

Office of the Marshal,  
Supreme Court of the United States.

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## SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 9, 1893.

Office of the Marshal,  
Supreme Court of the United States.

The Court met pursuant to law.

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

The Chief Justice said:

It pains me to announce that since the adjournment the Court has suffered severe bereavement in the death of Mr. Justice Blatchford, which occurred at Newport, R. I., on the evening of Friday, July 7.

I will say to the members of the bar that all motions noticed for to-day will stand over until to-morrow. No business will be transacted, but applications for admission to the bar will be entertained, and after these are disposed of the Court will adjourn until the usual hour on Tuesday, in order to enable its members, in accordance with immemorial usage, to pay their respects to the President in a body.

The clerk will enter the usual order for the call of the docket.

A. W. Green, of Chicago, Ill.; Wm. P. Ellison, of Dallas, Tex.; Holmes Conrad, of Winchester, Va.; Joshua Eric Dodge, of Racine, Wis.; Charles Chauncey Binney, of Philadelphia, Pa.; T. D. Cobbs, of San Antonio, Tex.; Albert T. Patrick, of New York City; Harry D. Jewell, of Grand Rapids, Mich.; W. Cabell Bruce, of Baltimore, Md.; Henry C. Cunningham, of Savannah, Ga.; Alexander R. Lawton, jr., of Savannah, Ga.; Vincent Neall, of San Francisco, Cal.; Wm. H. Jackson, of Cincinnati, Ohio, and M. T. Moloney, of Ottawa, Ill., were admitted to practice.

Adjourned until to-morrow at 12 o'clock.

The Court will commence the call of the docket to-morrow pursuant to the 26th rule.

The day call for Tuesday, October 10, will be as follows:

Nos. 2, 3, 4, 5, 6, 7, 8, 10, 11, and 12.

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# SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 10, 1893.

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

William C. Rodgers, of Nashville, Ark.; William M. Wilson, of Osceola, Iowa; Albert Baker, of Indianapolis, Ind.; Hiram L. Gear, of San Francisco, Cal.; William Scallon, of Butte, Mont.; and David Ewing Baily, of Olympia, Wash., were admitted to practice.

The commission of the Hon. Lawrence Maxwell, jr., as Solicitor-General was presented and ordered to be recorded.

No. 611.—J. M. Bain, plaintiff in error, *vs.* The United States.

No. 872.—R. Sarlls, plaintiff in error, *vs.* The United States.

No. 921.—Mrs. Martha Insley *et al.*, appellants, *vs.* The United States.

No. 969.—Alexander Allen, plaintiff in error, *vs.* The United States.

No. 970.—Marshal Tucker, plaintiff in error, *vs.* The United States.

No. 971.—John Hicks, plaintiff in error, *vs.* The United States.

No. 972.—John Gourko, plaintiff in error, *vs.* The United States.

No. 1001.—Anto Caha, plaintiff in error, *vs.* The United States.

No. 1003.—Famous Smith, plaintiff in error, *vs.* The United States.

Motions to advance submitted by Mr. Solicitor-General Maxwell for the United States.

No. 919.—The Aspen Mining and Smelting Company *et al.*, appellants, *vs.* Margaret Billings *et al.* Motion to advance for oral argument submitted by Mr. Calderon Carlisle, for appellants, in support of motion, and by Mr. F. T. Hughes for appellees in opposition thereto.

Nos. 918 and 919.—The Aspen Mining and Smelting Company *et al.*, appellants, *vs.* Margaret Billings *et al.* Motions to dismiss submitted by Mr. F. T. Hughes and T. A. Green in support of motions, and by Mr. Calderon Carlisle in opposition thereto.

No. 1033.—The Alabama Iron and Railway Co. *et al.*, appellants, *vs.* The Anniston Loan and Trust Company.

Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. H. B. Tompkins in support of petition and by Mr. John B. Knox in opposition thereto.

No. 815—J. M. Wood *et al.*, plaintiffs in error, *vs.* John J. Brady. Motions to dismiss or affirm submitted by Mr. James G. Maguire in support of motion and by Mr. J. C. Bates in opposition thereto.

No. 38.—The Schuyler National Bank, plaintiff in error, *vs.* John G. Bollong.

No. 39.—The Schuyler National Bank, plaintiff in error, *vs.* Neil R. Bollong.

No. 317.—The Schuyler National Bank, plaintiff in error, *vs.* Neil R. Bollong.

No. 518.—The Schuyler National Bank, plaintiff in error, *vs.* Hector C. Bollong.

Ordered to be consolidated to be heard as one case when No. 38 is reached, per stipulation of counsel, on motion of Mr. J. G. Bigelow, for plaintiffs in error.

No. 1034.—The Hartford Fire Insurance Company, appellants, *vs.* The Bonner Mercantile Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. T. C. Van Ness in support of petition.

No. 1037.—Charles Wunderle *et al.*, plaintiffs in error, *vs.* Catharine Wunderle. In error to the supreme court of the State of Illinois. Dismissed with costs, and mandate granted, on motion of Mr. William A. McKenney, for the plaintiffs in error.

No. 1029.—Amado Chaves *et al.*, appellants, *vs.* The United States.

No. 1030.—The Pueblos of Zia, Santa Ana, and Jamez, appellants, *vs.* The United States *et al.*

No. 1031.—Manuel Crispin *et al.*, appellants, *vs.* The United States. Motions to advance submitted by Mr. Wm. E. Earle for the appellants.

No. 1032.—Leandro Sandoval *et al.*, appellants, *vs.* The United States. Motion for commission to take additional testimony, pursuant to the provisions of section 9 of the act creating the court of private land claims, submitted by Mr. Wm. E. Earle for the appellants.

No. 385.—J. S. Lewis, plaintiff in error, *vs.* David D. Withers. Appearance of A. C. Monson, executor of David D. Withers, deceased, as defendant in error herein filed and entered on motion of Mr. Calderon Carlisle, in behalf of counsel.

No. 5.—Original.—The State of Iowa, complainant, *vs.* The State of Illinois. Motion for leave to file motion to vacate order confirming report

of commissioners fixing boundary line, etc., submitted by Mr. M. T. Moloney, for the defendant, in support of motion, and by Mr. John F. Lacey, for the complainant, in opposition thereto.

No. 540.—The Albany County Bank, plaintiff in error, *vs.* The Drovers' National Bank, of Union Stock Yards, Lake, Ill. In error to the circuit court of the United States for the northern district of New York. Dismissed and mandate granted, on motion of Mr. Alexander Porter Morse, for the plaintiff in error.

No. 1038.—Harvey Duncan, plaintiff in error, *vs.* The State of Missouri. Motion for leave to docket case and proceed *in forma pauperis* granted, on motion of Mr. E. M. Hewlett, for the plaintiff in error.

No. 630.—Herbert S. De Sallar, appellant, *vs.* Wm. B. Hanscomb. Suggestion of diminution of the record and motion for writ of certiorari submitted by Mr. Capin Brown for the appellant.

No. 5.—William Wright, appellant, *vs.* David G. Guengling, jr.

No. 6.—William Wright, appellant, *vs.* Johnston Beggs. Passed on motion of Mr. Melville Church, of counsel for appellant.

No. 875.—Charles Moran *et al.*, appellants, *vs.* J. C. Hagerman, administrator *et al.* Motion to advance submitted by Mr. Frederic D. McKenney in behalf of counsel.

No. 15.—George H. Hilton, appellant, *vs.* James E. Jones *et al.* Passed on motion of Mr. Frederic D. McKenney in behalf of counsel.

No. 262.—W. E. Trotter, appellant, *vs.* B. Lowenstein & Bros. *et al.* Appeal from the Circuit Court of the United States for the northern district of Mississippi. Dismissed with costs on motion of Mr. A. H. Garland for the appellant.

No. 357.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* J. L. Patterson, county treasurer. Motion to advance submitted by Mr. A. H. Garland for the plaintiff in error.

No. 904.—James Connors, plaintiff in error, *vs.* The United States. Leave granted to withdraw appearance of A. T. Britton and A. B. Browne as counsel for plaintiff in error, on motion of Mr. A. B. Browne.

No. 612.—Richard P. Barden *et al.*, plaintiffs in error, *vs.* The Northern Pacific Railroad Company. Leave granted Mr. A. B. Browne to file brief on behalf of the Atlantic and Pacific Railroad Co.

No. 160.—Woolsey Welles *et al.*, trustees, plaintiffs in error, *vs.* George Crane, administrator, etc. Motion to dismiss submitted by Mr. Geo. Crane in support of motion and by Mr. C. H. Gatch and Mr. Wm. Connor in opposition thereto.

No. 2.—Charles Moran, trustee, appellant, *vs.* The Pittsburgh, Cincinnati and St. Louis Railway Company *et al.* Submitted by Mr. R. A. Harrison and Mr. Joseph Olds for appellees, with leave to Mr. George Hoadly to file brief for appellants within two weeks and to Mr. R. A. Harrison to file reply brief within one week thereafter.

No. 7.—The New York and Texas Land Company (limited), plaintiff in error, *vs.* William Votam, executor. Submitted by Mr. C. W. Ogden for the plaintiff in error.

No. 8.—The Lehigh Zinc and Iron Co. (limited), plaintiff in error, *vs.* Charles Bamford *et al.* Passed on motion of Mr. William A. McKenney, in behalf of counsel.

No. 11.—The Consolidated Bunting Apparatus Company, appellant, *vs.* The Peter Schoenhofer Brewing Co. Appeal from the circuit court of the United States for the northern district of Illinois. Dismissed with costs pursuant to the tenth rule.

No. 3.—The United States, plaintiff in error, *vs.* The Denver and Rio Grande Railway Company.

No. 4.—The United States, plaintiff in error, *vs.* The Denver and Rio Grande Railroad Company *et al.* Argued by Mr. Solicitor-General Maxwell for the plaintiff in error, and by Mr. E. O. Wolcott for the defendants in error.

No. 10.—Elijah W. Meddaugh *et al.*, appellants, *vs.* Nathaniel Wilson. Argument commenced by Mr. Otto Kirchner for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 11, will be as follows :

Nos. 10, 13, 14, 16, 17, 19, 20, 22, 23 (and 9) and 24.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 11, 1893.

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

Henry H. Wilson, of Lincoln, Nebr.; James H. Eckels, of Ottawa, Ill., and Fred Beall, of Oklahoma City, Okla., were admitted to practice.

No. 5.—Original.—The State of Iowa, complainant, *vs.* The State of Illinois. Motion for leave to file a motion to vacate the order confirming the report of the commissioners fixing the boundary line, granted, and leave given counsel for the complainant to file reply within thirty days from this date. Announced by Mr. Chief Justice Fuller.

No. 20.—Henry Deno, plaintiff in error, *vs.* W. E. Griffin. Death of plaintiff in error suggested and order of publication granted on motion of Mr. Jackson H. Ralston for the defendant in error.

No. 887.—The United States, appellant, *vs.* The late Corporation of the Church of Jesus Christ of Latter-Day Saints. Ordered to be passed for hearing before a full bench.

No. 17.—R. B. Hooper, plaintiff in error, *vs.* The People of the State of California. Ordered to be passed for hearing before a full bench.

No. 105.—The U. S. *ex rel.* James K. O. Sherwood, plaintiff in error, *vs.* William E. Woodruff, collector, etc. In error to the circuit court of the United States for the eastern district of Arkansas. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 141.—The New Orleans Canal and Banking Company *et al.*, appellants, *vs.* D. H. Reynolds *et al.* Appeal from the circuit court of the United States for the eastern district of Arkansas. Dismissed with costs on motion of counsel for appellants.

No. 179.—The Toledo, Ann Arbor and North Michigan Railway Company, plaintiff in error, *vs.* Clifford F. Eddy. In error to the circuit court of the United States for the northern district of Ohio. Dismissed with costs, per stipulation.

No. 249.—C. M. Raymond, plaintiff in error, *vs.* Lloyd G. Reed *et al.* In error to the circuit court of the United States for the western district of Pennsylvania. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 300.—The Equitable Accident Insurance Co., of Cincinnati, Ohio, plaintiff in error, *vs.* Edgar P. Sawyer *et al.*, executors, etc. In error to the circuit court of the United States for the eastern district of Wisconsin. Dismissed with costs per stipulation.

No. 525.—E. F. Skinner *et al.*, plaintiffs in error, *vs.* The United States. In error to the circuit court of the United States for the northern district of Florida. Dismissed on authority of counsel for the plaintiffs in error.

No. 757.—The Platte and Denver Canal and Milling Company, plaintiff in error, *vs.* John Dowell *et al.* In error to the supreme court of the State of Colorado. Dismissed with costs, on motion of counsel for plaintiff in error, and mandate granted.

No. 16.—The Worcester, Nashua and Rochester Railroad Company, plaintiff in error, *vs.* The John Hancock Mutual Life Insurance Company. Continued per stipulation.

No. 19.—The Southern Pacific Railroad Company of New Mexico, plaintiff in error, *vs.* Teofilo Esquibel. Continued per stipulation, on motion of Mr. J. Hubley Ashton, in behalf of counsel.

No. 22.—Edward T. Farish *et al.*, plaintiffs in error, *vs.* The New Mexico Mining Company *et al.* In error to the supreme court of the Territory of New Mexico. Dismissed with costs pursuant to the tenth rule. Motion for mandate to issue submitted by Mr. William E. Earle for the defendant in error.

No. 23.—The Pittsburg and Southern Coal Company, plaintiff in error, *vs.* The State of Louisiana for use of Charity Hospital at New Orleans.

No. 9.—The Pittsburg and Southern Coal Company, plaintiff in error, *vs.* John W. Bates, sheriff; ordered to be passed for hearing before a full bench.

No. 24.—The Consolidated Bunging Apparatus Company *et al.*, appellants, *vs.* The H. Clausen & Son Brewing Company. Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs pursuant to the tenth rule.

No. 10.—Elijah W. Meddaugh *et al.*, appellants, *vs.* Nathaniel Wilson. Argument continued by Mr. W. D. Davidge and Mr. John E. Parsons for the appellee, and concluded by Mr. George F. Edmunds for the appellants.

No. 13.—John J. Schillinger *et al.*, appellants, *vs.* The United States.  
Argument commenced by Mr. John C. Fay for the appellants.

Adjourned until to-morrow at 12 o'clock.

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

Nos. 13, 14, 25, 27, 28, 29, 31, 32, 33, and 34 (and 35, 36, and 37).



# SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 12, 1893.

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

Mark Valentine, of Little Rock, Ark., and Morris L. Ritchie, of Council Grove, Kans., were admitted to practice.

No. 1020.—The State of Tennessee *et al.*, appellants, *vs.* The Union and Planters' Bank *et al.*

No. 1021.—The State of Tennessee *et al.*, appellants, *vs.* The Bank of Commerce *et al.* Motions to advance submitted by Mr. T. B. Turley, in behalf of counsel for appellants.

No. 25.—William P. Halliday, appellant, *vs.* Richard H. Stuart *et al.* Suggestion of death of Richard H. Stuart, one of the appellees herein, and appearance of Robert W. Hunter and Julian S. Jones, executors, etc., filed and entered on motion of Mr. Julian S. Jones for appellees.

No. 27.—The Mississippi Mills *et al.*, appellants, *vs.* Simon Cohn *et al.*

No. 28.—Wm. L. Wallace, executor, etc., *et al.*, appellants, *vs.* Theo. W. Myers, comptroller.

No. 29.—R. S. Hollins, sr., *et al.*, appellants, *vs.* The Burrfield Coal and Iron Co., *et al.* Passed.

No. 31.—James P. Stoneroad, plaintiff in error, *vs.* George W. Stoneroad. Passed to be submitted pursuant to the 20th rule.

No. 32.—The District of Columbia, plaintiff in error, *vs.* Matilda S. Church *et al.*

No. 33.—The District of Columbia, plaintiff in error, *vs.* J. Harrison Johnson. In error to the supreme court of the District of Columbia. Dismissed with costs, on motion of counsel for plaintiff in error.

No. 13.—John J. Schillinger *et al.*, appellants, *vs.* The United States. Argument continued by Mr. Assistant Attorney-General Conrad for the appellee and concluded by Mr. John C. Fay for the appellants.

No. 14.—Herman Sturm, appellant, *vs.* F. A. Baker *et al.* Passed.

No. 25.—William P. Halliday, appellant, vs. Robert W. Hunter *et al.*, executors, etc., *et al.* Argued by Mr. A. H. Garland for the appellant and by Mr. Mark Valentine and Mr. Julien S. Jones for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 13, will be as follows :

Nos. 14, 34 (and 35, 36, and 37), 38 (and 39, 317, and 518), 40, 41 (and 49), 42, 43, 44 (and 45), 46, and 47.

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## SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 13, 1893.

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

Henry F. Homes, of New York City, Joseph M. Bryson, of St. Louis, Mo., and William B. Sharp, of San Francisco, Cal., were admitted to practice.

No. 26.—George I. Seney, trustee, appellant, *vs.* The Wabash Western Railway Company. Suggestion of death of George I. Seney, the appellant herein, and motion for leave to enter the appearance of Charles Moran, D. B. Halsted, and William H. Scott, purchasing committee, as parties appellants in the place of George I. Seney, deceased, submitted by Mr. A. G. Riddle in behalf of counsel.

No. 40.—The Joliet Manufacturing Company, appellant, *vs.* The Keystone Manufacturing Company *et al.* Appeal from the circuit court of the United States for the northern district of Illinois. Dismissed with costs pursuant to the tenth rule.

No. 14.—Herman Sturm, appellant, *vs.* F. A. Boker *et al.* Argued by Mr. John M. Butler and Mr. Solomon Claypool for the appellant and by Mr. Albert Baker and Mr. W. D. Guthrie for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 16, will be as follows:

Nos. 34 (and 35, 36, and 37), 38 (and 39, 317, and 518), 41 (and 49), 42, 43, 44 (and 45), 46, 47, 821, and 822.

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# SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 16, 1893.

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

Samuel W. K. Allen, of Providence, R. I.; W. O. Davis, of Little Rock, Ark.; J. A. Cooper, of Ukiah, Cal.; Clifton O. Sabin, of Schuyler, Nebr.; Flavius J. Van Vorhis, of Indianapolis, Ind.; Ephraim Marsh, of Greenfield, Ind.; William J. Hunsaker, of Los Angeles, Cal.; John W. Kern, of Indianapolis, Ind.; Henry C. Coke, of Dallas, Tex.; W. S. Simkins, of Dallas, Tex., and J. W. Terry, of Galveston, Tex., were admitted to practice.

The Chief Justice announced the following orders of the court:

No. 3.—Original.—The State of Virginia, complainant, *vs.* The State of Tennessee. Motion to re-mark the boundary line between the States and allow the taking of additional evidence denied.

No. 22.—Edward T. Farish *et al.*, plaintiffs in error, *vs.* The New Mexico Mining Co. *et al.* Motion for mandate to issue denied.

No. 26.—George I. Seney, trustee, appellant, *vs.* The Wabash Western Railway Company. Motion that Charles Moran, D. B. Halstead, and William Scott be substituted as appellants herein in place of George I. Seney, deceased, granted.

No. 357.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* J. L. Patterson, county treasurer, etc. Motion to advance granted and case assigned for argument before a full bench after No. 612.

No. 611.—J. M. Bain, plaintiff in error, *vs.* The United States.

No. 872.—R. Sarlls, plaintiff in error, *vs.* The United States.

No. 969.—Alexander Allen, plaintiff in error, *vs.* The United States.

No. 970.—Marshal Tucker, plaintiff in error, *vs.* The United States.

No. 971.—John Hicks, plaintiff in error, *vs.* The United States.

No. 972.—John Gourko, plaintiff in error, *vs.* The United States.

No. 1003.—Famous Smith, plaintiff in error, *vs.* The United States.

Motions to advance granted and cases assigned for argument on the second Monday (13th) of November next in the order named.

No. 630. Herbert S. De Sollar, appellant, *vs.* William B. Hanscomb. Motion for writ of certiorari granted, with leave to file the additional record accompanying the motion, as return to the writ.

No. 875. Charles Moran *et al.*, appellants, *vs.* J. C. Hagerman, administrator, *et al.* Motion to advance granted and cause assigned for argument on the second Monday (8th) of January next.

No. 921.—Mrs. Martha Insley *et al.*, appellants, *vs.* The United States. Motion to advance granted and cause assigned for argument on the first Monday (6th) of November next.

No. 1001.—Anton Caha, plaintiff in error, *vs.* The United States. Motion to advance granted and cause assigned for argument on the second Monday (8th) of January next, after the case already set down for that day.

No. 1020.—The State of Tennessee *et al.*, appellants, *vs.* The Union and Planters Bank *et al.*, and

No. 1021.—The State of Tennessee *et al.*, appellants, *vs.* The Bank of Commerce *et al.* Motions to advance granted and causes assigned for argument on the second Monday (8th) of January next, after the cases already set down for that day.

No. 1029.—Amado Chaves *et al.*, appellants, *vs.* the United States.

No. 1030.—The Pueblos of Zia, Santa Ana, and Jemez, appellants, *vs.* the United States, and

No. 1031.—Manuel Crespín *et al.*, appellants, *vs.* the United States. Motion to advance denied.

No. 1032.—Leandro Sandoval *et al.*, appellants, *vs.* The United States. Motion for commission to take additional testimony denied.

No. 1033.—The Alabama Iron and Railway Company *et al.*, appellants, *vs.* The Anniston Loan and Trust Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 1034.—The Hartford Fire Insurance Company *et al.*, appellants, *vs.* The Bonner Mercantile Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 160.—Woolsey Welles *et al.*, trustees, plaintiffs in error, *vs.* George Crane, administrator, etc. In error to the supreme court of the State of Iowa. Dismissed for the want of jurisdiction upon the authority of *Chapman v. Goodnow*, 123 U. S., 540.

No. 768.—Norman Brass, plaintiff in error, *vs.* The State of North Dakota, *ex rel.* Louis W. Stoesser. Ordered that this case be restored to the docket for argument before a full bench.

No. 961.—Enoch Davis, plaintiff in error, *vs.* The People of the Territory of Utah. On motion of Mr. Solicitor-General Maxwell, advanced and assigned for argument on the second Monday (13th) of November next after cases already set down for that day.

No. 1007.—William A. Cole, plaintiff in error, *vs.* The United States. Motion to advance submitted by Mr. Solicitor-General Maxwell for defendant in error.

No. 1025.—The Covington and Cincinnati Bridge Company; plaintiff in error, *vs.* The Commonwealth of Kentucky. Motion to advance submitted by Mr. Lawrence Maxwell, jr., for the plaintiff in error, with leave to Mr. William Lindsay to file opposition thereto on or before Monday next.

No. 44.—Charles E. Miller *et al.*, executors, etc., plaintiffs in error, *vs.* James M. Constable *et al.*; and

No. 45.—James M. Constable *et al.*, plaintiffs in error, *vs.* Charles E. Miller *et al.*, executors, etc. In error to the circuit court of the United States for the southern district of New York. Judgment reversed per stipulation, and cause remanded to be proceeded in according to law.

No. 46.—Charles E. Miller *et al.* executors, etc., plaintiffs in error, *vs.* James M. Constable *et al.* In error to the circuit court of the United States for the southern district of New York. Judgment reversed with costs per stipulation, and cause remanded to be proceeded in according to law.

No. 753.—The Columbus Southern Railway Company, plaintiff in error, *vs.* William A. Wright, comptroller-general, etc. Motion to advance submitted by Mr. R. E. Lester in behalf of counsel for defendant in error.

No. 928.—John H. Reagan *et al.*, appellants, *vs.* The Farmers Loan and Trust Company *et al.*

No. 899.—The Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, plaintiffs in error, *vs.* Victor M. Backus, as treasurer, etc., *et al.*

No. 900.—The Indianapolis and Vincennes Railroad Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, etc., *et al.*, and

No. 908.—The Cleveland, Cincinnati, Chicago and St. Louis Railway Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, etc. Passed for argument before a full bench.

No. 108.—Philip McAleer, appellant, *vs.* The United States. Suggestion of death of Philip McAleer and appearance of Mary Jane McAleer, administratrix, etc., as appellant in this cause, filed and entered on motion of Mr. T. A. Lambert for appellant.

No. 174.—Gustave G. Shauer, plaintiff in error, *vs.* R. F. Allerton. On motion of Mr. C. W. Needham, leave granted to file assignment of errors herein.

No. 925.—*Ex parte*: In the matter of James Lennon, appellant. Reassigned for argument on the second Monday (13th) of November next, after the cases already set down for that day, on motion of Mr. Walter H. Smith, for appellant.

No. 935.—The Colorado Central Consolidated Mining Company, appellant, *vs.* John Turck. Motions to dismiss or affirm. Submitted by Mr. Willard Teller and Mr. H. M. Orahood in support of motions, and by Mr. Simon Sterne, Mr. R. S. Morrison, and Mr. C. J. Hughes in opposition thereto.

No. 1008.—Thomas Foster, plaintiff in error, *vs.* Dillwyn Wistar *et al.* Motions to dismiss or affirm. Submitted by Mr. William W. Billson in support of motions, and by Mr. James Spencer in opposition thereto.

No. 34.—John H. Gordon *et al.*, appellants, *vs.* Benj. H. Warder *et al.*

No. 35.—John H. Gordon *et al.*, appellants, *vs.* Abel Hoover *et al.*

No. 36.—John H. Gordon *et al.*, appellants, *vs.* The Champion Machine Company.

No. 37.—John H. Gordon *et al.*, appellants, *vs.* Whitely, Fassler & Kelly. One hour additional time granted each side in the argument of these cases on motion of Mr. Esek Cowen, for the appellants. Argument commenced by Mr. Esek Cowen, for the appellants, and continued by Mr. R. H. Parkinson, for appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 17, will be as follows:

Nos. 34 (and 35, 36, and 37), 38 (and 39, 317, and 518), 41 (and 49), 42, 43, 47, 821, 822, 838, and 668.

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 17, 1893.

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

Levi A. Fuller, of New York City; Otto Gresham, of Indianapolis, Ind.; and Mrs. Fannie O'Linn, of Chadron, Nebr., were admitted to practice.

No. 2.—Charles Moran, trustee, appellant, *vs.* The Pittsburgh, Cincinnati and St. Louis Railway Company *et al.* Appeal from the circuit court of the United States for the southern district of Ohio. Submission vacated and cause dismissed with costs on motion of Mr. George Hoadly for the appellant.

No. 54.—Wm. Rader *et al.*, plaintiffs in error and appellants, *vs.* Fletcher Maddox *et al.* Suggestion of death of William Rader and appearance of Edward H. Teague, administrator, etc., filed and entered on motion of Mr. J. J. Darlington in behalf of counsel.

No. 34.—John H. Gordon *et al.*, appellants, *vs.* Benjamin H. Warder *et al.*

No. 35.—John H. Gordon *et al.*, appellants, *vs.* Abel Hoover *et al.*

No. 36.—John H. Gordon *et al.*, appellants, *vs.* The Champion Machine Co.

No. 37.—John H. Gordon *et al.*, appellants, *vs.* Whiteley, Fassler & Kelly. Argument continued by Mr. R. H. Parkinson and Mr. Edmund Wetmore, for the appellees, and concluded by Mr. Frederick P. Fish, for the appellants.

No. 8.—The Lehigh Zinc and Iron Co., (Limited,) plaintiff in error, *vs.* Chas. Bamford *et al.* Suggestion of death of Charles Bamford and appearance of Wm. E. Smith, administrator, etc., as a defendant in error herein, filed and entered on motion of Mr. Levi A. Fuller, for defendant in error.

No. 38.—The Schuyler National Bank, plaintiff in error, *vs.* John G. Ballong.

No. 39.—The Schuyler National Bank, plaintiff in error, *vs.* Neil R. Ballong.

No. 317.—The Schuyler National Bank, plaintiff in error, *vs.* Neil R. Ballong.

No. 518.—The Schuyler National Bank, plaintiff in error, *vs.* Hector C. Ballong.

Argument commenced by Mr. J. G. Bigelow, for the plaintiffs in error. The Court declined to hear further argument.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 18, will be as follows:

Nos. 41 (and 49), 42, 43, 821, 822, 838, 668, 758, 759, and 789.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 18, 1893.

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

Coe I. Crawford, of Pierre, South Dak., and Edward I. Prickett, of Edwardsville, Ill., were admitted to practice.

No. 1.—Singleton M. Ashenfelter, appellant, *vs.* The Territory of New Mexico *ex rel.* Edward C. Wade. Appeal from the supreme court of the Territory of New Mexico. Dismissed with costs on authority of counsel for appellant, on motion of Mr. Solicitor-General Maxwell.

No. 359.—The United States, appellant, *vs.* Adolph Marix. Appeal from the Court of Claims. Judgment reversed and cause remanded to be proceeded in according to law, per stipulation, on motion of Mr. Solicitor-General Maxwell for appellant.

No. 12.—William W. Hickies *et al.*, appellants, *vs.* Charles E. Philes *et al.* Appearance of Ann Hickies, executrix of William W. Hickies, deceased, as a party appellant herein, filed and entered, on motion of Mr. S. G. Hilborn, for appellants.

No. 881.—The Belmont Planting and Manufacturing Company, appellant, *vs.* William L. Scott. Appeal from the circuit court of the United States for the southern district of Louisiana. Dismissed with costs on authority of counsel for appellant.

No. 41.—Charles E. Wager, appellant, *vs.* The Providence Washington Insurance Company *et al.*; and

No. 49.—The Providence Washington Insurance Company *et al.*, appellants, *vs.* Henry Morse *et al.* Argued by Mr. J. A. Hyland for Wager, by Mr. Edward D. McCarthy for the insurance company *et al.*, and by Mr. Spencer Clinton for Morse *et al.*

No. 42.—The Corbin Cabinet Lock Company, appellant, *vs.* The Eagle Lock Company. Argument commenced by Mr. John P. Bartlett for the appellant and continued by Mr. Wilmarth H. Thurston for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 19, will be as follows:

Nos. 42, 43, 47, 821, 822, 838, 668, 758, 759, and 789.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 19, 1893.

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

Cyrus Wellington, of St. Paul, Minn., and Wm. H. Chapman, of San Francisco, Cal., were admitted to practice.

No. 27.—The Mississippi Mills *et al.*, appellants, *vs.* Simon Cohn *et al.* Ordered to be restored to the call after No. 8, on motion of Mr. Edward Cunningham for appellants.

No. 42.—The Corbin Cabinet Lock Company, appellant, *vs.* The Eagle Lock Company. Argument continued by Mr. Wilmarth H. Thurston and Mr. Benjamin Price for appellee and concluded by Mr. John P. Bartlett for appellant.

No. 43.—Mary J. Garner, appellant, *vs.* The Second National Bank of Providence, R. I., *et al.* Argued by Mr. Alexander Thain for appellant and by Mr. J. Langdon Ward for appellees.

No. 821.—Frank Collins, plaintiff in error, *vs.* The United States. Submitted by Mr. A. H. Garland for plaintiff in error, and by Mr. Solicitor-General Maxwell for defendant in error.

No. 822.—Robert M. Hall, plaintiff in error, *vs.* The United States. Submitted by Mr. A. H. Garland for the plaintiff in error, and by Mr. Assistant Attorney-General Whitney for defendant in error.

No. 838.—John Graves, plaintiff in error, *vs.* The United States. Submitted by Mr. A. H. Garland for the plaintiff in error, and by Mr. Assistant Attorney-General Whitney for defendant in error.

No. 758.—John Brown, plaintiff in error, *vs.* The United States. Writ of certiorari granted and return to same filed on motion of Mr. Solicitor-General Maxwell for the defendant in error. Submitted by Mr. A. H. Garland for the plaintiff in error, with leave to counsel for defendant in error to file briefs.

No. 759.—John Pointer, plaintiff in error, *vs.* The United States. Submitted by Mr. Assistant Attorney-General Whitney for the defendant in error, with leave to counsel for plaintiff in error to file briefs within ten days.

No. 841—Sam. Hickory, plaintiff in error, *vs.* The United States. Submitted by Mr. Assistant Attorney-General Whitney for the defendant in error, with leave to counsel for plaintiff in error to file briefs within two weeks.

No. 47—Daniel Magone, plaintiff in error, *vs.* James E. Heller *et al.* Argument commenced by Mr. Assistant Attorney-General Whitney for plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 20, will be as follows :

Nos. 47, 668, 789, 826, 785, 916, 922 (and 923), 8, 27, and 48.



# SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 20, 1893.

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

Thomas I. Bergen, of San Francisco, Cal., and Edward D. McCabe, of Merced, Cal., were admitted to practice.

No. 951.—The United States, appellant, *vs.* John T. Patterson. Submitted pursuant to the twentieth rule by Mr. Assistant Attorney-General Dodge and Mr. Charles C. Binney, for the appellant, and by Mr. W. W. Dudley, Mr. Louis T. Michener, Mr. Richard R. McMahan, and Mr. George A. King for the appellee.

No. 963.—The United States, appellant *vs.* Ezra Baird. Submitted pursuant to the twentieth rule by Mr. Assistant Attorney-General Dodge and Mr. Charles C. Binney for the appellant and by Mr. George A. King for the appellee.

No. 916.—Thomas Hughes *et al.*, plaintiffs in error, *vs.* The United States. Submitted by Mr. Solicitor-General Maxwell and Mr. Charles C. Binney for the defendant in error. No brief filed for the plaintiffs in error.

No. 47.—Daniel Magone, collector, etc., plaintiff in error, *vs.* James E. Heller *et al.* Argument continued by Mr. Edwin B. Smith for the defendants in error, and concluded by Mr. Assistant Attorney-General Whitney for the plaintiff in error.

No. 668.—The United States, plaintiff, *vs.* Michel Thomas. Argued by Mr. Solicitor-General Maxwell for the plaintiff. No counsel appeared for the defendant.

No. 789.—Tom Moore, plaintiff in error, *vs.* The United States. Submitted by Mr. Assistant Attorney-General Whitney for the defendant in error. No counsel appeared for the plaintiff in error.

No. 826.—Lewis Holder, plaintiff in error, *vs.* The United States. Submitted by Mr. Assistant Attorney-General Whitney for the defendant in error. No counsel appeared for the plaintiff in error.

No. 785.—Daniel J. McDaid *et al.*, plaintiffs in error, *vs.* The Territory of Oklahoma, on the relation of Winfield S. Smith *et al.* Submitted by Mr. Solicitor-General Maxwell, for the plaintiffs in error. No counsel appeared for the defendants in error.

No. 922.—Nelson F. Evans, plaintiff in error, *vs.* The United States ; and

No. 923.—Nelson F. Evans, plaintiff in error, *vs.* The United States, Argued by Mr. Hampton L. Carson for the plaintiff in error, and by Mr. Assistant Attorney-General Conrad for the defendant in error.

No. 8.—The Lehigh Zinc and Iron Company (limited) plaintiff in error, *vs.* William E. Smith, administrator, etc., *et al.* Argued by Mr. Sidney Ward for the plaintiff in error, and by L. A. Fuller for the defendants in error.

No. 27.—The Mississippi Mills *et al.*, appellants, *vs.* Simon Cohn *et al.* Argument commenced by Mr. Edward Cunningham, jr., for the appellants.

Adjourned until Monday next at 12 o'clock.

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

Nos. 27, 48, 50, 51 (and 26 and 57), 52, 53, 54, 55, 56, and 58.



# SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 23, 1893.

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

D. J. Murphy, of San Francisco, Cal., and John A. Luce, of Bozeman, Mont., were admitted to practice.

No. 3.—The United States, plaintiff in error, *vs.* The Denver and Rio Grande Railway Company. In error to the circuit court of the United States for the district of Colorado. Judgment affirmed. Opinion by Mr. Justice Jackson.

No. 4.—The United States, plaintiff in error, *vs.* The Denver and Rio Grande Railroad Company *et al.* In error to the circuit court of the United States for the district of Colorado. Judgment affirmed. Opinion by Mr. Justice Jackson.

No. 7.—The New York and Texas Land Company, limited, plaintiff in error, *vs.* Mary Jane Votaw *et al.*, executors, etc. In error to the circuit court of the United States for the western district of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Shiras.

No. 815.—J. M. Wood *et al.*, plaintiffs in error, *vs.* John J. Brady. In error to the supreme court of the State of California. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brown.

Nos. 918 and 919.—The Aspen Mining and Smelting Company *et al.*, appellants, *vs.* Margaret Billings *et al.* Appeals from the circuit court of the United States for the district of Colorado. Dismissed with costs. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following order of the court :

No. 133 of October term, 1892.—John C. Johnston, appellant, *vs.* The Standard Mining Company of Kansas City. Order staying mandate vacated.

No. 179 of October term, 1892.—John M. Steward, administrator, etc., plaintiff in error, *vs.* Harry Gassert *et al.* Petition for rehearing denied.

No. 210 of October term, 1892.—The city of Cairo, plaintiff in error, vs. Joseph Zane. Petition for rehearing denied.

No. 753.—The Columbus Southern Railway Company, plaintiff in error, vs. William A. Wright, Comptroller-General, etc. Motion to advance granted, and cause assigned for argument on the second Monday (8th) of January next after the cases already set down for that day.

No. 1007.—William A. Cole, plaintiff in error, vs. The United States. Motion to advance granted and cause assigned for argument on the first Monday (4th) of December next.

No. 13.—John J. Schillinger *et al.*, appellants, vs. The United States. Cause restored to the docket for argument before a full bench.

No. 916.—Thomas Hughes *et al.*, plaintiffs in error, vs. The United States. In error to the district court of the United States for the western district of Pennsylvania. Judgment affirmed for want of prosecution.

No. 419.—Yee Ah Sheen, appellant, vs. The United States. Appeal from the circuit court of the United States for the northern district of California. Dismissed, on authority of counsel for appellant, on motion of Mr. Solicitor-General Maxwell for appellee.

No. 878.—The U. S. *ex rel.* The International Contracting Co., plaintiff in error, vs. Stephen B. Elkins, Secretary of the Department of War. In error to the supreme court of the District of Columbia. Dismissed with costs, the cause having abated, on motion of Mr. Solicitor-General Maxwell for the defendant in error.

No. 1043.—The Covington & Cincinnati Elevated Railroad and Transfer & Bridge Company, plaintiff in error, vs. The Commonwealth of Kentucky. Motion to advance submitted by Mr. Lawrence Maxwell, jr., in behalf of counsel for the plaintiff in error.

No. 912.—S. W. Carey *et al.*, appellants, vs. The Houston and Texas Central Railway Company *et al.* Motion to dismiss submitted by Mr. J. Hubley Ashton, Mr. Charles H. Tweed, and Mr. A. H. Joline in support of motion, and by Mr. Jefferson Chandler and Mr. A. J. Dittenhoefer in opposition thereto.

No. 1023.—In the matter of certain importations of merchandise made by G. A. Jahn & Co., per *Alps*. Petition for writ of certiorari to the United States circuit court of appeals for the second circuit, submitted by Mr. Edwin B. Smith in support of petition.

No. 195 of October term, 1892.—A. R. Bushnell *et al.*, plaintiffs in error, vs. The Croke Mining and Smelting Co. Motion for leave to file petition for rehearing submitted by Mr. Thomas Lynch in support of motion.

No. 362.—Reuben B. Miller, executor, etc., *et al.*, plaintiffs in error, *vs.* John Swann and John A. Billups, trustees, *et al.* Suggestion of death of John A. Billups and appearance of W. J. Cameron, trustee, as party defendant in error herein, filed and entered on motion of Mr. Ellis Phelan for plaintiffs in error.

No. 362.—Reuben B. Miller, executor, etc., *et al.*, plaintiffs in error, *vs.* John Swann and W. J. Cameron, trustees, *et al.* Submitted pursuant to the twentieth rule by Mr. Ellis Phelan for the plaintiffs in error and by Mr. J. A. W. Smith for the defendants in error.

No 544.—Henry E. McKee, appellant, *vs.* Ward H. Lamon. Death of Ward H. Lamon, the appellee, herein suggested, and order of publication granted on motion of Mr. John J. Weed for the appellant.

No. —.—Jeff. Harrison, plaintiff in error, *vs.* The United States. Motion for leave to docket cause without cost, to proceed *in forma pauperis*, and to print record at public expense, submitted by Mr. J. A. W. Smith for the plaintiff in error.

*Ex parte*: In the matter of Lewis E. Parsons, jr., petitioner.

*Ex parte*: In the matter of Alexander R. Nininger, petitioner. Motions for leave to file petitions for writs of mandamus submitted by Mr. J. A. W. Smith and Mr. David D. Shelley in support of motions and by Mr. Solicitor-General Maxwell in opposition thereto.

No. 981.—The City of New Orleans, appellant, *vs.* H. W. Benjamin *et al.* Motion to dismiss submitted by Mr. J. D. Rouse and Mr. William Grant in support of motion, and by Mr. Henry C. Miller and Mr. E. A. O'Sullivan in opposition thereto.

No. 1045.—The Northern Pacific Railroad Company, appellant, *vs.* A. G. Clark, county auditor, etc., *et al.* Motion to advance submitted by Mr. A. H. Garland for the appellant.

*Ex parte*: In the matter of John H. Bonner, petitioner. Motion for leave to file petition for a writ of habeas corpus, submitted by Mr. John C. Chaney in support of the motion.

No. 28.—William L. Wallace, executor, etc., *et al.*, appellants, *vs.* Theo. W. Myers, comptroller, etc. Appeal from the circuit court of the United States for the southern district of New York. Dismissed per stipulation on motion of Mr. George K. French for appellee.

No. 890.—Moses H. Scott, plaintiff in error, *vs.* John McNeal *et al.* Submitted pursuant to the 20th rule by Mr. Nathan S. Porter for the plaintiff in error, and by Mr. Mils A. Root for the defendants in error.

No. 27.—The Mississippi Mills *et al.*, appellants, *vs.* Simon Cohn *et al.* Argument concluded by Mr. Edward Cunningham, jr., for appellants. No counsel appeared for appellees.

No. 48.—Edward Byrne, appellant, *vs.* The United States. Passed on account of sickness of counsel.

No. 26.—Charles Moran *et. al.*, etc., appellants, *vs.* The Wabash Western Railway Company.

No. 51.—The United States Trust Company of New York, appellant, *vs.* The Wabash Western Railway Company, and

No. 57.—The Wabash Western Railway Company, appellant, *vs.* The United States Trust Company of New York.

Argument commenced by Mr. E. W. Sheldon for Moran *et al.* and The United States Trust Company of New York, and continued by Mr. F. W. Lehmann for the Wabash Western Railway Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 24, will be as follows :

Nos. 26 (and 51 and 57), 50, 52, 53, 54, 55 (and 310), 56, 58, 29, and 59.



# SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 24, 1893.

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

Charles F. Perkins, of Boston, Mass., was admitted to practice.

No. 26.—Charles Moran *et al.*, etc., appellants, *vs.* The Wabash Western Railway Company;

No. 51.—The United States Trust Company of New York, appellant, *vs.* The Wabash Western Railway Company, and

No. 57.—The Wabash Western Railway Company, appellant, *vs.* The United States Trust Company of New York. Leave granted to file additional brief herein, on motion of Mr. E. W. Sheldon, for Moran *et al.* and The United States Trust Company of New York. Argument continued by Mr. F. W. Lehmann for the Wabash Western Railway Company, and concluded by Mr. Theodore Sheldon for Moran *et al.* and the United States Trust Company of New York.

No. 50.—Augustus R. Gumaer *et al.*, appellants, *vs.* The Colorado Oil Company. Argued by Mr. T. M. Patterson for the appellants. No counsel appeared for the appellee.

No. 53.—J. Leslie Thompson, receiver, etc., *et al.*, plaintiffs in error, *vs.* The Sioux Falls National Bank of Sioux Falls, Dak. Argument commenced by Mr. Thomas B. McMartin for the plaintiffs in error, and continued by Mr. C. K. Davis and Mr. George A. Madill for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 25, will be as follows:

Nos. 53, 52, 54, 55 (and 310), 56, 58, 29, 60, 61, and 62.

7851—12

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 25, 1893.

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

Joseph de F. Junkin, of Philadelphia, Pa., and Charles O. Bailey, of Sioux Falls, S. Dak., were admitted to practice.

No. 56.—Jesse P. Farley, appellant, *vs.* James J. Hill *et al.* Passed until Monday next.

No. 288 and 289.—Ellis G. Hughes, plaintiff in error, *vs.* The Dundee Mortgage and Trust Investment Company (Limited). In error to the circuit court of the United States for the district of Oregon. Dismissed with costs on motion of Mr. J. M. Dolph for the plaintiff in error.

No. 60.—The Empire Coal and Transportation Company, appellant, *vs.* The Empire Coal and Mining Company *et al.* Submitted by Mr. A. H. Garland and Mr. H. J. May for appellant. No counsel appeared for appellees.

No. 53.—J. Leslie Thompson, receiver, *etc., et al.*, plaintiffs in error, *vs.* The Sioux Falls National Bank of Sioux Falls, Dak. Argument continued by Mr. George A. Madill, for defendant in error, and concluded by Mr. Thomas B. McMartin for the plaintiffs in error.

No. 52.—The Lane and Bodley Company, appellant, *vs.* Joseph M. Locke. Argued by Mr. L. M. Hosea for the appellant and by Mr. T. A. Logan for the appellee.

No. 54.—Edward H. Teague, admr., *etc., et al.*, plaintiffs in error and appellants, *vs.* Fletcher Maddox *et al.* Argument commenced by Mr. H. J. May for the plaintiffs in error and appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 26, will be as follows:

Nos. 54, 55 (and 310), 58, 29, 59, 61, 62, 63, 64, and 65.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 26, 1893.

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Present: Mr. Justice Field, Mr. Justice Harlan, Mr. Justice Gray, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras, and Mr. Justice Jackson.

Henry M. Look, of Greely, Colo., was admitted to practice.

No. 65.—Benjamin F. Le Warne, appellant, *vs.* The Mexican International Improvement Company *et al.* Appeal from the circuit court of the United States for the eastern district of Louisiana. Dismissed with costs pursuant to the tenth rule.

No. 54.—Edward H. Teague, administrator, etc., *et al.*, plaintiffs in error, and appellants, *vs.* Fletcher Maddox *et al.*

Argument continued by Mr. H. J. May for the plaintiffs in error and appellants, by Mr. Fletcher Maddox, one of the defendants in error and appellees, in *propria persona*, and concluded by Mr. H. J. May for the plaintiffs in error and appellants.

No. 310.—Samuel N. Ufford *et al.*, appellants, *vs.* Charles A. Morss. Advanced for argument with No. 55, as one case per stipulation, on motion of Mr. J. K. Beach for appellants.

No. 55.—William H. Knapp *et al.*, appellants, *vs.* Charles A. Morss; and

No. 310.—Samuel N. Ufford *et al.*, appellants, *vs.* Charles A. Morss. Argument commenced by Mr. J. K. Beach for the appellants, and continued by Mr. Charles F. Perkins and Mr. Payson E. Tucker for the appellee, and concluded by Mr. J. K. Beach for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 27, will be as follows:

Nos. 58, 29, 59, 61, 62, 63, 64, 66, 67, and 68.

7851—14

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 27, 1893.

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

Warren Cranston Gregory, of San Francisco, Cal., was admitted to practice.

No. 887.—The United States, appellant, *vs.* The Late Corporation of the Church of Jesus Christ of Latter Day Saints. Motion for a decree submitted by Mr. F. S. Richards for the appellee.

No. 68.—J. L. Thomson *et al.*, appellants, *vs.* The Smith & Griggs Manufacturing Company *et al.* Continued per stipulation.

No. 58.—The Ball and Socket Fastener Company, of Nashua, N. H., appellant, *vs.* Edwin J. Kraetzer. Argued by Mr. Thomas William Clarke for the appellant and by Mr. John R. Bennett for the appellee.

No. 29.—R. S. Hollins, sr., *et al.*, appellants, *vs.* The Brierfield Coal and Iron Company *et al.* Argument commenced by Mr. A. T. London for the appellants.

Adjourned until Monday next at 12 o'clock.

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

Nos. 29, 56, 59, 61, 62, 63, 64, 66, 67, and 69.

7851—15

# SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 30, 1893.

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

Samuel M. Porter, of Caney, Kans.; George H. Gorman, of Portland, Oregon; Charles S. Hartman, of Bozeman, Mont.; Robert Lee Word, of Helena, Mont.; Heman H. Field, of Chicago, Ill., and Almerin Gillett, of Kansas City, Kans., were admitted to practice.

No. 42.—The Corbin Cabinet Lock Company, appellant, *vs.* The Eagle Lock Company. Appeal from the circuit court of the United States for the district of Connecticut. Decree affirmed with costs. Opinion by Mr. Justice Jackson. (Mr. Justice Brown did not sit in this case and took no part in its decision.)

No. 34.—John H. Gordon *et al.*, appellants, *vs.* Benjamin H. Warder *et al.*

No. 35.—John H. Gordon *et al.*, appellants, *vs.* Abel Hoover *et al.*

No. 36.—John H. Gordon *et al.*, appellants, *vs.* The Champion Machine Company.

No. 37.—John H. Gordon *et al.*, appellants, *vs.* Whiteley, Fassler & Kelly.

Appeals from the circuit court of the United States for the southern district of Ohio.

Decrees affirmed with costs. Opinion by Mr. Justice Shiras.

No. 963.—The United States, appellant, *vs.* Ezra Baird. Appeal from the Court of Claims. Judgment reversed and cause remanded, with directions to dismiss the petition. Opinion by Mr. Justice Brown.

No. 789.—Tom Moore, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the eastern district of Texas. Judgment affirmed. Opinion by Mr. Justice Brown.

No. 821.—Frank Collins, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the western district of Arkansas. Judgment affirmed. Opinion by Mr. Justice Brewer.

No. 951.—The United States, appellant, *vs.* John T. Patterson. Appeal from the Court of Claims. Judgment reversed and cause remanded, with directions to render judgment for the United States. Opinion by Mr. Justice Brewer.

No. 47.—Daniel Magone, collector, etc., plaintiff in error, *vs.* James E. Heller *et al.* In error to the circuit court of the United States for the southern district of New York. Judgment reversed with costs and cause remanded with directions to set aside the verdict and to order a new trial. Opinion by Mr. Justice Gray. Dissenting, Mr. Justice Brewer. (Mr. Justice Brown was not present at the argument and took no part in the decision of this case).

No. 822.—Robert M. Hall, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the western district of Arkansas. Judgment reversed and cause remanded with directions to set aside the verdict and to order a new trial. Opinion by Mr. Justice Gray.

No. 195, of October Term, 1892.—A. R. Bushnell *et al.*, plaintiffs in error, *vs.* the Croke Mining and Smelting Company. Motion for leave to file petition for rehearing denied. Opinion by Mr. Chief Justice Fuller.

No. 518.—The Schuyler National Bank, etc., plaintiff in error, *vs.* Hector C. Ballong.

No. 38.—The Schuyler National Bank, etc., plaintiff in error, *vs.* John G. Ballong.

No. 39.—The Schuyler National Bank, etc., plaintiff in error, *vs.* Neil R. Ballong.

No. 317.—The Schuyler National Bank, etc., plaintiff in error, *vs.* Neil R. Ballong.

In error to the supreme court of the State of Nebraska. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller. (Mr. Justice Brown did not sit in these cases and took no part in their decision.)

No. 826.—Lewis Holder, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the western district of Arkansas. Judgment affirmed. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court :

No. 1008.—Thomas Foster, plaintiff in error, *vs.* Dellwyn Westar *et al.* Motions to dismiss or affirm postponed until the hearing of the cause on its merits.

No. 1023.—In the matter of certain importations of merchandise made by Gustave A. Jahn & Co. per "Alps." Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 1025.—The Covington and Cincinnati Bridge Company, plaintiff in error, *vs.* The Commonwealth of Kentucky; and

No. 1043.—The Covington and Cincinnati Elevated Railroad and Transfer and Bridge Company, plaintiff in error, *vs.* The Commonwealth of Kentucky. Motions to advance granted and cases assigned for argument on the second Monday (8th) of January next, after cases already set down for that day.

No. 1045.—The Northern Pacific Railroad Company, appellant, *vs.* A. G. Clark, county auditor, etc. Motion to advance granted and cause assigned for argument before a full bench at the same time with and after cases Nos. 612 and 357.

Ex parte: In the matter of John Bonner, petitioner. Motion for leave to file petition for writ of *habeas corpus* granted, and rule to show cause ordered to issue returnable on the 13th of November next.

No. 99.—The United States, appellant, *vs.* Robert Barber. Appeal from the district court of the United States for the middle district of Alabama. Decree reversed per stipulation and cause remanded to be proceeded in according to law, on motion of Mr. Solicitor-General Maxwell for the appellant.

No. 6.—Original.—The State of Maryland, complainant, *vs.* The State of West Virginia. Leave to file answer to crossbill and stipulation granted on motion of Mr. John P. Poe for the complainant.

No. 1054.—Robert L. Wharton, appellant, *vs.* John H. Wise, sheriff of Accomac County, Virginia. Motion to advance submitted by Mr. John P. Poe for the appellant.

No. 716.—Peter Dougherty, plaintiff in error, *vs.* The Nevada Bank of San Francisco. Motion to advance submitted by Mr. James G. Maguire in behalf of counsel.

No. —, Original.—The State of California, complainant, *vs.* The Southern Pacific Company. Motion for leave to file bill of complaint submitted by Mr. W. H. H. Hart for the complainant.

No. 67.—J. Wilson Martin, plaintiff in error, *vs.* The Baltimore and Ohio Railroad Company. Suggestion of death of J. Wilson Martin and appearance of L. C. Gerling, sheriff, etc., administrator of J. Wilson Martin, deceased, filed and entered, on motion of Mr. D. B. Lucas for the plaintiff in error.

No. 538.—The Richmond Silver Mining Company, plaintiff in error, *vs.* Victor Dorne, and

No. 584.—Victor Dorne, plaintiff in error, *vs.* The Richmond Silver Mining Company. Suggestion of death of Victor Dorne and appearance of Sebastian Koenigsberger, administrator, filed and entered on motion of Mr. S. S. Burdett in behalf of counsel.

No. 50.—Agustus R. Gumaer *et al.*, appellants, *vs.* The Colorado Oil Company. On motion of Mr. M. B. Gerry in behalf of counsel. Leave granted to file affidavit in support of motion for leave to file brief on behalf of appellee, and motion postponed until Monday next.

No. 190.—D. B. Miller *et al.*, plaintiffs in error, *vs.* John Caldwell. Suggestion of death of D. B. Miller, one of the plaintiffs in error herein, and motion for revival of cause in the name of The Hutchinson Investment Company, of Hutchinson, Kansas. Submitted by Mr. Almerin Gillett for the plaintiffs in error.

No. 892.—Michael Moran *et al.*, plaintiffs in error, *vs.* Frank D. Sturgis, receiver, etc. Motion to advance submitted by Mr. Joseph F. Mosher for the plaintiffs in error.

No. 69.—John A. Green *et al.*, appellants, *vs.* Daniel H. Woodhouse *et al.* Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs pursuant to the tenth rule.

No. 29.—R. S. Hallins, sr., *et al.*, appellants, *vs.* The Brierfield Coal and Iron Company *et al.* Argument continued by Mr. A. T. London for the appellants, by Mr. Wm. F. Mattingly and Mr. E. W. Pettus for the appellees, and concluded by Mr. A. T. London for the appellants.

No. 56.—Jesse P. Farley, appellant, *vs.* James J. Hill *et al.* One hour additional time allowed each side in the argument of this case, on motion of Mr. George B. Young for the appellees.

Argument commenced by Mr. Henry D. Beam for the appellant.

Adjourned until to-morrow at 12 o'clock.

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

Nos. 56, 59, 61, 62, 63, 64, 66, 67, 70, and 71.



# SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 31, 1893.

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

Louis H. Reynolds, of Amsterdam, N. Y.; Charles Roe, of Rochester, N. Y., and Preston F. Simonds, of Nevada City, Cal., were admitted to practice.

No. 970.—Marshall Tucker, plaintiff in error, *vs.* The United States. Reassigned for argument on the first Monday (4th) of December next, after No. 1007.

No. 953.—Robert F. Ashley, plaintiff in error, *vs.* J. P. Murphy *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit. Submitted by Mr. A. H. Garland in support of petition, and by Mr. W. S. Simkins, Mr. F. M. Etheridge, and Mr. W. P. Ellison in opposition.

No. 56.—Jesse P. Farley, appellant, *vs.* James J. Hill *et al.* Argument continued by Mr. Henry D. Beam for the appellant, and by Mr. George B. Young and Mr. John Maynard Harlan for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 1, will be as follows:

Nos. 56, 59, 61, 62, 63, 64, 66, 67, 70, and 71.

7851—17

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 1, 1893.

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

Ernest Howard Hunter, of Philadelphia, Pa., was admitted to practice.

No. 921.—Mrs. Martha Insley *et al.*, appellants, *vs.* The United States. Reassigned for argument on the second Monday (13th) of November after No. 925, on motion of Mr. William A. McKenney in behalf of counsel.

No. 56.—Jesse P. Farley, appellant, *vs.* James J. Hill *et al.* Argument continued by Mr. John Maynard Harlan for the appellees, and concluded by Mr. George F. Edmunds for the appellant.

No. 59.—Frank J. Primrose, plaintiff in error, *vs.* The Western Union Telegraph Company. Argument commenced by Mr. Joseph de F. Junkin for the plaintiff in error, and continued by Mr. S. W. Pettit and Mr. John F. Dillon for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 2, will be as follows:

Nos. 59, 61, 62, 63, 64, 66, 67, 70, 71, and 72.

7851—18



# SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 2, 1893.

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

Joseph W. Stryker, of Washington, D. C.; G. A. Vandever, of Kansas City, Mo.; and H. G. W. Dinkelspiel, of San Francisco, Cal., were admitted to practice.

No. 975.—The United States, appellant, *vs.* Thomas N. King. Appeal from the Court of Claims. Dismissed per stipulation, on motion of Mr. C. C. Lancaster for the appellee, and mandate granted.

No. 103.—L. H. Schneider, plaintiff in error, *vs.* Benjamin U. Keyser. In error to the supreme court of the District of Columbia. Dismissed with costs on motion of counsel for plaintiff in error.

No. 59.—Frank J. Primrose, plaintiff in error, *vs.* The Western Union Telegraph Company. Argument continued by Mr. John F. Dillon for the defendant in error, and concluded by Mr. Joseph de F. Junkin for the plaintiff in error.

No. 61.—J. Catlett Gibson, plaintiff in error, *vs.* W. H. Peters, receiver, etc. Argued by Mr. R. M. Hughes for plaintiff in error, and by Mr. L. T. Michener and Mr. Theodore S. Garnett for the defendant in error.

No. 62.—Daniel T. Hedges *et al.*, appellants, *vs.* the County of Dixon. Submitted by Mr. J. M. Woolworth for the appellants, and by Mr. J. M. Thurston for the appellee.

No. 63.—Nathan C. Morse, jr., *et al.*, plaintiffs in error, *vs.* John Jay Anderson. Submitted by Mr. Thomas F. Hargis for the plaintiffs in error. No counsel appeared for the defendant in error.

No. 64.—William G. Howard *et al.*, executors, etc., appellants, *vs.* The Detroit Stove Works. Argument commenced by Mr. William G. Howard for the appellants.

Adjourned until to-morrow at 12 o'clock.

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

Nos. 64, 66, 67, 70, 71, 72, 73, 74, 75 (and 79 and 591), and 76.

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 3, 1893.

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

Emory A. Chase, of Catskill, N. Y., was admitted to practice.

No. 76.—The Clearfield Bituminous Coal Corporation, plaintiff in error, vs. The Commonwealth of Pennsylvania. Passed for settlement.

No. 218.—Joseph Frank, plaintiff in error, vs. Daniel Richter. In error to the circuit court of the United States for the northern district of Illinois. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 64.—William G. Howard *et al.*, executors, etc., appellants, vs. The Detroit Stove Works. Argument continued by Mr. William G. Howard for the appellants, by Mr. George H. Lothrop for the appellee, and concluded by Mr. William G. Howard for the appellants.

No. 66.—William Belden, plaintiff in error, vs. Emory A. Chase *et al.*, executors, etc. Argued by Mr. Everett P. Wheeler for the plaintiff in error, and by Mr. Peter Cantine for the defendants in error.

Adjourned until Monday next at 12 o'clock.

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

Nos. 67, 70, 71, 72, 73, 74, 75 (and 79 and 591), 77, 78, and 80.

7851—20



# SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 6, 1893.

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

No. 758.—John Brown, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the western district of Arkansas. Judgment reversed and cause remanded with directions to set aside the judgment and award a new trial. Opinion by Mr. Justice Jackson.

No. 41.—Charles E. Wager, appellant, *vs.* The Providence Washington Insurance Company, of Providence, R. I., *et al.*; and

No. 49.—The Providence Washington Insurance Company, of Providence, R. I., *et al.*, appellants, *vs.* Henry Morse and Alanson Morse. Appeals from the circuit court of the United States for the northern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Shiras.

No. 58.—The Ball and Socket Fastener Company, of Nashua, N. H., appellant, *vs.* Edwin J. Kraetzer; appeal from the circuit court of the United States for the district of Massachusetts. Decree affirmed with costs, except that appellee shall pay one-half of the cost of printing the record. Opinion by Mr. Justice Brown.

No. 838.—John Graves, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the western district of Arkansas. Judgment reversed and cause remanded with directions to set aside the verdict and award a new trial. Opinion by Mr. Justice Brown. Dissenting, Mr. Justice Brewer.

No. 54.—Edward H. Teague, administrator *et al.*, plaintiffs in error and appellants, *vs.* Fletcher Maddox and William Gaddis. In error to and appeal from the Supreme Court of the Territory of Montana. Judgment reversed with costs and cause remanded to the Supreme Court of the State of Montana with instructions to award a new trial. Opinion by Mr. Justice Brewer. The Chief Justice did not hear the argument and took no part in the decision of this case.

No. 362.—Reuben B. Miller, executor, etc., *et al.*, plaintiff in error, *vs.* John Swann *et al.* trustees, *et al.* In error to the supreme court of the State of Alabama. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brewer.

No. 60.—The Empire Coal and Transportation Company, appellant, *vs.* The Empire Coal and Mining Company *et al.* Appeal from the circuit court of the United States for the middle district of Tennessee. Decree affirmed with costs. Opinion by Mr. Justice Gray.

No. 63.—Nathan C. Morse, jr., *et al.*, plaintiffs in error, *vs.* John Jay Anderson. In error to the circuit court of the United States for the district of Kentucky. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 887.—The United States, appellant, *vs.* The Late Corporation of the Church of Jesus Christ of Latter-Day Saints. Appeal from the supreme court of the Territory of Utah. Decree reversed and cause remanded for such further proceedings as to law and justice may appertain, in conformity with the provisions of the joint resolution of Congress, approved October 25, 1893. Opinion by Mr. Chief Justice Fuller.

No. 935.—The Colorado Central Consolidated Mining Company, plaintiff in error, *vs.* John Twick. In error to the United States circuit court of appeals for the eighth circuit. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

*Ex parte*: In the matter of Lewis E. Parsons, jr., petitioner.

*Ex parte*: In the matter of Alexander R. Nininger, petitioner. Motions for leave to file petitions for writs of mandamus denied. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court :

No. —. Jeff Harrison, plaintiff in error, *vs.* The United States. Motion for leave to docket cause and proceed *in forma pauperis* granted.

No. 82.—Thomas C. Chappell, plaintiff in error, *vs.* James M. Waterworth. Ordered to be passed for argument before a full bench.

No. 190.—D. B. Miller *et al.*, plaintiffs in error, *vs.* John Caldwell. Motion to revive cause in name of The Hutchinson Investment Company, of Hutchinson, Kans., as a plaintiff in error herein, granted.

No. 716.—Peter Dougherty, plaintiff in error, *vs.* The Nevada Bank of San Francisco. Motion to advance denied.

No. 841.—Sam Hickory, plaintiff in error, *vs.* The United States. Ordered that the time granted counsel for the plaintiff in error to file briefs herein be extended for fifteen days.

No. 892.—Michael Moran *et al.*, plaintiffs in error, *vs.* Frank D. Sturges, receiver, etc. Motion to advance granted and cause assigned for

argument on the second Monday (8th) of January next, after cases already set down for that day.

No. 953.—Robert F. Aspley, plaintiff in error, *vs.* J. P. Murphy *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 981.—The city of New Orleans, appellant, *vs.* H. W. Benjamin, *et al.* Motion to dismiss denied.

No. 1054.—Robert L. Wharton, appellant, *vs.* John H. Wise, sheriff, *etc.* Motion to advance granted and cause assigned for argument on the second Monday (8th) of January next after cases already set down for that day.

No. 9.—Original. The State of California, complainant, *vs.* The Southern Pacific Company. Motion for leave to file bill of complaint granted and subpoena awarded returnable on the first Monday of March next.

No. 94.—Arthur Origet, plaintiff in error, *vs.* Edward L. Hedden, collector, *etc.* Motion to pass submitted by Mr. Assistant Attorney-General Whitney for the defendant in error.

Ex parte: In the matter of C. B. Swan, petitioner. Motion for leave to file petition for a writ of habeas corpus submitted by Mr. D. A. Townsend for the petitioner.

No. 1058.—William L. McFail, plaintiff in error, *vs.* The State of South Carolina. In error to the supreme court of the State of South Carolina. Docketed and dismissed with costs on motion of Mr. D. A. Townsend for the defendant in error.

No. 1059.—Josie Williams, plaintiff in error, *vs.* T. H. Clancy *et al.* In error to the supreme court of the State of Washington. Docketed and dismissed with costs, on motion of Mr. H. J. May, for the defendants in error.

No. 1060.—Peter Reis *et al.*, plaintiffs in error, *vs.* T. H. Clancy *et al.* In error to the supreme court of the State of Washington. Docketed and dismissed with costs, on motion of Mr. H. J. May, for the defendants in error.

No. 50.—Augustus R. Gumaer *et al.*, appellants, *vs.* The Colorado Oil Company. Leave granted defendant in error to file brief, and plaintiff in error to file reply thereto, on motion of Mr. M. B. Gerry in behalf of counsel.

No. 937.—David L. Hammond *et al.*, plaintiffs in error, *vs.* The Connecticut Mutual Life Insurance Company. Motion for an order requiring the plaintiffs in error to print the record herein or to give additional security for costs. Submitted by Mr. John B. Henderson and Mr. Frederic D. McKenney in support of motion and by Mr. D. T. Jewett in opposition thereto.

No. 67.—L. C. Gerling, sheriff, etc., administrator of J. Wilson Martin, deceased, plaintiff in error, *vs.* The Baltimore and Ohio Railroad Company. Argued by Mr. D. B. Lucas for the plaintiff in error, and by Mr. John K. Cowen for the defendant in error.

No. 70.—Robert Turner *et al.*, appellants, *vs.* Alfred A. K. Sawyer. Submitted by Mr. L. C. Rockwell for the appellant and by Mr. F. D. McKenney and Mr. Edward Lane for the appellee.

No. 71.—Biddena Elliott, widow and plaintiff in error, *vs.* The Chicago, Milwaukee and St. Paul Railway Company. Argument commenced by Mr. Melville Grigsby for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

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

Nos. 71, 72, 73, 74, 75 (and 79 and 591), 77, 78, 80, 81, and 83.



Office of the Marshal,  
Supreme Court of the United States.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 7, 1893.

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

Edwin B. Hale and Conrad Reno, of Boston, Mass., were admitted to practice.

No. 94.—Arthur Origet, plaintiff in error, *vs.* Edward L. Hedden, collector, etc. Ordered to be passed, subject to the provisions of the twenty-sixth rule.

No. 71.—Biddena Elliott, widow, etc., plaintiff in error, *vs.* The Chicago, Milwaukee and St. Paul Railway Company.

Argument continued by Mr. Melvin Grigsley for the plaintiff in error, by Mr. Heman H. Field for the defendant in error and concluded by Mr. Melvin Grigsley for the plaintiff in error.

No. 72.—Frederick Gardner, plaintiff in error, *vs.* The Michigan Central Railroad Company. Argued by Mr. Edward Bacon for the plaintiff in error and by Mr. Ashley Pond for the defendant in error.

No. 73.—Sarah R. Angle, administratrix, etc., appellant, *vs.* The Chicago, St. Paul, Minneapolis, and Omaha Railroad Company. One hour additional time allowed to each side in the argument of this case on motion of Mr. J. R. Doolittle for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 8, will be as follows:

Nos. 73, 74, 75 (79 and 591), 77, 78, 80, 81, 83, 84 and 85.

7851—22

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 8, 1893.

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

Josiah Sullivan, of Rochester, N. Y., was admitted to practice.

No. 887.—The United States, appellant, *vs.* the late corporation of the Church of Jesus Christ of Latter-Day Saints. Mandate granted on motion of Mr. J. M. Wilson for the appellee.

No. 781.—M. B. Buford *et al.*, plaintiffs in error, *vs.* John A. Taylor *et al.* In error to the supreme court of the Territory of Utah. Dismissed with costs on motion of counsel for the plaintiffs in error.

No. 806.—N. B. Buford *et al.*, plaintiff in error, *vs.* The United States. In error to the supreme court of the Territory of Utah. Dismissed on motion of counsel for the plaintiff in error.

No. 73.—Sarah R. Angle, administratrix, etc., appellant, *vs.* The Chicago, St. Paul, Minneapolis and Omaha Railroad Company. Argument commenced by Mr. J. R. Doolittle for the appellant, and continued by Mr. John F. Dillon and Mr. Thomas Wilson for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 9, will be as follows:

Nos. 73, 74, 75, and (79 and 591), 77, 78, 80, 81, 83, 84, and 85.

7851—23



# SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 9, 1893.

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

F. J. Kierce, of San Francisco, Cal., and B. F. Crawshaw, of Washington, D. C., were admitted to practice.

No. 76.—The Clearfield Bituminous Coal Corporation, plaintiff in error, *vs.* The Commonwealth of Pennsylvania. In error to the supreme court of the State of Pennsylvania. Dismissed with costs on motion of Mr. M. E. Olmsted for the plaintiff in error. .

No. 691.—The Philadelphia Company, plaintiff in error, *vs.* The Commonwealth of Pennsylvania. In error to the supreme court of the State of Pennsylvania. Dismissed with costs on motion of Mr. M. E. Olmsted for the plaintiff in error.

No. 692.—The Edison Electric Light Company of Philadelphia, plaintiff in error, *vs.* The Commonwealth of Pennsylvania. In error to the supreme court of the State of Pennsylvania. Dismissed with costs on motion of Mr. M. E. Olmsted for the plaintiff in error.

No. 693.—The Brush Electric Light Company, plaintiff in error, *vs.* The Commonwealth of Pennsylvania. In error to the supreme court of the State of Pennsylvania. Dismissed with costs on motion of Mr. M. E. Olmsted for the plaintiff in error.

No. 955.—The Singer Manufacturing Company, plaintiff in error, *vs.* A. Brill. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit, submitted by Mr. Charles K. Affield and Mr. M. A. Wheaton in support of petition, and by Mr. Wm. A. Maury and Mr. J. J. Scrivner in opposition thereto.

No. 31.—James P. Stoneroad, plaintiff in error, *vs.* George W. Stoneroad. Submitted pursuant to the 20th rule by Mr. C. H. Gildersleeve for the plaintiff in error, and by Mr. J. H. Knaebels and Mr. T. B. Catron for the defendant in error.

No. 73.—Sarah R. Angle, administratrix, &c., appellant, *vs.* The Chicago, St. Paul, Minneapolis, and Omaha Railroad Company.

Argument continued by Mr. Thomas Wilson for the appellee, and concluded by Mr. Thomas Ewing for the appellant.

No. 74.—Isabel B. Eustis *et al.*, executrices, &c., plaintiffs in error, *vs.* Charles H. Bolles *et al.* Argument commenced by Mr. Conrad Reno for the plaintiffs in error, and continued by Mr. Edwin B. Hale for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day-call for Friday, November 10, will be as follows:

Nos. 74, 75, and (79 and 591) 77, 78, 80, 81, 83, 84, 85, and 86.



# SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 10, 1893.

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

H. B. Gill, of Philadelphia, Pa., and John R. Fellows, of New York City, were admitted to practice.

No. 74.—Isabel B. Eustis *et al.*, executrices, etc., plaintiffs in error, *vs.* Charles H. Bolles *et al.* Argument continued by Edwin B. Hale for the defendants in error, and concluded by Mr. Conrad Reno for the plaintiffs in error.

No. 75, No. 79, and No. 591.—The New York, Lake Erie and Western Railroad Company, plaintiff in error, *vs.* The Commonwealth of Pennsylvania. Argued by Mr. M. E. Olmsted for the plaintiff in error and by Mr. W. U. Hensel for the defendant in error.

No. 77.—Allen Root, appellant, *vs.* James M. Woolworth. Argued by Mr. Burton N. Harrison for the appellee and submitted by Mr. Upton M. Young for the appellant.

No. 78.—William J. Connell *et al.*, appellants, *vs.* John A. Smiley. Passed on motion of Mr. W. J. Bryan for the appellee.

No. 80.—Samuel Henry, plaintiff in error, *vs.* F. Von Lear, use of Marie Louise Martinez. Argument commenced by Mr. H. B. Gill for the plaintiff in error.

No. 80.—Samuel Henry, plaintiff in error, *vs.* F. Von Lear, use of Marie Louise Martinez. In error to the circuit court of the United States for the eastern district of Pennsylvania. Judgment reversed and cause remanded with directions to remand the case to the State court. Costs in this court and in the circuit court to be paid by the plaintiff in error.

No. 81.—Samuel J. Ritchie, plaintiff in error, *vs.* James B. McMullen *et al.* Argument commenced by Mr. J. M. Wilson, for plaintiff in error. Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 13, will be as follows:

Nos. 81, 83, 84, 85, 86, 611, 872, 969, 971, and 972.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 13, 1893.

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

J. Levering Jones, of Philadelphia, Pa., and Frank T. Hoburg and Russell J. Wilson, of San Francisco, Cal., were admitted to practice.

No. 62.—Daniel T. Hedges *et al.*, appellants, *vs.* The County of Dixon. Appeal from the circuit court of the United States for the district of Nebraska. Decree affirmed with costs. Opinion by Mr. Justice Jackson. Dissenting, Mr. Justice Harlan.

No. 64.—William G. Howard *et al.*, executors, etc., appellants, *vs.* The Detroit Stone Works. Appeal from the circuit court of the United States for the eastern district of Michigan. Decree affirmed with costs. Opinion by Mr. Justice Jackson. (Mr. Justice Gray was not present at the argument and took no part in the decision.)

No. 52.—The Lane and Bodley Company, appellants, *vs.* Joseph M. Locke. Appeal from the circuit court of the United States for the southern district of Ohio. Decree reversed with costs and cause remanded with directions to dismiss the bill of complaint. Opinion by Mr. Justice Shiras.

No. 27.—The Mississippi Mills *et al.*, appellants, *vs.* Simon Cohn *et al.* Appeal from the circuit court of the United States for the western district of Louisiana. Decree reversed with costs and cause remanded for further proceedings in accordance with law. Opinion by Mr. Justice Brewer.

No. 61.—J. Catlett Gibson, plaintiff in error, *vs.* William H. Peters, receiver, etc. In error to the circuit court of the United States for the eastern district of Virginia. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 912.—S. W. Carey *et al.*, appellants, *vs.* The Houston and Texas Central Railway Company *et al.* Appeal from the circuit court of the

United States for the eastern district of Texas. Dismissed for the want of jurisdiction. Opinion by Mr. Chief-Justice Fuller.'

The Chief Justice announced the following orders of the court :

No. 937.—David L. Hammond *et al.*, plaintiffs in error, *vs.* The Connecticut Mutual Life Insurance Company.

Motion for an order to require the plaintiffs in error to print the transcript of record or give additional security for costs, denied.

No. 955.—The Singer Manufacturing Company, plaintiff in error, *vs.* A. Brill. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 10.—Original. *Ex parte*: In the matter of C. B. Swan, petitioner. Motion for leave to file petition for writ of habeas corpus granted and rule ordered to issue, returnable instanter.

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

The bar, may it please the court, have requested me to present the resolutions lately adopted by them upon the occasion of the death of Mr. Justice Blatchford. They are as follows :

Mr. Justice Blatchford has closed a judicial career of over twenty-five years. Appointed in 1867 to the bench, as district judge for the southern district of New York, he brought to the discharge of his judicial duties capacity for labor and habits of exhaustive research acquired during his experience for nine years at the bar in the quiet town of Auburn, together with the qualities of promptness in dispatch of business and quickness of apprehension that had been cultivated by thirteen years of active practice in the city of New York. His labors as district judge will live in the shape and form that the law of bankruptcy and of admiralty received from his judicial hand. Later, from 1872 until 1882, as circuit judge, the law of patents especially owes much in its development to his patient research and faithful exposition. Appointed to the bench of the Supreme Court of the United States in 1882, he brought to the discharge of his high duties an intellect trained and disciplined by his former labors in directions especially adapted to increase his usefulness in his new sphere. In this great tribunal he was distinguished as theretofore for his careful study of his cases, his patient and full statements of facts, and his learned and luminous expositions of the law. Always he wrought to the full measure of his strength. He gave to the service of his chosen profession and of his country all that was best of himself. He concentrated all his energies upon his judicial duties. Neither pleasure nor change of mental occupation had much charm for him. His life work was the discharge of the functions of a judge and all his powers were concentrated to this lofty end.

*Resolved*, That in the death of Mr. Justice Blatchford, his friends have lost a kind and amiable companion, his profession a conscientious and earnest brother, the Supreme Court of the United States a faithful, able, and industrious member, and the people of these United States an honest judge.

*Resolved*, That the Attorney-General be requested to lay this minute and these resolutions before the court, and to ask that they be spread upon the record.

*Resolved*, That the chairman be requested to transmit a copy of them to the family of Mr. Justice Blatchford.

These resolutions—as I am sure the court will agree—justly estimate and express the loss sustained, not merely by the judiciary, not merely by the profession, but by the entire community as well. It does not follow that the community is necessarily or even probably sensible of its loss. Judge Blatchford bore his high honors so meekly, fulfilled his important functions so quietly and unostentatiously, as to attract to himself but slight notice from the public he so faithfully served. Nothing, indeed, was more alien to his thoroughly genuine nature than the mere trappings of office, than the notoriety and conspicuousness which in these days of the interviewer and the illustrated daily press so easily become the inseparable attendants of high station. Judge Blatchford was the model of a competent, well trained, laborious, conscientious, and, above all, modest public servant. It is not given to every man to be instinct with true genius, to exult in acknowledged intellectual superiority, to be chief among the chiefs of his chosen calling. Such men are rare and their examples as often provoke despair as excite to emulation. But to every man it is given to make the most of the faculties that he has, to cultivate them with unflagging diligence, to make sure that they deteriorate neither from misuse nor disuse, but continue in ever growing strength and efficiency until the inevitable access of years and infirmities inexorably bars all further progress. By such means alone, without the aid of any transcendent powers, it is astonishing to what heights men have climbed, what conquests they have made, and what laurels they have won. Judge Blatchford would have been the last to claim for himself those extraordinary gifts which have made some men seem and be called the giants of the law. But he had tireless industry, persistent application, a determination to work the powers he possessed to their utmost capacity, and the result is now seen in an honorable judicial career on the bench of the highest court of the country and in an example full of encouragement and promise for every ambitious and struggling spirit. If it be asked what was Judge Blatchford's chief characteristic as a judge, it may be said to consist in the strictly busi-

ness quality of his work. By that I do not merely mean that he was specially conversant with the multifarious affairs of trade as daily transacted in the commercial centers of the world, and dealt with the questions arising out of them with peculiar intelligence and skill. No less could be expected of one who came to the bench from a successful practice in the commercial metropolis of the country. But his judicial work was businesslike, in that its sole aim was the right determination of the particular case in hand. He never made its decision an occasion for philosophic disquisition. He never undertook by an opinion in one case to settle principles for other anticipated cases. He never indulged in "large discourse looking before and after," much less in any flights of rhetoric. It satisfied his idea of judicial duty that the controversy before him was settled aright by the application of a rule of law broad enough to cover that case. Thus, if he was not brilliant, he was safe; if he did not make large contributions to the science of jurisprudence, he won respect for the law and its administration by the uniform righteousness of the results reached in actual causes. It must add to our admiration of Judge Blatchford that he toiled assiduously, both at the bar and on the bench, not from necessity, but from choice; that the allurements of an ample fortune neither belittled his aims nor benumbed his energies, and that in his hands wealth was but the supplement and aid to an industry and zeal rarely excelled even under the spur of poverty. His orderly, prosperous, and placid career, notable in itself, is even more so by contrast with that of his colleague on the bench whose death preceded his own by only a few months. Judge Blatchford rose to the highest of professional honors by unswervingly treading the beaten path of the law and by a regularly-graduated ascent, every stage of which, from country lawyer to city lawyer, from district judge to circuit judge, and from circuit judge to judge of the Supreme Court, was in natural and logical succession. Mr. Justice Lamar, on the other hand, was called to the like honors after a career of extraordinary vicissitudes, in which the life of the camp and the battlefield alternated with that of the forum and the hustings; almost without probation as a legal practitioner, but with a thorough theoretical and practical knowledge of great affairs of State and with a well-earned national renown as an orator, statesman, and leader of men. And nothing could better illustrate the wide scope and variety of the functions of this high tribunal than the fact that, notwithstanding their wholly diverse training and experience, each of them found here a fitting field for his own peculiar gifts and attainments, and each in his own line proved himself an accession and an ornament to the bench. I have the honor to ask that the resolutions of the bar be spread upon the records of the court.

The Chief Justice responded :

To Mr. Justice Blatchford the discharge of duty was an impulse, and toil a habit ; and since to thorough training as a scholar and in professional practice, a wide and varied knowledge of the law, a keen and discriminating intellect, and an indomitable patience, he added "the transcendent capacity of taking trouble," the volume and extent of the work he was enabled to accomplish during twenty-six years of judicial life should occasion no surprise.

If his death admonishes us of the swiftness of the passage of time, his example teaches, through the results of the orderly method which regulated his every action, how time may be redeemed.

Mr. Justice Blatchford was at home in every branch of the jurisdiction of the courts in which he sat. It is not easy to distinguish, where all was done so well, but it may be justly said that he displayed uncommon aptitude in the administration of the maritime law and of the law of patents, his grasp upon the original principles of the one and his mastery of details in the other aiding him in largely contributing to the development of both. His experience in adjudication and in affairs bore abundant fruit during his incumbency of a seat upon this bench, and in the domain of constitutional investigation and exposition he won new laurels.

As suggested by the Attorney-General, he did not attempt in his judgments to "bestow conclusions on after-generations," yet when the four hundred and thirty opinions, to be precise as he would have been, in which he spoke for the court, contained in the volumes of our reports from the latter part of the one hundred and fifth to the close of the one hundred and forty-ninth, are examined, it will be found that he dealt with large questions, in many of them, with a breadth and luminousness of treatment and at the same time with a circumspection and sagacity which entitle them to high rank as judicial compositions, and will make them monuments to be seen hereafter of those concerned in looking about them for guidance in the present by the wisdom of the past.

And, as rightly indicated in the thoughtful tributes paid to him to-day, the memory of this conscientious and faithful public servant will be perpetuated, not through his decisions alone, but in the profound conviction, the contemplation of his career will ever produce, that he kept, to use the language of another, the great picture of the useful and distinguished judge "constantly before his eyes, and to a resemblance of which all his efforts, all his thoughts, all his life were devoted."

Upon the loss to us personally in parting with this beloved friend and helpful fellow-laborer we do not care to dwell. We take up our burdens again, conscious of the absence of the relief his participation would have afforded, but feeling as to him the truthfulness of the thought: "Above

all, believe it, the sweetest canticle is *Nunc Dimittis*, when a man hath obtained worthy ends and expectations.”

The minute and resolutions of the bar and the remarks of the Attorney-General will be entered on our records, and as a further mark of respect the court will adjourn until to-morrow at the usual hour.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 14, will be as follows :

Nos. 81, 83, 84, 85, 86, 611, 872, 969, 971, and 972.



# SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 14, 1893.

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

S. Morris Waln, of Philadelphia, Pa., was admitted to practice.

No. 883.—The Interstate Commerce Commission, appellant, *vs.* W. G. Brimson *et al.* Motion to advance submitted by Mr. Solicitor-General Maxwell for appellant.

No. 925.—*Ex parte*: In the matter of James Lennon, appellant. On motion of Mr. George C. Greene, leave granted him to file brief herein for the Lake Shore and Michigan Southern Railroad Company.

No. 12.—William W. Hickies *et al.*, appellants, *vs.* Charles E. Philes *et al.* On motion of Mr. W. P. Montague, for appellees, case ordered to be restored to the foot of the call for November 27.

No. 981.—The city of New Orleans, appellant, *vs.* H. W. Benjamin *et al.* Motion to advance submitted by Mr. William A. Maury in behalf of counsel.

No. 891.—George E. Kirk, appellant, *vs.* The United States. Motion to advance submitted by Mr. Robert A. Howard for the appellant.

No. 976.—William J. Ramey, appellant, *vs.* George W. Herbert, *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Samuel Dickson for the appellant in support of petition.

No. 611.—J. M. Bain, plaintiff in error, *vs.* The United States. Re-assigned for argument on the 27th of November next, on motion of Mr. J. M. Wilson in behalf of counsel.

No. 81.—Samuel J. Ritchie, plaintiff in error, *vs.* James B. McMullen, *et al.* Argument continued by Mr. J. M. Wilson for the plaintiff in error, by Mr. S. E. Williamson for the defendants in error, and concluded by Mr. Samuel Shellabarger for the plaintiff in error.

No. 7.—Original. *Ex parte*: In the matter of Frederick Hohorst, petitioner. Leave to amend petition granted on motion of Mr. Charles M. Demond for petitioner. Argued by Mr. Charles M. Demond for petitioner and by Mr. Walter D. Edmonds for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 15, will be as follows:

Nos. 83, 84, 85, 86, 872, 969, 971, 972, 1003, and 961.



# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 15, 1893.

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

No. 89.—The Worcester, Nashua and Rochester Railroad Company, plaintiff in error, *vs.* Robert L. Day *et al.* Continued per stipulation on motion of Mr. Lawrence Maxwell, jr., in behalf of counsel.

No. 88.—The Louisville, New Orleans and Texas Railway Company, plaintiff in error, *vs.* Edward M. Burnett. In error to the seventeenth judicial district court of the State of Louisiana. Dismissed with costs on authority of counsel for the plaintiff in error.

No. 1003.—Famous Smith, plaintiff in error, *vs.* The United States. Submitted with leave to counsel to file briefs within ten days.

No. 961.—Enoch Davis, plaintiff in error, *vs.* The People of the Territory of Utah. Submitted by Mr. Warren N. Dusenberry for the plaintiff in error, and by Mr. Solicitor-General Maxwell for the defendants in error.

No. 872.—R. Sarlls, plaintiff in error, *vs.* The United States. Submitted by Mr. A. H. Garland for the plaintiff in error, and by Mr. Assistant Attorney-General Conrad for the defendant in error.

No. 83.—John H. Kinkead *et al.*, appellants, *vs.* The United States. Argued by Mr. George A. King and Mr. Joseph K. McCammon for the appellants, and by Mr. Assistant Attorney-General Dodge for the appellee.

No. 84.—Michael Magin, appellant, *vs.* John J. Karle; and

No. 85.—Michael Magin, appellant, *vs.* John A. Lehman. Argument commenced by Mr. John R. Bennett for the appellant and continued by Mr. Josiah Sullivan for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 16, will be as follows:

Nos. 84 (and 85), 86, 969, 971, 972, 925, 921, 87, 90, and 91.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 16, 1893.

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

Henry W. Smith, of New York City, was admitted to practice.

No. 969.—Alexander Allen, plaintiff in error, *vs.* The United States. Submitted by Mr. A. H. Garland, for the plaintiff in error, and by Mr. Assistant Attorney-General Conrad, for the defendant in error.

No. 971.—John Hicks, plaintiff in error, *vs.* The United States. Submitted by Mr. A. H. Garland, for the plaintiff in error, and by Mr. Assistant Attorney-General Conrad, for the defendant in error.

No. 91.—M. C. Henley, appellant, *vs.* The Richmond Check Rower Company *et al.* Appeal from the circuit court of the United States for the district of Indiana. Dismissed with costs, pursuant to the tenth rule.

No. 84.—Michael Magin, appellant, *vs.* John J. Karle, and

No. 85.—Michael Magin, appellant, *vs.* John A. Lehman. Argument concluded by Mr. Josiah Sullivan for the appellees.

No. 86.—Benjamin Rich *et al.*, appellants, *vs.* Tamlin Braxton *et al.* Argument commenced by Mr. John F. Keator for the appellants and continued by Mr. J. H. Ferguson for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 17, will be as follows:

Nos. 86, 972, 925, 921, 87, 90, 92, 93 (and 276), 95, and 96.

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## SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 17, 1893.

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

No. 981.—The City of New Orleans, appellant, *vs.* H. W. Benjamin *et al.* Motion to advance submitted by Mr. William A. Maury for the appellant.

No. 113.—Herman R. Hardenbergh, plaintiff in error, *vs.* Thomas L. Ray *et al.* Death of Herman R. Hardenbergh, the plaintiff in error herein suggested, and appearance of Ella V. Hardenbergh, Thomas J. Hardenbergh, and Belle H. Schoonmaker, children and heirs at law, as plaintiffs in error in this cause, file dand entered on motion of Mr. H. W. Smith for the plaintiffs in error, and case passed on account of sickness of counsel.

No. 92.—M. C. Henley, appellant, *vs.* Wm. C. Shoemaker *et al.* Appeal from the circuit court of the United States for the District of Indiana. Dismissed with costs pursuant to the tenth rule.

No. 86.—Benjamin Rich *et al.*, appellants, *vs.* Tamlin Braxton *et al.* Argument continued by Mr. J. H. Ferguson for the appellees and concluded by Mr. John A. Hutchinson for the appellants.

No. 972.—John Gourko, plaintiff in error, *vs.* The United States. Submitted by Mr. Assistant Attorney-General Conrad for the defendant in error. No counsel appeared for the plaintiff in error.

No. 96.—T. B. Needles, U. S. marshal, &c., *et al.*, appellants, *vs.* Benjamin Brown. Appeal from the circuit court of the United States for the western district of Arkansas. Dismissed with costs on motion of Mr Solicitor-General Maxwell for the appellants.

No. 8.—Original. *Ex parte:* In the matter of John Bonner, petitioner. Leave granted to file return to rule herein on motion of Mr. Solicitor-General Maxwell for the respondent.

No. 925.—*Ex parte*: In the matter of James Lennon, appellant.  
Argued by Mr. G. M. Barber and Mr. Frank Hurd for the appellant.

Adjourned until Monday next, at 12 o'clock.

The day call for Monday, November 20, will be as follows:

Nos. 921, 87, 90, 93 (and 276), 95, 97, 98, 100, 101, and 102.



# SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 20, 1893.

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

Carlton B. Pierce, of New York City; George C. Travis, of Newton, Mass.; Wallace Macfarlane, of New York City; Charles S. Hamlin, of Brookline, Mass.; N. Taylor Phillips, of New York City; Wilbur F. George, of Sacramento, Cal.; Richard B. Davis, of Petersburg, Va.; E. P. Buford, of Lawrenceville, Va.; D. B. Kurtz, of New Castle, Pa.; C. H. Akens, of New Castle, Pa., and John P. Fay, of Seattle, Wash., were admitted to practice.

No. 14.—Herman Sturm, appellant, *vs.* F. A. Boker *et al.* Appeal from the circuit court of the United States for the district of Indiana. Decree reversed with costs and cause remanded to be proceeded with in conformity with the opinion of this court. Opinion by Mr. Justice Jackson.

No. 55.—William H. Knapp *et al.*, appellants, *vs.* Charles A. Morss. Appeal from the circuit court of the United States for the district of Connecticut; and

No. 310.—Samuel N. Ufford & Son, appellants, *vs.* Charles A. Morss. Appeal from the circuit court of the United States for the district of Massachusetts. Decrees reversed with costs and causes remanded, with directions to dismiss the bills. Opinion by Mr. Justice Jackson. Dissenting: Mr. Justice Brown and Mr. Justice Shiras. The Chief Justice did not sit in these cases and took no part in their decision.

No. 74.—Isabel B. Eustis *et al.*, executrices, etc., plaintiffs in error, *vs.* Charles H. Bolles *et al.* In error to the supreme judicial court of the Commonwealth of Massachusetts. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Shiras.

No. 51.—The United States Trust Company of New York, appellant, *vs.* The Wabash Western Railway Company, and

No. 57.—The Wabash Western Railway Company, appellant, *vs.* The United States Trust Company of New York. Appeals from the circuit court of the United States for the eastern district of Missouri. Decree affirmed, each appellant to pay the costs on its appeal. Opinion by Mr. Justice Brown.

No. 26.—Charles Moran *et al.*, etc., appellants, *vs.* The Wabash Western Railway Company. Appeal from the circuit court of the United States for the eastern district of Missouri. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 53.—J. Leslie Thompson, as receiver, etc., *et al.*, plaintiff in error, *vs.* The Sioux Falls National Bank of Sioux Falls, Dakota. In error to the supreme court of the Territory of Dakota. Judgment reversed with costs and cause remanded to the supreme court of the State of South Dakota, with instructions to remand the case to the proper court of Moody County and to direct the verdict and judgment to be set aside and a new trial granted. Opinion by Mr. Justice Brown. Dissenting: Mr. Justice Brewer.

No. 29.—R. S. Hollins, sr., *et al.*, appellants, *vs.* The Brierfield Coal and Iron Company *et al.* Appeal from the circuit court of the United States for the middle district of Alabama. Decree modified so as to direct the dismissal of the bill for the want of jurisdiction. The appellants to pay all the costs in the case. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Brown and Mr. Justice Jackson.

No. 71.—Biddena Elliott, widow of John Elliott, deceased, plaintiff in error, *vs.* The Chicago, Milwaukee and St. Paul Railway Company. In error to the supreme court of the Territory of Dakota. Judgment affirmed with costs and cause remanded to the supreme court of the State of South Dakota. Opinion by Mr. Justice Brewer.

No. 30.—The United States, plaintiff, *vs.* Robert S. Rodgers. On a certificate of division in opinion between the judges of the circuit court of the United States for the eastern district of Michigan. Question certified answered in the affirmative. Opinion by Mr. Justice Field. Dissenting, Mr. Justice Gray and Mr. Justice Brown.

No. 785.—Daniel J. McDaid *et al.*, plaintiffs in error, *vs.* The Territory of Oklahoma on the relation of Winfield S. Smith *et al.* In error to the supreme court of the Territory of Oklahoma. Judgment reversed with costs and cause remanded with a direction to reverse the judgment of the district court and remand the case to that court with directions to dismiss the petition. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court :

No. 883.—The Interstate Commerce Commission, appellant, *vs.* W. G. Brimson *et al.* Motion to advance granted and cause assigned for argument on the second Monday (8th) of January next, after the cases already set down for that day.

No. 891.—George E. Kirk, appellant, *vs.* The United States. Motion to advance denied, but leave granted counsel for appellant to file brief in case of Schillinger *et al. v.* The United States, No. 13, if he shall be so advised.

No. 976.—William J. Rainey, appellant, *vs.* George W. Herbert *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit, denied.

No. 981.—The City of New Orleans, appellant, *vs.* H. W. Benjamin *et al.* Motion to advance granted, the cause to be submitted on printed briefs at any time during the present term prior to the first Monday of April.

Nos. 75, 79, and 591.—The New York, Lake Erie and Western Railroad Company, plaintiff in error, *vs.* The Commonwealth of Pennsylvania. Cases restored to the docket for reargument before a full bench.

No. 967.—The Southern Pacific Company, plaintiff in error, *vs.* Bertha Tomlinson. Motions to dismiss or affirm submitted by Mr. A. H. Garland in support of motions, and by Mr. Charles H. Tweed and Mr. J. Hubley Ashton in opposition thereto.

No. 898.—R. S. Powell *et al.*, plaintiff in error, *vs.* The Board of Supervisors of Brunswick County *et al.* Motions to dismiss or affirm submitted by Mr. Richard B. Davis and Mr. Richard Walke in support of motions, and by Mr. E. P. Buford in opposition thereto.

No. 1004.—The Mobile and Ohio Railroad Company *et al.*, plaintiffs in error, *vs.* The State of Tennessee *et al.* Advanced and assigned for argument on the 22d of January next, at the foot of the call, on motion of Mr. S. A. Champion for the defendants in error.

No. 750.—Russell Huntley *et al.*, plaintiffs in error, *vs.* The Commonwealth of Massachusetts, and

No. 751.—Benjamin A. Plumley, plaintiff in error, *vs.* The Commonwealth of Massachusetts. Motions to advance submitted by Mr. George C. Travis for the defendant in error.

No. 104.—The Minneapolis and St. Louis Railway Co., plaintiff in error, *vs.* R. F. Parshall. In error to the circuit court of the United States for the district of Minnesota. Dismissed with costs pursuant to the 10th rule.

No. 10, Original.—*Ex parte*: In the matter of C. B. Swan, petitioner. Argued by Mr. D. A. Townsend, for the petitioner, and by Mr. Joseph W. Barnwell for the respondent.

No. 87.—Washington M. Jacobs, appellant, *vs.* J. M. George *et al.* Submitted by Mr. William H. Barnes for the appellant. No counsel appeared for appellees.

No. 90.—Covington G. Belknap, appellant, *vs.* The United States. Argument commenced by Mr. George A. King, for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 21, will be as follows:

Nos. 90, 921, 93 (and 276), 97, 98, 100, 101, 102, 106 and 107.



# SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 21, 1893.

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

No. 107.—Charles G. Murphy, plaintiff in error, *vs.* Elisha A. Packer. Passed.

No. 925.—*Ex parte*: In the matter of James Lennon, appellant. Leave granted to file supplemental brief herein, on motion of Mr. Walter H. Smith, for the appellant.

No. 90.—Covington G. Belknap, appellant, *vs.* The United States. Argument continued by Mr. George A. King for the appellant, by Mr. Assistant Attorney-General Dodge for the appellee, and concluded by Mr. George A. King for the appellant.

No. 921.—Mrs. Martha Insley *et al.*, appellants, *vs.* The United States. Argued by Mr. Solicitor-General Maxwell for the appellee, and submitted by Mr. J. D. McClevery for the appellants.

No. 93.—A. F. Seeberger, collector, etc., plaintiff in error, *vs.* Francis A. Hardy; and

No. 276.—Jesse Spalding, collector, etc., plaintiff in error, *vs.* Otto Young *et al.* Argued by Mr. Assistant Attorney-General Whitney for the plaintiffs in error, and by Mr. W. Wickham Smith for the defendants in error.

No. 97.—James M. Latta, appellant, *vs.* Hallet Kilbourn *et al.* Argument commenced by Mr. W. D. Davidge for the appellant and continued by Mr. Enoch Totten for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 22, will be as follows:

Nos. 97, 98, 100, 101, 102, 106, 108, 109, 110, and 111.

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# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 22, 1893.

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

Hugh C. Ward, of Kansas City, Mo.; Nathaniel C. Sears, of Chicago, Ill., and George Cook, of Allendale, N. J., were admitted to practice.

No. 101.—The Washington and Idaho Railroad Company, appellant, *vs.* the Cœur d'Alene Railway and Navigation Company *et al.* Continued on motion of Mr. J. M. Wilson, for appellant.

No. 95.—Wm. M. Harrison *et al.*, etc., plaintiffs in error, *vs.* the Taboro Oil Mills. In error to the circuit court of the United States for the western district of Pennsylvania. Dismissed with costs per stipulation.

No. 97.—James M. Latta, appellant, *vs.* Hallet Kilbourn *et al.* Argument continued by Mr. Enoch Totten and Mr. William F. Mattingly, for the appellees, and concluded by Mr. Walter D. Davidge, for the appellant.

No. 98.—Joseph Lees *et al.*, plaintiffs in error, *vs.* The United States. Argued by Mr. Hector T. Fenton, for the plaintiffs in error, and by Mr. Assistant Attorney-General Conrad, for the defendant in error.

No. 100.—The Connecticut Mutual Life Insurance Company, plaintiff in error, *vs.* C. H. Akens, executor, etc. Argument commenced by Mr. George W. Guthrie, for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

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

Nos. 100, 102, 106, 108, 109, 110, 111, 112, 114, and 115.

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# SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 23, 1893.

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

Harry A. McFadden, of Hollidaysburg, Pa., was admitted to practice.

No. 117.—Theodore Lowndes, plaintiff in error, *vs.* The Board of Trustees of the Town of Huntington. Passed.

No. 112.—The St. Louis, Iron Mountain and Southern Railway Company, plaintiff in error, *vs.* The Marine Insurance Company of London. In error to the circuit court of the United States for the eastern district of Arkansas. Judgment reversed with costs, per stipulation, and cause remanded for further proceedings to be had therein in conformity with law.

No. 100.—The Connecticut Mutual Life Insurance Company, plaintiff in error, *vs.* C. H. Akens, executor, etc. Argument continued by Mr. George W. Guthrie for the plaintiff in error. The court declined to hear further argument.

No. 102.—The Washington and Idaho Railroad Company, appellant, *vs.* S. V. William Osborn. Argument commenced by Mr. J. M. Wilson for the appellant. Further argument postponed and case continued.

No. 106.—John Cadwalader, collector, etc., plaintiff in error, *vs.* John E. F. Veh *et al.* Argued by Mr. Assistant Attorney-General Whitney for the plaintiff in error, and by Mr. F. P. Prichard for the defendants in error.

No. 108.—Mary Jane McAleer, administratrix, etc., appellant, *vs.* The United States. Argued by Mr. T. A. Lambert for the appellant, and by Mr. Assistant Attorney-General Conrad for the appellee.

No. 109.—James Coleman *et al.*, appellants, *vs.* The United States. Submitted by Mr. Edwin B. Smith and Mr. Theodore H. N. McPherson for the appellants, and by Mr. Assistant Attorney-General Dodge for the appellee.

No. 110.—Seth E. Ward, plaintiff in error, *vs.* Elmer G. Cochran.  
Argument commenced by Mr. Hugh C. Ward for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 24, will be as follows :

Nos. 110, 111, 114, 115, 116, 119, 120, 121, 122, and 123.

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# SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 24, 1893.

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

No. 140.—Henry B. Morrow, trustee, *et al.*, appellants, *vs.* The Cumberland Telephone and Telegraph Company. Appeal from the circuit court of the United States for the middle district of Tennessee. Decree affirmed with costs per stipulation.

No. 120.—The Central Trust Company, of New York, appellant, *vs.* J. J. Duff. Appeal from the circuit court of the United States for the eastern district of Tennessee. Dismissed with costs pursuant to the tenth rule.

No. 122.—George D. Haven, plaintiff in error, *vs.* Archibald Borland. Passed for settlement.

No. 110.—Seth E. Ward, plaintiff in error, *vs.* Elmer G. Cochran. Argument continued by Mr. H. C. Ward for the plaintiff in error, concluded by Mr. James Hagerman for the plaintiff in error, and submitted by Mr. J. M. Thurston and Mr. W. J. Connell for the defendant in error.

No. 111.—The Washburn and Moen Manufacturing Company, appellant, *vs.* The Freeman Wire Company. Continued.

No. 114.—The Johnson Company, plaintiff in error, *vs.* William Wharton, jr., & Company (limited). Argued by Mr. Wayne MacVeagh for the plaintiff in error and by Mr. F. P. Prichard for defendant in error.

No. 115.—The Columbia Mill Company, appellant, *vs.* W. W. Alcorn & Company. Submitted by Mr. P. H. Gunckle for appellant.

No. 116.—Leverett Saltonstall, collector, etc., plaintiff in error, *vs.* Joseph Birtwell. Argued by Mr. Assistant Attorney-General Whitney for the plaintiff in error and Mr. William A. Maury and Mr. J. P. Tucker for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 27, will be as follows:

Nos. 119, 121, 123, 611, 124, 125, 126, 127, 128, and 12.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 27, 1893.

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

James H. Shakespeare, of Philadelphia, Pa.; A. A. Hoehling, jr., of Washington, D. C.; Alex. Britton, of Washington, D. C., and Wm. T. Skelton, of Akron, Colo., were admitted to practice.

No. 84.—Michael Magin, appellant, *vs.* John J. Karle; and

No. 85.—Michael Magin, appellant, *vs.* John H. Lehman. Appeals from the circuit court of the United States for the northern district of New York. Decrees affirmed with costs. Opinion by Mr. Justice Jackson.

No. 77.—Allen Root, appellant, *vs.* James M. Woolworth. Appeal from the circuit court of the United States for the district of Nebraska. Decree affirmed with costs. Opinion by Mr. Justice Jackson.

No. 971.—John Hicks, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the western district of Arkansas. Judgment reversed and cause remanded with directions to set aside the verdict and award a new trial. Opinion by Mr. Justice Shiras. Dissenting: Mr. Justice Brewer and Mr. Justice Brown.

No. 87.—Washington M. Jacobs, appellant, *vs.* J. M. George *et al.* Appeal from the supreme court of the Territory of Arizona.

Dismissed with costs. Opinion by Mr. Chief Justice Fuller.

No. 72.—Frederick Gardner, plaintiff in error, *vs.* The Michigan Central Railroad Company. In error to the circuit court of the United States for the western district of Michigan. Judgment reversed with costs and cause remanded with a direction to grant a new trial. Opinion by Mr. Chief Justice Fuller. (Mr. Justice Field did not hear the argument and took no part in the consideration or decision of this case.)

No. 925.—*Ex parte*: In the matter of James Lennon, appellant. Appeal from the circuit court of the United States for the northern district of Ohio. Dismissed for the want of jurisdiction. Opinion by Mr. Chief-Justice Fuller.

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

No. 750.—Russell Huntley *et al.*, plaintiffs in error, *vs.* The Commonwealth of Massachusetts; and

No. 751.—Benjamin A. Plumley, plaintiff in error, *vs.* The Commonwealth of Massachusetts. Motion to advance granted and causes assigned for argument on the first Monday (5th) of March next.

No. 967.—The Southern Pacific Company, plaintiff in error, *vs.* Bertha Tomlinson. Motions to dismiss or affirm denied.

No. 124.—John Boyd, appellant, *vs.* William L. Stedman *et al.* Appeal from the circuit court of the United States for the district of Massachusetts. Dismissed with costs on motion of Mr. Hubert Howson for the appellant.

No. 965.—The Central Trust Company of New York, appellant, *vs.* William McGeorge, jr., *et al.* Advanced pursuant to the 32d rule on motion of Mr. Hugh L. Bond, in behalf of counsel, and cause submitted by Mr. A. H. Joline for the appellant.

No. 332.—S. D. Wilson, treasurer, etc., plaintiff in error, *vs.* The Haley Live Stock Company. Motion to require plaintiff in error to give a new bond and security for costs. Submitted by Mr. Carroll McKenney in behalf of counsel for defendant in error.

No. 1068.—Press Company, limited, plaintiff in error, *vs.* City Bank of Hartford. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit. Submitted by Mr. Hampton L. Carson and Mr. James H. Shakespeare for the plaintiff in error in support of the petition, and by Mr. John Hampton Barnes and Mr. George Tucker Bispham for the defendant in error in opposition thereto.

No. 471.—Fred H. Long, appellant, *vs.* James G. Thayer. Submitted pursuant to the 20th rule by Mr. A. H. Garland and Mr. H. J. May for the appellant and by Mr. William A. McKenney for the appellee.

No. 611.—J. M. Bain, plaintiff in error, *vs.* The United States. In error to the district court of the United States for the southern district of Ohio. Dismissed pursuant to the tenth rule and mandate granted.

No. 125.—The Consolidated Patents Company *et al.*, appellants, *vs.* A. Hun Berry. Appeal from the circuit court of the United States for the district of Massachusetts. Dismissed with costs pursuant to the tenth rule.

No. 126.—C. S. Starkey, plaintiff in error, *vs.* Nelson Burnham; and

No. 127.—C. S. Starkey, plaintiff in error, *vs.* Charles Englehart. Motions to continue submitted by Mr. B. W. Perkins in support of same, and by Mr. A. T. Britton and Mr. A. B. Browne in opposition thereto.

No. 146.—The American Tube and Iron Company, plaintiff in error, *vs.* Owen Evans, guardian, etc. Death of Owen Evans, guardian, etc., suggested and appearance of John R. Davis, guardian, etc., as defendant in error, herein filed and entered, on motion of Mr. J. M. Wilson, in behalf of counsel.

No. 119.—The Southern Pacific Company, plaintiff in error, *vs.* Isabella Seley, administratrix, etc. Argued by Mr. Maxwell Evarts, for the plaintiff in error, and by Mr. A. A. Hoehling, jr., and Mr. J. M. Wilson, for the defendant in error.

No. 8.—Original. *Ex parte*: In the matter of John Bonner, petitioner. Argument commenced by Mr. J. C. Chaney, for the petitioner, and continued by Mr. Solicitor-General Maxwell, for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 28, will be as follows:

Nos. 121, 123, 128, 12, 129, 130, 131, 132, 133, and 134.



# SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 28, 1893.

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

Hollis C. Johnston, of Gallipolis, Ohio; William H. Pope, of Cincinnati, Ohio; William L. Carpenter, of Detroit, Mich.; Samuel W. Smith, of Pontiac, Mich., and Charles F. Collier, of Holly, Mich., were admitted to practice.

No. 505.—The City of Lincoln, plaintiff in error, *vs.* Margaret J. Power. Submitted pursuant to the 20th rule by Mr. L. C. Bwve for the plaintiff in error and by Mr. T. M. Marquett for the defendant in error.

No. 131.—The Syracuse Water Company, plaintiff in error, *vs.* The City of Syracuse *et al.* In error to the supreme court of the State of New York. Dismissed with costs pursuant to the 16th rule on motion of Mr. Carroll McKenney for the defendants in error.

No. 132.—Madison D. Shipman, appellant, *vs.* Max Beeber *et al.* Appeal from the circuit court of the United States for the northern district of New York. Dismissed with costs pursuant to the tenth rule.

No. 133.—Albrecht Kneule *et al.*, plaintiffs in error, *vs.* Mary V. Delp. In error to the circuit court of the United States for the eastern district of Pennsylvania. Dismissed with costs pursuant to the tenth rule.

No. 8—Original.—*Ex parte*: In the matter of John Bonner, petitioner. Argument continued by Mr. Solicitor-General Maxwell for respondent and concluded by Mr. J. C. Chaney for the petitioner.

No. 121.—P. Pearl Mullett, administratrix, etc., appellant, *vs.* The United States. Argued by Mr. George S. Boutwell for the appellant, and by Mr. Assistant Attorney-General Dodge for the appellee.

No. 123.—Henry M. Bates *et al.*, plaintiffs in error, *vs.* Sarah A. Preble. Argument commenced by Mr. Samuel Hoar for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 29, will be as follows:

Nos. 123, 128, 12, 129, 130, 134, 135, 136 (and 137 and 138), 139, and 142.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 29, 1893.

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

G. B. Denison, of Muscogee, Ind. T., was admitted to practice.

No. 135.—The United States, plaintiff in error, *vs.* The Northern Pacific R. R. Co. Passed on motion of Mr. Solicitor-General Maxwell, for the plaintiff in error.

No. 136.—The Texas & Pacific Railway Co., plaintiff in error, *vs.* Taylor M. Griffin *et al.*

No. 137.—The Texas & Pacific Railway Co., plaintiff in error, *vs.* E. S. Overheiser, and

No. 138.—The Texas & Pacific Railway Co., plaintiff in error, *vs.* T. R. Johnson.

Passed on account of sickness of counsel, on motion of Mr. D. D. Duncan, in behalf of counsel.

No. 139.—The Falls Rivet Co. *et al.*, appellants, *vs.* Wm. B. Wolfe *et al.* Appeal from the circuit court of the United States for the western district of Pennsylvania. Dismissed with costs pursuant to the tenth rule.

No. 142.—William Downing, appellant, *vs.* J. W. C. Wilson *et al.* Appeal from the circuit court of the United States for the eastern district of Tennessee. Dismissed with costs pursuant to the tenth rule.

No. 123.—Henry M. Bates *et al.*, plaintiffs in error, *vs.* Sarah A. Preble. Argument continued by Mr. Samuel Hoar for the plaintiffs in error; by Mr. L. C. Southard and Mr. R. M. Morse for defendant in error, and concluded by Mr. Samuel Hoar for the plaintiffs in error.

No. 12.—Ann Hickies, executrix, etc., *et al.*, appellants, *vs.* Charles E. Philes *et al.* Submitted with leave to counsel to file briefs.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 4, will be as follows:

Nos. 128, 129, 130, 134, 1,007, 970, 143, 144, 145, and 146.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 4, 1893.

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

Eleazer. K. Foster, of Sanford, Fla., was admitted to practice.

No. 115.—The Columbia Mill Company, appellant, *vs.* William W. Alcorn *et al.* Appeal from the circuit court of the United States for the eastern district of Pennsylvania. Decree affirmed with costs. Opinion by Mr. Justice Jackson.

No. 93.—Anthony F. Seeberger, collector, &c., plaintiff in error, *vs.* Francis A. Hardy. In error to the circuit court of the United States for the northern district of Illinois. Judgment affirmed with costs and interest. Opinion by Mr. Justice Brown.

No. 276.—Jesse Spalding, collector, etc., plaintiff in error, *vs.* Otto Young & Co. In error to the circuit court of the United States for the northern district of Illinois. Judgment affirmed with costs and interest. Opinion by Mr. Justice Brown.

No. 921.—Mrs. Martha Insley *et al.*, appellants, *vs.* The United States. Appeal from the United States circuit court of appeals for the eighth circuit. Decree affirmed. Opinion by Mr. Justice Brown.

No. 83.—John H. Kinkead *et al.*, appellants, *vs.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brown. Dissenting, Mr. Justice Shiras and Mr. Justice Field.

No. 98.—Joseph Lees *et al.*, plaintiffs in error, *vs.* The United States. In error to the circuit court of the United States for the eastern district of Pennsylvania. Judgment reversed and cause remanded with directions to remand to the district court and order a new trial. Opinion by Mr. Justice Brewer. (Mr. Justice Harlan did not hear the argument nor take part in the decision of this case.)

No. 100.—The Connecticut Mutual Life Insurance Company, of Hartford, Conn., plaintiff in error, *vs.* C. H. Akens, executor of A. O. Smith, deceased. In error to the circuit court of the United States for the western

district of Pennsylvania. Judgment affirmed with costs and interest. Opinion by Mr. Justice Gray. (Mr. Justice Harlan and Mr. Justice Shiras did not sit in this case or take any part in its decision.)

No. 116.—Leverett Saltonstall, collector, etc., plaintiff in error, *vs.* Joseph Birtwell. In error to the circuit court of the United States for the district of Massachusetts. Judgment reversed with costs and cause remanded with directions to award a new trial. Opinion by Mr. Chief Justice Fuller.

No. 108.—Mary Jane McAleer, administratrix, etc., appellant, *vs.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Chief Justice Fuller.

No. 898.—R. S. Powell *et al.*, plaintiffs in error, *vs.* The Supervisors of Brunswick County, etc., *et al.* In error to the supreme court of appeals of the State of Virginia. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 969.—Alexander Allen, plaintiff in error, *vs.* the United States. In error to the circuit court of the United States for the western district of Arkansas. Judgment reversed, and cause remanded with a direction to grant a new trial. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice Brewer and Mr. Justice Brown.

The Chief Justice announced the following orders of the court :

No. 126.—C. S. Starkey, plaintiff in error, *vs.* Nelson Burnham ; and

No. 127.—C. S. Starkey, plaintiff in error, *vs.* Charles Englehart. Ordered that these cases be passed and placed at the foot of the call on the first Monday (5th) of March next, to be dismissed if not then in a condition to be heard.

No. 332.—S. D. Wilson, treasurer, etc., plaintiff in error, *vs.* The Haley Live Stock Company. Motion to require the plaintiff in error to file a new and amended appeal bond herein denied.

No. 1068.—The Press Company, Limited, plaintiff in error, *vs.* The City Bank of Hartford. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 1072.—The steam tug E. A. Packer, etc., appellant, *vs.* The New Jersey Lighterage Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit, submitted by Mr. E. D. McCarthy for the appellant in support of petition, and by Mr. R. D. Benedict for the appellee in opposition thereto.

No. 208.—Edward H. Lewis, plaintiff in error, *vs.* George C. Wilson *et al.* Motion for leave to withdraw transcript of record for purpose of correcting clerk's certificate, submitted by Mr. James E. Padgett in behalf of counsel for the plaintiff in error.

No. 1069.—William A. Lakin, plaintiff in error, *vs.* John H. Roberts *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit, submitted by Mr. Wm. A. McKenney and Mr. H. L. Gear for the plaintiff in error in support of petition.

No. 1007.—William A. Cole, plaintiff in error, *vs.* The United States. In error to the district court of the United States for the northern district of Texas. Dismissed, the cause having abated by death of plaintiff in error, on motion of Mr. Assistant Attorney-General Conrad for the defendant in error.

No. 970.—Marshal Tucker, plaintiff in error, *vs.* The United States. Submitted by Mr. A. H. Garland for the plaintiff in error, and by Mr. Assistant Attorney-General Conrad for the defendant in error.

No. 145.—Rudolph Zimmerman, plaintiff in error, *vs.* E. R. Oliver. In error to the circuit court of the United States for the western district of Texas. Dismissed with costs, pursuant to the tenth rule.

No. 146.—The American Tube and Iron Company, plaintiff in error, *vs.* John R. Davis, guardian, etc. In error to the circuit court of the United States for the northern district of Ohio. Dismissed with costs, pursuant to the sixteenth rule, on motion of Mr. A. J. Woolf, for the defendant in error.

No. 128.—John Halstead, appellant, *vs.* A. G. Grinnan *et al.* Argument commenced by Mr. A. Burlew, for the appellant, and continued by Mr. W. Mollahan and Mr. J. F. Brown, for the appellees, and Mr. A. Burlew, for the appellant.

Adjourned until to-morrow at 12 o'clock.

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

Nos. 128, 129, 130, 134, 143, 144, 147 (and 148), 149, 150, and 151.

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 5, 1893.

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

H. A. Toulmin, of Springfield, Ohio, was admitted to practice.

No. 149.—J. Dunlap & Sons, appellants, *vs.* Schofield, Mason & Company. Submitted by Mr. J. C. Fraley for the appellants, and by Mr. H. T. Fenton for the appellees.

No. 151.—The American Rapid Telegraph Company, appellants, *vs.* The Boston Safe Deposit and Trust Company. Appeal from the circuit court of the United States for the district of Connecticut. Dismissed with costs, pursuant to the tenth rule.

No. 128.—John Halstead, appellant, *vs.* A. G. Grinnan *et al.* Argument concluded by Mr. A. Burlew for the appellant.

No. 129.—Sarah Horn, appellant, *vs.* The Detroit Dry Dock Co. *et al.* Argued by Mr. Fred. A. Baker for the appellant, and by Mr. C. E. Warner for the appellees.

No. 130.—The Village of Hally, plaintiff in error, *vs.* George F. Hunter.

Argued by Mr. Fred A. Baker, for the plaintiff in error, and by Mr. William L. Carpenter, for the defendant in error.

No. 143.—W. L. Miller *et al.*, appellants, *vs.* The Eagle Manufacturing Co. Passed on motion of Mr. H. A. Toulmin, for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 6, will be as follows:

Nos. 134, 144, 147 (and 148), 150, 152, 153, 154, 155, 156, 157.

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# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 6, 1893.

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

Wm. W. Griffin, of Detroit, Mich.; Harrison Musgrave, of Chicago, Ill., and Augustus B. Stoughton, of Philadelphia, Pa., were admitted to practice.

No. 146.—The American Tube and Iron Company, plaintiff in error, *vs.* John R. Davis, guardian, etc. Mandate granted on motion of Mr. A. J. Woolf for the defendant in error.

No. 147.—William Talbert, appellant, *vs.* The United States, and

No. 148.—The United States, appellant, *vs.* William Talbert. Death of William Talbert suggested and cases passed, on motion of Mr. S. S. Henkle, of counsel.

No. 154.—Andrew L. Britton, appellant, *vs.* Isaac B. Kleinert. Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs, pursuant to the tenth rule.

No. 134.—George W. Bryan *et al.*, trustees, etc., plaintiffs in error, *vs.* The Board of Education of the Kentucky Annual Conference of the M. E. Church South *et al.* Argued by Mr. D. L. Thornton and Mr. J. M. Wilson for the defendants in error, and submitted by Mr. Thomas F. Hargis for the plaintiffs in error.

No. 144.—Joseph Inglehart *et al.*, appellants, *vs.* The Washington Loan and Trust Company, executor, etc. Argument commenced by Mr. S. S. Henkle for the appellants, and continued by Mr. J. J. Darlington for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 7, will be as follows:

Nos. 144, 150, 152, 153, 155, 156, 157, 158, 159, and 143.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 7, 1893.

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

No. 153.—The Chicago, St. Paul and Kansas City Railway Company, plaintiff in error, *vs.* Nellie E. Pierce. Passed on motion of Mr. John C. Black on behalf of counsel.

No. 144.—Joseph Inglehart *et al.*, appellants, *vs.* The Washington Loan and Trust Company, executor, etc. Argument concluded by Mr. S. S. Henkle for the appellants.

No. 150.—John F. Wollensak, appellant, *vs.* Sargent & Company. Argued by Mr. Ephraim Banning for the appellant and by Mr. John K. Beach for the appellees.

No. 152.—Howard M. Giles *et al.*, etc., appellants, *vs.* John L. Hey-singer *et al.* Argued by Mr. John J. Jennings for the appellants and by Mr. A. B. Stoughton for the appellees.

Adjourned until to-morrow at 12 o'clock.

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

Nos. 155, 156, 157, 158, 159, 143, 113, 161, 162, and 163.

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# SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 8, 1893.

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

J. H. Barr and W. G. McAdoo, jr., of Chattanooga, Tenn., and Charles W. Spooner, of New York City, were admitted to practice.

No. 153.—The Chicago, St. Paul and Kansas City Railway Company, plaintiff in error, *vs.* Nellie E. Pierce. In error to the circuit court of the United States for the northern district of Illinois. Judgment reversed with costs and cause remanded, to be proceeded in according to law, per stipulation, on motion of Mr. John C. Black for the defendant in error. Mandate granted.

No. 155.—William C. Ide, appellant, *vs.* The United States. Argument commenced by Mr. George Wadsworth for the appellant. The court declined to hear further argument.

No. 156.—The Keystone Manufacturing Company, appellant, *vs.* Henry A. Adams. Argument commenced by Mr. J. G. Manahan for the appellant, and continued by Mr. J. M. Thacher for the appellee.

Adjourned until Monday next at 12 o'clock.

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

Nos. 156, 157, 158, 159, 143, 113, 161, 162, 163, and 164.

7851—43

## SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 11, 1893.

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

O. Z. Hubbell and Orin M. Conley, of Elkhart, Ind., John W. Blee, of Sandwich, Ill., and J. A. Haralson, of Bakersfield, Cal., were admitted to practice.

No. 97.—James M. Latta, appellant, *vs.* Hallet Kilbourn and John F. Olmstead. Appeal from the supreme court of the District of Columbia. Decree reversed with costs and cause remanded, with directions to dismiss the bill at the cost of the appellees. Opinion by Mr. Justice Jackson. (Mr. Justice Harlan did not hear the argument, and took no part in the consideration or decision of this case.)

No. 56.—Jesse P. Farley, appellant, *vs.* James J. Hill *et al.* Appeal from the circuit court of the United States for the district of Minnesota. Decree affirmed with costs. Opinion by Mr. Justice Shiras.

No. 70.—Robert Twiner *et al.*, appellants, *vs.* Alfred A. K. Sawyer. Appeal from the circuit court of the United States for the district of Colorado. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 471.—Fred. H. Long, appellant, *vs.* James G. Thayer. Appeal from the circuit court of the United States for the western district of Missouri. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 90.—Covington G. Belknap, appellant, *vs.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brewer.

No. 121.—P. Pearl Mullett, administratrix, etc., appellant, *vs.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brewer.

The Chief Justice announced the following orders of the court :

No. 208.—Edward H. Lewis, plaintiff in error, *vs.* George C. Wilson *et al.* Motion for leave to withdraw transcript of record in this case for the purpose of correcting the clerk's certificate to the same denied; but

counsel may furnish a duplicate record by causing a copy of the printed record on file to be properly certified, or file a corrected certificate of the clerk, as he may be advised.

No. 1069.—William H. Lakin, plaintiff in error, *vs.* John H. Roberts *et al.* Petition for a writ of error or writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 130.—The Village of Holly, plaintiff in error, *vs.* George F. Hunter. In error to the circuit court of the United States for the eastern district of Michigan. Judgment affirmed with costs and interest by a divided court.

No. 155.—William C. Ide, appellant, *vs.* The United States. Appeal from the Court of Claims. Judgment affirmed upon the authority of *U. S. v. Fletcher*, 148 U. S., 84.

It is ordered that clause 6 of Rule 21 be, and it is, amended by substituting therefor the following :

6. When no oral argument is made for one of the parties, only one counsel will be heard for the adverse party.

No. 54.—Edward H. Teague, administrator, *etc.*, *et al.*, plaintiffs in error and appellants, *vs.* Fletcher Maddox *et al.* Mandate granted on motion of Mr. James Hoban for defendants in error and appellees.

No. 994.—The Baltimore Traction Company, plaintiff in error, *vs.* The Baltimore Belt Railroad Company. Motion to dismiss submitted by Mr. John K. Cowen in support of motion, and by Mr. Nicholas P. Bond in opposition thereto.

No. 937.—David L. Hammond *et al.*, plaintiffs in error, *vs.* The Connecticut Mutual Life Insurance Company ; and

No. 938.—David L. Hammond *et al.*, plaintiff in error, *vs.* Ann E. Gordon *et al.* Motions to dismiss or affirm submitted by Mr. John B. Henderson in support of motions and by Mr. D. T. Jewett and Mr. Leaverett Bell in opposition thereto.

No. 15.—George H. Hilton, appellant, *vs.* James E. Jones *et al.* Continued on motion of Mr. Frederic D. McKenney in behalf of counsel.

No. 159.—The Newport News and Mississippi Valley Company *et al.*, plaintiffs in error, *vs.* Martin R. Hendrick, administrator, &c. Passed for settlement on motion of Mr. Holmes Cummins for the plaintiffs in error.

No. 156.—The Keystone Manufacturing Company, appellant, *vs.* Henry A. Adams. Argument continued by Mr. S. L. Coburn for the appellee, and concluded by Mr. J. G. Manahan for the appellant.

No. 157.—Mary P. Miller, devisee, etc., plaintiff in error, *vs.* Dominic G. Courtney. Submitted by Mr. Walter J. Lamb and Mr. Henry H. Wilson for the plaintiff in error, with leave to counsel for the defendant in error to file brief within one week.

No. 158.—The Galveston, Harrisburg, and San Antonio Railway Co., plaintiff in error, *vs.* Victor Gonzales. Argued by Mr. J. Hubley Ashton for the plaintiff in error. No counsel appeared for the defendant in error.

No. 143.—W. L. Miller *et al.*, appellants, *vs.* The Eagle Manufacturing Company. Argument commenced by Mr. H. A. Toulmin for the appellants and continued by Mr. George H. Christy for the appellee.

Adjourned until to-morrow at 12 o'clock.

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

Nos. 143, 113, 161, 162, 163, 164, 165, 166, 167, and 168.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 12, 1893.

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

David B. Hill, of Albany, N. Y.; N. S. Ackerly, of Northport, N. Y., and Charles R. Street, of Huntington, N. Y., were admitted to practice.

No. 683.—Milton L. Baer, plaintiff in error, *vs.* Moran Bros. Co. Motion to advance submitted by Mr. J. H. Mitchell in support of motion.

No. 165.—The Union Pacific Railway Company, plaintiff in error, *vs.* William Daniels. Passed, subject to the provisions of the twenty-sixth rule, upon suggestion of death of William Daniels, the defendant in error, on motion of Mr. John F. Dillon in behalf of counsel for defendant in error.

No. 168.—The Bay City Street Railway Company, plaintiff in error, *vs.* Robbins B. Taylor *et al.* In error to the supreme court of the State of Michigan. Dismissed with costs, pursuant to the tenth rule.

No. 143.—W. L. Miller *et al.*, appellants, *vs.* The Eagle Manufacturing Company. Argument continued by Mr. George H. Christy for the appellee, and concluded by Mr. John T. Morgan for the appellants.

No. 113.—Ella V. Hardenbergh *et al.*, plaintiffs in error, *vs.* Thomas L. Ray *et al.* Argument commenced by Mr. Henry B. B. Stapler for the plaintiffs in error, and continued by Mr. J. H. Mitchell for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 13, will be as follows:

Nos. 113, 161, 162, 163, 164, 166, 167, 135, 169, and 170.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 13, 1893.

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

Marcus D. Munn, of St. Paul, Minn., F. L. Schofield, of Hannibal, Mo., and T. L. Montgomery, of Kahoka, Mo., were admitted to practice.

No. 116.—Leverett Saltonstall, collector, etc., plaintiff in error, *vs.* Joseph Bvitwell. Mandate granted, on motion of Mr. William A. Maury for defendant in error.

No. 164.—The Pennsylvania Company, plaintiff in error, *vs.* B. M. Campbell, administrator, etc. In error to the circuit court of the United States for the northern district of Ohio. Dismissed with costs per stipulation.

No. 113.—Ella V. Hardenbergh *et al.*, etc., plaintiffs in error, *vs.* Thomas L. Ray *et al.* Argument continued by Mr. John H. Mitchell and Mr. James K. Kelly for the defendants in error, and concluded by Mr. Henry B. B. Stapler for the plaintiffs in error.

No. 161.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* Adolph Volk. Argued by Mr. John F. Dillon for the plaintiff in error, and submitted by Mr. A. H. Garland for the defendant in error.

No. 162.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* Henry Saunders. Submitted by Mr. John F. Dillon for the plaintiff in error, and by Mr. James Turner for defendant in error.

No. 163.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* Henry Horn. Argued by Mr. John F. Dillon for the plaintiff in error and submitted by Mr. C. A. Culberson for defendant in error.

No. 166.—J. D. Negler, plaintiff in error, *vs.* George Faulkner *et al.* Submitted by Mr. A. H. Garland and Mr. H. J. May for the plaintiff in error and by Mr. Isham Reavis for the defendant in error.

No. 167.—The Montana Company (limited) *et al.*, plaintiffs in error, *vs.* The St. Louis Mining and Milling Company. Submitted by Mr.

W. E. Cullen, Mr. A. H. Gariand, and Mr. H. J. May for plaintiffs in error and by Mr. E. W. Toole and Mr. John B. Clayberg for defendant in error:

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 14, will be as follows:

Nos. 135, 169, 170, 171, 136, 137, 138, 117, 172, and 173.

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# SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 14, 1893.

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

O. E. Weller, of Wichita, Kans., was admitted to practice.

No. 172.—The Republic Iron Mining Company, plaintiff in error, *vs.* Charles M. Jones. In error to the circuit court of the United States for the northern district of Georgia. Dismissed with costs pursuant to the 10th rule.

No. 135.—The United States, plaintiff in error, *vs.* The Northern Pacific Railroad Company *et al.*, argued by Mr. Solicitor-General Maxwell for the plaintiff in error, and by Mr. James McNaught for the defendants in error.

No. 169.—Silas F. King, appellant and plaintiff in error, *vs.* The Amy and Silversmith Consolidated Mining Company. Argument commenced by Mr. C. W. Holcomb for the appellant and plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

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

Nos. 169, 170, 171, 136 (and 137 and 138), 117, 173, 174, 175, 176, and 177.

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# SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 15, 1893.

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

Lipman Levy, of Cincinnati, Ohio; Sidney F. Rawson, of New York City; I. H. Goodnight, of Franklin, Ky.; and Charles S. Grubbs, of Louisville, Ky., were admitted to practice.

No. 169.—Silas F. King, appellant and plaintiff in error, *vs.* The Amy and Silversmith Consolidated Mining Company. Argument concluded by Mr. C. W. Holcomb, for the appellant and plaintiff in error, and submitted by Mr. W. W. Nixon, for appellee and defendant in error.

No. 170.—S. B. Burek, appellant, *vs.* Abner Taylor. Argued by Mr. F. Charles Hume, for the appellant, and by Mr. George E. Hamilton, for the appellee.

No. 136.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* Taylor M. Griffin *et al.*

No. 137.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* E. S. Overheiser; and

No. 138.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* T. R. Johnson. Argued by Mr. John F. Dillon, for the plaintiff in error, and by Mr. Heber J. May, for the defendants in error.

No. 171.—Caroline Southworth, executrix, etc., appellant, *vs.* The United States. Argument commenced by Mr. George A. King, for the appellant.

Adjourned until Monday next at 12 o'clock.

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

Nos. 171, 117, 173, 174, 175, 176, 177, 178, 180, and 181.

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## SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 18, 1893.

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

Sidney McMechen van Wyck, jr., of San Francisco, Cal.; J. A. Whiteside, Kahoka, Mo.; Charles J. Helm, of Newport, Ky.; Ed. E. Longan, of St. Louis, Mo.; Arthur Perkins, of Hartford, Conn.; Horace Russell, of New York City, and Martin J. Keogh, of New Rochelle, N. Y., were admitted to practice.

No. 129.—Sarah Horn, appellant, *vs.* The Detroit Dry Dock Company *et al.* Appeal from the circuit court of the United States for the eastern district of Michigan. Decree affirmed with costs. Opinion by Mr. Justice Jackson.

No. 110.—Seth E. Ward, plaintiff in error, *vs.* Elmer G. Cochran. In error to the circuit court of the United States for the district of Nebraska. Judgment reversed with costs and cause remanded with directions to award a *venire de novo*. Opinion by Mr. Justice Shiras.

No. 152.—Howard M. Giles *et al.*, appellants, *vs.* John L. Heysinger *et al.* Appeal from the circuit court of the United States for the southern district of New York. Decree reversed with costs and cause remanded with directions to dismiss the bill. Opinion by Mr. Justice Brown.

No. 7.—Original.—*Ex parte*: In the matter of Frederick Hohorst, petitioner. Petition for writ of mandamus granted. Opinion by Mr. Justice Gray.

No. 8.—The Lehigh Zinc and Iron Company, Limited, plaintiff in error, *vs.* William E. Smith, administrator, etc., *et al.* In error to the circuit court of the United States for the southern district of New York. Judgment affirmed with costs and interest. Opinion by Mr. Justice Harlan.

No. 66.—William Belden, plaintiff in error, *vs.* Emory A. Chase *et al.*, executors, etc. In error to the court of appeals of the State of New York. Judgment reversed with costs and cause remanded for further proceedings

consistent with the opinion of this court. Opinion by Mr. Chief Justice Fuller. (Mr. Justice Field and Mr. Justice Gray did not hear the argument, and took no part in the consideration and decision of the case.)

No. 10.—Original.—*Ex parte*: In the matter of C. B. Swan, petitioner. Petition for a writ of habeas corpus denied. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court :

The court will adjourn at the conclusion of business on Friday, the 22d instant, to Wednesday, January 3, 1894.

No. 683.—Milton L. Baer, plaintiff in error, *vs.* Moran Bros. Co. (a corporation). Motion to advance granted, and cause assigned for argument on the first Monday (5th) of March next, after the cases already set down for that day.

No. 1072.—The Steam Tug "E. A. Packer," etc., appellant, *vs.* The New Jersey Lighterage Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 937.—David L. Hammond *et al.*, plaintiffs in error, *vs.* The Connecticut Mutual Life Insurance Company; and

No. 938.—David L. Hammond *et al.*, plaintiffs in error, *vs.* Ann E. Gordon *et al.* In error to the supreme court of the State of Missouri. Dismissed for the want of jurisdiction upon the authority of Hammond *v.* Johnston, 142 U. S., 43.

Nos. 922 and 923.—Nelson F. Evans, plaintiff in error, *vs.* The United States. Ordered that these cases be restored to the docket for reargument before a full bench with particular reference to the sufficiency of the eighth, ninth, tenth, and fourteenth counts in No. 922, and the fifth to eleventh counts, inclusive, and the fourteenth, fifteenth, sixteenth, and twentieth counts in No. 923.

No. 212.—Edward L. Hedden, collector, etc., plaintiff in error, *vs.* William Robertson. Appearance of Elizabeth Hedden, administratrix, etc., as plaintiff in error herein, filed and entered on motion of Mr. Solicitor-General Maxwell for the plaintiff in error.

No. 563.—Oscar L. Richard *et al.*, plaintiffs in error, *vs.* E. L. Hedden, collector, etc. Appearance of Elizabeth Hedden, administratrix, etc., as defendant in error herein, filed and entered on motion of Mr. Solicitor-General Maxwell for the defendant in error.

No. 418.—Leong Moy Que, appellant, *vs.* The United States. Submitted under the twentieth rule by Mr. Solicitor-General Maxwell for the appellee. No brief filed for appellant.

No. 195.—The Singer Manufacturing Company, appellant, *vs.* The June Manufacturing Company. Motion to omit certain exhibits from

the printed record presented by Mr. Lawrence Maxwell, jr., for the appellant, in support of motion, opposed by Mr. Wm. Henry Browne for the appellee, and motion postponed to the 3d of January next.

No. 375.—Jacob C. Mann, appellant, *vs.* The Tacoma Land Company. Motion to advance submitted by Mr. T. H. N. McPherson for the petitioner.

No. 1014.—Ah Sing, appellant, *vs.* The United States *et al.*

No. 1015.—Chun Shang Yuen, appellant, *vs.* The United States *et al.*

No. 1016.—Fong Louie, appellant, *vs.* The United States *et al.*

No. 1017.—Fong Wye, appellant, *vs.* The United States *et al.*

No. 1018.—Ah Ching, appellant, *vs.* The United States *et al.* Appeals from the district court of the United States for the northern district of California. Dismissed on motion of Mr. J. Hubley Ashton for the appellants.

Nos. 918 and 919.—The Aspen Mining and Smelting Company *et al.*, appellants, *vs.* Margaret Billings *et al.* Motion for mandate submitted by Mr. F. T. Hughes for the appellees, and by Mr. Calderon Carlisle for appellants in opposition thereto.

No. 223.—Henry Hilton *et al.*, appellants, *vs.* Gustave Bertin Guyot, etc. Ordered to be passed to be heard with No. 440 as one case, on motion of Mr. James C. Carter for the appellants.

No. 192.—Joseph Gottlieb, appellant, *vs.* Lewis C. Thatcher. Motion to postpone hearing submitted by Mr. John Johns in behalf of counsel.

*Ex parte:* In the matter of Benjamin H. Johnson, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. John Wharton Clark for the petitioner.

No. 55.—William H. Knapp *et al.*, appellants, *vs.* Charles A. Morss, and

No. 310.—Samuel N. Ufford *et al.*, appellants, *vs.* Charles A. Morss. Motion for mandates in these cases submitted by Mr. William A. McKenney in behalf of counsel.

No. 15.—George H. Hilton, appellant, *vs.* James E. Jones *et al.* Appearance of William W. Dunham, administrator of George H. Hilton, deceased, *et al.*, as appellants, herein filed and entered on motion of Mr. Frederic D. McKenney in behalf of counsel.

No. 870.—The Aztec Mining Company, plaintiff in error, *vs.* John W. Ripley. Motions to dismiss or affirm submitted by Mr. Rufus H. Thayer in support of motions, and by Mr. Nathan Frank in opposition thereto.

No. 1000.—The Supreme Lodge, Knights of Pythias of the World, plaintiff in error, *vs.* Mrs. Eugenie Kalinski. Motions to dismiss or affirm submitted by Mr. M. Marks in support of motions, and by Mr. J. D. Rouse and Mr. William Grant in opposition thereto.

No. 171.—Caroline Southworth, executrix, etc., appellant, *vs.* The United States. Writ of certiorari awarded returnable forthwith on motion of Mr. Assistant Attorney-General Dodge for the appellee. Argument continued by Mr. George A. King for the appellant, by Mr. Assistant Attorney-General Dodge for the appellee, and concluded by Mr. Lewis Abraham for the appellant.

No. 117.—Theodore Lowndes, plaintiff in error, *vs.* The Board of Trustees of the Town of Huntington. Argument commenced by Mr. James C. Carter for the plaintiff in error, and continued by Mr. David B. Hill for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

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

Nos. 117, 173, 174, 175, 176, 177, 178, 180, 181, and 182.



# SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 19, 1893.

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

W. R. Spooner, of New York City ; Sterling R. Cockrill, of Little Rock, Ark. ; Henry A. Haigh, of Detroit, Mich., and R. C. Brickell, of Montgomery, Ala., were admitted to practice.

No. 734.—Lucas A. Voorhees, appellant, *vs.* The John T. Noye Manufacturing Company. Submitted pursuant to the twentieth rule by Mr. C. S. Montgomery for the appellant and by Mr. Charles J. Greene for the appellee

No. 117.—Theodore Lowndes, plaintiff in error, *vs.* The Board of Trustees of the Town of Huntington. Argument continued by Mr. David B. Hill for the defendant in error and concluded by Mr. James C. Carter for the plaintiff in error.

No. 173.—The Chicago, Milwaukee and St. Paul Railway Company, plaintiff in error, *vs.* Martin Lowell. Argued by Mr. C. E. Flandrau for the plaintiff in error and by Mr. M. D. Munn for the defendant in error.

No. 174.—Gustave G. Shaner, plaintiff in error, *vs.* R. F. Alterton. Argument commenced by Mr. Morgan H. Beach for the defendant in error. Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 20, will be as follows :

Nos. 174, 175, 176, 177, 178, 180, 181, 182, 183, and 184.

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# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 20, 1893.

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

Charles W. Roby, of Portland, Oregon, was admitted to practice.

No. 184.—John M. Wilkerson, sheriff, etc., appellant, *vs.* C. A. Rahrer. Appeal from the circuit court of the United States for the district of Kansas. Dismissed with costs pursuant to the tenth rule.

No. 174.—Gustave G. Shauer, plaintiff in error, *vs.* R. F. Alterton. Argument concluded by Mr. Morgan H. Beach for the defendant in error and case submitted by Mr. H. W. Magee for the plaintiff in error.

No. 175.—Alexander D. Wilson, appellant, *vs.* Oswego Township *et al.* Argued by Mr. F. H. Bacon for the appellant and submitted by Mr. John O'Day for the appellees.

No. 176.—The Sheffield and Birmingham Coal, Iron and Railway Company, appellant, *vs.* Gordon, Strobel & Lareau (limited). Argued by Mr. H. B. Tompkins for the appellant and by Mr. W. A. Gunter and Mr. R. C. Brickell for the appellee. Leave granted counsel for appellee to file an additional brief within two days.

No. 177.—Daniel M. Morrison, plaintiff in error, *vs.* John G. Watson. Argued by Mr. Frederic D. McKenney for the plaintiff in error and by Mr. W. W. Flemming for the defendant in error.

No. 178.—John Dower *et al.*, plaintiffs in error, *vs.* Wm. G. Richards *et al.*, executors, etc. Argued by Mr. H. L. Gear for the plaintiffs in error and submitted by Mr. Preston F. Simonds for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 21, will be as follows:

Nos. 180, 181, 182, 183, 185, 186, 187, 188, 189, and 190.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 21, 1893.

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

Lowrey Jackson, of Cincinnati, Ohio, was admitted to practice.

No. 192.—Joseph Gottlieb, appellant, *vs.* Lewis C. Thatcher. Motion to postpone hearing denied.

No. 1054.—Robert L. Wharton, appellant, *vs.* John H. Wise, sheriff of Accomac County, Va.

Reassigned for argument on the first Monday (5th) of March next after the cases already set down for that day, on motion of Mr. Holmes Conrad in behalf of counsel.

No. 223.—Henry Hilton *et al.*, appellants, *vs.* Gustave Bertin Guyot, as official liquidator, etc., *et al.*, and,

No. 440.—Henry Hilton *et al.*, plaintiffs in error, *vs.* Gustave Bertin Guyot *et al.* Order of the 18th instant rescinded and case No. 440 advanced to be heard with No. 223 as one case, on motion of Mr. A. B. Browne, in behalf of counsel.

No. 185.—John M. Wilkerson, sheriff, etc., appellant, *vs.* Jacob H. Sicher. Appeal from the circuit court of the United States for the district of Kansas. Dismissed with costs pursuant to the tenth rule.

No. 186.—J. D. M. Conrad, marshal, etc., appellant, *vs.* George Bell. Appeal from the circuit court of the United States for the district of Kansas. Dismissed with costs pursuant to the tenth rule.

No. 187.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* George Hambly. Submitted by Mr. James McNaught, Mr. A. H. Garland, and Mr. H. J. May for the plaintiff in error and by Mr. S. L. Gaspell for the defendant in error.

No. 188.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* Jane Everett, administratrix. Submitted by Mr. James McNaught, Mr. A. H. Garland, and Mr. H. J. May for the plaintiff in error and by Mr. S. L. Gaspell for the defendant in error.

No. 180.—The Crescent Mining Company, appellant, *vs.* The Wasatch Mining Company. Argued by Mr. R. N. Baskin for the appellant and by Mr. A. B. Browne for the appellee.

No. 181.—The Mammoth Mining Company, appellant, *vs.* The Salt Foundry and Machine Company. Submitted by Mr. C. W. Bennett and Mr. J. G. Sutherland for the appellant and by Mr. Arthur Brown for the appellee.

No. 414.—The Keokuk and Western Railroad Company, appellant, *vs.* The County Court of Scotland County, Mo., *et al.* Advanced for argument with Nos. 182 and 183, as one case, on motion of Mr. John F. Dillon for the appellant.

No. 182.—The Keokuk and Western Railroad Company, plaintiff in error, *vs.* The State of Missouri *ex rel.* William A. Wine, collector.

No. 183 and No. 414.—The Keokuk and Western Railroad Company, appellant, *vs.* the County Court of Scotland County, Mo., *et al.* One hour additional time allowed each side in the argument of these cases. Argument commenced by Mr. F. T. Hughes for the plaintiff in error and appellant and continued by Mr. J. C. Moore for the defendants in error and appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 22, will be as follows :

Nos. 182 (183 and 414), 189, 190, 191, 192, 193, 194, 195, 196, and 197.

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 22, 1893.

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

James L. Blair, of St. Louis, Mo., and Rollin M. Morgan, of New York City, were admitted to practice.

No. 55.—Wm. H. Knapp *et al.*, appellants, *vs.* Charles A. Morss.

No. 310.—Samuel N. Ufford *et al.*, appellants, *vs.* Charles A. Morss. Ordered that mandates issue in these cases.

No. 53.—J. Leslie Thompson, réceiver, etc., *et al.*, plaintiffs in error, *vs.* The Sioux Falls National Bank of Sioux Falls, Dakota. Motion for mandate to issue filed by Mr. A. A. Hoehling, jr., in behalf of counsel for plaintiffs in error.

No. 182.—The Keokuk and Western Railroad Company, plaintiff in error, *vs.* The State of Missouri *ex rel.*; William H. Wine, collector and

Nos. 183 and 414.—The Keokuk and Western Railroad Company, appellant, *vs.* The County Court of Scotland County, Mo., *et al.* Argument continued by Mr. J. C. Moore, for defendant in error and appellees, by Mr. F. L. Schofield, for appellees, and concluded by Mr. John F. Dillon for the plaintiff in error and appellant.

Adjourned until January 3, 1894, at 12 o'clock.

The day call for Wednesday, January 3, 1894, will be as follows:

Nos. 189, 190, 191, 192, 193, 194, 195, 196, 197, and 198.

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# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 3, 1894.

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

W. E. Brown, of Chicago, Ill., Henry M. Shepard, of Chicago, Ill., Andriens A. Jones, of Las Vegas, N. M., Edward Wells, jr., of New York City, E. Parmalee Prentice, of Chicago, Ill., and Samuel M. Arnell, of Columbia, Tenn., were admitted to practice.

No. 113.—*Ella V. Hardenbergh et al.*, plaintiffs in error, *vs.* Thomas L. Ray *et al.* In error to the circuit court of the United States for the district of Oregon. Judgment affirmed with costs. Opinion by Mr. Justice Jackson.

No. 175.—Alexander D. Wilson, appellant, *vs.* Oswego Township and C. Montague, trustee. Appeal from the circuit court of the United States for the eastern district of Missouri. Decree reversed with costs and cause remanded with directions to remand the suit to the state court from which it was originally removed. Opinion by Mr. Justice Jackson.

No. 965.—The Central Trust Company of New York, appellant, *vs.* William McGeorge, junior, in his own right and as trustee, etc. Appeal from the circuit court of the United States for the western district of Virginia. Decree reversed with costs and cause remanded with directions for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Shiras.

No. 1003.—Famous Smith, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the western district of Arkansas. Judgment reversed and cause remanded, with directions to set aside the verdict and for further proceedings, in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 73.—Sarah R. Angle, administratrix, etc., appellant, *vs.* The Chicago, St. Paul, Minneapolis, & Omaha Railway Company. Appeal from the circuit court of the United States for the western district of Wisconsin. Decree reversed with costs and cause remanded with directions to overrule the demurrer, and for further proceedings in conformity with law. Opinion by Mr. Justice Brewer. Dissenting, Mr. Justice Harlan.

No. 970.—Marshal Tucker, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the western district of Arkansas. Judgment affirmed. Opinion by Mr. Justice Gray.

No. 144.—Joseph Inglehart *et al.* &c., appellants, *vs.* The Washington Loan and Trust Company, executor, &c. Appeal from the supreme court of the District of Columbia. Dismissed with costs. Opinion by Mr. Justice Gray.

No. 161.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* Adolph Volk. In error to the circuit court of the United States for the northern district of Texas. Judgment affirmed with costs, and ten per cent damages in addition to interest. Opinion by Mr. Justice Gray.

No. 734.—Lucas A. Voorhees, appellant, *vs.* The John T. Noye Manufacturing Company. Appeal from the circuit court of the United States for the district of Nebraska. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 870.—The Aztec Mining Company, plaintiff in error, *vs.* John W. Ripley. In error to the United States circuit court of appeals for the eighth circuit. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 138.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* T. R. Johnson.

No. 136.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* Taylor M. Griffin *et al.*, and

No. 137.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* E. S. Overheiser. In error to the supreme court of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 162.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* Henry Saunders. In error to the circuit court of the United States for the eastern district of Texas. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 163.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* Henry Horn. In error to the circuit court of the United States for the eastern district of Texas. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court :

No. 418.—Leong Moy Que, appellant, *vs.* The United States. Appeal from the circuit court of the United States for the northern district of California. Decree affirmed for want of prosecution.

No. 375.—Jacob C. Mann, appellant, *vs.* The Tacoma Land Company. Motion to advance granted and cause assigned for argument on the first Monday (5th) of March, and next after No. 683.

Nos. 918 and 919.—The Aspen Mining and Smelting Company *et al.*, appellants, *vs.* Margaret Billings *et al.* Motion for mandates to issue denied.

*Ex parte:* In the matter of Benjamin H. Johnson, petitioner. Motion for leave to file petition for a writ of mandamus denied.

No. 202.—John Cadwalader, collector, etc., plaintiff in error, *vs.* Harry R. Shultz. In error to the circuit court of the United States for the eastern district of Pennsylvania. Judgment reversed with costs and cause remanded to be proceeded in according to laws, per stipulation, on motion of Mr. Solicitor-General Maxwell for the plaintiff in error.

No. 275.—Anthony F. Seeberger, collector, etc., plaintiff in error, *vs.* William Best *et al.* In error to the circuit court of the United States for the northern district of Illinois. Dismissed with costs on motion of Mr. Solicitor-General Maxwell for the plaintiff in error.

No. 1062.—Thomas St. Clair, plaintiff in error, *vs.* The United States.

No. 1085.—Herman Sparf *et al.*, plaintiffs in error, *vs.* The United States.

No. 1080.—Henry Starr, plaintiff in error, *vs.* The United States. Advanced and assigned for argument in the order named on the first Monday (5th) of March next after the cases already set down for that day, on motion of Mr. Solicitor-General Maxwell for the defendant in error.

No. 883.—The Interstate Commerce Commission, appellant, *vs.* W. G. Brimson *et al.* Passed, to be restored to the call subject to the provisions of section 9, of rule 26.

No. 128.—John Halstead, appellant, *v.* A. G. Grinnan *et al.* Death of F. B. Chewing, one of the appellees herein, suggested, and the appearance of H. F. Crismond, executor, etc., filed and entered, and leave granted to file additional briefs herein within ten days, on motion of Mr. Eppa Hunton for appellees.

No. 203.—George W. Lawton *et al.*, plaintiffs in error, *v.* William N. Steele. Motion to pass this case submitted by Mr. William A. McKenney in behalf of counsel.

No. 200.—Andrew L. Smith *et al.*, appellants, *v.* John Pirkle. Appeal from the circuit court of the United States for the eastern district of New York. Dismissed per stipulation.

No. 565.—The Fort Worth City Company, plaintiff in error, *vs.* The Smith Bridge Company. Submitted pursuant to the 20th rule by Mr. Thomas P. Martin for the plaintiff in error and Mr. M. L. Crawford for the defendant in error.

No. 189.—Michael Haughey, appellant, *vs.* Jesse Lee & Sons. Argued by Mr. E. J. O'Brien for the appellant and by Mr. Ernest Howard Hunter for the appellees.

No. 190.—The Hutchinson Investment Co. *et al.*, plaintiffs in error; *vs.* John Caldwell.

Argument commenced by Mr. Almerin Gillett for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 4, will be as follows :

Nos. 190, 191, 192, 193, 194, 195, 196, 197, 198, and 199.



# SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 4, 1894.

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

Wm. Goebel, of Covington, Ky., and Algernon S. Dresser, of Oregon City, Oregon, were admitted to practice.

No. 203.—George W. Lawton *et al.*, plaintiffs in error, *vs.* William N. Steele. Motion to pass this case denied.

No. 190.—The Hutchinson Investment Company *et al.*, plaintiffs in error, *vs.* John Caldwell. Argument continued by Mr. Almerin Gillett for the plaintiffs in error. The court declined to hear further argument.

No. 191.—The Louisville, Evansville and St. Louis Railroad Company, plaintiff in error, *vs.* George Clarke, executor, *etc.* Argued by Mr. Alexander Pope Humphrey for the plaintiff in error and by Mr. W. H. H. Miller for the defendant in error.

No. 192.—Joseph Gottlieb, appellant, *vs.* Lewis C. Thatcher. Argument commenced by Mr. R. T. McNeal for the appellant.

Adjourned until to-morrow at 12 o'clock.

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

Nos. 192, 193, 194, 195, 196, 197, 198, 199, 201, and 875.

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# SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 5, 1894.

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

Alfred D. Eddy, of Chicago, Ill., H. M. Daugherty, of Washington C. H., Ohio, and Nial R. Hysell, of Columbus, Ohio, were admitted to practice.

No. 892.—Michael Moran *et al.*, plaintiffs in error, *vs.* Frank D. Sturges, receiver, etc. Reassigned for argument on the 22d inst.

No. 902.—J. W. Brennan, plaintiff in error, *vs.* The City of Titusville. Submitted pursuant to the twentieth rule by Mr. Roger Sherman for the plaintiff in error, and by Mr. George A. Chase for the defendant in error.

No. 1028.—William H. McBroom, plaintiff in error, *vs.* the Scottish Mortgage and Land Investment Company of New Mexico, limited. Submitted pursuant to the twentieth rule by Mr. Frank Springer for the plaintiff in error, and by Mr. A. A. Jones and Mr. E. A. Fiske for the defendant in error.

No. 1040.—Susan Luxton, plaintiff in error, *vs.* The North River Bridge Company. Submitted pursuant to the twentieth rule by Mr. Gilbert Collins for the plaintiff in error, and by Mr. J. D. Bedle for the defendant in error.

No. 1065.—The Maxwell Land Grant Company, plaintiff in error *vs.* John B. Dawson. Submitted pursuant to the twentieth rule by Mr. Frank Springer for the plaintiff in error, and by Mr. A. A. Jones for the defendant in error.

No. 197.—The North Chicago Rolling Mill Co., appellant, *vs.* The St. Louis Ore and Steel Company *et al.* Leave granted to withdraw appearance of James C. Hutchins, A. A. Goodrich, and E. E. Prussing as counsel for the appellant herein on motion of Mr. E. Parmalee Prentice.

No. 883.—The Interstate Commerce Commission, appellant, *vs.* W. G. Brimson *et al.* Leave granted to withdraw appearance of Lyman Trumbull as counsel for the appellee herein on motion of Mr. E. Parmalee Prentice.

No. 1025.—The Covington and Cincinnati Bridge Company, plaintiff in error, *vs.* The Commonwealth of Kentucky; and

No. 1043.—The Covington and Cincinnati Elevated Railroad and Transfer and Bridge Company, plaintiff in error, *v.* The Commonwealth of Kentucky. Reassigned for argument on the 22d instant, after cases already set down for that day, on motion of Mr. Wm. Goebel.

No. 192.—Joseph Gottlieb, appellant, *vs.* Lewis C. Thatcher. Argument continued by Mr. R. T. McNeal for the appellant, by Mr. J. Warner Mills for the appellee, and concluded by Mr. R. T. McNeal for the appellant.

No. 193.—The Cincinnati Siemens-Lungren Gas Illuminating Company, plaintiff in error, *vs.* The Western Siemens-Lungren Company. Argument commenced by Mr. J. W. Warrington for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

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

Nos. 193, 194, 195, 196, 197, 198, 199, 201, 875, and 1001.



## SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 8, 1894.

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

James H. Webb, of New Haven, Conn.; William H. Carroll, of Memphis, Tenn.; William A. Wimbish, of Columbus, Ga.; James E. Wadham, of San Diego, Cal.; and William, C. Culbertson, of Mount Vernon, Ohio, were admitted to practice.

No. 143.—W. L. Miller *et al.*, appellants, *vs.* The Eagle Manufacturing Company. Appeal from the circuit court of the United States for the southern district of Iowa. Decree reversed with costs and cause remanded with directions to dismiss the bill. Opinion by Mr. Justice Jackson.

No. 156.—The Keystone Manufacturing Company, appellant, *v.* Henry A. Adams. Appeal from the circuit court of the United States for the northern district of Illinois. Decree reversed with costs and cause remanded with directions to enter a decree for nominal damages with costs. Opinion by Mr. Justice Shiras.

No. 123.—Henry M. Bates *et al.*, plaintiffs in error, *v.* Sarah A. Preble. In error to the circuit court of the United States for the district of Massachusetts. Judgment reversed with costs and cause remanded with directions to set aside the verdict and grant a new trial. Opinion by Mr. Justice Brown.

No. 173.—The Chicago, Milwaukee and St. Paul Railway Company, plaintiff in error, *vs.* Martin Lowell. In error to the circuit court of the United States for the district of Minnesota. Judgment affirmed with costs and interest. Opinion by Mr. Justice Brown.

No. 171.—Caroline Southworth, executrix, &c., appellant, *vs.* The United States. Appeal from the Court of Claims. Judgment reversed and cause remanded with directions to overrule the demurrer and for further proceedings in conformity to law. Opinion by Mr. Justice Brewer.

No. 106.—John Cadwalader, collector, &c., plaintiff in error, *vs.* John E. F. Zeh *et al.* In error to the circuit court of the United States for the eastern district of Pennsylvania. Judgment affirmed with costs and interest. Opinion by Mr. Justice Gray.

No. 25.—William P. Halliday, appellant, *v.* Robert W. Hunter *et al.*, executors, etc. Appeal from the circuit court of the United States for the eastern district of Arkansas. Decree reversed with costs and cause remanded for further proceedings consistent with the opinion of this Court. Opinion by Mr. Justice Harlan.

No. 961.—Enoch Davis, plaintiff in error, *v.* The People of the Territory of Utah. In error to the supreme court of the Territory of Utah. Judgment affirmed. Opinion by Mr. Justice Harlan.

No. 8.—Original.—*Ex parte*: In the matter of John Bonner, petitioner. Petition for writ of habeas corpus granted, and petitioner ordered to be discharged from the custody of the warden of the penitentiary of Anamosa, in the State of Iowa, but without prejudice to the right of the United States to take any lawful measures to have the petitioner sentenced in accordance with law upon the verdict against him. Opinion by Mr. Justice Field.

No. 150.—John F. Wollensak, appellant, *vs.* Sargent & Company. Appeal from the circuit court of the United States for the district of Connecticut. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 994.—The Baltimore Traction Company, plaintiff in error, *vs.* The Baltimore Belt Railroad Company. In error to the Baltimore city court. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court :

No. 1000.—The Supreme Lodge, Knights of Pythias of the World, plaintiff in error, *vs.* Mrs. Eugenie Kalinski. Motions to dismiss or affirm postponed to the hearing on the merits.

#### ORDER.

It is ordered by the court that the Chief Justice 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.

No. 513.—The Boston and Maine Railroad, plaintiffs in error, *vs.* Eugene D. Ramsey. In error to the circuit court of the United States for the district of Massachusetts. Dismissed with costs per stipulation, and mandate granted, on motion of Mr. Frank W. Hackett for the defendant in error.

No. 681.—Zeph T. Hill, plaintiff in error, *vs.* John Corcoran. Motion for writ of certiorari submitted by Mr. Henry Wise Garnett for the plaintiff in error. Motions to dismiss or affirm submitted by Mr. Frederic D. McKenney in support of motions and by Mr. Henry Wise Garnett in opposition thereto.

No. 917.—The New York and New England Railroad Company, plaintiff in error, *v.* The Town of Bristol *et al.* Motions to dismiss or affirm submitted by Mr. John J. Jennings and Mr. H. C. Robinson in support of motions and by Mr. Charles E. Perkins in opposition thereto.

No. 152.—Howard M. Giles *et al.*, &c., appellants, *v.* John L. Hey-singer *et al.* Mandate granted on motion of Mr. John J. Jennings for the appellants.

No. 680.—F. D. Maynard *et al.*, plaintiff in error, *vs.* Charles Hecht. Motions to dismiss or affirm submitted by Mr. Walter H. Smith, Mr. C. W. Holcomb, Mr. Walter J. Lamb, Mr. A. C. Ricketts, and Mr. H. H. Wilson in support of motions and by Mr. C. S. Montgomery in opposition thereto.

*Ex parte*: In the matter of the Virginia Home Insurance Company, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. George A. Black for the petitioner.

No. 1095.—George Bailey *et al.*, appellants, *vs.* John P. Sundberg. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. George A. Black for the appellants in support of the petition.

No. 100.—The Connecticut Mutual Life Insurance Company, plaintiff in error, *vs.* C. H. Akens, executor, &c. Mandate granted on motion of Mr. C. H. Akens for the defendant in error.

No. 159.—The Newport News and Mississippi Valley Co. *et al.*, plaintiffs in error, *vs.* Martin R. Hendricks, administrator. In error to the supreme court of the State of Tennessee. Dismissed with costs on motion of Mr. S. P. Walker in behalf of counsel.

No. 807.—The Merchants' Cotton Press and Storage Company, plaintiff in error, *vs.* The Insurance Company of North America *et al.* ;

No. 808.—The National Fire Insurance Company of Connecticut, plaintiff in error, *vs.* The Insurance Company of North America *et al.* ;

No. 809.—The Mutual Fire Insurance Company of New York, plaintiff in error, *vs.* The Insurance Company of North America *et al.* ;

No. 810.—The Continental Insurance Company of New York, plaintiff, *vs.* The Insurance Company of North America *et al.* ;

No. 811.—The Fire Association of New York, plaintiff in error, *vs.* The Insurance Company of North America *et al.* ;

No. 812.—The Liverpool and London and Globe Insurance Company, plaintiff in error, *vs.* The Insurance Company of North America *et al.*; and

No. 813.—The Royal Insurance Company of London, plaintiff in error, *vs.* The Insurance Company of North America *et al.* Submitted pursuant to the 20th rule by Mr. S. P. Walker, Mr. C. W. Metcalf, Mr. Luke E. Wright, and Mr. T. B. Turley for the plaintiffs in error and by Mr. John M. Butler, Mr. William H. Carroll, and Mr. Holmes Cummins for the defendants in error.

No. 165.—The Union Pacific Railway Company, plaintiff in error, *vs.* William Daniels. Appearance of Wilson I. Snyder, executor, &c., as defendant in error herein filed and entered on motion of Mr. Frederic D. McKenney in behalf of counsel.

No. 1009.—The Postal Telegraph Cable Company, appellant, *vs.* The City Council of Charleston *et al.* Motion for leave to submit on printed arguments to be filed within two weeks, pursuant to stipulation of counsel, submitted by Mr. Frederic D. McKenney in behalf of counsel.

No. 301.—The California Powder Works, plaintiff in error, *vs.* Willis E. Davis, administrator, &c., *et al.* Motions to dismiss or affirm submitted by Mr. A. T. Britton, Mr. A. B. Browne, and Mr. J. H. McKune in support of the motions and by Mr. John Garber, Mr. John H. Boalt, and Mr. T. B. Bishop in opposition thereto.

No. 396.—The United States, appellant, *vs.* Daniel Shea. Submitted pursuant to the 20th rule, by Mr. Assistant Attorney-General Dodge and Mr. Conway Robinson for the appellant and by Mr. F. H. Mackey and Mr. J. W. Butterfield for the appellee.

No. 550.—Charles De Arnaud, appellant, *v.* The United States. Submitted pursuant to the 20th rule by Mr. H. O. Claughton and Mr. H. J. Lauck for the appellant and by Mr. Assistant Attorney-General Dodge and Mr. Conway Robinson for the appellee.

No. 729.—The United States, appellant, *vs.* Charles T. Hutchins. Submitted pursuant to the 20th rule by Mr. Assistant Attorney-General Dodge and Mr. Chas. C. Binney for the appellant and by Mr. John Paul Jones for the appellee.

No. 779.—The United States, appellant, *v.* Thomas P. Bashaw. Submitted pursuant to the 20th rule by Mr. Assistant Attorney-General Dodge and Mr. J. H. Nixon for the appellant and by Mr. Lewis E. Stanton and Mr. C. C. Lancaster for the appellee.

No. 885.—The United States, appellant, *vs.* Philip R. Alger. Submitted pursuant to the 20th rule by Mr. Assistant Attorney-General Dodge and Mr. Felix Brannigan for the appellant and by Mr. John Paul Jones and Mr. R. B. Lines for appellee.

No. 886.—The United States, appellant, *vs.* Albert W. Stahl. Submitted pursuant to the 20th rule by Mr. Assistant Attorney-General Dodge and Mr. Felix Brannigan for the appellant and by Mr. John Paul Jones for the appellee.

No. 193.—The Cincinnati Siemens-Lungren Gas Illuminating Company, plaintiff in error, *vs.* The Western Siemens-Lungren Company. Argument continued by Mr. Lowrey Jackson for the defendant in error and concluded by Mr. J. W. Warrington for the plaintiff in error.

No. 194.—Henry M. Loud, plaintiff in error, *v.* The Pomona Land and Water Company. Argument commenced by Mr. Benton Hanchett for the plaintiff in error and continued by Mr. H. M. Duffield for defendant in error.

Adjourned until to-morrow at 12 o'clock.

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

Nos. 194, 195, 196, 197, 198, 199, 201, 875, 1001, and 1020.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 9, 1894.

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

Z. D. Harrison, of Atlanta, Ga., was admitted to practice.

No. 8.—Original.—*Ex parte*: In the matter of John Bonner, petitioner. Mr. Solicitor-General Maxwell stated to the court that directions had been given for the discharge of the petitioner and that it would not be necessary to issue the writ of habeas corpus in this case.

No. 194.—Henry M. Loud, plaintiff in error, *vs.* The Pomona Land and Water Company. Argument continued by Mr. Henry M. Duffield and Mr. Don M. Dickinson for the defendant in error, and concluded by Mr. George F. Edmunds for the plaintiff in error.

No. 195.—The Singer Manufacturing Company, appellant, *vs.* The June Manufacturing Company. Argument commenced by Mr. Lawrence Maxwell for the appellant.

Adjourned until to-morrow at 12 o'clock.

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

Nos. 195, 196, 197, 198, 199, 201, 875, 1001, 1020 (and 1021), and 753.

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# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 10, 1894.

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

N. T. M. Melliss, of New York City, was admitted to practice.

No. 195.—The Singer Manufacturing Company, appellant, *vs.* The June Manufacturing Company ; and

No. 196.—The Singer Manufacturing Company, appellant, *vs.* George P. Bent.

Argument continued by Mr. Lawrence Maxwell, jr., for the appellant ; by Mr. John G. Elliott and Mr. William Henry Browne for the June Manufacturing Company ; by Mr. Charles K. Offield for the appellant ; by Mr. Wallace Heckman for George P. Bent, and concluded by Mr. Lawrence Maxwell, jr., for the appellant.

Adjourned until to-morrow at 12 o'clock.

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

Nos. 197, 198, 199, 201, 875, 1001, 1020 (and 1021), 753, 107, and 203.

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## SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 11, 1894.

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

No. 197.—The North Chicago Rolling Mill Company, appellant, *vs.* The St. Louis Ore and Steel Comany *et al.* Argued by Mr. E. Parmalee Prentice for the appellant and by Mr. Henry Hitchcock for the appellees.

No. 198.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* Henry Bush. Submitted by Mr. John C. Bullitt, jr., Mr. A. H. Garland, and Mr. Heber J. May for the plaintiff in error. No counsel appeared for the defendant in error.

No. 199.—The New Orleans City and Lake Railroad Company, plaintiff in error, *vs.* The State of Louisiana *ex rel.* The City of New Orleans. Submitted by Mr. Charles F. Buck for the plaintiff in error, and by Mr. S. L. Gilmore for the defendant in error.

No. 201.—George L. Corey *et al.*, appellants, *vs.* Catherine R. Toland. Argument commenced by Mr. A. A. Hoehling, jr., for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 12, will be as follows:

Nos. 201, 875, 1001, 1020 (and 1021), 753, 107, 203, 204, 205, and 206.

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## SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 12, 1894.

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

George F. Roesch, of New York City; Geo. W. Greene, of Goshen, N. Y.; W. C. Silverhorn, of Wausau, Wis., and Robert F. Walker, of Jefferson City, Mo., were admitted to practice.

No. 981.—The City of New Orleans, appellant *vs.* H. W. Benjamin *et al.* Submitted by Mr. William A. Maury, Mr. E. A. O'Sullivan, and Mr. Henry C. Miller for the appellant, and by Mr. J. D. Rouse and Mr. Wm. Grant for the appellees.

No. 1038.—Harvey Duncan, plaintiff in error, *vs.* The State of Missouri. Motion to dismiss submitted by Mr. R. F. Walker in support of motion, and by Mr. E. M. Hewlett in opposition thereto.

No. 875.—Charles Moran *et al.*, appellants, *vs.* J. C. Hagerman, administrator, etc., *et al.* Submitted by Mr. Wheeler H. Peckham for the appellants and by Mr. W. E. F. Deal, Mr. Edmond Tauszky, and Mr. Horatio C. King for the appellees.

No. 205.—Prosper Lamal, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the eastern district of Louisiana. Dismissed pursuant to the tenth rule.

No. 201.—George L. Corey *et al.*, appellants, *vs.* Catharine R. Toland. Argument continued by Mr. A. A. Hoehling, jr., for the appellants, by Mr. O. B. Hallam for the appellee, and concluded by Mr. Saml. Shellabarger for the appellants.

No. 1020.—The State of Tennessee *et al.*, appellants, *vs.* The Union and Planters' Bank *et al.*; and

No. 1021.—The State of Tennessee *et al.*, appellants, *vs.* The Bank of Commerce *et al.* Ordered that three counsel be heard for appellees and

that one hour additional time be allowed the appellees in the argument of these cases. Argument commenced by Mr. S. P. Walker for appellants and continued by Mr. Wm. H. Carroll for appellees.

Adjourned until Monday next at 12 o'clock.

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

Nos. 1020 (and 1021), 753, 1001, 107, 203, 204, 206, 207, 208, and 209.

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## SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 15, 1894.

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

James W. Lawrence, of Minneapolis, Minn.; Henry C. McPike, of San Francisco, Cal.; George S. Duryee and Howard W. Hayes, of Newark, N. J., and Charles Inglesly, of Charleston, S. C., were admitted to practice.

No. 192.—Joseph Gottlieb, appellant, *vs.* Lewis C. Thatcher. Appeal from the circuit court of the United States for the district of Colorado. Decree affirmed with costs. Opinion by Mr. Justice Jackson.

No. 189.—Michael Haughey, appellant, *vs.* Jesse Lee & Sons. Appeal from the circuit court of the United States for the eastern district of Pennsylvania. Decree affirmed with costs. Opinion by Mr. Justice Shiras.

No. 176.—The Sheffield and Birmingham Coal, Iron and Railway Company, appellant, *vs.* Gordon, Strobel & Laureau (Limited). Appeal from the circuit court of the United States for the northern district of Alabama. Decree affirmed with costs and interest. Opinion by Mr. Justice Brown.

No. 5, original.—The State of Iowa, complainant, *vs.* The State of Illinois. Order of April 10, 1893, confirming report of commissioners appointed to fix and mark boundary line, vacated and set aside, so far as it confirms the report aforesaid. Opinion by Mr. Chief Justice Fuller.

No. 565.—The Fort Worth City Company, plaintiff in error, *vs.* The Smith Bridge Company. In error to the circuit court of the United States for the northern district of Texas. Judgment affirmed with costs and interest. Opinion by Mr. Chief Justice Fuller.

No. 841.—Sam Hickory, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the western district of

Arkansas. Judgment reversed and cause remanded with a direction to grant a new trial. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice Brewer. (Mr. Justice Brown took no part in the consideration and decision of this case.)

The Chief Justice announced the following orders of the court:

No. 681.—Zeph. T. Hill, plaintiff in error, *vs.* John Corcoran. Motions to dismiss or affirm postponed to the hearing on the merits. Motion for a writ of certiorari granted.

No. 1009.—The Postal Telegraph Cable Company, appellant, *vs.* The City Council of Charleston *et al.* Motion for leave to submit on printed arguments granted, the case to be submitted on the 22d instant.

No. 1095.—George Bailey *et al.*, appellants, *vs.* John P. Sundberg. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

*Ex parte*: In the matter of The Virginia Home Insurance Company, petitioner. Motion for leave to file petition for a writ of mandamus denied.

No. 195.—The Singer Manufacturing Company, appellant, *vs.* The June Manufacturing Company, and

No. 196.—The Singer Manufacturing Company, appellant, *vs.* George P. Bent. Ordered to be restored to the docket for reargument before a full bench.

No. 201.—George L. Corey *et al.*, appellants, *vs.* Catherine R. Toland. Appeal from the supreme court of the Territory of Utah. Decree affirmed with costs by a divided court.

No. 888.—Ossian D. Ashley *et al.*, plaintiffs in error, *vs.* Daniel J. Ryan, secretary of State of Ohio. Motion to advance submitted by Mr. J. K. Richards for the defendant in error.

No. 1051.—The Eagle Insurance Company *et al.*, plaintiff in error, *vs.* The State of Ohio *ex rel.* W. H. Kinder, Superintendent of Insurance. Motion to advance submitted by Mr. J. K. Richards for the defendant in error.

No. 941.—Doris Werner, plaintiff in error, *vs.* The City Council of Charleston. Motion to dismiss submitted by Mr. Charles Inglesby in support of motion and by Mr. T. Moultrie Mordecai in opposition thereto.

No. 1081.—John Stewart *et al.*, appellants, *vs.* William T. Smith. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Hector T. Fenton for the appellants in support of petition.

No. 1041.—Thomas H. Mason *et al.*, appellants, *vs.* The Pewabec Mining Company *et al.* Advanced and assigned for argument on the first Monday, (5th) of March, after cases already set down for that day, on motion of Mr. A. B. Browne in behalf of counsel.

No. 761.—The State of Tennessee for the use of the city of Memphis and The City of Memphis, appellants, *vs.* The Bank of Commerce *et al.* Advanced to be heard with Nos. 1020 and 1021, on motion of Mr. S. P. Walker for appellants.

No. 761.—The State of Tennessee for the use of the city of Memphis and The City of Memphis, appellants, *vs.* The Bank of Commerce *et al.*

No. 1020.—The State of Tennessee *et al.*, appellants, *vs.* The Union and Planters' Bank *et al.*, and

No. 1021.—The State of Tennessee *et al.*, appellants, *vs.* The Bank of Commerce *et al.* Argument continued by Mr. William H. Carroll, Mr. J. A. Taylor and Mr. T. B. Turley for the appellees and concluded by Mr. S. P. Walker for the appellants.

No. 753.—The Columbus Southern Railway Company, plaintiff in error, *vs.* Wm. A. Wright, Comptroller-General, &c. Argument commenced by Mr. William A. Wimbish for the plaintiff in error. The court declined to hear further argument.

No. 1001.—Anton Caha, plaintiff in error, *vs.* The United States. Argument commenced by Mr. Fred. Beall for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

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

Nos. 1001, 107, 203, 204, 206, 207, 208, 209, 210, and 211.

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 16, 1894.

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

No. 211.—Joel B. Erhardt, collector, etc., plaintiff in error, *vs.* Frederick A. Schroeder *et al.*, and

No. 212.—Elizabeth Hedden, administratrix of Edward L. Hedden, late collector, etc., plaintiff in error, *vs.* William Robertson. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. Assistant Attorney-General Whitney, for the plaintiffs in error.

No. 210.—The Missouri Pacific Railway Company, plaintiff in error, *vs.* The State of Nebraska *ex rel.* The Board of Transportation of the State of Nebraska. Continued per stipulation.

No. 209.—B. F. Dowell, plaintiff in error, *vs.* Daniel W. Applegate. Passed.

No. 1001.—Anton Caha, plaintiff in error, *vs.* The United States. Argument continued by Mr. Fred. Beall for the plaintiff in error, by Mr. Assistant Attorney-General Whitney for the defendant, and concluded by Mr. L. T. Michener for the plaintiff in error.

No. 107.—Charles G. Murphy, plaintiff in error, *vs.* Elisha A. Packer. Argument commenced by Mr. A. Ricketts for the plaintiff in error and continued by Mr. James Ryon for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 17, will be as follows:

Nos. 107, 203, 204, 206, 207, 208, 213, 214, 215, and 216.

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## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 17, 1894.

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

No. 885.—The United States, appellant, *vs.* Philip R. Alger. Leave granted to file supplemental brief for the appellee on motion of Mr. R. B. Lines for the appellee.

No. 372.—Clarence M. Clark, appellant, *vs.* J. F. Smith. Appeal from the circuit court of the United States for the western district of Virginia. Dismissed with costs on motion of counsel for appellant.

No. 213.—The Cleveland Fence Company, appellant, *vs.* The Indianapolis Fence Company *et al.* Continued per stipulation.

No. 215.—The Shultz Belting Company, appellant, *vs.* The Willemsen Belting Company. Appeal from the circuit court of the United States for the eastern district of Missouri. Dismissed with costs, pursuant to the tenth rule.

No. 216.—Herman Royer, appellant, *vs.* The Shultz Belting Company. Appeal from the circuit court of the United States for the eastern district of Missouri. Dismissed with costs, pursuant to the tenth rule.

No. 107.—Charles G. Murphy, plaintiff in error, *vs.* Elisha A. Packer. Argument continued by Mr. James Ryon for the defendant in error and concluded by Mr. A. Ricketts for the plaintiff in error.

No. 203.—George W. Lawton *et al.*, plaintiffs in error, *vs.* William N. Steele. Submitted by Mr. Levi H. Brown for the plaintiffs in error and by Mr. Elon R. Brown for the defendant in error.

No. 204.—The Imperial Fire Insurance, of London, plaintiff in error, *vs.* The County of Coos, N. H. Submitted by Mr. Harry Bingham for the plaintiff in error and by Mr. S. R. Bond and Mr. Fletcher Ladd for the defendant in error.

No. 206.—Sarah A. Chapman *et al.*, appellants, *vs.* Elizabeth Handley *et al.* Submitted by Mr. J. G. Sutherland for appellants and Mr. E. D. Hoge and Mr. Arthur Brown for the appellees.

No. 207.—John A. Buckstaff *et al.*, plaintiffs in error, *vs.* Russell & Co. Argued by Mr. T. M. Marquett for the defendants in error and submitted by Mr. John H. Ames for the plaintiffs in error.

No. 208.—Edward H. Lewis, plaintiff in error, *vs.* George C. Wilson *et al.* Submitted by Mr. H. Bisbee for the plaintiff in error, with leave to counsel for defendants in error to file brief within one week.

No. 214.—Moses Manuel, plaintiff in error, *v.* Iver Wulff. Submitted by Mr. John B. Clayberg for the plaintiff in error. No counsel appeared for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

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

Nos. 209, 217, 219, 220, 221, 223 (and 440), 224, 225, 226, and 227.



# SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 18, 1894.

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

John E. Hartridge, of Jacksonville, Fla., was admitted to practice.

No. 240.—The Central Ohio Railroad Company as reorganized *et al.*, plaintiffs in error, *vs.* The City of Columbus use of Michael Enright *et al.* In error to the supreme court of the State of Ohio. Dismissed with costs on motion of counsel for the plaintiffs in error.

No. 866.—James Steel, administrator, &c., appellant, *vs.* The Phoenix Insurance Company of Brooklyn. Submitted by Mr. George H. Williams for the appellant and by Mr. L. B. Cox for the appellee.

No. 217.—Herman Royer, appellant, *vs.* The Shultz Belting Company. Appeal from the circuit court of the United States for the eastern district of Missouri. Dismissed with costs pursuant to the tenth rule.

No. 219.—Patrick McGuire, plaintiff in error, *vs.* The Variety Iron Works Company. In error to the circuit court of the United States for the northern district of Illinois. Dismissed with costs pursuant to the tenth rule.

No. 209.—B. F. Dowell, plaintiff in error, *vs.* Daniel W. Applegate. Argued by Mr. John H. Mitchell and Mr. B. F. Dowell for the plaintiff in error and by Mr. J. N. Dolph for the defendant in error.

No. 220.—The City of New Orleans, appellant, *vs.* The Louisville and Nashville Railroad Company *et al.* Passed, subject to the provisions of section 9 of rule 26.

No. 221.—Adeline B. Marchant, administratrix, etc., plaintiff in error, *vs.* The Pennsylvania Railroad Company. Argument commenced by Mr. M. Hampton Todd, for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

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

Nos. 221, 223 (and 440), 224, 225, 226, 227, 211, 212, 228, and 229.

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## SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 19, 1894.

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

Willis L. Palmer, of Orlando, Fla., and George M. Wright, of New York City, were admitted to practice.

No. 390.—R. D. Wood *et al.*, appellants, *vs.* The Corry Water Works Company *et al.* Appeal from the circuit court of the United States for the western district of Pennsylvania. Dismissed with costs on motion of counsel for appellants.

No. 234.—Thomas D. Olin *et al.*, appellants, *vs.* Henry Timkin. Continued on motion of Mr. Wm. H. Doolittle for appellants.

No. 228.—The Southern Pacific Railroad Company, appellant, *vs.* The United States. Passed subject to the provisions of section 9, rule 26.

No. 221.—Adeline B. Marchant, admx., etc., plaintiff in error, *vs.* The Pennsylvania Railroad Company. Argument continued by Mr. M. Hampton Todd for the plaintiff in error, by Mr. Wayne MacVeagh for the defendant in error, and concluded by Mr. M. Hampton Todd for the plaintiff in error.

No. 223.—Henry Hilton *et al.*, appellants, *vs.* Gustave Bertin Guyot, as official liquidator, etc., *et al.*, and

No. 440.—Henry Hilton *et al.*, plaintiffs in error, *vs.* Gustave Bertin Guyot *et al.* One hour additional time allowed each side in the argument of these cases on motion of Mr. James C. Carter for Hilton *et al.* Argument commenced by Mr. Elihu Root for Hilton *et al.*, and continued by Mr. William G. Choate for Guyot *et al.*

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 22, will be as follows:

Nos. 223 (and 440), 224, 225, 226, 227, 211, 212, 229, 1004 and 892.

7851—66

# SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 22, 1894.

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

R. W. Nelson, of Newport, K.; M. M. Neil, of Trenton, Tenn.; J. M. Troutt, of Jackson, Tenn.; and Elvin W. Cram, of Newark, N. J., were admitted to practice.

No. 807.—The Merchants' Cotton Press and Storage Company, plaintiff in error, *vs.* The Insurance Company of North America *et al.*

No. 808.—The National Fire Insurance Company of Connecticut, plaintiff in error, *vs.* The Insurance Company of North America *et al.*

No. 809.—The Mutual Fire Insurance Company of New York, plaintiff in error, *vs.* The Insurance Company of North America *et al.*

No. 810.—The Continental Insurance Company of New York, plaintiff in error, *vs.* The Insurance Company of North America *et al.*

No. 811.—The Fire Association of New York, plaintiff in error, *vs.* The Insurance Company of North America *et al.*

No. 812.—The Liverpool and London and Globe Insurance Company of England, plaintiff in error, *vs.* The Insurance Company of North America *et al.*

No. 813.—The Royal Insurance Company of England, plaintiff in error, *vs.* The Insurance Company of North America *et al.* In error to the supreme court of the State of Tennessee. Decree affirmed with costs and interest. Opinion by Mr. Justice Jackson.

No. 180.—The Crescent Mining Company, appellant, *vs.* The Wasatch Mining Company. Appeal from the supreme court of the Territory of Utah. Decree affirmed with costs. Opinion by Mr. Justice Shiras.

No. 10.—Elijah W. Meddaugh *et al.*, appellants, *vs.* Nathaniel Wilson. Appeal from the supreme court of the District of Columbia. Decree reversed with costs and cause remanded with directions to enter a decree in favor of the plaintiffs, awarding to them the sum of \$25,440, and adjudging it a lien upon the stock of the Lake Superior Ship Canal Railway and Iron Company remaining in the hands of defendant. Opinion by Mr. Justice Brewer.

No. 885.—The United States, appellant, *vs.* Philip R. Alger. Appeal from the Court of Claims. Judgment reversed and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Gray.

No. 886.—The United States, appellant, *vs.* Albert W. Stahl. Appeal from the Court of Claims. Judgment reversed and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Gray.

No. 759.—John Pointer, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the western district of Arkansas. Judgment affirmed. Opinion by Mr. Justice Harlan.

No. 43.—Mary J. Garner (formerly Mary J. Graeffe), appellant, *vs.* The Second National Bank of Providence, R. I., *et al.* Appeal from the circuit court of the United States for the district of Rhode Island. Decree reversed with costs and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Harlan.

No. 301.—The California Powder Works, plaintiff in error, *vs.* Willis E. Davis, administrator, &c., *et al.* In error to the supreme court of the State of California. Dismissed for the want of jurisdiction. Opinion by Mr. Chief-Justice Fuller.

No. 680.—F. D. Maynard *et al.*, plaintiffs in error, *vs.* Charles Hecht. In error to the circuit court of the United States for the district of Nebraska. Dismissed for the want of jurisdiction. Opinion by Mr. Chief-Justice Fuller.

No. 875.—Charles Moran *et al.*, &c., appellants, *vs.* J. C. Hagerman, administrator, &c., *et al.* Appeal from the circuit court of the United States for the district of Nevada. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 941.—Doris Werner, plaintiff in error, *vs.* The City Council of Charleston. In error to the supreme court of the State of South Carolina. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court :

No. 888.—Ossian D. Ashley *et al.*, plaintiffs in error, *vs.* Daniel J. Ryan, secretary of state of the State of Ohio. Motion to advance granted and cause assigned for argument on the first Monday (5th) of March next after the cases already set down for that day.

No. 1051.—The Eagle Insurance Company, etc., *et al.*, plaintiffs in error, *vs.* The State of Ohio *ex rel.* W. H. Kinder, superintendent of

insurance. Motion to advance granted and cause assigned for argument on the first Monday (5th) of March next after the cases already set down for that day.

No. 1081.—John Stewart *et al.*, appellants, *vs.* William T. Smith. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 12.—Ann Hickies, executrix, etc., *et al.*, appellants, *vs.* Charles E. Philes *et al.* Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs for want of prosecution.

No. 1087.—The United States, appellant, *vs.* Annie M. La Tourrette, executrix, etc. Submitted pursuant to the 20th rule by Mr. Assistant Attorney-General Dodge and Mr. C. C. Binney for the appellant, and by Mr. Joseph W. Stryker for the appellee.

No. 159.—The Newport News and Mississippi Valley Company *et al.*, plaintiffs in error, *vs.* Martin R. Hendricks, administrator, etc. Mandate granted on motion of Mr. George W. Pickle in behalf of counsel.

No. 506.—Jonathan Lindsay *et al.*, plaintiffs in error, *vs.* Jane Burgess. Death of Jane Burgess, the defendant in error herein suggested, and appearance of Samuel Turney, Daniel M. Turney, jr., Thomas E. Turney, jr., and Ben Johnson, jr., a minor, heirs at law of Jane Burgess, deceased, filed and entered, on motion of Mr. George W. Pickle, in behalf of counsel.

No. 563.—Oscar L. Richards *et al.*, plaintiffs in error, *vs.* Elizabeth Hedden, administratrix of E. L. Hedden, collector, &c. In error to the circuit court of the United States for the southern district of New York. Dismissed with costs on motion of Mr. Edwin B. Smith for the plaintiffs in error.

No. 1103.—The David Bradley Manufacturing Company, appellant, *vs.* The Eagle Manufacturing Company; and

No. 1104.—The Moline Plow Company, appellant, *vs.* The Eagle Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit, submitted by Mr. C. E. Pickard and Mr. L. L. Bond for the appellants in support of petition, with leave to counsel for appellees to file briefs in opposition within two weeks.

No. 892.—Michael Moran *et al.*, plaintiffs in error, *vs.* Frank D. Sturges, receiver, etc. Passed, subject to the provisions of section 9, rule 26.

No. 1022.—The Newport Light Company, plaintiff in error, *vs.* The City of Newport *et al.* Motions to dismiss or affirm submitted by Mr. William Lindsay and Mr. Charles J. Helm in support of motions and by

Mr. Wm. Stone Abert, Mr. R. W. Nelson, Mr. J. B. Foraker, and Mr. E. A. Ferguson in opposition thereto.

No. 385.—J. S. Lewis, plaintiff in error, *vs.* A. C. Monson, executor. Submitted by Mr. W. L. Nugent for the plaintiff in error and by Mr. Marcellus Green for the defendant in error.

No. 1009.—The Postal Telegraph Cable Company, appellant, *vs.* The City Council of Charleston *et al.* Submitted by Mr. T. Moultrie Mordecai and Mr. R. S. Guernsey for the appellant and by Mr. Charles Inglesby for the appellees.

No. 223.—Henry Hilton *et al.*, appellants, *vs.* Gustave Bertin Guyot, as official liquidator, &c., *et al.*, and

No. 440.—Henry Hilton *et al.*, plaintiffs in error, *vs.* Gustave Bertin Guyot *et al.* Argument continued by Mr. William G. Choate for Guyot *et al.* and by Mr. James C. Carter for Hilton *et al.*

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 23, will be as follows:

Nos. 223 (and 440), 224, 225, 226, 227, 211, 212, 229, 1004, 1025 and 1043.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 23, 1894.

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

No. 246.—Frederick W. Muser *et al.*, plaintiffs in error, *vs.* Daniel Magone, collector, etc. Death of Richard Muser, one of the plaintiffs in error herein, suggested, and cause passed, on motion of Mr. Edwin B. Smith for the plaintiffs in error.

No. 223.—Henry Hilton *et al.*, appellants, *vs.* Gustave Bertin Guyot, as official liquidator, etc., *et al.*; and

No. 440.—Henry Hilton *et al.*, plaintiffs in error, *vs.* Gustave Bertin Guyot *et al.* Argument concluded by Mr. James C. Carter for Hilton *et al.*

No. 224.—The Union Pacific Railway Company, plaintiff in error, *vs.* David George McDonald, by Mary E. McDonald, his next friend. Argued by Mr. A. A. Hoehling, jr., and Mr. Samuel Shellabarger for the plaintiff in error and by Mr. J. Warner Mills for the defendant in error.

No. 225.—Sam. Lazarus, plaintiff in error, *vs.* William Walter Phelps. Argument commenced by Mr. Leigh Robinson for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 24, will be as follows:

Nos. 225, 226, 227, 211, 212, 229, 1004, 1025, 1043, and 230.

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# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 24, 1894.

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

Henry W. McCorry, of Jackson, Tenn, and T. N. Sedgwick, of Emporia, Kans., were admitted to practice.

No. 225.—Sam. Lazarus, plaintiff in error, *vs.* William Walter Phelps. Argument concluded by Mr. Leigh Robinson for the defendant in error and submitted by Mr. Henry C. Coke for the plaintiff in error.

No. 226.—The Plant Investment Company, appellant, *vs.* The Jacksonville, Tampa and Key West Railway Company *et al.* Argued by Mr. John E. Hartridge for the appellant and by Mr. Charles M. Cooper for the appellees.

No. 227.—The Bradley Fertilizer Company, appellant, *vs.* The schooner "Edwin J. Morrison," her tackle, etc. Argued by Mr. George A. Black for the appellant and by Mr. George Bethune Adams for the appellee.

No. 211.—Joel B. Erhardt, collector, etc., plaintiff in error, *vs.* Frederick A. Schroeder *et al.* Argument commenced by Mr. Assistant Attorney-General Whitney for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 25, will be as follows:

Nos. 211, 212, 229, 1004, 1025, 1043, 230, 231, 232, and 233.

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# SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 25, 1894.

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

Wm. B. Hill, of New York City, was admitted to practice.

No. 230.—The Missouri, Kansas, and Texas Railway Company, plaintiff in error, *vs.* B. D. Roberts. Leave granted to file additional brief on behalf of the defendant in error on or before Thursday next on motion of Mr. Nelson Case for defendant in error.

No. 231.—Margaret B. Sowles *et al.*, plaintiffs in error, *vs.* Chester W. Witters, receiver, etc. In error to the circuit court of the United States for the district of Vermont. Dismissed with costs pursuant to the tenth rule.

No. 232.—James R. English, administrator, etc., appellant, *vs.* H. Rie-  
man Duval, receiver, etc. Appeal from the circuit court of the United States for the northern district of Florida. Dismissed with costs pursuant to the tenth rule.

No. 211.—Joel B. Erhardt, collector, etc., plaintiff in error, *vs.* Frederick A. Schroeder *et al.* Argument continued by Mr. Assistant Attorney-General Whitney for the plaintiff in error, by Mr. Edwin B. Smith for the defendant in error, and concluded by Mr. Assistant Attorney-General Whitney for the plaintiff in error.

No. 212.—Elizabeth Hedden, administratrix, etc., plaintiff in error, *vs.* William Robertson. Argued by Mr. Assistant Attorney-General Whitney for the plaintiff in error and by Mr. Edwin B. Smith for the defendant in error.

No. 229.—John Carne, jr., *et al.*, appellant, *vs.* Augustus Russ. Argued by Mr. George W. Smith for the appellants, with leave to counsel for appellee to file brief within one week.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 26, will be as follows:

Nos. 1004, 1025 (and 1043), 230, 233, 235, 237, 238, 239, 241, and 242.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 26, 1894.

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

No. 241.—Isaac S. Jennings, plaintiff in error, *vs.* Rachel Ann Baeder. In error to the circuit court of the United States for the district of New Jersey. Dismissed with costs pursuant to the tenth rule.

No. 1004.—The Mobile and Ohio Railroad Company *et al.*, plaintiff, in error, *vs.* The State of Tennessee *et al.* Leave granted to three counsel for the defendants in error to be heard in the argument of this cases on motion of Mr. George W. Pickle, for defendants in error. Argued by Mr. E. J. Phelps for the plaintiffs in error and by Mr. George W. Pickle, Mr. J. M. Troutt, and Mr. M. M. Neill for the defendants in error.

No. 1025.—The Covington and Cincinnati Bridge Company, plaintiff in error, *vs.* The Commonwealth of Kentucky; and

No. 1043.—The Covington and Cincinnati Elevated Railroad and Transfer and Bridge Company, plaintiff in error, *vs.* The Commonwealth of Kentucky. One hour additional time allowed each side and leave granted to three counsel for the plaintiff in error to be heard in the argument of these cases, on motion of Mr. Lawrence Maxwell, jr., for the plaintiff in error in No. 1025. Argument commenced by Mr. William M. Ramsey for the plaintiff in error in No. 1025.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 29, will be as follows:

Nos. 1025 (and 1043), 230, 233, 235, 237, 238, 239, 242, 243, and 244.  
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# SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 29, 1894.

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

Thomas S. Henry, of Newark, N. J.; James C. McShane, of Chicago, Ill.; J. Wilson Leakin, of Baltimore, Md.; and Charles R. Corning and John M. Mitchell, of Concord, N. H., were admitted to practice.

No. 204.—The Imperial Fire Insurance Company, of London, plaintiff in error, *vs.* The County of Coos, New Hampshire. In error to the circuit court of the United States for the district of New Hampshire. Judgment reversed with costs and cause remanded with directions to set aside the verdict and to order a new trial. Opinion by Mr. Justice Jackson; dissenting, Mr. Justice Brewer.

No. 753.—The Columbus Southern Railway Company, plaintiff in error, *vs.* William A. Wright, comptroller-general of the State of Georgia. In error to the supreme court of the State of Georgia. Judgment affirmed with costs. Opinion by Mr. Justice Jackson.

No. 505.—The City of Lincoln, plaintiff in error, *vs.* Margaret J. Power. In error to the circuit court of the United States for the district of Nebraska. Judgment affirmed with costs and interest. Opinion by Mr. Justice Shiras.

No. 550.—Charles De Arnand, appellant, *vs.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Shiras.

No. 158.—The Galveston, Harrisburg and San Antonio Railway Company, plaintiff in error, *vs.* Victor Gonzales. In error to the circuit court of the United States for the western district of Texas. Judgment reversed with costs and cause remanded for further proceedings in conformity to the opinion of this court. Opinion by Mr. Justice Brown. Dissenting: Mr. Justice Jackson and Mr. Justice Harlan.

No. 181.—The Mammoth Mining Company, appellant, *vs.* The Salt Lake Foundry and Machine Company. Appeal from the supreme court of the Territory of Utah. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 206.—Sarah A. Chapman *et al.*, appellants, *vs.* Elizabeth Handley *et al.* Appeal from the supreme court of the Territory of Utah. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Fuller.

The Chief Justice announced the following orders of the court: After Friday next the call of the docket will not be resumed until Monday, the 5th of March, and on Monday, February 5, the court will adjourn until March 5.

No. 866.—James Steele, administrator, &c., appellant, *vs.* The Phoenix Insurance Company of Brooklyn. On a writ of certiorari to the United States circuit court of appeals for the ninth circuit.

Judgment affirmed with costs by a divided court, and cause remanded to the circuit court of the United States for the district of Oregon with directions to set aside the decree entered by that court and to enter a decree in favor of complainant as prayed for in the amended bill.

No. 194.—Henry M. Loud, plaintiff in error, *vs.* The Pomona Land and Water Company. Ordered that this cause be restored to the docket for re-argument before a full bench.

No. 1035.—Michael Dealy, plaintiff in error, *vs.* The United States. Motion to advance submitted by Mr. Solicitor-General Maxwell in support of motion.

No. 1109.—Yung Shea *et al.*, appellants, *vs.* The United States. Appeal from the circuit court of the United States for the eastern district of Michigan. Docketed and dismissed on motion of Mr. Solicitor-General Maxwell for the appellee.

No. 1040.—Susan Luxton, plaintiff in error, *vs.* The North River Bridge Company. Motion for leave to file intervening petition herein submitted by Mr. J. M. Vale in support of motion.

No. 903.—Abbie A. Israel, plaintiff in error, *vs.* James B. Arthur, administrator, etc. Motions to dismiss or affirm submitted by Mr. George A. King in support of motions, and by Mr. W. S. Decker and Mr. J. J. O'Donnell in opposition thereto.

No. 199.—The New Orleans City and Lake Railroad Company, plaintiff in error, *vs.* The State of Louisiana *ex rel.*, The City of New Orleans. Submission vacated. Case restored to the docket and continued on motion of Mr. William A. Maury, in behalf of counsel.

No. 1084.—The steamship Valencia, etc., *et al.*, appellants, *vs.* William H. Ziegler *et al.* Motion for a writ of certiorari to the United States circuit court of appeals for the second circuit to bring up the entire record herein submitted by Mr. Joseph K. McCammon, in behalf of counsel.

No. 802.—Robert Alden Fales, appellant, *vs.* James McMonagle, jailor, &c. Advanced and assigned for argument on the third Monday (19th) of March next, on motion of Mr. E. W. Crane for the appellee.

No. 913.—The State of Michigan *ex rel.* The Attorney-General, plaintiff in error, *vs.* The Flint and Pere Marquette Railroad Company *et al.* Motion to dismiss submitted by Mr. W. L. Webber in support of motion and by Mr. A. A. Ellis in opposition thereto.

No. 1025.—The Covington and Cincinnati Bridge Company, plaintiff in error, *vs.* The Commonwealth of Kentucky; and

No. 1043.—The Covington and Cincinnati Elevated Railroad and Transfer and Bridge Company, plaintiff in error, *vs.* The Commonwealth of Kentucky. Argument continued by Mr. W. H. Jackson for the plaintiff in error in No. 1043, and by Mr. William Goebel for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 30, will be as follows:

Nos. 1025 (and 1043), 230, 233, 235, 237, 238, 239, 242, 243, and 244.

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## SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 30, 1894.

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

No. 1025.—The Covington and Cincinnati Bridge Company, plaintiff in error, *vs.* The Commonwealth of Kentucky; and

No. 1043.—The Covington and Cincinnati Elevated Railroad and Transfer and Bridge Company, plaintiff in error, *vs.* The Commonwealth of Kentucky. Argument continued by Mr. William J. Hendrick for the defendants in error and concluded by Mr. Lawrence Maxwell, jr., for the plaintiff in error in, No. 1025.

No. 230.—The Missouri, Kansas and Texas Railroad Company, plaintiff in error, *vs.* B. D. Roberts. Argued by Mr. Thomas N. Sedgwick for the plaintiff in error and submitted by Mr. Nelson Case for the defendant in error.

No. 233.—The steamship "Main," &c., appellant, *vs.* William H. Williams, master, &c. Argument commenced by Mr. Thomas W. Hall for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 31, will be as follows:

Nos. 233, 235, 237, 238, 239, 242, 243, 244, 245, and 247.

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## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 31, 1894.

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

Kate H. Pier, of Milwaukee, Wis., and Robert M. Douglas, of Greensboro, N. C., were admitted to practice.

No. 247.—Bernhard Rubens, plaintiff in error, *vs.* William H. Robertson, collector, etc. In error to the circuit court of the United States for the southern district of New York. Dismissed with costs pursuant to the tenth rule.

No. 233.—The steamship "Main," etc., appellant, *vs.* William H. Williams, master, etc. Argument continued by Mr. Thomas W. Hall for the appellant, by Mr. J. Wilson Leakin and Mr. John H. Thomas for the appellee, and concluded by Mr. Thomas W. Hall for the appellant.

No. 235.—The Belding Manufacturing Company, appellant, *vs.* The Challenge Corn Planter Company. Argument commenced by Mr. Taylor E. Brown for the appellant and continued by Mr. Edward Taggart for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, February 1, will be as follows:

Nos. 235, 237, 238, 239, 242, 243, 244, 245, 248, and 250.

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# SUPREME COURT OF THE UNITED STATES.

THURSDAY, FEBRUARY 1, 1894.

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

John W. Hill, of Chicago, Ill., was admitted to practice.

No. 1079.—Cornelius Williams, plaintiff in error, *vs.* May Williams. In error to the supreme court of the State of New York. Dismissed per stipulation.

No. 250.—W. H. Barnett, plaintiff in error, *vs.* The City of Denison. In error to the circuit court of the United States for the northern district of Texas. Dismissed with costs, pursuant to the tenth rule.

No. 235.—The Belding Manufacturing Company, appellant, *vs.* The Challenge Corn Planter Company. Argument continued by Mr. Edward Taggart and Mr. Arthur Stem for the appellee, and concluded by Mr. Taylor E. Brown for appellant.

No. 237.—Alfred Rowe *et al.*, plaintiffs in error, *vs.* William Walter Phelps. Argued by Mr. Leigh Robinson for the defendant in error, and submitted by Mr. M. L. Crawford for the plaintiffs in error.

No. 238.—The El Paso Water Company, appellant, *vs.* The City of El Paso. Submitted by Mr. Maurice McKeag and Mr. W. B. Thompson for the appellant, and by Walter D. Davidge and Mr. Leigh Clark for the appellee.

No. 239.—The St. Louis and San Francisco Railway Company, plaintiff in error, *vs.* Gerhard Schumacher. Submitted by Mr. George R. Peck, Mr. Edward D. Kenna, Mr. A. T. Britton, and Mr. A. B. Browne for the plaintiff in error, and by Mr. A. H. Garland for the defendant in error.

No. 242.—Henrietta Snell *et al.*, administrators, etc., plaintiffs in error, *vs.* The City of Chicago *et al.* Submitted by Mr. Frank J. Crawford for the plaintiffs in error and by Mr. Edward Roby for the defendants in error.

No. 243.—Barthold Schlesinger *et al.*, appellants, *vs.* The Kansas City and Southern Railway Company *et al.* Argued by Mr. Frank Hagerman for the appellants and submitted by Mr. Charles O. Tichenor for the appellees.

No. 244.—William B. Maddock, plaintiff in error, *vs.* Daniel Magone, collector, *etc.* Argued by Mr. Edwin B. Smith for the plaintiff in error and by Mr. Assistant Attorney-General Whitney for the defendant in error.

No. 245.—Julius Berbecker *et al.*, plaintiffs in error, *vs.* William H. Robertson, collector, &c. Argued by Mr. Edwin B. Smith for the plaintiffs in error and by Mr. Assistant Attorney-General Whitney for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, February 2, will be as follows :

Nos. 248, 251, 252, 253, 254, 255, 256, 257, 258, and 259.

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## SUPREME COURT OF THE UNITED STATES.

FRIDAY, FEBRUARY 2, 1894.

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

Julien C. Dowell, of Washington, D. C., and Robert S. Spence, of Montpelier, Idaho, were admitted to practice.

No. 144.—Joseph Inglehart *et al.*, appellants, *vs.* The Washington Loan and Trust Company, executor of Ida May Stansbury, deceased. Mandate granted on motion of Mr. J. J. Darlington for the appellee.

No. 248.—Thomas C. McKittrick, appellant, *vs.* The Arkansas Central Railway Company *et al.* Argued by Mr. M. M. Cohn for the appellant and submitted by Mr. J. J. Hornor for the appellees.

No. 251.—The Western National Bank of New York, appellant, *vs.* David Armstrong, receiver, etc. Argued by Mr. Edward Colston for the appellant and by Mr. John W. Herron for the appellee.

No. 258.—Vandy M. West, plaintiff in error, *vs.* William L. Cabell *et al.* Submitted by Mr. I. W. Stephens for the plaintiff in error and by Mr. A. H. Garland for the defendants in error.

Adjourned until Monday next at 12 o'clock.

There will be no call of the docket on Monday, February 5.

The day call for Monday, March 5, will be as follows:

Nos. 750, 751, 126, 127, 683, 375, 1054, 1062, 1085, and 1080.

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## SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 5, 1894.

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

Thomas C. Chappell, of Baltimore, Md., and Andrew M. Todd and Edwin G. Davis, of New York City, were admitted to practice.

No. 212.—Elizabeth Hedden, administratrix, etc., plaintiff in error, *vs.* William Robertson. In error to the circuit court of the United States for the southern district of New York. Judgment reversed with costs and cause remanded for further proceedings, in conformity with the opinion of this court. Opinion by Mr. Justice Jackson. (Mr. Justice Brewer did not hear the argument in this case and took no part in the decision of the court.)

No. 1022.—The Newport Light Company, plaintiff in error, *vs.* The City of Newport *et al.* In error to the court of appeals of the State of Kentucky. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Jackson.

No. 729.—The United States, appellant, *vs.* Charles T. Hutchins. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brown.

No. 1065.—The Maxwell Land Grant Company, plaintiff in error, *vs.* John B. Dawson. In error to the supreme court of the Territory of New Mexico. Judgment reversed with costs and cause remanded to said supreme court with directions to remand the cause to the district court of San Miguel County, and to order that court to set aside the verdict and grant a new trial. Opinion by Mr. Justice Brown.

No. 208.—Edward H. Lewis, plaintiff in error, *vs.* George C. Wilson *et al.*, etc. In error to the circuit court of the United States for the northern district of Florida. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 385.—J. S. Lewis, plaintiff in error, *vs.* A. C. Monson, executor, etc. In error to the circuit court of the United States for the southern district of Mississippi. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 1087.—The United States, appellant, *vs.* Annie M. La Tourette, executrix, etc. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Gray.

No. 178.—John Dower *et al.*, plaintiffs in error, *vs.* William G. Richards *et al.*, executors, etc. In error to the supreme court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Gray.

No. 67.—L. C. Gerling, sheriff and administrator of John W. Martin, deceased, plaintiff in error, *vs.* The Baltimore and Ohio Railroad Company. In error to the circuit court of the United States for the district of West Virginia. Cause abated and writ of error dismissed. Opinion by Mr. Justice Gray. Dissenting, Mr. Justice Harlan.

No. 134.—George W. Bryan *et al.*, trustees, etc., *et al.*, plaintiffs in error, *vs.* The Board of Education of the Kentucky Annual Conference of the Methodist Episcopal Church, South, *et al.* In error to the court of appeals for the State of Kentucky. Judgment affirmed with cost. Opinion by Mr. Justice Harlan.

No. 174.—Gustave G. Shauer, plaintiff in error, *vs.* R. F. Alerton. In error to the supreme court of the State of South Dakota. Judgment of the supreme court of the Territory of Dakota affirmed with costs, and cause remanded to the supreme court of the State of South Dakota. Opinion by Mr. Justice Harlan.

No. 207.—John A. Buckstaff *et al.*, plaintiffs in error, *vs.* Russell & Company. In error to the circuit court of the United States for the district of Nebraska. Judgment reversed with costs, and cause remanded with directions to award a new trial. Opinion by Mr. Justice Harlan.

No. 668.—The United States, plaintiff, *vs.* Michel Thomas. On a certificate of division in opinion between the judges of the circuit court of the United States for the western district of Wisconsin. Question certified answered in the affirmative. Opinion by Mr. Justice Field.

No. 917.—The New York and New England Railroad Company, plaintiff in error, *vs.* The Town of Bristol *et al.* In error to the supreme court of errors of the State of Connecticut. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court :

No. 1040.—Susan Luxton, plaintiff in error, *vs.* The North River Bridge Company. Motion for leave to file intervening petition of John

C. Crevier granted, the petitioner to give notice to counsel in the cause that the application referred to in said petition will be made.

No. 1084.—The Steamship Valencia, etc., appellant, *vs.* William H. Ziegler *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit to bring up the entire record denied.

No. 1103.—The David Bradley Manufacturing Company, appellant, *vs.* The Eagle Manufacturing Company; and

No. 1104.—The Moline Plow Company, appellant, *vs.* The Eagle Manufacturing Company. Petition for writs of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 223.—Henry Hilton *et al.*, appellants, *vs.* Gustave Bertin Guyot *et al.*; and

No. 440.—Henry Hilton *et al.*, plaintiffs in error, *vs.* Gustave Bertin Guyot *et al.*

Ordered that these cases be restored to the docket for reargument before a full bench.

#### *Order.*

It is ordered by the court that mandates issue in all cases decided prior to the first day of January, 1894, when applied for, except case No. 14 and cases docketed and dismissed under the 9th rule.

#### *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. 1109.—Young Shea *et al.*, appellants, *vs.* The United States. Mandate granted on motion of Mr. Solicitor-General Maxwell for the appellee.

No. 347.—William M. Bennett, plaintiff in error, *vs.* George Harkrader. Suggestion of diminution of record and motion for a writ of certiorari submitted by Mr. John H. Mitchell for the plaintiff in error.

No. 1088.—George Taylor, appellant, *vs.* The Girard Life Insurance Annuity and Trust Company of Philadelphia. Death of George Taylor, the appellant herein, suggested, and order of publication granted on motion of Mr. Walter H. Smith for appellee.

No. 1115.—The steamship "Manhanset," her engines, etc., Thomas L. Evans, claimant, appellant, *vs.* Peter Nelson. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the second circuit submitted by Mr. E. B. Comers for appellant in support of petition, and by Mr. Edwin G. Davis for appellee in opposition thereto.

No. 25.—William P. Halliday, appellant, *vs.* Robert W. Hunter *et al.*, executors of Richard H. Stuart, deceased, *et al.* Motion to modify the decree herein submitted by Mr. Julian S. Jones for the appellee.

Nos. 991 and 992.—Anne Cropper *et al.*, plaintiffs in error, *vs.* Abby K. McLane *et al.* Motion to dismiss submitted by Mr. Enoch Totten and Mr. J. Holdsworth Gordon in support of motion, and by Mr. J. M. Wilson and Mr. Blair Lee in opposition thereto.

No. 1117.—Richard H. Simms, appellant, *vs.* John F. Cook, devisee and trustee. Appeal from the court of appeals of the District of Columbia. Docketed and dismissed with costs on motion of Mr. Calderon Carlisle for the appellee.

No. 136.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* Taylor M. Griffin *et al.*

No. 137.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* E. S. Overheiser.

No. 138.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* T. R. Johnson.

No. 161.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* Adolph Valk. Mandates granted, on motion of Mr. Heber J. May for the defendants in error.

No. 985.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* May Gentry *et al.* Motions to dismiss or affirm submitted by Mr. A. H. Garland in support of motions, and by Mr. John F. Dillon, Mr. W. S. Pierce, and Mr. David D. Duncan in opposition thereto, and in support of motion to amend writ of error.

No. 735.—William Tregua, plaintiff in error, *vs.* The Board of Directors of the Modesto Irrigation District. Motion to advance submitted by Mr. A. B. Browne in behalf of counsel for the defendant in error.

No. 1035.—Michael Dealy, plaintiff in error, *vs.* The United States. Motion to advance opposed by Mr. Frederic D. McKenney for the plaintiff in error. Motion to advance granted and cause assigned for argument on the third Monday (19th) of March next, after the case already set down for that day.

No. 769.—Otis F. Presbrey *et al.*, appellants, *vs.* Effie H. Kline. Appeal from the supreme court of the District of Columbia. Dismissed with costs per stipulation.

Adjourned until Monday, March 5, at 12 o'clock.

The day call for Monday, March 5, will be as follows :

Nos. 750, 751, 126, 127, 683, 375, 1054, 1062, 1085, and 1080.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 5, 1894.

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

James A. Johnson, of Oakland, Cal., William A. Jones, of Warsaw, Va., James H. Fletcher, jr., of Accomack, Va., Armstrong Taylor, of Minneapolis, Minn., Thomas S. Hodson, of Crisfield, Md., and Allan McLane, of Baltimore, Md., were admitted to practice.

No. 50.—Agustus R. Gumarr *et al.*, appellants, *vs.* The Colorado Oil Company. Appeal from the circuit court of the United States for the district of Colorado. Decree reversed with costs and cause remanded with directions to set aside the decree and dismiss the bill. Opinion by Mr. Justice Shiras.

No. 109.—James Coleman *et al.*, appellants, *vs.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Shiras.

No. 119.—The Pacific Southern Company, plaintiff in error, *vs.* Isabella Seley, administratrix, &c. In error to the supreme court of the Territory of Utah. Judgment reversed with costs and cause remanded, &c. Opinion by Mr. Justice Shiras.

No. 188.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* Jane Everett, administratrix, etc. In error to the circuit court of the United States for the district of North Dakota. Judgment affirmed with costs and interest. Opinion by Mr. Justice Shiras.

No. 235.—The Belding Manufacturing Company, appellant, *vs.* The Challenge Corn Planter Company. Appeal from the circuit court of the United States for the western district of Michigan. Decree affirmed with costs. Opinion by Mr. Justice Shiras. Mr. Justice Gray was not present at the argument and took no part in the decision of this case.

No. 225.—Sam. Lazarus, plaintiff in error, *vs.* William Walter Phelps. In error to the circuit court of the United States for the northern district of Texas. Judgment affirmed, with costs and interest. Opinion by Mr. Justice Brown.

No. 237.—Alfred Rowe *et al.*, plaintiffs in error, *vs.* William Walter Phelps. In error to the circuit court of the United States for the northern district of Texas. Dismissed with costs. Opinion by Mr. Justice Brown.

No. 233.—The Steamship *Main*, etc., appellant, *vs.* Willaim H. Williams, master, etc. Appeal from the circuit court of the United States for the district of Maryland. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 239. The St. Louis and San Francisco Railway Company, plaintiff in error, *vs.* Gerhard Schumacher. In error to the circuit court of the United States for the western district of Arkansas. Judgment reversed with costs and cause remanded with directions to set aside the verdict and for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 203.—George W. Lawton *et al.*, plaintiffs in error, *vs.* William N. Steele. In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Brown. Dissenting: Mr. Chief Justice Fuller, Mr. Justice Field, and Mr. Justice Brewer.

No. 157.—Mary P. Miller, devisee, etc., plaintiff in error, *vs.* Dominic G. Courtney. In error to the circuit court of the United States for the district of Nebraska. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 167.—The Montana Company (Limited) *et al.*, plaintiffs in error, *vs.* The St. Louis Mining and Milling Company. In error to the supreme court of the State of Montana. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 193.—The Cincinnati Siemens-Lungren Gas Illuminating Company, plaintiff in error, *vs.* The Western Siemens-Lungren Company. In error to the circuit court of the United States for the southern district of Ohio. Judgment affirmed with costs and interest. Opinion by Mr. Justice Brewer.

No. 238.—The El Paso Water Company, appellant, *vs.* The City of El Paso. Appeal from the circuit court of the United States for the western district of Texas. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brewer.

No. 242.—Henrietta Snell *et al.*, administrators, etc., *et al.*, plaintiffs in error, The City of Chicago *et al.* In error to the supreme court of the State of Illinois. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brewer.

No. 396.—The United States, appellant, *vs.* Daniel Shea. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brewer. Dissenting: Mr. Chief Justice Fuller and Mr. Justice Jackson.

No. 1001.—Anton Gaha, plaintiff in error, *vs.* The United States. In error to the district court of the United States for the district of Kansas. Judgment affirmed. Opinion by Mr. Justice Brewer.

No. 787.—Charles W. Shively, plaintiff in error, *vs.* John Q. A. Bowlby *et al.* In error to the supreme court of the State of Oregon. Judgment affirmed with costs. Opinion by Mr. Justice Gray.

No. 837.—W. F. Prosser *et al.*, etc., appellants, *vs.* The Northern Pacific Railroad Company. Appeal from the circuit court of the United States for the district of Washington. Decree reversed with costs and cause remanded with directions to dismiss the bill without prejudice. Opinion by Mr. Justice Gray. Mr. Justice Harlan and Mr. Justice Jackson were not present at the argument and took no part in the decision of this case.

No. 149.—J. Dunlap & Sons, appellants, *vs.* Schofield, Mason & Company. Appeal from the circuit court of the United States for the eastern district of Pennsylvania. Decree reversed with costs and cause remanded with directions to dismiss the bill. Opinion by Mr. Justice Gray.

No. 229.—John Carne, jr., *et al.*, appellants, *vs.* Augustus Russ. Appeal from the circuit court of the United States for the northern district of Illinois. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Gray.

No. 224.—The Union Pacific Railway Company, plaintiff in error, *vs.* David George McDonald, by Mary E. McDonald, his next friend. In error to the circuit court of the United States for the district of Colorado. Judgment affirmed with costs and interest. Opinion by Mr. Justice Harlan.

No. 135.—The United States, plaintiff in error, *vs.* The Northern Pacific Railroad Company *et al.* In error to the circuit court of the United States for the district of Oregon. Judgment reversed and cause remanded with directions to enter judgment for the United States upon the special findings of facts. Opinion by Mr. Justice Harlan.

No. 191.—The Louisville, Evansville and St. Louis Railroad Company, plaintiff in error, *vs.* George Clarke, executor, etc. In error to the circuit court of the United States for the district of Indiana. Judgment affirmed with costs and interest. Opinion by Mr. Justice Harlan.

No. 1028.—William H. McBroom, plaintiff in error, *vs.* The Scottish Mortgage and Land Investment Company of New Mexico, Limited. In error to the supreme court of the Territory of New Mexico. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 209.—B. F. Dowell, plaintiff in error, *vs.* Daniel W. Applegate. In error to the supreme court of the State of Oregon. Judgment reversed

with costs and cause remanded for further proceedings, in conformity with the opinion of this court. Opinion by Mr. Justice Harlan; dissenting, Mr. Justice Field.

No. 243.—Barthold Schlesinger *et al.*, appellants, *vs.* The Kansas City and Southern Railway Company *et al.* Appeal from the circuit court of the United States for the western district of Missouri. Decree affirmed with costs. Opinion by Mr. Justice Harlan.

No. 114.—The Johnson Company, plaintiff in error, *vs.* William Wharton, junior, & Company (Limited), &c. In error to the circuit court of the United States for the eastern district of Pennsylvania. Judgment affirmed with costs and interest. Opinion by Mr. Justice Harlan.

No. 169.—Silas F. King, appellant and plaintiff in error, *vs.* The Amy and Silversmith Consolidated Mining Company. Appeal from and in error to the supreme court of the State of Montana. Judgment reversed with cost and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Field.

No. 230.—The Missouri, Kansas and Texas Railway Company, plaintiff in error, *vs.* B. D. Roberts. In error to the supreme court of the State of Kansas. Judgment reversed with costs and cause remanded with directions to take further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice Field.

No. 226.—The Plant Investment Company, appellant, *vs.* The Jacksonville, Tampa and Key West Railway Company *et al.* Appeal from the circuit court of the United States for the northern district of Florida. Decree reversed at cost of appellant, and cause remanded with a direction to dismiss the bill for want of jurisdiction and without prejudice. Opinion by Mr. Justice Field.

No. 190.—The Hutchinson Investment Company of Hutchinson, Kans., *et al.*, plaintiffs in error, *vs.* John Caldwell. In error to the supreme court of the State of Kansas. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court :

No. 25.—William P. Halliday, appellant, *vs.* Robert W. Hunter *et al.*, executors, etc. Motion to modify decree herein denied and motion stricken from the files.

No. 735.—William Tregua, plaintiff in error, *vs.* The Board of Directors of the Modesto Irrigation District. Motion to advance granted and cause assigned for argument on the second Monday of the next term.

No. 1004.—The Mobile and Ohio Railroad Company *et al.*, plaintiffs in error, *vs.* The State of Tennessee *et al.*

No. 1025.—The Covington and Cincinnati Bridge Company, plaintiff in error, *vs.* The Commonwealth of Kentucky; and

No. 1043.—The Covington and Cincinnati Elevated Railroad and Transfer and Bridge Company, plaintiff in error, *vs.* The Commonwealth of Kentucky. Restored to the docket for reargument before a full bench.

No. 1115.—The Steamship "Manhanset," etc., appellant, *vs.* Peter Nelson. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 952.—The United States, appellant, *vs.* James M. Patterson *et al.*, executors, etc. Appeal from the Court of Claims. Dismissed on motion of Mr. Solicitor-General Maxwell for the appellant.

No. 1070.—The United States, appellant, *vs.* Sidney S. Pridgeon. Advanced and assigned for argument on Monday next on motion of Mr. Solicitor-General Maxwell for appellant.

No. 1120.—The United States, appellant, *vs.* The Transmissouri Freight Association *et al.* Motion to advance submitted by Mr. Solicitor-General Maxwell for appellant.

No. 1129.—The United States, appellant, *vs.* The Union Pacific Railway Company *et al.* Motion to advance submitted by Mr. Solicitor-General Maxwell for appellant.

No. 1135.—The United States, plaintiff in error, *vs.* Charles R. Allen. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Solicitor-General Maxwell, for the appellant, in support of petition.

No. 1136.—The United States, appellants, *vs.* The steamship "Haytian Republic," &c. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Solicitor-General Maxwell for the appellant in support of the petition, with leave to Mr. J. H. Mitchell for appellee to file opposition thereto by Friday next.

No. 457.—The Virginia Buffalo Lithia Springs Company, appellant, *vs.* Thomas F. Goode. Appeal from the circuit court of the United States for the eastern district of Virginia. Dismissed per stipulation on motion of Mr. William A. Maury for the appellee.

No. 263.—J. Fenton Seymour, plaintiff in error, *vs.* The Slide and Spur Gold Mines.

No. 284.—The Slide and Spur Gold Mines, appellant, *vs.* Ellen R. Seymour *et al.* Ordered to be heard together as one case when No. 284 is reached on motion of Mr. H. M. Teller for appellees.

No. 194.—Henry M. Loud, plaintiff in error, *vs.* The Pomona Land and Water Company. Assigned for reargument on April 9th next, on motion of Mr. Henry M. Duffield, for the defendant in error.

No. 1112.—The Pittsburg, Cincinnati and St. Louis Railway Company *et al.*, plaintiffs in error, *vs.* The Keokuk and Hamilton Bridge Company. Motion to advance submitted by Mr. Perry Trumbull for the defendant in error in support of motion, and by Mr. George Headly in opposition thereto.

No. 9.—Original.—The State of California, complainant, *vs.* Southern Pacific Company. Leave granted to file amended bill herein on motion of Mr. W. H. H. Hart for complainant. Motion for leave to intervene in behalf of the city of Oakland submitted by Mr. James A. Johnson with leave to Mr. W. H. H. Hart to file opposition within three days.

No. 899.—The Pittsburgh, Cincinnati, Chicago and St. Louis Railway Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, etc., *et al.*

No. 900.—The Indianapolis and Vincennes Railroad Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, etc., *et al.*; and

No. 908.—The Cleveland, Cincinnati, Chicago and St. Louis Railway Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer. Motion to assign cases for argument submitted by Mr. A. G. Smith for the defendants in error.

No. 565.—The Fort Worth City Company, plaintiff in error, *vs.* The Smith Bridge Company. Mandate granted on motion of Mr. A. H. Garland for the defendant in error.

No. 1080.—Henry Starr, plaintiff in error, *vs.* The United States. Submitted by Mr. Assistant Attorney-General Conrad for the defendant in error, with leave to counsel for plaintiff in error to file brief on or before the 15th instant.

No. 1102.—Morris Blitz, plaintiff in error, *vs.* The United States. Motion to advance submitted by Mr. John C. Fay for the plaintiff in error.

No. 1078.—The Missouri Pacific Railway Company, plaintiff in error, *vs.* Oswald Baier, as administrator, etc. Motion to dismiss submitted by Mr. John C. Watson for the defendant in error.

No. 1044.—Artemas Roberts, plaintiff in error, *vs.* W. F. Lewis. Motion to advance submitted by Mr. John C. Watson, in behalf of counsel.

No. 1066.—The United States, appellant, *vs.* A. Klingenberg. Advanced pursuant to the 32d rule on motion of Mr. W. Wickham Smith, for the appellee.

No. 1067.—Max Schoenfeld *et al.*, plaintiffs in error, *vs.* Francis Hendricks, collector, etc. Advanced pursuant to the 32d rule on motion of Mr. Wickham Smith for the plaintiff in error, and cause submitted by Mr. W. Wickham Smith for plaintiffs in error and Mr. Solicitor-General Maxwell for the defendant in error.

No. 1122.—Emil J. Pepke, appellant, *vs.* Joseph E. Cronan, sheriff. Motion to advance submitted by Mr. Armstrong Taylor for the appellant.

No. 260.—The Pennsylvania Railroad Company, plaintiff in error, *vs.* Thomas W. Jones; and

No. 261.—The Pennsylvania Railroad Company, plaintiff in error, *vs.* Charles T. Stewart. Passed on account of sickness of counsel subject to the provisions of the 26th rule on motion of Mr. William A. McKenney in behalf of counsel for plaintiff in error.

*Ex parte*: In the matter of John McGrane, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. L. A. Bailey for the petitioner.

No. 1087.—The United States, appellant, *vs.* Annie M. LaTourrette, executrix. Mandate granted on motion of Mr. T. H. N. McPherson in behalf of counsel.

No. 683.—Milton L. Baer, plaintiff in error, *vs.* Moran Bros. Co.; and

No. 375.—Jacob C. Mann, appellant, *vs.* The Tacoma Land Co. Passed on motion of Mr. J. H. Mitchell for plaintiff in error. Leave granted to Mr. W. C. Jones to intervene on behalf of the State of Washington and file brief herein.

No. 683.—Milton L. Baer, plaintiff in error, *vs.* Moran Bros. Co. Leave granted Mr. Joseph H. Parsons to file brief herein.

No. 1029.—Amado Chaves *et al.*, appellants, *vs.* The United States, and

No. 1030.—The Pueblos of Zia, Santa Ana, and Jemez, appellants, *vs.* The United States *et al.* Motion to advance submitted by Mr. William E. Earle for the appellants.

No. 391.—The Heine Safety Boiler Company, appellant, *vs.* The Smith Feed Water Heater and Purifier Company, and

No. 392.—The Heine Safety Boiler Company, appellant, *vs.* The Anheuser-Busch Brewing Association. Appeals from the circuit court of the United States for the eastern district of Missouri. Dismissed with costs per stipulations and mandates granted.

No. 541.—John H. Drake *et al.*, appellants, *vs.* The Knox Rock Blasting Company. Appeal from the circuit court of the United States for the southern district of New York. Dismissed with cost per stipulation.

No. 750.—Russell Huntley *et al.*, plaintiffs in error, *vs.* The Commonwealth of Massachusetts; and

No. 751.—Benjamin A. Plumley, plaintiff in error, *vs.* The Commonwealth of Massachusetts. Reassigned for argument on the second Monday in April.

No. 126.—C. S. Starkey, plaintiff in error, *vs.* Nelson Burnham ; and

No. 127.—C. S. Starkey, plaintiff in error, *vs.* Charles Englehart. Passed on motion of Mr. B. W. Perkins for plaintiff in error.

No. 1062.—Thomas St. Clair, plaintiff in error, *vs.* The United States ; and

No. 1085.—Herman Sparf *et al.*, plaintiffs in error, *vs.* The United States. Submitted by Mr. F. J. Kierce for the plaintiffs in error and by Mr. Assistant Attorney-General Conrad for the defendant in error.

No. 1054.—Robert L. Wharton, appellant, *vs.* John H. Wise, sheriff, etc. Leave granted to three counsel to be heard on each side on motion of Mr. John P. Poe for the appellant. Argument commenced by Mr. Thomas S. Hodson for appellant.

Adjourned until to-morrow, at 12 o'clock.

The day call for Tuesday, March 6, will be as follows :

Nos. 1054, 1041, 888, 1051, 252, 253, 254, 255, 256, and 257.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 6, 1894.

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

Alexander B. Huston, of Cincinnati, Ohio; Willis Sweet, of Moscow, Idaho, and Selden B. Kingsbury, of Boise City, Idaho, were admitted to practice.

No. 126.—C. S. Starkey, plaintiff in error, *vs.* Nelson Burnham. In error to the supreme court of the State of Kansas. Dismissed with costs, pursuant to the tenth rule.

No. 127.—C. S. Starkey, plaintiff in error, *vs.* Charles Englehart. In error to the supreme court of the State of Kansas. Dismissed with costs, pursuant to the tenth rule.

No. 9.—Original.—The State of California, complainant, *vs.* Southern Pacific Company. Leave granted to file answer to amended bill, on motion of Mr J. Hubley Ashton for defendant.

No. 259.—Florine A. Austin, administratrix, etc., appellant, *vs.* The United States. Passed subject to provisions of 26th rule, on motion of Mr. John C. Fay for the appellant.

No. 888.—Ossian D. Ashley *et al.*, plaintiffs in error, *vs.* Daniel J. Ryan, secretary of state of the State of Ohio; and

No. 1051.—The Eagle Insurance Company, etc., *et al.*, plaintiffs in error, *vs.* The State of Ohio *ex rel.* W. H. Kinder, superintendent of insurance, etc. Passed subject to the provisions of the 26th rule, on motion of Mr. Lawrence Maxwell, jr., for the Eagle Insurance Company *et al.*

No. 257.—The Corinne Mill, Canal and Stock Company, plaintiff in error, *vs.* Alexander Toponce. Submitted by Mr. C. W. Bennett and Mr. John A. Marshall for the plaintiff in error, and by Mr. James N. Kimball for the defendant in error.

No. 1054.—Robert L. Wharton, appellant, *vs.* John H. Wise, sheriff, &c. Argument continued by Mr. Thomas S. Hodson and Mr. Bradley T. Johnson for appellant, and by Mr. James H. Fletcher, jr., Mr. Wil-

liam A. Jones, Mr. Waller R. Staples, and Mr. R. Taylor Scott for appellee, and concluded by Mr. John P. Poe for the appellant.

No. 899.—The Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, etc., *et al.*

No. 900.—The Indianapolis and Vincennes Railroad Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, etc., *et al.*, and

No. 908.—The Cleveland, Cincinnati, Chicago and St. Louis Railway Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer. Reassigned for argument on the 26th instant.

Adjourned until to-morrow, at 12 o'clock.

The day call for Wednesday, March 7, will be as follows:

Nos. 1041, 252, 253, 254, 255, 256, 264, 265, 266, and 267.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 7, 1894.

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

Thomson Jay Hudson, of Washington, D. C., Stanley Walker Dexter, of New York City, and William A. Stone, of Pittsburg, Pa., were admitted to practice.

No. 1041.—Thomas H. Mason *et al.*, appellants, *vs.* The Pewabic Mining Company, *et al.*

Passed, subject to the provisions of the 26th rule.

No. 1078.—The Missouri Pacific Railway Company, plaintiff in error, *vs.* Oswald Baier, as administrator, &c. Leave to file brief in opposition to motion to dismissal or before the 19th instant granted, on motion of Mr. D. D. Duncan for plaintiff in error.

No. 457.—The Virginia Buffalo Lithia Springs Company, appellant, *vs.* Thomas F. Goode. Mandate granted, on motion of Mr. William A. Maury for the appellee.

No. 265.—Roland H. Smith *et al.*, appellants, *vs.* The Pittsburg Gas Co. Passed for the present, on motion of Mr. Wm. A. Stone in behalf of appellants.

No. 252.—James Hampden Robb *et al.*, trustees, appellants, *vs.* August Vos. Argued by Mr. Edward Colston for the appellants, and by Mr. Gustavus H. Wald and Mr. A. B. Huston for appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 8, will be as follows:

Nos. 253, 254, 255, 256, 264, 266, 267, 268, 269, and 270.

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## SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 8, 1894.

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

William D. Edwards, of Jersey City, N. J.; Frederick F. Church, of Rochester, N. Y., and Alexander H. Robertson, of Baltimore, Md., were admitted to practice.

No. 256.—S. M. Huntley *et al.*, plaintiffs in error, *vs.* Kingman & Co. Death of S. M. Huntley, one of the plaintiffs in error herein suggested, and cause ordered to proceed in the name of S. M. White *et al.* as survivors on motion of Mr. John J. Meed for the plaintiffs in error.

No. 269.—A. Dallemand, etc., plaintiff in error, *vs.* The Odd Fellows, Savings Bank *et al.* In error to the supreme court of the State of California. Dismissed with costs pursuant to the tenth rule.

No. 270.—C. S. Mills, plaintiff in error, *vs.* Lewis P. Winston. In error to the circuit court of the United States for the eastern district of Virginia. Dismissed with costs pursuant to the tenth rule.

No. 253.—The Gates Iron Works, appellant, *vs.* David R. Fraser *et al.* Argued by Mr. L. L. Coburn for the appellant and by Mr. L. L. Bond for the appellees.

No. 264.—The City National Bank of Fort Worth, appellant, *vs.* R. D. Hunter *et al.* Submitted by Mr. A. H. Garland and Mr. H. J. May for appellant and by Mr. H. M. Pollard for the appellees.

No. 254.—The Morgan Envelope Company, appellant, *vs.* The Albany Perforated Wrapping Paper Company *et al.* Argument commenced by Mr. Melville Church for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 9, will be as follows:

Nos. 254, 255, 256, 266, 267, 268, 271, 272, 273, and 274.

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# SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 9, 1894.

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

Charles F. Joy of St. Louis, Mo., was admitted to practice.

No. 9.—Original.—The State of California, complainant, *vs.* Southern Pacific Company. Leave granted to file suggestions on part of Southern Pacific Company, on motion of Mr. J. Hubley Ashton for defendant.

No. 347.—William M. Bennett, plaintiff in error, *vs.* George Harkrader. Leave granted to file supplemental brief on motion for writ of certiorari, on motion of Mr. J. H. Mitchell for the plaintiff in error.

No. 272.—Ellis Abram, plaintiff in error, *vs.* Lewis P. Winston. In error to the circuit court of the United States for the eastern district of Virginia. Dismissed with costs pursuant to the tenth rule.

No. 272.—William L. Royall, plaintiff in error, *vs.* John K. Childrey. In error to the circuit court of the United States for the eastern district of Virginia. Dismissed with costs pursuant to the tenth rule.

No. 273.—William L. Royall, plaintiff in error, *vs.* Samuel C. Greenhow. In error to the circuit court of the United States for the eastern district of Virginia. Dismissed with costs pursuant to the tenth rule.

No. 254.—The Morgan Envelope Company, appellant, *vs.* The Albany Perforated Wrapping Paper Company *et al.* Argument continued by Mr. Melville Church for the appellant, by Mr. Esek Cowen for the appellees, and concluded by Mr. Charles E. Mitchell for the appellant.

No. 255.—Alexander H. Robertson, trustee, &c., appellant, *vs.* Samuel M. Chapman *et al.* Argument commenced by Mr. A. H. Robertson for the appellant, and continued by Mr. George E. Hamilton for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 12, will be as follows:

Nos. 255, 256, 266, 267, 268, 274, 1070, 277, 278 and 279.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 12, 1894.

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

The Chief Justice said :

I am gratified to be able to announce to the members of the bar the appointment to the vacancy upon this bench of Mr. Edward Douglass White, of Louisiana. Mr. White is present and ready to take the oath. The clerk will read the commission and administer the oath accordingly.

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

Robert W. Hawksworth, of New York City; James M. Farrell, of Lancaster, Ohio; Dan. Daneley, of Columbus, Ohio; George F. Curtis, of Washington, D. C.; Robert E. Umbel, of Uniontown, Pa., and Charles G. Coe, of New York City, were admitted to practice.

No. 251.—The Western National Bank of New York, appellant, *vs.* David Armstrong, receiver, etc. Appeal from the circuit court of the United States for the southern district of Ohio. Decree affirmed with costs. Opinion by Mr. Justice Shiras.

No. 182.—The Keokuk & Western Railroad Company, plaintiff in error, *vs.* The State of Missouri at the relation of Wm. H. Wine, collector. In error to the supreme court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Brown. Dissenting: Mr. Justice Harlan and Mr. Justice Brewer.

No. 183.—The Keokuk & Western Railroad Company, appellant, *vs.* The County Court of Scotland County, Missouri, *et al.* Appeal from the circuit court of the United States for the eastern district of Missouri. Decree affirmed with costs. Opinion by Mr. Justice Brown. Dissenting: Mr. Justice Harlan and Mr. Justice Brewer.

No. 414.—The Keokuk and Western Railroad Company, appellant, *vs.* The County Court of Scotland County, Missouri, *et al.* Appeal from the circuit court of the United States for the eastern district of Missouri. Decree affirmed, with costs. Opinion by Mr. Justice Brown.

No. 903.—Abbie A. Israel, plaintiff in error, *vs.* James B. Arthur, administrator, etc.

In error to the supreme court of the State of Colorado. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 913.—The State of Michigan *ex rel.*, The Attorney-General, plaintiff in error, *vs.* The Flint and Pere Marquette Railroad Company *et al.* In error to the supreme court of the State of Michigan. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 1038.—Harvey Duncan, plaintiff in error, *vs.* The State of Missouri. In error to the supreme court of the State of Missouri. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 244.—Wm. B. Maddock, plaintiff in error, *vs.* Daniel Magone, collector of the port of New York. In error to the circuit court of the United States for the southern district of New York. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 245.—Julius Berbecker *et al.*, plaintiffs in error, *vs.* William H. Robertson, collector of the port of New York. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

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

No. 21.—James M. Constable *et al.*, appellants, *vs.* The National Steamship Company (Limited). Ordered to be restored to the docket for reargument on the first Monday (2d) of April after the cases already set down for that day.

No. 223.—Henry Hilton *et al.*, appellants, *vs.* Gustave Bertin Guyot, etc., *et al.*; and

No. 440.—Henry Hilton *et al.*, plaintiffs in error, *vs.* Gustave Bertin Guyot *et al.* Ordered to be heard as one case on the first Monday (2d) of April after the cases already set down for that day.

No. 612.—Richard P. Barden *et al.*, plaintiffs in error, *vs.* The Northern Pacific Railroad Company. Assigned for argument on the first Monday (2d) of April after the cases already set down for that day.

No. 347.—William M. Bennett, plaintiff in error, *vs.* George Harkrader. Motion for writ of certiorari granted and writ ordered to be issued returnable forthwith.

No. 985.—The Texas & Pacific Railway Company, plaintiff in error, *vs.* May Gentry *et al.* Leave granted to amend writ of error and motions to dismiss or affirm postponed to the hearing on the merits.

No. 991 and No. 992.—Anne Cropper *et al.*, plaintiffs in error, *vs.* Abby K. McLane *et al.* Motions to dismiss postponed to the hearing on the merits.

No. 1029.—Amado Chaves *et al.*, appellants, *vs.* The United States *et al.*, and

No. 1030.—The Pueblos of Zia, Santa Ana, and Jemez, appellants, *vs.* The United States *et al.*

Motions to advance granted and cases assigned for argument on the second Monday of the next term, after the case already set down for that day.

No. 1044.—Artemas Roberts, plaintiff in error, *vs.* W. F. Lewis. Motion to advance granted and case advanced as under the 32d rule, to be submitted on printed briefs.

No. 1102.—Morris Blitz, plaintiff in error, *vs.* The United States. Motion to advance granted and cause assigned for argument on the first Monday (2d) of April, after cases already set down for that day.

No. 1112.—The Pittsburg, Cincinnati and St. Louis Railway Company *et al.*, appellants, *vs.* The Keokuk and Hamilton Bridge Company. Motion to advance granted and case advanced as under the 32d rule, to be submitted on printed briefs.

No. 1120.—The United States, appellant, *vs.* The Transmissouri Freight Association *et al.*; and

No. 1129.—The United States, appellant, *vs.* The Union Pacific Railway Company *et al.* Motions to advance granted and causes assigned for argument on the second Monday (9th) of April after cases already set down for that day.

No. 1135.—The United States, plaintiff in error, *vs.* Charles R. Allen. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit granted.

No. 1136.—The United States, appellant, *vs.* The Steamship *Havtian Republic*, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit granted.

*Ex parte*: In the matter of John McGrane, petitioner. Motion for leave to file petition for a writ of mandamus denied.

No. 9.—Original.—The State of California, complainant, *vs.* Southern Pacific Company. Motion of the city of Oakland, California, to be joined by intervention as co-complainant herein denied, but leave granted to it to file briefs accompanied by such documents and maps, illustrative of its alleged title, as it may be advised.

No. 952.—The United States, appellant, *vs.* James M. Patterson *et al.*, executors, etc. Mandate granted on motion of Mr. Solicitor-General Maxwell for appellant.

No. 1022.—The Newport Light Company, plaintiff in error, *vs.* The City of Newport *et al.* Mandate granted on motion of Mr. William Lindsay for the defendants in error.

No. 176.—The Sheffield and Birmingham Coal, Iron and Railway Company, appellant, *vs.* Gordon, Strobel & Lareau (limited). Motion for mandate to issue submitted by Mr. Joseph Wheeler in behalf of counsel.

No. 113.—Ella V. Hardenbergh *et al.*, plaintiffs in error, *vs.* Thomas L. Ray *et al.* Mandate granted on motion of Mr. John H. Mitchell for the defendants in error.

No. 960.—Emma J. Gonzales, appellant, *vs.* E. W. French *et al.* Motion for citation herein submitted by Mr. S. D. Luckett for appellant.

No. 9.—Original.—The State of California, complainant, *vs.* Southern Pacific Company. Leave granted to file replication on motion of Mr. W. H. H. Hart for the complainant. Motion in reference to the taking of testimony herein and for the assignment of a day for the hearing of the cause submitted by Mr. W. H. H. Hart for the complainant.

No. 1040.—Susan Luxton, plaintiff in error, *vs.* The North River Bridge Company. Motion for leave to intervene, &c. Submitted by Mr. J. M. Vale in support of motion and by Mr. Gilbert Collins for the plaintiff in error, and Mr. J. D. Bedle for the defendant in error in opposition thereto, with leave to all parties to file additional affidavits within one week.

No. 802.—Robert Alden Fales, appellant, *vs.* James McMonagle, jailor, &c. Appeal from the circuit court of the United States for the district of New Jersey. Dismissed per stipulation.

No. 277.—The Taylor Manufacturing Company, appellant, *vs.* M. J. Hatcher & Co. Appeal from the circuit court of the United States for the southern district of Georgia. Dismissed with costs, pursuant to the tenth rule.

No. 279.—The Davis Sewing Machine Company, appellant, *vs.* The Hat Sweat Manufacturing Company. Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs, pursuant to the tenth rule.

No. 255.—Alexander H. Robertson, trustee, appellant, *vs.* Samuel M. Chapman *et al.* Argument concluded by Mr. William A. Fisher for the appellant.

No. 256.—S. M. White *et al.*, plaintiffs in error, *vs.* Kingman & Company. Argued by Mr. John J. Weed for the plaintiffs in error. No counsel appeared for the defendants in error.

No. 266.—William Runkle *et al.*, administrators, &c., plaintiffs in error, *vs.* Santiago J. Burnham, use of Francisco G. Mediavilla. Argument commenced by Mr. Hamilton Wallace for plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 13, will be as follows :

Nos. 266, 267, 268, 274, 1070, 278, 165, 892, 280, and 281.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 13, 1894.

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

G. D. Farwell, of Seattle, Wash., was admitted to practice.

No. 266.—William Runkle *et al.*, administrators, etc., plaintiffs in error, *vs.* Santiago J. Burnham, use of Francisco G. Mediavilla. Argument continued by Mr. Hamilton Wallis for plaintiffs in error, by Mr. Frédéric R. Coudert for defendant in error, and concluded by Mr. William D. Edwards for the plaintiffs in error.

No. 267.—Thomas Lyons *et al.*, plaintiffs in error, *vs.* James B. Woods, sheriff, etc., *et al.* Submitted by Mr. W. B. Childers for plaintiffs in error. No counsel appeared for the defendants in error.

No. 268.—Engelbert Hardt *et al.*, appellants, *vs.* Segismund Heidweyer *et al.* Submitted by Mr. D. K. Tenney, Mr. E. O. Brown, Mr. S. R. Taber, and Mr. Charles E. Pope for appellants, and by Mr. Curtis H. Remy for appellees.

No. 274.—Anthony F. Seeberger, collector, etc., plaintiff in error, *vs.* Leopold Schlesinger *et al.* Argued by Mr. Assistant Attorney-General Whitney for the plaintiff in error, with leave to counsel for the defendants in error to file brief on or before the 16th instant.

No. 1070.—The United States, appellant, *vs.* Sidney S. Pridgeon. Submitted by Mr. Solicitor-General Maxwell for appellant and by Mr. D. K. Watson for appellee.

No. 278.—Martha Graves *et al.*, appellants, *vs.* George W. Sentell *et al.* Argued by Mr. George A. King for appellants, and submitted by Mr. E. T. Merrick, sr., Mr. E. M. Hudson, Mr. E. H. Farrar, Mr. Benj. F. Jonas, and Mr. E. B. Kruttschnitt for appellees.

No. 165.—The Union Pacific Railway Company, plaintiff in error, *vs.* Wilson I. Snyder, administrator of William Daniels, deceased. Argued by Mr. Artemas H. Holmes for plaintiff in error, and submitted by Mr. Arthur Brown for defendant in error.

No. 892.—Michael Moran *et al.*, plaintiffs in error, *vs.* Frank D. Sturges, receiver, etc. Argument commenced by Mr. R. D. Benedict for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 14, will be as follows :

Nos. 892, 280, 281, 282, 283, 263 (and 284), 285, 286, 287, and 290.

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## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 14, 1894.

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

No. 282.—John Dobson *et al.*, appellants, *vs.* Fannie C. Graham, executrix, &c. Appeal from the circuit court of the United States for the eastern district of Pennsylvania. Dismissed with costs pursuant to the tenth rule.

No. 283.—Harry C. McCarty *et al.*, appellants, *vs.* The Lehigh Valley Railroad Company. Continued for stipulation.

No. 286.—The Consolidated Electric Light Company, appellant *vs.* The McKeesport Light Company. Continued per stipulation.

No. 287.—William Glasmann, appellant, *vs.* Mary O'Donnell. Appeal from the supreme court of the Territory of Utah. Dismissed with costs pursuant to the tenth rule.

No. 290.—W. D. Lawton, appellant, *vs.* John G. Eagleson *et al.* Appeal from the circuit court of the United States for the northern district of California. Dismissed with costs pursuant to the tenth rule.

No. 892.—Michael Moran *et al.*, plaintiffs in error, *vs.* Frank D. Sturges, receiver, etc. Leave granted Mr. de L. Berrier to file brief herein on behalf of The Lehigh Valley Coal Company *et al.* Argument continued by Mr. James W. Eaton for the defendant in error, and concluded by Mr. R. D. Benedict for the plaintiffs in error.

No. 280.—Henry Herrman *et al.*, plaintiffs in error, *vs.* Wm. H. Robertson, collector, etc. Argued by Mr. Edwin B. Smith for the plaintiffs in error and by Mr. Assistant Attorney-General Whitney for the defendant in error.

No. 281.—Robert P. Maclay, tutor, etc., plaintiff in error, *vs.* The Equitable Life Assurance Society of the United States. Argued by Mr. Charles B. Alexander for the defendant in error and submitted by Mr. Frank L. Richardson for the plaintiff in error.

No. 285.—Seabury & Johnson, appellants, *vs.* Charles G. Am Ende. Argument commenced by Mr. Edwin H. Brown for the appellants, and continued by Mr. Arthur V. Briesen for the appellee, and Mr. N. T. M. Melliss for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 15, will be as follows :

Nos. 285, 263 (and 284), 291, 292, 293, 294, 295, 296, 297, and 298.

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# SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 15, 1894.

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

T. E. Gibbon, of Los Angeles, Cal., and Everit Brown, of New York City, were admitted to practice.

No. 292.—Frederick Wehrman, appellant, *vs.* T. B. Conklin *et al.* Continued per stipulation.

No. 285.—Seabury & Johnson, appellants, *vs.* Charles G. Am Ende. Argument concluded by Mr. N. T. M. Melliss for the appellants.

No. 263.—J. Fenton Seymour, plaintiff in error, *vs.* The Slide and Spur Gold Mines (limited), and

No. 284.—The Slide and Spur Gold Mines (limited), appellants, *vs.* Ellen R. Seymour *et al.* Argued by Mr. Harvey Riddell for The Slide and Spur Gold Mines, and by Mr. Willard Teller for Seymour *et al.*

No. 291.—William B. Bogle *et al.*, plaintiffs in error, *vs.* Daniel Magone, collector, etc. Argued by Mr. Everit Brown, for the plaintiffs in error, and by Mr. Assistant Attorney-General Whitney, for the defendant in error.

No. 293.—The British steamship *Martello*, etc., appellants, *vs.* Ichabod Willey *et al.* Argument commenced by Mr. J. Hubley Ashton for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 16, will be as follows:

Nos. 293, 294, 295, 296, 297, 298, 299, 302, 303 (and 304), and 305.

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## SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 16, 1894.

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

Stephen B. Howard, of Minneapolis, Minn., was admitted to practice.

No. 143.—W. L. Miller *et al.*, appellants, *vs.* The Eagle Manufacturing Company. Mandate granted on motion of Mr. H. A. Toulmin for appellants.

No. 357.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* J. L. Patterson, county treasurer, etc., and

No. 1045.—The Northern Pacific Railroad Company, appellant, *vs.* A. G. Clark, county auditor, etc., *et al.* Reassigned for argument on the first Monday (2d) of April, after No. 612, on motion of Mr. A. H. Garland for The Northern Pacific Railroad Company.

No. 302.—W. G. Huskins, plaintiff in error, *vs.* The Cincinnati, New Orleans & Texas Pacific Railway Company. In error to the circuit court of the United States for the eastern district of Tennessee. Dismissed with costs pursuant to the tenth rule.

No. 303.—Charles E. Simmons, trustee, *et al.*, appellants, *vs.* The Burlington, Cedar Rapids and Northern Railway Company *et al.*, and

No. 304.—The Burlington, Cedar Rapids and Northern Railway Company, appellant, *vs.* Charles E. Simmons, trustee. Continued per stipulation.

No. 305.—The Lake Superior Ship Canal, Railway and Iron Company, plaintiff in error, *vs.* Walter A. Cunningham ;

No. 306.—The Lake Superior Ship Canal, Railway and Iron Company, plaintiff in error, *vs.* Hugh Finan, and

No. 307.—Michael Donahoe, plaintiff in error, *vs.* The Lake Superior Ship Canal, Railway and Iron Company. Continued by agreement of counsel, on motion of Mr. A. H. Garland in behalf of counsel.

No. 293.—The British steamship "Martello," etc., appellants, *vs.* Ichabod Willey *et al.* Argument continued by Mr. J. Hubley Ashton for the appellants, by Mr. W. W. Goodrich for the appellees, and concluded by Mr. J. Hubley Ashton for the appellants.

No. 294.—Joseph T. Dunham, appellant, *vs.* The Dennison Manufacturing Company. Argument commenced by Mr. Charles G. Coe for the appellant.

Adjourned until Monday next, at 12 o'clock.

The day call for Monday, March 19, will be as follows :

Nos. 294, 295, 296, 297, 298, 299, 1035, 308, 309, and 311.

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# SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 19, 1894.

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

John D. Lindsay, of New York City; Albert S. Drake, of Fargo, N. Dak.; E. F. Thompson and Thomas J. Sutherland, of Chicago, Ill.; Stephen S. Jewett, of Laconia, N. H.; Wales F. Severance, of New York City, and Neill B. Field, Albuquerque, N. Mex., were admitted to practice.

No. 107.—Charles G. Murphy, plaintiff in error, *vs.* Elisha A. Packer. In error to the circuit court of the United States for the western district of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice Shiras.

No. 254.—The Morgan Envelope Company, appellant, *vs.* The Albany Perforated Wrapping Paper Company *et al.* Appeal from the circuit court of the United States for the northern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 128.—John Halstead, appellant, *vs.* A. G. Grennan *et al.* Appeal from the circuit court of the United States for the district of West Virginia. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 257.—The Corinne Mill, Canal and Stock Company, plaintiff in error, *vs.* Alexander Toponce. In error to the supreme court of the Territory of Utah. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 885.—The United States, appellant, *vs.* Philip R. Alger; and

No. 886.—The United States, appellant, *vs.* Albert W. Stahl. Petitions for rehearing denied. Opinion by Mr. Justice Gray.

No. 1020.—The State of Tennessee *et al.*, appellants, *vs.* The Union and Planter's Bank *et al.* Appeal from the circuit court of the United States for the western district of Tennessee. Decree reversed, costs in this court to be paid by the appellants, and cause remanded with directions to dis-

miss the bill for want of jurisdiction. Opinion by Mr. Justice Gray. (Mr. Justice White, not having been a member of the court when this case was argued, took no part in its decision.)

No. 1021.—The State of Tennessee *et al.*, appellants, *vs.* The Bank of Commerce *et al.* Appeal from the circuit court of the United States for the western district of Tennessee. Decree reversed, costs in this court to be paid by the appellants, and cause remanded with directions to dismiss the bill for want of jurisdiction. Opinion by Mr. Justice Gray. (Mr. Justice White, not having been a member of the court when this case was argued, took no part in its decision.)

No. 761.—The State of Tennessee, for use of the city of Memphis *et al.*, appellants, *vs.* The Bank of Commerce *et al.* Appeal from the circuit court of the United States for the western district of Tennessee. Decree reversed with costs and cause remanded with directions to remand it to the State court from which it was removed. Opinion by Mr. Justice Gray. Dissenting: Mr. Justice Harlan and Mr. Justice Field. (Mr. Justice White not having been a member of the court when this case was argued, took no part in its decision.)

No. 264.—The City National Bank of Fort Worth, appellant, *vs.* R. D. Hunter *et al.*, &c. Appeal from the circuit court of the United States for the northern district of Texas. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Harlan.

No. 248.—Thomas C. McKittrick, appellant, *vs.* The Arkansas Central Railway Company *et al.* Appeal from the circuit court of the United States for the eastern district of Arkansas. Decree affirmed with costs. Opinion by Mr. Justice Harlan.

No. 779.—The United States, appellant, *vs.* Thomas P. Bashaw. Appeal from the United States circuit court of appeals for the eighth circuit. Judgments reversed and cause remanded to the circuit court of the United States for the eastern district of Missouri for further proceedings in conformity with the opinion of this court. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced that as Friday next will be Good Friday the court would adjourn from Thursday until Monday next.

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

No. 922.—Nelson F. Evans, plaintiff in error *vs.* The United States.

No. 923.—Assigned for reargument on the second Monday (9th) of April next, after cases already set down for that day.

No. 960.—Emma J. Gonzales, appellant, *vs.* E. W. French *et al.* Motion for citation herein granted. Citation to issue returnable within sixty days.

No. 1025.—The Covington and Cincinnati Bridge Company, plaintiff in error, *vs.* The Commonwealth of Kentucky ; and

No. 1043.—The Covington and Cincinnati Elevated Railroad and Transfer and Bridge Company, plaintiff in error, *vs.* the Commonwealth of Kentucky. Motion to assign these cases for argument submitted by Mr. Lawrence Maxwell, jr., for plaintiff in error.

No. 917.—The New York and New England Railroad Company, plaintiff in error, *vs.* The Town of Bristol *et al.* Mandate granted on motion of Mr. John J. Jennings for the defendants in error.

No. 1092.—The United States and The Cherokee Nation, appellants, *vs.* Charles Journeycake, principal chief of the Delaware Indians. Motion to advance submitted by Mr. Thomas C. Fletcher for the appellee.

No. 728.—The Great Western Telegraph Company, plaintiff in error, *vs.* Hiram Purdy. Motion to advance submitted by Mr. Thomas J. Sutherland for the plaintiff in error.

No. 805.—The Great Western Telegraph Company, plaintiff in error, *vs.* Barbara Burnham *et al.* Motion to advance to be heard with No. 728 as one case, submitted by Mr. Thomas J. Sutherland for the plaintiff in error.

No. 568.—Victor Meyer *et al.*, plaintiffs in error, *vs.* Walter T. Richards. Motion to assign case for argument submitted by Mr. H. L. Lazarus for the defendant in error.

No. 260.—The Pennsylvania Railroad Company *et al.*, plaintiff in error, *vs.* Thomas W. Jones; and

No. 261.—The Pennsylvania Railroad Company *et al.*, plaintiffs in error, *vs.* Charles T. Stewart. Motion to restore these cases to the call submitted by Mr. William A. Cook for the defendants in error.

No. 1004.—The Mobile and Ohio Railroad Company *et al.*, plaintiffs in error, *v.* The State of Tennessee *et al.* Assigned for argument on the 16th of April next, on motion of Mr. Frank W. Hackett in behalf of counsel.

No. 1152.—Leonora Augusta Arnold *et al.*, appellants, *v.* Charles A. Cheesebrough *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Roger Foster, Mr. Joseph H. Choate, and Mr. John H. V. Arnold for Arnold *et al.*, in support of petition, and by Mr. Walter S. Logan for Cheesebrough *et al.*, in opposition thereto.

No. 1063.—The People of the State of New York, appellants, *v.* John C. Eno. Motion to advance submitted by Mr. John D. Lindsay for appellants, and by Mr. George Bliss for appellee in opposition thereto.

No. 1133.—The United States, appellants, *v.* Eisner and Mendelson Company.

Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit, submitted by Mr. W. W. Dudley and Mr. L. T. Michener, for the Eisner & Mendelson Company in support of petition.

No. 265.—Roland H. Smith *et al.*, appellants, *v.* The Pittsburg Gas Company. Continued on motion of Mr. W. A. Stone in behalf of counsel for appellants.

No. 403.—Winfield Scott Keyes *et al.*, appellants, *v.* The Pueblo Smelting and Refining Company; and

No. 404.—The Pueblo Smelting and Refining Company, appellants, *v.* Winfield Scott Keyes *et al.* Appeals from the circuit court of the United States for the District of Colorado. Dismissed per stipulation.

No. 308.—The Consolidated Patents Company *et al.*, appellants, *vs.* James E. Barney, as The National Ventilation Company. Appeal from the circuit court of the United States for the district of Massachusetts. Dismissed with costs, pursuant to the tenth rule.

No. 311.—William Coupe *et al.*, plaintiffs in error, *vs.* Herman Royer *et al.* Continued per stipulation.

No. 294.—Joseph T. Dunham, appellant, *vs.* The Dennison Manufacturing Company. Argument continued by Mr. Charles G. Coe, for the appellant, by Mr. William W. Swan for the appellee, and concluded by Mr. Charles G. Coe for the appellant.

No. 295.—Anthony F. Seeberger, collector, etc., plaintiff in error, *vs.* John Schmeyer.

No. 296.—Anthony F. Seeberger, collector, etc., plaintiff in error, *vs.* Daniel Castro; and

No. 297.—Anthony F. Seeberger, collector, etc., plaintiff in error, *vs.* Daniel Castro. Submitted by Mr. Assistant Attorney-General Whitney for the plaintiff in error. No brief filed for defendants in error.

No. 298.—Joseph B. Sargent *et al.*, appellants, *vs.* James C. Covert. Argued by Mr. John K. Beach for the appellants and by Mr. H. A. Toulmin for the appellee.

No. 299.—Stephen A. Ralle *et al.*, appellants, *vs.* Howard D. Troop *et al.* Argument commenced by Mr. Sidney Chubb for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 20, will be as follows:

Nos. 299, 1035, 309, 312, 313, 314, 315, 316, 318, and 319.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 20, 1894.

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

Charles G. Washburn, of Worcester, Mass., was admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 18.—Eliab W. Metcalf, plaintiff in error, *vs.* The City of Watertown. Assigned for argument on the 9th of April next after cases already set down for that day.

No. 375.—Jacob C. Mann, appellant, *vs.* The Tacoma Land Company. Assigned for argument on the 16th of April next after cases already set down for that day.

No. 568.—Victor Meyer *et al.*, plaintiffs in error, *vs.* Walter T. Richards. Assigned for argument on the 16th of April next after cases already set down for that day.

No. 1025.—The Covington & Cincinnati Bridge Company, plaintiff in error, *vs.* The Commonwealth of Kentucky, and

No. 1043.—The Covington & Cincinnati Elevated Railroad and Transfer & Bridge Company, plaintiff in error, *vs.* The Commonwealth of Kentucky. Assigned for argument on the 23d of April next after cases already set down for that day.

No. 195.—The Singer Manufacturing Company, appellant, *vs.* The June Manufacturing Company, and

No. 196.—The Singer Manufacturing Company, appellant, *vs.* George P. Bent. Assigned for argument on the second Monday of the next term.

No. 768.—Norman Brass, plaintiff in error, *vs.* The State of North Dakota, *ex rel.* Louis W. Stoesser. Assigned for argument on the 23d of April next after the cases already set down for that day, on motion of Mr. A. B. Browne for plaintiff in error.

No. 299.—Stephen A. Ralls *et al.*, appellants, *vs.* Howard D. Troop *et al.* Argument continued by Mr. Sidney Chubb for appellants, by Mr. Harrington Putnam for appellees, and concluded by Mr. Sidney Chubb for appellants.

No. 1035.—Michael Dealy, plaintiff in error, *vs.* The United States. Argued by Mr. A. S. Drake for plaintiff in error and by Mr. Assistant Attorney-General Conrad for defendant in error.

No. 309.—Cornelius P. Keeler *et al.*, appellants, *vs.* The Standard Folding Bed Company. Submitted by Mr. Causten Browne and Mr. J. Henry Taylor for the appellants, and by Mr. E. T. Rice for the appellee.

No. 312.—Charles C. Worthington *et al.*, plaintiffs in error, *vs.* The City of Boston. Argument commenced by Mr. George F. Edmunds for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 21, will be as follows :

Nos. 312, 313, 314, 315, 316, 318, 319, 320, 321, and 322.

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# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 21, 1894.

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

No. 114.—The Johnson Company, plaintiff in error, *vs.* William Wharton, Jr., & Company (limited), etc. Mandate granted on motion of Mr. J. Bayard Henry in behalf of counsel.

No. 321.—William Deering, appellant, *vs.* The McCormick Harvesting Machine Company. Appeal from the circuit court of the United States for the district of Minnesota. Dismissed with costs pursuant to the tenth rule.

No. 322.—William Deering, appellant, *vs.* The Winona Harvester Works *et al.* Continued per stipulation.

No. 312.—Charles C. Worthington *et al.*, plaintiffs in error, *vs.* The City of Boston. Argument continued by Mr. George F. Edmunds for the plaintiffs in error, by Mr. Andrew J. Bailey for the defendant in error, and concluded by Mr. George F. Edmunds for the plaintiffs in error.

No. 318.—The Missouri Pacific Railway Company, plaintiff in error, *vs.* George H. McFadden *et al.* On motion of Mr. George F. Edmunds, and on cause shown, it is ordered by the court that leave be granted Mr. George Wharton Pepper to appear for the purpose of arguing this case orally on behalf of the defendants in error.

No. 313.—Charles H. Morgan, appellant, *vs.* Fred. H. Daniels. Argument commenced by Mr. Philip Mauro for the appellant and continued by Mr. Charles G. Washburn and Mr. J. E. Maynadier for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 22, will be as follows:

Nos. 313, 314, 315, 316, 318, 319, 320, 323, 324, and 325.

7851—90

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 22, 1894.

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

Eugene Van Voorhis, of Rochester, N. Y.; Frank H. Southard, of Zanesville, Ohio, and Simeon M. Winn, of Zanesville, Ohio, were admitted to practice.

No. 233.—The Steamship “Main,” etc., appellant, *vs.* William H. Williams, master, etc. Mandate granted per stipulation.

No. 324.—Catherine Goldey, plaintiff in error, *vs.* The Morning News of New Haven. Passed per stipulation on account of sickness of counsel.

No. 325.—Hugh Young *et al.*, appellants, *vs.* Thaddeus A. Jackson. Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs pursuant to the tenth rule.

No. 313.—Charles H. Morgan, appellant, *vs.* Fred. H. Daniels. Argument continued by Mr. J. E. Maynadier for the appellee, and concluded by Mr. George S. Boutwell for the appellant.

No. 314.—Leverett Saltonstall, collector, &c., plaintiff in error, *vs.* Edward T. Russell *et al.* Submitted by Mr. Assistant Attorney-General Whitney for the plaintiff in error and by Mr. Frederic Cunningham for the defendants in error.

No. 315.—David S. Presson, collector, &c., plaintiff in error, *vs.* Edward T. Russell *et al.* Submitted by Mr. Assistant Attorney-General Whitney for the plaintiff in error, and by Mr. Frederic Cunningham for the defendants in error.

No. 316.—John Stewart, plaintiff in error, *vs.* Benjamin H. Barnes, executor, etc. Submitted by Mr. T. W. Neill and Mr. J. W. M. Newlin for the plaintiff in error, and by Mr. Assistant Attorney-General Conrad for the defendant in error.

No. 318.—The Missouri Pacific Railway Company, plaintiff in error, *vs.* George H. McFadden *et al.* Argued by Mr. George Wharton Pepper for defendants in error (by special leave of the court), and submitted by Mr. James Hagerman for the plaintiff in error.

No. 319.—Frederick Prentice, plaintiff in error, *vs.* The Northern Pacific Railroad Company *et al.* Argued by Mr. Elihu Root for the plaintiff in error, with leave to counsel for the defendants in error to file brief and to counsel for plaintiff in error to file reply brief.

No. 320.—Erwin Davis, appellant, *vs.* The Mercantile Trust Company, trustee. Argument commenced by Mr. Walter S. Logan for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 26, will be as follows :

Nos. 320, 323, 899 (and 900 and 908), 326, 327, 328, 329, 330, 331, and 332.

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## SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 26, 1894.

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

Norris Morey, of Buffalo, N. Y.; Samuel O. Bayless, of Frankfort, Ind., and Danforth Becker, of Milwaukee, Wis., were admitted to practice.

No. 281.—Robert P. Maclay, tutor, &c., plaintiff in error, *vs.* The Equitable Life Assurance Society of the United States. In error to the circuit court of the United States for the eastern district of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice Gray.

No. 214.—Moses Manuel, plaintiff in error, *vs.* Iver Wulff. In error to the supreme court of the State of Montana. Judgment reversed with costs and cause remanded with a direction to reverse the judgment of the court below and for further proceedings in conformity with the opinion of this court. Opinion by Mr. Chief Justice Fuller. (Mr. Justice White, not having been a member of the court when this case was considered, took no part in its decision.)

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

No. 176.—The Sheffield and Birmingham Coal, Iron and Railway Company, appellant, *vs.* Gordon, Strobel and Laureau (Limited). Motion for mandate granted.

No. 728.—The Great Western Telegraph Company, plaintiff in error, *vs.* Hiram Purdy, and

No. 805.—The Great Western Telegraph Company, plaintiff in error, *vs.* Barbara Burnham *et al.* Motions to advance denied.

No. 1063.—The People of the State of New York, appellants, *vs.* John C. Eno. Motion to advance granted and cause assigned for argument on the second Monday of the next term after cases already set down for that day.

No. 1092.—The United States *et al.*, appellants, *vs.* Charles Journey-cake, principal chief of the Delaware Indians. Motion to advance granted and cause assigned for argument on the second Monday of the next term after cases already set down for that day.

No. 1133.—The United States, appellant, *vs.* Eisner & Mendelson Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 1152.—Leonora Augusta Arnolds *et al.*, appellants, *vs.* Charles A. Chesebrough *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 892.—Michael Moran *et al.*, plaintiffs in error, *vs.* Frank D. Sturges, receiver, etc. Ordered to be restored to the docket for reargument, and assigned for April 16 next, after cases already set down for that day.

No. ——. Daniel Benton, *alias* William Newby, appellant, *vs.* The United States. Motion to docket and dismiss submitted by Mr. Assistant Attorney-General Dodge for the appellee.

No. 1004.—The Mobile and Ohio Railroad Company *et al.*, plaintiffs in error, *vs.* The State of Tennessee *et al.* Reassigned for argument on April 23 at the head of the call on motion of Mr. Josiah Patterson in behalf of counsel for the defendants in error.

No. 910.—Mary P. Greeley, executrix, &c., appellant, *vs.* R. H. Lowe *et al.* Advanced pursuant to the 32d rule on motion of Mr. George A. King for appellant.

No. 748.—Sarah G. Marshall *et al.*, &c., appellants, *vs.* Woodbury Wheeler *et al.* Motion to dismiss submitted by Mr. William A. McKenney in support of same, with leave to Mr. Calderon Carlisle to file brief in opposition thereto on or before Friday next.

No. 899.—The Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, &c., *et al.*

No. 900.—The Indianapolis & Vincennes Railroad Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, &c., *et al.*; and

No. 908.—The Cleveland, Cincinnati, Chicago and St. Louis Railway Company, plaintiff in error, *vs.* Victor M. Backus, treasurer, &c. One hour additional time granted to each side in the argument of these cases, on motion of Mr. S. O. Pickens, for plaintiff in error.

No. 750.—Russell Huntley *et al.*, plaintiffs in error, *vs.* The Commonwealth of Massachusetts. In error to the superior court of the State of Massachusetts. Dismissed per stipulation.

No. 1078.—The Missouri Pacific Railway Company, plaintiff in error, *vs.* Oswald Baier, as administrator, &c. In error to the supreme court of the State of Nebraska. Dismissed per stipulation.

No. 1066.—The United States, appellant, *vs.* A. Klingenberg. Submitted pursuant to the 32d rule by Mr. Solicitor-General Maxwell for the appellant and by Mr. W. Wickham Smith for the appellees.

No. 1130.—The United States, appellant, *vs.* Robert S. Shields. Submitted pursuant to the 20th rule by Mr. Assistant Attorney-General Dodge for the appellant and by Mr. C. C. Lancaster for the appellee.

No. 320.—Erwin Davis, appellant, *vs.* The Mercantile Trust Company, trustee. Argument continued by Mr. Walter S. Logan for the appellant, by Mr. Thomas Thacher for the appellee, and concluded by Mr. Walter S. Logan for the appellant.

No. 323.—The Anvil Mining Company, plaintiff in error, *vs.* John Humble *et al.* Argument commenced by Mr. Dan. H. Ball for the plaintiff in error and continued by Mr. Edwin F. Uhl for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 27, will be as follows:

Nos. 323, 899 (900 and 908), 326, 327, 328, 329, 330, 331, 332, 333.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 27, 1894.

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

Henry N. Clement, of San Francisco, Cal.; John M. McKleroy, of Anniston, Ala.; J. J. Willett, of Anniston, Ala.; T. F. Garver, of Salina, Kans., and John J. McKelvey, of New York City, were admitted to practice.

No. 150.—John F. Wallensak, appellant, *vs.* Sargent & Company. Mandate granted.

Nos. 75, 79, and 591.—The New York, Lake Erie & Western Railroad Company, plaintiff in error, *vs.* The Commonwealth of Pennsylvania. Assigned for argument on the 9th of April next, after cases already set down for that day.

No. 802.—Robert Alden Fales, appellant, *vs.* James McMonagle, jailor, &c. Mandate granted.

No. 333.—The Celluloid Manufacturing Company, appellant, *vs.* The Cellonite Manufacturing Company *et al.* Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs pursuant to the tenth rule.

No. 323.—The Anvil Mining Company, plaintiff in error, *vs.* John Humble *et al.* Argument continued by Mr. Edwin F. Uhl for the defendants in error and concluded by Mr. James G. Flanders for the plaintiff in error.

No. 899.—The Pittsburgh, Cincinnati, Chicago and St. Louis Railway Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, &c., *et al.*;

No. 900.—The Indianapolis and Vincennes Railroad Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, &c., *et al.*; and

No. 908.—The Cleveland, Cincinnati, Chicago and St. Louis Railway Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, &c.

Argument commenced by Mr. John M. Butler for plaintiffs in error in Nos. 899 and 900, and continued by Mr. A. G. Smith for defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 28, will be as follows:

Nos. 899 (900 and 908), 326, 327, 328, 329, 330, 331, 332, 334, and 335.

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## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 28, 1894.

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

K. R. Babbit of Cripple Creek, Colo., was admitted to practice.

No. 888.—Ossian D. Ashley *et al.*, plaintiffs in error, *vs.* Daniel J. Ryan, secretary of state of the State of Ohio; and

No. 1051.—The Eagle Insurance Company, &c., *et al.*, plaintiffs in error, *vs.* The State of Ohio *ex rel.* W. H. Kinder, superintendent of insurance. Assigned for argument on the 16th of April next after cases already set down for that day.

No. 346.—The State of Indiana *ex rel.* Walter Stanton, trustee, plaintiff in error, *vs.* Aresta Glover *et al.* Continued on motion of Mr. William A. Ketcham for plaintiff in error.

No. 899.—The Pittsburgh, Cincinnati, Chicago, and St. Louis Railway Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, &c., *et al.*

No. 900.—The Indianapolis and Vincennes Railroad Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, &c., *et al.*, and

No. 908.—The Cleveland, Cincinnati, Chicago, and St. Louis Railway Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, &c. Argument continued by Mr. A. G. Smith and Mr. William A. Ketcham for defendants in error, and concluded by Mr. John T. Dye for plaintiff in error in No. 908.

No. 326.—John M. Burke, appellant, *vs.* Richard H. Dulaney *et al.*, executors, &c. Argued by Mr. Leigh Robinson for the appellees, and submitted by Mr. W. B. Heyburn for the appellant.

No. 327.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* Georgianna C. Booth, administratrix, &c. Submitted by Mr. James McNaught, Mr. A. H. Garland, and Mr. H. J. May for the plaintiff in error, and by Mr. C. D. O'Brien for the defendant in error.

No. 328.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* Albert L. Babcock, administrator, &c. Submitted by Mr. James McNaught, Mr. A. H. Garland, and Mr. H. J. May for the plaintiff in error and by Mr. Reuben C. Benton for the defendant in error.

No. 329.—Harriet A. Balkam *et al.*, plaintiffs in error, *vs.* The Woodstock Iron Company *et al.* Argument commenced by Mr. J. A. W. Smith for the plaintiffs in error and continued by Mr. J. J. Willett for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 29, will be as follows:

Nos. 329, 330, 331, 332, 334, 335, 336, 337 (and 338 and 339), 340 (and 341 and 342), and 343.

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# SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 29, 1894.

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

E. B. Hay, of Washington, D. C., was admitted to practice.

No. 343.—Cleveland County, plaintiff in error, *vs.* The United States *ex rel.* Milton Shirk. In error to the circuit court of the United States for the eastern district of Arkansas. Dismissed with costs, pursuant to the tenth rule.

No. 329.—Harriet A. Balkam *et al.*, plaintiff in error, *vs.* The Woodstock Iron Company *et al.* Argument continued by Mr. J. J. Willett and Mr. John B. Knox for the defendants in error and concluded by Mr. J. A. W. Smith for the plaintiffs in error.

No. 330.—The Citizens' Savings and Loan Association, plaintiff in error, *vs.* The County of Perrey. Argued by Mr. George A. Sanders for the plaintiff in error; and submitted by Mr. Thomas J. Layman for the defendant in error.

No. 331.—The United States, appellant, *vs.* The Illinois Central Railroad Company *et al.* Argument commenced by Mr. Solicitor-General Maxwell for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 30, will be as follows:

Nos. 331, 332, 334, 335, 336, 337, 338, 339, 340, 341, and 342.

7851—95



# SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 30, 1894.

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

Jo Abbot, of Hillsboro, Tex., was admitted to practice.

No. 1165.—Daniel Benton, alias William Newby, appellant, *vs.* The United States. Appeal from the district court of the United States for the southern district of Illinois. Docketed and dismissed.

No. 1166.—F. P. Miller, plaintiff in error, *vs.* The State of Texas. Leave granted to prosecute this case in this court in *forma pauperis*, on motion of Mr. Jo Abbott for the plaintiff in error.

No. 331.—The United States, appellant, *vs.* The Illinois Central Railroad Company *et al.* Argument continued by Mr. Solicitor-General Maxwell for the appellant, by Mr. B. F. Ayer and Mr. Johns Miller for the appellees and concluded by Mr. Solicitor-General Maxwell for the appellant.

No. 332.—S. D. Wilson, treasurer, &c., plaintiff in error, *vs.* The Haley Live Stock Company. Submitted by Mr. H. B. Johnson and Mr. Daniel E. Parks for the plaintiff in error, and by Mr. W. T. Hughes for the defendant in error.

No. 334.—Joel B. Erhardt, collector, plaintiff in error, *vs.* Lewis Steinhardt *et al.* Argument commenced by Mr. Assistant Attorney-General Whitney for the plaintiff in error, and continued by Mr. Edward Hartley for the defendants in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 2, will be as follows:

Nos. 334, 335, 336, 337 (and 338 and 339), 340 (and 341, and 342), 928, 751, 21, 223 (and 440), and 612.

7851—96

# SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 2, 1894.

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

George Merlin Hull, of Black River Falls, Wis.; E. E. Osborn, of Ishpeming, Mich.; William M. Cravens, of Fort Smith, Ark.; John L. Hunter, of Willimantic, Conn.; William W. Green, of New York City; Rufus S. Simmons, of Cincinnati, Ohio, and Edwin L. Harpham, of Chicago, Ill., were admitted to practice.

No. 285.—Seabury & Johnson, appellant, *vs.* Charles G. Am Ende. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs and interest. Opinion by Mr. Justice Shiras.

No. 256.—S. M. White et al., plaintiffs in error, *vs.* Kingman & Co. In error to the United States court for the Indian Territory. Judgment reversed with costs and cause remanded with directions to set aside the verdict and grant a new trial. Opinion by Mr. Justice Brown.

No. 1035.—Michael Dealy, plaintiff in error, *vs.* The United States. In error to the district court of the United States for the district of North Dakota. Judgment affirmed. Opinion by Mr. Justice Brewer. (Mr. Justice Jackson did not hear the argument or take part in the decision of this case.)

No. 268.—Engelbert Hardt *et al.*, appellants, *vs.* Sigismund Heidweyer *et al.* Appeal from the circuit court of the United States for the northern district of Illinois. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 255.—Alexander H. Robertson, trustee, etc., appellant, *vs.* Samuel M. Chapman *et al.* Appeal from the circuit court of the United States for the district of Nebraska. Decree affirmed with costs. Opinion by Mr. Justice Harlan. (Mr. Justice Jackson and Mr. Justice White did not hear the argument and took no part in the decision of this case.)

No. 280.—Henry Herrman *et al.*, plaintiffs in error, *vs.* William H. Robertson, collector, etc. In error to the circuit court of the United States for the southern district of New York. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller. (Mr. Justice Jackson was not present when this case was argued and took no part in its decision.)

No. 298.—Joseph B. Sargent *et al.*, appellants, *vs.* James C. Covert. Appeal from the circuit court of the United States for the southern district of New York. Decree reversed with costs and cause remanded with a direction to dismiss the bill. Opinion by Mr. Chief Justice Fuller. (Mr. Justice Jackson did not hear the argument and took no part in the decision of this case.)

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

No. 748.—Sarah G. Marshall *et al.*, appellants, *vs.* Woodbury Wheeler *et al.* Ordered that the appellees herein give one week's notice to the appellants, in person, of the motion to dismiss in this cause.

No. 1040.—Susan Luxton, plaintiff in error, *vs.* The North River Bridge Company. Motion of John C. Crevier to be allowed to intervene in this cause denied, but leave granted to his counsel to file a brief on the questions involved within two weeks.

Nos. 75, 79, and 591.—The New York, Lake Erie and Western Railroad Company, plaintiff in error, *vs.* The Commonwealth of Pennsylvania. Reassigned for argument on the 16th instant, after cases already set down for that day.

#### *Order*

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

For the first circuit, Horace Gray, associate justice.

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

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

For the fourth circuit, Melville W. Fuller, chief justice.

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

For the sixth circuit, Howell E. Jackson, associate justice.

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

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

For the ninth circuit, Stephen J. Field, associate justice.

No. 786.—Anthony F. Seeberger, collector, etc., plaintiff in error, *vs.* Frank L. Davis. In error to the circuit court of the United States for the northern district of Illinois. Dismissed with costs on motion of Mr. Solicitor-General Maxwell for the plaintiff in error.

No. 1164.—The United States, appellant, *vs.* E. C. Knight Company *et al.* Motion to advance submitted by Mr. Solicitor-General Maxwell for the appellant.

No. 633.—Ozias W. Shipman, plaintiff in error, *vs.* The Straitsville Central Mining Company. Motion to dismiss submitted by Mr. J. Holds-

worth Gordon in support of motion and by Mr. Alfred Russell in opposition thereto.

No. 223.—Henry Hilton *et al.*, appellants, *vs.* Gustave Bertin Guyot *et al.*

No. 440.—Henry Hilton *et al.*, plaintiffs in error, *vs.* Gustave Bertin Guyot *et al.* Motion for leave to file briefs in these cases submitted by Mr. George A. Black of counsel in No. 1095.

No. 1161.—The New Orleans and Northeastern Railroad Company, plaintiff in error, *vs.* Oscar Thomas. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. E. H. Farrar, Mr. B. F. Jonas, and Mr. E. B. Kruttschnitt for the plaintiff in error in support of petition.

No. 987.—Louis K. Hyde, receiver, &c., appellant, *vs.* James W. Lambert, sheriff, &c. Motion for decree herein as per stipulation of parties, submitted by Mr. E. B. Kruttschnitt for the appellant.

No. 10.—Elijah W. Meddaugh *et al.*, appellants, *vs.* Nathaniel Wilson. Mandate granted on motion of Mr. W. P. Montague in behalf of counsel.

No. 81.—Samuel J. Ritchie, plaintiff in error, *vs.* James B. McMullen *et al.* Motion to set this case for reargument before a full bench in connection with Nos. 223 and 440 denied, but leave granted to counsel for the plaintiff in error to file an additional printed argument herein, and to counsel for the defendants in error to file a reply thereto within one week thereafter.

No. 1163.—George W. Folsom, plaintiff in error, *vs.* The township of Ninety-six in the county of Abbeville, North Carolina. Motion to advance submitted by Mr. A. H. Garland in behalf of counsel.

No. 712.—Edward B. Bartlett *et al.*, plaintiffs in error, *vs.* William Lockwood *et al.* Motions to dismiss or affirm submitted by Mr. F. L. Stetson and Mr. C. W. Bangs in support of motions and by Mr. W. W. Goodrich in opposition thereto.

No. 334.—Joel B. Erhardt, collector, etc., plaintiff in error, *vs.* Lewis Steinhardt *et al.* Argument continued by Mr. Edward Hartley for the defendants in error and concluded by Mr. Assistant Attorney-General Whitney for the plaintiff in error.

No. 335.—John Riggles *et al.*, appellants, *vs.* Hannah Erney *et al.*

Argument commenced by Mr. James G. Payne for the appellants and continued by Mr. Edwin B. Hay, for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 3, will be as follows:

Nos. 335, 336, 337 (and 338 and 339), 340 (and 341 and 342), 928, 751, 21, 223 (and 440), 612 and 357.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 3, 1894.

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

E. W. Tatlock, of Salt Lake City, Utah; S. Herbert Giesy, of Washington, D. C., and Steven H. Jecko, of Enid, Oklahoma, were admitted to practice.

No. 335.—John Riggles *et al.*, appellants, *vs.* Hannah Erney *et al.* Argument continued by Mr. Edwin B. Hay for the appellees and concluded by Mr. James G. Payne for the appellants.

No. 336.—Henrietta Louise Lutz *et al.*, administrators, &c., plaintiffs in error, *vs.* Daniel Magone, collector, &c. Argued by Mr. Albert Comstock for the plaintiffs in error and by Mr. Assistant Attorney-General Whitney for the defendant in error.

No. 337.—E. G. Hanrick, appellant, *vs.* Nicholas Hanrick *et al.*

No. 338.—Nicholas Hanrick *et al.*, appellants, *vs.* E. G. Hanrick *et al.*, and

No. 339.—William Brady *et al.*, appellants, *vs.* E. G. Hanrick *et al.* Argued by Mr. W. Hallett Phillips for E. G. Hanrick. No brief filed for the other parties.

No. 340.—The steamship *Britannia*, &c., appellant, *vs.* Elizabeth Cleugh, executrix.

No. 341.—The steamship *Britannia*, &c., appellant, *vs.* John Lucas Cotton; and

No. 342.—La Compagnie Francaise de Navigation a Vapeur, appellant, *vs.* The steamship *Beaconsfield*, &c. Argument commenced by Mr. R. D. Benedict for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 4, will be as follows:

Nos. 340 (and 341 and 342), 928, 751, 21, 223, 440, 612, 357, 1045, and 1102.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 4, 1894.

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

Edward P. Edsen, of Seattle, Wash., was admitted to practice.

No. 1161.—The New Orleans and Northeastern Railroad Company *et al.*, plaintiffs in error, *vs.* Oscar Thomas. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 1167.—John H. Reagan *et al.*, appellants, *vs.* The Mercantile Trust Co. *et al.*

No. 1168.—John H. Reagan *et al.*, appellants, *vs.* The Mercantile Trust Co. *et al.*

No. 1169.—John H. Reagan *et al.*, appellants, *vs.* The Mercantile Trust Co. *et al.*

No. 1170.—John H. Reagan *et al.*, appellants, *vs.* The Farmers' Loan and Trust Co. *et al.*

Advanced for submission with No. 928 on printed briefs, to be filed on or before the 13th inst., on motion of Mr. A. B. Browne for the appellees.

No. 425.—John Anderson, plaintiff in error, *vs.* The Minnesota Iron Company. In error to the circuit court of the United States for the district of Minnesota. Dismissed per stipulation.

No. 340.—The steamship *Britannia*, &c., appellant, *vs.* Elizabeth Cleugh, executrix.

No. 341.—The steamship *Britannia*, &c., appellant, *vs.* John Lucas Cot-tan.

No. 342.—La Compagnie Francais de Navigation a Vapeur, appellant, *vs.* The Steamship *Beaconsfield*, &c. Argument continued by Mr. R. D. Benedict for the appellants, by Mr. Sidney Chubb for the appellee in No. 341, and by Mr. George A. Black for the appellees, and concluded by Mr. R. D. Benedict for the appellants.

No. 928.—John H. Reagan *et al.*, appellants, *vs.* The Farmers' Loan and Trust Co. *et al.* Argument commenced by Mr. C. A. Culberson for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 5, will be as follows:

Nos. 928, 751, 21, 223, 440, 612, 357, 1045, and 1102.

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# SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 5, 1894.

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

Louis Sulzbacher, of Las Vegas, N. Mex., was admitted to practice.

No. 928.—John H. Reagan *et al.*, appellants, *vs.* The Farmers' Loan and Trust Company *et al.* Argument continued by Mr. C. A. Culberson for the appellants, by Mr. E. B. Kruttschnitt and Mr. John F. Dillon for the appellees, and concluded by Mr. Henry C. Coke for the appellants.

No. 751.—Benjamin A. Plumley, plaintiff in error, *vs.* The Commonwealth of Massachusetts. Argument commenced by Mr. R. M. Morse for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 6, will be as follows:

Nos. 751, 21, 223, 440, 612, 357, 1045, and 1102.

7851—100

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 6, 1894.

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

No. 643.—Levy, Dreyfus & Co., appellants, *vs.* William Mack ; and

No. 644.—William Mack, appellant, *vs.* Levy, Dreyfus & Co. Appeals from the circuit court of the United States for the southern district of New York. Dismissed per stipulation.

No. 751.—Benjamin A. Plumley, plaintiff in error, *vs.* The Commonwealth of Massachusetts. Argument continued by Mr. R. M. Morse for the plaintiff in error, by Mr. A. E. Pillsbury for the defendant in error, and concluded by Mr. R. M. Morse for the plaintiff in error.

No. 21.—James M. Constable *et al.*, appellants, *vs.* The National Steamship Company, Limited. Argument commenced, by Mr. Joseph H. Choate for the appellants.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 9, will be as follows:

Nos. 21, 223 (and 440), 612, 357, 1045, 1102, 194, 883, 1120, and 1129.

7851—101

## SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 9, 1894.

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

J. William Ball, of Cleveland, Ohio; Robert Early McFarland, of Coeur de Alene, Idaho; John S. Jenkins, of Ardmore, Ind. T.; and Edward Henry Rogers, of New Haven, Conn., were admitted to practice.

No. 197.—The North Chicago Rolling Mill Company, appellant, *vs.* The St. Louis Ore and Steel Company *et al.* Appeal from the circuit court of the United States for the northern district of Illinois. Decree reversed with costs, and cause remanded, with directions to proceed therein in conformity with the opinion of this court. Opinion by Mr. Justice Jackson. (Mr. Chief Justice Fuller, having been of counsel, and Mr. Justice White, not having been a member of the court when this case was argued, took no part in its consideration and decision.)

No. 872.—R. Sarlls, plaintiff in error, *vs.* The United States. In error to the district court of the United States for the western district of Arkansas. Judgment reversed, and cause remanded with directions to quash the indictment and discharge the defendant. Opinion by Mr. Justice Shiras.

No. 274.—Anthony F. Seeberger, collector, &c., plaintiff in error, *vs.* Leopold Schlesinger *et al.*, &c. In error to the circuit court of the United States for the northern district of Illinois. 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 Brown.

No. 320.—Erwin Davis, appellant, *vs.* The Mercantile Trust Company, trustee. Appeal from the circuit court of the United States for the southern district of Ohio. Dismissed with costs. Opinion by Mr. Justice Brewer.

No. 170.—S. B. Burck, appellant, *vs.* Abner Taylor. Appeal from the circuit court of the United States for the western district of Texas. Decree affirmed with costs. Opinion by Mr. Justice Brewer. Dissenting,

Mr. Justice Jackson and Mr. Justice Shiras. (Mr. Justice White was not a member of the court when this case was argued and took no part in its decision.)

No. 314.—Leverett Saltonstall, collector, etc., plaintiff in error, *vs.* Edward T. Russell & Co. In error to the circuit court of the United States for the district of Massachusetts. Judgment reversed with costs, and cause remanded, with directions to render judgment upon the agreed statement of facts for the defendant. Opinion by Mr. Justice Gray.

No. 291.—William B. Bogle *et al.*, plaintiffs in error, *vs.* Daniel Magone, collector, &c. In error to the circuit court of the United States for the southern district of New York. Judgment reversed with costs, and cause remanded with directions to set aside the verdict and to order a new trial. Opinion by Mr. Justice Gray. (Mr. Justice Jackson was not present at the argument and took no part in the decision of this case.)

No. 312.—Charles C. Worthington *et al.*, plaintiffs in error, *vs.* The City of Boston. In error to the circuit court of the United States for the district of Massachusetts. Judgment reversed with costs, and cause remanded with directions to enter judgment in favor of the plaintiffs for the sum of \$35,000, with interest from April 15, 1889. Opinion by Mr. Justice Harlan.

No. 327.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* Georgianna C. Booth, administratrix, etc. In error to the circuit court of the United States for the district of Minnesota. Dismissed for the want of jurisdiction. Opinion by Mr. Chief-Justice Fuller.

No. 315.—David S. Presson, collector, etc., plaintiff in error, *vs.* Edward T. Russell and Company. In error to the circuit court of the United States for the district of Massachusetts. Judgment reversed with costs, and cause remanded with a direction to enter judgment for the defendant. Opinion by Mr. Chief-Justice Fuller. (Mr. Justice Jackson did not hear the argument and took no part in the consideration and decision of this case.)

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

No. 633.—Ozias W. Shipman, plaintiff in error, *vs.* The Straitsville Central Mining Company. Motion to dismiss denied.

No. 712.—Edward B. Bartlett *et al.*, plaintiffs in error, *vs.* William Lockwood *et al.* Motions to dismiss or affirm postponed to the hearing on the merits.

No. 987.—Louis K. Hyde, receiver, &c., appellant, *vs.* James W. Lambert, sheriff, &c. Appeal from the circuit court of the United States for the southern district of Mississippi. Decree reversed per stipulation and cause remanded to be proceeded in according to law.

No. 1163.—George W. Folsom, plaintiff in error, *vs.* The Township of Ninety-six; in the county of Abbeville, State of North Carolina. Motion to advance granted as under the 32d rule, the cause to be submitted on printed briefs.

No. 1164.—The United States, appellant, *vs.* E. C. Knight Company *et al.* Motion to advance granted and cause assigned for argument on the second Monday of the next term after the cases already set down for that day.

No. 748.—Sarah G. Marshall *et al.*, appellants, *vs.* Woodbury Wheeler *et al.* Appeal from the supreme court of the District of Columbia. Dismissed with costs.

No. 349.—The United States, appellant, *vs.* The People of the State of Illinois *et al.* Appeal from the circuit court of the United States for the northern district of Illinois. On motion of Mr. Solicitor-General Maxwell, and it appearing to the court that the United States were not parties to the suit in the circuit court, it is ordered that this appeal be, and the same is hereby, stricken from the docket. Per Mr. Justice Field.

No. 1146.—Horace G. Allis, plaintiff in error, *vs.* The United States. Motion to advance submitted by Mr. Solicitor-General Maxwell for the defendant in error.

No. 786.—Anthony F. Seeberger, collector, &c., plaintiff in error, *vs.* Frank L. Davis. Mandate granted on motion of Mr. Solicitor-General Maxwell for the plaintiff in error.

No. 4.—Original.—The United States, complainant, *vs.* The State of Texas. Leave granted to file stipulation in regard to certain documentary evidence on motion of Mr. A. H. Garland for the defendant.

*Ex parte:* In the matter of The City National Bank of Fort Worth, Tex. Motion for leave to file petition for a writ of mandamus submitted by Mr. A. H. Garland for the petitioner.

No. 1112.—The Pittsburg, Cincinnati & St. Louis Railway Company *et al.*, appellants, *vs.* The Keokuk & Hamilton Bridge Company. Submitted as under the 32d rule by Mr. George Hoadly for the appellants, and by Mr. Lyman Trumbull and Mr. Perry Trumbull for the appellee.

No. 348.—Thomas W. Alsop *et al.*, executors, &c., *et al.*, appellants, *vs.* Andrew J. Riker, and

No. 353.—Andrew J. Riker, appellant, *vs.* Thomas W. Alsop *et al.*, executors, &c., *et al.*

Death of Allan Campbell, one of the parties herein suggested and cause continued, on motion of Mr. A. S. Worthington, for Alsop *et al.*

No. 1185.—John Y. McKane, appellant, *vs.* F. H. Durston, agent and warden of Sing Sing prison. Motion to advance submitted by Mr. Car-

roll McKenney, for the appellee, with leave to Mr. Robert H. Griffin, for the appellant, to file brief in opposition thereto on or before Thursday next.

No. 683.—Milton L. Baer, plaintiff in error, *vs.* Moran Bros. (a corporation), assigned for argument with No. 375 as one case, on motion of Mr. John H. Mitchell for the plaintiff in error. Leave granted Mr. Frederick D. McKenney of counsel for plaintiff in error in No. 1149 to file brief herein.

No. 672.—Charles W. Horne, plaintiff in error, *vs.* C. A. Smith *et al.* Motion to dismiss submitted by Mr. Oscar Foote in support of motion and by Mr. H. Bisbee in opposition thereto.

No. 1140.—The U. S. *ex rel.* The State of South Carolina, plaintiff in error, *vs.* John S. Seymour, Commissioner of Patents. Motion to dismiss submitted by Mr. Levin H. Campbell in support of motion and by Mr. J. Altheus Johnson in opposition thereto.

No. 260.—The Pennsylvania Railroad Company *et al.*, plaintiffs in error, *vs.* Thomas W. Jones; and

No. 261.—The Pennsylvania Railroad Company *et al.*, plaintiffs in error, *vs.* Charles T. Stewart. Submitted by Mr. Enoch Totten for the plaintiffs in error and by Mr. William A. Cook and Mr. W. L. Cole for the defendants in error.

No. 21.—James M. Constable *et al.*, appellants, *vs.* The National Steamship Company (limited). Argument continued by Mr. Joseph H. Choate for the appellants and concluded by Mr. James C. Carter for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 10, will be as follows:

Nos. 223 (and 440), 612, 357, 1045, 1102, 194, 883, 1129, 922 (and 923) and 18.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 10, 1894.

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

No. 223.—Henry Hilton *et al.*, appellants, *vs.* Gustave Bertin Guyot *et al.*, and

No. 440.—Henry Hilton *et al.*, plaintiffs in error, *vs.* Gustave Bertin Guyot *et al.* Argued by Mr. Elihu Root and Mr. James C. Carter for Hilton *et al.* and by Mr. William G. Choate for Guyot *et al.* Leave granted to Mr. George A. Black, of counsel in No. 1095, to file brief herein within three days, and to counsel for Guyot *et al.* to reply thereto on or before Monday next.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 11, will be as follows:

Nos. 612, 357, 1045, 1102, 194, 883, 1129, 922, 923, and 18.

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# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 11, 1894.

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

No. 807.—The Merchants' Cotton Press and Storage Company, plaintiff in error, *vs.* The Insurance Company of North America *et al.*;

No. 808.—The National Fire Insurance Company of Connecticut, plaintiff in error, *vs.* The Insurance Company of North America *et al.*;

No. 809.—The Mutual Fire Insurance Company of New York, plaintiff in error, *vs.* The Insurance Company of North America *et al.*;

No. 810.—The Continental Insurance Company of New York, plaintiff in error, *vs.* The Insurance Company of North America *et al.*;

No. 811.—The Fire Association of New York, plaintiff in error, *vs.* The Insurance Company of North America *et al.*;

No. 812.—The Liverpool and London and Globe Insurance Company, plaintiff in error, *vs.* The Insurance Company of North America *et al.*, and

No. 813.—The Royal Insurance Company of London, England, plaintiff in error, *vs.* The Insurance Company of North America *et al.* Mandate granted on motion of Mr. Josiah Patterson in behalf of counsel.

No. 612.—Richard P. Barden *et al.*, plaintiffs in error, *vs.* The Northern Pacific Railroad Company. Argued by Mr. W. W. Dixon and Mr. Solicitor-General Maxwell for the plaintiffs in error, and by Mr. James McNaught and Mr. James C. Carter for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 12, will be as follows:

Nos. 357, 1045, 1102, 194, 883, 1129, 922, 923, and 18.

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# SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 12, 1894.

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

William W. Grout, of Barton, Vermont, and Charles Wilkinson, of Montgomery, Ala., were admitted to practice.

No. 357.—The Northern Pacific Railroad Company, plaintiff in error, vs. J. L. Patterson, county treasurer, &c. Argued by Mr. James McNaught for the plaintiff in error, and submitted by Mr. W. W. Dixon for the defendant in error.

No. 1045.—The Northern Pacific Railroad Company, appellant, vs. A. G. Clarke, county auditor, *et al.* Argued by Mr. F. M. Dudley for the appellant, and by Mr. E. W. Camp for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 13, will be as follows:

Nos. 1102, 194, 883, 1129, 922, 923, and 18.

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# SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 13, 1894.

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

W. A. Henderson, of Knoxville, Tenn., and Frederick Geller, of Brooklyn, N. Y., were admitted to practice.

No. 761.—The State of Tennessee, etc., *et al.*, appellants, *vs.* The Bank of Commerce *et al.* ;

No. 1020.—The State of Tennessee *et al.*, appellants, *vs.* The Union and Planters' Bank *et al.*, and

No. 1021.—The State of Tennessee *et al.*, appellants, *vs.* The Bank of Commerce *et al.*

Mandates granted on motion of Mr. Josiah Patterson in behalf of counsel.

No. 1102.—Morris Blitz, plaintiff in error, *vs.* The United States. Argued by Mr. John C. Fay for the plaintiff in error, and by Mr. Assistant Attorney-General Conrad for the defendant in error.

No. 1129.—The United States, appellant, *vs.* The Union Pacific Railway Co. *et al.* Reassigned for argument on the second Monday of the next term, after cases already set down for that day.

Nos. 1167, 1168, and 1169.—John H. Reagan *et al.*, appellants, *vs.* The Mercantile Trust Company, trustee, *et al.* Submitted by Mr. C. A. Culberson, Mr. H. C. Coke, and Mr. W. S. Simkins for the appellants, and by Mr. John F. Dillon, Mr. E. B. Kruttschmitt, Mr. John J. McCook, and Mr. W. S. Pierce, for the appellees.

No. 1170.—John H. Reagan *et al.*, appellants, *vs.* The Farmers' Loan and Trust Company, trustee, *et al.* Submitted by Mr. C. A. Culberson, Mr. H. C. Coke, and Mr. W. S. Simkins, for the appellants, and by Mr. John F. Dillon, Mr. John J. McCook, Mr. H. B. Turner, Mr. E. B. Kruttschmitt, Mr. George R. Peck, and Mr. J. W. Terry for the appellees.

No. 194.—Henry M. Loud, plaintiff in error, *vs.* The Pomona Land and Water Company. Argument commenced by Mr. Benton Hanchett, for the plaintiff in error, and continued by Mr. Henry M. Duffield and Mr. Don M. Dickinson, for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 16, will be as follows:

Nos. 194, 883, 922 (and 923), 18, 375 (and 683), 568, 892, 888, 1051, 75 (and 79 and 591).

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# SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 16, 1894.

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

Edwards Ritchie, of Cincinnati, Ohio, and E. P. Farrell, of Lexington, Ky., were admitted to practice.

No. 296.—Anthony F. Seeberger, collector, etc., plaintiff in error, *vs.* Daniel Castro. In error to the circuit court of the United States for the northern district of Illinois. Judgment affirmed with costs and interest. Opinion by Mr. Justice White.

No. 297.—Jesse Spalding, late collector, etc., plaintiff in error, *vs.* D. Castro. In error to the circuit court of the United States for the northern district of Illinois. Judgment affirmed with costs and interest. Opinion by Mr. Justice White.

No. 1070.—The United States, appellant, *vs.* Sidney S. Pridgeon. On a certificate from the United States circuit court of appeals for the sixth circuit. Questions certified answered in the negative. Opinion by Mr. Justice Jackson.

No. 1130.—The United States, appellant, *vs.* Robert S. Shields. Appeal from the Court of Claims. Judgment reversed and cause remanded with directions to disallow the item of \$278.50, and for further proceedings to be had therein in conformity with the opinion of this court. Opinion by Mr. Justice Jackson.

No. 293.—The British Steamship *Martello*, &c., appellants, *vs.* Ichabod Willey *et al.* Appeal from the circuit court of the United States for the southern district of New York. Decrees reversed with cost and cause remanded for further proceedings to be had therein in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 332.—S. D. Wilson, treasurer, etc., plaintiff in error, *vs.* The Haley Live Stock Company. In error to the circuit court of the United States for the district of Colorado. 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 Brown.

No. 117.—Theodore Lowndes, plaintiff in error, *vs.* The Board of Trustees of the Town of Huntington. In error to the circuit court of the United States for the eastern district of New York. Judgment affirmed with costs. Opinion by Mr. Justice Brewer. (Mr. Justice White was not a member of the court when this case was argued and took no part in its decision.)

No. 258.—Vandy M. West, plaintiff in error, *v.* William L. Cabell *et al.* In error to the circuit court of the United States for the northern district of Texas. Judgment reversed with costs and cause remanded with directions to set aside the verdict and to order a new trial. Opinion by Mr. Justice Gray.

No. 1112.—The Pittsburg, Cincinnati & St. Louis Railway Company *et al.*, appellant, *v.* The Keokuk & Hamilton Bridge Company. Restored to the docket for oral argument and assigned for the second Monday of the next term of the cases already set down for that day. Announced by Mr. Justice Harlan.

No. 972.—John Gourko, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the western district of Arkansas. Judgment reversed and cause remanded with directions to award a new trial. Opinion by Mr. Justice Harlan.

No. 1067.—Max. Schoenfeld *et al.*, plaintiffs in error, *v.* Francis Hendricks, collector, etc. In error to the circuit court of the United States for the southern district of New York. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller. (Mr. Justice Jackson was absent when this case was submitted and took no part in its decision.)

No. 165.—The Union Pacific Railway Company, plaintiff in error, *vs.* Wilson I. Snyder, administrator, &c. In error to the supreme court of the Territory of Utah. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller. (Mr. Justice Jackson did not hear the argument and took no part in the decision of this case.)

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

No. 672.—Charles W. Horne, plaintiff in error, *vs.* C. A. Smith *et al.* Motion to dismiss postponed to the hearing on the merits.

No. 1122.—Emil J. Pepke, appellant, *vs.* Joseph E. Cronan, as sheriff, &c. Motion to advance granted and cause assigned for argument on the second Monday of the next term after the cases already set down for that day.

No. 568.—Victor Meyer *et al.*, plaintiffs in error, *vs.* Walter T. Richards. Reassigned for argument on the second Monday of the next term after cases already set down for that day.

No. 1146.—Horace G. Allis, plaintiff in error, *vs.* The United States. Motion to advance granted and cause assigned for argument on the second Monday of the next term after cases already set down for that day.

No. 1185.—John Y. McKane, appellant, *vs.* F. H. Durston, agent and warden of Sing Sing Prison. Motion to advance granted and cause assigned for argument on the 23d instant at the head of the call for that day.

The call of the docket will be suspended on Friday, April 27, and the court will take a recess from Monday, April 30, to such date as shall be hereafter announced.

It is ordered that the Rules of Practice in Equity be, and they are hereby, amended by striking out in rule 82 the words “both the judges,” and in rule 89 the words “both judges,” and by inserting in each rule, in place of the words stricken out, the words “a majority of all the judges thereof, including the justice of the Supreme Court, the circuit judges, and the district judge for the district.”

No. 954.—In the matter of the application of Gustave A. Jahn & Co. Motions to advance submitted by Mr. Solicitor-General Maxwell for the United States and by Mr. E. B. Smith for Jahn & Co.

No. 1118.—Thomas Thompson, plaintiff in error, *vs.* The United States. Motion to advance submitted by Mr. Solicitor-General Maxwell for the defendant in error.

No. 1155.—Clyde Mattox, plaintiff in error, *vs.* The United States. Motion to advance submitted by Mr. Solicitor-General Maxwell for the defendant in error.

No. 1192.—The Steam Yacht *Conqueror*, etc., appellant, *vs.* Frederick W. Vanderbilt. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Solicitor-General Maxwell for the appellant in support of petition, and by Mr. Elihu Root and Mr. Samuel B. Clarke for the appellee in opposition thereto.

No. 911.—Leonora A. Arnold *et al.*, appellants, *vs.* Charles A. Chesebrough, &c., *et al.* Motion to dismiss submitted by Mr. Charles M. Demond and Mr. Walter S. Logan in support of motion.

No. 1162.—F. R. Osborne, plaintiff in error, *vs.* The State of Florida. Motion to advance submitted by Mr. John E. Hartridge for plaintiff in error.

No. 1147.—J. Twing Brooks, executor, &c., appellant, *vs.* F. A. Reynolds. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Francis J. Wing for appellee in support of petition, and by Mr. Lawrence Maxwell, jr., for appellant in opposition thereto.

\*No. 14.—Herman Sturm; appellant, *vs.* F. A. Boker *et al.* Order suspending the issuing of mandate herein vacated on motion of Mr. A. H. Garland in behalf of counsel for appellant.

No. 369.—John T. Davis *et al.*, appellants, *vs.* John H. Schwartz *et al.*

Death of Catherine Schwartz, one of the appellees herein, suggested, and appearance of John Downs, executor, &c., filed and entered on motion of Mr. David Sheean for the appellees.

Motion to dismiss as to John Downs, executor, &c., submitted by Mr. David Sheean in support of motion, and by Mr. John W. Noble and Mr. James C. Davis in opposition thereto.

No. —J. S. Noble *et al.*, plaintiff in error, *vs.* S. M. Mitchell. In error to the supreme court of the State of Alabama. Motion to docket and dismiss submitted by Mr. Charles Wilkinson for the defendant in error.

No. 194.—Henry M. Loud, plaintiff in error, *vs.* The Pomona Land and Water Company. Argument continued by Mr. Don M. Dickinson for the defendant in error and concluded by Mr. George F. Edmunds for the plaintiff in error.

No. 883.—The Interstate Commerce Commission, appellant, *vs.* W. G. Brimson *et al.* Argument commenced by Mr. Solicitor-General Maxwell for the appellant and continued by Mr. E. Parmalee Prentice for the appellees.

Adjourned until to-morrow at twelve o'clock.

The day call for Tuesday, April 17, will be as follows:

Nos. 883, 922, 923, 18, 375, 683, 892, 888, 105, and 75 (and 79 and 591).

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 17, 1894.

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

No. 1155.—Clyde Mattox, plaintiff in error, *vs.* The United States. Ordered that the transcript of the record in this cause be printed at public expense, on motion of Mr. L. T. Michener for the plaintiff in error.

No. 883.—The Interstate Commerce Commission, appellant, *vs.* W. G. Brimson *et al.* Argument continued by Mr. E. Parmalee Prentice for the appellees and concluded by Mr. George F. Edmunds for the appellant.

Nos. 922 and 923.—Nelson F. Evans, plaintiff in error, *vs.* The United States. Argument commenced by Mr. Hampton L. Carson for the plaintiff in error and continued by Mr. Assistant Attorney-General Conrad for the defendant in error.

Adjourned until to-morrow at twelve o'clock.

The day call for Wednesday, April 18, will be as follows:

Nos. 922, 923, 18, 375, 683, 892, 75, 79, and 591.

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# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 18, 1894.

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

John W. Judd, of Salt Lake City, Utah, was admitted to practice.

Nos. 922 and 923.—Nelson F. Evans, plaintiff in error, *vs.* The United States. Argument continued by Mr. Assistant Attorney-General Courad for the defendant in error and concluded by Mr. Hampton L. Carson for the plaintiff in error.

No. 18.—Eliab W. Metcalf, plaintiff in error, *vs.* The City of Watertown. Argued by Mr. C. E. Monroe and Mr. George A. Jenks for the plaintiff in error and by Mr. George W. Bird for the defendant in error.

No. 375.—Jacob C. Mann, appellant, *vs.* The Tacoma Land Company; and

No. 683.—Milton L. Baer, plaintiff in error, *vs.* Moran Bros. Co., (a corporation). Argument commenced by Mr. T. H. N. McPherson for the appellant and plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 19, will be as follows:

Nos. 375, 683, 892, 888, 1051, 75, 79, and 591.

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# SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 19, 1894.

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

No. 375.—Jacob C. Mann, appellant, *vs.* The Tacoma Land Company; and

No. 683.—Milton L. Baer, plaintiff in error, *vs.* Moran Bros. Co. (a corporation). Argument continued by Mr. T. H. N. McPherson for appellant and plaintiff in error, by Mr. John H. Mitchell for plaintiff in error, by Mr. Samuel Dickson and Mr. Frederick D. McKenny for the appellee, and concluded by Mr. E. B. Smith for the appellant.

No. 892.—Michael Moran *et al.*, plaintiffs in error, *vs.* Frank D. Sturges, receiver, etc. Argument commenced by Mr. R. D. Benedict for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 20, will be as follows:

Nos. 892, 888, 1051, 75, 79, and 591.

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## SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 20, 1894.

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

John W. Boothby of New York City, and Rollin B. Mallory, of Milwaukee, Wis., were admitted to practice.

No. 892.—Michael Moran *et al.*, plaintiffs in error, *vs.* Frank D. Sturges, receiver, etc. Argument continued by Mr. James W. Eaton for the defendant in error, and concluded by Mr. R. D. Benedict for the plaintiffs in error.

No. 1051.—The Eagle Insurance Company, etc., *et al.*, plaintiffs in error, *vs.* The State of Ohio *ex rel.* W. H. Kinder, Supt. of Insurance, etc. Argument commenced by Mr. Thomas H. Kelley for the plaintiffs in error. The court declined to hear further argument.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 23, will be as follows:

Nos. 888, 75, 79, 591, 1185, 1004, 1025, 1043, 768, and 1041.

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## SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 23, 1894.

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

William R. Ellis, of Heppner, Oreg., James P. Pigott, of New Haven, Conn., and John L. Lott, of Columbus, Ohio, were admitted to practice.

No. 1066.—The United States, appellant, *vs.* A. Klingenberg. Appeal from the circuit court of the United States for the southern district of New York. Decree reversed and cause remanded to be proceeded with in conformity with the opinion of this court. Opinion by Mr. Justice Jackson.

No. 166.—J. D. Hegler, plaintiff in error, *vs.* George Faulkner *et al.* In error to the circuit court of the United States for the district of Nebraska. Judgment affirmed with costs. Opinion by Mr. Justice Shiras.

No. 340.—The steamship *Britannia*, &c., appellants, *vs.* Elizabeth Claude, executrix, &c.

No. 341.—The steamship *Britannia*, &c., appellants, *vs.* John Lucas Cotton, and

No. 342.—La Campagne Francaise de Navigation a Vapuer, &c., appellant, *vs.* the steamship *Beaconsfield*, &c., *et al.* Appeals from the circuit court of the United States for the southern district of New York. Decrees reversed and causes remanded with directions to enter decrees in accordance with the opinion of this court. Opinion by Mr. Justice Shiras. Dissenting: Mr. Justice Brown and Mr. Justice Jackson.

No. 336.—Henrietta Louise Lutz *et al.*, administrators, &c., plaintiffs in error, *vs.* Daniel Magone, collector, &c. In error to the circuit court of the United States for the southern district of New York. Judgment affirmed with costs. Opinion by Mr. Justice Brown.

No. 313.—Charles H. Morgan, appellant, *vs.* Fred. H. Daniels. Appeal from the circuit court of the United States for the district of Massachusetts. Decree reversed with costs and cause remanded with directions to dismiss the bill. Opinion by Mr. Justice Brewer. [Mr. Justice Jackson did not hear the argument or take part in the decision of this case.]

No. 326.—John M. Burke, appellant, *vs.* Richard H. Dulaney *et al.*, executors, &c. Appeal from the supreme court of the Territory of Idaho. Decree reversed with costs and cause remanded to the supreme court of the State of Idaho for further proceedings to be had therein in conformity with the opinion of this court. Opinion by Mr. Justice Harlan.

No. 1054.—Robert L. Wharton, appellant, *vs.* John H. Wise, sheriff of Accomack County, Virginia. Appeal from the circuit court of the United States for the eastern district of Virginia. Judgment affirmed with costs. Opinion by Mr. Justice Field.

No. 334.—Joel B. Erhardt, collector, etc., plaintiff in error, *vs.* Lewis Steinhardt *et al.* In error to the circuit court of the United States for the southern district of New York. Judgment affirmed with costs and interest. Opinion by Mr. Chief Justice Fuller.

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

No. 369.—John T. Davis *et al.*, appellants, *vs.* John H. Schwarz *et al.* Motions to dismiss as to John Downs, executor, etc., and Frank B. Kent, two of the appellees herein, postponed to the hearing on the merits.

No. 911.—Leonora A. Arnold *et al.*, appellants, *vs.* Charles A. Chesebrough *et al.* Appeal from the circuit court of the United States for the eastern district of New York. Dismissed for the want of jurisdiction.

No. 954.—In the matter of the application of Gustave A. Jahn & Co. Motion to advance granted, the cause to be submitted on printed briefs to be filed within ten days, or otherwise the case to stand for argument on the second Monday of the next term after the cases already set down for that day, counsel to be limited to one hour on each side.

No. 1118.—Thomas Thompson, plaintiff in error, *vs.* The United States. Leave granted to prosecute in *forma pauperis*. Motion to advance granted and cause assigned for argument on the second Monday of the next term after cases already set down for that day.

No. 1147.—J. Twing Brooks, executor, etc., appellant, *vs.* F. A. Reynolds. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 1155.—Clyde Mattox, plaintiff in error, *vs.* The United States. Motion to advance granted and cause assigned for argument on the second Monday of the next term after cases already set down for that day.

No. 1162.—F. R. Osborne, plaintiff in error, *vs.* The State of Florida. Motion to advance granted and cause assigned for argument on the second Monday of the next term after the cases already set down for that day.

No. 299.—Stephen A. Ralli *et al.*, appellants, *vs.* Howard D. Troop *et al.* Restored to the docket for reargument, but if counsel desire may be submitted on the briefs already filed, or additional briefs, on or before the 27th instant.

No. 296.—Anthony F. Seeberger, collector, &c., plaintiff in error, *vs.* Daniel Castro.

No. 297.—Jesse Spalding, late collector, &c., plaintiff in error, *vs.* D. Castro; and

No. 1067.—Max Schoenfeld *et al.*, plaintiffs in error, *vs.* Francis Hendricks, collector, &c. Mandates granted on motion of Mr. Solicitor-General Maxwell for the collectors.

No. 715.—Royal Ingraham, plaintiff in error, *vs.* The United States.

No. 776.—William Grimm, plaintiff in error, *vs.* The United States.

No. 904.—James Connors, plaintiff in error, *vs.* The United States. Motion to advance submitted by Mr. Solicitor-General Maxwell for the defendant in error.

No. 939.—Asa P. Potter, plaintiff in error, *vs.* The United States. Motion to advance submitted by Mr. Solicitor-General Maxwell for the defendant in error with leave to Mr. E. P. Howe for the plaintiff in error to file opposition within three days.

No. 998.—Nicholas Mazarakos, plaintiff in error, *vs.* the United States.

No. 1110.—The Texas and Pacific Railway Company, appellant, *vs.* The Interstate Commerce Commission; and

No. 1191.—William Dunbar, plaintiff in error, *vs.* The United States. Motions to advance submitted by Mr. Solicitor-General Maxwell for the defendants in error and appellee.

No. 256.—S. M. White *et al.*, plaintiffs in error, *vs.* Kingman & Company. Mandate granted on motion of Mr. John J. Weed for the plaintiffs in error.

No. 1184.—The Bate Refrigerating Company, appellant, *vs.* Ferdinand Sulzberger *et al.* Motion to advance for oral argument submitted by Mr. James C. Carter for the appellant in support of motion, and by Mr. Wheeler H. Peckham for the appellee on a qualified opposition thereto.

*Ex parte:* In the matter of the New York and Porto Rico Steamship Company, petitioner. Motion for leave to file petition for a writ of prohibition submitted by Mr. George A. Black for the petitioner.

No. 298.—Joseph B. Sargent *et al.*, appellants, *vs.* James C. Covert. Motion for mandate to issue submitted by Mr. John K. Beach for the appellants.

No. 1171.—The Franklin Savings Bank *et al.*, appellants, *vs.* Robert C. Taylor *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit, submitted by Mr. William A. McKenney in behalf of Mr. E. L. Harpham for appellees in support of petition, and by Mr. W. H. Swift and Mr. Thomas D. Jones for appellants in opposition thereto.

No. 1166.—F. P. Miller, plaintiff in error, *vs.* The State of Texas. Motion to dismiss submitted by Mr. C. A. Culberson in support of motion and by Mr. Jo. Abbott in opposition thereto.

No. 1044.—Artemas Roberts, plaintiff in error, *vs.* W. F. Lewis. Submitted pursuant to the 32d rule by Mr. N. S. Harwood and Mr. John H. Ames for the plaintiff in error and by Mr. L. C. Burr for the defendant in error.

No. 888.—Ossian D. Ashley *et al.*, plaintiffs in error, *vs.* Daniel J. Ryan, secretary of state of the State of Ohio. Reassigned for the head of the call on Thursday next.

Nos. 75, 79, and 591.—The New York, Lake Erie and Western Railroad Company, plaintiff in error, *vs.* The Commonwealth of Pennsylvania. Argued by Mr. E. J. Phelps and Mr. M. E. Olmstead for the plaintiff in error and continued by Mr. W. U. Hensel for the defendant in error.

No. 1185.—John Y. McKane, appellant, *vs.* F. H. Durston, agent and warden, etc. Submitted by Mr. B. F. Tracy and Mr. Edward M. Shepard for the appellee, with leave to counsel for the appellant to file briefs on or before Friday next.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 24, will be as follows:

Nos. 1004, 1025, 1043, 768, 1041, 344, and 345.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 24, 1894.

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

A. W. Cockrell, of Jacksonville, Fla., and Louis Henry Legg, of Seattle, Wash., were admitted to practice.

No. 1136.—The United States, appellant, *vs.* The Steamship "Haytian Republic," &c. Advanced and assigned for the foot of the call for Wednesday, the 25th instant, on motion of Mr. Solicitor-General Maxwell for the appellant.

*Ex parte*: In the matter of Belva A. Lockwood, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. Joseph Christian for the petitioner.

No. 1195.—A. Schwartz & Sons, &c., *et al.*, plaintiffs in error, *vs.* The H. B. Claffin Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. W. Hallett Phillips, Mr. H. L. Lazarus, and Mr. E. B. Kruttschnitt, for the defendant in error, in support of petition, and by Mr. W. W. Howe, for the plaintiffs in error, in opposition thereto.

No. 344.—Pullman's Palace Car Company, plaintiff in error, *vs.* Jeanie Campbell. Submitted by Mr. John S. Runnells and Mr. William Burry for the plaintiff in error, and by Mr. William L. Joy for the defendant in error.

No. 345.—The Chicago Deposit Vault Company, appellant, *vs.* John McNulta, receiver, &c., *et al.* Submitted by Mr. George L. Paddock and Mr. H. T. Gilbert for the appellant, and by Mr. Wells H. Blodgett for the appellees.

No. 1004.—The Mobile and Ohio Railroad Company *et al.*, plaintiffs in error, *vs.* The State of Tennessee, *et al.* Argued by Mr. E. J. Phelps and Mr. F. W. Whitridge for the plaintiffs in error, and by Mr. George W. Pickle, Mr. M. M. Neil, and Mr. J. M. Trout for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 25, will be as follows:

Nos. 1025, 1043, 768, 1041, and 1136.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 25, 1894.

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

No. 156.—The Keystone Manufacturing Company, appellant, *vs.* Henry A. Adams. Mandate granted on motion of Mr. John C. Black in behalf of counsel.

No. 1025.—The Covington and Cincinnati Bridge Company, plaintiff in error, *vs.* The Commonwealth of Kentucky, and

No. 1043.—The Covington and Cincinnati Elevated Railroad and Transfer and Bridge Company, plaintiff in error, *vs.* The Commonwealth of Kentucky. Argued by Mr. Lawrence Maxwell, jr., for the plaintiff in error in No. 1025, by Mr. W. H. Jackson for the plaintiff in error in No. 1043, and by Mr. William Goebel and Mr. Wm. J. Hendrick for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 26, will be as follows:

Nos. 888, 768, 1041, and 1136.

7851—114

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 26, 1894.

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

Mr. Hugh C. Lord, of Erie, Pa.; Jay F. Bancroft, of Washington, D. C.; Thomas Kissane, of Ironwood, Mich.; Russell C. Ostrander, of Lansing, Mich., and Gardiner Lathrop, of Kansas City, Mo., were admitted to practice.

No. 553.—Louisa M. Craig, administratrix, &c., plaintiff in error, *vs.* The Mount Carbon Co. (Limited). In error to the circuit court of the United States for the district of West Virginia. Dismissed with costs per stipulation.

No. 888.—Ossian D. Ashley *et al.*, plaintiffs in error, *vs.* Daniel J. Ryan, secretary of State of Ohio. Argued by Mr. J. K. Richards for the defendant in error and submitted by Mr. Henry Crawford for the plaintiffs in error.

No. 168.—Norman Brass, plaintiff in error, *vs.* the State of North Dakota, *ex rel.* Louis W. Stoesser. Argued by Mr. A. B. Browne for the plaintiff in error and by Mr. H. E. Paine for the defendant in error.

No. 1041.—Thomas H. Mason *et al.*, appellants, *vs.* The Pewabic Mining Company *et al.* Leave granted to Mr. Russell C. Ostrander to file brief herein. Argument commenced by Mr. Don M. Dickinson for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 27, will be as follows:

Nos. 1041 and 1136.

7851—115

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 27, 1894.

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

No. 299.—Stephen A. Ralli *et al.*, appellants, *vs.* Howard D. Troop *et al.* Resubmitted by Mr. Sidney Chubb for the appellants, and Mr. Harrington Putnam for the appellees.

No. 1041.—Thomas H. Mason *et al.*, appellants, *vs.* The Pewabic Mining Company *et al.* Argument continued by Mr. Don M. Dickinson for the appellants, by Mr. Thomas H. Talbot for the appellees, and concluded by Mr. Don M. Dickinson for the appellants.

No. 1136.—The United States, appellant, *vs.* The Steamship *Haytian Republic*, &c. Argued by Mr. Solicitor-General Maxwell for the appellant, and by Mr. John H. Mitchell for the appellee.

Adjourned until Monday next at twelve o'clock.

7851—116

# SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 30, 1894.

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

J. R. Challen, of Jacksonville, Fla., Isaac A. Stewart, of DeLand, Fla., and David Keane, of New York City, were admitted to practice.

No. 266.—William Runkle *et al.*, administrators, &c., plaintiff in error, *vs.* Santiago J. Burnham, who sues for the use of Francisco G. Mediaville. In error to the circuit court of the United States for the district of New Jersey. Judgment affirmed with costs and interest. Opinion by Mr. Justice White.

No. 1045.—The Northern Pacific Railroad Company, appellant, *vs.* A. G. Clark, county auditor, &c., *et al.* On a certificate from the United States circuit court of appeals for the eighth circuit. It is the opinion of this court that the bill was without equity because of the failure to aver that the plaintiff had tendered or paid the gross earnings percentage for the year 1889 (or the tax assessed by the county auditors), and was not entitled to the equitable relief prayed without first tendering or paying such taxes, and it is ordered that it be so certified. Opinion by Mr. Justice Jackson. Dissenting, Mr. Justice Brewer.

No. 375.—Jacob C. Mann, appellant, *vs.* The Tacoma Land Company. Appeal from the circuit court of the United States for the district of Washington. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 683.—Milton L. Baer, plaintiff in error, *vs.* Moran Brothers Company (a corporation). In error to the supreme court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 902.—J. W. Brennan, plaintiff in error, *vs.* The City of Titusville. In error to the Supreme Court of the State of Pennsylvania. Judgment reversed with costs and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brewer.

No. 337.—E. G. Hanrick, appellant, *vs.* Nicholas Hanrick *et al.*;

No. 338.—Nicholas Hanrick *et al.*, appellants, *vs.* E. G. Hanrick *et al.*; and

No. 339.—William Brady *et al.*, appellants, *vs.* E. G. Hanrick *et al.* Appeals from the circuit court of the United States for the northern district of Texas. Decree reversed, with costs of the three appeals against William Brady, and cause remanded to said circuit court with directions to render judgment against him for costs in that court and to remand the case to the State court. Opinion by Mr. Justice Gray.

No. 1102.—Morris Blitz, plaintiff in error, *vs.* The United States. In error to the district court of the United States for the western district of Missouri. Judgment upon the first count reversed and cause remanded with directions to arrest judgment upon that count. Judgment so far as it relates to the third count affirmed. Opinion by Mr. Justice Harlan.

*Ex parte*: In the matter of the City National Bank of Fort Worth, Texas, petitioner. Motion for leave to file. Petition for a writ of mandamus denied. Opinion by Mr. Chief Justice Fuller.

No. 227.—The Bradley Fertilizer Company, appellant, *vs.* The Schooner "Edwin I. Morrison," her tackle, &c., *et al.* Appeal from the circuit court of the United States for the southern district of New York. Decree reversed with costs and cause remanded with a direction to enter a decree for libellants for the amount found due by the district court with interest and costs. Opinion by Mr. Chief Justice Fuller. (Mr. Justice Brewer not having heard the argument, and Mr. Justice White, not being a member of the court when the hearing was had, took no part in the consideration and decision of this case.)

The Chief Justice announced that the court would adjourn until Monday, May 14th, next.

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

No. 1192.—The steam yacht *Conqueror*, &c., appellant, *vs.* Frederick K. Vanderbilt. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. ——. J. S. Noble *et al.*, plaintiffs in error, *vs.* S. M. Mitchell. Motion to docket and dismiss denied.

No. 298.—Joseph B. Sargent *et al.*, appellants, *vs.* James C. Covert. Motion for mandate granted.

No. 715.—Royal Ingraham, plaintiff in error, *vs.* The United States. Motion to advance granted and cause assigned for argument on the second Monday of the next term after the cases already set down for that day.

No. 776.—William Grimm, plaintiff in error, *vs.* The United States. Motion to advance granted and cause assigned for argument on the first Monday of November next.

No. 904.—James Connors, plaintiff in error, *vs.* The United States. Motion to advance granted and cause assigned for argument on the second Monday of the next term, after the cases already set down for that day.

No. 939.—Asa P. Potter, plaintiff in error, *vs.* The United States. Motion to advance granted and cause assigned for argument on the second Monday of November next.

No. 998.—Nicholas Mazarakos, plaintiff in error, *vs.* The United States. Motion to advance granted and cause assigned for argument on the second Monday of the next term, after the cases already set down for that day.

No. 1110.—The Texas and Pacific Railway Company, appellant, *vs.* The Interstate Commerce Commission. Motion to advance granted and cause assigned for argument on the second Monday of the next term after the cases already set down for that day.

No. 1191.—William Dunbar, plaintiff in error, *vs.* The United States. Motion to advance granted and cause assigned for argument on the first Monday of December next.

No. 1184.—The Bate Refrigerating Company, appellant, *vs.* Ferdinand Sulzberger *et al.* Motion to advance for oral argument granted and cause assigned for hearing on the first Monday of November next after the cases already set down for that day.

No. 344.—Pullman's Palace Car Company, plaintiff in error, *vs.* Jeanie Campbell. In error to the circuit court of the United States for the northern district of Iowa. Judgment affirmed, with costs and interest, by a divided court.

*Ex parte:* In the matter of the New York & Porto Rico Steamship Company, petitioner. Motion for leave to file petition for a writ of prohibition granted and rule to show cause ordered returnable at the next term.

No. 1195.—A Schwartz & Sons *et al.*, plaintiffs in error, *vs.* The H. B. Clafin Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 260.—The Pennsylvania Railroad Company *et al.*, plaintiffs in error, *vs.* Thomas W. Jones; and

No. 261.—The Pennsylvania Railroad Company *et al.*, plaintiffs in error, *vs.* Charles T. Stewart. Restored to the docket for reargument.

No. 9.—Original.—The State of California, complainant, *vs.* Southern Pacific Company. Depositions in custody of clerk ordered to be opened and filed; William A. Maury, esq., appointed commissioner to take testimony, to be forwarded to the clerk on or before the first Monday of September; plaintiff and defendant and The City of Oakland to file

briefs during vacation ; and question of setting down cause for hearing reserved until the next term.

No. 1199.—The Napier Shipping Company, Limited, appellant, *vs.* The Panama Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit, submitted by Mr. David Keane and Mr. F. R. Coudert for the appellee in support of the petition, and by Mr. W. Mynderse for the appellant in opposition thereto.

No. 1198.—Henry A. Morgan, as president of the New York Times, plaintiff in error, *vs.* Sigismundo E. Halberstadt. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. John C. Pennie for the plaintiff in error, in support of petition, and by Mr. Robert G. Ingersoll and Mr. R. H. Griffin for the defendant in error in opposition thereto.

No. 1183.—The Detroit City Railway *et al.*, appellants, *vs.* The City of Detroit. Motions to dismiss or affirm submitted by Mr. C. A. Kent in support of motions, and by Mr. Henry M. Duffield and Mr. John C. Donnelly in opposition thereto. Motion for leave to file supplemental record here insubmitted by Mr. Henry M. Duffield and Mr. John C. Donnelly in support of motion and by Mr. C. A. Kent in opposition thereto.

No. 1187.—The U. S. *ex rel.* The International Contracting Company, plaintiff in error, *vs.* Daniel S. Lamont, Secretary of War. Motion to advance submitted by Mr. W. W. Dudley for the plaintiff in error.

No. 990.—Milton Humes *et al.*, plaintiffs in error, *vs.* The Third National Bank of Chattanooga, Tenn. In error to the United States circuit court of appeals for the fifth circuit. Dismissed with costs per stipulation and mandate granted, on motion of Mr. William A. Maury in behalf of counsel.

No. 312.—Charles C. Worthington *et al.*, plaintiffs in error, *vs.* The City of Boston. Mandate granted, on motion of Mr. William A. Maury in behalf of counsel.

No. 1130.—The United States, appellant, *vs.* Robert S. Shields. Mandate granted, on motion of Mr. Charles C. Lancaster for the appellee.

No. 910.—Mary P. Greeley, executrix, &c., appellant, *vs.* R. H. Lowe *et al.* Submitted pursuant to the 32d rule by Mr. J. R. Challen and Mr. George A. King for the appellant, and by Mr. I. A. Stewart and Mr. E. K. Foster for the appellees.

No. 958.—The State of Connecticut, *ex rel.*, The New York and New England Railroad Company, *et al.*, plaintiffs in error, *vs.* George W. Woodruff *et al.*, commissioners, &c. Motions to dismiss or affirm submitted by Mr. Henry C. Robinson in support of motions, and by Mr. Tilton E. Doolittle in opposition thereto.

No. 1113.—The Atlantic and Pacific Railroad Company, plaintiff in error, *vs.* Mary J. Laird. Motion to dismiss submitted by Mr. George H. Smith in support of motion, and by Mr. A. T. Britton and Mr. A. B. Browne in opposition thereto.

Adjourned until Monday, May 14, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 14, 1894.

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

A. Frank Seltzer, of Lebanon, Pa.; Howard J. Mead, of Owego, N. Y.; Henry A. Wambald, of Milwaukee, Wis.; Lonn H. Gillette, of Rochester, N. Y., and John W. Blackwood, of Little Rock, Ark., were admitted to practice.

No. 1051.—The Eagle Insurance Company, etc., *et al.*, plaintiffs in error, *vs.* The State of Ohio, *ex rel.*, W. H. Kinder, superintendent of insurance. In error to the supreme court of the State of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice White.

No 278.—Martha Groves *et al.*, appellants, *vs.* George W. Sentell *et al.* Appeal from the circuit court of the United States for the eastern district of Louisiana. Decree reversed with costs and cause remanded with directions to enter a decree directing the payment to Martha Groves and William J. Groves out of the fund in the registry of the court the sum of \$4,873, with interest at 8 per cent per annum from March 5, 1884, until paid, with costs in that court. Opinion by Mr. Justice White.

No. 888.—Ossian D. Ashley *et al.*, plaintiffs in error, *vs.* Daniel J. Ryan, secretary of state of the State of Ohio. In error to the supreme court of the State of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 194.—Henry M. Loud, plaintiff in error, *vs.* The Pomona Land and Water Company. In error to the circuit court of the United States for the eastern district of Michigan. Judgment affirmed with costs and interest. Opinion by Mr. Justice Jackson.

No. 345.—The Chicago Deposit Vault Company, appellant, *vs.* John McNulta, receiver, *et al.* Appeal from the circuit court of the United States for the northern district of Illinois. Decree affirmed with costs. Opinion by Mr. Justice Jackson.

No. 1004.—The Mobile and Ohio Railroad Company *et al.*, plaintiffs in error, *vs.* The State of Tennessee *et al.* In error to the supreme court of the State of Tennessee. Decree reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Jackson. Dissenting: Mr. Chief-Justice Fuller, Mr. Justice Gray, Mr. Justice Brewer, and Mr. Justice Shiras.

No. 221.—Adeline B. Marchant, administratrix, &c., plaintiff in error, *vs.* The Pennsylvania Railroad Company. In error to the court of common pleas, No. 3, for the county of Philadelphia, State of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice Shiras.

No. 253.—The Gate Iron Works, appellant, *vs.* David R. Fraser *et al.* Appeal from the circuit court of the United States for the northern district of Illinois. Decree affirmed with costs. Opinion by Mr. Justice Shiras.

No. 316.—John Stewart, plaintiff in error, *vs.* Benjamin H. Barnes, executor, etc. In error to the circuit court of the United States for the eastern district of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice Shiras.

No. 295.—Anthony F. Seeberger, collector, etc., plaintiff in error, *vs.* John S. Chweyer. In error to the circuit court of the United States for the northern district of Illinois. Judgment reversed with costs and cause remanded with directions to enter judgment for the original defendant. Opinion by Mr. Justice Shiras. Dissenting, Mr. Justice Harlan.

No. 1009.—The Postal Telegraph Cable Company, appellant, *vs.* The City Council of Charleston *et al.* Appeal from the circuit court of the United States for the district of South Carolina. Decree affirmed with costs. Opinion by Mr. Justice Shiras. Dissenting: Mr. Justice Harlan, Mr. Justice Brown, and Mr. Justice Jackson.

No. 768.—Norman Brass, plaintiff in error, *vs.* The State of North Dakota *ex rel.* Louis W. Stoesser. In error to the second judicial district court of Ramsey County, North Dakota. Judgment affirmed with costs. Opinion by Mr. Justice Shiras. Dissenting: Mr. Justice Brewer, Mr. Justice Field, Mr. Justice Jackson, and Mr. Justice White.

No. 1166.—F. P. Miller, plaintiff in error, *vs.* The State of Texas. In error to the court of criminal appeals of the State of Texas. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brown.

No. 922 and No. 923.—Nelson F. Evans, plaintiff in error, *vs.* The United States. In error to the district court of the United States for the eastern district of Pennsylvania. Judgments affirmed. Opinion by Mr. Justice Brown. Dissenting, Mr. Justice Field.

No. 263.—J. Fenton Seymour, plaintiff in error, *vs.* The Slide and Spur Gold Mines, limited.

In error to the circuit court of the United States for the District of Colorado. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 284.—The Slide and Spur Gold Mines, limited, appellant, *vs.* Ellen R. Seymour *et al.* Appeal from the circuit court of the United States for the district of Colorado. Decree affirmed with costs and interest. Opinion by Mr. Justice Brewer.

No. 323.—The Anvil Mining Company, plaintiff in error, *vs.* John Humble *et al.* In error to the circuit court of the United States for the western district of Michigan. Judgment affirmed with costs and interest. Opinion by Mr. Justice Brewer.

No. 890.—Moses H. Scott, plaintiff in error, *vs.* John McNeal *et al.* In error to the supreme court of the State of Washington. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Gray.

No. 1040.—Susan Luxton, plaintiff in error, *vs.* The North River Bridge Company. In error to the circuit court of the United States for the district of New Jersey. Judgment affirmed with costs. Opinion by Mr. Justice Gray.

No. 1044.—Artemas Roberts, plaintiff in error, *vs.* W. F. Lewis. On a certificate from the United States circuit court of appeals for the eighth circuit. Questions answered. Opinion by Mr. Justice Gray.

No. 1140.—The U. S. *ex rel.* The State of South Carolina, plaintiff in error, *vs.* John S. Seymour, Commissioner of Patents. In error to the court of appeals of the District of Columbia. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Gray.

No. 1185.—John Y. McKane, appellant, *vs.* F. H. Durston, agent and warden of Sing Sing prison. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Harlan.

No. 591, No. 75, and No. 79.—The New York, Lake Erie and Western Railroad Company, plaintiff in error, *vs.* The Commonwealth of Pennsylvania. In error to the supreme court of the State of Pennsylvania. Judgments reversed with costs and causes remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Harlan.

No. 1041.—Thomas H. Mason *et al.*, appellants, *vs.* The Pewabic Mining Company *et al.* Appeal from the circuit court of the United States for the western district of Michigan. Dismissed. Opinion by Mr. Chief Justice Fuller.

No. 981.—The City of New Orleans, appellant, *vs.* H. W. Benjamin *et al.* On a certificate from the United States circuit court of appeals for the fifth circuit. First question answered in the negative and the third in the affirmative. Opinion by Mr. Chief Justice Fuller. (Mr. Justice White took no part in the consideration and decision of this case.)

No. 18.—Eliab W. Metcalf, plaintiff in error, *vs.* The City of Watertown. In error to the circuit court of the United States for the western district of Wisconsin. Judgment reversed with costs and cause remanded with directions to enter judgment for plaintiff on the findings. Opinion by Mr. Chief Justice Fuller.

No. 267.—Thomas Lyons *et al.*, appellants, *vs.* James B. Woods, sheriff, etc., *et al.* Appeal from the supreme court of the Territory of New Mexico. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 1080.—Henry Starr, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the western district of Arkansas. Judgment reversed and cause remanded with directions to grant a new trial. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court: The court will adjourn for the term on Saturday, the 26th instant.

No. 9.—Original.—The State of California, complainant, *vs.* Southern Pacific Company. Ordered that each party advance to the commissioner the sum of three hundred and fifty dollars, said amount to be paid before or at the time he enters upon the execution of the commission.

No. 958.—The State of Connecticut *ex rel.*, the New York and New England Railroad Company *et al.*, plaintiffs in error, *vs.* George M. Woodruff *et al.*, commissioners, etc. In error to the supreme court of errors of the State of Connecticut. Dismissed for the want of jurisdiction.

No. 1113.—The Atlantic and Pacific Railroad Company, plaintiff in error, *vs.* Mary J. Laird. Motions to dismiss or affirm denied.

No. 1183.—The Detroit City Railway *et al.*, appellants, *vs.* The City of Detroit. Dismissed for the want of jurisdiction. (Mr. Justice Brown took no part in the consideration and disposition of this case.)

No. 1187.—The U. S. *ex rel.* The International Contracting Company, plaintiff in error, *vs.* Daniel S. Lamont, Secretary of War. Motion to advance granted and cause assigned for argument on the second Monday of the next term after cases already set down for that day.

No. 1171.—The Franklin Savings Bank *et al.*, appellants, *vs.* Robert C. Taylor *et al.* Petition for writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 1198.—Henry A. Morgan, as president of the New York Times, plaintiff in error, *vs.* Sigismundo E. Halberstadt. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 1199.—The Napier Shipping Company, Limited, appellant, *vs.* The Panama Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted, the writ to issue returnable at the next term.

No. 1197.—Daniel Benton, plaintiff in error, *vs.* The United States. Motion to advance submitted by Mr. Solicitor-General Maxwell for the defendant in error.

No. —.—J. W. Todd *et al.*, plaintiffs in error, *vs.* The United States. Motion to docket and dismiss submitted by Mr. Solicitor-General Maxwell for the defendant in error.

No. 544.—Henry E. McKee, appellant, *vs.* Ward H. Lamon ; and

No. 545.—Ward H. Lamon *et al.*, appellants, *vs.* Henry E. McKee. Motion for an order enforcing the terms of stipulation as to printing transcript of record herein, submitted by Mr. John J. Weed for McKee.

No. 1150.—John Schweetzer *et al.*, plaintiffs in error, *vs.* Ann Sophia Brygger, executrix, &c. In error to the supreme court of the State of Washington. Dismissed with costs on motion of Mr. Frederic D. McKenney for the plaintiffs in error.

No. 989.—The Trustees and Fellows of Brown University, appellant, *vs.* The Rhode Island College of Agriculture and Mechanics Arts *et al.* Appeal from the circuit court of the United States for the district of Rhode Island. Dismissed per stipulation on motion of Mr. Alexr. Britton in behalf of counsel.

No. 123.—Henry M. Bates *et al.*, plaintiff in error, *vs.* Sarah A. Preble. Motion for mandate to issue submitted by Mr. A. A. Hoehling, jr., in behalf of counsel.

No. 402.—Henry T. Brown, plaintiff in error, *vs.* William Joliffe *et al.* In error to the circuit court of the United States for the southern district of Ohio. Dismissed with costs on motion of counsel for plaintiff in error.

No. 428.—J. McGregor Adams, appellant, *vs.* M. M. Buck *et al.* Appeal from the circuit court of the United States for the eastern district of Missouri. Dismissed with costs per stipulation.

Adjourned until Saturday, May 26, at 12 o'clock.

# SUPREME COURT OF THE UNITED STATES.

SATURDAY, MAY 26, 1894.

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

Harry E. Loveren, of Manchester, N. H. ; Lyman E. Barnes, of Appleton, Wis. ; William A. Stryker, of Washington, N. J. ; Lindsay R. Rogers, of Ogden City, Utah ; Carl Abbott, of Gorham, N. H. ; Pierce Butler, of St. Paul, Minn. ; and Walter H. Wills, of District of Columbia, were admitted to practice.

No. 612.—Richard P. Barden *et al.*, plaintiffs in error, v. The Northern Pacific Railroad Company. In error to the circuit court of the United States for the district of Montana. Judgment reversed with costs and cause remanded, with directions to sustain the demurrer of the defendants and enter judgment thereon in their favor with costs. Opinion by Mr. Justice Field. Dissenting: Mr. Justice Brewer, Mr. Justice Gray, and Mr. Justice Shiras.

No. 331.—The United States, appellant *vs.* The Illinois Central Railroad Company *et al.* Appeal from the circuit court of the United States for the northern district of Illinois. Decree affirmed. Opinion by Mr. Justice Field. Dissenting: Mr. Justice Brewer and Mr. Justice Brown. Mr. Chief Justice Fuller having been of counsel in the court below took no part in the consideration and decision of the case.

No. 318.—The Missouri Pacific Railway Company, plaintiff in error, *vs.* George H. McFadden *et al.* In error to the circuit court of the United States for the northern district of Texas. Judgment reversed with costs and cause remanded for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice White.

No. 329.—Harriet A. Balkam *et al.*, plaintiffs in error, *vs.* The Woodstock Iron Company *et al.* In error to the circuit court of the United States for the northern district of Alabama. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 328.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* Albert L. Babcock, administrator, &c. In error to the circuit court of the United States for the district of Minnesota. Judgment affirmed with costs and interest. Opinion by Mr. Justice White.

No. 1136.—The United States, appellant, *vs.* The Steamship *Haytian Republic*, her engines, &c. On writ of certiorari to the United States circuit court of appeals for the ninth circuit. Decree reversed and cause remanded to the district court of the United States for the district of Oregon for further proceedings in accordance with the opinion of this Court. Opinion by Mr. Justice White.

No. 187.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* George Hambly. In error to the circuit court of the United States for the district of North Dakota. Judgment reversed with costs and cause remanded with directions to set aside the verdict and award a new trial. Opinion by Mr. Justice Brown. Dissenting, Mr. Justice Harlan, Mr. Chief Justice Fuller, and Mr. Justice Field.

No. 335.—John Riggles *et al.*, appellants, *vs.* Hannah Erney *et al.* Appeal from the supreme court of the District of Columbia. Decree reversed with costs and cause remanded for further proceedings, in conformity with the opinion of this Court. Opinion by Mr. Justice Brown. Dissenting, Mr. Justice Brewer and Mr. Justice White.

No. 21.—James M. Constable *et al.*, appellants, *vs.* The National Steamship Company (limited). Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Brown. Dissenting: Mr. Justice Jackson, Mr. Justice Field, and Mr. Justice Gray.

No. 1025.—The Covington and Cincinnati Bridge Company, plaintiff in error, *vs.* the Commonwealth of Kentucky in error to the court of appeals of the State of Kentucky. Judgment reversed with costs and cause remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brown.

No. 1043.—The Covington and Cincinnati Elevated Railroad and Transfer and Bridge Company, plaintiff in error, *vs.* The Commonwealth of Kentucky. In error to the court of appeals of the State of Kentucky. Judgment reversed with costs and cause remanded for further proceedings. Opinion by Mr. Justice Brown.

No. 928.—John H. Reagan *et al.*, appellants, *vs.* The Farmers' Loan and Trust Company *et al.*

No. 1167.—John H. Reagan *et al.*, appellants, *vs.* The Mercantile Trust Company *et al.*

No. 1168.—John H. Reagan *et al.*, appellants, *vs.* The Mercantile Trust Company *et al.*

No. 1169.—John H. Reagan *et al.*, appellants, *vs.* The Mercantile Trust Company *et al.*

No. 1170.—John H. Reagan *et al.*, appellants, *vs.* The Farmers' Loan and Trust Company *et al.* Appeals from the circuit court of the United

States for the western district of Texas. Decrees affirmed in part and reversed in part, each party to pay half of the costs in this court. Opinion by Mr. Justice Brewer.

No. 899.—The Pittsburgh, Cincinnati, Chicago and St. Louis Railway Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, etc., *et al.*, and

No. 900.—The Indianapolis and Vincennes Railroad Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, etc. In error to the supreme court of the State of Indiana. Judgments affirmed with costs. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Harlan and Mr. Justice Brown. (Mr. Justice Jackson did not hear the argument and took no part in the decision of these cases.)

No. 908.—The Cleveland, Cincinnati, Chicago and St. Louis Railway Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, etc. In error to the supreme court of the State of Indiana. Judgment affirmed, with costs. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Harlan and Mr. Justice Brown. (Mr. Justice Jackson did not hear the argument in this case and took no part in its decision.)

No. 59.—Frank J. Primrose, plaintiff in error, *vs.* The Western Union Telegraph Company. In error to the circuit court of the United States for the eastern district of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice Gray. (Mr. Justice White, not having been a member of the court when this case was argued, took no part in its decision.)

No. 177.—Daniel M. Morrison, plaintiff in error, *vs.* John G. Watson. In error to the supreme court of the State of North Carolina. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Gray.

(Mr. Justice White, not having been a member of the court when this case was argued, took no part in its decision.)

No. 294.—Joseph T. Dunham, appellant, *vs.* The Dennison Manufacturing Company. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Gray.

No. 319.—Frederick Prentice, plaintiff in error, *vs.* The Northern Pacific Railroad Company *et al.* In error to the circuit court of the United States for the district of Minnesota. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 1062.—Thomas St. Clair, plaintiff in error, *vs.* The United States. In error to circuit court of the United States for the northern district of California. Judgment affirmed. Opinion by Mr. Justice Harlan.

No. 883.—The Interstate Commerce Commission, appellant, *vs.* W. G. Brimson *et al.* Appeal from the circuit court of the United States for

the northern district of Illinois. Decree reversed with costs and cause remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. (Mr. Justice Field was not present at the argument and took no part in the consideration or decision of this case.) Dissenting: Mr. Justice Brewer, Mr. Chief-Justice Fuller, and Mr. Justice Jackson.

Ex parte: In the matter of Belva A. Lockwood, petitioner. Motion for leave to file petition for a writ of mandamus denied. Opinion by Mr. Chief Justice Fuller.

No. 357.—The Northern Pacific Railroad Company, plaintiff in error, vs. J. L. Patterson, county treasurer, &c. In error to the supreme court of the State of Montana. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 892.—Michael Moran *et al.*, plaintiffs in error, vs. Frank D. Sturges, receiver, &c. In error to the supreme court of the State of New York. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice Brewer and Mr. Justice White.

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

No. 544.—Henry E. McKee, appellant, vs. Ward H. Lamon, and

No. 545.—Ward H. Lamon *et al.*, appellants, vs. Henry E. McKee. Ordered that the clerk print the parts of the record designated by counsel for the appellant in No. 544, and both cases will proceed thereon unless appellants in No. 545 designate the parts of the record which they wish printed in time for the printing to be completed by the first day of the next term.

No. 1197.—Daniel Benton, alias William Newby, plaintiff in error, vs. The United States. Motion to advance granted, and cause assigned for argument on the second Monday of the next term after cases already set down for that day.

No. ——. J. W. Todd *et al.*, plaintiffs in error, vs. The United States. Motion for extension of time for filing record herein submitted by Mr. E. L. Russell in behalf of counsel. Motion to docket and dismiss ordered to be filed, and its further consideration postponed to the next term.

No. 412.—The Texas and Pacific Railway Company, plaintiff in error, vs. D. A. Miller.

No. 719.—The Texas and Pacific Railway Company, plaintiff in error, vs. Ben White.

No. 720.—The Texas and Pacific Railway Company, plaintiff in error, vs. Lem Watts *et al.*

No. 725.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* Thomas Brick.

No. 726.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* Thomas D. Brick; and

No. 741.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* J. F. Comstock. In error to the supreme court of the State of Texas. Dismissed with costs on motion of Mr. D. D. Duncan, in behalf of counsel for the plaintiff in error.

No. 1107.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* James Laverty. In error to the court of civil appeals of the State of Texas. Dismissed with costs on motion of Mr. D. D. Duncan in behalf of counsel for plaintiff in error.

No. 4, original.—The United States, complainant, *vs.* the State of Texas. Leave granted to file stipulation as to printing record, etc., on motion of Mr. Edgar Allen for the complainant and record ordered printed as per stipulation.

No. 1096.—The United States, appellant, *vs.* Johnson Blackfeather, principal chief of the Shawnee tribe of Indians, and

No. 1159.—The United States *et al.*, appellants, *vs.* Johnson Blackfeather, principal chief of the Shawnee tribe of Indians. Advanced and assigned for argument on the second Monday of the next term after cases already set down for that day, on motion of Mr. Charles Brownell for appellee.

No. 6, Original.—The State of Maryland, complainant, *vs.* The State of West Virginia. Leave to file general replication and stipulation as to taking testimony, &c., granted on motion of Mr. John P. Poe for the complainant. Ordered that testimony be taken and survey made in accordance with the terms of the stipulation.

No. 899.—The Pittsburgh, Cincinnati, Chicago and St. Louis Railway Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, &c., *et al.*

No. 900.—The Indianapolis and Vincennes Railroad Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, &c., *et al.*, and

No. 908.—The Cleveland, Cincinnati, Chicago and St. Louis Railway Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, &c. Leave granted to file petition for rehearing herein, on or before the first day of the next term, as of this date.

It is now here ordered by the court that all the cases on the docket not decided, and all the other business of 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.