

SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 11, 1897.

The court met pursuant to law.

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

W. F. Fitzgerald, of San Francisco, Cal.; W. H. Anderson, of San Francisco, Cal.; James E. Boyd, of Greensboro, N. C.; John G. Thompson, of Danville, Ill.; John D. Johnson, of St. Louis, Mo.; Edward F. Brown, of New York City; William H. Blymyer, of New York City; J. C. Byers, of Mena, Ark.; Benj. Morris Strouse, of Lebanon, Pa.; George H. Peirce, of Camden, N. J.; Henry M. Earle, of Washington, D. C.; Thomas H. Clark, of Montgomery, Ala.; L. W. Campbell, of Waco, Tex.; E. G. C. Bleakly, of Camden, N. J., and William I. Grubb, of Birmingham, Ala., were admitted to practice.

The Attorney-General presented to the court the Hon. John K. Richards as Solicitor-General, and it was ordered that his commission be recorded.

The Chief Justice announced that the court would commence the call of the docket to-morrow, pursuant to the 26th rule.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 12, will be as follows :

Nos. 1, 2, 3, 4 (and 5 and 6), 7, 8, 9, 10, 13 and 14.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 12, 1897.

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

Robert S. Iles, of Chicago, Ill.; Arthur C. Butts, of New York City; Charles J. Pence, of Salt Lake City, Utah; Rudolph Matz, of Chicago, Ill.; Frederick R. Babcock, of Chicago, Ill.; Frank L. Shepard, of Chicago, Ill.; Howard C. Shirk, of Lebanon, Pa.; Samuel T. Fisher, of Washington, D. C.; James E. Markham, of St. Paul, Minn.; Hermon W. Phillips, of St. Paul, Minn., and Edward C. Akin, of Springfield, Ill., were admitted to practice.

No. 273.—The United States, appellant, *v.* Thomas E. Milchrist. Appeal from the Court of Claims. Dismissed on motion of Mr. Solicitor-General Richards for the appellant.

No. 330.—The United States, appellant, *v.* Mary E. Skelly, administratrix, etc. Appeal from the Court of Claims. Dismissed on motion of Mr. Solicitor-General Richards for the appellant.

No. 360.—The United States, plaintiff in error, *v.* John A. Foreman. In error to the supreme court of the Territory of Oklahoma. Dismissed on motion of Mr. Solicitor-General Richards for the plaintiff in error.

No. 394.—The United States, appellant, *v.* John A. Foreman. Appeal from the supreme court of the Territory of Oklahoma. Dismissed on motion of Mr. Solicitor-General Richards for the appellant.

No. 194.—Herman Keck, plaintiff in error, *v.* the United States. Reassigned for reargument on the 3d of January next after the case already set down for that day on motion of Mr. Solicitor-General Richards for the defendant in error.

No. 244.—E. M. Galvin et al., plaintiffs in error, *v.* E. F. Palmer. Motion to dismiss submitted by Mr. J. K. Richards in behalf of Mr. J. E. Dodge in support of motion.

No. 164.—William P. Craighill et al., appellants, *v.* Avarilla Lambert et al. Reassigned for argument on the 6th day of December next on motion of Mr. T. A. Lambert for the appellees.

No. 157.—Henry C. King, plaintiff in error, *v.* M. B. Mullins et al. Leave granted to file supplemental brief herein on behalf of defendants in error on motion of Mr. J. H. Ferguson for defendants in error. Leave granted to Mr. M. F. Stiles to file reply brief within two days.

No. 374.—Henry C. King, petitioner, *v.* Julius C. Williamson et al. Leave granted to file supplemental brief herein in support of petition on motion of Mr. M. F. Stiles for petitioner.

No. 406.—The Houston and Texas Central Railway Company et al., plaintiffs in error, *v.* The State of Texas; and

No. 421.—The Galveston, Harrisburg and San Antonio Railway Company et al., plaintiffs in error, *v.* The State of Texas. Motions to advance submitted by Mr. M. M. Crane for the defendants in error.

No. 376.—Elizabeth Nobles, etc., plaintiff in error, *v.* The State of Georgia. Motion to advance submitted by Mr. J. M. Terrell for the defendant in error.

No. 429.—W. H. T. Durrant, appellant, *v.* W. E. Hale, warden, etc. Motion to advance submitted by Mr. W. F. Fitzgerald for the appellee.

No. 415.—Benjamin Hawker, plaintiff in error, *v.* The People of the State of New York. Motion to advance submitted by Mr. John D. Lindsay for the defendants in error.

No. 312.—William R. Hall, plaintiff in error, *v.* The United States. Motion to advance submitted by Mr. Arthur C. Butts for the plaintiff in error.

No. 1, original.—The State of New Jersey, complainant, *v.* The State of Delaware. Continued on motion of Mr. George Gray for the defendant.

No. 19.—A. A. McCullough, plaintiff in error, *v.* The Commonwealth of Virginia. Assigned for argument on the 3d day of January next, after the cases already set down for that day, on motion of Mr. Holmes Conrad for the defendant in error.

No. 20.—Ransom Payne, appellant, *v.* W. S. Robertson, et al. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. S. D. Luckett for the appellant.

No. 425.—Josephine C. Drake et al., executors, etc., plaintiffs in error, *v.* Daniel H. Kockersperger, county treasurer, etc.;

No. 463.—Elizabeth E. Sawyer et al., executrix, etc., et al., plaintiffs in error, *v.* Daniel H. Kochersperger, county treasurer, etc.; and

No. 464.—Jesse Norton Torrence Magoun, appellant, *v.* Illinois Trust and Savings Bank, executor, etc., et al. Motion to advance submitted by Mr. Robert S. Iles for the defendants in error and appellees.

No. 468.—James C. Neely et al., petitioners, *v.* Isidore Newman, sr. Petition for a writ of certiorari to the United States circuit court of

appeals for the fifth circuit submitted by Mr. Thomas H. Clark and Mr. W. A. Gunter in support of petition, and by Mr. J. D. Rouse and Mr. William Grant in opposition thereto.

No. 469.—Frank H. Pierce, petitioner, *v.* The Tennessee Coal, Iron and Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit. Submitted by Mr. Thomas H. Clark and Mr. W. A. Gunter in support of petition and by Mr. William I. Grubb in opposition thereto.

No. 408.—The Continental Trust Company of New York, trustee, petitioner, *v.* The American Surety Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit. Submitted by Mr. Willard Parker Butler and Mr. A. H. Snow in support of petition and by Mr. Bluford Wilson in opposition thereto.

No. 474.—The Board of County Commissioners of the County of Lake, Colorado, petitioner, *v.* Harry H. Dudley; and

No. 475.—The Board of County Commissioners of the County of Gunnison, Colorado, petitioner, *v.* E. H. Rollins & Son. Petitions for writs of certiorari to the United States circuit court of appeals for the eighth circuit. Submitted by Mr. C. S. Thomas and Mr. W. H. Bryant in support of petitions and by Mr. Edmund F. Richardson in opposition thereto.

No. 473.—The Aultman and Taylor Company, petitioner, *v.* Frederick J. Syme. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit. Submitted by Mr. William H. Blymyer in support of petition and by Mr. Edward F. Brown in opposition thereto.

No. 460.—Augustus E. Rondot, petitioner, *v.* The Township of Rogers. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit. Submitted by Mr. James T. Keena in support of petition and by Mr. Henry M. Duffield in opposition thereto.

No. 359.—Charles W. Nordstrom, appellant, *v.* William H. Moyer, sheriff, etc., et al. Motion for leave to proceed in forma pauperis submitted by Mr. Frederic D. McKenney in behalf of counsel for the appellant.

No. 4, original.—*Ex parte*: In the matter of E. C. Beach, petitioner, on petition for writ of habeas corpus. Dismissed on motion of Mr. J. Altheus Johnson, for the petitioner.

No. 13.—James S. Valk, survivor, etc., appellant, *v.* The United States. Submitted by Mr. John C. Chaney for the appellant, and by Mr. Assistant Attorney-General Howry and Mr. Assistant Attorney-General Thompson for the appellee.

No. 1.—The City of New Orleans, appellant, *v.* The Texas and Pacific Railway Company et al. Assigned for argument on the 3d of January

next after the cases already set down for that day, on motion of Mr W. W. Howe for the appellees.

No. 2.—John H. McBride, appellant, *v.* The Grand De Tour Plow Company et al. Passed for ninety days on motion of Mr. J. M. Wilson on behalf of counsel for appellant.

No. 3.—George F. Tuttle, plaintiff in error, *v.* P. Crowley, chief of police, etc. In error to the supreme court of the State of California. Dismissed with costs pursuant to the nineteenth rule.

No. 7.—Leandro Sandoval et al., appellants, *v.* The United States et al. Appeal from the court of private land claims. Dismissed per stipulation.

No. 8.—The United States, appellant, *v.* Earl B. Coe. Passed temporarily.

No. 9.—The Patapasco Guano Company, appellant, *v.* The Board of Agriculture of North Carolina et al. Assigned for argument on the 17th day of January next.

No. 14.—William R. Watkins, plaintiff in error, *v.* William Rennie. In error to the United States court for the Indian Territory. Dismissed with costs, pursuant to the tenth rule.

No. 22.—The Bondholders and Purchasers of the Iron Railroad, appellants, *v.* The Toledo, Delphos and Burlington Railroad Company et al. Appeal from the United States circuit court of appeals for the seventh circuit. Dismissed per stipulation.

No. 256.—Juana Walker, by Rosetta Jones, her guardian, plaintiff in error, *v.* A. J. Doran, administrator, et al. In error to the supreme court of the Territory of Arizona. Dismissed with costs on authority of counsel for plaintiff in error.

No. 145.—William A. Clark, plaintiff in error, *v.* William F. Fitzgerald et al. Motions to dismiss and affirm submitted by Mr. James W. Forbis in support of same.

No. 155.—The Union Mutual Life Insurance Company, plaintiff in error, *v.* Elizabeth Kirchoff. Motions to dismiss or affirm submitted by Mr. George R. Daley in support of motions and by Mr. Frank L. Ullan and Mr. E. Parmalee Prentice in opposition thereto.

No. 323.—The Capital National Bank, of Lincoln, Nebr., et al., plaintiffs in error, *v.* The Coldwater National Bank, of Coldwater, Mich. Motions to dismiss or affirm submitted by Mr. L. C. Burr in support of motions and by Mr. A. E. Harvey, Mr. John H. Ames, Mr. Amasa Cobb and Mr. G. M. Lambertson in opposition thereto.

No. 466.—Henry Creamer, appellant, *v.* The State of Washington et al. Motion to dismiss submitted by Mr. W. C. Jones in support of motion and by Mr. James Hamilton Lewis in opposition thereto.

No. 4.—Amado Chaves et al., appellants, *v.* The United States et al.;

No. 5.—The Pueblos of Zia, Santa Ana, and Jemez, appellants, *v.* The United States et al., and

No. 6.—Manuel Crespín et al., appellants, *v.* The United States. Argued by Mr. Henry M. Earle for the appellants and by Mr. Matt. G. Reynolds for the appellees.

No. 10.—J. J. Douglas, plaintiff in error, *v.* The Commonwealth of Kentucky. Argument commenced by Mr. D. W. Sanders for the plaintiff in error and continued by Mr. W. S. Taylor for the defendant in error and by Mr. John G. Carlisle for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 13, will be as follows: Nos. 10, 18, 21, 23 (and 24), 26, 27 (and 15 and 16), 28, 30, 31 and 32.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 13, 1897.

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

John Henry Meredith, of San Francisco, Cal.; Charles I. Evans, of Dallas, Tex.; Aaron Kohn, of Louisville, Ky.; A. G. C. Bierer, of Perry, Okla., and Everard Bierer, jr., of Hiawatha, Kans., were admitted to practice.

No. 336.—John W. Baker, sheriff, etc., appellant, *v.* William Grice;

No. 337.—John W. Baker, sheriff, etc., appellant, *v.* F. A. Austin;

No. 338.—John W. Baker, sheriff, etc., appellant, *v.* W. E. Hawkins; and

No. 339.—John W. Baker, sheriff, etc., appellant, *v.* Arthur M. Finley. Reassigned for argument on the 3d of January next, after the cases already set down for that day, on motion of Mr. George Clark for the appellees.

No. 297.—The United States, appellant, *v.* Frederick Maish et al. Advanced to be heard with No. 27 as one case, on motion of Mr. Rochester Ford for the appellees.

No. 8.—The United States, appellant, *v.* Earl B. Coe;

No. 27.—Santiago Ainsa, administrator, etc., appellant, *v.* The United States;

No. 297.—The United States, appellant, *v.* Frederick Maish et al.;

No. 28.—Juan Pedro Camon, appellant, *v.* The United States;

No. 30.—Robert Perrin, appellant, *v.* The United States, et al.;

No. 15.—Santiago Ainsa, administrator, etc., appellant, *v.* The New Mexico and Arizona Railroad Company; and

No. 16.—Santiago Ainsa, administrator, etc., appellant, *v.* The New Mexico and Arizona Railroad Company et al. Assigned for argument on the 3d of January next, after the cases already set down for that day, on motion of Mr. Matt. G. Reynolds for the United States.

No. 21.—T. H. Rhodes, plaintiff in error, *v.* The State of Iowa. Assigned for argument on the 3d of January next, after the cases already set down for that day, on motion of Mr. L. T. Michener, in behalf of counsel.

No. 31.—William Pinkerton et al., appellants, *v.* The United States. Appeal from the Court of Private Land Claims. Dismissed pursuant to the tenth rule.

No. 32.—The Chicago, Milwaukee and St. Paul Railway Company, plaintiff in error, *v.* Frank T. Campbell et al., railroad commissioners of the State of Iowa. In error to the supreme court of the State of Iowa. Dismissed, with costs, pursuant to the tenth rule.

No. 10.—J. J. Douglas, plaintiff in error, *v.* The Commonwealth of Kentucky. Argument concluded by Mr. John G. Carlisle for the plaintiff in error.

No. 18.—Lewis Miller, plaintiff in error, *v.* The Cornwall Railroad Company. Argument commenced by Mr. Benjamin Morris Strouse for the plaintiff in error, continued by Mr. Wayne MacVeagh for the defendant in error, and concluded by Mr. A. Frank Seltzer for the plaintiff in error.

No. 23.—The St. Anthony Falls Water Power Company, plaintiff in error, *v.* The Board of Water Commissioners of the City of St. Paul; and

No. 24.—The Minneapolis Mill Company, plaintiff in error, *v.* The Board of Water Commissioners of the City of St. Paul. Argument commenced by Mr. Rome G. Brown for the plaintiffs in error, and continued by Mr. James E. Markham for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 14, will be as follows: Nos. 23 (and 40) 24, 26, 34, 35, 36, 37, 38, 45, 47 and 48.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 14, 1897.

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

Frederick Bausman, of Seattle, Wash., and Edward I. Renick, of Washington, D. C., were admitted to practice.

No. 75.—Thomas P. Beal, receiver, etc., plaintiff in error, *v.* The Essex Savings Bank. In error to the United States circuit court of appeals for the first circuit. Dismissed with costs, on authority of counsel for the plaintiff in error.

No. 36.—George F. Underhill, plaintiff in error, *v.* Jose Manuel Hernandez. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. Edward I. Renick in behalf of counsel for the defendant in error.

No. 37.—Levi S. Whitfield, plaintiff in error, *v.* The United States. In error to the district court of the United States for the northern district of California. Dismissed pursuant to the tenth rule.

No. 45.—Josephine W. Wupperman, appellant, *v.* The Steamship Carib Prince, etc. Assigned for argument on the 3d of January next after the cases already set down for that day.

No. 23.—The St. Anthony Falls Water Power Company, plaintiff in error, *v.* The Board of Water Commissioners of the City of St. Paul; and

No. 24.—The Minneapolis Mill Company, plaintiff in error, *v.* The Board of Water Commissioners of the City of St. Paul. Leave granted to file certified copy of brief used in these cases in the supreme court of Minnesota, on motion of Mr. Rome G. Brown for the plaintiffs in error. Argument continued by Mr. James E. Markham and Mr. Herman W. Phillips for the defendants in error, and concluded by Mr. Rome G. Brown for the plaintiffs in error.

No. 35.—The United States, appellant, *v.* Simon Goldenberg et al. Argued by Mr. Edwin B. Smith for the appellees, and submitted by Mr. Attorney-General for the appellant.

No. 26.—Edward Hodgson, plaintiff in error, *v.* the State of Vermont. Argument commenced by Mr. Edward J. Phelps for the plaintiff in error, and continued by Mr. C. A. Prouty and Mr. Frederick L. Fisk for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 15, will be as follows : Nos. 26, 34, 38, 47, 48, 52, 53, 54 (and 296), 55 and 56.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 15, 1897.

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

Jesse Knight, of Evanston, Wyo., and James I. Allread, of Greenville, Ohio, were admitted to practice.

No. 341.—The United States, appellant, *v.* The Joint Traffic Association et al. Reassigned for argument on the 3d of January next after the cases already set down for that day, on motion of Mr. Solicitor-General Richards for the appellant.

No. 47.—The State of Missouri *ex rel*, The Laeledge Gas Light Company, plaintiff in error, *v.* Michael J. Murphy, street commissioner, etc. Reassigned for argument on the 3d of January next after the cases already set down for that day, on motion of Mr. Henry Hitchcock for the plaintiff in error.

No. 53.—Charles P. Barrett, plaintiff in error, *v.* The United States. Passed to be heard with No. 175 as one case, on motion of Mr. Solicitor-General Richards for the defendant in error.

No. 54.—The United States, appellant, *v.* John D. Kennedy. Appeal from the Court of Claims. Dismissed per stipulation.

No. 296.—The United States, appellant, *v.* Edgar M. Wilson, administrator, etc. Order that this case be heard with No. 54, vacated and set aside.

No. 26.—Edward Hodgson, plaintiff in error, *v.* The State of Vermont. Argument continued by Mr. Frank L. Fish for the defendant in error, and concluded by Mr. E. J. Phelps for the plaintiff in error.

No. 34.—A. B. Raff, plaintiff in error, *v.* Louisa Burney, administratrix. Submitted by Mr. C. L. Herbert for the plaintiff in error.

No. 38.—The Central National Bank of Boston et al., plaintiffs in error, *v.* Aaron R. Stevens et al. Argued by Mr. Charles E. Patterson and Mr. W. S. B. Hopkins for the plaintiffs in error, and by Mr. Edward Winslow Paige for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 18, will be as follows: Nos. 340, 48, 52, 55, 56, 261 (and 264), 104, 266 (and 267), 106 and 150.



SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 18, 1897.

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

Howard A. Taylor, of New York City; Asa P. French, of Boston, Mass.; Francis P. Murphy, of Boston, Mass.; Edmund Randolph Williams, of Richmond, Va.; John R. Garrison, of Garrisonville, Va.; Robert E. Ball, of Kansas City, Mo.; William C. Fitts, of Tuscaloosa, Ala.; Edgar P. Rucker, of Welch, W. Va.; John W. Shartel, of Guthrie, Okla.; Thomas M. Shackelford, of Tampa, Fla., and Noah Brooks Kent Pettingill, of Tampa, Fla., were admitted to practice.

No. 43.—Eloisa L. Bergere, for herself and others, appellant, *v.* The United States et al.; and

No. 46.—The United States, appellant, *v.* Eloisa L. Bergere, for herself and others. Appeals from the Court of Private Land Claims. Decree reversed and cause remanded, with directions to enter a decree in conformity with the opinion of this court. Opinion by Mr. Justice Peckham.

No. 33.—The Alaska Treadwell Gold Mining Company, plaintiff in error, *v.* Patrick Whelan. In error to the United States circuit court of appeals for the ninth circuit. Judgments of the United States circuit court of appeals and of the district court of the United States for the district of Alaska reversed with costs, and cause remanded to the said district court with directions to set aside the verdict and to order a new trial. Opinion by Mr. Justice Gray. Dissenting: Mr. Chief Justice Fuller and Mr. Justice Harlan.

No. 41.—Benton Turner, plaintiff in error, *v.* The People of the State of New York. In error to the court of appeals of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Gray.

No. 71.—The Southern Pacific Railroad Company et al., appellants, *v.* The United States. Appeal from the United States circuit court of appeals for the ninth circuit. Decree affirmed in all respects as to the Southern Pacific Railroad Company as well as to the trustees in the

mortgage executed by that company, and also as to the other defendants, subject, however, to the right of the United States to proceed in the circuit court to a final decree as to those defendants. Opinion by Mr. Justice Harlan.

The Chief Justice announced the following orders of the court:

No. 108 of 1896.—The City of New Orleans et al., appellants, *v.* The Citizens' Bank of New Orleans. Order staying entry of judgment and issue of mandate vacated.

No. 157.—Henry C. King, plaintiff in error, *v.* M. B. Mullins et al. Order of submission set aside and cause restored to the docket for oral argument before a full bench.

No. 269.—The Village of Norwood, appellant, *v.* Ellen R. Baker. Motion to advance denied.

No. 275.—The California National Bank of San Francisco, plaintiff in error, *v.* Richard P. Thomas; and

No. 276.—The California National Bank of San Francisco et al., plaintiffs in error, *v.* T. K. Stateler et al. Motions to dismiss postponed to the hearing on the merits.

No. 323.—The Capital National Bank of Lincoln, Nebr., et al., plaintiffs in error, *v.* The Coldwater National Bank of Coldwater, Mich. Motions to dismiss or affirm postponed to the hearing on the merits.

No. 371.—Thomas F. Pickham, petitioner, *v.* The Wheeler-Bliss Manufacturing Company. Petition for writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 374.—Henry C. King, petitioner, *v.* Julius C. Williamson et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit granted.

No. 380.—American Grocery Company, petitioner, *v.* Alexis Godelot, jr. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 382.—National Accident Society, petitioner, *v.* Fannie Spiro. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. —, Original.—*Ex parte*: In the matter of The Board of Supervisors of Presque Isle County, petitioner. Motion for leave to file petition for a writ of mandamus denied.

No. 145.—William A. Clark, plaintiff in error, *v.* William F. Fitzgerald et al. Motions to dismiss or affirm postponed to the hearing on the merits.

No. 155.—The Union Mutual Life Insurance Company, plaintiff in error, *v.* Elizabeth Kirchoff. Motions to dismiss or affirm postponed to the hearing on the merits.

No. 244.—E. M. Galvin et al., plaintiffs in error, *v.* E. F. Palmer. Motion to dismiss denied for want of a printed record.

No. 312.—William R. Hall, plaintiff in error, *v.* The United States. Motion to advance granted, and cause assigned for argument on the 1st day of November next.

No. 359.—Charles W. Nordstrom, appellant, *v.* William H. Moyer, sheriff, etc., et al. Motion for leave to proceed *informa pauperis* denied.

No. 376.—Elizabeth Nobles, by her next friend, W. W. Baughn, plaintiff in error, *v.* The State of Georgia. Motion to advance granted, and cause assigned for argument on the 8th day of November next.

No. 406.—The Houston and Texas Central Railway Company et al., plaintiffs in error, *v.* The State of Texas; and

No. 421.—The Galveston, Harrisburg and San Antonio Railway Company et al., plaintiffs in error, *v.* The State of Texas. Motions to advance granted, and cases assigned for argument as one case on the 3d day of January next after the cases already set down for that day.

No. 408.—The Continental Trust Company, of New York, trustee, petitioner, *v.* The American Surety Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 415.—Benjamin Hawker, plaintiff in error, *v.* The People of the State of New York. Motion to advance granted, and cause assigned for argument on the 8th day of November next, after the cases already set down for that day.

No. 429.—W. H. T. Durrant, appellant, *v.* W. E. Hale, warden, etc. Motion to advance granted, and cause assigned for argument on the 15th day of November next.

No. 425.—Josephine C. Drake et al., executors, etc., plaintiffs in error, *v.* Daniel H. Kochersperger, county treasurer, etc.;

No. 463.—Elizabeth E. Sawyer et al., executors, etc., plaintiffs in error, *v.* Daniel H. Kochersperger, county treasurer, etc.; and

No. 464.—Jessie Norton Torrence Magoun, appellant, *v.* Illinois Trust and Savings Bank, executor, etc., et al. Motions to advance granted, and cases assigned for argument as one case on the 10th day of January next.

No. 468.—James C. Neely et al., petitioners, *v.* Isidore Newman, sr. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 469.—Frank H. Pierce, petitioner, *v.* The Tennessee Coal, Iron and Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit granted.

No. 473.—The Aultman and Taylor Company, petitioner, *v.* Frederick J. Lyne. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 474.—The Board of County Commissioners of the County of Lake, Colorado, petitioner, *v.* Harvey H. Dudley; and

No. 475.—The Board of County Commissioners of the County of Gunnison, Colorado, petitioner, *v.* E. H. Rollins & Sons. Petitions for writs of certiorari to the United States circuit court of appeals for the eighth circuit granted.

No. 13.—James S. Valk, survivor, etc., appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed on the authority of *Marks v. United States*, 161 U. S., 297, and *Leighton v. United States*, 161 U. S., 291.

No. 270.—Willis Thorp, plaintiff in error, *v.* S. A. Bonfield et al. On a certificate from the United States circuit court of appeals for the ninth circuit. The question whether the United States circuit court of appeals for the ninth circuit has jurisdiction of the case answered in the negative, on the authority of *Aztec Mining Company v. Ripley*, 151 U. S., 79, and *Steamer Coquitlan v. United States*, 163 U. S., 346.

No. 5, Original.—The United States, complainant, *v.* The State of Texas. Leave to withdraw certain exhibits granted on motion of Mr. Solicitor-General Richards for the complainant.

No. 164.—William P. Craighill et al., appellants, *v.* Avarilla Lambert et al. Suggestion that William P. Craighill and Charles F. Powell are no longer members of the commission to select the lands for Rock Creek Park, and appearance of John M. Wilson and William M. Black, their successors. Filed and entered on motion of Mr. Solicitor-General Richards for the appellants.

No. 405.—The United States and The Comanche Indians, appellants, *v.* Simeon Kemp. Motion to advance submitted by Mr. Solicitor-General Richards for the appellants.

No. 379.—L. H. Hyer, petitioner, *v.* Richmond Traction Company et al. Submitted by Mr. Robert Stiles and Mr. A. L. Halladay for the petitioner, and by Mr. W. W. Henry and Mr. Edmund Randolph Williams for the respondents.

No. 481.—The J. J. Warren Company, petitioner, *v.* Harry M. Rosenblatt. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Samuel T. Fisher in support of petition.

No. 482.—George L. Whitman, petitioner, *v.* The National Bank of Oxford. Petition for a writ of certiorari to the United States circuit

court of appeals for the second circuit submitted by Mr. William G. Wilson and Mr. Joseph H. Choate in support of petition, and by Mr. William B. Hornblower and Mr. H. A. Taylor in opposition thereto.

No. 477.—The Rocker Spring Company, petitioner, *v.* George A. Thomas. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Ephraim Banning and Mr. Thomas A. Banning in support of petition.

No. 106.—The New York Indians, appellants, *v.* The United States. Reassigned for argument on the 3d day of January next, after the cases already set down for that day, on motion of Mr. Guion Miller for the appellants.

No. 78.—J. B. Cessna et al., appellants, *v.* The United States et al. Assigned for argument on the 3d of January next, after the cases already set down for that day, on motion of Mr. A. B. Browne in behalf of counsel for appellants.

No. —, Original.—*Ex parte*: In the matter of The Tampa Suburban Railroad Company, petitioner. Motion for leave to file petition for a writ of certiorari submitted by Mr. Thomas Mitchell Shackelford and Mr. Noah Brooks Kent Pettingill for the petitioner.

No. 451.—The Lackawanna Iron and Coal Company et al., petitioners, *v.* The Farmers' Loan and Trust Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit. Submitted by Mr. J. Hubley Ashton, Mr. E. H. Farrar, Mr. B. F. Jonas, and Mr. E. B. Kruttschnitt in support of the petition, and by Mr. L. W. Campbell in opposition thereto.

No. 485.—William Roemer, petitioner, *v.* T. B. Peddie & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit. Submitted by Mr. William Roemer, *pro se*, by special leave.

No. 383.—Edward M. Willis et al., etc., petitioners, *v.* The Eastern Trust and Banking Company. Submitted by Mr. Calderon Carlisle and Mr. William G. Johnson for petitioners, and by Mr. B. F. Leighton for the respondent.

No. 303.—The United States, appellant, *v.* Daniel Van Iderstine; and

No. 334.—The United States, appellant, *v.* William F. Ingram. Motions to advance submitted by Mr. Harvey Spalding for the appellees.

No. 430.—The Central Loan and Trust Company, plaintiff in error and appellant, *v.* The Campbell Commission Company. Motion to dismiss submitted by Mr. J. W. Shartel and Mr. Henry E. Asp in support of motion, and by Mr. William D. Williams in opposition thereto.

No. 402.—James T. Simms, appellant, *v.* Hannah T. Simms. Motion to dismiss submitted by Mr. William H. Barnes in support of motion, and by Mr. A. H. Garland and Mr. R. C. Garland in opposition thereto.

No. 55.—A. Backus, jr., & Sons et al., plaintiffs in error, *v.* The Fort Street Union Depot Company. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. John G. Carlisle in behalf of counsel for plaintiffs in error.

No. 104.—The Pittsburgh, Cincinnati, Chicago and St. Louis Railway Company, appellant, *v.* The Board of Public Works of the State of West Virginia. Reassigned for argument on the 3d day of January next, after the cases already set down for that day.

No. 150.—Lowry W. Humes, plaintiff in error, *v.* The United States. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. Assistant Attorney-General Boyd for the defendant in error.

No. 340.—Thomas Bram, plaintiff in error, *v.* The United States. One hour additional time allowed the plaintiff in error in the argument, on motion of Mr. James E. Cotter for the plaintiff in error. Argument commenced by Mr. Asa P. French for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 19, will be as follows: Nos. 340, 48, 52, 56, 261 (and 264), 266 (and 267), 287 (and 439), 268, 353 and 36.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 19, 1897.

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

Albert H. Washburn, of Boston, Mass., was admitted to practice.

No. 119.—William Faxon, jr., trustee, et al., appellants, *v.* The United States et al. Assigned for argument on the 3d day of January next, after the cases already set down for that day, on motion of Mr. Solicitor-General Richards for the appellees.

No. 268.—The Missouri, Kansas and Texas Railway Company, plaintiff in error, *v.* Charles Haber et al. Reassigned for argument on the 3d day of January next, after the cases already set down for that day.

No. 340.—Thomas Bram, plaintiff in error, *v.* The United States. Argument continued by Mr. Assistant Attorney-General Boyd for the defendant in error, and concluded by Mr. James E. Cotter for the plaintiff in error.

No. 48.—Rafael Maria Del Castillo, plaintiff in error, *v.* Walter L. McConnico et al. Argument commenced by Mr. William Winan Walls for the plaintiff in error, and continued by Mr. J. Zach Spearing for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 20, will be as follows: Nos. 48, 52, 56, 261 (and 264), 266 (and 267), 287 (and 439), 353, 36, 57 and 58.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 20, 1897.

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

S. D. Rouse, of Covington, Ky., and Allen R. English, of Tombstone, Ariz., were admitted to practice.

No. 479.—J. C. Anderson et al., appellants, *v.* The United States. Motion to require entire record to be sent up. Submitted by Mr. R. E. Ball for the appellants.

No. 58.—Mary A. Kittenring et al., plaintiffs in error, *v.* The United States. Confession of error. Submitted by Mr. Assistant Attorney-General Boyd for the defendant in error.

No. 48.—Rafael Maria del Castello, plaintiff in error, *v.* Walter L. McConnico et al. Argument continued by Mr. J. Zach Spearing for the defendants in error, and concluded by Mr. William Winans Wall for the plaintiff in error.

No. 52.—Peter Defer, plaintiff in error, *v.* Marie Rose Demay et al. Argued by Mr. George William Moore for the plaintiff in error, and submitted by Mr. George Gartner for the defendants in error.

No. 56.—Richard H. Fletcher, plaintiff in error, *v.* The Baltimore and Potomac Railroad Company. Argument commenced by Mr. Franklin H. Mackey for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 21, will be as follows: Nos. 56, 261 (and 264), 266 (and 267), 287 (and 439), 353, 36, 57, 59, 60 and 61.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 21, 1897.

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

John H. Hall, of Portland, Oreg., was admitted to practice.

No. 56.—Richard H. Fletcher, plaintiff in error, *v.* The Baltimore and Potomac Railroad Company. Argument continued by Mr. William Henry Dennis for the defendant in error, and concluded by Mr. Franklin H. Mackey for the plaintiff in error.

No. 261 and No. 264.—Albert F. Holden, plaintiff in error, *v.* Harvy Hardy, sheriff, etc. Argued by Mr. J. M. Wilson for the plaintiff in error, and by Mr. Charles J. Pence for the defendant in error.

No. 266 and No. 267.—Richard S. Williams, plaintiff in error, *v.* The United States. Passed until Monday.

No. 287.—A. M. Thomas et al., appellants, *v.* Gay & Reed et al.; and

No. 439.—D. P. Gay et al., appellants, *v.* A. M. Thomas et al. Two counsel allowed to be heard for Gay et al., on motion of Mr. Henry E. Asp, of counsel. Argument commenced by Mr. Henry E. Asp for Gay et al., and continued by Mr. J. W. Shartel for Gay et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 22, will be as follows: Nos. 287 (and 439), 353, 36, 57, 59, 60, 61 (and 62, 63, 64 and 65), 66 (and 67), 68 and 69.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 22, 1897.

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

Philip Williams Avirett, of Raleigh, N. C., was admitted to practice.

No. 68.—Ira Carley et al., plaintiffs in error, *v.* Roland C. Gitchell et al. In error to the supreme court of the State of Michigan. Dismissed with costs, pursuant to the tenth rule.

No. 287.—A. M. Thomas et al., appellants, *v.* Gay & Reed et al., and

No. 439.—D. P. Gay et al., appellants, *v.* A. M. Thomas et al. Argument concluded by Mr. John W. Shartel for Gay et al., and cause submitted by Mr. J. F. King for Thomas et al., with leave to Mr. H. S. Cunningham to file brief in behalf of the Territory of Oklahoma within twenty days, and to counsel for Gay et al. to file reply thereto within ten days thereafter.

No. 353.—The Barrow Steamship Company, plaintiff in error, *v.* Michael Kane. Argued by Mr. Esek Cowen for the plaintiff in error, and by Mr. F. K. Pendleton for the defendant in error.

No. 36.—George F. Underhill, plaintiff in error, *v.* José Manuel Hernandez. Argument commenced by Mr. Walter S. Logan for the plaintiff in error, and continued by Mr. Frederic R. Coudert, jr., for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 25, will be as follows: Nos. 36, 57, 266 (and 267), 59, 60, 61 (and 62, 63, 64 and 65), 66 (and 67), 69, 70 and 72.

SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 25, 1897.

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

Rufus H. Baker, of Toledo, Ohio; Julius R. Kline, of Chicago, Ill.; William C. Wells, of Salt Lake City, Utah, and Oscar W. Streeter, of West Superior, Wis., were admitted to practice.

No. 35.—The United States, appellant, *v.* Simon Goldenberg et al. On a certificate from the United States circuit court of appeals for the second circuit. Question certified answered in the negative. Opinion by Mr. Justice Brewer.

No. 39.—William W. Brauer et al., appellants, *v.* Compania De Navi-gacion La Flecha. On a writ of certiorari to the United States circuit court of appeals for the second circuit. Decree affirmed with costs and cause remanded to the district court of the United States for the southern district of New York. Opinion by Mr. Justice Gray. (Announced by Mr. Chief Justice Fuller.)

No. 466.—Henry Craemer, appellant, *v.* The State of Washington et al. Appeal from the circuit court of the United States for the district of Washington. Order affirmed with costs. Opinion by Mr. Chief Justice Fuller.

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

No. 381.—Thomas M. Adams et al., administrators, etc., petitioners, *v.* Benjamin R. Cowen et al., trustees. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit granted.

No. 460.—Augustus E. Rondot, petitioner, *v.* The Township of Rogers. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 303.—The United States, appellant, *v.* Daniel Van Iderstine; and

No. 334.—The United States, appellant, *v.* William F. Ingram. Motions to advance denied.

No. 402.—James T. Simms, appellant, *v.* Hannah T. Simms. Motion to dismiss postponed to the hearing on the merits.

No. 405.—The United States and the Comanche Indians, appellants, *v. Simeon Kemp*. Motion to advance granted and cause assigned for argument on the 6th day of December next after the case already set down for that day.

No. 430.—The Central Loan and Trust Company, plaintiff in error and appellant, *v. The Campbell Commission Company*. Motion to dismiss postponed to the hearing on the merits.

No. 451.—The Lackawanna Iron and Coal Company et al., petitioners, *v. The Farmers' Loan and Trust Company et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit granted.

No. 477.—The Rocker Spring Company, petitioner, *v. George A. Thomas*. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 481.—The J. J. Warren Company, petitioner, *v. Harry M. Rosenblatt*. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 482.—George L. Whitman, petitioner, *v. The National Bank of Oxford*. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 485.—William Roemer, petitioner, *v. T. B. Peddie & Co.* Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. —, Original.—*Ex parte*: In the matter of The Tampa Suburban Railroad Company, petitioner. Rule to show cause why leave to file petition for a writ of certiorari should not be granted awarded, returnable on the 29th day of November next.

No. 479.—J. C. Anderson et al., appellants, *v. The United States*. Writ of certiorari to bring up the entire record granted.

No. 58.—Mary A. Kettenring et al., plaintiffs in error, *v. The United States*. In error to the circuit court of the United States for the western district of Arkansas. Judgment reversed upon confession of error by counsel for the defendant in error and cause remanded for further proceedings in conformity to law.

No. 34.—A. B. Roff, plaintiff in error, *v. Louisa Burney, as administratrix, etc.* Writ of certiorari ordered to issue to bring up Exhibits A and B attached to the amended complaint in the court below.

No. 52.—Peter Defer, plaintiff in error, *v. Marie Rose De May et al.* In error to the supreme court of the State of Michigan. Dismissed for the want of jurisdiction on the authority of *Railway Company v. Simmons*, 123 U. S., 52; *McGourkey v. Railway Company*, 146 U. S., 536, and cases cited.

No. 105.—The United States, appellant, *v.* The Commissioners of the Sinking Fund of the City of Louisville et al. Passed to be heard with No. 167 as one case, on motion of Mr. Solicitor-General Richards for the appellant.

No. 401.—The United States, plaintiff in error, *v.* Walter S. Harsha. Motion to advance submitted by Mr. Solicitor-General Richards for the plaintiff in error.

No. 79.—The Franklin Sugar Refining Company, appellant, *v.* The Steamship *Silvia*, etc.; and

No. 83.—Climaco Calderon, appellant, *v.* The Atlas Steamship Company, Limited. Assigned for argument on the 3d of January next after No. 45, and leave granted counsel for appellee in No. 83 to file briefs in Nos. 45 and 79, on motion of Mr. Everett P. Wheeler, of counsel.

No. 483.—W. W. Crossley, master, etc., petitioner, *v.* George Taylor, master, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit. Submitted by Mr. Floyd Hughes in support of petition, and by Mr. Robert M. Hughes in opposition thereto.

No. 492.—John W. Hall, owner, etc., et al., petitioners, *v.* The Steamship *Alene*, her engines, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit. Submitted by Mr. George Bethune Adams in support of petition, and by Mr. Everett P. Wheeler in opposition thereto.

No. 285.—Annie E. Barbour, plaintiff in error, *v.* David Moore et al. In error to the court of appeals of the District of Columbia. Dismissed with costs per stipulation on motion of Mr. A. S. Worthington for the defendants in error. Mandate granted.

No. 427.—The Highland Avenue and Belt Railroad Company, appellant, *v.* Columbia Equipment Company. Motion to advance submitted by Mr. Samuel A. Putnam and Mr. A. T. Loudon for the appellant, in support of motion, and by Mr. Henry D. Hotchkiss for the appellee in opposition thereto.

No. 253.—The Charleston and South Side Bridge Company, plaintiff in error, *v.* The State of West Virginia et al. Motion to dismiss submitted by Mr. W. S. Laidley in support of the motion, and by Mr. Malcolm Jackson in opposition thereto.

No. 148.—Virginia A. Grafton, executrix, etc., appellant, *v.* Halbert E. Paine. Motion to dismiss submitted by Mr. Walter D. Davidge and Mr. C. A. Brandenburg in support of motion, and by Mr. J. M. Wilson and Mr. L. E. Payson in opposition thereto.

No. 92.—J. W. Bull, appellant, *v.* Charles E. Dickerman et al. Appeal from the circuit court of the United States for the district of Minnesota. Dismissed with costs, pursuant to the tenth rule.

No. 36.—George F. Underhill, plaintiff in error, *v.* Jose Manuel Hernandez. Argument continued by Mr. Frederic R. Coudert, jr., for the defendant in error, and concluded by Mr. Walter S. Logan for the plaintiff in error.

No. 57.—The Michigan Land and Lumber Company, Limited, plaintiff in error, *v.* Charles A. Rust, survivor, etc. Argument commenced by Mr. F. E. Robson for the plaintiff in error, and continued by Mr. Benton Hanchett for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 26, will be as follows: Nos. 57, 266 (and 267), 59, 60, 61 (and 62, 63, 64 and 65), 66 (and 67), 69, 70, 73 and 76.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 26, 1897.

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

Donald McLean, of New York City; C. N. Sterry, of Los Angeles, Cal., and Fleming G. Du Bignon, of Savannah, Ga., were admitted to practice.

No. 296.—The United States, appellant, *v.* Edgar M. Wilson, administrator, etc. Submitted pursuant to the twentieth rule by Mr. Attorney-General and Mr. Felix A. Brannigan for the appellant, and by Mr. John S. Mosby for the appellee.

No. 57.—The Michigan Land and Lumber Company, Limited, plaintiff in error, *v.* Charles A. Rust, survivor, etc. Argument continued by Mr. Ashley Pond for the defendant in error, and concluded by Mr. A. B. Browne for the plaintiff in error.

No. 59.—Margaret A. Muse et al., plaintiffs in error, *v.* The Arlington Hotel Company. Argument commenced by Mr. John G. Carlisle for the plaintiffs in error, and continued by Mr. G. B. Rose for the defendant in error, and by Mr. John G. Carlisle for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 27, will be as follows: Nos. 59, 266 (and 267), 60, 61 (and 62, 63, 64 and 65), 66 (and 67), 69, 70, 73, 76 and 74.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 27, 1897.

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

No. 74.—Louise J. Purdy et al., appellants, *v.* The United States. Appeal from the Court of Private Land Claims. Dismissed pursuant to the tenth rule.

No. 59.—Margaret A. Muse et al., plaintiffs in error, *v.* The Arlington Hotel Company. Argument concluded by Mr. John G. Carlisle for the plaintiffs in error.

Nos. 266 and 267.—Richard S. Williams, plaintiff in error, *v.* The United States. Argued by Mr. George D. Collins for the plaintiff in error, and by Mr. Assistant Attorney-General Boyd for the defendant in error.

No. 60.—Robert S. Reaves, plaintiff in error and appellant, *v.* James E. Oliver. Submitted by Mr. Frank B. Crosthwaite for the plaintiff in error and appellant. No brief filed for defendant in error and appellee.

No. 61.—The Southern Express Company, plaintiff in error *v.* The Commonwealth of Virginia, at the relation of John Buford;

No. 62.—The Southern Express Company, plaintiff in error, *v.* The Commonwealth of Virginia, at the relation of Edmund Pendleton;

No. 63.—The Southern Express Company, plaintiff in error, *v.* The Commonwealth of Virginia, at the relation of M. G. McColgan;

No. 64.—The Southern Express Company, plaintiff in error, *v.* The Commonwealth of Virginia, at the relation of J. W. McGavock; and

No. 65.—The Southern Express Company, plaintiff in error, *v.* The Commonwealth of Virginia, at the relation of James A. Walker. Argued by Mr. F. S. Blair for the plaintiff in error, and by Mr. James A. Walker for the defendants in error.

No. 66.—The Canton Insurance Company, Limited, et al., appellants, *v.* John MacIntyre, jr., et al., claimants, et al.; and

No. 67.—John MacIntyre, jr., et al., claimants, et al., appellants, *v.* The Canton Insurance Company, Limited, et al. Two hours' additional time allowed in the argument of these cases, on motion of Mr. J. Parker Kerlin, of counsel.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 28, will be as follows: Nos. 66 (and 67), 69, 70, 73, 76, 77, 80, 81, 82 and 84.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 28, 1897.

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

No. 81.—James Addison Peraltareavis, appellant, *v.* The United States. Appeal from the supreme court of the Territory of New Mexico. Dismissed pursuant to the tenth rule.

No. 66.—The Canton Insurance Company, Limited, et al., appellants, *v.* John MacIntyre, jr., et al., claimants, et al.; and

No. 67.—John MacIntyre, jr., et al., claimants, et al., appellants, *v.* The Canton Insurance Company, Limited, et al. Argument commenced by Mr. J. Parker Kirlin for the claimant of the steamship Plymothian, and continued by Mr. Robert M. Hughes for the claimants of the steamship Victory, and by Mr. Wilhelmus Mynderse for the Canton Insurance Company, Limited.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 29, will be as follows: Nos. 66 (and 67), 69, 70, 73, 76, 77, 80, 82, 84 and 85.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 29, 1897.

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

Thomas F. O'Hair, of Wheaton, Minn., was admitted to practice.

No. 376.—Elizabeth Nobles, by her next friend, W. W. Baughn, plaintiff in error, *v.* The State of Georgia. Motion for leave to proceed in forma pauperis and that record be printed at public expense. Submitted by Mr. W. C. Glenn for the plaintiff in error.

No. 66.—The Canton Insurance Company, Limited, et al., appellants, *v.* John MacIntyre, jr., et al., claimants, et al.; and

No. 67.—John MacIntyre, jr., et al., claimants, et al., appellants, *v.* The Canton Insurance Company, Limited, et al. Argument continued by Mr. Wilhelmus Mynderse for the Canton Insurance Company, Limited, by Mr. Robert M. Hughes for the claimants of the steamship Victory, and concluded by Mr. Floyd Hughes for the claimants of the steamship Plymothian.

No. 69.—The Savings and Loan Society, appellant, *v.* Multnomah County, State of Oregon, et al. Argued by Mr. Milton W. Smith for the appellant, and by Mr. John H. Hall for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 1, will be as follows: Nos. 70, 73, 76, 77, 80, 82, 84, 85, 312 and 86 (and 87, 88 and 17).

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SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 1, 1897.

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

H. A. Peckham, of Albany, N. Y.; Hy. Kyd Douglas, of Hagerstown, Md., and Walter F. Rogers, of Washington, D. C., were admitted to practice.

No. 56.—Richard H. Fletcher, plaintiff in error, *v.* The Baltimore and Potomac Railroad Company. In error to the court of appeals of the District of Columbia. Judgment reversed with costs and cause remanded to the said court of appeals, with directions to reverse the judgment of the supreme court of the District of Columbia, and to remand the case to that court, with directions to grant a new trial. Opinion by Mr. Justice Peckham.

No. 18.—Lewis Miller, plaintiff in error, *v.* The Cornwall Railroad Company. In error to the supreme court of the State of Pennsylvania. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

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

No. 376.—Elizabeth Nobles, by her next friend, W. W. Baughn, plaintiff in error, *v.* The State of Georgia. Motion for leave to proceed in forma pauperis and that record be printed at public expense granted.

No. 401.—The United States, plaintiff in error, *v.* Walter S. Harsha. Motion to advance granted and cause advanced as under the thirty-second rule. To be submitted on printed briefs.

No. 427.—The Highland Avenue and Belt Railroad Company, appellant, *v.* Columbia Equipment Company. Motion to advance granted and cause advanced as under the thirty-second rule. To be submitted on printed briefs.

No. 483.—W. W. Crossley, master, etc., petitioner, *v.* George Taylor, master, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 492.—John W. Hall, owner, etc., et al., petitioners, *v.* The Steamship Alene, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 148.—Virginia A. Grafton, executrix, etc., appellant, *v.* Halbert E. Paine. Appeal from the court of appeals of the District of Columbia. Dismissed for the want of jurisdiction on the authority of *Davis v. Crouch*, 94 U. S., 514; *Lodge v. Twell*, 135 U. S., 232, and *McGourkey v. Toledo and Ohio Railway Company*, 146 U. S., 536.

No. 253.—The Charleston and South Side Bridge Company, plaintiff in error, *v.* The State of West Virginia et al. In error to the supreme court of appeals of the State of West Virginia. Dismissed for the want of jurisdiction on the authority of *Morrison v. Watson*, 154 U. S., 111; *Miller v. Cornwall Railroad Company*, just decided, and cases cited.

No. 60.—Robert S. Reaves, plaintiff in error and appellant, *v.* James E. Oliver. In error to and appeal from the supreme court of the Territory of Oklahoma. Dismissed for the want of jurisdiction, because the order or decree sought to be reviewed was interlocutory and not final on the authority of acts September 24, 1789, chapter 20, sections 13, 22, Stat. 81, 84; March 3, 1803, chapter 40, 2 Stat., 244; Rev. Stat., sections 691, 692; act March 3, 1891, chapter 517, 26 Stat., 826; *Forgay v. Conrad*, 6 How., 201, 205; *McLish v. Roff*, 141 U. S., 661; *American Construction Company v. Jacksonville Railway Company*, 148 U. S., 373, 378; *Smith v. Vulcan Iron Works*, 165 U. S., 518, 524.

No. 61.—The Southern Express Company, plaintiff in error, *v.* The Commonwealth of Virginia, at the relation of John Buford;

No. 62.—The Southern Express Company, plaintiff in error, *v.* The Commonwealth of Virginia, at the relation of Edmund Pendleton;

No. 63.—The Southern Express Company, plaintiff in error, *v.* The Commonwealth of Virginia, at the relation of M. G. McColgan;

No. 64.—The Southern Express Company, plaintiff in error, *v.* The Commonwealth of Virginia, at the relation of J. W. McGavock; and

No. 65.—The Southern Express Company, plaintiff in error, *v.* The Commonwealth of Virginia, at the relation of James A. Walker. In error to the supreme court of appeals of the State of Virginia. Judgments affirmed with costs and interest, on the authority of *Chicago and Grand Trunk Railway Company v. Wellman*, 143 U. S., 339.

No. 496.—Pullman's Palace Car Company, petitioner, *v.* The Central Transportation Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Edward S. Isham, Mr. Joseph H. Choate and Mr. A. H. Wintersteen in support of petition, and by Mr. John G. Johnson and Mr. Frank P. Prichard in opposition thereto.

No. 489.—Samuel J. Ritchie, petitioner, *v.* James B. McMullen et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit. Submitted by Mr. J. M. Wilson and Mr. Benjamin Butterworth in support of petition.

No. 429.—W. H. T. Durrant, appellant, *v.* W. E. Hale, warden, etc. Motions to dismiss or affirm submitted by Mr. W. F. Fitzgerald and Mr. T. C. Catchings in support of motions, and by Mr. A. L. Hart and Mr. F. P. Dewees in opposition thereto.

No. 470.—George J. Crossley et al., appellants, *v.* The State of California et al.; and

No. 480.—Benjamin L. Hill, appellant, *v.* W. E. Hale, warden, etc. Motions to advance submitted by Mr. W. F. Fitzgerald for the appellees.

No. —.—Harvey Allender, appellant, *v.* W. E. Hale, warden, etc. Motion to docket and dismiss submitted by Mr. W. F. Fitzgerald for the appellee.

No. 493.—The Mercantile Trust Company, petitioner, *v.* The Farmers' Loan and Trust Company, trustee, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. A. B. Browne and Mr. L. F. Parker in support of petition, and by Mr. John W. Noble, Mr. George H. Shields and Mr. George Zabriskie in opposition thereto.

No. 312.—William R. Hall, plaintiff in error, *v.* The United States. Reassigned for argument on the 29th instant on motion of Mr. W. T. S. Curtis in behalf of counsel.

No. 494.—The Western Assurance Company of Toronto, petitioner, *v.* The J. H. Mohlman Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit. Submitted by Mr. Walter F. Rogers and Mr. M. H. Cardozo in support of petition, and by Mr. Treadwell Cleveland in opposition thereto.

No. 190.—The Green Bay and Mississippi Canal Company, plaintiff in error, *v.* The Patten Paper Company, Limited, et al. Motions to dismiss or affirm. Submitted by Mr. John T. Fish, Mr. David S. Ordway and Mr. A. L. Cary in support of motions, and by Mr. E. Mariner and Mr. B. J. Stevens in opposition thereto.

Leave granted to file herein brief and motion filed in the supreme court of the State of Wisconsin on motion of Mr. J. K. Redington in behalf of counsel for plaintiff in error.

No. 370.—William Woodward Baldwin, guardian, etc., plaintiff in error, *v.* The County Commissioners of Washington County et al. Motion to dismiss. Submitted by Mr. Hy. Kyd Douglas in support of motion, and by Mr. Charles A. Boston in opposition thereto.

No. 86.—George Schallenberger, plaintiff in error, *v.* The Commonwealth of Pennsylvania;

No. 87.—George E. Paul, plaintiff in error, *v.* The Commonwealth of Pennsylvania;

No. 88.—J. Otis Paul, plaintiff in error, *v.* The Commonwealth of Pennsylvania; and

No. 17.—Clarence E. Collins, plaintiff in error, *v.* The State of New Hampshire. Assigned for argument on the 7th day of March next, after the cases already set down for that day, on motion of Mr. Francis K. Cary, in behalf of counsel.

No. 70.—Louis B. Adams et al., appellants, *v.* Hiram H. Henderson et al. Argued by Mr. J. M. Wilson for the appellants, and submitted by Mr. C. C. Richards for the appellees.

No. 73.—The Chicago, Milwaukee and St. Paul Railway Company, plaintiff in error, *v.* Patrick L. Solan. Argued by Mr. George E. Clarke for the plaintiff in error, and by Mr. S. M. Stockslager for the defendant in error.

No. 76.—George P. Wetmore et al., plaintiffs in error, *v.* David Rymer et al. Submitted by Mr. Charles Seymour for the plaintiffs in error. No counsel appeared for the defendants in error.

No. 77.—The United States, appellant, *v.* Frank B. Crosthwaite. Submitted by Mr. Attorney-General for the appellant, and by Mr. John C. Chaney and Mr. J. R. Garrison for the appellee.

No. 80.—William F. Holtzman, plaintiff in error, *v.* William G. Douglass et al. Argued by Mr. A. A. Birney for the plaintiff in error, and by Mr. Job Barnard for the defendants in error.

No. 82.—John W. Warner, administrator, etc., plaintiff in error, *v.* The Baltimore and Ohio Railroad Company. Argument commenced by Mr. Rodolph Claughton for the plaintiff in error, and continued by Mr. George E. Hamilton for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 2, will be as follows: Nos. 82, 84, 85, 89, 90, 91, 92, 93, 94 and 95.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 2, 1897.

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

No. 502.—Harvey Allender, appellant, *v.* W. E. Hale, warden, etc. Appeal from the circuit court of the United States for the northern district of California. Docketed and dismissed with costs.

No. 94.—Elizabeth Wetzel et al., appellants, *v.* The Minnesota Railway Transfer Company et al. Passed subject to the provisions of section 9, rule 26, on motion of Mr. Philip Williams Avirett for the appellants.

No. 82.—John W. Warner, administrator, etc., plaintiff in error, *v.* The Baltimore and Ohio Railroad Company. Argument continued by Mr. George E. Hamilton for the defendant in error, and concluded by Mr. Rodolphe Claughton for the plaintiff in error.

No. 84.—Charles M. Demmison, appellant, *v.* The United States. Argued by Mr. R. R. McMahon for the appellant, and submitted by Mr. Attorney-General for the appellee.

No. 85.—Henry Pratt et al., plaintiffs in error, *v.* Paris Gaslight and Coke Company. Submitted by Mr. John T. Richards for the plaintiffs in error, and by Mr. George Hunt for the defendant in error.

No. 90.—Guadalupe Thompson, administrator, etc., et al., appellants, *v.* The Maxwell Land Grant and Railway Company et al.; and

No. 91.—Charles Bent et al., appellants, *v.* Guadalupe Miranda et al. Argument commenced by Mr. J. G. Carlisle for the appellants, and continued by Mr. Frank Springer for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 3, will be as follows: Nos. 90 (and 91), 89, 92, 93, 95, 96, 97, 98, 100 and 101.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 3, 1897.

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

Charles C. Dey, of Salt Lake City, Utah, was admitted to practice.

No. 98.—The Chicago and Northwestern Railway Company, plaintiff in error, *v.* The Town of Cicero. In error to the supreme court of the State of Illinois. Dismissed with costs, pursuant to the tenth rule.

No. 100.—The Virginia and Alabama Coal Company et al., appellants, *v.* The Central Railroad and Banking Company et al. Passed, subject to the provisions of section 9, rule 26.

No. 90.—Guadalupe Thompson, administratrix, etc., et al., appellants, *v.* The Maxwell Land Grant and Railway Company et al.; and

No. 91.—Charles Bent et al., appellants, *v.* Guadalupe Miranda et al. Argument continued by Mr. Frank Springer and Mr. A. B. Browne for the appellees, and concluded by Mr. John G. Carlisle for the appellants.

No. 95.—Nathaniel T. Bacon, owner, etc., appellant, *v.* The Steamer Poconoket et al. Argument commenced by Mr. Theodore Bacon for the appellant, and continued by Mr. Henry Flanders for the appellees, and by Mr. Theodore Bacon for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 4, will be as follows: Nos. 95, 92, 93, 89, 96, 97, 101, 102, 103 and 107.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 4, 1897.

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

John A. Bradley, of Akron, Ohio; O. L. Sadler, of Akron, Ohio, and Clark C. Wood, of Lansing, Mich., were admitted to practice.

No. 489.—Samuel J. Ritchie, petitioner, *v.* James B. McMullen et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied. Announced by Mr. Chief Justice Fuller.

No. 122.—The St. Paul and Northern Pacific Railroad Company, appellant, *v.* The St. Paul, Minneapolis and Manitoba Railway Company et al. Appeal from the United States circuit court of appeals for the eighth circuit. Decree affirmed with costs by consent of Mr. C. W. Bunn of counsel for the appellant, and cause remanded to the circuit court of the United States for the district of Minnesota.

No. 102.—Robert Warnock, appellant, *v.* Reuben De Witt. Appeal from the supreme court of the Territory of Utah. Dismissed with costs, pursuant to the tenth rule, and cause remanded to the supreme court of the State of Utah.

No. 103.—Daniel Wiley, plaintiff in error, *v.* D. L. Sinkler et al. Passed on account of sickness of counsel, subject to the provisions of section 9, rule 26.

No. 107.—Roman A. Baca, appellant, *v.* The United States. Appeal from the Court of Private Land Claims. Dismissed pursuant to the tenth rule.

No. 95.—Nathaniel T. Bacon, owner, etc., appellant, *v.* The Steamer Poconoket et al. Argument concluded by Mr. Theodore Bacon for the appellant.

No. 284.—The Houston and Texas Central Railroad Company, plaintiff in error, *v.* Martin Strycharski et al. Advanced to be heard with No. 92 as one case, on motion of Mr. Presley K. Ewing for the defendants in error.

No. 92.—The Houston and Texas Central Railroad Company, plaintiff in error, *v.* Georgia A. Bowles et al., and

No. 284.—The Houston and Texas Central Railroad Company, plaintiff in error, *v.* Martin Strycharski et al. Argued by Mr. R. S. Lovett for the plaintiff in error, and by Mr. Presley K. Ewing for the defendants in error in No. 284, and submitted on printed briefs by Mr. H. M. Garwood for the defendants in error in No. 92.

No. 93.—The Northern Pacific Railroad Company, plaintiff in error, *v.* Patrick R. Smith. Argument commenced by Mr. C. W. Bunn for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 5, will be as follows: Nos. 93, 89, 96, 97, 101, 108, 109, 110, 111 and 112.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 5, 1897.

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

Percival S. Menken, of New York City, was admitted to practice.

No. 108.—Roman A. Baca, appellant, *v.* The United States. Appeal from the Court of Private Land Claims. Dismissed pursuant to the tenth rule.

No. 358.—The Chicago and Northwestern Railway Company, plaintiff in error, *v.* The Village of Elmhurst. In error to the supreme court of the State of Illinois. Dismissed with costs on the authority of counsel for the plaintiff in error.

No. 93.—The Northern Pacific Railroad Company, plaintiff in error, *v.* Patrick R. Smith. Argument continued by Mr. C. W. Bunn for the plaintiff in error, and concluded by Mr. Hiram F. Stevens for the defendant in error.

No. 89. The Springer Land Association et al., appellants, *v.* Patrick P. Ford. Argument commenced by Mr. Frank Springer for the appellants, and continued by Mr. Joel F. Vaile for the appellee, and by Mr. Frank Springer for the appellants.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 8, will be as follows: Nos. 89, 96, 97, 101, 109, 110, 111, 112, 376 and 415.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 8, 1897.

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

William D. Gordon, of Midland, Mich., and Edward M. Allison, jr., of Ogden City, Utah, were admitted to practice.

No. 203.—The Interstate Commerce Commission, appellant, *v.* The Alabama Midland Railway Company et al. Appeal from the United States circuit court of appeals for the fifth circuit. Decree affirmed with costs and cause remanded to the circuit court of the United States for the middle district of Alabama. Opinion by Mr. Justice Shiras. Dissenting, Mr. Justice Harlan.

The Chief Justice announced that the court would take a recess from the 15th to the 29th instant. The Chief Justice also announced the following orders of the court:

No. 190.—The Green Bay and Mississippi Canal Company, plaintiff in error, *v.* The Patten Paper Company, Limited, et al. Motions to dismiss or affirm postponed to the hearing on the merits.

No. 470.—George J. Crossley et al., appellants, *v.* The State of California et al., and

No. 480.—Benjamin L. Hill, appellant, *v.* W. E. Hale, warden, etc. Motion to advance granted and cases assigned for argument on the 6th day of December next, after the cases already set down for that day.

No. 493.—The Mercantile Trust Company, petitioner, *v.* The Farmers' Loan and Trust Company, trustee, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 494.—The Western Assurance Company of Toronto, petitioner, *v.* The J. H. Mohlman Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 496.—Pullman's Palace Car Company, petitioner, *v.* The Central Transportation Company. Petition for a writ of certiorari to the United

States circuit court of appeals for the third circuit granted and the cause advanced to be heard before a full bench with No. 141 as one case, with leave to use the record in No. 141 in both cases.

No. 370.—William Woodward Baldwin, guardian, etc., plaintiff in error, *v. The County Commissioners of Washington County et al.* In error to the court of appeals of the State of Maryland. Dismissed for the want of jurisdiction on the authority of *Oxley Stave Company v. Butler County*, 166 U. S., 648; *Eustis v. Bolles*, 150 U. S., 361, and cases cited.

No. 429.—W. H. T. Durrant, appellant, *v. W. E. Hale*, warden, etc. Appeal from the circuit court of the United States for the northern district of California. Final order affirmed, with costs, on the authority of *Hurtado v. California*, 110 U. S., 516; *Nordstrom v. Washington*, 164 U. S., 705; *Craemer v. Washington*, just decided.

No. 92.—The Houston and Texas Central Railroad Company, plaintiff in error, *v. Georgia A. Bowles et al.*, and

No. 284.—The Houston and Texas Central Railroad Company et al., plaintiffs in error, *v. Martin Strycharski et al.* In error to the supreme court of the State of Texas. Judgments affirmed with costs and interest, on the authority of *Pennsylvania Railroad Company v. Jones*, 155 U. S., 333, 350; *Railroad Company v. Brown*, 17 Wall., 445, 450; *Railway Company v. Johnson*, 151 U. S., 81; *Railway Company v. Bloom's Administrator*, 164 U. S., 636.

No. 117.—The United States, appellant, *v. M. Salambier*. Passed subject to the provisions of section 9, rule 26, on motion of Mr. Solicitor-General Richards for the appellant.

No. 120.—Frederick W. Fink et al., appellants, *v. The United States*. Passed subject to the provisions of section 9, rule 26, on motion of Mr. Solicitor-General Richards for the appellee.

No. 498.—La Abra Silver Mining Company, appellant, *v. The United States*. Motion to advance submitted by Mr. Solicitor-General Richards for the appellee.

No. 486.—Charles M. Stewart et al., petitioners, *v. George H. Coffin*, administrator, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit. Submitted by Mr. Eugene P. Carver and Mr. E. E. Blodgett in support of petition, with leave to counsel for respondent to file brief in opposition within two weeks.

No. —.—James P. Merritt et al., appellants, *v. The President and Trustees of Bowdoin College et al.* Motion for leave to use the transcript of record in No. 798 of October term, 1896, on second appeal. Submitted

by Mr. A. B. Browne in support of motion, and by Mr. Thomas H. Hubbard in opposition thereto.

No. 163.—E. J. Peck and Leo Simmons, trustees, plaintiffs in error, *v.* Daniel Birtwell. In error to the court of appeals of the District of Columbia. Dismissed with costs on motion of counsel for the plaintiffs in error.

No. 89.—The Springer Land Association et al., appellants, *v.* Patrick P. Ford. Mr. A. B. Browne stated to the court that counsel for the appellants, Mr. Frank Springer, did not desire to further argue this cause.

No. 96.—Mills H. Beardsley, appellant, *v.* Esther Broom, administratrix, etc. Argued by Mr. Charles C. Dey for the appellant, and by Mr. E. M. Allison, jr., for the appellee.

No. 97.—Thomas W. Stewart, administrator, etc., plaintiff in error, *v.* The Baltimore and Ohio Railroad Company. Argued by Mr. Edwin Sutherland for the plaintiff in error, and by Mr. George E. Hamilton for the defendant in error.

No. 101.—C. G. Blake et al., plaintiffs in error, *v.* Calvin M. McClung et al. Submitted by Mr. Heber J. May and Mr. Tully R. Cornick for the plaintiffs in error, and by Mr. John W. Green, Mr. Charles Seymour, and Mr. H. H. Ingersoll for the defendants in error.

No. 109.—William Holder, plaintiff in error, *v.* Aultman, Miller & Co. Leave granted to attorney-general of Michigan to file brief herein for plaintiff in error within ten days, on motion of Mr. Clark C. Wood for the plaintiff in error. Argument commenced by Mr. Clark C. Wood for the plaintiff in error, and continued by Mr. John A. Bradley for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 9, will be as follows: Nos. 109, 110, 111, 112, 376, 415, 113 (and 497), 114, 115 and 118.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 9, 1897.

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

Robert C. Taylor, of New York City; Marion W. Harris, of Macon, Ga., and Watkins M. Vaughan, of Selma, Ala., were admitted to practice.

No. 118.—Henry C. Rouse, receiver, etc., plaintiff in error, *v. F. O. Harry*. In error to the supreme court of the State of Kansas. Dismissed with costs, pursuant to the tenth rule.

No. 109.—William Holder, plaintiff in error, *v. Aultman, Miller & Co.* Argument continued by Mr. Fred. A. Baker for the defendants in error, and concluded by Mr. Clark C. Wood for the plaintiff in error.

No. 110.—Margaret Hetzel, to the use of Theodore Bacon, trustee, plaintiff in error, *v. The Baltimore and Ohio Railroad Company*. Argued by Mr. Frank W. Hackett and Mr. Walter D. Davidge for the plaintiff in error, and by Mr. George E. Hamilton for the defendant in error.

No. 111.—John W. Schofield, receiver, etc., plaintiff in error, *v. S. M. Folsom*. Argued by Mr. W. B. Childers for the plaintiff in error, and by Mr. Neill B. Field for the defendant in error.

No. 112.—James B. Hawkins, sheriff, etc., appellant, *v. J. W. Watson*. Appeal from the circuit court of the United States for the district of Montana. Dismissed with costs, pursuant to the sixteenth rule, on motion of Mr. Solicitor-General Richards for the appellee.

No. 376.—Elizabeth Nobles, etc., plaintiff in error, *v. The State of Georgia*. Argument commenced by Mr. Marion W. Harris for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 10, will be as follows: Nos. 376, 415, 113 (and 497), 114, 115, 121, 123, 124, 125 and 126.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 10, 1897.

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

Hugh O. Pentecost, of New York City, was admitted to practice.

No. 123.—The Texas and Pacific Railway Company, plaintiff in error, *v.* Robert J. Thompson;

No. 124.—The Texas and Pacific Railway Company, plaintiff in error, *v.* Minnie Juneman;

No. 125.—The Texas and Pacific Railway Company, plaintiff in error, *v.* S. M. Dietz; and

No. 126.—The Texas and Pacific Railway Company, plaintiff in error, *v.* Rosa Elliott, etc., et al. In error to the United States circuit court of appeals for the fifth circuit. Dismissed with costs, pursuant to the tenth rule.

No. 344.—Theodore G. Montague, appellant, *v.* John I. Cox, receiver, etc. Appeal from the United States circuit court of appeals for the sixth circuit. Dismissed per stipulation.

No. 376.—Elizabeth Nobles, etc., plaintiff in error, *v.* The State of Georgia. Argument continued by Mr. Marion W. Harris for the plaintiff in error, by Mr. J. M. Terrell for the defendant in error, and concluded by Mr. Marion W. Harris for the plaintiff in error.

No. 415.—Benjamin Hawker, plaintiff in error, *v.* The People of the State of New York. Argued by Mr. Hugh O. Pentecost for the plaintiff in error, and by Mr. John D. Lindsay for the defendants in error.

No. 113.—George W. Harrison, appellant, *v.* Pedro Perea, administrator, etc.; and

No. 497.—Pedro Perea, administrator, etc., appellant, *v.* George W. Harrison. Argument commenced by Mr. W. B. Childers for Harrison, and continued by Mr. Neill B. Field for Perea, administrator.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 11, will be as follows: Nos. 113 (and 497), 114, 115, 121, 127, 128, 129, 130 (and 131), 133 and 134.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 11, 1897.

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

J. S. H. Frink, of Portsmouth, N. H., and R. H. Whipple, of Ogden, Utah, were admitted to practice.

No. 113.—George W. Harrison, appellant, *v.* Pedro Perea, administrator, etc.; and

No. 497.—Pedro Perea, administrator, etc., appellant, *v.* George W. Harrison. Argument continued by Mr. Neill B. Field for Perea, administrator, and concluded by Mr. W. B. Childers for Harrison.

No. 127 (substituted for No. 114).—Ogden City, appellant, *v.* James C. Armstrong et al. Argued by Mr. R. H. Whipple for the appellant, and by Mr. E. M. Allison, jr., for the appellees.

No. 115.—The Hartford Fire Insurance Company et al., plaintiffs in error, *v.* The Chicago, Milwaukee and St. Paul Railway Company. Argument commenced by Mr. Charles A. Clark for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 12, will be as follows: Nos. 115, 121, 114, 128, 129, 130 (and 131), 133, 134, 135 (and 136, 137 and 138) and 139.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 12, 1897.

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

Charles Flowers, of Detroit, Mich., was admitted to practice.

No. 281.—Francis I. Gowen, sole receiver, etc., plaintiff in error, *v.* William N. Bush. Death of William N. Bush suggested and appearance of Laura B. Bush, administratrix, etc., as defendant in error herein entered on motion of Mr. Joseph M. Hill for defendant in error.

No. 135.—The Steam Tug Resolute, etc., appellant, *v.* George Dowsett;

No. 136.—The Steam Tug Resolute, etc., appellant, *v.* Henry E. Wilson et al.;

No. 137.—The Oregon Central and Eastern Railway Company, claimant, etc., appellant, *v.* R. J. Young et al., and

No. 138.—The Oregon Central and Eastern Railway Company, claimant, etc., appellant, *v.* R. J. Young et al. Submitted by Mr. J. W. Whalley and Mr. William T. Muir for the appellants, and by Mr. L. B. Cox for the appellees.

No. 115.—The Hartford Fire Insurance Company et al., plaintiffs in error, *v.* The Chicago, Milwaukee and St. Paul Railway Company. Argument continued by Mr. Charles A. Clark for the plaintiffs in error, by Mr. Charles B. Keeler and Mr. George R. Peck for the defendant in error, and concluded by Mr. Richard W. Barger for the plaintiffs in error.

Adjourned until Monday next at 12 o'clock.



SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 15, 1897.

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

John Dowell, of Austin, Tex.; E. S. Beach, of Saginaw, Mich., and Henry P. Blair, of Washington, D. C., were admitted to practice.

No. 5.—The Pueblos of Zia, Santa Ana and Jemez, appellants, *v.* The United States et al. Appeal from the Court of Private Land Claims. Decree affirmed. Opinion by Mr. Justice Brown.

No. 6.—Manuel Crespín et al., appellants, *v.* The United States. Appeal from the Court of Private Land Claims. Decree affirmed. Opinion by Mr. Justice Brown.

No. 505.—James P. Merritt et al., appellants, *v.* The President and Trustees of Bowdoin College et al. Motion for leave to use the transcript of record in No. 798 of October term, 1896, on this appeal granted. Announced by Mr. Justice Harlan. (The Chief Justice took no part in the consideration and decision of this motion.)

No. 4.—Amado Chaves et al., appellants, *v.* The United States et al. Appeal from the Court of Private Land Claims. Decree affirmed. Opinion by Mr. Chief Justice Fuller.

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

No. 111.—John W. Schofield, receiver, etc., plaintiff in error, *v.* S. M. Folsom. In error to the supreme court of the Territory of New Mexico. Dismissed for the want of jurisdiction on the authority of *Gregory Consolidated Mining Company v. Starr*, 141 U. S., 222.

No. 498.—La Abra Silver Mining Company, appellant, *v.* The United States. Motion to advance granted and cause assigned for argument on the 7th day of March next after the cases already set down for that day.

No. 431.—The North American Commercial Company, plaintiff in error, *v.* The United States. Motion for a writ of certiorari to bring up the entire record herein and motion to advance submitted by Mr. Solicitor-General Richards for the defendant in error.

No. 467.—The Union Street Railway Company, of Saginaw, Mich., plaintiff in error, *v.* Byron A. Snow. Motion to dismiss submitted by Mr. George W. Weadock in support of motion.

No. 373.—Edwin A. McIntire et al., appellants, *v.* Mary C. Pryor. Motion to require appellants to send up additional record herein submitted by Mr. Franklin H. Mackey in support of motion, and by Mr. Frank T. Browning and Mr. Enoch Totten in opposition thereto.

No. 71.—The Southern Pacific Railroad Company et al., appellants, *v.* The United States. Mandate stayed for thirty days on motion of Mr. J. Hubley Ashton for the appellants.

No. 440.—David L. Hammond et al., plaintiffs in error, *v.* Benjamin Horton. Motions to dismiss or affirm submitted by Mr. John B. Henderson in support of motions, with leave to Mr. H. H. Denison for the plaintiffs in error to file opposition to the consideration of the motions within ten days.

No. 429.—W. H. T. Durrant, appellant, *v.* W. E. Hale, warden, etc. Mandate granted on motion of Mr. W. H. Anderson for the appellee.

No. 504.—The Sioux City Terminal Railroad and Warehouse Company, petitioner, *v.* The Trust Company of North America. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit. Submitted by Mr. A. B. Browne in behalf of Mr. John C. Coombs and Mr. Henry J. Taylor in support of petition, and by Mr. Joseph H. Call in opposition thereto.

No. 507.—James Knott, petitioner, *v.* Botany Worsted Mills et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit. Submitted by Mr. A. B. Browne in behalf of Mr. J. Parker Kirlin in support of petition, and by Mr. Wilhelmus Mynderse in opposition thereto.

No. 144.—John T. Powers, plaintiff in error, *v.* the Chesapeake and Ohio Railway Company. Motion to dismiss submitted by Mr. C. B. Simrall in support of motion, and by Mr. Lawrence Maxwell, jr., and Mr. William Goebel in opposition thereto.

No. 454.—John D. Wilcox, appellant, *v.* The Eastern Oregon Land Company; and

No. 455.—E. I. Messinger, appellant, *v.* The Eastern Oregon Land Company. Submitted, pursuant to the twentieth rule, by Mr. John M. Gearin for the appellants, and by Mr. James K. Kelly for the appellee. Motion to postpone the consideration of these cases until No. 295 has been heard submitted by Mr. Solicitor-General Richards in support of motion, and by Mr. James K. Kelly in opposition thereto.

Adjourned until Monday, November 29, at 12 o'clock.

The day call for Monday, November 29, will be as follows: Nos. 312, 114, 121, 128, 129, 130 (and 131), 133, 134, 139 and 140.

SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 29, 1897.

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

Adolph Bloch, of New York City; Harris Lindsley, of Washington, D. C.; Charlton Reid Beattie, of Thibodaux, La.; John Flournoy Martin, of Birmingham, Ala.; Samuel Smiley Mehard, of Pittsburg, Pa.; Quincy A. Gordon, of Mercer, Pa., and Addison Murray Imbrie, of Pittsburg, Pa., were admitted to practice.

No. 23.—The St. Anthony Falls Water Power Company, plaintiff in error, *v.* The Board of Water Commissioners of the City of St. Paul; and

No. 24.—The Minneapolis Mill Company, plaintiff in error, *v.* The Board of Water Commissioners of the City of St. Paul. In error to the supreme court of the State of Minnesota. Judgments affirmed with costs. Opinion by Mr. Justice Peckham.

No. 80.—William F. Holtzman, plaintiff in error, *v.* William G. Douglass et al. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Peckham.

No. 296.—The United States, appellant, *v.* Edgar M. Wilson, administrator, etc. Appeal from the Court of Claims. Judgment reversed and cause remanded, with directions to dismiss the petition. Opinion by Mr. Justice Peckham.

No. 113.—George W. Harrison, appellant, *v.* Pedro Perea, administrator, etc.; and

No. 497.—Pedro Perea, administrator, etc., appellant, *v.* George W. Harrison. Appeals from the supreme court of the Territory of New Mexico. Decree reversed on the cross-appeal of Perea, all costs in this court to be paid by Harrison, and cause remanded, with directions to enter judgment in conformity with the opinion of this court, with liberty to change the distribution upon application if it shall appear proper. Opinion by Mr. Justice Peckham.

No. 82.—John W. Warner, administrator, etc., plaintiff in error, *v.* The Baltimore and Ohio Railroad Company. In error to the court of appeals of the District of Columbia. Judgment reversed with costs, and cause remanded to the said court of appeals with directions to reverse

the judgment of the supreme court of the District of Columbia, and remand the cause to that court with directions to grant a new trial, and for further proceedings in conformity to law. Opinion by Mr. Justice White. (Mr. Justice Brewer is of the opinion that the plaintiff in error was guilty of contributory negligence.)

No. 376.—Elizabeth Nobles, by her next friend, W. W. Baughn, plaintiff in error, *v.* The State of Georgia. In error to the supreme court of the State of Georgia. Judgment affirmed. Opinion by Mr. Justice White.

No. 40.—Edward E. O'Brien, appellant, *v.* Brice Alan Miller et al. On writ of certiorari to the United States circuit court of appeals for the second circuit. Decree of the United States circuit court of appeals reversed with costs, and the decree of the district court of the United States for the southern district of New York affirmed, and cause remanded to that court. Opinion by Mr. Justice White.

No. 26.—Edward Hodgson, plaintiff in error, *v.* The State of Vermont. In error to the supreme court of the State of Vermont. Judgment affirmed with costs. Opinion by Mr. Justice Shiras.

No. 127.—Ogden City, appellant, *v.* James C. Armstrong et al. Appeal from the supreme court of the Territory of Utah. Decree as to the Realty Company of Kittery affirmed with costs, and as to the other appellees appeal dismissed for want of jurisdiction, and cause remanded to the supreme court of the State of Utah. Opinion by Mr. Justice Shiras.

No. 84.—Charles M. Dennison, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment varied and affirmed. Opinion by Mr. Justice Brown.

No. 85.—Henry Pratt et al., plaintiffs in error, *v.* Paris Gaslight and Coke Company. In error to the supreme court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Brown.

No. 34.—A. B. Roff, plaintiff in error, *v.* Louisa Burney, as administratrix, etc. In error to the United States court for the Indian Territory. Judgment reversed with costs and cause remanded, with directions to overrule the plea to the jurisdiction. Opinion by Mr. Justice Brewer.

No. 11.—Lewis C. Karrick, appellant, *v.* Charles L. Hannaman. Appeal from the supreme court of the Territory of Utah. Dismissed for the want of jurisdiction and cause remanded to the supreme court of the State of Utah. Opinion by Mr. Justice Gray.

No. 12.—Lewis C. Karrick, appellant, *v.* Charles L. Hannaman. Appeal from the supreme court of the Territory of Utah. Decree affirmed with costs and cause remanded to the supreme court of the State of Utah. Opinion by Mr. Justice Gray.

No. 77.—The United States, appellant, *v.* Frank B. Crosthwaite. Appeal from the Court of Claims. Judgment reversed and cause remanded, with directions to dismiss the action. Opinion by Mr. Justice Harlan.

Nos. 266 and 267.—Richard S. Williams, plaintiff in error, *v.* The United States. In error to the district court of the United States for the northern district of California. Judgments reversed and causes remanded, with directions to grant a new trial. Opinion by Mr. Justice Harlan. (Mr. Justice Brewer concurs in the result.)

No. 10.—J. J. Douglas, plaintiff in error, *v.* The Commonwealth of Kentucky. In error to the court of appeals of the State of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 36.—George F. Underhill, plaintiff in error, *v.* Jose Manuel Hernandez. On writ of certiorari to the United States circuit court of appeals for the second circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the eastern district of New York. Opinion by Mr. Chief Justice Fuller.

No. 66.—The Canton Insurance Company, Limited, et al., appellants, *v.* John MacIntyre, jr., et al.; and

No. 67.—John MacIntyre, jr., et al., claimants, etc., appellants, *v.* The Canton Insurance Company, Limited, et al. On writ of certiorari to the United States circuit court of appeal for the fourth circuit. Decree of the United States circuit court of appeals reversed, with a direction to equally divide the costs of that court between the owners of the Victory and the underwriters. Decree of the district court of the United States for the eastern district of Virginia affirmed. Costs in this court for preparing and printing the record to be paid by the owners of the Victory. All other costs in this court to be divided equally between the owners of the Victory and the underwriters, and cause remanded to said district court. Opinion by Mr. Chief Justice Fuller.

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

No. 486.—Charles M. Stewart et al., petitioners, *v.* George H. Coffin, administrator, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 144.—John T. Powers, plaintiff in error, *v.* The Chesapeake and Ohio Railway Company. Motion to dismiss postponed to the hearing on the merits.

No. 373.—Edwin A. McIntire et al., appellants, *v.* Mary C. Pryor. Motion to require appellants to send up additional record granted.

No. 431.—The North American Commercial Company, plaintiff in error, *v.* The United States. Application for writ of certiorari to bring

up the entire record granted and motion to advance also granted, and cause assigned for argument on the 7th day of March next, after the cases already set down for that day.

No. 440.—David L. Hammond et al., plaintiffs in error, *v.* Benjamin Horton. Ten days' time given counsel for the plaintiffs in error to file brief on the merits of the motions to dismiss or affirm.

No. 454.—John D. Wilcox, appellant, *v.* The Eastern Oregon Land Company; and

No. 455.—E. I. Messinger, appellant, *v.* The Eastern Oregon Land Company. The consideration of these cases postponed until No. 295 has been heard, with leave to counsel herein to file briefs in No. 295 if they shall so desire.

No. 96.—Mills H. Beardsley, appellant, *v.* Esther Broom, administratrix, etc. Appeal from the supreme court of the Territory of Utah. Decree affirmed with costs, by a divided court and cause remanded to the supreme court of the State of Utah.

No. 519.—Hipolito Montoya et al., etc., appellants, *v.* The United States et al. Appeal from the Court of Private Land Claims. Docketed and dismissed on motion of Mr. Solicitor-General Richards for the appellees.

No. 220.—N. S. Swenson, plaintiff in error, *v.* Russell Sage, assignee, etc. Order to open depositions herein granted on motion of Mr. Assistant Attorney-General Boyd for the United States.

Nos. 53 and 175.—Charles P. Barrett, plaintiff in error, *v.* The United States. Assigned for argument on the 17th of January next, after the case already set down for that day, on motion of Mr. C. C. Lancaster for the plaintiff in error.

No. 511.—Harry W. Dickerman, trustee, et al., petitioners, *v.* The Northern Trust Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit. Submitted by Mr. Otto Gresham in support of petition, and by Mr. Monroe L. Willard in opposition thereto.

No. 514.—S. W. Vance et al., appellants, *v.* W. A. Vandercook Company; and

No. 515.—S. W. Vance et al., plaintiffs in error, *v.* W. A. Vandercook Company. Motion to advance submitted by Mr. William A. Barber for the appellants and plaintiffs in error.

No. 518.—Stevenson Burke et al., petitioners, *v.* Walter Pierce et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit. Submitted by Mr. Samuel S. Mehard in support of the petition, and by Mr. A. M. Imbrie and Mr. Q. A. Gordon in opposition thereto.

No. 427.—The Highland Avenue and Belt Railroad Company, appellant, *v.* Columbian Equipment Company. Submitted, under the thirty-second rule, by Mr. A. T. London and Mr. S. A. Putman for the appellant, and by Mr. John F. Martin and Mr. H. D. Hotchkiss for the appellee.

No. 140.—Charles E. Summers, assignee, etc., plaintiff in error, *v.* Frank E. White, United States marshal, et al. In error to the United States circuit court of appeals for the eighth circuit. Dismissed with costs, pursuant to the tenth rule.

No. —, Original.—*Ex parte*: In the matter of The Tampa Suburban Railway Company, petitioner. Argued by Mr. Noah Brooks Kent Pettingill for the petitioner, and by Mr. A. H. Joline for the respondent.

No. 312.—William R. Hall, plaintiff in error, *v.* The United States. Argued by Mr. Arthur C. Butts for the plaintiff in error, and by Mr. Assistant Attorney-General Boyd for the defendant in error.

No. 114.—Fannie P. Williams et al., appellants, *v.* John W. Payne et al. Argument commenced by Mr. Franklin H. Mackey for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 30, will be as follows: Nos. 114, 121, 128, 129, 130 (and 131), 133, 134, 139, 142 and 143.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 30, 1897.

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

Thomas E. D. Bradley, of Chicago, Ill., was admitted to practice.

No. 149.—The Tide Water Oil Company, appellant, *v.* The United States. Passed subject to the provisions of section 9, Rule 26, on motion of Mr. Edwin B. Smith for the appellant.

No. 114.—Fannie P. Williams et al., appellants, *v.* John W. Paine et al. Argument continued by Mr. Franklin H. Mackey for the appellants, by Mr. William G. Johnson and Mr. Calderon Carlisle for the appellees, and concluded by Mr. Franklin H. Mackey for the appellants.

No. 121.—The Northern Pacific Railroad Company et al., appellants, *v.* Musser-Sauntry Land, Logging and Manufacturing Company et al. Argument commenced by Mr. C. W. Bunn for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 1, will be as follows: Nos. 121, 128, 129, 130 (and 131), 133, 134, 139, 142, 143 and 144.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 1, 1897.

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

John Nicholson, jr., of Savannah, Ga., was admitted to practice.

No. 149.—The Tidewater Oil Company, appellant, *v.* The United States. Motion for an order on the Court of Claims, directing it to make an additional finding herein. Submitted by Mr. Edwin B. Smith for the appellant.

No. 121.—The Northern Pacific Railroad Company et al., appellants, *v.* Musser-Sauntry Land, Logging, and Manufacturing Company et al. Argument continued by Mr. C. W. Bunn for the appellants, by Mr. Thomas Wilson for the appellees, and concluded by Mr. C. W. Bunn for the appellants.

No. 128.—Emma C. Noyes, plaintiff in error, *v.* The Silver Queen Mining Company. Submitted by Mr. W. H. Doolittle for the plaintiff in error, and by Mr. John H. Miller for the defendant in error.

No. 129.—The United States, appellant, *v.* Frederick S. Passavant et al. Argued by Mr. Solicitor-General Richards for the appellant, and by Mr. Edwin B. Smith for the appellees.

No. 130.—McCormick Harvesting Machine Company, appellant, *v.* C. Aultman & Co. et al.; and

No. 131.—McCormick Harvesting Machine Company, appellant, *v.* Aultman, Miller & Co. Argument commenced by Mr. R. H. Parkinson for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 2, will be as follows: Nos. 130 (and 131), 133, 134, 139, 142, 143, 144, 145, 146 and 147.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 2, 1897.

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

Samuel H. West, of St. Louis, Mo.; Asa F. Call, of Sioux City, Iowa, and Patrick Henry Winston, of Spokane, Wash., were admitted to practice.

No. 523.—John Leonard, appellant, *v.* R. A. Sims, sheriff, etc., et al. Appeal from the circuit court of the United States for the district of Washington. Docketed and dismissed with costs on motion of Mr. Patrick Henry Winston for the appellees.

No. 130.—McCormick Harvesting Machine Company, appellant, *v.* C. Aultman & Co. et al.; and

No. 131.—McCormick Harvesting Machine Company, appellant, *v.* Aultman, Miller & Co. Argument continued by Mr. R. H. Parkinson for the appellant, by Mr. Thomas A. Banning and Mr. Edmund Wetmore for the appellees, and concluded by Mr. R. H. Parkinson for the appellant.

No. 133.—The United States, plaintiff in error, *v.* The Union Pacific Railway Company et al. Argued by Mr. Solicitor-General Richards for the plaintiff in error, and by Mr. John F. Dillon for the defendants in error.

No. 134.—J. B. Shepard, plaintiff in error, *v.* Frank Adams, receiver, etc. Submitted by Mr. T. J. O'Donnell for the plaintiff in error, and by Mr. C. S. Thomas and Mr. W. H. Bryant for the defendant in error.

No. 139.—Edwin H. McHenry et al., receivers, etc., appellants, *v.* Lore Alford et al. Argument commenced by Mr. C. W. Dunn for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 3, will be as follows: Nos. 139, 142, 143, 144, 145, 146, 147, 151 (and 160), 152 and 153.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 3, 1897.

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

No. 149.—The Tidewater Oil Company, appellant, *v.* The United States. Leave granted to file brief in opposition to motion for additional finding within one week, on motion of Mr. Solicitor-General Richards for the appellee.

No. 152.—The Houston and Texas Central Railroad Company, plaintiff in error, *v.* Sallie Smith et al. Passed.

No. 153.—The Texas and Pacific Railway Company, plaintiff in error, *v.* Clara Spradling. In error to the United States circuit court of appeals for the fifth circuit. Dismissed with costs, pursuant to the tenth rule.

No. 139.—Edwin H. McHenry et al., Receivers, etc., appellants, *v.* Love Alford et al. Argument continued by Mr. C. W. Bunn for the appellants, by Mr. Edgar W. Camp for the appellees, and concluded by Mr. C. W. Bunn for the appellants.

No. 142.—A. Howard Ritter, Executor, etc., plaintiff in error, *v.* The Mutual Life Insurance Company of New York. Argument commenced by Mr. Richard C. Dale for the plaintiff in error, and continued by Mr. John G. Johnson for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 6, will be as follows: Nos. 142, 143, 144, 145, 146, 147, 151 (and 160), 164, 405 and 470.



SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 6, 1897.

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

William S. Harbert, of Chicago, Ill.; William E. Harvey, of Washington, D. C.; John R. Smith, of Denver, Colo.; Robert V. Crozier, of Moscow, Idaho; Everett E. Ellenwood, of Flagstaff, Ariz.; Robert B. Smith, of Helena, Mont.; Silas Hare, of Sherman, Tex.; A. Leo Knott, of Baltimore, Md., and Frank H. Hitchcock, of Somerville, Mass., were admitted to practice.

No. 135.—The Steam Tug Resolute, etc., appellants, *v.* George Dowsett;

No. 136.—The Steam Tug Resolute, etc., appellant, *v.* Henry E. Wilson;

No. 137.—The Oregon Central and Eastern Railway Company, claimant, etc., appellant, *v.* R. J. Young et al.; and

No. 138.—The Oregon Central and Eastern Railway Company, claimant, etc., appellant, *v.* R. J. Young et al. Appeals from the district court of the United States for the district of Oregon. Decrees, so far as they assume jurisdiction of these cases, affirmed with costs. Opinion by Mr. Justice Brown.

No. 97.—Thomas W. Stewart, administrator, etc., plaintiff in error, *v.* The Baltimore and Ohio Railroad Company. In error to the court of appeals for the District of Columbia. Judgment reversed with costs and cause remanded to said court of appeals, with directions to reverse the judgment of the supreme court of the District of Columbia, and to remand the case to that court, with directions to grant a new trial. Opinion by Mr. Justice Brewer.

No. 90.—Guadalupe Thompson, administratrix, etc., et al., appellants, *v.* The Maxwell Land Grant and Railway Company et al. Appeal from the supreme court of the Territory of New Mexico. Decree affirmed with costs. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Shiras and Mr. Justice White.

No. 91.—Charles Bent et al., appellants, *v.* Guadalupe Miranda et al. Appeal from the supreme court of the Territory of New Mexico. Decree affirmed with costs. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Shiras and Mr. Justice White.

No. 379.—L. H. Hyer, petitioner, *v.* The Richmond Traction Company et al. On writ of certiorari to the United States circuit court of appeals for the fourth circuit. Remanded to the circuit court of the United States for the eastern district of Virginia, with directions to modify its decree herein so as to make it one dismissing the bill without prejudice to an action at law, the costs in this court to be paid by L. H. Hyer. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Brown and Mr. Justice Peckham.

No. 70.—Louis B. Adams et al., appellants, *v.* Hiram H. Henderson et al. Appeal from the supreme court of the Territory of Utah. Decree affirmed with costs and cause remanded to the supreme court of the State of Utah. Opinion by Mr. Justice Harlan.

No. 59.—Margaret A. Muse et al., plaintiffs in error, *v.* The Arlington Hotel Company. In error to the circuit court of the United States for the eastern district of Arkansas. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice Harlan and Mr. Justice White.

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

No. 504.—The Sioux City Terminal Railroad and Warehouse Company et al., petitioners, *v.* The Trust Company of North America. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit granted.

No. 507.—James Knott, petitioner, *v.* Botany Worsted Mills et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 514.—S. W. Vance et al., appellants, *v.* W. A. Vandercook Company; and

No. 515.—S. W. Vance et al., plaintiffs in error, *v.* W. A. Vandercook Company. Motion to advance granted and cases assigned for argument on the 7th day of March next, after the cases already set down for that day.

No. 518.—Stevenson Burke et al., petitioner, *v.* Walter Pierce et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 467.—The Union Street Railway Company of Saginaw, Mich., plaintiff in error, *v.* Byron A. Snow. In error to the supreme court of the State of Michigan. Dismissed for want of jurisdiction on the

authority of *Henderson Bridge Company v. Henderson City*, 141 U. S., 679; *Lehigh Water Company v. Easton*, 121 U. S., 388; *Sioux City Street Railway Company v. Sioux City*, 138 U. S., 98; *New Orleans City and Lake Railroad Company v. Louisiana*, 157 U. S., 219.

No. 128.—Emma C. Noyes, plaintiff in error, *v. The Silver Queen Mining Company*. On a certificate from the United States circuit court of appeals for the ninth circuit. Question answered in the negative on the authority of *Thorp v. Bonnifield*, decided at this term, and cases cited.

No. 176.—Elias H. Parsons, plaintiff in error, *v. Arthur Pratt*. In error to the supreme court of the State of Utah. Judgment reversed with costs pursuant to stipulation of counsel on motion of Mr. J. L. Rawlins for the plaintiff in error and cause remanded for further proceedings.

No. 192.—Daniel Dull et al., plaintiffs in error, *v. John E. Blackman et al.* Motions to dismiss or affirm submitted by Mr. Winfield S. Strawn in support of motions, and by Mr. A. G. Safford and Mr. Isaac N. Flickinger in opposition thereto.

No. 292.—Martin F. Morris et al., appellants, *v. The United States*. Motion to remit cost of supervising record herein submitted by Mr. Calderon Carlisle for the appellants.

No. 152.—The Houston and Texas Central Railroad Company, plaintiff in error, *v. Sallie Smith and her husband, James Smith*. In error to the court of civil appeals for the third supreme judicial district of Texas. Dismissed with costs per stipulation.

No. 142.—A. Howard Ritter, executor, etc., plaintiff in error, *v. The Mutual Life Insurance Company of New York*. Argument continued by Mr. John G. Johnson for the defendant in error, and concluded by Mr. George Tucker Bispham for the plaintiff in error.

No. 143.—William W. Conde et al., plaintiffs in error, *v. Anson E. York et al.* Argued by Mr. Elon R. Brown for the plaintiffs in error, and by Mr. Henry Purcell for the defendants in error.

No. 144.—John T. Powers, plaintiff in error, *v. The Chesapeake and Ohio Railway Company*. Argument commenced by Mr. Lawrence Maxwell, jr., for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 7, will be as follows: Nos. 144, 145, 146, 147, 151 (and 160), 164, 405, 470, 480 and 100.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 7, 1897.

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

J. H. Rodes, of Sedalia, Mo.; William Henry Knox, of New York City, and N. E. Harris, of Macon, Ga., were admitted to practice.

No. 480.—Benjamin L. Hill, appellant, *v.* W. E. Hale, warden, etc. Appeal from the district court of the United States for the northern district of California. Dismissed with costs, pursuant to the tenth rule.

No. 144.—John T. Powers, plaintiff in error, *v.* The Chesapeake and Ohio Railway Company. Argument continued by Mr. Lawrence Maxwell, jr., for the plaintiff in error, by Mr. C. B. Simrall, for the defendant in error, and concluded by Mr. Lawrence Maxwell, jr., for the plaintiff in error.

No. 145.—William A. Clark, plaintiff in error, *v.* William F. Fitzgerald et al. Argument commenced by Mr. Robert B. Smith for the plaintiff in error, and continued by Mr. J. W. Forbis for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 8, will be as follows: Nos. 145, 146, 147, 151 (and 160), 164, 405, 470, 100, 154 and 155.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 8, 1897.

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

Harrison O. Shepard, of Muscogee, Ind. T., and Milton E. Robinson, of Utica, N. Y., were admitted to practice.

No. 145.—William A. Clark, plaintiff in error, *v.* William F. Fitzgerald et al. Argument continued by Mr. J. W. Forbis for the defendants in error, and concluded by Mr. Robert B. Smith for the plaintiff in error.

No. 146.—The Missouri, Kansas and Texas Railway Company, plaintiff in error, *v.* Orange Fuller, assignee, etc. Argued by Mr. George P. B. Jackson for the plaintiff in error, and by Mr. Harrison O. Shepard for the defendant in error.

No. 147.—The Del Monte Mining and Milling Company, appellant, *v.* The Last Chance Mining and Milling Company. Argument commenced by Mr. Charles S. Thomas for the appellant, and continued by Mr. Joel F. Vaile for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 9, will be as follows: Nos. 147, 151 (and 160), 164, 405, 470, 100, 154, 155, 156 and 158.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 9, 1897.

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

No. —.—Henry Williams, plaintiff in error, *v.* The State of Mississippi. Motion for leave to docket cause without payment of costs and for leave to proceed in forma pauperis submitted by Mr. Cornelius J. Jones for the plaintiff in error.

No. 440.—David L. Hammond et al., plaintiffs in error, *v.* Benjamin Horton. Time within which to file brief herein in opposition to motions to dismiss or affirm extended to Monday, December 20, on motion of Mr. H. H. Denison for the plaintiffs in error.

No. 158.—Building and Loan Association of Dakota, appellant, *v.* M. S. Price et al. Submitted by Mr. J. H. Hauser for the appellant, and by Mr. W. S. Simkins for the appellees.

No. 147.—The Del Monte Mining and Milling Company, appellant, *v.* The Last Chance Mining and Milling Company. Argument continued by Mr. Joel F. Vaile for the appellee, and concluded by Mr. Charles S. Thomas for the appellant.

No. 151.—Ambrose P. S. Stuart, appellant, *v.* Kent K. Hayden, receiver, etc., et al.; and

No. 160.—August T. Gruetter et al., appellants, *v.* Ambrose P. S. Stuart et al. Argument commenced by Mr. C. C. Flansburg for Stuart, and continued by Mr. G. M. Lambertson for Hayden, receiver, etc.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 10, will be as follows: Nos. 151 (and 160), 164, 405, 470, 100, 154, 155, 156, 159 and 161.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 10, 1897.

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

John Fletcher, of Little Rock, Ark., was admitted to practice.

No. 531.—Henry Williams, plaintiff in error, *v.* The State of Mississippi. Motion for leave to docket cause and proceed in forma pauperis, and that the record be printed at public expense; granted. Announced by Mr. Chief Justice Fuller.

No. 151.—Ambrose P. S. Stuart, appellant, *v.* Kent K. Hayden, receiver, etc., et al.; and

No. 160.—August T. Gruetter et al., appellants, *v.* Ambrose P. S. Stuart et al. Argument continued by Mr. G. M. Lambertson for Hayden, receiver, and concluded by Mr. John H. Ames for Gruetter et al.

No. 405.—The United States and The Comanche Indians, appellants, *v.* Simon Kemp. Argument commenced by Assistant Attorney-General Thompson for the appellants and continued by Mr. William B. King for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 13, will be as follows: Nos. 405, 164, 470, 100, 154, 155, 156, 159, 161 and 162.



SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 13, 1897.

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

James Cecil Hooe, of Virginia; Samuel E. Hibben, of Chicago, Ill.; William O. O'Neill, of Prescott, Ariz., and Robert S. Todd, of Owensboro, Ky., were admitted to practice.

No. 340.—Thomas Bram, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the district of Massachusetts. Judgment reversed and cause remanded, with directions to set aside the verdict and to order a new trial. Opinion by Mr. Justice White. Dissenting: Mr. Justice Brewer, Mr. Chief Justice Fuller, and Mr. Justice Brown.

No. 57.—The Michigan Land and Lumber Company, Limited, plaintiff in error, *v.* Charles A. Rust, survivor, etc. In error to the United States circuit court of appeals for the sixth circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the eastern district of Michigan. Opinion by Mr. Justice Brewer.

No. 89.—The Springer Land Association et al., appellants, *v.* Patrick P. Ford. Appeal from the supreme court of the Territory of New Mexico. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 133.—The United States, plaintiff in error, *v.* The Union Pacific Railway Company et al. On a certificate from the United States circuit court of appeals for the eighth circuit. Dismissed. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced that the court would take a recess from Monday, December 20, 1897, to Monday, January 3, 1898.

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

Order.—It is ordered that the following allotment be made of the Chief Justice and associate justices of this court among the circuits,

agreeably to the act of Congress in such case made and provided, and that such allotment be entered of record, viz :

For the first circuit—Horace Gray, associate justice.

For the second circuit—Rufus W. Peckham, associate justice.

For the third circuit—George Shiras, jr., associate justice.

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

For the fifth circuit—Edward D. White, associate justice.

For the sixth circuit—John M. Harlan, associate justice.

For the seventh circuit—Henry B. Brown, associate justice.

For the eighth circuit—David J. Brewer, associate justice.

For the ninth circuit—David J. Brewer, associate justice.

No. 99.—Boyden Power Brake Company et al., appellants, *v.* George Westinghouse, jr., et al. ; and

No. 116.—George Westinghouse, jr., et al., appellants, *v.* Boyden Power Brake Company et al. Restored to the docket for reargument on the 7th day of March next after the cases already set down for that day.

No. 511.—Harry W. Dickerman, trustee, et al., petitioners, *v.* The Northern Trust Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit granted.

No. 149.—The Tide Water Oil Company, appellant, *v.* The United States. Motion for an order on the Court of Claims directing it to make an additional finding herein denied.

No. 192.—Daniel Dull et al., plaintiffs in error, *v.* John E. Blackman et al. Motions to dismiss or affirm postponed to the hearing on the merits.

No. 95.—Nathaniel T. Bacon, owner, etc., appellant, *v.* The Steamer Poconoket et al. On writ of certiorari to the United States circuit court of appeals for the third circuit. Decree affirmed with costs by a divided court and cause remanded to the district court of the United States for the eastern district of Pennsylvania.

No. 292.—M. F. Morris et al., appellants, *v.* The United States. Motion to remit the cost of supervising the printing of the record herein granted.

No. 533.—Henry Hopkins et al., appellants, *v.* The United States. Motion for a writ of certiorari to bring up the entire record herein and motion to advance submitted by Mr. Solicitor-General Richards for the appellee, and by Mr. L. C. Krauthoff for the appellants.

No. 479.—J. C. Anderson et al., appellants, *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Richards for the appellee, and by Mr. L. C. Krauthoff for the appellants.

No. 381.—Thomas M. Adams et al., administrators, etc., petitioners, *v.* Benjamin R. Cowen et al., trustees. Motion to advance submitted by Mr. J. K. Richards in behalf of counsel.

No. 202.—William McQueen, plaintiff in error, *v.* Sarah T. Jones, administratrix, etc. In error to the supreme court of the State of Utah. Judgment reversed with costs per stipulation of counsel on motion of Mr. J. L. Rawlins for the defendant in error, and cause remanded for further proceedings in conformity to law.

No. 501.—Joseph J. Ebanks, appellant, *v.* William E. Hale, warden, etc. Motions to dismiss or affirm submitted by Mr. T. C. Catchings, Mr. W. F. Fitzgerald, and Mr. W. H. Anderson in support of same.

No. 251.—William Richardson, trustee, plaintiff in error, *v.* The Louisville and Nashville Railroad Company et al. Motion to dismiss submitted by Mr. Gregory L. Smith in support of motion, and by Mr. W. A. Blount in opposition thereto.

No. 222.—The Houston and Texas Central Railroad Company et al., plaintiffs in error, *v.* Addie E. Kelly et al. Death of Addie E. Kelly suggested, and appearance of Mrs. M. J. Morgan et al., heirs of Addie E. Kelly, deceased, as parties defendants in error herein. Entered on motion of Mr. J. Hubley Ashton in behalf of counsel.

No. 222.—The Houston and Texas Central Railroad Company et al., plaintiffs in error, *v.* Mrs. M. J. Morgan et al. In error to the court of civil appeals for the first supreme judicial district of the State of Texas. Dismissed per stipulation on motion of Mr. J. Hubley Ashton in behalf of counsel.

No. 39.—William W. Brauer et al., appellants, *v.* Compañía de Navegacion La Flecha. Motion to reform decree and mandate herein submitted by Mr. J. Hubley Ashton in behalf of counsel for the appellants.

No. 524.—Chew Hing Lung & Co., petitioners, *v.* John H. Wise, collector of the port of San Francisco. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. A. B. Browne and Mr. Charles Page in support of petition.

No. 292.—M. F. Morris et al., appellants, *v.* The United States. Motion by appellants to postpone hearing of cause and to fix the time to be allowed and the number of counsel to be heard in oral argument herein submitted by Mr. William G. Johnson of counsel for appellants.

No. 162.—Salt Lake City Railroad Company, plaintiff in error, *v.* Mary E. Smith. In error to the supreme court of the State of Utah. Dismissed with costs, pursuant to the tenth rule.

No. 405.—The United States and The Comanche Indians, appellants, *v.* Simeon Kemp. Argument continued by Mr. William B. King and Mr. Silas Hare for the appellee, and concluded by Mr. Charles W. Russell for the appellants.

No. 164.—John M. Wilson et al., appellants, *v.* Avarilla Lambert et al. Argument commenced by Mr. Solicitor-General Richards for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 14, will be as follows: Nos. 164, 470, 100, 154, 155, 156, 159, 161, 165 and 166.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 14, 1897.

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

No. 135.—The Steam Tug Resolute, etc., appellants, *v.* George Dowsett;

No. 136.—The Steam Tug Resolute, etc., appellants, *v.* Henry E. Wilson et al.; and

Nos. 137 and 138.—The Oregon Central and Eastern Railroad Company, claimant, etc., appellant, *v.* R. J. Young et al. Mandates granted on motion of Mr. Joel F. Vaile in behalf of counsel.

No. 164.—John M. Wilson et al., appellants, *v.* Avarilla Lambert et al. Argument continued by Mr. Solicitor-General Richards for the appellants, by Mr. T. A. Lambert and Mr. John B. Henderson for the appellees, and concluded by Mr. Solicitor-General Richards for the appellants.

No. 470.—George J. Crossley et al., appellants, *v.* The State of California et al. Submitted by Mr. W. F. Fitzgerald and Mr. W. H. Anderson for the appellees. No brief filed for the appellants.

No. 100.—The Virginia and Alabama Coal Company et al., appellants, *v.* The Central Railroad and Banking Company et al. Argument commenced by Mr. T. M. Cunningham for the appellees and continued by Mr. Walter B. Hill for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 15, will be as follows: Nos. 100, 154, 155, 156, 159, 161, 165, 166, 167 (and 105) and 168.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 15, 1897.

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

Albert H. Crutcher, of Los Angeles, Cal., was admitted to practice.

No. 154.—Quincy A. Shaw, plaintiff in error, *v.* Murray M. Kellogg. Leave granted to file brief herein on part of the United States on motion of Mr. Solicitor-General Richards for the United States.

No. 100.—The Virginia and Alabama Coal Company et al., appellants, *v.* The Central Railroad and Banking Company et al. Argument continued by Mr. Walter B. Hill and Mr. N. E. Harris for the appellants, and concluded by Mr. A. R. Lawton for the appellees.

No. 154.—Quincy A. Shaw, plaintiff in error, *v.* Murray M. Kellogg. Argument commenced by Mr. Joel F. Vaile for the plaintiff in error, and continued by Mr. John R. Smith for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 16, will be as follows: Nos. 154, 155, 156, 159, 161, 165, 166, 167 (and 105), 168 and 169.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 16, 1897.

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

No. 147.—The Del Monte Mining and Milling Company, appellant, *v.* The Last Chance Mining and Milling Company. Leave granted to appellant to file opinion of Judge Hallet in case of *Stratton v. Gold Sovereign Company*, and to appellee to reply thereto within ten days, on motion of Mr. Joel F. Vaile for appellee.

No. 154.—Quincy A. Shaw, plaintiff in error, *v.* Murray M. Kellogg. Argument continued by Mr. John R. Smith for defendant in error, and concluded by Mr. Joel F. Vaile for the plaintiff in error.

No. 155.—The Union Mutual Life Insurance Company, plaintiff in error, *v.* Elizabeth Kirehoff. Argument commenced by Mr. E. Parmelee Prentice for the plaintiff in error, and continued by Mr. W. S. Harbert for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 17, will be as follows: Nos. 155, 156, 159, 161, 165, 166, 167 (and 105), 168, 169 and 170.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 17, 1897.

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

No. 66.—The Canton Insurance Company, Limited, et al., appellants, *v.* John MacIntyre, jr., et al.; and

No. 67.—John MacIntyre, jr., et al., appellants, *v.* The Canton Insurance Company, Limited, et al. Motion to amend decree herein submitted by Mr. J. Parker Kirlin for the Port of Plymouth Steamship Company.

No. 170.—Thomas C. Platt, as president of the United States Express Company, plaintiff in error, *v.* F. M. Threadgill. In error to the circuit court of the United States for the western district of Virginia. Dismissed with costs, pursuant to the tenth rule.

No. 186.—Sylvester Smith, plaintiff in error, *v.* the Wichita National Bank of Wichita et al. In error to the United States circuit court of appeals for the eighth circuit. Dismissed per stipulation.

No. 155.—The Union Mutual Life Insurance Company, plaintiff in error, *v.* Elizabeth Kirchoff. Argument continued by Mr. W. S. Harbert for the defendant in error, and concluded by Mr. E. Parmalee Prentice for the plaintiff in error.

No. 156.—The American Sugar Refining Company, appellant, *v.* The Steamship G. R. Booth, etc. Argued by Mr. Harrington Putnam for the appellant, and by Mr. J. Parker Kirlin for the appellee.

Adjourned until Monday next at 12 o'clock.



SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 20, 1897.

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

J. Ellen Foster, of Washington, D. C.; Frank Sullivan Smith, of New York City; Edmund H. Parry, of Washington, D. C.; W. Littlefield, of Topeka, Kans.; Jesse H. Blair, of Indianapolis, Ind., and Frank F. Reed, of Chicago, Ill., were admitted to practice.

No. 121.—The Northern Pacific Railroad Company et al., appellants, *v.* Musser-Sauntry Land, Logging and Manufacturing Company et al. Appeal from the United States circuit court of appeals for the seventh circuit. Decree affirmed with costs and cause remanded to the circuit court of the United States for the western district of Wisconsin. Opinion by Mr. Justice Brewer.

No. —, Original.—*Ex parte*: In the matter of the Tampa Suburban Railway Company, petitioner. Motion for leave to file petition for writ of certiorari denied. Opinion by Mr. Chief Justice Fuller.

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

No. 336.—John W. Baker, sheriff, etc., appellant *v.* William Grice;

No. 337.—John W. Baker, sheriff, etc., appellant, *v.* F. A. Austin;

No. 338.—John W. Baker, sheriff, etc., appellant, *v.* W. E. Hawkins; and

No. 339.—John W. Baker, sheriff, etc., appellant, *v.* Arthur M. Finley. Reassigned for argument as one case on the 24th day of January next.

No. 104.—The Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, appellant, *v.* The Board of Public Works of the State of West Virginia; and

No. 268.—The Missouri, Kansas and Texas Railway Company, plaintiff in error, *v.* Charles Haber et al. Reassigned for argument on the 24th day of January next after the cases already set down for that day.

- No. 425.—Josephine C. Drake et al., executrix, etc., plaintiffs in error, *v.* Daniel H. Kochersperger, county treasurer, etc. ;
- No. 463.—Elizabeth E. Sawyer et al., executors, etc., plaintiffs in error, *v.* Daniel H. Kochersperger, county treasurer, etc. ; and
- No. 464.—Jessie Norton Torrence Magoun, appellant, *v.* Illinois Trust and Savings Bank, executor, etc., et al. Reassigned for argument as one case on the 24th day of January next after the cases already set down for that day.
- No. 45.—Josephine W. Wupperman, appellant, *v.* The Steamship Carib Prince, her engines, etc. ;
- No. 79.—The Franklin Sugar Refining Company, appellant, *v.* The Steamship Sylvia, etc. ; and
- No. 83.—Climaco Calderon, appellant, *v.* The Atlas Steamship Company, Limited. Reassigned for argument on the 24th day of January next after the cases already set down for that day.
- No. 19.—A. A. McCullough, plaintiff in error, *v.* The Commonwealth of Virginia.
- No. 21.—T. H. Rhodes, plaintiff in error, *v.* The State of Iowa.
- No. 341.—The United States, appellant, *v.* The Joint Traffic Association et al.
- No. 47.—The State of Missouri ex rel. The Laeclde Gas Light Company, plaintiff in error, *v.* Michael J. Murphy, Street Commissioner, etc.
- No. 106.—The New York Indians, appellants, *v.* The United States ; and
- No. 9.—The Patapasco Guano Company, appellant, *v.* The Board of Agriculture of North Carolina et al. Reassigned for argument on the 21st day of February next.
- No. 39.—Wm. W. Brauer et al., appellants, *v.* Compania De Navigacion La Flecha. Motion to amend decree denied.
- No. 292.—Martin F. Morris et al., appellants, *v.* The United States. Motion to postpone the hearing of this cause granted and cause reassigned for argument on the 11th day of April next. Eighteen hours are allowed for the argument of the cause, or the cause will be reassigned for the second Monday of the next term, and twenty-seven hours allowed ; the number of counsel to be heard and the division of the time allotted to be agreed upon by counsel, or if they fail to agree, leave is given to apply to the court hereafter to determine the matter.
- No. 381.—Thomas M. Adams et al., administrators, etc., petitioners, *v.* Benjamin R. Cowen et al., trustees. Motion to advance denied, but the cause may be submitted on printed briefs at any time on or before Monday, April 11 next.

No. 479.—J. C. Anderson et al., appellants, *v.* The United States. Motion to advance granted and cause assigned for argument on the 21st day of February next, immediately after No. 341.

No. 533.—Henry Hopins et al., appellants, *v.* The United States. Motion for writ of certiorari to bring up the entire record herein granted. Motion to advance granted and cause assigned for argument with No. 479 on the 21st day of February next, immediately after No. 341.

No. 501.—Joseph J. Ebanks, appellant, *v.* William E. Hale, warden, etc. Appeal from the district court of the United States for the northern district of California. Order affirmed with costs on the authority of *Durrant v. Hale*, warden, etc., decided at this term.

No. 524.—Chew Hing Lung & Co., petitioners, *v.* John H. Wise, collector of the port of San Francisco. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit granted.

No. 154.—Quincy A. Shaw, plaintiff in error, *v.* Murray M. Kellogg. Case restored to the docket and writ of certiorari ordered to bring up the entire record, and leave given, on the return thereto, to submit the cause on printed briefs.

No. 66.—The Canton Insurance Company, limited, et al., appellants, *v.* John MacIntyre, jr., et al.; and

No. 67.—John MacIntyre, jr., et al., appellants, *v.* The Canton Insurance Company, limited, et al. Time for issue of mandate herein enlarged twenty days.

No. 415.—Benjamin Hawker, plaintiff in error, *v.* The People of the State of New York. Restored to the docket for reargument on the 21st day of February next, after the cases already set down for that day.

No. 340.—Thomas Bram, plaintiff in error, *v.* The United States. Mandate granted on motion of Mr. Solicitor-General Richards for the defendant in error.

No. 510.—Ada F. McDonnell, plaintiff in error, *v.* Llewellyn Jordan. Motion to dismiss. Submitted by Mr. R. R. McMahon, Mr. David D. Shelby and Mr. Richard W. Walker in support of motion, and by Mr. Lawrence Cooper in opposition thereto.

No. 397.—A. J. Sylvester, plaintiff in error, *v.* The United States. Motion to advance submitted by Mr. Arthur English for the plaintiff in error.

No. 534.—W. H. Baker, petitioner, *v.* Walter Baker & Co., Limited. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit. Submitted by Mr. Holmes Conrad and Mr. R. T. Barton in support of petition, and by Mr. George Putnam in opposition thereto. Leave granted to counsel for petitioner to file brief in reply within five days if they so desire.

No. 40.—Edward E. O'Brien, appellant, *v.* Brice Alan Miller et al. Motion by appellant to reform decree herein submitted by Mr. Holmes Conrad in behalf of Mr. Sidney Chubb in support of motion, and by Mr. Wilhelmus Mynderse in opposition thereto. Motion by the appellees to reform decree herein submitted by Mr. Holmes Conrad in behalf of Mr. Wilhelmus Mynderse in support of motion.

No. 177.—Hosmer B. Parsons, plaintiff in error, *v.* The District of Columbia et al. Submitted pursuant to the twentieth rule by Mr. A. A. Birney for the plaintiff in error, and by Mr. S. T. Thomas and Mr. A. B. Duvall for the defendants in error.

Adjourned until Monday, January 3, 1898, at 12 o'clock.

The day call for Monday, January 3, will be as follows: Nos. 194, 1, 8, 27 (and 15 and 16), 297, 28, 30, 78, 119 and 406 (and 421).



SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 3, 1898.

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

William R. Morrison, of Waterloo, Ill.; Henry M. Hoyt, of Philadelphia, Pa.; Byron Waters, of San Francisco, Cal., and A. W. Patterson, of Richmond, Va., were admitted to practice.

No. 139.—Edwin H. McHenry et al., receivers, etc., appellants, *v.* Lore Alford et al. On a certificate from the United States circuit court of appeals for the eighth circuit. Third question answered in the affirmative, fourth question answered in the negative and fifth question answered in the affirmative. Opinion by Mr. Justice Peckham.

No. 312.—William R. Hall, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the southern district of New York. Judgment affirmed. Opinion by Mr. Justice Peckham.

No. 44.—The Penn Mutual Life Insurance Company et al., appellants, *v.* The City of Austin et al. Appeal from the circuit court of the United States for the western district of Texas. Decree modified and affirmed with costs. Opinion by Mr. Justice White.

No. 48.—Rafael Maria Del Castillo, plaintiff in error, *v.* Walter L. McConnico et al. In error to the supreme court of the State of Louisiana. Dismissed for want of jurisdiction. Opinion by Mr. Justice White.

No. 134.—J. B. Shepard, plaintiff in error, *v.* Frank Adams, receiver, etc. In error to the district court of the United States for the district of Colorado. Judgment affirmed with costs and interest. Opinion by Mr. Justice Shiras. Dissenting: Mr. Justice White and Mr. Justice Peckham.

No. 164.—John M. Wilson et al., appellants, *v.* Avarilla Lambert et al. Appeal from the court of appeals of the District of Columbia. Decree reversed with costs, and cause remanded, with directions to reverse the decree of the supreme court of the District of Columbia and to remand the cause to that court with directions to dismiss the bill of complaint. Opinion by Mr. Justice Shiras.

No. 427.—The Highland Avenue and Belt Railroad Company, appellant, *v.* Columbian Equipment Company. On a certificate from the United States circuit court of appeals for the fifth circuit. Question certified answered in the negative. Opinion by Mr. Justice Brewer.

No. 110.—Margaret Hetzel, to the use of Theodore Bacon, trustee, plaintiff in error, *v.* The Baltimore and Ohio Railroad Company. In error to the court of appeals of the District of Columbia. Judgment reversed with costs, and cause remanded, with directions to reverse the judgment of the supreme court of the District of Columbia and to remand the cause to that court with directions to grant a new trial and for further proceedings consistent with the opinion of this court. Opinion by Mr. Justice Harlan.

No. 470.—George J. Crossley et al., appellants, *v.* The State of California et al. Appeal from the circuit court of the United States for the northern district of California. Order affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 143.—William W. Conde et al., plaintiffs in error, *v.* Anson E. York et al., in error to the supreme court of the State of New York. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 129.—The United States, appellant, *v.* Frederick S. Passavant et al. On a certificate from the United States circuit court of appeals for the second circuit. Question answered in the affirmative. Opinion by Mr. Chief Justice Fuller. Dissenting as to answer to second question, Mr. Justice Brown and Mr. Justice Peckham.

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

No. 40.—Edward E. O'Brien, appellant, *v.* Brice Alan Miller et al. Motions to amend decree of this court denied.

No. 397.—A. J. Sylvester, plaintiff in error, *v.* The United States. Motion to advance granted, and cause assigned for argument on the 7th day of March next after the cases already set down for that day.

No. 534.—W. H. Baker, petitioner, *v.* Walter Baker & Co., Limited. Petition for writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 146.—The Missouri, Kansas and Texas Railway Company, plaintiff in error, *v.* Orange Fuller, assignee, etc. In error to the United States circuit court of appeals for the eighth circuit. Judgment affirmed with costs by a divided court and cause remanded to the United States court in the Indian Territory.

No. 543.—The United States, appellant, *v.* The Rio Grande Dam and Irrigation Company et al. Motion to advance submitted by Mr. Solicitor-General Richards for the appellant.

No. 393.—The United States, plaintiff in error, *v.* Elihu Colman. In error to the United States circuit court of appeals for the seventh circuit. Dismissed on motion of Mr. Solicitor-General Richards for the plaintiff in error.

No. 194.—Herman Keck, plaintiff in error, *v.* The United States. Reassigned for argument on the 17th instant, after the cases already set down for that day, on motion of Mr. Solicitor-General Richards for the defendant in error.

No. 150.—Lowry W. Humes, plaintiff in error, *v.* The United States. Assigned for argument on the 17th instant, after the cases already set down for that day, on motion of Mr. Assistant Attorney-General Boyd for the defendant in error.

No. 536.—Howard Carroll, trustee, petitioner, *v.* Daniel Goldschmidt et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit. Submitted by Mr. Arthur V. Briesen in support of petition, and by Mr. Edwin H. Brown in opposition thereto.

No. 555.—Horace K. Fulton, petitioner, *v.* Robert P. Fletcher. Petition for a writ of certiorari to the court of appeals of the District of Columbia. Submitted by Mr. D. W. Baker in support of petition.

No. 8.—The United States, appellant, *v.* Earl B. Coe;

No. 27.—Santiago Ainsa, administrator, etc., appellant, *v.* The United States;

No. 15.—Santiago Ainsa, administrator, etc., appellant, *v.* The New Mexico and Arizona Railroad Company;

No. 16.—Santiago Ainsa, administrator, etc., appellant, *v.* The New Mexico and Arizona Railroad Company et al.;

No. 297.—The United States, appellant, *v.* Frederick Maish et al.;

No. 28.—Juan Pedro Camon, appellant, *v.* The United States.;

No. 30.—Robert Perrin, appellant, *v.* The United States et al.;

No. 119.—William Faxon, jr., trustee, et al., appellants, *v.* The United States. Reassigned for argument on the 7th day of March next, after the cases already set down for that day, on motion of Mr. James C. Carter for Ainsa et al.

No. 554.—H. A. V. Post et al., petitioners, *v.* George Burnham et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. J. S. Clark and Mr. R. C. Dale in support of petition.

No. 542.—The Northern Pacific Railway Company, appellant, *v.* William V. Myers, treasurer, etc. Motion to advance submitted by Mr. A. B. Browne for the appellant.

No. 531.—Henry Williams, plaintiff in error, *v.* The State of Mississippi. Motion to advance submitted by Mr. Cornelius J. Jones for the plaintiff in error.

No. 406.—The Houston and Texas Central Railway Company et al., plaintiffs in error, *v.* The State of Texas; and

No. 421.—The Galveston, Harrisburg and San Antonio Railway Company et al., plaintiffs in error, *v.* The State of Texas. Reassigned for argument on the 17th instant after the cases already set down for that day.

No. 286.—Jacob Sonnenthiel, plaintiff in error, *v.* The Christian Moerlein Brewing Company et al. Motion to dismiss submitted by Mr. F. Charles Hume in support of same, and by Mr. A. H. Willie in opposition thereto.

No. 378.—The Fenwick Hall Company, plaintiff in error, *v.* The Town of Old Saybrook et al. Motions to dismiss or affirm submitted by Mr. Lewis E. Stanton in support of same, and by Mr. M. W. Seymour in opposition thereto.

No. 313.—The Town of Darlington, plaintiff in error, *v.* The Atlantic Trust Company. In error to the circuit court of the United States for the district of South Carolina. Dismissed with costs per stipulation.

No. 1.—The City of New Orleans, appellant, *v.* The Texas and Pacific Railway Company et al. Argument commenced by Mr. Samuel L. Gilmore for the appellant, and continued by Mr. W. W. Howe for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 4, will be as follows: Nos. 1, 78, 159, 165, 166, 167 (and 105), 168, 169, 171 and 172.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 4, 1898.

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

The Chief Justice announced the following order of the court:

No. 531.—Henry Williams, plaintiff in error, *v.* The State of Mississippi. Motion to advance granted and cause assigned for argument on the 7th of March next after the cases already set down for that day.

No. 171.—J. D. Adams, plaintiff in error, *v.* The State of Texas. In error to the court of criminal appeals of the State of Texas. Dismissed with costs pursuant to the tenth rule.

No. 172.—The Richmond and Alleghany Railroad Company et al., plaintiffs in error, *v.* The R. A. Patterson Tobacco Company. Submitted by Mr. H. T. Wickham for the plaintiffs in error, and by Mr. A. W. Patterson for the defendant in error.

No. 1.—The City of New Orleans, appellant, *v.* The Texas and Pacific Railway Company et al. Argument continued by Mr. W. W. Howe for the appellees, and concluded by Mr. Samuel L. Gilmore for the appellant.

No. 78.—J. B. Cessna et al., appellants, *v.* The United States et al. Argued by Mr. Robert Rae and Mr. J. B. Cessna for the appellants, and submitted by Mr. Solicitor-General Richards, Mr. Matt G. Reynolds, and Mr. Frank Springer for the appellees.

No. 174.—The United States, appellant, *v.* Lewis A. Eaton. Submitted by Mr. Assistant Attorney-General Pradt and Mr. Charles W. Russell for the appellant, and by Mr. John C. Chaney and Mr. John R. Garrison for the appellee.

No. 165.—Thomas C. Chappell, plaintiff in error, *v.* David Stewart. Argued by Mr. Thomas C. Chappell for the plaintiff in error, and submitted by Mr. David Stewart for defendant in error.

No. 166.—The United States, appellant, *v.* Dixon N. Garlinger. Argument commenced by Mr. George H. Gorman for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 5, will be as follows: Nos. 166, 167 (and 105), 168, 169, 173, 161, 159, 178, 179 and 180.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 5, 1898.

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

A. J. Trunkey, of Geneva, Ohio, and Frederick Arnd, of Chicago, Ill., were admitted to practice.

No. 180.—Julius A. Beley et al., plaintiffs in error, *v.* Joseph Naphtaly; and

No. 181.—Josiah S. Smith, appellant, *v.* Joseph Naphtaly. Submitted by Mr. Henry F. Crane for the plaintiffs in error and appellant, and by Mr. A. T. Britton and Mr. A. B. Browne for the defendant in error and appellee.

No. 166.—The United States, appellant, *v.* Dixon N. Garlinger. Argument continued by Mr. George H. Gorman for the appellant, by Mr. F. P. Dewees for the appellee, and concluded by Mr. L. T. Michener for the appellee.

No. 167.—The Commissioners of the Sinking Fund of Logan County, Ky., et al., appellants, *v.* The United States; and

No. 105.—The United States, appellant, *v.* The Commissioners of the Sinking Fund of the City of Louisville et al. Argument commenced by Mr. Charles C. Binney for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 6, will be as follows: Nos. 167, (and 105), 168, 169, 173, 161, 159, 178, 179, 182 and 183.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 6, 1898.

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

No. 167.—The Commissioners of the Sinking Fund of Logan County, Ky., et al., appellants, *v.* The United States; and

No. 105.—The United States, appellant, *v.* The Commissioners of the Sinking Fund of the City of Louisville et al. Argument continued by Mr. Charles C. Binney for the United States, and by Mr. Alphonso Hart for The Commissioners et al., and concluded by Mr. Charles C. Binney for the United States.

No. 168.—The American Surety Company of New York, plaintiff in error, *v.* Frederick N. Pauly, receiver, etc. Argument commenced by Mr. Henry C. Willecox for the plaintiff in error, and continued by Mr. Edward Winslow Paige for the defendant in error, and by Mr. Walter D. Davidge for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 7, will be as follows: Nos. 168, 169, 161, 173, 159, 178, 179, 182, 183 and 184.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 7, 1898.

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

Frederic Jesup Stimson, of Boston, Mass.; Chandler P. Anderson, of New York City; Charles B. Warren, of Detroit, Mich.; and Edwin J. Prindle, of the District of Columbia, were admitted to practice.

No. —, Original.—Ex parte: In the matter of W. H. T. Durrant, petitioner. Motion for leave to file petition for a writ of habeas corpus, submitted by Mr. Louis P. Boardman, for the petitioner, and motion denied.

No. 168.—The American Surety Company of New York, plaintiff in error, *v.* Frederick N. Pauly, as receiver, etc. Argument concluded by Mr. Walter D. Davidge for the plaintiff in error.

No. 169.—The American Surety Company of New York, plaintiff in error, *v.* Frederick N. Pauly, as receiver, etc. Argued by Mr. Henry C. Willcox and Mr. Walter D. Davidge for the plaintiff in error, and by Mr. Edward Winslow Paige for the defendant in error.

No. 161.—The Missouri, Kansas and Texas Railway Company, plaintiff in error, *v.* McCann & Smizer. Argument commenced by Mr. George P. B. Jackson for the plaintiff in error, and continued by Mr. J. H. Rodes for the defendants in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 10, will be as follows: Nos. 161, 173, 159, 178, 179, 182, 183, 184, 185 and 187.



SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 10, 1898.

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

Millard F. Watts, of St. Louis, Mo.; Oscar D. Scott, of Texarkana, Ark.; Henry W. Phelps, of Grafton, N. Dak.; S. S. Bledsoe, of Ardmore, Ind. T.; William H. Buckler, of Baltimore, Md.; Charles L. Frailey, of Washington, D. C., and Philip Barton Warren, of Springfield, Ill., were admitted to practice.

No. 114.—Fannie P. Williams et al., appellants, *v.* John W. Paine et al. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Peckham. (Mr. Justice White took no part in the decision of this case.)

No. 158.—Building and Loan Association of Dakota, appellant, *v.* M. S. Price et al. Appeal from the circuit court of the United States for the northern district of Texas. Decree reversed with costs and cause remanded, with directions to take such further proceedings as may be in conformity with the opinion of this court. Opinion by Mr. Justice Peckham.

No. 109.—William Holder, plaintiff in error, *v.* Aultman, Miller & Co. In error to the circuit court of the United States for the eastern district of Michigan. Judgment affirmed with costs and interest. Opinion by Mr. Justice Gray.

No. 144.—John T. Powers, plaintiff in error, *v.* The Chesapeake and Ohio Railway Company. In error to the circuit court of the United States for the district of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice Gray.

No. 151.—Ambrose P. S. Stuart, appellant, *v.* Kent K. Hayden, receiver, etc., et al.; and

No. 160.—August T. Gruetter et al., appellants, *v.* Ambrose P. S. Stuart et al. Appeals from the United States circuit court of appeals for the eighth circuit. Decree affirmed, but without prejudice to the prosecution of any claim that Gruetter and Joers may have against Stuart

arising out of the transactions between them. Each appellant to pay one-half the costs in this court, and cause remanded to the circuit court of the United States for the district of Nebraska. Opinion by Mr. Justice Harlan.

No. 155.—The Union Mutual Life Insurance Company, plaintiff in error, *v.* Elizabeth Kirchoff. In error to the supreme court of the State of Illinois. Dismissed for want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

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

Ordered. In pursuance of the act of Congress of February 19, 1897 (29 Stat., 536, c. 263), that the following table of fees and costs in the circuit courts of appeals be, and the same is hereby, established, to take effect on the 1st day of March, A. D. 1898, and no other fees and costs than those therein named shall thereafter be charged :

Docketing a case and filing the record.....	\$5. 00
Entering an appearance.....	. 25
Transferring a case to the printed calendar.....	1. 00
Entering a continuance.....	. 25
Filing a motion, order, or other paper.....	. 25
Entering any rule, or making or copying any record or other paper, for each one hundred words.....	. 20
Entering a judgment or decree.....	1. 00
Every search of the records of the court and certifying the same.	1. 00
Affixing a certificate and a seal to any paper.....	1. 00
Receiving, keeping, and paying money, in pursuance of any statute or order of court, 1 per cent on the amount so received, kept and paid.	
Preparing the record for the printer, indexing same, supervising the printing and distributing the copies, for each printed page of the record and index.....	15
Making a manuscript copy of the record, when required by the rules, for each one hundred words (but nothing in addition for supervising the printing).....	20
Issuing a writ of error and accompanying papers, or a mandaté or other process.....	5. 00
Filing briefs, for each party appearing.....	5. 00
Copy of an opinion of the court, certified under seal, for each printed page (but not to exceed five dollars in the whole for any copy.....	1. 00
Attorney's docket fee.....	20. 00

No. 220.—N. S. Swenson, plaintiff in error, *v.* Russell Sage, assignee, etc. In error to the supreme court to the State of Minnesota. Dismissed

with costs, with directions that the motion to dismiss and the affidavits and depositions filed thereon in this court be transmitted to the said supreme court of Minnesota for such consideration and action as to that court may seem fit.

No. 66.—The Canton Insurance Company, Limited, et al., appellants, *v.* John MacIntyre, jr., et al., claimants, etc., et al.; and

No. 67.—John MacIntyre, jr., et al., claimants, etc., appellants, *v.* The Canton Insurance Company, Limited, et al. Motion to amend decree granted, and decree amended so as to direct that the decree of the district court be so far modified as to provide that one-half of the item of \$1,681.80, costs awarded to the Port of Plymouth Steamship Company, be paid by the owners of the Victory, and not out of the bond of \$67,500, and that as so modified the said decree of the district court be affirmed.

No. 286.—Jacob Sonnenthiel, plaintiff in error, *v.* The Christian Moerlein Brewing Company et al. Motion to dismiss denied.

No. 536.—Howard Carroll, trustee, petitioner, *v.* Daniel Goldschmidt et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 542.—The Northern Pacific Railway Company, appellant, *v.* William V. Myers, treasurer, etc. Motion to advance granted and cause assigned for argument on the 17th day of October next.

No. 543.—The United States, appellant, *v.* The Rio Grande Dam and Irrigation Company et al. Motion to advance granted and cause assigned for argument on the 17th day of October next after the cases already set down for that day.

No. 554.—Henry A. V. Post et al., petitioners, *v.* George Burnham et al. Petition for a writ of certiorari to the United States circuit court of appeals for the Third circuit denied.

No. 555.—Horace K. Fulton, petitioner, *v.* Robert P. Fletcher. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 405.—The United States and the Comanche Indians, appellants, *v.* Simeon Kemp. Appeal from the Court of Claims. Judgment affirmed by a divided court.

No. 93.—The Northern Pacific Railroad Company, plaintiff in error, *v.* Patrick R. Smith. Restored to the docket for reargument on the whole case, and the attention of counsel specially directed to the following questions:

First. Could occupants of public lands before they were surveyed and declared open for settlement by subsequently availing themselves of the town-site act procure a title paramount to that of a railroad company

which, under a previous grant by Congress, had taken possession before the town-site patent was granted? (See *Northern Pacific Railroad Company v. Colburn*, 164 U. S., 383.)

Second. Assuming that the town-site title was, in point of law, prior to that of the railroad company, could the city of Bismarek or its grantees maintain an action of ejectment against the railroad company? (See *Roberts v. Pacific Railroad Company*, 158 U. S., 10.)

Third. Could Patrick R. Smith, as a grantee from the city authorities, subsequent to the actual possession by the railroad company, maintain either ejectment or an action for the value of the land?

No. 165.—Thomas C. Chappell, plaintiff in error, *v. David Stewart*. In error to the court of appeals of the State of Maryland. Dismissed for the want of jurisdiction on the authority of *San Francisco v. Itsell*, 133 U. S., 65; *Oxley Stave Company v. Butler County*, 166 U. S., 648; *Sayward v. Denny*, 158 U. S., 180, and numerous cases therein cited.

No. 378.—The Fenwick Hall Company, plaintiff in error, *v. The Town of Old Saybrook et al.* In error to the supreme court of errors of the State of Connecticut. Dismissed for the want of jurisdiction on the authority of *Castillo v. McConnico*, decided at this term; *Eustis v. Balles*, 150 U. S., 361; *Oxley Stave Company v. Butler County*, 166 U. S., 648.

No. 440.—David L. Hammond et al., plaintiffs in error, *v. Benjamin Horton*. In error to the supreme court of the State of Missouri. Dismissed for the want of jurisdiction on the authority of *Hammond v. Johnston*, 142 U. S., 73; *Hammond v. Connecticut Insurance Company*, 150 U. S., 633; *Romie v. Casanova*, 91 U. S., 379; also, see *Hammond v. Horton*, 37 S. W. Rep., 825; *Hammond v. Johnson*, 93 Mo., 198; *Hammond v. Gordon*, *id.*, 223; *Block v. Morrison*, 112 Mo., 343.

No. 510.—Ada F. McDonnell, plaintiff in error, *v. Llewellyn Jordan*. In error to the circuit court of the United States for the northern district of Alabama. Dismissed for the want of jurisdiction on the authority of *Bender v. Pennsylvania Company*, 143 U. S., 502, and cases cited.

No. 20.—Ransom Payne, appellant, *v. W. S. Robertson et al.* Assigned for argument on the 17th instant after the cases already set down for that day, on motion of Mr. Assistant Attorney-General Boyd for the appellees.

No. 547.—Robert Dunlap, appellant, *v. The United States*. Motion to advance submitted by Mr. Assistant Attorney-General Boyd for the appellee.

No. 390.—The District of Columbia, plaintiff in error, *v. Elizabeth L. W. Bailey*, administratrix, etc.; and

No. 420.—Elizabeth L. W. Bailey, administratrix, etc., plaintiff in error, *v. The District of Columbia*. Submitted pursuant to the twentieth

rule by Mr. S. T. Thomas and Mr. A. B. Duvall for the District of Columbia, and by Mr. Charles L. Frailey and Mr. A. S. Worthington for Elizabeth L. W. Bailey, administratrix, etc.

No. 525.—The Washburn & Moen Manufacturing Company, petitioner, *v.* The Reliance Marine Insurance Company, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit. Submitted by Mr. William H. Moody in behalf of Mr. Eugene P. Carver, and Mr. E. E. Blodgett in support of petition, and by Mr. Frederic J. Stimson in opposition thereto.

No. 199.—The Gila Bend Reservoir and Irrigation Company, appellant, *v.* W. H. Linn et al. Motion to correct mistake in transcript of the record herein submitted by Mr. James H. Hayden and Mr. Joseph K. McCammon for the appellant.

No. 292.—M. F. Morris et al., appellants, *v.* The United States. Reassigned for argument on the 17th of October next after the cases already set down for that day, and twenty-seven hours allowed for the argument, on motion of Mr. Calderon Carlisle for the appellants.

No. 557.—The First National Bank of Grand Forks, N. Dak., plaintiff in error, *v.* Alexander Anderson. Motion to dismiss submitted by Mr. Henry W. Phelps in support of motion, and by Mr. W. E. Dodge in opposition thereto.

No. 562.—Robert A. Smiley, petitioner, *v.* Samuel W. Baker. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit. Submitted by Mr. Frederick H. Bacon for support of petition, and by Mr. T. F. Burke in opposition thereto.

No. 535.—C. H. Bosworth, receiver, etc., petitioner, *v.* Terminal Railroad Association of St. Louis. Petition for a writ of certiorari to the United States court of appeals for the seventh circuit, submitted by Mr. Philip Barton Warren and Mr. Bluford Wilson in support of petition, and by Mr. M. F. Watts and Mr. S. P. Wheeler in opposition thereto.

No. 500.—Sterling R. Holt et al., appellants, *v.* The Indiana Manufacturing Company. Motion to dismiss submitted by Mr. Chester Bradford in support of petition, and by Mr. William A. Ketcham in opposition thereto.

No. 184.—Lewis Pierce et al., trustees, plaintiffs in error, *v.* The Somerset Railway Company; and

No. 185.—Lewis Pierce et al., trustees, plaintiffs in error, *v.* John Ayer et al. Passed on account of sickness of counsel, subject to the provisions of section 9, rule 26.

No. 187.—Benjamin W. Clark, appellant, *v.* Alfred C. Harmer. Appeal from the court of appeals of the District of Columbia. Dismissed with costs pursuant to the tenth rule.

No. 161.—The Missouri, Kansas and Texas Railway Company, plaintiff in error, *v.* McCann & Smizer. Argument continued by Mr. J. H. Rodes for the defendants in error, and concluded by Mr. George P. B. Jackson for the plaintiff in error.

No. 188.—Henry W. Benjamin, appellant, *v.* The City of New Orleans. Argued by Mr. J. D. Rouse for the appellant, and by Mr. Branch K. Miller for the appellee.

No. 178.—The Chicago, Burlington and Quincy Railroad Company, plaintiff in error, *v.* The State of Nebraska, *ex rel.* The City of Omaha. Argument commenced by Mr. Charles J. Greene for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 11, will be as follows: Nos. 178, 179, 173, 182, 183, 2, 55, 159, 189, and 190.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 11, 1898.

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

Thomas H. Tracy, of Toledo, Ohio, and John B. Uhle, of New York City, were admitted to practice.

No. 2.—John H. McBride, appellant, *v.* The Grand De Tour Plow Company et al. Appeal from the circuit court of the United States for the southern district of Iowa. Dismissed with costs, pursuant to the tenth rule.

No. 178.—The Chicago, Burlington and Quincy Railroad Company, plaintiff in error, *v.* The State of Nebraska, ex rel. The City of Omaha. Argument continued by Mr. Charles J. Greene for the plaintiff in error, by Mr. W. J. Connell for the defendant in error, and concluded by Mr. Charles J. Greene for the plaintiff in error.

No. 179.—The Louisville Water Company, plaintiff in error, *v.* The Commonwealth of Kentucky. Argued by Mr. T. L. Burnett for the plaintiff in error, and by Mr. James P. Helm for the defendant in error.

No. 173.—Philip Levis, appellant, *v.* Charles R. Kengla, in his own right and as guardian, etc. Argument commenced by Mr. Henry E. Davis for the appellant, and continued by Mr. J. H. Gordon for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 12, will be as follows: Nos. 173, 182, 183, 55, 159, 189, 190, 191, 192 and 193.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 12, 1898.

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

Herman A. Heydt, of New York City, was admitted to practice.

No. 182.—The United States, appellant, *v.* Robert W. Irvine. Appeal from the circuit court of the United States for the southern district of Ohio. Dismissed on motion of Mr. Assistant Attorney-General Boyd for the appellant.

No. 183.—The United States, appellant, *v.* Joseph C. Wagner. Appeal from the circuit court of the United States for the southern district of Ohio. Dismissed on motion of Mr. Assistant Attorney-General Boyd for the appellant.

No. 193.—J. H. Parker, appellant, *v.* The Territory of Oklahoma, ex rel. Evan D. Cameron. Appeal from the supreme court of the Territory of Oklahoma. Dismissed with costs, pursuant to the tenth rule.

No. 173.—Philip Levis, appellant, *v.* Charles R. Kengla, in his own right and as guardian, etc. Argument continued by Mr. J. Holdsworth Gordon for the appellee, and concluded by Mr. Henry E. Davis for the appellant.

No. 191.—The Smithsonian Institution, appellant, *v.* Levi W. Meech et al. Argued by Mr. Frank W. Hackett for the appellant, and by Mr. Franklin H. Mackey for the appellees.

No. 190.—The Green Bay and Mississippi Canal Company, plaintiff in error, *v.* The Patten Paper Company, Limited, et al. One hour additional time allowed in the argument of this case, and leave granted to three counsel for the defendants in error to be heard on motion of Mr. William F. Vilas for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 13, will be as follows: Nos. 190, 189, 55, 159, 92, 195, 196, 197, 198 and 199.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 13, 1898.

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

No. 214.—Fred Rice Rowell, receiver, etc., plaintiff in error, *v.* Sarah Woodward, individually and as executrix, etc. In error to the supreme court of the State of Washington. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 190.—The Green Bay and Mississippi Canal Company, plaintiff in error, *v.* The Patten Paper Company, Limited, et al. Argument commenced by Mr. B. J. Stevens for the plaintiff in error, and continued by Mr. Alfred L. Cary, Mr. George G. Greene and Mr. Moses Hooper for the defendants in error, and by Mr. William F. Vilas for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 14, will be as follows: Nos. 190, 189, 55, 159, 192, 195, 196, 197, 198 and 199.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 14, 1898.

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

Henry B. Johnson, of New York City, was admitted to practice.

No. 190.—The Green Bay and Mississippi Canal Company, plaintiff in error, *v.* The Patten Paper Company, Limited, et al. Argument concluded by Mr. William F. Vilas for the plaintiff in error.

No. 189.—Henry M. Baker, appellant, *v.* Horace S. Cummings. Argument commenced by Mr. S. R. Bond for the appellant, and continued by Mr. Franklin H. Mackey for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 17, will be as follows: Nos. 89, 55, 192, 159, 53 (and 175), 194, 150, 406 (and 421), 20 and 195.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 17, 1898.

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

A. C. Avery, of Morganton, N. C., and David R. Murray, of Cloverport, Ky., were admitted to practice.

No. 76.—George P. Wetmore et al., plaintiffs in error, *v.* David Rymer et al. In error to the circuit court of the United States for the eastern district of Tennessee. Judgment reversed with costs and cause remanded, with directions to restore the judgment on the verdict. Opinion by Mr. Justice Shiras.

No. 73.—The Chicago, Milwaukee and St. Paul Railway Company, plaintiff in error, *v.* Patrick L. Solan. In error to the supreme court of the State of Iowa. Judgment affirmed with costs. Opinion by Mr. Justice Gray.

No. 142.—A. Howard Ritter, executor, etc., plaintiff in error, *v.* The Mutual Life Insurance Company of New York. On writ of certiorari to the United States circuit court of appeals for the third circuit. Judgment affirmed with costs and cause remanded to the circuit court of the United States for the eastern district of Pennsylvania. Opinion by Mr. Justice Harlan. (Mr. Justice Peckham took no part in the consideration and decision of this case.)

No. 251.—William Richardson, trustee, plaintiff in error, *v.* The Louisville and Nashville Railroad Company et al. In error to the supreme court of the State of Florida. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

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

No. 199.—The Gila Bend Reservoir and Irrigation Company, appellant, *v.* W. H. Linn et al. Motion to correct mistake in transcript of record herein granted.

No. 500.—Sterling R. Holt et al., appellants, *v.* The Indiana Manufacturing Company. Motion to dismiss denied.

No. 525.—The Washburn & Moen Manufacturing Company, petitioner, *v.* The Reliance Marine Insurance Company, Limited. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit granted.

No. 535.—C. H. Bosworth, receiver, etc., petitioner, *v.* Terminal Railroad Association of St. Louis. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit granted.

No. 547.—Robert Dunlap, appellant, *v.* The United States. Motion to advance granted, and cause assigned for argument on the 17th day of October next after the cases already set down for that day, or the cause will be taken on printed briefs on or before Monday, April 4, next.

No. 557.—The First National Bank of Grand Forks, N. Dak., plaintiff in error, *v.* Alexander Anderson. Motion to dismiss postponed for want of a printed record.

No. 562.—Robert A. Smiley, petitioner, *v.* Samuel M. Barker. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied. (Mr. Justice Brewer took no part in the disposition of this application.)

No. 558.—James W. Wilson, plaintiff in error, *v.* The State of North Carolina on the relation of L. C. Caldwell; and

No. 559.—S. Otho Wilson, plaintiff in error, *v.* The State of North Carolina on the relation of John H. Pearson. Motion for attachment for contempt and for order restoring plaintiffs in error to office submitted by Mr. R. O. Burton in support of motion, and by Mr. James C. MacRae, Mr. W. H. Day and Mr. A. C. Avery in opposition thereto.

No. 99.—Boyden Power Brake Company et al., appellants, *v.* George Westinghouse, jr., et al.; and

No. 116.—George Westinghouse, jr., et al., appellants, *v.* Boyden Power Brake Company et al. Motion that court indicate questions for reargument submitted by Mr. Melville Church for the Boyden Company et al.

No. 498.—La Abra Silver Mining Company, appellants, *v.* The United States. Motion that the constitutional objection to the jurisdictional act be first heard and determined. Submitted by Mr. J. M. Wilson in behalf of Mr. Crammond Kennedy in support of motion, and by Mr. William A. Maury in opposition thereto.

No. 287.—A. M. Thomas et al., appellants, *v.* Gay & Reed et al.;

No. 439.—D. P. Gray et al., appellants, *v.* A. M. Thomas et al., etc.;

No. 252.—D. Wagoner et al., appellants, *v.* Neil W. Evans, treasurer, etc., et al.; and

No. 262.—Neil W. Evans, treasurer, etc., et al., appellants, *v.* D. Wagoner et al. Leave granted to Mr. J. M. Wilson to file briefs herein on or before Wednesday next.

No. 150.—Lowry W. Humes, plaintiff in error, *v.* The United States. Reassigned for argument on the 21st of February next, after the cases already set down for that day, on motion of Mr. Joseph Wheeler for the plaintiff in error.

No. 20.—Ransom Payne, appellant, *v.* W. S. Robertson et al. Submitted by Mr. S. D. Lockett and Mr. J. W. Daniel for the appellant, and by Mr. Solicitor-General Richards, Mr. Bayard T. Hainer and Mr. Horace Speed for the appellees, with leave to file additional briefs within ten days.

No. 189.—Henry M. Baker, appellant, *v.* Horace S. Cummings. Argument continued by Mr. Franklin H. Mackey for the appellee, and concluded by Mr. George F. Edmunds for the appellant.

No. 55.—A. Backys, jr., & Sons et al., plaintiffs in error, *v.* The Fort Street Union Depot Company. Argument commenced by Mr. Don M. Dickinson for the plaintiffs in error, and continued by Mr. Fred. A. Baker for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 18, will be as follows: Nos. 55, 192, 159, 53 (and 175), 194, 406 (and 421), 94, 195, 196 and 197.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 18, 1898.

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

No. 503.—Clarence P. Elder, appellant, *v.* The United States. Appeal from the Court of Private Land Claims. Dismissed per stipulation.

No. 55.—A. Backus, jr., & Sons et al., plaintiffs in error, *v.* The Fort Street Union Depot Company. Argument continued by Mr. Fred. A. Baker for the defendant in error, and concluded by Mr. Don M. Dickinson for the plaintiffs in error.

No. 192.—Daniel Dull et al., plaintiffs in error, *v.* John E. Blackman et al. Argument commenced by Mr. A. G. Safford for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 19, will be as follows: Nos. 192, 159, 53 (and 175), 194, 406 (and 421), 94, 195, 196, 197 and 198.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 19, 1898.

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

No. 192.—Daniel Dull et al., plaintiffs in error, *v.* John E. Blackman et al. Argument continued by Mr. A. G. Safford for the plaintiffs in error, by Mr. Win. S. Strawn for the defendants in error, and concluded by Mr. I. N. Flickinger for the plaintiffs in error.

No. 194.—Herman Keck, plaintiff in error, *v.* The United States. Argument commenced by Mr. Francis B. James for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 20, will be as follows: Nos. 194, 159, 53 (and 175), 406 (and 421), 94, 195, 196, 197, 198 and 199.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 20, 1898.

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

Fred. Herrington, of Denver, Colo., was admitted to practice.

No. 194.—Herman Keck, plaintiff in error, *v.* The United States. Leave granted to Mr. Francis B. James for the plaintiff in error to file an additional brief herein. Argument continued by Mr. Francis B. James for the plaintiff in error, by Mr. Assistant Attorney-General Hoyt for the defendant in error, and concluded by Mr. James M. Beck for the defendant in error.

No. 159.—The United States, appellant, *v.* Alexander Murphy & Co. Argued by Mr. Solicitor-General Richards for the appellant, and by Mr. W. Wickham Smith for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 21, will be as follows: Nos. 53 (and 175), 406 (and 421), 94, 195, 196, 197, 198, 199, 200 and 201.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 21, 1898.

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

James A. Baker, jr., of Houston, Tex., was admitted to practice.

No. 293.—J. Henry Jurgens, sheriff, etc., appellant, *v.* Yot Sang. Motion to advance submitted by Mr. Thomas H. Carter for the appellant.

No. 200.—Mary M. Black et al., plaintiffs in error, *v.* Mary K. L. Black. In error to the circuit court of the United States for the eastern district of Pennsylvania. Dismissed with costs pursuant to the tenth rule.

No. 201.—John Q. Brown, assignee, etc., plaintiff in error, *v.* The Marion National Bank of Lebanon, Ky. Submitted by Mr. E. J. McDermott for the plaintiff in error, and by Mr. W. J. Lisle for the defendant in error.

Nos. 53 and 175.—Charles P. Barrett, plaintiff in error, *v.* The United States. Argued by Mr. Charles C. Lancaster for the plaintiff in error, and by Mr. Assistant Attorney-General Boyd for the defendant in error.

No. 421.—The Galveston, Harrisburg and San Antonio Railway Company et al., plaintiffs in error, *v.* The State of Texas. Argument commenced by Mr. Joseph Paxton Blair for the plaintiffs in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 24, will be as follows: Nos. 421, 406, 336 (and 337, 338, and 339), 104, 268, 425, 463, 464, 45, 79, 83 and 94.

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 24, 1898.

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

Edmund S. Durment, of St. Paul, Minn.; Thomas A. Moran, of Chicago, Ill.; J. Dunbar, of Steubenville, Ohio; Thayer Melvin, of Wheeling, W. Va.; Charles W. Fuller, of Bayonne, N. J., and Philip Pitt Campbell, of Pittsburg, Kans., were admitted to practice.

The Chief Justice announced that the court would take a recess from Monday, the 31st instant, to Monday, February 21 next.

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

No. 93.—The Northern Pacific Railroad Company et al., plaintiffs in error, *v.* Patrick R. Smith. Assigned for reargument on the 7th day of March next, after the cases already set down for that day.

No. 99.—Boyden Power Brake Company et al., appellants, *v.* George Westinghouse, jr., et al.; and

No. 116.—George Westinghouse, jr., et al., appellants, *v.* Boyden Power Brake Company et al. The court, without undertaking to restrict the scope of the argument, directs the attention of counsel particularly to the inquiry whether, in view of the state of the art, including the patents to Westinghouse, the proceedings in the Patent Office, and its own terms, the patent sued on can be sustained as a patent for a process or method.

No. 498.—La Abra Silver Mining Company, appellant, *v.* The United States. Motion that the constitutional objections to the jurisdictional act be first heard and determined denied; but when the case is called for argument counsel will be expected to discuss in the first instance these questions: Whether the Court of Claims had jurisdiction of this case? Whether this court has jurisdiction of this appeal? Whether the appellate jurisdiction, if any, of this court, extends to a review of the facts?

No. 161.—The Missouri, Kansas and Texas Railway Company, plaintiff in error, *v.* McCann and Smizer. Restored to the docket for reargument.

No. 293.—J. Henry Jurgens, sheriff, etc., appellant, *v.* Yot Sang. Motion to advance granted, and cause assigned for argument on the 17th of October next, after the cases already set down for that day, unless sooner reached in regular call.

No. 553.—Lars Thompson, plaintiff in error, *v.* The State of Utah. Motion to advance submitted by Mr. J. L. Rawlins in behalf of counsel for the plaintiff in error.

Nos. 53 and 175.—Charles P. Barrett, plaintiff in error, *v.* The United States. Leave granted to file reply brief herein within three days, on motion of Mr. Assistant Attorney-General Boyd for the defendant in error.

No. —, Original.—*Ex parte*: In the matter of Jesse G. Crain, petitioner. Motion for leave to file petition for a writ of habeas corpus. Submitted by Mr. James Hamilton Lewis for the petitioner.

No. 567.—The Board of Supervisors of the County of Presque Isle, petitioner, *v.* William J. Ashley. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit. Submitted by Mr. Henry M. Duffield in support of petition, and by Mr. C. E. Warner in opposition thereto.

No. 498.—La Abra Silver Mining Company, appellant, *v.* The United States. Motion to reassign case. Submitted by Mr. J. M. Wilson in behalf of counsel for appellant.

Nos. 368, 458, and 459.—The Territory of New Mexico, appellant, *v.* The United States Trust Company, of New York, et al. Motion to advance. To be heard together as one case. Submitted by Mr. A. B. Browne in behalf of counsel.

No. 421.—The Galveston, Harrisburg and San Antonio Railway Company et al., plaintiffs in error, *v.* The State of Texas. Leave granted to file additional brief herein for plaintiffs in error on motion of Mr. Joseph Paxton Blair for the plaintiffs in error. Leave granted to file reply brief for defendant in error on motion of Mr. M. M. Crane for defendant in error. Argument continued by Mr. Joseph Paxton Blair for the plaintiffs in error, and concluded by Mr. M. M. Crane for the defendant in error.

No. 406.—The Houston and Texas Central Railway Company et al., plaintiffs in error, *v.* The State of Texas. Argument commenced by Mr. R. S. Lovett for the plaintiffs in error, continued by Mr. M. M.

Crane for the defendant in error, and by Mr. R. S. Lovett for the plaintiffs in error. Leave granted to file additional brief herein for defendant in error on motion of Mr. M. M. Crane for defendant in error, and to Mr. R. S. Lovett to reply thereto.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 25, will be as follows: Nos. 406, 336 (and 337, 338 and 339), 104, 268, 425 (and 463 and 464), 45, 79, 83 and 94.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 25, 1898.

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

P. A. Wildermuth of Guthrie, Okla. Ty., J. Jay Buck of Emporia, Kansas, George H. Taylor of New York City, Lucius M. Cuthbert of Denver, Col., E. W. Cunningham of Emporia, Kansas, and John W. Beaumont of Detroit, Mich. were admitted to practice.

No. 406. The Houston and Texas Central Railway Company et al., plaintiffs in error, *vs.* The State of Texas. Argument concluded by Mr. R. S. Lovett for the plaintiffs in error.

No. 104. The Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, appellant, *v.* The Board of Public Works of the State of West Virginia. Submitted by Mr. J. B. Sommerville and Mr. J. Dunbar for the appellant and by Mr. T. S. Riley, Mr. Edgar P. Rucker and Mr. Thayer Melvin for the appellee.

No. 45. Josephine W. Wupperman, appellant, *v.* The Steamship "Carib Prince," etc. ;

No. 79. The Franklin Sugar Refining Company, appellant, *v.* The Steamship "Silvia," and

No. 83. Climaco Calderon, appellant, *v.* The Atlas Steamship Company, Limited. Re-assigned for argument on the 21st of February next after the cases already set down for that day.

No. 94. Elizabeth Wetzel et al., appellants, *v.* The Minnesota Railway Transfer Company et al. Argued by Mr. Ernest Howard Hunter and Mr. John W. Hinsdale for the appellants and by Mr. C. K. Davis for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 26, will be as follows: Nos. 336 (and 337, 338 and 339), 268 and 425 (and 463 and 464).



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 26, 1898.

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

The Chief Justice said: "It gives me pleasure to announce to the gentlemen of the bar that Mr. Joseph McKenna of California has been appointed to a seat upon this bench. Mr. McKenna is present and prepared to take the oath of office. Let his commission be read and recorded and the oath be administered accordingly." The commission was then read and the oath administered by the clerk, and Mr. Justice McKenna took his seat on the bench.

Arthur J. Edwards of Phoenix, Ariz., R. R. Bigelow of San Francisco, Cal., and Frank A. Farnham of Boston, Mass., were admitted to practice.

No. 336. John W. Baker, sheriff, etc., appellant, *v.* William Gri^{is}.

No. 337. John W. Baker, sheriff, etc., appellant, *v.* F. A. Austi^{for}

No. 338. John W. Baker, sheriff, etc., appellant, *v.* W. E. Hav^s,
and

No. 339. John W. Baker, sheriff, etc., appellant, *v.* Arthur M. ^{is} ⁴⁻ ^{le} -
ley. Argued by Mr. M. M. Crane for the appellant and by Mr. Geo. ^{se} ^e ^{Clark} and Mr. Joseph H. Choate for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 27, will be as follows: Nos. 268 and 425 (and 463 and 464).



SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 27, 1898.

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

Herbert M. Heath of Augusta, Me., was admitted to practice.

No. —. Mrs. A. E. Fitzhugh and husband, petitioners, *v.* Mrs. Fisher Hazzard. Motion for leave to docket and proceed in forma pauperis submitted by Mr. George Clark in behalf of counsel for petitioners.

No. 268. The Missouri, Kansas and Texas Railway Company, plaintiff in error, *v.* Charles Haber et al. Leave to three counsel on each side to be heard in the argument granted on motion of Mr. James Hagerman for the plaintiff in error. Argued by Mr. James Hagerman, Mr. T. N. Sedgwick and Mr. Simon Sterne for the plaintiff in error and by Mr. E. W. Cunningham, Mr. J. Jay Buck and Mr. W. C. Perry for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 28, will be as follows: Nos. 425 (and 463 and 464).



SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 28, 1898.

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

Charles Newell, of Washington, D. C.; James A. Brady, of Chicago Ill.; John Lynch, jr., of Olney, Ill., and Oscar L. Miles, of Van Buren, Ark., were admitted to practice.

No. 268. The Missouri, Kansas and Texas Railway Company, plaintiff in error, *v.* Charles Haber et al. Leave granted to file supplemental brief for plaintiff in error, the defendants in error to have the right to reply if so desired, on motion of Mr. James Hagerman for the plaintiff in error.

No. 425. Josephine C. Drake et al., executors, etc., plaintiffs in error, *v.* Daniel H. Kochersperger, county treasurer;

No. 463. Elizabeth E. Sawyer et al., executors, etc., plaintiffs in error, *v.* Daniel H. Kochersperger, county treasurer, etc., and

No. 464. Jessie Norton Torrence Magoun, appellant, *v.* Illinois Trust and Savings Bank, executor, etc., et al. Argued by Mr. William G. Guthrie and Mr. Benjamin Harrison for the plaintiffs in error and appellant, and by Mr. Edward C. Akin and Mr. Tho. A. Moran for the defendants in error and appellees.

Adjourned until Monday next at 12 o'clock.



SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 31, 1898.

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

Franklin Leonard, jr., of New York City, N. Y.; Harrison H. Voorhees of Camden, N. J.; Charles H. Bartlett of Bangor, Me., and William J. Hughes of Philadelphia, Pa., were admitted to practice.

No. 558. James W. Wilson, plaintiff in error, *v.* The State of North Carolina ex rel. L. C. Caldwell; and

No. 559. S. Otho Wilson, plaintiff in error, *v.* The State of North Carolina ex rel. John H. Pearson. Rules to show cause awarded, returnable Monday, February 21, next.

Nos. 368, 458 and 459. The Territory of New Mexico, appellant, *v.* The United States Trust Company of New York et al. Motion to advance granted and cases assigned for argument as one case on the 17th of October next, after the cases already set down for that day.

No. 553. Lars Thompson, plaintiff in error, *v.* The State of Utah. Motion to advance granted and cause assigned for argument on the 21st of February next, after the cases already set down for that day.

No. 567. The Board of Supervisors of the County of Presque Isle, petitioner, *v.* William J. Ashley. Petition for writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. —. Mrs. A. E. Fitzhugh and husband, petitioners, *v.* Mrs. Fisher Hazzard. Motion for leave to docket and proceed in forma pauperis denied.

No. 498. La Abra Silver Mining Company, appellant, *v.* The United States. Re-assigned for argument on the 17th of October next after the cases already set down for that day.

No. 188. Henry W. Benjamin, appellant, *v.* The City of New Orleans. Appeal from the United States circuit court of appeals for the fifth circuit. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 539. A. B. White, collector, etc., et al., appellants, *v.* H. C. Berry;

No. 540. A. B. White, collector, etc., et al., appellants, *v.* William Butler; and

No. 541. A. B. White, collector, etc., et al., appellants, *v.* J. G. Ruckman. Advanced and assigned for argument on the 7th of March next, after the cases already set down for that day, on motion of Mr. Assistant Attorney-General Boyd for the appellants.

No. 505. James P. Merritt et al., appellants, *v.* The President and Trustees of Bowdoin College et al. Motion to dismiss submitted by Mr. William A. Maury, Mr. Thomas H. Hubbard, Mr. E. S. Pillsbury, Mr. George N. Williams and Mr. Robert Y. Hayne, in support of motion, and by Mr. A. T. Britton and Mr. A. B. Browne in opposition thereto. Leave granted to Mr. William A. Maury to file additional brief within five days.

No. 141. Pullman's Palace Car Company, appellant, *v.* Central Transportation Company; and

No. 496. Pullman's Palace Car Company, petitioner, *v.* Central Transportation Company. Assigned for argument on the 7th of March next, after the cases already set down for that day, on motion of Mr. Frank P. Prichard for the Central Transportation Company.

No. 157. Henry C. King, plaintiff in error, *v.* M. D. Mullins et al. Assigned for argument on the 7th of March next, after the cases already set down for that day, on motion of Mr. Maynard F. Stiles for the plaintiff in error.

No. 561. The Guarantee Company of North America, petitioner, *v.* The Mechanics' Savings Bank and Trust Company, for use of J. J. Pryor, assignee. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit. Submitted by Mr. Holmes Conrad in behalf of Mr. William L. Granbery, and Mr. Albert D. Marks for the petitioner.

No. 93. The Northern Pacific Railroad Company et al., plaintiffs in error, *v.* Patrick R. Smith. Leave granted to file brief herein in behalf of certain interested parties, on motion of Mr. C. W. Holcomb.

Adjourned until Monday, February 21, at 12 o'clock.

The day call for Monday, February 21, will be as follows: Nos. 19, 21, 341, 479, 533, 47, 106, 9, 415 and 150.

SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 21, 1898.

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

John R. Walker of Kansas City, Mo., John W. Griggs of Paterson, N. J., William J. Wood of Florence, Ala., Gustavus A. Koerner of Belleville, Ill., Catharine Waugh McCulloch of Chicago, Ill., Waldegrave Harlock of New York City, Henry R. Pollard of Richmond, Va., Samuel B. Pinney of Fargo, N. Dak., A. J. Montague of Richmond, Va., Addison S. Tibbets of Lincoln, Nebr., Warren Switzler of Omaha, Nebr., Isaac W. Nordlinger of Washington, D. C., W. Mosby Williams of Washington, D. C., James A. Logan of Philadelphia, Pa., Lindley Fogg of Cleveland, Ohio, Thomas B. Womack of New York City, Elisha B. Hamilton of Quincy, Ill., Thomas Hedge of Burlington, Iowa, Joseph Jackson Waters of Washington, D. C., Charles Arnd of Chicago, Ill., and Fairfax Harrison of New York City were admitted to practice.

No. 105. The United States, appellant, *v.* The Commissioners of the Sinking Fund of the City of Louisville et al. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Peckham.

No. 167. The Commissioners of the Sinking Fund of Logan County, Ky., et al., appellants, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Peckham.

No. 336. John W. Baker, sheriff, etc., appellant, *v.* William Grice;

No. 337. John W. Baker, sheriff, etc., appellant, *v.* F. A. Austin;

No. 338. John W. Baker, sheriff, etc., appellant, *v.* W. E. Hawkins, and

No. 339. John W. Baker, sheriff, etc., appellant, *v.* Arthur M. Finley. Appeals from the circuit court of the United States for the northern district of Texas. Orders reversed, with costs, and causes remanded with directions to set aside the orders discharging the prisoners and to enter orders remanding these to the custody of the sheriff. Opinion by Mr. Justice Peckham.

No. 172.—The Richmond and Alleghany Railroad Company et al., plaintiffs in error, *v.* The R. A. Patterson Tobacco Company. In error to the supreme court of appeals of the State of Virginia. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 189.—Henry M. Baker, appellant, *v.* Horace S. Cummings. Appeal from the court of appeals of the District of Columbia. Decree reversed, with costs, and cause remanded with directions to set aside the decree of the supreme court of the District of Columbia and to remand the cause to that court with instructions to dismiss the bill. Opinion by Mr. Justice White.

No. 166. The United States, appellant, *v.* Dixon N. Garlinger. Appeal from the the Court of Claims. Judgment reversed and cause remanded, with directions to dismiss the claimant's petition. Opinion by Mr. Justice Shiras.

No. 287. A. M. Thomas et al., appellants, *v.* Gay & Reed et al., and

No. 439. D. P. Gay et al., appellants, *v.* A. M. Thomas et al., etc. Appeals from the supreme court of the Territory of Oklahoma. Decree reversed, all costs in this court to be paid by Gay et al., and cause remanded, with directions to proceed in accordance with the opinion of this court. Opinion by Mr. Justice Shiras.

No. 94. Elizabeth Wetzel et al., appellants, *v.* The Minnesota Railway Transfer Company et al. Appeal from the United States circuit court of appeals for the eighth circuit. Decree affirmed, with costs, and cause remanded to the circuit court of the United States for the district of Minnesota. Opinion by Mr. Justice Brown.

No. 78. J. B. Cessna et al., appellants, *v.* The United States et al. Appeal from the Court of Private Land Claims. Decree affirmed. Opinion by Mr. Justice Brewer.

No. 192. Daniel Dull et al., plaintiffs in error, *v.* John E. Blackman et al. In error to the supreme court of the State of Iowa. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 383. Edward M. Willis et al., petitioners, *v.* The Eastern Trust and Banking Company. On writ of certiorari to the court of appeals of the District of Columbia. Judgment reversed, with costs, and cause remanded with directions to affirm the judgment of the supreme court of the District of Columbia. Opinion by Mr. Justice Gray.

No. 173. Philip Levis, appellant, *v.* Charles R. Kengla, in his own right and as guardian, etc. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Gray.

No. 201. John Q. Brown, assignee, etc., plaintiff in error, *v.* The Marion National Bank of Lebanon, Ky. 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 Harlan.

No. 53. Charles P. Barrett, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the district of South Carolina. Judgment affirmed. Opinion by Mr. Chief Justice Fuller.

No. 75. Charles P. Barrett, plaintiff in error, *v.* The United States. In error to the district court of the United States for the western district of South Carolina. Judgment affirmed. Opinion by Mr. Chief Justice Fuller.

No. 159. The United States, appellant, *v.* Alexander Murphy & Co. On writ of certiorari to the United States circuit court of appeals for the second circuit. Decree of said United States circuit court of appeals and decree of the circuit court of the United States for the southern district of New York reversed, and cause remanded to the said circuit court with a direction to affirm the decision of the Board of General Appraisers. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced that the court would adjourn from to-day until Wednesday.

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

Order. The Reporter having represented that owing to the number of decisions at the 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.

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

For the first circuit, Horace Gray, Associate Justice.

For the second circuit, Rufus W. Peckham, Associate Justice.

For the third circuit, George Shiras, jr., Associate Justice.

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

For the fifth circuit, Edward D. White, Associate Justice.

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

For the seventh circuit, Henry B. Brown, Associate Justice.

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

For the ninth circuit, Joseph McKenna, Associate Justice.

The Solicitor-General presented to the court the honorable John W. Griggs as Attorney-General of the United States, and it was ordered that his commission be recorded.

No. 579. The De La Vergne Refrigerating Machine Company, petitioner, *v.* The German Savings Institution et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. J. K. Richards in behalf of Mr. C. H. Aldrich and Mr. F. W. Lehmann in support of petition and by Mr. Eleneious Smith in opposition thereto.

No. 150. Lowry W. Humes, plaintiff in error, *v.* The United States. Submitted by Mr. J. M. Greer for the plaintiff in error, and by Mr. Assistant Attorney-General Boyd for the defendant in error, with leave to file additional briefs on or before Monday next.

No. 566. Platt Rogers, as Mayor, and the City of Denver, plaintiff in error, *v.* Samuel B. Morgan. Death of defendant in error, Samuel B. Morgan, suggested and appearance of Ellen Theresa Morgan, Alice Morgan Harrison, Jessie Morgan and Edward B. Morgan, heirs, as defendants in error herein filed and entered on motion of Mr. John F. Shafroth, of counsel for plaintiffs in error.

No. 409. William C. Fitts, attorney-general, et al., appellants, *v.* Charles M. McGhee et al., receivers, etc. Motion to advance submitted by Mr. William C. Fitts, Mr. William J. Wood and Mr. John T. Morgan for the appellants.

No. 584. Amedee D. Moran et al., purchasing trustees, petitioners, *v.* Charles Dillingham. Petition for a writ of certiorari to the United States circuit court of appeals from the fifth circuit submitted by Mr. L. W. Campbell in support of petition.

No. 587. Chauncey W. Dodge et al., petitioners, *v.* Abraham I. Strasburger et al. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. A. H. O'Connor, Mr. Chapin Brown, and Mr. Henry P. Blair in support of petition and by Mr. Leon Tobriner and Mr. Isaac W. Nordlinger in opposition thereto.

No. 327. C. A. Warren, plaintiff in error, *v.* Bertrand G. Chandos et al. Motions to dismiss or affirm submitted by Mr. Alexander Britton in behalf of Mr. Horace G. Platt in support of motions, and Mr. J. C. Bates in opposition thereto.

No. 404. The United States ex rel. Alfred L. Bernardin, plaintiff in error, *v.* Benjamin Butterworth, Commissioner of Patents. Motion to substitute C. H. Duell for Benjamin Butterworth, as party defendant in error herein submitted by Mr. J. C. Dowell for the plaintiff in error, with leave to Mr. J. M. Wilson to file suggestions in opposition to motion.

No. 580. Charles E. Pope, receiver, etc., petitioner, *v.* The Louisville, New Albany and Chicago Railway Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh

circuit. Submitted by Mr. John S. Miller and Mr. W. P. Fishback in support of petition and by Mr. G. W. Kretzinger in opposition thereto. Leave granted to Mr. Miller to file brief in reply within three days.

No. 590. George C. W. Magruder et al., petitioners, *v.* John S. Belt. Petition for a writ of certiorari to the court of appeals of the District of Columbia. Submitted by Mr. H. Randall Webb and Mr. J. J. Waters in support of the petition, and by Mr. F. H. Mackey in opposition thereto, with leave to Mr. Mackey to file additional brief by Wednesday.

No. 283. Standard Elevator Company et al., appellants, *v.* Crane Elevator Company et al. Continued per stipulation on motion of Mr. F. H. Freeman in behalf of counsel.

No. 17. Clarence E. Collins, plaintiff in error, *v.* The State of New Hampshire;

No. 86. George Schallenberger, plaintiff in error, *v.* The Commonwealth of Pennsylvania;

No. 87. George E. Paul, plaintiff in error, *v.* The Commonwealth of Pennsylvania, and

No. 88. J. Otis Paul, plaintiff in error, *v.* The Commonwealth of Pennsylvania. Reassigned for the foot of the call for March 7 next on motion of Mr. Robert Mather in behalf of counsel.

No. 558. James W. Wilson, plaintiff in error, *v.* The State of North Carolina, ex rel. L. C. Caldwell, and

No. 559. S. Otho Wilson, plaintiff in error, *v.* The State of North Carolina, ex rel. John H. Pearson. Motions to dismiss or affirm submitted by Mr. J. C. MacRae, Mr. W. H. Day and Mr. A. C. Avery in support of motions, and by Mr. R. O. Burton and Mr. Thomas N. Hill in opposition thereto. Motions for attachment for contempt and to restore plaintiffs in error to office submitted by Mr. R. O. Burton and Mr. Thomas N. Hill in support of motions, and by Mr. J. C. MacRae, Mr. W. H. Day and Mr. A. C. Avery in opposition thereto.

No. 588. John A. Buckstaff et al., petitioners, *v.* Russell & Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Charles O. Whedon, Mr. John H. Ames and Mr. A. S. Tibbetts in support of petition.

No. 307. L. Z. and M. Z. Farwell, appellants, *v.* The United States. Appeal from the Court of Private Land Claims. Dismissed on authority of counsel for the appellants.

No. 509. Thomas J. Darragh, appellant, *v.* H. Wetter Manufacturing Company et al. Motion to dismiss submitted by Mr. U. M. Rose and Mr. G. B. Rose in support of motion, and by Mr. John McClure in opposition thereto.

No. 560. John Budzisz et al., plaintiffs in error, *v.* Illinois Steel Company. Motion to dismiss submitted by Mr. William E. Carter and Mr. E. H. Gary in support of motion, and by Mr. Rublee A. Cole in opposition thereto.

No. 19. A. A. McCullough, plaintiff in error, *v.* The Commonwealth of Virginia. Argument commenced by Mr. Richard L. Maury for the plaintiff in error, and continued by Mr. A. J. Montague and Mr. Henry R. Pollard for the defendant in error.

Adjourned until Wednesday at 12 o'clock.

The day call for Wednesday, February 23, will be as follows: Nos. 19, 21, 341, 479, 533, 47, 106, 9, 415 and 45.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, FEBRUARY 23, 1898.

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

James O'Hara of St. Joseph, Mich., F. Herbert Ellsworth of Benton Harbor, Mich., and George M. Anderson of Akron, Ohio, were admitted to practice.

No. 154. Quincy A. Shaw, plaintiff in error, *v.* Murray M. Kellogg. Submitted by Mr. E. O. Wolcott and Mr. Joel F. Vails for the plaintiff in error, and by Mr. John R. Smith for the defendant in error.

No. 19. A. A. McCullogh, plaintiff in error, *v.* The Commonwealth of Virginia. Argument continued by Mr. Henry R. Pollard for the defendant in error, and concluded by Mr. William A. Maury for the plaintiff in error.

No. 21. T. H. Rhodes, plaintiff in error, *v.* The State of Iowa. Argued by Mr. Thomas Hedge and Mr. Robert Mather for the plaintiff in error, and by Mr. Milton Remley for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, February 24, will be as follows: Nos. 341, 479, 533, 47, 106, 9, 415, 45, 79 and 83.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, FEBRUARY 24, 1898.

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

O. P. Sperra of Ravenna, Ohio, was admitted to practice.

No. 341. The United States, appellant, *v.* The Joint Traffic Association et al. Leave granted to three counsel for the appellees to be heard and two hours' additional time allowed them in the argument of this case, on motion of Mr. James C. Carter for the appellees. Argument commenced by Mr. Solicitor-General Richards for the appellant and continued by Mr. James C. Carter for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, February 25, will be as follows: Nos. 341, 479, 533, 47, 106, 9, 415, 45, 79 and 83.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, FEBRUARY 25, 1898.

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

No. 105. The United States, appellant, *v.* The Commissioners of the Sinking Fund of the City of Louisville et al. Mandate granted on motion of Mr. Alphonso Hart for the appellees.

No. 341. The United States, appellant, *v.* The Joint Traffic Association et al. Argument continued by Mr. George F. Edmunds and Mr. Edward J. Phelps for the appellees, and concluded by Mr. Solicitor-General Richards for the appellant.

No. 479. J. C. Anderson et al., appellants, *v.* The United States. Argument commenced by Mr. R. E. Ball for the appellants.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, February 28, will be as follows: Nos. 479, 533, 47, 106, 9, 415, 45, 79, 83 and 553.

SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 28, 1898.

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

E. H. Brewster of Dixon, Ill., Jared How of St. Paul, Minn., G. E. Waldo of New York City, Andrew Gilhooly of New York City, Gustav Bissing of Washington, D. C., Lemuel H. Arnold of New York City, W. Preston Williamson of Washington, D. C., Reuben Hatch of Grand Rapids, Mich., and George P. Flannery of Minneapolis, Minn., were admitted to practice.

No. 180. Julius A. Beley et al., plaintiffs in error, *v.* Joseph Naphtaly. In error to the United States circuit court of appeals for the ninth circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the northern district of California. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Harlan.

No. 181. Josiah S. Smith, appellant, *v.* Joseph Naphtaly. Appeal from the United States circuit court of appeals for the ninth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the northern district of California. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Harlan.

No. 20. Ransom Payne, appellant, *v.* W. S. Robertson et al. Appeal from the supreme court of the Territory of Oklahoma. Decree affirmed with costs. Opinion by Mr. Justice White.

No. 174. The United States, appellant, *v.* Lewis A. Eaton. Appeal from the Court of Claims. Judgment modified by reducing the amount thereof to \$3,389.07, and as so modified affirmed. Opinion by Mr. Justice White.

Nos. 261 and 264. Albert F. Holden, plaintiff in error, *v.* Harvy Hardy, sheriff, etc. In error to the supreme court of the State of Utah. Judgments affirmed with cost. Opinion by Mr. Justice Brown. Dissenting: Mr. Justice Brewer and Mr. Justice Peckham.

No. 191. The Smithsonian Institution, appellant, *v.* Levi W. Meech et al. Appeal from the court of appeals of the District of Columbia. 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 Brewer. (The Chief Justice did not sit in this case, and took no part in its consideration and decision.)

The Chief Justice announced the following order of the court:

Order. Ordered, that the table of fees and costs in the circuit court of appeals established, in pursuance of the act of Congress of February 19, 1897, by order of January 10, 1898, be, and the same is hereby, amended as to the item for "preparing the record for the printer, indexing the same, supervising the printing and distributing the copies, for each printed page of the record and index, 15," by substituting "25 cents" in place of "15 cents" for each printed page, so that said order as amended shall read as follows:

Ordered, in pursuance of the act of Congress of February 19, 1897 (29 Stat., 536, c. 263), that the following table of fees and costs in the circuit courts of appeals be, and the same is hereby, established, to take effect on the first day of March, A. D. 1898, and no other fees and costs than those therein named shall thereafter be charged:

Docketing a case and filing the record.....	\$5 00
Entering an appearance.....	25
Transferring a case to the printed calendar.....	1 00
Entering a continuance.....	25
Filing a motion, order, or other paper.....	25
Entering any rule, or making or copying any record or other paper, for each one hundred words.....	20
Entering a judgment or decree.....	1 00
Every search of the records of the court and certifying the same.	1 00
Affixing a certificate and a seal to any paper.....	1 00
Receiving, keeping and paying money, in pursuance of any statute or order of court, one per cent on the amount so received, kept and paid.	
Preparing the record for the printer, indexing the same, supervising the printing and distributing the copies, for each printed page of the record and index.....	25
Making a manuscript copy of the record, when required by the rules, for each one hundred words (but nothing in addition for supervising the printing).....	20
Issuing a writ of error and accompanying papers, or a mandate or other process.....	5 00
Filing briefs, for each party appearing.....	5 00
Copy of an opinion of the court, certified under seal, for each printed page (but not to exceed five dollars in the whole for any copy).....	1 00
Attorney's docket fee.....	20 00

No. 561. The Guarantee Company of North America, petitioner, *v.* The Mechanics' Savings Bank and Trust Company for the use of J. J. Pryor, assignee. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit granted.

No. 409. William C. Fitts, attorney-general, et al., appellants, *v.* Charles M. McGhee et al., receivers, etc. Motion to advance granted and cause assigned for argument on the 17th day of October next, after the cases already set down for that day, or the case will be taken on printed briefs on or before the first Monday of April next.

No. 579. The De La Vergne Refrigerating Machine Company, petitioner, *v.* The German Savings Institution et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit granted.

No. 584. Amedee D. Moran et al., purchasing trustees, petitioners, *v.* Charles Dillingham. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit granted.

No. 587. Chauncey W. Dodge et al., petitioners, *v.* Abraham I. Strasburger et al. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 588. John A. Buckstaff et al., petitioners, *v.* Russell & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 590. George C. W. Magruder et al., petitioners, *v.* John S. Belt. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 327. C. A. Warren, plaintiff in error, *v.* Bertrand G. Chandos et al. In error to the supreme court of the State of California. Dismissed for the want of jurisdiction on the authority of *Eustis v. Bolles*, 150 U. S., 361; *Dibble v. Bellingham Bay Land Company*, 163 U. S., 63; *Castello v. McConnico*, 168 U. S., 674, 679.

No. 509. Thomas J. Darragh, appellant, *v.* H. Wetter Manufacturing Company et al. Appeal from the United States circuit court of appeals for the eighth circuit. Dismissed for the want of jurisdiction on the authority of *Carey v. Houston and Texas Central Railway Company*, 161 U. S., 115.

No. 154. Quincy A. Shaw, plaintiff in error, *v.* Murray M. Kellogg. Leave granted to file a revised brief on behalf of the United States on motion of Mr. Solicitor-General Richards for the United States.

No. 404. The United States ex rel. Alfred L. Bernardin, plaintiff in error, *v.* Benjamin Butterworth, Commissioner of Patents. Leave granted to file suggestions within three days on motion to substitute C.

H. Duell in place of Benjamin Butterworth as defendant in error herein, on motion of Mr. Solicitor-General Richards for the United States.

No. 479. J. C. Anderson et al., appellants, *v.* The United States. Argument continued by Mr. R. E. Ball for the appellants, by Mr. John R. Walker for appellee, and concluded by Mr. R. E. Ball for the appellants.

No. 533. Henry Hopkins et al., appellants, *v.* The United States. Argument commenced by Mr. L. C. Krauthoff for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 1, will be as follows: Nos. 533, 47, 106, 9, 415, 45, 79, 83 and 553.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 1, 1898.

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

Alex. G. Cochran, of St. Louis, Mo., was admitted to practice.

No. 533. Henry Hopkins et al., appellants, *v.* The United States. Argument continued by Mr. L. C. Krauthoff for the appellants, by Mr. Samuel W. Moore for the appellee, and concluded by Mr. L. C. Krauthoff for the appellants.

No. 47. The State of Missouri *ex rel.* The Laclede Gaslight Company, plaintiff in error, *v.* Michael J. Murphy, Street Commissioner, etc. Argument commenced by Mr. Henry Hitchcock for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 2, will be as follows: Nos. 47, 106, 9, 415, 45, 79, 83 and 553.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 2, 1898.

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

No. 431. The North American Commercial Company, plaintiff in error, *v.* The United States. Reassigned for argument after the cases assigned for the 7th instant, on motion of Mr. Solicitor-General Richards for the appellee.

No. 47. The State of Missouri *ex rel.* The Laclede Gaslight Company, plaintiff in error, *v.* Michael J. Murphy, Street Commissioner, *etc.* Argument continued by Mr. Henry Hitchcock for the plaintiff in error, by Mr. W. C. Marshall for the defendant in error, and concluded by Mr. Henry Hitchcock for the plaintiff in error.

No. 106. The New York Indians, appellants, *v.* The United States. Argument commenced by Mr. Joseph H. Choate for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 3, will be as follows: Nos. 106, 9, 415, 45, 79, 83 and 53.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 3, 1898.

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

Charles F. Mansfield of Mansfield, Ill., William Findlay Brown of Philadelphia, Pa., Lewis R. Bryan of Velasco, Tex., Grant A. Bush of Angleton, Tex., Russell E. Shepard of Austin, Minn., and John E. Laskey of Washington, D. C., were admitted to practice.

No. 106. The New York Indians, appellants, *v.* The United States. Argument continued by Mr. Joseph H. Choate for the appellants, by Mr. C. C. Binney for the appellee, and concluded by Mr. Joseph H. Choate for the appellants.

No. 9. The Patapasco Guano Company, appellant, *v.* The Board of Agriculture of North Carolina et al. Argument commenced by Mr. Thomas N. Hill for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 4, will be as follows: Nos. 9, 415, 45, 79, 83 and 553.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 4, 1898.

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

E. G. Hamersly of Philadelphia, Pa., was admitted to practice.

No. 415. Benjamin Hawker, plaintiff in error, *v.* The People of the State of New York. Reassigned for argument at the foot of the call for to-day on motion of Mr. R. C. Taylor for the defendants in error.

No. 9. The Patapsco Guano Company, appellant, *v.* The Board of Agriculture of North Carolina et al. Leave granted to three counsel for the appellees to be heard in the argument hereof, on motion of Mr. R. H. Battle for the appellees. Argument continued by Mr. Thomas N. Hill for the appellant, by Mr. R. H. Battle, Mr. J. C. L. Harris and Mr. F. H. Busbee for the appellees, and concluded by Mr. John W. Hinsdale for the appellant.

No. 553. Lars Thompson, plaintiff in error, *v.* The State of Utah. Argument commenced by Mr. J. W. N. Whitecotton for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 7, will be as follows: Nos. 553, 45, 78, 83, 415, 514 (and 515), 99 (and 116), 8, 27 (and 15 and 16) and 297.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 7, 1898.

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

John A. Lovely of Albert Lea, Minn., Vernon Beggs of Denver, Colo., Joseph H. Gaines of Charleston, W. Va., Z. T. Vinson of Huntington, W. Va., David W. Mulvane of Topeka, Kans., William Faxon, jr., of Boston, Mass., Franklin W. Collins of Lincoln, Nebr., and Lawrence Kneeland of New York City were admitted to practice.

No. 38. The Central National Bank of Boston et al., plaintiffs in error, *v.* Aaron R. Stevens et al. In error to the court of appeals of the State of New York. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Shiras. Dissenting: Mr. Justice Peckham.

No. 55. A. Backus, jr., & Sons et al., plaintiffs in error, *v.* The Fort Street Union Depot Company. In error to the supreme court of the State of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Harlan. (Mr. Justice Brown took no part in the decision of this case.)

No. 69. The Savings and Loan Society, appellant, *v.* Multnomah County, State of Oregon, et al. Appeal from the circuit court of the United States for the district of Oregon. Decree affirmed with costs. Opinion by Mr. Justice Gray. Dissenting: Mr. Justice Harlan and Mr. Justice White. (Mr. Justice McKenna not having been a member of the court when this case was argued, took no part in the decision.)

No. 49. C. J. Smyth, Attorney-General, et al., appellants, *v.* Oliver Ames, et al.;

No. 50. C. J. Smyth, Attorney-General, et al., appellants, *v.* George Smith et al., and

No. 51. C. J. Smyth, Attorney-General, et al., appellants, *v.* Henry L. Higginson et al. Appeals from the circuit court of the United States for the district of Nebraska. Decrees affirmed with costs. Opinion by

Mr. Justice Harlan. (The Chief Justice took no part in the consideration or decision of these cases. Mr. Justice McKenna was not a member of the court when these cases were argued and submitted and took no part in their decision.)

The Chief Justice announced the following orders of the court:

No. 194. Herman Keck, plaintiff in error, *v.* The United States. In error to the district court of the United States for the eastern district of Pennsylvania. Judgment affirmed by a divided court.

No. 580. Charles E. Pope, receiver, etc., petitioner, *v.* The Louisville, New Albany and Chicago Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 223. The United States, plaintiff in error, *v.* Isaac W. Patrick et al. In error to the United States circuit court of appeals for the eighth circuit. Dismissed on motion of Mr. Solicitor-General Richards, for the plaintiff in error.

No. 302. The United States, appellant, *v.* John Dobson. Appeal from the Court of Claims. Dismissed on motion of Mr. Solicitor-General Richards, for the appellant.

No. 583. John Anderson, plaintiff in error, *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Richards, for the defendant in error.

No. 591. Flint, Eddy & Co., appellants, *v.* George Christall et al. Motion to advance submitted by Mr. J. Langdon Ward, in behalf of counsel for appellant.

No. 151. Ambrose P. S. Stuart, appellant, *v.* Kent K. Hayden, receiver, etc., et al.; and

No. 160. August T. Gruetter et al., appellants, *v.* Ambrose P. S. Stuart et al. Motion to re-form decree herein submitted by Mr. Franklin W. Collins in behalf of Mr. G. M. Lambertson for the receiver.

No. 553. Lars Thompson, plaintiff in error, *v.* The State of Utah. Argument continued by Mr. J. W. N. Whitecotton for the plaintiff in error, by Mr. L. T. Michener for the defendant in error, and concluded by Mr. J. W. N. Whitecotton for the plaintiff in error.

No. 45. Josephine W. Wupperman, appellant, *v.* The Steamship Carib Prince, etc. Argument commenced by Mr. Harrington Putnam for the appellant, and continued by Mr. J. Parker Kirlin for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 8, will be as follows: Nos. 45, 79, 83, 415, 514 (and 515), 99 (and 116), 397, 8, 27 (and 15 and 16) and 297.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 8, 1898.

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

No. 219. Edward J. Delaney, executor, etc., plaintiff in error *v.* The City and County of San Francisco. In error to the Supreme Court of the State of California. Dismissed for want of jurisdiction per stipulation.

No. 45. Josephine W. Wupperman, appellant, *v.* The Steamship "Carib Prince," etc. Argument continued by Mr. J. Parker Kirlin for the appellee, and concluded by Mr. Harrington Putnam for the appellant.

No. 79. The Franklin Sugar Refining Company, appellant, *v.* The Steamship "Silvia," etc. Argued by Mr. C. C. Burlingham and Mr. Harrington Putnam for the appellant, and by Mr. J. Parker Kirlin for the appellee.

No. 83. Climaco Calderon, appellant, *v.* The Atlas Steamship Company, Limited. Argument commenced by Mr. J. Langdon Ward for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 9, will be as follows: Nos. 83, 415, 514 (and 515), 99 (and 116), 397, 8, 27 (and 15 and 16), 297, 28 and 30.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 9, 1898.

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

No. 83. Climaco Calderon, appellant, *v.* The Atlas Steamship Company, Limited. Argument continued by Mr. J. Langdon Ward for the appellant, by Mr. Everett P. Wheeler for the appellee, and concluded by Mr. J. Langdon Ward for the appellant.

No. 415. Benjamin Hawker, plaintiff in error, *v.* The People of the State of New York. Argued by Mr. H. O. Pentecost for the plaintiff in error, and by Mr. R. C. Taylor and Mr. Asa Bird Gardiner for the defendants in error.

No. 514. S. W. Vance et al., appellants, *v.* W. A. Vandercook Company; and

No. 515. S. W. Vance et al., plaintiffs in error, *v.* W. A. Vandercook Company. Argument commenced by Mr. William A. Barber for Vance et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 10, will be as follows: Nos. 514, (and 515), 99 (and 116), 397, 8, 27 (and 15 and 16), 297, 28, 30, 119 and 531.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 10, 1898.

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

Edward Ambler Armstrong, of Camden, N. J., and Ernest Leigh Tustin, of Philadelphia, Pa., were admitted to practice.

No. 514. S. W. Vance et al., appellants, *v.* W. A. Vandercook Company; and

No. 515. S. W. Vance et al., plaintiffs in error, *v.* W. A. Vandercook Company. Argument continued by Mr. William A. Barber for Vance et al., by Mr. J. P. Kennedy Bryan for W. A. Vandercook Company, and concluded by Mr. William A. Barber for Vance et al.

No. 99. Boyden Power Brake Company et al., appellants, *v.* George Westinghouse, jr., et al.; and

No. 116. George Westinghouse, jr., et al., appellants, *v.* Boyden Power Brake Company et al. Argument commenced by Mr. George H. Christy for Westinghouse et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 11, will be as follows: Nos. 99 (and 116), 397, 8, 27 (and 15 and 16), 297, 28, 30, 119, 531 and 93.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 11, 1898.

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

C. C. Dickey of Pittsburg, Pa., was admitted to practice.

No. 99. Boyden Power Brake Company et al., appellants, *v.* George Westinghouse, jr., et al.; and

No. 116. George Westinghouse, jr., et al., appellants, *v.* Boyden Power Brake Company et al. Argument continued by Mr. George H. Christy for Westinghouse et al., by Mr. Philip Mauro and Mr. Lysander Hill for Boyden Power Brake Company et al., and concluded by Mr. Frederic H. Betts for Westinghouse et al.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 14, will be as follows: Nos. 397, 8, 27 (and 15 and 16); 297, 28, 30, 119, 531, 93 and 539 (and 540 and 541).

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 14, 1898.

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

John R. Beam of Paterson, N. J., Napoleon B. Laughlin of Santa Fe, N. Mex., Burke Corbet of Grand Forks, N. Dak., Murry Nelson, jr., of Chicago, Ill., Francis Burke of Boston, Mass., John Howard McElroy of Chicago, Ill., Isaac Reynolds Hitt, jr., of Washington D. C., Charles H. Clifford of San Antonio, Tex., Claudian B. Northrop of Charleston, S. C., and William Knight Shryock of Philadelphia, Pa., were admitted to practice.

No. 505. James P. Merritt et al., appellants, *v.* The President and Trustees of Bowdoin College et al. Appeal from the circuit court of the United States for the northern district of California. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Harlan. (The Chief Justice took no part in the consideration and decision of this case.)

No. 268. The Missouri, Kansas and Texas Railway Company, plaintiff in error, *v.* Charles Haber et al. In error to the supreme court of the State of Kansas. Judgment affirmed with costs. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Brewer.

The Chief Justice announced the following orders of the court:

No. 583. John Andersen, plaintiff in error, *v.* The United States. Motion to advance granted, and cause assigned for argument on the 11th day of April next.

No. 591. Flint, Eddy & Co., appellant *v.* George Christall et al. Motion to advance generally denied, but the cause will be advanced as under the thirty-second rule, to be submitted on printed briefs on or before Monday, April 11 next, if counsel shall be so advised.

No. 151. Ambrose P. S. Stuart, appellant, *v.* Kent K. Hayden, receiver, etc.; and

No. 160. August T. Gruetter et al., appellants, *v.* Ambrose P. S. Stuart et al. Decree of January 10, 1898, herein vacated and set aside.

No. 151. Ambrose P. S. Stuart, appellant, *v.* Kent K. Hayden, receiver, etc.; and

No. 160. August T. Gruetter et al., appellants, *v.* Ambrose P. S. Stuart et al. Appeals from the United States circuit court of appeals for the eighth circuit. Decree of the circuit court of the United States for the district of Nebraska in this cause of April 23, 1895, in favor of Hayden, receiver, and against Ambrose P. S. Stuart, for \$16,875.42 affirmed, with interest, until paid, at the same rate per annum that similar decrees bear in the courts of the State of Nebraska; and said decree in favor of Gruetter and Joers on their cross bill reversed, each appellant to pay one-half of the costs in this court, and cause remanded to the said circuit court with directions to dismiss the cross bill of Gruetter and Joers without prejudice.

No. 585. The Louisville and Nashville Railroad Company et al., appellants, *v.* Henry W. Behliner. Motion to vacate supersedeas herein submitted by Mr. Claudian B. Northrop in support of motion, and by Mr. Joseph W. Barnwell and Mr. Ed. Baxter in opposition thereto.

No. 603. The National Safe Deposit, Savings and Trust Company, petitioner, *v.* William Bruce Gray. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. R. Ross Perry in support of petition, and by Mr. Samuel Maddox in opposition thereto.

No. 517. John H. Leyson, administrator, etc., plaintiff in error, *v.* Andrew J. Davis, jr., et al. Motions to dismiss or affirm submitted by Mr. A. B. Browne, Mr. A. T. Britton, Mr. W. W. Dixon and Mr. James W. Forbis in support of motions, and by Mr. Robert G. Ingersoll, Mr. Walter S. Logan, Mr. Charles M. Demona and Mr. Edwin W. Toole in opposition thereto.

No. 586. Joseph Kipley, superintendent, etc., plaintiff in error, *v.* The People of the State of Illinois ex rel. E. C. Akin, Attorney-General. Motion to dismiss submitted by Mr. George W. Smith, Mr. E. C. Akin, Mr. Frank P. Blair and Mr. Murry Nelson, jr., in support of motion, and by Mr. Charles S. Thornton in opposition thereto. Motion for leave to file supplemental transcript herein, and to consolidate No. 601 herewith submitted by Mr. Charles S. Thornton for the plaintiff in error.

No. 478 of October term of 1896. Thomas C. Chappell, plaintiff in error, *v.* Mary Ball Chappell. Motion for an order directing the clerk of this court to return the original petition for writ of error herein to the clerk of the court of appeals of the State of Maryland submitted by Mr. Thomas C. Chappell, the plaintiff in error.

No. 609. Edgar Harding, petitioner, *v.* The Minneapolis Northern Railway Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. H. F. Stevens in behalf of Mr. M. H. Boutelle in support of petition, and by Mr. S. S. Burdett in opposition thereto.

No. 397. A. J. Sylvester, plaintiff in error, *v.* The United States. Argued by Mr. Arthur English for the plaintiff in error, and by Mr. Assistant Attorney-General Boyd for the defendant in error.

No. 8. The United States, appellant, *v.* Earl B. Coe. Argument commenced by Mr. Matt. G. Reynolds for the appellant, and continued by Mr. A. M. Stevenson for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 15, will be as follows: Nos. 8, 27 (and 15 and 16), 297, 28, 30, 119, 531, 93, 539 (and 540 and 541) and 141 (and 496).



SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 15, 1898.

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

August B. Bode of Cincinnati, Ohio, and Charles Phillip Spooner of Milwaukee, Wis., were admitted to practice.

No. 219. Edward J. Delaney, executor, etc., plaintiff in error, *v.* The City and County of San Francisco. Mandate granted per stipulation on motion of Mr. Matt. G. Reynolds in behalf of counsel.

No. 8. The United States, appellant, *v.* Earl B. Coe. Argument continued by Mr. A. M. Stevenson for the appellee, and concluded by Mr. Matt. G. Reynolds for the appellant.

No. 27. Santiago Ainsa, administrator, etc., appellant, *v.* The United States;

No. 15. Santiago Ainsa, administrator, etc., appellant, *v.* The New Mexico and Arizona Railroad Company;

No. 16. Santiago Ainsa, administrator, etc., appellant, *v.* The New Mexico and Arizona Railroad Company et al.; and

No. 297. The United States, appellant, *v.* Frederick Maish et al. Argument commenced by Mr. Rochester Ford for Ainsa, administrator, and Maish, and continued by Mr. Matt. G. Reynolds for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 16, will be as follows: Nos. 27 (and 15 and 16 and 297), 28, 30, 119, 531, 93, 539 (and 540 and 541), 141 (and 496), 157 and 17 (and 86, 87 and 88).

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 16, 1898.

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

No. 27. Santiago Ainsa, administrator, etc., appellant, *v.* The United States; and

No. 297. The United States, appellant, *v.* Frederick Maish et al. Argument concluded by Mr. James C. Carter for Ainsa and Maish et al.

No. 15. Santiago Ainsa, administrator, etc., appellant, *v.* The New Mexico and Arizona Railroad Company; and

No. 16. Santiago Ainsa, administrator, etc., appellant, *v.* The New Mexico and Arizona Railroad Company et al. Submitted by Mr. Rochester Ford for the appellant, and by Mr. Solicitor-General Richards, and Mr. Matt. G. Reynolds for the United States, by special leave of the court.

No. 28. Juan Pedro Camon, appellant, *v.* The United States. Argued by Mr. Rochester Ford for the appellant, and by Mr. Matt. G. Reynolds for the appellee.

No. 30. Robert Perrin, appellant, *v.* The United States et al. Argument commenced by Mr. Byron Waters for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 17, will be as follows: Nos. 30, 119, 531, 93, 539 (and 540 and 541), 157, 141 (and 496), 86 (and 87, 88 and 17) and 431.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 17, 1898.

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

Charles M. Alderson of Charleston, W. Va., and J. M. Shallenberger of Cleveland, Ohio, were admitted to practice.

No. 505. James P. Merritt et al., appellants, *v.* The President and Trustees of Bowdoin College et al. Motion for mandate submitted by Mr. William A. Maury for the appellees. Ordered that notice of said motion be served on counsel for appellants for the 28th instant.

No. 27. Santiago Ainsa, administrator, etc., appellant, *v.* The United States. Leave granted to file supplemental brief herein on motion of Mr. Rochester Ford for the appellant.

No. 30. Robert Perrin, appellant, *v.* The United States et al. Argument continued by Mr. Byron Waters for the appellant, by Mr. Matt. G. Reynolds for the appellees, and concluded by Mr. John T. Morgan for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 18, will be as follows: Nos. 119, 531, 93, 539 (and 540 and 541), 157, 141 (and 496), 86 (and 87, 88, and 17) and 431.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 18, 1898.

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

Fred L. Chappell of Kalamazoo, Mich., and C. A. Layton of Wapakoneta, Ohio, were admitted to practice.

No. 30. Robert Perrin, appellant, *v.* The United States et al. Leave granted to appellant to file an additional brief herein within one week, and to appellees to file reply thereto within five days thereafter on motion of Mr. Byron Waters for the appellant.

No. 119. William Faxon, jr., trustee, et al., appellants, *v.* The United States et al. Argued by Mr. Francis J. Heney for the appellants, and by Mr. Matt. G. Reynolds for the appellees. Leave granted to Mr. Reynolds to file a supplemental brief herein within five days; motion for leave to file additional testimony submitted by Mr. Francis J. Heney for appellants, with leave to Mr. Reynolds to reply thereto.

No. 27. Santiago Ainsa, administrator, appellant, *v.* The United States. Leave granted to Mr. Matt. G. Reynolds to file supplemental brief herein for the appellee within five days.

No. 531. Henry Williams, plaintiff in error, *v.* The State of Mississippi. Argued by Mr. Cornelius J. Jones for the plaintiff in error, and submitted by Mr. C. B. Mitchell for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 21, will be as follows: Nos. 93, 539 (and 540 and 541), 157, 141 (and 496), 86 (and 87, 88 and 17) and 431.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 21, 1898.

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

Charles S. Whitman of New York City, Arthur Dehon Hill of Boston, Mass., and William Wilson Miller of New York City, were admitted to practice.

No. 558. James W. Wilson, plaintiff in error, *v.* The State of North Carolina on the relation of L. C. Caldwell; and

No. 559. S. Otho Wilson, plaintiff in error, *v.* The State of North Carolina on the relation of John H. Pearson. In error to the supreme court of the State of North Carolina. Dismissed for want of jurisdiction and rules to show cause discharged. Opinion by Mr. Justice Peckham.

No. 404. The United States *ex rel.* Alfred L. Bernardin, plaintiff in error, *v.* Benjamin Butterworth, Commissioner of Patents. In error to the court of appeals of the District of Columbia. Dismissed with costs. Opinion by Mr. Justice Shiras. Dissenting: Mr. Justice Harlan, Mr. Justice Brewer and Mr. Justice Peckham.

No. 130. McCormick Harvesting Machine Company, appellant, *v.* C. Aultman & Co. et al.; and

No. 131. McCormick Harvesting Machine Company, appellant, *v.* Aultman-Miller Co. On a certificate from the United States circuit court of appeals for the sixth circuit. Question certified answered in the negative. Opinion by Mr. Justice Brown.

The Chief Justice announced the following orders of the court:

No. 478 of October term, 1896. Thomas C. Chappell, plaintiff in error, *v.* Mary Ball Chappell. Motion for an order directing the clerk of this court to return the original petition for writ of error herein to the clerk of the court of appeals of the State of Maryland granted, and it is ordered that the original petition be returned accordingly.

No. 586. Joseph Kipley, superintendent, etc., plaintiff in error, *v.* The People of the State of Illinois ex rel. E. C. Akin, attorney-general; and

No. 601. Joseph Kipley, superintendent, etc., plaintiff in error, *v.* The People of the State of Illinois. Motions for leave to file additional transcript in No. 586 and to consolidate these cases granted.

No. 603. The National Safe Deposit, Savings and Trust Company, petitioner, *v.* William Bruce Gray. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 609. Edgar Harding, petitioner, *v.* The Minneapolis Northern Railway Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 194. Herman Keck, plaintiff in error, *v.* The United States. Motion for rehearing in order to allow the submission of the cause to a full bench, on printed briefs, granted, and the cause taken on submission accordingly.

No. 403. The United States, appellant, *v.* The Mobile and Ohio Railroad Company. Appeal from the Court of Claims. Dismissed on motion of Mr. Solicitor-General Richards for the appellant.

No. 174. The United States, appellant, *v.* Lewis A. Eaton. Mandate granted on motion of Mr. John R. Garrison for the appellee.

No. 302. The United States, appellant, *v.* John Dobson. Mandate granted on motion of Mr. John R. Garrison for the appellee.

No. 546. Charles Meyer et al., plaintiffs in error, *v.* Nettie L. Cox et al. Motion to dismiss submitted by Mr. W. K. Mendenhall in behalf of Mr. Howard Morris in support of motion, and by Mr. Rublee A. Cole in opposition thereto.

No. 602. William W. Dodge et al., petitioners, *v.* The Menasha Wood Split Pulley Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Melville Church in behalf of Mr. Lysander Hill in support of petition, and by Mr. William F. Vilas in opposition thereto. Leave granted to Mr. Edward Rector to file brief in opposition to petition in behalf of certain interested parties, on motion of Mr. Frederic D. McKenney in behalf of counsel.

No. —, Original.—*Ex parte*: In the matter of the Chappell Chemical and Fertilizer Company, petitioner. Motion for leave to file petition for a writ of prohibition submitted by Mr. Thomas C. Chappell for the petitioner.

No. 30. Robert Perrin, appellant, *v.* The United States et al. Leave to withdraw Spanish document filed herein for the purpose of having it translated granted on motion of Mr. John T. Morgan for the appellant.

No. 93. The Northern Pacific Railroad Company et al., plaintiffs in error, *v.* Patrick R. Smith. Motion for leave to present and read original reply to show an error in the record submitted by Mr. H. F. Stevens for the defendant in error. Argued by Mr. C. W. Bunn for the plaintiffs in error, and by Mr. H. F. Stevens for the defendant in error.

No. 539. A. B. White, collector, etc., et al., plaintiffs in error, *v.* H. C. Berry;

No. 540. A. B. White, collector, etc., et al., plaintiffs in error, *v.* William Butler; and

No. 541. A. B. White, collector, etc., et al., plaintiffs in error, *v.* J. G. Ruckman. Argument commenced by Mr. Assistant Attorney-General Boyd for the plaintiffs in error, and continued by Mr. Charles J. Faulkner for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 22, will be as follows: Nos. 539 (and 540 and 541), 157, 141 (and 496), 86 (and 87, 88 and 17) and 431.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 22, 1898.

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

O. W. Catchings of Washington, D. C., was admitted to practice.

No. 505. James P. Merritt et al., appellants, *v.* The President and Trustees of Bowdoin College et al. Mandate granted on motion of Mr. William A. Maury for the appellees.

No. 403. The United States, appellant, *v.* The Mobile and Ohio Railroad Company. Mandate granted on motion of Mr. S. A. Putman in behalf of counsel for appellee.

No. 539. A. B. White, collector, etc., et al., appellants, *v.* H. C. Berry;

No. 540. A. B. White, collector, etc., et al., appellants, *v.* William Butler; and

No. 541. A. B. White, collector, etc., et al., appellants, *v.* J. G. Ruckman. Argument continued by Mr. Charles J. Faulkner for the appellees, and concluded by Mr. Joseph H. Gaines for the appellants.

No. 157. Henry C. King, plaintiff in error, *v.* M. B. Mullins et al. Argument commenced by Mr. Maynard F. Stiles for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 23, will be as follows: Nos. 157, 86 (and 87, 88 and 17), 141 (and 496) and 431.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 23, 1898.

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

Theodore Smith Beecher of New York City was admitted to practice.

The Chief Justice announced that the court would take a recess from Monday, the 28th instant, to Monday, April 11, next.

No. 425. Josephine C. Drake et al., executors, etc., plaintiffs in error, *v.* Daniel H. Kochersperger, county treasurer, etc. ;

No. 463. Elizabeth E. Sawyer et al., executors, etc., plaintiffs in error, *v.* Daniel H. Kochersperger, county treasurer, etc. ; and

No. 464. Jessie Norton Torrence Magoun, appellant, *v.* Illinois Trust and Savings Bank, executor, etc., et al. Leave granted to file and submit copy of opinion of supreme court of Missouri in case of Conley's executor, etc., *v.* Switzler, Judge, etc., on motion of Mr. William D. Guthrie for plaintiffs in error and appellant.

No. 157. Henry C. King, plaintiff in error, *v.* M. B. Mullins et al. Argument continued by Mr. Maynard F. Styles for the plaintiff in error, by Mr. Z. T. Vinson and Mr. Holmes Conrad for the defendants in error, and concluded by Mr. Maynard F. Styles for the plaintiff in error.

No. 86. George Schollenberger, plaintiff in error, *v.* The Commonwealth of Pennsylvania ;

No. 87. George E. Paul, plaintiff in error, *v.* The Commonwealth of Pennsylvania ;

No. 88. J. Otis Paul, plaintiff in error, *v.* The Commonwealth of Pennsylvania ; and

No. 17. Clarence E. Collins, plaintiff in error, *v.* The State of New Hampshire. Argument commenced by Mr. William D. Guthrie for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 24, will be as follows: Nos. 86, (and 87, 88 and 17), 141 (and 496) and 431.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 24, 1898.

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

Myer S. Isaacs of New York City, Thomas McEwan, jr., of Jersey City, N. J., and Howard P. Denison of Syracuse, N. Y., were admitted to practice.

No. 431. The North American Commercial Company, plaintiff in error, *v.* The United States. Reassigned for argument on the 11th of April at the head of the call for that day.

No. 86. George Schollenberger, plaintiff in error, *v.* The Commonwealth of Pennsylvania;

No. 87. George E. Paul, plaintiff in error, *v.* The Commonwealth of Pennsylvania;

No. 88. J. Otis Paul, plaintiff in error, *v.* The Commonwealth of Pennsylvania; and

No. 17. Clarence E. Collins, plaintiff in error, *v.* The State of New Hampshire. Argument continued by Mr. William D. Guthrie for the plaintiffs in error, by Mr. John G. Johnson for the defendant in error (the Commonwealth of Pennsylvania), and concluded by Mr. William D. Guthrie for the plaintiffs in error.

No. 141. Pullman's Palace Car Company, appellant, *v.* Central Transportation Company; and

No. 496. Pullman's Palace Car Company, petitioner, *v.* Central Transportation Company. Argument commenced by Mr. Edward S. Isham for appellant and petitioner, and continued by Mr. F. P. Prichard for appellee and respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 25, will be as follows: Nos. 141 (and 496).

SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 25, 1898.

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

Selden Bacon and Edward P. Schell of New York City were admitted to practice.

No. 141. Pullman's Palace Car Company, appellant, *v.* Central Transportation Company; and

No. 496. Pullman's Palace Car Company, petitioner, *v.* Central Transportation Company. Argument continued by Mr. F. P. Prichard and Mr. John G. Johnson for the appellee and respondent, and concluded by Mr. Joseph H. Choate for the appellant and petitioner.

Adjourned until Monday next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 28, 1898.

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

R. W. Peckham, jr., of New York, W. H. Polhamus of Cleveland, Ohio, Robert Young of Detroit, Mich., James L. Bishop of New York City, and Herman Winterer of Valley City, N. Dak., were admitted to practice.

No. 132. The United States, appellant, *v.* Wong Kim Ark. Appeal from the district court of the United States for the northern district of California. Order affirmed. Opinion by Mr. Justice Gray. Dissenting: Mr. Chief Justice Fuller and Mr. Justice Harlan. (Mr. Justice McKenna, not having been a member of the court when this case was argued, took no part in the decision.)

No. 585. The Louisville and Nashville Railroad Company et al., appellants, *v.* Henry W. Behlmer. Motion to vacate the supersedeas herein denied. Opinion by Mr. Chief Justice Fuller.

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

No. 546. Charles Meyer et al., plaintiffs in error, *v.* Nettie L. Cox et al. In error to the superior court of Milwaukee County, State of Wisconsin. Dismissed for the want of jurisdiction on the authority of *Werner v. Charleston*, 151 U. S., 360; *Insurance Company v. Kirchoff*, 160 U. S., 374.

No. 602. William W. Dodge et al., petitioners, *v.* The Menasha Wood Split Pulley Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

Original, No. —. *Ex parte*: In the matter of The Chappell Chemical and Fertilizer Company, petitioner. Motion for leave to file petition for a writ of prohibition denied.

No. 617. The United States et al., appellants, *v.* Samuel W. Hood. Motion to advance submitted by Mr. Solicitor-General Richards for the appellants.

No. 623. George Thompson, plaintiff in error, *v.* The State of Missouri. Leave granted to docket and proceed in forma pauperis, on motion of Mr. C. F. Joy for the plaintiff in error, and cause advanced and assigned for argument on the 18th of April next.

No. 616. Francis Henry, petitioner, *v.* The Pittsburg Clay Manufacturing Company et al. Petition for a writ of certiorari in the United States circuit court of appeals for the third circuit submitted by Mr. Frederic D. McKenney and Mr. Albert H. Clarke in support of petition.

No. 550. P. H. Kirwan, as United States surveyor-general, etc., et al., appellants, *v.* Simeon J. Murphy et al. Motion to dismiss submitted by Mr. S. D. Luckett in support of motion, and by Mr. Attorney-General, Mr. Solicitor-General Richards, and Mr. W. J. Hughes in opposition thereto.

Original, No. —. Ex parte: In the matter of Albert B. Nelson, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. E. W. Bradford for the petitioner.

No. 528. Sterling R. Cockrill, receiver, etc., plaintiff in error, *v.* The United States National Bank of New York. Motion to dismiss submitted by Mr. John Fletcher in support of motion, and by Mr. S. R. Cockrill in opposition thereto.

Adjourned until Monday, April 11, at 12 o'clock.

The day call for Monday, April 11, will be as follows: Nos. 431, 583, 195, 196, 197, 198, 199, 201, 204 and 205.

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 11, 1898.

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

T. McCants Stewart of New York City, Addison L. Gardner of Chicago, Ill., Randall W. Burns of Chicago, Ill., Theodore Connolly of New York City, and J. Culbert Palmer of New York City were admitted to practice.

No. 177. Hosmer B. Parsons, plaintiff in error, *v.* The District of Columbia et al. In error to the Court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Shiras.

No. 178. The Chicago, Burlington and Quincy Railroad Company, plaintiff in error, *v.* The State of Nebraska ex rel. the City of Omaha. In error to the supreme court of the State of Nebraska. Judgment affirmed with costs. Opinion by Mr. Justice Shiras. The Chief Justice took no part in the hearing or decision of this case.

No. 560. John Budzisz et al., plaintiffs in error, *v.* Illinois Steel Company. In error to the circuit court of the United States for the eastern district of Wisconsin. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Shiras.

No. 106. The New York Indians, appellants, *v.* The United States. Appeal from the Court of Claims. Judgment reversed and cause remanded with directions to enter a new judgment for the net amount actually received by the Government for the Kansas lands, without interest, less the amount of lands upon the basis of which settlement was made with the Tonawandas, and other just deductions, and for such other proceedings as may be necessary and in conformity with the opinion of this court. Opinion by Mr. Justice Brown. Dissenting: Mr. Chief Justice Fuller, Mr. Justice Harlan and Mr. Justice Brewer.

No. 353. The Barrow Steamship Company, plaintiff in error, *v.* Michael Kane. On a certificate from the United States circuit court of appeals for the second circuit. Question certified. Answered in the affirmative. Opinion by Mr. Justice Gray.

No. 179. The Louisville Water Company, plaintiff in error, *v.* 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 in conformity with the opinion of this court. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Gray.

No. 517. John H. Leyson, administrator, etc., plaintiff in error, *v.* Andrew J. Davis, jr., et al. In error to the supreme court of the State of Montana. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 47. The State of Missouri *ex rel.* The Laclede Gaslight Company, plaintiff in error, *v.* Michael J. Murphy, street commissioner, etc. In error to the supreme court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

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

No. 528. Sterling R. Cockrill, receiver, etc., plaintiff in error, *v.* The United States National Bank of New York. Motion to dismiss postponed to the hearing of the case on its merits.

No. 616. Francis Henry, petitioner, *v.* The Pittsburg Clay Manufacturing Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 617. The United States, appellant, *v.* Samuel W. Hood. Motion to advance granted and cause assigned for argument on the 17th of October next, after the cases already set down for that day, or the case will be taken on printed briefs at any time within two weeks.

No. —, Original.—*Ex parte*: In the matter of Thomas C. Chappell, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. J. M. Wilson in behalf of counsel for the petitioner.

No. —, Original.—*Ex parte*: In the matter of The Chappell Chemical and Fertilizer Company, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. J. M. Wilson in behalf of counsel for the petitioner.

No. 618. Albert Wade, petitioner, *v.* Travis County, Texas. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. F. W. Hackett and Mr. Joseph Paxton Blair in support of petition.

No. 613. The Louisville Trust Company, petitioner, *v.* The Louisville, New Albany and Chicago Railway Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. St. John Boyle for the petitioner, and by Mr. A. H. Joline, Mr. H. B. Turner, Mr. G. W. Kretzinger and Mr. E. C. Field in opposition thereto.

No. 591. Flint, Eddy & Co., appellant, *v.* George Christall et al. Submitted, as under the thirty-second rule, by Mr. James C. Carter and Mr. W. Mynderse for the appellant, and by Mr. Harrington Putnam for the appellees.

No. 614. The City of Richmond, petitioner, *v.* The Southern Bell Telephone and Telegraph Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. C. V. Meredith for the petitioner.

No. 294. James E. Simpson et al., appellants, *v.* The United States. Death of James E. Simpson suggested and cause ordered to proceed to the name of the surviving partners as appellants herein on motion of Mr. James H. Hayden for the appellants.

No. 484. The Connecticut Mutual Life Insurance Company, plaintiff in error, *v.* Linda Y. Spratley. Motions to dismiss or affirm submitted by Mr. Thomas B. Turley and Mr. L. E. Wright in support of motions, and by Mr. B. M. Estes in opposition thereto.

No. 594. Maude E. Kimball, plaintiff in error, *v.* Harriet A. Kimball et al. Motion to dismiss submitted by Mr. L. H. Arnold in support of motion, and Mr. Waldegrave Harlock in opposition thereto.

No. 431. The North American Commercial Company, plaintiff in error, *v.* The United States. Reassigned for argument on the 18th instant, at the head of the call.

No. 268. The Missouri, Kansas and Texas Railway Company, plaintiff in error, *v.* Charles Haber, et al. Mandate stayed for 20 days from the 14th instant.

No. 583. John Andersen, plaintiff in error, *v.* The United States. Argued by Mr. George McIntosh for the plaintiff in error, and by Mr. Solicitor-General Richards and Mr. William H. White for the defendant in error.

No. 195. The Pittsburg, Cincinnati, Chicago and Saint Louis Railway Company, plaintiff in error, *v.* The Long Island Loan and Trust Company, executor, etc. Argument commenced by Mr. Charles E. Burr for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 12, will be as follows: Nos. 195, 196, 197, 198, 199, 204, 205, 206, 207 and 208.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 12, 1898.

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

Silas Porter of Kansas City, Kans., Howard H. Knapp of Bridgeport, Conn., Edward J. Fox, of Easton, Pa., Aaron Goldsmith of Easton, Pa., and Vance Turtelot of Syracuse, N. Y., were admitted to practice.

No. 195. The Pittsburg, Cincinnati, Chicago and Saint Louis Railway Company, plaintiff in error, *v.* The Long Island Loan and Trust Company, executor, etc. Argument continued by Mr. E. W. Kitredge and Mr. Joseph Wilby for the defendant in error, and concluded by Mr. Lawrence Maxwell, jr., for the plaintiff in error.

No. 196. William L. Ledbetter, plaintiff in error, *v.* The United States. Submitted by Mr. H. Scott Howell and Mr. W. C. Howell for the plaintiff in error, and by Mr. Assistant Attorney-General Boyd for the defendant in error.

No. 197. William Dugald Stuart, plaintiff in error, *v.* The City of Easton et al. Argument commenced by Mr. C. B. Taylor for the plaintiff in error, and continued by Mr. Aaron Goldsmith and Mr. Edward J. Fox for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 13, will be as follows: Nos. 197, 198, 199, 204, 205, 206, 207, 208, 209 and 210.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 13, 1898.

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

Victor Leovy of New Orleans, La., was admitted to practice.

No. 196. William L. Ledbetter, plaintiff in error, *v.* the United States. Leave granted to file an additional brief for defendant in error on motion of Mr. Assistant Attorney-General Boyd for the defendant in error.

No. 197. William Dugald Stuart, plaintiff in error, *v.* The City of Easton et al. Argument continued by Mr. Edward J. Fox for the defendants in error, and concluded by Mr. A. T. Freedley for the plaintiff in error.

No. 198. William Wheeler Hubbell, appellant, *v.* the United States. Argument commenced by Mr. F. P. Dewees, for the appellant, and continued by Mr. C. C. Binney for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 14, will be as follows: Nos. 198, 199, 204, 205, 206, 207, 208, 209, 210 and 211.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 14, 1898.

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

No. 205. The United States, plaintiff in error *v.* Patrick Henry Winston;

No. 272. The United States, appellant, *v.* John W. Herron; and

No. 274. The United States, appellant, *v.* Charles A. Garter. Submitted by Mr. Assistant Attorney-General Pradt for the United States, and Mr. Patrick Henry Winston for himself, with leave to Mr. F. P. Dewees, for Herron & Garter, to file briefs on or before the 25th instant.

No. 445. The Texas and Pacific Railway Company, plaintiff in error, *v.* Maggie A. Holladay, in her own right, etc. In error to the United States circuit court of appeals for the fifth circuit. Dismissed with costs, on motion of Mr. D. D. Duncan, for the plaintiff in error.

No. 198. William Wheeler Hubbell, appellant, *v.* The United States. Argument continued by Mr. C. C. Binney for the appellee, and concluded by Mr. George S. Boutwell for the appellant.

No. 199. The Gila Bend Reservoir and Irrigation Company, plaintiff in error, *v.* W. H. Linn et al. Argued by Mr. James H. Hayden for the plaintiff in error, and by Mr. S. F. Phillips and Mr. Frederic D. McKenney for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 15, will be as follows: Nos. 204, 206, 207, 208, 209, 210, 211, 212, 218 and 221.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 15, 1898.

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

Arthur C. Denison of Grand Rapids, Mich., was admitted to practice.

No. 179. The Louisville Water Company, plaintiff in error, *v.* The Commonwealth of Kentucky. Mandate granted per stipulation, on motion of Mr. M. J. Colbert in behalf of counsel.

No. 204. The Plaquemines Tropical Fruit Company, appellant, *v.* William Henderson et al. Argued by Mr. Duane E. Fox for the appellant, and by Mr. Victor Leovy for the appellees.

No. 206. Frances Rebecca Hamilton, plaintiff in error, *v.* Grace Abbie B. Rathbone. Argued by Mr. A. S. Worthington for the plaintiff in error, and by Mr. M. J. Colbert for the defendant in error.

No. 207. The Texas and Pacific Railway Company, plaintiff in error, *v.* Andy Archibald. Submitted by Mr. John F. Dillon, Mr. W. S. Pierce and Mr. David D. Duncan for the plaintiff in error, with leave to counsel for defendant in error to file brief by the 21st instant.

No. 208. The Texas and Pacific Railway Company, plaintiff in error, *v.* Alexander Reeder. Submitted by Mr. John F. Dillon, Mr. W. S. Pierce and Mr. David D. Duncan for the plaintiff in error, and by Mr. Presley K. Ewing for the defendant in error.

No. 209. The Northwestern National Bank et al., appellants, *v.* B. N. Freeman et al., etc. Argument commenced by A. B. Browne for the appellants.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 18, will be as follows: Nos. 209, 431, 210, 211, 212, 218, 221, 224, 225 and 623.

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 18, 1898.

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

No. 415. Benjamin Hawker, plaintiff in error, *v.* The People of the State of New York. In error to the court of general sessions of the peace for the city and county of New York. Judgment affirmed with costs. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Harlan, Mr. Justice Peckham and Mr. Justice McKenna.

No. 25. The steam tug John G. Stevens, her engines, etc., Edward H. Loud et al., owners, appellants, *v.* Frederick H. Gladwish et al. On a certificate from the United States circuit court of appeals for the second circuit. Question certified answered in the affirmative. Opinion by Mr. Justice Gray.

No. 586 and No. 601. Joseph Kipley, superintendent, etc., plaintiff in error, *v.* The People of the State of Illinois ex rel. E. C. Akin, attorney-general. In error to the supreme court of the State of Illinois. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Harlan.

No. 168. The American Surety Company of New York (1), plaintiff in error, *v.* Frederick N. Pauly, as receiver, etc. In error to the United States circuit court of appeals for the second circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the southern district of New York. Opinion by Mr. Justice Harlan.

No. 169. The American Surety Company of New York (2), plaintiff in error, *v.* Frederick N. Pauly, as receiver, etc. In error to the United States circuit court of appeals for the second circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the southern district of New York. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice White, Mr. Justice Shiras and Mr. Justice Peckham.

The Chief Justice announced the following orders of the court:

No. —, Original. Ex parte: In the matter of Albert B. Nelson, petitioner. Motion for leave to file petition for a writ of mandamus denied.

No. 484. The Connecticut Mutual Life Insurance Company, plaintiff in error, *v.* Linda Y. Spratley. Motions to dismiss or affirm postponed to the hearing of the case on its merits.

No. 594. Maude E. Kimball, plaintiff in error, *v.* Harriet A. Kimball et al. Motion to dismiss postponed to the hearing of the case on its merits.

No 614. The City of Richmond, petitioner *v.* The Southern Bell Telephone and Telegraph Company. Petition for writ of certiorari to the United States circuit court of appeals for the fourth circuit granted.

No. 618. Albert Wade, petitioner, *v.* Travis County, Tex. Petition for a writ of certiorari in the United States circuit court of appeals for the fifth circuit granted.

No. —, Original. Ex parte: In the matter of Thomas C. Chappell, petitioner. Motion for leave to file petition for a writ of mandamus denied.

No. —, Original. Ex parte: In the matter of The Chappell Chemical and Fertilizer Company, petitioner. Motion for leave to file petition for writ of mandamus denied.

No. 634. The Erie and Western Transportation Company et al., petitioners, *v.* The Union Steamboat Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. F. H. Canfield and Mr. Harvey D. Goulder for the petitioners.

No. 630. The Jacksonville, Mayport, Pablo Railway and Navigation Company et al., petitioners, *v.* Mary J. Hooper et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. James Lowndes and Mr. A. W. Cockrell in support of petition, and by Mr. James R. Challen in opposition thereto.

No. 637. George F. Stearns, petitioner, *v.* John S. Lawrence, receiver, etc.. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Duane E. Fox and Mr. Mark Norris for the petitioner.

No. 209. The Northwestern National Bank et al., appellants, *v.* B. N. Freeman et al., etc. Argument continued by Mr. Fred. Herrington for the appellees, and concluded by Mr. A. B. Browne for the appellants.

No. 431. The North American Commercial Company, plaintiff in error, *v.* The United States. Argument commenced by Mr. James C. Carter for the plaintiff in error, and continued by Mr. Attorney-General Griggs for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 19, will be as follows: Nos. 431, 210, 211, 212, 218, 221, 224, 225, 623 and 227.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 19, 1898.

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

John R. MacArthur of New York City, and John H. Buck, of Hartford, Conn., were admitted to practice.

No. 431. The North American Commercial Company, plaintiff in error, *v.* The United States. Argument continued by Mr. Attorney-General Griggs for the defendant in error, and concluded by Mr. James C. Carter for the plaintiff in error.

No. 210. S. H. Williams, treasurer, etc., plaintiff in error, *v.* Arthur F. Eggleston, attorney for the State of Connecticut. Argument commenced by Mr. Lewis E. Stanton for the plaintiff in error, and continued by Mr. Lewis Sperry for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 20, will be as follows: Nos. 210, 211, 212, 218, 221, 224, 225, 623, 227 and 228.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 20, 1898.

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

Cyrus B. Whitcomb of New York City was admitted to practice.

No. 605. The Blythe Company, appellant, *v.* John W. Blythe et al. Ordered that the opinions of lower court be made part of record, on motion of Mr. Frederick D. McKenney for the appellees.

No. 228. The Keokuk and Hamilton Bridge Company, plaintiff in error, *v.* The People of the State of Illinois. Continued on motion of Mr. Walter D. Davidge, jr., for the plaintiff in error.

No. 234. The San Diego Land and Town Company, appellant, *v.* The City of National City et al. Continued per stipulation.

No. 210. S. H. Williams, treasurer, etc., plaintiff in error, *v.* Arthur F. Eggleston, attorney for the State of Connecticut. Argument continued by Mr. Lewis Sperry for the defendant in error, and concluded by Mr. John R. Buck for the plaintiff in error.

No. 211. Sarah A. Oakes, appellant, *v.* The United States. Argued by Mr. John C. Fay for the appellant, and by Mr. Assistant Attorney-General Pradt for the appellee.

No. 212. Frederick W. Smith et al., plaintiffs in error, *v.* The United States. Submitted by Mr. William H. Barnes and Mr. L. E. Payson for plaintiffs in error, and by Mr. Solicitor-General Richards and Mr. Felix Brannegan for the defendant in error.

No. 218. The United States, appellant, *v.* Ranlett & Stone. Argued by Mr. William A. Maury for the appellees, and submitted by Mr. Assistant Attorney-General Hoyt and Mr. W. J. Hughes for the appellant.

No. 221. The people of the State of New York ex rel. Parke, Davis & Co., plaintiffs in error, *v.* James A. Roberts, comptroller of the State of New York. Argument commenced by Mr. James McKeen for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 21, will be as follows: Nos. 221, 224, 225, 623, 227, 229, 230, 231, 232 and 233.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 21, 1898.

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

Robert H. Day of Massillon, Ohio, was admitted to practice.

No. 221. The People of the State of New York ex rel. Parke, Davis & Co., plaintiff in error, *v.* James A. Roberts, comptroller of the State of New York. Argument continued by Mr. James McKeen for the plaintiff in error, by Mr. T. E. Hancock for defendant in error, and concluded by Mr. James McKeen for the plaintiff in error.

No. 224. The United States, plaintiff in error, *v.* Charles Loughrey et al. Argued by Mr. George H. Gorman for the plaintiff in error, and submitted by Mr. W. H. Webster for the defendants in error.

No. 225. Henry B. Tompkins, plaintiff in error, *v.* Frances M. Cooper, administratrix, etc. Argued by Mr. J. Hubley Ashton for the plaintiff in error, and submitted by Mr. W. C. Glenn for the defendant in error.

No. 623. George Thompson, plaintiff in error, *v.* The State of Missouri. Submitted by Mr. Charles F. Joy for the plaintiff in error, with leave to counsel for defendant in error to file brief on or before the 28th instant.

No. 227. Henry J. Havnor, plaintiff in error, *v.* The People of the State of New York. Argued by Mr. Albert I. Sire for the plaintiff in error, and by Mr. Asa Bird Gardner for the defendants in error.

No. 229. George R. Lyman, administrator, etc., plaintiff in error *v.* The Boston and Albany Railroad Company. Submitted by Mr. M. F. Dickinson, jr., and Mr. Samuel Williston for the plaintiff in error, and by Mr. Samuel Hoar for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 22, will be as follows: Nos. 230, 231, 232, 233, 235, 236, 237, 238, 239 and 240.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 22, 1898.

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

No. 230. Austin Walrath, appellant, *v.* The Champion Mining Company. Argued by Mr. R. R. Bigelow for the appellant, and by Mr. Curtis H. Lindley for the appellee.

No. 231. E. H. Hubbard, assignee, etc., appellant, *v.* J. Kennedy Tod et al. Argument commenced by Mr. Henry J. Taylor for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 25, will be as follows: Nos. 231, 232, 233, 235, 236, 237, 238, 239, 240 and 120.

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 25, 1898.

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

W. T. Ellis of Owensboro, Ky., Wilfred Carico of Owensboro, Ky., Chapeze Wathen of Owensboro, Ky., William L. Ford of Washington, D. C., Wilbur F. Critchfield of Fullerton, Nebr., Philip Ashton Rollins of New York City, and W. E. Winnie of Virginia, Nev., were admitted to practice.

No. 531. Henry Williams, plaintiff in error, *v.* The State of Mississippi. In error to the supreme court of the State of Mississippi. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. 150. Lowry W. Humes, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the western district of Tennessee. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. 464. Jessie Norton Torrence Magoun, appellant, *v.* Illinois Trust and Savings Bank, executor, etc., 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 McKenna. Dissenting: Mr. Justice Brewer.

No. 425. Josephine C. Drake et al., executors, etc., plaintiffs in error, *v.* Daniel H. Kochersperger, county treasurer, etc. In error to the supreme court of the State of Illinois. Dismissed for the want of jurisdiction. Opinion by Mr. Justice McKenna.

No. 463. Elizabeth E. Sawyer et al., executors, etc., et al., plaintiffs in error, *v.* Daniel H. Kochersperger, county treasurer, etc. In error to the circuit court of the United States for the northern district of Illinois. Judgment reversed. Costs in this court and in the circuit court to be paid by the plaintiffs in error, and cause remanded to said circuit court with a direction to remand the case to the county court of Cook County. Opinion by Mr. Justice McKenna.

No. 397. A. J. Selvester, plaintiff in error, *v.* The United States. In error to the district court of the United States for the northern district of California. Judgment affirmed. Opinion by Mr. Justice White.

No. 83. Climaco Calderon, appellant, *v.* The Atlas Steamship Company, Limited. On writ of certiorari to the United States circuit court of appeals for the second circuit. Decree of the district court of the United States for the southern district of New York reversed, with costs, and cause remanded to the said district court with direction to assess the value of the libellant's goods and to enter a decree in conformity with the opinion of this court. Opinion by Mr. Justice Brown. Dissenting: Mr. Justice Brewer.

No. 553. Lars Thompson, plaintiff in error, *v.* The State of Utah. In error to the supreme court of the State of Utah. Judgment reversed, with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Brewer and Mr. Justice Peckham.

No. 550. P. H. Kirwan as United States Surveyor-General, etc., et al., appellants, *v.* Simon J. Murphy et al. Appeal from the United States circuit court of appeals for the eighth circuit. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 421. The Galveston, Harrisburg and San Antonio Railway Company et al., plaintiffs in error, *v.* The State of Texas. In error to the court of civil appeals for the fourth supreme judicial district of Texas. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 406. The Houston and Texas Central Railway Company et al., plaintiffs in error, *v.* The State of Texas. In error to the court of civil appeals for the second supreme judicial district of Texas. Judgment reversed with costs, and cause remained for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced that the call of the docket will be suspended for the term on Friday, May 6, next.

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

No. 613. The Louisville Trust Company, petitioner, *v.* The Louisville, New Albany and Chicago Railway Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit granted.

No. 630. The Jacksonville, Mayport, Pablo Railway and Navigation Company et al., petitioners, *v.* Mary J. Hooper et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 634. The Erie and Western Transportation Company et al., petitioners, *v.* The Union Steamboat Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit granted.

No. 636. George F. Stearns, petitioner, *v.* John S. Lawrence, receiver, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 194. Herman Keck, plaintiff in error, *v.* The United States. Restored to the docket for reargument, and assigned for argument on the second Monday of the next term, after the cases already set down for that day. Counsel will be limited to one hour on each side, and their attention is directed to the question whether, assuming the diamonds to have been dutiable, the district court erred in any of its rulings in respect to what constitutes the crime of smuggling and in the application of the law to the evidence.

No. 218. The United States, appellant, *v.* Ranlett & Stone. Restored to the docket and writ of certiorari ordered to bring up the entire record.

No. 225. Henry B. Tompkins, plaintiff in error, *v.* Frances M. Cooper, administratrix, etc. In error to the supreme court of the State of Georgia. Dismissed for the want of jurisdiction on the authority of *Oxley Stave Company v. Butler County*, 166 U. S., 648, and cases there cited.

No. 229. George R. Lyman, administrator, etc., *v.* The Boston and Albany Railroad Company. In error to the circuit court of the United States for the district of Massachusetts. Dismissed for the want of jurisdiction on the authority of *Davis v. Geissler*, 162 U. S., 290, and cases cited.

No. 232. The United States, plaintiff in error, *v.* Grovener C. Charles et. al. In error to the United States circuit court of appeals for the eighth circuit. Dismissed on motion of Mr. Solicitor-General Richards for the plaintiff in error.

No. 595. Cyrus A. Brown, plaintiff in error, *v.* The United States. Motion to dismiss submitted by Mr. Solicitor-General Richards and Mr. P. L. Soper in support of motion, and by Mr. John H. Koogler and Mr. John Watkins in opposition thereto.

No. 596. George Curley, alias George Cully, plaintiff in error, *v.* The United States. Motion to dismiss submitted by Mr. Solicitor-General Richards and Mr. P. L. Soper in support of motion, and by Mr. W. H. Twine in opposition thereto.

No. 632. Thomas Tinsley, appellant, *v.* Albert Erichson, sheriff, etc.; and

No. 633. Thomas Tinsley, plaintiff in error, *v.* Albert Erichson, sheriff, etc. Motion to advance submitted by Mr. James L. Bishop for Tinsley.

No. 556. L. P. Dawson, petitioner, *v.* M. C. Rushin, sheriff, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. J. M. Wilson in behalf of Mr. William M. Cravens for petitioner.

No. 639. Charles Pope Glucose Company et al., petitioners, *v.* Chicago Sugar Refining Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. L. L. Coburn in support of petition, and by Mr. C. K. Offield in opposition thereto.

No. 385. J. J. McCook et al., receivers, etc., plaintiffs in error, *v.* A. F. Miles, administrator, etc. Motions to dismiss or affirm submitted by Mr. Oscar L. Miles in support of motions, and by Mr. A. T. Britton, Mr. A. B. Browne and Mr. L. F. Parker in opposition thereto.

No. 610. James A. Briggs, executor, etc., plaintiff in error, *v.* Amanda M. Walker et al. Motions to dismiss or affirm submitted by Mr. Helm Bruce, Mr. James P. Helm and Mr. Samuel B. Vance in support of motions, and by Mr. William Stone Abert, Mr. John Marshall, Mr. Charles H. Gibson and Mr. D. W. Sanders in opposition thereto.

No. 231. E. H. Hubbard, assignee, etc., appellant, *v.* J. Kennedy Tod et al. Argument continued by Mr. J. L. Webster and Mr. G. W. Wickersham for the appellees, and concluded by Mr. John C. Coombs for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 26, will be as follows: Nos. 233, 235, 236, 237, 238, 239, 240, 120, 117 and 149.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 26, 1898.

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

P. W. Meldrim, of Savannah, Ga., and Frederick W. Stevens, of Grand Rapids, Mich., were admitted to practice.

No. 233. The United States, plaintiff in error, *v.* R. E. McGlashan. Submitted by Mr. Assistant Attorney-General Boyd for the plaintiff in error, and Mr. George E. Sutherland and Mr. H. L. Eaton for the defendant in error.

No. 235. The United States, appellant, *v.* George P. Lies & Co. Argued by Mr. Solicitor-General Richards for the appellant, and by Mr. W. Wickham Smith for the appellee.

No. 236. The Detroit Citizens' Street Railway Company, plaintiff in error, *v.* The Detroit Railway and The City of Detroit. Argument commenced by Mr. John C. Donnelly for the plaintiff in error, and continued by Mr. John B. Corliss and Mr. Charles Flowers for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 27, will be as follows: Nos. 236, 237, 238, 239, 240, 120, 117, 149, 241 and 242.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 27, 1898.

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

John S. Larew of Mariposa, Cal., was admitted to practice.

No. 632. Thomas Tinsley, appellant, *v.* Albert Erichson, sheriff, etc.; and

No. 633. Thomas Tinsley, plaintiff in error, *v.* Albert Erichson, sheriff, etc. Motion to advance granted and cases assigned for argument on the 5th day of May next, one hour being allowed each side in the argument, or they may be submitted on briefs to be filed within fifteen days.

No. 242. Adelia Young et al., appellants, *v.* Jennie Amy. Submitted by Mr. Le Grand Young for the appellants, and by Mr. C. S. Varian for the appellee.

No. 236. The Detroit Citizens' Street Railway Company, plaintiff in error, *v.* The Detroit Railway and The City of Detroit. Argument continued by Mr. H. M. Duffield for the plaintiff in error, by Mr. Joseph H. Choate for the defendants in error, and concluded by Mr. Fred. A. Baker for the plaintiff in error.

No. 237. Ray W. Jones, plaintiff in error, *v.* Patrick Meehan et al. Argument commenced by Mr. James A. Kellogg for the plaintiff in error, and continued by Mr. C. K. Davis for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 28, will be as follows: Nos. 237, 238, 239, 240, 120, 117, 149, 241, 243 and 244.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 28, 1898.

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

John B. Thompson of Harrodsburg, Ky., and Arthur H. Russell of Boston, Mass., were admitted to practice.

No. 244. E. M. Galvin et al., plaintiffs in error, *v.* E. F. Palmer. In error to the supreme court of the State of California. Dismissed with costs, pursuant to the tenth rule.

No. 237. Ray W. Jones, appellant, *v.* Patrick Meehan et al. Argument continued by Mr. C. K. Davis for the appellees, and concluded by Mr. James A. Kellogg for the appellant.

No. 238. Everett Jolly, plaintiff in error, *v.* The United States. Submitted by Mr. Robert S. Todd for the plaintiff in error, and by Mr. Assistant Attorney-General Boyd for the defendant in error.

No. 239. James Johnson, plaintiff in error *v.* George F. Drew. Submitted by Mr. Samuel Y. Finley for the plaintiff in error. No counsel appeared for the defendant in error.

No. 240. Henry C. King, appellant, *v.* Panther Lumber Company et al. Argued by Mr. Maynard F. Stiles for the appellant. No counsel appeared for the appellees.

No. 120. Frederick W. Fink et al., appellants, *v.* The United States. Argued by Mr. Albert Comstock for the appellants, and by Mr. Assistant Attorney-General Hoyt for the appellee.

No. 117. The United States, appellant, *v.* M. Salambier. Argued by Mr. Edwin B. Smith for the appellee, and submitted by Mr. Assistant Attorney-General Hoyt for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 29, will be as follows: Nos. 149, 241, 243, 245, 246, 247, 248, 249, 250 and 252 (and 262).

SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 29, 1898.

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

Julius C. Moreland of Portland, Oreg., John C. Shaw of Detroit, Mich., and Thomas E. Haven of San Francisco, Cal., were admitted to practice.

No. 249. Henry C. Brown et al., plaintiffs in error, *v.* The First National Bank of Fort Madison, Iowa, in error to the circuit court of the United States for the district of Colorado. Dismissed with costs, pursuant to the tenth rule.

No. 250. The City of Walla Walla et al., appellants, *v.* The Walla Walla Water Company. Continued.

No. 252. D. Wagoner et al., appellants, *v.* Neil W. Evans, treasurer, etc., et al.; and

No. 262. Neil W. Evans, treasurer, etc., et al., appellants, *v.* D. Wagoner et al. Submitted by Mr. A. H. Garland and Mr. R. C. Garland for Wagoner et al., and by Mr. Fred Beall for Evans et al.

No. 149. The Tide Water Oil Company, appellant, *v.* The United States. Argued by Mr. Edwin B. Smith for the appellant, and by Mr. Assistant Attorney-General Hoyt for the appellees.

No. 241. Marianne J. Baldy, by her next friend, W. B. Pritchard, plaintiff in error, *v.* John H. Hunter, executor, etc. Argued by Mr. Pope Barrow for the plaintiff in error, and Mr. P. W. Meldrim for the defendant in error.

No. 243. The Provident Life and Trust Company, petitioner, *v.* The County of Mercer, in the State of Kentucky. Argument commenced by Mr. Thomas W. Bullitt for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, May 2, will be as follows: Nos. 243, 245, 246, 247, 248, 254 (and 255), 257, 258, 259 (and 260) and 263.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 2, 1898.

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

James H. Barnard of Chicago, Ill., Arthur H. Van Brunt of New York, Frederic B. Van Vorst of New York, and James W. Clay of Henderson, Ky., were admitted to practice.

No. 154. Quincy A. Shaw, plaintiff in error, *v.* Murray M. Kellogg. On certificate from and writ of certiorari to the United States circuit court of appeals for the eighth circuit. Judgment of the circuit court of the United States for the district of Colorado reversed with costs, and cause remanded to said circuit court with directions to award a new trial. Opinion by Mr. Justice Brewer.

No. 210. S. H. Williams, treasurer, etc., plaintiff in error, *v.* Arthur F. Eggleston, attorney, etc. In error to the supreme court of errors of the State of Connecticut. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 204. The Plaquemines Tropical Fruit Company, appellant, *v.* William Henderson and Henry J. Leovy. Appeal from the circuit court of the United States for the eastern district of Louisiana. Decree affirmed with costs. Opinion by Mr. Justice Hanlan.

The Chief Justice announced the following orders of the court:

No. 385. James J. McCook et al., receivers, etc., plaintiffs in error, *v.* A. F. Miles, administrator, etc. Motions to dismiss or affirm postponed to the hearing of the case on its merits.

No. 556. L. P. Dawson, petitioner, *v.* M. C. Rushin, agent, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 639. Charles Pope Glucose Company et al., petitioners, *v.* Chicago Sugar Refining Company. Petition for a writ of certiorari in the United States circuit court of appeals for the seventh circuit denied.

No. 233. The United States, plaintiff in error, *v.* R. E. McGlashan. In error to the United States circuit court of appeals for the seventh

circuit. Dismissed for the want of jurisdiction on the authority of *Hunt v. United States*, 166 U. S., 424.

No. 628. The City of Denver, petitioner, *v. The Barber Asphalt Paving Company*. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. John F. Shafroth in support of petition, and by Mr. James H. Brown in opposition thereto.

No. 548. The Tolleston Club, of Chicago, plaintiff in error, *v. John H. Clough*. Motions to dismiss or affirm submitted by Mr. Frank J. Smith, Mr. Addison L. Gardner and Mr. Randall W. Burns in support of motions, and by Mr. Frederic Ullman in opposition thereto.

No. 553. Lars Thompson, plaintiff in error, *v. The State of Utah*. Mandate granted on motion of Mr. L. T. Michener for the defendant in error.

No. 626. The Board of County Commissioners of Kiowa County, Kansas, petitioner, *v. Charles D. Rathbone*. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. W. T. S. Curtis for Mr. Daniel Smyth in support of the petition, and Mr. John F. Dillon, Mr. Harry Hubbard and Mr. John M. Dillon in opposition thereto.

No. 643. The Chicago, Milwaukee and St. Paul Railway Company, petitioner, *v. C. H. Bosworth*, receiver, etc., et al.;

No. 644. The Hunting Elevator Company, petitioner, *v. C. H. Bosworth*, receiver, etc., et al., and

No. 645. Jacob Rau, petitioner, *v. C. H. Bosworth*, receiver, etc., et al. Petitions for writs of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Burton Hanson and Mr. George R. Peck in support of petitions, and by Mr. Bluford Wilson and Mr. P. B. Warren in opposition thereto.

No. 647. C. H. Bosworth, receiver, etc., petitioner, *v. The Carr, Ryder and Engler Company*. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Bluford Wilson and Mr. P. B. Warren in support of the petition, and by Mr. Burton Hanson and Mr. George R. Peck in opposition thereto.

No. 278. Southern Railway Company, appellant, *v. Carnegie Steel Company, Limited*. Continued on motion of Mr. Fairfax Harrison in behalf of counsel.

No. 641. Charles H. Venner, intervenor, petitioner, *v. The Farmers' Loan and Trust Company et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Frederic D. McKenney for Mr. William E. Blake in support of petition, and by Mr. William A. Underwood and Mr. Frederic B. Van Vorst in opposition thereto.

No. 649. Mrs. A. E. Fitzhugh and husband, petitioners, *v.* Mrs. Fisher Hazzard. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Frederic D. McKenney for Mr. A. S. Lathrop in support of petition.

No. 622. John McMullen, petitioner, *v.* Julia E. Hoffman, executrix, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. William A. Maury, Mr. L. B. Cox and Mr. R. Percy Wright in support of petition, and by Mr. Rufus Mallory in opposition thereto.

No. 651. The Canada Sugar Refining Company, Limited, petitioner, *v.* The Insurance Company of North America. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Arthur H. Van Brunt for Mr. Wilhelmus Mynderse in support of the petition, and by Mr. C. A. Hand in opposition thereto.

No. 654. William Johnston & Co., Limited, claimant of the Steamship "Edenmore," petitioner, *v.* Halward Johanson. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. J. Parker Kirlin in support of the petition.

No. 257. The St. Paul, Minneapolis and Manitoba Railway Company, appellant, *v.* Russell Sage, trustee. Appeal from the United States circuit court of appeals for the eighth circuit. Dismissed with costs on motion of Mr. A. B. Browne in behalf of counsel for appellant.

No. 263. Charles J. Meadowcraft et al., plaintiffs in error, *v.* The People of the State of Illinois. Continued per stipulation.

No. 243. The Provident Life and Trust Company, petitioner, *v.* The County of Mercer, in the State of Kentucky. Argument continued by Mr. Thomas W. Bullitt for the petitioner, by Mr. John B. Thompson and Mr. Alexander Pope Humphrey for the respondent, and concluded by Mr. Samuel Dickson for the petitioner.

No. 245. Walter H. Harrison, plaintiff in error, *v.* Franklin J. Morton. Argument commenced by Mr. William Pinkney Whyte for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, May 3, will be as follows: Nos. 245, 246, 247, 248, 254 (and 255), 258, 259 (and 260), 265, 269 and 271.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, MAY 3, 1898.

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

Frederick Julius Walthers of Milwaukee, Wis.; Swager Sherley of Louisville, Ky.; Samuel F. Geil of Salinas City, Cal., and Mr. William Scott of Lexington, Va., were admitted to practice.

No. 265. T. E. B. Mason et al., plaintiffs in error, *v.* Alexander McLeod. Passed temporarily.

No. 269. The Village of Norwood, appellant, *v.* Ellen R. Baker. Submitted by Mr. William E. Bundy for the appellant, and Mr. Charles W. Baker for the appellee.

No. 281. Francis I. Gowen, sole receiver, etc., plaintiff in error, *v.* Laura B. Bush, administratrix of William N. Bush. Continued per stipulation.

No. 282. The Washington Gas Light Company et al., plaintiffs in error, *v.* Thomas G. Lansden. Continued per stipulation.

No. 286. Jacob Sonnenthiel, plaintiff in error, *v.* The Christian Moerlein Brewing Company et al. Continued per stipulation.

No. 245. Walter H. Harrison, plaintiff in error, *v.* Franklin J. Morton. Argument continued by Mr. William Pinkney Whyte for the plaintiff in error, by Mr. Edgar H. Gans and Mr. Barnard Carter for the defendant in error, and concluded by Mr. Frederic D. McKenney for the plaintiff in error.

No. 246. Abram W. Hendry et al., appellants, *v.* Ocean Steamship Company. Argument commenced by Mr. Eugene P. Carver for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, May 4, will be as follows: Nos. 246, 247, 248, 254 (and 255), 258, 259 (and 260), 271, 275 (and 276), 277 and 279.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MAY 4, 1898.

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

Selwyn Douglas of Oklahoma City, Okla., D. W. C. Duncan of Vinita, Ind. T., and John Chetwood of San Francisco, Cal., were admitted to practice.

No. 275. The California National Bank of San Francisco, plaintiff in error, *v.* Richard P. Thomas. Submitted by Mr. Eddy Knapp, Mr. Robert Rae and Mr. John Chetwood, jr., for the plaintiff in error, and by Mr. A. H. Ricketts for the defendant in error.

No. 276. The California National Bank of San Francisco et al., plaintiffs in error, *v.* T. K. Stateler et al. Submitted by Mr. Eddy Knapp and Mr. Robert Rae for the plaintiffs in error, and by Mr. Robert B. Mitchell for the defendants in error.

No. 277. The Sopori Land and Mining Company, appellant, *v.* The United States et al. Continued per stipulation.

No. 279. The United States, appellant, *v.* The City of Albuquerque. Continued per stipulation.

No. 516. The American Loan and Trust Company, etc., appellant, *v.* Silas H. H. Clark et al., receivers, etc., et al. Appeal from the circuit court of the United States for the district of Nebraska. Dismissed with costs, on motion of counsel for the appellant.

No. 246. Abram W. Hendry et al., appellants, *v.* Ocean Steamship Company. Argument continued by Mr. Eugene P. Carver for the appellants, by Mr. Arthur H. Russell for the appellee, and concluded by Mr. Eugene P. Carver for the appellants.

No. 247. John R. Holloway, plaintiff in error, *v.* James H. Dunham et al. Argued by Mr. Fred. Beall for the plaintiff in error, and by Mr. Selwyn Douglas for the defendants in error.

No. 248. Kingman & Co., plaintiffs in error, *v.* The Western Manufacturing Company. Submitted by Mr. J. H. McIntosh for the plaintiffs in error, and by Mr. Walter J. Lamb for the defendant in error.

Nos. 254 and 255. The Louisville, New Albany and Chicago Railway Company, petitioner, *v.* The Louisville Trust Company and The Louisville Banking Company. Argument commenced by Mr. E. C. Field for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, May 5, will be as follows: Nos. 254 (and 255), 632 (and 633), 258, 259 (and 260), 271, 280, 288, 289, 290 and 291.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, MAY 5, 1898.

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

No. 580. Charles E. Pope, receiver, etc., petitioner, *v.* The Louisville, New Albany and Chicago Railway Company. Motion for leave to use transcript of record filed herein in the same case to be brought here by appeal submitted by Mr. G. W. Kretzinger in behalf of counsel for petitioner and appellant.

No. 632. Thomas Tinsley, appellant, *v.* Albert Erickson, sheriff, etc.; and

No. 633. Thomas Tinsley, plaintiff in error, *v.* Albert Erickson, sheriff, etc. Death of Albert Erickson suggested and appearance of Archie R. Anderson, his successor in office as sheriff of Harris County, Tex., as appellee and defendant in error herein, filed and entered on motion of Mr. Presley K. Ewing for appellee and defendant in error.

No. 288. Aaron H. Zechendorf et al., appellants, *v.* Louis Zechendorf, guardian, etc. Continued per stipulation.

No. 289. Louis Le Claire, plaintiff in error, *v.* Old Peasup. In error to the circuit court of the United States for the district of Washington. Dismissed with costs, pursuant to the tenth rule.

Nos. 254 and 255. The Louisville, New Albany and Chicago Railway Company, petitioner, *v.* The Louisville Trust Company and The Louisville Banking Company. Argument continued by Mr. E. C. Field for the petitioner, by Mr. Swager Sherley and Mr. St. John Boyle for the respondent, and concluded by Mr. G. W. Kretzinger for the petitioner.

No. 632. Thomas Tinsley, appellant, *v.* Archie R. Anderson, sheriff, etc.; and

No. 633. Thomas Tinsley, plaintiff in error, *v.* Archie R. Anderson, sheriff, etc. Argument commenced by Mr. James L. Bishop for appellant and plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, May 6, will be as follows: Nos. 632 (and 633), 258, 259 (and 260), 271, 280, 290, 291, 294, 295 and 298.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, MAY 6, 1898.

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

No. 117. The United States, appellant, *v.* M. Salambier. Submission set aside and cause resubmitted to a full bench by Mr. Assistant Attorney-General Hoyt for the appellant, and by Mr. Edwin B. Smith for the appellee.

No. 298. George Pounds, plaintiff in error, *v.* The United States. Submitted by Mr. J. A. W. Smith for the plaintiff in error, and by Mr. Assistant Attorney-General Boyd for the defendant in error.

No. 359. Charles W. Nordstrom, appellant, *v.* W. H. Moyer, sheriff, etc., et al. Motions to dismiss or affirm submitted by Mr. Patrick Henry Winston and Mr. W. C. Jones in support of motions, and by Mr. James Hamilton Lewis in opposition thereto.

No. 632. Thomas Tinsley, appellant, *v.* Archie R. Anderson, sheriff, etc.; and

No. 633. Thomas Tinsley, plaintiff in error, *v.* Archie R. Anderson, sheriff, etc. Argument continued by Mr. James L. Bishop for appellant and plaintiff in error, and concluded by Mr. Presley K. Ewing for the appellee and defendant in error.

No. 258. Simon Amonia, plaintiff in error, *v.* The United States. In error to the district court of the United States for the western district of Arkansas. Dismissed pursuant to the sixteenth rule, on motion of Mr. Assistant Attorney-General Boyd for the defendant in error.

Nos. 259 and 260. The Henderson Bridge Company et al., plaintiffs in error, *v.* The City of Henderson. Argument commenced by Mr. Malcolm Yeaman for the plaintiffs in error, and continued by Mr. James W. Clay for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call has been suspended for the term.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 9, 1898.

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

Dallas Boudeman of Kalamazoo, Mich.; Clarence Marion Brune of San Francisco, Cal., and George J. Leftwich of Aberdeen, Miss., were admitted to practice.

No. 212. Frederick W. Smith et al., plaintiffs in error, *v.* The United States. In error to the supreme court of the Territory of Arizona. Judgment affirmed. Opinion by Mr. Justice Peckham.

No. 238. Everett Jolly, plaintiff in error, *v.* The United States. In error to the district court of the United States for the district of Kentucky. Judgment affirmed. Opinion by Mr. Justice Peckham.

No. 227. Henry J. Havnor, plaintiff in error, *v.* The People of the State of New York. In error to the supreme court of the State of New York. Dismissed with costs. Opinion by Mr. Justice White.

No. 197. William Dugald Stewart, plaintiff in error, *v.* The City of Easton et al. On writ of certiorari to the United States circuit court of appeals for the third circuit. Judgment affirmed with costs and cause remanded to the circuit court of the United States for the eastern district of Pennsylvania. Opinion by Mr. Justice White.

No. 100. The Virginia and Alabama Coal Company et al, appellants, *v.* The Central Railroad and Banking Company et al. On writ of certiorari to the United States circuit court of appeals for the fifth circuit. Decree affirmed with costs and cause remanded to the circuit court of the United States for the southern district of Georgia. Opinion by Mr. Justice White. (Mr. Justice Peckham and Mr. Justice McKenna not having heard the argument, took no part in the decision of this case.)

No. 21. T. H. Rhodes, plaintiff in error, *v.* The State of Iowa. In error to the supreme court of the State of Iowa. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice White. Dissenting: Mr. Justice Gray, Mr. Justice Harlan and Mr. Justice Brown.

No. 514. *S. W. Vance et al., appellants, v. W. A. Vandercook Company.* Appeal from the circuit court of the United States for the district of South Carolina. Decree affirmed in part and reversed in part, each party to pay one-half of the costs in this court, and cause remanded with directions to enter a decree setting aside the injunction and dismissing the bill to the extent indicated in the opinion of this court, and perpetuating the injunction only in so far as is pointed out, the whole in accordance with the views expressed in the opinion of this court. Opinion by Mr. Justice White. Dissenting: Mr. Justice Shiras, Mr. Chief Justice Fuller and Mr. Justice McKenna.

No. 515. *S. W. Vance et al., plaintiffs in error, v. W. A. Vandercook Company.* In error to the circuit court of the United States for the district of South Carolina. Judgment reversed with costs, and cause remanded with directions to dismiss the case for want of jurisdiction. Opinion by Mr. Justice White.

No. 208. *The Texas and Pacific Railway Company, plaintiff in error, v. Alexander Reeder.* In error to the United States circuit court of appeals for the fifth circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the eastern district of Texas. Opinion by Mr. Justice Brown. Dissenting: Mr. Justice White.

No. 99. *Boyden Power Brake Company et al., appellants, v. George Westinghouse, jr., et al.;* and

No. 116. *George Westinghouse, jr., et al., appellants, v. Boyden Power Brake Company et al.* On writ of certiorari to the United States circuit court of appeals for the fourth circuit. Decree affirmed. Costs in this court to be paid by Westinghouse et al., and cause remanded to the circuit court of the United States for the district of Maryland. Opinion by Mr. Justice Brown. Dissenting: Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Shiras and Mr. Justice McKenna.

No. 205. *The United States, plaintiff, in error, v. Patrick Henry Winston.* In error to the United States circuit court of appeals for the ninth circuit. Judgment affirmed and cause remanded to the circuit court of the United States for the district of Washington. Opinion by Mr. Justice Brewer.

No. 272. *The United States, appellant, v. John W. Herron.* Appeal from the Court of Claims. Judgment reversed and cause remanded for further proceedings. Opinion by Mr. Justice Brewer.

No. 274. *The United States, appellant, v. Charles A. Garter.* Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brewer.

No. 583. John Andersen, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the eastern district of Virginia. Judgment affirmed. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice McKenna.

The Chief Justice announced that the court would take a recess from to-day until Monday, the 23d instant.

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

No. 548. The Tolleston Club, of Chicago, plaintiff in error, *v.* John H. Clough. Motions to dismiss or affirm postponed to the hearing on the merits.

No. 622. John McMullen, petitioner, *v.* Julia E. Hoffman, executrix, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit granted.

No. 626. The Board of County Commissioners of Kiowa County, Kan., petitioner, *v.* Charles D. Rathbone. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 628. The City of Denver, petitioner, *v.* The Barber Asphalt Paving Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 641. Clarence H. Venner, intervenor, petitioner, *v.* The Farmers' Loan and Trust Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 643. The Chicago, Milwaukee and St. Paul Railway Company, petitioner, *v.* C. H. Bosworth, receiver, etc., et al.;

No. 644. The Hunting Elevator Company, petitioner, *v.* C. H. Bosworth, receiver, etc., et al.;

No. 645. Jacob Rau, petitioner, *v.* C. H. Bosworth, receiver, etc., et al., and

No. 647. C. H. Bosworth, receiver, etc., petitioner, *v.* The Carr, Ryder & Engler Company. Petitions for writs of certiorari to the United States circuit court of appeals for the seventh circuit granted.

No. 649. Mrs. A. E. Fitzhugh and husband, petitioners, *v.* Mrs. Fisher Hazzard. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 651. The Canada Sugar Refining Company, Limited, petitioner, *v.* The Insurance Company of North America. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 654. William Johnston & Co., etc., petitioners, *v.* Halward Johanson. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 580. Charles E. Pope, receiver, etc., petitioner, *v.* The Louisville, New Albany and Chicago Railway Company. Motion to withdraw the transcript of record from the United States circuit court of appeals filed herein on the application of said Pope, receiver, etc., for a writ of certiorari granted so far as to allow said transcript to be refiled as part of the record on any appeal that may be allowed in the cause in question in favor of said Pope, receiver, etc., and docketed in this court.

No. 49. C. J. Smythe, attorney-general, et al., etc., appellants, *v.* Oliver Ames et al.;

No. 50. C. J. Smythe, attorney-general, et al., etc., appellants, *v.* George Smith et al., and

No. 51. C. J. Smythe, attorney-general, et al., etc., appellants, *v.* Henry L. Higginson et al. Leave given to file petition for a modification of the decrees herein, and to appellees to answer the same within ten days. Notice of the pendency of the petition to be given instantan.

No. 359. Charles W. Nordstrom, appellant, *v.* William H. Moyer, sheriff, etc., et al. Appeal from the circuit court of the United States for the district of Washington. Order affirmed, with costs, on the authority of *Craemer v. Washington*, 168 U. S., 124; *Nordstrom v. Washington*, 164 U. S., 705, and cases cited; and see *State v. Nordstrom*, 7 Wash. St., 506.

No. 656. The United States, petitioner, *v.* E. A. Morrison & Son. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Solicitor-General Richards in support of petition, and by Mr. Albert Comstock in opposition thereto.

No. 657. The United States, petitioner, *v.* H. Wolff & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Solicitor-General Richards for the petitioner.

No. 495. The Security Trust Company, etc., plaintiff in error, *v.* Frank H. Dodd et al. Motion to advance submitted by Mr. A. B. Browne in behalf of counsel for the plaintiff in error.

No. 659. Charles A. Hendrickson, petitioner, *v.* Chester B. Bradley. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit and for a restraining order, submitted by Mr. William A. Day for Mr. Asa Bird Gardner in support of same, with leave to Mr. Willis Van Devanter to file brief in opposition within five days.

No. 38. The Central National Bank of Boston et al., plaintiffs in error, *v.* Aaron R. Stevens et al. Motion to re-form mandate herein

submitted by Mr. Edward Winslow Paige for defendants in error, and by Mr. Charles E. Patterson for plaintiffs in error.

Nos. 259 and 260. The Henderson Bridge Company et al., plaintiffs in error, *v.* The City of Henderson. Argument concluded by Mr. William Lindsay for the plaintiffs in error. Leave granted to file supplemental brief herein on behalf of defendants in error on motion of Mr. James W. Clay for defendant in error.

Adjourned until Monday, May 23, at 12 o'clock.



SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 23, 1898.

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

W. E. Odell of Des Moines, Iowa; James S. Erwin of Jersey City, N. J.; Henry T. Rogers of Denver, Colo.; John L. G. Lee of Baltimore, Md.; Yancey Lewis of South McAlester, Ind. T.; W. P. Dillard of Fort Scott, Kans.; William D. Daly of Hoboken, N. J.; Charles T. Conlan of San Francisco, Cal.; Charles Elwood Foster of Washington, D. C.; Wallace Greene of Washington, D. C.; George Rountree of Wilmington, N. C.; S. R. Walkingstick of Talequah, Ind. T.; Julius H. Seymour of New York City, and John T. Baldwin of Butte City, Mont., were admitted to practice.

No. 8. The United States, appellant, *v.* Earl B. Coe. Appeal from the Court of Private Land Claims. Decree reversed and cause remanded for further proceedings. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras and Mr. Justice Peckham.

No. 236. The Detroit Citizens' Street Railway Company, plaintiff in error, *v.* The Detroit Railway and The City of Detroit. In error to the supreme court of the State of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice McKenna. (Mr. Justice Shiras did not hear the argument and took no part in the decision of this case.)

No. 245. Walter H. Harrison, plaintiff in error, *v.* Franklin J. Morton. In error to the court of appeals of the State of Maryland. Dismissed for the want of jurisdiction. Opinion by Mr. Justice McKenna. (Mr. Justice Gray did not hear the argument and took no part in the decision of this case.)

No. 298. George Pounds, plaintiff in error, *v.* The United States. In error to the district court of the United States for the northern district of Alabama. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. 86. George Schollenberger, plaintiff in error, *v.* The Commonwealth of Pennsylvania;

No. 87. George E. Paul, plaintiff in error, *v.* The Commonwealth of Pennsylvania; and

No. 88. J. Otis Paul, plaintiff in error, *v.* The Commonwealth of Pennsylvania. In error to the supreme court of the State of Pennsylvania. Judgments reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Harlan and Mr. Justice Gray.

No. 17. Clarence E. Collins, plaintiff in error, *v.* The State of New Hampshire. In error to the supreme court of the State of New Hampshire. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Harlan and Mr. Justice Gray.

No. 235. The United States, appellant, *v.* George P. Lies & Co. On writ of certiorari to the United States circuit court of appeals for the second circuit. Decree affirmed and cause remanded to the circuit court of the United States for the southern district of New York. Opinion by Mr. Justice Peckham.

No. 247. John R. Holloway, plaintiff in error, *v.* James H. Dunham et al. In error to the supreme court of the Territory of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Brewer.

No. 120. Frederick W. Fink et al., appellants, *v.* The United States. On a certificate from the United States circuit court of appeals for the second circuit. First question answered in the affirmative and the second in the negative. Opinion by Mr. Justice White.

No. 45. Josephine W. Wupperman, appellant, *v.* The Steamship "Carib Prince," etc. On writ of certiorari to the United States circuit court of appeals for the second circuit. Decrees of the United States circuit court of appeals and the district court of the United States for the eastern district of New York reversed with costs, and cause remanded to said district court for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice White. Dissenting: Mr. Justice Brown and Mr. Justice Brewer.

No. 207. The Texas and Pacific Railway Company, plaintiff in error, *v.* Andy Archibald. In error to the United States circuit court of appeals for the fifth circuit. Judgment affirmed with costs and cause remanded to the circuit court of the United States for the eastern district of Texas. Opinion by Mr. Justice White. Dissenting: Mr. Justice Brewer.

No. 29. Martin B. Hayes, appellant, *v.* The United States. Appeal from the Court of Private Land Claims. Decree affirmed. Opinion by Mr. Justice White. Dissenting: Mr. Justice Shiras. (Mr. Justice McKenna took no part in the decision of this case.)

No. 117. The United States, appellant, *v.* M. Salambier. On a certificate from the United States circuit court of appeals for the second circuit. Question answered in the affirmative. Opinion by Mr. Justice Shiras.

No. 252. D. Wagoner et al., appellants, *v.* Neil W. Evans, treasurer, etc., et al.; and

No. 262. Neil W. Evans, treasurer, etc., et al., appellants, *v.* D. Wagoner et al. Appeals from the supreme court of the Territory of Oklahoma. Decree reversed, costs to be paid by D. Wagoner et al., and cause remanded, with directions to reverse the decree of the district court in so far as it restrains the county authorities from collecting taxes for county purposes for the year 1895, and to affirm the rest of that decree. Opinion by Mr. Justice Shiras.

No. 196. William L. Ledbetter, plaintiff in error, *v.* The United States. In error to the district court of the United States for the southern district of Iowa. Judgment affirmed. Opinion by Mr. Justice Brown.

No. 106. The New York Indians, appellants, *v.* The United States. Judgment heretofore entered herein amended. Announced by Mr. Justice Brown.

No. 147. The Del Monte Mining and Milling Company, appellant, *v.* The Last Chance Mining and Milling Company. On a certificate from the United States circuit court of appeals for the eighth circuit. First question answered in the affirmative, third in the negative, and fourth in the affirmative. Opinion by Mr. Justice Brewer.

No. 145. W. A. Clark, plaintiff in error, *v.* William F. Fitzgerald et al. In error to the supreme court of the State of Montana. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 243. The County of Mercer, in the State of Kentucky, plaintiff in error, *v.* The Provident Life and Trust Company. On a writ of certiorari to the United States circuit court of appeals for the sixth circuit. Judgment of the United States circuit court of appeals reversed with costs, and judgment of the circuit court of the United States for the district of Kentucky affirmed, and case remanded to said circuit court. Opinion by Mr. Justice Brewer.

No. 248. Kingman & Company, plaintiffs in error, *v.* The Western Manufacturing Company. On a writ of certiorari to the United States

circuit court of appeals for the eighth circuit. Judgment reversed with costs, and cause remanded for further proceedings. Opinion by Mr. Chief Justice Fuller.

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

No. 265. T. E. B. Mason et al., plaintiffs in error, *v.* Alexander McLeod. In error to the supreme court of the State of Kansas. Dismissed with costs, pursuant to the tenth rule.

No. 495. The Security Trust Company, etc., plaintiff in error, *v.* Frank H. Dodd et al. Motion to advance granted, and the cause advanced to be submitted on printed briefs as under the thirty-second rule.

No. 656. The United States, petitioner, *v.* E. A. Morrison & Son ; and

No. 657. The United States, petitioner, *v.* H. Wolff & Co. Petitions for writs of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 667. Fred A. McMaster, administrator, etc., petitioner, *v.* The New York Life Insurance Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. James E. Boyd for Mr. Henry J. Taylor in support of petition, and by Mr. G. W. Hubbell and Mr. W. E. Odell in opposition thereto.

No. 665. The Carson City Gold and Silver Mining Company, petitioner, *v.* The North Star Mining Company. Petition for writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. J. L. Rawlins in support of the petition, and by Mr. Curtis H. Lindley in opposition thereto.

No. 675. Estate of E. J. Hart et al., petitioners, *v.* Mrs. B. W. Bowen and husband. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Charles E. Fenner, Mr. Henry J. Leovy and Mr. Guy M. Horner in support of petition.

No. 660. David S. Walton et al., petitioners, *v.* The Morgan Envelope Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. George H. Howard for Mr. Walter D. Edmonds in support of petition, and by Mr. Melville Church and Mr. Joseph B. Church in opposition thereto.

No. 664. Gates Iron Works, petitioner, *v.* Fraser & Chalmers. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. L. L. Coburn and Mr. Edmund Wetmore in support of petition, and by Mr. L. L. Bond, Mr. A. H. Adams, Mr. A. E. Pickard and Mr. J. L. Jackson in opposition thereto.

No. 669. Wiley Jones et al., petitioners, *v.* James H. Allen et al. Petition for a writ of certiorari to the United States circuit court of

appeals for the eighth circuit submitted by Mr. J. M. Taylor in support of petition, and by Mr. U. M. Rose and Mr. G. B. Rose in opposition thereto.

No. 673. The Central Trust Company of New York, petitioner, *v.* The Continental Trust Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Henry T. Rogers and Mr. A. H. Joline in support of petition, and by Mr. F. J. Stimson, Mr. E. O. Walcott and Mr. J. F. Vaile in opposition thereto.

No. 672. Samuel Evans et al., petitioners, *v.* Suess Ornamental Glass Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Melville Church for Mr. James H. Raymond in support of petition.

No. —, Original. *Ex parte*: In the matter of Blount Martin, petitioner. Motion for leave to file petition for a writ of habeas corpus submitted by Mr. William T. Hutchings for petitioner.

No. 666. Charles Adolphe Low et al., petitioners, *v.* William H. Blackford et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Charles Steele and Mr. W. D. Guthrie in support of petition, and by Mr. R. O. Burton, Mr. George Rountree, Mr. E. J. D. Cross, Mr. H. L. Bond, jr., and Mr. H. B. Turner in opposition thereto.

Fo. 674. Edward Clifford, appellant, *v.* William Heller, sheriff, etc. Motion to dismiss submitted by Mr. James S. Irwin in support of motion, with leave to Mr. W. D. Daly to file opposition thereto within four days.

No. 210. S. H. Williams, treasurer, etc., plaintiff in error, *v.* Arthur F. Eggleston, attorney for the State of Connecticut. Mandate granted on motion of Mr. A. B. Browne in behalf of counsel.

No. 292. M. F. Morris et al., appellants, *v.* The United States. Motion to fix division of time and suggestion as to order of argument herein submitted by Mr. Calderon Carlisle for the appellants.

No. 606. Kent K. Hayden, as receiver, etc., appellant, *v.* George G. Williams et al. Motion to advance submitted by Mr. Edward Winslow Paige for the appellant.

- No. —. The United States et al., appellants, *v.* Fleming P. Jennings;
- No. —. The United States et al., appellants, *v.* Moses Fallowill;
- No. —. The United States et al., appellants, *v.* Brice Woody;
- No. —. The United States et al., appellants, *v.* Charles H. Hitson;
- No. —. The United States et al., appellants, *v.* Daniel L. Leatherwood;
- No. —. The United States et al., appellants, *v.* Robert Carter;

No. —. The United States et al., appellants, *v.* David P. McCracken;
No. —. The United States et al., appellants, *v.* Emiline Mackey; and
No. —. The United States et al., appellants, *v.* Mary Seroggins.
Motions to docket and dismiss submitted by Mr. John Wharton Clark in
support of motions, with leave to Mr. Assistant Attorney-General Thomp-
son to file opposition on or before Wednesday next.

Adjourned until to-morrow at 12 o'clock.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, MAY 24, 1898.

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

Isaac F. Chapman of San Francisco, Cal., was admitted to practice.

The Chief Justice announced that the court would adjourn from to-day until Tuesday, the 31st instant, and then adjourn for the term.

Adjourned until Tuesday, May 31, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, MAY 31, 1898.

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

Harry T. Smith of Mobile, Ala.; Charles A. Douglass of Washington, D. C.; Warren Olney of San Francisco, Cal.; Richard C. Flannigan of Norway, Mich., and Philip Teare of San Francisco, Cal., were admitted to practice.

No. 230. Austin Walrath, appellant, *v.* The Champion Mining Company. Appeal from the United States circuit court of appeals for the ninth circuit. Decree affirmed, with costs, and cause remanded to the circuit court of the United States for the northern district of California. Opinion by Mr. Justice McKenna.

No. 141. Pullman's Palace Car Company, appellant, *v.* Central Transportation Company; and

No. 496. Pullman's Palace Car Company, petitioner, *v.* Central Transportation Company. Appeal from the circuit court of the United States for the eastern district of Pennsylvania, and on writ of certiorari to the United States circuit court of appeals for the third circuit. Decree reversed with costs, and cause remanded to the said circuit court, with directions to enter a decree for the Central Transportation Company, in accordance with the opinion of this court. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Harlan and Mr. Justice White.

No. 390. The District of Columbia, plaintiff in error, *v.* Elizabeth L. W. Bailey, administratrix, etc., and

No. 420. Elizabeth L. W. Bailey, administratrix, etc., plaintiff in error, *v.* The District of Columbia. In error to the court of appeals of the District of Columbia. Judgments of the court of appeals reversed with costs, and cause remanded, with direction to dismiss action No. 34564 and to award a new trial in action No. 24279. Opinion by Mr. Justice White.

No. 242. Adelia Young et al., appellants, *v.* Jennie Amy. Appeal from the supreme court of the Territory of Utah. Decree affirmed with costs, and cause remanded to the supreme court of the State of Utah. Opinion by Mr. Justice White.

No. 93. The Northern Pacific Railroad Company et al., plaintiffs in error, *v. Patrick R. Smith*. In error to the United States circuit court of appeals for the eighth circuit. Judgment of the said United States circuit court of appeals and the judgment of the circuit court of the United States for the district of North Dakota reversed with costs, and cause remanded to said circuit court with a direction to enter a judgment in favor of the defendants. Opinion by Mr. Justice Shiras. Dissenting: Mr. Justice Harlan.

No. 591. Flint, Eddy & Co., appellants, *v. George Christall et al.* On a certificate from the United States court of appeals for the second circuit. Question certified answered in the negative. Opinion by Mr. Justice Shiras. Dissenting: Mr. Justice Brown and Mr. Justice McKenna.

No. 198. William Wheeler Hubbell, appellant, *v. The United States*. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brown.

No. 149. The Tide Water Oil Company, appellant, *v. The United States*. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brown.

No. 27. Santiago Ainsa, administrator, etc., appellant, *v. The United States*. Appeal from the Court of Private Land Claims. Decree reversed, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brewer.

No. 297. The United States, appellant, *v. Frederick Maish et al.* Appeal from the Court of Private Land Claims. Decree reversed and cause remanded for further proceedings. Opinion by Mr. Justice Brewer.

No. 28. Juan Pedro Camon, appellant, *v. The United States*. Appeal from the Court of Private Land Claims. Decree reversed and cause remanded for further proceedings. Opinion by Mr. Justice Brewer.

No. 30. Robert Perrin, appellant, *v. The United States et al.* Appeal from the Court of Private Land Claims. Decree reversed and cause remanded for further proceedings. Opinion by Mr. Justice Brewer.

No. 239. James Johnson, plaintiff in error, *v. George F. Drew*. In error to the supreme court of the State of Florida. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 49. C. J. Smyth, attorney-general, et al., etc., appellants, *v. Oliver Ames et al.* ;

No. 50. C. J. Smyth, attorney-general, et al., etc., appellants, *v. George Smith et al.*, and

No. 51. C. J. Smyth, attorney-general, et al., etc., appellants, *v. Henry L. Higginson*. Decrees modified. Opinion by Mr. Justice Harlan.

No. 539. A. B. White, collector, etc., et al., appellants, *v.* H. C. Berry;
 No. 540. A. B. White, collector, etc., et al., appellants, *v.* William
 Butler; and

No. 541. A. B. White, collector, etc., et al., appellants, *v.* J. G. Ruck-
 man. Appeals from the circuit court of the United States for the district
 of West Virginia. Decrees reversed with costs, and causes remanded
 with directions to dismiss the bills. Opinion by Mr. Justice Harlan.
 (Mr. Justice McKenna took no part in the consideration and decision of
 these cases.)

No. 623. George Thompson, plaintiff in error, *v.* The State of Missouri.
 In error to the supreme court of the State of Missouri. Judgment
 affirmed. Opinion by Mr. Justice Harlan.

No. 241. Marianne J. Baldy, by her next friend, W. B. Pritchard,
 plaintiff in error, *v.* John H. Hunter, executor, etc. In error to the
 supreme court of the State of Georgia. Judgment affirmed with costs.
 Opinion by Mr. Justice Harlan.

No. 157. Henry C. King, plaintiff in error, *v.* M. B. Mullins et al.
 In error to the circuit court of the United States for the district of West
 Virginia. Judgment affirmed with costs. Opinion by Mr. Justice Har-
 lan. Mandate stayed for sixty days and leave granted to file petition
 for rehearing within that time.

No. 240. Henry C. King, appellant, *v.* Panther Lumber Company.
 Appeal from the circuit court of the United States for the district of
 West Virginia. Decree affirmed with costs. Opinion by Mr. Justice
 Harlan. Mandate stayed for sixty days, with leave to file petition for
 rehearing within that time.

No. 1. The City of New Orleans, appellant, *v.* The Texas and Pacific
 Railway Company et al. Appeal from the circuit court of the United
 States for the eastern district of Louisiana. Decree reversed with costs
 and cause remanded for further proceedings consistent with the opinion
 of this court. Opinion by Mr. Chief Justice Fuller.

No. 9. The Patapsco Guana Company, appellant, *v.* The Board of
 Agriculture of North Carolina et al. Appeal from the circuit court of
 the United States for the eastern district of North Carolina. Decree
 affirmed with costs. Opinion by Mr. Chief Justice Fuller. Dissenting:
 Mr. Justice Harlan and Mr. Justice White.

No. 119. William Faxon, jr., trustee, et al., appellants, *v.* The United
 States et al. Appeal from the Court of Private Land Claims. Decree
 affirmed. Opinion by Mr. Chief Justice Fuller.

No. 431. The North American Commercial Company, plaintiff in error,
v. The United States. On certificate from and writ of certiorari to the

United States circuit court of appeals for the second circuit. Judgment of the circuit court of the United States for the southern district of New York reversed, and cause remanded with a direction to enter judgment in favor of the United States for \$76,687.50, with interest from April 1, 1894, and to enter judgment in favor of the United States on the counterclaim. Opinion by Chief Justice Fuller.

No. 632. Thomas Tinsley, appellant, *v.* Archie R. Anderson, sheriff, etc. Appeal from the circuit court of the United States for the northern district of Texas. Order affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 633. Thomas Tinsley, plaintiff in error, *v.* Archie R. Anderson, sheriff, etc. In error to the court of criminal appeals of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

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

No. 199. The Gila Bend Reservoir and Irrigation Company, appellant, *v.* W. H. Linn et al. Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs by a divided court.

No. 38. The Central National Bank of Boston et al., plaintiffs in error, *v.* Aaron R. Stevens et al. Motion to re-form judgment and mandate herein denied.

No. 606. Kent K. Hayden, receiver, etc., appellant, *v.* George G. Williams et al. Motion to advance granted, the case to be taken on printed briefs as under the thirty-second rule.

No. 674. Edward Clifford, appellant, *v.* William Heller, sheriff, etc. Motion to dismiss denied.

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

No. —. The United States et al., appellants, *v.* Fleming P. Jennings;

No. —. The United States et al., appellants, *v.* Moses Followill;

No. —. The United States et al., appellants, *v.* Brice Woody;

No. —. The United States et al., appellants, *v.* Charles H. Hitson;

No. —. The United States et al., appellants, *v.* Daniel H. Leatherwood;

No. —. The United States et al., appellants, *v.* Robert Carter;

No. —. The United States et al., appellants, *v.* David P. McCracken;

No. —. The United States et al., appellants, *v.* Emeline Mackey; and

No. —. The United States et al., appellants, *v.* Mary Scroggins. Motions to docket and dismiss denied.

No. 292. M. F. Morris et al., appellants, *v.* The United States. On consideration of the motion of appellants, Morris and others, that the court

fix the division of time allotted for oral argument, of the suggestion as to the order of oral argument, and of the stipulation of counsel in connection therewith, it is ordered that one hour additional time be, and it is hereby, allowed to appellants, the heirs of John Marshall and of James Marshall, making, with the two hours accorded to them by said stipulation, under the previous order herein, three hours, to be divided between them equally, or as their counsel may agree; that when this cause comes on for hearing the appeals of these heirs shall be first heard as if one appeal, the cause being opened on behalf of each of the decedents, and so closed, the United States, as appellees, taking such time out of the nine hours at their disposal in the whole cause, under the stipulation, as their counsel may be advised; that all the other appeals shall be heard together, the appellants to open, the United States, the appellees, to follow, and appellants to close; appellants to divide the sixteen hours at their disposal, as provided in their stipulation, but each of their appeals must be opened.

No. 659. Charles A. Hendrickson, petitioner, *v.* Chester B. Bradley. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 660. David S. Walton et al., petitioners, *v.* The Morgan Envelope Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

664. Gates Iron Works, petitioner, *v.* Fraser & Chalmers. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 665. The Carson City Gold and Silver Mining Company, petitioner, *v.* The North Star Mining Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 666. Charles Adolphe Low et al., petitioners, *v.* William H. Blackford et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit granted.

No. 667. Fred. A. McMaster, administrator, etc., petitioner, *v.* The New York Life Insurance Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 669. Wiley Jones et al., petitioners, *v.* James H. Allen et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 672. Samuel Evans et al., petitioners, *v.* Sues Ornamental Glass Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 673. The Central Trust Company of New York, petitioner, *v.* The Continental Trust Company of the City of New York et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 675. E. J. Hart, sr., et al., petitioners, *v.* Mrs. B. W. Bowen. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 683. Ellis H. Roberts, treasurer, etc., petitioner, *v.* United States ex rel. Marie A. Valentine. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. Solicitor-General Richards, Mr. Henry E. Davis and Mr. D. W. Baker for the petitioner, and by Mr. B. E. Valentine in opposition.

No. 682. Kate McDonnell et al., petitioners, *v.* The Mercantile Trust Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. H. T. Smith and Mr. Gregory L. Smith for the petitioners, and by Mr. D. P. Bestor and Mr. W. A. Blount in opposition.

No. 243. The Provident Life and Trust Company, petitioner, *v.* The County of Mercer, Kentucky. Leave granted to present petition for rehearing within thirty days, on motion of Mr. Phil. B. Thompson, jr., in behalf of counsel.

No. 8. The United States, appellant, *v.* Earl B. Coe. Leave granted to present petition for rehearing within thirty days, on motion of Mr. J. F. Shafroth for the appellee.

No. 29. Martin B. Hayes, appellant, *v.* The United States. Leave granted to present petition for rehearing within thirty days, on motion of Mr. C. H. Armes, in behalf of counsel.

Nos. 53 and 175. Charles P. Barrett, plaintiff in error, *v.* The United States. Motion to recall mandates submitted by Mr. C. C. Lancaster for plaintiff in error, and denied.

No. 684. The Santa Fe Electric Company et al., appellants, *v.* Charles C. Hitchcock. Appeal from supreme court of Territory of New Mexico. Docketed and dismissed with costs, on motion of Mr. Chapin Brown for the appellee.

No. 198. Wm. Wheeler Hubbell, appellant, *v.* The United States. Leave granted to present petition for rehearing within thirty days, on motion of Mr. Hubbell.

No. 119. Wm. Faxon, jr., trustee, et al., appellants, *v.* The United States et al. Leave granted to present petition for rehearing within thirty days, on motion of Mr. D. E. Fox, in behalf of counsel.

No. 180. Julius A. Beley et al., plaintiffs in error, *v.* Joseph Naphtaly, and

No. 181. Josiah S. Smith, appellant, *v.* Joseph Naphtaly. Mandates stayed.

Order—It is now here ordered by the court that all the cases on the docket not decided, and all the other business of the term not disposed of by the court be, and the same are hereby, continued until the next term.

Adjourned to the time and place appointed by law.

