

SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 10, 1898.

The court met pursuant to law.

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.

David W. Wood, of Washington, D. C.; Smith P. Galt, of St. Louis, Mo.; Stuart McKibbin, of South Bend, Ind.; Charles O. Whittemore, of Salt Lake City, Utah; Charles D. Lanning, of Boston, Mass.; Thomas A. Pollock, of Kansas City, Kans.; George B. Watson, of Kansas City, Kans.; Cornelius B. Nolan, of Helena, Mont.; Albert F. Flint, of Washington, D. C.; Albert N. Drown, of San Francisco, Cal.; William H. Chickering, of San Francisco, Cal.; Walter W. Warwick, of Cincinnati, Ohio; Alfred M. Cohen, of Cincinnati, Ohio; Charles H. Cragin, of Washington, D. C.; Samuel D. Truitt, of Washington, D. C.; Hill Carter, of Richmond, Va., and Alexander C. Botkin, of Helena, Mont., were admitted to practice.

No. 353. The State of Ohio, appellant, *v.* J. B. Thomas. Motion to advance submitted by Mr. J. K. Richards, in behalf of counsel.

No. 410. John B. Russell, petitioner, *v.* Frederick Stearns & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit, submitted by Mr. H. M. Campbell, Mr. T. A. Banning and Mr. Ephraim Banning, in support of petition, and by Mr. R. A. Parker and Mr. Charles F. Burton in opposition thereto. Leave granted to Mr. Solicitor-General Richards to file suggestions herein.

No. 306. The Houston and Texas Central Railroad Company et al., plaintiffs in error, *v.* The State of Texas;

No. 307. The Galveston, Harrisburg and San Antonio Railway Company et al., plaintiffs in error, *v.* The State of Texas, and

No. 334. Waters-Pierce Oil Company, plaintiff in error, *v.* The State of Texas. Motion to advance submitted by Mr. Silas Hare, in behalf of counsel.

No. 336. The City of New Orleans, appellant, *v.* John G. Warner. Motion to dismiss submitted by Mr. Richard De Gray, Mr. J. D. Rouse, Mr. William Grant and Mr. Wheeler H. Peckham in support of motion, and by Mr. Samuel L. Gilmore and Mr. Branch K. Miller in opposition thereto.

No. 413. Oscar M. Springer, petitioner, *v.* Anders Jakobson, claimant, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit, submitted by Mr. Richard De Gray in support of petition.

No. 304. Edward Clifford, appellant, *v.* William Heller, sheriff, etc. Motion to advance submitted by Mr. James S. Erwin for the appellee.

No. 426. Henry Gardes, petitioner, *v.* The United States; and

No. 427. Louis Gallot, petitioner, *v.* The United States. Petitions for writs of certiorari to the United States circuit court of appeals for the fifth circuit, submitted by Mr. J. R. Beckwith in support of petitions, with leave to Mr. Solicitor-General Richards to file brief in opposition within one week.

No. 330. Mutual Reserve Fund Life Association, petitioner, *v.* J. K. Du Bois, administrator, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. J. B. Foraker in support of petition, and by Mr. R. E. McFarland in opposition thereto.

No. 264. The City of Richmond, petitioner, *v.* The Southern Bell Telephone and Telegraph Company. Motion to advance submitted by Mr. H. R. Pollard for the petitioner.

No. 23. The Keokuk and Hamilton Bridge Company, plaintiff in error, *v.* The People of the State of Illinois. Ordered passed to be heard with No. 175 as one case on motion of Mr. Walter D. Davidge for the plaintiff in error.

No. 391. Fred. J. Kiesel & Company, petitioners, *v.* The Sun Insurance Office of London. 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. A. R. Heywood in support of petition, and by Mr. F. C. Van Ness in opposition thereto.

No. 218. Robert Dunlap, appellant, *v.* The United States. Reassigned for argument on the second Monday (14th) of November at the head of the call, on motion of Mr. George A. King for the appellant.

No. 189. La Abra Silver Mining Company, appellant, *v.* The United States. Placed at the foot of the list of assigned cases for October 17, on motion of Mr. J. M. Wilson for the appellant.

No. 239. Lindsay & Phelps Company, plaintiff in error, *v.* John H. Mullen et al. Motion to advance submitted by Mr. J. K. Redington for

the defendant in error and opposition thereto submitted by Mr. Moses E. Clapp for the plaintiff in error.

No. 305. The St. Louis Mining and Milling Company of Montana et al., plaintiffs in error, *v.* The Montana Mining Company (Limited). Motions to dismiss or affirm submitted by Mr. A. B. Browne in behalf of Mr. W. E. Cullen and Mr. Charles J. Hughes, jr., in support of motions, and by Mr. W. W. Dixon and Mr. E. W. Toole in opposition thereto.

No. 337. The Third National Bank of Philadelphia, petitioner, *v.* The National Bank of Chester Valley. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. J. H. Ashton in behalf of Mr. Henry B. Tompkins for the petitioner and by Mr. W. D. Ellis in opposition thereto.

No. 52. The United States, appellant, *v.* The Oregon and California Railroad Company et al. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. J. Hubley Ashton in behalf of counsel for appellees.

No. 291. The Telluride Power Transmission Company et al., plaintiffs in error, *v.* The Rio Grande Western Railroad Company. Motions to dismiss or affirm submitted by Mr. J. H. Hayden and Mr. J. K. McCammon in support of motions and by Mr. Arthur Brown and Mr. H. P. Henderson in opposition thereto.

No. 402. S. H. H. Clark et al., receivers, etc., plaintiffs in error, *v.* The City of Kansas City, Kans., et al. Motion to advance submitted by Mr. George B. Watson for the defendants in error.

No. 33. Charles J. Meadowcroft et al., plaintiffs in error, *v.* The People of the State of Illinois. In error to the supreme court of the State of Illinois. Dismissed with costs on motion of counsel for the plaintiffs in error.

No. 131. The Durango Land and Coal Company, appellant, *v.* Roger C. Evans et al. Appeal from the United States circuit court of appeals for the eighth circuit. Dismissed per stipulation.

No. 173. The Covington and Cincinnati Elevated Railroad and Transfer and Bridge Company, plaintiff in error, *v.* William F. Wilson. In error to the circuit court of the United States for the district of Kentucky. Dismissed with costs on authority of counsel for plaintiff in error.

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

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 11, will be as follows: Nos. 7, 11, 12 (and 13), 20, 25, 28, 35, 38, 39 and 40.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 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.

James M. Dalzell, of Caldwell, Ohio; W. Meyer Lewin, of Washington, D. C.; Clayton E. Emig, of Washington, D. C.; T. H. Mill, of Huron, S. Dak.; W. S. Pendleton, of Shawnee, Okla.; J. Miller Kenyon, of Washington, D. C.; J. Spalding Flannery, of Washington, D. C.; John W. Rodman, of Frankfort, Ky., and Ira Julian, of Frankfort, Ky., were admitted to practice.

No. 148. Owensboro National Bank, plaintiff in error, *v.* City of Owensboro;

No. 149. Deposit Bank of Owensboro, plaintiff in error, *v.* City of Owensboro, etc.;

No. 150. Deposit Bank of Owensboro, plaintiff in error, *v.* Daviess County, etc.;

No. 151. Farmers and Traders' Bank of Owensboro, plaintiff in error, *v.* City of Owensboro, etc.;

No. 356. Samuel H. Stone, auditor, etc., et al., appellants, *v.* Bank of Kentucky;

No. 357. City of Louisville, appellant, *v.* Bank of Kentucky;

No. 358. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Bank of Louisville;

No. 359. City of Louisville, appellant, *v.* Bank of Louisville;

No. 360. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Louisville Banking Company;

No. 361. City of Louisville, appellant, *v.* The Louisville Banking Company;

No. 362. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Bank of Commerce;

No. 363. City of Louisville, appellant, *v.* Bank of Commerce;

No. 364. City of Louisville, appellant, *v.* The Third National Bank;

No. 365. City of Louisville, appellant, *v.* Citizens' National Bank;

No. 385. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Farmers' Bank of Kentucky;

No. 386. The Farmers' Bank of Kentucky, appellant, *v.* Samuel H. Stone, auditor, etc., et al.;

No. 387. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Deposit Bank of Frankfort;

No. 404. The Third National Bank of Louisville, appellant, *v.* Samuel H. Stone, auditor, etc., et al.;

No. 405. The Citizens' National Bank, appellant, *v.* Samuel H. Stone, auditor, etc., et al.;

No. 406. The Fidelity Trust and Safety Vault Company, appellant, *v.* The City of Louisville;

No. 407. The Fidelity Trust and Safety Vault Company, appellant, *v.* Samuel H. Stone, auditor, etc., et al.;

No. 408. The Louisville Trust Company, appellant, *v.* The City of Louisville; and

No. 409. The Louisville Trust Company, appellant, *v.* Samuel H. Stone, auditor, etc., et al. Motion to advance submitted by Mr. Alexander Pope Humphrey in support of motion.

No. 320. Johns Hopkins University, appellant, *v.* The Baltimore and Ohio Railroad Company et al. Motion to advance submitted by Mr. Arthur George Brown for the appellant.

No. 430. Mast, Foos & Co., petitioners, *v.* Stover Manufacturing Company. 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 the petition, with leave to Mr. Charles C. Linthicum to file brief in opposition to petition within ten days.

No. 416. Jesse L. MacDaniel, petitioner, *v.* The United States. Petition for writ of certiorari to the United States circuit court of appeals for the fourth circuit. Submitted by Mr. Tracy L. Jeffords in support of petition, and by Mr. Assistant Attorney-General Boyd in opposition thereto.

No. 44. Standard Elevator Company et al., appellants, *v.* Crane Elevator Company et al. Passed for settlement on motion of Mr. Frank T. Brown for the appellants.

No. 431. Charles Winston, petitioner, *v.* the United States. Motion for leave to proceed in forma pauperis, and that papers be printed at public expense, granted on motion of Mr. George Kearney for the petitioner.

No. 432. William M. Strather, petitioner, *v.* The United States. Motion for leave to proceed in forma pauperis, and that papers be printed

at public expense, granted on motion of Mr. S. D. Truitt for the petitioner.

No. 433. Edward Smith, petitioner, *v.* The United States. Motion for leave to proceed in forma pauperis, and that papers be printed at public expense, granted on motion of Mr. Chapin Brown for the petitioner.

No. 179. Mariano S. Otero, appellant, *v.* The United States. Appeal from the Court of Private Land Claims. Dismissed on authority of counsel for the appellant.

No. 201. The Henderson National Bank, plaintiff in error, *v.* The City of Henderson. In error to the court of appeals of the State of Kentucky. Dismissed for stipulation.

No. 7. Daniel Wiley, plaintiff in error, *v.* D. L. Sinkler et al. Submitted by Mr. Charles A. Douglass for the plaintiff in error and by Mr. William A. Barber for the defendants in error.

No. 20. The United States, appellant, *v.* Ranlett & Stone. Submitted by Mr. Assistant Attorney-General Hoyt and Mr. W. J. Hughes for the appellant, by Mr. Thomas J. Semmes and Mr. William A. Maury for the appellees, with leave to counsel for appellees to file a supplemental brief within three days.

No. 25. The San Diego Land and Town Company, appellant, *v.* The City of National City et al. Submitted by Mr. Charles D. Lanning and Mr. G. Wyley Wells for the appellant, with leave to counsel for the appellees to file briefs within fifteen days.

No. 38. The Sopori Land and Mining Company, appellant, *v.* The United States et al. Appeal from the Court of Private Land Claims. Dismissed pursuant to the tenth rule.

No. 11. The Missouri, Kansas and Texas Railway Company, plaintiff in error, *v.* McCann & Smizer. Reargued by Mr. George P. B. Jackson for the plaintiff in error, and by Mr. J. H. Rodes for the defendant in error.

No. 12. Lewis Pierce et al., trustees, plaintiffs in error, *v.* The Somerset Railway Company; and

No. 13. Lewis Pierce et al., trustees, plaintiffs in error, *v.* John Ayer et al. Argument commenced by Mr. D. D. Stewart for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 12, will be as follows: Nos. 12 (and 13), 28, 35, 39, 40, 41, 42, 43, 45 and 46.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 12, 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.

Arthur Palmer Tift, of Portland, Oregon, was admitted to practice.

No. 58. Oliver C. Bosbyshell, plaintiff in error, *v.* The United States; and

No. 47. George W. Childs Drexel et al., executors, etc., plaintiffs in error, *v.* The United States. Passed temporarily on motion of Mr. Clayton E. Emig in behalf of counsel for the plaintiffs in error.

No. 42. Francis I. Gowen, sale receiver, etc., plaintiff in error, *v.* Laura B. Bush, administratrix, etc. Passed for settlement.

No. 12. Lewis Pierce et al., trustees, plaintiffs in error, *v.* The Somerset Railway Company; and

No. 13. Lewis Pierce et al., trustees, plaintiffs in error, *v.* John Ayer et al. Argument continued by Mr. D. D. Stewart for the plaintiffs in error, by Mr. E. F. Webb and Mr. Josiah H. Drummond for the defendants in error, and concluded by Mr. D. D. Stewart for the plaintiffs in error.

No. 28. The City of Walla Walla et al., appellants, *v.* The Walla Walla Water Company. Argument commenced by Mr. A. H. Garland for the appellants, and continued by Mr. John H. Mitchell for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 13, will be as follows: Nos. 28, 35, 39, 40, 41, 43, 45, 46, 48 and 51.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 13, 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.

Louis Hasbrouck, of Ogdensburg, N. Y., was admitted to practice.

No. —, Original. *Ex parte*: In the matter of Thomas King, petitioner. Motion for leave to file a petition for a writ of habeas corpus submitted by Mr. W. S. Pendleton for the petitioner.

No. 4, Original. *Ex parte*: In the matter of George R. Nichols, petitioner. On motion of Mr. H. S. Robbins for petitioner, leave granted to file petition for writ of habeas corpus. Rule to show cause awarded, returnable in five days, and petitioner admitted to bail upon executing bond in the sum of \$1,000, to be approved by the clerk of this court.

No. 28. The City of Walla Walla et al., appellants, *v.* The Walla Walla Water Company. Argument continued by Mr. John H. Mitchell for the appellee, and concluded by Mr. A. H. Garland for the appellants.

No. 35. William Naeglin et al., appellants, *v.* Doloritas Martin de Cordoba et al. Argued by Mr. Harvey Spalding for the appellants. No counsel appeared for the appellees.

No. 39. Southern Railway Company, appellant, *v.* Carnegie Steel Company (Limited). Argument commenced by Mr. Henry Crawford for the appellant, and continued by Mr. Nicholas P. Bond and Mr. David Willcox for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 14, will be as follows: Nos. 39, 40, 41, 43, 45, 46, 48, 51, 53 and 54 (and 55).



SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 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.

Darius L. V. Moffett, of Boston, Mass., and Albert R. Gates, of Chicago, Ill., were admitted to practice.

No. 42. Francis I. Gowen, sole receiver, etc., plaintiff in error, *v.* Laura B. Bush, administratrix, etc. In error to the United States circuit court of appeals for the eighth circuit. Dismissed with costs, per stipulation.

No. 48. Engelbert Meyer, plaintiff in error, *v.* The City of Richmond et al. Submitted by Mr. H. R. Pollard for the plaintiff in error, and by Mr. H. T. Wickham for the defendants in error.

No. 39. Southern Railway Company, appellant, *v.* Carnegie Steel Company (Limited). Argument continued by Mr. David Willcox for the appellee, and concluded by Mr. Edward J. Phelps for the appellant.

No. 40. The United States, appellant, *v.* The City of Albuquerque. Argued by Mr. Matt. G. Reynolds for the appellant, and by Mr. Frank W. Clancy for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 17, will be as follows: Nos. 41, 43, 45, 46, 51, 53, 54 (and 55), 214, 215 and 49.



SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 17, 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.

Henry E. Everding, of Philadelphia, Pa.; R. H. Lloyd, of San Francisco, Cal.; George C. Hazelton, jr., of Philadelphia, Pa.; James Gallagher, of Fresno, Cal.; Henry A. King, of Springfield, Mass.; C. V. Ferguson, of Wichita, Kans., and Henry Crofut White, of New York City, were admitted to practice.

No. 36. The California National Bank, of San Francisco, plaintiff in error, *v.* Richard P. Thomas. In error to the supreme court of the State of California. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brown.

No. 37. The California National Bank, of San Francisco, and John Chetwood, plaintiffs in error, *v.* T. K. Stateler et al. In error to the supreme court of the State of California. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brown.

No. 10. The American Sugar Refining Company, appellant, *v.* The Steamship G. R. Booth, etc. 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 Gray.

No. 5. The Franklin Sugar Refining Company, appellant, *v.* The Steamship Silvia, her engines, etc. On writ of certiorari to the United States circuit court of appeals for the second circuit. Decree affirmed with costs, and cause remanded to the district court of the United States for the southern district of New York. Opinion by Mr. Justice Gray.

No. 260. James A. Briggs, executor, etc., plaintiff in error, *v.* Amanda M. Walker et al. In error to the court of appeals for the State of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice Gray.

No. 24. E. H. Hubbard, assignee, etc., appellant, *v.* J. Kennedy Tod et al. On writ of certiorari to the United States circuit court of appeals for the eighth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the northern district of Iowa. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced that until further notice during the sessions of the court a recess would be taken from 2 to 2.30 p. m., and that the court would adjourn each day at 4.30 p. m.

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

No. 40. The United States, appellant, *v.* The City of Albuquerque. Appeal from the Court of Private Land Claims. Decrees reversed on the authority of *United States v. Santa Fe*, 165 U. S., 681 ; and cause remanded, with directions to proceed therein in the matter of amendments, new parties, and otherwise as justice and equity may require.

No. 239. Lindsay & Phelps Company, plaintiff in error, *v.* John H. Mullen et al. Motion to advance denied.

No. 264. The City of Richmond, petitioner, *v.* The Southern Bell Telephone and Telegraph Company. Motion to advance denied.

No. 291. The Telluride Power Transmission Company et al., plaintiffs in error, *v.* The Rio Grande Western Railway Company. Motions to dismiss or affirm postponed to the hearing of the case on its merits.

No. 304. Edward Clifford, appellant, *v.* William Heller, sheriff, etc. Motion to advance granted and cause assigned for argument on the 31st instant.

No. 306. The Houston and Texas Central Railroad Company et al., plaintiffs in error, *v.* The State of Texas ; and

No. 307. The Galveston, Harrisburg and San Antonio Railway Company et al., plaintiffs in error, *v.* The State of Texas. Motions to advance denied.

No. 311. Kate McDonnell, surviving partner, 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 denied.

No. 312. Ellis H. Roberts, Treasurer of the United States, petitioner, *v.* The United States ex rel. Marie A. Valentine. Petition for a writ of certiorari to the court of appeals of the District of Columbia granted.

No. 330. Mutual Reserve Fund Life Association, petitioner, *v.* J. K. DuBois, administrator, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 334. Waters-Pierce Oil Company, plaintiff in error, *v.* The State of Texas. Motion to advance denied.

No. 337. The Third National Bank of Philadelphia, petitioner, *v.* The National Bank of Chester Valley. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 353. The State of Ohio, appellant, *v.* J. B. Thomas. Motion to advance granted and cause assigned for argument on the second Monday (9th) of January next.

No. 391. Fred. J. Kiesel & Company, petitioner, *v.* The Sun Insurance Office of London. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 402. S. H. H. Clark et al., receivers, etc., plaintiffs in error, *v.* The City of Kansas City, Kansas, et al. Motion to advance granted and cause assigned for argument on the second Monday (12th) of December next.

No. 410. John B. Russell, petitioner, *v.* Frederick Stearns & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 413. Oscar M. Springer, petitioner, *v.* Anders Jakobson, claimant, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit granted.

No. 320. Johns Hopkins University, appellant, *v.* The Baltimore and Ohio Railroad Company et al. Motion to advance granted and cause assigned for argument on the second Monday (9th) of January next, after the case already set down for that day.

No. 416. Jesse L. MacDaniel, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 441. Katie McK. Irvine, appellant, *v.* The United States. Appeal from the Court of Private Land Claims. Docketed and dismissed on motion of Mr. Solicitor-General Richards for the appellee.

No. 442. Jacob Gold et al., 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 appellees.

No. 370. Samuel Castner, jr., et al., petitioners, *v.* W. H. Coffman. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit. Submitted by Mr. Arthur V. Briesen and Mr. H. E. Everding in support of petition, and by Mr. A. G. Safford in opposition thereto.

No. 346. The City of Attica, Harper County, Kansas, petitioner, *v.* The Springfield Safe Deposit and Trust Company. 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 and Mr. C. V. Ferguson in support of petition, and by Mr. Henry A. King in opposition thereto.

No. 217. Michael Jeske 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.

No. 377. The Kittaning Coal Company, appellant, *v.* J. L. Zabriskie et al., executors, etc. Motion to advance submitted by Mr. John B. Uhle for the appellant in support of motion, and by Mr. Henry C. White for appellees in opposition thereto.

No. 412. A. J. Daggs et al., appellants, *v.* The Phoenix National Bank. Motion to vacate supersedeas submitted by Mr. A. B. Browne and Mr. A. T. Britton for the appellee in support of motion, and by Mr. A. J. Edwards for appellants in opposition thereto.

No. 293. The United States, appellant, *v.* Antonio Serafin Pena et al. Motion to dismiss submitted by Mr. F. W. Clancy in behalf of Mr. E. L. Bartlett in support of motion, and by Mr. Solicitor-General Richards and Mr. Matt. G. Reynolds in opposition thereto.

No. 189. La Abra Silver Mining Company, appellant, *v.* The United States. Reassigned for argument on the 14th of November next on motion of Mr. J. M. Wilson for the appellant.

No. 1, Original. The State of New Jersey, complainant, *v.* The State of Delaware. Passed temporarily on motion of Mr. George H. Bates for the defendant.

No. 219. The Tolleston Club, of Chicago, plaintiff in error, *v.* John H. Clough. In error to the supreme court of the State of Illinois. Dismissed per stipulation.

No. 41. J. R. Harkrader, sheriff, etc., appellant, *v.* H. G. Wadley. Argued by Mr. A. J. Montague for the appellant, and by Mr. F. S. Blair for the appellee.

No. 43. The Washington Gas-Light Company et al., plaintiffs in error, *v.* Thomas G. Lansden. Argument commenced by Mr. R. Ross Perry for the plaintiffs in error, and continued by Mr. J. J. Darlington for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 18, will be as follows: Nos. 43, 45, 46, 51, 53, 54 (and 55), 214, 266, 50, and 106 (and 169 and 170).



SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 18, 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. 415. John Anderson, appellant, *v.* Morgan Treat, United States marshal. On motion of Mr. J. G. Bigelow, special leave granted to Mr. P. J. Morris and Mr. Hugh G. Miller to file briefs herein. Motion to dismiss submitted by Mr. Solicitor-General Richards in support of motion, and by Mr. J. G. Bigelow, Mr. P. J. Morris and Mr. Hugh G. Miller in opposition thereto.

No. 43. The Washington Gas-Light Company et al., plaintiffs in error, *v.* Thomas G. Lansden. Argument continued by Mr. J. J. Darlington for the defendant in error, and concluded by Mr. Walter D. Davidge for the plaintiffs in error.

No. 45. Jacob Sonnenthiel, plaintiff in error, *v.* The Christian Moerlein Brewing Company et al. Argument commenced by Mr. A. H. Willie for the plaintiff in error, and continued by Mr. F. Charles Hume for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 19, will be as follows: Nos. 45, 46, 51, 53, 54 (and 55), 214, 266, 50, 106 (and 169 and 170) and 130.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 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.

F. F. Oldham, of Cincinnati, Ohio, was admitted to practice.

No. 45. Jacob Sonnenthiel, plaintiff in error, *v.* The Christian Moerlein Brewing Company et al. Argument continued by Mr. F. Charles Hume for the defendants in error, and concluded by Mr. J. M. Wilson for the plaintiff in error.

No. 46. Aaron H. Zeckendorf et al., appellants, *v.* Louis Zeckendorf, guardian, etc. Argued by Mr. Duane E. Fox for the appellants, and by Mr. E. M. Marble for the appellee.

No. 51. James E. Simpson, jr., et al., surviving partners, etc., appellants, *v.* The United States. Argument commenced by Mr. James H. Hayden for the appellants, and continued by Mr. George H. Gorman for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 20, will be as follows: Nos. 51, 53, 54 (and 55), 214, 266, 50, 106 (and 169 and 170), 130, 49 and 215.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 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.

No. 51. James E. Simpson, jr., et al., surviving partners, etc., appellants, *v.* The United States. Argument continued by Mr. George H. Gorman for the appellee, and concluded by Mr. James H. Hayden for the appellants.

No. 53. The United States, appellant, *v.* Mary A. Wardwell, administratrix, etc. Argued by Mr. George H. Gorman for the appellant, and by Mr. George A. King for the appellee.

Nos. 54 and 55. T. B. Merrill, as receiver, etc., appellant, *v.* The National Bank of Jacksonville. Argument commenced by Mr. Edward Winslow Paige for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 21, will be as follows: Nos. 54, (and 55), 214, 266, 50, 106 (and 169 and 170), 130, 49, 215, 15 and 56.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 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.

No. —. Ezerean Fuller, administratrix, etc., petitioner, *v.* Marshall Field et al. Motion for leave to prosecute petition for writ of certiorari without payment of costs submitted by Miss Ezerean Fuller for petitioner.

Nos. 54 and 55. T. B. Merrill, as receiver, etc., appellant, *v.* The National Bank of Jacksonville. Argument continued by Mr. Edward Winslow Paige for the appellant, by Mr. William Worthington for the appellee, and concluded by Mr. F. F. Oldham for the appellant.

No. 214. The Northern Pacific Railway Company, appellant, *v.* William V. Myers, treasurer, etc. Argument commenced by Mr. C. W. Brum for the appellant, continued by Mr. C. B. Nolan for the appellee, and concluded by Mr. A. B. Browne for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 24, will be as follows: Nos. 266, 50, 106 (and 169 and 170), 130, 49, 215, 15, 56, 57 (and 61) and 59.



SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 24, 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.

Hartwell P. Heath, of Washington, D. C., Albert H. Horton, of Topeka, Kans., and Alexander H. Semmes, of Washington, D. C., were admitted to practice.

No. 18. The Northwestern National Bank et al., appellants, *v.* B. N. Freeman et al., etc. Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs and interest. Opinion by Mr. Justice McKenna.

No. 210. Henry Hopkins et al., appellants, *v.* The United States. On writ of certiorari to the United States circuit court of appeals for the eighth circuit. Decree of the circuit court of the United States for the district of Kansas reversed and cause remanded to that court, with directions to dismiss the bill with costs. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Harlan. (Mr. Justice McKenna took no part in the decision of this case.)

No. 181. J. C. Anderson et al., appellants, *v.* The United States. On writ of certiorari to the United States circuit court of appeals for the eighth circuit. Decree of the circuit court of the United States for the western district of Missouri reversed and cause remanded to that court, with directions to dismiss the complainants' bill with costs. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Harlan. (Mr. Justice McKenna took no part in the decision of this case.)

No. 84. The United States, appellant, *v.* The Joint Traffic Association et al. Appeal from the United States circuit court of appeals for the second circuit. Decrees of the circuit court of the United States for the southern district of New York and of the United States circuit court of appeals for the second circuit reversed and cause remanded to said circuit court, with directions to take such further proceedings therein as may be in conformity with the opinion of this court. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Gray, Mr. Justice Shiras, and Mr. Justice White. (Mr. Justice McKenna took no part in the decision of this case.)

No. 249. Cyrus A. Brown, plaintiff in error, *v.* The United States; and

No. 250. George Curley, alias George Cully, plaintiff in error, *v.* The United States. In error to the United States court for the Indian Territory. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Shiras.

No. 35. William Naeglin et al., appellants, *v.* Doloritas Martin de Cordoba et al. Appeal from the supreme court of the Territory of New Mexico. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

The Chief Justice announced the following orders of the court:

No. —, Original. Ex parte: In the matter of Thomas King, petitioner. Motion for leave to file petition for a writ of habeas corpus denied.

No. 148. Owensboro National Bank, plaintiff in error, *v.* City of Owensboro, etc.;

No. 149. Deposit Bank of Owensboro, plaintiff in error, *v.* City of Owensboro, etc.;

No. 150. Deposit Bank of Owensboro, plaintiff in error, *v.* Daviess County, etc.; and

No. 151. Farmers and Traders' Bank of Owensboro, plaintiff in error, *v.* City of Owensboro, etc. Motion to advance No. 148 denied, but Nos. 149, 150 and 151 are advanced to be heard with No. 148 as one case, when that case is reached in regular order.

No. 356. Samuel H. Stone, auditor, etc., et al., appellants, *v.* Bank of Kentucky;

No. 357. City of Louisville, appellant, *v.* Bank of Kentucky;

No. 358. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Bank of Louisville;

No. 359. City of Louisville, appellant, *v.* Bank of Louisville;

No. 360. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Louisville Banking Company;

No. 361. City of Louisville, appellant, *v.* The Louisville Banking Company;

No. 362. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Bank of Commerce;

No. 363. City of Louisville, appellant, *v.* Bank of Commerce;

No. 364. City of Louisville, appellant, *v.* The Third National Bank;

No. 365. City of Louisville, appellant, *v.* Citizens' National Bank;

No. 385. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Farmers' Bank of Kentucky;

No. 386. The Farmers' Bank of Kentucky, appellant, *v.* Samuel H. Stone, auditor, etc., et al.;

No. 387. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Deposit Bank of Frankfort;

No. 404. The Third National Bank of Louisville, appellant, *v.* Samuel H. Stone, auditor, etc., et al.;

No. 405. The Citizens' National Bank, appellant, *v.* Samuel H. Stone, auditor, etc., et al.;

No. 406. The Fidelity Trust and Safety Vault Company, appellant, *v.* The City of Louisville;

No. 407. The Fidelity Trust and Safety Vault Company, appellant, *v.* Samuel H. Stone, auditor, etc., et al.;

No. 408. The Louisville Trust Company, appellant, *v.* The City of Louisville; and

No. 409. The Louisville Trust Company, appellant, *v.* Samuel H. Stone, auditor, etc., et al. Motion to advance granted and causes assigned for argument as one case after No. 148. Two days' time is allowed for argument, and the municipalities concerned will be allowed to open and close the argument.

No. 426. Henry Gardes, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States court of appeals for the fifth circuit denied.

No. 427. Louis Gallot, petitioner, *v.* The United States.. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 430. Mast, Foos & Company, petitioner, *v.* Stover Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit granted.

No. 293. The United States, appellant, *v.* Antonio Serafin Pena et al. Motion to dismiss postponed to the hearing on the merits.

No. 346. The City of Attica, Harper County, Kansas, petitioner, *v.* The Springfield Safe Deposit and Trust Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 370. Samuel Castner, jr., et al., petitioners, *v.* W. H. Coffman, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit granted.

No. 377. The Kittaning Coal Company, appellant, *v.* J. L. Zabriskie et al., executors, etc. Motion to advance denied.

No. 412. A. J. Daggs et al., appellants, *v.* The Phoenix National Bank. Motions to vacate supersedeas or for further security denied.

No. 415. John Anderson, appellant, *v.* Morgan Treat, United States marshal. Advanced to be heard on the merits on Monday, November 7, and the consideration of the motion to dismiss is postponed until then.

Leave is granted to Mr. P. J. Morris and Mr. Hugh G. Miller to argue the case on behalf of the appellant. The courts below will enter the proper orders for postponement of the execution of the sentence.

No. 7. Daniel Wiley, plaintiff in error, *v.* D. L. Sinkler et al. Restored to the docket for oral argument.

No. 217. Michael Jeske et al., plaintiffs in error, *v.* Nettie L. Cox et al. In error to the superior court of Milwaukee County, State of Wisconsin. Dismissed on the authority of *Missouri Pacific Railway v. Fitzgerald*, 160 U. S., 582; *Meyer v. Cox*, 169 U. S., 735; *McLish v. Roff*, 141 U. S., 661; *Insurance Company v. Kirchoff*, 160 U. S., 374.

No. 336. The City of New Orleans, appellant, *v.* John G. Warner. Appeal from the United States circuit court of appeals for the fifth circuit. Dismissed on the authority of *Tennessee v. Banks*, 152 U. S., 454; *Sawyer v. Kockersperger*, 170 U. S., 303. (Mr. Justice White took no part in the consideration and disposition of this motion.)

No. 46. Aaron H. Zeckendorf et al., appellants, *v.* Louis Zeckendorf, guardian, etc. Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs on the authority of *Gray v. Howe*, 108 U. S., 12; *Salina Stock Company v. Salina Creek Company*, 163 U. S., 117.

No. 4. Original. Ex parte: In the matter of George R. Nichols, petitioner, and

No. 435. James Nicol, appellant, *v.* John Ames, United States marshal. Motion to assign these cases for argument on December 12 next submitted by Mr. Solicitor-General Richards for the United States.

No. 443. The Knights Templars and Masons' Life Indemnity Company, petitioner, *v.* Carrie E. Converse. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit. Submitted by Mr. J. K. Richards in behalf of Mr. Charles H. Aldrich in support of petition, and by Mr. James H. Hopkins in opposition thereto.

No. 418. P. Lorillard Company, petitioner, *v.* Christian Peper. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit. Submitted by Mr. Frederic D. McKenney and Mr. M. B. Phillip in support of petition, and by Mr. Smith P. Galt in opposition thereto.

No. 444. United States ex rel. Alfred L. Bernardin, plaintiff in error, *v.* Charles H. Duell, Commissioner of Patents. Motion to advance submitted by Mr. Julian C. Dowell for the plaintiff in error.

No. 281. Francis C. Watson, plaintiff in error, *v.* The State of Rhode Island. Motion for leave to proceed in forma pauperis. Submitted by Mr. Hartwell P. Heath for the plaintiff in error.

No. 431. Charles Winston, petitioner, *v.* The United States. Petition for a writ of certiorari to the court of appeals of the District of Columbia. Submitted by Mr. George Kearney in support of the petition.

No. 432. William M. Strather, petitioner, *v.* The United States. Petition for a writ of certiorari to the court of appeals of the District of Columbia. Submitted by Mr. Samuel D. Truitt and Mr. Tracy L. Jeffords in support of petition.

No. 433. Edward Smith, petitioner, *v.* The United States. Petition for a writ of certiorari to the court of appeals of the District of Columbia. Submitted by Mr. Tracy L. Jeffords in behalf of Mr. Chapin Brown in support of the petition.

No. 354. The Farmers' Loan and Trust Company, plaintiff in error, *v.* The Lake Street Elevated Railroad Company et al. Motions to dismiss or affirm submitted by Mr. C. A. Knight, Mr. T. A. Moran, and Mr. Levy Mayer in support of motions, and by Mr. Herbert B. Turner, Mr. William Burry, and Mr. John J. Herrick in opposition thereto. Leave granted to Mr. Knight to file reply brief within one week.

No. 419. The Continental National Bank of New York City, petitioner, *v.* Mary Jenner Heilman et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit. Submitted by Mr. James Lowndes in behalf of Mr. John L. Cadwalader and Mr. Addison C. Harris in support of petition, and by Mr. C. W. Smith, Mr. John S. Duncan, Mr. Alexander Gilchrist, and Mr. C. A. De Brulet in opposition thereto.

No. 266. The United States et al., appellants, *v.* Samuel W. Hood. Leave granted to counsel for appellants to file an additional brief herein within ten days and to counsel for appellee to reply thereto. Argument commenced by Mr. Assistant Attorney-General Thompson for the appellants, and continued by Mr. Silas Hare and Mr. William B. King for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 25, will be as follows: Nos. 266, 50, 106 (and 169 and 170), 130, 49, 215, 15, 56, 57 (and 61) and 59.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 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.

Alexander Wolf, of Washington, D. C., and George P. Cary, of Chicago, Ill., were admitted to practice.

No. 65. Henry D. P. Allen, plaintiff in error, *v.* Charles F. Allen et al. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. E. B. Holladay for the plaintiff in error.

No. 266. The United States et al., appellants, *v.* Samuel W. Hood. Argument concluded by Mr. Assistant Attorney-General Thompson for the appellants.

No. 50. J. Henry Jurgens, sheriff, etc., appellant, *v.* Yot Sang. Argued by Mr. Cornelius B. Nolan for the appellant, and by Mr. A. C. Botkin for the appellee.

Nos. 106, 169, and 170. The Territory of New Mexico, appellant, *v.* The United States Trust Company of New York et al. Argument commenced by Mr. Frank W. Clancy for the appellant, and continued by Mr. Victor Morawetz and Mr. C. N. Sterry for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 26, will be as follows: Nos. 106, (and 169 and 170), 130, 49, 215, 15, 56, 57 (and 61), 59, 60, and 62 (and 63).

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 26, 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.

Joseph H. Hayes, of New York City, was admitted to practice.

Nos. 106, 169, and 170. The Territory of New Mexico, appellant, *v.* The United States Trust Company of New York et al. Argument concluded by Mr. Frank W. Clancy for the appellant. Leave granted to counsel for appellant to file additional brief herein on or before 31st instant.

No. 130. William C. Fitts, Attorney-General, et al., appellants, *v.* Charles M. McGhee and Henry Fink, receivers, etc. Argued by Mr. William J. Wood for the appellants, and by Mr. Milton Humes for the appellees. Leave granted to counsel for appellees to file additional brief within five days and to counsel for appellants to reply thereto.

No. 49. M. F. Morris et al., appellants, *v.* The United States. Argument commenced by Mr. A. Leo Knott for the heirs of James Markham Marshall.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 27, will be as follows: Nos. 49, 215, 15, 56, 57 (and 61), 59, 60, 62 (and 63), 64 and 66.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 27, 1898.

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

No. 49. M. F. Morris et al., appellants, *v.* The United States. Argument continued by Mr. A. Leo Knott for the heirs of James Markham Marshall; by Mr. John Howard for the heirs of John Marshall; by Mr. Holmes Conrad for the United States; by Mr. John Howard for the heirs of John Marshall, and by Mr. A. Leo Knott for the heirs of James Markham Marshall.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 28, will be as follows: Nos. 49, 215, 15, 56, 57 (and 61), 59, 60, 62 (and 63), 64 and 66.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 28, 1898.

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

John M. Cameron, of Chicago, Ill., was admitted to practice.

No. 418. P. Lorillard Company, petitioner, *v.* Christian Peper. Leave granted to file additional brief herein on motion of Mr. Frederic D. McKenney for petitioner.

No. 49. M. F. Morris et al., appellants, *v.* The United States. Argument continued by Mr. George E. Hamilton for the claimants under the Kidwell patent, by Mr. H. T. Taggart for the United States, and by Mr. Nathaniel Wilson for the claimants under the Kidwell patent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 31, will be as follows: Nos. 49, 215, 15, 56, 57 (and 61), 59, 60, 62 (and 63), 64 and 66.

SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 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.

Richard L. Sweezy of New York City, Horace Kent Tenney of Chicago, Ill., and John A. Pitts of Nashville, Tenn., were admitted to practice.

No. 12. Lewis Pierce et al., trustees, plaintiffs in error, *v.* The Somerset Railway; and

No. 13. Lewis Pierce et al., trustees, plaintiffs in error, *v.* John Ayer et al. In error to the supreme judicial court of the State of Maine. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Peckham.

No. 21. 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. In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Shiras. Dissenting: Mr. Justice Harlan and Mr. Justice Brown. (Mr. Justice White took no part in the decision of this case.)

No. 305. The St. Louis Mining and Milling Company et al., plaintiffs in error, *v.* The Montana Mining Company et al. In error to the supreme court of the State of Montana. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

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

No. 8, of October term, 1897. The United States, appellant, *v.* Earl B. Coe. The petition for rehearing is directed to be filed and leave is given to counsel of parties to the record to file such additional briefs within thirty days as they may be advised.

No. —. Ezerean Fuller, petitioner, *v.* Marshall Field et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 4, Original. *Ex parte:* In the matter of George R. Nichols, petitioner; and

No. 435. James Nicol, appellant, *v.* John Ames, United States marshal. Motion to advance No. 435 to be heard with No. 4, original,

granted, and both cases assigned to be heard as one case on Monday, December 12, after the case already assigned for that day.

No. 281. Francis C. Watson, plaintiff in error, *v.* The State of Rhode Island. Motion for leave to proceed in forma pauperis denied.

No. 418. P. Lorillard Company, petitioner, *v.* Christian Peper. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 419. The Continental National Bank of New York City, petitioner, *v.* Mary Jenness Heilman et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 431. Charles Winston, petitioner, *v.* The United States;

No. 432. William M. Strather, petitioner, *v.* The United States; and

No. 433. Edward Smith, petitioner, *v.* The United States. Petitions for writs of certiorari to the court of appeals of the District of Columbia granted, and cases assigned for argument as one case on Monday, November 28 next.

No. 218. Robert Dunlap, appellant, *v.* The United States; and

No. 189. La Abra Silver Mining Company, appellant, *v.* The United States. Reassigned for argument on Monday, November 28, after the cases already assigned for that day.

No. 443. The Knights Templars and Masons' Life Indemnity Company, petitioner, *v.* Carrie E. Converse. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 444. United States ex rel. Alfred L. Bernardin, plaintiff in error, *v.* Charles H. Duell, Commissioner of Patents. Motion to advance granted, and cause assigned for argument on Monday, November 28, after the cases already assigned for that day.

No. 50. J. Henry Jurgens, sheriff, etc., appellant, *v.* Yot Sang. Appeal from the district court of the United States for the district of Montana. Final order reversed with costs, and cause remanded with a direction to discharge the writ and dismiss the petition on the authority of *Washington v. Coovert*, 164 U. S., 702, and cases cited.

No. 463. Nelson Morris et al., petitioners, *v.* Robert B. Stewart et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. H. M. Hoyt in behalf of Mr. Charles H. Aldrich in support of petition, and by Mr. Samuel P. McConnell, Mr. H. M. Pollard and Mr. Horace Kent Tenney in opposition thereto.

No. 448. Marcus A. Spurr, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for

the sixth circuit submitted by Mr. A. H. Horton and Mr. B. P. Waggener in support of petition, and by Mr. Solicitor-General Richards in opposition thereto.

No. —, Original. *Ex parte*: In the matter of Emma S. Fayerweather and another, petitioners. Motion for leave to file a petition for a writ of mandamus submitted by Mr. Roger M. Sherman for the petitioners.

No. 400. Eugenia A. Webster Ross, plaintiff in error, *v.* George Gordon King et al. Motions to dismiss or affirm submitted by Mr. R. L. Sweezy, Mr. John H. Glover, and Mr. Stephen H. Olin in support of motions, and by Mr. H. J. May and Mr. J. M. Wilson in opposition thereto.

No. 304. Edward Clifford, appellant, *v.* William Heller, sheriff, etc. Reassigned for the head of the call for Monday, November 7, on motion of Mr. James S. Erwin for the appellee.

No. 49. M. F. Morris et al., appellants, *v.* The United States. Argument continued by Mr. Nathaniel Wilson for the claimants under the Kidwell patent; by Mr. Hugh L. Bond, jr., for the Chesapeake and Ohio Canal Company; by Mr. H. Randall Webb for the trustees of the estate of William Easby; by Mr. J. Holdsworth Gordon for William L. Dunlop and the heirs of George Peter, and by Mr. Holmes Conrad for the United States. Leave granted to Mr. William A. Cook to file brief on behalf of R. J. Beall et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 1, will be as follows: Nos. 49, 215, 15, 56, 57 (and 61), 59, 60, 62 (and 63), 64 and 66.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 1, 1898.

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

No. 157. The Farmers' Bank of Norborne and John McAuliffe, plaintiffs in error, *v.* John E. Roselle. Motions to dismiss or affirm submitted by Mr. William B. King and Mr. William E. Harvey in support of motions, and by Mr. Morton Jourdan in opposition thereto.

No. 49. M. F. Morris et al., appellants, *v.* The United States. Leave granted to Mr. T. A. Lambert to file an additional brief herein in behalf of E. M. Willis et al. Leave granted to Mr. Holmes Conrad to file supplemental brief on behalf of the United States within one week after the close of the argument herein. Argument continued by Mr. Holmes Conrad and Mr. Hugh T. Taggart for the United States, and by Mr. John K. Cowen for the Chesapeake and Ohio Canal Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 2, will be as follows: Nos. 49, 215, 15, 56, 57 (and 61), 59, 60, 62 (and 63), 64 and 66.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 2, 1898.

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

S. C. Graham of Tazewell, Va., and William W. Dodge of Washington, D. C., were admitted to practice.

No. 49. M. F. Morris et al., appellants, *v.* The United States. Argument continued by Mr. John K. Cowen for the Chesapeake and Ohio Canal Company; by Mr. H. Randall Webb for the trustees of the estate of William Easby; by Mr. John Selden for the Washington Steamboat Company (Limited) and Moncure Robinson, and by Mr. William G. Johnson for Johnson, assignee of the American Ice Company, et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 3, will be as follows: Nos. 49, 215, 15, 56, 57 (and 61), 59, 60, 62 (and 63), 64 and 65.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 3, 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.

No. 179. Mariano S. Otero, appellant, *v.* The United States. Mandate granted on motion of Mr. Frank W. Hackett in behalf of counsel.

No. 49. M. F. Morris et al., appellants, *v.* The United States. Argument continued by Mr. William G. Johnson for Johnson, assignee of the American Ice Company et al., and by Mr. Hugh T. Taggart for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 4, will be as follows: Nos. 49, 215, 15, 56, 57 (and 61), 59, 60, 62 (and 63), 64 and 65.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 4, 1898.

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

No. 49. *M. F. Morris et al., appellants, v. The United States.* Argument continued by Mr. Holmes Conrad for the United States, and by Mr. T. A. Lambert and Mr. Calderon Carlisle for Johnson, assignee, etc., et al.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 7, will be as follows: Nos. 49, 215, 304, 415, 15, 56, 57 (and 61), 59, 60 and 62 (and 63).

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SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 7, 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.

Ab. B. Walker of South McAlester, Ind. T., and James B. Stubbs of Galveston, Tex., were admitted to practice.

No. —, Original. Ex parte: In the matter of Emma S. Fayerweather et al., petitioners. Motion for leave to file petition for a writ of mandamus denied. Announced by Mr. Justice Harlan. (The Chief Justice took no part in the consideration and disposition of this motion.)

The Chief Justice announced the following orders of the court:

No. 354. The Farmers' Loan and Trust Company, plaintiff in error, *v.* The Lake Street Elevated Railroad Company et al. Motions to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 448. Marcus A. Spurr, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit granted.

No. 463. Nelson Morris et al., petitioners, *v.* Robert B. Stewart et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 4. The Mayor, Aldermen, and Commonalty of the City of New York et al., appellants, *v.* Robert W. Workman. Restored to the docket for reargument.

No. 157. The Farmers' Bank of Norborne et al., plaintiffs in error, *v.* John E. Roselle. In error to the supreme court of the State of Missouri. Writ of error dismissed on the authority of Meyer *v.* Cox, 169 United States, 735; McLish *v.* Roff, 141 United States, 661; Missouri *v.* Andriano, 138 United States, 496; Dower *v.* Richards, 151 United States, 666; Insurance Company *v.* Kirchoff, 160 United States, 374.

No. 400. Eugenia A. Webster Ross, plaintiff in error, *v.* George Gordon King et al. In error to the supreme court of the State of Rhode Island. Writ of error dismissed on the authority of Oxley Stave Company *v.* Butler County, 166 United States, 648; Prin *v.* St. Louis, 165 United States, 273; Zadig *v.* Baldwin, 166 United States, 485; Kiple *v.* Illinois, 170 United States, 182.

The Chief Justice also announced that the court would take a recess from Monday, November 14, to Monday, November 28.

No. 434. The Atlas Steamship Company, petitioner, *v.* The Steamship Burgogne, etc.; and

No. 603. Charles B. Wheeler, petitioner, *v.* The Steamship Burgogne, etc. Petitions for writs of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Everett P. Wheeler in support of petition in No. 434, and by Mr. Albert E. Lamb in support of petition in No. 603, and by Mr. E. K. Jones and Mr. R. D. Benedict in opposition thereto.

No. 108. The Capital Traction Company, plaintiff in error, *v.* Charles Hof. Motion to dismiss submitted by Mr. Alexander Wolf in support of motion, and by Mr. R. Ross Perry in opposition thereto. Leave granted for the withdrawal of the appearance of Mr. D. W. Baker for the defendant in error on motion of Mr. Alexander Wolf for defendant in error.

No. 352. John F. Kumler, petitioner, *v.* William E. Hale. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Frank L. Freeman in behalf of Mr. O. S. Brumback in support of the petition, and by Mr. Barton Smith, Mr. R. H. Baker and Mr. John P. Wilson in opposition thereto.

No. 184. Peter McCartney et al., appellants, *v.* Susan Fletcher et al.; and

No. 185. Annie C. McCartney et al., appellants, *v.* Susan Fletcher et al. Appeals from the court of appeals of the District of Columbia. Dismissed with costs on motion of Mr. A. S. Worthington for the appellants.

No. 11. The Missouri, Kansas and Texas Railway Company, plaintiff in error, *v.* McCann & Smizer. Leave granted to counsel for defendants in error to file an additional brief herein on motion of Mr. George C. Heard in behalf of counsel.

No. 49. M. F. Morris et al., appellants, *v.* The United States. Leave granted to Mr. T. A. Lambert to file an additional brief herein in behalf of W. M. Easby Smith. Argument concluded by Mr. Calderon Carlisle for Johnson, assignee, etc., et al.

No. 304. Edward Clifford, appellant, *v.* William Heller, sheriff, etc. Passed until Thursday.

No. 215. The United States, appellant, *v.* The Rio Grande Dam and Irrigation Company et al. Argument commenced by Mr. Attorney-General Griggs for the appellant, and continued by Mr. J. H. McGowan for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 8, will be as follows: Nos. 215, 415, 15, 56, 57 (and 61), 59, 60, 62 (and 63), 64 and 66.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 8, 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.

George C. Kobbé of New York City and Russell Duane of Philadelphia, Pa., were admitted to practice.

No. 215. The United States, appellant, *v.* The Rio Grande Dam and Irrigation Company et al. Argument concluded by Mr. J. H. McGowan for the appellees.

No. 415. John Anderson, appellant, *v.* Morgan Treat, United States marshal. Argued by Mr. Hugh G. Miller and Mr. P. J. Morris for the appellant (by special leave), and by Mr. William H. White for the appellee.

No. 15. Herman Keck, plaintiff in error, *v.* The United States. Passed temporarily.

No. 56. The United States, appellant, *v.* Daniel Van Iderstine. Argument commenced by Mr. Russell Duane for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 9, will be as follows: Nos. 56, 57 (and 61), 59, 60, 62 (and 63), 64, 66, 67, 68 and 69.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 9, 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.

No. 56. The United States, appellant, *v.* Daniel Van Iderstine. Argument concluded by Mr. Russell Duane for the appellee and cause submitted by Mr. Assistant Attorney-General Pradt and Mr. George H. Gorman for the appellant.

No. 57. The Home for Incurables, appellant, *v.* Mary Spencer Noble et al.; and

No. 61. Emeline Colville, appellant, *v.* The American Security and Trust Company. Argument commenced by Mr. George H. Yeaman for the Home for Incurables, and continued by Mr. Henry P. Blair for the Hospital of the University of Pennsylvania; by Mr. Henry Thompson for Emeline Colville, and by Mr. H. Randall Webb and Mr. John Sidney Webb for Mary Spencer Noble et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 10, will be as follows: Nos. 57 (and 61), 15, 59, 60, 62 (and 63), 64, 66, 67, 68 and 69.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 10, 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.

No. 57. *The Home for Incurables*, appellant, *v. Mary Spencer Noble et al.*; and

No. 61. *Emeline Colville*, appellant, *v. The American Security and Trust Company*. Argument continued by Mr. John Sidney Webb for *Mary Spencer Noble et al.* and concluded by Mr. J. Spalding Flannery for the *Home for Incurables*, and cause submitted by Mr. William A. McKenney for the *American Security and Trust Company*.

No. 15. *Herman Keck*, plaintiff in error, *v. The United States*. Reargued by Mr. Francis B. James for the plaintiff in error, and by Mr. James M. Beck for the defendant in error.

No. 59. *The United States*, plaintiff in error, *v. Jesse Johnson*. Submitted by Mr. Assistant Attorney-General Boyd for the plaintiff in error. No counsel appeared for the defendant in error.

No. 60. *Charles Clarke et al.*, petitioners, *v. The Steamship Elfrida*, etc. Argument commenced by Mr. James B. Stubbs for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 11, will be as follows: Nos. 60, 304, 62 (and 63), 64, 66, 67, 68, 69, 70 and 71.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 11, 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.

John B. Richards of Duluth, Minn., Robert C. Strudwick of Seattle, Wash., and William F. Ramsey of Cleburne, Tex., were admitted to practice.

No. 60. Charles Clarke et al., petitioners, *v.* The Steamship Elfrida, etc. Argument continued by Mr. James B. Stubbs for the petitioners, by Mr. J. Parker Kerlin for respondent, and concluded by Mr. James B. Stubbs for the petitioners.

No. 304. Edward Clifford, appellant, *v.* William Heller, sheriff, etc. Argued by Mr. William D. Daly for the appellant, and by Mr. James S. Erwin for the appellee.

No. 62. The Sioux City, O'Neill and Western Railway Company, appellant, *v.* The Manhattan Trust Company; and

No. 63. The Sioux City, O'Neill and Western Railway Company et al., appellants, *v.* The Manhattan Trust Company. Argued by Mr. Henry J. Taylor for the appellants, and by Mr. John L. Webster for the appellee.

Adjourned until Monday next at 12 o'clock.



SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 14, 1898.

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

E. Hayward Fairbanks of Philadelphia, Pa., was admitted to practice.

No. 28. The City of Walla Walla et al., appellants, *v.* The Walla Walla Water Company. Appeal from the circuit court of the United States for the district of Washington. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 415 John Anderson, appellant, *v.* Morgan Treat, United States marshal. Appeal from the district court of the United States for the eastern district of Virginia. Order affirmed with costs and mandate granted. Opinion by Mr. Chief Justice Fuller.

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

No. 108. The Capital Traction Company, plaintiff in error, *v.* Charles Hof. Motion to dismiss postponed to the hearing of the cause on its merits.

No. 352. John F. Kumler, petitioner, *v.* William E. Hale. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 434. The Atlas Steamship Company, petitioner, *v.* The Steamship La Bourgogne, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 603. Charles B. Wheeler, petitioner, *v.* The Steamship La Bourgogne, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 304. Edward Clifford, appellant, *v.* William Heller, sheriff, etc. Appeal from the circuit court of the United States for the district of New Jersey. Order affirmed with costs and mandate granted.

No. 266. The United States and the Comanche Indians, appellants, *v.* Samuel W. Hood. Appeal from the Court of Claims. Judgment affirmed by a divided court.

No. 62. The Sioux City, O'Neill and Western Railway Company, appellant, *v.* The Manhattan Trust Company; and

No. 63. The Sioux City, O'Neill and Western Railway Company et al., appellants, *v.* The Manhattan Trust Company. On a certificate from the United States circuit court of appeals for the eighth circuit. Certificate dismissed on the authority of *United States v. Union Pacific Railway Company*, 168 U. S., 512, and cases cited; *Cross v. Evans*, 167 U. S., 60; *Warner v. New Orleans*, 167 U. S., 467; *Packer v. Nixon*, 10 Peters, 408; *Wiggins v. Gray*, 24 How., 303; *Enfield v. Jordan*, 119 U. S., 680.

No. 341. Frederick Hoeninghaus et al., appellants, *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Richards for the appellee.

No. 448. Marcus A. Spurr, petitioner, *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Richards for the respondent.

No. 164. Joe Kirby, plaintiff in error, *v.* The United States. Suggestion of diminution of the record and motion for writ of certiorari submitted by Mr. H. J. May in behalf of counsel for plaintiff in error.

No. 597. The Michigan Stove Company, petitioner, *v.* The Fuller-Warren Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Ephraim Banning and Mr. Thomas A. Banning in support of petition, and by Mr. Edward P. Vilas and Mr. E. H. Bottum in opposition thereto.

No. 433. Edward Smith, petitioner, *v.* The United States. Special leave granted to Mr. F. S. K. Smith to file brief herein and make oral argument on motion of Mr. Chapin Brown for the plaintiff in error.

Adjourned until Monday, November 28, at 12 o'clock.

The day call for Monday, November 28, will be as follows: Nos. 431 (and 432 and 433) 218, 189, 444, 64, 66, 67, 68, 69 and 70.

SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 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.

Leonidas C. Dyer of St. Louis, Mo., William B. Treadwell of San Francisco, Cal., John P. Kellas of Malone, N. Y., Clinton O. Mayer of Philadelphia, Pa., Adolph G. Wolf of Washington, D. C., and Joseph G. Gay of New York City, were admitted to practice.

No. 48. Engelbert Meyer, plaintiff in error, *v.* The City of Richmond and the Chesapeake and Ohio Railway Company. In error to the supreme court of appeals of the State of Virginia. Judgment affirmed with costs. Opinion by Mr. Justice McKenna. Dissenting: Mr. Chief Justice Fuller and Mr. Justice Gray.

No. 14. The Green Bay and Mississippi Canal Company, plaintiff in error, *v.* The Patten Paper Company (Limited) et al. In error to the Supreme Court of the State of Wisconsin. Judgment reversed, with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Shiras.

No. 53. The United States, appellant, *v.* Mary A. Wardwell, administratrix, etc. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brewer.

No. 8. The Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, appellant, *v.* The Board of Public Works of the State of West Virginia. Appeal from the circuit court of the United States for the district of West Virginia. Decree affirmed with costs. Opinion by Mr. Justice Gray.

Mr. Justice Gray also announced general orders and forms in bankruptcy.

The Chief Justice announced the following orders of the court:

No. 164. Joe Kirby, plaintiff in error, *v.* The United States. Motion for writ of certiorari granted as prayed, all objections to the matters returned being reserved.

No. 341. Frederick Hoeninghaus et al., appellants, *v.* The United States. Motion to advance granted and cause assigned for argument on the second Monday (9th) of January next, after the cases already set down for that day.

No. 448. Marcus A. Spurr, petitioner, *v.* The United States. Motion to advance granted and cause assigned for argument on the second Monday (12th) of December next, after the cases already set down for that day.

No. 597. The Michigan Stove Company, petitioner, *v.* The Fuller Warren Company. Petition for writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 595. The Lake Street Elevated Railroad Company, petitioner, *v.* William Ziegler et al. Petition for writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. J. K. Richards in behalf of Mr. Charles H. Aldrich in support of petition, and by Mr. John J. Herrick in opposition thereto.

No. 59. The United States, plaintiff in error, *v.* Jesse Johnson. Leave granted to defendant in error to file brief herein on or before the second Monday (9th) of January, on motion of Mr. Assistant Attorney-General Boyd, of counsel for plaintiff in error.

No. 468. Dean Linseed Oil Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. S. B. Clarke and Mr. Elihu Root in support of petition, and by Mr. Solicitor-General Richards in opposition thereto.

No. 444. The United States *ex rel.* Alfred L. Bernardin, plaintiff in error, *v.* Charles H. Duell, Commissioner of Patents. Leave granted to Mr. J. M. Wilson to file brief herein in behalf of certain interested parties.

No. —, Original. *Ex parte*: In the matter of Emma S. Fayerweather and another, petitioners. Motion for leave to file petition for writ of mandamus submitted by Mr. Roger M. Sherman for petitioner.

No. —, Original. *Ex parte*: In the matter of Emma S. Fayerweather and another, petitioners. Motion for leave to file petition for writ of mandamus submitted by Mr. Roger M. Sherman for petitioners.

No. 177. The Board of County Commissioners of the County of Lake, Colo., petitioner, *v.* Harry H. Dudley; and

No. 178. The Board of County Commissioners of the County of Gunnison, Colo., petitioner, *v.* E. H. Rollins & Sons. Advanced and assigned for argument on the 12th of December next, after the cases already set down for that day, on motion of Mr. F. D. McKenney, in behalf of counsel.

No. 422. Bessie Barnett, appellant, *v.* Joseph Barnett. Motion for leave to file intervening petition of George W. Johnston and Thomas A. Finical herein submitted by Mr. F. W. Clancy in support of motion, and by Mr. W. B. Childers in opposition thereto.

No. 321. The United States et al., appellants, *v.* Moses Fallowill;

No. 322. The United States et al., appellants, *v.* Emiline Mackey;

No. 323. The United States et al., appellants, *v.* Daniel S. Leatherwood;

No. 324. The United States et al., appellants, *v.* Robert Carter;

No. 325. The United States et al., appellants, *v.* Charles H. Hittson;

No. 326. The United States et al., appellants, *v.* Mary Scroggins;

No. 327. The United States et al., appellants, *v.* Fleming P. Jennings;

No. 328. The United States et al., appellants, *v.* David P. McCracken;

and

No. 329. The United States et al., appellants, *v.* Brice Woody. Motions to dismiss or affirm submitted by Mr. John Wharton Clark in support of motions, with leave to Mr. Solicitor-General Richards to file brief in opposition within one week.

No. 431. Charles Winston, petitioner, *v.* The United States;

No. 432. William M. Strather, petitioner, *v.* The United States; and

No. 433. Edward Smith, petitioner, *v.* The United States. Leave granted to three counsel to argue for petitioners, on motion of Mr. S. D. Truitt for Strather. Argument commenced by Mr. George Kearney for Winston, and continued by Mr. Samuel B. Truitt for Strather, and by Mr. Henry E. Davis for the United States, and concluded by Mr. F. S. K. Smith for Smith.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 29, will be as follows: Nos. 218, 189, 444, 64, 66, 67, 68, 69, 70 and 71.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 29, 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.

Amasa M. Eaton of Providence, R. I., and Eckard P. Budd of Mount Holly, N. J., were admitted to practice.

No. 86. The United States, appellant, *v.* Maria de la Paz Valdez de Conway et al. Postponed until No. 132 is reached, on motion of Mr. Matt. G. Reynolds for the appellant.

No. 88. J. Francisco Chavez, appellant, *v.* The United States. Postponed until No. 268 is reached, on motion of Mr. Matt. G. Reynolds for the appellee.

No. 85. The Mutual Life Insurance Company of New York, petitioner, *v.* Nellie Phinney, executrix, etc. Continued per stipulation.

No. 89. William Grant, receiver, etc., plaintiff in error, *v.* John A. Buckner. Submitted pursuant to the twentieth rule by Mr. J. D. Kouse for the plaintiff in error, and Mr. Thomas Marshall Miller for the defendant in error.

No. 233. Howard M. Holden, plaintiff in error, *v.* A. E. Watson et al. Motions to dismiss or affirm and for damages submitted by Mr. Silas Porter in support of motions, and by Mr. O. H. Dean in opposition thereto.

No. 300. Charles Adolphe Low et al., petitioners, *v.* The Farmers' Loan and Trust Company, William H. Blackford, et al. On writ of certiorari to the United States circuit court of appeals for the fourth circuit. Dismissed per stipulation.

No. 397. R. M. Manley, executor, etc., plaintiff in error, *v.* M. E. Larkin, sheriff, etc. Motions to dismiss or affirm submitted by Mr. P. P. Waggener and Mr. A. H. Horton in support of motions, and by Mr. David Martin in opposition thereto.

No. 218. Robert Dunlap, appellant, *v.* The United States. One hour additional time allowed each side in the argument of this case on motion of Mr. Joseph H. Choate for the appellant. Argument commenced by Mr. George A. King for the appellant, and continued by Mr. Charles C. Binney for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 30, will be as follows: Nos. 218, 189, 444, 64, 66, 67, 68, 69, 70 and 71.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 30, 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.

Newton C. Abbott, of Lincoln, Nebr., was admitted to practice.

No. 72. The Capital National Bank of Lincoln, Nebr., et al., plaintiffs in error, *v.* The First National Bank of Cadiz, Ohio;

Nos. 73 and 74. The Capital National Bank of Lincoln, Nebr., et al., plaintiffs in error, *v.* The Coldwater National Bank of Coldwater, Mich.;

No. 75. Kent K. Hayden, receiver, etc., plaintiff in error, *v.* Samuel Cupples Wooden Ware Company; and

No. 76. Kent K. Hayden, receiver, etc., plaintiff in error, *v.* Genesee Fruit Company. Death of Kent K. Hayden suggested, and appearance of John W. McDonald, his successor in office as receiver, filed and entered on motion of Mr. A. E. Harvey for the plaintiff in error.

No. 218. Robert Dunlap, appellant, *v.* The United States. Argument continued by Mr. Attorney-General Griggs for the appellee, and concluded by Mr. Joseph H. Choate for the appellant.

No. 189. La Abra Silver Mining Company, appellant, *v.* The United States. Argument commenced by Mr. J. M. Wilson for the appellant, and continued by Mr. William A. Maury for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 1, will be as follows: Nos. 189, 444, 64, 66, 67, 68, 69, 70, 71 and 72.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 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.

No. 189. *La Abra Silver Mining Company*, appellant, *v. The United States*. Argument continued by Mr. William A. Maury for the appellee, and concluded by Mr. Crammond Kennedy for the appellant.

No. 444. *United States ex rel. Alfred L. Bernardin*, plaintiff in error, *v. Charles H. Duell*, Commissioner of Patents. Argument commenced by Mr. Julian C. Dowell for the plaintiff in error, and continued by Mr. Solicitor-General Richards for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 2, will be as follows: Nos. 444, 64, 66, 67, 68, 69, 70, 71, 72 and 73.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 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.

Nicholas C. J. English of Elizabeth, N. J., was admitted to practice.

No. 320. Johns Hopkins University, appellant, *v.* The Baltimore and Ohio Railroad Company et al. On a certificate from the United States circuit court of appeals for the fourth circuit. Dismissed, per stipulation, on motion of Mr. W. H. Buckler for the appellees.

No. 75. John W. McDonald, receiver, etc., plaintiff in error, *v.* Samuel Cupples Wooden Ware Company, and

No. 76. John W. McDonald, receiver, etc., plaintiff in error, *v.* Genesee Fruit Company. Continued, per stipulation, on motion of Mr. A. E. Harvey for the plaintiff in error.

No. 444. United States ex rel. Alfred L. Bernardin, plaintiff in error, *v.* Charles H. Duell, Commissioner of Patents. Argument concluded by Mr. George C. Hazelton for the plaintiff in error.

No. 64. The United States, petitioner, *v.* The Buffalo Natural Gas Fuel Company. Submitted by Mr. Assistant Attorney-General Hoyt for the petitioner, and by Mr. H. P. Bissell for the respondent.

No. 66. The Missouri, Kansas and Texas Trust Company, petitioner, *v.* Theodore M. Krumseig et al. Argued by Mr. William C. White for the petitioner, and by Mr. J. B. Richards for the respondents.

No. 67. The Columbia Water Power Company, plaintiff in error, *v.* The Columbia Electric Street Railway, Light and Power Company. Passed temporarily.

No. 68. Mary S. Chaplin, appellant, *v.* The United States, and

No. 69. Henrietta Fuller et al., appellants, *v.* The United States. Postponed until No. 78 is reached, to be argued as one case.

No. 70. The St. Louis and San Francisco Railway Company, plaintiff in error, *v.* W. N. Barker. Passed temporarily.

No. 71. Oscar R. Looker et al., plaintiffs in error, *v.* Fred. A. Maynard, attorney-general, etc., et al. Submitted by Mr. C. A. Kent for the plaintiffs in error. No brief filed for defendants in error.

No. 72. The Capital National Bank of Lincoln, Nebr., et al., plaintiffs in error, *v.* The First National Bank of Cadiz, Ohio. Argument commenced by Mr. A. E. Harvey for the plaintiffs in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 5, will be as follows: Nos. 72, 73, 74, 67, 70, 77, 78 (and 68 and 69), 79, 80 and 81.



SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 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.

J. B. Foraker, jr., of Cincinnati, Ohio ; Henry W. Scott of New York City ; Ernest L. Schmidt of the District of Columbia ; George Francis Williams of Washington, D. C., and Mason B. Loomis of Chicago, Ill., were admitted to practice.

Nos. 106, 169 and 170. The Territory of New Mexico, appellant, *v.* The United States Trust Company of New York et al. Appeals from the supreme court of the Territory of New Mexico. Decrees affirmed with costs. Opinion by Mr. Justice McKenna.

No. 41. I. R. Harkrader, sheriff and keeper of Wythe County jail, Virginia, *v.* H. G. Wadley. Appeal from the circuit court of the United States for the western district of Virginia. Decree reversed with costs and cause remanded with directions to restore the custody of said H. G. Wadley to the sheriff of Wythe County, Va. Opinion by Mr. Justice Shiras.

No. 3. A. A. McCullough, plaintiff in error, *v.* the Commonwealth of Virginia. In error to the supreme court of appeals of the State of Virginia. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Peckham.

No. —, Original. Ex parte: In the matter of Emma S. Fayerweather and another, petitioners. Motion for leave to file petition for a writ of mandamus denied. Announced by Mr. Justice Harlan. (The Chief Justice took no part in the determination of this motion.)

No. —, Original. Ex parte: In the matter of Emma S. Fayerweather and another, petitioners. Motion for leave to file petition for a writ of mandamus denied. Announced by Mr. Justice Harlan. (The Chief Justice took no part in the determination of this motion.)

No. 20. The United States, appellant, *v.* Ranlett & Stone. On writ of certiorari to the United States circuit court of appeals for the fifth

circuit. Decree of the circuit court of the United States for the eastern district of Louisiana reversed and cause remanded to that court, with a direction to enter a decree in conformity with the opinion of this court. Opinion by Mr. Chief Justice Fuller.

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

No. 56. The United States, appellant, *v.* Daniel Van Iderstine. Appeal from the Court of Claims. Judgment affirmed by a divided court.

No. 422. Bessie Barnett, appellant, *v.* Joseph Barnett. Motion for leave to file intervening petition of George W. Johnston and Thomas A. Finical denied.

No. 468. Dean Linseed Oil Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 595. The Lake Street Elevated Railroad Company, petitioner, *v.* William Ziegler et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 232. Howard M. Holden, plaintiff in error, *v.* A. E. Watson et al. In error to the supreme court of the State of Kansas. Dismissed with costs on motion of counsel for plaintiff in error.

No. 397. R. M. Manley, executor, etc., plaintiff in error, *v.* M. E. Larkin, sheriff, etc. Motions to dismiss or affirm postponed to the hearing of the case on its merits.

No. 321. The United States et al., appellants, *v.* Moses Fallowill ;

No. 322. The United States et al., appellants, *v.* Emiline Mackey ;

No. 323. The United States et al., appellants, *v.* Daniel S. Leatherwood ;

No. 324. The United States et al., appellants, *v.* Robert Carter ;

No. 325. The United States et al., appellants, *v.* Charles H. Hittson ;

No. 326. The United States et al., appellants, *v.* Mary Scroggins ;

No. 327. The United States et al., appellants, *v.* Fleming P. Jennings ;

No. 328. The United States et al., appellants, *v.* David P. McCracken ;

and

No. 329. The United States et al., appellants, *v.* Brice Woody. Two weeks' additional time granted in which to file brief in opposition to motions to dismiss or affirm herein, on motion of Mr. Solicitor-General Richards for the appellants.

No. 448. Marcus A. Spurr, petitioner, *v.* The United States. Reassigned for argument on the 9th of January next, after the cases already set down for that day, on motion of Mr. Solicitor-General Richards for the respondent.

No. 92. The Chappell Chemical and Fertilizer Company, plaintiff in error, *v.* The Sulphur Mines Company of Virginia. Postponed to be

heard with No. 99, as one case, on motion of Mr. Thomas C. Chappell for the plaintiff in error.

No. 91. The Chappell Chemical and Fertilizer Company, plaintiff in error, *v.* The Sulphur Mines Company of Virginia. Postponed until No. 99 is reached, and all questions reserved, on motion of Mr. T. C. Chappell for plaintiff in error.

Nos. 115, 116 and 117. J. J. McCook et al., receivers, etc., plaintiffs in error, *v.* A. F. Miles, administrator, etc. Death of A. F. Miles suggested and appearance of George R. Wood, administrator, etc., as defendant in error herein filed and entered, on motion of Mr. A. H. Garland in behalf of counsel.

No. 8 of October term, 1897. The United States, appellant, *v.* Earl B. Coe. Resubmitted on briefs on file, on motion of Mr. Frederic D. McKenney in behalf of counsel.

No. 622. Citizens' Bank of Tina, petitioner, *v.* George Adams et al. Petition for writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. F. A. Riddle in support of petition, and by Mr. Mason B. Loomis in opposition thereto.

No. 80. Henry W. Scott, plaintiff in error, *v.* The United States. Submitted by Mr. T. C. Campbell for the plaintiff in error, and by Mr. Assistant Attorney-General Boyd for the defendant in error.

No. 72. The Capital National Bank of Lincoln, Nebr., et al., plaintiffs in error, *v.* The First National Bank of Cadiz, Ohio. Argument continued by Mr. A. E. Harvey for the plaintiffs in error, by Mr. N. C. Abbott for the defendant in error, and concluded by Mr. John H. Ames for the plaintiffs in error.

No. 73. The Capital National Bank of Lincoln, Nebr., et al., plaintiffs in error, *v.* The Coldwater National Bank of Coldwater, Mich. Argument commenced by Mr. A. E. Harvey for the plaintiffs in error, and continued by Mr. L. C. Burr for the defendant in error, and concluded by Mr. John H. Ames for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 6, will be as follows: Nos. 74, 67, 70, 77, 78 (and 68 and 69), 79, 81, 82, 83 and 87.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 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.

Benjamin L. Abney of Columbia, S. C., was admitted to practice.

No. 30 of October term, 1897. Robert Perrin, appellant, *v.* The United States. Leave granted to withdraw original exhibit herein on motion of Mr. John T. Morgan for the appellant.

No. 87. James T. Stark, plaintiff in error, *v.* The United States. In error to the district court of the United States for the northern district of Alabama. Dismissed pursuant to the tenth rule.

No. 74. The Capital National Bank of Lincoln, Nebr., et al., plaintiffs in error, *v.* The Coldwater National Bank of Coldwater, Mich. Argued by Mr. A. E. Harvey for the plaintiffs in error, and by Mr. L. C. Burr for the defendant in error.

No. 75. John W. McDonald, receiver, etc., plaintiff in error, *v.* Samuel Cupples Wooden Ware Company; and

No. 76. John W. McDonald, receiver, etc., plaintiff in error, *v.* Genesee Fruit Company. Order of continuance set aside and cases submitted on the record with leave to counsel for defendants in error to file briefs within ten days.

No. 67. The Columbia Water Power Company, plaintiff in error, *v.* The Columbia Electric Street Railway, Light and Power Company. Argument commenced by Mr. Le Roy F. Youmans for the plaintiff in error, and continued by Mr. William H. Lyles for the defendant in error, and by Mr. Le Roy F. Youmans for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 7, will be as follows: Nos. 67, 70, 77, 78 (and 68 and 69), 79, 81, 82, 83, 90 and 93.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 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.

No. 67. The Columbia Water Power Company, plaintiff in error, *v.* The Columbia Electric Street Railway, Light and Power Company. Argument concluded by Mr. Le Roy F. Youmans for the plaintiff in error.

No. 70. The St. Louis and San Francisco Railway Company, plaintiff in error, *v.* W. N. Barker. Argued by Mr. L. F. Parker for the plaintiff in error. No brief filed for the defendant in error.

No. 77. Clara Wheeler, appellant, *v.* Charles Ridgely McBlair et al. Argued by Mr. C. A. Keigwin and Mr. Alphonso Hart for the appellant, and by Mr. J. J. Darlington for the appellees.

No. 68. Mary S. Chaplin, appellant, *v.* The United States;

No. 69. Henrietta Fuller et al., appellants, *v.* The United States; and

No. 78. The United States, appellant, *v.* Mary W. Kidder et al. Argument commenced by Mr. James Lowndes for Chaplin, Fuller et al. and Kidder et al., and continued by Mr. George H. Gorman for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 8, will be as follows: Nos. 68 (and 69 and 78), 79, 81, 82, 83, 90, 93, 94, 95 and 96 (and 97 and 98).



SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 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.

W. J. Henson of Pearisburg, Va.; Alvah S. Newcomb of Kingston, N. Y., and William L. Penfield of Washington, D. C., were admitted to practice.

No. 68. Mary S. Chaplin, appellant, *v.* The United States;

No. 69. Henrietta Fuller et al., appellants, *v.* The United States; and

No. 78. The United States, appellant, *v.* Mary W. Kidder et al. Argument continued by Mr. George H. Gorman for the United States, and by Mr. James Lowndes for Chaplin, Fuller et al. and Kidder et al.

No. 79. The United States, appellant, *v.* Andrew J. Matthews et al. Argued by Mr. Assistant Attorney-General Pradt for the appellant, and by Mr. R. R. McMahan and Mr. George A. King for the appellees.

No. 81. The Orient Insurance Company of Hartford, Conn., plaintiff in error, *v.* Robert E. Daggs. Argued by Mr. A. H. McVey for the plaintiff in error. No appearance for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 9, will be as follows: Nos. 82, 83, 90, 93, 94, 95, 96 (and 97 and 98), 99 (and 91 and 92), 100 and 101.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 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.

Thomas A. Finical, of Albuquerque, N. Mex., was admitted to practice.

No. 101. Sarah Williams, plaintiff in error, *v.* The State of Georgia. In error to the supreme court of the State of Georgia. Dismissed with costs, pursuant to the tenth rule.

No. 93. Seigle Beckner, appellant, *v.* Walter Scott. Appeal from the supreme court of the Territory of Arizona. Dismissed with costs, on authority of counsel for appellant.

No. 82. The United States, appellant, *v.* William F. Ingram. Argued by Mr. George H. Gorman for the appellant, and by Mr. Russell Duane for the appellee.

No. 83. The Washington Market Company, appellant, *v.* The District of Columbia. Argument commenced by Mr. William Birney for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 12, will be as follows: Nos. 83, 90, 94, 95, 96 (and 97 and 98), 99 (and 91 and 92), 100, 402, 435 (and 4, original) and 177.

SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 12, 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.

Thomas C. Brown, of Gunnison, Colo.; George R. Elder, of Leadville, Colo.; Nicholas W. Hacker, of Chicago, Ill.; John I. Ingram, of Rock Island, Ill.; Edward D. Sweeney, of Rock Island, Ill.; F. D. Hutchings, of Kansas City, Kans., and David L. Sleeper, of Columbus, Ohio, were admitted to practice.

No. 22. The United States, plaintiff in error, *v.* Charles Loughrey et al. In error to the United States circuit court of appeals for the seventh circuit. Judgment affirmed, and cause remanded to the circuit court of the United States for the eastern district of Wisconsin. Opinion by Mr. Justice Brown. Dissenting: Mr. Justice White, Mr. Chief Justice Fuller and Mr. Justice Harlan.

No. 60. Charles Clarke et al., petitioners, *v.* The Steamship Elfrida, etc. On writ of certiorari to the United States circuit court of appeals for the fifth circuit. Decree reversed with costs, and cause remanded to the district court of the United States for the eastern district of Texas, with directions to execute its original decree. Opinion by Mr. Justice Brown.

No. 6. C. G. Blake et al., plaintiffs in error, *v.* Calvin M. McClung et al. In error to the supreme court of the State of Tennessee. Judgment as to the Hull Coal and Coke Company affirmed, and as to the other plaintiffs in error, 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. Chief Justice Fuller.

No. 34. The Village of Norwood, appellant, *v.* Ellen R. Baker. Appeal from the circuit court of the United States for the southern district of Ohio. Decree affirmed with costs. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Brewer, Mr. Justice Gray and Mr. Justice Shiras.

The Chief Justice announced that the court would take a recess from Monday, December 19, to Tuesday, January 3, 1899.

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

No. 189. *La Abra Silver Mining Company*, appellant, *v. The United States*. Ordered for argument on the merits on Monday, February 20, next.

No. 622. *The Citizens' Bank of Tina*, petitioner, *v. George Adams et al.* Petition for writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 70. *The St. Louis and San Francisco Railway Company*, plaintiff in error, *v. W. N. Barker*. In error to the United States circuit court of appeals for the eighth circuit. Judgment affirmed with costs, and cause remanded to the United States court in the Indian Territory, central district.

No. 77. *Clara Wheeler*, appellant, *v. Charles Ridgely McBlair et al.* Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs.

No. 68. *Mary S. Chaplin*, appellant, *v. The United States*. Appeal from the Court of Claims. Judgment reversed, and cause remanded with a direction to enter judgment for the claimant, on the authority of *United States v. Elliott*, 164 U. S., 373.

No. 69. *Henrietta Fuller et al.*, appellants, *v. The United States*. Appeal from the Court of Claims. Judgment reversed, and cause remanded with a direction to enter judgment for the claimants, on the authority of *United States v. Elliott*, 164 U. S., 373.

No. 78. *The United States*, appellant, *v. Mary W. Kidder et al.* Appeal from the Court of Claims. Judgment affirmed on the authority of *United States v. Elliott*, 164 U. S., 373.

No. 630. *The United States*, petitioner, *v. Joseph S. Harris et al.*, receivers, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Solicitor-General Richards in support of petition.

No. 102. *The United States*, petitioner, *v. The Roessler & Hasslacher Chemical Company*; and

No. 103. *The United States*, petitioner, *v. Frank Dudley*. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. Solicitor-General Richards for the petitioners.

No. 633. *James B. Davis*, appellant, *v. The United States*. Appeal from the Court of Claims. Docketed and dismissed on motion of Mr. Solicitor-General Richards for the appellee.

Nos. 99, 92 and 91. *The Chappell Chemical and Fertilizer Company*, plaintiff in error, *v. The Sulphur Mines Company of Virginia*. Motion to place cases in same position on the call as last week submitted by Mr. Thomas C. Chappell for the plaintiff in error, and motion denied.

No. 631. The Liverpool and London and Globe Insurance Company, petitioner, *v.* Edwin McNeill, receiver, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. William Allen Butler, Mr. John Notman, Mr. R. Williams, Mr. E. B. Williams, Mr. W. W. Thayer and Mr. Henry St. Rayner in support of petition, and by Mr. L. B. Cox and Mr. W. W. Cotton in opposition thereto.

No. 344. Fred Stearns, county auditor, etc., plaintiff in error, *v.* The State of Minnesota on the relation of James N. Marr. Motion to advance submitted by Mr. A. B. Browne in behalf of counsel.

No. 581. David Brown, appellant, *v.* Cornelius N. Bliss, Secretary of the Interior. Motion to advance submitted by Mr. Charles A. Keigwin for the appellant.

No. 626. Robert L. Taylor, governor, etc., et al., petitioners, *v.* The Louisville and Nashville Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. William A. Maury in behalf of Mr. George W. Pickle, Mr. James C. Bradford, Mr. William L. Granbery and Mr. Albert D. Marks in support of the petition, and Mr. J. M. Dickinson in opposition thereto.

No. 316. John J. Walsh, plaintiff in error, *v.* The Columbus, Hocking Valley and Athens Railroad Company;

No. 317. Robert Wright, plaintiff in error, *v.* The Columbus, Hocking Valley and Athens Railroad Company; and

No. 318. Michael S. Vought, plaintiff in error, *v.* The Columbus, Hocking Valley and Athens Railroad Company. Motions to dismiss submitted by Mr. D. L. Sleeper, Mr. C. H. Grosvenor and Mr. John J. Stoddart in support of motions, and by Mr. J. B. Foraker in opposition thereto.

No. 107. Charles Coudert, ancillary executor, etc., plaintiff in error, *v.* The United States. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. Edward I. Renick in behalf of counsel for the plaintiff in error.

No. 394. The United States, appellant, *v.* Edward P. Bliss, executor, etc. Submitted, pursuant to the twentieth rule, by Mr. Assistant Attorney-General Pradt and Mr. C. C. Binney for the appellant, and by Mr. John S. Blair for the appellee.

No. 4. The Mayor, Aldermen, and Commonalty of the City of New York et al., appellants, *v.* Robert W. Workman. Assigned for reargument on Monday, February 20 next, after the case already set down for that day, on motion of Mr. Harrington Putnam for the appellee.

No. 83. The Washington Market Company, appellant, *v.* The District of Columbia. Argument continued by Mr. William Birney for the appellant, by Mr. S. T. Thomas for the appellee, and concluded by Mr. William Birney for the appellant.

No. 94. James L. Utter et al., appellants, *v.* B. J. Franklin, governor, et al. Argued by Mr. John F. Dillon for the appellants, and submitted by Mr. C. W. Wright for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 13, will be as follows: Nos. 95, 402, 435 (and 4, original), 177, 178, 90, 96 (and '97 and 98), 99 (and 91 and 92), 100 and 104.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 13, 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.

Joseph L. Greenwald of Philadelphia, Pa., and William Alden Smith of Grand Rapids, Mich., were admitted to practice.

No. 636. Charles H. Ingwersen, plaintiff in error, *v.* The United States. On motion of Mr. John S. Miller for the plaintiff in error, advanced and submitted on briefs to be filed by counsel for plaintiff in error within twenty days and by counsel for defendant in error within ten days thereafter.

No. 104. George Kinnear, appellant, *v.* Frederick Bausman, receiver, etc. Submitted by Mr. George Turner for the appellant, and by Mr. Frederick Bausman for the appellee.

No. 95. The Lake Shore and Michigan Southern Railway Company, plaintiff in error, *v.* The State of Ohio *ex rel.* George L. Lawrence. Argued by Mr. George C. Greene for the plaintiff in error, and by Mr. W. H. Polhamus for the defendant in error.

No. 402. S. H. H. Clark *et al.*, receivers, etc., plaintiffs in error, *v.* The City of Kansas City, Kans., *et al.* Argued by Mr. A. L. Williams for the plaintiffs in error, and by Mr. F. D. Hutchings and Mr. Thomas A. Pollock for the defendants in error.

No. 625. Edwin S. Skillen, appellant, *v.* John C. Ames, United States marshal, etc. Advanced and submitted on briefs filed in Nos. 435 and No. 4, original, on motion of Mr. Henry S. Robbins for the appellant.

No. 435. James Nicol, appellant, *v.* John Ames, United States marshal, etc.; and

No. 4, Original. *Ex parte:* In the matter of George R. Nichols, petitioner. Argument commenced by Mr. Henry S. Robbins for the appellant and petitioner, and continued by Mr. Solicitor-General Richards for the appellee and respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 14, will be as follows: Nos. 435 (and 4, original), 177, 178, 90, 96 (and 97 and 98), 99 (91 and 92) and 100.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 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.

Edgar T. Brackett, of Saratoga Springs, N. Y.; Paul Neumann, of Honolulu, Hawaiian Islands, and James R. Keaton, of Oklahoma City, Okla., were admitted to practice.

No. 435. James Nicol, appellant, *v.* John Ames, United States marshal; and

No. 4, Original. *Ex parte*: In the matter of George R. Nichols, petitioner. Argument continued by Mr. Solicitor-General Richards for the appellee and respondent, and concluded by Mr. John G. Carlisle for the appellant and petitioner.

No. 177. The Board of County Commissioners of the County of Lake, Colo., petitioner, *v.* Harry H. Dudley. Argument commenced by Mr. George R. Elder for the petitioner, and continued by Mr. John F. Dillon for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 15, will be as follows: Nos. 177, 178, 90, 96 (and 97 and 98), 99 (and 91 and 92) and 100.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 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.

No. 177. The Board of County Commissioners of the County of Lake, Colo., petitioner, *v.* Harry H. Dudley. Argument concluded by Mr. E. F. Richardson for the respondent.

No. 178. The Board of County Commissioners of the County of Gunnison, Colo., petitioner, *v.* E. H. Rollins & Sons. Argument commenced by Mr. T. C. Brown for the petitioner, and continued by Mr. John F. Dillon and Mr. E. F. Richardson for the respondents, and by Mr. Charles S. Thomas for petitioners in Nos. 177 and 178.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 16, will be as follows: Nos. 178, 96 (and 97 and 98), 99 (and 91 and 92) and 100.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 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.

Randolph Barton of Baltimore, Md., and James M. Ambler of Baltimore, Md., were admitted to practice.

No. 178. The Board of County Commissioners of the County of Gunnison, Colo., petitioner, *v.* E. H. Rollins & Sons. Argument concluded by Mr. Charles S. Thomas for the petitioner in Nos. 177 and 178.

No. 90. William T. Gilbert, receiver, appellant, *v.* The Washington Beneficial Endowment Association et al. Passed temporarily.

Nos. 96, 97 and 98. The Bellingham Bay Improvement Company, plaintiff in error, *v.* The City of New Whatcom. Argued by Mr. L. T. Michener for the plaintiff in error. No counsel appeared for the defendant in error.

Nos. 91, 92 and 99. The Chappell Chemical and Fertilizer Company, plaintiff in error, *v.* The Sulphur Mines Company of Virginia. Argued by Mr. Thomas C. Chappell for the plaintiff in error, and by Mr. James M. Ambler and Mr. Randolph Barton for the defendant in error.

Adjourned until Monday next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 19, 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.

J. Gai Smith of Ada, Ohio; Richard N. Hackett of Wilkesboro, N. C., and Daniel Kelleher of Seattle, Wash., were admitted to practice.

No. 89. William Grant, receiver, etc., plaintiff in error, *v.* John A. Buckner. In error to the supreme court of the State of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

The Chief Justice announced the following orders of the court:

No. 316. John J. Walsh, plaintiff in error, *v.* The Columbus, Hocking Valley and Athens Railroad Company;

No. 317. Robert Wright, plaintiff in error, *v.* The Columbus, Hocking Valley and Athens Railroad Company, and

No. 318. Michael S. Vought, plaintiff in error, *v.* The Columbus, Hocking Valley and Athens Railroad Company. Motions to dismiss postponed to the hearing of the cases on their merits.

No. 344. Fred. Stearns, county auditor, etc., plaintiff in error, *v.* The State of Minnesota on the relation of James N. Marr. Motion to advance for oral argument denied, but cause will be taken on printed briefs on or before February 1 next if counsel so desire.

No. 581. David Brown, appellant, *v.* Cornelius N. Bliss, Secretary of Interior. Motion to advance granted and cause assigned for argument on Monday, February 20 next, after the cases already set down for that day.

No. 630. The United States, petitioner, *v.* Joseph S. Harris et al., receivers, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit granted.

No. 631. The Liverpool and London and Globe Insurance Company, petitioner, *v.* Edwin McNeill, receiver, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 626. Robert L. Taylor, governor, et al., petitioners, *v.* The Louisville and Nashville Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit. This is an application for a writ of certiorari to review a decree of the circuit court of appeals for the sixth circuit on appeal from an interlocutory order, and is denied on the authority of *Chicago and Northwestern Railway Company v. Osborne*, 146 U. S., 354; *Forsythe v. Hammond*, 166 U. S., 506.

No. 640. The City of New Orleans, petitioner, *v.* John G. Warner. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Branch K. Miller and Mr. Samuel L. Gilmore in support of petition, and by Mr. Richard De Gray, Mr. J. D. Rouse, Mr. William Grant and Mr. Wheeler H. Peckham in opposition thereto.

No. 343. The City of New Orleans, plaintiff in error, *v.* Mary Quinlan. Submitted pursuant to the twentieth rule by Mr. Branch K. Miller in behalf of Mr. S. L. Gilmore and Mr. W. B. Sommerville for the plaintiff in error, and by Mr. Charles Louque for the defendant in error.

No. 256. The Blythe Company, appellant, *v.* John W. Blythe et al. Motions to dismiss or affirm submitted by Mr. Frederic D. McKenney, Mr. W. H. H. Hart, Mr. John Garber and Mr. Robert Y. Hayne in support of motions, and by Mr. George W. Towle, jr., Mr. John F. Dillon and Mr. E. S. Pillsbury in opposition thereto.

No. 292. Hosea B. Tullis, plaintiff in error, *v.* The Lake Erie and Western Railroad Company. Petition to bring up entire record submitted by Mr. John B. Cotton in behalf of Mr. W. H. H. Miller and Mr. John B. Elam in support of petition, and by Mr. Addison C. Harris in opposition thereto.

No. 188. The Security Trust Company, assignee, plaintiff in error, *v.* Frank H. Dodd et al. Petition to bring up entire record submitted by Mr. A. B. Browne in behalf of Mr. James E. Markham in support of petition, and by Mr. E. S. Durment in opposition thereto.

No. 237. Charles U. Cotting et al., appellants, *v.* Louis C. Boyle, attorney-general, etc. Motion to dismiss submitted by Mr. A. B. Browne in behalf of Mr. David Martin in support of motion, and by Mr. B. P. Waggener and Mr. A. H. Horton in opposition thereto.

No. 448. Marcus A. Spurr, petitioner, *v.* The United States. Reassigned for argument on the 20th of February next after the cases already set down for that day, on motion of Mr. A. H. Horton for the petitioner.

No. 605. Louis Roesel, appellant, *v.* William T. Kirk, sheriff, etc. Advanced and assigned for argument on the 9th of January next after

the cases already set down for that day, on motion of Mr. N. C. J. English for the appellee.

No. 14. The Green Bay and Mississippi Canal Company, plaintiff in error, *v.* The Patten Paper Company (Limited) et al. Mandate stayed till January 23 next, on motion of Mr. A. B. Browne in behalf of counsel for the defendants in error.

No. 638. The International Bank of St. Louis, petitioner, *v.* Eberhard Faber. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. J. Holdsworth Gordon in behalf of Mr. Robert D. Murray in support of petition, and by Mr. Francis Forbes in opposition thereto.

Nos. 423, 460, 464, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 592, 593, 598, 599, 600, 601, 608, 609, 612, 613, 614, 615, 616, 617, 618 and 619. William Stephens et al., appellants, *v.* The Cherokee Nation. Advanced and assigned for argument on the 20th of February next after the cases already set down for that day, on motion of Mr. A. H. Garland for the appellants.

Adjourned until Tuesday, January 3, 1899, at 12 o'clock.

The day call for Tuesday, January 3, will be as follows: Nos. 90, 100, 105, 108, 109, 110, 111, 112, 113 and 114.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 3, 1899.

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.

William Thomson of Burlingame, Kans., and Raymond A. Heiskell of Prince George County, Md., were admitted to practice.

No. 402. S. H. H. Clark et al., receivers, etc., plaintiffs in error, *v.* The City of Kansas City, Kans., et al. In error to the supreme court of the State of Kansas. Dismissed for the want of jurisdiction. Opinion by Mr. Justice McKenna.

No. 64. The United States, petitioner, *v.* The Buffalo Natural Gas Fuel Company. On 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 northern district of New York affirmed and cause remanded to said circuit court. Opinion by Mr. Justice Peckham.

No. 80. Henry W. Scott, 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. 51. James E. Simpson, jr., et al., etc., appellants, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice White.

No. 83. The Washington Market Company, appellant, *v.* The District of Columbia. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice White.

No. 57. The Home for Incurables, appellant, *v.* Mary Spencer Noble et al., and

No. 61. Emeline Colville, appellant, *v.* The American Security and Trust Company. Appeals from the Court of Appeals of the District of Columbia. Decree reversed, the costs of all parties to be paid out of the estate, and cause remanded, with directions to affirm the decree of the Supreme Court of the District of Columbia. Opinion by Mr. Justice White. (Mr. Justice Gray, not having heard the argument, took no part in the decision of this case.)

No. 66. The Missouri, Kansas and Texas Trust Company, petitioner, *v.* Theodore M. Krumseig et al. On writ of certiorari to the United States circuit court of appeals for the eighth circuit. Decree affirmed

with costs, and cause remanded to the circuit court of the United States for the district of Minnesota. Opinion by Mr. Justice Shiras.

No. 45. Jacob Sonnenthiel, plaintiff in error, *v.* The Christian Moerlein Brewing Company et al. 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.

No. 94. James L. Utter et al., appellants, *v.* B. J. Franklin, governor, et al. Appeal from the supreme court of the Territory of Arizona. Order reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Brown.

No. 82. The United States, appellant, *v.* William F. Ingram. Appeal from the Court of Claims. Judgment reversed and cause remanded, with directions to enter a judgment for the defendant. Opinion by Mr. Justice Brewer.

Nos. 96, 97 and 98. The Bellingham Bay and British Columbia Railroad Company et al.; plaintiffs in error, *v.* The City of New Whatcom. In error to the supreme court of the State of Washington. Judgments affirmed with costs. Opinion by Mr. Justice Brewer.

No. 394. The United States, appellant, *v.* Edward P. Bliss, executor, etc. Appeal from the Court of Claims. Judgment reversed and cause remanded, with directions to enter a judgment for the claimant less the two amounts of \$12,608.71 and \$14,815.66, the increased cost of labor and material. Opinion by Mr. Justice Brewer.

No. 431. Charles Winston, petitioner, *v.* The United States;

No. 432. William M. Strather, petitioner, *v.* The United States; and

No. 433. Edward Smith, petitioner, *v.* The United States. On writs of certiorari to the court of appeals of the District of Columbia. Judgments reversed and causes remanded, with directions to reverse the judgments of the supreme court of the District of Columbia, and to order new trials. Opinion by Mr. Justice Gray. Dissenting: Mr. Justice Brewer and Mr. Justice McKenna.

No. 130. William C. Fitts, attorney-general et al., appellants, *v.* Charles M. McGhee et al., etc. Appeal from the circuit court of the United States for the northern district of Alabama. Decree reversed with costs, and cause remanded, with directions to dissolve the injunction restraining the institution or prosecution of indictments or other criminal proceedings in the State court; to dismiss the suit brought by the receivers and to remand Clem & Brabson to the custody of the proper State authority. Opinion by Mr. Justice Harlan.

No. 72. The Capital National Bank of Lincoln, Nebr., et al., plaintiffs in error, *v.* The First National Bank of Cadiz, Ohio;

Nos. 73 and 74. The Capital National Bank of Lincoln, Nebr., et al., plaintiffs in error, *v.* The Coldwater National Bank of Coldwater, Mich.;

No. 75. John W. McDonald, receiver, etc., plaintiff in error, *v.* Samuel Cupples Wooden Ware Company; and

No. 76. John W. McDonald, receiver, etc., plaintiff in error, *v.* Genesee Fruit Company. In error to the supreme court of the State of Nebraska. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

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

No. 27. Abram W. Hendry et al., appellants, *v.* Ocean Steamship Company. Restored to the docket for reargument.

No. 321. The United States et al., appellants, *v.* Moses Fallowill;

No. 322. The United States et al., appellants, *v.* Emiline Mackey;

No. 323. The United States et al., appellants, *v.* Daniel S. Leatherwood;

No. 324. The United States et al., appellants, *v.* Robert Carter;

No. 325. The United States et al., appellants, *v.* Charles H. Hittson;

No. 326. The United States et al., appellants, *v.* Mary Scroggins;

No. 327. The United States et al., appellants, *v.* Fleming P. Jennings;

No. 328. The United States et al., appellants, *v.* David P. McCracken; and

No. 329. The United States et al., appellants, *v.* Brice Woody. Motions to dismiss or affirm denied.

No. 188. The Security Trust Company, assignee, plaintiff in error, *v.* Frank H. Dodd et al. Petition for writ of certiorari to bring up the entire record denied.

No. 237. Charles U. Cotting et al., appellants, *v.* Louis C. Boyle, attorney-general, etc. Motion to dismiss postponed to the hearing of the case on its merits.

No. 292. Hosea B. Tullis, plaintiff in error, *v.* The Lake Erie and Western Railroad Company. Petition for writ of certiorari to bring up the entire record denied.

No. 655. William T. Donnell, petitioner, *v.* The Boston Towboat Company. 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, and by Mr. L. S. Dabney and Mr. Frederic Cunningham in opposition thereto.

No. 114. The Metropolitan Railroad Company, plaintiff in error, *v.* Samuel R. Church, justice of the peace, etc.; and

No. 195. The Brightwood Railroad Company, plaintiff in error, *v.* Lewis I. O'Neal et al. Advanced to be heard with No. —, as one case,

and one hour additional time allowed to each side in the argument, on motion of Mr. R. Ross Perry for the plaintiff in error in No. —.

No. 657. Robert L. Taylor et al., appellants, *v.* The Nashville, Chattanooga and St. Louis Railway. Motion to advance submitted by Mr. Frederic D. McKenney in behalf of counsel for appellants.

No. 660. The Salmen Brick and Lumber Company, Limited, appellant, *v.* Henry Dieck et al. Appeal from the district court of the United States for the eastern district of Louisiana. Docketed and dismissed with costs, on motion of Mr. Frederic D. McKenney for the appellees.

No. 90. William T. Gilbert, receiver, etc., appellant, *v.* The Washington Beneficial Endowment Association et al. Passed temporarily on motion of Mr. Frederic D. McKenney for the appellees.

No. 68. Mary S. Chaplin, *v.* The United States;

No. 69. Henrietta Fuller et al., appellants, *v.* The United States; and

No. 78. The United States, appellant, *v.* Mary W. Kidder et al. Mandates granted on motion by Mr. James Lowndes for Chaplin, Fuller et al. and Kidder et al.

No. 527. George F. Peery et al., appellants, *v.* The Chickasaw Nation. Motion to advance submitted by Mr. Charles A. Keigwin for the appellants.

No. 183. The Connecticut Mutual Life Insurance Company, plaintiff in error, *v.* Linda Y. Spratley. Submitted pursuant to the twentieth rule by Mr. B. M. Estes for the plaintiff in error, and by Mr. Thomas B. Turley and Mr. L. E. Wright for the defendant in error.

No. 223. The First National Bank of Grand Forks, N. Dak., plaintiff in error, *v.* Alexander Anderson. Motions to dismiss or affirm submitted by Mr. Henry W. Phelps in support of motions, and by Mr. Burke Corbet in opposition thereto.

No. 100. The Santa Fe, Prescott and Phoenix Railway Company, plaintiff in error, *v.* Joseph Hurley. Submitted by Mr. George W. Kretzinger for the plaintiff in error, and by Mr. William H. Barnes for the defendant in error.

No. 105. Rodman M. Price et al., plaintiffs in error, *v.* Anna M. Forrest et al. Argument commenced by Mr. John C. Fay for the plaintiffs in error, and continued by Mr. Cortlandt Parker and Mr. R. Wayne Parker for the defendants in error, and by Mr. Flavel McGee for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 4, will be as follows: Nos. 105, 108 (and 114 and 195), 109, 110, 111, 112, 113, 115 (and 116 and 117), 118 and 119.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 4, 1899.

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

Louis F. Doyle of New York City; S. S. Ashbaugh of Wichita, Kans.; John A. McKay of Saginaw East Side, Mich.; and Lewis Lafayette Fawcett of Brooklyn, N. Y., were admitted to practice.

No. 105. Rodman M. Price et al., plaintiffs in error, *v.* Anna M. Forrest et al. Argument concluded by Mr. Flavel McGee for the plaintiffs in error.

No. 109. Edwin A. McIntire et al., appellants, *v.* Mary C. Pryor. Argument commenced by Mr. Frank T. Browning for the appellants, and continued by Mr. Franklin H. Mackey for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 5, will be as follows: Nos. 109, 108 (and 114 and 195), 110, 111, 112, 113, 115 (and 116 and 117), 118, 119 and 120.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 5, 1899.

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. 621. J. W. Cumming et al., plaintiffs in error, *v.* The County Board of Education of Richmond County, Ga. Motion to advance submitted by Mr. R. Ross Perry in behalf of counsel.

No. 109. Edwin A. McIntire et al., appellants, *v.* Mary C. Pryor. Argument continued by Mr. F. H. Mackey for the appellee, and concluded by Mr. Frank T. Browning for the appellants.

No. 110. Henry C. King, petitioner, *v.* Julius C. Williamson. Submitted with leave to Mr. M. F. Stiles for petitioner to file brief within ten days.

No. 108. The Capital Traction Company, plaintiff in error, *v.* Charles Hof;

No. 114. The Metropolitan Railroad Company, plaintiff in error, *v.* Samuel R. Church, justice of the peace, etc.; and

No. 195. The Brightwood Railroad Company, plaintiff in error, *v.* Lewis I. O'Neal et al. Argument commenced by Mr. R. Ross Perry for the Capital Traction Company, and continued by Mr. Alexander Wolf for Hof, by E. L. Schmidt for Church and by Mr. Raymond A. Heiskell for O'Neal et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 6, will be as follows: Nos. 108 (and 114 and 195), 111, 112, 113, 115 (and 116 and 117), 118, 119 and 120.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 6, 1899.

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. 108 The Capital Traction Company, plaintiff in error, *v.* Charles Hof;

No. 114. The Metropolitan Railroad Company, plaintiff in error, *v.* Samuel R. Church, justice of the peace, etc.; and

No. 195. The Brightwood Railroad Company, plaintiff in error, *v.* Lewis I. O'Neal et al. Argument continued by Mr. Raymond A. Heiskell and Mr. M. J. Colbert for O'Neal et al., and concluded by Mr. D. W. Baker for the Metropolitan Railroad Company, and submitted by Mr. Henry P. Blair for the Brightwood Railroad Company.

No. 111. Leo C. Harmon, as receiver, etc., plaintiff in error, *v.* The National Park Bank of the City of New York. Argued by Mr. Frederic J. Swift for the plaintiff in error, and by Mr. Louis F. Doyle for the defendant in error.

No. 112. Charles G. Smith et al., appellants, *v.* Charles Burnett et al. Argument commenced by Mr. R. D. Benedict for the appellants.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 9, will be as follows: Nos. 112, 113, 115 (and 116 and 117), 118, 119, 120, 353, 341, 605 and 121.

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 9, 1899.

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.

John Q. A. Johnson of Yonkers, N. Y.; Mr. Charles H. Bosler of Dayton, Ohio; O. J. Renner of Cincinnati, Ohio; David W. Bowman of Greenville, Ohio; Edward O. Miller of Visalia, Cal.; Julius L. Anderson of Ironton, Ohio; Sidney G. Stricker of Cincinnati, Ohio; J. C. Pritchard of Marshall, N. C., and Charles A. Moore of Asheville, N. C., were admitted to practice.

Nos. 91 and 92. The Chappell Chemical and Fertilizer Company, plaintiff in error, *v.* The Sulphur Mines Company of Virginia. In error to the court of appeals of the State of Maryland. Dismissed for the want of jurisdiction. Opinion by Mr. Justice McKenna.

No. 99. The Chappell Chemical and Fertilizer Company, plaintiff in error, *v.* The Sulphur Mines Company of Virginia. In error to the court of appeals of Maryland. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 15. 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 reversed and cause remanded, with directions to set aside the verdict and grant a new trial. Opinion by Mr. Justice White. Dissenting: Mr. Justice Brown, Mr. Chief Justice Fuller, Mr. Justice Harlan and Mr. Justice Brewer.

No. 67. The Columbia Water Power Company, plaintiff in error, *v.* The Columbia Electric Street Railway, Light and Power Company. In error to the supreme court of the State of South Carolina. Judgment affirmed with costs. Opinion by Mr. Justice Brown.

No. 16. The Pittsburgh, Cincinnati, Chicago and St. Louis Railway Company, plaintiff in error, *v.* The Long Island Loan and Trust Company, executor, etc. In error to the supreme court of the State of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

The Chief Justice announced the following orders of the court :

No. 638. The International Bank of St. Louis, petitioner, *v.* Eberhard Faber. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 655. William T. Donnell, petitioner, *v.* The Boston Towboat Company. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 657. Robert L. Taylor et al., appellants, *v.* The Nashville, Chattanooga and St. Louis Railway. Motion to advance granted, and cause assigned for argument on the second Monday of the next term, October 16, 1899 ; but the case will be taken on printed briefs on or before March 6 if counsel shall be so advised.

No. 621. J. W. Cumming et al., plaintiffs in error, *v.* The County Board of Education of Richmond County, Ga. Motion to advance granted, and cause assigned for argument on the second Monday of the next term after No. 657.

No. 111. Leo C. Harmon, as receiver, plaintiff in error, *v.* The National Park Bank of the City of New York. In error to the United States circuit court of appeals for the second circuit. Judgment affirmed with costs, on the authority of *Pauly v. State Loan and Trust Company*, 165 U. S., 606, and cause remanded to the circuit court of the United States for the southern district of New York, with a direction to render judgment in accordance with the mandate of the United States court of appeals.

No. 104. George Kinnear, plaintiff in error, *v.* Frederick Bausman, as receiver, etc. Appeal from the United States circuit court of appeals for the ninth circuit. Dismissed for the want of jurisdiction, on the authority of *Union Mutual Life Insurance Company v. Kirchoff*, 160 U. S., 374, and cases cited.

No. 256. The Blythe Company, appellant, *v.* John W. Blythe et al. Appeal from the circuit court of the United States for the northern district of California. Dismissed for want of jurisdiction on the authority of *Smith v. McKay*, 161 U. S., 355; *Black v. Black*, 163 U. S., 678; *Tucker v. McKay*, 164 U. S. 701; *Carey v. Houston Railway*, 150 U. S., 170; *id.*, 161 U. S., 115; *Ex parte Railroad Company*, 95 U. S., 221; *Cross v. Del Valle*, 1 Wall., 1; *Rouse v. Letcher*, 156 U. S., 47.

No. 154. The Northern Pacific Railway Company, plaintiff in error, *v.* James De Lacy. Leave granted to file brief herein on behalf of the United States on motion of Mr. Solicitor-General Richards for the United States.

No. 636. Charles H. Ingwersen, plaintiff in error, *v.* The United States. Leave granted to file brief for the defendant in error within one week on motion of Mr. Solicitor-General Richards for the defendant in error.

No. 667. John Cadwalader, late collector, etc., petitioner, *v.* Charles H. Meyer et al., etc. Petition for writ of certiorari to the United States circuit court of appeals for the third circuit. Submitted by Mr. Solicitor-General Richards in support of the petition, with leave to respondent to file brief on or before Friday next.

No. 665. W. Vance Brown et. al., petitioners, *v.* The Cranberry Iron and Coal Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit. Submitted by Mr. Charles A. Moore and Mr. Theodore F. Davidson in support of petition.

No. 663. Mary C. Delafield, petitioner, *v.* The Hospital of the Protestant Episcopal Church in Philadelphia et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit. Submitted by Mr. William G. Johnson in behalf of Mr. D. T. Watson, and Mr. A. P. Burgwin in support of the petition.

No. 431. Charles Winston, petitioner, *v.* The United States;

No. 432. William M. Strather, petitioner, *v.* The United States; and

No. 433. Edward Smith, petitioner, *v.* The United States. Mandates granted on motion of Mr. D. W. Baker for the respondent.

No. 668. Walter H. Wills, petitioner, *v.* Norma W. Jones. Petition for a writ of certiorari to the court of appeals of the District of Columbia. Submitted by Mr. W. Baker in support of petition, with leave to counsel for respondent to file brief in opposition within ten days.

No. 605. Louis Roesel, appellant, *v.* William T. Kirk, sheriff, etc. Submitted by Mr. Frank Bergen for the appellant, and by Mr. N. C. J. English for the appellee, and leave granted to counsel for appellee to file reply brief within one week.

No. 252. John W. Collier, administrator, etc., appellant, *v.* The United States et al. Submitted pursuant to the twentieth rule by Mr. H. J. May and Mr. A. H. Garland for the appellant, and by Mr. Assistant Attorney-General Thompson for the appellee.

No. 321. The United States et al., appellants, *v.* Moses Fallowell;

No. 322. The United States et al., appellants, *v.* Emiline Mackey;

No. 323. The United States et al., appellants, *v.* Daniel S. Leatherwood;

No. 324. The United States et al., appellants, *v.* Robert Carter;

No. 325. The United States et al., appellants, *v.* Charles H. Hettson;

No. 326. The United States et al., appellants, *v.* Mary Scroggins;

No. 327. The United States et al., appellants, *v.* Fleming P. Jennings;

No. 328. The United States et al., appellants, *v.* David P. McCracken; and

No. 329. The United States et al., appellants, *v.* Brice Woody. Motion to advance submitted by Mr. John Wharton Clark for the appellee.

No. 107 of December term, 1867. G. A. Le Moore & Co., claimant, *v.* The United States. Motion for leave to temporarily withdraw transcript of record herein for use in the Court of Claims. Submitted by Mr. P. E. Dye in support of motion.

No. 112. Charles G. Smith et al., appellants, *v.* Charles Burnett et al. Argument continued by Mr. William G. Choate for the appellees, and concluded by Mr. R. D. Benedict for the appellants.

No. 393. The United States, appellant, *v.* Anthony F. Navarre et al. Submitted, pursuant to the twentieth rule, by Mr. Assistant Attorney-General Pradt and Mr. C. C. Binney for the appellant, and by Mr. J. H. McGowan for the appellees.

No. 113. Thomas M. Adams et al., etc., petitioners, *v.* Benjamin R. Cowen et al., etc. Argument commenced by Mr. Lawrence Maxwell, jr., for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 10, will be as follows: Nos. 113, 115 (and 116 and 117), 118, 119, 120, 353, 341, 121, 122 and 123.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 10, 1899.

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.

J. A. Dean of Owensboro, Ky., and Ira M. Becker of Reading, Pa., were admitted to practice.

No. 113. Thomas M. Adams et al., etc., petitioners, *v.* Benjamin R. Cowen et al., trustees. Argument continued by Mr. Lawrence Maxwell, jr., for the petitioners, by Mr. Judson Harmon and Mr. J. J. Glidden for the respondents, and concluded by Mr. Lawrence Maxwell, jr., for the petitioners.

No. 353. The State of Ohio, appellant, *v.* J. B. Thomas. Argued by Mr. Judson Harmon for the appellee, and submitted by Mr. Charles H. Bosler and Mr. Otto J. Renner for the appellant.

No. 118. Norton Marshall, appellant, *v.* Peter T. Burtis. Submitted by Mr. L. E. Payson for the appellant, and by Mr. A. H. Garland and Mr. R. C. Garland for the appellee.

No. 120. The St. Louis, Iron Mountain and Southern Railway Company, plaintiff in error, *v.* Charles Paul. Submitted by Mr. John F. Dillon, Mr. W. S. Pierce and Mr. D. D. Duncan for the plaintiff in error, and by Mr. A. H. Garland and Mr. R. C. Garland for the defendant in error.

No. 119. M. J. Nugent, superintendent, etc., appellant, *v.* The State of Arizona Improvement Company. Argument commenced by Mr. Eugene S. Ives for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 11, will be as follows: Nos. 119, 115 (and 116 and 117), 341, 121, 122, 123, 124, 125, 126 and 127.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 11, 1899.

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. 124. Oliver Wendell Holmes, jr., as ancillary executor, etc., appellant, *v.* George D. Hurst. Passed temporarily on motion of Mr. Andrew Gilhooly for the appellee.

No. 126. The United States, appellant, *v.* Thomas R. Morgan. Submitted by Mr. Assistant Attorney-General Pradt for the appellant, and by Mr. C. C. Lancaster for the appellee.

No. 127. The United States, plaintiff in error, *v.* Walter S. Harsha. Submitted by Mr. Assistant Attorney-General Pradt for the plaintiff in error, and by Mr. Edwin F. Conely for the defendant in error.

No. 119. M. J. Nugent, superintendent, etc., appellant, *v.* The State of Arizona Improvement Company. Argument concluded by Mr. Eugene S. Ives for the appellee, and submitted by Mr. L. E. Payson for the appellant.

Nos. 115, 116 and 117. J. J. McCook et al., plaintiffs in error, *v.* George R. Wood, administrator. Argued by Mr. L. F. Parker for the plaintiffs in error, and submitted by Mr. Oscar L. Miles for the defendant in error.

No. 341. Frederick Hoeninghaus et al., appellants, *v.* The United States. Argued by Mr. W. Wickham Smith for the appellants, and by Mr. Solicitor-General Richards for the appellee.

No. 121. The Northern Pacific Railroad Company, plaintiff in error, *v.* Neptune Lynch, sr. Submitted by Mr. William Wallace, jr., for the plaintiff in error, with leave to defendant in error to file brief within twenty days and to plaintiff in error to reply thereto within five days thereafter.

No. 122. C. P. Dewey, plaintiff in error, *v.* The City of Des Moines et al. Argument commenced by Mr. A. E. Harvey for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 12, will be as follows: Nos. 122, 123, 125, 128, 129, 132 (and 86), 133, 134, 135 and 136.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 12, 1899.

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.

Louis W. Marcus of Buffalo, N. Y.; Frank C. Ferguson of Buffalo, N. Y., and Smith W. Bennett of Bucyrus, Ohio, were admitted to practice.

No. 445. Mrs. Jestern Castoe et al., appellants, *v.* S. H. Mayes, principal chief of the Cherokee Nation; and

No. 446. Robert H. Anderson et al., appellants, *v.* S. H. Mayes, principal chief of the Cherokee Nation. Motion to advance submitted by Mr. S. M. Porter for the appellants.

No. 128. James T. Simms, appellant, *v.* Hannah T. Simms. Death of appellant suggested, and cause temporarily passed on motion of Mr. L. E. Payson for the appellant.

No. 129. The Baltimore and Ohio Railroad Company, plaintiff in error, *v.* David Joy, administrator, etc. Submitted by Mr. Hugh L. Bond, jr., and Mr. J. H. Collins for the plaintiff in error. No counsel appeared for the defendant in error.

No. 135. The Missouri Pacific Railway Company, plaintiff in error, *v.* The Crowell Lumber and Grain Company. In error to the supreme court of the State of Nebraska. Dismissed with costs, pursuant to the tenth rule.

No. 136. Adolph Cohn, appellant, *v.* Angelina Daily et al. Passed temporarily on motion of Mr. M. A. Smith for the appellant.

No. 122. C. P. Dewey, plaintiff in error, *v.* The City of Des Moines et al. Argument continued by Mr. A. E. Harvey for the plaintiff in error, by Mr. N. T. Guernsey for the defendants in error, and concluded by Mr. A. E. Harvey for the plaintiff in error.

No. 123. John A. Lomax, plaintiff in error, *v.* Aquila H. Pickering. Submitted by Mr. J. M. H. Burgett for the plaintiff in error, and by Mr. John P. Ahrens for the defendant in error.

No. 125. John McQuade, plaintiff in error, *v.* The Inhabitants of the City of Trenton. Argued by Mr. David McClure for the plaintiff in error. No counsel appeared for the defendants in error.

No. 86. The United States, appellant, *v.* Maria de la Paz Valdez de Conway et al., and

No. 132. The Town of Real de Dolores del Oro et al., appellants, *v.* The United States et al. Argued by Mr. Matt. G. Reynolds for the United States, and submitted by Mr. John H. Knaebel for appellee in No. 86, with leave to file supplemental brief within ten days, and by Mr. H. L. Warren for the appellants in No. 132, with leave to file brief within ten days.

No. 134. Eliza Cooper et al., plaintiffs in error, *v.* Edward S. Newell et al., executors. Argument commenced by Mr. F. Charles Hume for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 13, will be as follows: Nos. 134, 133, 137, 138, 139, 140, 141, 142, 143 and 144.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 13, 1899.

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.

Frank Asbury Johnson of Chicago, Ill.; Edwin T. Merrick of New Orleans, La.; Benjamin Alexander of Philadelphia, Pa., and Brainard Avery of Proctor, Vt., were admitted to practice.

No. 148. Owensboro National Bank, plaintiff in error, *v.* City of Owensboro;

No. 149. Deposit Bank of Owensboro, plaintiff in error, *v.* City of Owensboro, etc.;

No. 150. Deposit Bank of Owensboro, plaintiff in error, *v.* Daviess County, etc.;

No. 151. Farmers and Traders' Bank of Owensboro, plaintiff in error, *v.* City of Owensboro, etc.;

No. 356. Samuel H. Stone, auditor, etc., et al., appellants, *v.* Bank of Kentucky;

No. 357. City of Louisville, appellant, *v.* Bank of Kentucky;

No. 358. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Bank of Louisville;

No. 359. City of Louisville, appellant, *v.* Bank of Louisville;

No. 360. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Louisville Banking Company;

No. 361. City of Louisville, appellant, *v.* The Louisville Banking Company;

No. 362. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Bank of Commerce;

No. 363. City of Louisville, appellant, *v.* Bank of Commerce;

No. 364. City of Louisville, appellant, *v.* The Third National Bank;

No. 365. City of Louisville, appellant, *v.* Citizens' National Bank;

No. 385. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Farmers' Bank of Kentucky;

No. 386. The Farmers' Bank of Kentucky, appellant, *v.* Samuel H. Stone, auditor, etc., et al.;

- No. 387. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Deposit Bank of Frankfort;
- No. 404. The Third National Bank of Louisville, appellant, *v.* Samuel H. Stone, auditor, etc., et al.;
- No. 405. The Citizens' National Bank, appellant, *v.* Samuel H. Stone, auditor, etc., et al.;
- No. 406. The Fidelity Trust and Safety Vault Company, appellant, *v.* The City of Louisville;
- No. 407. The Fidelity Trust and Safety Vault Company, appellant, *v.* Samuel H. Stone, auditor, etc., et al.;
- No. 408. The Louisville Trust Company, appellant, *v.* The City of Louisville; and
- No. 409. The Louisville Trust Company, appellant, *v.* Samuel H. Stone, auditor, etc., et al. Assigned for argument on the 20th of February after the cases already set down for that day.
- No. 155. May Hays, appellant, *v.* The United States;
- No. 160. The United States, appellant, *v.* Luis Maria Ortez et al.; and
- No. 200. The United States, appellant, *v.* Clarence P. Elder et al. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. Matt. G. Reynolds for the United States.
- No. 139. The Henrietta Mining and Milling Company, appellant, *v.* Henry Johnson. Leave granted to appellee to file brief within ten days, on motion of Mr. S. M. Stockslager in behalf of counsel.
- No. 141. The Washington and Georgetown Railroad Company, plaintiff in error, *v.* Leonidas W. Grant. In error to the court of appeals of the District of Columbia. Dismissed with costs, pursuant to the tenth rule.
- No. 143. S. W. Fordyce et al., receivers, etc., plaintiffs in error, *v.* R. L. Trigg. Continued per stipulation, on motion of Mr. Sam. H. West for the plaintiff in error.
- No. 134. Eliza Cooper et al., plaintiffs in error, *v.* Edward S. Newell et al., executors. Argument concluded by Mr. F. Charles Hume for the plaintiffs in error, and leave granted to defendants in error to file brief hereafter.
- No. 133. The Guthrie National Bank, plaintiff in error and appellant, *v.* The City of Guthrie. Submitted by Mr. Henry E. Asp and Mr. John W. Shartel for the plaintiff in error and appellant, and by Mr. John K. Richards, Mr. John L. Lott and Mr. W. J. Hughes for the defendant in error and appellee, with leave to counsel for the plaintiff in error and appellant to file additional brief within ten days, and to counsel for defendant in error and appellee to reply thereto within three days thereafter.

No. 137. The First National Bank of Wellington, Ohio, plaintiff in error, *v.* H. P. Chapman, treasurer, etc. Argument commenced by Mr. W. A. Boynton, for the plaintiff in error, and continued by Mr. F. S. Monnett for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 16, will be as follows: Nos. 137, 138, 139, 140, 124, 142, 144, 145, 146 and 147.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 16, 1899.

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

Ramsey Washington of Newport, Ky.; Lemuel H. Foster of Detroit, Mich.; John C. Higdon of St. Louis, Mo.; William B. Stuart of Denver, Colo.; Wilbur G. Zeigler of San Francisco, Cal., and Charles M. Cist of Cincinnati, Ohio, were admitted to practice.

No. 81. The Orient Insurance Company of Hartford, Conn., plaintiff in error, *v.* Robert E. Dagg. In error to the supreme court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 43. The Washington Gaslight Company et al., plaintiffs in error, *v.* Thomas G. Lansden. 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 grant a new trial to the three defendants, who are plaintiffs in error in the writ of error sued out from this court. Opinion by Mr. Justice Peckham (announced by Mr. Chief Justice Fuller).

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

No. 100. The Santa Fe, Prescott and Phoenix Railway Company, plaintiff in error, *v.* Joseph Hurley. In error to the supreme court of the Territory of Arizona. Judgment affirmed, with costs and interest, by a divided court.

No. 640. The City of New Orleans, petitioner, *v.* John G. Warner. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit granted.

No. 321. The United States et al., appellants, *v.* Moses Fallowill;

No. 322. The United States et al., appellants, *v.* Emiline Mackey;

No. 323. The United States et al., appellants, *v.* Daniel S. Leatherwood;

No. 324. The United States et al., appellants, *v.* Robert Carter;

No. 325. The United States et al., appellants, *v.* Charles H. Hittson;

No. 326. The United States et al., appellants, *v.* Mary Scroggins;

No. 327. The United States et al., appellants, *v.* Fleming P. Jennings;
 No. 328. The United States et al., appellants, *v.* David P. McCracken;
 and

No. 329 The United States et al., appellants, *v.* Brice Woody. Motion to advance denied.

No. 663. Mary C. Delafield, petitioner, *v.* The Hospital of the Protestant Episcopal Church in Philadelphia et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 665. W. Vance Brown et al., petitioners, *v.* The Cranberry Iron and Coal Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 667. John Cadwalader, late collector, etc., petitioner, *v.* Charles H. Meyer et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit granted.

Nos. 115, 116 and 117. John J. McCook et al., receivers, etc., plaintiffs in error, *v.* George R. Wood, administrator, etc. In error to the United States circuit court of appeals for the eighth circuit. Judgments affirmed with costs and causes remanded to the circuit court of the United States for the western district of Arkansas.

No. 126. The United States, appellant, *v.* Thomas R. Morgan. Appeal from the Court of Claims. Judgment affirmed on the authority of United States *v.* Jones, 134 U. S., 483; United States *v.* Barber, 140 U. S., 164.

No. 675. George W. Crossman et al., petitioners, *v.* William Burrill et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit. Submitted by Mr. Everett P. Wheeler in support of the petition, and by Mr. Lawrence Kneeland in opposition thereto.

No. 677. John Roehm, petitioner, *v.* Paul R. G. Horst et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit. Submitted by Mr. W. W. Howe in behalf of Mr. Samuel Dickson and Mr. R. C. Dale in support of petition, and by Mr. Frank P. Prichard and Mr. John A. Garver in opposition thereto.

No. 162. The Lackawanna Iron and Coal Company et al., petitioners, *v.* The Farmers' Loan and Trust Company et al. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. Maxwell Evarts in behalf of counsel.

No. 662. D. G. Sayers et al., petitioners, *v.* William H. Burkhardt et al. Petition for writ of certiorari to the United States court of appeals for the fourth circuit. Submitted by Mr. Holmes Conrad in support of petition, and by Mr. J. R. Sypher in opposition thereto.

No. —, Original. *Ex parte*: In the matter of Emma S. Fayerweather and another, petitioners. Motion for leave to file petition for a writ of certiorari. Submitted by Mr. Roger M. Sherman for the petitioners.

No. 237. Charles U. Cotting et al., appellants, *v.* Louis C. Boyle, attorney-general, et al. Motion to revive the cause in the name of A. A. Goddard, attorney-general. Submitted by Mr. A. H. Horton in support of motion.

No. 314. The Baltimore and Ohio Southwestern Railway Company, plaintiff in error, *v.* William Vought. Advanced as under the thirty-second rule on motion of Mr. Charles M. Cist for the defendant in error.

No. 672. George H. Scott, petitioner, *v.* W. A. Latimer, receiver, etc. 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 support of petition.

No. 137. The First National Bank of Wellington, Ohio, plaintiff in error, *v.* H. P. Chapman, treasurer, etc. Argument continued by Mr. F. S. Monnett and Mr. S. W. Bennett for the defendant in error, and concluded by Mr. W. W. Boynton for the plaintiff in error.

No. 138. The Henrietta Mining and Milling Company, appellant, *v.* Samuel Hill. Submitted by Mr. W. H. Barnes for the appellant. No counsel appeared for the appellee.

No. 139. The Henrietta Mining and Milling Company, appellant, *v.* Henry Johnson. Submitted by Mr. W. H. Barnes for the appellant, and by Mr. E. M. Sanford for the appellee, on briefs to be filed, with leave to appellant to file reply brief within ten days.

No. 140. The Henrietta Mining and Milling Company, appellant *v.* James I. Gardner. Argued by Mr. Frank A. Johnson for the appellant, and by Mr. S. M. Stockslager for the appellee.

No. 124. Oliver Wendell Holmes, jr., ancillary executor, etc., appellant, *v.* George D. Hurst. Argument commenced by Mr. Rowland Cox for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 17, will be as follows: Nos. 124, 142, 144, 145, 146, 147, 152, 153, 154 and 156.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 17, 1899.

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

James F. Pierson of New Orleans, La., and L. C. Boyle of Topeka, Kans., were admitted to practice.

No. 237. Charles U. Cotting et al., appellants, *v.* Louis C. Boyle, attorney-general, etc. Motion that cause abate submitted by Mr. L. C. Boyle in support of motion, and by Mr. A. H. Horton in opposition, with leave to file brief within two days.

No. 156. Julian Martinez et al., appellants, *v.* The United States. Appeal from the Court of Private Land Claims. Dismissed pursuant to the tenth rule.

No. 142. Robert G. Wilson, plaintiff in error, *v.* Eureka City. Submitted by Mr. J. W. N. Whitecotton for the plaintiff in error, and by Mr. P. L. Williams for the defendant in error.

No. 124. Oliver Wendell Holmes, jr., as ancillary executor, etc., appellant, *v.* George D. Hurst. Submitted by Mr. Andrew Gilhooly for the appellee.

No. 144. Darwin C. Allen, plaintiff in error, *v.* The Southern Pacific Railroad Company. Argued by Mr. Wilbur F. Zeigler for the plaintiff in error, and by Mr. Maxwell Evarts for the defendant in error, with leave to counsel to file supplemental briefs within thirty days.

No. 145. The Central Loan and Trust Company, plaintiff in error and appellant, *v.* The Campbell Commission Company. Argued by Mr. J. W. Shartel for the defendant in error and appellee, and submitted by Mr. W. D. Williams for the plaintiff in error and appellant.

No. 146. The Remington Paper Company, plaintiff in error, *v.* John W. Watson et al. Argument commenced by Mr. E. T. Merrick for the plaintiff in error, and continued by Mr. Alexander Porter Morse for the defendant in error, and Mr. E. T. Merrick for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 18, will be as follows: Nos. 146, 147, 152, 153, 154, 158, 159, 161, 163 and 164.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 18, 1899.

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

Lester S. Wilson of Walla Walla, Wash.; Ossean Franklin Paxton of Portland, Oreg.; E. L. Hamilton of Niles, Mich., and Albert Payne Fenner of New Orleans, La., were admitted to practice.

No. 186. Theophilus King, etc., et al., plaintiffs in error, *v.* John A. Cross et al. Passed subject to the provisions of section 9, rule 26, on motion of Mr. John B. Cotton in behalf of counsel.

No. 158. Mariano S. Otero, appellant, *v.* The United States. Appeal from the Court of Private Land Claims. Dismissed pursuant to tenth rule.

No. 159. The German Insurance Company of Freeport, Ill., plaintiff in error, *v.* The First National Bank of Boonville, N. Y. Submitted by Mr. A. P. Jetmore for the plaintiff in error, with leave to counsel for the defendant in error to file briefs within twenty days, and to counsel for plaintiff in error to reply thereto within ten days thereafter.

No. 163. Rio Grande Irrigation and Colonization Company, plaintiff in error, *v.* Charles H. Gildersleeve. Passed to be heard with No. 254 as one case, per stipulation of counsel.

No. 146. The Remington Paper Company, plaintiff in error, *v.* John W. Watson et al. Argument concluded by Mr. E. T. Merrick for the plaintiff in error.

No. 147. The Atchison, Topeka and Santa Fe Railroad Company, plaintiff in error, *v.* W. T. Matthews et al. Submitted by Mr. E. D. Kenna and Mr. Robert Dunlap for the plaintiff in error. No counsel appeared for the defendants in error.

No. 152. City of Covington, plaintiff in error, *v.* Commonwealth of Kentucky. Submitted by Mr. William Goebel for the plaintiff in error, and by Mr. Ramsey Washington and Mr. W. S. Taylor for the defendant in error.

No. 154. The Northern Pacific Railway Company, plaintiff in error, *v.* James De Lacey. Argued by Mr. C. W. Bunn for the plaintiff in error, and submitted by Mr. W. H. Pritchard for the defendant in error, and by Mr. Solicitor-General Richards for the United States.

No. 153. J. K. Mullen et al., plaintiffs in error, *v.* The Western Union Beef Company. Argued by Mr. T. B. Stuart for the plaintiff in error, and submitted by Mr. C. S. Thomas and Mr. W. H. Bryant for the defendant in error.

No. 161. The United States, appellant, *v.* The Bellingham Bay Boom Company. Submitted on briefs to be filed by appellant within twenty days, and by appellee within ten days thereafter.

No. 164. Joe Kirby, plaintiff in error, *v.* The United States. Passed temporarily.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 19, will be as follows: Nos. 167, 168 (and 176), 171, 172, 174, 175 (and 23), 180, 182, 187 and 188.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 19, 1899.

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.

Walker Percy of Birmingham, Ala., and Wilford H. Smith of Galveston, Tex., were admitted to practice.

No. 167. Philip T. Woodfin, appellant, *v.* The Hampton and Old Point Railway Company et al. Appeal from the circuit court of the United States for the eastern district of Virginia. Dismissed with costs on authority of counsel for appellant.

No. 171. John A. Gordon, appellant, *v.* The United States. Continued per stipulation.

No. 172. Thomas Cosgrove, appellant, *v.* Eugene D. Winney, United States marshal, etc. Submitted by Mr. E. H. Sellers, for the appellant, with leave to counsel for the appellee to file brief within ten days.

No. 182. George L. Whitman, petitioner, *v.* The National Bank of Oxford. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. A. B. Brewne in behalf of counsel.

No. 153. J. K. Mullen et al., plaintiffs in error, *v.* The Western Union Beef Company. Leave granted to file supplemental brief for the defendant in error within five days, on motion of Mr. W. H. Bryant for the defendant in error.

No. —. Seth Carter, plaintiff in error, *v.* The State of Texas. Motion to docket case without payment of costs and for leave to proceed in forma pauperis. Submitted by Mr. Wilford H. Smith for the plaintiff in error.

No. 168. Mrs. Bettie Allen, etc., et al., plaintiffs in error, *v.* Ogden Smith, coexecutor, etc., et al.; and

No. 176. Ogden Smith, coexecutor, etc., et al., plaintiffs in error, *v.* Mrs. Widow Bettie Allen, etc., et al. Argued by Mr. James F. Pierson for Mrs. Allen, by Mr. Albert P. Fenner for Ancoin, administrator, and by Mr. Henry Chiapella for Ogden Smith et al.

No. 174. Frank H. Pierce, petitioner, *v.* The Tennessee Coal, Iron and Railroad Company. Argument commenced by Mr. Walker Percy for respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 20, will be as follows: Nos. 174, 175 (and 23), 164, 180, 187, 188, 190, 191, 192 and 90.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 20, 1899.

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.

Harris Richardson of St. Paul, Minn, was admitted to practice.

No. 686. Seth Carter, plaintiff in error, *v.* The State of Texas. Motion for leave to docket cause without payment of costs and to proceed in forma pauperis granted. Announced by Mr. Chief Justice Fuller.

No. 191. Sterling R. Holt et al., appellants, *v.* The Indiana Manufacturing Company. Passed subject to the provisions of section 9, rule 26, on motion of Mr. E. W. Bradford in behalf of counsel.

No. 174. Frank H. Pierce, petitioner, *v.* The Tennessee Coal, Iron and Railroad Company. Argument concluded by Mr. Walker Percy for the respondent, and cause submitted by Mr. W. A. Gunter for the petitioner.

Nos. 175 and 23. The Keokuk and Hamilton Bridge Company, plaintiff in error, *v.* The People of the State of Illinois. Argued by Mr. Walter D. Davidge for the plaintiff in error, and submitted by Mr. F. T. Hughes for the plaintiff in error in No. 23 and by Mr. E. C. Akin for the defendants in error.

No. 187. The First National Bank of Concord, N. H., plaintiff in error, *v.* Edward Hawkins, receiver, etc. Argued by Mr. John G. Carlisle for the defendant in error, and submitted by Mr. Frank S. Streeter for the plaintiff in error, with leave to file supplemental brief within five days.

No. 180. Calvin A. Calhoun, appellant, *v.* Oscar H. Violet. Submitted by Mr. Calvin A. Calhoun in propria persona. No counsel appeared for the appellee.

No. 164. Joe Kirby, plaintiff in error, *v.* The United States. Argued by Mr. A. G. Safford for the plaintiff in error, and by Mr. Assistant Attorney-General Boyd for the defendant in error, with leave to counsel for defendant in error to file brief within five days, and to counsel for plaintiff in error to reply thereto within three days thereafter.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 23, will be as follows: Nos. 188, 190, 192, 90, 193, 194, 196, 197, 198 and 199.

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 23, 1899.

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.

Robert L. Owen of Muscogee, Ind. T.; Oliver M. Spencer of St. Joseph, Mo.; David S. Baker of North Kingstown, R. I., and John H. Dennison of Denver, Colo., were admitted to practice.

No. 214. The Northern Pacific Railway Company, appellants, *v.* William V. Myers, treasurer, etc. Appeal from the United States circuit court of appeals for the ninth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the district of Montana, with directions to proceed in conformity with the mandate of the United States circuit court of appeals. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Brewer, Mr. Justice Shiras, Mr. Justice White and Mr. Justice Peckham.

No. 127. The United States, plaintiff in error, *v.* Walter S. Harsha. On a certificate from the United States circuit court of appeals for the sixth circuit. First question answered in the affirmative, and the second in the negative. Opinion by Mr. Justice Gray.

No. —, Original. *Ex parte*: In the matter of Emma S. Fayerweather and another, petitioners. Motion for leave to file petition for a writ of certiorari denied. Announced by Mr. Justice Harlan. (The Chief Justice took no part in the decision on this motion.)

No. 223. The First National Bank of Grand Forks, N. Dak., plaintiff in error, *v.* Alexander Anderson. In error to the supreme court of the State of North Dakota. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 444. U. S. *ex rel.* Alfred L. Bernardin, plaintiff in error, *v.* Charles H. Duell, Commissioner of Patents. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced that the court would take a recess from Monday, January 30, to Monday, February 20, next.

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

No. 668. Walter H. Wills, petitioner, *v.* Norma W. Jones. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 237. Charles U. Cotting et al., appellants, *v.* Louis C. Boyle, attorney-general, etc. Motion to revive cause in the name of A. A. Goddard, attorney-general of the State of Kansas, as the party appellee, granted, without prejudice to consideration of the question of abatement, and cause continued until the next term per stipulation of counsel.

No. 662. D. G. Sayers et al., petitioners, *v.* William H Burkhardt et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 672. George H. Scott, petitioner, *v.* W. A. Latimer, receiver, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 675. George W. Crossman et al., petitioners, *v.* William Burrill et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 677. John Roehm, petitioner, *v.* Paul R. G. Horst et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit granted.

No. 124. Oliver Wendell Holmes, jr., ancillary executor, etc., appellant, *v.* George D. Hurst. Restored to the docket for reargument.

No. 110. Henry C. King, petitioner, *v.* Julius C. Williamson et al. On writ of certiorari to the United States circuit court of appeals for the fourth circuit. Decree affirmed with cost, and cause remanded to the circuit court of the United States for the district of West Virginia.

No. 605. Louis Roesel, appellant, *v.* William T. Kirk, sheriff, etc. Appeal from the circuit court of the United States for the district of New Jersey. Final order affirmed with costs, on the authority of *Kohl v. Lehlback*, 160 U. S., 293; *Bergemann v. Backer*, 157 U. S., 655; *Lambert v. Barrett*, 157 U. S., 697; *Lambert v. Barrett*, 159 U. S., 661; *Andrews v. Swartz*, 156 U. S., 272.

No. 199. The United States, appellant, *v.* Thomas B. Catron et al.;

No. 207. The United States, appellant, *v.* J. Francisco Chavez et al. ; and

No. 208. The United States, appellant, *v.* J. Francisco Chavez et al. Passed on motion of Mr. Solicitor-General Richards for the appellant.

No. 689. Li Sing, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit. Submitted by Mr. Jerome Carty in behalf of Mr. William C. Beecher in support of petition.

No. 691. The American National Bank of Denver, petitioner, *v.* The Northwestern Mutual Life Insurance Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit. Submitted by Mr. Thomas J. O'Donnell and Mr. Milton Smith in support of petition, with leave to respondent to file brief in opposition within five days.

No. 190. The United States, plaintiff in error, *v.* One Distillery, etc. Passed subject to the provisions of section 9, rule 26, on motion of Mr. S. G. Hillborn in behalf of counsel for the defendant in error.

No. 196. Harry W. Dickerman, trustee, et al., petitioners, *v.* The Northern Trust Company et al. Passed, subject to the provisions of section 9, rule 26, on the motion of Mr. Otto Gresham for the petitioners.

No. 681. The Chicago, Rock Island and Pacific Railway Company, petitioner, *v.* The St. Joseph Union Depot Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit. Submitted by Mr. L. C. Krauthoff in support of petition, and by Mr. C. A. Mosman, Mr. W. P. Hall, Mr. O. M. Spencer and Mr. Frank Hagerman in opposition thereto.

No. 687. William Henry Saville, claimant, etc., petitioner, *v.* The American Sugar Refining Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit. Submitted by Thomas H. Clark in behalf of Mr. J. Parker Kerlin in support of petition, and by Mr. Harrington Putnam in opposition thereto.

No. 194. James Knott, petitioner, *v.* Botany Worsted Mills et al. Passed subject to the provisions of section 9, rule 26, on motion of Mr. Thomas H. Clark in behalf of counsel.

No. 94. James L. Utter et al., appellants, *v.* B. J. Franklin, governor, et al. Motion to enter judgment nunc pro tunc. Submitted by Mr. Frederic D. McKenney in behalf of Mr. John F. Dillon for the appellants.

No. 661. Richard E. Caffrey, as county clerk, etc., plaintiff in error, *v.* The Territory of Oklahoma ex rel. Harper S. Cunningham. Motion for leave to file supersedeas bond. Submitted by Mr. Frederic D. McKenney in behalf of counsel for plaintiff in error.

No. 198. Blanche K. Towson et al., appellants, *v.* Christiana V. Moore et al. Leave granted to file stipulation as to value of matter in controversy, on motion of Mr. A. H. Garland for the appellants.

No. 332. The Florida Central and Peninsular Railroad Company, plaintiff in error, *v.* William J. Bell et al. Motions to dismiss or affirm. Submitted by Mr. H. Bisbee in support of motions, and by Mr. J. C. Cooper in opposition thereto.

No. 335. Annie R. Kean, plaintiff in error, *v.* Edward Roby et al. Motion to dismiss. Submitted by Mr. Edward Roby in support of motion, and by Mr. William P. Fennell in opposition thereto.

No. 188. The Security Trust Company, assignee, plaintiff in error, *v.* Frank H. Dodd et al. Argued by Mr. James E. Markham for the defendants in error, and submitted by Mr. E. S. Durment for the plaintiff in error.

No. 192. The Sioux City Terminal Railroad and Warehouse Company, petitioner, *v.* The Trust Company of North America. Argument commenced by Mr. Henry J. Taylor for the petitioner, and continued by Mr. Asa F. Call for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 24, will be as follows: Nos. 192, 90, 193, 197, 198, 202, 203, 204, 205 and 206.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 24, 1899.

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. 193. The Anglo-Californian Bank (Limited), appellant, *v.* The Secretary of the Treasury. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. William Pinkney Whyte for the appellant.

No. 27. Abram W. Hendry et al., appellants, *v.* Ocean Steamship Company. Assigned for reargument on the 20th of February next after the cases already set down for that day, on motion of Mr. Eugene P. Carver for the appellants.

No. 202. Chew Hing Lung & Co., petitioners, *v.* John H. Wise, collector, etc. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. A. B. Browne for the petitioners.

No. 126. The United States, appellant, *v.* Thomas R. Morgan. Mandate granted, on motion of Mr. C. C. Lancaster for the appellee.

No. 204. The Union Pacific Railway Company, plaintiff in error, *v.* David Gochenauer et al. In error to the supreme court of the State of Kansas. Dismissed with costs, pursuant to the tenth rule.

No. 205. Francis G. Posey et al., plaintiffs in error, *v.* Julia Hanson. In error to the court of appeals of the District of Columbia. Dismissed with costs, pursuant to the tenth rule.

No. 192. The Sioux City Terminal Railroad and Warehouse Company, petitioner, *v.* The Trust Company of North America. Argument concluded by Mr. John C. Coombs for the petitioner.

No. 689. Li Sing, petitioner, *v.* The United States. Leave granted to respondent to file brief in opposition to petition for certiorari on or before Friday next on motion of Mr. Solicitor-General Richards for respondent.

No. 90. William T. Gilbert, receiver, etc., appellant, *v.* The Washington Beneficial Endowment Association et al. Argument commenced by Mr. H. D. Hotchkiss for the appellant, and continued by Mr. A. A. Lipscomb and Mr. S. F. Phillips for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 25, will be as follows: Nos. 90, 197, 198, 203, 206, 209, 211, 212, 213 and 216.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 25, 1899.

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.

William Edwin Ulmer of Boston, Mass., was admitted to practice.

No. 211. C. H. Bosworth, receiver, etc., petitioner, *v.* Terminal Railroad Association of St. Louis. Submitted by Mr. Bluford Wilson and Mr. P. B. Warren for the petitioner, and by Mr. M. F. Watts, Mr. J. E. McKeighan, Mr. Shepard Barclay and Mr. S. P. Wheeler for the respondent.

No. 213. The Crystal Springs Land and Water Company et al., appellants, *v.* the City of Los Angeles. Continued on motion of Mr. Thomas B. Turley in behalf of counsel.

No. 90. William T. Gilbert, receiver, etc., appellant, *v.* The Washington Beneficial Endowment Association et al. Argument continued by Mr. Samuel F. Phillips for the appellees, and concluded by Mr. Thomas M. Fields for the appellant.

No. 197. Frederick Bausman, as receiver, etc., plaintiff in error, *v.* Samuel Dixon. Argued by Mr. Frederick Bausman for the plaintiff in error, and submitted by Mr. J. E. Humphries and Mr. Edward P. Edsen for the defendant in error.

No. 198. Blanche K. Towson et al., appellants, *v.* Christiana V. Moore et al. Argument commenced by Mr. Franklin H. Mackey for the appellants, and continued by Mr. C. H. Cragin for the appellees, and by Mr. A. H. Garland for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 26, will be as follows: Nos. 198, 203, 206, 209, 212, 216, 220, 221, 222 and 224.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 26, 1899.

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

Joseph I. Doran of Philadelphia, Pa., and Arthur H. Masten of New York City, were admitted to practice.

No. 164. Joe Kirby, plaintiff in error, *v.* The United States. Time in which to file brief for defendant in error extended to the 30th instant, on motion of Mr. Solicitor-General Richards for the defendant in error.

No. 124. Oliver Wendell Holmes, jr., ancillary executor, appellant, *v.* George D. Hurst. Assigned for reargument on the 20th of February next after the cases already set down for that day, on motion of Mr. Eugene P. Carver in behalf of counsel.

No. 220. Robert B. F. Pierce, receiver, etc., plaintiff in error, *v.* Edward Van Dusen. In error to the United States circuit court of appeals for the sixth circuit. Dismissed *stipulation*.

No. 198. Blanche K. Towson, et al., appellants *v.* Christiana V. Moore, et al. Argument concluded by Mr. A. H. Garland for the appellants.

No. 206. Sterling R. Cockrill, receiver, etc., plaintiff in error, *v.* The United States National Bank of New York. Passed, subject to the provisions of section 9, rule 26, on account of sickness of counsel.

No. 209. Frank M. Rider, et al, plaintiffs in error, *v.* The United States. Argument commenced by Mr. F. H. Southard for the plaintiffs in error, and continued by Mr. George H. Gorman, for the defendant in error.

The Hon. John W. Griggs, Attorney-General of the United States, addressed the court as follows:

“May it please the court: It is my sad duty to announce to the court the sudden death of an ex-Attorney-General of the United States—Augustus Hill Garland.

“The sudden and unexpected death of this distinguished man comes with a shock of surprise to those of us who have heard of it, as undoubtedly it came to those of this court who witnessed his seizure. He was

a man so distinguished in his profession, so distinguished as a statesman in political life, and so connected officially and professionally with this court, to the last moment of his life, that I deem it proper to suggest to the court that out of respect to his memory they should take a recess until to-morrow, and I make that motion."

The Chief Justice responded :

"The court receives the information of the death of Mr. Garland with sincere sorrow, and fully concurs in the suggestion that has been made. As a mark of respect to the memory of this distinguished member of the bar and eminent public servant, an adjournment will be taken until to-morrow, at the usual hour."

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 27, will be as follows: Nos. 209, 203, 212, 216, 221, 222, 224, 225, 226 and 227.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 27, 1899.

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

Charles Potter Kling of New York City, and Robert L. Parrish of Covington, Va., were admitted to practice.

No. 127. The United States, plaintiff in error, *v.* Walter S. Harsha. Mandate granted on motion of Mr. Solicitor-General Richards for the plaintiff in error.

No. 605. Louis Roesel, appellant, *v.* William T. Kirk, sheriff, etc. Mandate granted on motion of Mr. L. E. Payson in behalf of counsel.

No. 695. Henry L. Nelson, plaintiff in error, *v.* William B.anding et al. In error to the circuit court of the United States for the northern district of California. Docketed and dismissed with costs and mandate granted on motion of Mr. L. E. Payson for the defendants in error.

No. 197. Frederick Bausman, as receiver, etc., plaintiff in error, *v.* Samuel Dixon. Leave granted to file supplemental brief for the plaintiff in error on motion of Mr. Frederick Bausman for the plaintiff in error.

No. 209. Frank M. Rider et al., plaintiffs in error, *v.* The United States. Argument continued by Mr. George H. Gorman for the defendant in error, and concluded by Mr. S. M. Winn for the plaintiffs in error.

No. 222. The Texas and Pacific Railway Company, plaintiff in error, *v.* John Henry Clayton et al. Argued by Mr. Rush Taggart and Mr. A. H. Mastin for the plaintiff in error, and by Mr. Treadwell Cleveland for the defendants in error.

Adjourned until Monday next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 30, 1899.

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

Baron Herschell, P. C., G. C. B., D. C. L., LL. D., D. L., and J. P., sometime Lord High Chancellor of England, appeared with the court and occupied a seat upon the bench on the right hand of the Chief Justice.

John A. Shelton of Butte, Mont.; Julius C. Levi of Philadelphia, Pa.; L. Lehman of Memphis, Tenn.; A. L. Flewelling of Crystal Falls, Mich.; George B. Yerkes of Detroit, Mich.; Fielder C. Slingluff of Baltimore, Md., and H. H. McKeehan of Cleveland, Ohio, were admitted to practice.

No. 118. Norton Marshall, appellant, *v.* Peter T. Burtis. Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs. Opinion by Mr. Justice McKenna.

No. 341. Frederick Hoeninghaus et al., appellants, *v.* The United States. On a certificate from the United States circuit court of appeals for the second circuit. Questions certified answered in the affirmative. Opinion by Mr. Justice Shiras.

No. 125. John McQuade, plaintiff in error, *v.* The Inhabitants of the City of Trenton. In error to the court of errors and appeals of the State of New Jersey. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brown.

No. 183. The Connecticut Mutual Life Insurance Company, plaintiff in error, *v.* Linda Y. Spratley. In error to the supreme court of the State of Tennessee. Judgment affirmed with costs and interest. Opinion by Mr. Justice Peckham. Announced by Mr. Chief Justice Fuller. (Mr. Justice Harlan took no part in the decision of this case.)

The Chief Justice announced the following orders of the court:

No. 17. Frances Rebecca Hamilton, plaintiff in error, *v.* Grace Abbie B. Rathbone. Restored to the docket for reargument before a full bench,

and the attention of counsel particularly directed to the question of the effect of the Revised Statutes on previous legislation.

No. 94. James L. Utter et al., appellants, *v.* B. J. Franklin, governor, et al. Motion to enter judgment of this court nunc pro tunc as of a date prior to November 18, 1897, postponed until notice thereof is given to appellees.

No. 332. The Florida Central and Peninsular Railroad Company, plaintiff in error, *v.* William J. Bell et al. Motions to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 661. Richard F. Caffrey, as county clerk, etc., plaintiff in error, *v.* The Territory of Oklahoma ex rel. Harper S. Cunningham, attorney-general. Motion for leave to give a supersedeas bond postponed until the transcript of the record is printed.

No. 681. The Chicago, Rock Island and Pacific Railway Company, petitioner, *v.* The St. Joseph Union Depot Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 687. William Henry Saville, claimant, etc., petitioner, *v.* The American Sugar Refining Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 689. Li Sing, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 691. The American National Bank of Denver, petitioner, *v.* The Northwestern Mutual Life Insurance Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 697. The United States, appellant, *v.* The New York Indians. Motion for additional findings of fact. Submitted by Mr. Solicitor-General Richards for the appellant, with leave to Mr. Guion Miller for the appellees to file brief in opposition to motion on or before the 10th day of February next.

No. 690. William Pelzer, petitioner, *v.* Horn & Brannen Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit. Submitted by Mr. Philip Mauro in behalf of Mr. Richard N. Dyer in support of petition, and by Mr. H. T. Fenton in opposition thereto.

No. 671. Henry R. Eagle, petitioner, *v.* Pillsbury-Washburn Flour Mills Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit. Submitted by Mr. C. W. Needham in behalf of Mr. Edward O. Brown in support of petition, and by Mr. Frank F. Reed in opposition thereto.

No. 694. George Hibberd et al., petitioners, *v.* The Baltimore Building and Loan Association. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit. Submitted by Mr. Henry M. Russell in support of petition, with leave to Mr. Fielder C. Slingluff to file brief in opposition within ten days.

No. 699. Carnegie Steel Company (Limited), petitioner, *v.* The Chesapeake, Ohio and Southwestern Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit. Submitted by Mr. Alexander Pope Humphrey and Mr. George M. Davie in support of petition, and by Mr. E. F. Trabue, Mr. James Fentriss, Mr. A. H. Joline and Mr. J. S. Pirtle in opposition thereto.

Nos. 453, 449, 450, 451, 452, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 438, 447, 467, 578, 643, 644, 645, 646, 647 and 648. The Choctaw Nation, appellant, *v.* F. R. Robinson et al. Advanced and assigned for argument as one case on the 20th of February next after the cases already set down for that day. On motion of Mr. J. M. Wilson for the Choctaw Nation.

No. 445. Mrs. Jestern Castoe et al., appellants, *v.* S. H. Mayes, principal chief, etc.;

No. 446. Robert H. Anderson et al., appellants, *v.* S. H. Mayes, principal chief, etc.; and

No. 527. George F. Peery et al., appellants, *v.* The Chickasaw Nation. Motions to advance granted and cases assigned for argument on the 20th of February next after the cases already set down for that day.

No. 654. The United States, appellant, *v.* Henry I. Hayden. Appeal from the Court of Claims. Dismissed on motion of Mr. Solicitor-General Richards for the appellant.

No. 342. The Milburn Gin and Machine Company et al., plaintiffs in error, *v.* The German Bank. Motions to dismiss or affirm. Submitted by Mr. L. Lehman and Mr. C.W. Metcalf in support of motions, and by Mr. William M. Randolph in opposition thereto.

No. 640. The City of New Orleans, petitioner, *v.* John G. Warner. Motion to advance. Submitted by Mr. William Grant for the respondent.

No. 402. S. H. H. Clark et al., receivers, plaintiffs in error, *v.* The City of Kansas City, Kans., et al. Mandate granted on motion of Mr. Frederic D. McKenney in behalf of counsel.

No. 367. John W. Blythe et al., appellants, *v.* Florence Blythe Hinckley. Motions to dismiss or affirm. Submitted by Mr. Frederic D. McKenney, Mr. William H. H. Hart, Mr. John Garber and Mr. Robert Y. Hayne in support of motions, and by Mr. S. W. Holladay, Mr. E. B. Holladay, Mr. Jeff Chandler and Mr. L. D. McKisick in opposition thereto.

No. 673. D. Albert Hiller et al., petitioners, *v.* Caroline A. Ladd et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit. Submitted by Mr. A. B. Browne, Mr. A. T. Britton and Mr. P. G. Galpin in support of petition, and by Mr. C. E. S. Wood and Mr. C. A. Dolph in opposition thereto.

No. 654. The United States, appellant, *v.* Henry I. Hayden. Mandate granted on motion of Mr. Charles C. Lancaster for the appellee.

No. 676. Robert R. Rhodes et al., petitioners, *v.* Lucius P. Mason et al.; and

No. 693. The Interlake Transportation Company et al., petitioners, *v.* Lucius P. Mason et al. Petitions for writs 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 in support of petition in No. 676 and by Mr. H. H. McKeehan and Mr. James H. Hoyt in support of petition in No. 693, and by Mr. C. E. Kremer in opposition to both petitions.

No. 303. Charles E. Pope, receiver, etc., appellant, *v.* The Louisville, New Albany and Chicago Railway Company. Motion to dismiss. Submitted by Mr. G. W. Kretzinger, Mr. H. W. Blodgett and Mr. E. C. Field in support of motion, and by Mr. John S. Miller in opposition thereto.

Adjourned until Monday, February 20, at 12 o'clock.

The day call for Monday, February 20, will be as follows: Nos. 189, 4, 581, 448, 423 (and 58 other cases known as Cherokee cases), 148 (and 22 other cases known as Kentucky Bank Tax cases), 27, 124, 453 (and 24 other cases known as Choctaw cases), 445, 446 and 527.

SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 20, 1899.

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.

David F. Pugh of Columbus, Ohio; George K. Nash of Columbus, Ohio; Asa W. Waters of Philadelphia, Pa.; Talfourd P. Linn of Columbus, Ohio; William C. Strohm of Sheridan, Wyo.; John H. Perry of Southport, Conn.; James J. McLoughlin of New Orleans, La.; W. H. Julian of Frankfort, Ky.; H. G. M. Robertson of Honolulu, Hawaiian Islands; Joseph F. Gould of Old Town, Me.; Milton M. Edmiston of Vinita, Ind. T.; W. McD. Shaw of Covington, Ky.; Frank Chinn of Frankfort, Ky.; C. C. Potter of Gainesville, Tex.; J. C. Thompson of Ardmore, Ind. T.; John F. Kinney of Rochester, N. Y.; Duncan Upshur Fletcher of Jacksonville, Fla.; George A. Prevost of Washington, D. C., and Charles Hartzell of Denver, Colo., were admitted to practice.

No. 142. Robert G. Wilson, plaintiff in error, *v.* Eureka City. In error to the supreme court of the State of Utah. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 140. The Henrietta Mining and Milling Company, appellant, *v.* James I. Gardner. Appeal from the supreme court of the Territory of Arizona. Decree reversed with costs, and cause remanded for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice McKenna.

No. 393. The United States, appellant, *v.* Anthony F. Navarre et al. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. 252. John W. Collier, administrator, etc., appellant, *v.* The United States, et al. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice White.

No. 180. Calvin A. Calhoun, appellant, *v.* Oscar H. Violet. Appeal from the supreme court of the Territory of Oklahoma. Decree affirmed with costs. Opinion by Mr. Justice White.

No. 145. The Central Loan and Trust Company, plaintiff in error and appellant, *v.* The Campbell Commission Company. In error to and appeal from the supreme court of the Territory of Oklahoma. Judgment reversed with costs, and cause remanded for further proceedings to be had therein in conformity with the opinion of this court. Opinion by Mr. Justice White.

No. 192. The Sioux City Terminal Railroad and Warehouse Company et al., petitioners, *v.* The Trust Company of North America. On writ of certiorari to the United States circuit court of appeals for the eighth circuit. Decrees of the circuit court of the United States for the northern district of Iowa and of the United States circuit court of appeals affirmed with costs, and cause remanded to the said circuit court. Opinion by Mr. Justice White.

No. 14. The Green Bay and Mississippi Canal Company, plaintiff in error, *v.* The Patten Paper Company, Limited, et al. Petition for a rehearing denied. Opinion by Mr. Justice Shiras.

No. 109. Edwin A. McIntire et al., appellants, *v.* Mary C. Pryor. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 123. John A. Lomax, plaintiff in error, *v.* Aquila H. Pickering. In error to the supreme court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Brown.

No. 174. Frank H. Pierce, petitioner, *v.* The Tennessee Coal, Iron and Railroad Company. On writ of certiorari to the United States circuit court of appeals for the fifth circuit. Judgment of said United States circuit court of appeals and of the circuit court of the United States for the northern district of Alabama reversed with costs, and cause remanded to the said circuit court for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Gray.

No. 198. Blanche K. Towson et al., appellants, *v.* Christiana V. Moore et al. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Gray.

No. 95. The Lake Shore and Michigan Southern Railway Company, plaintiff in error, *v.* The State of Ohio ex rel. George L. Lawrence. In error to the supreme court of the State of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Shiras, Mr. Justice Brewer, Mr. Justice White and Mr. Justice Peckham.

No. 177. The Board of County Commissioners of the County of Lake, Colo., petitioner, *v.* Harry H. Dudley. On writ of certiorari to the United States circuit court of appeals for the eighth circuit. Judgment of the United States circuit court of appeals and of the circuit court of the

United States for the district of Colorado reversed with costs, and cause remanded. Opinion by Mr. Justice Harlan.

No. 178. The Board of County Commissioners of the County of Gunnison, Colo., petitioner, *v.* E. H. Rollins & Sons. On writ of certiorari to the United States circuit court of appeals for the eighth circuit Judgment of the United States circuit court of appeals and of the circuit court of the United States for the district of Colorado reversed with costs, and cause remanded. Opinion by Mr. Justice Harlan.

No. 152. The City of Covington, 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. 222. The Texas and Pacific Railway Company, plaintiff in error, *v.* John Henry Clayton et al. 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 southern district of New York. Opinion by Mr. Justice Harlan.

No. 129. The Baltimore and Ohio Railroad Company, plaintiff in error, *v.* David Joy, administrator, etc. 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 Harlan.

No. 119. M. J. Nugent, superintendent, etc., appellant, *v.* The State of Arizona Improvement Company. Appeal from the supreme court of the Territory of Arizona. Decree reversed with costs, and cause remanded, with directions to remand the case to the district court for such further proceedings as may be consistent with the opinion of this court and with law. Opinion by Mr. Justice Harlan.

No. 153. J. K. Mullen et al., plaintiffs in error, *v.* The Western Union Beef Company. In error to the court of appeals of the State of Colorado. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 197. Frederick Bausman, as receiver, etc., plaintiff in error, *v.* Samuel Dixon. In error to the supreme court of the State of Washington. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 218. Robert Dunlap, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham and Mr. Justice McKenna.

Nos. 54 and 55. T. B. Merrill, as receiver, etc., appellant, *v.* The National Bank of Jacksonville. Appeals from the United States circuit

court of appeals for the fifth circuit. Decree affirmed with costs, and causes remanded to the circuit court of the United States for the southern district of Florida. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice White, Mr. Justice Harlan, Mr. Justice Gray and Mr. Justice McKenna.

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

No. 209. Frank M. Rider et al., plaintiffs in error, *v.* The United States. Restored to the docket for reargument.

No. 107 of December term, 1867. Le More & Co. *v.* The United States. In compliance with the request of the Court of Claims, the clerk is directed to deliver the transcript in this case to the clerk of the Court of Claims for safe custody, to be returned with all convenient speed.

No. 640. The City of New Orleans, petitioner, *v.* John G. Warner. Motion to advance granted, and cause assigned for argument on Monday, March 13, next.

The Chief Justice also announced that the court would not sit on Wednesday, the 22d instant.

No. 697. The United States, appellant, *v.* The New York Indians. Leave granted to file reply brief herein on motion of Mr. Solicitor-General Richards for the appellant.

No. 720. The Moffett, Hodgkins & Clarke Company, petitioner, *v.* The City of Rochester et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit. Submitted by Mr. Thomas H. Carter in support of petition, and by Mr. John F. Kinnie in opposition thereto.

No. 448. Marcus A. Spurr, petitioner, *v.* The United States. Reassigned for argument on Monday, March 13, next, after the case already set down for that day, on motion of Mr. A. H. Horton for the petitioner.

No. 340. Stanton Warburton, plaintiff in error, *v.* Matilda B. White et al. Motions to dismiss or affirm submitted by Mr. James Hamilton Lewis in support of motion, and by Mr. Frederic D. McKinney and Mr. S. Warburton in opposition thereto.

No. 581. David Brown, appellant, *v.* Cornelius N. Bliss, Secretary of the Interior. Leave granted to file a petition herein for the substitution of E. A. Hitchcock in the place of Cornelius N. Bliss as appellee herein on motion of Mr. W. B. Treadwell for the appellant.

No. 711. The Great Southern Fireproof Hotel Company, petitioner, *v.* Benjamin F. Jones et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit. Submitted by Mr. D. F. Pugh in support of petition, and by Mr. T. P. Linn and Mr. George K. Nash in opposition thereto.

No. 642. J. M. Turner et al., plaintiffs in error, *v.* The Board of Commissioners of Wilkes County et al. Motion to advance submitted by Mr. A. C. Avery for the defendants in error. Motions to dismiss or affirm submitted by Mr. A. C. Avery in support of motions, and by Mr. Richard N. Hackett in opposition thereto.

No. 664. William Yerke, appellant, *v.* The United States et al. Submitted by Mr. T. H. N. McPherson for the appellant, and by Mr. Assistant Attorney-General Thompson for the appellees.

No. —, Original. *Ex parte:* In the matter of Henry Ward, petitioner. Motion for leave to file petition for a writ of habeas corpus submitted by Mr. W. Wright, jr., for the petitioner.

No. 669. Citizens' Savings Bank of Owensboro, plaintiff in error, *v.* The City of Owensboro et al. Advanced to be heard with No. 148, etc., as one case on motion of Mr. Chapeze Wathen for the defendants in error.

No. 393. The United States, appellant, *v.* Anthony F. Navarre et al. Mandate granted on motion of Mr. J. H. McGowan for the appellees.

No. 697. The United States, appellant, *v.* The New York Indians. Motions to dismiss or affirm submitted by Mr. Guion Miller and Mr. J. H. McGowan in support of motions, and by Mr. Assistant Attorney-General Pradt and Mr. C. C. Binney in opposition thereto.

No. 705. George L'hote et al., plaintiffs in error, *v.* The City of New Orleans. Motions to dismiss or affirm submitted by Mr. J. J. McLoughlin, Mr. Samuel L. Gilmore and Mr. Branch K. Miller in support of motions.

No. 496. The Chickasaw Nation, appellant, *v.* Richard C. Wiggs et al. Motion to dismiss submitted by Mr. C. C. Potter in support of motion, and by Mr. H. E. Paine in opposition thereto, with leave to Mr. Holmes Conrad to file brief in opposition within three days.

No. 684. Clarence H. Venner, etc., petitioner, *v.* The Farmers' Loan and Trust Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit. Submitted by Mr. Frederic D. McKenney in behalf of Mr. Alfred Russell in support of petition, and by Mr. F. B. Van Vorst in opposition thereto.

No. 685. The Adrian Water Works Company, petitioner, *v.* The Farmers' Loan and Trust Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit. Submitted by Mr. Frederic D. McKenney in behalf of Mr. Andrew Howell in support of petition, and by Mr. F. B. Van Vorst in opposition thereto.

No. 221. Duluth and Iron Range Railroad Company, plaintiff in error, *v.* Joseph Roy. Leave granted to Mr. J. K. Redington to withdraw his appearance herein for the plaintiff in error.

No. 467. Jack Amos et al., appellants, *v.* The Choctaw Nation. Appeal from the United States court in the Indian Territory. Dismissed with costs on motion of Mr. W. T. Hutchings for the appellants.

No. 44. Standard Elevator Company et al., appellants, *v.* Crane Elevator Company et al. On writ of certiorari to the United States circuit court of appeals for the seventh circuit. Dismissed with costs on motion of counsel for the appellants.

No. 4. The Mayor, Aldermen, and Commonalty of the City of New York et al., appellants, *v.* Robert W. Workman. Passed subject to the provisions of section 9, rule 26, per stipulation.

No. 189. La Abra Silver Mining Company, appellant, *v.* The United States. One hour and a half additional time allowed each side in the argument of this case on motion of Mr. J. M. Wilson for the appellant. Argument commenced by Mr. J. M. Wilson for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, February 21, will be as follows: Nos. 189, 581, 423, 148, etc., 356, etc., 27, 124, 453, etc., 445 (and 446) and 527.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, FEBRUARY 21, 1899.

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.

Samuel C. Mount, Samuel Evans Maires and Frederick W. Mount of New York City were admitted to practice.

No. 189. *La Abra Silver Mining Company*, appellant, *v.* The United States. Argument continued by Mr. William A. Maury for the appellee, and by Mr. Crammond Kennedy for the appellant.

Adjourned until Thursday at 12 o'clock.

The day call for Thursday, February 23, will be as follows: Nos. 189, 581, 423, 148, etc., 356, etc., 27, 124, 453, etc., 445 (and 446) and 527.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, FEBRUARY 23, 1899.

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.

George Q. Richmond of Denver, Colo.; W. H. Sears of Lawrence, Kans.; Frank V. Millard of Tarrytown, N. Y.; H. C. Henderson of New York City; Maximus A. Lesser of New York City; Amasa J. Parker of Auburn, N. Y., and W. I. Cruce of Ardmore, Ind. T., were admitted to practice.

No. 581. David Brown, appellant, *v.* Cornelius N. Bliss, Secretary of the Interior. Ordered that cause be revived in the name of E. A. Hitchcock, Secretary of the Interior, as appellee herein, on motion of Mr. W. B. Treadwell for the appellant, and consent of Mr. Assistant Attorney-General Van Devanter for appellee.

No. 473. The Chickasaw Nation, appellant, *v.* William P. Thompson et al.;

No. 477. The Chickasaw Nation, appellant, *v.* Collin J. McKinney et al.;

No. 478. The Chickasaw Nation, appellant, *v.* Edward H. Bounds et al.;

No. 479. The Chickasaw Nation, appellant, *v.* Oliver Lee King et al.;

No. 480. The Chickasaw Nation, appellant, *v.* J. C. Washington et al.;

No. 481. The Chickasaw Nation, appellant, *v.* John M. Fitzhugh et al.;

No. 482. The Chickasaw Nation, appellant, *v.* Charles L. Jones et al.;

No. 483. The Chickasaw Nation, appellant, *v.* J. B. Sparks et al.;

No. 488. The Chickasaw Nation, appellant, *v.* G. M. D. Holford et al.;

No. 491. The Chickasaw Nation, appellant, *v.* James Doak et al.;

No. 492. The Chickasaw Nation, appellant, *v.* C. C. Passmore;

No. 496. The Chickasaw Nation, appellant, *v.* Richard C. Wiggs et al.;

No. 497. The Chickasaw Nation, appellant, *v.* John L. Woody, sr., et al.;

No. 500. The Chickasaw Nation, appellant, *v.* Frank Standifer;

No. 523. The Chickasaw Nation, appellant, *v.* John Sartin et al.; and

No. 524. The Chickasaw Nation, appellant, *v.* N. B. Woolsey et al. Submitted by Mr. H. E. Paine and Mr. Holmes Conrad for the appellants, and by Mr. C. C. Potter for the appellees.

No. 189. La Abra Silver Mining Company, appellant, *v.* The United States. Argument concluded by Mr. Crammond Kennedy for the appellant.

No. 581. David Brown, appellant, *v.* E. A. Hitchcock, Secretary of the Interior. Argument commenced by Mr. W. B. Treadwell for the appellant, and continued by Mr. Assistant Attorney-General Van Devanter for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, February 24, will be as follows: Nos. 581, 423, 148, etc., 356, etc., 27, 124, 453, etc., 445 (and 446) and 527.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, FEBRUARY 24, 1899.

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. 581. David Brown, appellant, *v.* E. A. Hitchcock, Secretary of Interior. Argument continued by Mr. Assistant Attorney-General Van Devanter for the appellee, and concluded by Mr. W. B. Treadwell for the appellant.

Nos. 423, 445, 446, 460, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 592, 593, 598, 599, 600, 601, 608, 609, 612, 613, 614, 615, 616, 617, 618 and 619. William Stephens et al., appellants, *v.* The Cherokee Nation. Argument commenced by Mr. S. M. Porter for the appellants in Nos. 445 and 446, and continued by Mr. W. T. Hutchings for the Cherokee Nation.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, February 27, will be as follows: Nos. 423, etc., 148, etc., 356, etc., 27, 124, 453, etc., and 527.



SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 27, 1899.

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.

Josiah A. Van Orsdel of Cheyenne, Wyo.; Antonio Knauth of New York, N. Y.; Leo Rassicius of St. Louis, Mo.; E. Elmer Mitchell of Washington, D. C.; James Brizzolara of Fort Smith, Ark.; M. C. Sloss of San Francisco, Cal., and Joseph G. Ralls of Atoka, Ind. T., were admitted to practice.

No. 122. C. P. Dewey, plaintiff in error, *v.* The City of Des Moines et al. In error to the supreme court of the State of Iowa. Judgment reversed with costs, and cause remanded for further proceedings to be had therein not inconsistent with the opinion of this court. Opinion by Mr. Justice Peckham.

No. 137. The First National Bank of Wellington, Ohio, plaintiff in error, *v.* H. P. Chapman, as treasurer of Lorain County, Ohio. In error to the supreme court of the State of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice Peckham.

No. 353. The State of Ohio, appellant, *v.* J. B. Thomas. Appeal from the United States circuit court of appeals for the sixth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the southern district of Ohio. Opinion by Mr. Justice Peckham. (The Chief Justice took no part in the consideration or decision of this case.)

No. 139. The Henrietta Mining and Milling Company, appellant, *v.* Henry Johnson. Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs and interest. Opinion by Mr. Justice Brown.

No. 138. The Henrietta Mining and Milling Company, appellant, *v.* Samuel Hill. Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs and interest. Opinion by Mr. Justice Brown.

No. 59. The United States, plaintiff in error, *v. Jesse Johnson*. On a certificate from the United States circuit court of appeals for the second circuit. First question certified answered in the negative. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Shiras and Mr. Justice Peckham.

No. 343. The City of New Orleans, plaintiff in error, *v. Mary Quinlan*. In error to the circuit court of the United States for the eastern district of Louisiana. Judgment affirmed with costs and interest. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court:

No. 335. Annie R. Kean, plaintiff in error, *v. Edward Roby et al.* Motion to dismiss postponed to the hearing on the merits.

No. 671. Henry R. Eagle, petitioner, *v. Pillsbury-Washburn Flour Mills Company, Limited, et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 673. D. Albert Hiller et al., petitioners, *v. Caroline A. Ladd et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 676. Robert R. Rhodes et al., petitioners, *v. Lucius P. Mason et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 693. The Interlake Transportation Company et al., petitioners, *v. Lucius P. Mason et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 690. William Pelzer, petitioner, *v. Horn and Brannen Manufacturing Company*. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit granted.

No. 694. George Heberd et al., petitioners, *v. The Baltimore Building and Loan Association*. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 699. The Carnegie Steel Company, Limited, petitioner, *v. The Chesapeake, Ohio and Southwestern Railroad Company et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 340. Stanton Warburton, plaintiff in error, *v. Matilda B. White et al.* Motions to dismiss or affirm postponed for want of printed record.

No. 684. Clarence H. Venner, petitioner, *v. The Farmers' Loan and Trust Company*. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 685. The Adrian Waterworks Company, petitioner, *v. The Farmers' Loan and Trust Company*. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 705. George L'hote et al., plaintiffs in error, *v.* The City of New Orleans. Motions to dismiss or affirm postponed to the hearing on the merits.

No. 711. The Great Southern Fireproof Hotel Company, petitioner, *v.* Benjamin F. Jones et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit granted.

No. 720. Moffett, Hodgkins & Clarke Company, petitioner, *v.* The City of Rochester et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 423. William Stephens et al., appellants, *v.* The Cherokee Nation. Ordered that Mr. Wilkinson Call and Mr. A. W. Cockrill be allowed to file brief herein and in other cases in behalf of the Cherokee Nation, and that Mr. Call be allowed one-half hour in which to make oral argument.

No. 342. The Milburn Gin and Machine Company et al., plaintiffs in error, *v.* The German Bank. In error to the supreme court of the State of Tennessee. Dismissed on the authority of *Eustis v. Bolles*, 150 U. S., 361; *Missouri Pacific Railway Company v. Fitzgerald*, 160 U. S., 556; *Egan v. Hart*, 165 U. S., 188, and other cases.

No. 121. The Northern Pacific Railroad Company, plaintiff in error, *v.* Neptune Lynch, sr. In error to the United States circuit court of appeals for the ninth circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the district of Montana.

Order. The reporter having represented that owing to the number of decisions at the term it will be impracticable to put the reports in one volume, it is, therefore, now here ordered that he publish an additional volume in this year, pursuant to section 681 of the Revised Statutes.

No. 372. The Steamer Pedro, etc., appellant, *v.* The United States. Leave granted to the United States to withdraw certain original exhibits herein upon giving proper receipt therefor, on motion of Mr. Solicitor-General Richards for the appellee, and consent of counsel for appellant.

No. 423. William Stephens, et al., appellants, *v.* The Cherokee Nation. Leave granted to Solicitor-General Richards to file briefs herein on behalf of the United States within ten days, and to counsel for the parties to reply thereto within five days thereafter.

No. 396. The Chicago, Milwaukee and St. Paul Railway Company, appellant, *v.* William H. Tompkins et al., etc. Motion to advance submitted by Mr. T. H. Null for the appellees.

No. 627. The United States ex rel. John H. Adrians, petitioner, *v.* Richard H. Alvey, Chief Justice, et al. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. William A. Meloy for the petitioner.

No. 712. Emilie Saxlehner, petitioner, *v.* Eisner & Mendelson Company ;
 No. 713. Emilie Saxlehner, petitioner, *v.* Siegel-Cooper Company ;
 No. 714. Emilie Saxlehner, petitioner, *v.* Rudolph Gies ;
 No. 715. Emilie Saxlehner, petitioner, *v.* Louis Marquet ;
 No. 716. Emilie Saxlehner, petitioner, *v.* Alexander Nielsen. Petitions for writs of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Antonio Knauth, Mr. Arthur V. Briesen and Mr. Joseph H. Choate in support of petitions, and by Mr. Edmund Wetmore and Mr. Charles G. Coe in opposition thereto.

No. 607. The Minneapolis and St. Louis Railway Company et al., plaintiffs in error, *v.* Henry A. Gardner. Motions to dismiss or affirm submitted by Mr. F. W. M. Cutcheon in support of motions, and by Mr. Albert E. Clarke in opposition thereto.

Nos. 423, 445, 446, 460, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 592, 593, 598, 599, 600, 601, 608, 609, 612, 613, 614, 615, 616, 617, 618 and 619. William Stephens et al., appellants, *v.* The Cherokee Nation. Argument continued by Mr. W. T. Hutchings and Mr. Wilkinson Call for the Cherokee Nation, and concluded by Mr. Heber J. May for Stephens et al.

No. 436. J. O. Cobb et al., appellants and plaintiffs in error and appellants, *v.* The Cherokee Nation ;

No. 459. Robert H. Bell et al., appellants, *v.* The Cherokee Nation ;
 No. 464. Juleta Jordan et al., appellants, *v.* The Cherokee Nation ;
 No. 465. Samuel C. Ward et al., appellants, *v.* The Cherokee Nation ;
 No. 538. Delilah Tulk et al., appellants, *v.* The Cherokee Nation ;
 No. 579. Martha J. Wade et al., appellants, *v.* The Cherokee Nation ;
 No. 457. The Cherokee Nation, appellant, *v.* Annie Parker et al. ;
 and

No. 458. The Cherokee Nation, appellant, *v.* Eliza Gilliam et al. Advanced and submitted, with leave to counsel for appellants in Nos. 436, 459, 464, 465, 538 and 579, and for appellees in Nos. 457 and 458 to file briefs within twenty days.

No. 148. Owensboro National Bank, plaintiff in error, *v.* City of Owensboro et al. ;

No. 149. Deposit Bank of Owensboro, plaintiff in error, *v.* City of Owensboro et al. ;

No. 150. Deposit Bank of Owensboro, plaintiff in error, *v.* Daviess County et al. ;

No. 151. Farmers and Traders' Bank of Owensboro, plaintiff in error, *v.* City of Owensboro et al. ; and

No. 669. Citizens' Savings Bank of Owensboro, plaintiff in error, v. City of Owensboro et al. Argument commenced by Mr. W. T. Ellis for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, February 28, will be as follows: Nos. 148, etc., 356, etc., 27, 124, 453, etc., 527, 182, 206, 136 and 162.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, FEBRUARY 28, 1899.

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 E. Doolittle of San Diego, Cal., was admitted to practice.

No. 669. Citizens' Savings Bank of Owensboro, plaintiff in error, *v.* City of Owensboro et al. Leave granted to both sides to file briefs herein within ten days, on motion of Mr. W. T. Ellis for the plaintiff in error.

No. 148. Owensboro National Bank, plaintiff in error, *v.* City of Owensboro et al. ;

No. 149. Deposit Bank of Owensboro, plaintiff in error, *v.* City of Owensboro et al. ;

No. 150. Deposit Bank of Owensboro, plaintiff in error, *v.* Daviess County et al. ;

No. 151. Farmers and Traders' Bank of Owensboro, Ky., plaintiff in error, *v.* City of Owensboro et al. ; and

No. 669. Citizens' Savings Bank of Owensboro, plaintiff in error, *v.* City of Owensboro et al. Argument continued by Mr. W. T. Ellis for plaintiff in error, by Mr. Chapeze Wathen for the defendants in error, and concluded by Mr. J. D. Atchison for the defendants in error.

No. 634. The First National Bank of Louisville, appellant, *v.* Samuel H. Stone, auditor, etc., et al. ; and

No. 635. The First National Bank of Louisville, appellant, *v.* The City of Louisville. Advanced and assigned for argument with No. 356 and other cases, on motion of Mr. Ira Julian of counsel.

No. 356. Samuel H. Stone, auditor, etc., et al., appellants, *v.* Bank of Kentucky ;

No. 357. City of Louisville, appellant, *v.* Bank of Kentucky ;

No. 358. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Bank of Louisville ;

No. 359. City of Louisville, appellant, *v.* Bank of Louisville ;

No. 360. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Louisville Banking Company;

No. 361. City of Louisville, appellant, *v.* The Louisville Banking Company;

No. 362. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Bank of Commerce;

No. 363. City of Louisville, appellant, *v.* Bank of Commerce;

No. 364. City of Louisville, appellant, *v.* The Third National Bank;

No. 365. City of Louisville, appellant, *v.* Citizens' National Bank;

No. 385. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Farmers' Bank of Kentucky;

No. 386. The Farmers' Bank of Kentucky, appellant, *v.* Samuel H. Stone, auditor, etc., et al.;

No. 387. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Deposit Bank of Frankfort;

No. 404. The Third National Bank of Louisville, appellant, *v.* Samuel H. Stone, auditor, etc., et al.;

No. 405. The Citizens' National Bank, appellant, *v.* Samuel H. Stone, auditor, etc., et al.;

No. 406. The Fidelity Trust and Safety Vault Company, appellant, *v.* The City of Louisville;

No. 407. The Fidelity Trust and Safety Vault Company, appellant, *v.* Samuel H. Stone, auditor, etc., et al.;

No. 408. The Louisville Trust Company, appellant, *v.* The City of Louisville; and

No. 409. The Louisville Trust Company, appellant, *v.* Samuel H. Stone, auditor, etc., et al.;

No. 634. The First National Bank of Louisville, appellant, *v.* Samuel H. Stone, auditor, etc., et al.; and

No. 635. The First National Bank of Louisville, appellant, *v.* The City of Louisville. Argument commenced by Mr. Ira Julian for the City of Georgetown and Scott County, Ky.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 1, will be as follows: Nos. 356, etc., 27, 124, 453, etc., 527, 182, 206, 136, 162, and 212.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 1, 1899.

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.

The Chief Justice: It is with sincere sorrow that I announce to the members of the bar the sudden death of Baron Herschell, former Lord Chancellor of England, information of which has just been received by the court with deep sensibility.

Lord Herschell had been some months in this country in a public and international capacity, and but a few days have elapsed since he sat with us here, a compliment which has been extended only once previously in the instance of the then Lord Chief Justice of England.

In view of the cordial relations between Lord Herschell and the members of this court, his great distinction in our common profession and on the bench, and his unexpected death while absent from home in the discharge of high public duty, we feel called upon to take notice of this sad event, and as a mark of respect to his memory the court will adjourn until to-morrow at the usual hour.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 2, will be as follows: Nos. 356, etc., 27, 124, 453, etc., 527, 182, 206, 136, 162 and 212.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 2, 1899.

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 W. Douglas of Xenia, Ohio; Edward T. Noonan of Chicago, Ill., and Jacob J. Kern of Chicago, Ill., were admitted to practice.

No. 356. Samuel H. Stone, auditor, etc., et al., appellants, *v.* Bank of Kentucky;

No. 357. City of Louisville, appellant, *v.* Bank of Kentucky;

No. 358. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Bank of Louisville;

No. 359. City of Louisville, appellant, *v.* Bank of Louisville;

No. 360. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Louisville Banking Company;

No. 361. City of Louisville, appellant, *v.* The Louisville Banking Company;

No. 362. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Bank of Commerce;

No. 363. City of Louisville, appellant, *v.* Bank of Commerce;

No. 364. City of Louisville, appellant, *v.* The Third National Bank;

No. 365. City of Louisville, appellant, *v.* Citizens' National Bank;

No. 385. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Farmers' Bank of Kentucky;

No. 386. The Farmers' Bank of Kentucky, appellant, *v.* Samuel H. Stone, auditor, etc., et al.;

No. 387. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Deposit Bank of Frankfort;

No. 404. The Third National Bank of Louisville, appellant, *v.* Samuel H. Stone, auditor, etc., et al.;

No. 405. The Citizens' National Bank, appellant, *v.* Samuel H. Stone, auditor, etc., et al.;

No. 406. The Fidelity Trust and Safety Vault Company, appellant, *v.* The City of Louisville;

No. 407. The Fidelity Trust and Safety Vault Company, appellant, *v.* Samuel H. Stone, auditor, etc., et al.;

No. 408. The Louisville Trust Company, appellant, *v.* The City of Louisville; and

No. 409. The Louisville Trust Company, appellant, *v.* Samuel H. Stone, auditor, etc., et al.;

No. 634. The First National Bank of Louisville, appellant, *v.* Samuel H. Stone, auditor, etc., et al.; and

No. 635. The First National Bank of Louisville, appellant, *v.* The City of Louisville. Leave granted to four counsel to be heard for the banks, on motion of Mr. Alexander Pope Humphrey, of counsel for the banks. Argument continued by Mr. Ira Julian for the City of Georgetown et al.; by Mr. Alexander Pope Humphrey, Mr. Frank Chinn, Mr. James P. Helm and Mr. John W. Rodman for the banks, and by Mr. Henry L. Stone for the City of Louisville et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 3, will be as follows: Nos. 356, etc., 27, 124, 453, etc., 527, 182, 206, 136, 162 and 212.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 3, 1899.

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.

Walter F. Angell of Providence, R. I., and Thomas Bryan Huyck of Washington, D. C., were admitted to practice.

No. 627. The United States *ex rel.* John H. Adrians, petitioner, *v.* Richard H. Alvey, chief justice, etc., et al. Leave granted to file brief in opposition to petition for writ of certiorari herein on motion of Mr. Solicitor-General Richards for respondents.

No. 485. The Chickasaw Nation, appellant, *v.* T. D. Arnold et al. Motion to advance this case and Nos. 472, 469, 471, 475, 476, 484, 486, 487, 489, 490, 493, 494, 495, 498, 499, 502, 505, 506, 508, 509, 510, 512, 516, 517, 518, 519, 520, 521, 522, 525, 526, 530, 531, 532, 533, 536, 449, 583, 584, 586, 588 and 589, and that appellants be required to print transcripts of records. Submitted by Mr. C. L. Herbert in support of motion, with leave to Mr. H. E. Paine to file brief in opposition on or before Monday next, and to Mr. C. L. Herbert to reply thereto *instanter*.

No. 356. Samuel H. Stone, auditor, etc., et al., appellants, *v.* Bank of Kentucky;

No. 357. City of Louisville, appellant, *v.* Bank of Kentucky;

No. 358. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Bank of Louisville;

No. 359. City of Louisville, appellant, *v.* Bank of Louisville;

No. 360. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Louisville Banking Company;

No. 361. City of Louisville, appellant, *v.* The Louisville Banking Company;

No. 362. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Bank of Commerce;

No. 363. City of Louisville, appellant, *v.* Bank of Commerce;

No. 364. City of Louisville, appellant, *v.* The Third National Bank;

No. 365. City of Louisville, appellant, *v.* Citizens' National Bank;

No. 385. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Farmers' Bank of Kentucky;

No. 386. The Farmers' Bank of Kentucky, appellant, *v.* Samuel H. Stone, auditor, etc., et al.;

No. 387. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Deposit Bank of Frankfort;

No. 404. The Third National Bank of Louisville, appellant, *v.* Samuel H. Stone, auditor, etc., et al.;

No. 405. The Citizens' National Bank, appellant, *v.* Samuel H. Stone, auditor, etc., et al.;

No. 406. The Fidelity Trust and Safety Vault Company, appellant, *v.* The City of Louisville;

No. 407. The Fidelity Trust and Safety Vault Company, appellant, *v.* Samuel H. Stone, auditor, etc., et al.;

No. 408. The Louisville Trust Company, appellant, *v.* The City of Louisville; and

No. 409. The Louisville Trust Company, appellant, *v.* Samuel H. Stone, auditor, etc., et al.;

No. 634. The First National Bank of Louisville, appellant, *v.* Samuel H. Stone, auditor, etc., et al.; and

No. 635. The First National Bank of Louisville, appellant, *v.* The City of Louisville. Argument concluded by Mr. H. L. Stone for the City of Louisville et al.

No. 124. Oliver Wendell Holmes, jr., as ancillary executor, etc., appellant, *v.* George D. Hurst. Reargued by Mr. Rowland Cox for the appellant, and by Mr. Andrew Gilhooly for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 6, will be as follows: Nos. 27, 453, etc., 527, 182, 206, 136, 162, 212, 216 and 221.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 6, 1899.

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.

Edgar D. Crumpecker of Valparaiso, Ind.; William D. Williams of Minersville, Pa.; William Bernard Jones of Delaware, Ohio; Lowrie C. Barton of Pittsburg, Pa.; Henry C. Smith of Adrian, Mich.; Charles J. Rolfe of Concord, Mass., and David Fraser of Fowler, Ind., were admitted to practice.

No. 79. The United States, appellant, *v.* Andrew J. Matthews et al. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice White. Dissenting: Mr. Justice Harlan and Mr. Justice Peckham.

No. 168. Mrs. Bettie Allen, etc., et al., plaintiffs in error, *v.* Ogden Smith, coexecutor, etc., et al.; and

No. 176. Ogden Smith, individually and as executor, etc., et al., plaintiffs in error, *v.* Mrs. Widow Bettie Allen, etc., et al. In error to the supreme court of the State of Louisiana. Judgment reversed. Costs in this court to be paid by Ogden Smith, individually and as executor, etc., et al., and cause remanded for further proceedings to be had therein in consonance with the opinion of this court. Opinion by Mr. Justice Brown.

No. 105. Rodman M. Price et al., plaintiffs in error, *v.* Anna M. Forrest et al. In error to the court of errors and appeals of the State of New Jersey. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 120. The St. Louis, Iron Mountain and Southern Railway Company, plaintiff in error, *v.* Charles Paul. In error to the supreme court of the State of Arkansas. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

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

No. 396. The Chicago, Milwaukee and St. Paul Railway Company, appellant, *v.* William H. Tompkins et al., as the board of railroad commissioners, etc. Motion to advance granted and cause assigned for argument on the second Monday of the next term (October 16), after the cases already set down for that day.

No. 607. The Minneapolis and St. Louis Railway Company et al., plaintiffs in error, *v.* Henry A. Gardner. Motions to dismiss or affirm postponed to the hearing on the merits.

No. 627. The United States ex rel. John H. Adrians, petitioner, *v.* Richard H. Alvey, chief justice, etc., et al. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 712. Emilie Saxlehner, petitioner, *v.* Eisner & Mendelson Company;

No. 713. Emilie Saxlehner, petitioner, *v.* Siegel-Cooper Company;

No. 714. Emilie Saxlehner, petitioner, *v.* Rudolph Gies;

No. 715. Emilie Saxlehner, petitioner, *v.* Louis Marquet; and

No. 716. Emilie Saxlehner, petitioner, *v.* Alexander Nielson. Petitions for writs of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 169. The Territory of New Mexico, appellant, *v.* The United States Trust Company, of New York, et al. Leave is given to file petition for rehearing, and briefs may be filed within thirty days on the question of the validity of the taxes imposed in Valencia County, due notice of this order to be given.

No. 90. William T. Gilbert, receiver, etc., appellant, *v.* The Washington Beneficial Endowment Association et al. Appeal from the court of appeals of the District of Columbia. Dismissed on the authority of *Lodge v. Twell*, 135 U. S., 232; *McGourkey v. Toledo and Ohio Central Railway Company*, 146 U. S., 536, and cases cited.

No. 159. The German Insurance Company, of Freeport, Ill., plaintiff in error, *v.* The First National Bank, of Boonville, N. Y. In error to the supreme court of the State of Kansas. Dismissed on the authority of *Oxley Stave Company v. Butler County*, 166 U. S., 148; *Louisville and Nashville Railroad Company v. Louisville*, 166 U. S., 709, and other cases.

No. 729. Shirley T. High et al., appellants, *v.* F. E. Coyne, as collector, etc., et al. Motion to advance submitted by Mr. Solicitor-General Richards in behalf of counsel for appellants.

No. 690. William Pelzer, petitioner, *v.* Horn & Brannen Manufacturing Company. Motion to advance submitted by Mr. Philip Mauro in behalf of counsel.

No. 719. The State Bank of Ambia, petitioner, *v.* Chicago Title and Trust Company, as trustee, et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit. Submitted by Mr. Daniel Fraser in support of petition, and by Mr. S. O. Pickens in opposition thereto.

No. 661. Richard F. Caffrey, as county clerk, etc., plaintiff in error, *v.* The Territory of Oklahoma *ex rel.* Harper S. Cunningham, attorney-general. Motion to dismiss submitted by Mr. Harper S. Cunningham in support of motion, and by Mr. James R. Keaton in opposition thereto.

No. 27. Abram W. Hendry et al., appellants, *v.* Ocean Steamship Company. Reargued by Mr. Eugene P. Carver for the appellant, and by Mr. Arthur H. Russell for the appellee.

No. 643. J. W. Caie, appellant, *v.* The Choctaw Nation;

No. 645. Eliza A. Alexander et al., appellants, *v.* The Choctaw Nation;

No. 646. A. F. Willis et al., appellants, *v.* The Choctaw Nation;

No. 647. C. M. Cappedge, appellant, *v.* The Choctaw Nation; and

No. 651. G. P. Phillips et al., appellants, *v.* The Choctaw Nation. Leave granted to counsel to file briefs herein within ten days on motion of Mr. J. M. Wilson for the appellees.

Nos. 453, 449, 450, 451, 452, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 438, 447, 578, 643, 644, 645, 646, 647 and 648. The Choctaw Nation *v.* F. R. Robinson et al. Argument commenced by Mr. J. M. Wilson for the Choctaw Nation.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 7, will be as follows: Nos. 453, etc., 527, 182, 206, 136, 162, 212, 216, 221 and 203.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 7, 1899.

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.

Nos. 453, 449, 450, 451, 452, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 438, 447, 578, 643, 644, 645, 646, 647 and 648. The Choctaw Nation *v.* F. R. Robinson et al. Argument continued by Mr. J. M. Wilson for the Choctaw Nation, by Mr. C. L. Herbert for appellees in Nos. 586, 588 and 589, and concluded by Mr. J. M. Wilson for the Choctaw Nation, with leave to other counsel to file briefs in fifteen days.

No. 648. Emma Nabors et al., appellants, *v.* The Choctaw Nation. Leave granted to file briefs for appellants within ten days and to appellee to reply within five days thereafter.

Nos. 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 489, 490, 493, 494, 495, 498, 499, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 525, 526, 528, 529, 530, 531, 532, 533, 534, 535 and 536. The Chickasaw Nation, appellants, *v.* A. B. Roff et al. Advanced and submitted with leave to appellees to file briefs within fifteen days and to appellants to reply thereto within five days thereafter.

Nos. 454, 456, 461, 466, 537 and 637. William T. Morgan et al., appellants, *v.* The Creek Nation. Advanced and submitted with leave to counsel to file briefs within twenty days.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 8, will be as follows: Nos. 527, 182, 206, 136, 162, 212, 216, 221, 203 and 224.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 8, 1899.

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.

Henry D. Coghlan of Chicago, Ill., was admitted to practice.

No. 527. George F. Peery et al., appellants, *v.* The Chickasaw Nation. Argued by Mr. C. A. Keigwin for the appellants, and by Mr. Holmes Conrad for the appellee.

No. 182. George L. Whitman, petitioner, *v.* The National Bank of Oxford. Argument commenced by Mr. William G. Choate for the petitioner, and continued by Mr. Howard A. Taylor and Mr. William B. Hornblower for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 9, will be as follows: Nos. 182, 206, 136, 162, 212, 216, 221, 203, 224 and 225.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 9, 1899.

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. 182. George L. Whitman, petitioner, *v.* The National Bank of Oxford. Argument continued by Mr. William B. Hornblower for the respondent, and concluded by Mr. William G. Choate for the petitioner.

No. 206. Sterling R. Cockrill, receiver, etc., plaintiff in error, *v.* The United States National Bank of New York. Resignation of Sterling R. Cockrill as receiver suggested and the appearance of H. F. Auten, receiver, etc., as the party plaintiff in error herein, filed and entered on motion of Mr. S. R. Cockrill for the plaintiff in error.

No. 206. H. F. Auten, receiver, etc., plaintiff in error, *v.* The United States National Bank of New York. Argued by Mr. S. R. Cockrill for the plaintiff in error and by Mr. John Fletcher for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 10, will be as follows: Nos. 136, 162, 212, 216, 221, 203, 224, 225, 226 and 227.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 10, 1899.

Present: 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. 228. Platt Rogers as Mayor and the City of Denver, plaintiffs in error, *v.* Ellen Theresa Morgan et al., heirs of Samuel B. Morgan, deceased. Submitted by Mr. George Q. Richmond for the plaintiffs in error, and by Mr. Willard Teller and Mr. H. M. Orahoad for the defendants in error.

No. 162. The Lackawanna Iron and Coal Company et al., petitioners, *v.* The Farmers' Loan and Trust Company et al. Argued by Mr. Maxwell Evarts and Mr. E. B. Kruttschnitt for the petitioners, and by Mr. H. B. Turner and Mr. L. W. Campbell for the respondents.

No. 212. Third Street and Suburban Railway Company, appellant, *v.* Meyer Lewis. Submitted by Mr. Frederick Bausman for the appellant, and by Mr. J. W. Blackburn, jr., and Mr. George E. Hamilton for the appellee.

No. 221. Duluth and Iron Range Railroad Company, plaintiff in error, *v.* Joseph Roy. Submitted by Mr. J. M. Wilson for the plaintiff in error, and by Mr. J. M. Vale for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 13, will be as follows: Nos. 640, 448, 227, 203, 224, 225, 226, 216, 136 and 229.



SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 13, 1899.

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.

Albert H. Loeb of Chicago, Ill.; Charles Price of Salisbury, N. C., and Amos E. Goodhue of Gadsden, Ala., were admitted to practice.

No. 146. The Remington Paper Company, plaintiff in error, *v.* John W. Watson et al. In error to the supreme court of the State of Louisiana. Dismissed for the want of jurisdiction. Opinion by Mr. Justice McKenna.

No. 664. William Yerke, appellant, *v.* The United States and the Apache Indians. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. 112. Charles G. Smith et al., appellants, *v.* Charles Burnett et al. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

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

No. 23. The Keokuk and Hamilton Bridge Company, plaintiff in error, *v.* The People of the State of Illinois. In error to the supreme court of the State of Illinois. Dismissed on the authority of *Ross v. King*, 172 U. S., 641, and cases cited.

No. 175. The Keokuk and Hamilton Bridge Company, plaintiff in error, *v.* The People of the State of Illinois. Restored to the docket for reargument.

No. 154. The Northern Pacific Railway Company, plaintiff in error, *v.* James De Lacey. Restored to the docket for reargument, but the case will be taken on printed briefs on or before Monday, April 10, next.

No. 228. Platt Rogers, as mayor, etc., et al., plaintiffs in error, *v.* Ellen Theresa Morgan et al., etc. In error to the United States circuit court of appeals for the eighth circuit. Dismissed on the authority of *Clark v. Kansas City*, 172 U. S., 334; *Kinnear v. Bausman*, 172 U. S., 644, and cases cited.

No. 661. Richard F. Caffrey, as county clerk, etc., plaintiff in error, *v.* The Territory of Oklahoma *ex rel.* Harper S. Cunningham, attorney-general. Motion for leave to give supersedeas bond herein granted, said bond to be in the penal sum of \$2,000, conditioned according to law, and to be approved by the clerk of this court. Motions to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 690. William Pelzer, petitioner, *v.* Horn & Brannan Manufacturing Company. Motion to advance denied.

No. 719. The State Bank of Ambia, petitioner, *v.* Chicago Title and Trust Company, as trustee, et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 729. Shirley T. High et al., appellants, *v.* F. E. Coyne, collector, etc., et al. Motion to advance granted, and cause assigned for argument on Monday, October 16, next, after the cases already set down for that day.

No. 209. Frank M. Rider et al., plaintiffs in error, *v.* The United States. Assigned for reargument on Monday, October 16 next, after the cases already set down for that day.

No. 161. The United States, appellant, *v.* The Bellingham Bay Boom Company. Assigned for oral argument at the bar on Monday, October 16, next, immediately after No. 209.

The Chief Justice also announced that the court would take a recess from Monday; the 20th instant, to Monday, April 3, next.

No. 350. The Steamship Buena Ventura, etc., appellant, *v.* The United States;

No. 372. The Steamer Pedro, etc., appellant, *v.* The United States;

No. 381. The Steamer Guido, etc., appellant, *v.* The United States;

No. 389. The Steamship Panama, etc., appellant, *v.* The United States;

No. 596. James A. Farquhar, etc., appellant, *v.* The United States;

No. 628. The Steamship Adula, etc., appellant, *v.* The United States; and

No. 704. The United States, appellant, *v.* The Steamship Olinde Rodrigues, etc. Motions to advance. Submitted by Mr. Solicitor-General Richards for the United States.

No. 165. John D. Wilcox, appellant, *v.* The Eastern Oregon Land Company; and

No. 166. E. I. Messenger, appellant, *v.* The Eastern Oregon Land Company. Order of November 29, 1897, herein vacated and set aside on motion of Mr. James K. Kelly for the appellee.

No. 472. The Chickasaw Nation, appellant, *v.* Andrew B. Hill et al. Leave granted to counsel for appellees to file reply brief within ten days after the receipt of brief for appellant, on motion of Mr. William I. Cruce for the appellees.

No. 640. The City of New Orleans, petitioner, *v.* John G. Warner. Argued by Mr. Branch K. Miller for the petitioner, and by Mr. Wheeler H. Peckham for the respondent.

No. 448. Marcus A. Spurr, petitioner, *v.* The United States. Argument commenced by Mr. John A. Pitts for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 14, will be as follows: Nos. 448, 227, 203, 224, 225, 226, 216, 136, 229 and 230.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 14, 1899.

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. 109. Edwin A. McIntire et al., appellants, *v.* Mary C. Pryor. Mandate granted on motion of Mr. F. H. Mackey for the appellee.

No. 274. The United States, appellant, *v.* The Tennessee and Coosa Railroad Company et al. Death of Hugh Carlisle, one of the appellees herein, suggested, and appearance of Anna J. Henderson, heir, and Mary Carlisle, widow, as appellees herein. Filed and entered on motion of Mr. C. W. Russell for the appellant and consent of Mr. Amos E. Goodhue for the said appellees.

No. 448. Marcus A. Spurr, petitioner, *v.* The United States. Argument continued by Mr. John A. Pitts for the petitioner, by Mr. Ed. Baxter for the respondent, and concluded by Mr. Albert H. Horton for the petitioner.

No. 227. The Lake Shore and Michigan Southern Railway Company, plaintiff in error, *v.* Henry C. Smith. Argument commenced by Mr. George C. Greene for the plaintiff in error and continued by Mr. Fred. A. Maynard for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 15, will be as follows: Nos. 227, 203, 224, 225, 226, 216, 136, 229, 230 and 231.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 15, 1899.

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. 231. The Consolidated Water Company et al., appellants, *v.* E. S. Babcock. Submitted by Mr. Horace S. Oakley, Mr. C. K. Davis, Mr. F. B. Kellogg and Mr. C. A. Severance for the appellants, and by Mr. H. E. Doolittle, Mr. William J. Hunsaker, Mr. A. T. Britton and Mr. A. B. Browne for the appellees.

No. 227. The Lake Shore and Michigan Southern Railway Company, plaintiff in error, *v.* Henry C. Smith. Argument continued by Mr. Fred. A. Maynard and Mr. H. C. Smith for the defendant in error, and concluded by Mr. George C. Greene for the plaintiff in error. Leave granted to counsel for defendant in error to file supplemental brief herein.

No. 203. The Washburn & Moen Manufacturing Company, petitioner, *v.* The Reliance Marine Insurance Company (Limited). Argument commenced by Mr. Eugene P. Carver for the petitioner, and continued by Mr. F. J. Stimson for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 16, will be as follows: Nos. 203, 224, 225, 226, 216, 136, 229, 230, 232 and 234.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 16, 1899.

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. 738. F. E. Jordan et al., plaintiffs in error, *v.* John Duke et al. In error to the supreme court of the Territory of Arizona. Dismissed with costs, on the authority of counsel for the plaintiffs in error.

No. 739. F. E. Jordan et al., plaintiffs in error, *v.* George H. Schuerman. In error to the supreme court of the Territory of Arizona. Dismissed with costs, on the authority of counsel for the plaintiffs in error.

No. 203. The Washburn & Moen Manufacturing Company, petitioner, *v.* The Reliance Marine Insurance Company (Limited). Argument continued by Mr. F. J. Stimson for the respondent, and concluded by Mr. Eugene P. Carver for the petitioner. Leave granted to counsel for both sides to file additional briefs within one week.

No. 224. The Guarantee Company of North America, petitioner, *v.* The Mechanics' Savings Bank and Trust Company, use of J. J. Pryor, assignee. Argued by Mr. William L. Granbery for the petitioner, and by Mr. E. H. East for the respondent.

No. 226 (substituted for No. 225). The American Refrigerator Transit Company, plaintiff in error, *v.* Frank Hall, treasurer, etc. Argument commenced by Mr. Judson Harmon for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 17, will be as follows: Nos. 226, 225, 216, 136, 229, 230, 232, 234, 235 (and 236) and 238.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 17, 1899.

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. 245. William V. Marmion, appellant, *v.* John McClellan, executor, etc. Appeal from the court of appeals of the District of Columbia. Dismissed with costs, and mandate granted on motion of Mr. M. J. Colbert for the appellant.

No. 232. Robert M. White, plaintiff in error, *v.* August F. Leovy et al. Passed.

No. 234. Joseph Raymond, appellant, *v.* The City of New Orleans. Passed on motion of Mr. Samuel T. Fisher for the appellant.

No. 226. The American Refrigerator Transit Company, plaintiff in error, *v.* Frank Hall, treasurer, etc. Argument concluded by Mr. Judson Harmon for the plaintiff in error, and submitted on printed argument by Mr. Alexander B. McKinley for the defendant in error.

No. 225. Lucetta R. Medbury, appellant, *v.* The United States. Argued by Mr. Russell Duane and Mr. Harvey Spalding for the appellant, and by Mr. George H. Gorman for the appellee.

Adjourned until Monday next at 12 o'clock.



SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 20, 1899.

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 Nagel of St. Louis, Mo., and J. Henry P. Peartree of New York City, were admitted to practice.

No. 642. J. M. Turner et al., plaintiffs in error, *v.* The Board of Commissioners of Wilkes County et al. In error to the supreme court of the State of North Carolina. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Peckham.

No. 697. The United States, appellant, *v.* The New York Indians. Appeal from the Court of Claims. Motion for an order on the Court of Claims to make additional findings of fact denied and appeal dismissed. Opinion by Mr. Justice Brown. Dissenting: Mr. Chief Justice Fuller, Mr. Justice Harlan and Mr. Justice Brewer.

No. —, Original. *Ex parte*: In the matter of Henry Ward, petitioner. Motion for leave to file petition for a writ of habeas corpus denied. Opinion by Mr. Chief Justice Fuller.

No. 212. Third Street and Suburban Railway Company, appellant, *v.* Meyer Lewis. Appeal from the United States circuit court of appeals for the ninth circuit. Dismissed for the want of jurisdiction. Opinion by Chief Justice Fuller.

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

No. 350. The Steamship Buena Ventura, appellant, *v.* The United States;

No. 372. The Steamer Pedro, etc., appellant, *v.* The United States;

No. 381. The Steamer Guido, appellant, *v.* The United States;

No. 389. The Steamship Panama, appellant, *v.* The United States;

No. 596. James A. Farquhar, owner, appellant, *v.* The United States; and

No. 628. The Steamship Adula, appellant, *v.* The United States. Motions to advance granted and cases assigned for argument on the second Monday of the next term (October 16), after the cases already set down for that day.

No. 704. The United States, appellant, *v.* The Steamship Olinde Rodrigues, etc. Motion to advance granted and cause assigned for argument on Monday, April 3, next, at the head of the call.

No. 231. The Consolidated Water Company et al., appellants, *v.* E. S. Babcock et al. Appeal from the circuit court of the United States for the southern district of California. Dismissed on the authority of *Maynard v. Hecht*, 151 U. S., 324; *Van Wagener v. Sewall*, 160 U. S., 369; *Davis v. Geissler*, 162 U. S., 290; *Cornell v. Green*, 163 U. S., 75, and cases cited.

No. 47. George W. Childs Drexel et al., executors, etc., plaintiffs in error, *v.* The United States. In error to the United States circuit court of appeals for the third circuit. Dismissed per stipulation, and mandate granted on motion of Mr. Solicitor-General Richards for the defendant in error.

No. 658. Jacob Forsyth, plaintiff in error, *v.* Henry F. T. Vehmeyer. Death of Jacob Forsyth suggested, and appearance of Oliver O. Forsyth, administrator, etc., as plaintiff in error herein filed and entered on motion of Mr. Frederic D. McKenney, in behalf of counsel.

No. 658. Oliver O. Forsyth, administrator, etc., plaintiff in error, *v.* Henry F. T. Vehmeyer. Motions to dismiss or affirm. Submitted by Mr. Frederic D. McKenney in behalf of Mr. John S. Miller in support of motions, and by Mr. Edward Reby in opposition thereto.

Adjourned until Monday, April 3, at 12 o'clock.

The day call for Monday, April 3, will be as follows: Nos. 704, 216, 136, 229, 230, 232, 234, 235 (and 236), 238 and 196.

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 3, 1899.

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.

Clara L. Power of Boston, Mass.; Joseph Hill Brinton of Philadelphia, Pa.; Clarence Clark Hamlin of Colorado Springs, Colo.; Henry G. McIntire of Helena, Mont.; Edward C. Day of Helena, Mont.; Louis Marshall of New York City; Allan L. McDermott of Jersey City, N. J.; Ira M. Erle of Des Moines, Iowa, and James B. Dill of New York City, were admitted to practice.

No. 221. Duluth and Iron Range Railroad Company, plaintiff in error, *v.* Joseph Roy. In error to the supreme court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 133. The Guthrie National Bank, plaintiff in error and appellant, *v.* The City of Guthrie. In error to and appeal from the supreme court of the Territory of Oklahoma. Judgment reversed with costs and cause remanded, with directions to reverse the judgment of the district court and remand the cause to that court, with directions to proceed to a hearing of the claims upon their merits. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Harlan.

No. 225. Lucetta R. Medbury, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment modified so that it shall provide for dismissing the petition upon the merits, and as so modified affirmed. Opinion by Mr. Justice Peckham.

No. 435. James Nicol, appellant, *v.* John Ames, United States marshal. Appeal from the circuit court of the United States for the northern district of Illinois. Order affirmed with costs. Opinion by Mr. Justice Peckham.

No. 4, Original. *Ex parte*: In the matter of George R. Nichols, petitioner. Petition for writ of habeas corpus denied. Opinion by Mr. Justice Peckham.

No. 625. Edwin S. Skillen, appellant, *v.* John C. Ames, United States marshal, etc. Appeal from the circuit court of the United States for the northern district of Illinois. Order affirmed with costs. Opinion by Mr. Justice Peckham.

No. 636. Charles H. Ingwersen, plaintiff in error, *v.* the United States. In error to the district court of the United States for the north-

ern district of Illinois. Judgment affirmed. Opinion by Mr. Justice Peckham.

No. 144. Darwin C. Allen, plaintiff in error, *v.* The Southern Pacific Railroad Company. In error to the supreme court of the State of California. Dismissed for the want of jurisdiction. Opinion by Mr. Justice White.

No. 669. Citizens' Savings Bank of Owensboro, plaintiff in error, *v.* City of Owensboro et al. In error to the court of appeals of the State of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice White. Dissenting: Mr. Justice Brown.

No. 149. The Deposit Bank of Owensboro, plaintiff in error, *v.* The City of Owensboro et al.;

No. 150. Deposit Bank of Owensboro, plaintiff in error, *v.* Daviess County et al.; and

No. 151. Farmers and Traders' Bank of Owensboro, Ky., plaintiff in error, *v.* The City of Owensboro et al. In error to the court of appeals of the State of Kentucky. Judgments affirmed with costs. Opinions by Mr. Justice White.

No. 148. Owensboro National Bank, plaintiff in error, *v.* City of Owensboro et al. In error to the court of appeals of the State of Kentucky. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice White.

No. 27. Abram W. Hendry et al., appellants, *v.* The Ocean Steamship Company, claimant, etc. On writ of certiorari to the United States circuit court of appeals for the first circuit. Decree affirmed with costs and cause remanded to the district court of the United States for the district of Massachusetts. Opinion by Mr. Justice Brown. Dissenting: Mr. Chief Justice Fuller and Mr. Justice Peckham.

No. 581. David Brown, appellant, *v.* Ethan A. Hitchcock, Secretary of the Interior. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Brewer. (Mr. Justice McKenna took no part in the consideration and decision of this case.)

No. 224. The Guarantee Company of North America, petitioner, *v.* The Mechanics' Savings Bank and Trust Company for the use of J. J. Pryor, assignee. On writ of certiorari to the United States circuit court of appeals for the sixth circuit. Decree reversed with costs and cause remanded with directions to dismiss the appeal prosecuted to that court, and for such further proceedings in the circuit court of the United States for the middle district of Tennessee as may be consistent with law. Opinion by Mr. Justice Harlan.

No. 32. The Henderson Bridge Company et al., plaintiffs in error, *v.* The City of Henderson. In error to the court of appeals of the State of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 31. The Henderson Bridge Company et al., plaintiffs in error, *v.* The City of Henderson. In error to the court of appeals of the State of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 303. Charles E. Pope, receiver, etc., appellant, *v.* The Louisville, New Albany and Chicago Railway Company. Appeal from the United States circuit court of appeals for the seventh circuit. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 367. John W. Blythe et al., appellants, *v.* Florence Blythe Hinckley. Appeal from the circuit court of the United States for the northern district of California. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 134. Eliza Cooper et al., plaintiffs in error, *v.* Edward S. Newell et al., executors. On a certificate from the United States circuit court of appeals for the fifth circuit. Question certified answered in the affirmative. Opinion by Mr. Chief Justice Fuller.

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

No. 658. Oliver O. Forsyth, administrator, etc., plaintiff in error, *v.* Henry F. T. Vehmeyer. Motions to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 146. The Remington Paper Company, plaintiff in error, *v.* John W. Watson et al. Mandate granted on motion of Mr. Alexander Porter Morse for the defendants in error.

No. 656. The Louisville and Nashville Railroad Company, plaintiff in error, *v.* A. L. Schmidt, etc. Motions to dismiss or affirm submitted by Mr. J. W. Blackburn, jr., in behalf of Mr. E. F. Trabue and Mr. John G. Simrall in support of motions, and by Mr. James P. Helm and Mr. Helm Bruce in opposition thereto.

No. 279. David Armstrong, receiver, etc., appellant, *v.* The Chemical National Bank of New York. Motion to advance submitted by Mr. Frederic D. McKenney in behalf of counsel.

No. 270. Anderson Gratz, trustee, et al., petitioners, *v.* The Land and River Improvement Company. Petition for writ of certiorari to the United States circuit court of appeals for the seventh circuit. Submitted by Mr. Ira M. Earle and Mr. Henry S. Wilcox in support of the petition, and by Mr. Maxwell Evarts and Mr. John C. Spooner and Mr. A. L. Sanborn in opposition thereto.

No. 730. The Mexican Central Railway Company, petitioner, *v. A. M. Marshall*. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit. Submitted by Mr. A. B. Browne and Mr. A. T. Britton in support of the petition.

No. 762. Henry Lockhart, plaintiff in error and appellant, *v. J. A. Johnson et al.* In error to and appeal from the supreme court of the Territory of New Mexico. Docketed and dismissed with costs on motion of Mr. A. B. Browne for the defendants in error and appellees.

No. 763. The Phoenix Assurance Company of London, plaintiff in error, *v. The Fire Department of the City of Montgomery*. Docketed and dismissed with costs on motion of Mr. A. B. Browne, in behalf of Mr. John T. Morgan, for the defendant in error.

No. 754. S. F. Chapman, petitioner, *v. The Yellow Poplar Lumber Company*. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit. Submitted by Mr. J. F. Bullitt and Mr. R. A. Ayers in support of petition, with leave to Mr. John N. Baldwin to file brief in opposition within one week.

No. 760. William Crawford, appellant, *v. William L. Hubbell, treasurer, etc.* Petition for a writ of certiorari to bring up the entire record herein, and motion to advance submitted by Mr. James B. Dill for the appellant.

No. 704. The United States, appellant, *v. The Steamship Olinde Rodrigues, etc.* Reassigned for argument on Monday, April 10, at the head of the call.

No. 232. Robert M. White, plaintiff in error, *v. August F. Leovy et al.* Submitted by Mr. E. Howard McCaleb for the plaintiff in error, and by Mr. Victor Leovy, Mr. H. J. Leovy and Mr. Alexander Porter Morse for the defendants in error.

No. 234. Joseph Raymond, appellant, *v. The City of New Orleans*. Appeal from the circuit court of the United States for the eastern district of Louisiana. Dismissed with costs pursuant to the tenth rule.

No. 216. The United States, appellant, *v. John Krall*. Argued by Mr. Charles W. Russell for the appellant, and submitted by Mr. Edgar Wilson for the appellee.

No. 229. The New England Railroad Company, plaintiff in error, *v. Robert T. Conroy, administrator, etc.* Argument commenced by Mr. Frank A. Farnham for the plaintiff in error, and continued by Mr. James E. Cotter for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 4, will be as follows: Nos. 229, 136, 230, 235 (and 236), 238, 196, 190, 239, 240 and 241.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 4, 1899.

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.

Wallace B. Douglas of Moorhead, Minn., was admitted to practice.

No. 347. John G. Schmidt, etc., appellant, *v.* John H. Williams, administrator, et al. Advanced as under the thirty-second rule on motion of Mr. Joseph Hill Brinton for the appellant.

No. 229. The New England Railroad Company, plaintiff in error, *v.* Robert T. Conroy, administrator, etc. Argument continued by Mr. James E. Cotter for the defendant in error, and concluded by Mr. Frank A. Farnham for the plaintiff in error.

No. 230. Elizabeth M. Humphries, etc., plaintiff in error, *v.* The District of Columbia. Argued by Mr. A. A. Birney for the plaintiff in error, and by Mr. S. T. Thomas and Mr. A. B. Duvall for the defendant in error.

No. 136. Adolph Cohn, appellant, *v.* Angelina Daily et al. Argument commenced by Mr. J. K. Redington for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 5, will be as follows: Nos. 136, 235 (and 236), 238, 196, 190, 239, 240, 241, 242 and 52.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 5, 1899.

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.

Newel H. Clapp of St. Paul, Minn., was admitted to practice.

No. 767. Samuel Nelson, plaintiff in error, *v.* Dennis Moloney. Ordered that motions to dismiss or affirm this day filed herein be set down for submission on printed arguments on Monday, the 17th instant, on motion of Mr. Abram J. Rose for the defendant in error.

No. 228. Platt Rogers, mayor, etc., et al., plaintiffs in error, *v.* Ellen Theresa Morgan et al., etc. Mandate granted on motion of Mr. J. M. Wilson in behalf of counsel.

No. 136. Adolph Cohn, appellant, *v.* Angelina Daily et al. Argument concluded by Mr. J. K. Redington for the appellees, and submitted by Mr. M. A. Smith for the appellant.

No. 235. The Chicago, Rock Island and Pacific Railway Company, plaintiff in error, *v.* David Campbell; and

No. 236. The Chicago, Rock Island and Pacific Railway Company, plaintiff in error, *v.* E. H. Sturm. Submitted by Mr. W. F. Evans and Mr. M. A. Low for the plaintiff in error. No counsel appeared for the defendants in error.

No. 238. Walter M. McCain et al., appellants, *v.* The City of Des Moines et al. Submitted by Mr. William E. Mason for the appellants, and by Mr. N. T. Guernsey for the appellees.

No. 196. Harry W. Dickerman, trustee, et al., petitioners, *v.* The Northern Trust Company et al. Argument commenced by Mr. Otto Gresham for the petitioners, and continued by Mr. Louis Marshall for the respondents and by Mr. John S. Cooper for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 6, will be as follows: Nos. 196, 190, 239, 240, 241, 242, 52, 4, 243 and 244.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 6, 1899.

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. 196. Henry W. Dickerman, trustee, et al., petitioners, *v.* The Northern Trust Company et al. Argument concluded by Mr. John S. Cooper for the petitioners.

No. 190. The United States, plaintiff in error, *v.* One Distillery et alia, Henry Waters et al., claimants. Argued by Mr. Assistant Attorney-General Boyd for the plaintiff in error, and by Mr. Samuel G. Hilborn for the defendants in error. Leave granted to counsel for defendants in error to file additional brief within one week.

No. 239. Lindsay & Phelps Company, plaintiff in error, *v.* John H. Mullen et al. Argument commenced by Mr. Newel H. Clapp for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 7, will be as follows: Nos. 239, 240, 241, 242, 52, 4, 243, 244, 246 and 247.

SUPREME COURT OF THE UNITED STATES

FRIDAY, APRIL 7, 1899.

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. 239. Lindsay & Phelps Company, plaintiff in error, *v.* John H. Mullen et al. Argument continued by Mr. Newel H. Clapp for the plaintiff in error, by Mr. Wallace B. Douglas for the defendants in error, and concluded by Mr. Newel H. Clapp for the plaintiff in error.

No. 240. The De La Vergne Refrigerating Machine Company, petitioner, *v.* The German Savings Institution et al. Argument commenced by Mr. F. W. Lehmann for the petitioner, and continued by Mr. Leo Rassieur for the respondents.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 10, will be as follows: Nos. 240, 704, 241, 242, 52, 4, 243, 244, 246 and 247.



SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 10, 1899.

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.

The Chief Justice. It becomes my sad duty to inform the gentlemen of the bar that Mr. Justice Field on yesterday (Sunday) evening passed peacefully from this life. He died full of years and of honors, and attended by all that should accompany old age.

The judicial career of Mr. Justice Field was unexampled in length and distinction, and he occupied a seat upon this bench for a longer period than any of its members from the beginning. His labors left no region of jurisprudence unexplored, and now that he rests from them, his works will follow him. His retirement when he saw port approaching was so recent that he hardly seems to have been absent, and his death comes home to us the more keenly.

As a mark of respect to his memory, the court will adjourn until to-morrow.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 11, will be as follows: Nos. 240, 704, 241, 242, 52, 4, 243, 244, 246 and 247.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 11, 1899.

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 C. Bryan of Washington, D. C., was admitted to practice.

No. 188. The Security Trust Company, as assignee of The D. D. Merrill Company, plaintiff in error, *v.* Frank H. Dodd et al., copartners as Dodd, Mead & Co. On a certificate from the United States circuit court of appeals for the eighth circuit. Second question certified answered in the negative. Opinion by Mr. Justice Brown.

No. 108. The Capital Traction Company, plaintiff in error, *v.* Charles Hof;

No. 114. The Metropolitan Railroad Company, plaintiff in error, *v.* Samuel R. Church, justice of the peace in and for the District of Columbia; and

No. 195. The Brightwood Railway Company, plaintiff in error, *v.* Lewis I. O'Neil and James T. H. Landon. In error to the court of appeals of the District of Columbia. Judgments affirmed with costs. Opinion by Mr. Justice Gray. (Mr. Justice Brown did not sit or take any part in this decision.)

No. 164. Joe Kirby, plaintiff in error, *v.* The United States. In error to the district court of the United States for the district of South Dakota. Judgment reversed and cause remanded with directions for a new trial and for further proceedings consistent with law. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Brown and Mr. Justice McKenna. (Mr. Justice Brewer was not present at the argument and took no part in the decision of this case.)

The Chief Justice announced the following orders of the court:

No. 270. Anderson Gratz, trustee, et al., petitioners, *v.* The Land and River Improvement Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 279. David Armstrong, receiver, etc., appellant, *v.* The Chemical National Bank of New York. Motion to advance denied, but leave granted to counsel in this case to file briefs in No. 206 instanter.

No. 656. The Louisville and Nashville Railroad Company, plaintiff in error, *v.* A. L. Schmidt, etc. Motions to dismiss or affirm postponed to the hearing of the case on its merits.

No. 730. The Mexican Central Railway Company, petitioner, *v.* A. M. Marshall. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 760. William Crawford, appellant, *v.* William L. Hubbell, treasurer, etc. Petition for a writ of certiorari to bring up the entire record denied. Motion to advance granted and cause assigned for argument on the second Monday of the next term (October 16) after the cases already set down for that day.

No. 58. Oliver C. Bosbyshell, plaintiff in error, *v.* The United States. In error to the United States circuit court of appeals for the third circuit. Dismissed on motion of Mr. Solicitor-General Richards for the defendant in error and mandate granted.

No. 674. W. B. Austin, plaintiff in error, *v.* The State of Tennessee. Motion to advance submitted by Mr. James E. Boyd in behalf of counsel.

No. 748. Marvin F. Scaife, petitioner, *v.* The Western North Carolina Land Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit. Submitted by Mr. James E. Boyd in behalf of Mr. A. C. Avery in support of the petition.

Mr. 755. George M. West Company, appellant, *v.* Lea Bros. & Co. Submitted as under the thirty-second rule by Mr. W. W. Henry for the appellant, and by Mr. Jackson H. Ralston for the appellee.

No. 321. The United States et al., appellants, *v.* Moses Fallowell;

No. 322. The United States et al., appellants, *v.* Emiline Mackey;

No. 323. The United States et al., appellants, *v.* Daniel S. Leatherwood;

No. 324. The United States et al., appellants, *v.* Robert Carter;

No. 325. The United States et al., appellants, *v.* Charles H. Hittson;

No. 326. The United States et al., appellants, *v.* Mary Scroggins;

No. 327. The United States et al., appellants, *v.* Fleming P. Jennings;

No. 328. The United States et al., appellants, *v.* David P. McCracken;
and

No. 329. The United States et al., appellants, *v.* Brice Woody. Appeals from the Court of Claims. Dismissed on motion of Mr. Assistant Attorney-General Thompson for the appellants.

No. 717. Anton Glaw, petitioner, *v.* The Pennsylvania Company. Petition for a writ of certiorari to the United States circuit court of

appeals for the sixth circuit. Submitted by Mr. Frederick C. Bryan and Mr. Charles Dick in support of petition, and by Mr. W. B. Sanders in opposition thereto.

No. 314. The Baltimore and Ohio Southwestern Railway Company, plaintiff in error, *v.* William Voight. Motion to advance for submission on printed briefs. Submitted by Mr. Charles M. Cist in support of motion, and by Mr. Edward Colston in opposition thereto, and denied.

No. 154. The Northern Pacific Railway Company, plaintiff in error, *v.* James De Lacy. Resubmitted per stipulation by Mr. C. W. Bunn for the plaintiff in error, and by Mr. W. H. Pritchard for the defendant in error.

No. 240. The De La Vergne Refrigerating Machine Company, petitioner, *v.* The German Savings Institution et al. Argument continued by Mr. J. M. Wilson for the respondent, and concluded by Mr. Charles H. Aldrich for the petitioner.

No. 704. The United States, appellant, *v.* The Steamship Olinde Rodrigues, etc. Argument commenced by Mr. J. P. K. Bryan for the appellant.

Adjourned until Thursday at 12 o'clock.

The day call for Thursday, April 13, will be as follows: Nos. 704, 241, 242, 52, 4, 243, 244, 246, 247 and 103.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 13, 1899.

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.

Henry Hale Seymour of Buffalo, N. Y., and A. Y. Merrill of Minneapolis, Minn., were admitted to practice.

No. 704. The United States, appellant, *v.* The Steamship Olinde Rodrigues, etc. Argument continued by Mr. Edward K. Jones for the appellee, and concluded by Mr. Assistant Attorney-General Hoyt for the appellant.

No. 241. The Northern Pacific Railroad Company et al., plaintiffs in error, *v.* Serette O. Freeman. Argued by Mr. C. W. Bunn for the plaintiffs in error, and submitted by Mr. Stanton Warburton for the defendant in error.

No. 242. Kent K. Hayden, receiver, etc., appellant, *v.* The Chemical National Bank; and

No. 257. Kent K. Hayden, receiver, etc., appellant, *v.* George G. Williams et al. Death of Kent K. Hayden suggested, and appearance of John W. McDonald, his successor in office as receiver, as appellant herein filed and entered on motion of Mr. Edward Winslow Paige for appellant.

No. 242. John W. McDonald, receiver, etc., appellant, *v.* The Chemical National Bank. Argued by Mr. Edward Winslow Paige for the appellant, and by Mr. George H. Yeaman for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 14, will be as follows: Nos. 52, 4, 243, 244, 246, 247, 103, 248, 251 and 253.



SUPREME COURT OF THE UNITED STATES

FRIDAY, APRIL 14, 1899.

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. 251. John W. Schofield et al., appellants, *v.* The Horse Springs Cattle Company. Appeal from the supreme court of the Territory of New Mexico. Dismissed with costs pursuant to the tenth rule.

No. 52. The United States, appellant, *v.* The Oregon and California Railroad Company et al. Argued by Mr. Solicitor-General Richards for the appellant, and by Mr. L. E. Payson for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 17, will be as follows: Nos. 4, 243, 244, 246, 247, 103, 248, 253, 254 (and 163) and 255.

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 17, 1899.

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.

William E. O'Neill of Chicago, Ill., Ben. B. Cain of Tyler, Tex., M. W. Garnett of Houston, Tex., and William H. Newman of New York City were admitted to practice.

No. 227. The Lake Shore and Michigan Southern Railway Company, plaintiff in error, *v.* Henry C. Smith. In error to the supreme court of the State of Michigan. 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. Chief Justice Fuller, Mr. Justice Gray and Mr. Justice McKenna.

No. 147. The Atchison, Topeka and Santa Fe Railroad Company, plaintiff in error, *v.* W. T. Matthews and M. L. Trudell, copartners as Matthews & Trudell. In error to the supreme court of the State of Kansas. Judgment affirmed with costs. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Harlan, Mr. Justice Brown, Mr. Justice Peckham and Mr. Justice McKenna.

The Chief Justice announced the following orders of the court:

No. 169. The Territory of New Mexico, appellant, *v.* The United States Trust Company of New York et al. Petition for rehearing granted and the cause taken on printed briefs heretofore filed and leave granted to file additional briefs on or before May 1 if counsel shall be so advised.

No. 754. S. F. Chapman, petitioner, *v.* The Yellow Poplar Lumber Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 674. W. B. Austin, plaintiff in error, *v.* The State of Tennessee. Motion to advance granted and cause assigned for argument on the second Monday of the next term (October 16) after the cases already set down for that day.

No. 717. Anton Glaw, petitioner, *v.* The Pennsylvania Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 748. Marvin F. Scaife, petitioner, *v.* The Western North Carolina Land Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 682. William J. Bryan et al., plaintiffs in error, *v.* The United States. In error to the United States circuit court of appeals for the ninth circuit. Dismissed per stipulation on motion of Mr. Solicitor-General Richards for the appellee.

No. 740. William J. Cruickshank et al., appellants, *v.* George R. Bidwell, collector, etc. Motion to advance. Submitted by Mr. Solicitor-General Richards in behalf of counsel for the appellants, and for leave to James L. Bishop of counsel for certain interested parties to be heard orally or by brief.

No. 744. S. Duffield Mitchell, trustee, etc., plaintiff in error, *v.* J. McD. Scott, bankrupt; and

No. 745. S. Duffield Mitchell, receiver, etc., plaintiff in error, *v.* John C. McClure et al. Motions to advance. Submitted by Mr. S. Duffield Mitchell for the plaintiff in error.

No. 767. Samuel Nelson, plaintiff in error, *v.* Dennis Moloney. Motions to dismiss or affirm. Submitted by Mr. Abram J. Rose in support of motions and by Mr. William H. Newman in opposition thereto.

No. —, Original. Ex parte: In the matter of Nelson W. Green, petitioner. Motion for leave to file petition for writ of mandamus. Submitted by Mr. Morgan H. Beach in behalf of counsel for the petitioner.

No. 786. The Florida Mortgage and Investment Company, Limited, petitioner, *v.* Daniel A. Finlayson, in his own right and as administrator, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit. Submitted by Mr. N. B. K. Pettin-gill and Mr. Thomas M. Schackelford in support of petition, with leave to counsel for respondent to file brief in opposition thereto.

No. 773. The Chicago, Milwaukee and St. Paul Railway Company, petitioner, *v.* Heman Clark. 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. George R. Peck, Mr. Burton Hanson and Mr. C. W. Bangs in support of the petition, and by Mr. Abram J. Rose in opposition thereto.

No. 94. James L. Utter et al., appellants, *v.* B. J. Franklin, governor, et al. Proof of service of notice of motion to enter judgment herein nunc pro tunc. Submitted by Mr. Frederic D. McKenney in behalf of counsel for the plaintiff in error.

No. —. The St. Louis, Alton and Springfield Railroad Company et al., plaintiffs in error, *v.* Seth F. Crews and Henry O'Hara, assignees, etc., et al. Motion to docket and dismiss. Submitted by Mr. Frederic D. McKenney and Mr. William E. O'Neill in support of motion.

No. 777. The Board of County Commissioners of Pratt County, Kans. petitioner, *v.* The Society for Savings. Petition for a writ of certiorar to the United States circuit court of appeals for the eighth circuit. Submitted by Mr. S. S. Ashbaugh in support of petition.

No. 683. The Steamship Benito Estenger, appellant, *v.* The United States. Leave granted to withdraw original exhibits upon leaving copies of same, on motion of Mr. Harrington Putnam for the appellant.

No. 781. Travis County, petitioner, *v.* The King Iron Bridge and Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit. Submitted by Mr. Clarence H. Miller in support of petition, and by Mr. M. W. Garnett in opposition thereto.

No. 462. The Columbus Construction Company, plaintiff in error, *v.* Crane Company. Motion to dismiss. Submitted by Mr. Charles S. Holt in support of motion, and by Mr. J. R. Custer and Mr. S. S. Gregory in opposition thereto.

No. 782. The Columbus Construction Company, petitioner, *v.* The Crane Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit. Submitted by Mr. S. S. Gregory and Mr. J. R. Custer in support of petition, and by Mr. Charles S. Holt in opposition thereto.

No. 761. Charles Storrow et al., petitioners, *v.* The Texas Consolidated Compress and Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit. Submitted by Mr. W. S. Herndon in support of petition, and by Mr. J. M. McCormick in opposition thereto.

No. 4. The Mayor, Aldermen and Commonalty of the City of New York et al., appellants, *v.* Robert W. Workman. Reargued by Mr. Harrington Putnam for the appellee, and by Mr. Theodore Connoly for the appellants.

No. 243. Amedee D. Moran et al., purchasing trustees, petitioners, *v.* Charles Dillingham. Submitted by Mr. L. W. Campbell for the petitioners, and by Mr. George Clark for the respondent.

No. 244. The Louisville and Nashville Railroad Company et al., appellants, *v.* Henry W. Behlmer. Argument commenced by Mr. Ed. Baxter for the appellants, and continued by Mr. C. B. Northrop for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 18, will be as follows: Nos. 244, 246, 247, 103, 248, 253, 254 (and 163), 255, 257 and 258.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 18, 1899.

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

Edward Taylor Fenwick of Washington, D. C., A. A. Godard of Topeka, Kans., and Theodore De Witt of New York City were admitted to practice.

The Chief Justice announced that the call of the docket would be suspended for the term on Friday, April 28, and that the court would adjourn for the term on Monday, May 22, next.

No. 258. Alcinda M. Chappell et al., plaintiffs in error, *v.* The Edmondson Avenue, Catonsville and Ellicott City Electric Railway Company. In error to the circuit court of Baltimore County, State of Maryland. Dismissed with costs, pursuant to the tenth rule.

No. 244. The Louisville and Nashville Railroad Company et al., appellants, *v.* Henry W. Behlmer. Argument continued by Mr. C. B. Northrop for the appellee, and concluded by Mr. Ed. Baxter for the appellants.

No. 246. Lucy T. Davis et al., plaintiffs in error, *v.* Louis Coblens et al. Argument commenced by Mr. Franklin H. Mackey for the plaintiffs in error, and continued by Mr. J. J. Darlington for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 19, will be as follows: Nos. 246, 247, 103, 248, 253, 254 (and 163), 255, 257, 259 and 261



SUPREME COURT OF THE UNITED STATES

WEDNESDAY, APRIL 19, 1899.

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

William A. McKinney of Binghamton, N. Y., and James T. Herrick of Wellington, Kans., were admitted to practice.

No. 777. The Board of County Commissioners of Pratt County, Kans., petitioner, *v.* The Society for Savings. Leave granted to file brief in opposition to petition herein on motion of Mr. James T. Herrick for the respondent.

No. 246. Lucy T. Davis et al., plaintiffs in error, *v.* Louis Coblens et al. Argument continued by Mr. J. J. Darlington for the defendants in error, and concluded by Mr. Franklin H. Mackey for the plaintiffs in error.

No. 247. William M. Price, administrator, etc., appellant, *v.* The United States and the Osage Indians. Argued by Mr. John Goode for appellant, and by Mr. F. B. Crosthwaite for the appellees.

No. 103. The United States, petitioner, *v.* Frank Dudley. Death of Frank Dudley, the respondent herein suggested, and appearance of Frederick C. Dudley and Lindley M. Webb, executors of said Frank Dudley, deceased, as respondents herein, filed and entered on motion of Mr. C. A. Prouty for the respondents.

No. 103. The United States, petitioner, *v.* Frederick C. Dudley et al., executors, etc. Argued by Mr. Assistant Attorney-General Hoyt for the petitioner, and by Mr. C. A. Prouty for the respondents.

No. 248. Maude E. Kimball, plaintiff in error, *v.* Harriet A. Kimball et al. Argued by Mr. George Bell for the plaintiff in error, and by Mr. Lemuel H. Arnold for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 20, will be as follows: Nos. 253, 254 (and 163), 255, 257, 259, 261, 262, 263, 264 and 265.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 20, 1899.

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

R. E. L. Mountcastle of Morristown, Tenn., and C. H. Hamilton of Milwaukee, Wis., were admitted to practice.

No. 253. The Office Specialty Manufacturing Company, appellant, *v.* The Fenton Metallic Manufacturing Company. Argued by Mr. Melville Church for the appellant, and by Mr. Charles E. Foster for the appellee.

Nos. 254 and 163. The Rio Grande Irrigation and Colonization Company, plaintiff in error and appellant, *v.* Charles H. Gildersleeve. Argument commenced by Mr. F. W. Clancy for the plaintiff in error and appellant, and continued by Mr. J. H. McGowan for the defendant in error and appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 21, will be as follows: Nos. 254 (and 163), 255, 257, 259, 261, 262, 263, 264, 265 and 267.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 21, 1899.

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

Hamilton G. Howard of Washington, D. C., and Albert Stickney of New York City were admitted to practice.

Nos. 254 and 163. The Rio Grande Irrigation and Colonization Company, appellant and plaintiff in error, *v.* Charles H. Gildersleeve. Argument continued by Mr. J. H. McGowan for the appellee and defendant in error, and concluded by Mr. F. W. Clancy for the appellant and plaintiff in error.

No. 255. Charles E. Bolles, plaintiff in error, *v.* The Outing Company (Limited). Continued.

No. 257. John W. McDonald, receiver, etc., appellant, *v.* George G. Williams et al. Argued by Mr. Edward Winslow Paige for the appellant, and by Mr. Theodore De Witt for the appellees.

No. 259. James M. Sigafus, plaintiff in error, *v.* Dudley Porter et al. Argument commenced by Mr. Edmund Wetmore for the plaintiff in error, and continued by Mr. Albert Stickney for the defendants in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 24, will be as follows: Nos. 259, 261, 262, 263, 264, 265, 267, 268, 88 and 269.



SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 24, 1899.

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.

Cassius C. Shirley of Kokomo, Ind., was admitted to practice.

No. 206. H. F. Auten, receiver, etc., plaintiff in error, *v.* The United States National Bank of New York. In error to the United States circuit court of appeals for the eighth circuit. Judgment affirmed with costs and cause remanded to the circuit court of the United States for the eastern district of Arkansas. Opinion by Mr. Justice McKenna.

No. 232. Robert M. White, plaintiff in error, *v.* August F. Leovy et al. In error to the supreme court of the State of Louisiana. Dismissed for the want of jurisdiction. Opinion by Mr. Justice McKenna.

No. 226. The American Refrigerator Transit Company, plaintiff in error, *v.* Frank Hall, treasurer of Arapahoe County, Colo. In error to the supreme court of the State of Colorado. Judgment affirmed with costs. Opinion by Mr. Justice Shiras. Dissenting: Mr. Justice Harlan and Mr. Justice White.

No. 124. Oliver Wendell Holmes, jr., as ancillary executor, etc., appellant, *v.* George D. Hurst. Appeal from the United States circuit court of appeals for the second circuit. Decree affirmed with costs and remanded to the circuit court of the United States for the eastern district of New York. Opinion by Mr. Justice Brown.

No. 190. The United States, plaintiff in error, *v.* One Distillery et al., etc. In error to the circuit court of the United States for the southern district of California. Judgment affirmed. Opinion by Mr. Justice Harlan.

No. 172. Thomas Cosgrove, appellant, *v.* Eugene D. Winney, United States marshal, etc. Appeal from the district court of the United States for the eastern district of Michigan. Order reversed with costs and cause remanded, with a direction to discharge the petitioner. Opinion by Mr. Chief Justice Fuller.

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

No. 94. James L. Utter et al., appellants, *v.* B. J. Franklin, governor, etc. Decree of January 3, 1899, herein vacated and leave given to make the executors of Elizabeth B. Voorhies, one of the appellants herein, parties hereto and to revive the cause accordingly.

No. 740. William J. Cruickshank et al., appellants, *v.* George R. Bidwell, collector, etc. Motion to advance granted and cause assigned for argument on the second Monday of the next term (October 16) after the cases already set down for that day.

No. 744. S. Duffield Mitchell, trustee, etc., plaintiff in error, *v.* J. McD. Scott, bankrupt; and

No. 745. S. Duffield Mitchell, receiver, etc., plaintiff in error, *v.* John C. McClure et al. Motions to advance for oral argument denied, but the cases will be taken on printed briefs on or before May 1, as advanced under the thirty-second rule, if counsel shall be so advised.

No. 761. Charles Storrow et al., petitioners, *v.* The Texas Consolidated Compress and Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 773. The Chicago, Milwaukee and St. Paul Railway Company, petitioner, *v.* Heman Clark. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 777. The Board of County Commissioners of Pratt County, Kans., petitioner, *v.* The Society for Savings. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 786. The Florida Mortgage and Investment Company (Limited), petitioner, *v.* Daniel A. Finlayson, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 5, Original. *Ex parte:* In the matter of Nelson W. Green, petitioner. Motion for leave to file petition herein granted, and rule to show cause why a writ of certiorari should not be granted awarded. Returnable Monday, May 1, next.

No. —. The St. Louis, Alton and Springfield Railroad Company et al., plaintiffs in error, *v.* Seth F. Crews et al., etc. Motion to docket and dismiss denied.

No. 682. William J. Bryan et al., plaintiffs in error, *v.* The United States. Mandate granted on motion of Mr. Solicitor-General Richards for the defendant in error.

No. 262. Gilmore G. Scranton, plaintiff in error, *v.* Eben S. Wheeler. Continued per stipulation, on motion of Mr. Solicitor-General Richards for the defendant in error.

No. 268. S. Endicott Peabody, appellant, *v.* The United States; and
 No. 88. J. Francisco Chavez, appellant, *v.* The United States. Continued per stipulation, on motion of Mr. F. W. Clancy for the appellants.

No. 746. Robert S. Leovy, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit. Submitted by Mr. Alexander Porter Morse, Mr. H. J. Leovy and Mr. Victor Leovy for the petitioner.

No. 793. Julius Steinwender et al., petitioners, *v.* The Steamship Mexican Prince, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit. Submitted by Mr. Lawrence Kneeland, Mr. Harrington Putnam and Mr. Lewis Cass Ledyard in support of petition, and by Mr. J. Parker Kirlin in opposition thereto.

No. 747. The Cœur d'Alene Railway and Navigation Company et al., petitioners, *v.* William L. Spalding. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit. Submitted by Mr. A. B. Browne, Mr. A. T. Britton and Mr. C. W. Bunn for petitioners, and by Mr. John Goode and Mr. Willis Sweet in opposition.

No. 779. The Sioux City, O'Neill and Western Railway Company et al., petitioners, *v.* The Manhattan Trust Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit. Submitted by Mr. John B. Cotton in behalf of Mr. Henry J. Taylor and Mr. John C. Coombs in support of petition, and by Mr. John L. Webster and Mr. George W. Wickersham in opposition thereto.

No. —, Original. Ex parte: In the matter of Jonas Grossmayer, petitioner. Motion for leave to file petition for a writ of mandamus. Submitted by Mr. Thomas H. Clark for the petitioner.

No. 756. The Yazoo and Mississippi Valley Railroad Company et al., plaintiffs in error, *v.* Wirt Adams, State revenue agent. Motions to dismiss or affirm. Submitted by Mr. R. C. Beckett in support of motions, and by Mr. William D. Guthrie, Mr. Edward Mayes and Mr. James Fentress in opposition thereto.

No. 770. Ada F. McDonnell, plaintiff in error, *v.* Llewellyn Jordan. Suggestion of diminution of the record herein, and motion for writ of certiorari. Submitted by Mr. George Kearney and Mr. Richard W. Walker in support of motion, and by Mr. William Richardson and Mr. Lawrence Cooper in opposition thereto.

No. 795. Anders Jakobsen, petitioner, *v.* Oscar M. Springer et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit. Submitted by Mr. John W. Warner in behalf

of Mr. J. D. Rouse and Mr. William Grant in support of petition, and by Mr. Richard De Gray in opposition thereto.

No. 321. The United States et al., appellants, *v.* Moses Fallowill;

No. 322. The United States et al., appellants, *v.* Emeline Mackey;

No. 323. The United States et al., appellants, *v.* Daniel S. Leatherwood;

No. 324. The United States et al., appellants, *v.* Robert Carter;

No. 325. The United States et al., appellants, *v.* Charles H. Hittson;

No. 326. The United States et al., appellants, *v.* Mary Scroggins;

No. 327. The United States et al., appellants, *v.* Fleming P. Jennings;

No. 328. The United States et al., appellants, *v.* David P. McCracken; and

No. 329. The United States et al., appellants, *v.* Brice Woody. Mandates granted on motion of Mr. John Wharton Clark for the appellees.

No. 296. The Township of Garfield et al., plaintiffs in error, *v.* Lewis A. Riley. Continued on motion of Mr. S. S. Ashbaugh in behalf of counsel for plaintiffs in error.

No. 259. James A. Sigafus, plaintiff in error, *v.* Dudley Porter et al. Argument continued by Mr. Albert Stickney for the defendants in error, and concluded by Mr. Edmund Wetmore for the plaintiff in error.

No. 261. The Board of County Commissioners of Scott County, Kans., plaintiff in error, *v.* The State of Kansas. Argued by Mr. S. S. Ashbaugh for the plaintiff in error, and submitted by Mr. A. A. Godard for the defendant in error.

No. 263. The Louisville Trust Company, petitioner, *v.* The Louisville, New Albany and Chicago Railway Company et al. Argued by Mr. Swager Sherley and Mr. St. John Boyle for the petitioner, and by Mr. A. H. Joline for the respondents.

No. 264. The City of Richmond, petitioner, *v.* The Southern Bell Telephone and Telegraph Company. Argument commenced by Mr. C. V. Meredith for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 25, will be as follows: Nos. 264, 265, 267, 269, 271, 272, 273, 274, 275 and 276.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 25, 1899.

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.

John H. P. Dodge of Boston, Mass., was admitted to practice.

No. 94. James L. Utter et al., appellants, *v.* B. J. Franklin, governor, etc., et al. Appearance of George Albright, Wesley Albright and W. H. Maginnis, executors of Elizabeth B. Voorhies, deceased, as parties appellants herein. Filed and entered on motion of Mr. Frederic D. McKenney in behalf of counsel.

No. 94. James L. Utter et al., appellants, *v.* B. J. Franklin, governor, etc., et al. Appeal from the supreme court of the Territory of Arizona. Order reversed, with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court.

No. 264. The City of Richmond, petitioner, *v.* The Southern Bell Telephone and Telegraph Company. Argument continued by Mr. C. V. Meredith for the petitioner, by Mr. Hill Carter and Mr. A. L. Holladay for the respondent, and concluded by Mr. H. R. Pollard for the petitioner.

No. 265. George M. Israel, plaintiff in error, *v.* Charles F. Gale, receiver, etc. Argument commenced by Mr. Frank Sullivan Smith for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 26, will be as follows: Nos. 265, 267, 269, 271, 272, 273, 274, 275, 276 and 277.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 26, 1899.

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.

Martin Carey of Buffalo, N. Y., John D. Nichols of New York City, and Warren R. Choate of Washington, D. C., were admitted to practice.

No. 265. George M. Israel, plaintiff in error, *v.* Charles F. Gale, as receiver, etc. Argument continued by Mr. Frank Sullivan Smith for the plaintiff in error, by Mr. Martin Carey for the defendant in error, and concluded by Mr. Frank Sullivan Smith for the plaintiff in error.

No. 267. Albert Wade, petitioner, *v.* Travis County, Tex. Argued by Mr. Joseph Paxton Blair and Mr. Frank W. Hackett for the petitioner, and by Mr. Clarence H. Miller for the respondent.

No. 269. The Addyston Pipe and Steel Company et al., appellants, *v.* The United States. Leave granted to appellants to file an additional brief herein within one week, on motion of Mr. Frank Spurlock for the appellants. Argument commenced by Mr. Frank Spurlock for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 27, will be as follows: Nos. 269, 271, 272, 273, 274, 275, 276, 277, 278 and 279.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 27, 1899.

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. 269. The Addyston Pipe and Steel Company et al., appellants, *v.* The United States. Argument continued by Mr. Solicitor-General Richards for the appellee, and concluded by Mr. John W. Warrington for the appellants.

No. 271. John McMullen, petitioner, *v.* Julia E. Hoffman, executrix, etc. Argument commenced by Mr. L. B. Cox for the petitioner, and continued by Mr. Rufus Mallory for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 28, will be as follows: Nos. 271, 272, 273, 274, 275, 276, 277, 278, 279 and 280.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 28, 1899.

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

Claud E. Sheedon of Cleveland, Ohio, was admitted to practice.

No. 697. The United States, appellant, *v.* The New York Indians. Motion that mandate issue as of the 19th instant. Submitted by Mr. C. C. Binney for the appellant.

No. 271. John McMullen, petitioner, *v.* Julia E. Hoffman, executrix, etc. Argument continued by Mr. Rufus Mallory for the respondent, and concluded by Mr. William A. Maury for the petitioner.

No. 272. The Raton Water Works Company, appellant, *v.* The Town of Raton. Argued by Mr. Henry A. Forster for the appellant, and by Mr. N. B. Laughlin for the appellee.

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 1, 1899.

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 W. Dorr of New Whatcom, Wash.; H. Generes Dufour of New Orleans, La.; William C. Case of Hartford, Conn., and Theodore M. Maltbie of Hartford, Conn., were admitted to practice.

No. 238. Walter M. McCain et al., appellants, *v.* The City of Des Moines et al. Appeal from the circuit court of the United States for the southern district of Iowa. Decree affirmed with costs. Opinion by Mr. Justice Peckham.

No. 49. M. F. Morris et al., appellants, *v.* The United States. Appeal from the supreme court of the District of Columbia. Decree affirmed and cause remanded for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice Shiras. Dissenting: Mr. Justice White and Mr. Justice Peckham. (Mr. Justice Gray and Mr. Justice McKenna were not present at the argument and took no part in the decision of this case.)

No. 211. C. H. Bosworth, receiver, etc., petitioner, *v.* Terminal Railroad Association of St. Louis. On writ of certiorari to the United States circuit court of appeals for the seventh circuit. Decree of the circuit court of the United States for the southern district of Illinois affirmed with costs, and cause remanded to said circuit court. Opinion by Mr. Justice Brewer.

No. 230. Elizabeth M. Humphries by her next friend, John W. Humphries, plaintiff in error, *v.* The District of Columbia. In error 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 Brewer.

No. 243. Amedee D. Moran et al., purchasing trustees, petitioners, *v.* Charles Dillingham. On writ of certiorari to the United States circuit court of appeals for the fifth circuit. Decree set aside and

quashed, costs in this court to be paid by respondent, and cause remanded to the said United States circuit court of appeals to be there heard and determined according to law by a bench of competent judges. Opinion by Mr. Justice Gray.

No. 248. Maude E. Kimball, plaintiff in error, *v.* Harriet A. Kimball et al. In error to the surrogate's court of Kings County, State of New York. Dismissed. Opinion by Mr. Justice Gray.

No. 767. Samuel Nelson, plaintiff in error, *v.* Dennis Moloney. In error to the supreme court of the State of New York. Dimissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

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

No. 781. Travis County, petitioner, *v.* The King Iron Bridge and Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 746. Robert S. Leovy, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit granted.

No. 747. The Cœur d'Alene Railway and Navigation Company et al., petitioners, *v.* William L. Spalding. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 756. The Yazoo and Mississippi Valley Railroad Company et al., plaintiffs in error, *v.* Wirt Adams, State revenue agent. Motions to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 770. Ada F. McDonnell, plaintiff in error, *v.* Llewellyn Jordan. Motion for writ of certiorari denied.

No. 779. The Sioux City, O'Neill and Western Railway Company et al., petitioners, *v.* The Manhattan Trust Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 793. Julius Steinwender et al., petitioners, *v.* The Steamship Mexican Prince, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 795. Anders Jakobsen, claimant, etc., petitioner, *v.* Oscar M. Springer et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit granted upon condition that petitioner pay one-half of the costs of the record and the printing thereof in No. 413, and that this case be heard with No. 413 as one case.

No. —, Original. Ex parte: In the matter of Jonas Grossmayer, petitioner. Motion for leave to file petition for writ of mandamus granted and rule to show cause awarded returnable on the first Monday of the next term (October 9).

No. 697. The United States, appellant, *v.* The New York Indians. Motion that mandate issue as of April 19, 1899, granted.

No. 259. James M. Sigafus, plaintiff in error, *v.* Dudley Porter et al. Ordered that writ of certiorari issue to the United States circuit court of appeals for the second circuit to bring up the whole case.

No. 340. Stanton Warburton, plaintiff in error, *v.* Matilda B. White et al. Motions to dismiss or affirm denied.

No. 261. The Board of County Commissioners of Scott County, Kans., plaintiff in error, *v.* The State of Kansas. In error to the supreme court of the State of Kansas. Dismissed on the authority of *Union Mutual Life Insurance Company v. Kirchoff*, 160 U. S., 374.

No. 692. The Board of Supervisors of Presque Isle County, plaintiff in error, *v.* William J. Ashley. Motion to dismiss. Submitted by Mr. C. E. Warner in support of motion, and by Mr. H. M. Duffield in opposition.

No. 723. The American Express Company, plaintiff in error, *v.* F. A. Maynard, attorney-general. Motion to dismiss. Submitted by Mr. C. E. Warner in support of motion, and by Mr. Lewis Cass Ledyard in opposition thereto. Motion to advance submitted by Mr. A. B. Duvall in behalf of counsel for plaintiff in error.

No. 806. The City of New Orleans, petitioner, *v.* John Fisher, tutor, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit. Submitted by Mr. H. G. Dufour, Mr. S. L. Gilmore, Mr. B. K. Miller and Mr. James J. McLoughlin in support of petition, and by Mr. Charles Louque in opposition thereto.

No. 376. D. P. Tarpey, plaintiff in error, *v.* Andrew Madsen. Motion to submit this cause under twentieth rule, pursuant to a stipulation on file. Submitted by Mr. W. T. S. Curtis for the plaintiff in error in support of motion, and by Mr. B. H. Jones for defendant in error in opposition thereto.

No. 805. H. Drusella Mitchell, petitioner, *v.* The First National Bank of Chicago. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit. Submitted by Mr. Theodore M. Maltbie in support of petition, and by Mr. William C. Case in opposition thereto.

No. 796. The Overweight Counterbalance Elevator Company, petitioner, *v.* Improved Order of Red Men's Hall Association. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit. Submitted by Mr. Frederic D. McKenney and Mr. W. H. H. Hart in support of petition, and by Mr. M. A. Wheaton in opposition thereto.

No. —. The St. Louis, Alton and Springfield Railroad Company et al., plaintiffs in error, *v.* Seth F. Crews et al., etc. Motion to set aside order extending time to docket cause and to docket and dismiss. Submitted by Mr. Frederic D. McKenney in support of motion, and by Mr. Eleneious Smith in opposition thereto.

No. 799. Josiah A. Gould et al., petitioners, *v.* Asa S. Hughes, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit. Submitted by Mr. Thomas H. Clark in behalf of Mr. Eugene P. Carver, and by Mr. H. R. Edmunds in support of petition.

No. 734. Albert R. Whittier, petitioner, *v.* Elisha A. Packer. Petition for writ of certiorari to the United States circuit court of appeals for the first circuit. Submitted by Mr. Chapin Brown and Mr. Arthur D. Hill in support of petition, and by Mr. James J. Storrow in opposition thereto.

No. 299. The Missouri, Kansas and Texas Railway Company in Texas, plaintiff in error, *v.* J. M. Evans. Motions to dismiss or affirm. Submitted by Mr. H. Chilton in support of motions, and by Mr. James Hagerman and Mr. Joseph M. Bryson in opposition thereto.

No. 755. George M. West Company, appellant, *v.* Lea Bros. & Co. Submitted as under the thirty-second rule by Mr. W. W. Henry for the appellant, and by Mr. Jackson H. Ralston for the appellees.

Adjourned until Monday, May 15, 1899.



SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 15, 1899.

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 S. Woodruff of New York City; Richard H. Liggett of Jacksonville, Fla.; Francis B. Fleming, jr., of Jacksonville, Fla.; V. B. Archer of Parkersburg, W. Va., and William B. McIlvaine of Chicago, Ill., were admitted to practice.

No. 169. The Territory of New Mexico, appellant, *v.* The United States Trust Company of New York, et al. Appeal from the supreme court of the Territory of New Mexico. Decree of December 5, 1898, set aside and decree reversed with costs, and cause remanded for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice McKenna.

No. 136. Adolph Cohn, appellant, *v.* Angelina Daily et al. Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs. Opinion by Mr. Justice McKenna.

No. 257. John W. McDonald, receiver, etc., appellant, *v.* George G. Williams et al. On a certificate from the United States circuit court of appeals for the second circuit. First question answered in the negative. Opinion by Mr. Justice Peckham.

No. 362. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Bank of Commerce; and

No. 363. The City of Louisville, appellant, *v.* The Bank of Commerce. Appeals from the circuit court of the United States for the district of Kentucky. Decrees reversed with costs, and cause remanded with directions to dismiss the bills. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Harlan and Mr. Justice White.

No. 406. The Fidelity Trust and Safety Vault Company, appellant, *v.* The City of Louisville;

No. 407. The Fidelity Trust and Safety Vault Company, appellant, *v.* Samuel H. Stone, auditor, etc., et al.;

No. 408. The Louisville Trust Company, appellant, *v.* The City of Louisville;

No. 409. The Louisville Trust Company, appellant, *v.* Samuel H. Stone, auditor, etc., et al. Appeals from the circuit court of the United States for the district of Kentucky. Decrees affirmed with costs. Opinion by Mr. Justice Peckham.

No. 356. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The President, etc., of the Bank of Kentucky;

No. 357. The City of Louisville, appellant, *v.* The President, etc., of the Bank of Kentucky;

No. 360. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Louisville Banking Company;

No. 361. The City of Louisville, appellant, *v.* The Louisville Banking Company; and

No. 387. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Deposit Bank of Frankfort. Appeals from the circuit court of the United States for the district of Kentucky. Decrees affirmed with costs by a divided court. Announced by Mr. Justice White.

No. 365. The City of Louisville, appellant, *v.* The Citizens' National Bank. Appeal from the circuit court of the United States for the district of Kentucky. Decree affirmed with costs. Opinion by Mr. Justice White.

No. 405. The Citizens' National Bank of Louisville, appellant, *v.* Samuel H. Stone, auditor, etc., et al. Appeal from the circuit court of the United States for the district of Kentucky. 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 White.

No. 385. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Farmers' Bank of Kentucky; and

No. 386. The Farmers' Bank of Kentucky, appellant, *v.* Samuel H. Stone, auditor, etc., et al. Appeals from the circuit court of the United States for the district of Kentucky. Decree affirmed, each of the appellants to pay their own costs in this court. Opinion by Mr. Justice White.

No. 404. The Third National Bank of Louisville, appellant, *v.* Samuel H. Stone, auditor, etc., et al. Appeal from the circuit court of the United States for the district of Kentucky. Decree reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice White.

No. 364. The City of Louisville, appellant, *v.* The Third National Bank. Appeal from the circuit court of the United States for the district of Kentucky. Decree affirmed with costs. Opinion by Mr. Justice White.

No. 634. The First National Bank of Louisville, appellant, *v.* Samuel H. Stone, auditor, etc., et al.; and

No. 635. The First National Bank of Louisville, appellant, *v.* The City of Louisville. Appeals from the circuit court of the United States for the district of Kentucky. Decrees reversed with costs, and causes remanded, with directions for such further proceedings as may be in conformity with the opinion of this court. Opinion by Mr. Justice White.

No. 359. The City of Louisville, appellant, *v.* The Bank of Louisville; and

No. 358. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Bank of Louisville. Appeals from the circuit court of the United States for the district of Kentucky. Decrees reversed with costs, and causes remanded, with directions to dismiss the bills. Opinion by Mr. Justice White. Dissenting: Mr. Justice Harlan.

No. 216. The United States, appellant, *v.* John Krall. Appeal from the United States circuit court of appeals for the ninth circuit. Dismissed for the want of jurisdiction. Opinion by Mr. Justice White.

No. 265. George M. Israel, plaintiff in error, *v.* Charles F. Gale, 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 White.

No. 187. The First National Bank of Concord, N. H., plaintiff in error, *v.* Edward Hawkins, receiver, etc. In error to the United States circuit court of appeals for the first circuit. Judgments reversed with costs, and cause remanded to the circuit court of the United States for the district of New Hampshire, with directions to enter a judgment in conformity with the opinion of this court. Opinion by Mr. Justice Shiras.

No. 272. The Raton Water Works Company, appellant, *v.* The Town of Raton. Appeal from the supreme court of the Territory of New Mexico. Decree reversed, each party to pay its own costs on this appeal, and cause remanded to said supreme court, with directions to amend its decree by directing the district court to dismiss the bill without prejudice to the right of the complainant to sue at law. Opinion by Mr. Justice Shiras.

No. 267. Albert Wade, petitioner, *v.* Travis County, Tex. On writ of certiorari to the United States circuit court of appeals for the fifth circuit. Judgments of the circuit court of the United States for the western district of Texas and of said United States circuit court of appeals reversed with costs, and cause remanded to the said circuit court for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 253. The Office Specialty Manufacturing Company, appellant, *v.* The Fenton Metallic Manufacturing Company. Appeal from the court of appeals of the District of Columbia. Decree reversed with costs, and cause remanded, with directions to order the bill to be dismissed. Opinion by Mr. Justice Brown.

No. 241. The Northern Pacific Railroad Company et al., plaintiffs in error, *v.* Serette O. Freeman. In error to the United States circuit court of appeals for the ninth circuit. Judgment reversed with costs, and cause remanded to the circuit court of the United States for the district of Washington, with directions to grant a new trial. Opinion by Mr. Justice Brown. Dissenting: Mr. Chief Justice Fuller and Mr. Justice Harlan.

No. 247. William M. Price, administrator, etc., appellant, *v.* The United States and the Osage Indians. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice White, Mr. Justice Peckham and Mr. Justice McKenna.

No. 29. The Louisville Trust Company, appellant, *v.* The Louisville, New Albany and Chicago Railway Company. On writ of certiorari to the United States circuit court of appeals for the sixth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the district of Kentucky. Opinion by Mr. Justice Gray.

No. 30. The Louisville Banking Company, appellant, *v.* The Louisville, New Albany and Chicago Railway Company. On writ of certiorari to the United States circuit court of appeals for the sixth circuit. Decrees of circuit court of the United States for the district of Kentucky and of said United States circuit court of appeals reversed with costs, and case remanded to said circuit court with directions to enter a decree in conformity with the opinion of this court. Opinion by Mr. Justice Gray.

Nos. 423, 436, 438, 445, 446, 447, 449, 450, 451, 452, 453, 454, 456, 457, 458, 459, 460, 461, 464, 465, 466, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 579, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 598, 599, 600, 601, 608, 609, 612, 613, 614, 615, 616, 617, 618, 619, 637, 643, 644, 645, 646, 647, 648 and 651. The Indian Citizenship Cases. Appeals from the United States court in the Indian Territory. Decrees affirmed with costs.

Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice White and Mr. Justice McKenna.

No. 704. The United States, appellant, *v.* The Steamship Olinde Rodrigues, etc. Appeal from the district court of the United States for the district of South Carolina. Decree modified and affirmed. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice McKenna.

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

No. 299. The Missouri, Kansas and Texas Railway Company of Texas, plaintiff in error, *v.* J. M. Evans. Motions to dismiss or affirm postponed to the hearing of the case on its merits.

No. 376. D. P. Tarpey, plaintiff in error, *v.* Andrew Madsen. Motion to submit this cause under twentieth rule, pursuant to stipulation on file, denied.

No. 692. The Board of Supervisors of Presque Isle County, plaintiff in error, *v.* William J. Ashley. Motion to dismiss denied.

No. 723. The American Express Company, plaintiff in error, *v.* F. A. Maynard, attorney-general, etc. Motion to dismiss postponed to the hearing of the case on its merits. Motion to advance granted, and cause assigned for argument on the second Monday of the next term (October 16) after No. 760.

No. 734. Albert R. Whittier, petitioner, *v.* Elisha A. Packer. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 796. The Overweight Counterbalance Elevator Company, petitioner, *v.* Improved Order of Red Men's Hall Association. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 799. Josiah A. Gould et al., petitioners, *v.* Asa S. Hughes. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit granted.

No. 805. H. Drusilla Mitchell, petitioner, *v.* The First National Bank of Chicago. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 806. The City of New Orleans, petitioner, *v.* John Fisher, tutor, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit granted.

No. —. The St. Louis, Alton and Springfield Railroad Company et al., plaintiffs in error, *v.* Seth F. Crews et al., etc. Leave is granted to docket this case. The order of March 27 of the chief justice of Illinois extending time to file record is set aside, and the cause will stand dismissed if the record be not filed on or before June 1 next.

No. 102. The United States, petitioner, *v.* The Roessler and Hasslacher Chemical Company. On writ of certiorari to the United States circuit court of appeals for the second circuit. Dismissed per stipulation, and mandate granted, on motion of Mr. Solicitor-General Richards for the petitioner.

No. 824. The United States, petitioner, *v.* H. Bacharach & 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 in support of petition, and by Mr. Stephen G. Clarke in opposition thereto.

No. —, Original. *Ex parte*: In the matter of James M. Ludden, petitioner. Motion for leave to file petition for a writ of habeas corpus. Submitted by Mr. Henry W. Scott for the petitioner.

No. 820. The Central Trust Company, of New York, trustee, petitioner, *v.* The State of Minnesota. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit. Submitted by Mr. Thomas H. Clark in behalf of Mr. Louis Marshall, and Mr. J. L. Washburn in support of the petition, and by Mr. J. B. Richards in opposition thereto.

No. 804. The City of Milwaukee, petitioner, *v.* Shailer & Schinglaw Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit. Submitted by Mr. Frederic D. McKenney in behalf of Mr. C. H. Hamilton in support of petition, and by Mr. James G. Flanders in opposition thereto.

No. 821. The Atlantic Lumber Company, petitioner, *v.* The L. Bucki and Southern Lumber Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit. Submitted by Mr. Richard H. Liggett and Mr. T. F. McGarry in support of petition, and by Mr. H. Bisbee in opposition thereto.

No. 790. S. H. H. Clarke, et al., receivers, etc., plaintiffs in error, *v.* The City of Kansas City, Kans., et al. Motion to advance. Submitted by Mr. A. L. Williams for the plaintiffs in error.

No. 823. The Insurance Company of North America, petitioner, *v.* The Steamship Prussia, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit. Submitted by Mr. Lawrence Kneeland in support of petition, and by Mr. Everett P. Wheeler in opposition thereto.

No. 259. James M. Sigafus, plaintiff in error, *v.* Dudley Porter, et al. Restored to the docket for reargument of the whole case, on motion of Mr. Frank W. Hackett in behalf of counsel.

No. 778. The Pittsburgh and Lake Angeline Iron Company, plaintiff in error, *v.* The Cleveland Iron Mining Company et al. Motion for an

order on the lower court to send up certain briefs used therein. Submitted by Mr. James K. Redington in behalf of counsel for the defendants in error.

No. 310 of 1894. Edward S. Richards, appellant, *v.* The Chase Elevator Company et al.;

No. 311 of 1894. Edward S. Richards, appellant, *v.* The Michigan Central Railroad Company et al.; and

No. 312 of 1894. Edward S. Richards, appellant, *v.* The Chicago and Grand Trunk Railroad Company et al. Motion for leave to file a bill of review in the circuit court of the United States for the northern district of Illinois. Submitted by Mr. Alphonso Hart for the appellant.

No. 5, Original. *Ex parte*: In the matter of Nelson W. Green, petitioner. Dismissed per stipulation, on motion of Mr. W. W. Dodge in behalf of counsel.

No. 767. Samuel Nelson, plaintiff in error, *v.* Dennis Moloney. Mandate granted on motion of Mr. Duane E. Fox in behalf of counsel.

No. 727. The Pittsburgh, Cincinnati, Chicago and St. Louis Railway Company, plaintiff in error, *v.* William J. Montgomery. In error to the supreme court of the State of Indiana. Dismissed with costs on authority of counsel for the plaintiff in error.

No. 678. Philip Werlein, plaintiff in error, *v.* The City of New Orleans. Motions to dismiss or affirm. Submitted by Mr. Samuel L. Gilmore in support of motions, and by Mr. Edwin T. Merrick in opposition thereto.

Adjourned until Monday next, at 12 o'clock.



SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 22, 1899.

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 E. Pound of Lockport, N. Y.; H. H. C. Miller of Chicago, Ill.; S. U. Trent of Pittsburg, Pa.; J. Bernard Handlan of Wheeling, W. Va.; Smith M. Lindsley of Utica, N. Y.; Arthur C. Salmon of Brooklyn, N. Y.; J. A. Langfelt of Pittsburg, Pa.; John Haskell Butler of Boston, Mass.; E. B. Belden of Racine, Wis.; W. Holt Apgar of Trenton, N. J.; Uriah W. Tompkins of New York City; William B. Akers of Washington, D. C.; J. R. McIntosh of Richmond, Va., and Carroll L. Swarts of Arkansas City, Kans., were admitted to practice.

No. 236. The Chicago, Rock Island and Pacific Railway Company, plaintiff in error, *v. E. H. Sturm*. In error to the supreme court of the State of Kansas. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McKenna.

No. 235. The Chicago, Rock Island and Pacific Railway Company, plaintiff in error, *v. David Campbell*. In error to the supreme court of the State of Kansas. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McKenna.

No. 246. Lucy T. Davis et al., plaintiffs in error, *v. Louis Coblens et al.* In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 154. The Northern Pacific Railway Company, plaintiff in error, *v. James De Lacey*. In error to the United States circuit court of appeals for the ninth circuit. Judgment reversed with costs, and cause remanded to the circuit court of the United States for the district of Washington for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Harlan and Mr. Justice McKenna.

No. 271. John McMullen, petitioner, *v. Julia E. Hoffman, executrix, etc.* On writ of certiorari to the United States circuit court of appeals

for the ninth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the district of Oregon. Opinion by Mr. Justice Peckham.

No. 755. George M. West Company, appellant, *v.* Lea Brothers & Co. On a certificate from the United States circuit court of appeals for the fourth circuit. Question certified answered in the negative. Opinion by Mr. Justice White.

No. 11. The Missouri, Kansas and Texas Railway Company, plaintiff in error, *v.* McCann & Smizer. In error to the supreme court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice White. Dissenting: Mr. Justice Harlan.

No. 242. John W. McDonald, receiver, etc., appellant, *v.* The Chemical National Bank. Appeal from the United States circuit court of appeals for the second circuit. Decree 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 Shiras. Dissenting: Mr. Justice White, Mr. Justice Peckham and Mr. Justice McKenna.

No. 254. The Rio Grande Irrigation and Colonization Company, appellant, *v.* Charles H. Gildersleeve. Appeal from the supreme court of the Territory of New Mexico. Decree affirmed with costs and interest. Opinion by Mr. Justice Shiras.

No. 163. The Rio Grande Irrigation and Colonization Company, plaintiff in error, *v.* Charles H. Gildersleeve. In error to the supreme court of the Territory of New Mexico. Dismissed with costs. Opinion by Mr. Justice Shiras.

No. 462. The Columbus Construction Company, plaintiff in error, *v.* The Crane Company. In error to the circuit court of the United States for the northern district of Illinois. Dismissed with costs. Opinion by Mr. Justice Shiras.

No. 782. The Columbus Construction Company, petitioner, *v.* The Crane Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied. Announced by Mr. Justice Shiras.

No. 103. The United States, petitioner, *v.* Frederick C. Dudley et al., executors, etc. On writ of certiorari to the United States circuit court of appeals for the second circuit. Judgment affirmed, and cause remanded to the circuit court of the United States for the district of Vermont. Opinion by Mr. Justice Brown.

No. 215. The United States, appellant, *v.* The Rio Grande Dam and Irrigation Company et al. Appeal from the supreme court of the Territory of New Mexico. Decree reversed, and cause remanded with

directions to set aside the decree of dismissal and to order an inquiry into the question whether the intended acts of the defendants in the construction of a dam and in appropriating the waters of the Rio Grande will substantially diminish the navigability of that stream within the limits of present navigability; and if so, to enter a decree restraining those acts to the extent that they will so diminish. Opinion by Mr. Justice Brewer. (Mr. Justice Gray and Mr. Justice McKenna were not present at the argument and took no part in the decision of this case.)

No. 263. The Louisville Trust Company, petitioner, *v.* The Louisville, New Albany and Chicago Railway Company et al. On writ of certiorari to the United States circuit court of appeals for the seventh circuit. Decree of the said United States circuit court of appeals and of the circuit court of the United States for the district of Indiana reversed with costs, and cause remanded to the said circuit court with directions to set aside the confirmation of sale; to inquire whether it is true, as alleged, that the foreclosure proceedings were made in pursuance of an agreement between the bondholder and stockholder to preserve the rights of both and destroy the interests of unsecured creditors; and if it shall appear that such was the agreement between these parties, to refuse to permit the confirmation of sale until the interests of unsecured creditors have been preserved, and to take such other and further proceedings as shall be in conformity to law. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Peckham.

No. 19. Sarah A. Oakes, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Gray.

No. 264. The City of Richmond, petitioner, *v.* The Southern Bell Telephone and Telegraph Company. On writ of certiorari to the United States circuit court of appeals for the fourth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the eastern district of Virginia with directions for such further proceedings as may be in conformity with the principles of the opinion of this court and consistent with law. Opinion by Mr. Justice Harlan.

No. 25. The San Diego Land and Town Company, appellant, *v.* The City of National City et al. Appeal from the circuit court of the United States for the southern district of California. Decree affirmed with costs. Opinion by Mr. Justice Harlan.

No. 8 of October term of 1897. The United States, appellant, *v.* Earl B. Coe. Petition for rehearing denied. Opinion by Mr. Chief Justice Fuller.

No. 448. Marcus A. Spurr, petitioner, *v.* The United States. On writ of certiorari to the United States circuit court of appeals for the sixth

circuit. Judgment of the said United States circuit court of appeals and of the circuit court of the United States for the middle district of Tennessee reversed, and cause remanded to said circuit court with a direction to set aside the verdict and grant a new trial. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice Brown and Mr. Justice McKenna.

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

No. 303. Charles E. Pope, receiver, appellant, *v.* The Louisville, New Albany and Chicago Railway Company. It is ordered by the court that the petition for rehearing herein be filed, and leave is given to counsel for both parties to file such additional briefs within sixty days as they may be advised.

No. 678. Philip Werlein, plaintiff in error, *v.* The City of New Orleans. Motions to dismiss or affirm postponed to the hearing of the case on its merits.

No. 778. The Pittsburgh and Lake Angeline Iron Company, plaintiff in error, *v.* The Cleveland Iron Mining Company et al. Motion for an order on the court below to send up certain briefs denied.

No. 790. S. H. H. Clark et al., receivers, etc., plaintiffs in error, *v.* The City of Kansas City, Kans., et al. Motion to advance granted and cause assigned for argument on the second Monday of the next term (October 16), after the cases already set down for that day.

No. 804. The City of Milwaukee, petitioner, *v.* Shailer & Schinglaw Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 820. The Central Trust Company of New York, trustee, petitioner, *v.* The State of Minnesota, intervenor. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 821. The Atlantic Lumber Company, petitioner, *v.* The L. Bucki and Southern Lumber Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 823. The Insurance Company of North America, petitioner, *v.* The Steamship Prussia, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 824. The United States, petitioner, *v.* H. Bacharach & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. —, Original. *Ex parte*: In the matter of James M. Ludden, petitioner. Motion for leave to file petition for a writ of habeas corpus denied.

No. 310 of 1894. Edward S. Richards, appellant, *v.* The Chase Elevator Company et al. ;

No. 311 of 1894. Edward S. Richards, appellant, *v.* The Michigan Central Railroad Company et al. ; and

No. 312 of 1894. Edward S. Richards, appellant, *v.* The Chicago and Grand Trunk Railroad Company et al. Motion for leave to file a bill of review in the circuit court of the United States for the northern district of Illinois denied.

No. 113. Thomas M. Adams et al., administrators, etc., petitioners, *v.* Benjamin R. Cowan et al., trustees. On writ of certiorari to the United States circuit court of appeals for the sixth circuit. Decree affirmed with costs by a divided court, and cause remanded to the circuit court of the United States for the district of Kentucky.

Order: It is ordered by the court that Mr. Justice Harlan be, and he is hereby, designated to audit and certify to the accounts of the clerk for clerk hire and the incidental expenses of the clerk's office and the accounts of the marshal until the first day of the next term.

No. 768. The United States et al., appellants, *v.* The Alaska Packers' Association et al. Appeal from the circuit court of the United States for the district of Washington. Dismissed per stipulation and mandate granted, on motion of Mr. Solicitor-General Richards for the appellants.

No. 826. L. J. Bryan, as marshal, etc., petitioner, *v.* Louis Bernheimer. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit. Submitted by Mr. J. H. Ralston, Mr. J. D. Rouse and Mr. William Grant for petitioner.

No. 832. The Southern Railway Company, plaintiff in error, *v.* The Postal Telegraph-Cable Company. Motion to modify supersedeas herein. Submitted by Mr. J. R. McIntosh in support of motion, and by Mr. Robert Stiles and Mr. A. L. Holladay in opposition thereto.

No. 244. The Louisville and Nashville Railroad Company et al., appellants, *v.* Henry W. Behlmer. Death of Henry W. Behlmer, the appellee herein, suggested by Mr. C. B. Northrop for the appellee.

No. 455. Willis Thorp, plaintiff in error, *v.* S. A. Bonnifield et al. Motion to dismiss. Submitted by Mr. S. M. Stockslager and Mr. George C. Heard in support of motion, and by Mr. J. T. Ronald in opposition thereto.

No. 792. The Appleton Water Works Company et al., petitioners, *v.* The Central Trust Company of New York. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit. Submitted by Mr. Frederic D. McKenney in behalf of Mr. Lyman E. Barnes in support of petition, and by Mr. B. K. Miller, jr., in opposition thereto.

No. 113. Thomas M. Adams et al., administrators, etc., petitioners, *v.* Benjamin R. Cowen et al., trustees. Motion for leave to file petition for rehearing. Submitted by Mr. John F. Hager for the petitioners.

No. 347. John G. Schmidt, in his own behalf, etc., appellant, *v.* John H. Williams, administrator, etc., et al. Appeal from the district court of the United States for the district of New Jersey. Dismissed per stipulation.

After a recess the Chief Justice announced the following orders of the court:

No. 113. Thomas M. Adams et al., administrators, etc., petitioners, *v.* Benjamin R. Cowen et al., trustees. Motion for leave to file a petition for rehearing herein granted, and leave given to counsel on both sides to file additional briefs within sixty days if they shall be so advised.

No. 356. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The President, etc., of the Bank of Kentucky;

No. 357. The City of Louisville, appellant, *v.* The President, etc., of the Bank of Kentucky;

No. 360. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Louisville Banking Company;

No. 361. The City of Louisville, appellant, *v.* The Louisville Banking Company;

No. 385. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Farmers' Bank of Kentucky; and

No. 387. Samuel H. Stone, auditor, etc., et al., appellants, *v.* The Deposit Bank of Frankfort. Petition for rehearing ordered to be filed and leave given to counsel on both sides to file additional briefs within sixty days if they shall be so advised.

Order: It is now here ordered by the court that all the cases on the docket not decided, and all the other business of the term not disposed of by the court be, and the same are hereby, continued until the next term of the court.

Adjourned to the time and place appointed by law.