the United States. Argument continued by Mr. R. C. McMurtrie for the plaintiff in error; by Mr. Assistant Attorney-General Maury for the defendant in error, and concluded by Mr. R. C. McMurtrie for the plaintiff in error.

No. 55.—Morgan's Louisiana and Texas Railroad and Steamship Co., appt., *vs.* The Texas Central Railway Co. *et al.*; and

No. 59.—The Texas Central Railway Co., appt., *vs.* Morgan's Louisiana and Texas Railroad and Steamship Co. *et al.*

Argued by Mr. J. Hubley Ashton for appellant, in No. 55, and by Mr. H. B. Turner for the Farmers' Loan and Trust Co., and submitted on printed briefs by Mr. Charles H. Tweed for appellant, in No. 59.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 5, will be as follows:

Nos. 54, 24, 25, 26, 56, 57, 58, 60, 61, and 62.

11038—14

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 5, 1890.

Present: The Chief-Justice and all the Associate Justices.

No. 54.—The St. Paul & Pacific R. R. Co. *et al.*, appts., *vs.* The Northern Pacific R. R. Co. Argument commenced by Mr. S. U. Pinney for the appellants and continued by Mr. James McNaught for appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 6, will be as follows:

Nos. 54, 24, 25, 26, 56, 57, 58, 60, 61, and 62.

11038—15

○

SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 6, 1890.

Present: The Chief-Justice and all the Associate Justices.

Ansley Wilcox, of Buffalo, N. Y., was admitted to practice.

No. 54.—The St. Paul and Pacific R. R. Co. *et al.*, appts., *vs.* The Northern Pacific R. R. Co. Argument continued by Mr. A. H. Garland for the appellee, and concluded by Mr. George B. Young for appellants.

No. 24.—The St. Paul, Minneapolis and Manitoba Railway Co., appt., *vs.* George W. Greenalgh *et al.*, and

No. 25.—The St. Paul, Minneapolis and Manitoba Railway Co., appt., *vs.* Charles Wenzel. Argued by Mr. S. U. Pinney for the appellants, and submitted on printed briefs by Mr. S. J. R. McMillan for the appellees.

No. 26.—The St. Paul, Minneapolis, and Manitoba Railway Co., appt., *vs.* Ransom Phelps. Argued by Mr. S. U. Pinney for appellant, and leave granted to counsel for appellee to file brief; counsel for appellant to file reply by November 13 next.

No. 56.—Edward F. Lawrence, admr., *etc.*, *et al.* appts., *vs.* Henry M. Rector. Argument commenced by Mr. Henry A. Gardner for appellants.

No. 1306.—Sarah W. Pease *et al.*, exors., *etc.*, plffs. in error, *vs.* Wm. C. Ritchie *et al.* In error to the supreme court of the State of Illinois. Dismissed with costs, on motion of Mr. Henry A. Gardner, in behalf of counsel for the plaintiffs in error.

The day call for Friday, November 7, will be as follows:

Nos. 56, 57, 58, 60, 61, 62, 63, 64, 65, and 66.

11038——16

SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 7, 1890.

Present: The Chief-Justice and all the Associate Justices.

J. H. McCrory, of Fond du Lac, Wis., and Smith M. Ellis, of San Antonio, Tex., were admitted to practice.

No. 61.—The county of Fond du Lac, plaintiff in error, *vs.* Sarah May. On motion of Mr. W. Hallett Phillips, in behalf of counsel, passed on account of sickness of counsel until No. 94 is reached.

No. 758.—The United States, appellants, *vs.* The Central Pacific Railroad Company, and

No. 761.—The Central Pacific Railroad Company, appellants, *vs.* the United States. On motion of Mr. Solicitor-General Taft, reassigned for the 17th instant after cases already assigned for that day.

No. 56.—Edward F. Lawrence, administrator, &c., *et al.*, appellants, *vs.* Henry M. Rector. Argument continued by Mr. Henry A. Gardner for appellants, by Mr. U. M. Rose and Mr. A. H. Garland for appellee, and concluded by Mr. Samuel W. Williams for appellants.

No. 57.—W. S. Gurnee, jr., *et al.*, plaintiffs in error, *vs.* The County of Patrick; argument commenced by Mr. A. B. Browne for plaintiffs in error. The court declined to hear further argument, but granted leave to counsel to file briefs on the question of jurisdiction.

No. 58.—The Western Electric Company, appellant, *vs.* Henry J. Reedy; argued by Mr. George P. Barton for appellant and submitted on printed brief by Mr. E. E. Wood and Mr. Edward Boyd for appellee.

No. 60.—Henry Devere *et al.*, appellants, *vs.* The Steam-ship Haverton, etc.; argued by Mr. James Parker for appellants and submitted by Mr. James McConnell for appellee.

No. 63.—M. C. O'Bryan & Co., plaintiffs in error, *vs.* Seuter & Co.; submitted on printed briefs by Mr. J. M. Moore for plaintiffs in error and by Mr. U. M. Rose and Mr. G. B. Rose for defendants in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 10, will be as follows: Nos. 62, 64, 65, 66, 67, 68, 69, 70, 71, and 72.

SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 10, 1890.

Present: The Chief-Justice and all the Associate Justices.

James W. Perry and John J. Townsend, of New York City; Alinet F. Jenks, of Brooklyn, N. Y.; Jonas Hutchinson, of Chicago, Ill.; James S. Pilcher, of Nashville, Tenn.; L. Frank Ottofy, of St. Louis, Mo., and James R. Macfarlane, of Pittsburgh, Pa., were admitted to practice.

No. 23.—Simon Florsheim *et al.*, app'ts, *vs.* Gustav Schelling. Appeal from the C. C. U. S. for the northern district of Illinois. Decree affirmed with costs. Opinion by Mr. Justice Lamar.

No. 1103.—David J. Hennessy, app't, *vs.* George V. Bacon *et al.* Appeal from the C. C. U. S. for the district of Minnesota. Decree affirmed with costs. Opinion by Mr. Justice Harlan.

No. 1317.—P. Crowley, chief of police, etc., appt., *vs.* Henry Cristensen. Appeal from the C. C. U. S. for the northern district of California. Decree reversed with costs and cause remanded with directions to take further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Field.

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

No. 6.—The Iron Silver Mining Co., plff. in error, *vs.* The Mike & Starr Gold & Silver Mining Co.

No. 7.—The Iron Silver Mining Co., plff. in error, *vs.* The Mike & Starr Gold & Silver Mining Co.

No. 16.—John L. Sullivan *et al.*, plffs. in error, *vs.* The Iron Silver Mining Co. Ordered for re-argument as one case before a full bench on points specified.

No. 1471.—The Texas Land and Cattle Co. (Limited), plff. in error, *vs.* J. W. Scott, in error to the C. C. U. S. for the western district of Texas. Dismissed for the want of jurisdiction.

No. 49.—Alfred Earnshaw, plff. in error, *vs.* The United States. Ordered for re-argument before a full bench.

No. 58.—The Western Electric Co., appt., *vs.* Henry J. Reedy. Appeal from the C. C. U. S. for the southern district of Ohio. Decree affirmed with costs by a divided court.

No. 63.—M. C. O'Bryan & Co., plffs. in error, *vs.* Senter & Company. In error to the C. C. U. S. for the eastern district of Arkansas. Judgment affirmed with costs and interest.

No. 1372.—One Distilling Apparatus, by A. Wehrle, claimant, plff. in error, *vs.* The United States. In error to the C. C. U. S. for northern dist. of Ohio. Dismissed per stipulation on motion of Mr. Attorney-General Miller, of counsel for defendant in error.

No. 733.—The United States, appellant, *vs.* The Missouri, Kansas & Texas R'y Co. *et al.* Motion to advance submitted by Mr. Attorney-General Miller in support of same.

No. 1178.—The United States, plaintiff, *vs.* Clark Brewer *et al.* Motion to advance submitted by Mr. Attorney-General Miller in support of same.

No. ~~1300~~ ¹³¹⁰—~~Wm. H. Alexander~~ ^{Bood Crumpton}, plff. in error, *vs.* The United States. On motion of Mr. A. H. Garland, in behalf of counsel, leave granted to plaintiff in error to prosecute his case in *forma pauperis*.

No. 1283.—*Ex parte*: In the matter of Eugene M. Converse, appellant. Motion to advance submitted by Mr. J. H. McGowan in behalf of counsel.

No. 812.—John E. Alexander *et al.*, excrs., appts. *vs.* John Machan *et al.* Motion to remand cause and record argued by Mr. R. D. Benedict in support of the motion, and by Mr. Geo. A. Black in opposition thereto.

No. 1548.—The Oakland Electric Light and Motor Co., pl'ff in error, *vs.* Nathaniel S. Keith. On motion of Mr. John Ridout, for defendant in error, docketed and dismissed with costs.

No. 1516.—C. R. Handley *et al.*, appt's, *vs.* Sebastian Stutz *et al.* Advanced pursuant to the 32d rule, and submitted on printed briefs by Mr. Edwin H. East and James S. Pilcher, for appellants, and by Mr. Walter Evans and James R. Macfarlane, for appellees.

No. 222.—B. J. Sage, pl'ff in error, *vs.* The B'd of Liquidation of State of La. On motion of Mr. B. J. Sage, in *propria persona*, postponed to be heard with No. 537 as one case.

No. 69.—The Singer Manuf'g Co., appt., *vs.* Wm. A. Wright, Comp'r Gen'l, *et al.* Passed pursuant to the 26th rule, on account of sickness of counsel.

No. 70.—L. D. Brown *et al.*, appts., *vs.* Wm. C. Hazard; appeal from the supreme court of Washington Territory. Dismissed with costs pursuant to the 10th rule.

No. 62.—The Fourth National Bank of the City of New York, appt., *vs.* The American Mills Company *et al.* Argued by Mr. David Wilcox for appellant and by Mr. Alex. Thain for appellees.

No. 64.—A. S. Solomons, appt., *vs.* The United States. Argument commenced by Mr. Lewis Abraham for appellant and continued by Mr. Solicitor-General Taft for appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 11th, will be as follows: Nos. 64, 65, 66, 67, 68, 71, 72, 77, 78, and 79.

○

SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 11, 1890.

Present: The Chief-Justice and all the Associate Justices.

Thomas W. Porter, of Chelsea, Mass.; Morris P. Brewer and W. E. Hale, of Minneapolis, Minn.; C. A. Culberson, of Dallas, Texas; and James Stikeman, of New York City were admitted to practice.

No. 64.—A. S. Solomons, appt., *vs.* The United States. Argument concluded by Mr. Benjamin F. Butler for the appellant.

No. 65.—Geo. S. Wheeler, plff. in error, *vs.* Theodore F. Jackson, registrar, etc.; and

No. 66.—Wm. M. McFarlane, plff. in error, *vs.* Theodore F. Jackson, registrar, etc. Argued by Mr. John J. Townsend for the plaintiffs in error, and by Mr. Almet F. Jenks for the defendants in error.

No. 67.—Thomas J. Meehan, plff. in error, *vs.* John K. Valentine, exr., etc. Argument commenced by Mr. Jeremiah M. Wilson for plaintiff in error, and continued by Mr. Samuel Dickson for defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 12, will be as follows: Nos. 67, 68, 71, 72, 77, 78, 79, 80, 81, and 82.

11038-19

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 12, 1890.

Present: The Chief-Justice and all the Associate Justices.

Edgar Sowers, of Cleveland, Ohio, was admitted to practice.

No. 67.—Thomas J. Meehan, plff. in error, *vs.* John K. Valentine, *exr.*, etc. Argument continued by Mr. Richard C. Dale for defendant in error, and concluded by Mr. Samuel Shellabarger for the plaintiff in error.

No. 68.—Hamline Q. French, appt., *vs.* Oliver S. Carter *et al.* Argued by Mr. George H. Fletcher for appellant, and by Mr. James W. Perry for appellees.

No. 71.—The Busell Trimmer Co. *et al.*, appts., *vs.* Frank M. Stevens *et al.* Argument commenced by Mr. James E. Maynadier for appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 13, will be as follows: Nos. 71, 72, 77, 78, 79, 80, 81, 82, 83, and 84.

11038-20

C

SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 13, 1890.

Present: The Chief-Justice and all the Associate Justices.

No. 83.—Thomas Adams *et al.*, appts., *vs.* Charles T. Heisel. Appeal from the C. C. U. S. for the northern district of Ohio. Dismissed with costs pursuant to the 10th rule.

No. 71.—The Bussell Trimmer Co. *et al.*, appts., *vs.* Frank M. Stevens *et al.* Argument continued by Mr. James E. Maynadier for appellants, by Mr. T. W. Porter for appellees, and concluded by Mr. James E. Maynadier for appellants.

No. 72.—The Grover and Baker Sewing Machine Co., plff. in error, *vs.* Wm. P. Radcliffe. Argument commenced by Mr. Albert Constable for plaintiff in error, and continued by Mr. J. A. J. Creswell for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 14, will be as follows: Nos. 72, 77, 78, 79, 80, 81, 82, 84, 85, 86 (and 255).

11038-21

C

SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 14, 1890.

Present: The Chief-Justice and all the Associate Justices.

No. 1174.—Dick Duncan, appt., *vs.* T. P. McCall, sheriff of Bexar Co., Tex. Motion to dismiss submitted by Mr. James S. Hogg in support of motion and by Mr. A. H. Garland, Mr. H. J. May, and Mr. Theodore J. McMinn in opposition thereto.

No. 1556.—Andrew J. Riker, appt., *vs.* Thomas W. Alsop *et al.*, ex'rs, etc. Leave granted Andrew J. Riker to docket this appeal on entering his appearance *in propria persona*.

No. 42.—The Grover and Baker Sewing Machine Co., plff. in error, *vs.* Wm. P. Radcliffe. Argument continued by Mr. John A. J. Creswell for defendant in error, and concluded by Mr. Albert Constable for plaintiff in error.

No. 77.—Thomas S. King, plff. in error, *vs.* John W. Doane. Argued by Mr. M. P. Brewer for plaintiff in error, and by Mr. W. E. Hale for defendant in error.

No. 78.—C. A. Auffmordt *et al.*, plffs. in error, *vs.* E. L. Hedden, collr., etc. Argument commenced by Mr. Henry E. Tremain for the plaintiffs in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 17, will be as follows: Nos. 78, 79, 80, 81, 82, 84, 85, 86 (and 255) 1195 and 1237.

11038-22

SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 17, 1890.

Present: The Chief-Justice and all the Associate Justices.

Westel W. Morsman of Omaha, Nebr.; Chesley A. Mosman, of St. Joseph, Mo.; John W. Beebe, of Kansas City, Mo.; H. W. Childs and Charles W. Bunn, of St. Paul, Minn.; Richard Randolph McMahan, of Washington, D. C.; and Wm. A. Morse, of Boston, Mass., were admitted to practice.

No. 56.—Edw. F. Lawrence, admr., etc., *et al.*, appts., *vs.* Henry M. Rector. Appeal from the C. C. U. S. for the eastern district of Arkansas. Decree modified, etc. Opinion by Mr. Justice Brewer.

No. 761.—The United States, appt., *vs.* John Grimley. Appeal from the C. C. U. S. for the district of Massachusetts. Decree reversed and cause remanded, with directions to take such further proceedings as shall be in conformity with the opinion of this court. Opinion by Mr. Justice Brewer.

No. 931.—Frank Morrissey, appt., *vs.* Major David Perry. Appeal from the C. C. U. S. for the eastern district of Missouri. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 44.—The steamer *Max Morris*, etc., appt., *vs.* Patrick Curry. Appeal from the C. C. U. S. for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 46.—John G. Williams, admr. etc., appt., *vs.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Blatchford.

No. 47.—Anthony F. Seeberger, collr. etc., plff. in error, *vs.* Bernard Cahn *et al.*; in error to the C. C. U. S. for the northern district of Illinois. Judgment affirmed with costs and interest. Opinion by Mr. Justice Gray.

No. 774.—The United States, appt., *vs.* The Trinidad Coal and Coking Company; appeal from the C. C. U. S. for the district of Colorado. Decree reversed and cause remanded with directions to overrule the demurrer, and for further proceedings not inconsistent with the opinion of this court.

Opinion by Mr. Justice Harlan.

No. 1141.—The Fitzgerald & Mallory Construction Co., plff. in error, *vs.* John Fitzgerald, in error to the C. C. U. S. for the district of Nebraska. Judgment affirmed with costs and interest.

Opinion by Mr. Chief-Justice Fuller.

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

No. 60.—Henry Devere *et al.*, appts., *vs.* the steam-ship *Haverton*, *etc.* Appeal from the C. C. U. S. for the eastern district of Louisiana. Dismissed for the want of jurisdiction.

No. 57.—W. S. Gurnee, jr., *et al.*, plffs. in error, *vs.* The County of Patrick. In error to the C. C. U. S. for the western district of Virginia. Dismissed for the want of jurisdiction.

No. 733.—The United States, appt., *vs.* The Missouri, Kansas and Texas Ry. Co., *et al.* Motion to advance granted and cause assigned for argument on the third Monday of January next.

No. 812.—John E. Alexandre *et al.*, *exr. etc., et al.*, appts. *vs.* John Macahan. Motion to remand cause and the record therein to the C. C. U. S. for the southern district of New York denied.

No. 1283.—*Ex parte*: In the matter of Eugene M. Converse, appellant. Motion to advance granted and cause assigned for argument on the second Monday of December next, after cases already assigned for that day.

No. 1174.—Dick. Duncan, appt. *vs.* T. P. McCall, sheriff, *etc.* Motion to dismiss postponed to the hearing of the cause on its merits.

No. 1174.—Dick Duncan, appt., *vs.* T. P. McCall, sheriff, *etc.*

No. 1239.—Jim Leeper *et al.*, plffs. in error, *vs.* The State of Texas.

No. 1224.—A. B. Morrow, trustee, *et al.*, appts., *vs.* The Cumberland Telephone and Telegraph Company.

No. 1301.—The U. S. *ex rel.* A. A. Redfield, plff. in error, *vs.* Wm. Windom, Secty., *etc.* Re-assigned for argument on the second Monday of December next, after No. 1311.

No. 1324.—The Kansas City, St. Joseph and Council Bluffs R. R. Co., plff. in error, *vs.* The Chicago, St. Paul & Kansas City Ry. Co. Leave granted to file petition for restraining order, and issuance of rule to show cause waived. Petition for restraining order argued by Mr. J. M. Woolworth in support of petition and by Mr. Charles W. Bunn in opposition thereto.

No. 419.—The Pacific Express Co., plff. in error, *vs.* P. P. Pickard, compt., *etc., et al.*

1155.—A. Shelton, sheriff, *etc., et al.*, appls., *vs.* Thos. C. Platt, pres't U. S. Express Co.

1381, 1382.—J. W. Allen, compt., etc., applt., *vs.* Pullman's Palace Car Co. Motions to advance these cases submitted by Mr. George W. Pickle in support of motions.

No. 3.—Original. The State of Virginia, complainant, *vs.* The State of Tennessee. On motion of Mr. R. A. Ayers, of counsel for the complainant, leave granted to file replication herein.

1558.—The Pacific Express Co., appt., *vs.* James M. Seibert, collr., etc., *et al.* Motion for supersedeas argued by Mr. W. W. Morsman in support of motion.

No. 78.—C. A. Auffmordt *et al.*, plffs. in error, *vs.* B. L. Hedden, collr., etc. Argument continued by Mr. Henry E. Tremain for the plaintiffs in error; by Assistant Attorneys-General Parker and Maury for deft. in error, and concluded by Mr. Henry E. Tremain for plaintiffs in error.

No. 79.—The Union Stock Yards National Bank, appt., *vs.* A. J. Gillespie & Co. Argument commenced by Mr. Edw. O. Brown, for appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 18, will be as follows: Nos. 79, 80, 81, 82, 84, 85, 86 (and 255), 1195 and 1237, and 1508.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 18, 1890.

Present: The Chief-Justice and all the Associate Justices.

Rudolph F. Rabe, of New York City, and Charles Monroe, of Topeka, Kans., were admitted to practice.

No. 81.—John Johnson, plff. in error, *vs.* Thomas L. Risk *et al.* Submitted on printed briefs by Mr. W. M. Randolph for plaintiff in error, and by Mr. B. M. Estes for defendants in error.

No. 85.—Wm. H. Robertson, collr., etc., plff. in error, *vs.* Louis Wedigan *et al.* In error to the C. C. U. S. for the southern district of New York. Dismissed with costs, on motion of Mr. Solicitor-General Taft of counsel for plaintiff in error.

No. 79.—The Union Stock Yards National Bank, appellant, *vs.* A. J. Gillespie and Co. Argument continued by Mr. Edw. O. Brown for appellant, by Mr. L. H. Bisbee and Mr. John W. Beebe for appellees, and concluded by Mr. Edw. O. Brown for appellant.

No. 80.—The Montana Railway Company, plff. in error, *vs.* Chas. S. Warren *et al.* Argument commenced by Mr. John F. Dillon for plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 19, will be as follows: Nos. 80, 82, 84, 86 (and 255), 1195, 1237, 1508, 758 (and 764), 87 (and 88) and 89.

11038-24

○

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 19, 1890.

Present: The Chief-Justice and all the Associate Justices.

No. 1194.—Alfred B. Mullett, appt., *vs.* The United States. Suggestion of death of appellant and appearance of administratrix filed and entered on motion of Mr. George S. Boutwell, of counsel for appellant.

No. 1332.—John Graham, plff. in error, *vs.* George Weeks, warden, etc. Motion to advance submitted by Mr. S. S. Burdett in behalf of counsel.

No. 89.—The New American File Co., appt. *vs.* The Nicholson File Co. Appeal from the C. C. U. S. for the district of Rhode Island. Dismissed per stipulation.

No. 80.—The Montana Railway Co., plff. in error, *vs.* Chas. S. Warren *et al.* Argument continued by Mr. John F. Dillon for plaintiff in error, by Mr. S. S. Burdett for defendants in error, and concluded by Mr. John F. Dillon for plaintiff in error.

No. 82.—Lewis E. Waterman, appt., *vs.* James A. Mackenzie, *et al.* Argued by Mr. Walter S. Logan for appellant. No counsel appeared for appellees.

No. 84.—Edwin A. Merritt, collr., etc., plff. in error, *vs.* Donald Cameron *et al.* Argument commenced by Mr. Solicitor-General Taft for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 20, will be as follows: Nos. 84, 86 (and 255), 1195, 1237, 1508, 758 (and 764), 87 (and 88), 90, 91, and 92.

11038-25

SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 20, 1890.

Present: The Chief-Justice and all the Associate Justices.

Delos E. Lyon, of Dubuque, Iowa, and Robert O. Babbitt, of Jersey City, N. J., were admitted to practice.

No. 84.—Edwin A. Merritt, collr., etc., plff. in error, *vs.* Donald Cameron *et al.* Argument continued by Mr. Solicitor-General Taft for the plaintiff in error, by Mr. Stephen G. Clarke for the defendants in error, and concluded by Mr. Solicitor-General Taft for the plaintiff in error.

No. 86.—Wm. H. Robertson, collr., etc., plff. in error, *vs.* Oswald Oelschlaeger; and

No. 255.—Oswald Oelschlaeger, plff. in error, *vs.* Wm. H. Robertson, collr., etc. Argued by Mr. Edwin B. Smith for Oelschlaeger, and by Mr. Assistant Attorney-General Maury for the collector.

No. 1195.—The U. S. *ex rel.* R. Mason Lisle, plff. in error, *vs.* John R. Lynch, 4th Auditor, *et al.* Argued by Mr. R. Mason Lisle for the plaintiff in error, and by Mr. Assistant Attorney-General Maury for the defendants in error.

No. 1237.—Clifton Holden, appt., *vs.* The State of Minnesota. Argument commenced by Mr. Charles C. Willson for appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 21, will be as follows: Nos. 1237, 1508, 758 (and 764), 87 (and 88), 90, 91, 92, 93, 94, and 61.

11038-26

SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 21, 1890.

Present: The Chief-Justice and all the Associate Justices.

No. 1237.—Clifton Holden, appt., *vs.* the State of Minnesota. Argument continued by Mr. Charles C. Willson for appellant, by Mr. H. W. Childs for appellee, and concluded by Mr. Charles C. Willson for appellant.

No. 1508.—Shibuya Jugiro, appt., *vs.* Aug. A. Brush, agent, etc. Argued by Mr. Roger M. Sherman for appellant, and by Mr. Charles F. Tabor for appellee.

No. 764.—The Central Pacific R. R. Co., appt., *vs.* The United States. Appeal from the Court of Claims. Dismissed on motion of Mr. Joseph E. McDonald, of counsel for appellant.

No. 758.—The United States, appt., *vs.* The Central Pacific R. R. Co. Argument commenced by Mr. Solicitor-General Taft for the appellant, and continued by Mr. Joseph E. McDonald for appellee, and by Mr. Attorney-General Miller for appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 24, will be as follows: Nos. 758, 87 (and 88), 90, 91, 92, 93, 94, 61, 95, and 96.

11038-27

SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 24, 1890.

Present: The Chief-Justice and all the Associate Justices.

Allen B. Chilcoat, of Chicago, Ill., Rip Reukema, of Milwaukee, Wis., J. M. Dickinson, of Nashville, Tenn., and Marsden C. Burch, of Grand Rapids, Mich., were admitted to practice.

No. 35.—Gustav Falk *et al.*, plffs. in error, *vs.* Wm. H. Robertson, late coll'r, etc., in error to the C. C. U. S. for the southern dist. of New York. Judgment affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 62.—The Fourth National Bank of the City of New York, appellant, *vs.* The American Mills Company *et al.* Appeal from the C. C. U. S. for the southern district of New York. Decree affirmed, with costs. Opinion by Mr. Justice Blatchford.

No. 68.—Hamline Q. French, appt., *vs.* Oliver S. Carter *et al.* Appeal from the C. C. U. S. for the southern district of New York. Decree affirmed, with costs. Opinion by Mr. Justice Blatchford.

No. 1143.—Henry Jones, plff. in error, *vs.* The United States.

No. 1142.—Edward Smith, plff. in error, *vs.* The United States.

No. 1144.—George S. Key, plff. in error, *vs.* The United States. In error to the C. C. U. S. for the district of Maryland. Judgments affirmed with costs. Opinion by Mr. Justice Gray.

No. 65.—George S. Wheeler, plff. in error, *vs.* Theodore F. Jackson, as registrar, etc.

No. 66.—Wm. M. MacFarlane, plff. in error, *vs.* Theodore F. Jackson, as registrar, etc. In error to the supreme court of the State of New York. Judgments affirmed with costs. Opinion by Mr. Justice Harlan.

No. 55.—Morgan's Louisiana and Texas Railroad and Steamship Co., appt., *vs.* The Texas Central Railway Company, *et al.*; and

No. 59.—The Texas Central Railway Company, appt., *vs.* Morgan's Louisiana and Texas Railroad and Steamship Co. *et al.*

Appeals from the C. C. U. S. for the northern district of Texas. Decree affirmed with costs. Opinion by Mr. Chief-Justice Fuller.

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

No. 1178.—The United States, plaintiff, *vs.* Clark Brewer *et al.* Motion to advance granted and cause assigned for argument on the 4th Monday in January next.

No. 1155.—A. Shelton, sheriff, etc., *et al.*, appts., *vs.* Thos. C. Platt, prest. U. S. Express Co.

No. 1381, No. 1382.—J. W. Allen, compt., etc., appt., *vs.* Pullman's Palace Car Company. Motions to advance granted and causes assigned for argument before a full bench.

No. 419.—The Pacific Express Co., plff. in error, *vs.* P. P. Pickard, compt., etc. Motion to advance postponed until proof of service of notice of same has been filed.

No. 1332.—John Graham, plff. in error, *vs.* Geo. Weeks, warden, etc. Motion to advance granted and cause assigned for argument on the 4th Monday in January after case already assigned for that day.

No. 1324.—The Kansas City, St. Joseph & Council Bluff R. R. Co., appt., *vs.* The Chicago, St. Paul & Kansas City Ry. Co. Motion for a restraining order denied.

No. 1558.—The Pacific Express Co., appt., *vs.* J. M. Seibert, State auditor, *et al.* Motion for a supersedeas in this cause to have the effect of reviving the injunction denied.

No. 1508.—Shibuya Jugiro, appt., *vs.* Augustus A. Brush, agent, etc. Appeal from the C. C. U. S. for the southern district of New York. Decree affirmed with costs on the authority of the case of *Ex parte*, Kemmler, 136 U. S., 436.

No. 1562.—Tennant, Walker & Co., etc., appts., *vs.* John P. Cox *et al.* Appeal from the C. C. U. S. for the northern district of Texas. Docketed and dismissed with costs on motion of Mr. Halbert E. Paine for appellees.

No. 1088.—The City of New Orleans *et al.*, plff. in error, *vs.* The New Orleans Water Works Co. *et al.* Motion to advance submitted by Mr. Chas. W. Hornor in support of motion.

No. 1317.—P. Crowley, chief of police, etc., applt., *vs.* Henry Christensen. Mandate granted on motion of Mr. Wm. A. McKenney, in behalf of counsel.

No. 1563.—The Kingston Coal Co., plff. in error, *vs.* Fredk. B. Myers *et al.* In error to the supreme court of the State of Penna. Docketed and dismissed with costs on motion of Mr. Wm. A. McKenney for defendants in error.

No. —.—Josephine P. Waldron, plff. in error, *vs.* Mary A. Waldron. Motion to docket and dismiss this cause presented by Mr. C. H. Aldrich

in support of same, and opposed by Mr. W. A. McKenney. Consideration of motion postponed for the present.

No. 1258.—The Texas and Pacific Ry. Co., plff. in error, *vs.* Henry Horn. Motion to dismiss submitted by Mr. C. A. Culberson and Mr. Sawnie Robertson in support of motion, and by Mr. Jno. F. Dillon and Winslow S. Pierce in opposition thereto.

No. 96.—Thomas Saylor *et al.*, plff. in error, *vs.* The United States. In error to the C. C. U. S. for the eastern district of Michigan. Dismissed pursuant to the 10th rule.

No. 758.—The United States, appt., *vs.* The Central Pacific R. R. Co. Argument concluded by Mr. Attorney-General Miller for appellant.

No. 87.—The steam-ship *Nacoochee*, etc., appt., *vs.* Edward S. Moseley *et al.*; and

No. 88.—Edward S. Moseley *et al.*, appts., *vs.* The steam-ship *Nacoochee*, etc.

Argued by Mr. Nathan Bijur for the steam-ship *Nacoochee*, and by Mr. W. Mynderse for Edward S. Moseley *et al.*

No. 90.—The Central National Bank, plff. in error, *vs.* The United States. Argument commenced by Mr. M. W. Devine for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 25, will be as follows: Nos. 90, 91, 92, 93, 94, 61, 95, 97, 98, and 99.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 25, 1890.

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

Horace G. Pierce, of Rochester, N. Y., Perry B. Coxe, of New York City, and Roderick Rose, of Jamestown, N. Dak., were admitted to practice.

The Chief-Justice announced that the court would adjourn from Wednesday until Monday next.

No. 820.—The City of Chanute, plff. in error, *vs.* Wilber F. Trader. In error to the C. C. U. S. for the district of Kansas. Dismissed with costs on motion of Mr. J. W. Cary in behalf of counsel for the plaintiff in error.

No. 311.—John Cadwalader, coll'r, etc., plff. in error, *vs.* Artemas Partidge *et al.* Submitted pursuant to the twentieth rule by Mr. Solicitor-General Taft for the plaintiff in error, and by Mr. Frank P. Prichard for defendants in error.

No. 90.—The Central National Bank, plff. in error, *vs.* The United States. Argument continued by Mr. M. W. Divine for the plaintiff in error, by Mr. Assistant Attorney-General Parker for the defendant in error, and concluded by Mr. A. P. Whitehead for plaintiff in error.

No. 91.—The Chicago, Milwaukee & St. Paul Railway Co., pl'ff in error, *vs.* James Artery. Argued by Mr. John W. Cary for the plaintiff in error, and by Mr. Delos E. Lyon for defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 26, will be as follows: Nos. 92, 93, 94, 61, 95, 97, 98, 99, 101, and 102.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 26, 1890.

Present: The Chief-Justice and all the Associate Justices.

James P. Harrison, of Danville, Va., and John J. Knickerbocker, of Chicago, Ill., were admitted to practice.

No. 173.—Alfred E. Paillard *et al.*, appts., *vs.* Aristides H. Jacot, *et al.* Appeal from the C. C. U. S. for the southern district of New York. Dismissed per stipulation.

No. 237.—Louis Adler *et al.*, etc., appts., *vs.* Abner J. Tower. Appeal from the C. C. U. S. for the district of Maryland. Dismissed per stipulation.

No. 249.—Arthur Gunther *et al.*, plffs. in error, *vs.* The Ottawa Bottle and Flint Glass Co. In error to the C. C. U. S. for the eastern district of Wisconsin. Dismissed per stipulation.

No. 544.—Arthur D. Story *et al.*, plffs. in error, *vs.* Joseph Simpson. In error to the superior court of the State of Massachusetts. Dismissed per stipulation.

No. 697.—The Minneapolis and St. Louis Railway Co., plff. in error, *v.* The State of Minnesota *ex rel.* The City of Minneapolis. Dismissed with costs per stipulation.

No. 92.—R. P. Voight & Co., plffs. in error, *vs.* E. T. Wright. Submitted by Mr. J. E. Heath, for plffs. in error. No brief filed for defendant in error.

No. 93.—John W. Bass, presiding judge, etc., plff. in error, *vs.* Harvey S. Taft. Submitted by Mr. Phil. B. Thompson, jr., for plff. in error. No counsel appeared for defendant in error.

No. 61.—The County of Fond du Lac, plff. in error, *vs.* Sarah May. Argued by Mr. Chas. E. Shephard for plff. in error, and by Mr. M. C. Burch for defendant in error.

No. 94.—Sarah May, plff. in error, *vs.* The County of Juneau. Argued by Mr. M. C. Burch for plaintiff in error, and submitted by Mr. S. U. Piny for deft. in error.

No. 95.—Singleton M. Ashenfelter, appt., *vs.* The Territory of New Mexico *ex rel.* Edward C. Wade. Argued by Mr. C. W. McKeehan for the appellant. No brief filed for appellee.

No. 97.—Brooke Mackall, appt., *vs.* Geo. W. Casilear *et al.* Argument commenced by Mr. Samuel Shellabarger for appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 1st, will be as follows: Nos. 97, 98, 99, 101, 102, 1356, 103, 104, 105, 106.

○

SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 1, 1890.

Present: The Chief-Justice and all the Associate Justices, except Mr. Justice Field.

Albert J. Hopkins, of Aurora, Ill.; George P. M. Turner, of Memphis, Tenn.; William W. Dudley, of Richmond, Ind., and Oliver Bond Snider, of Toledo, Ohio, were admitted to practice.

No. 40.—John Broom *et al.*, appts., *vs.* James C. Armstrong. Appeal from the supreme court of the Territory of Utah. Decree affirmed with costs. Opinion by Mr. Justice Lamar.

No. 43.—John Dobson *et al.*, etc., appts., *vs.* James Lees *et al.*, etc. Appeal from C. C. U. S for the eastern district of Pa. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court:

No. 1088.—The City of New Orleans *et al.*, plffs. in error, *vs.* The New Orleans Water Works Co. *et al.* Motion to advance denied.

No. 1258. The Texas and Pacific R. R. Co., plff. in error, *vs.* Henry Horn. Motion to dismiss denied.

No. 1388. The Ætna Life Ins. Co., of Hartford, Conn., plff. in error, *vs.* Ada Ward, wife of Chas. Ward, etc. Motion to advance presented by Mr. John Linn in support of motion, and opposed by Mr. Wm. A. Maury in behalf of counsel for plaintiff in error. Motion postponed until Monday next.

No. 1539.—Sylvester H. Kneeland, appt., *vs.* The American Loan and Trust Co. *et al.* Motion to advance submitted by Mr. J. L. High in support of motion, and by Mr. R. G. Ingersoll and Mr. Clarence Brown in opposition thereto.

No. 1540.—Sylvester H. Kneeland, appt., *vs.* Geo. Wm. Ballou, trustee, *et al.* Motions to advance and to dismiss as to certain appellees submitted by Mr. J. L. High in support of motions, and by Mr. R. G. Ingersoll and Mr. Clarence Brown in opposition thereto.

No. 1383. Daniel G. Ambler *et al.*, plffs. in error, *vs.* Isaac Eppinger. Submitted pursuant to 32d rule by Mr. James Loundes for plaintiffs in error, and by Mr. H. Bisbee for defendant in error.

No. 1380. The Massachusetts Benefit Association, plff. in error, *vs.* Sarah G. Miles. Motion to dismiss submitted by Mr. Richard P. White in support of motion, and by Mr. F. Carroll Brewster in opposition thereto.

No. 783. Russell M. Bradley *et al.*, appts., *vs.* Darius Ford. Motion to dismiss or affirm submitted by Mr. H. C. Wisner in support of motion, and by Mr. H. H. Swan and Mr. F. H. Canfield in opposition thereto.

No. 1333.—The Union Trust Co. of New York, trustee, plff. in error, *vs.* Jacob Binz *et al.* Motions to dismiss or affirm submitted by Mr. A. W. Houston and Mr. W. C. Oliver in support of motions, and by Mr. Wheeler H. Peckham in opposition thereto.

No. 1421.—The Houston East and West Texas Ry. Co., plff. in error, *vs.* Jacob Binz *et al.* Motions to dismiss or affirm submitted by Mr. A. W. Houston and Mr. W. C. Oliver in support of motions, and by Mr. James Parker in opposition thereto.

No. 117.—Edward D. Egan, appt., *vs.* James T. Clasbey. Submitted per stipulation by Mr. J. L. Rawlins, for the appellant, and by Mr. Sam'l A. Merritt, for appellee.

No. 104.—Wm. A. Cooke, jr., appt., *vs.* The Globe Files Co. *et al.* Continued per stipulation.

No. 97.—Brooke Mackall, appt., *vs.* George W. Casilear *et al.* Leave granted appellant to file additional brief herein and argument continued by Mr. Samuel Shellabarger, for appellant, by Mr. J. J. Darlington and Mr. S. S. Henkle, for appellee, and concluded by Mr. Samuel Shellabarger, for appellant.

No. 98.—Robert Hamilton, plff. in error, *vs.* The Home Ins. Co. of N. Y. Argument commenced by Mr. Joseph Wilby, for plaintiff in error, and continued by Mr. Channing Richards, for defendant in error, and by Mr. E. W. Kittredge, for plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 2, will be as follows: Nos. 98, 99, 101, 102, 1356, 103, 105, 106, 108, and 109.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 2, 1890.

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

John Wilmer Hughes, of San Diego, Cal., was admitted to practice.

No. 1109.—The People of the State of New York, *ex rel.* Thomas C. Platt, plff. in error, *vs.* Edward Wemple, comptroller, etc. In error to the supreme court of the State of New York. Dismissed per stipulation.

No. 108.—The Housatonic Railroad Company, plff. in error, *vs.* Jacob Grissell. In error to the supreme court of errors of the State of Connecticut. Dismissed with costs pursuant to the 10th rule.

No. 98.—Robert Hamilton, plff. in error, *vs.* The Home Ins. Co. of N. Y. Argument concluded by Mr. E. W. Kittredge, for the plaintiff in error.

No. 99. Hoffman Lee & Co., appts., *vs.* Wm. J. Overby *et al.* Suggestion of death of James R. Millner, one of the appellees herein, and appearance of admr. and heirs at law filed and entered, on motion of Mr. Frederic D. McKenney, of counsel for appellees.

No. 99.—Hoffman Lee & Co., appts., *vs.* Wm. J. Overby *et al.* Argued by Mr. James P. Harrison and Mr. S. Teackle Wallis for the appellants, and by Mr. Frederic D. McKenney and Mr. Samuel F. Phillips for appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 3d, will be as follows: Nos. 101, 102, 1356, 103, 105, 106, 109, 110, 111, and 113.

C

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 3, 1890.

Present: The Chief-Justice and all the Associate Justices, except Mr. Justice Field.

Latham Gallup Reed, of New York City, and Jno. C. Comfort, of Harrisburg, Pa., were admitted to practice.

No. 381. Alvin Kensler, plff. in error, *vs.* Louis Cohn. In error to the C. C. U. S. for the western district of Mo. Dismissed with costs, per stipulation.

No. 111.—George F. Packer, plff. in error, *vs.* Jake Bird *et al.* Submitted by Mr. W. C. Becker for plaintiff in error, and by Mr. C. N. Fox for defendants in error.

No. 112.—The United States, plff. in error, *vs.* Alfred Briggs *et al.* In error to the C. C. U. S. for the northern district of Cal. Dismissed on motion of Mr. Attorney-General Miller, of counsel for plaintiff in error.

No. 101.—The Lawrence Manufacturing Company, appellant, *vs.* The Tennessee Manufacturing Co.. Argued by Mr. J. H. Raymond and Mr. W. B. Hornblower for the appellant, and by Mr. A. J. Hopkins and Mr. J. M. Dickinson for appellee.

No. 102.—The Lawrence Manufacturing Co., appellant, *vs.* The Janesville Cotton Mills. Argument commenced by Mr. J. H. Raymond for appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 4, will be as follows: Nos. 102, 1356, 103, 105, 106, 109, 110, 113, 114, and 115.

11038—33

SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 4, 1890.

Present: The Chief-Justice and all the Associate Justices.

Ex parte: In the matter of Wright, Lancaster, *et al.*, petitioners. Motion for leave to file petition for a writ of habeas corpus submitted by Mr. Washington Dessau in support of motion, and by Mr. Attorney-General Miller in opposition thereto.

No. 114.—The United States, appt., *vs.* Wm. M. Griffith. Passed.

No. 102.—The Lawrence Manufacturing Co., appellant, *vs.* The Janesville Cotton Mills. Argument continued by Mr. I. C. Sloan for appellee, and concluded by Mr. W. B. Hornblower for appellant.

No. 1356.—F. H. Ayers *et al.*, plffs. in error, *vs.* A. E. Watson. Argued by Mr. Wm. E. Earle for the plaintiffs in error, and by Mr. W. Hallett Phillips for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 5, will be as follows:

Nos. 103, 105, 106, 109, 110, 113, 115, 116, 118, and 119.

11038—34

SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 5, 1890.

Present: The Chief-Justice and all the Associate Justices.

Henry S. White, of Red Bank, N. J., and J. P. Tucker, of Boston, Mass., were admitted to practice.

Ex parte: In the matter of Wright Lancaster *et al.*, petitioners. Motion for leave to file petition for a writ of habeas corpus denied. Announced by Mr. Chief-Justice Fuller.

No. 114.—The United States, appt., *vs.* William M. Griffith. Motion to dismiss submitted by Mr. Assistant Attorney-General Maury in support of same.

No. 103.—The Bank of British North America, plff. in error, *vs.* William B. Cooper, jr. Argued by Mr. S. P. Nash for the plaintiff in error, and by Mr. John M. Bowers for the defendant in error.

No. 105.—R. Carter Wellford *et al.*, appts., *vs.* Wm. Tayloe Snyder, trustee. Argument commenced by Mr. Leigh Robinson for the appellants.

Adjourned until Monday next at 12 o'clock.

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

Nos. 105, 106, 109, 110, 113, 115, 116, 118, 119, and 1311.

11038—35



SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 8, 1890.

Present: The Chief Justice and all the Associate Justices.

Richard H. Harrison, of Waco, Tex. ; Maurice McKeag, of St. Louis, Mo. ; Albert F. Sire, of New York City ; Lewis E. Stanton, of Hartford, Conn. ; and Benjamin W. Huston, of Vassar, Mich., were admitted to practice.

No. 64.—A. S. Solomons, appt., *vs.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brewer.

No. 80.—The Montana Railway Co., plff. in error, *vs.* Charles S. Warren *et al.*, in error to the supreme court of the Territory of Montana. Judgment affirmed with costs, and cause remanded to the supreme court of the State of Montana. Opinion by Mr. Justice Brewer.

No. 78.—Clement A. Auffmordt *et al.*, plffs. in error, *vs.* Edw. L. Hedden, collt., etc., in error to the C. C. U. S. for the southern district of New York. Judgment affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 87.—The steamship *Nacoochee*, etc., appt., *vs.* Edward S. Mosely *et al.*; and

No. 88.—Edward S. Mosely *et al.*, appt., *vs.* The *Nacoochee*, etc., Appeals from the C. C. U. S. for the southern district of New York. Decree reversed and cause remanded, with a direction to enter a decree for the libellants for the full amount of their damages, with interest from the date of the report of the commissioner of the district court, and for their costs in the district court and in the circuit court and in this court on both appeals. Opinion by Mr. Justice Blatchford.

No. 1516.—C. R. Handley *et al.*, appts., *vs.* Sebastian Stutz *et al.* Motion to dismiss denied and jurisdiction of the circuit court sustained. Opinion by Mr. Justice Gray.

No. 90.—The Central National Bank, plff. in error, *vs.* The United States. In error to the C. C. U. S. for the southern district of New York. Judgment affirmed. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Field.

No. 1237.—Clifton Holden, appt., *vs.* The State of Minnesota. Appeal from the C. C. U. S., for the district of Minnesota. Decree affirmed with costs. Opinion by Mr. Justice Harlan.

No. 72.—The Grover & Baker Sewing Machine Co., plff. in error, *vs.* Wm. P. Radcliffe. In error to the court of appeals of the State of Maryland. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 81.—John Johnson, plff. in error, *vs.* Thomas L. Resk *et al.* In error to the supreme court of the State of Tennessee. Dismissed for want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 1195.—The United States *ex rel.*: R. Mason Lisle, plff. in error, *vs.* John R. Lynch, Fourth Auditor *et al.* In error to the supreme court of the District of Columbia. Dismissed for want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court:

No. 1333.—The Union Trust Co. of N. Y., trustee, plff. in error, *vs.* Jacob Binz *et al.*; and

No. 1421.—The Houston East and West Texas Ry. Co., plff. in error, *vs.* Jacob Binz *et al.* Motions to dismiss or affirm postponed to the hearing of the cases on their merits.

No. 1539.—Sylvester H. Kneeland, appt., *vs.* The American Loan and Trust Co. *et al.*; and

No. 1540.—Sylvester H. Kneeland, appt., *vs.* Geo. Wm. Ballou, trustee, *et al.* Motions to advance granted and cases assigned for argument on the fourth Monday in January next, after cases already assigned for that day.

No. 114.—The United States, appt., *vs.* William M. Griffith. Motion for leave to file reasons for dismissal of this appeal on part of appellant denied.

No. 758.—The United States, appt., *vs.* The Central Pacific R. R. Co. Ordered that the record in this cause be remanded to the Court of Claims for additional finding of facts.

No. 55.—Morgan's Louisiana and Texas R. R. and S. S. Co., appt., *vs.* The Texas Central Ry. Co. *et al.*; and

No. 59.—The Texas Central Ry. Co., appt., *vs.* Morgan's La. and Tex. R. R. and S. S. Co. *et al.* On motion of Mr. J. Hubley Ashton, of counsel for appellants in No. 55, mandate granted.

No. 1571.—Mary E. Wood, plff. in error, *vs.* J. N. Beach. In error to the supreme court of the State of Kansas. On motion of Mr. A. B. Browne, for defendant in error, docketed and dismissed with costs.

No. 1572.—N. L. Ard, plff. in error, *vs.* Alexander Brandon. In error to the supreme court of the State of Kansas. On motion of Mr. A. B. Browne, for defendant in error, docketed and dismissed with costs.

No. 1224.—Henry B. Morrow, trustee, *et al.*, appts., *vs.* The Cumberland Telephone and Telegraph Co. On motion of Mr. Benton McMillin, in behalf of counsel, reassigned for argument before a full bench.

No. 131.—A. E. Florang *et al.*, plffs, in error, *vs.* I. N. Craig.

No. 132.—Chris. Bonn, plff., in error, *vs.* Wm. F. Thrasher *et al.* In error to the supreme court of the State of Iowa. Dismissed with costs, per stipulations, on motion of Mr. P. Henry Smyth, for the plaintiffs in error.

No. 1385. The El Paso Water Co., appt., *vs.* The City of El Paso. Motions to dismiss or affirm submitted by Mr. Leigh, clerk, and Mr. Walter D. Davidge in support of motions, and by Mr. W. B. Thompson and Mr. Maurice McKeag in opposition thereto.

No. 1388. The Ætna Life Insurance Co., of Hartford, Conn., plff. in error, *vs.* Ada Ward, wife, etc. Motion to advance submitted by Mr. John Linn in support of motion, and by Mr. Theron G. Strong in opposition thereto.

Nos. 6 and 7. Original. *Ex parte*: In the Matter of the Pennsylvania Co., petitioner. Argued by Mr. Daniel Davenport for petitioner, and by Mr. Lewis E. Stanton for respondents.

No. 105.—R. Carter Wellford *et al.*, appts., *vs.* Wm. Tayloe Snyder, trustee. Argument continued by Mr. Leigh Robinson for appellants, and by Mr. Wm. Pinckney Whyte for appellee.

The court will adjourn from December 22, 1890, to January 5, 1891. Adjourned until to-morrow at 12 o'clock.

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

Nos. 105, 106, 109, 110, 113, 115, 116, 118, 119, and 1311.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 9, 1890.

Present: The Chief Justice and all the Associate Justices.

Sam. E. Browne, of Denver, Colo.; Timothy J. Fox, of New Haven, Conn.; and R. H. Kock, of Pottsville, Pa., were admitted to practice.

No. 105.—R. Carter Wellford *et al.*, appts., *vs.* Wm. Tayloe Snyder, trustee. Argument continued by Mr. Henry Wise Garnett for appellee, and concluded by Mr. Leigh Robinson for appellants.

No. 106.—James F. Joy *et al.*, etc., appts., *vs.* The City of St. Louis *et al.* Argument commenced by Mr. W. K. Blodgett for appellants, and continued by Mr. John C. Orrick for appellees.

Adjourned until to-morrow at 12 o'clock.

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

Nos. 106, 109, 110, 113, 115, 116, 118, 119, 1311, and 1174.

11038—37



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 10, 1890.

Present: The Chief Justice and all the Associate Justices.

Edwin H. Lamme, of Los Angeles, Cal.; William F. Evans, of Topeka, Kans.; Thomas B. Martin, of Little Rock, Ark.; Charles P. Searle, of Boston, Mass.; and Louis C. Raegener, of New York City, were admitted to practice.

No. 295.—Solon Humphreys *et al.*, recrs., etc., appts., *vs.* Thos. McKissock, recr., etc. Appeal from the C. C. U. S. for the southern district of Iowa. Dismissed with costs, on motion of Mr. Wells H. Blodgett for the appellants.

No. 106.—James F. Joy *et al.*, etc., appts., *vs.* The City of St. Louis *et al.* Argument continued by Mr. John C. Orrick for appellees, and concluded by Mr. Wells H. Blodgett for appellants.

No. 453.—David L. Hammond *et al.*, plffs. in error, *vs.* Walter S. Johnston, recr., *et al.* Suggestion of death of J. L. D. Morrison, one of the plaintiffs in error herein and appearance of proper representatives, filed and entered, on motion of Mr. George F. Edmunds for plaintiffs in error.

No. 109.—Abraham Lloyd, plff. in error, *vs.* John McWilliams, collr., etc. Argument commenced by Mr. J. P. Tucker for plaintiff in error. The court declined to hear further argument.

No. 110.—Wm. E. Bassett, plff. in error, *vs.* The United States. Argued by Mr. Franklin S. Richards for the plaintiff in error, and by Mr. Attorney-General Miller for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

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

Nos. 115, 113, 116, 118, 119, 1311, 1174, 1239, 1301, and 1283.

11038—38

SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 11, 1890.

Present: The Chief Justice and all the Associate Justices.

Thomas W. Neill, of Washington, D. C.; Nathan Frank, of St. Louis, Mo.; James P. Flick, of Bedford, Iowa; Harold Goodwin, of Philadelphia, Pa.; Theodore L. Burnett and George B. Easton, of Louisville, Ky.; and J. Henry Taylor, of Boston, Mass., were admitted to practice.

No. 758.—The United States, appt., *vs.* The Central Pacific R. R. Co. Appeal from the Court of Claims. This appeal, so far as it relates to the sum of \$804,094.31 for services rendered the Government, dismissed, per stipulation of counsel, on motion of Mr. Joseph K. McCammon, of counsel for the appellee.

No. 114.—The United States, appt., *vs.* Wm. M. Griffith. Appeal from the Court of Claims. Dismissed on motion of Mr. Assistant Attorney-General Maury for the appellant.

No. 115.—David Preston *et al.*, plffs. in error, *vs.* Jas. B. Prather *et al.* Suggestion of death of David Preston and appearance of Jane B. Preston and Wm. D. Preston, excrs., etc., as parties plaintiffs in error in this cause, filed and entered on motion of Mr. John P. Wilson for plaintiffs in error.

No. 115.—Jane B. Preston *et al.*, excrs., *et al.*, plffs. in error, *vs.* Jas. B. Preston *et al.* Argued by Mr. John P. Wilson and Mr. P. S. Grosscup for the plaintiffs in error, and by Mr. H. W. Jackson for the defendants in error.

No. 1311.—C. E. Cook *et al.*, plffs. in error, *vs.* The United States. Argument commenced by Mr. George R. Peck 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. 1311, 116, 118, 119, 113, 1174, 1239, 1301, 1283, and 121.

11038—39

SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 12, 1890.

Present: The Chief Justice and all the Associate Justices.

Edward D. Kenna, of St. Louis, Mo., was admitted to practice.

No. 119. John D. Beardsley, appt. *vs.* Paul F. Beardsley; submitted by Mr. A. H. Garland, Mr. H. J. May, and Mr. J. M. Moore for the appellant, and by Mr. Dan W. Jones for appellee.

No. 1311.—C. E. Cook *et al.*, plffs. in error, *vs.* The United States. Argument continued by Mr. George R. Peck for the plaintiffs in error, by Mr. Solicitor-General Taft and Mr. Attorney-General Miller for the defendant in error, and concluded by Mr. John F. Dillon for the plaintiffs in error.

Adjourned until Monday next at 12 o'clock.

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

Nos. 116, 118, ¹¹³1174, 1239, 1301, 1283, 121, 122, 124, and 125.

11038—40



SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 15, 1890.

Present: The Chief Justice and all the Associate Justices.

G. W. Atkinson, A. J. Clarke, and Henry M. Russell, of Wheeling, West Va., were admitted to practice.

No. 79.—The Union Stock Yards National Bank, appt., *vs.* A. J. Gillespie *et al.* Appeal from the C. C. U. S. for the northern district of Illinois. Decree affirmed with costs and interest. Opinion by Mr. Justice Brewer.

No. 71.—The Busell Trimmer Co. *et al.*, appts. *vs.* Frank M. Stevens *et al.* Appeal from the C. C. U. S. for the district of Massachusetts. Decree affirmed with costs. Opinion by Mr. Justice Lamar.

No. 61.—The County of Fond du Lac, plaintiff in error, *vs.* Sarah May. In error to the C. C. U. S. for the eastern district of Wisconsin. Judgment reversed with costs and cause remanded, with a direction to grant a new trial. Opinion by Mr. Justice Blatchford.

No. 94.—Sarah May, pl'ff in error, *vs.* The County of Juneau. In error to the C. C. U. S. for the western district of Wisconsin. Judgment affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 98.—Robert Hamilton, pl'ff in error, *vs.* The Home Insurance Co., of N. Y. In error to the C. C. U. S. for the southern district of Ohio. Judgment reversed with costs, and cause remanded with directions to set aside the verdict, and to take such further proceedings as may be consistent with the opinion of this court. Opinion by Mr. Justice Gray.

No. 783.—Russell M. Bradley *et al.*, etc., appts., *vs.* Darius C. Ford. Appeal from the C. C. U. S. for the eastern district of Mich. Decree affirmed with costs. Opinion by Mr. Chief-Justice Fuller.

No. 109.—Abraham Lloyd, pl'ff. in error, *vs.* John McWilliams, coll'r, etc. In error to the C. C. U. S. for the district of Rhode Island. Judgment affirmed with costs. Opinion by Mr. Chief-Justice Fuller.

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

No. 1385.—The El Paso Water Co., appt., *vs.* The City of El Paso. Motions to dismiss or affirm postponed to the hearing on the merits.

No. 1388.—The *Ætna* Life Ins. Co., of Hartford, Conn., plff. in error, vs. Ada Ward, wife etc. Motion to advance granted and cause assigned for argument on the first Monday in March next.

No. 95.—Singleton M. Ashenfelter, appt., vs. The Territory of New Mex. *ex rel.* Edward C. Wade. Case restored to the docket to be argued orally before a full court and the clerk directed to notify the Attorney-General of the United States that he may take part in the argument if he finds it expedient to do so.

Mr. Attorney-General Miller addressed the court.

MAY IT PLEASE THE COURT: On the 13th day of October last, Samuel Freeman Miller, Senior Associate Justice of this court, died at the age of seventy-four years.

At a meeting of the bar of this court, on the 6th instant, the following resolutions touching his death were adopted :

Resolved, That the members of the bar, practicing in the Supreme Court of the United States, are affected with profound sensibility at the loss suffered by the court and by the profession of the law and the community at large which has fallen upon them in the sudden death of this eminent lawyer, jurist, and magistrate when at the height and full exercise of his great powers in the service to the nation in the exalted place which he had so long occupied.

Resolved, That the length of years, falling not much short of a whole generation, which the judicial service of Mr. Justice Miller has given to the administration of justice in the high functions and the wide scope which belong to the great tribunal in which he sat, and the period of the service concurring with the march of events in the life of the nation through the civil war, and the difficult tasks of the restoration of order and unity in the working of our Government and the reestablishment of the calm and prevalent maintenance of law throughout the land, place him in the front rank and in close association with the greatest judges that have shed luster upon the court in its historic fame and permanent benefits upon the welfare of the people.

Resolved, That the members of this bar, besides fully sharing in the universal and grateful public estimate of the character and life of this great judge and grief at his loss, may properly, from their close and constant observation of his personal traits and his relations with the court and the bar in his discharge of his daily duties, bear witness to his admirable conduct in these duties and relations, so just, so firm, so amiable, and feel a personal sorrow at his death.

Resolved, That a copy of these resolutions be presented by the president and secretary of the meeting to the family of Mr. Justice Miller with the sincere sympathy of the profession in their bereavement and that

the Attorney-General be requested to present to the Supreme Court in session the proceedings of this meeting.

MAY IT PLEASE THE COURT :

It was a saying of Solon, the lawgiver, that no one ought to be called happy until after death, since storms and calamities in the evening may change the character of the brightest day. Tried by this supreme test, Samuel Freeman Miller was a happy man.

Born of pioneer stock amid humble surroundings in the simple life of Kentucky during the second decade of this century, a life from which advancement could be had only along the rugged paths of frugality, integrity, and hard work, he was fortunate in the time and place of his nativity.

It is not uncommon to refer to a successful man as having started without extraneous help, as if this rendered the career more remarkable. Quite the reverse is true. To the unambitious youth, content upon the plains of comfortable mediocrity, wealth and influence may be desirable. But one who aspires to the high places of earth, to climb mountains, and from their summits take in wider landscapes, to be a leader among his fellows, must generally strive under the spur of necessity, along paths impassable to luxury.

In this, also, Mr. Miller's life was happy. Necessity compelled, and an indomitable resolution impelled him to make his own way.

Full of ambition, though having only slight educational advantages, he chose medicine as a profession, and practiced as a physician successfully in Kentucky for a number of years.

Dissatisfied, however, with his surroundings, especially hating the contaminating touch of African slavery, he determined to seek a new life, changing at once his residence and his profession.

In 1862, President Lincoln found Mr. Miller in Iowa, as a few years before the country had found Mr. Lincoln in Illinois, devoting his life to a somewhat obscure and unremunerative, though, for the place and time, successful practice of the law.

And the finding of such a judge by the President was only less fortunate than the finding of such a President by the country.

Indeed, Mr. Justice Miller rightly thought it one of the happiest incidents of his life that he not only received his commission as Justice of this court at the hands of Abraham Lincoln, but that he received with it his friendship and confidence; and well he might, for who does not feel a pride that he was even a contemporary of that great and good man, and who does not view with regret the severance of any tie connecting that inestimable life with his own?

While we may take by the hand those who have lived and wrought by the side of Lincoln, we seem to be near him, and as by personal contact to take on something of the high inspiration and holy impulses of his character.

Alas, that but a single strand now connects him with the personality of this court. One member only remains, full of years and honors, discharging the high duties to which he was consecrated by the martyred President.

Serus in cœlum redeas.

Mr. Justice Miller was happy in his work and in its results.

To be appointed to a seat in this great tribunal was a signal mark of distinction ; but to occupy that seat, in the estimation of the profession and of the whole people, for nearly thirty years, with the highest credit to himself and the greatest usefulness to his country, was honor indeed.

When Justice Miller ascended this bench, a political earthquake was shaking the foundations of Government, obliterating old landmarks, and filling the accustomed channels of public law with hitherto unsuspected difficulties and dangers. To safely guide this, the weakest and most sensitive branch of the Government, amid these shocks and through all the troublous times that followed, so that, on the one hand, no just power of the General Government should be lost, and on the other, no just right of a State or of a citizen should be sacrificed, was a task worthy of the best efforts of the greatest jurists, and worthily has the work been done. It is not disparagement to others to say, that in this work, which will ever stand as a monument of honor to the court, and a bulwark of security to free institutions, Justice Miller was second to none.

The most striking feature of his mind was the logical faculty. Others, perhaps, had more culture, more legal learning ; none had more legal wisdom. Intellectually, as morally, he was robust, rugged, simple, and always honest. With him, logical conclusions were moral convictions, and to abide by them was an intellectual and moral necessity. Like Martin Luther at the Diet of Worms, he could "do no otherwise." Undiscriminating eulogy has said that Judge Miller was wont to sweep away the law in order that justice might prevail.

Such a statement would not have been accepted by him as praise. He loved justice, but he knew, as all men fit for judges know, that justice, humanely speaking, can have its perfect work only through the law ; that obedience to law by the magistrate, as well as by the private citizen, is essential to justice, as it is a condition of liberty.

In his social and home life also, our friend was happy. A vigorous, healthy constitution in a stalwart body, a genial temperament, a great

fondness for and unfaltering trust in his friends, made the grasp of his hand always hearty and his presence a delight in every social gathering.

His religious views were broad and very practical. The essence of his creed was "to do justice, to love mercy, and to walk humbly" before God and man.

In the Odyssey, the much-suffering Ulysses, thus describes the highest earthly bliss :

"There is no better, no more blessed state,
 "Than when the wife and husband in accord
 "Order the household lovingly. Then those
 "Refine who hate them, those who wish them well
 "Rejoice, and they themselves the most of all."

After a long life of such domestic felicity and of such public usefulness, loved by a multitude of friends, revered of all men, our friend, still instant in duty, with length of days in his right hand and in his left hand wisdom and honor, awaited the call of the Master. The call came, sudden, peremptory, and it found him ready.

I move that the resolutions of the bar be spread upon the records of the court.

The Chief Justice responded as follows :

The court ~~profoundly~~ sympathizes with the resolutions and the remarks of the Attorney-General. The loss so universally felt in the death of Mr. Justice Miller comes home in an especial degree to his brethren, participants in his toil and sharers of his intimate friendship.

When he became a member of the court its deliberations were presided over by Chief Justice Taney, and Catron and Nelson and Grier and Clifford were among his associates, together with the venerable Wayne, the last survivor of the bench as constituted under John Marshall. Of the forty-five Associate Justices up to the time of his death only Catron equaled, and Washington, William Johnson, Story, McLean, and Wayne exceeded him in length of service. We need not say how cordially we reciprocate the wish that our colleague, his ancient comrade, may be spared to pass far beyond that limit, while we extend the aspiration to that other veteran who has sat in judgment with him for more than twenty years.

The trans-Mississippi country had just entered upon its course of unexampled development when the sagacity of Mr. Lincoln gave to it, in this appointment, a judicial representative. Wisconsin was one of the States of the circuit to which Mr. Justice Miller was first allotted, but was afterwards detached, while Iowa, Kansas, Minnesota, and Missouri remained with him from the beginning to the end, Arkansas, Colorado, and Nebraska being subsequently added ; and there is no part of that vast and powerful region that is not full of his labors. He lived to see a population in his circuit of three million expand into ten (two of the States admitted to the Union years after the commencement of his incumbency ris-

deep

ing from the 63,000 of 1860 to the million and a half of 1890), while an equally marvelous increase in the products of the farm and of the mine, in commerce, in science, in invention, and in wealth, corresponded with the progress of the great nation of which he was a judicial officer.

He came here in the prime of life, in the full vigor of his faculties, and with a mind trained by the experience of active practice in two professions, nearly ten years in that of medicine and fifteen at the bar; a practice in either requiring for success learning, knowledge of men and things, acuteness, and, above all, the habit of decision.

When he took his seat the country was in the throes of internecine conflict; when his eyes closed it was upon a happy, prosperous, and united people, living under the form of government devised by the fathers, the wisdom of whose fabric the event had vindicated. Great problems crowded for solution; the suspension of the habeas corpus; the jurisdiction of military tribunals; the closing of the ports of the insurrectionary States; the legislation to uphold the two main nerves, iron and gold, by which war moves in all her equipage; the restoration of the predominance of the civil over the military authority; the reconstruction measures; the amendments to the Constitution, involving the consolidation of the Union, with the preservation of the just and equal rights of the States—all these passed in various phases under the jurisdiction of the court, and he dealt with them with the hand of a master.

While he took his full share in the consideration of every subject of judicial investigation, notably in reference to some, as, for instance, those pertaining to the public lands, yet he chiefly distinguished himself in the treatment of grave constitutional questions, which brought into play the patience, the intuition, the deliberation, the foresight, the intellectual grasp, and the breadth of view, which characterize all who have deserved the name of statesmen. And as with private controversies, so with those concerning the public and the Government, he sought to go by the ancient ways, and never to incur the curse denounced on him who removeth the landmarks. His style was like his tread, massive but vigorous. His opinions, from his first in the second of Black's Reports, to his last in the one hundred and thirty-sixth United States, some seven hundred in number (including dissents), ~~forming a part of~~ ^{forming a part of} seventy volumes, were marked by strength of diction, keen sense of justice, and undoubting firmness of conclusion.

He had that true legal instinct which qualified him to arrive at the very right of a cause and to apply settled principles to its proper disposition; while to courage was joined an integrity and simplicity that always commanded respect and generally carried conviction. Benignant in temperament, and with a heart full of sensibility, his intercourse with his fellows was so cordial and kindly as to endear him to all who came within the sphere of his influence.

And the power of routine so benefited him that through the long years of experience, which seem so brief now, he attained, as was remarked of Mansfield, "that dignity of disposition which grows with the growth of an illustrious reputation, and becomes a sort of pledge to the public for security."

The classical allusion of the Attorney-General might well receive a wider application, for, to the last, having seen and known much of men, of councils and of governments, himself "not least, but honored of them all," he bent to the oar, seeking to explore new lines of coast along the well-nigh illimitable ocean of the law.

His last years were suffused with the glow of the evening-time of a life spent in the achievement of worthy ends and expectations, and he has left a memory dear to his associates, precious to his country, and more enduring than the books in which his judgments are recorded.

The court has heretofore adjourned as a mark of respect to the memory of the deceased, and a delegation from its number has attended the committal of his body to its conatural dust in the distant city from whence he came, among the people to whom he was so deeply attached, who with their fellow-countrymen had followed his career with pride and affection, and by whom his final resting-place will ever be held sacred.

The resolutions of the bar and the remarks of the Attorney-General will be entered upon the record, and it is ordered that the memorials of the bars of New York, of St. Louis, of Portland, Oregon, and of the eastern and western districts of Arkansas be placed on file, together with such other commemorative tributes as may be hereafter received.

No. 761.—The United States, appt., *vs.* John Grimley. On motion of Mr. Solicitor-General Taft for the appellant, mandate granted.

No. 1218.—The United States, appt., *vs.* The Dalles Military Road Company.

No. 1219.—The United States, appt., *vs.* The Oregon Central Military Road Co. *et al.*

No. 1248.—The United States, appt., *vs.* The Willamette Valley and Cascade Mt. Wagon Road Co., etc.

No. 1444.—The United States, appt., *vs.* James K. Kelley.

No. 1445.—The United States, appt., *vs.* Daniel J. Cooper.

No. 1446.—The United States, appt., *vs.* Matilda C. Rogers, admx., etc.

No. 1447.—The United States, appt., *vs.* William Grant.

No. 1448.—The United States, appt., *vs.* William Floyd.

Motion to advance submitted by Mr. Solicitor-General Taft in support of motion.

No. 1479.—Henry B. Sire, plff. in error, *vs.* The Ellethorpe Air Brake Co. Motions to dismiss or affirm submitted by Mr. Samuel Ashton in support of motion, and by Mr. Chauncey Shaffer, Mr. Abert I. Sire, Mr. J. Hubley Ashton in opposition thereto.

No. 1342.—Hugh Butler *et al.*, plffs. in error, *vs.* David A. Gage *et al.*, exers., etc., *et al.* Motion to dismiss postponed until the first Monday in January next on motion of Mr. Wm. A. Maury in behalf of counsel.

No. 174.—George B. Cluett *et al.*, appts., *vs.* Horace B. Claflin *et al.*

No. 175.—George B. Cluett *et al.*, appts., *vs.* John McNeany *et al.* Passed pursuant to twenty-sixth rule.

No. 1425.—The Wheeling and Belmont Bridge Co., plff. in error, *vs.* The Wheeling Bridge Company.

Motion to dismiss or affirm submitted by Mr. W. P. Hubbard in support of motion, and by Mr. A. J. Clarke and Mr. Henry M. Russell in opposition thereto.

No. 1149.—U. S. *ex rel.* S. C. Boynton, plff. in error, *vs.* Jas. G. Blaine, Secty. of State. Motion to advance submitted by Mr. A. H. Garland in support of motion.

No. 1541.—William Caldwell, plff. in error, *vs.* The State of Texas. Motion to dismiss submitted by Mr. R. H. Harrison and Mr. J. S. Hogg in support of motion, and by Mr. J. R. Burns in opposition. Motion to advance submitted by Mr. R. H. Harrison in support of same.

No. 1099.—Thomas A. Green, plff. in error, *vs.* S. E. Elbert *et al.* Motions to dismiss or affirm submitted by Mr. George A. King in support of motions, and by Mr. Thomas A. Green in opposition thereto.

No. 1362.—The Red River Cattle Co., plff. in error, *vs.* R. H. Needham *et al.* Motion to dismiss submitted by Mr. W. Hallett Phillips in support of motion, and by Mr. Sawnie Robertson in opposition thereto.

No. 1159.—The Northwestern Fuel Co., plff. in error, *vs.* R. G. Brock *et al.* Advanced pursuant to the 32d rule on motion of Mr. Charles A. Clark for defendants in error.

Ex parte: In the matter of the Louisville Water Company, petitioner. Petition for allowance of writ of error, argued by Mr. William Lindsay in support of petition, and by Mr. James B. Helm in opposition thereto.

No. 1169.—The St. Louis, Iron Mt. and Southern Ry. Co., plff. in error, *vs.* The Commercial Union Ins. Co. *et al.* Submitted pursuant to the 20th rule by Mr. Jno. F. Dillon and Mr. Harvey Hubbard for plaintiff in error, and by Mr. U. M. Rose, Mr. G. B. Rose, and Mr. E. W. Kimball for defts. in error.

No. 116.—Newell D. Clark, plff. in error, *vs.* Jas. L. Bever, admr., etc. Argument commenced by Mr. P. Henry Smyth for plaintiff in error, and continued by Mr. Chas. A. Clark for defendant in error.

Adjourned until to-morrow at 12 o'clock.

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

Nos. 116, 118, 113, 1174, 1239, 1301, 1283, 121, 122, and 124.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 16, 1890.

Present: The Chief Justice and all the Associate Justices.

No. 292.—John A. Buckstaff, plaintiff in error, *vs.* Frank A. Miles. In error to the C. C. U. S. for the district of Nebraska. Dismissed with costs per stipulation of counsel.

No. 116.—Newell D. Clark, plaintiff in error, *vs.* James L. Bever, admr. etc. Argument continued by Mr. Charles A. Clark, for the defendant in error, and concluded by Mr. P. Henry Smyth, for the plaintiff in error.

No. 118.—The Chicago, St. Louis and New Orleans R. R. Co., plaintiff in error, *vs.* The Pullman Southern Car Co.

Argued by Mr. Girault Farrar and Mr. Thomas J. Semmes, for the plaintiff in error, and by Mr. George B. Eastin and Mr. Edgar H. Farrar, 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. 113, 1174, 1239, 1301, 1283, 121, 122, 124, 125, and 126.

11038—42

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 17, 1890.

Present: The Chief Justice and all the Associate Justices.

Harvey Myers, of Covington, Ky.; David F. Day, and Benjamin H. Williams, of Buffalo, N. Y.; and Samuel E. Williamson, of Cleveland, Ohio, were admitted to practice.

No. 113.—The United States, appt., *vs.* Frederick D. Connor. Argument commenced by Mr. Assistant Attorney-General Cotton for the appellant. Ordered by the court to be passed for a full bench; to be restored to the call pursuant to the provisions of the 26th rule.

No. 1174.—Dick Duncan, appt., *vs.* T. P. McCall, sheriff, etc. Argued by Mr. Theodore J. McMinn and Mr. A. H. Garland for the appellant, and by Mr. R. H. Harrison for the appellee.

No. 1239.—Jim Leeper and Ed. Powell, plffs. in error, *vs.* The State of Texas. Argument commenced by Mr. Wm. S. Flippen for the plaintiffs in error, and continued by Mr. R. H. Harrison, for defendant in error, and by Mr. G. P. M. Turner for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

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

Nos. 1239, 1301, 1283, 121, 122, 124, 125, 126, 127, and 128.

11038—43

○

SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 18, 1890.

Present: The Chief Justice and all the Associate Justices.

Dwight C. Kilbourn, of Litchfield, Conn., and L. C. Kranthoff, of Kansas City, Mo., were admitted to practice.

No. 60.—Henry Devere *et al.*, appts., *vs.* The steamship *Haverton*, etc. Mandate granted on motion of Mr. James Parker of counsel for appellants.

No. 1214.—Pleasant Township, Van Wert County, Ohio, plaintiff in error, *vs.* The *Ætna* Life Insurance Company.

Submitted pursuant to the 20th rule, by Mr. J. H. Doyle, Mr. I. N. Alexander, and Mr. Isaiah Pillars, for the plaintiff in error, and by Mr. Jno. C. Lee, for the defendant in error.

No. 1239.—Jim Leeper and Ed. Powell, plaintiffs in error, *vs.* The State of Texas. Argument concluded by Mr. G. P. M. Turner for the plaintiffs in error.

No. 1301.—The U. S. *ex rel.* Amasa A. Redfield, plaintiff in error, *vs.* William Windom, Secretary of the Treasury. Argued by Mr. Franklin H. Mackey for the plaintiff in error, and by Mr. Assistant Attorney-General Maury for the defendant in error.

No. 1283.—*Ex parte*: In the matter of Eugene M. Converse, appellant. Argued by Mr. John C. Patterson, for appellant, and submitted by Mr. B. W. Huston on behalf of the State of Michigan.

Nos. 121, 122.—The Baltimore and Potomac R. R. Co., plaintiff in error, *vs.* The Fifth Baptist Church of Washington, D. C. Argument commenced by Mr. Enoch Totten for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 19, will be as follows:

Nos. 121 and 122, 124, 125, 126, 127, 128, 129, 130, 133, and 134.

11038—44

SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 19, 1890.

Present: All the Associate Justices.

L. Lafen Kellogg and Hector M. Hitchings, of New York City; Talcott H. Russell, of New Haven, Conn.; and William E. Uhl, of Monticello, Ind., were admitted to practice.

No. 1335.—The Pacific Express Co., plaintiff in error, *vs.* James K. McDowell. Submitted pursuant to the 32d rule by Mr. C. A. Culberson for the plaintiff in error, and Mr. William A. McKenney for the defendant in error.

Nos. 121 and 122.—The Baltimore and Potomac R. R. Co., plaintiff in error, *vs.* The Fifth Baptist Church of Washington, D. C. Argument continued by Mr. Enoch Totten for the plaintiff in error, by Mr. J. J. Darlington and Mr. M. F. Morris for defendant in error, and concluded by Mr. Enoch Totten for the plaintiff in error.

124.—Alfred Marchand, plaintiff in error, *vs.* Josephine Adele Livaudais. Argued by Mr. George A. King and Mr. Charles W. Hornor, for the plaintiff in error, and submitted by Mr. Edgar H. Farrar, Mr. Ernest B. Kruttschmitt, and Mr. B. F. Jonas, for defendant in error.

No. 125.—Abner L. Merrill, plaintiff in error, *vs.* The Town of Monticello. Argument commenced by Mr. A. C. Harris, for the plaintiff in error.

No. 1180.—The New York and New England R. R. Co., plaintiff in error, *vs.* George M. Woodruff *et al.*, comrs., etc. In error to the supreme court of errors of the State of Connecticut. Dismissed, per stipulation, on motion of Mr. S. E. Baldwin, for the plaintiff in error.

No. 1365.—The New York and New England R. R. Co., plaintiff in error, *vs.* George M. Woodruff, *et al.*, comrs., etc. In error to the superior court of Hartford County, State of Connecticut.

Dismissed, per stipulation, on motion of Mr. S. E. Baldwin, for plaintiff in error.

Adjourned until Monday next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 22, 1890.

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

Thomas B. Bishop, of San Francisco, Cal.; Robert W. McBride, of Elkhart, Ind.; Chas. A. O. McClellan, of Auburn, Ind.; Claude W. Oates, of Fort Worth, Tex.; Henry Stockbridge, jr., of Baltimore, Md.; Thomas I. Steally, of Parkersburgh, W. Va.; John H. Mitchell, jr., of Tacoma, Wash.; and Charles B. Wood, of Chicago, Ill., were admitted to practice.

No. 110.—Wm. E. Bassett, plff. in error, *vs.* The United States. In error to the supreme court of the Territory of Utah. Judgment reversed and cause remanded, with instructions to order a new trial. Opinion by Mr. Justice Brewer (announced by Mr. Justice Blatchford).

No. 103.—The Bank of British North America, plff. in error, *vs.* Wm. B. Cooper, jr. In error to the C. C. U. S. for the southern district of New York. Judgment affirmed with costs and interest. Opinion by Mr. Justice Brewer (announced by Mr. Justice Blatchford). (Mr. Justice Gray did not sit in this case, and took no part in its decision.)

No. 26.—The St. Paul, Minneapolis and Manitoba Ry. Co., appt., *vs.* Ransom Phelps. Appeal from the C. C. U. S. for the district of Minnesota. Decree reversed with costs and cause remanded, with directions to enter a decree in consonance with the opinion of this court. Opinion by Mr. Justice Lamar.

No. 84.—Edwin A. Merritt collr., etc., plff. in error., *vs.* Donald Cameron *et al.* In error to the C. C. U. S. for the southern district of New York. Judgment reversed with costs and cause remanded, with directions to set aside the verdict and grant a new trial. Opinion by Mr. Justice Lamar. Dissenting, Mr. Justice Brewer.

No. 311.—John Cadwalader, collr., etc., plff. in error, *vs.* Artemus Partridge *et al.* In error to the C. C. U. S. for the eastern district of Pa. Judgment reversed with costs and cause remanded, with a direction to set aside the verdict and grant a new trial. Opinion by Mr. Justice Lamar.

No. 91.—The Chicago, Milwaukee and St. Paul Ry. Co., plff in error, *vs.* James Artery. In error to the C. C. U. S., for the northern district of Iowa. Judgement reversed with costs and cause remanded, with a direction to grant a new trial. Opinion by Mr. Justice Blatchford.

No. 93.—John W. Bass, presiding judge, etc., plff. in error, *vs.* Harvey S. Taft. In error to the C. C. U. S. for the district of Kentucky. Judgment reversed with costs as to so much of it as holds the answer of the defendant insufficient in regard to the appointment of a collector and as sustains the demurrer to that part of the answer and as sustains the motion for a peremptory writ of mandamus against the defendant in relation to the appointment of a collector ; and cause remanded, with a direction to take such further proceedings as shall be in conformity with the opinion of this court. Opinion by Mr. Justice Blatchford.

No. 105.—R. Carter Wellfird, *et al.*, appts., *vs.* Wm. Tayloe Snyder, trustee. Appeal from the supreme court of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Gray.

No. 99.—Robt. G. Hoffman *et al.*, etc., appts., *vs.* Wm. J. Overby, admr., *et al.* Appeal from the C. C. U. S. for the western district of Virginia. Decree affirmed with costs. Opinion by Mr. Justice Harlan.

No. 86.—Wm. H. Robertson, collr., etc., plff. in error, *vs.* Oswald Oelschlaeger; and

No. 255.—Oswald Oelschlaeger, plff. in error, *vs.* Wm. H. Robertson, collr., etc. In error to the C. C. U. S. for the southern district of New York. Judgment affirmed with costs. Opinion by Mr. Justice Bradley.

No. 39.—The New York Belting and Packing Co., appt., *vs.* The New Jersey Car Spring and Rubber Co. Appeal from the C. C. U. S. for the southern district of New York. Decree reversed with costs and cause remanded, with directions to overrule the demurrer and take such further proceedings in accordance with the opinion of this court as law and justice may require. Opinion by Mr. Justice Bradley.

Nos. 6 and 7.—Original. *Ex parte*: In the Matter of The Pennsylvania Company, petitioner. Petitions for writs of mandamus denied. Opinions by Mr. Justice Bradley.

No. 1383.—Daniel G. Ambler *et al.*, plffs. in error, *vs.* Isaac Eppinger. In error to the C. C. U. S. for the northern district of Florida. Judgment affirmed with cost and interest. Opinion by Mr. Justice Field.

No. 97.—Brooke Mackall, appt., *vs.* Geo. W. Casilear *et al.* Appeal from the supreme court of the Dist. of Columbia. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller. The Chief Justice announced the following orders of the Court :

No. 419.—The Pacific Express Co., plff. in error, *vs.* P. P. Pickard, comp't, etc. Motion to advance granted and cause assigned for argument before a full bench.

No. 1149.—The U. S. *ex rel.* S. C. Boynton, plff. in error, *vs.* Jas. G. Blaine, Sec'ty of State. Motion to advance granted, and cause assigned for argument on the first Monday of March next, after cases already assigned for that day.

No. 1218.—The United States, appt., *vs.* The Dalles Military Road Co. *et al.*

No. 1219.—The United States, appt., *vs.* The Oregon Central Military Road Co *et. al.*

No. 1248.—The United States, appt., *vs.* The Willamette Valley & Cascade Mt. Wagon R'd Co. *et al.*

No. 1444.—The United States, appt., *vs.* James K. Kelly.

No. 1445.—The United States, appt., *vs.* Daniel J. Cooper.

No. 1446.—The United States, appt., *vs.* Matilda C. Rogers, admx., &c.

No. 1447.—The United States, appt., *vs.* William Grant.

No. 1448.—The United States, appt., *vs.* William Floyd.

Motion to advance granted and cases assigned for argument on the first Monday of March next, after cases already assigned for that day.

No. 1435.—The United States, appt., *vs.* Annie A. Cole.

No. 1436.—Annie A. Cole, appt., *vs.* The United States. Motion to advance submitted by Mr. Attorney-General Miller in support of motion and by Mr. M. F. Morris in opposition thereto.

No. 1267.—The Inter-State Land Co., appt., *vs.* The Maxwell Land Grant Co. Motion to advance submitted by Mr. John B. Henderson in behalf of counsel for the appellant.

No. 1351.—John C. Ball and Robt. E. Boutwell, plffs. in error, *vs.* The United States. On motion of Mr. Solicitor-General Taft, of counsel for defendant in error, advanced, and assigned for argument on the first Monday of March next, after cases already assigned for that day.

No. 880.—Daniel Magone, collr., etc., plff. in error, *vs.* Edward Luckemeyer *et al.*

No. 1441. Anthony F. Seeberger, collr., etc., plff. in error, *vs.* John V. Farwell *et al.*, etc. Motions to advance submitted by Mr. Solicitor-General Taft in support of motions.

No. 580.—Byron M. Smith's Executrix, appt., *vs.* Artemas Gale *et al.* Motion to dismiss submitted by Mr. A. G. Safford and Mr. Park Davis in support of motion, and by Mr. Enoch Totten in opposition thereto.

No. 1327.—George H. Cope, appt., *vs.* Janet Cope *et al.* Submitted, pursuant to the 20th rule, by Mr. J. G. Sutherland for the appellant, and by Mr. R. N. Baskin for the appellees.

No. 125.—Abner L. Merrill, plff. in error, *vs.* The Town of Monticello. Argument continued by Mr. Wm. E. Uhl, and concluded by Mr. David Turpie for the defendant in error.

Adjourned until Monday, January 5, 1891, at 12 o'clock.

The day call for Monday, January 5 will be as follows: Nos. 126, 127, 128, 129, 130, 133, 134, 135, 136, and 137.



SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 5, 1891.

Present: The Chief Justice and all the Associate Justices.

At the opening of the court the Honorable Henry B. Brown appeared and qualified as an Associate Justice of this court and took his seat on the bench.

John Morris, of Chicago, Ill.; Thomas Spencer Jerome, of Detroit, Mich.; Milton L. Baer, of Seattle, Wash.; Wm. H. Wells, of Detroit, Mich.; C. E. S. Wood, of Portland, Oregon; John Douglass Brown, jr., of Philadelphia, Pa.; James F. Jackson, of Fall River, Mass.; Z. T. Fulmore, of Austin, Tex.; J. L. Peeler, of Austin, Tex.; Robert J. Haire, of New York City; T. O. Abbott, of Tacoma, Wash.; Walter S. Harsha, of Detroit, Mich., and J. Altheus Johnson, of Washington, D. C., were admitted to practice.

No. 1479.—Henry B. Sire, plff. in error, *vs.* The Ellithorpe Air Brake Co. In error to the C. C. U. S. for the southern district of New York. Judgment affirmed with costs and damages at the rate of ten per cent., in addition to interest until paid, at the same rate per annum that similar judgments bear in the courts of the State of New York.

Opinion by Mr. Justice Blatchford.

No. 121 and 122.—The Baltimore and Potomac R. R. Co., plff. in error, *vs.* the Fifth Baptist Church, etc. In error to the supreme court of the District of Columbia. Judgments affirmed with costs. Opinion by Mr. Justice Gray.

No. 1356.—F. H. Ayers *et al.*, plffs. in error, *vs.* A. E. Watson. In error to the C. C. U. S. for the northern district of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Bradley.

No. 115.—Jane B. Preston *et al.*, *extrx. et al.*, plffs. in error, *vs.* James B. Prather *et al.* In error to the C. C. U. S. for the northern district of Illinois. Judgment affirmed with costs and interest. Opinion by Mr. Justice Field.

No. 1099.—Thomas A. Green, plff. in error, *vs.* Samuel H. Elbert *et al.* In error to the C. C. U. S. for the district of Colorado. Dismissed with costs. Opinion by Mr. Chief Justice Fuller.

No. 1283.—*Ex parte*: In the matter of Eugene M. Converse, appellant. Appeal from the C. C. U. S. for the eastern district of Michigan. Decree affirmed. Opinion by Mr. Chief Justice Fuller.

No. 1362.—The Red River Cattle Co., plff. in error, *vs.* R. H. Needham *et al.* In error to the C. C. U. S. for the northern district of Texas. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court:

No. 580.—Eliza S. Smith, extx., etc., appt. *vs.* Artemas Gale *et al.* Motion to dismiss denied.

No. 880.—Daniel Magone, collr. etc., plff. in error *vs.* Edward Luckemeyer *et al.*

No. 1441.—A. F. Seeberger, collr. etc., plff. in error *vs.* John V. Farwell & Co.

No. 1267.—The Interstate Land Co. appt. *vs.* The Maxwell Land Grant Co. Motions to advance granted and cases assigned for argument in the order named on the first Monday of March, next after cases already assigned for that day.

No. 1435.—The United States, app't, *vs.* Annie A. Cole; and

No. 1436.—Annie A. Cole, app't, *vs.* The United States. Motion to advance granted and cases assigned for argument on the first Monday of April next.

Ex parte: In the matter of The Louisville Water Company, petitioner. Ordered by the court that counsel be given until the third Monday of January, instant, to file printed briefs upon the question of the existence of the contract, the impairment of which is claimed to justify the issuance of the writ applied for.

No. 1335.—The Pacific Express Co., plff. in error, *vs.* James K. McDowell. In error to the C. C. U. S. for the eastern district of Texas. Judgment affirmed with costs and interest, by a divided court.

No. 1099.—Thomas A. Green, plff. in error, *vs.* Samuel H. Elbert *et al.* Ordered by the court that the brief filed by the plaintiff in error herein be stricken from the files of the court.

No. 1564.—The United States, appt., *vs.* The Des Moines Navigation and Ry. Co. *et al.* Motion to advance submitted by Mr. Attorney-General Miller and Mr. W. G. Wilson in support of same.

No. 1249.—The United States, appt., *vs.* Sally E. Page, executrix, etc. Submitted pursuant to the 20th rule by Mr. Solicitor-General Taft for the appellant, and by Mr. J. E. McDonald and Mr. Jno. C. Fay for appellee.

No. 47.—Anthony F. Seeberger, collr. and plff. in error, *vs.* Bernard Cahn *et al.* On motion of Mr. Solicitor-General Taft for the plaintiff in error mandate granted.

No. 1580.—W. A. Woodin, appt., *vs.* D. F. Chamberlain, appeal from the supreme court of the Territory of Idaho. On motion of Mr. John Goode for the appellee docketed and dismissed with costs.

No. 1360.—Clara Kauffman, plff. in error, *vs.* James C. Wootlers. Motion to dismiss or affirm submitted by Mr. A. H. Garland and Mr. H. J. May, in support of motion, and by Mr. T. N. Waal in opposition thereto.

No. 114.—The United States, appt., *vs.* Wm. M. Griffith. On motion of Mr. Jeff. Chandler mandate granted.

No. 1558.—The Pacific Express Co., appt., *vs.* James M. Seibert, State Auditor, etc. Motion to advance submitted by Mr. W. W. Morsman in support of same.

No. 1108.—Robert Turner *et al.*, appts., *vs.* Alfred A. K. Sawyer. Motion to dismiss submitted by Mr. Edward Lane in support of motion, with leave to counsel for appellants to file briefs in opposition thereto.

Nos. 251 and 252.—The Illinois Grand Trunk Ry. Co., appt., *vs.* Jephtha H. Wade. Suggestion of death of Jephtha H. Wade, appellee herein, and ordered that cause proceed in name of J. H. Wade, jr., residuary legatee and devisee, etc., as party appellee herein, on motion of Mr. Wm. A. McKenney in behalf of counsel.

No. 741.—Prentiss D. Cheney, plff. in error, *vs.* Thomas Hughes *et al.* In error to the C. C. U. S. for the district of Nebraska. Dismissed with costs on motion of Mr. Wm. A. McKenney in behalf of plaintiff in error. Motion for leave to withdraw transcript of record taken under advisement.

No. 1449.—Alonzo J. Whitman, plff. in error, *vs.* Linnie V. Atwater, &c. In error to the C. C. U. S. for the district of Minnesota. Dismissed with costs on motion of Mr. Wm. A. McKenney, of counsel for plaintiff in error.

No. 450.—Silas Tubbs, plff. in error, *vs.* R. E. Wilhoit *et al.*, exers., &c. Submitted pursuant to the 20th rule by Mr. Henry Beard for the plaintiff in error and by Mr. A. T. Britton and Mr. A. B. Browne for defendants in error.

No. 1342.—Hugh Butler *et al.*, plffs. in error, *vs.* David A. Gage *et al.*, Exer., &c., *et al.* Motions to dismiss or affirm submitted by Mr. L. C. Rockwell in support of motions and by Mr. Hugh Butler in opposition thereto.

No. 1096.—Benjamin Seeger *et al.*, plfff. in error, *vs.* Edward Rutz. Suggestion of death of Benjamin Seeger, and ordered that case proceed in

name of surviving plaintiff in error. On motion of Mr. Leverett Bell for plffs. in error. Submitted pursuant to 20th rule by Mr. Leverett Bell for plaintiffs in error and by Mr. J. K. Edsall for the defendant in error.

No. 1280.—Sylvester Pennoyer *et al.*, appts., *vs.* R. F. McConnaughy. Submitted pursuant to the 20th rule by Mr. L. L. McArthur and Mr. H. H. Northup for the appellants and by Mr. C. A. Dolph and Mr. C. B. Bellinger for appellee.

No. 1154.—John A. Brummer, jr., sugt., etc., plff. in error, *vs.* Wm. Rebman. Submitted pursuant to the 20th rule by Mr. R. Taylor Scott and Mr. R. M. Hughes for the plaintiff in error and by Mr. W. J. Campbell, Mr. W. C. Goudy, and Mr. A. H. Veeder for defendant in error.

No. 129.—The United States, plff. in error, *vs.* Wm. Henry Forse. In error to the C. C. U. S. for the northern district of California. Dismissed on motion of Mr. Assistant Attorney-General Maury for the plaintiff in error.

No. 126.—Talcott H. Russell, Recr., etc., plff. in error, *vs.* Augustus T. Post. Argued by Mr. Talcott H. Russell and Mr. Simeon E. Baldwin for the plaintiff in error and by Mr. L. Laffin Kellogg and Mr. Wm. G. Choate for defendant in error.

No. 127.—The State of Missouri *ex rel.* John H. Carey, plff. in error, *vs.* Joseph Andrians. Submitted by Mr. B. R. Vineyard and Mr. Alex. Porter Morse for the plaintiff in error. No appearance for deft. in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 6 will be as follows: Nos. 128, 130, 133, 134, 135, 136, 137, 138, 139 (and 140, 141, and 142), and 143.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 6, 1891.

Present: The Chief Justice and all the Associate Justices.

Frank S. Bright, of Washington, D. C., and Peter H. Ward, of Kentland, Ind., were admitted to practice.

No. 1322.—The City of Superior, plff. in error, *vs.* Lyman B. Ripley *et al.* Submitted, pursuant to the 20th rule, by Mr. J. M. Ragan for the plaintiff in error, and by Mr. Clinton Rowell for defendants in error.

No. 1375.—The Union Pacific Ry. Co., plff. in error, *vs.* Clara L. Botsford. Submitted pursuant to the 20th rule by Mr. John F. Dillon for the plaintiff in error, and by Mr. A. C. Harris for the defendant in error.

No. 1430.—The District Township of Doon, Iowa, plff. in error, *vs.* Theron Cummins. Submitted pursuant to the 20th rule by Mr. B. F. Kauffman for plaintiff in error, and by Mr. J. H. Swan for defendant in error.

No. 1108.—Robert Turner *et al.*, appts., *vs.* Alfred A. K. Sawyer. On motion of Mr. A. B. Browne, leave granted to file and print certain exhibits herein.

No. 128.—Chas. E. Whitehead, trustee, etc., appt., *vs.* E. E. Shattuck *et al.* Argued by Mr. Charles E. Whitehead for appellant, and submitted by Mr. Charles A. Clark for appellees.

No. 130.—The Chicago Distilling Co., plff. in error, *vs.* Rennselaer Stone, collr., etc. Argued by Mr. Solicitor-General Taft for the defendant in error, and submitted by Mr. Joseph Kirkland for the plaintiff in error.

No. 133.—Mollie N. Albright *et al.*, appts., *vs.* George Oyster *et al.* Argued by Mr. James H. Anderson for appellants, and submitted by Mr. D. P. Dyer for appellees.

No. 134.—Mollie N. Oyster *et al.*, appts., *vs.* George Oyster *et al.* Submitted by Mr. James H. Anderson for appellants, and by Mr. D. P. Dyer for appellees.

No. 135.—Josiah Fogg, appt., *vs.* John I. Blair. Argued by Mr. James Carr for appellant, and by Mr. W. C. Larned for appellee.

No. 136.—Elon A. Marsh *et al.*, plffs. in error, *vs.* Nichols, Shepard & Co. Argued by Mr. Don M. Dickinson for the plaintiffs in error, and by Mr. Charles F. Burton for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 7, will be as follows: Nos. 137, 138, 139 (140, 141, and 142), 143, 144, 145, 146, 147, 148, and 149.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 7, 1891.

Present: The Chief Justice and all the Associate Justices.

John Feland, of Owensboro, Ky.; S. Schoyer, jr., of Pittsburgh, Pa.; Victor Smith, of Baltimore, Md.; J. Arthur Barratt, of New York; and Wm. N. Dykman, of Brooklyn, N. Y., were admitted to practice.

No. 1399.—C. M. Raymond, plff. in error, *vs.* Lloyd G. Reed *et al.*, use, etc. Leave granted to Mr. George Shiras, jr., to withdraw his appearance as counsel for the plaintiff in error herein.

No. 690.—Robert Schell *et al.*, excrs., etc., plffs. in error, *vs.* Victor Fauché *et al.* On motion of Mr. Frederic D. McKenney, of counsel for defendants in error, ordered that this case be substituted for No. 166 in the call of the docket.

No. 1104.—The People of the State of New York *ex rel.* Edward Annan, plff. in error, *vs.* Andrew Walsh, police justice, etc., *et al.* Motion to advance submitted by Mr. B. F. Tracy in support of motion.

No. 1584.—Francis A. Gibbons *et al.*, appts., *vs.* T. Brigham Bishop. Appeal from the C. C. U. S. for the northern district of Florida. Docketed and dismissed with costs, on motion of Mr. A. G. Riddle for the appellee.

No. 103.—The Bank of British North America, plff. in error, *vs.* Wm. B. Cooper, jr. On motion of Mr. W. W. MacFarland, in behalf of counsel, mandate granted.

No. 1282.—William Bent, appt., *vs.* Guadeloupe Thompson *et al.* Submitted pursuant to the 20th rule by Mr. E. T. Wells, Mr. R. T. McNeal, Mr. B. F. Butler, and Mr. O. D. Barrett for appellant, and by Mr. Frank Springer for appellees.

No. 137.—The Central Trust Company of New York, *et al.*, appts., *vs.* Sylvester H. Kneeland. Argued by Mr. W. W. MacFarland for appellants, and by Mr. Clarence Brown and Mr. Robert G. Ingersoll for appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 8, will be as follows: Nos. 138, 113, 139 (and 140, 141, and 142), 143, 144, 145, 146, 147, 148, and 149.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 8, 1891.

Present: The Chief Justice and all the Associate Justices.

S. Davis Page, of Philadelphia, Pa.; LeRoy J. Wolfe, of Harrisburg, Pa.; John J. Brenholt, of Alton, Ills.; and Samuel L. Glasspell, of Jamestown, N. Dak., were admitted to practice.

No. 777.—John Ducie *et al.*, appts., *vs.* Thomas Ford. Submitted pursuant to the 20th rule by Mr. Walter H. Smith for appellants, and by Mr. M. F. Morris for appellee.

No. 1228.—The Sioux City Street Railway Co., plaintiff in error, *vs.* The City of Sioux City *et al.* Submitted pursuant to the 20th rule by Mr. J. H. Swan for plaintiff in error, and by Mr. D. B. Henderson for defendants in error.

No. 1456.—The Chicago, Santa Fé and California R. R. Co., plff. in error, *vs.* John R. Price *et al.*, etc. Submitted pursuant to the 20th rule by Mr. Norman Williams for plaintiff in error, and by Mr. P. S. Grosscup for defendants in error.

No. 138.—J. C. Anderson, adm., etc., *et al.*, appts., *vs.* Jas. S. Watt, excr. etc., *et al.* Argued by Mr. J. Hubley Ashton for the appellants, and by Mr. James Lowndes for the appellees.

No. 144.—W. M. Lent, *et al.*, plffs. in error, *vs.* Charles Tillson, tax collr., *et al.* Argument commenced by Mr. Joseph H. Choate for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 9, will be as follows: Nos. 144, 113, 139 etc., 143, 145, 146, 147, 148, 149, 1518.

11038—50

SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 9, 1891.

Present: The Chief Justice and all the Associate Justices.

David Sheean, of Galena, Ill., Alonzo S. Wilderman, of Belleville, Ill., and Charles H. Hodges, of Brooklyn, N. Y., were admitted to practice.

No. 733.—The United States, appt., *vs.* The Missouri, Kansas and Texas Ry. Co. *et al.* On motion of Mr. Solicitor-General Taft, reassigned for argument on the first Monday in March, after cases already assigned for that day.

No. 340.—The Equitable Life Assurance Society of the United States, plff. in error, *vs.* Alice L. Clements and H. O. Clements, her husband. Suggestion of death of Alice L. Clements, and appearance of Benj. F. Pettus, admr., &c., as a party defendant in error herein, filed and entered, on motion of Mr. L. C. Krauthoff.

No. 5.—Original. The United States, complainant, *vs.* The State of Texas. Leave to file answer granted on motion of Mr. A. H. Garland for the defendant.

No. 63.—M. C. O'Bryan & Co., plffs. in error, *vs.* Senter & Company. Mandate granted on motion of Mr. A. H. Garland in behalf of counsel.

No. 528.—T. P. Heath, plff. in error, *vs.* M. T. Wallace. Submitted pursuant to the 20th rule, by Mr. A. T. Britton and Mr. A. B. Browne for the plff. in error, and by Mr. J. K. Reddington and Mr. W. J. Johnston for the defendant in error.

No. 574.—Michael Gormley *et al.*, plffs. in error, *vs.* Jas. Bunyan *et al.*, *exer.*, &c. Submitted, pursuant to the 20th rule, by Mr. Morton Culver for the plaintiffs in error and by Mr. C. E. Pope, Mr. Alexr. McCoy, and Mr. Charles B. McCoy for the defendants in error.

No. 1203.—Isabella Duncan. appt., *vs.* the Navassa Phosphate Co. *et al.* Submitted, pursuant to the 20th rule, by Mr. Victor Smith for appellant and by Mr. S. T. Wallis for appellees.

No. 1343.—The United States, appt., *vs.* James G. Green. Submitted, pursuant to the 20th rule, by Mr. Solicitor-General Taft for the appellant and by Mr. John Paul Jones and Mr. R. B. Lines for appellee.

No. 1406.—The County of Cook, plaintiff in error, *vs.* The Calumet and Chicago Canal and Dock Co. Submitted, pursuant to the 20th rule,

by Mr. C. H. Willett, Mr. C. B. Wood, and Mr. W. G. Ewing for the plaintiff in error and by Mr. C. M. Osborn and Mr. S. A. Lynde for defendant in error.

No. 1485.—The Consolidated Roller Mill Co., appt., *vs.* R. R. Walker. Submitted pursuant to the 20th rule, by Mr. Rodney Mason for the appellant, and by Mr. R. H. Parkinson for the appellee.

No. 1585.—Robert P. Simmons *et al.*, appts., *vs.* Harry R. Saul. Submitted pursuant to the 20th rule, by Mr. S. Davis Page for appellants, and by Mr. John Douglass Brown, jr., and Mr. LeRoy J. Wolfe for appellee.

No. 144.—W. M. Lent *et al.*, plffs. in error, *vs.* Chas. Tillson, collr., etc., *et al.* Argument continued by Mr. Joseph H. Choate for plaintiffs in error, and concluded by Mr. A. H. Garland for defendants in error.

No. 1096.—Benj. Seeger *et al.*, plffs. in error, *vs.* Edward Rutz. Leave granted to Mr. Alonzo S. Wilderman to file an additional brief for the defendant in error herein.

No. 113.—The United States, appt., *vs.* Frederick D. Connor. Argued by Mr. Assistant Attorney-General Cotton for the appellant, and by Mr. George A. King for appellee.

Nos. 139, 140, 141, and 142.—James M. Coburn *et al.*, appts. *vs.* The Cedar Valley Land and Cattle Company *et al.* Argued by Mr. L. C. Krauthoff for the appellants, and submitted by Mr. Morgan H. Beach for appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 12, will be as follows: Nos. 143, 145, 146, 147, 148, 149, 1518, 1293 and 1320, 778 and 1309.

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 12, 1891.

Present: The Chief Justice and all the Associate Justices.

John P. Bartlett, of New Britain, Conn., and John P. S. Churchill, of Boston, Mass., were admitted to practice.

No. 1301.—The U. S. *ex rel.* Amasa A. Redfield, plff. in error, *vs.* Wm. Windom, Secty. of Try. In error to the supreme court of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Lamar.

No. 1541.—Wm. Caldwell, plff. in error, *vs.* The State of Texas. In error to the court of appeals of the State of Texas. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court:

No. 741.—Prentiss D. Cheney, plff. in error, *vs.* Thomas Hughes *et al.* Motion for leave to withdraw the transcript of the record in this cause denied.

No. 1104.—The People of the State of New York *ex rel.* Edward Annan, plff. in error, *vs.* Andrew Walsh, police justice, *et al.* Motion to advance granted, and cause assigned for argument on the second Monday of the next term.

No. 1564.—The United States, appt., *vs.* The Des Moines Navigation and Ry. Co. *et al.* Motions to advance granted, and cause assigned for argument on the second Monday of the next term after the case already assigned for that day.

No. 1558.—The Pacific Express Co., appt., *vs.* James M. Seibert, State auditor, *et al.* Motion to advance granted, and cause assigned for argument on the second Monday of the next term after cases already assigned for that day.

No. 163.—Robt. Schell *et al.*, excrs., etc., plffs. in error, *vs.* Otto W. Pollitz *et al.*

No. 986.—Hiram Barney, collr., etc., plffs. in error, *vs.* Edward Kaupe *et al.*

No. 1000.—Hiram Barney, collr., etc., plff. in error, *vs.* Benjamin Tomes *et al.* In error to the C. C. U. S. for the southern district of New York.

No. 1442.—Anthony F. Seeberger, collr. etc., plff. in error, *vs.* John B. Grommes, *et al.*

No. 1475.—Anthony F. Seeberger, collr., plff. in error, etc., *vs.* Harry B. Owsley *et al.*, etc. In error to the C. C. U. S. for the northern district of Illinois. Dismissed with costs on motion of Mr. Attorney-General Miller, of counsel for the plaintiffs in error.

No. 1117.—The United States, appt., *vs.* Henry O. Ewing.

No. 1151.—The United States, appt., *vs.* Samuel Thane Poinier.

No. 1152.—The United States, appt., *vs.* Edward J. McDermott.

No. 1164.—The United States, appt., *vs.* Robert Barber.

No. 1244.—The United States, appt., *vs.* A. J. Van Duzer. Motion to advance submitted by Mr. Solicitor-General Taft in support of motion.

No. 699.—The schooner "W. P. Sayward," etc., Thomas H. Cooper, owner, appellant, *vs.* The United States. Appeal from the D. C. U. S. for Alaska. Dismissed on motion of Mr. Calderon Carlisle for the appellant.

No. 1578.—The Crosby Steam Gage and Valve Co., appt., *vs.* The Consolidated Safety Valve Co. Motion to advance submitted by Mr. Thomas Wm. Clarke in support of motion.

No. 115.—Jane B. Preston *et al.*, exors. etc., *et al.*, plffs. in error, *vs.* James B. Prather *et al.* Mandate granted on motion of Mr. H. W. Jackson for the defendants in error.

Ex parte: In the matter of Thomas H. Cooper, petitioner.

Ex parte: In the matter of Sir John Thompson, K. C. M. G. etc., petitioner. Motion for leave to file petitions for writs of prohibition submitted by Mr. Joseph H. Choate and Mr. Calderon Carlisle for the petitioners. Ordered that two weeks' time be granted to the Attorney-General of the United States to make showing in opposition to motion.

No. 1072.—J. C. Stout, plff. in error, *vs.* John J. Mastin. Submitted pursuant to the 20th rule by Mr. John Hutchings for the plaintiff in error, and by Mr. T. A. Frank Jones for defendant in error.

No. 1404.—Wilson Armes, plff. in error, *vs.* Robert Moir *et al.*, etc. Submitted pursuant to the 20th rule by Mr. John G. Reid for plaintiff in error, and by Mr. J. K. Edsall for the defendants in error.

No. 1516.—C. R. Handley, *et al.*, appts., *vs.* Sebastian Stutz *et al.* Submitted pursuant to the 20th rule.

No. 468.—R. B. Reagan, U. S. marshal, *et al.*, plffs. in error, *vs.* W. B. Aiken *et al.* Submitted pursuant to the 20th rule by Mr. John Paul Jones for the plaintiffs in error, and by Mr. James S. Hogg and Mr. C. A. Culberson for the defendants in error.

No. 143.—Carl Stockmeyer, testy., excr., etc., appt., *vs.* Mary G. Tobin, widow, etc. Argued by Mr. J. D. Rouse for the appellee, and submitted by Mr. Alfred Goldthwaite for the appellant.

No. 145.—Wm. Cressey *et al.*, appts., *vs.* Hermann Meyer *et al.* Argued by Mr. George A. King and Mr. Chas. W. Hornor for appellants, and by Mr. J. D. Rouse for appellees.

No. 146.—Annie M. Upshur *et al.*, plffs. in error, *vs.* Mary E. Briscoe *et al.* Submitted by Mr. Wade R. Young for the plaintiffs in error, and by Mr. Wm. A. Maury for the defendants in error.

No. 147.—George K. Johnson, appt., *vs.* Daniel W. Powers *et al.*, excrs. Argument commenced by Mr. A. H. Garland for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 13, will be as follows: Nos. 147, 148, 149, 1518, 1293 (and 1320), 778, 1309, 1310, 1126, etc., and 150.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 13, 1891.

Present: The Chief Justice and all the Associate Justices.

Sereno E. Payne, of Auburn, New York, John H. Camp, of Lyons, New York, Henry Clay Griffin, of Tarrytown, New York, George Whitfield Brown, jr., of New York City, and Fleming J. Lavender, of Washington, D. C., were admitted to practice.

No. 17.—Johann B. Hoff, appt., *vs.* Tarrant & Company. Appearance of Moritz Eisner, admr. of Johann B. Hoff, dec'd, as the party appellant herein, filed and entered, on motion of Mr. Enoch Totten for appellant.

No. 147.—George K. Johnson, appt., *vs.* Daniel W. Powers *et al.*, exors., etc. Argument continued by Mr. A. H. Garland for the appellant, and by Mr. W. F. Cogswell for appellees, and concluded by Mr. A. H. Garland for appellant.

No. 148.—J. M. North, appt., *vs.* Andrew Peters. Argued by Mr. Enoch Totten for the appellant and by Mr. John W. Taylor for appellee.

No. 149.—The Troy Laundry Machinery Company (Limited), plff. in error, *vs.* Alexander M. Dolph. Argument commenced by Mr. Esek Cowen for plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 14, will be as follows: Nos. 149, 1518, 1293 (and 1320), 778, 1309, 1310, 1126, etc., 150, 151, and 152.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 14, 1891.

Present: The Chief Justice and all the Associate Justices.

Howard C. Hallister of Cincinnati, Ohio, Frederick Potter of New York City, Nathaniel French of Davenport, Iowa, and Thomas E. French of Camden, N. J., were admitted to practice.

No. 79.—The Union Stock Yards National Bank, appt., *vs.* A. J. Gillespie & Co. ; mandate granted on motion of Mr. J. M. Wilson, in behalf of counsel.

No. 149.—The Troy Laundry Machinery Co. (limited), plff. in error, *vs.* Alexander M. Dolph ; argument continued by Mr. Esek Cowen for plaintiff in error, by Mr. H. P. Lloyd for defendant in error, and concluded by Mr. Esek Cowen for the plaintiff in error.

No. 1518.—Arthur Manchester, plff. in error, *vs.* The Commonwealth of Massachusetts.

Argument commenced by Mr. George A. King for the plaintiff in error, and continued by Mr. H. C. Bliss 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. 1518, 1293 (and 1320), 778, 1309, 1310, 1126 etc., 150, 151, 152, and 153.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 15, 1891.

Present: The Chief Justice and all the Associate Justices.

Howard L. Osgood, of Rochester, N. Y., and James A. Blanchard, of New York City, were admitted to practice.

No. .—The Tuskaloosa Northern Ry. Co. *vs.* Albert V. Gude. Motion to docket and dismiss this cause submitted by Mr. John T. Morgan for Gude.

No. 283.—Sallie Y. Henderson, appt., *vs.* The Central Passenger R. R. Co. Appeal from the C. C. U. S. for the district of Kentucky. Dismissed per stipulation on motion of Mr. Alexander Pope Humphrey for the appellant.

No. 1518.—Arthur Manchester, plff. in error, *vs.* The Commonwealth of Massachusetts. Argument continued by Mr. H. C. Bliss for the defendant in error and concluded by Mr. Joseph H. Choate for the plaintiff in error.

No. 1293.—The City of New Orleans, appt., *vs.* Wm. Wallace Whitney, admr., etc.

No. 1320.—Wm. Wallace Whitney, admr., etc., appt., *vs.* The City of New Orleans. Argument commenced by Mr. Alfred Goldthwaite for Whitney, admr., and continued by Mr. J. R. Beckwith for The City of New Orleans.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 16, will be as follows: Nos. 1293 (and 1320), 778, 1309, 1310, 1126, etc., 150, 151, 152, 153, and 154.

11038—55



SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 16, 1891.

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

Joseph H. Outhwaite and Charles E. Burr, of Columbus, Ohio; S. A. Davenport, of Erie, Pa.; Orrin B. Hallam, of Washington, D. C.; Joseph W. Blythe, of Burlington, Iowa; James S. Moorhead, Paul H. Gaither, and W. H. Young, of Greensburgh, Pa., were admitted to practice.

No. 154.—The United States, plff. in error, *vs.* Adam Badeau, in error to the C. C. U. S. for the southern district of New York. Dismissed on motion of Mr. Assistant Attorney-General Maury for the plaintiff in error.

No. 1293.—The City of New Orleans, appt., *vs.* Wm. W. Whitney, admr., etc.

No. 1320.—Wm. W. Whitney, admr., etc., appt., *vs.* The City of New Orleans. Argument continued by Mr. J. R. Beckwith for the city of New Orleans, and concluded by Mr. Alfred Goldthwaite for Whitney, admr.

No. 778.—The United States, appt., *vs.* Joseph F. Kingsley. Argued by Mr. Assistant Attorney-General Maury for appellant; no counsel appeared for appellee.

No. 1309.—Wm. H. Alexander, plff. in error, *vs.* The United States. Argued by Mr. Solicitor-General Taft for the defendant in error, and submitted by Mr. A. H. Garland for the plaintiff in error on briefs to be filed.

No. 1310.—Bood Crumpton alias Bood Burris, plff. in error, *vs.* The United States. Argued by Mr. Solicitor-General Taft for the defendant in error, and submitted by Mr. A. H. Garland for the plaintiff in error.

No. 150.—The Case Manufacturing Co., plff. in error, *vs.* Peter H. Soxman, *et al.*, etc. Argument commenced by Mr. Charles E. Burr for plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 19, will be as follows: Nos. 150, 1126, etc., 151, 152, 153, 155, 156, 157, 158, and 159.

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 19, 1891.

Present: The Chief Justice and all the Associate Justices.

Jason L. Bullock, of Nashville, Tenn.; A. J. Hull, of Napa, Cal.; John G. Manahan, of Sterling, Ill.; and Henry M. Furman, of Denver, Colo., were admitted to practice.

No. 1327.—George H. Cope, appellant, *vs.* Janet Cope *et al.* Appeal from the supreme court of the Territory of Utah. Decree reversed with costs and cause remanded, with directions to remand the case to the district court of the third judicial district for further proceedings to be had therein, in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 1380.—The Mass. Benefit Assn., plff. in error, *vs.* Sarah G. Miles. Motion to dismiss denied. Opinion by Mr. Justice Brown.

No. 1214.—Pleasant Township, etc., plff. in error, *vs.* The Ætna Life Ins. Co. In error to the C. C. U. S. for the northern district of Ohio. Judgment reversed with costs and cause remanded with directions to overrule the demurrer to the answer. Opinion by Mr. Justice Brewer.

No. 113.—The United States, appellant, *vs.* Frederick D. Connor. Appeal from the Court of Claims. Judgment reversed and cause remanded for further proceedings to be had therein in conformity with the opinion of this court. Opinion by Mr. Justice Brewer.

No. 117.—Edward D. Egan, appt., *vs.* James T. Clasbey. Appeal from the supreme court of the Territory of Utah. Decree affirmed with costs. Opinion by Mr. Justice Lamar.

No. 106.—James F. Joy *et al.*, etc., appts., *vs.* The City of St. Louis *et al.* Appeal from the C. C. U. S. for the eastern district of Missouri. Decree affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 1203.—Isabella Duncan, appt., *vs.* The Navassa Phosphate Co. *et al.* Appeal from the C. C. U. S. for the district of Maryland. Decree affirmed with costs. Opinion by Mr. Justice Gray.

No. 1154.—John A. Brimmer, jr., sergt., etc., appt., *vs.* William Redman. Appeal from the C. C. U. S. for the eastern district of Virginia. Decree affirmed with costs. Opinion by Mr. Justice Harlan.

No. 111.—George F. Packer, plff. in error, *vs.* Jake Bird & Frank Bixler. In error to the supreme court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Field.

No. 1342.—Hugh Butler, *et al.* plffs. in error, *vs.* David A. Gage *et al.*, excrs., *etc.*, *et al.* In error to the supreme court of the State of Colorado. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 1249.—The United States, appt., *vs.* Sallie E. Page, extx., *etc.* Appeal from the Court of Claims. Judgment reversed and cause remanded, with directions to dismiss the petition. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court :

No. 1108.—Robert Turner *et al.*, appts., *vs.* Alfred A. K. Sawyer. Motion to dismiss denied.

No. 1117.—The United States, appt., *vs.* Henry O. Ewing.

No. 1151.—The United States, appt., *vs.* Samuel Thane Poinier.

No. 1152.—The United States, appt., *vs.* Edward J. McDermott.

No. 1164.—The United States, appt., *vs.* Robert Barber.

No. 1244.—The United States, appt., *vs.* A. J. Van Duzee. Motion to advance granted, and cases assigned for argument on the first Monday of March next after the cases already assigned for that day.

No. 1578.—The Crosby Steam Gauge and Valve Co., appt., *vs.* The Consolidated Safety Valve Co. Motion to advance granted, and cause assigned for argument on the second Monday of the next term after cases already assigned for that day.

No. —.—The Tuskaloosa Northern Ry. Co. *vs.* Albert V. Gude. Motion to docket and dismiss this cause postponed until notice is given to the other party.

No. 1072.—J. C. Stout, plff. in error, *vs.* John J. Mastin. Consideration of this cause postponed for the present.

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 said court among the circuits, agreeably to the act of Congress in such case made and provided, and that such allotment be entered of record, viz :

For the first circuit, Horace Gray, Associate Justice.

For the second circuit, Samuel Blatchford, Associate Justice.

For the third circuit, Joseph P. Bradley, Associate Justice.

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

For the fifth circuit, Lucius Q. C. Lamar, Associate Justice.

For the sixth circuit, Henry B. Brown, Associate Justice.

For the seventh circuit, John M. Harlan, Associate Justice.

For the eighth circuit, David J. Brewer, Associate Justice.

For the ninth circuit, Stephen J. Field, Associate Justice.

No. 5.—Original. The United States, complainant, *vs.* The State of Texas. On motion of Mr. Attorney-General Miller, leave granted to complainant to amend the bill herein.

No. 164.—The United States, plff. in error, *vs.* The Boston and Albany R. R. Co. On motion of Mr. Solicitor-General Taft, passed, pursuant to 26th rule.

Ex parte: In the matter of The Pewabic Mining Co. *et al.*, petitioners. Motion for leave to file petition for a writ of mandamus submitted by Mr. C. K. Davis for the petitioners.

No. 39.—The N. Y. Belting and Packing Co., appt., *vs.* The New Jersey Car Spring and Rubber Co. On motion of Mr. B. F. Lee, for the appellant, mandate granted.

No. 1479.—Henry B. Sire, plff. in error, *vs.* The Ellithorpe Air Brake Co. Motion for mandate submitted by Mr. Samuel Ashton in support of motion and by Mr. J. Hubley Ashton in opposition thereto. Motion postponed for one week.

No. 105.—R. Carter Wellford *et al.*, appts., *vs.* Wm. Tayloe Snyder, trustee. On motion of Mr. Henry Wise Garnett for the appellee, mandate granted.

No. 878.—The City and County of San Francisco, appt., *vs.* Eugene Leroy *et al.* Submitted pursuant to 20th rule (by leave of court) by Mr. George Flournoy for appt., and by Mr. E. S. Pillsbury and Mr. Gordon Blanding for appellees.

No. 1344.—The United States, appt., *vs.* George Truesdell.

No. 1476.—The United States, appt., *vs.* F. M. Alexander *et al.* Motions to advance submitted by Mr. George A. King in support of same.

No. 229.—The Inland and Seaboard Coasting Co. *et al.*, plffs. in error, *vs.* Francis A. Tolson. Suggestion of death of defendant in error and appearance of Thomas H. Tolson, admr., etc., filed and entered, on motion of Mr. A. A. Birney for defendant in error.

No. 1559.—Erwin Davis, plff. in error, *vs.* Algernon S. Patrick. Motion to advance submitted by Mr. Nathaniel Wilson in support of same.

No. 84.—Edwin A. Merritt, collr., etc., plff. in error, *vs.* Donald Cameron *et al.* On motion of Mr. Solicitor-General Taft for the plff. in error, mandate granted.

No. 1356.—F. H. Ayers *et al.*, plff. in error, *vs.* A. B. Watson. On motion of Mr. W. Hallett Phillips for the defendant in error. Mandate granted.

No. 156.—James P. Laing *et al.*, appts., *vs.* John Fertighn *et al.* Appeal from the C. C. U. S. for the southern district of Ohio. Dismissed with costs, pursuant to the 10th rule.

No. 1361.—The Kansas City, Fort Scott and Memphis R. R. Co., plffs. in error, *vs.* R. S. Daughtry, admr., etc. Motion to dismiss or affirm submitted by Mr. Luke E. Wright and Mr. George Gantt in support of motion, and by Mr. Wallace Pratt in opposition thereto.

No. 1366.—Martha A. Miller, appt., *vs.* Emma J. Clark *et al.* Motion to dismiss or affirm submitted by Mr. W. B. Stoddard in support of motion, and by Mr. Simeon E. Baldwin and Mr. J. M. Buckingham in opposition thereto.

No. 150.—The Case Mfg. Co., plff. in error, *v.* Peter H. Soxman *et al.*, etc. Argument continued by Mr. Charles E. Burr for the plaintiff in error, by Mr. Paul H. Gaither for defendant in error, and concluded by Mr. James S. Moorhead for the plaintiff in error.

No. 1126., etc.—The Attorney-General of the Commonwealth of Massachusetts, appt., *vs.* The Western Union Telegraph Co. Argument commenced by Mr. Wager Swayne for the Western Union Telegraph Company, and continued by Mr. H. C. Bliss for the attorney-general of Massachusetts.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 20, will be as follows: Nos. 1126, etc., 151, 152, 153, 155, 157, 158, 159, 160, and 161.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 20, 1891.

Present: The Chief Justice and all the Associate Justices.

Levi Maish, of York, Pa., and Philander C. Knox, of Pittsburgh, Pa., were admitted to practice.

No. 1126, etc.—The Attorney-General of the Commonwealth of Massachusetts, appt., *vs.* The Western Union Telegraph Co. Argument continued by Mr. H. C. Bliss for the attorney-general of Massachusetts, and concluded by Mr. Wager Swayne for the Western Union Telegraph Company.

No. 151.—S. G. Bayne *et al.*, plffs. in error, *vs.* D. B. Wiggins *et ux.* Suggestion of death of J. M. Fuller, one of the plaintiffs in error herein, and appearance of Mary H. Fuller, executrix, etc., filed and entered on motion of M. F. Elliott for the plaintiffs in error. Argued by Mr. M. F. Elliott for the plaintiffs in error, and by Mr. S. A. Davenport for the defendants in error.

No. 152.—Wm. D. Wadsworth, admr., etc., plff. in error, *vs.* Theo. Adams. Argument commenced by Mr. A. H. Wintersteen for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 21, will be as follows: Nos. 152, 153, 155, 157, 158, 159, 160, 161, 162, and 163.

11038—58

○

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 21, 1891.

Present: The Chief Justice and all the Associate Justices.

No. 162.—Robert B. Carsley, appt., *vs.* Mabbett Travis *et al.* Appeal from the C. C. U. S. for the southern district of New York. Dismissed with costs pursuant to the 10th rule.

No. 163.—Martha M. Peak, *exctx.*, etc., plff. in error, *vs.* Maria L. Swindle and husband. In error to the supreme court of the State of Texas. Dismissed with costs pursuant to the 10th rule.

No. 152.—Wm. D. Wadsworth, admr., etc., plff. in error, *vs.* Theodore Adams. Argument concluded by Mr. A. H. Wintersteen for the defendant in error, and submitted by Mr. John T. Morgan for the plaintiff in error.

Ex parte: In the matter of The Pewabic Mining Co. *et al.*, petitioners. Motion for leave to file petition for a writ of mandamus. Argued by Mr. C. K. Davis for the petitioners.

No. 153.—The Louisville, Evansville and St. Louis Railroad Co., appt., *vs.* Bluford Wilson. Argued by Mr. Alex. P. Humphrey for the appellant, and by Mr. Bluford Wilson for appellee.

No. 155.—The Guaranty Trust and Safe Deposit Company, appt., *vs.* The Green Cove Springs and Melrose R. R. Co., *et al.* Submitted by Mr. H. Bisbee for appellant, and by Mr. John C. Cooper for appellees.

No. 157.—Joseph T. Williams, appt., *vs.* The United States. Argument commenced by Mr. J. K. Redington for appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 22, will be as follows: Nos. 157, 158, 159, 160, 161, 690, 167, 168 169, and 170.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 22, 1891.

Present: The Chief Justice and all the Associate Justices.

George M. Eckels, William Prescott, and William Law, jr., of Chicago, Ill., and James D. Park, of Franklin, Tenn., were admitted to practice.

Ex parte: In the matter of *The Pewabic Mining Co. et al.*, petitioners. Motion for leave to file a petition for a writ of mandamus denied. Announced by Mr. Chief Justice Fuller.

No. 187.—Abraham Buol *et al.*, plffs. in error, *vs.* James A. Murray.

No. 189.—Wm. J. McNamara *et al.*, plffs. in error, *vs.* James A. Murray.

No. 190.—Samuel Lewis *et al.*, plffs. in error, *vs.* James A. Murray.

No. 191.—Patrick Talent *et al.*, plffs. in error, *vs.* James A. Murray.

No. 192.—John P. Reins *et al.*, plffs. in error, *vs.* James A. Murray.

No. 193.—Charles Richardson *et al.*, plffs. in error, *vs.* James A. Murray.

No. 194.—George W. Beal *et al.*, plffs. in error, *vs.* James A. Murray.

No. 195.—Henry Jacobs *et al.*, plffs. in error, *vs.* James A. Murray.

No. 196.—Christian Nissler, plff. in error, *vs.* James A. Murray.

No. 197.—Simon Hanswirth *et al.*, plffs. in error, *vs.* James A. Murray.

No. 198.—Kunigunda Hanswirth *et al.*, plffs. in error, *vs.* James A. Murray.

No. 199.—David H. Steel *et al.*, plffs. in error, *vs.* James A. Murray.

No. 200.—Patrick J. Hamilton *et al.*, plffs. in error, *vs.* James A. Murray.

No. 201.—Abraham Sands *et al.*, plffs. in error, *vs.* James A. Murray.

No. 202.—James L. Hamilton, plff. in error, *vs.* James A. Murray.

No. 203.—Henry D. Hauser *et al.*, plffs. in error, *vs.* James A. Murray.

No. 204.—Mary Bernard, plff. in error, *vs.* James A. Murray.

No. 205.—Moses Morris *et al.*, plffs. in error, *vs.* James A. Murray.

No. 206.—Andrew J. Davis, plff. in error, *vs.* James A. Murray.

No. 207.—James L. Hamilton *et al.*, plffs. in error, *vs.* James A. Murray.

No. 208.—The First National Bank of Butte, plff. in error, *vs.* James A. Murray.

No. 209.—David H. Cohen *et al.*, plffs. in error, *vs.* James A. Murray.

No. 210.—Nelson J. Dovenspeck *et al.*, plffs. in error, *vs.* James A. Murray.

No. 211.—Daniel N. Dellinger *et al.*, plffs. in error, *vs.* James A. Murray.

No. 212.—John M. Bowes, plff. in error, *vs.* James A. Murray.

No. 213.—Jeremiah Roach, plff. in error, *vs.* James A. Murray.

No. 214.—Leopold F. Schmidt *et al.*, plffs. in error, *vs.* James A. Murray.

No. 215.—David H. Cohen, plff. in error, *vs.* James A. Murray.

In error to the supreme court of the Territory of Montana. On motion of Mr. George F. Edmunds, for the plaintiffs in error, writs of error dismissed with costs and causes remanded to the supreme court of the State of Montana.

No. 758.—The United States, appt., *vs.* The Central Pacific R. R. Co. Motion to vacate order of dismissal as to certain parts of the appeal entered December 11, 1890, submitted by Mr. Joseph K. McCammon for the appellee.

No. 1585—Robt. P. Simmons *et al.*, appts., *vs.* Harry R. Saul. On motion of Mr. R. B. Lines, in behalf of counsel, leave granted to file certain additional papers herein.

No. 775—Jesse Kepner, treas., etc., appt., *vs.* Nathaniel J. Dustin. Suggestion of death of Nathaniel J. Dustin, the appellee herein, and order of publication granted, on motion of Mr. R. W. Taylor for the appellant.

No. 170.—The Logan County National Bank, plff. in error, *vs.* R. P. Townsend. Submitted by Mr. W. F. Browder for the plaintiff in error, and by Mr. John Feland for the defendant in error.

No. 157.—Joseph T. Williams, appt., *vs.* The United States. Argument continued by Mr. J. K. Redington for the appellant, by Mr. Assistant Attorney-General Parker for the appellee, and concluded by Mr. J. K. Redington for appellant.

No. 158.—R. H. Brown *et al.*, appts., *vs.* Chas. W. Trousdale *et al.* Argument commenced by Mr. T. W. Brown for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 23, will be as follows: Nos. 158, 159, 160, 161, 169, 167, 168, 169, 171, and 172.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 23, 1891.

Present: The Chief Justice and all the Associate Justices.

Robert M. La Follette, of Madison, Wis., and David C. Beaman, of Denver, Colo., were admitted to practice.

No. 161.—Gertrude H. Hardin, plff. in error, *vs.* Conrad N. Jordan; and

No. 167.—Charles H. Mitchell, plff. in error, *vs.* Jabez G. Smale *et al.* On motion of Mr. Thomas Dent, of counsel for plaintiff in error in No. 161, ordered that these cases be heard together when No. 161 is reached.

No. 158.—R. H. Brown *et al.*, appts., *vs.* Chas. W. Trousdale *et al.* Argument continued by Mr. T. W. Brown for the appellants, by Mrs. D. M. M. Rodman for the appellees, and concluded by Mr. T. W. Brown for appellants.

No. 159, 160.—Bruno Beaupre *et al.*, plffs. in error, *vs.* Daniel R. Noyes *et al.* Argued by Mr. C. K. Davis for the defendants in error, and submitted by Mr. I. V. D. Heard for plaintiffs in error.

No. 161 and No. 167. Gertrude H. Hardin, plff. in error, *vs.* Conrad N. Jordan, Charles H. Mitchell, plff. in error, *vs.* Jabez G. Smale *et al.* Argument commenced by Mr. Thomas Dent for Gertrude H. Hardin.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 26, will be as follows: Nos. 161 and 167, 690, 168, 169, 171, 172, 1178, 1332, 1539 and 1540, and 176.

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 26, 1891.

Present: The Chief Justice and all the Associate Justices.

A. W. Griswold and George M. Pinney, jr., of New York City ; Edwin D. Steele, of High Point, N. C. ; and W. P. Montague, of Boston, Mass., were admitted to practice.

No. 1322.—The City of Superior, plff. in error, *vs.* Lyman B. Ripley *et al.* In error to the C. C. U. S. for the district of Nebraska. Judgment affirmed with costs and interest. Opinion by Mr. Justice Brown.

No. 778.—The United States, appt., *vs.* Joseph F. Kingsley. Appeal from the Court of Claims. Judgment reversed and cause remanded, with directions to set aside the judgment already rendered and to enter a new judgment in favor of the claimant for \$8.10 for his transportation and subsistence. Opinion by Mr. Justice Brown.

No. 468.—R. B. Reagan, U. S. marshal, *etc.*, *et al.*, plffs. in error, *vs.* W. B. Aiken *et al.* In error to the C. C. U. S. for the eastern district of Texas. Judgment affirmed with costs and interest. Opinion by Mr. Justice Brewer.

No. 1228.—The Sioux City Street Ry. Co., plff. in error, *vs.* The City of Sioux City *et al.* In error to the supreme court of the State of Iowa. Judgment affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 1282.—William Bent, appt., *vs.* Guadeloupe Thompson *et al.* Appeal from the supreme court of the Territory of New Mexico. Decree affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 1485.—The Consolidated Roller Mill Co., appt., *vs.* R. R. Walker. Appeal from the C. C. U. S. for the western district of Pennsylvania. Decree affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 1311.—C. E. Cook *et al.*, plffs. in error, *vs.* The United States. In error to the C. C. U. S. for the eastern district of Texas. Judgment reversed and cause remanded, with directions to grant a new trial. Opinion by Mr. Justice Harlan.

No. 1456.—The Chicago, Santa Fé and California R. R. Co., plff. in error, *vs.* John R. Price *et al.*, *etc.* In error to the C. C. U. S. for the northern district of Illinois. Judgment affirmed with costs and interest. Opinion by Mr. Justice Harlan.

No. 758.—The United States, appt., *vs.* The Central Pacific R. R. Co. Motion to vacate and set aside the order entered herein on the 11th day of December, 1890, dismissing this appeal as to the sum of \$804,094.31, granted. Announced by Mr. Justice Bradley.

No. 758.—The United States, appt., *vs.* The Central Pacific R. R. Co. Appeal from the Court of Claims. Judgment of the Court of Claims in this cause as to the sum of \$198,422.83 reversed, and as to the sum of \$804,094.31 affirmed, and cause remanded, with directions to enter judgment in conformity with the opinion of this court. Opinion by Mr. Justice Bradley.

No. 128.—Chas. H. Whitehead, trustee, etc., appt., *vs.* E. E. Shattuck *et al.* Appeal from the C. C. U. S. for the northern district of Iowa. Decree affirmed with costs. Opinion by Mr. Justice Field.

No. 450.—Silas Tubbs, plff. in error, *vs.* R. E. Wilhoit, *et al.*, excers., etc. In error to the supreme court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Field.

No. 139.—James M. Coburn *et al.*, appts., *vs.* The Cedar Valley Land and Cattle Co. (Limited) *et al.*

No. 140.—James M. Coburn *et al.*, appts., *vs.* The Cedar Valley Land and Cattle Co. (Limited) *et al.*

No. 141.—James M. Coburn *et al.*, appts., *vs.* The Cedar Valley Land and Cattle Co. (Limited) *et al.*

No. 142.—James M. Coburn *et al.*, appts., *vs.* The Cedar Valley Land and Cattle Co. (Limited) *et al.*

Appeals from the C. C. U. S. for the western district of Missouri. Decrees affirmed with costs. Opinion by Mr. Chief-Justice Fuller.

The Chief Justice announced the following orders of the court :

The court will adjourn from Monday, February 2, to Monday, March 2. ✓

It is ordered by the court that subdivision 5 of rule 8 of this court be amended so as to read as follows :

5. All appeals, writs of error, and citations must be made returnable not exceeding thirty days from the day of signing the citations, whether the return day fall in vacation or in term time, and be served before the return day.

It is ordered by the court that subdivision 1 of rule 9 of this court be amended so as to read as follows :

1. It shall be the duty of the plaintiff in error or appellant to docket the case and file the record thereof with the clerk of this court by or before the return day, whether in vacation or in term time. But, for good cause shown, the justice or judge who signed the citation, or any justice of this court, may enlarge the time by or before its expiration, the

order of enlargement to be filed with the clerk of this court. If the plaintiff in error or appellant shall fail to comply with this rule the defendant in error or appellee may have the cause docketed and dismissed upon producing a certificate, whether in term time or vacation, from the clerk of the court wherein the judgment or decree was rendered, stating the case and certifying that such writ of error or appeal has been duly sued out or allowed. And in no case shall the plaintiff in error or appellant be entitled to docket the case and file the record after the same shall have been docketed and dismissed under this rule, unless by order of the court.

It is ordered by the court that subdivision 2 of rule 9 of this court be amended so as to read as follows :

2. But the defendant in error or appellee may, at his option, docket the case and file a copy of the record with the clerk of the court; and if the case is docketed and a copy of the record filed with the clerk of this court by the plaintiff in error or appellant within the period of time above limited and prescribed by this rule, or by the defendant in error or appellee at any time thereafter, the case shall stand for argument.

It is ordered by the court that subdivision 4 of rule 9 be amended so as to read as follows :

4. In all cases where the period of thirty days is mentioned in rule 8, it shall be extended to sixty days in writs of error and appeals from California, Oregon, Nevada, Washington, New Mexico, Utah, Arizona, Montana, Wyoming, North Dakota, South Dakota, Alaska, and Idaho.

It is ordered by the court that rule 54 of the Rules of Practice in admiralty be amended so as to read as follows :

54.

When any ship or vessel shall be libeled, or the owner or owners thereof shall be sued, for any embezzlement, loss, or destruction by the master, officers, mariners, passengers, or any other person or persons, of any property, goods, or merchandise, shipped or put on board of such ship or vessel, or for any loss, damage, or injury by collision, or for any act, matter, or thing, loss, damage, or forfeiture done, occasioned, or incurred, without the privity or knowledge of such owner or owners, and he or they shall desire to claim the benefit of limitation of liability provided for in the third and fourth sections of the act of March 3, 1851, entitled "An act to limit the liability of shipowners, and for other purposes," now embodied in sections 4283 to 4285 of the Revised Statutes, the said owner or owners shall and may file a libel or petition in the proper district court of the United States, as hereinafter specified, setting forth the facts and circumstances on which such limitation of liability is claimed, and praying proper relief in that

behalf; and thereupon said court, having caused due appraisement to be had of the amount or value of the interest of said owner or owners, respectively, in such ship or vessel, and her freight, for the voyage, shall make an order for the payment of the same into court, or for the giving of a stipulation, with sureties, for payment thereof into court whenever the same shall be ordered; or, if the said owner or owners shall so elect, the said court shall, without such appraisement, make an order for the transfer by him or them of his or their interest in such vessel and freight, to a trustee to be appointed by the court under the fourth section of said act; and, upon compliance with such order, the said court shall issue a monition against all persons claiming damages for any such embezzlement, loss, destruction, damage, or injury, citing them to appear before the said court and make due proof of their respective claims at or before a certain time to be named in said writ, not less than three months from the issuing of the same; and public notice of such monition shall be given as in other cases, and such further notice reserved through the post-office, or otherwise, as the court, in its discretion, may direct; and the said court shall also, on the application of the said owner or owners, make an order to restrain the further prosecution of all and any suit or suits against said owner or owners in respect of any such claim or claims.

It is further ordered that the present heading to this rule be erased.

Ex parte: In the matter of The Louisville Water Co., petitioner. Petition for allowance of writ of error granted.

No. 1344.—The United States, appt., *vs.* George Truesdell.

No 1476.—The United States, appt., *vs.* F. M. Alexander *et al.* Motions to advance denied.

No. 1559.—Erwin Davis, plff. in error, *vs.* Algernon S. Patrick. Motion to advance granted, and cause assigned for argument on the second Monday of the next term after cases already assigned for that day.

Nos. 552 and 553, 602 to 618 inclusive; 632 to 642 inclusive; 678 to 681 inclusive; 1413 to 1415 inclusive, and 1509—The Chinese cases.—Motion to advance submitted by Mr. Solicitor-General Taft for the United States.

No. 758. The United States, appt., *vs.* The Central Pacific Railroad Company. On motion of Mr. Joseph K. McCammon for appellee, mandate granted.

Ex parte: In the matter of Jeff. Wilson, petitioner. Motion for leave to file petition for a writ of habeas corpus submitted by Mr. J. Altheus Johnson for the petitioner.

No. 87.—The steamship *Nacoochee*, etc., appt., *vs.* Edward S. Moseley *et al.*;

No. 88.—Edward S. Moseley *et al.*, appts., *vs.* the steamship *Nacoochee*, etc. On motion of Mr. Joseph H. Choate, in behalf of counsel, mandate granted.

No. 129.—The United States, plff. in error, *vs.* Wm. Henry Forse. On motion of Mr. Geo. A. King, in behalf of counsel, mandate granted.

No. 524.—James Larkin *et al.*, plffs. in error, *vs.* David N. Upton *et al.* Motion to dismiss or affirm, submitted by Mr. M. F. Morris in support of motion, and by Mr. Wm. M. Stewart and Mr. M. Kirkpatrick in opposition thereto.

No. —.—Patrick Manning, plff. in error, *vs.* Geo. Weeks, warden, etc. Motion for leave to docket this case *in forma pauperis*, etc., and submitted by Mr. Rublee A. Cole for the plaintiff in error.

No. 92 of Oct. term, 1889.—Bertrand Saloy, plff. in error, *vs.* Simon Block. Motion to vacate and set aside judgment herein and to enter judgment *nunc pro tunc*. Submitted by Mr. Wm. A. Maury in support of motion.

No. 176.—John J. Willis, appt., *vs.* Theda M. June. Appeal from the C. C. U. S. for the southern district of New York. Dismissed with costs, pursuant to 10th rule.

Nos. 161 and 167.—Gertrude H. Hardin, plff. in error, *vs.* Conrad N. Jordan; Charles H. Mitchell, plff. in error, *vs.* Jabez G. Smale *et al.* Argument continued by Mr. Thomas Dent for Gertrude H. Hardin, by Mr. William Prescott for Charles H. Mitchell, by Mr. W. C. Goudy for the defendants in error in both cases, and by Mr. S. S. Gregory for Charles H. Mitchell.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 27, will be as follows: Nos. 161 and 167, 690, 168, 169, 171, 172, 1178, 1332, 1539 and 1540, and 177.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 27, 1891.

Present: The Chief Justice and all the Associate Justices.

James B. Reilly of Pottsville, Pa.; Thomas J. Geary of Santa Rosa, Cal.; R. M. McSherry, of Baltimore, Md.; and C. A. Hill, of Joliet, Ill., were admitted to practice.

No. ——. Patrick Manning, plff. in error, *vs.* Geo. Weeks, warden, etc. Motion to advance submitted by Mr. R. A. Cole in support of motion.

Nos. 161, 167. Gertrude H. Hardin, plff. in error, *vs.* Conrad N. Jordan; Charles H. Mitchell, plff. in error, *vs.* Jabez G. Smale *et al.* Argument continued by Mr. S. S. Gregory for Charles H. Mitchell, and concluded by Mr. Thomas Dent for Gertrude H. Hardin.

Ex parte: In the matter of Thos. Henry Cooper, petitioner.

Ex parte: In the matter of Sir John Thompson, K. C. M. G., petitioner. Argument commenced by Mr. Calderon Carlisle in support of motion for leave to file petitions for writ of prohibition, and continued by Mr. Solicitor-General Taft and Mr. Attorney-General Miller in opposition thereto, and by Mr. Joseph H. Choate in support of motion.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 28, will be as follows: Nos. 690, 168, 169, 171, 172, 1178, 1332, 1539 and 1540, 177, and 18C.

11038—63.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 28, 1891.

Present: The Chief Justice and all the Associate Justices.

St. John Boyle of Louisville, Ky., Edgar Allan of Richmond, Va., de Lagall Berier of Fort Hamilton (L. I.), New York, Edgar M. Warner of Putnam, Conn., and W. J. Bryan of Lincoln, Neb., were admitted to practice.

No. 169.—The British Queen Mining Company, of California, plff. in error, *vs.* The Baker Silver Mining Company. Passed pursuant to the 26th rule, on motion of Mr. James B. Reilly in behalf of the plaintiff in error.

Ex parte: In the matter of Thomas Henry Cooper, petitioner.

Ex parte: In the matter of Sir John Thompson, K. C. M. G., etc., petitioner. Argument concluded by Mr. Joseph A. Choate in support of motion for leave to file petitions.

No. 165.—Robt. Schell *et al.*, exers., etc., plffs. in error, *vs.* Otto W. Pollitz *et al.*

No. 986.—Hiram Barney, collr., etc., plff. in error, *vs.* Edward Kaupe *et al.*

No. 1000.—Hiram Barney, collr., etc., plff. in error, *vs.* Benjamin Tomes *et al.*

On motion of Mr. S. F. Phillips, for defendants in error, mandates granted.

No. 690.—Robt. Schell *et al.*, exers., etc., plffs. in error, *vs.* Victor Fauché *et al.* Argued by Mr. Assistant Attorney-General Parker for the plaintiffs in error; and by Mr. S. F. Phillips for the defendants in error.

No. 168.—Dora A. Bunt *et al.*, plffs. in error, *vs.* The Sierra Butte Gold Mining Company (Limited.) Argued by Mr. W. W. Morrow for the defendant in error, and submitted by Mr. S. F. Lieb for the plaintiffs in error.

No. 171.—John W. Hanner, jr., *et al.*, appts., *vs.* L. G. Moulton *et al.* Argument commenced by Mr. James D. Park for appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 29, will be as follows: Nos. 171, 172, 1178, 1332, 1539 and 1540, 177, 180, 181, 182 and 183.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 29, 1891.

Present: The Chief Justice and all the Associate Justices.

Anson Maltby, of New York City, was admitted to practice.

No. 181.—The Aspinwall Manf'g Co., appt., *vs.* Bennington Gill *et al.* Appeal from the C. C. U. S. for the district of New Jersey. Dismissed with costs pursuant to the 10th rule.

No. 182.—The J. L. Mott Iron Works, appt., *vs.* Chas. H. Skirm *et al.* Appeal from the C. C. U. S. for the district of New Jersey. Dismissed with costs pursuant to the 10th rule.

No. 183.—The J. L. Mott Iron Works, appt., *vs.* Patrick Cassidy *et al.* Appeal from the C. C. U. S. for the southern district of New York. Dismissed with costs pursuant to the 10th rule.

No. 185. Albert B. Briggs, recr., etc., appt., *vs.* E. G. Spaulding *et al.* Passed.

No. 171.—John W. Hanner, jr., *et al.*, appts., *vs.* L. G. Moulton *et al.* Argument concluded by Mr. James D. Park for appellants, and submitted by Mr. Sawnie Robertson for appellees.

No. 172.—Asahel Gage, appt., *vs.* John H. Bair. Submitted by Mr. Augustus N. Gage for appellant and by Mr. Levi Sprague for appellee.

No. 1178.—The United States, plaintiff, *vs.* Clark Brewer *et al.* Re-assigned for argument on March 2 next after cases already assigned for that day.

No. 1332.—John Graham, plff. in error, *vs.* George Weeks, warden, etc. Argument commenced by Mr. Rublee A. Cole for plaintiff in error. The court declined to hear further argument.

No. 1539.—Sylvester H. Kneeland, appt., *vs.* The American Loan and Trust Co. *et al.*

No. 1540.—Sylvester H. Kneeland, appt., *vs.* Geo. Wm. Ballou, trustee, *et al.* Argument commenced by Mr. John M. Butler for the appellant, and continued by Mr. Henry D. Hyde for appellees in No. 1539.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 30, will be as follows: Nos. 1539 and 1540, 177, 180, 184, 186, 188, 216, 217, 218, 219.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 30, 1891.

Present: The Chief Justice and all the Associate Justices.

Henry C. Ide, of St. Johnsbury, Vt., and Nelson Case, of Oswego, Kans., were admitted to practice.

No. 188.—William Owsley, plff. in error, *vs.* James A. Murray.

No. 216.—Lee W. Foster *et al.*, plffs. in error, *vs.* James A. Murray.

No. 217.—Geoffrey Lavell *et al.*, plffs. in error, *vs.* James A. Murray.

No. 218.—Jonathan C. Baker, plff. in error, *vs.* James A. Talbott *et al.*, in error to the supreme court of the Territory of Montana. Dismissed with costs pursuant to the 10th rule and remanded to supreme court of the State of Montana.

No. 1539.—Sylvester H. Kneeland, appt., *vs.* The American Loan and Trust Co. *et al.*

No. 1540.—Sylvester H. Kneeland, appt., *vs.* Geo. Wm. Ballou, trustee, *et al.* Argument continued by Mr. J. L. High for the appellees in No. 1540, and concluded by Mr. John M. Butler for the appellant.

No. 177.—Hiram Barney, late collr., etc., plff. in error, *vs.* E. A. Oelrichs *et al.*, argued Mr. Assistant Attorney-General Maury for the plaintiff in error, and by Mr. Frederic D. McKenney for the defendants in error.

No. 180.—W. C. Howard *et al.*, plff. in error, *vs.* The Stillwell and Bierce Mfg. Co. Argued by Mr. W. Hallett Phillips for the plaintiffs in error, and by Mr. John Johns for the defendant in error.

Adjourned until Monday next at 12 o'clock.

11038—66

SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 2, 1891.

Present: The Chief Justice and all the Associate Justices.

Willis A. Briscoe of Norwich, Conn., Free Estee of Mt. Pleasant, Mich., and Wm. H. King of Provo City, Utah, were admitted to practice.

No. 1309.—Wm. H. Alexander, plff. in error, *vs.* The United States. In error to the C. C. U. S. for the western district of Arkansas. Judgment reversed and cause remanded, with directions to grant a new trial. Opinion by Mr. Justice Brown. (Mr. Justice Gray was not present at the argument and took no part in the decision of this cause.)

No. 1310.—Bood Crumpton *alias* Bood Burris, plff. in error, *vs.* The United States. In error to the C. C. U. S. for the western district of Arkansas. Judgment affirmed. Opinion by Mr. Justice Brown.

No. 119.—John D. Beardsley, appt., *vs.* Paul F. Beardsley. Appeal from the C. C. U. S. for the eastern district of Arkansas. Decree affirmed with costs. Opinion by Mr. Justice Brewer. (Mr. Justice Brown did not sit in this case and took no part in its decision.)

No. 148.—J. M. North, appellant, *vs.* Andrew Peters. Appeal from the supreme court of the Territory of Dakota. Decree affirmed with costs and cause remanded to the supreme court of the State of South Dakota. Opinion by Mr. Justice Lamar.

No. 1366.—Martha A. Miller, appt., *vs.* Emma J. Clark *et al.* Appeal from the C. C. U. S. for the district of Connecticut. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Blatchford.

No. 1096.—The City of St. Louis, survivor, etc., plff. in error, *vs.* Edward Rutz. In error to the C. C. U. S. for the southern district of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 146.—Annie M. Upshur *et al.*, plffs. in error, *vs.* Mary E. Briscoe, widow *et al.* In error to the supreme court of the State of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 82.—Lewis E. Waterman, appt., *vs.* James A. McKenzie *et al.*, appeal from the C. C. U. S. for the southern district of New York. De-

decree affirmed with costs. Opinion by Mr. Justice Gray. (Mr. Justice Brown not having been a member of the court when this case was argued took no part in its decision.)

No. 22.—The United States Mortgage Company, appt., *vs.* Anson Sperry *et al.* Appealed from the C. C. U. S. for the northern district of Illinois. Decree reversed with costs and cause remanded for further proceedings to be had therein consistent with the opinion of this court. Opinion by Mr. Justice Harlan.

No. 152.—Wm. D. Wadsworth, as admr., plff. in error, *vs.* Theodore Adams. In error to the C. C. U. S. for the northern district of Alabama. Judgment reversed with costs and cause remanded for further proceedings to be had therein, in conformity with the opinion of this court. Opinion by Mr. Justice Harlan.

No. 1404.—Wilson Ames, plff. in error, *vs.* Robert Moir *et al.* In error to the supreme court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 1360.—Clara Kauffman, plff. in error, *vs.* James C. Wootters. In error to the supreme court of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 159.—Bruno Beaupre *et al.*, plffs. in error, *vs.* Daniel R. Noyes *et al.* In error to the supreme court of the State of Minnesota. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Harlan.

No. 160.—Bruno Beaupre *et al.*, plffs. in error, *vs.* Daniel R. Noyes *et al.* In error to the supreme court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 1425.—The Wheeling and Belmont Bridge Co., plff. in error, *vs.* The Wheeling Bridge Co. In error to the supreme court of appeals of the State of West Virginia. Judgment affirmed with costs and interest. Opinion by Mr. Justice Field.

No. 158.—R. H. Brown *et al.*, appts., *vs.* Charles W. Trousdale *et al.* Appeal from the C. C. U. S. for the district of Kentucky. Decree reversed with costs and cause remanded, with directions to remand it to the State court. Opinion by Mr. Chief-Justice Fuller.

No. 1343.—The United States, appellant, *vs.* James G. Green. Appeal from the Court of Claims. Judgment reversed and cause remanded, with directions to enter a judgment in favor of the claimant for the sum of \$4.17. Opinion by Mr. Chief Justice Fuller.

No. 1361.—The Kansas City, Fort Scott and Memphis R. R. Co., plff. in error, *vs.* R. S. Daughtry, admr., etc., in error, to the supreme court of the State of Tennessee. Judgment affirmed with costs and interest. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court :

It is ordered by the court that mandates issue in all cases decided prior to the 1st of January, 1891, when applied for, except where a petition for rehearing is pending and cases docketed and dismissed under the ninth rule.

No. 1606.—The Tuskaloosa Northern Ry. Co. *vs.* Albert V. Gude. Motion to docket and dismiss with costs granted.

No. 92, of Oct. term, 1889.—Bertrand Saloy, plff. in error, *vs.* Simon Bloch. Motion to set aside judgment herein and enter same *nunc pro tunc* as of December 19, 1889, granted.

No. 524.—James Larkin *et al.*, plff. in error, *vs.* David N. Upton *et al.* Motions to dismiss or affirm postponed to the hearing on the merits.

Nos. 552 and 553, 602 to 618 inclusive ; 632 to 642 inclusive ; 678 to 681 inclusive ; 1413 to 1415 inclusive, and 1509.—The Chinese cases. Motion to advance granted and cases assigned for argument on the 3d Monday of March next.

No. 1607.—Patrick Manning, plff. in error, *vs.* Geo. Weeks, warden, etc. Motions for leave to prosecute in *forma pauperis* and to advance granted and cause assigned for argument on the 3d Monday of March next after cases already assigned for that day.

Ex parte.—In the matter of Jeff. Wilson, petitioner. Motions for leave to file petition for a writ of habeas corpus and for leave to prosecute the same in *forma pauperis* granted, rule to issue, returnable on the second Monday of March next.

No. 1479.—Henry B. Sire, plff. in error, *vs.* The Ellithorpe Air Brake Co. Motion for mandate granted.

Ex parte: In the matter of Thomas Henry Cooper, petitioner. Motion for leave to file petition for a writ of prohibition granted ; rule to issue returnable on the second Monday of April next.

No. 176.—John J. Willis, appellant, *vs.* Theda M. June. On motion of Mr. H. D. Donnelly, for the appellee, mandate granted.

No. 5.—Original. The United States, complainant, *vs.* The State of Texas. On motion of Mr. Solicitor-General Taft, for complainant, amended. Bill filed.

No. 1561.—Amos Woodruff, trustee, *et al.*, plffs. in error, *vs.* The State of Miss. *et al.* Motion to dismiss submitted by Mr. Frank Johnston, Mr. W. P. Harris, Mr. T. M. Miller, and Mr. J. Hubley Ashton in support of motion, and by Mr. Marcellus Green in opposition thereto.

Ex parte: In the matter of Garnett Stubbs & Company, petitioners. Leave to file petition for a writ of prohibition granted on motion of Mr. W. V. R. Berry for the petitioners. Rule to issue returnable on the 1st Monday in March next.

No. 1381, 1382.—J. W. Allen, comp'r, etc., appt., *vs.* Pullman's Palace Car Co. Assigned for argument on the 2d day of March next, after cases already assigned for that day, on motion of Mr. Benton McMillin in behalf of counsel.

No. 1362.—The Red River Cattle Co., plff. in error, *vs.* R. H. Needham *et al.* On motion of Mr. W. Hallett Phillips for the defendants in error, mandates granted.

No. 1257.—The Texas and Pacific Ry. Co., plff. in error, *vs.* Henry Saunders. Motion to dismiss submitted by Mr. James Turner in support of motion and by Mr. John F. Dillon and Mr. W. S. Pierce in opposition thereto.

Adjourned until Monday, March 2d, at twelve o'clock.

The day call for Monday, March 2d, will be as follows: Nos. 184, 185, 186, 219, 1388, 1149, 1218, 1219, 1248, and 1444, etc.



SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 2d, 1891.

Present: The Chief Justice and all the Associate Justices.

Henry L. Morey, of Hamilton, Ohio; W. H. Gest, of Rock Island, Ills.; Edward J. McDermott, of Louisville, Ky.; James Lansing, of Troy, N. Y.; J. Bayard Henry, of Philadelphia, Pa.; D. N. Lockwood, of Buffalo, N. Y.; Solomon Lucas, of Norwich, Conn.; Solon Bancroft, of Reading, Mass.; Elisha M. Sanford, of Prescott, Ariz.; Jas. W. Hyde, Herman Aaron, and W. Wickham Smith, of New York City, were admitted to practice.

No. 127.—The State of Missouri *ex rel.* John H. Carey, plff. in error, *vs.* Joseph Andriano. In error to the supreme court of the State of Missouri. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brown.

No. 777.—John Ducie *et al.*, appts., *vs.* Thomas Ford. Appeal from the supreme court of Montana Territory. Decree affirmed with costs and cause remanded to the supreme court of the State of Montana. Opinion by Mr. Justice Brown.

No. 690.—Robert Schell *et al.*, exe'rs, etc., plffs. in error, *vs.* Victor Fauché *et al.*, etc. In error to the C. C. U. S. for the southern district of New York. Judgment affirmed with costs and interest. Opinion by Mr. Justice Brown.

No. 126.—Talcott H. Russell, rec'r, etc., plff. in error, *vs.* Augustus T. Post. In error to the C. C. U. S. for the southern district of New York. Judgment reversed with costs and cause remanded with directions to award a new trial. Judgment to be entered *nunc pro tunc* as of Jan. 5, 1891. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Bradley.

No. 137.—The Central Trust Co., of N. Y., appt. *vs.* Sylvester H. Kneeland. Appeal from the C. C. U. S. for the northern district of Ohio. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 150.—The Case Manfg. Co., plff. in error, *vs.* Peter H. Saxman, *et al.*, etc. In error to the C. C. U. S. for the western district of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 145.—Wm. Cressey *et al.*, appts. *vs.* Hermann Meyer, *et al.* Appeal from the C. C. U. S. for the eastern district of Louisiana. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 149.—The Troy Laundry Machinery Co. (limited), plff. in error, *vs.* Alex'r M. Dolph. In error to the C. C. U. S. for the northern district of New York. Judgment reversed, with costs and cause remanded with directions to grant a new trial. Opinion by Mr. Justice Brewer.

No. 153.—The Louisville, Evansville and St. Louis Ry. Co., appt. *vs.* Bluford Wilson. Appeal from the C. C. U. S. for the southern district of Illinois. Decree reversed, each party to pay one-half the costs in this court, and cause remanded with directions to allow the intervenor three hundred dollars. Opinion by Mr. Justice Brewer.

No. 157.—Joseph T. Williams, appt. *vs.* The United States. Appeal from the C. C. U. S. for the district of Nevada; decree affirmed. Opinion by Mr. Justice Brewer. (Mr. Justice Gray was not present at the argument and took no part in the decision of this case.)

No. 1539.—Sylvester H. Kneeland, appt. *vs.* The American Loan and Trust Co. *et al.* Appeal from the C. C. U. S. for the district of Indiana. Decree modified and cause remanded with directions to reduce the allowance to the American Loan and Trust Company by the sum of \$772.53, and as to Phillips, trustee, affirmed with interest, each party to pay one-half the costs in this court. Opinion by Mr. Justice Brewer.

No. 1540.—Sylvester H. Kneeland, appt., *vs.* Geo. Wm. Ballou, trustee, *et al.* Appeal from the C. C. U. S. for the district of Indiana. Decree affirmed with costs and interest. Opinion by Mr. Justice Brewer.

No. 125.—Abner L. Merrill, plff. in error, *vs.* The Town of Monticello. In error to C. C. U. S. for the district of Indiana. Judgment affirmed with costs. Opinion by Mr. Justice Lamar. (Mr. Justice Brown was not a member of the court when this case was argued and took no part in its decision.) The Chief Justice and Mr. Justice Brewer were not present at the argument and took no part in its decision.

No. 528.—T. P. Heath, plff. in error, *vs.* M. T. Wallace. In error to the supreme court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Lamar.

No. 574.—Michael Gormley *et al.* *vs.* James Bunyan *et al.* In error to the C. C. U. S. for the northern district of Illinois. Judgment affirmed with costs and interest. Opinion by Mr. Justice Lamar.

No. 1585.—Robert B. Simmons *et al.*, appts., *vs.* Harry R. Saul. Appeal from the C. C. U. S. for the eastern district of Pennsylvania. Decree affirmed with costs. Opinion by Mr. Justice Lamar.

No. 171.—John W. Hanner, jr., *et al.*, appts. *vs.* Lewman G. Moulton, *et al.*, appeal from the C. C. U. S. for the northern district of Texas. Decree affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 379.—The Central Transportation Co., plff. in error, *vs.* Pullman's Palace Car Co. In error to the C. C. U. S. for the eastern district of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice Gray. (Mr. Justice Brown not having been a member of the court when this case was argued took no part in its decision.)

No. 20.—Pullman's Palace Car Co., plff. in error, *vs.* The Central Transportation Co. In error to the C. C. U. S. for the eastern district of Penna. Judgment reversed with costs, and cause remanded with directions to set aside the verdict and to order a new trial. Opinion by Mr. Justice Gray. (Mr. Justice Brown not having been a member of the court when this case was argued, took no part in its decision.)

No. 168.—Dora A. Bunt *et al.*, plffs. in error, *vs.* The Sierra Butte Mining Co. (Limited). In error to the C. C. U. S. for the northern district of California. Judgment affirmed with costs. Opinion by Mr. Justice Gray.

No. 33.—The Covington Stock Yards Co., appt., *vs.* Chas. W. Keith *et al.*, etc. Appeal from the C. C. U. S. for the district of Kentucky. Decree affirmed with costs. Opinion by Mr. Justice Harlan.

No. 116.—Newell D. Clark, plff. in error, *vs.* James L. Bever, adm'r, etc. In error to the C. C. U. S. for the southern district of Iowa. Judgment affirmed with costs. Opinion by Mr. Justice Harlan. (Mr. Justice Brown not having been a member of the court when this case was argued took no part in its decision.)

No. 135.—Josiah Fogg, appt., *vs.* John I. Blair. Appeal from the C. C. U. S. for the eastern district of Missouri. Decree affirmed with costs. Opinion by Mr. Justice Harlan.

No. 170.—The Logan County National Bank, plff. in error, *vs.* R. P. Townsend. In error to the Court of Appeals of the State of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 118.—The Chicago, St. Louis and New Orleans R. R. Co., plff. in error, *vs.* The Pullman Southern Car Co. In error to the C. C. U. S. for the eastern district of Louisiana. Judgment reversed with costs and cause remanded for a new trial in conformity with the opinion of this court. Opinion by Mr. Justice Harlan. Mr. Justice Blackford did not sit in this case and took no part in its decision.

No. 77.—Thomas S. King, plff. in error, *vs.* John W. Doane. In error to the C. C. U. S. for the district of Minnesota. Judgment affirmed

with costs and interest. Opinion by Mr. Justice Harlan. (Mr. Justice Brown not having been a member of the court when this case was argued took no part in the decision.)

No. 143.—Carl Stockmeyer, testy., exer., etc., appt., *vs.* Mrs. Mary G. Tobin, widow, etc. Appeal from the C. C. U. S. for the eastern district of Louisiana. Decree affirmed with costs. Opinion by Mr. Justice Harlan.

No. 1293.—The City of New Orleans, appt., *vs.* Wm. Wallace Whitney, admr., etc.

No. 1320.—Wm. Wallace Whitney, admr., etc., appt., *vs.* The City of New Orleans, appeals from the C. C. U. S. for the eastern district of Louisiana. Decree modified by adding to it the sum of \$34,000, with interest, until paid, at the same rate per annum that similar decrees bear in the courts of the State of La., and cause remanded with directions to modify its decree in accordance with the opinion of this court. The city of New Orleans to pay the costs in this court. Opinion by Mr. Justice Bradley. Dissenting: Mr. Justice Brewer, (Mr. Justice Gray was not present at the argument and took no part in the decision of this case).

No. 895.—Pattie A. Clay, appt., *vs.* David I. Field.

No. 1085.—Lucy C. Freeman, appt., *vs.* Pattie A. Clay and husband.

No. 1091.—David I. Field, appt., *vs.* Pattie A. Clay. Appeals from the C. C. U. S. for the northern district of Miss. Appeal of Lucy C. Freeman dismissed for the want of jurisdiction; and decree in favor of David I. Field reversed and cause remanded with directions to enter a decree that the complainant, Pattie A. Clay, pay to said David I. Field the sum of \$2,690.54, with interest from the 1st day of January, 1889. It is further ordered that each party pay his and her own costs on these appeals except the cost of printing the record, which shall be paid one-half by the appellant, Pattie A. Clay, and one-half by the appellants, Lucy C. Freeman and David I. Field. Opinion by Mr. Justice Bradley.

No. 54.—The St. Paul and Pacific R. R. Co. *et al.*, appts.; *vs.* The Northern Pacific R. R. Co. Appeal from the C. C. U. S. for the district of Minnesota. Decree affirmed with costs. Opinion by Mr. Justice Field.

No. 24.—The St. Paul, Minneapolis and Manitoba Ry. Co., appt., *vs.* Chas. W. Greenalgh *et al.* Appeal from the C. C. U. S. for the district of Minnesota. Decree affirmed with costs. Opinion by Mr. Justice Field.

No. 25.—The St. Paul, Minneapolis and Manitoba Ry. Co., appt., *vs.* Charles Wenzel. Appeal from the C. C. U. S. for the district of Minnesota. Decree affirmed with costs. Opinion by Mr. Justice Field.

No. 878.—The City and County of San Francisco, appt., *vs.* Eugene Le Roy *et al.* Appeal from the C. C. U. S. for the northern district of California. Decree modified by adding the declaration that nothing therein shall be deemed to impair in any respect the rights reserved in the Van Ness ordinance to the city of San Francisco, or to its successor, the city and county of San Francisco, over lands that had then been occupied or set apart for streets, squares, and public buildings of the city, and as thus modified be affirmed with costs. Opinion by Mr. Justice Field.

No. 1332.—John Graham, plff. in error, *vs.* George Weeks, warden, *etc.* In error to the supreme court of the State of Wisconsin. Judgment affirmed with costs. Opinion by Mr. Justice Field.

No. 166.—Jno. E. Parsons *et al.*, excrs., *etc.*, plffs. in error, *vs.* Fewster Wilkinson *et al.* ;

No. 423.—Robt. Schell *et al.*, excrs., *etc.*, plffs. in error, *vs.* Samuel Johnson, jr., *et al.* ;

No. 424.—Robt. Schell *et al.*, excrs., *etc.*, plffs. in error, *vs.* James L. Wise, admr., *etc.* ;

No. 425.—Robt. Schell *et al.*, excrs., *etc.*, plffs. in error, *vs.* Ferdinand C. Lattner, survivor, *etc.* ;

No. 426.—Hiram Barney, late collr., *etc.*, plff. in error, *vs.* H. A. Hurlbut *et al.*, *etc.* ;

No. 427.—Hiram Barney, late collr., *etc.*, plff. in error, *vs.* Benj. L. Curtis, excr., *etc.* ;

No. 429. Robt. Schell *et al.*, excrs., *etc.*, plffs. in error, *vs.* Marius A. Sorchan, *et al.* ;

No. 431.—Robt. Schell *et al.*, excrs., *etc.*, plffs. in error, *vs.* Adrian Iselin, *etc.* ;

No. 486.—Robt. Schell *et al.*, excrs., *etc.*, plffs. in error, *vs.* Alexander Rickards *et al.* ;

No. 467.—Robt Schell *et al.*, excrs., *etc.*, plffs. in error, *vs.* R. J. Morrison, public admr. ;

No. 492.—Robt. Schell *et al.*, excrs., *etc.*, plffs. in error, *vs.* Alfred Woodbridge, *etc.* ;

No. 494.—Robt. Schell *et al.*, excrs., *etc.*, plffs. in error, *vs.* Edward Boddart, *etc.* ;

In error to the C. C. U. S. for the southern district of New York. Judgments affirmed with costs and interest per stipulation.

No. 430.—Marius A. Sorchan *et al.*, plffs. in error, *vs.* Robt. Schell *et al.*, excrs., *etc.*

No. 432.—Adrian Iselin, etc., plff. in error, vs. Robt. Schell *et al.*, excrs., etc.

No. 493.—Alfred Woodbridge, etc., plff. in error, vs. Robt. Schell *et al.*, excrs., etc.

No. 495.—Edward Bodart, etc., plff. in error, vs. Robt. Schell *et al.*, excrs., etc.

No. 691.—Victor Fauché *et al.*, plffs. in error, vs. Robt. Schell *et al.*, excrs., etc. In error to the C. C. U. S. for the southern district of New York. Dismissed with costs, per stipulation.

No. 1257.—The Texas and Pacific Ry. Co., plff. in error, vs. Henry Saunders. Motion to dismiss denied.

No. 1561.—Amos Woodruff, trustee, *et al.*, vs. The State of Mississippi *et al.* Motion to dismiss, etc., postponed to the hearing on the merits.

No. 101.—The Lawrence Manfg. Co., appt., vs. The Tennessee Manfg. Co. Appeal from the C. C. U. S. for the middle district of Tennessee.

No. 102.—The Lawrence Manfg. Co., appt., vs. The Janesville Cotton Mills. Appeal from the C. C. U. S. for the western district of Wisconsin. Decrees affirmed with costs. Opinions by Mr. Chief Justice Fuller. (Mr. Justice Blatchford did not sit in these cases or take any part in their decision. Mr. Justice Brown not being a member of the court when the cases were argued, took no part in their consideration and decision.)

No. 138.—J. C. Anderson, admr., etc., *et al.*, appts., vs. Jas. S. Watts, exer., etc. Appeal from the C. C. U. S. for the northern district of Florida. Decree reversed with costs and cause remanded with a direction to dismiss the bill. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice Brewer.

No. 177.—Hiram Barney, late collr, etc., plff., in error, vs. E. A. Oelrichs *et al.* In error to the C. C. U. S. for the southern district of New York. Judgment reversed with costs and cause remanded for further proceedings to be had therein in conformity with the opinion of this court. Opinion by Mr. Chief Justice Fuller.

No. 1406.—The County of Cook, plff. in error, vs. The Calumet and Chicago Canal and Dock Co. In error to the supreme court of the State of Illinois. Dismissed for want of jurisdiction. Opinion by Chief Justice Fuller.

No. 1617.—Charles Counselman, appt., vs. Frank Hitchcock, marshal, etc. Motion to advance submitted by Mr. Attorney-General Miller in support of same.

No. 1311.—C. E. Cook, *et al.*, plffs. in error, vs. The United States. Mandate granted, on motion of Mr. Solicitor-General Taft, for the defendant in error.

No. 1351.—Jno. C. Ball, *et al.*, plffs. in error, *vs.* The United States. Reassigned for argument on the first Monday in April next, on motion of Mr. Solicitor-General Taft for the defendant in error.

No. 880.—Daniel Magone, collr., etc., plff. in error, *vs.* Edw. Luckemeyer, *et al.*

No. 1441.—Anthony F. Seeberger, collr., etc., plff. in error, *vs.* Jno. V. Farwell, *et al.* Reassigned for argument on the 16th inst. on motion of Mr. Solicitor-General Taft, for the plffs. in error.

No. 5.—Original. The United States, complainant, *vs.* The State of Texas. On motion of Mr. A. H. Garland for the defendant answer to amended bill filed.

No. 1642.—Robt. M. Boyd, *et al.*, and appts., *vs.* The United States *et al.*

No. 1643.—Charles Stembach *et al.*, etc., appts., *vs.* The United States. Motions to advance submitted by Mr. W. Wickham Smith and Mr. S. G. Clarke in support of motions, and motions ordered to be postponed until Monday next.

No. 1645.—Marshall, Field & Co., appts., *vs.* John M. Clark, collr., etc. Motion to advance submitted by Mr. N. W. Bliss in support of motion, and motion postponed until Monday next.

Ex parte: In the matter of John L. Rapier, petitioner.

Ex parte: In the matter of Geo. W. Dupre, petitioner.

Ex parte: In the matter of Geo. W. Dupre, petitioner.

Motions for leave to file petitions for writs of habeas corpus and certiorari submitted by Mr. Hannis Taylor for the petitioners.

No. 1325.—Linda E. Timmons *et al.*, plffs. in error, *vs.* The Elyton Land Co. Motion to dismiss or affirm submitted by Mr. Alex'r T. London in support of motion, and by Mr. T. H. Watts, sr., in opposition thereto.

Motion to amend writ of error submitted by Mr. H. A. Herbert in support of same.

No. 1622.—The Chicago & Grand Trunk Ry Co., plff. in error, *vs.* Thos. Wellman. Motion to advance submitted by Mr. W. A. Day in support of motion.

No. 1271.—Pat. Callan, plff. in error, *vs.* John W. Bransford, *treasr.*, etc.

No. 1594.—Wm. H. Jones, plff. in error, *vs.* the Commonwealth of Virginia.

No. 1595.—James H. Gregory, plff. in error, *vs.* John W. Bransford, *treasr.*, etc.

- No. 1596.—J. J. Mallan *et al.*, plff. in error, *vs.* John W. Bransford, *treasr.*, etc.
- No. 1597.—Jos. Lawson *et al.*, plff. in error, *vs.* John W. Bransford, *treasr.*, etc.
- No. 1598.—L. E. Litchford *et al.*, plff. in error, *vs.* M. J. Day, *sergeant*.
- No. 1638.—J. J. Dillard, plff. in error, *vs.* E. E. Moorman, *treasr.*, etc.
Motion to advance submitted by Mr. Wm. A. McKenney and Mr. W. W. Larkin in support of motion.
Motion to dismiss submitted by Mr. R. Taylor Scott in support of same.
- No. 1183.—Peter Ulrichs *et al.*, plffs. in error, *vs.* Henry D. Harrison.
Mandate granted on motion of Mr. Frederic D. McKenney in behalf of counsel.
- No. 1588.—Thomas J. Phelps, assignee, appt., *vs.* George Elliott *et al.*, *ex'rs.* Motions to dismiss or affirm submitted by Mr. John Selden and Mr. Wm. G. Choate in support of motion.
- No. 1159.—The Northwestern Fuel Co., plff. in error, *vs.* R. G. Brock *et al.* Submitted pursuant to the 32d rule by Mr. D. B. Henderson and Mr. F. B. Daniels for the plaintiffs in error, and by Mr. Charles A. Clark for the defendants in error.
- No. 563.—Josiah Bedon *et al.*, plffs. in error, *vs.* Wm. R. Davis *et al.* Motion to dismiss submitted by Mr. Edward McCrady, jr., in support of motion, and by Mr. Mills Dean in opposition thereto.
- No. 1554.—The ship *Breakwater*, &c., appt., *vs.* The N. Y., Lake Erie and Western R. R. Co. Motion to dismiss or affirm submitted by Mr. F. A. Wilcox in support of motion, and by Mr. E. L. Owen and Mr. F. D. Sturges in opposition thereto.
- No. 1560.—The Northern Pacific R. R. Co., plff. in error, *vs.* David O'Brien. Motion to dismiss submitted by Mr. Jno. Paul Jones in support of motion, and by Mr. A. H. Garland and Mr. H. J. May in opposition thereto.
- No. 1316.—Geo. L. Corey *et al.*, appts., *vs.* Catherine R. Toland. Motion to dismiss submitted by Mr. O. B. Hallam in support of same.
- No. 17.—Moritz Eisner, admr., etc., appt., *vs.* Tarrant & Company. Appeal from the C. C. U. S. for the southern district of New York. Dismissed per stipulation.
- No. 1392.—The McCormack Harvester Machine Co., appt., *vs.* The Minneapolis Harvester Works. Appeal from the C. C. U. S. for the district of Minnesota. Dismissed per stipulation.

No. 1405.—The U. S. Trust Co., of N. Y., *et. al.*, appts., *vs.* The Wabash Western Ry. Co. Appeal from the C. C. U. S. for the southern dist. of Iowa. Dismissed with costs by appellants.

No. 1452.—John Glenn, trustee, etc., plff. in error, *vs.* Thos. J. Sumner, in error to the C. C. U. S. for the western dist. of North Carolina. Dismissed with costs by the plaintiff in error.

No. 186.—S. S. Etheridge, plff. in error, *vs.* Sperry, Watt & Garver. Submitted by Mr. N. W. Bliss and Mr. F. W. Lehman for the plaintiff in error, and by Mr. Henry S. Wilcox for the defendants in error.

No. 184.—The Mutual Reserve Fund Life Ass'n, plff. in error, *vs.* Sarah C. Hamlin. Argument commenced by Mr. Alfred Taylor for plaintiff in error, and continued by Mr. Solomon Lucas, and Mr. C. E. Perkins for the defendant in error.

Adjourned until to-morrow at twelve o'clock.

The day call for Tuesday, March 3, will be as follows: Nos. 184, 185, 219, 1388, 1149, 1218, etc., 1267, 733, 1117, and 1151.

11038—69



SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 3, 1891.

Present: The Chief Justice and all the Associate Justices.

John G. Sawyer, of Albion, N. Y., Richard C. Watts, of Laurens, S. C., James F. Carrott, of Quincy, Ills., William E. Birkhimer, of Washington, D. C., C. L. Anderson, of Kosciusko, Miss., and G. W. Dargan, of Darlington, S. C., were admitted to practice.

No. 690.—Robert Schell *et al.*, excrs., etc., plffs. in error, *vs.* Victor Fauché *et al.*

No. 166.—Jno. E. Parsons *et al.*, excrs., etc., plffs. in error, *vs.* Fewster Wilkinson *et al.*

No. 423.—Robt. Schell *et al.*, excrs., etc., plffs. in error, *vs.* Samuel Johnson, jr., *et al.*

No. 424.—Robt. Schell *et al.*, excrs., etc., plffs. in error, *vs.* James L. Wise, admr., etc.

No. 425.—Robt. Schell *et al.*, excrs., etc., plffs. in error, *vs.* Ferdinand C. Lattner, survivor, etc.

No. 426.—Hiram Barney, late collr., etc, plff. in error, *vs.* H. A. Hurlbut *et al.*, etc.

No. 427.—Hiram Barney, late collr., etc., plff. in error, *vs.* Benj. L. Curtis, excr., etc.

No. 429.—Robt. Schell *et al.*, excrs., etc., plffs. in error, *vs.* Marius A. Sorchan, *et al.*

No. 431.—Robt. Schell *et al.*, excrs., etc., plffs. in error, *vs.* Adrian Iselin, etc.

No. 486.—Robt. Schell *et al.*, excrs., etc., plffs. in error, *vs.* Alexander Rickards *et al.*

No. 487.—Robt. Schell *et al.*, excrs., etc., plffs. in error, *vs.* R. J. Morrison, public admr.

No. 492.—Robt. Schell *et al.*, excrs., etc., plffs. in error, *vs.* Alfred Woodbridge, etc.

No. 494.—Robt. Schell *et al.*, excrs., etc., plffs. in error, *vs.* Edward Boddart, etc.

Mandates granted, on motion of Mr. Frederic D. McKenney, for the defendants in error.

No. 430.—Marius A. Sorchan *et al.*, plffs. in error, *vs.* Robt. Schell *et al.*, excers., etc.

No. 432.—Adrian Iselin, etc., plff. in error, *vs.* Robt. Schell *et al.*, excers., etc.

No. 493.—Alfred Woodbridge, etc., plff. in error, *vs.* Robt. Schell *et al.*, excers., etc.

No. 495.—Edward Bodart, etc., plff. in error, *vs.* Robt. Schell *et al.*, excers., etc.

No. 691.—Victor Fauché *et al.*, plffs. in error, *vs.* Robt. Schell *et al.*
Mandates granted, on motion of Mr. Solicitor-General Taft, for the defendants in error.

No. 177.—Hiram Barney, late collr., etc., plff. in error, *vs.* E. A. Oelrichs *et al.* Mandate granted on motion of Mr. Solicitor-General Taft for the plaintiff in error.

No. 48.—The United States, appt., *vs.* The Central Pacific R. R. Co. Appeal from the C. C. U. S. for the district of California. Dismissed on motion of Mr. Solicitor-General Taft for the appellant.

No. 219.—Andrew J. Davis, appt., *vs.* Henry Weibbold. Suggestion of death of Andrew J. Davis, the appellant herein, and appearance of James A. Talbott, special administrator, etc., filed and entered, on motion of Mr. Stockslaeger, for appellee.

No. 219.—James A. Talbott, special admr., etc., appt., *vs.* Henry Weibbold. Submitted by Mr. J. W. Forbes for the appellant, and by Mr. S. M. Stockslaeger for the appellee.

No. 234.—E. C. Cross *et al.*, appts., *vs.* L. H. Allen. Suggestion of death of L. H. Allen, the appellee herein, and order of publication granted on motion of Mr. J. H. Mitchell, for the appellants, and cause continued.

No. 184.—The Mutual Reserve Fund Life Assn., plff. in error, *vs.* Sarah C. Hamlin. Argument concluded by Mr. Alfred Taylor, for plff. in error.

No. 185.—Albert B. Briggs, recr., etc., appt., *vs.* E. G. Spaulding *et al.* Argument commenced by Mr. A. Wilcox for the appellant, and continued by Mr. E. C. Sprague for appellee Spaulding, and by Mr. B. H. Williams for appellee Johnson.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 4, will be as follows: Nos. 185, 1388, 1149, 1218, 1219, 1248, 1444, 1445, 1446, 1447, and 1448.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 4, 1891.

Present: The Chief Justice and all the Associate Justices.

Martin A. Knapp, of Syracuse, N. Y., was admitted to practice.

No. 185.—Albert B. Briggs, recr., etc., appt., *vs.* E. G. Spaulding *et al.* Argument continued by Mr. B. H. Williams for appellee Johnson, by Mr. D. F. Day for appellee Cushing, by Mr. D. N. Lockwood for appellees, Coit's admsrs., etc., and concluded by Mr. W. Hallett Phillips for appellant.

No. 1388.—The Ætna Life Insurance Company, of Hartford, Conn., plff. in error, *vs.* Ada Ward, wife, etc. Argument commenced by Mr. Theron G. Strong for plaintiff in error, and continued by Mr. John Linn and Mr. Cortlandt Parker for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 5, will be as follows: Nos. 1388, 1149, 1218, etc., 1267, 733, 1117, 1151, 1152, etc., 1164, and 1244.

11038—71

○

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 5, 1891.

Present: The Chief Justice and all the Associate Justices.

Smiley N. Chambers, of Indianapolis, Ind., and Robert L. Wensley, of New York City, were admitted to practice.

No. 1588.—Thos. J. Phelps, assignee, appt., *vs.* George Elliott *et al.*, exers., etc. Motion in regard to costs submitted by Mr. Edward Lander in support of motion.

No. 1388.—The Ætna Life Ins. Co., of Hartford, Conn., plff. in error, *vs.* Ada Ward, wife, etc. Argument continued by Mr. Cortlandt Parker for defendant in error, and concluded by Mr. Wayne MacVeagh for the plaintiff in error.

No. 1149.—The United States *ex rel.* Sylvanus C. Boynton, plff. in error, *vs.* James G. Blaine, Sect'y of State. Argument commenced by Mr. George Ticknor Curtis for the plaintiff in error, and continued by Mr. Assistant Attorney-General Maury for defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 6, will be as follows: Nos. 1149, 1218 etc., 1267, 733, 1117, 1151, 1152 etc., 1164, 1244, and 1178.

11038—72

SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 6, 1891.

Present: The Chief Justice and all the Associate Justices.

No. 298.—The county court of Scotland County and the judges thereof piffs. in error, *v.* The U. S. *ex rel.* William Hill.

Suggestion of death of Wm. Hill, defendant in error herein, and appearance of James B. Dodge *et al.*, excrs., etc., filed and entered on motion of Mr. Felix T. Hughes for the defendants in error.

No. 1149.—The United States, *ex rel.* Sylvanus C. Boynton, plff. in error, *vs.* James G. Blaine, Sec'y of State. Argument continued by Mr. Assistant Attorney-General Maury for the defendant in error, and concluded by Mr. A. H. Garland for the plaintiff in error.

No. 1218.—The United States, appt., *vs.* The Dalles Military Road Co. *et al.*

No. 1219.—The United States, appt., *vs.* The Oregon Central Military Road Co. *et al.*

No. 1248.—The United States, appt., *vs.* The Willamette Valley and Cascade Mountain Wagon Road Co. *et al.*

No. 1444.—The United States, appt., *vs.* James K. Kelly.

No. 1445.—The United States, appt., *vs.* Daniel J. Cooper.

No. 1446.—The United States, appt., *vs.* M. C. Rogers, admr.

No. 1447.—The United States, appt., *vs.* William Grant.

No. 1448.—The United States, appt., *vs.* William Floyd.

Argument commenced by Mr. Assistant Attorney-General Parker, for the appellant and continued by Mr. James K. Kelly for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 9, will be as follows: Nos. 1218 etc., 1267, 733, 1117, 1151, 1152 etc., 1164, 1244, 1178, and 169.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 9, 1891.

Present: The Chief Justice and all the Associate Justices.

Joseph C. Campbell, of San Francisco, Cal., and John N. Ives, David Overmyer, and R. B. Welch, of Topeka, Kans., were admitted to practise.

No. 155.—The Guaranty Trust and Safe Deposit Co., appt., *vs.* The Green Coal Springs and Melrose Railroad Company *et al.* Appeal from the C. C. U. S. for the northern district of Florida. Decree reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 1072.—J. C. Stout, plff. in error, *vs.* Julia Mastin, executrix, etc. In error to the C. C. U. S. for the district of Kansas. Judgment affirmed with costs. Opinion by Mr. Justice Brewer. Dissenting, Mr. Justice Brown.

No. 852.—James Wallace Peake *et al.*, appts., *vs.* The City of New Orleans.

No. 41.—James Wallace Peake *et al.*, appts., *vs.* The City of New Orleans *et al.*

No. 459.—James Wallace Peake, plff. in error, *vs.* The City of New Orleans.

No. 460.—The United States *ex rel.* James Wallace Peake, plff. in error, *vs.* The City of New Orleans *et al.* In error to and appeals from the C. C. U. S. for the eastern district of Louisiana. Judgments and decrees affirmed with costs. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Harlan, Mr. Chief Justice Fuller, and Mr. Justice Lamar. (Mr. Justice Brown did not hear the argument in these causes, and took no part in their decision.)

No. 147.—Geo. K. Johnson, appt., *vs.* Daniel W. Powers *et al.*, excrs., etc., *et al.* Appeal from the C. C. U. S. for the northern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Gray. Dissenting: Mr. Justice Brown.

The Chief Justice announced the following orders of the court :

No. 1541.—William Caldwell, plff. in error, *vs.* The State of Texas. Judgment of January 12, 1891, set aside and case restored to the docket, and notice of the motion to dismiss ordered to be given, returnable on the second Monday of April next.

No. 503.—Josiah Bedon *et al.*, plffs. in error, *vs.* Wm. R. Davie *et al.* Motion to dismiss denied without prejudice to its renewal when record is printed.

No. 1316.—Geo. L. Corey *et al.*, appts., *vs.* Catherine R. Toland. Motion to dismiss or affirm denied without prejudice to its renewal when record is printed.

No. 1325.—Linda E. Timmons *et al.*, plffs. in error, *vs.* The Elyton Land Co. Leave granted to plffs. in error to amend the writ of error herein within two weeks, under sec. 1005 of the Revised Statutes. Until the expiration of the time given, consideration of the motions to dismiss or affirm will be reserved.

No. 1554.—The Steamship *Breakwater*, etc., appt., *vs.* The N. Y., Lake Erie and Western R. R. Co. Motions to dismiss or affirm denied.

No. 1560.—The Northern Pacific R. R. Co., plff. in error, *vs.* David O'Brien. Motion to dismiss postponed to the hearing on the merits.

No. 1617.—Charles Counselman, appt., *vs.* Frank Hitchcock, marshal, etc. Motion to advance granted and cause assigned for argument on the second Monday of the next term after cases already assigned for that day.

No. 1622.—The Chicago & Grand Trunk Ry. Co., plff. in error, *vs.* Thos. Wellman. Motion to advance denied.

No. 12 ~~original~~.—*Ex parte*: In the matter of John L. Rapier, petitioner.

No. 13 ~~original~~.—*Ex parte*: In the matter of George W. Dupre, petitioner.

No. 14 ~~original~~.—*Ex parte*: In the matter of George W. Dupre, petitioner. Motions for leave to file petitions for writs of *habeas corpus* granted, and rules ordered to issue, returnable on the third Monday of April next.

No. 1594.—Wm. H. Jones, plff. in error, *vs.* The Commonwealth of Virginia.

No. 1596.—J. J. Mallan *et al.*, etc., plffs. in error, *vs.* Jno. W. Bransford, treasr., etc.

No. 1638.—J. J. Dillard, plff. in error, *vs.* E. S. Moorman, treasr. Motions to advance and to dismiss denied without prejudice to their renewal when the records are printed.

No. 1271.—Pat. Callan, plff. in error, *vs.* John W. Bransford, treasr., etc.

No. 1595.—Jas. H. Gregory *et al.*, plffs. in error, *vs.* John W. Bransford, treasr., etc.

No. 1597.—Joseph Lawson *et al.*, plffs. in error, *vs.* John W. Bransford, treasr., etc.

No. 1598.—L. E. Litchford & Co., plffs. in error, *vs.* M. J. Day, sergent, etc.

In error to the supreme court of appeals of the State of Va. Dismissed for the *want of jurisdiction*.

No. 1648.—*Ex parte*: In the matter of Pedro Delgado, appellant. Motion to advance submitted by Mr. Wm. M. Springer in support of motion.

No. 1442.—A. F. Seeberger, collr., etc., plff. in error, *vs.* Jno. B. Gromuds *et al.*

No. 1475.—A. F. Seeberger, collr., etc., plff. in error, *vs.* H. B. Owsley *et al.*, etc.

No. 48.—The United States, appt., *vs.* The Central Pacific R. R. Co. On motion of Mr. Solicitor-Général Taft for the plaintiffs in error and appellant, mandates granted.

No. 5 (original).—The United States, complt., *vs.* The State of Texas. On motion of Mr. Solicitor-General Taft for complainant, leave to file replication granted.

No. 880.—Daniel Magone, collr., etc., plff. in error, *vs.* Edward Luckemeyer *et al.*

No. 1441.—A. F. Seeberger, collr., etc., plff. in error, *vs.* John V. Farwell and Co. On motion of Mr. Solicitor-General Taft for the plaintiff in error, reassigned for argument on the 30th of March next.

No. 11 (original).—*Ex parte*: In the matter of Jeff Wilson, petitioner. On motion of Mr. Solicitor-General Taft for respondent, return day postponed to 30th Mch next.

No. 1642.—Robt. M. Boyd *et al.* etc., appts. *vs.* The United States *et al.*

No. 1643.—Charles Sternback *et al.*, appts., *vs.* The United States.

No. 1645.—Marshall Field & Co., appts., *vs.* Jno. M. Clark, collr, etc. Consent to motion to advance Nos. 1642 and 1643, and statement in opposition to advance No. 1645 submitted by Mr. Solicitor-General Taft for appellees.

No. 6, No. 7.—The Iron Silver Mining Co., plff. in error, *vs.* The Mike & Starr Gold and Silver Mining Co.

No. 16.—John L. Sullivan *et al.*, plffs. in error, *vs.* The Iron Silver Mining Co. On motion of Mr. James McKeen, assigned for argument

on the second Monday of the next term after cases already assigned for that day.

No. 1588.—Thomas J. Phelps, assignee, appt., *vs.* Geo. Elliott *et al.*, etc. On motion of Mr. John Selden for appellees/ Leave granted him to file brief in opposition to motion as to costs on or before Monday next.

No. 1581.—Joseph Wood, appt., *vs.* Augustus A. Brush, agent, etc. Motion to advance submitted by Mr. J. M. Wilson in behalf of counsel.

No. 1632.—*Ex parte*: In the matter of ~~Shubuya~~ Jugiro, appellant. Motion to advance submitted by Mr. J. M. Wilson in behalf of counsel.

No. 1235.—The Walter A. Wood Mowing and Reaping Machine Co., plff. in error, *vs.* Smith A. Skinner.

Motions to dismiss or affirm submitted by Mr. James Lansing in support of motions, and by Mr. Esek/Cowen in opposition thereto.

No. 1407.—The East Tenn., Va. and Ga. Ry. Co., plff. in error, *vs.* Jos. E. Frazier *et al.* Motions to dismiss or affirm submitted by Mr. H. H. Ingersoll in support of motions, and by Mr. W. M. Baxter in opposition thereto.

No. 1218.—The United States, appt., *v.* The Dalles Military Road Company *et al.*

No. 1219.—The United States, appt., *v.* The Oregon Central Military Road Company *et al.*

No. 1248.—The United States, appt., *v.* The Willamette Valley and Cascade Mountain Wagon Road Company *et al.*

No. 1444.—The United States, appt., *v.* James K. Kelly.

No. 1445.—The United States, appt., *v.* Daniel J. Cooper.

No. 1446.—The United States, appt., *v.* Mitilda C. Rogers, admx., etc.

No. 1447.—The United States, appt., *v.* William Grant.

No. 1448.—The United States, appt., *v.* William Floyd.

Argument continued by Mr. Rufus Mallory, Mr. John E. Parsons, and Mr. C. E. S. Wood for the appellees, and concluded by Mr. Assistant Attorney-General Parker, for the appellant.

No. 1010 ✓ original ✓—*Ex parte*: In the matter of Garnett, Stubbs & Company, petitioners. Argument commenced by Mr. Samuel B. Adams for petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 10, will be as follows: Nos. 1267, 733, 1117, 1151, 1152 and 1603, 1164, 1244, 1178, 169, and 419.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 10, 1891.

Present: The Chief Justice and all the Associate Justices.

Lyman I. Mowry, of San Francisco, Cal., L. B. McFarland, of Memphis, Tenn., W. G. M. Thomas, of Chattanooga, Tenn., and David F. Butcher, of Brooklyn, N. Y., were admitted to practice.

No. 291.—The Louisville and Nashville R. R. Co., appt., *vs.* The Kentucky Central R. R. Co. *et al.* Appeal from the C. C. U. S. for the district of Kentucky. Dismissed ~~with costs~~ per stipulation, on motion of Mr. James Lowndes in behalf of counsel.

No. 10.—Original. *Ex parte*: In the matter of Garnett, Stubbs & Co., petitioners. Argument continued by Mr. Samuel G. Adams for the petitioners, and concluded by Mr. R. G. Erwin for the respondent.

No. 1267.—The Interstate Land Co., appt., *vs.* The Maxwell Land Grant Co. Argued by Mr. Alexander Graves for the appellant, and by Mr. Frank Springer for the appellee.

No. 733.—The United States, appt., *vs.* The Missouri, Kansas and Texas Ry. Co. *et al.* Argument commenced by Mr. Assistant Attorney-General Maury for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 11, will be as follows: Nos. 733, 1117, 1151, 1152 etc., 1164, 1244, 1178, 169, 419 and 1155.

11038—74

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 11, 1891.

Present: The Chief Justice and all the Associate Justices.

No. 1606.—The Tuskaloosa Northern Ry. Co. *vs.* Albert V. Gude.
On motion of Mr. John T. Morgan, for Gude, mandate granted.

No. 733.—The United States, app't, *vs.* The Missouri, Kansas and Texas Railway Co. *et al.* Argument continued by Mr. Assistant Attorney-General Maury, for the appellant; by Mr. A. B. Browne, Mr. A. L. Williams, and Mr. Simon Sterne, for the appellees, and concluded by Mr. William Lawrence, for appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 12, will be as follows: Nos. 1117 (and 1151, 1152, 1603, 1164, and 1244), 1178, 169, 419, 1155, 1224, 1381, 1382, 1529, and 220.

11038—75

○

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 12, 1891.

Present: The Chief Justice and all the Associate Justices.

No. 220.—Andrew J. Davis, plff. in error, *vs.* The B'd of County Com'rs of Silver Bow County, Mont.

No. 221.—Andrew J. Davis, appt. *vs.* The B'd of County Com'rs of Silver Bow County, Mont. Suggestion of death of Andrew J. Davis, the plaintiff in error and appellant herein, and appearance of James A. Talbott, special administrator, etc., filed and entered, on motion of Mr. J. H. McGowan for defendants in error and appellees, and cases submitted by Mr. J. W. Forbis for plaintiff in error and appellant and by Mr. J. H. McGowan for defendants in error and appellees.

No. 1117.—The United States, appt., *vs.* Henry O. Ewing.

No. 1151.—The United States, appt., *vs.* Saml. Thane Poinier.

No. 1152.—The United States; appt., *vs.* Edward J. McDermott.

No. 1603.—Edward J. McDermott, appt., *vs.* The United States.

No. 1164.—The United States, appt., *vs.* Robert Barber.

No. 1244.—The United States, appt., *vs.* A. J. Van Duzee.

Argument commenced by Mr. John C. Chaney for the United States, and continued by Mr. E. J. McDermott and Mr. O. B. Hallam for McDermott, by Mr. George A. King for Ewing, by Mr. C. C. Lancaster for Poinier and Van Duzee, and submitted on printed argument by Mr. R. R. McMabon for Barber.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 13, will be as follows: Nos. 1117 etc., 1178, 169, 419, 1155, 1224, 1381, 1382, 1529, and 223.

11038—76

SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 13, 1891.

Present: The Chief Justice and all the Associate Justices.

No. 1117.—The United States, appt., *vs.* Henry O. Ewing.

No. 1151.—The United States, appt., *vs.* Samuel Thane Poinier.

No. 1152.—The United States, appt., *vs.* Edward J. McDermott.

No. 1603.—Edward J. McDermott, appt., *vs.* The United States.

No. 1164.—The United States, appt., *vs.* Robert Barber.

No. 1244.—The United States, appt., *vs.* A. J. Van Duzee.

Argument continued by Mr. C. C. Lancaster for Van Duzee and Poinier, and concluded by Mr. John C. Chaney for the United States.

No. 1178.—The United States, plaintiff, *vs.* Clark Brewer *et al.* Argued by Mr. Solicitor-General Taft for the plaintiff, and submitted on printed argument by Mr. Julius A. Taylor for defendants.

No. 169.—The British Queen Mining Co., of Colorado, plff. in error, *vs.* The Baker Silver Mining Company.

Argument commenced by Mr. James B. Reilly, for the plaintiff in error. The court declined to hear further argument.

No. 419.—The Pacific Express Co., plff. in error, *vs.* P. P. Pickard, comp., etc., *et al.* In error to the supreme court of the State of Tennessee. Judgment reversed with costs by consent of counsel for defendants in error, who confessed error, and cause remanded, to be proceeded in according to law and justice.

No. 1155.—A. Shelton, sheriff, etc., *et al.*, appts., *vs.* Thos. C. Platt, Prest. U. S. Express Co. Argument commenced by Mr. George W. Pickle for the appellants, and continued by Mr. W. W. McFarland for appellee, and by Mr. W. G. M. Thomas for appellants.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 16, will be as follows: Nos. 1155, 1224, 1381, 1382, 1529, 223, 552, etc., 1607, 224, and 225.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 16, 1891.

Present: The Chief Justice and all the Associate Justices.

Frank J. Dupignac, Richard S. Newcombe, and John J. Joyce, of New York City, were admitted to practice.

No. 180.—W. C. Howard *et al.*, plffs. in error, *vs.* The Stillwell & Biera M'f'g Co. In error to the C. C. U. S. for the northern district of Texas. Judgment affirmed with costs and interest. Opinion by Mr. Justice Lamar.

No. 1518.—Arthur Manchester, pl'ff in error, *vs.* The Commonwealth of Massachusetts. In error to the superior court of the State of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 1169.—The St. Louis, Iron Mt. & Southern R'y Co., pl'ff in error, *vs.* The Commercial Union Insurance Co. *et al.* In error to the C. C. U. S. for the eastern district of Arkansas. Judgment reversed with costs and cause remanded with directions to set aside the verdict and to order a new trial. Opinion by Mr. Justice Gray.

(Mr. Justice Brown, not having been a member of the court when this case was argued, took no part in its decision.)

No. 151.—S. G. Bayne *et al.*, plffs. in error, *vs.* D. B. Wiggins *et ux.*, etc. In error to the C. C. U. S. for the western district of Pennsylvania. Judgment affirmed with costs and interest. Opinion by Mr. Justice Gray.

The Chief Justice announced the following orders of the court:

No. 1642.—Robt. M. Boyd *et al.*, appts., *vs.* The United States *et al.*

No. 1643.—Chas. Sternbach *et al.*, appts., *vs.* The United States.

No. 1645.—Marshall Field & Co., appts., *vs.* John M. Clark, coll'r, etc. Motions to advance granted and cases assigned for argument on the second Monday of the next term after cases heretofore assigned for that day; but leave is granted to submit the cases upon printed briefs to be filed on or before the first Monday of April next if counsel prefer to take that course.

No. 1581.—Joseph Wood, appt., vs. Augustus A. Brush, agent, etc. Motion to advance granted and cause assigned for argument on the first Monday of April next, after cases heretofore assigned for that day.

No. 1632.—*Ex parte*: In the matter of Shibuya Jugiro, appellant. Ordered, that a new citation be issued in this cause, returnable on the first Monday of April next, and that the motion to advance be granted and cause assigned for argument on the return day of the citation, after cases heretofore assigned for that day.

No. 1648.—Pedro Delgado, appt., vs. Francisco Chavez, sheriff, etc. Motion to advance granted and cause assigned for argument on the third Monday of April next.

No. 169.—The British Queen Mining Co., etc., plff. in error, vs. The Baker Silver Mining Co., in error to the C. C. U. S. for the district of Colorado. Judgment affirmed with costs.

No. 220.—Jas. A. Talbott, special admr., etc., plff. in error, vs. The Board of County Commrs. of Silver Bow County, Mont. Ty. In error to the supreme court of the Territory of Montana. Dismissed, and cause remanded to the supreme court of the State of Montana.

No. 1348.—Thomas Knight, plff. in error, vs. The United Land Assn. *et al.* Motion to advance submitted by Mr. W. W. Morrow in support of motion.

No. 4.—Florence S. Fowler, admx., etc., appt., vs. Robert Hamill. Motion for leave to intervene submitted by Mr. Rodney Mason in support of motion, and leave granted to Mr. Frank J. Dupignac to file printed opposition thereto within one week.

Ex parte: In the matter of Joshua K. Ingalls and Jacob Mark. Petitioner's application for allowance of writ of error submitted by Mr. de Lagnel Berier in support of same, and by Mr. Geo. W. Van Slyck in opposition thereto.

No. 632.—Hor Quong Pok, appt., vs. The United States.

No. 633.—Pim Choy, appt., vs. The United States.

No. 634.—Chan Bing Chan, appt., vs. The United States.

No. 635.—Lee Sick, appt., vs. The United States.

No. 638.—Quong Tick, appt., vs. The United States.

No. 639.—Tang Do, appt., vs. The United States.

No. 640.—Lee Quan, appt., vs. The United States.

No. 641.—Lie Cheong, appt., vs. The United States.

No. 642.—Lui Hok Chue, appt., vs. The United States.

On motion of Mr. Solicitor-General Taft, for the United States, re-assigned for argument on the first Monday in April next, No. 633 to be heard and the other cases to abide the decision of that case.

- No. 1413.—Leong Kum Ping, appt., *vs.* The United States.
- No. 1414.—Wan Shing, appt., *vs.* The United States.
- No. 1415.—Tang Wing, appt., *vs.* The United States. On motion of Mr. Solicitor-General Taft for the United States, reassigned for argument on the first Monday in April next. No. 1414 to be heard and the other cases to abide the decision in that case.
- No. 552.—Won Ken Hong, appt., *vs.* The United States.
- No. 553.—Leong We, appt., *vs.* The United States.
- No. 602.—Lue Wing, appt., *vs.* The United States.
- No. 603.—Gun Sin Han, appt., *vs.* The United States.
- No. 604.—Mar Hai Yung, appt., *vs.* The United States.
- No. 605.—Hom Dai Quong, appt., *vs.* The United States.
- No. 606.—Quock Ah Ship, appt., *vs.* The United States.
- No. 607.—Leong Choy, appt., *vs.* The United States.
- No. 608.—Wong Tsue Jo, appt., *vs.* The United States.
- No. 609.—Hom Yee Ling, appt., *vs.* The United States.
- No. 610.—Wong Ah Yick, appt., *vs.* The United States.
- No. 611.—Day Kim Dung, appt., *vs.* The United States.
- No. 612.—Mock Gee, appt., *vs.* The United States.
- No. 613.—Fong Jong, appt., *vs.* The United States.
- No. 614.—Bing Cheong, appt., *vs.* The United States.
- No. 615.—Wong Gun, appt., *vs.* The United States.
- No. 616.—Liew Guas Newy, appt., *vs.* The United States.
- No. 617.—Kong Gim, appt., *vs.* The United States.
- No. 618.—Tow Ngee, appt., *vs.* The United States.
- No. 636.—Mar We Jing, appt., *vs.* The United States.
- No. 637.—Mar Lick Yew, appt., *vs.* The United States.
- No. 650.—Yee Quong Lin, appt., *vs.* The United States.
- No. 651.—Yee Quong Nuey, appt., *vs.* The United States.
- No. 652.—Wong Li Lip, appt., *vs.* The United States.
- No. 653.—Jung Dok Jim, appt., *vs.* The United States.
- No. 654.—Wong Tu Choy, appt., *vs.* The United States.
- No. 655.—Wong You Choy, appt., *vs.* The United States.
- No. 656.—Chin Qui Far, appt., *vs.* The United States.
- No. 657.—Wong Qui Fong, appt., *vs.* The United States.
- No. 658.—Poon Chuck Bee, appt., *vs.* The United States.
- No. 659.—Lee Sing Suey, appt., *vs.* The United States.

No. 660.—Loui Deco Chong, appt., *vs.* The United States.

No. 661.—Loui Lin Gak, appt., *vs.* The United States.

No. 662.—Lem Dor Ang, appt., *vs.* The United States.

No. 663.—Gee Kum Sue, appt., *vs.* The United States.

No. 664.—Lee Ah Doo, appt., *vs.* The United States.

No. 665.—Ching Tai Quong, appt., *vs.* The United States.

No. 666.—Mack Sew Heong, appt., *vs.* The United States.

No. 667.—Gun Hong Sue, appt., *vs.* The United States.

No. 668.—Chung Ping Wo, appt., *vs.* The United States.

No. 678.—Tom Ah Fong, appt., *vs.* The United States.

No. 679.—Choy Yow Yee, appt., *vs.* The United States.

No. 680.—Wo Quan Goon, appt., *vs.* The United States.

No. 681.—Jeong Kee, appt., *vs.* The United States.

No. 1509.—Yee Hoy Jung, appt., *vs.* The United States.

Appeals from the C. C., U. S., for the northern district of California.

Dismissed pursuant to the 10th rule.

No. 1155.—A. Shelton, sheriff, etc., *et al.*, appts., *vs.* Thos. C. Platt, pres't U. S. Express Co. Argument concluded by Mr. W. G. M. Thomas, for appellants.

No. 1224. Henry B. Morrow, trustee, *et al.*, appts., *vs.* The Cumberland Telephone and Telegraph Company. Order advancing case set aside and cause restored to its place on the docket, on motion of Mr. Geo. W. Pickle for appt.

No. 1381.—J. W. Allen, comp., etc., appt., *vs.* Pullman's Palace Car Co.

No. 1382.—Argued by Mr. George W. Pickle for the appellant, and by Mr. John S. Runnells and Mr. Edward S. Isham for appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 17, will be as follows: Nos. 1529, 223, 1607, 224, 225, 226, 227, 228, 229, and 230.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 17, 1891.

Present: The Chief Justice and all the associate justices.

James W. Lusk, of St. Paul, Minn.; Isaac Sharp, of Council Grove, Kans.; and E. J. Dallas, of Topeka, Kans., were admitted to practice.

No. 227.—Jno. J. Schillinger, *et al.*, appts., *vs.* H. L. Cranford, *et al.* Continued per stipulation of counsel.

No. 1529.—John M. Wilkerson, sheriff, etc., appt., *vs.* Chas. A. Rahrer. Argued by Mr. A. L. Williams, Mr. J. N. Ives, and Mr. R. B. Welch for the appellant, and by Mr. Louis J. Blum and Mr. David Overmyer for the appellee.

No. 223.—Josey Underwood *et al.*, appts., *vs.* Harriet J. Dugan *et al.* Submitted by Mr. W. Hallett Phillips for the appellants, and by Mr. Sawnie Robertson and Mr. W. O. Davis for the appellees.

No. 1607.—Patrick Manning, plff. in error, *vs.* George Weeks, warden, etc. Submitted by Mr. Rublee A. Cole, for the plaintiff in error. No counsel appeared for the defendant in error.

No. 224.—The Steam Canal-boat "Sydney," etc., *et al.*, appts., *vs.* The Providence Washington Insurance Co., *et al.* Argument commenced by Mr. J. A. Hyland for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 18, will be as follows: Nos. 224, 225, 226, 228, 229, 230, 231, 232, 233, and 235.

11038—79

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 18, 1891.

Present: The Chief Justice and all the associate justices.

A. Q. Garretson, of Jersey City, N. J., was admitted to practice.

No. 386.—The Plano Manfg. Co., appt., *vs.* A. B. Graham *et al.* Appeal from the C. C. U. S. for the northern district of Illinois. Decree reversed without costs to either party in this court, and cause remanded with directions to dismiss the bill of complaint at complainant's costs, per stipulation of counsel.

No. 224.—The Steam Canal Boat *Sydney, etc., et al.*, appts., *vs.* The Providence Washington Insurance Company *et al.* Argument continued by Mr. J. A. Hyland for the appellants, by Mr. E. D. McCarthy for the appellees, and concluded by Mr. J. A. Hyland for the appellants.

No. 225.—Charles Hoff *et al.*, appts., *vs.* The Iron Clad Manfg. Co. Argued by Mr. George J. Murray for the appellants, and by Mr. J. E. Hindon Hyde for the appellee.

No. 226.—The Brown Chemical Co., appt., *vs.* C. F. G. Meyer *et al.* Argued by Mr. Rowland Cox for the appellant, and by Mr. J. E. McKeighan for the appellees.

No. 228.—The Delaware, Lackawana and Western R. R. Co., plff. in error, *vs.* Charles V. Converse. Argument commenced by Mr. J. D. Bedle for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 19, will be as follows: Nos. 228, 229, 230, 231, 232, 233, 235, 236, 238, and 239 (and 300 and 301).

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 19, 1891.

Present: The Chief-Justice and all the associate justices.

John P. Treadwell, of Boston, Mass., was admitted to practice.

No. 1348.—Thomas Knight, plff. in error *vs.* The United Land Asso'n *et al.* On motion of Mr. A. B. Browne, in behalf of counsel for deff'ts in error, leave granted to file reply to motion to advance.

No. 236.—Geo. W. Archer, appt., *vs.* Wm. P. and Henry Arnd. Appeal from the C. C. U. S. for the eastern district of Missouri. Dismissed with costs pursuant to the 10th rule.

No. 228.—The Delaware, Lackawanna & Western R. R. Co., plff. in error, *vs.* Charles B. Converse. Argument continued by Mr. J. D. Bedle for the plaintiff in error; by Mr. J. B. Vredenburg for the defendant in error, and concluded by Mr. J. D. Bedle for the plaintiff in error.

No. 229.—The Inland and Seaboard Coasting Co. *et al.*, plffs. in error, *vs.* Thomas H. Tolson, admr., etc. Argued by Mr. Nathaniel Wilson and Mr. Walter D. Davidge for the plaintiffs in error, and by Mr. C. C. Cole and Mr. A. A. Birney for the defendant in error.

No. 230.—Roland Worthington, coll., etc., plff. in error, *vs.* R. E. Robbins *et al.*, etc. Submitted by Mr. Assistant Attorney-General Parker for the plaintiff in error, and by Mr. J. R. Tucker, for the defendants in error.

No. 231.—Esther S. Snyder *et al.*, adm., etc., plffs. in error, *vs.* Emil V. Fiedler, admr., etc.

Argument commenced by Mr. Joshua D. Ball for the plaintiffs in error. The court did not desire to hear further argument.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 20, will be as follows: Nos. 232, 233, 238, 239, 300 (300 and 301), 240, 241, 252, 4, 243, and 244.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 20, 1891.

Present: The Chief-Justice and all the associate justices.

Henry Budd, of Philadelphia, Pa.; Edward P. Payson, of Boston, Mass.; and James N. Kimball, of Ogden, Utah Territory, were admitted to practice.

No. 1588.—Thomas J. Phelps, assignee, appt., *vs.* Geo. Elliott *et al.*, exers., etc. On motion of Mr. Edward Lander, for appellant, leave granted him to file reply brief.

No. 1327.—George H. Cope, appt., *vs.* Janet Cope *et al.* On motion of Mr. Edward Lander, in behalf of counsel, mandate granted.

No. 240.—Eugene Arnheim, appt., *vs.* Samuel Corn *et al.* Appeal from the C. C. U. S. for the southern district of New York. Dismissed with costs, pursuant to the 10th rule.

No. 241.—Eugene Arnheim, appt., *vs.* Louis Rosenbaum. Appeal from the C. C. U. S. for the southern district of New York. Dismissed with costs, pursuant to the 10th rule.

No. 242.—Eugene B. Crocker, appt., *vs.* The Cutter Tower Company. Appeal from the C. C. U. S. for the district of Massachusetts. Dismissed with costs, pursuant to the 10th rule.

No. 243.—The Hancock Inspirator Co., appt., *vs.* Henry T. Lally. Appeal from the C. C. U. S. for the northern district of Illinois. Dismissed with costs, pursuant to the 10th rule.

No. 232.—The Electric Gas Lighting Co., appt, *vs.* The Boston Electric Co.

No. 235.—The Electric Gas Lighting Co., appt, *vs.* Luther G. Tellotson *et al.* Argued by Mr. Edwin H. Brown and Mr. Edward P. Payson for the appellants, and Mr. Jno. E. Abbott and Mr. J. L. S. Roberts for the appellees.

No. 233.—The Union Edge Setter Co., appt., *vs.* George E. Keith. Argument commenced by Mr. J. E. Maynadier, for the appellant, and continued by Mr. J. L. S. Roberts for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 23, will be as follows: Nos. 233, 238, 239 (and 300 and 301), 4, 244, 245, 246, 247, 248, and 250.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 23, 1891.

Present: The Chief-Justice and all the associate justices.

Wm. Forse Scott, of New York City; W. W. Likens, of Tacoma, Wash., and Frederic Cunningham, of Brookline, Mass., were admitted to practice.

No. 1235.—The Walter A. Wood Mowing and Reaping Machine Co., plff. in error, *vs.* Smith A. Skinner. In error to the supreme court of the State of New York. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brown.

No. 186.—S. S. Etheridge, plff. in error, *vs.* Sperry, Watt & Garver. In error to the supreme court of the State of Iowa. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 1407.—The East Tennessee, Virginia and Georgia Ry. Co., plff. in error, *vs.* Joseph E. Frazier, *et al.*, in error to the supreme court of the State of Tennessee. Decree affirmed with costs and interest. Opinion by Mr. Justice Brewer.

No. 1178.—The United States, plaintiff, *vs.* Clark Brewer *et al.* On a certificate of division in opinion between the judges of the C. C. U. S. for the western district of Tennessee. First, second, and eighth questions not answered; and the third, fourth, fifth, sixth, and seventh questions answered in the negative. Opinion by Mr. Justice Blatchford.

No. 184.—The Mutual Reserve Fund Life Association, plff. in error, *vs.* Sarah C. Hamlin.

In error to the C. C. U. S. for the district of Connecticut. Judgment affirmed with costs and interest. Opinion by Mr. Justice Harlan.

No. 1149.—The United States *ex rel.* Sylvanus C. Boynton, plff. in error, *vs.* James G. Blaine, Secretary of State.

In error to the Supreme Court of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the Court:

No. 4.—Florence S. Fowler, admx., etc., appt., *vs.* Robert Hamill. Postponed until Monday next.

No. 1588.—Thomas J. Phelps, assignee, appt., *vs.* George Elliott *et al.*, excers., etc. Appeal from the C. C. U. S. for the southern district of New York. Dismissed with costs, except the cost of printing the record and the clerk's fees in connection therewith.

No. 1348.—Thomas Knight, plaintiff in error, *vs.* The United Land Ass'n *et al.* Motion to advance granted and cause assigned for argument on the second Monday of the next term after cases already assigned for that day.

No. —.—*Ex parte*: In the matter of Joshua K. Ingalls and Jacob Mark, petitioners. Petition for writ of error denied.

The court will adjourn from Thursday to Monday next.

No. 282.—Edwin A. Merritt, late coll'r, etc., plff. in error, *vs.* José Moller *et al.* In error to the C. C. U. S. for the southern district of New York. Dismissed with costs on motion of Mr. Attorney-General Miller for the plaintiff in error.

No. 1296.—John Gorman, appt., *vs.* Cary C. Havird. Motions to dismiss or affirm submitted by Mr. John Goode in support of motion, and by Mr. S. Shellabarger and Mr. J. M. Wilson in opposition thereto. Suggestion of diminution of the record and motion for writ of certiorari submitted by Mr. Samuel Shellabarger in support of motion.

No. 1286.—The Keokuk and Western R. R. Co., plff. in error, *vs.* The State of Missouri *ex rel.*, Wm. H. Wine, collector. Motions to dismiss or affirm submitted by Mr. Eppa Hunton in support of motions, and by Mr. Jno. F. Dillon and Mr. F. T. Hughes in opposition thereto.

No. 247.—Wm. Henderson *et al.*, appts., *vs.* The Carbondale Coal and Coke Co. *et al.*

No. 248.—Ethan A. Hitchcock, appt., *vs.* The Carbondale Coal and Coke Co. *et al.* Stipulation to correct record filed on motion of Mr. A. H. Garland for appellees.

No. 1647.—Charlotte H. Richardson, plff. in error, *vs.* Wm. J. Bryan. Leave to correct writ of error and for new citation to issue, granted, on motion of Mr. Frederic Cunningham for plaintiff in error.

No. 1529.—John M. Wilkerson, sheriff, etc., appt., *vs.* Chas. A. Rahrer. Motion for leave to file printed argument herein as *amicus curiæ* submitted by Mr. Liston McMillen in support of motion.

No. 1539.—Sylvester H. Kneeland, appt., *vs.* The American Loan & Trust Co., *et al.*

No. 1540.—Sylvester H. Kneeland, appt., *vs.* Geo. Wm. Ballow, trustee, *et al.* On motion of Mr. Fillmore Beall, in behalf of counsel for appellees, mandates granted.

No. 245.—Thomas A. Green, plff. in error, *vs.* The People of the State of Colorado, ex rel., L. P. Marsh, *et al.* In error to the supreme court of the State of Colorado. Dismissed with costs on authority of the plaintiff in error.

No. 233.—The Union Edge Setter Co., appt., *vs.* George E. Keith. Argument continued by Mr. J. L. S. Roberts for the appellee and concluded by Mr. J. E. Maynadier for the appellant.

No. 239.—The Pacific National Bank of Boston, plff. in error, *vs.* Mary J. Eaton.

No. 300.—Geo. L. Thayer, trustee, plff. in error, *vs.* Peter Butler, Recr., etc.

No. 301.—Peter Butler, Recr., &c., Plff. in error, *vs.* Mary J. Eaton.

Argument commenced by Mr. A. A. Ranney for the receiver and the bank and continued by Mr. J. H. Benton, jr., for Eaton and Thayer.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 24, will be as follows: Nos. 239 (300 and 301), 238, 244, 246, 247, 248, 250, 251, 252, and 253.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 24, 1891.

Present: The Chief-Justice and all the associate justices.

James Taussig, of St. Louis, Mo., and Francis E. Spencer, of San José, Cal., were admitted to practice.

No. 600.—Abram Poole *et al.*, appts., *vs.* The West Point Butter and Cheese Assn. *et al.* Appeal from the C. C. U. S. for the district of Nebraska. Dismissed per stipulation, and mandate granted on motion of Mr. John W. Cary in behalf of counsel.

No. 387 and No. 397.—The Cable Tramway Co., of Omaha, appt., *vs.* The Omaha Horse Railway Co. of the city of Omaha. The Omaha Horse Railway Co., of the city of Omaha, appt., *vs.* The Cable Tramway Co., of Omaha. Appeals from the C. C. U. S. for the district of Nebraska. Dismissed with the costs per stipulations.

No. 251 and No. 252.—The Illinois Grand Trunk Ry. Co., appt., *vs.* J. H. Wade, jr., etc. Submitted by Mr. J. J. Herrick for appellant and by Mr. Thos. S. McClelland and Mr. Geo. A. Sanders for appellee.

No. 253.—Jabez G. Smale *et al.*, plffs. in error, *vs.* Chas. H. Mitchell. In error to the C. C. U. S. for the northern district of Illinois. Dismissed with costs on motion of counsel for plaintiffs in error.

No. 239.—The Pacific National Bank, of Boston, plffs. in error, *vs.* Mary J. Eaton.

No. 300.—Geo. L. Thayer, trustee, plff. in error, *vs.* Peter Butler, recr., etc.

No. 301.—Peter Butler, recr., etc., plff. in error, *vs.* Mary J. Eaton. Argument concluded by Mr. A. A. Ranney for the bank and recr.

No. 238.—Ward McAllister, jr., appt., *vs.* The United States. Argued by Mr. Samuel F. Phillips for appellant and by Mr. Solicitor-General Taft for appellee.

No. 219.—Samuel C. Wingard, appt., *vs.* The United States. Submitted by Mr. C. H. Armes and Mr. Rogers Greene for appellant and by Mr. Solicitor-General Taft for appellee.

No. 244.—The Northern Pacific R. R. Co., plff. in error, *vs.* The Territory of Washington, *ex rel.*, Hiram Dustin prosecuting attorney, etc. Argued by Mr. A. H. Garland for plaintiff in error. No counsel appeared for defendant in error.

No. 246.—James J. Hill, appt., *vs.* The Chicago and Evanston R. R. Co. *et al.* Argued by Mr. M. D. Grover, for appellant and by Mr. John W. Cary for appellees.

No. 247.—William Henderson *et al.*, appts., *vs.* The Carbondale Coal and Coke Co. *et al.*

No. 248.—Ethan A. Hitchcock, appt., *vs.* Carbondale Coal and Coke Co. *et al.* Argument commenced by Mr. James McCartney for appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 25, will be as follows: Nos. 247 and 248, 250, 12, 254, 256, 257, 260, 261, 262, and 263.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 25, 1891.

Present: The Chief Justice and all the associate justices.

No. 256.—Frank Curtiss, appellant, *vs.* John Hurd.

Appeal from the circuit court of the United States for the southern district of New York.

Dismissed, with costs, pursuant to the 10th rule.

No. 257.—Abijah Curtiss, appellant, *vs.* John Hurd.

Appeal from the circuit court of the United States for the southern district of New York.

Dismissed with costs, pursuant to the 10th rule.

No. 262.—The Essex Public Road Board, plaintiff in error, *vs.* Jacob Skinkle.

Submitted by Mr. J. W. Taylor, for the plaintiff in error, and by Mr. J. Frank Fort, for the defendant in error.

No. 263.—James H. Houston *et al.*, plaintiffs in error, *vs.* Robert Simpson *et ux.* Continued per stipulation.

No. 247.—Wm. Henderson *et al.*, appellants, *vs.* The Carbondale Coal and Coke Company *et al.*

No. 248.—Ethan A. Hitchcock, appellant, *vs.* The Carbondale Coal and Coke Company *et al.*

Argument continued by Mr. James McCartney for appellants, by Mr. H. J. May for appellees, and concluded by Mr. James McCartney for appellants.

No. 250.—F. W. Cotzhausen, plaintiff in error, *vs.* Frank Kerting. Argued by Mr. Enoch Totten for the plaintiff in error. No counsel appeared for the defendant in error.

No. 12.—The Selma, Rome and Dalton Railroad Company, appellant, *vs.* The United States.

Argument commenced by Mr. George A. King for the appellant, and continued by Mr. Assistant Attorney-General Cotton for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 26, will be as follows: Nos. 12, 254, 260 (and 261), 264, 265, 266, 267, 268, 269 (and 270), and 271 (and 272, 273, and 274).

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 26, 1891.

Present: The Chief Justice and all the Associate Justices.

No. 264.—The Wiggins Ferry Co., appellant, *vs.* The Ohio and Mississippi Railway Co. *et al.* Continued, per stipulation of counsel.

No. 12.—The Selma, Rome and Dalton Railroad Company, appellant, *vs.* The United States. Argument continued by Mr. Assistant Attorney-General Cotton for the appellee, and concluded by Mr. George A. King for the appellant, and leave granted counsel to file supplemental briefs.

No. 254.—The Union Mutual Life Insurance Co., appellant, *vs.* P. C. Hanford *et al.* Argued by Mr. Walter H. Smith, for appellees, and submitted by Mr. P. S. Grosscup, for appellant.

No. 260.—Warren Leland, jr., plff. in error, *vs.* The Central National Bank of the City of New York; and

No. 261.—Warren Leland, jr., appellant, *vs.* The Central National Bank of the City of New York. Argued by Mr. John Linn, of counsel for the defendant in error and appellee; and judgment in No. 260 affirmed with costs and interest, and decree in No. 261 affirmed with costs.

No. 265.—Thomas Dolan, appellant, *vs.* Abraham G. Jennings.

No. 266.—Henry R. Kibbe *et al.*, appellants, *vs.* Abraham G. Jennings. Question of jurisdiction argued by Mr. John R. Bennett for appellants and Mr. A. V. Briesen for appellees.

No. 267.—Anna M. Carpenter, plff. in error, *vs.* Maria E. Strange *et al.* Argued by Mr. Henry Wise Garnett for plaintiff in error, and Mr. W. Hallett Phillips for defendants in error, and leave granted counsel for defendants in error to file additional brief, and counsel for plaintiff in error to file a brief in reply thereto.

No. 268.—William J. Wilson, plff. in error, *vs.* William S. Everett. Argued by Mr. R. T. McNeal for the defendant in error, and submitted by Mr. T. M. Patterson and Mr. C. S. Thomas for the plaintiff in error.

Adjourned until Monday next, at 12 o'clock.

The day call for Monday, March 30, will be as follows: Nos. 269 and 270, 271 (and 272, 273, and 274), 880, 1441, 4, 275, 276, 277, 278, and 279.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 30, 1891.

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

Albert W. Barnum, of Chicago, Ill.; William W. Stickney, of Ludlow, Vt.; Henry E. McGinn, of Portland, Oregon; Louis G. Hurd, of Dubuque, Iowa; Alexander McCrackin, of Fairfield, Iowa; Edward A. Bowers, of Washington, D. C., and George W. Kirchwy, of Albany, N. Y., were admitted to practice.

No. 1516.—C. R. Handley *et al.*, appellants, *vs.* Sebastian Stutz *et al.* Appeal from the circuit court of the United States for the middle district of Tennessee. Decree reversed with costs, and cause remanded for further proceedings to be had therein in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

Dissenting: Mr. Chief Justice Fuller and Mr. Justice Lamar.

No. 225.—Charles Hoff *et al.*, appellants, *vs.* The Iron Clad Manufacturing Company. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 221.—James A. Talbott, special administrator, etc., appellant, *vs.* The Board of County Commissioners of Silver Bow County, Mont. T'y. Appeal from the supreme court of the Territory of Montana. Decree affirmed with costs, and cause remanded to the supreme court of the State of Montana. Opinion by Mr. Justice Brewer.

No. 223.—Josey Underwood *et al.*, etc., appellants, *vs.* Harriet J. Dugan *et al.* Appeal from the circuit court of the United States for the northern district of Texas. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 224.—The Steam Canal Boat *Sydney*, etc., appellant, *vs.* The Providence Washington Insurance Company of Providence, R. I., *et al.* Appeal from the circuit court of the United States for the southern district of New York. Appeal dismissed for the want of jurisdiction. Opinion by Mr. Justice Blatchford.

No. 230.—Roland Worthington, collector, etc., plaintiff in error, *vs.* R. E. Robbins *et al.* In error to the circuit court of the United States for the district of Massachusetts. Judgment affirmed with costs and interest. Opinion by Mr. Justice Blatchford.

No. 231.—Esther S. Snyder *et al.*, administrators, etc., plaintiffs in error, *vs.* Emil V. Fiedler, administrator, etc. In error to the circuit court of the United States for the district of Massachusetts. Judgment affirmed with costs and interest. Opinion by Mr. Justice Harlan.

No. 228.—The Delaware, Lackawanna and Western Railroad Company, plaintiff in error, *vs.* Charles B. Converse. In error to the circuit court of the United States for the district of New Jersey. Judgment affirmed with costs and interest. Opinion by Mr. Justice Harlan.

No. 13.—Delos C. Mellen, administrator, etc., appellant, *vs.* John A. Buckner *et al.*;

No. 27.—John A. Buckner *et al.*, appellants, *vs.* Delos C. Mellen, administrator, etc.

Appeals from the circuit court of the United States for the eastern district of Louisiana. Decree reversed, each party to pay their own costs and one-half the cost of printing the record and the clerk's fees for supervising the same; and cause remanded with directions to enter a decree in conformity with the opinion of this court. Opinion by Mr. Justice Bradley. Mr. Justice Brewer and Mr. Justice Brown were not members of the court when this case was argued, and took no part in the decision.

No. 250.—F. W. Cotzhausen, plaintiff in error, *vs.* Frank Kerting. In error to the circuit court of the United States for the eastern district of Wisconsin. Judgment affirmed with costs and interest. Opinion by Mr. Chief-Justice Fuller.

No. 1325.—Linda E. Timmons *et al.*, plaintiffs in error, *vs.* The Elyton Land Company. In error to the circuit court of the United States for the northern district of Alabama. Judgment reversed; costs to be paid by plaintiffs in error; and cause remanded for further proceedings. Opinion by Mr. Chief-Justice Fuller.

No. 265.—Thomas Dolan, appellant, *vs.* Abraham G. Jennings. Appeal from the circuit court of the United States for the southern district of New York. Appeal dismissed for the want of jurisdiction. Opinion by Mr. Chief-Justice Fuller.

No. 266.—Henry R. Kiebbe *et al.*, etc., appellants, *vs.* Abraham G. Jennings. Appeal from the circuit court of the United States for the southern district of New York. Dismissed for want of jurisdiction. Opinion by Mr. Chief-Justice Fuller.

No. 1174.—Dick Duncan, appellant, *vs.* T. P. McCall, sheriff, etc. Appeal from the circuit court of the United States for the western district of Texas. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 1239.—Jim Leeper and Ed. Powell, plaintiffs in error, *vs.* The State of Texas. In error to the court of appeals of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Chief-Justice Fuller.

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

No. 4.—Florence S. Fowler, administratrix, etc., appellant, *vs.* Robert Hamell. Motion for leave to intervene herein denied.

No. 1286.—The Keokuk and Western Railroad Company, plaintiff in error, *vs.* The State of Missouri *ex rel.* William H. Wine, collector. Motions to dismiss or affirm denied.

No. 1296.—John Gorman, appellant, *vs.* Cary C. Havird. Motion for writ of certiorari granted, and consideration of motions to dismiss or affirm reserved until the return of the writ of certiorari, which will be made returnable immediately.

No. 1529.—John M. Wilkerson, sheriff, etc., appellant, *vs.* Charles A. Rahrer. Motion for leave to file printed argument herein as *amicus curiæ* denied.

No. 312.—The United States, plaintiff in error, *vs.* Henry H. Stafford. In error to the circuit court of the United States for the eastern district of Pennsylvania. Dismissed, on motion of Mr. Attorney-General Miller, for the plaintiff in error.

No. 1309.—William H. Alexander, plaintiff in error, *vs.* The United States.

No. 1310.—Bood Crumpton, alias Bood Burrus, plaintiff in error, *vs.* The United States. Mandates granted, on motion of Mr. Solicitor-General Taft, for the defendant in error.

No. 1655.—The United States, appellant, *vs.* Ballin, Joseph & Company. Motion to advance submitted by Mr. Stephen G. Clarke in support of motion.

No. 1681.—Leong Moy Que, appellant, *vs.* The United States.

No. 1682.—Yee Ah Sheen, appellant, *vs.* The United States. Motion for leave to present motion to admit appellants to bail submitted by Mr. E. B. Stonehill and Mr. W. H. Lamar for the appellants.

Ex parte : In the matter of James A. Simmons, petitioner. Motion for leave to file petition for writ of *habeas corpus* submitted by Mr. J. J. Joyce in support of motion.

No. 1683.—John M. Ross, appellant, *vs.* James McIntyre, superintendent. Motion to advance submitted by Mr. George W. Kirchwey in support of motion.

No. 1593.—J. W. Davis, plaintiff in error, *vs.* The State of Texas. Motion to dismiss or affirm submitted by Mr. C. H. Armes, Mr. Henry M. Furman, and Mr. C. A. Culberson in support of motions, and by Mr. S. F. Phillips and Mr. Frederic D. McKenney in opposition thereto.

No. 1661.—John C. Denny *et al.*, plaintiffs in error, *vs.* Pironi & Slatri. Advanced, pursuant to the 32d rule, on motion of Mr. W. Hallett Phillips for the plaintiffs in error.

No. 1314.—The New Orleans City and Lake Railroad Company, plaintiff in error, *vs.* The State of Louisiana *ex rel.*: The City of New Orleans. Motions to dismiss or affirm submitted by Mr. Samuel L. Gelmore in support of motions, and by Mr. C. F. Buck in opposition thereto.

No. 1354.—Edwin T. Williams, as sheriff, etc., *et al.*, appellants, *vs.* The Passumpsic Savings Bank. Motion to dismiss submitted by Mr. Henry C. Ide in support of same. Motion for leave to withdraw record submitted by Mr. H. Bisbee in support of motion.

No. 275.—H. W. Sanford, plaintiff in error, *vs.* C. W. Sanford. Leave granted Mr. J. H. Mitchell to withdraw his appearance for the plaintiff in error herein. Submitted on printed arguments by Mr. M. D. Brainard for the plaintiff in error, and by Mr. J. N. Dolph for the defendant in error.

No. 278.—The Pennsylvania Railroad Company, plaintiff in error, *vs.* T. J. Laughlin, administrator, etc. In error to the circuit court of the United States for the district of New Jersey. Dismissed per stipulation.

No. 270.—Geo. F. W. Bartels *et al.*, plaintiffs in error, *vs.* Constance C. Redfield *et al.*, executors. In error to the circuit court of the United States for the southern district of New York. Dismissed with costs on motion of Mr. S. F. Phillips for plaintiffs in error.

No. 269.—Constance C. Redfield *et al* executors and plaintiffs in error, *vs.* Geo. F. W. Bartels *et al.* Argued by Mr. Assistant Attorney-General Maury for the plaintiffs in error, and by Mr. S. F. Phillips for the defendants in error.

No. 274.—Joseph Natel *et al*, plaintiffs in error, *vs.* The State of Louisiana.

No. 272.—Joseph Hug, plaintiff in error, *vs.* The State of Louisiana.

No. 273.—Timothe Rouche, plaintiff in error, *vs.* The State of Louisiana.

274.—Joseph Natal, plaintiff in error, *vs.* The State of Louisiana. Argued by Mr. West Steever for the plaintiff in error, and submitted by Mr. Carleton Hunt for the defendant in error.

No. 880.—Daniel Magone, collector, etc., plaintiff in error, vs. Edward Luckemeyer *et al.* Argument commenced by Mr. Solicitor-General Taft for the plaintiff in error, continued by Mr. F. I. Stetson for defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 31, will be as follows: Nos. 880, 1441, 4, 276, 277, 279, 280, 281, 284, and 285.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 31, 1891.

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

Henry Munroe Rogers of Boston, Mass., and Howard A. Sperry, of New York City, were admitted to practice.

No. 1681.—Leong Moy Que, appellant, *vs.* The United States.

No. 1682.—Yee Ah Sheen, appellant, *vs.* The United States. Motion to admit appellants to bail denied. Announced by Mr. Chief-Justice Fuller.

No. 1293.—The city of New Orleans, appellant, *vs.* Wm. Wallace Whitney, admr., etc.

No. 1320.—Wm. Wallace Whitney, admr., etc., appellant, *vs.* The City of New Orleans. Mandate granted on motion of Mr. Alfred Goldthwaite for Whitney, administrator.

No. 880.—Daniel Magone, collector, etc., plaintiff in error, *vs.* Edward Luckemeyer *et al.*

No. 1441.—A. F. Seeberger, collector, etc., plaintiff in error, *vs.* John V. Farwell *et al.* Argument continued by Mr. Francis Lynde Stetson for Luckemeyer *et al.*, by Mr. Percy L. Shuman for Farwell *et al.*, and concluded by Mr. Solicitor-General Taft for the collectors.

No. 4.—Florence S. Fowler, administratrix, etc., appellant, *vs.* Robert Hamill. Argument commenced by Mr. J. E. Hindon Hyde for the appellant. The court declined to hear further argument at present. Leave granted appellant to apply for a writ of certiorari and case passed.

No. 276.—William Bybee plaintiff in error, *vs.* The Oregon and California Railroad Company.

Argued by Mr. J. H. Mitchell for the plaintiff in error, and by Mr. J. Hubley Ashton for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 1, will be as follows: Nos. 277, 279, 280, 281, 284, 285, 286, 287, 288, and 289.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 1, 1891.

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

Isaac A. Love, of Anthony, Kans., and Charles E. Barber, of Washington, D. C., were admitted to practice.

No. 1,690. Robert Fulton, appellant, *vs.* Wm. O. Taylor. Motion to advance submitted by Mr. Wm. W. Stickney in support of motion.

No. 4. Original. The State of Nebraska, complainant, *vs.* The State of Iowa. Leave to file stipulation and answer granted on motion of Mr. Felix A. Reeve, in behalf of counsel.

No. 277.—Earl Philip Mason *et al.*, plaintiffs in error, *vs.* Wm. H. Robertson, late collector, etc.

Argued by Mr. Edward Hartley for the plaintiffs in error and by Mr. Assistant Attorney-General Parker for the defendant in error.

No. 279.—The Western Electric Company, appellant, *vs.* George W. La Rue.

Argued by Mr. George P. Barton for the appellant and by Mr. Arthur V. Briesen for the appellee.

No. 280.—A. Henry Schultz *et al.*, plaintiffs in error, *vs.* Eben D. Jordan *et al.*

Argument commenced by Mr. Alexander Blumenstiel for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 2, will be as follows: Nos. 280, 281, 284, 285, 286, 287, 288, 289, 290, and 293.

11038—89

SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 2, 1891.

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

Charles Clarence Poole, of Chicago, Ill., and George D. Collins, of San Francisco, Cal., were admitted to practice.

No. 293.—The United States, appellant, *vs.* Samuel A. Bullard *et al.* Appeal from the circuit court of the United States for the district of Kansas. Dismissed, on motion of Mr. Solicitor-General Taft for the appellant.

No. 1635.—Marco B. Gary, collector, etc., plaintiff in error, *vs.* Frederick Muhlhauser *et al.*, etc. In error to the circuit court of the United States for the northern district of Ohio. Dismissed with costs, on motion of Mr. Solicitor-General Taft for the plaintiff in error. ✕ *Mandate granted*

No. 280.—A. Henry Schultz *et al.*, plaintiffs in error, *vs.* Eben D. Jordan *et al.* Argument continued by Mr. Alexander Blumenstiel for the plaintiffs in error, by Mr. Nathaniel Myers for the defendants in error, and concluded by Mr. Alexander Blumenstiel for the plaintiffs in error.

No. 281.—Edward P. Dwight *et al.*, executors, etc., plaintiffs in error, *vs.* Edwin A. Merritt, late collector, etc. Argued by Mr. Edwin B. Smith for the plaintiffs in error, and by Mr. Assistant Attorney-General Maury for the defendant in error.

No. 284.—The Board of Commissioners of the county of Harper, plaintiff in error, *vs.* Eber Peacock, administrator, etc. Submitted by Mr. Wm. E. Earle and Mr. Wm. T. S. Curtis for the plaintiffs in error, and by Mr. W. H. Rossington, Mr. Chas. B. Smith, and Mr. E. J. Dallas for the defendant in error.

No. 285.—W. O. Bock, assignee, etc., plaintiff in error, *vs.* George D. Perkins, *et al.*

Argument commenced by Mr. D. E. Lyon for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 3, will be as follows: Nos. 285, 286, 287, 288, 289, 290, 294, 296 (and 991), 297 and 298.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 3, 1891.

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

No. 285.—W. O. Bock, assignee, etc., plaintiff in error, *vs.* George D. Perkins *et al.*

Argument continued by Mr. D. E. Lyon for the plaintiff in error, by Mr. Francis B. Daniels and Mr. Louis C. Hurd for the defendants in error, and concluded by Mr. D. E. Lyon for the plaintiff in error.

No. 286.—The steam tug "E. A. Packer," etc., appellant, *vs.* The New Jersey Lighterage Company. Argument commenced by Mr. Edward D. McCarthy for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 6, will be as follows: Nos. 286, 287, 288, 289, 290, 294, 296 (and 991), 297, 298, and 1435 (and 1436).

11038—91



SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 6, 1891.

Present: The Chief Justice and all the Associate Justices.

Hadlai A. Hull, of New London, Conn., and William E. Morris, of New York City, were admitted to practice.

No. 226.—The Brown Chemical Company, appellant, *vs.* Christian F. G. Meyer *et al.* Appeal from the circuit court of the United States for the eastern district of Missouri. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 233.—The Union Edge Setter Company, appellant, *vs.* George E. Keith. Appeal from the circuit court of the United States for the district of Massachusetts. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 1267.—The Interstate Land Company, appellant, *vs.* The Maxwell Land Grant Company. Appeal from the circuit court of the United States for the district of Colorado. Decree affirmed with costs. Opinion by Mr. Justice Lamar.

No. 232.—The Electric Gas Lighting Company, appellant, *vs.* The Boston Electric Company. Appeal from the circuit court of the United States for the district of Massachusetts. Decree affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 235.—The Electric Gas Lighting Company, appellant *vs.* Luther G. Tillotson *et al.* Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed, without cost to the appellees. Opinion by Mr. Justice Blatchford.

No. 1607.—Patrick Manning, plaintiff in error, *vs.* George Weeks, warden of the Wisconsin State prison. In error to the supreme court of the State of Wisconsin. Judgment affirmed with costs. Opinion by Mr. Justice Gray.

No. 229.—The Inland and Seaboard Coasting Company *et al.*, plaintiffs in error, *vs.* Thomas H. Tolson, administrator, etc. In error to the supreme court of the District of Columbia. Judgment affirmed with costs and interest. It is ordered that this judgment be entered *nunc pro tunc* as of October 13, 1890. Opinion by Mr. Justice Gray.

No. 12.—The Selma, Rome and Dalton Railroad Company, appellant, *vs.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Harlan.

No. 219.—James A. Talbott, special administrator, etc., appellant, *vs.* Henry Weibbold. Appeal from the supreme court of the Territory of Montana. Decree reversed with costs, and cause remanded to the supreme court of the State of Montana with instructions to order a new trial in the proper trial court. Opinion to Mr. Justice Field.

No. 1155.—A. Shelton, sheriff, etc., *et al.*, appellants, *vs.* Thomas C. Platt as president of the United States Express Company. Appeal from the circuit court of the United States for the eastern district of Tennessee. Decree reversed with costs and cause remanded with a direction to dismiss the bill. Opinion by Mr. Chief Justice Fuller. Dissenting, Mr. Justice Harlan.

The Chief Justice announced the following orders of the court:

No. 1314.—The New Orleans City and Lake Railroad Company, plaintiff in error, *vs.* The State of Louisiana *ex rel.* The City of New Orleans. Motions to dismiss or affirm denied.

No. 1354.—Edwin T. Williams, as sheriff, etc., *et al.*, plaintiffs in error, *vs.* The Passumpsic Savings Bank. In error to the circuit court of the United States for the northern district of Florida. Writ of error dismissed with costs. If the plaintiffs in error seasonably take and prosecute an appeal from the decree rendered by the circuit court leave will be granted them to file, as part of the return, on such appeal the transcript of the record in this cause. The mandate will issue at once.

No. 1655.—The United States, appellant, *vs.* Ballin, Joseph & Co. Motion to advance granted, and cause assigned for argument on the second Monday of the next term after cases already assigned for that day.

Ex parte: In the matter of James A. Simmons, petitioner. Motion for leave to file petition for a writ of habeas corpus denied.

No. 1683.—John M. Ross, appellant, *vs.* James McIntyre, supt., etc. Motion to advance granted, and cause assigned for argument on April 20, after cases already assigned for that day.

No. 1690.—Robert Fitton, appellant, *vs.* William O. Taylor. Motion to advance granted, and cause assigned for argument on April 20, after cases already assigned for that day.

No. 4.—Original. The State of Nebraska, complainant, *vs.* The State of Iowa. Leave to file cross-bill herein granted, on motion of Mr. Felix A. Reeve in behalf of counsel for defendant.

No. 5 (original).—The United States, complainant, *vs.* The State of Texas.

Leave to file stipulation as to admission of certain documentary evidence granted, on motion of Mr. A. H. Garland for the defendant.

No. 647.—Thomas H. Allen *et al.*, appellants, *vs.* William P. Halliday. Appeal from the circuit court of the United States for the eastern district of Arkansas. Dismissed with costs, per stipulation, on motion of Mr. A. H. Garland for the appellee.

No. ———.—Carl A. Nybladh, plaintiff in error, *vs.* C. J. E. Haterius *et al.* Motion to docket and dismiss submitted by Mr. John Paul Jones for the defendants in error.

No. 1322.—The City of Superior, plaintiff in error, *vs.* Lyman B. Ripley *et al.* Mandate granted on motion of Mr. Melville Church in behalf of counsel.

Ex parte: In the matter of John Mayfield, petitioner. Motion for leave to file petition for writ of habeas corpus submitted by Mr. Duane E. Fox for the petitioner.

No. 1557.—The Northern Pacific Railroad Company, plaintiffs in error, *vs.* James Holmes. Motion to dismiss submitted by Mr. John B. Allen in support of motion, and by Mr. A. H. Garland (on brief filed in No. 1560) in opposition thereto.

No. 282.—Edwin A. Merritt, late collector, etc., plaintiff in error, *vs.* Jose Maller *et al.* Mandate granted on motion of Mr. Solicitor-General Taft for plaintiff in error.

No. 286.—The steam tug *E. A. Packer*, etc., appellant, *vs.* The New Jersey Lighterage Company. Argument continued by Mr. R. D. Benedict for the appellee, and concluded by Mr. Edward D. McCarthy for the appellant.

No. 287.—James M. T. Gleeson, plaintiff in error, *vs.* The Virginia Midland Railroad Company.

Argued by Mr. Guion Miller for the plaintiff in error, and by Mr. Linden Kent for the defendant in error.

No. 288.—Mrs. Sarah E. Marshall, plaintiff in error, *vs.* H. B. Holmes, sheriff, etc., *et al.* Argument commenced by Mr. A. Q. Keasbey for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 7, will be as follows: Nos. 288, 289, 290, 294, 296 (and 991), 297, 298, 1435 (and 1436), 1351, and 1587.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 7, 1891.

Present: The Chief Justice and all the Associate Justices.

W. H. Bolling, of Wytheville, Va.; John C. Moore, of Memphis, Mo.; and John A. McGrath, of Jersey City, N. J., were admitted to practice.

No. 1704.—Carl A. Nybladh, plaintiff in error, *vs.* C. J. E. Haterius *et al.* In error to the circuit court of the United States for the northern district of Illinois. Docketed and dismissed with costs.

No. 1543.—The Leadville Coal Company *et al.*, appellants, *vs.* William McCreary *et al.* Motions to dismiss or affirm submitted by Mr. C. C. Baldwin and Mr. C. D. Hine in support of motion, and by Mr. Henry Crawford in opposition thereto.

No. 288.—Mrs. Sarah C. Marshall, plaintiff in error, *vs.* H. B. Holmes, sheriff, etc., *et al.* On motion of Mr. C. J. Boatner for the defendants in error, leave granted him to file motion to dismiss herein. Argument continued by Mr. A. Q. Keasbey for the plaintiff in error, by Mr. C. J. Boatner for the defendants in error, and concluded by Mr. A. Q. Keasbey for the plaintiff in error.

No. 289.—Henry E. Reynolds *et al.*, plaintiffs in error, *vs.* Robert F. Stockton, receiver, etc. Argued by Mr. A. Q. Keasbey and Mr. R. J. Moses, jr., for the plaintiffs in error, and by Mr. Frederic W. Stevens for the defendant in error.

No. 290.—Charles M. Higgins *et al.*, appellants, *vs.* Wm. D. Keuffel *et al.*

Argument commenced by Mr. William A. Redding for the appellants. Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 8, will be as follows: Nos. 290, 294, 296 (and 991), 297, 298, 1435 (and 1436), 1351, 1581, 1632 and 638, etc.

11038—93

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 8, 1891.

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

No. 1706.—Samuel B. Chase *et al.*, appellants, *vs.* The Massachusetts Home Missionary Society. Appeal from the circuit court of the United States for the northern district of Illinois. Docketed and dismissed with costs on motion of Mr. C. K. Offield for the appellee.

No. 290.—Charles M. Higgins *et al.*, appellants, *vs.* William D. Keuffel *et al.* Argument continued by Mr. William A. Redding for the appellants and concluded by Mr. L. C. Raeger for the appellees.

No. 294.—The International Tooth Crown Company, appellant, *vs.* Edward S. Gaylord *et al.* Argued by Mr. E. N. Dickerson for the appellant and by Mr. J. K. Beach and Mr. C. K. Offield for appellees.

No. 296.—Solon Humphreys *et al.*, receivers *et al.*, appellants, *vs.* Thomas McKissock, receiver.

No. 991.—The Wabash, St. Louis and Pacific Railway Company, appellant, *vs.* Thomas McKissock, receiver. Argued by Mr. F. W. Lehmann for the appellant and by Mr. Edward W. Sheldon for the appellee.

The day call for Thursday, April 9, will be as follows: Nos. 297, 298, 1435 (and 1436), 1351, 1581, 1632, 638, 1414, 50, and 51.

11038—94

SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 9, 1891.

Present: The Chief Justice and all the Associate Justices except Mr. Justice Lamar and Mr. Justice Brewer.

No. 297.—The County of Boone, appellant, *vs.* The Burlington and Missouri River Railroad Company in Nebraska *et al.* Argued by Mr. J. C. Cowin for the appellant, and Mr. T. M. Marquett for the appellees.

No. 298.—The County Court of Scotland County and the judges thereof, plaintiffs in error, *vs.* The United States, *ex rel.* James B. Dodge *et al.*, executors of William Hill. Argument commenced by Mr. John C. Moore for the plaintiffs in error.

No. 1435.—The United States, appellant, *vs.* Annie A. Cole. Appeal from the supreme court of the District of Columbia. Dismissed on motion of Mr. Solicitor-General Taft, for the appellant.

No. 1436.—Annie A. Cole, appellant, *vs.* the United States. Submitted by Mr. M. F. Morris for the appellant, and by Mr. Solicitor-General Taft for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 10, will be as follows: Nos. 298, 1351, 1581, 1632, 638, 1414, 50 (and 51, 52, and 53), 69, 299, and 302.

11038—95



SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 10, 1891.

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

Charles d'Autremont, jr., of Duluth, Minn., was admitted to practice.

No. 298.—The county court of Scotland County and the judges thereof, plaintiffs in error, *vs.* The United States *ex rel.* James B. Dodge *et al.*, executors of William Hill, deceased. Argument continued by Mr. F. T. Hughes for the defendants in error and concluded by Mr. John C. Moore for the plaintiffs in error.

No. 1351.—John C. Ball *et al.*, plaintiffs in error, *vs.* The United States. Argued by Mr. John E. Kenna for the plaintiffs in error and by Mr. Solicitor-General Taft for the defendant in error.

No. 1581.—Joseph Wood, appellant, *vs.* Augustus A. Brush, agent, etc. Argued by Mr. R. J. Haire for the appellant, and by Mr. Isaac H. Maynard for the appellee.

No. 1632.—*Ex parte*: In the matter of Shibuya Jugiro, appellant. Argued by Mr. Isaac H. Maynard for the State of New York, and submitted on printed argument by Mr. Roger M. Sherman for the appellant.

No. 638.—Quock Ting, appellant, *vs.* The United States.

No. 1414.—Wan Shing, appellant, *vs.* The United States.

Submitted on briefs to be filed within ten days by Mr. J. J. Scrivner for the appellants and Mr. Assistant Attorney-General Parker for the appellee.

No. 50.—John N. A. Griswold, appellant, *vs.* Rowland G. Hazard *et al.* Argument commenced by Mr. James C. Carter for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 13, will be as follows: Nos. 50 (and 51, 52, and 53), 69, 299, 302, 303, 304, 305, 306, 307 and 308.

11038—96

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 13, 1891.

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

Edward M. Rand, of Portland, Me.; Charles E. Littlefield, of Rockland, Me.; William L. Terry, of Little Rock, Ark.; Robert J. Fisher, of Washington, D. C.; and Charles A. Boston, of New York City, were admitted to practice.

No. 279.—The Western Electric Company, appellant, *vs.* George W. LaRue. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs and interest. Opinion by Mr. Justice Brown.

No. 1441.—Anthony F. Seeberger, collector, etc., plaintiff in error, *vs.* John V. Farwell, *et al.*, etc. In error to the circuit court of the United States for the northern district of Illinois. Judgment affirmed with costs and interest. Opinion by Mr. Justice Blatchford. Dissenting: Mr. Justice Brown and Mr. Justice Gray.

No. 880.—Daniel Magone, collector, etc., plaintiff in error, *vs.* Edward Luckemeyer *et al.* In error to the circuit court of the United States for the southern district of New York. Judgment affirmed with costs and interest. Opinion by Mr. Justice Blatchford. Dissenting, Mr. Justice Brown and Mr. Justice Gray.

No. 268.—William J. Wilson, plaintiff in error, *vs.* William S. Everett. In error to the circuit court of the United States for the district of Colorado. Judgment affirmed with costs, and 10 per cent. damages in addition to interest. Opinion by Mr. Justice Blatchford.

No. 271.—Joseph Natal *et al.*, plaintiffs in error, *vs.* The State of Louisiana.

No. 272.—Joseph Hug, plaintiff in error, *vs.* The State of Louisiana.

No. 273.—Timothe Rouche, plaintiff in error, *vs.* The State of Louisiana.

No. 274.—Joseph Natal, plaintiff in error, *vs.* The State of Louisiana. In error to the supreme court of the State of Louisiana. Judgments affirmed with costs. Opinion by Mr. Justice Gray.

No. 277.—Earle Philip Mason *et al.*, plaintiff in error, *vs.* William H. Robertson, late collector, etc. In error to the circuit court of the United States for the southern district of New York. Judgment reversed with costs, and cause remanded with directions to set aside the verdict and to take further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Gray.

No. 285.—W. O. Bock, assignee, etc., plaintiff in error, *vs.* George D. Perkins *et al.* In error to the circuit court of the United States for the northern district of Iowa. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 275.—H. W. Sanford, plaintiff in error, *vs.* C. W. Sanford. In error to the supreme court of the State of Oregon. Decree affirmed with costs. Opinion by Mr. Justice Field.

No. 4.—Florence S. Fowler, administratrix, etc., appellant, *vs.* Robert Hamill. Appeal from the circuit court of the United for the southern district of New York. Appeal dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

Nos. 1381 and 1382.—J. W. Allen, comptroller, etc., appellant, *vs.* Pullman's Palace Car Company. Appeals from the circuit court of the United States for the middle district of Tennessee.

Decrees reversed with costs and cause remanded for further proceedings to be had therein in conformity with the opinion of this court. Opinion by Mr. Chief Justice Fuller. Dissenting, Mr. Justice Harlan and Mr. Justice Brown. 5/

No. 1593.—J. W. Davis; plaintiff in error, *vs.* The State of Texas. In error to the supreme court of the State of Texas. Writ of error dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court:

No. 1557.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* James Holmes. Motion to dismiss postponed until the hearing of the case on its merits.

No. —.—Original. *Ex parte*: In the matter of John Mayfield, petitioner. Motion for leave to file petition for a writ of habeas corpus granted, and rule to show cause issued, returnable on the 27th instant.

No. 1436.—Annie A. Cole, appellant, *vs.* The United States. Appeal from the supreme court of the District of Columbia. Remanded to the said supreme court for such further proceedings as to that court shall seem meet, upon the application of either party.

No. 953.—The Mexican National Railroad Company, plaintiff in error, *vs.* W. J. Carpenter. In error to the circuit court of the United States

for the western district of Texas. Dismissed with costs per stipulation on motion of Mr. W. Hallett Phillips for the defendant in error.

No. 1271.—Pat Callan, plaintiff in error, *vs.* John W. Bransford, treasurer.

No. 1595.—James H. Gregory *et al.*, plaintiffs in error, *vs.* John W. Bransford, treasurer.

No. 1597.—Joseph Lawson *et al.*, etc., plaintiffs in error, *vs.* John W. Bransford, treasurer.

No. 1598.—L. E. Litchford, *et al.*, etc., plaintiffs in error, *vs.* M. J. Day, sergeant, etc. Motion for mandates to issue submitted by Mr. R. Taylor Scott in support of motion.

No. 299.—Elias Block & Sons, plaintiffs in error, *vs.* Andrew W. Darling. On motion of Mr. O. B. Hallam, for the defendant in error, postponed to the foot of the call for Monday next.

No. 1684.—The United States, appellant, *vs.* Schoverling, Daly, and Gales. Motion to advance submitted by Mr. Albert Comstock in support of motion.

No. 305.—Allen Magowan *et al.*, appellants, *vs.* The New York Belting and Packing Company. Continued per stipulation.

No. 50.—John N. A. Griswold, appellant, *vs.* Rowland G. Hazard *et al.* Argument concluded by Mr. James C. Carter for the appellant, and submitted on printed argument by Mr. Elias Merwin and Mr. Samuel Maddox for the appellees.

No. 51 and No. 52.—John N. A. Griswold, appellant, *vs.* Rowland G. Hazard *et al.* Submitted by Mr. James C. Carter for the appellant, and by Mr. Elias Merwin and Mr. Samuel Maddox for the appellees.

No. 53.—John N. A. Griswold, plaintiff in error, *vs.* Rowland G. Hazard *et al.* Argued by Mr. James C. Carter for the plaintiff in error, and submitted on printed argument by Mr. Elias Merwin and Mr. Samuel Maddox for the defendants in error.

No. 8.—(Original.) *Ex parte*: In the matter of the Washington and Georgetown Railroad Company, petitioner. Argument commenced by Mr. Enoch Totten for the petitioner, and continued by Mr. C. C. Cole and Mr. Wm. A. Cook for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 14, will be as follows: Nos. 69, 302, 303, 304, 306, (307 and 308), 309, 310, 313, 314 and 315.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 14, 1891.

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

Walter B. Hill, of Macon, Ga., Horace S. Oakley, of Chicago, Ill., and J. Percy Keating, of Philadelphia, Pa., were admitted to practice.

No. 124.—Alfred Marchand, plaintiff in error, *vs.* Josephine Adele Livandais. Motion for leave to the defendant in error to file suggestion of death of Josephine Adele Livandais and enter the appearance of the heirs at law submitted by Mr. C. W. Horner in behalf of counsel for the defendant in error.

No. 8.—Original. *Ex parte*: In the matter of The Washington and Georgetown Railroad Company, petitioner. Argument concluded by Mr. Walter D. Davidge for the petitioner.

No. 69.—The Singer Manufacturing Company, appellant, *vs.* William A. Wright, comptroller-general, *et al.* Argued by Mr. Grovenor Lowrey and Mr. George Hillyer for the appellant, and by Mr. Clifford Anderson for the appellees, and submitted for the consideration of a full bench, with leave to counsel to file supplemental briefs on or before the 29th instant.

No. 302.—The State of Maine, plaintiff in error, *vs.* The Grand Trunk Railway Company of Canada. Submitted for the consideration of a full bench by Mr. Charles E. Littlefield for the plaintiff in error, and Mr. A. A. Strout for the defendant in error, with leave to counsel to file supplemental briefs on or before the 29th instant.

No. 303.—Jerome F. Manning, plaintiff in error, *vs.* Henry Amy. Argued by Mr. Jerome F. Manning for the plaintiff in error, and by Mr. Theodore F. H. Meyer for the defendant in error.

No. 304.—E. O. Stevenson, plaintiff in error, *vs.* J. Q. Barbour. Argued by Mr. O. B. Hallam for the defendant in error, and submitted by Mr. J. G. Carlisle for the plaintiff in error.

Nos. 306, 307, and 308.—Ellis G. Hughes, plaintiff in error, *vs.* The Dundee Mortgage and Trust Investment Company (Limited).

Argument commenced by Mr. J. N. Dolph for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 15, will be as follows: Nos. 306, (307 and 308), 309, 310, 313, 314, 315, 15, 316, 317, and 318.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 15, 1891.

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

John W. Wescott, of Camden, N. J., and Leoni Melick, of Philadelphia, Pa., were admitted to practice.

No. 15.—John O'Neil, plaintiff in error, *vs.* The State of Vermont. Passed on account of sickness of counsel.

No. 317.—Julia H. McLean *et al.*, appellants, *vs.* Ruggles W. Clapp *et al.* Continued per stipulation of counsel.

Nos. 306, 307, and 308.—Ellis G. Hughes, plaintiff in error, *vs.* The Dundee Mortgage and Trust Investment Company (limited).

Argument continued by Mr. J. Percy Keating and Mr. Thomas De Witt Cuyler for the defendant in error and concluded by Mr. J. N. Dolph for the plaintiff in error.

No. 309.—Wm. H. Borah, *et al.*, appellants, *vs.* Joseph E. Wilson, county clerk, *et al.* Argued by Mr. George A. Sanders for the appellees, and submitted by Mr. H. Tompkins for the appellants, and by Mr. O. J. Bailey for the appellees.

No. 310.—Woodward, Baldwin & Co., appellants, *vs.* Daniel A. Jewell, *et al.* Argued by Mr. Walter B. Hill for the appellants, and by Mr. Clifford Anderson for the appellees.

No. 313.—The United States, plaintiff in error, *vs.* John T. Chidester, *et al.* Submitted by Mr. Assistant Attorney-General Maury for the plaintiff in error. No counsel appeared for the defendants in error.

No. 314.—Lottie M. Scott *et al.*, appellants, *vs.* J. C. Neely *et al.*, etc. Argument commenced by Mr. Edward Mayes for the appellants, and continued by Mr. W. V. Sullivan for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 16, will be as follows: Nos. 314, 315, 316, 318, 320 (321, 322, 323, and 324), 325, 327, 328, 329 and 330.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 16, 1891.

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

No. 158.—R. H. Brown *et al.*, appellants, *vs.* Charles W. Trousdale *et al.* Mandate granted per stipulation, on motion of Mr. A. H. Garland, in behalf of counsel.

No. 1712.—The St. Louis and San Francisco Railway Company, plaintiff in error, *vs.* Lucy A. McBride *et al.* Advanced pursuant to the 32d rule, on motion of Mr. A. H. Garland for the defendants in error.

No. 328.—Jacob Landesman, appellant, *vs.* Mayer Jonassen *et al.*, etc. Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs pursuant to the 10th rule.

No. 314.—Lottie M. Scott *et al.*, appellants, *vs.* J. C. Neely *et al.*, etc. Argument continued by Mr. W. V. Sullivan for the appellees, and concluded by Mr. Edward Mayes for the appellants.

No. 315.—The Pennsylvania Railroad Company, plaintiff in error, *vs.* Hiram M. Green and Anna M. Green, his wife, etc. Suggestion of death of Anna M. Green and appearance of Samuel K. Robbins, administrator, as a party defendant in error herein, filed and entered on motion of Mr. Leoni Melick for defendants in error.

Argument commenced by Mr. George Tucker Bispham, for the plaintiff in error. The court did not desire to hear further argument.

No. 316.—Morris S. Miller, plaintiff in error, *vs.* Alfred P. Edgerton *et al.* In error to the supreme court of the District of Columbia. Dismissed with costs pursuant to the rule 16 on motion of Mr. Assistant Attorney-General Maury for the defendants in error.

No. 318.—Henry J. Rogers, plaintiff in error, *vs.* Wm. F. Durant. Submitted by Mr. D. J. Wile for the plaintiff in error, and by Mr. Charles H. Lawrence for the defendant in error.

No. 320.—Edwin S. Fowler *et al.*, appellants, *vs.* The Equitable Trust Company.

No. 321.—The Equitable Trust Company, appellant, *vs.* Edwin S. Fowler *et al.*

No. 322.—Rose H. Fowler, appellant, *vs.* The Equitable Trust Company.

No. 323.—The Equitable Trust Company, appellant, *vs.* Rose H. Fowler *et al.*

No. 324.—Sophie Fowler *et al.*, appellants, *vs.* The Equitable Trust Company.

Argument commenced by Mr. W. L. Gross for the Equitable Trust Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 17, will be as follows: Nos. 320, (321, 322, 323, and 324), 325, 327, 329, 330, 331, 332, 333, 334, and 335.

○

SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 17, 1891.

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

George T. Porter, of Indianapolis, Ind., W. H. Mylrea, of Wausau, Wis., and George T. Spencer, of Corning, N. Y., were admitted to practice.

No. 1593.—J. W. Davis, plaintiff in error, *vs.* The State of Texas. Motion for mandate to issue submitted by Mr. Charles H. Armes in support of same and opposed by Mr. S. F. Phillips for the plaintiff in error. Motion denied.

No. 1715.—N. L. Ord, plaintiff in error, *vs.* C. H. Pratt. In error to the supreme court of the State of Kansas. Docketed and dismissed with costs on motion of Mr. A. B. Browne for the defendant in error.

No. 318.—Henry J. Rogers, plaintiff in error, *vs.* Wm. F. Durant. On motion of Mr. Charles H. Lawrence, for the defendant in error, leave granted him to file an additional brief on or before Tuesday next.

No. 331.—Charles Moran, trustee, appellant, *vs.* The Pittsburgh, Cincinnati and St. Louis Railway Company *et al.* Continued per stipulation of counsel.

No. 332.—The Ewart Manufacturing Company, appellant, *vs.* The Moline Malleable Iron Company *et al.* Appeal from the circuit court of the United States for the northern district of Illinois. Dismissed with costs pursuant to the 10th rule.

No. 1009.—Hiram Barney, collector, etc., plaintiff in error, *vs.* Henry Benda *et al.* In error to the circuit court of the United States for the southern district of New York. Judgment reversed with costs by consent of counsel for the defendants in error and cause remanded to be proceeded in according to law and justice on motion of Mr. S. F. Phillips for the plaintiffs in error.

No. 1010.—Henry Benda *et al.*, plaintiffs in error, *vs.* Hiram Barney, collector, etc. In error to the circuit court of the United States for the southern district of New York. Writ of error dismissed with costs on motion of Mr. S. F. Phillips for the plaintiffs in error.

No. 320.—Edwin S. Fowler *et al.*, appellants, *vs.* The Equitable Trust Company.

No. 321.—The Equitable Trust Company, appellant, *vs.* Edwin S. Fowler *et al.*

No. 322.—Rose H. Fowler, appellant, *vs.* The Equitable Trust Company.

No. 323.—The Equitable Trust Company, appellant, *vs.* Rose H. Fowler *et al.*

No. 324.—Sophie Fowler *et al.*, appellants, *vs.* The Equitable Trust Company. Argument continued by Mr. W. L. Gross for the Equitable Trust Company, by Mr. Robert G. Ingersoll and Mr. Wm. Ritchie for Fowler *et al.*, and concluded by Mr. W. L. Gross for the Equitable Trust Company.

No. 325.—John Halstead, plaintiff in error, *vs.* Sarah A. Buster *et al.* Argument commenced by Mr. Abram Burlew for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 20, will be as follows: Nos. 325, 327, 329, 330, 333, 334, 335, 1648, 1683, and 1690.

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 20, 1891.

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

Helm Bruce, of Louisville, Ky.; Thomas Smith, of Warrenton, Va.; George M. Curtis and Antonio C. Astarita, of New York City, and John Maynard Harlan, of Chicago, Ill., were admitted to practice.

No. 276.—William Bybee, plaintiff in error, *vs.* The Oregon and California Railroad Company. In error to the circuit court of the United States for the district of Oregon. Judgment affirmed with costs. Opinion by Mr. Justice Brown.

No. 247.—William Henderson *et al.*, appellants, *vs.* The Carbondale Coal and Coke Company *et al.* Appeal from the circuit court of the United States for the southern district of Illinois. Appeal dismissed for the want of jurisdiction. Opinion by Mr. Justice Brewer.

No. 248.—Ethan A. Hitchcock, appellant, *vs.* The Carbondale Coal and Coke Company *et al.* Appeal from the circuit court of the United States for the southern district of Illinois. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 1280.—Sylvester Pennoyer *et al.*, appellants, *vs.* R. F. McConaughy. Appeal from the circuit court of the United States for the district of Oregon. Decree affirmed with costs. Opinion by Mr. Justice Lamar.

No. 297.—The County of Boone, appellant, *vs.* The Burlington and Missouri River Railroad Company in Nebraska *et al.* Appeal from the circuit court of the United States for the district of Nebraska. Decree affirmed with costs. Opinion by Mr. Justice Blatchford. (Mr. Chief Justice Fuller did not sit in this case or take any part in its decision.)

No. 298.—The county court of Scotland County and the judges thereof, plaintiffs in error, *vs.* The United States *ex rel.*, James B. Dodge *et al.*, executors of William Hill, deceased. In error to the circuit court of the United States for the eastern district of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 246.—James J. Hill, appellant, *vs.* The Chicago and Evanston Railroad Company *et al.* Appeal from the circuit court of the United States for the northern district of Illinois. Decree affirmed with costs. Opinion by Mr. Justice Field.

No. 304.—E. O. Stevenson, plaintiff in error, *vs.* J. Q. Barbour. In error to the circuit court of the United States for the district of Kentucky. Judgment affirmed with costs and interests. Opinion by Mr. Chief Justice Fuller.

No. 309.—William N. Borah *et al.*, appellants, *vs.* Joseph E. Wilson, county clerk, *et al.* Appeal from the circuit court of the United States for the southern district of Illinois. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 313.—The United States, plaintiff in error, *vs.* John T. Chidester *et al.* In error to the circuit court of the United States for the eastern district of Arkansas. Judgment reversed, and cause remanded, with a direction to award a new trial. Opinion by Mr. Chief Justice Fuller.

No. 315.—The Pennsylvania Railroad Company, plaintiff in error, *vs.* Hiram Green *et al.* In error to the circuit court of the United States for the eastern district of Pennsylvania. Judgment affirmed with costs and interest. Opinion by Mr. Chief Justice Fuller.

No. 269.—Constance C. Redfield *et al.*, executrix, etc., plaintiffs in error, *vs.* George F. W. Bartels *et al.* In error to the circuit court of the United States for the southern district of New York. Judgment reversed with costs, and cause remanded with a direction to enter judgment for \$1,500, and interest from November 16, 1863, and for \$12,894.95, with interest from January 8, 1881. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court :

No. 124.—Alfred Marchand, plaintiff in error, *vs.* Josephene Adele Livaudais. Ordered that Charles D. Griffon, Odile D. Griffon, Mrs. J. R. Mattram, Marie A. Lafitte, Mrs. Emma Martine Tomes, and Jacques de Livaudais Lafitte, heirs of Josephine Adele Livaudais, deceased, be made the parties defendants in error in this cause.

No. 1684.—The United States, appellant, *vs.* Schoverling, Daly, and Gales. Motion to advance denied.

No. 9.—Original. *Ex parte* : In the matter of Thomas Henry Cooper, petitioner.

No. 12.—Original. *Ex parte* : In the matter of John L. Rapier, petitioner.

No. 13.—Original. *Ex parte* : In the matter of George W. Dupre, petitioner.

No. 14.—Original. *Ex parte*: In the matter of George W. Dupre, petitioner.

Argument postponed until Monday next.

No. 1683.—John M. Ross, appellant, *vs.* James McIntyre, superintendent, etc. Reassigned for argument on Monday next, after cases already assigned for that day.

No. 920.—Lucien Birdseye, plaintiff in error, *vs.* Rowena Shaeffer *et al.* Motion to dismiss submitted by Mr. J. M. Vale and Mr. Phil. B. Thompson in support of motion, and by Mr. Bethel Coapwood and Mr. John Hancock in opposition thereto.

No. 1615.—The Louisville Water Company, plaintiff in error, *vs.* William Clark, sheriff. Motion to dismiss or affirm or advance submitted by Mr. Helm Bruce and Mr. J. P. Helm in support of motion, and by Mr. T. L. Burnett and Mr. William Lindsay in opposition thereto.

No. 155.—The Guaranty Trust and Safe Deposit Company, appellant, *vs.* The Green Cove Springs and Melrose Railroad Company *et al.* Motion for mandate to issue submitted by Mr. Wm. A. McKenney in behalf of counsel.

No. 245.—Thomas A. Green, plaintiff in error, *vs.* The People of the State of Colorado, *ex rel.* L. P. Marsh *et al.* Motion for mandate to issue submitted by Mr. George A. King in behalf of counsel.

No. 325.—John Halstead, plaintiff in error, *vs.* Sarah A. Buster *et al.* Argument continued by Mr. Abram Burlew for the plaintiff in error, by Mr. J. F. Brown for the defendants in error, and concluded by Mr. Abram Burlew for plaintiff in error.

No. 327.—The Bank of Uniontown, plaintiff in error, *vs.* David J. Mackey. Submitted by Mr. S. B. Vance for the plaintiff in error, and by Mr. G. V. Menzies for the defendant in error.

No. 329.—The St. Paul Plow Works, plaintiff in error, *vs.* William Starling. Argument commenced by Mr. Walter H. Sanborn for the plaintiff in error, and continued by Mr. C. S. Cairns for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 21, will be as follows: Nos. 329, 330, 333, 334, 335, 1648, 1690, 299, 2, and 174 (and 175).

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 21, 1891.

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

No. 335.—Sylvester H. Kneeland, appellant, *vs.* Charles L. Luce and John T. Newton.

No. 336.—Sylvester H. Kneeland, appellant, *vs.* C. L. Luce & Company *et al.*

Passed by consent of counsel, on motion of Mr. Charles Pratt for the appellees.

No. 2.—Benjamin Barker, jr., assignee, etc., plaintiff in error, *vs.* The Lake Shore and Michigan Southern Railway Company. Passed.

No. 174.—George B. Cluett *et al.*, appellants, *vs.* Horace B. Claffin *et al.*

No. 175.—George B. Cluett *et al.*, appellants, *vs.* John McNeany *et al.* Submitted by Mr. S. A. Duncan and Mr. J. A. Skillton for the appellants, and by Mr. David Tim for the appellees.

No. 329.—The St. Paul Plow Works, plaintiff in error, *vs.* William Starling. Argument continued by Mr. Charles S. Cairns for the defendant in error, and concluded by Mr. Walter H. Sanborn for the plaintiff in error.

No. 330.—Horace E. Mullan, appellant, *vs.* The United States. Argued by Mr. John Goode and Mr. Eppa Hunton for the appellant, and submitted by Mr. Assistant Attorney-General Maury for the appellee.

No. 333.—Sylvester H. Kneeland *vs.* Lawrence Brothers & Co. Argued by Mr. John M. Butler for the appellant, and by Mr. George T. Porter for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 22, will be as follows: Nos. 334, 1648, 1690, 299, 337, 338, 339, 340, 341, and 342.

11038—103

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 22, 1891.

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

Henry S. Robbins, of Chicago, Ill.; William Brooke Rawle, of Philadelphia, Pa.; and William Ford Upson, of New York City, were admitted to practice.

No. 362.—J. Irving Pearce, assignee, etc., appellant, *vs.* James H. Rice. Suggestion of death of Ira Foote, and motion to make his administrators parties, submitted by Mr. John A. J. Creswell in support of motion.

No. 337.—The Central Iowa Railway Company, plaintiff in error, *vs.* William Pierce and H. S. Halbert, assignees. In error to the supreme court of the State of Iowa. Dismissed with costs pursuant to the tenth rule.

No. 339.—The United States, appellant, *vs.* Robert Barber. Submitted on briefs heretofore filed and submitted in case No. 1164 between the same parties.

No. 341.—Henry M. Rector, appellant, *vs.* Matilda Lipscomb. Continued per stipulation of counsel.

No. 334.—Sylvester H. Kneeland, appellant, *vs.* The Bass Foundry and Machine Works. Submitted by Mr. John M. Butler for the appellant, with leave to counsel for the appellee to file brief on or before Monday next and to counsel for appellant to file supplemental brief on or before May 1.

No. 1648.—Pedro Delgado, appellant, *vs.* Francisco Chavez, sheriff, etc. Argued by Mr. Wm. M. Springer and Mr. Thomas Smith for the appellant, and by Mr. John H. Knaebel for the appellee.

No. 1690.—Robert Filton, appellant, *vs.* Wm. O. Taylor, deputy sheriff, etc. Appeal from the circuit court of the United States for the district of Vermont. Dismissed, with costs, pursuant to the 16th rule, on motion of Mr. W. W. Stickney for the appellee, and mandate granted.

No. 299.—Elias Black & Sons, plaintiffs in error, *vs.* Andrew W. Darling. Argument commenced by Mr. T. F. Hallam for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 23, will be as follows: Nos. 299, 338, 340, 342, 343, 344, 345, 346, 347, and 348.

⊆

SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 23, 1891.

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

Irwin B. Linton, of Washington, D. C.; James D. Bell, of Brooklyn, N. Y.; and Jacob R. Custer, of Chicago, Ill., were admitted to practice.

No. 362.—J. Irving Pearce, assignee, etc., appellant, *vs.* James H. Rice. Motion to make administrators of Ira Foote, deceased, parties herein denied.

No. 1648.—Pedro Delgado, appellant, *vs.* Francisco Chavez, sheriff, etc. Motion to admit appellant to bail submitted by Mr. Thomas Smith in support of motion.

No. 342.—The Charlotte, Columbia and Augusta Railroad Company, plaintiff in error, *vs.* Wade Hampton Gibbes, treasurer of Richland County. Continued on motion of Mr. Linden Kent, for the plaintiff in error.

No. 299.—Elias Block & Sons, plaintiffs in error, *vs.* Andrew W. Darling. Argument continued by Mr. T. F. Hallam for the plaintiffs in error, by Mr. O. B. Hallam for the defendant in error, and concluded by Mr. T. F. Hallam for the plaintiffs in error.

No. 338.—The Bank of Lewisburg, appellant, *vs.* James Bumgardner, jr., surviving trustee. Argued by Mr. A. C. Snyder for appellant, and by Mr. James Bumgardner, jr., and Mr. A. B. Browne for the appellee.

No. 340.—The Equitable Life Assurance Society of the United States, plaintiff in error, *vs.* Benjamin F. Pettus, administrator, etc., *et al.* Argument commenced by Mr. Henry Hitchcock for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 24, will be as follows: Nos. 340, 343, 344, 345, 346, 347, 348, 349, 350, and 351.

11038—105

SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 24, 1891.

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

Perry Trumbull, of Chicago, Ill., and Daniel Perrin Bestor, of Mobile, Ala., were admitted to practice.

No. 345.—The Acme Hay Harvester Company, appellant, *vs.* Stephen Martin *et al.* Appeal from the circuit court of the United States for the northern district of Illinois. Dismissed with costs on motion of Mr. J. H. Peirce for the appellant.

No. 350.—John Good, appellant, *vs.* John F. Bailey *et al.*, etc. Appeal from the circuit court of the United States for the eastern district of Pennsylvania. Dismissed with costs pursuant to the 10th rule.

No. 340.—The Equitable Life Assurance Society of the United States, plaintiff in error, *vs.* Benjamin F. Pettus, administrator of Alice L. Clements *et al.* Argument continued by Mr. Henry Hitchcock for the plaintiff in error, by Mr. L. C. Krauthoff for the defendants in error, and concluded by Mr. Henry Hitchcock for the plaintiff in error.

No. 343.—The St. Louis, Vandalia and Terre Haute Railroad Company, appellant, *vs.* The Terre Haute and Indianapolis Railroad Company. Argument commenced by Mr. John M. Butler for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 27, will be as follows: Nos. 343, 344, 346, 347, 348, 349, 351, 352, 353, and 354.

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 27, 1891.

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

John H. V. Arnold, of New York City, W. E. Osborn and D. C. Beatty, of Brooklyn, N. Y., and Hubbard B. Payne, of Wilkes-Barre, Pa., were admitted to practice.

No. 294.—The international Tooth Crown Company, appellant, *vs.* Edward S. Gaylord and John S. Williams. Appeal from the circuit court of the United States for the district of Connecticut. Decree affirmed with costs. Opinion by Mr. Justice Brown. (Mr. Justice Brewer did not sit in this case and took no part in its decision.)

No. 251 and 252.—The Illinois Grand Trunk Railway Company, appellant, *vs.* J. H. Wade, jr., residuary legatee, etc. Appeals from the circuit court of the United States for the northern district of Illinois. Decrees affirmed with costs. Opinion by Mr. Justice Brewer. (The Chief Justice did not participate in the consideration and decision of these cases.)

No. 1388.—The *Ætna* Life Insurance Company of Hartford, Conn., plaintiff in error, *vs.* Ada Ward, wife of Charles Ward (formerly Ada Davy). In error to the circuit court of the United States for the district of New Jersey. Judgment affirmed with costs and interest. Opinion by Mr. Justice Lamar.

No. 284.—The Board of County Commissioners of the County of Harper, plaintiff in error, Eber Peacock, administrator of Edward Rose, deceased. In error to the circuit court of the United States for the district of Kansas. Judgment affirmed with costs and interest. Opinion by Mr. Justice Lamar. 2

No. 8.—Original. *Ex Parte*: In the Matter of the Washington and Georgetown Railroad Company, petitioner. Writ of mandamus awarded. Opinion by Mr. Justice Blatchford. (Mr. Justice Brewer did not sit in this case nor take any part in its decision.)

Nos. 306, 307, 308.—Ellis G. Hughes, plaintiff in error, *vs.* The Dundee Mortgage and Trust Investment Company, limited. In error to the circuit court of the United States for the district of Oregon. Judgments affirmed with costs. Opinion by Mr. Justice Gray.

No. 314.—Lottie M. Scott *et al.*, appellants, *vs.* J. C. Neely *et al.*, etc. Appeal from the district court of the United States for the northern district of Mississippi. Decree reversed with costs and cause remanded, with directions to dismiss the bill without prejudice to an action at law for the demand claimed. Opinion by Mr. Justice Field. (Mr. Justice Lamar did not sit in this case nor take any part in its decision.)

No. 1351.—John C. Ball and Robert E. Boutwell, plaintiffs in error, *vs.* The United States. In error to the circuit court of the United States for the eastern district of Texas. Judgments reversed and cause remanded with directions to quash the indictment and take such further proceedings in relation to the defendants below as to justice may appertain. Opinion by Mr. Chief Justice Fuller. (Mr. Justice Gray and Mr. Justice Brewer did not sit in this case nor take any part in its consideration.)

No. 920.—Lucien Birdseye, plaintiff in error, *vs.* Rowena Shaeffer *et al.* In error to the circuit court of the United States for the western district of Texas. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court :

No. 155.—The Guaranty Trust and Safe Deposit Company, appellant, *vs.* The Green Cove Springs and Melrose Railroad Company *et al.* Motion for mandate to issue denied.

No. 245.—Thomas A. Green, plaintiff in error, *vs.* The People of the State of Colorado, *ex rel.* L. P. Marsh *et al.* Motion for mandate to issue granted.

No. 1543.—The Leadville Coal Company *et al.*, appellants, *vs.* William McCreery *et al.*, etc. Motions to dismiss or affirm denied.

No. 1615.—The Louisville Water Company, plaintiff in error, *vs.* William Clark, sheriff, etc. Motions to dismiss or affirm denied. Motion to advance granted, and cause assigned for argument on the second Monday of the next term after cases already assigned for that day. New citation ordered to issue, directed to William Ayres, as committee, etc., of defendant in error.

No. 9.—Original. *Ex parte* : In the matter of Thomas Henry Cooper, petitioner. Assigned for argument on the second Monday of the next term at the head of the call for that day.

No. 699.—The schooner "W. P. Sayward," etc., appellant, *vs.* The United States. Ordered that the mandate in this cause be not issued until so specifically ordered

No. 2.—Benjamin Barker, jr., assignee, etc., plaintiff in error, *vs.* The Lake Shore and Michigan Southern Railway Company.

No. 15.—John O'Neil, plaintiff in error, *vs.* The State of Vermont. Continued.

No. 880.—Daniel Magone, collector, etc., plaintiff in error, *vs.* Edward Luckemeyer *et al.*

No. 1441.—A. F. Seeberger, collector, etc., plaintiff in error, *vs.* John V. Farwell & Co. Mandates granted on motion of Mr. Solicitor-General Taft for the plaintiffs in error.

No. 358, 359.—The United States, plaintiff in error, *vs.* Wm. Ball *et al.*, in error to the circuit court of the United States for the district of Oregon. Dismissed on motion of Mr. Solicitor-General Taft for the plaintiff in error.

No. 1729.—Eugene Beebe *et al.*, plaintiff in error, *vs.* The United States, in error to the circuit court of the United States for the middle district of Alabama. Docketed and dismissed on motion of Mr. Solicitor-General Taft for the defendant in error.

No. 11.—Original. *Ex parte:* In the matter of Jefferson Wilson, petitioner. Submitted on briefs to be filed on or before Friday next, by Mr. J. Altheus Johnson for the petitioner, and Mr. Solicitor-General Taft for respondent.

No. 1524.—Julius Ballin *et al.*, plaintiffs in error, *vs.* Daniel Magone, collector, etc. In error to the circuit court of the United States for the southern district of New York. Judgment reversed with costs, by consent of counsel for the defendant in error, who confessed error, and cause remanded to be proceeded in according to law and justice, on motion of Mr. Assistant Attorney-General Maury for defendant in error.

No. 1525.—Daniel Magone, collector, etc., plaintiff in error, *vs.* Julius Ballin *et al.* In error to the circuit court of the United States for the southern district of New York. Dismissed with costs, on motion of Mr. Assistant Attorney-General Maury for the plaintiff in error.

No. 15.—Original. *Ex parte:* In the matter of John Mayfield, petitioner, submitted on briefs to be filed on or before Friday next by Mr. Van H. Manning and Mr. Duane B. Fox for petitioner, and by Mr. Assistant Attorney-General Maury for respondent. E.

No. 1730.—Wm. P. Henderson, plaintiff in error, *vs.* Lucy Lasater. In error to the United States court for the Indian Territory. Docketed and dismissed with costs on motion of Mr. John Johns for the defendant in error.

No. 1637.—Rudolph Eichorn, plaintiff in error, *vs.* Wm. H. Hoover *et al.* Motion to dismiss or affirm submitted by Mr. A. S. Worthington

and Mr. A. A. Birney in support of motions, and by Mr. M. F. Morris, Mr. G. E. Hamilton, and Mr. C. C. Cole in opposition thereto.

No. 1563.—The Kingston Coal Company, plaintiffs in error, *vs.* Frederick B. Myers *et al.* Motion to vacate order docketing and dismissing this cause granted, and leave granted to docket case on motion of Mr. A. Ricketts for Myers *et al.*

Nó. 1709.—The Albuquerque National Bank, appellant, *vs.* José L. Perea, sheriff, etc. Motion to advance submitted by Mr. Thomas Smith in support of same.

No. 1407.—The East Tennessee, Virginia and Georgia Railway Company, plaintiffs in error, *vs.* Joseph E. Frazier *et al.* Motion for damages submitted by Mr. H. H. Ingersoll in support of motion, and by Mr. W. M. Baxter in opposition thereto.

No. 335.—Sylvester H. Kneeland, appellant, *vs.* Charles L. Luce and John T. Newton.

No. 336.—Sylvester H. Kneeland, appellant, *vs.* C. L. Luce & Company *et al.*

Continued.

No. 1420.—W. E. Trotter, appellant, *vs.* B. Lowenstein & Bros. *et al.* Suggestion of diminution of the record and motion for writ of certiorari submitted by Mr. A. H. Garland, Mr. H. J. May, Mr. F. G. Barry, and Mr. R. C. Beckett in support of motion.

No. 310.—Woodward, Baldwin & Co., appellants, *vs.* Daniel A. Jewell *et al.* Leave to file supplemental brief for appellants on or before Friday next granted on motion of Mr. J. H. Ashton in behalf of counsel for appellants.

No. 921.—Lucien Birdseye, plaintiff in error, *vs.* E. J. Nickerson *et al.*

No. 922.—Lucien Birdseye, plaintiff in error, *vs.* Martha A. Rogers *et al.* In error to the circuit court of the United States for the western district of Texas.

Dismissed for the want of jurisdiction, per stipulation to a *bide* decision in No. 920, on motion of Mr. J. M. Vale for defendants in error.

No. 362.—J. Irving Pearce, assignee, etc., appellant, *vs.* James H. Rice. Continued on motion of Mr. F. W. Hackett in behalf of counsel for appellant.

No. 1672.—Harris A. Smiler, appellant, *vs.* Augustus A. Brush, agent, etc. Motions to dismiss or affirm or advance submitted by Mr. Charles F. Tabor in support of same.

No. ——. James J. Slocum, appellant, *vs.* Augustus A. Brush, agent, etc. Motion to docket and dismiss this cause submitted by Mr. I. B. Linton in support of motion.

No. 1571.—Mary E. Wood, plaintiff in error, *vs.* J. N. Beach.

No. 1572.—L. N. Ard, plaintiff in error, *vs.* Alexander Brandon.

Motions to vacate orders docketing and dismissing these cases granted, and leave granted to docket cases on motion of Mr. B. W. Perkins for the plaintiffs in error.

No. 1661.—John C. Denny *et al.*, plaintiffs in error, *vs.* Pironi & Slatrì. Submitted pursuant to the 32d rule by Mr. John Johns for the plaintiffs in error, and by Mr. W. Hallett Phillips for the defendants in error.

No. 1658.—Charles M. Parker *et al.*, appellants, *vs.* Lucinda L. Ormsby. Motion to dismiss submitted by Mr. Walter J. Lamb in support of motion, and by Mr. L. C. Burr in opposition thereto. Motion for leave to appellants to file bond submitted by Mr. L. C. Burr in support of motion, and by Mr. Walter J. Lamb in opposition thereto.

No. 12.—Original. *Ex parte*: In the matter of John L. Rapier, petitioner.

No. 13.—Original. *Ex parte*: In the matter of George W. Dupre, petitioner.

No. 14.—Original. *Ex parte*: In the matter of George W. Dupre, petitioner. Assigned for argument on the second Monday of the next term after No. 9, original.

No. 353.—The Horn Silver Mining Company, plaintiff in error, *vs.* The People of the State of New York. Continued per stipulation.

No. 343.—The St. Louis, Vandalia and Terre Haute Railroad Company, appellant, *vs.* The Terre Haute and Indianapolis Railroad Company. Argument continued by Mr. George Hoadly for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 28, will be as follows :

Nos. 343, 344, 346, 347, 348, 349, 351, 352, 354, and 355.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 28, 1891.

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

No. —.—James J. Slocum, appellant, *vs.* Augustus A. Brush, agent, etc. Motion to docket and dismiss denied.

No. 1672.—Harris A. Smiler, appellant, *vs.* Augustus A. Brush, agent, etc. Assigned for argument May 11th, next.

No. 1739.—James J. Slocum, appellant, *vs.* Augustus A. Brush, agent, etc. Ordered that cause be docketed and assigned for argument May 11th, next.

No. 352. Henry Thomas Coghlan, appellant, *vs.* The South Carolina Railroad Company. Continued on motion of Mr. Wm. E. Earle for the appellee.

Ex parte: In the matter of Peter J. Claassen, petitioner. Motion for leave to file petition for a writ of mandamus presented by Mr. Hector M. Hitchings for the petitioner, and postponed until Thursday next, with directions to serve notice.

No. 355.—John M. Francis, appellant, *vs.* The United States. Continued per stipulation.

No. 343.—The St. Louis, Vandalia and Terre Haute Railroad Company, appellant, *vs.* The Terre Haute and Indianapolis Railroad Company. Argument concluded by Mr. Lyman Trumbull for the appellant.

No. 344.—Louis Stein, executor, etc., appellant, *vs.* The Bienville Water Supply Company. Argued by Mr. W. Hallett Phillips for the appellant and by Mr. D. P. Bestor and Mr. F. A. Hamilton for the appellee.

The Chief Justice announced the following order :

The reporter having represented that, owing to the number of decisions at the term, it will be impracticable to put the reports in one volume ; it is, therefore, now here ordered that he publish an additional volume in this year, pursuant to section 681 of the Revised Statutes.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 29, will be as follows :

Nos. 346, 347, 348, 349, 351, 354, 356, 357, 360, and 361.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 29, 1891.

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

No. 377.—Russell Wheeler, *et al.*, appellants, *vs.* H. Gilbert Hart & Co. Appeal from the circuit court of the United States for the northern district of New York. Dismissed, with costs, on the authority of counsel for appellants.

No. 4.—Original. The State of Nebraska, complainant, *vs.* The State of Iowa. Leave to file replication herein granted, on motion of Mr. H. J. May in behalf of counsel for the complainant.

No. 349.—The Union Pacific Railway Company, plaintiff in error, *vs.* William C. Reddon. Continued on account of sickness of counsel for plaintiff in error, on motion of Mr. Harry Hubbard for plaintiff in error.

No. 354.—The Utah and Northern Railway Company, plaintiff in error, *vs.* Linnie M. Palmer *et al.* In error to the supreme court of the Territory of Idaho. Dismissed with costs, and remanded to the supreme court of the State of Idaho, on motion of Mr. Harvey Hubbard for the plaintiff in error.

Nos. 356 and 357.—The Gregory Consolidated Mining Company *et al.*, plaintiffs in error, *vs.* Lewis M. Starr. Submitted by Mr. E. W. Toole and Mr. William Wallace, jr., for the plaintiffs in error, and by Mr. W. F. Sanders for the defendants in error.

No. 361.—Reinhold H. Kleinschmidt *et al.*, plaintiffs in error, *vs.* The Second National Bank of Helena. In error to the supreme court of the Territory of Montana. Dismissed with costs, pursuant to the 10th rule, and cause remanded to the supreme court of the State of Montana.

No. 346.—The Fall River, Warren, and Providence Railroad Company, plaintiff in error, *vs.* Page, Richardson & Co.

Argued by Mr. J. H. Benton, jr., for the plaintiff in error, and by Mr. A. A. Ranney for the defendant in error.

No. 347.—Marie P. Evans *et al.*, appellants, *vs.* The State National Bank of the City of New Orleans.

Argument commenced by Mr. Heber J. May for the appellants, and continued by Mr. James McConnell for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 30, will be as follows :

Nos. 347, 348, 351, 360, 363, 364, 365, 366, 367, and 368.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 30, 1891.

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

Edward Mitchell, of New York City, was admitted to practice.

No. 1742.—Eugene Arnheim, appellant, *vs.* William Finster *et al.* Appeal from the circuit court of the United States for the southern district of New York. Docketed and dismissed with costs, on motion of Mr. G. M. Plympton for the appellees.

No. 77.—Thomas S. King, plaintiff in error, *vs.* John W. Doane.

No. 895.—Pattie A. Clay, appellant, *vs.* David I. Field.

No. 1085.—Lucy C. Freeman, appellant, *vs.* Pattie A. Clay, *et al.*

No. 1091.—David I. Field, appellant, *vs.* Pattie A. Clay. Mandates granted, on motion of Mr. A. H. Garland in behalf of counsel.

No. 351.—Alexander Moses, plaintiff in error, *vs.* The State of Mississippi.

No. 360.—J. McGregor Adams, plaintiff in error, *vs.* The Bellaire Stamping Company. Continued.

No. 364.—Daniel H. Reynolds *et al.*, appellants, *vs.* Thomas Bivens *et ux.* Submitted by Mr. F. W. Compton for the appellants, and by Mr. U. M. Rose and Mr. G. B. Rose for the appellees.

No. 365.—George H. Hilton appellant, *vs.* The Otoe County National Bank *et al.* Appeal from the circuit court of the United States for the district of Nebraska. Dismissed with costs, pursuant to the 10th rule.

No. 366.—Seth Gage, appellant, *vs.* Spencer Kellogg *et al.* Continued on account of sickness of counsel.

No. 367.—Charles Mallay, appellant, *vs.* Edward E. Root. Appeal from the circuit court of the United States for the western district of Missouri. Dismissed with costs, pursuant to the 10th rule.

No. 368.—John McCreary, appellant, *vs.* The Pennsylvania Canal Company. Continued per stipulation.

No. 347.—Marie P. Evans *et al.*, appellants, *vs.* The State National Bank of the City of New Orleans.

Argument continued by Mr. James McConnell for the appellee, and concluded by Mr. A. H. Garland for the appellants.

Ex parte: In the matter of Peter J. Claassen, petitioner.

Argued by Mr. H. M. Hitchings for the petitioner, by Mr. Edward Mitchell and Mr. Attorney-General Miller in opposition to petition, and by Mr. George F. Edmunds as *amicus curiæ*.

No. 348.—Edward L. McClain, appellant, *vs.* Andrew Ortmyer *et al.*, continued.

No. 1683.—John M. Ross, appellant, *vs.* James McIntyre, superintendent, etc.

Argument commenced by Mr. George W. Kirchwey for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, May 1, will be as follows: Nos. 1683, 363, 369, 370, 371, 372, 373, 375, 376, and 378.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, MAY 1, 1891.

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

Moses Williams and Charles A. Williams, of Brookline, Mass, were admitted to practice.

No. 363.—The Patent Clothing Company, limited, appellant, *vs.* H. B. Glover & Company. Continued on motion of Mr. Causten Browne for the appellant, and consent of Mr. G. M. Plympton for the appellees.

No. 13.—Original. *Ex parte:* In the matter of George W. Dupre, petitioner.

No. 14.—Original. *Ex parte:* In the matter of George W. Dupre, petitioner.

Petition to admit to bail granted on petitioner giving bond in the sum of \$2,500, to be approved by either the circuit or district judge for the eastern district of Louisiana.

No. 373.—The Schooner *Sylvia Handy*, etc., *et al.*, appellant, *vs.* The United States. Continued and assigned for argument at the next term immediately after No. 9. Original.

No. 375.—Moses Williams, assignee, etc., plaintiff in error, *vs.* John Heard *et al.* Suggestion of death of Albert Farley Heard, one of the defendants in error herein, and appearance of John Heard, administrator, etc., filed and entered, on motion of Mr. H. W. Putnam for the defendants in error.

No. 376.—The United States, plaintiff in error, *vs.* R. E. Bryan, administrator, etc., *et al.* In error to the circuit court of the United States for the district of Oregon. Dismissed on motion of Mr. Solicitor-General Taft for the plaintiff in error.

No. 369.—R. W. Martin, appellant, *vs.* Ormond Barbour. Submitted by Mr. U. M. Rose and Mr. G. B. Rose for the appellant, and by Mr. Luther H. Pike for the appellee.

No. 370.—The American Net and Twine Company, plaintiff in error, *vs.* Roland Worthington, collector, etc.

No. 371.—John Sparhawk, *et al.*, assignees, etc., appellants, *vs.* Charles T. Yerkes, jr., *et al.*

No. 372.—John Sparhawk, *et al.*, assignee, etc., appellants, *vs.* Shreve Ackley, *et al.*

No. 378.—The Fire Insurance Association, limited, plaintiff in error, *vs.* John W. Wickham, jr., *et al.*

Continued per stipulation.

No. 1683.—John M. Ross, appellant, *vs.* James McIntyre, superintendent, etc. Argument continued by Mr. George W. Kirchwey for the appellant, by Mr. Assistant Attorney-General Parker for the appellee, and concluded by Mr. George W. Kirchwey for the appellant.

No. 375.—Moses Williams, assignee, etc., plaintiff in error, *vs.* John Heard *et al.* Argued by Mr. C. A. Williams and Mr. Moses Williams for the plaintiff in error, and by Mr. H. W. Putnam for the defendants in error.

Adjourned until Monday, May 11, at 12 o'clock.



SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 11, 1891.

Present: The Chief Justice and all the Associate Justices.

Marilla M. Ricker of Washington, D. C., Sidney Chubb of New York City, J. B. Agnew of Tionesta, Pa., Guy M. Hornor of New Orleans, La., and George A. Hooper of New York City, were admitted to practice.

No. 286.—The steam tug “E. A. Packer,” etc., appellant, *vs.* The New Jersey Lighterage Company. Appeal from the circuit court of the United States for the southern district of New York. Decree reversed, with costs, and cause remanded with directions to proceed therein in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 174.—George B. Cluett *et al.*, appellants, *vs.* Horace B. Claffin *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 Brown. (Mr. Justice Blatchford did not sit in this case and took no part in its decision.)

No. 175.—George B. Cluett *et al.*, appellants, *vs.* John McNeany *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 Brown. (Mr. Justice Blatchford did not sit in this case and took no part in its decision.)

No. 1117.—The United States, appellant, *vs.* Henry O. Ewing. Appeal from the district court of the United States for the eastern district of Tennessee. Decree reversed and cause remanded with directions to vacate the judgment heretofore rendered and enter a new judgment in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 1152.—The United States, appellant, *vs.* Edward J. McDermott.

No. 1603.—Edward J. McDermott, appellant, *vs.* The United States. Appeals from the circuit court of the United States for the district of Kentucky. Decree reversed and cause remanded with directions to vacate the judgment heretofore rendered and to enter a new judgment in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 1151.—The United States, appellant, *vs.* Samuel Tham Poinier. Appeal from the district court of the United States for the district of South

Carolina. Decree reversed and cause remanded with directions to enter a new judgment in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 1164.—The United States, appellant, *vs.* Robert Barber. Appeal from the circuit court of the United States for the middle district of Alabama. Decree modified by deducting the sum of \$10.80, and, as so modified, affirmed. Opinion by Mr. Justice Brown.

No. 1244.—The United States, appellant, *vs.* A. J. Van Duzee. Appeal from the district court of the United States for the northern district of Iowa. Decree reversed and cause remanded with directions to enter a new judgment in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 339.—The United States, appellant, *vs.* Robert Barber. Appeal from the district court of the United States for the middle district of Alabama. Decree reversed and cause remanded with directions to enter a new judgment in conformity with the opinion of this court. Opinion by Mr. Justice Brown. (Mr. Justice Bradley did not sit in this case and took no part in its decision.)

No. 289.—Henry E. Reynolds *et al.*, plaintiffs in error, *vs.* Robert F. Stockton, receiver, etc. In error to the court of chancery of the State of New Jersey. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 310.—Woodward, Baldwin & Co., appellants, *vs.* Daniel A. Jewell *et al.* Appeal from the circuit court of the United States for the southern district of Georgia. Decree affirmed so far as respects the parties interested in the land conveyed to Steth P. Myrick by the deed of February 2, 1882; that otherwise it be reversed and cause remanded with directions to enter a decree against Daniel A. Jewell for the amount due from him, and a decree of foreclosure and sale of the three hundred and fifty-three acres of land conveyed to Mrs. Daniel by the deed of February 3, 1879. It is further ordered that one-half of the costs of this appeal be paid by the appellants and the other half charged as costs in the foreclosure against the last-named tract. Opinion by Mr. Justice Brewer. (Mr. Justice Bradley was not present at the argument of this case and took no part in its decision.)

No. 325.—John Halstead, plaintiff in error, *vs.* Sarah A. Buster *et al.* In error to the district court of the United States for the district of West Virginia. Judgment affirmed with costs. Opinion by Mr. Justice Brewer. (The Chief Justice and Mr. Justice Bradley took no part in the consideration and decision of this case.)

No. 281.—Edmund P. Dwight *et al.*, executors etc., plaintiffs in error, *vs.* Edwin A. Merritt, late collector, etc. In error to the circuit court of the

United States for the southern district of New York. Judgment affirmed with costs. Opinion by Mr. Justice Lamar.

No. 287.—James M. T. Gleeson, plaintiff in error, *vs.* The Virginia Midland Railroad Company. In error to the supreme court of the District of Columbia. Judgment reversed with costs and cause remanded with directions to order a new trial and to take further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Lamar. Dissenting, Mr. Justice Brewer.

No. 303.—Jerome F. Manning, plaintiff in error, *vs.* Henry Army. In error to the superior court of the State of Massachusetts. Judgment affirmed, with costs and interest. Opinion by Mr. Justice Lamar. (Mr. Justice Bradley did not sit in this case or take any part in its decision.)

No. 333.—Sylvester H. Kneeland, appellant, *vs.* Lawrence Bros. & Co. Appeal from the circuit court of the United States for the district of Indiana. Decree affirmed with costs and interest. Opinion by Mr. Justice Lamar.

No. 329.—The St. Paul Plow Works, plaintiff in error, *vs.* William Starling. In error to the circuit court of the United States for the district of Minnesota. Judgment affirmed with costs and interest. Opinion by Mr. Justice Blatchford. (Mr. Justice Bradley did not sit in this case or take any part in its decision.)

No. 16.—Original. *Ex parte*: In the matter of Peter J. Claasen, petitioner. Motion for leave to file petition for a writ of mandamus, and motion by the United States to set aside the supersedeas and stay of proceedings denied, and it is ordered that the circuit court of the United States for the southern district of New York, or any justice or judge thereof, may in its or his discretion admit the defendant to bail after the service of the citation on the writ of error herein in such amount as may be fixed. Opinion by Mr. Justice Blatchford. (Mr. Justice Bradley did not sit in this case or take any part in its decision.)

No. 1.—Pullman's Palace Car Company, plaintiff in error, *vs.* The Commonwealth of Pennsylvania. In error to the supreme court of the State of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice Gray. Dissenting: Mr. Justice Bradley, Mr. Justice Field, and Mr. Justice Harlan. (Mr. Justice Brown not having been a member of the court when this case was argued, took no part in its decision.)

No. 38.—Pullman's Palace Car Company, appellant, *vs.* H. H. Hayward, Treasurer of the County of Allen *et al.* Appeal from the circuit court of the United States for the district of Kansas. Decree affirmed with costs. Opinion by Mr. Justice Gray. Dissenting: Mr. Justice Bradley,

Mr. Justice Field, and Mr. Justice Harlan. (Mr. Justice Brown not having been a member of the court when this case was argued, took no part in its decision.)

No. 1126.—The Attorney-General of the Commonwealth of Massachusetts, appellant, *vs.* The Western Union Telegraph Co.

No. 1127.—The Western Union Telegraph Co., appellant, *vs.* The Attorney-General of the Commonwealth of Massachusetts.

No. 1128.—The Attorney-General of the Commonwealth of Massachusetts, appellant, *vs.* The Western Union Telegraph Company.

No. 1129.—The Western Union Telegraph Co., appellant, *vs.* The Attorney-General of the Commonwealth of Massachusetts.

No. 1130.—The Attorney-General of the Commonwealth of Massachusetts, appellant, *vs.* The Western Union Telegraph Company.

No. 1131.—The Western Union Telegraph Co., appellant, *vs.* The Attorney-General of the Commonwealth of Massachusetts. Appeals from the circuit court of the United States for the district of Massachusetts. Decrees modified. Opinion by Mr. Justice Gray. Dissenting: Mr. Justice Field and Mr. Justice Harlan.

No. 327.—The Bank of Uniontown, plaintiff in error, *vs.* David J. Mackey. In error to the circuit court of the United States for the district of Indiana. Judgment reversed with costs and cause remanded with directions to enter judgment for the plaintiff on the second and fourth counts. Opinion by Mr. Justice Gray.

No. 340.—The Equitable Life Assurance Society of the United States, plaintiff in error, *vs.* Benjamin F. Pettus, administrator, etc., *et al.* In error to the circuit court of the United States for the western district of Missouri. Judgment affirmed with costs and interest. Opinion by Mr. Justice Gray.

No. 1581.—Joseph Wood, appellant, *vs.* Augustus A. Brush, agent, etc. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Harlan. (Mr. Justice Gray was not present at the argument of this case and took no part in its decision.)

No. 1632.—Shebuya Jugiro, appellant, *vs.* Augustus A. Brush, agent, etc. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Harlan. (Mr. Justice Gray was not present at the argument of this case and took no part in its decision.)

No. 330.—Horace E. Mullan, appellant, *vs.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Harlan.

No. 144.—W. M. Lent, *et al.*, plaintiffs in error, *vs.* Charles Tillson, tax collector, etc., *et al.* In error to the supreme court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 344.—Louis Stein, executor, etc., appellant, *vs.* The Bienville Water Supply Company. Appeal from the circuit court of the United States for the southern district of Alabama. Decree affirmed with costs. Opinion by Mr. Justice Harlan.

No. 299.—Elias Block & Sons, plaintiffs in error, *vs.* Andrew W. Darling. In error to the circuit court of the United States for the district of Kentucky. Judgment affirmed with costs and interest. Opinion by Mr. Justice Harlan.

No. 161.—Gertrude H. Hardin, plaintiff in error, *vs.* Conrad N. Jordan. In error to the circuit court of the United States for the northern district of Illinois. Judgment reversed with costs and cause remanded with directions to enter judgment for the plaintiff in conformity with the opinion of this court. Opinion by Mr. Justice Bradley. Dissenting, Mr. Justice Brewer and Mr. Justice Gray.

No. 167.—Charles H. Mitchell, plaintiff in error, *vs.* Jabez F. Small *et al.* In error to the circuit court of the United States for the northern district of Illinois. Judgment reversed with costs and cause remanded with directions to enter judgment for the plaintiff in conformity with the opinion of this court. Opinion by Mr. Justice Bradley. Dissenting, Mr. Justice Brewer and Mr. Justice Gray.

No. 296.—Solon Humphreys *et al.*, receivers, etc., *et al.*, appellants, *vs.* Thomas McKissock, receiver, etc.

No. 991.—The Wabash, St. Louis and Pacific Railway Company, appellant, *vs.* Thomas McKissock, receiver, etc. Appeals from the circuit court of the United States for the southern district of Iowa. Decree reversed with costs and cause remanded with a direction to dismiss the petition of intervention. Opinion by Mr. Justice Field.

No. 290.—Charles M. Higgins *et al.*, appellants, *vs.* Wm. D. Keuffel *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 Field.

No. 1414.—Wau Shing, appellant, *vs.* The United States. Appeal from the circuit court of the United States for the northern district of California. Decree affirmed. Opinion by Mr. Justice Field.

No. 638.—Quock Ting, appellant, *vs.* The United States. Appeal from the circuit court of the United States for the northern district of California. Decree affirmed. Opinion by Mr. Justice Field. Dissenting, Mr. Justice Brewer.

No. 318.—Henry J. Rogers, plaintiff in error, *vs.* Wm. F. Durant. In error to the circuit court of the United States for the northern district of Illinois. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 338.—The Bank of Lewisburg, appellant, *vs.* James Bumgardner, jr., surviving trustee, etc. Appeal from the district court of the United States for the district of West Virginia. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 262.—The Essex Public Road Board, plaintiff in error, *vs.* Jacob Skinkle. In error to the supreme court of the State of New Jersey. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 136.—Elon A. Marsh *et al.*, plaintiffs in error, *vs.* Nichols, Shepard & Co. In error to the circuit court of Calhoun County, State of Michigan. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the Court :

No. 632.—Hor Quong Pok, appellant, *vs.* The United States.

No. 633.—Pun Choy, appellant, *vs.* The United States.

No. 634.—Chan Bing Chan, appellant, *vs.* The United States.

No. 635.—Lee Sick, appellant, *vs.* The United States.

No. 639.—Tang Do, appellant, *vs.* The United States.

No. 640.—Lee Kwan, appellant, *vs.* The United States.

No. 641.—Lie Cheong, appellant, *vs.* The United States.

No. 642.—Lui Hok Chue, appellant, *vs.* The United States.

No. 1413.—Leong Kum Ping, appellant, *vs.* The United States.

No. 1415.—Tang Wing, appellant, *vs.* The United States.

Appeals from the circuit court of the United States for the northern district of California. Decrees affirmed.

Ordered, That the following be adopted as Rules of this Court under the act approved March 3, 1891, entitled "An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes."

Strike out "Rule 35," and insert instead thereof the following :

RULE 35. .

Assignment of errors.

1. Where an appeal or a writ of error is taken from a district court or a circuit court direct to this court, under section 5 of the act entitled "An act to establish circuit courts of appeals and to define and regulate in cer-

tain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, the plaintiff in error or appellant shall file with the clerk of the court below, with his petition for the writ of error or appeal, an assignment of errors, which shall set out separately and particularly each error asserted and intended to be urged. No writ of error or appeal shall be allowed until such assignment of errors shall have been filed. When the error alleged is to the admission or to the rejection of evidence, the assignment of errors shall quote the full substance of the evidence admitted or rejected. When the error alleged is to the charge of the court, the assignment of errors shall set out the part referred to *totidem verbis*, whether it be in instructions given or in instructions refused. Such assignment of errors shall form part of the transcript of the record, and be printed with it. When this is not done counsel will not be heard, except at the request of the court; and errors not assigned according to this rule will be disregarded, but the court, at its option, may notice a plain error not assigned.

2. The plaintiff in error or appellant shall cause the record to be printed, according to the provisions of sections 2, 3, 4, 5, 6, and 9 of Rule 10.

RULE 36.

Appeals and writs of error.

1. An appeal or a writ of error from a circuit court or a district court direct to this court, in the cases provided for in sections 5 and 6 of the act entitled "An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, may be allowed, in term time or in vacation, by any justice of this court, or by any circuit judge within his circuit, or by any district judge within his district, and the proper security be taken and the citation signed by him, and he may also grant a supersedeas and stay of execution or of proceedings, pending such writ of error or appeal.

2. Where such writ of error is allowed in the case of a conviction of an infamous crime, or in any other criminal case in which it will lie under said sections 5 and 6, the circuit court or district court, or any justice or judge thereof, shall have power, after the citation is served, to admit the accused to bail in such amount as may be fixed.

RULE 37.

Cases from circuit court of appeals.

1. Where, under section 6 of the said act, a circuit court of appeals shall certify to this court a question or proposition of law, concerning

which it desires the instruction of this court for its proper decision, the certificate shall contain a proper statement of the facts on which such question or proposition of law arises.

2. If application is thereupon made to this court that the whole record and cause may be sent up to it for its consideration, the party making such application shall, as a part thereof, furnish this court with a certified copy of the whole of said record.

3. Where application is made to this court under section 6 of the said act to require a case to be certified to it for its review and determination, a certified copy of the entire record of the case in the circuit court of appeals shall be furnished to this court by the applicant, as part of the application.

RULE 38.

Interest, costs, and fees.

The provisions of Rules 23 and 24 of this court, in regard to interest and costs and fees, shall apply to writs of error and appeals and reviews under the provisions of sections 5 and 6 of the said act.

The following order is hereby promulgated by this court:

ORDERED, That, under section 15 of the act approved March 3, 1891, entitled "An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," the Territories of Alaska and Arizona are assigned to the ninth judicial circuit, and the Territories of New Mexico, Oklahoma, and Utah are assigned to the eighth judicial circuit.

Ordered, That Rule 67 of the Rules of Practice in Equity, as amended at December term, 1861, be amended by inserting after the words "in special instances" the words "in which instances it shall be taken down by a stenographer and be put into typewriting or other writing;" and by adding the following at the end of the amendment to Rule 67 of the Rules of Practice in Equity promulgated at December term, 1869: "The expense of the taking down of depositions by a stenographer and of putting them into typewriting or other writing shall be paid in the first instance by the party who makes the examination or cross-examination of the witness, as the case may be, and shall be imposed by the court, as part of the costs, upon such party as the court shall adjudge should ultimately bear them."

No. 1407.—The East Tennessee, Virginia and Georgia Railway Company, plaintiff in error, *vs.* Joseph E. Frazier *et al.* Motion for award of damages denied.

No. 1420.—W. E. Trotter, appellant, *vs.* B. Lowenstein & Bros. *et al.* Writ of certiorari awarded.

No. 1637.—Rudolph Eichorn, plaintiff in error, *vs.* Wm. H. Hoover *et al.* Motions to dismiss or affirm denied.

No. 1709.—The Albuquerque National Bank, appellant, *vs.* José L. Perea, sheriff, etc. Motion to advance denied.

No. 346.—The Fall River, Warren and Providence Railroad Company, plaintiff in error, *vs.* Page, Richardson & Co. Restored to the docket for reargument at the next term.

No. 1541.—William Caldwell, plaintiff in error, *vs.* The State of Texas. Resubmitted on motion to dismiss by order of court.

No. 1524.—Julius Ballin *et al.*, plaintiffs in error, *vs.* Daniel Magone, collector.

No. 1525.—Daniel Magone, collector, plaintiff in error, *vs.* Julius Ballin *et al.*

No. 1351.—John C. Ball *et al.*, plaintiffs in error, *vs.* The United States. On motion of Mr. Assistant Attorney-General Maury, mandates granted.

No. 451.—William H. Robertson, late collector, etc., plaintiff in error, *vs.* Henry Herrman *et al.* In error to the circuit court of the United States for the southern district of New York. Dismissed with costs, on motion of Mr. Assistant Attorney-General Maury for the plaintiff in error.

No. 1336.—Wm. H. Robertson, collector, plaintiff in error, *vs.* Frederick Patwell. In error to the circuit court of the United States for the southern district of New York. Dismissed with costs on motion of Mr. Assistant Attorney-General Maury for the plaintiff in error.

No. 904.—Jerome Bernheimer *et al.*, plaintiff in error, *vs.* Wm. H. Robertson, collector, etc. In error to the circuit court of the United States for the southern district of New York. Judgment reversed, with costs, on motion of Mr. Assistant Attorney-General Maury, for the defendant in error, who confessed error, and cause remanded, to be proceeded in according to law and justice.

No. 947.—John Johnston, plaintiff in error, *vs.* Wm. H. Robertson, collector, etc. In error to the circuit court of the United States for the southern district of New York. Judgment reversed, with costs, on motion of Mr. Assistant Attorney-General Maury, for the defendant in error, who confessed error, and cause remanded, to be proceeded in according to law and justice.

No. 1712.—The St. Louis and San Francisco Railway Company, plaintiffs in error, *vs.* Lucy McBride *et al.* Submitted pursuant to the 32d rule

by Mr. A. B. Browne, Mr. A. T. Britton, Mr. Geo. R. Peck, and ~~Mr. E. B. Kenne~~, for the plaintiff in error, and by Mr. A. H. Garland for the defendants in error.

No. 1721.—R. H. Lindsay, assessor, *et al.*, appellants and plaintiffs in error, *vs.* The First National Bank of Shreveport, La., *et al.* Suggestion of diminution of the record and motion for writ of certiorari submitted by Mr. A. H. Garland. *for appeal & p. e.*

No. 1543.—The Leadville Coal Co. *et al.*, appellants, *vs.* Wm. McCreery *et al.*, trustees, *et al.* Motion to advance submitted by Mr. C. C. Baldwin and Mr. C. D. Howe ^{in C} in support of same.

No. 137 of October term, 1889.—The Washington and Georgetown Railroad Company, plaintiff in error, *vs.* Lewis H. McDade. Motion to ~~recall~~ ^{recall} mandate and ~~reform~~ ^{reform} the judgment herein submitted by Mr. W. L. Cole in support of motion, with leave to Mr. Enoch Totten and Mr. W. D. Davidge to file opposition thereto, on application of Mr. Wm. A. McKenney in their behalf.

No. 116.—Newell D. Clark, plaintiff in error, *vs.* James L. Bever, admr., &c.

No. 315.—The Pennsylvania Railroad Company, plaintiff in error, *vs.* Hiram Green, *et al.*, &c. Mandates granted, on motion of Mr. Wm. A. McKenney, in behalf of counsel.

No. 540.—Robert W. Waterman, appellant, *vs.* James M. Banks, exe'r, &c. Death of appellant herein suggested by Mr. Wm. A. McKenney, in behalf of counsel, and order of publication granted.

No. 1581.—Joseph Wood, appellant, *vs.* Augustus A. Brush, agent, &c.

No. 1632.—Shebuya Jugiro, appellant, *vs.* Augustus A. Brush, agent, &c.

Mandates granted, on motion of Mr. Charles F. Tabor, for the appellees.

No. 5.—Original. The United States, complainant, *vs.* The State of Texas. Leave to file certain documentary evidence granted on motion of Mr. Edgar Allen, for the complainant.

No. 1766.—Richard M^glish, plaintiff in error, *vs.* A. B. Roff *et al.* On motion of Mr. W. Hallett Phillips, for the plaintiff in error, advanced pursuant to the 32d rule.

No. 1505.—George Ralston, appellant, *vs.* The British-American Mortgage Co. (Limited) *et al.* Death of appellant herein suggested by Mr. W. Hallett Phillips, in behalf of counsel, and order of publication granted.

No. 1103.—David J. Hennessy, appellant, *vs.* George V. Bacon *et al.* Motion for leave to file petition for rehearing at the next term denied.

No. 1280, of October term, 1886.—Henry H. Porter, appellant, *vs.* The Cleveland Rolling Mill Company *et al.* Motion to compel payment

of costs submitted by Mr. Henry Crawford in support of motion, with leave to Mr. A. G. Riddle to file opposition thereto within one week.

No. 1767.—The United States, appellant, *vs.* Patrick Maloney, *et al.*, etc. Appeal from the Court of Claims. Docketed and dismissed on motion of Mr. Frank S. Bright, for the appellees.

No. 1739.—James J. Slocum, appellant, *vs.* Augustus A. Brush, agent, etc. Argued by Mr. George A. Hooper for the appellant. The court did not desire to hear argument on behalf of appellee.

No. 1739.—James J. Slocum, appellant, *vs.* Augustus A. Brush, agent, etc. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed, with costs.

No. 1672.—Harris A. Smiler, appellant, *vs.* Augustus A. Brush, agent, etc. Argued by Mr. Charles F. Tabor for the appellee. No counsel appeared for the appellant.

No. 1672.—Harris A. Smiler, appellant, *vs.* Augustus A. Brush, agent, etc. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed, with costs.

No. 1739.—James J. Slocum, appellant, *vs.* Augustus A. Brush, agent, etc.

No. 1672.—Harris A. Smiler, appellant, *vs.* Augustus A. Brush, agent, etc. Mandates granted.

The Chief Justice announced that the court would adjourn until Monday, the 25th instant, when it would adjourn for the term.

Adjourned until Monday, May 25, at 12 o'clock.



SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 25, 1891.

Present: The Chief Justice and all the Associate Justices.

Reese H. Voorhees, of Washington, D. C., J. R. Shields, Wichita, Kans., and James M. Cole, of Kansas City, Mo., were admitted to practice.

No. 364.—Daniel H. Reynolds, *et al.*, appellants, *vs.* Thomas Burns *et ux.* Appeal from the circuit court of the United States for the eastern district of Arkansas. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brown.

No. 1661.—John C. Denney, *et al.*, plaintiffs in error, *vs.* Pironi & Slatri. In error to the circuit court of the United States for the northern district of Texas. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Brown.

No. 15.—Original. *Ex parte*: In the matter of John Mayfield, petitioner. Writ of *habeas corpus* granted. Opinion by Mr. Justice Brown.

No. 1296.—John Gorman, appellant, *vs.* Cary C. Havird. Appeal from the supreme court of the Territory of Idaho. Dismissed for the want of jurisdiction, and remanded to the supreme court of the State of Idaho. Opinion by Mr. Justice Brown.

No. 1244.—The United States, appellant, *vs.* A. J. Van Duzee. Opinion and decree modified. Announced by Mr. Justice Brown.

No. 11.—Original. *Ex parte*: In the matter of Jefferson Wilson, petitioner. Petition for writ of *habeas corpus* denied. Opinion by Mr. Justice Brewer.

No. 356.—The Gregory Consolidated Mining Company *et al.*, plaintiffs in error, *vs.* Lewis M. Starr. In error to the supreme court of the Territory of Montana. Judgment affirmed with costs and ten per cent. damages, in addition to interest, and cause remanded to the supreme court of the State of Montana. Opinion by Mr. Justice Brewer.

No. 357.—The Gregory Consolidated Mining Company *et al.*, plaintiffs in error, *vs.* Lewis M. Starr. In error to the supreme court of the Territory of Montana. Dismissed for the want of jurisdiction, and remanded to the supreme court of the State of Montana. Opinion by Mr. Justice Brewer.

No. 280.—A. Henry Schutz *et al.*, plaintiffs in error, *vs.* Eben D. Jordan *et al.* In error to the circuit court of the United States for the southern district of New York. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 1648.—Pedro Delgado, appellant, *vs.* Francisco Chavez, sheriff, *etc.* Appeal from the supreme court of the Territory of New Mexico. Decree affirmed with costs; opinion by Mr. Justice Brewer. (Mr. Justice Bradley was not present at the argument and took no part in the decision of this case.)

No. 1712.—The St. Louis and San Francisco Railway Company, plaintiff in error, *vs.* Lucy McBride *et al.* In error to the circuit court of the United States for the western district of Arkansas; judgment affirmed with costs and interest. Opinion by Mr. Justice Brewer.

No. 334.—Sylvester H. Kneeland, appellant, *vs.* The Bass Foundry and Machine Works. Appeal from the circuit court of the United States for the district of Indiana. Decree affirmed with costs and interest. Opinion by Mr. Justice Lamar.

No. 124.—Alfred Marchand, plaintiff in error, *vs.* Charles D. Gaffon *et al.*, heirs, *etc.* In error to the circuit court of the United States for the eastern district of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice Lamar. (The Chief Justice took no part in the decision of this case.) (Mr. Justice Brown was not a member of the court when this case was argued and took no part in its decision.)

No. 375.—Moses Williams, assignee, *etc.*, plaintiff in error, *vs.* John Heard *et al.* In error to the supreme judicial court of the State of Massachusetts. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Lamar. (Mr. Justice Bradley took no part in the decision of this case.)

No. 133.—Mollie N. Albright *et al.*, appellants, *vs.* George Oyster *et al.* Appeal from the circuit court of the United States for the eastern district of Missouri. Decree reversed with costs, and cause remanded with directions to enter a decree in conformity with the opinion of this Court. Opinion by Mr. Justice Lamar.

No. 134.—Mollie N. Oyster *et al.*, appellants, *vs.* George Oyster *et al.* Appeal from the circuit court of the United States for the eastern district of Missouri. Decree affirmed with costs. Opinion by Mr. Justice Lamar.

No. 369.—R. W. Martin, appellant, *vs.* Ormond Barbour. Appeal from the circuit court of the United States for the eastern district of Arkansas. Decree affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 1218.—The United States, appellant, *vs.* The Dalles Military Road Company *et al.*

No. 1219.—The United States, appellant, *vs.* The Oregon Central Military Road Company *et al.*

No. 1248.—The United States, appellant *vs.* The Willamette Valley and Cascade Mountain Wagon Road Company *et al.* Appeals from the circuit court of the United States for the district of Oregon. Decrees reversed in so far as they dismiss the bills as to the defendants who put in pleas, and causes remanded with a direction to allow the plaintiffs to reply to, and join issue on, the pleas. Opinion by Mr. Justice Blatchford.

No. 1444.—The United States, appellant, *vs.* James K. Kelly.

No. 1445.—The United States, appellant, *vs.* Daniel J. Cooper.

No. 1446.—The United States, appellant, *vs.* M. C. Rogers, administrator.

No. 1447.—The United States, appellant, *vs.* William Grant.

No. 1448.—The United States, appellant, *vs.* William Floyd. Appeals from the circuit court of the United States for the district of Oregon. Decrees reversed and causes remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Blatchford.

No. 14.—The Insurance Company of North America, appellant, *vs.* The Hibernia Insurance Company of New Orleans. Appeal from the circuit court of the United States for the eastern district of Louisiana. Decree reversed with costs, and cause remanded with directions to enter a decree dismissing the bill with costs. (Mr. Justice Brewer and Mr. Justice Brown, not having been members of the Court when this case was argued, took no part in its decision.)

No. 435.—The city of New Orleans's plaintiff in error, *vs.* The Louisiana Construction Company (Limited) *et al.* In error to the circuit court of the United States for the eastern district of Louisiana. Judgment reversed with costs, and cause remanded with directions to enter judgment for the city of New Orleans. Opinion by Mr. Justice Gray. (Mr. Justice Brewer and Mr. Justice Brown took no part in the decision of this case.)

No. 1063.—Howard Potter appellant, *vs.* James Couch.

No. 1064.—William E. Hale appellant, *vs.* James Couch *et al.*

No. 1065.—George B. Johnson appellant, *vs.* James Couch *et al.*, trustees, etc.

No. 1066.—Caroline C. Johnson *et al.*, appellants, *vs.* James Couch *et al.*

No. 1067.—James Couch, appellant, *vs.* Caroline E. Couch *et al.* Appeals from the circuit court of the United States for the northern district of Illinois. Decrees of circuit court as to appellants in Nos. 1063, 1064,

1065, and 1066 affirmed; as to appellant in No. 1067 modified; appellants in Nos. 1063, 1064, 1065, and 1066 each to pay one-fourth of the costs on these appeals, including the cost of printing the record. Opinion by Mr. Justice Gray. (Mr. Justice Brewer and Mr. Justice Brown took no part in the decision of these cases.)

No. 1375.—The Union Pacific Railway Company, plaintiff in error, *vs.* Clara L. Britsford. In error to the circuit court of the United States for the district of Indiana. Judgment affirmed, with costs and interest. Opinion by Mr. Justice Gray. Dissenting: Mr. Justice Brewer and Mr. Justice Brown.

No. 238.—Ward McAllister, jr., appellant, *vs.* The United States.

No. 319.—Samuel C. Wingard, appellant, *vs.* The United States. Appeals from the Court of Claims. Judgments affirmed. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Field, Mr. Justice Gray, and Mr. Justice Brown.

No. 1658. Charles M. Parker *et al.*, appellants, *vs.* Lucinda L. Ormsby. Appeal from the circuit court of the United States for the district of Nebraska. Decree reversed with costs and cause remanded, with directions to dismiss the bill for want of jurisdiction, unless the plaintiff, by leave of the court below, within such time as it may prescribe, amends her bill so as to present a case within its jurisdiction. Opinion by Mr. Justice Harlan.

No. 50.—John N. A. Griswold, appellant, *vs.* Rowland G. Hazard *et al.* Appeal from the circuit court of the United States for the district of Rhode Island. Decree reversed with costs and cause remanded, with directions to enter a new decree perpetually enjoining the defendants therein, and each of them, from prosecuting any suit, action, or proceeding against Griswold on the bond executed by him on the 14th of August, 1868, as one of the sureties of Thomas C. Durant. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Brown. (Mr. Justice Bradley and Mr. Justice Brewer did not participate in this decision.)

Nos. 51 and 52.—John N. A. Griswold, appellant, *vs.* Rowland G. Hazard *et al.* Appeals from the circuit court of the United States for the district of Rhode Island. Decrees affirmed with costs. Opinion by Mr. Justice Harlan. (Mr. Justice Bradley and Mr. Justice Brewer did not participate in these decisions.)

No. 53.—John N. A. Griswold, plaintiff in error, *vs.* Rowland G. Hazard *et al.*, in error to the circuit court of the United States for the district of Rhode Island. Judgment reversed with costs and cause remanded, with directions for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice

Brown. (Mr. Justice Bradley and Mr. Justice Brewer did not participate in this decision.)

No. 828.—O. R. Crutcher, plaintiff in error, *vs.* The Commonwealth of Kentucky, in error to the court of appeals of the State of Kentucky. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Bradley. Dissenting: Mr. Chief Justice Fuller and Mr. Justice Gray. (Mr. Justice Brown not having been a member of the court when this case was argued took no part in its decision.)

No. 31. The Clark Thread Company, appellant, *vs.* The Willimantic Linen Company *et al.* Appeal from the circuit court of the United States for the district of New Jersey. Decree reversed with costs and cause remanded, with directions to enter a decree dismissing the bill of complaint and taking such further order as may be required in conformity with the opinion of this court. Opinion by Mr. Justice Bradley.

No. 92. Robert P. Voight *et al.*, plaintiffs in error, *vs.* E. T. Wright. In error to the corporation court of the city of Norfolk, State of Virginia. Judgment reversed with costs, and cause remanded for further proceedings to be had therein not inconsistent with the opinion of this court. Opinion by Mr. Justice Bradley. (Mr. Justice Brown, not having been a member of the court when this case was argued, took no part in its decision.)

No. 130.—The Chicago Distilling Company, plaintiff in error, *vs.* Rensselaer Stone, collector of internal revenue, in error to the circuit court of the United States for the northern district of Illinois. Judgment reversed with costs and cause remanded, with directions to enter judgment for the plaintiff and to take such further proceedings as may be in accordance with the opinion of this court. Opinion by Mr. Justice Bradley.

No. 10.—Original. *Ex parte*: In the matter of Garnett, Stubbs & Co. *et al.*, petitioners. Petition for a writ of prohibition denied. Opinion by Mr. Justice Bradley.

No. 239.—The Pacific National Bank of Boston, plaintiff in error, *vs.* Mary J. Eaton. In error to the supreme judicial court of the State of Massachusetts. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Bradley.

No. 300.—George L. Thayer, plaintiff in error *vs.* Peter Butler, receiver, etc. In error to the circuit court of the United States for the district of Massachusetts. Judgment affirmed with costs and interests. Opinion by Mr. Justice Bradley.

No. 301.—Peter Butler, receiver, etc., plaintiff in error, *vs.* Mary J. Eaton. In error to the circuit court of the United States for the district

of Massachusetts. Judgment reversed with costs and cause remanded, with directions to enter judgment for the plaintiff in error against the defendant in error for the whole amount sued for in this action, namely, \$8,000, with interest and costs, and to take such further proceedings as may be proper in conformity with the opinion of this court. Opinion by Mr. Justice Bradley.

No. 695.—The Late Corporation of the Church of Jesus Christ of Latter Day Saints *et al.*, appellants, *vs.* The United States.

No. 715.—George Romney *et al.*, appellants, *vs.* The United States. Appeals from the supreme court of the Territory of Utah.

Decree modified and affirmed. Announced by Mr. Justice Bradley.

No. 1683.—John M. Ross, appellant, *vs.* James McIntyre, *supt.*, etc. Appeal from circuit court of the United States for the northern district of New York. Order of circuit court affirmed with costs. Opinion by Mr. Justice Field.

No. 347.—Marie P. Evans, etc., *et al.*, appellants, *vs.* The State National Bank of the city of New Orleans. Appeal from the circuit court of the United States for the eastern district of Louisiana. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 1541.—William Caldwell, plaintiff in error, *vs.* The State of Texas. In error to the court of appeals of the State of Texas. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 185.—Albert B. Briggs, receiver, ~~and~~ appellant, *vs.* Elbridge D. Spaulding *et al.* Appeal from the circuit court of the United States for the northern district of New York. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, and Mr. Justice Brown.

No. 267.—Anna M. Carpenter, plaintiff in error, *vs.* Maria E. Strange, etc., *et al.* In error to the supreme court of the State of Tennessee. Decree reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Chief Justice Fuller.

No. 1529.—John M. Walkerson, sheriff, etc., appellant, *vs.* Charles A. Rahrer. Appeal from the circuit court of the United States for the district of Kansas. Decree reversed with costs and cause remanded for further proceedings to be had therein in conformity with the opinion of this court. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court:

No. 137.—October term, 1889. The Washington and Georgetown Railroad Company, plaintiff in error, *vs.* Lewis H. McDade. Motion to amend the judgment and mandate in this cause denied.

No. 1280.—October term, 1886. Henry H. Porter, appellant, *vs.* The Cleveland Rolling Mill Company *et al.* Motion for attachment to enforce the payment of costs herein denied.

No. 1543.—The Leadville Coal Company, *et al.*, appellants, *vs.* Wm. McCreery, *et al.*, etc. Motion to advance granted and cause assigned for argument on the third Monday of the next term.

No. 1721.—R. H. Lindsay, assessor, *et al.*, appellant, *vs.* The First National Bank of Shreveport, La., *et al.* Writ of certiorari awarded.

No. 4.—Original. The State of Nebraska, complainant, *vs.* The State of Iowa. On motion of Mr. Felix A. Reeve, in behalf of counsel for defendant, replication filed. On motion of Mr. Charles I. Green, in behalf of counsel, answer and stipulation as to testimony filed.

Ex parte: In the matter of Peter J. Claassen, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Hector M. Hitchings in support of same, and motion denied.

No. 5.—Original. The United States, complainant, *vs.* The State of Texas. On motion of Mr. A. H. Garland, for defendant, leave granted to file stipulation as to taking depositions.

No. 185.—Albert B. Briggs, rec'r, etc., appellant, *vs.* E. G. Spaulding *et al.* ~~Motion for leave to file~~ petition for rehearing submitted by Mr. W. Hallett Phillips for the appellant.

No. 1799.—John P. Stockton, attorney-general of the State of New Jersey, appellant, *vs.* The Baltimore and New York Railroad Company *et al.* Appeal from the circuit court of the United States for the district of New Jersey. Docketed and dismissed with costs on motion of Mr. Wm. A. McKenney for the appellees.

No. 470.—The Washburn & Moen Manufacturing Co. *et al.*, appellants, *vs.* The Beat' Em All Barbed Wire Company *et al.*

No. 471.—The Washburn & Moen Manufacturing Co. *et al.*, appellants, *vs.* W. W. Norwood.

No. 472.—The Washburn & Moen Manufacturing Co. *et al.*, appellants, *vs.* John D. Wiler *et al.*

On motion of Mr. Wm. A. McKenney, leave granted to Mr. C. K. Ofield to withdraw his appearance as counsel for the appellants herein.

No. 1666.—The United States, appellant, *vs.* James T. Carter. Appeal from the district court of the United States for the eastern district of Tennessee. Decree reversed, per stipulation of counsel, and cause remanded with directions for further proceedings therein, in conformity with the opinion of this court in the case of United States *vs.* Ewing, No. 1117, of the present term, on motion of Mr. Assistant Attorney-General Cotton for the appellant.

No. 1744.—The United States, appellant, *vs.* Jacob Johnson. Appeal from the supreme court of the Territory of Utah. Dismissed, by consent of counsel, on motion of Mr. George A. King for appellee.

No. 1215.—James W. Fellows *et al.*, appellant, *vs.* William T. Walker, auditor, *et al.* Appeal from the circuit court of the United States for the northern district of Ohio. Dismissed with costs by stipulation.

ORDER.

It is now here ordered by the court that all the cases on the docket not decided and all other business of the term not disposed of by the court, including cases in which petitions for rehearing may be pending and undisposed of, be, and the same are hereby, continued until the next term of the court.

Adjourned to the time and place appointed by law.

