

SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 12, 1903.

The court met pursuant to law.

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

John M. Coit of Washington, D. C., Geo. Whitney Moore of Detroit, Mich., Clyde C. Dawson of Canon City, Colo., William H. Spencer of Williamsport, Pa., Thomas M. B. Hicks of Williamsport, Pa., Archibald Cox of New York City, Charles C. Goodale of Lamar, Colo., Frederick A. Williams of Denver, Colo., Halsted L. Ritter of Denver, Colo., Julius J. Frank of New York City, Sidney M. Ehrman of San Francisco, Cal., David K. Tone of Chicago, Ill., Geo. Gillette of Chicago, Ill., U. S. Webb of San Francisco, Cal., and Frederick C. Foster of Madison, Ga., were admitted to practice.

The Chief Justice announced that all motions noticed for to-day would be heard to-morrow, and that the court would then commence the call of the docket pursuant to the twenty-sixth rule.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 13, will be as follows: Nos. 3, 6, 7 (and 8), 10, 11, 13, 14, 15, 19 and 20.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 13, 1903.

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

James C. Bushby of New York City, A. Leo Everett of New York City, Clarence P. Moser of New York City, Edward E. Clement of Washington, D. C., Clayton C. Dorsey of Denver, Colo., Thomas F. Bayard of Wilmington, Del., John R. Nolan of Philadelphia, Pa., Robert von Moschzisker of Philadelphia, Pa., Thomas S. Gates of Philadelphia, Pa., Murdock Kendrick of Philadelphia, Pa., John S. Drum of San Francisco, Cal., Charles H. Sayre of Philadelphia, Pa., and Thomas P. Woodward of Washington, D. C., were admitted to practice.

No. 439. Jeung Juen Ho, plaintiff in error, *v.* The United States. In error to the United States circuit court of appeals for the ninth circuit. Docketed and dismissed, on motion of Mr. Solicitor-General Hoyt for the defendant in error.

No. 145. The United States, appellant, *v.* The Northern Pacific Railroad Company et al. Motion to reassign submitted by Mr. Solicitor-General Hoyt for the appellant.

No. 417. Harry Donovan et al., petitioners, *v.* Pennsylvania Company. Petition for writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. H. M. Hoyt in behalf of Mr. James R. Ward for the petitioners, and by Mr. Edgar A. Bancroft and Mr. C. F. Loesch for the respondent.

Nos. 393 and 394. Willcox & Gibbs Sewing Machine Company, petitioner, *v.* Thomas B. Sherborne, jr., et al. Petitions for writs of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. J. H. Whitaker in behalf of Mr. Hubert Howson, Mr. Preston K. Erdman and Mr. George T. Bispham for the petitioner, and by Mr. Frank P. Prichard and Mr. John G. Johnson for the respondents.

No. 389. The Louisville Trust Company, receiver, etc., appellant, *v.* Stuart R. Knott et al. Advanced under the thirty-second rule, on motion

of Mr. H. A. Herbert in behalf of counsel, and cause submitted by Mr. John L. Dodd, Mr. David W. Baird and Mr. Aaron Kohn for the appellant, and by Mr. Alexander P. Humphrey and Mr. James P. Helm for the appellees.

No. 416. Julius George Hocke et al., petitioners, *v.* New York Central and Hudson River Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Fritz von Briesen in behalf of Mr. Arthur von Briesen for the petitioners, and by Mr. Robert J. Fisher for the respondent.

No. 420. The United States *ex rel.* The Regina Music Box Company, petitioner, *v.* Frederick I. Allen, Commissioner of Patents. Petition for writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. Fritz von Briesen in behalf of Mr. Antonio Knauth for the petitioner, with leave to counsel for respondent to file brief on or before Friday next.

No. 152. Robert A. Chesebrough, plaintiff in error, *v.* The United States. Motion to reassign submitted by Mr. H. W. Van Dyke in behalf of Mr. Frederic R. Coudert, jr., and Mr. Paul Fuller for the plaintiff in error.

No. 43. George C. Thomas, plaintiff in error, *v.* The United States. Motion to reassign submitted by Mr. H. W. Van Dyke in behalf of Mr. Frank D. Pavey for the plaintiff in error.

No. 225. Isabella Gonzales, appellant, *v.* William Williams, United States Commissioner of Immigration. Motion to reassign submitted by Mr. H. W. Van Dyke in behalf of Mr. Frederic R. Coudert, jr., and Mr. Charles E. Le Barbier for the appellant.

No. 14. Czarnikow, McDougall & Co., Limited, plaintiff in error, *v.* George R. Bidwell, collector, etc. Motion to reassign submitted by Mr. H. W. Van Dyke in behalf of Mr. Frederic R. Coudert, jr., and Mr. Paul Fuller for the plaintiff in error.

No. 331. Warner, Barnes & Company, Limited, plaintiff in error, *v.* Nevada N. Stranahan. Motion to advance submitted by Mr. H. W. Van Dyke in behalf of Mr. Henry M. Ward, Mr. Frederic R. Coudert, jr., and Mr. Paul Fuller for the plaintiff in error.

No. 403. Alexis M. Salliotte, petitioner, *v.* The King Bridge Company. Petition for writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. George Whitney Moore and Mr. George William Moore for the petitioner, and by Mr. Michael Brennan and Mr. John C. Donnelly for the respondent.

No. 404. George Whitney Moore et al., petitioners, *v.* A. B. Hammond et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. George Whitney

Moore and Mr. George William Moore for the petitioners, and by Mr. John H. Mitchell for the respondents.

No. 425. Caroline G. Roth, executrix, etc., petitioner, *v.* Mutual Reserve Life Insurance Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. F. H. Bacon and Mr. J. E. McKeighan for the petitioner, and by Mr. James C. Jones for the respondent.

No. 387. Henry Muhlker, plaintiff in error, *v.* The New York and Harlem Railroad Company et al. Motion to advance submitted by Mr. Alfred B. Cruikshank, Mr. James C. Bushby and Mr. Henry G. Atwater for the plaintiff in error in support of motion, and by Mr. Ira A. Place and Mr. Thomas Emery for the defendants in error in opposition thereto.

No. 436. Jane Bryson, administratrix, etc., petitioner, *v.* The Ocean Steamship Company. Petition for writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. A. Leo Everett in behalf of Mr. Henry Galbraith Ward and Mr. J. J. Macklin for the petitioner, and by Mr. Julien T. Davies for the respondent.

No. 437. James Arthur, petitioner, *v.* The Baron de Hirsch Fund. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. A. Leo Everett in behalf of Mr. Henry Galbraith Ward for the petitioner, and by Mr. J. J. Frank and Mr. George W. Wickersham for the respondent.

No. 229. Martha Raphael, administratrix, etc., appellant, *v.* Spencer Trask et al. Motion to advance under the thirty-second rule submitted by Mr. Charles Locke Easton for the appellant in support of motion, and by Mr. Edward M. Shepard for the appellees in opposition thereto.

No. 193. M. J. Coventry et al., plaintiffs in error, *v.* J. W. Davis et al. Motion to dismiss submitted by Mr. Frederic D. McKenney in behalf of Mr. J. D. McCleverty in support of motion, and by Mr. Eugene F. Ware in opposition thereto.

No. 10, Original. The United States, complainant, *v.* The State of Michigan. Leave to file answer granted, on motion of Mr. Henry E. Chase for the defendant.

No. 426. P. L. Flanigan, petitioner, *v.* The County of Sierra. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. J. C. Campbell for the petitioner, with leave to counsel for the respondent to file brief.

No. 427. D. E. Wheeler et al., petitioners, *v.* The County of Plumas. Petition for writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. J. C. Campbell for the petitioners, and by Mr. U. S. Webb for the respondent.

No. 271. The Exchange Bank of Macon, petitioner, *v.* E. L. Clayton et al., trustees. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Olin J. Wimberly and Mr. A. O. Bacon for the petitioner, and by Mr. Frederick C. Foster for the respondents.

No. 11, Original. State of Louisiana, complainant, *v.* State of Mississippi. Leave to file answer and cross-bill granted, on motion of Mr. Fred. Beall in behalf of counsel for defendant.

No. 411. Mutual Reserve Life Insurance Company, petitioner, *v.* Thomas Ferrenbach, executor, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. F. L. Siddons in behalf of Mr. James C. Jones for the petitioner.

No. 102. Antoinette B. Kinney et al., appellants, *v.* The Columbia Savings and Loan Association. Submitted under the thirty-second rule by Mr. A. A. Hoehling, jr., in behalf of Mr. Charles S. Varian and Mr. Franklin S. Richards for the appellants, and by Mr. J. Norman for the appellee.

No. 363. Supreme Council American Legion of Honor, petitioner, *v.* Joseph C. Black, administrator; and

No. 364. Supreme Council American Legion of Honor, petitioner, *v.* William H. Henderson. Petitions for writs of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Frank P. Prichard and Mr. Murdock Kendrick for the petitioners, and by Mr. Charles H. Sayre and Mr. George Henderson for the respondents.

No. 402. The Berwind-White Coal Mining Company, petitioner, *v.* John C. Martin. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Frank P. Prichard for the petitioner, and by Mr. Rudolph M. Schick for the respondent.

No. 235. Andrew J. Davis *v.* Hiram R. Mills et al. Motion for a writ of certiorari to bring up the whole record and cause submitted by Mr. Alpheus H. Snow in behalf of Mr. William Waldo Hyde in support of the motion, and by Mr. John A. Shelton in opposition thereto. Leave granted to Mr. Hyde to file reply brief on or before Friday next.

No. 53. La République Française et al., petitioners, *v.* Saratoga Vichy Spring Company. Leave granted Mr. Archibald Hopkins to withdraw his appearance as counsel for the petitioners herein.

No. 4, Original. The State of Missouri, complainant, *v.* The State of Illinois et al. Leave granted to file preliminary report of commissioner, and time in which to take testimony extended to January 1, 1904, on motion of Mr. William C. Prentiss in behalf of counsel.

No. 366. The Northern Pacific Railway Company, plaintiff in error, *v.* William S. Ely et al. Motion to amend petition for writ of error herein submitted by Mr. A. B. Browne in behalf of Mr. C. W. Bunn and Mr. James B. Kerr for plaintiff in error.

No. 391. John W. Warren, petitioner, *v.* The Central Trust Company of New York et al. Petition for writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. A. B. Browne in behalf of Mr. T. J. Walsh for the petitioner, and by Mr. A. H. Joline and Mr. A. H. Van Brunt for the respondents.

No. 574 of October term, 1902. William K. Tubman, plaintiff in error, *v.* The Baltimore and Ohio Railroad Company et al. Motion to recall mandate herein submitted by Mr. William A. Meloy for the plaintiff in error.

No. 430. Reading Company, petitioner, *v.* Walter D. Munson. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. Charles C. Tucker in behalf of Mr. Robert M. Morse, Mr. Henry M. Rogers and Mr. William M. Richardson for the petitioner, and by Mr. Eugene P. Carver and Mr. E. E. Blodgett for the respondent.

No. 329. Charles H. Utermehle, plaintiff in error, *v.* Mamie E. Norment et al. Motion to advance submitted by Mr. Thomas P. Woodward in behalf of Mr. A. S. Worthington for the defendants in error.

No. 11, Original. State of Louisiana, complainant, *v.* State of Mississippi. Leave granted to file answer to cross-bill within sixty days, on motion of Mr. Alexander Porter Morse for the complainant.

No. 1. T. Walter Beam et al., appellants, *v.* Gustav H. Schwab. On certificate from the United States circuit court of appeals for the eighth circuit. Dismissed.

No. 131. William Van Pelt, plaintiff in error, *v.* The People of the State of Michigan. In error to the supreme court of the State of Michigan. Dismissed, per stipulation.

No. 3. Freida Schradsky, plaintiff in error, *v.* The Board of County Commissioners of the County of Lake. In error to the circuit court of the United States for the district of Colorado. Dismissed with costs, on authority of counsel for plaintiff in error.

No. 7. Houghton E. James et al., appellants, *v.* The Germania Iron Company; and

No. 8. James Belden, appellant, *v.* The Midway Company. Passed temporarily, on motion of Mr. A. B. Browne in behalf of counsel.

No. 11. James U. Hughes, plaintiff in error, *v.* R. B. Kepley et al. Submitted by Mr. T. F. Garver for the plaintiff in error, and by Mr. N. H. Loomis for the defendants in error.

No. 15. Veeder B. Paine, appellant, *v.* John Foster et al., trustees, etc. Appeal from the supreme court of the Territory of Oklahoma. Dismissed with costs, pursuant to the tenth rule.

No. 6. Alice R. Mosheuvel et al., plaintiffs in error, *v.* The District of Columbia. Reargued by Mr. C. C. Tucker and Mr. Henry E. Davis for the plaintiffs in error, and by Mr. A. B. Duvall for the defendant in error.

No. 10. The Douglass Company, appellant, *v.* A. F. Stone, late treasurer, etc. Argued by Mr. Daniel Trigg for the appellant, and by Mr. W. A. Anderson for the appellee.

No. 13. Robert R. Wright, jr., as mayor of the city of Denver, plaintiff in error, *v.* Ellen Teresa Morgan et al. Argument commenced by Mr. Frederick A. Williams for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 14, will be as follows: Nos. 13, 19, 20, 22, 23, 24, 25, 26, 27 and 28.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 14, 1903.

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

Alfred Hayes, jr., of New York City and Andrew W. Gillette of Denver, Colo., were admitted to practice.

No. 23. Thomas C. Bedford et al., appellants, *v.* The United States. Passed temporarily, on motion of Mr. Solicitor-General Hoyt for the appellee.

No. 7, Original. The State of Kansas, complainant, *v.* The State of Colorado et al. Leave granted to file answers of the State of Colorado and Graham Ditch Company to the amended bill, on motion of Mr. Joel F. Vaile for defendants.

No. 22. J. F. Hardeman et al., plaintiffs in error, *v.* Katie Turner et al. In error to the United States circuit court of appeals for the eighth circuit. Dismissed with costs, pursuant to the nineteenth rule.

No. 26. The Choctaw, Oklahoma and Gulf Railroad Company, plaintiff in error, *v.* Laura Louise McDade et al. Submitted by Mr. J. W. McLoud for the plaintiff in error, and by Mr. G. T. Fitzhugh for the defendants in error.

No. 13. Robert R. Wright, jr., as mayor of the city of Denver, plaintiff in error, *v.* Ellen Teresa Morgan et al. Argument continued by Mr. Clayton C. Dorsey for the defendants in error, and concluded by Mr. H. L. Ritter for the plaintiff in error.

No. 19. Bert Ross, appellant, *v.* Martin Aguirre, warden, etc. Argued by Mr. U. S. Webb for the appellee, and submitted by Mr. W. C. Van Flett and Mr. W. B. Treadwell for the appellant.

No. 20. The United States, plaintiff in error, *v.* The Denver and Rio Grande Railroad Company. Argued by Mr. M. C. Burch for the plaintiff in error, and by Mr. Joel F. Vaile for the defendant in error.

No. 24. The People's National Bank of Lynchburg, Va., appellant, *v.* Morton Marye, auditor, etc. Argument commenced by Mr. John H. Lewis for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 15, will be as follows: Nos. 24, 25, 27, 28, 29, 31, 32, 33, 34 (and 35 and 36) and 37.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 15, 1903.

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

L. M. Sturdevant of Madison, Wis., W. S. Oppenheim of Chicago, Ill., and W. H. Green of Charlotte, N. C., were admitted to practice.

No. 221. August Cliff, plaintiff in error, *v.* The United States;

No. 222. Frederick J. Schick, plaintiff in error, *v.* The United States;

No. 223. William Broadwell, plaintiff in error, *v.* The United States;
and

No. 301. Leo W. McCray, plaintiff in error, *v.* The United States. Reassigned for argument on Monday, November 30, by request of counsel on both sides, on motion of Mr. Solicitor-General Hoyt for the United States.

No. 24. The People's National Bank of Lynchburg, Va., appellant, *v.* Morton Marye, auditor, etc. Argument continued by Mr. John H. Lewis for the appellant, by Mr. William A. Anderson for the appellee, and concluded by Mr. John D. Horsley for the appellant.

No. 25. John M. Ward, appellant, *v.* Moses H. Sherman et al. Argument commenced by Mr. A. A. Hoehling, jr., for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 16, will be as follows: Nos. 25, 27, 28, 29, 31, 32, 33, 34 (and 35 and 36), 37 and 38.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 16, 1903.

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

Solon G. Wilson of Bartow, Fla., was admitted to practice.

No. 25. John M. Ward, appellant, *v.* Moses H. Sherman et al. Argument continued by Mr. A. A. Hoehling, jr., for the appellant, by Mr. Charles F. Ainsworth for the appellees, and concluded by Mr. Aldis B. Browne for the appellant.

No. 27. J. W. Allen, comptroller, etc., plaintiff in error, *v.* Pullman's Palace Car Company. Argued by Mr. John J. Vertrees for the plaintiff in error, and by Mr. William Burry for the defendant in error.

No. 28. Alice A. Cable, administratrix, etc., petitioner, *v.* The United States Life Insurance Company of New York City. Argument commenced by Mr. W. S. Oppenheim for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 19, will be as follows: Nos. 28, 29, 31, 32, 33, 34 (and 35 and 36), 37, 38, 81 and 89.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 19, 1903.

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

William J. Orr of West Plains, Mo., Cyrus D. Backus of New York City, Horace E. Smith of Indianapolis, Ind., and Henry Oldenburg of Carlton, Minn., were admitted to practice.

No. 12. Joseph J. Martin et al., petitioners, *v.* The Steamship Southwark. On writ of certiorari to the United States circuit court of appeals for the third circuit. Decree of said United States circuit court of appeals and of the district court of the United States for the eastern district of Pennsylvania reversed with costs, and cause remanded to said district court with directions to enter a decree in favor of the libelants. Opinion by Mr. Justice Day.

The Chief Justice announced the following orders of the court:

No. 56 of October term, 1902. Gertrude H. Hardin et al., plaintiffs in error, *v.* Charles B. Shedd;

Nos. 140 and 265 of October term, 1902. The Board of Directors of the Chicago Theological Seminary, plaintiff in error, *v.* The People of the State of Illinois ex rel. Samuel B. Raymond, county treasurer, etc.;

No. 219 of October term, 1902. The Territory of Hawaii, appellant, *v.* Osaki Mankichi; and

No. 263 of October term, 1902. Mutual Reserve Fund Life Association, appellant, *v.* James S. Phelps et al. Motions for leave to file petitions for rehearing herein denied.

No. 233. Elmira Knepper *v.* John A. Sands; and

No. 235. Andrew J. Davis *v.* Hiram R. Mills et al. Petitions for writs of certiorari herein to bring up the whole record denied.

No. 240. The Delaware Indians Residing in the Cherokee Nation, appellants, *v.* The Cherokee Nation. Motion to advance granted and cause assigned for argument on Monday, November 30, at the head of the call.

No. 241. The New York and Porto Rico Steamship Company, plaintiff in error, *v. J. Ochoa y Hermano, etc.*; and

No. 242. The New York and Porto Rico Steamship Company, plaintiff in error, *v. Successors of M. Lomba & Co., etc.* Motions to dismiss postponed to the hearing of the cases on their merits.

No. 294. William J. Buttfield, plaintiff in error, *v. Nevada N. Stranahan, collector, etc.*; and

No. 296. William J. Buttfield, plaintiff in error, *v. George R. Bidwell.* Motions to advance granted, and cases assigned for argument on Monday, January 4, 1904.

No. 574 of October term, 1902. William K. Tubman, plaintiff in error, *v. The Baltimore and Ohio Railroad Company et al.* Motion to recall mandate denied.

No. 14. Czarnikow, MacDougall & Co. (Limited), plaintiff in error, *v. George R. Bidwell, collector, etc.*; and

No. 331. Warner, Barnes & Co. (Limited), plaintiff in error, *v. Nevada N. Stranahan.* Motions to assign granted, and cases set down for argument on Monday, November 30, after the cases already assigned for that day.

No. 152. Robert A. Chesebrough, plaintiff in error, *v. The United States*;

No. 43. George C. Thomas, plaintiff in error, *v. The United States*; and

No. 103. Spreckels Sugar Refining Company, plaintiff in error, *v. Penrose A. McClain, collector, etc.* Assigned for argument on Monday, November 30, after the cases already set down for that day.

No. 225. Isabella Gonzales, appellant, *v. William Williams, United States commissioner of immigration.* Reassigned for argument on Monday, November 30, after the cases already set down for that day.

No. 145. The United States, appellant, *v. The Northern Pacific Railroad Company et al.* Reassigned for argument on Monday, January 4, 1904, after the case already set down for that day.

No. 193. M. J. Coventry et al., plaintiffs in error, *v. J. W. Davis et al.* Motion to dismiss postponed to the hearing of the case on its merits.

No. 229. Martha Raphael, administratrix, etc., appellant, *v. Spencer Trask et al.* Motion to advance for oral argument denied, but case will be taken on printed briefs if counsel shall be so advised.

No. 329. Charles H. Utermehle, plaintiff in error, *v. Mamie E. Norment et al.* Motion to advance denied.

No. 387. Henry Muhlker, plaintiff in error, *v. The New York and Harlem Railroad Company et al.* Motion to advance denied.

No. 366. The Northern Pacific Railway Company, plaintiff in error, *v.* William S. Ely et al. Ordered to be heard with No. 392, and motions to amend or dismiss postponed to the hearing.

No. 271. The Exchange Bank of Macon, petitioner, *v.* E. L. Clayton et al., trustees. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 291. J. Overton Dickinson et al., petitioners, *v.* The Consolidated Traction Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 297. Gavin Reid et al., petitioners, *v.* The Keene Five Cent Savings Bank et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 300. H. F. Whitcomb et al., receivers, etc., petitioners, *v.* Ohio Coal Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 302. Henry Raeder et al., petitioners, *v.* John W. Kauffman. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 304. Alfred N. Treece et al., petitioners, *v.* The American Association et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 363. Supreme Council American Legion of Honor, petitioner, *v.* Joseph C. Black, administrator, etc.; and

No. 364. Supreme Council American Legion of Honor, petitioner, *v.* William H. Henderson. Petitions for writs of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 391. John W. Warren, petitioner, *v.* The Central Trust Company of New York et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

Nos. 393 and 394. Willecox & Gibbs Sewing Machine Company, petitioner, *v.* Thomas B. Sherborne, jr., et al. Petitions for writs of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 402. The Berwind-White Coal Mining Company, petitioner, *v.* John C. Martin. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 403. Alexis M. Salliotte, petitioner, *v.* The King Bridge Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 404. George Whitney Moore et al., petitioners, *v.* A. B. Hammond et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 411. Mutual Reserve Life Insurance Company, petitioner, *v.* Thomas Ferrenbach, executor, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 416. Julius George Hocke et al., petitioners, *v.* New York Central and Hudson River Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 420. The United States ex rel. The Regina Music Box Company, petitioner, *v.* Frederick I. Allen, Commissioner of Patents. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 425. Caroline G. Roth, executrix, etc., petitioner, *v.* Mutual Reserve Life Insurance Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 430. Reading Company, petitioner, *v.* Walter D. Munson. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 436. Jane Bryson, administratrix, etc., et al., petitioners, *v.* The Ocean Steamship Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 437. James Arthur, petitioner, *v.* The Baron de Hirsch Fund. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 417. Harry Donovan et al., petitioners, *v.* Pennsylvania Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit granted.

No. 426. P. L. Flanigan, petitioner, *v.* The County of Sierra; and

No. 427. D. E. Wheeler et al., petitioners, *v.* The County of Plumas. Petitions for writs of certiorari to the United States circuit court of appeals for the ninth circuit granted.

No. 10. The Douglas Company, appellant, *v.* A. F. Stone, late treasurer, etc. Appeal from the circuit court of the United States for the western district of Virginia. Decree affirmed with costs, on the authority of *Holt v. Indiana Manufactory Company*, 176 U. S., 68; *Fishback v. Western Union Telegraph Company*, 161 U. S., 96, and cases cited.

No. 11. James U. Hughes, plaintiff in error *v.* R. B. Kepley et al. In error to the supreme court of the State of Kansas. Dismissed for want of jurisdiction, on the authority of *Turner v. Richardson*, 180 U. S., 87; *Erie Railroad Company v. Purdy*, 185 U. S., 148; *Mutual Life Insurance Company v. McGrew*, 188 U. S., 291, and cases cited.

No. 12, Original. *Ex parte*: In the matter of U. S. Joins, petitioner. Leave granted to file demurrer to return to rule and brief for petitioner, on motion of Mr. W. I. Cruce for the petitioner.

No. 443. The Oceanic Steam Navigation Company, Limited, petitioner, *v.* John W. Aitken et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Everett P. Wheeler for the petitioner, and by Mr. Wilhelmus Mynderse and Mr. Edmund L. Baylies in opposition thereto.

Nos. 337 and 338. Jackson W. Giles, plaintiff in error, *v.* Charles B. Teasley et al. ; and

No. 407. Dan Rogers, plaintiff in error, *v.* The State of Alabama. Motion to consolidate and advance submitted by Mr. W. H. Smith for the plaintiffs in error in support of the motion, and by Mr. W. A. Gunter for the defendants in error in Nos. 337 and 338 in opposition thereto.

No. 442. Southern Electric Railway Company, petitioner, *v.* Cora Hageman. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit and motion to strike out parts of response submitted by Mr. Walter H. Saunders, Mr. W. F. Boyle and Mr. F. W. Lehmann for the petitioners, and by Mr. Seneca N. Taylor for the respondent.

No. 413. Patrick Clark et al., petitioners, *v.* The Buffalo Hump Mining Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. W. T. Stoll for the petitioners, and by Mr. W. B. Heyburn for the respondents.

No. 398. E. W. H. Lake, petitioner, *v.* L. H. Rush, trustee, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. W. T. Stoll and Mr. George Turner for the petitioner, and by Mr. Adolph G. Wolf for the respondent.

No. 431. William Chisholm et al., petitioners, *v.* Mary H. Hall et al., executors, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. W. C. Prentiss in behalf of Mr. Harvey D. Goulder, Mr. S. H. Holding, and Mr. F. S. Masten for the petitioners, and by Mr. Timothy E. Tarsney for the respondents.

No. 432. Boston Tow Boat Company, petitioner, *v.* Chase Machine Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. W. C. Prentiss in behalf of Mr. Harvey D. Goulder for the petitioner, and by Mr. Albert E. Lynch and Mr. T. W. Bakewell for the respondent.

No. 230. Robert L. West et al., plaintiffs in error, *v.* The State of Louisiana. Reassigned for argument on Tuesday, February 23, 1904, per stipulation of counsel, and on motion of Mr. Thomas H. Clark in behalf of counsel.

No. 51. Jose Antonio y Fernandez y Perez, plaintiff in error, *v.* Jose Perez y Fernandez. Passed temporarily, on motion of Mr. William R. Harr in behalf of counsel.

No. 11, Original. State of Louisiana, complainant, *v.* State of Mississippi. Leave granted to file stipulation to correct answer and cross-bill, on motion of Mr. Alexander Porter Morse for the complainant.

No. 274. The City of Seattle, appellant, *v.* John W. Thompson. Motion to dismiss submitted by Mr. Nathaniel Wilson in behalf of Mr. Frederick Bausman in support of the motion, and by Mr. W. S. Fulton in opposition thereto.

No. 28. Alice A. Cable, administratrix, etc., petitioner, *v.* The United States Life Insurance Company of New York City. Argument continued by Mr. W. S. Oppenheim for the petitioner, and concluded by Mr. William G. Beale for the respondent.

No. 29. Arsene L. Arpin et al., appellants, *v.* Ramon Valdez y Cobian et al. Appeal from the district court of the United States for the district of Porto Rico. Dismissed with costs, on motion of counsel for the appellants.

No. 12, Original. *Ex parte*: In the matter of U. S. Joins, petitioner. Argument commenced by Mr. C. L. Herbert for the petitioner, and continued by Mr. George A. Mansfield for the Choctaw and Chickasaw nations.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 20, will be as follows: Nos. 31, 32, 33, 34 (and 35 and 36), 37, 38, 81, 89, 180 and 44 (and 45).

SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 20, 1903.

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

No. 12, Original. *Ex parte*: In the matter of U. S. Joins, petitioner. Submitted on printed brief by Mr. Solicitor-General Hoyt for the United States.

No. 31. Marc Hubbert, petitioner, *v.* Campbellsville Lumber Company. Argued by W. O. Harris for the petitioner, and by Mr. Ernest Macpherson for the respondent.

No. 32. City of Joplin, appellant, *v.* Southwest Missouri Light Company. Argued by Mr. C. H. Montgomery for the appellant, and by Mr. John A. Eaton for the appellee.

No. 33. The Deposit Bank of Frankfort, plaintiff in error, *v.* The Board of Councilmen of the City of Frankfort. Argument commenced by Mr. Frank Chinn for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 21, will be as follows: Nos. 33, 34 (and 35 and 36), 37, 38, 81, 89, 180, 44 (and 45), 2 and 157.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 21, 1903.

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

Charles M. Wagner of Philadelphia, Pa., was admitted to practice.

No. 33. The Deposit Bank of Frankfort, plaintiff in error, *v.* The Board of Councilmen of the City of Frankfort. Argument continued by Mr. Frank Chinn for the plaintiff in error, by Mr. W. H. Julian for the defendant in error, and concluded by Mr. Frank Chinn for the plaintiff in error.

No. 34. Andrew J. Aikens, plaintiff in error, *v.* The State of Wisconsin;

No. 35. Albert Huegin, plaintiff in error, *v.* The State of Wisconsin; and

No. 36. Melvin A. Hoyt, plaintiff in error, *v.* The State of Wisconsin. Argument commenced by Mr. W. H. Timlin for the plaintiffs in error in Nos. 34 and 35, and continued by Mr. James G. Flanders for the defendant in error in Nos. 34 and 35, and by Mr. W. H. Timlin for the plaintiffs in error in Nos. 34 and 35.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 22, will be as follows: Nos. 34 (and 35 and 36), 37, 38, 81, 89, 180, 44 (and 45), 2, 157 and 208.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 22, 1903.

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

A. M. Legg of Washington, D. C., was admitted to practice.

No. 34. Andrew J. Aikens, plaintiff in error, *v.* The State of Wisconsin;

No. 35. Albert Huegin, plaintiff in error, *v.* The State of Wisconsin;
and

No. 36. Melvin A. Hoyt, plaintiff in error, *v.* The State of Wisconsin. Argument continued by Mr. S. S. Gregory for the plaintiff in error in No. 36, and concluded by Mr. James G. Flanders for the defendant in error in Nos. 34 and 35, and submitted by Mr. L. M. Sturdevant for the defendant in error in No. 36.

No. 37. James L. Gates, plaintiff in error, *v.* Samuel C. Parmly et al., executors, etc. Argued by Mr. Rublee A. Cole for the plaintiff in error, and by Mr. A. B. Browne for the defendants in error.

No. 38. D. N. Holden et al., appellants, *v.* J. A. Stratton, trustee. Submitted by Mr. George Turner and Mr. P. P. Carroll for the appellants, and by Mr. Frederick Bausman for the appellee.

No. 81. Harry B. Smith, auditor, etc., plaintiff in error, *v.* The State of Indiana ex rel. Martha Lewis et al. Argument commenced by Mr. Horace E. Smith for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 23, will be as follows: Nos. 81, 89, 180, 44 (and 45), 2, 157, 208, 39, 40 and 41.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 23, 1903.

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

No. 81. Harry B. Smith, auditor, etc., plaintiff in error, *v.* The State of Indiana *ex rel.* Martha Lewis et al. Argument continued by Mr. Horace E. Smith for the plaintiff in error, by Mr. Cassius C. Hadley for the defendants in error, and concluded by Mr. Horace E. Smith for the plaintiff in error.

No. 89. John A. Humbird et al., appellants, *v.* Waldo A. Avery et al. Argument commenced by Mr. William W. Billson for the appellants, and continued by Mr. Assistant Attorney-General Campbell and Mr. A. C. Campbell for the United States, intervenor.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 26, will be as follows: Nos. 89, 180, 44 (and 45), 2, 157, 208, 39, 40, 41 and 42.

SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 26, 1903.

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

C. H. Brush of Washington, D. C., Eugene D. Saunders of New Orleans, La., Joseph F. Collins of Washington, D. C., Robert Watson of Washington, D. C., T. B. Jewell of Washington, D. C., and Henry Strunz of Palatka, Fla., were admitted to practice.

No. 13. Robert R. Wright, jr., as mayor of the city of Denver, plaintiff in error, *v. Ellen Teresa Morgan et al.* In error to the United States circuit court of appeals for the eighth circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the district of Colorado. Opinion by Mr. Justice Holmes.

No. 16. Clara Perry, owner, etc., plaintiff in error, *v. Cornelius L. Haines.* 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. Justice Brown. Dissenting: Mr. Justice Brewer, Mr. Chief Justice Fuller, Mr. Justice Peckham and Mr. Justice Harlan.

The Chief Justice announced the following orders of the court:

No. 230 of October term, 1902. William L. Snyder, executor, etc., plaintiff in error, *v. Bernard Bettman, collector, etc.* Motion for leave to file petition for rehearing denied.

No. 274. The City of Seattle, appellant, *v. John W. Thompson.* Motion to dismiss denied, and order of publication granted.

Nos. 337 and 338. Jackson W. Giles, plaintiff in error, *v. Charles B. Teasley et al.*; and

No. 407. Dan Rogers, plaintiff in error, *v. The State of Alabama.* Motion to consolidate No. 407 with Nos. 337 and 338 denied.

Nos. 337 and 338. Jackson W. Giles, plaintiff in error, *v. Charles B. Teasley et al.* Motion to advance granted, and cases assigned for argument, as one case, on Monday, January 4, 1904, after the cases already set down for that day.

No. 407. Dan Rogers, plaintiff in error, *v.* The State of Alabama. Motion to advance granted, and cause assigned for argument on Monday, January 4, 1904, after Nos. 337 and 338.

No. 398. E. W. H. Lake, petitioner, *v.* S. H. Rush, trustee, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 413. Patrick Clark et al., petitioners, *v.* The Buffalo Hump Mining Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 431. William Chisholm et al., petitioners, *v.* Mary H. Hall et al., executors, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 432. Boston Tow Boat Company, petitioner, *v.* Chase Machine Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 442. Southern Electric Railway Company, petitioner, *v.* Cora Hageman. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 443. The Oceanic Steam Navigation Company, Limited, etc., petitioner, *v.* John W. Aitkin et al., etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 4. The United States, appellant, *v.* The California and Oregon Land Company; and

No. 5. The California and Oregon Land Company, appellant, *v.* The United States. Restored to the docket for reargument and assigned to be heard on Monday, January 4, 1904, after the cases already set down for that day.

No. 37. James L. Gates, plaintiff in error, *v.* Samuel P. Parnly et al., executors, etc. In error to the circuit court of Clark County, State of Wisconsin. Dismissed for the want of jurisdiction. *Knox v. Exchange Bank*, 12 Wall., 379; *Central Land Company v. Laidley*, 159 U. S., 103; *New Orleans Water Works v. Louisiana*, 185 U. S., 338; *California Powder Works v. Davis*, 151 U. S., 389; *Louisville and Nashville Railroad Company v. Louisville*, 166 U. S., 709; *Morley v. Lake Shore Railroad Company*, 146 U. S., 162; *Bacon v. Texas*, 163 U. S., 207.

No. 40. The United States, appellant, *v.* Edward G. Pierson. Appeal from the Court of Claims. Dismissed, on motion of Mr. Solicitor-General Hoyt for the appellant.

No. 322. The United States, appellant, *v.* The Choctaw Nation et al.; and

No. 323. The Chickasaw Freedmen, appellants, *v.* The Choctaw Nation et al. Motion to advance submitted by Mr. Solicitor-General Hoyt for the United States.

No. 226. The New York, New Haven and Hartford Railroad Company, plaintiff in error, *v.* Benjamin Weisberg. Motion to dismiss submitted by Mr. Donald G. Perkins for the defendant in error in support of motion.

No. —, Original. *Ex parte*: In the matter of The City of Palatka, petitioner. Motion for leave to file petition for a writ of certiorari submitted by Mr. George C. Bedell and Mr. H. Bisbee for the petitioner, and by Mr. Charles T. Cates, jr., Mr. R. E. L. Mountcastle and Mr. Henry Strunz in opposition thereto.

No. 44. J. L. Howard et al., appellants, *v.* Capt. J. M. Fleming, warden, etc.; and

No. 45. J. L. Howard et al., plaintiffs in error, *v.* The State of North Carolina. Motion for an order committing the appellants and plaintiffs in error to the custody of the marshal of this court and that they be enlarged therefrom on bail pending the disposition of these cases submitted by Mr. L. A. Gilmore and Mr. Frank P. Blair for the appellants and plaintiffs in error.

No. 202. The Barber Asphalt Paving Company, appellant, *v.* Richard H. Field. Motion to dismiss submitted by Mr. T. B. Jewell in behalf of Mr. R. H. Field in support of motion, and by Mr. W. C. Scarritt in opposition thereto.

No. 47. H. L. Kahn, trustee, appellant, *v.* Cone Export and Commission Company. Appeal from the United States circuit court of appeals for the fifth circuit. Dismissed with costs per stipulation.

No. 89. John A. Humbird et al., appellants, *v.* Waldo A. Avery et al. Argument continued by Mr. A. C. Campbell for the United States, intervenor, and Mr. Benton Hanchett for the appellees, and concluded by Mr. C. W. Bunn for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 27, will be as follows: Nos. 180, 44 (and 45), 2, 157, 208, 39, 41, 42, 46 and 48 (and 49).

SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 27, 1903.

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

Martin M. Gridley of Chicago, Ill., Wheeler P. Bloodgood of Milwaukee, Wis., and Allen G. Wright of San Francisco, Cal., were admitted to practice.

No. 46. W. W. Montague & Co. et al., plaintiffs in error, *v.* Edward S. Lowry et al. Submitted by Mr. William M. Pierson for the plaintiffs in error, and by Mr. Joseph C. Campbell for the defendants in error.

No. 180. State of Missouri *ex rel.* William Preston Hill, plaintiff in error, *v.* Alexander M. Dockery et al. Argued by Mr. Edward P. Johnson for the plaintiff in error, and submitted by Mr. Edward C. Crow for the defendants in error.

No. 44. J. L. Howard et al., appellants, *v.* Capt. J. M. Fleming, warden, etc.; and

No. 45. J. L. Howard et al., plaintiffs in error, *v.* The State of North Carolina. Argument commenced by Mr. Frank P. Blair for the appellants and plaintiffs in error, continued by Mr. Thomas B. Womack for the appellee and defendant in error, and concluded by Mr. Leslie A. Gilmore for the appellants and plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 28, will be as follows: Nos. 2, 157, 208, 39, 41, 42, 48 (and 49), 50, 52 and 53.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 28, 1903.

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

No. 2. The Citizens' Bank of Louisiana, plaintiff in error, *v.* Caleb H. Parker, tax collector of the first district of the city of New Orleans. Reargued by Mr. Henry Denis and Mr. Eugene D. Saunders for the plaintiff in error, and by Mr. E. Howard McCaleb, jr., for the defendant in error.

No. 157. The State Board of Assessors for the Parish of Orleans et al., appellants, *v.* The Comptoir National d'Escompte de Paris. Argument commenced by Mr. H. G. Dupré for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 29, will be as follows: Nos. 157, 208, 39, 41, 42, 48 (and 49), 50, 52, 53 and 54.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 29, 1903.

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

Alexander New of Kansas City, Mo., was admitted to practice.

No. 157. The State Board of Assessors for the Parish of Orleans et al., appellants, *v.* The Comptoir National d'Escompte de Paris. Argument continued by Mr. Harry H. Hall for the appellee, and concluded by Mr. F. C. Zacharie for the appellants.

No. 208. Edward S. Sharp, plaintiff in error, *v.* The United States. Argument commenced by Mr. David J. Pancoast for the plaintiff in error, and continued by Mr. Assistant Attorney-General Purdy for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 30, will be as follows: Nos. 208, 39, 41, 42, 48 (and 49), 50, 52, 53, 54 and 55.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 30, 1903.

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

James A. Donegan of New York City and John W. Phillips of Austin, Tex., were admitted to practice.

No. 208. Edward S. Sharp, plaintiff in error, *v.* The United States. Argument concluded by Mr. Assistant Attorney-General Purdy for the defendant in error.

No. 39. United States Fidelity and Guaranty Company *v.* The United States for use and benefit of The Golden Pressed and Fire Brick Company et al. Argued by Mr. Andrew W. Gillette for the United States Fidelity and Guaranty Company, and by Mr. T. J. O'Donnell for The Golden Pressed and Fire Brick Company et al.

No. 41. St. Louis Hay and Grain Company, appellant, *v.* The United States. Argument commenced by Mr. William E. Harvey for the appellant, and continued by Mr. Assistant Attorney-General Pradt for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 2, will be as follows: Nos. 41, 42, 48 (and 49), 50, 52, 53, 54, 55, 56 and 57.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 2, 1903.

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

Todd Lunsford of Chicago, Ill., William B. Linn of Philadelphia, Pa., Eugene Raymond of Philadelphia, Pa., John W. Jedlan of Chicago, Ill., Charles W. Somerby of Minneapolis, Minn., and Fred A. Sabin of La Junta, Colo., were admitted to practice.

No. 26. The Choctaw, Oklahoma and Gulf Railroad Company, plaintiff in error, *v. Laura Louise McDade et al.* In error to the United States circuit court of appeals for the sixth circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the western district of Tennessee. Opinion by Mr. Justice Day.

No. 19. Bert Ross, appellant, *v. Martin Aguirre, warden, etc.* Appeal from the circuit court of the United States for the northern district of California. Order affirmed. Opinion by Mr. Justice McKenna. Ordered that mandate issue at once.

The Chief Justice announced the following orders of the court:

No. —, Original. *Ex parte:* In the matter of The City of Palatka, petitioner. Motion for leave to file petition for writ of certiorari denied.

No. 202. The Barber Asphalt Paving Company, appellant, *v. Richard H. Field.* Motion to dismiss postponed to the hearing of the case on its merits.

No. 322. The United States, appellant, *v. The Choctaw Nation et al.;* and

No. 323. The Chickasaw Freedmen, appellants, *v. The Choctaw Nation et al.* Motion to advance granted, and cases assigned for argument on Monday, January 25, 1904.

No. 226. The New York, New Haven and Hartford Railroad Company, plaintiff in error, *v. Benjamin Weisberg.* In error to the circuit court of the United States for the district of Rhode Island. Dismissed for the want of jurisdiction. *Maynard v. Hecht*, 151 U. S., 324; *The Bayonne*, 159 U. S., 687, 692; *Chappell v. United States*, 160 U. S., 499, 507.

No. 114. Yee Ngoy, appellant, *v.* The United States. Appeal from the United States circuit court of appeals for the ninth circuit. Dismissed per stipulation, and mandate granted, on motion of Mr. Solicitor-General Hoyt for the appellee.

No. 439. Jueng Juen Ho, plaintiff in error, *v.* The United States. Mandate granted, on motion of Mr. Solicitor-General Hoyt for the defendant in error.

No. 383. The United States ex rel. Charles P. Steinmetz, plaintiff in error, *v.* Frederick I. Allen, Commissioner of Patents. Ordered to be argued immediately after No. 13, Original, on motion of Mr. Solicitor-General Hoyt for the defendant in error.

No. 438. The United States of America *v.* The Montana Lumber and Manufacturing Company et al. Motion to advance submitted by Mr. Solicitor-General Hoyt for the United States.

No. 433. State of Minnesota, appellant, *v.* Northern Securities Company et al. Motion to advance submitted by Mr. Charles W. Somerby in behalf of Mr. W. B. Douglas, Mr. M. D. Munn and Mr. George P. Wilson for the appellant in support of motion, and by Mr. John G. Johnson, Mr. M. D. Grover, Mr. C. W. Bunn and Mr. George B. Young for the appellees in opposition thereto.

No. 225. Isabella Gonzales, appellant, *v.* William Williams, United States Commissioner of Immigration. Leave granted to Mr. Federico Degateau to file brief herein as amicus curia.

No. 7, Original. The State of Kansas, complainant, *v.* The State of Colorado. Leave granted to file answer of the Fort Lyon Canal Company to the amended bill herein, on motion of Mr. A. B. Browne in behalf of Mr. Charles E. Gast for said defendant.

No. 7, Original. The State of Kansas, complainant, *v.* The State of Colorado. Leave granted to file answer of the Arkansas Valley Sugar Beet and Irrigated Land Company to the amended bill herein, on motion of Mr. Platt Rogers for said defendant.

No. 7, Original. The State of Kansas, complainant, *v.* The State of Colorado. Leave granted to file answer of the Rocky Ford Canal Reservoir Land, Loan and Trust Company, The Catlin Consolidated Canal Company, The Oxford Farmers' Ditch Company and The Laguna Canal Company to the amended bill herein, on motion of Mr. Fred A. Sabin for said defendants.

No. 57. Jovite Cau, plaintiff in error, *v.* The Texas and Pacific Railway Company. Passed, to be restored to the call subject to the provisions of section 9 of rule 26, on motion of Mr. Thomas H. Clark in behalf of counsel.

No. 41. St. Louis Hay and Grain Company, appellant, *v.* The United States. Argument continued by Mr. Assistant Attorney-General Pradt for the appellee, and concluded by Mr. George A. King for the appellant.

No. 42. William R. Warner, jr., executor, etc., appellant, *v.* The Searle & Hereth Company et al. Argument commenced by Mr. Frank T. Brown for the appellant, and continued by Mr. Philip C. Dyrenforth for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 3, will be as follows: Nos. 42, 48 (and 49), 50, 52, 53, 54, 55, 56, 58 and 59.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 3, 1903.

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

John W. Harding of Paterson, N. J., was admitted to practice.

No. 42. William R. Warner, jr., executor, etc., appellant, *v.* The Searle & Hereth Company et al. Argument continued by Mr. Philip C. Dyrenforth for the appellees, and concluded by Mr. Frank T. Brown for the appellant.

No. 48. Toltec Ranch Company, plaintiff in error, *v.* George Cook et al.; and

No. 49. Toltec Ranch Company, plaintiff in error, *v.* William Babcock et al. Argued by Mr. Maxwell Evarts for the plaintiff in error, and submitted by Mr. B. H. Jones for the defendants in error.

No. 50. The Schuyler National Bank of Schuyler, Nebr., et al., plaintiffs in error, *v.* James Gadsden et al. Argued by Mr. C. J. Phelps for the plaintiffs in error, and submitted by George Thrush and Mattie N. Thrush, two of the defendants in error, in their own behalf.

No. 52. Woe-y Ho, appellant, *v.* The United States. Argued by Mr. Franklin H. Mackey for the appellant, and by Mr. Assistant Attorney-General McReynolds for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 4, will be as follows: Nos. 53, 54, 55, 56, 58, 59, 60, 61, 62 and 63.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 4, 1903.

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

Russell T. MacFall of Indianapolis, Ind., and Charles S. Hayes of New York City were admitted to practice.

No. 54. Nicholas C. Benziger et al., petitioners, *v.* The United States. Passed temporarily, on motion of Mr. Assistant Attorney-General McReynolds for the respondent.

No. 53. La Republique Francaise et al., petitioners, *v.* Saratoga Vichy Spring Company. Argument commenced by Mr. Charles Bulkley Hubbell for the petitioners, continued by Mr. Edgar T. Brackett for the respondent, and concluded by Mr. Archibald Cox for the petitioners.

No. 55. Clemens Herold et al., plaintiffs in error, *v.* Joseph Frank et al. Argued by Mr. John W. Harding for the defendants in error, and submitted by Mr. James G. Blauvelt for the plaintiffs in error.

No. 58. The City of Owensboro, appellant, *v.* The Owensboro Waterworks Company. Argument commenced by Mr. George W. Jolly for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 5, will be as follows: Nos. 58, 56, 59, 60, 61, 62, 63, 64, 65 and 66.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 5, 1903.

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

Roger Irving Wykes of Grand Rapids, Mich., Herbert J. Chittenden of Toledo, Ohio, and V. V. Barnes of Zion City, Ill., were admitted to practice.

No. 58. The City of Owensboro, appellant, *v.* The Owensboro Waterworks Company. Argument continued by Mr. George W. Jolly for the appellant, by Mr. Robert W. Bingham and Mr. William T. Ellis for the appellee, and concluded by Mr. George W. Jolly for the appellant.

No. 56. Pennsylvania Railroad Company, plaintiff in error, *v.* William Hughes et al. Argued by Mr. John G. Johnson for the plaintiff in error, and by Mr. A. S. L. Shields for the defendants in error.

No. 59. Sarah A. Hibben, plaintiff in error, *v.* William C. Smith et al. as The Financial Exchange et al. Argument commenced by Mr. Russell T. MacFall for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 6, will be as follows: Nos. 59, 60, 61, 62, 63, 64, 65, 66, 67 and 68.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 6, 1903.

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

H. W. Bridges of New York City, William C. Hodges of Tallahassee, Fla., and Maurice W. Sloan of Philadelphia, Pa., were admitted to practice.

No. 59. Sarah A. Hibben, plaintiff in error, *v.* William C. Smith et al. as The Financial Exchange et al. Argument continued by Mr. Russell T. MacFall for the plaintiff in error, by Mr. Lawson M. Harvey for the defendants in error, and concluded by Mr. Russell T. MacFall for the plaintiff in error.

No. 60. The Continental National Bank of Memphis, Tenn., plaintiff in error, *v.* G. C. Buford. Argued by Mr. Rhea P. Cary for the plaintiff in error, and submitted by Mr. W. J. Orr for the defendant in error.

No. 61. The Grand Rapids and Indiana Railway Company, plaintiff in error, *v.* Chase S. Osborn, commissioner of railroads, etc. Argued by Mr. Thomas J. O'Brien for the plaintiff in error, and by Mr. H. M. Oren for the defendant in error. Leave granted to counsel for plaintiff in error to file an additional brief on or before the 20th instant.

No. 62. Bernard Schefe, plaintiff in error, *v.* The City of St. Louis. Passed, to be heard with No. 204, as one case, per stipulation of counsel.

No. 64. The Anglo-American Provision Company, plaintiff in error, *v.* Davis Provision Company. Argument commenced by Mr. H. W. Bridges for the plaintiff in error, and continued by Mr. Frank E. Smith for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 9, will be as follows: Nos. 64, 63, 65, 66, 67, 68, 69, 70, 71 and 72.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 9, 1903.

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

Thomas Kneeland of Minneapolis, Minn., Joseph E. Paden of Chicago, Ill., Roscoe J. Mauck of Gallipolis, Ohio, Frank P. Lindsay of Topeka, Kans., and George Getty of Syracuse, Kans., were admitted to practice.

No. 12, Original. *Ex parte*: In the matter of U. S. Joins, petitioner. Petition for writs of prohibition and certiorari denied. Opinion by Mr. Justice Holmes.

No. —, Original. *Ex parte*: In the matter of L. L. Blake et al., petitioners. Motion for leave to file petition for writs of prohibition, injunction, and certiorari denied. Opinion by Mr. Justice Holmes.

No. 20. The United States, plaintiff in error, *v.* The Denver and Rio Grande Railroad Company. In error to the supreme court of the Territory of New Mexico. Judgment reversed, and cause remanded with directions to order a new trial. Opinion by Mr. Justice Brown.

No. 102. Antoinette B. Kinney et al., appellants, *v.* The Columbia Savings and Loan Association. Appeal from the circuit court of the United States for the district of Utah. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 31. Marc Hubbert, petitioner, *v.* Campbellsville Lumber Company. On writ of certiorari to the United States circuit court of appeals for the sixth circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the western district of Kentucky. Opinion by Mr. Justice Brewer. Mr. Justice White and Mr. Justice McKenna concur in the result. Dissenting: Mr. Justice Harlan, Mr. Justice Brown and Mr. Justice Peckham.

The Chief Justice announced that the court would take a recess from Monday, November 16, to Monday, November 30. The Chief Justice also announced the following orders of the court:

No. 433. State of Minnesota, appellant, *v.* Northern Securities Company et al. Motion to advance granted, and cause assigned for argument

on Monday, January 4, 1904, after the cases already set down for that day.

No. 438. *The United States of America v. The Montana Lumber and Manufacturing Company et al.* Motion to advance for oral argument denied, but the case may be submitted on printed briefs, as under Rule 32.

No. 52. *Woey Ho, appellant, v. The United States.* Appeal from the United States circuit court of appeals for the ninth circuit. Dismissed for the want of jurisdiction. *Lau Ow Bew v. United States*, 144 U. S., 47, 58; *Cross v. Burke*, 146 U. S., 82, 88; *In re Lennon*, 150 U. S., 393; *Perrine v. Slack*, 164 U. S., 452; *The Paquete Habana*, 175 U. S., 677, 683.

No. 55. *Clemens Herold et al., plaintiffs in error, v. Joseph Frank et al.* In error to the court of errors and appeals of the State of New Jersey. Dismissed for the want of jurisdiction. *Oxley Stave Company v. Butler County*, 166 U. S., 648; *Chapin v. Fye*, 179 U. S., 127; *Capital City Dairy Company v. Ohio*, 183 U. S., 238, 248; *Mutual Life Insurance Company v. McGrew*, 188 U. S., 291; *McKane v. Durston*, 153 U. S., 684.

No. 78. *The Texas and Pacific Railway Company, plaintiff in error, v. William L. Smith.* In error to the United States circuit court of appeals for the fifth circuit. Dismissed with costs, on motion of Mr. D. D. Duncan for the plaintiff in error.

No. 449. *Florida McGuire et al., petitioners, v. William A. Blount et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Hilary A. Herbert and Mr. Benjamin Micou for the petitioners, and by Mr. William A. Blount for the respondents.

No. 386. *The Ætna Life Insurance Company, petitioner, v. The Board of County Commissioners of Hamilton County, Kans.* Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Oliver J. Bailey and Mr. Frank P. Lindsay for the petitioner, and by Mr. George Getty for the respondent.

No. 157. *The State Board of Assessors for the Parish of Orleans et al., appellants, v. The Comptoir National d'Escompte de Paris.* Leave granted to counsel for appellants to file additional brief herein within one week, on motion of Mr. George H. Lamar in behalf of counsel.

No. 99. *The Missouri Pacific Railway Company, plaintiff in error, v. Robert Eccles et al.* In error to the supreme court of the State of Missouri. Dismissed with costs, on motion of Mr. D. D. Duncan in behalf of counsel for the plaintiff in error.

No. 274. The City of Seattle, appellant, *v.* John W. Thompson. Appearance of Daniel Kelleher, administrator of John W. Thompson, deceased, as the party appellee herein, filed and entered on motion of Mr. Clarence R. Wilson in behalf of counsel for appellee.

No. 423. National Surety Company of Kansas City, Mo., petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Heber J. May and Mr. Robert T. Hough for the petitioner, and by Mr. Solicitor-General Hoyt for the respondent.

No. 429. James Haggart et al., petitioners, *v.* Lucetta B. Boynton et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Thomas H. Clark in behalf of Mr. Edward Mayes for the petitioners, and by Mr. George B. Rose for the respondent.

No. 452. Henry W. Watson, owner, etc., petitioner, *v.* The St. Clair Steamship Company, owner, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. F. H. Canfield and Mr. William J. Gray for the petitioner and by Mr. Harrington Putnam and Mr. Harvey D. Goulder for the respondent. Leave granted to counsel for respondent to file additional brief in three days.

No. 126. The American Book Company, plaintiff in error, *v.* The State of Kansas ex rel. Galen Nichols, county attorney, etc. Motion to dismiss submitted by Mr. G. C. Clemens in support of motion, and by Mr. W. H. Rossington, Mr. Charles Blood Smith and Mr. Clifford Histed in opposition thereto.

No. 69. The Texas and Pacific Railway Company, plaintiff in error, *v.* Mrs. Frank S. Smith et al. In error to the United States circuit court of appeals for the fifth circuit. Dismissed with costs, pursuant to the tenth rule.

No. 70. Armour Packing Company et al., appellants, *v.* B. T. Adams et al. Appeal from the United States circuit court of appeals for the fifth circuit. Dismissed with costs, pursuant to the tenth rule.

No. 64. The Anglo-American Provision Company, plaintiff in error, *v.* Davis Provision Company. Argument continued by Mr. Frank E. Smith for the defendant in error, and concluded by Mr. H. W. Bridges for the plaintiff in error.

No. 63. The Anglo-American Provision Company, appellant, *v.* Davis Provision Company et al. Argument commenced by Mr. H. W. Bridges for the appellant, continued by Mr. Frank E. Smith for the appellees, and concluded by Mr. H. W. Bridges for the appellant.

No. 65. Jacob Gertgens, plaintiff in error, *v.* John P. O'Connor. Argument commenced by Mr. S. M. Stockslager for the plaintiff in error, and continued by Mr. Edward T. Young for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 10, will be as follows: Nos. 65, 66, 67, 68, 71, 72, 73, 74, 75 and 76.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 10, 1903.

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

Samuel Spencer Koenig of New York City, William A. Guthrie of Durham, N. C., Homer C. Lathe of Claremont, N. H., and Harold Binney of New York City were admitted to practice.

No. 65. Jacob Gertgens, plaintiff in error, *v.* John P. O'Connor. Argument continued by Mr. Hiram F. Stevens for the defendant in error, and concluded by Mr. Thomas Kneeland for the plaintiff in error. Leave granted to counsel for plaintiff in error to file an additional brief.

No. 67. The Choctaw, Oklahoma and Gulf Railroad Company, plaintiff in error, *v.* Thomas Tennessee. Submitted by Mr. Edward B. Peirce for the plaintiff in error, and by Mr. John W. Blackwood for the defendant in error.

No. 68. The Choctaw, Oklahoma and Gulf Railroad Company, plaintiff in error, *v.* Will Holloway. Submitted by Mr. Edward B. Peirce for the plaintiff in error, and by Mr. John W. Blackwood for the defendant in error.

No. 66. John Arbuckle et al., appellants, *v.* Joseph E. Blackburn, dairy and food commissioner, etc. Argument commenced by Mr. John De Witt Warner for the appellants, continued by Mr. E. B. Dillon for the appellee, and concluded by Mr. Clarence Brown for the appellants.

No. 71. The Baltimore and Potomac Railroad Company et al., plaintiffs in error, *v.* Catharine Landrigan, administratrix, etc. Argument commenced by Mr. J. S. Flannery for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 11, will be as follows: Nos. 71, 72, 73, 74, 75, 76, 77, 79, 80 and 82.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 11, 1903.

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

John McL. Nash of New York City and Joseph D. Wright of Washington, D. C., were admitted to practice.

No. 82. John M. Clapp, appellant, *v.* Henry B. F. Macfarland et al., Commissioners of the District of Columbia. Appeal from the court of appeals of the District of Columbia. Dismissed with costs, pursuant to the tenth rule.

No. 71. The Baltimore and Potomac Railroad Company et al., plaintiffs in error, *v.* Catharine Landrigan, administratrix, etc. Argument continued by Mr. J. S. Flannery for the plaintiffs in error, by Mr. J. J. Darlington and Mr. Charles A. Douglass for the defendant in error, and concluded by Mr. Frederic D. McKenney for the plaintiffs in error.

No. 7, Original. The State of Kansas, complainant, *v.* The State of Colorado et al. Leave granted to file answer of the Colorado Fuel and Iron Company to amended bill herein, on motion of Mr. Frederic D. McKenney in behalf of counsel for said defendant.

No. 72. Mollie S. Battle, plaintiff in error, *v.* Robert G. Atkinson. Argued by Mr. John M. Taylor for the plaintiff in error. No counsel appeared for the defendant in error.

No. 73. James McLoughlin, plaintiff in error, *v.* The Raphael Tuck & Sons Co. (Limited). Argument commenced by Mr. A. Bell Malcomson for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 12, will be as follows: Nos. 73, 74, 75, 76, 77, 79, 80, 83, 84 (and 85) and 86.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 12, 1903.

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

Preston S. Davis of Vinita, Ind. T., and Samuel F. Parks of Vinita, Ind. T., were admitted to practice.

No. 73. James McLoughlin, plaintiff in error, *v.* The Raphael Tuck & Sons Co. (Limited). Argument continued by Mr. A. Bell Malcomson for the plaintiff in error, by Mr. Harold Binney for the defendant in error, and concluded by Mr. A. Bell Malcomson for the plaintiff in error.

No. 74. Norfolk and Western Railway Company et al., plaintiffs in error, *v.* John R. Sims, sheriff, etc. Argument commenced by Mr. Theodore W. Reath for the plaintiffs in error, continued by Mr. Robert D. Gilmer and Mr. James E. Shepherd for the defendant in error, and concluded by Mr. William A. Guthrie for the plaintiffs in error.

No. 75. Ulysses S. G. White, appellant, *v.* The United States. Argument commenced by Mr. William B. King for the appellant, and continued by Mr. Assistant Attorney-General Pradt for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 13, will be as follows: Nos. 75, 76, 77, 79, 80, 83, 84 (and 85), 86, 87 and 88.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 13, 1903.

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

John A. Rush of Denver, Colo., J. B. Townsend, jr., of Philadelphia, Pa., Robert G. Morrison of Minneapolis, Minn., and Thomas M. Owen of Montgomery, Ala., were admitted to practice.

No. 75. Ulysses S. G. White, appellant, *v.* The United States. Argument continued by Mr. Assistant Attorney-General Pradt for the appellee, and concluded by Mr. William B. King for the appellant.

No. 76. The Clipper Mining Company, plaintiff in error, *v.* The Eli Mining and Land Company et al. Argument commenced by Mr. W. H. Bryant for the plaintiff in error, and continued by Mr. John A. Ewing and Mr. A. B. Browne for the defendants in error, and concluded by Mr. W. H. Bryant for the plaintiff in error. Leave granted to counsel for plaintiff in error to file reply brief within five days.

No. 77. The Wisconsin and Michigan Railway Company, appellant, *v.* Perry F. Powers, auditor-general, etc. Submitted by Mr. Jesse B. Barton for the appellant, and by Mr. Roger Irving Wykes and Mr. Charles A. Blair for the appellee.

No. 80. The County of Stanislaus et al., appellants, *v.* The San Joaquin and Kings River Canal and Irrigation Company. Argument commenced by Mr. J. P. Langhorne for the appellants.

Adjourned until Monday next at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 16, 1903.

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

Oliver O. Haga of Boise, Idaho, Wilberforce Freeman of Orange, N. J., John G. Capers of Charleston, S. C., James A. Troutman of Topeka, Kans., William B. Price of Lincoln, Nebr., and Newton Wyeth of Chicago, Ill., were admitted to practice.

No. 27. J. W. Allen, comptroller, etc., plaintiff in error, *v.* Pullman's Palace Car Company. In error to the circuit court of the United States for the middle district of Tennessee. Judgment reversed with costs, and cause remanded with directions to take further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Day.

No. 41. St. Louis Hay and Grain Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Holmes.

No. 180. State of Missouri *ex rel.* William Preston Hill, plaintiff in error, *v.* Alexander M. Dockery et al. In error to the supreme court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 32. City of Joplin, appellant, *v.* Southwest Missouri Light Company. Appeal from the circuit court of the United States for the western district of Missouri. Decree reversed with costs, and cause remanded with directions to dismiss the bill. Opinion by Mr. Justice McKenna.

No. 81. Harry B. Smith, auditor, etc., plaintiff in error, *v.* The State of Indiana *ex rel.* Martha Lewis et al. In error to the supreme court of the State of Indiana. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brown. Dissenting: Mr. Justice Harlan and Mr. Justice White.

No. 44. J. L. Howard et al., appellants, *v.* Capt. J. M. Fleming, warden, etc. Appeal from the circuit court of the United States for the eastern district of North Carolina. Order affirmed with costs. Opinion by Mr. Justice Brewer. Mr. Justice Harlan concurs in the result.

No. 45. J. L. Howard et al., plaintiffs in error, *v.* The State of North Carolina. In error to the supreme court of the State of North Carolina.

Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brewer. Mr. Justice Harlan concurs in the result.

No. 44. J. L. Howard et al., appellants, *v.* Capt. J. M. Fleming, warden, etc.; and

No. 45. J. L. Howard et al., plaintiffs in error, *v.* The State of North Carolina. Application for writ of habeas corpus and change of custody of defendants denied. Announced by Mr. Justice Brewer.

No. 60. The Continental National Bank of Memphis, Tenn., plaintiff in error, *v.* G. C. Buford. In error to the United States circuit court of appeals for the eighth circuit. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Harlan.

No. 38. D. N. Holden et al., appellants, *v.* J. A. Stratton, trustee. Appeal from the United States circuit court of appeals for the ninth circuit. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 9. The Eckington and Soldiers' Home Railway Company of the District of Columbia, plaintiff in error, *v.* Florence McDevitt. In error to the court of appeals of the District of Columbia. Judgment reversed with costs, and cause remanded with directions to reverse the judgment of the supreme court of the District of Columbia and order a new trial. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice White and Mr. Justice McKenna.

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

No. 126. The American Book Company, plaintiff in error, *v.* The State of Kansas *ex rel.* Galen Nichols, county attorney, etc. Motion to dismiss postponed to the hearing of the cause on its merits.

No. 386. The Ætna Life Insurance Company, petitioner, *v.* The Board of County Commissioners of Hamilton County, Kans. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 423. The National Surety Company of Kansas City, Mo., petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 429. James Haggart et al., petitioners, *v.* Lucella B. Boynton et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 452. Henry W. Watson, owner, etc., petitioner, *v.* The St. Clair Steamship Company, owner, etc. Petitions for writ and cross writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 449. Florida McGuire et al., petitioners, *v.* William A. Blount et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit granted.

No. 72. Mollie S. Battle, plaintiff in error, *v.* Robert G. Atkinson. In error to the circuit court of the United States for the eastern district of Arkansas. Decree affirmed with costs. (*Willis v. Eastern Trust and Banking Company*, 167 U. S., 76; *Harris v. Barber*, 129 U. S., 366; *McClung v. Penny*, 189 U. S., 143.)

No. 307. Ah How, etc., appellant, *v.* The United States;

No. 308. Chu Do, etc., appellant, *v.* The United States;

No. 309. Lew Guey, appellant, *v.* The United States;

No. 310. Tom Hong, etc., appellant, *v.* The United States;

No. 311. Tom Dock, etc., appellant, *v.* The United States;

No. 312. Yung Lee, appellant, *v.* The United States; and

No. 313. Lee Kit, appellant, *v.* The United States. Motions to vacate orders as to bail and to dismiss or affirm submitted by Mr. Solicitor-General Hoyt for the appellee in support of motions, with leave to counsel for appellants to file brief in opposition within one week and to the Solicitor-General to reply thereto. Leave also granted to file brief herein in behalf of the Chinese Charitable and Benevolent Association of New York.

No. 13. Robert R. Wright, jr., as mayor of the city of Denver, plaintiff in error, *v.* Ellen Teresa Morgan et al. Mandate granted, on motion of Mr. Henry M. Teller in behalf of counsel.

No. 479. The First National Bank of Chicago et al., petitioners, *v.* The Chicago Title and Trust Company, trustee, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Henry S. Robbins and Mr. Wallace Heckman for the petitioners, and by Mr. Joseph E. Paden and Mr. Newton Wyeth in opposition thereto.

No. 277. The Northern Securities Company et al., appellants, *v.* The United States. Motion for leave to Mr. Charles Fisk Beach to file brief herein as amicus curiæ submitted by Mr. A. A. Hoehling, jr., in his behalf.

No. 445. Howe Scale Company of 1886 et al., petitioners, *v.* Wyckoff, Seamans & Benedict. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. William Henry Dennis, Mr. Austin G. Fox, Mr. James H. Peirce and Mr. George P. Fisher, jr., for the petitioners, and by Mr. Edmund Wetmore and Mr. Henry D. Donnelly for the respondents. Leave granted to counsel for petitioners to file a reply brief within three days.

Adjourned until Monday, November 30, at 12 o'clock.

The day call for Monday, November 30, will be as follows: Nos. 80, 240, 221 (and 222, 223 and 301), 14 (and 331), 152 (and 43 and 103), 225, 79, 83, 84 (and 85) and 86.

SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 30, 1903.

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

James K. Jones of Hope, Ark., Edwin H. Park of Denver, Colo., Herbert Parsons of New York, N. Y., Frederick L. Beattys, jr., of New York City, Samuel D. Miller of Indianapolis, Ind., H. A. Powell of San Francisco, Cal., Walter L. Granger of Cincinnati, Ohio, Charles E. Prior of Cincinnati, Ohio, Arthur Keithley of Peoria, Ill., Albert M. Austin of New York City, and Alex. W. Smith of Atlanta, Ga., were admitted to practice.

No. 157. The State Board of Assessors for the Parish of Orleans et al., appellants, *v.* The Comptoir National d'Escompte de Paris. 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 dismiss the bill. Opinion by Mr. Justice Day.

No. 64. The Anglo-American Provision Company, plaintiff in error, *v.* Davis Provision Company. In error to the court of appeals of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 63. The Anglo-American Provision Company, appellant, *v.* Davis Provision Company et al. Appeal from the circuit court of the United States for the southern district of New York. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Holmes.

No. 77. The Wisconsin and Michigan Railway Company, appellant, *v.* Perry F. Powers, auditor-general, etc. Appeal from the circuit court of the United States for the eastern district of Michigan. Decree affirmed with costs. Opinion by Mr. Justice Holmes. (Mr. Justice White not having heard the argument took no part in the decision of this case.)

No. 58. The City of Owensboro, appellant, *v.* The Owensboro Waterworks Company. Appeal from the circuit court of the United States for the western district of Kentucky. Decree reversed with costs, and cause remanded for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice McKenna.

No. 24. The People's National Bank of Lynchburg, Va., appellant, *v. Morton Marye, auditor, etc.* Appeal from the circuit court of the United States for the eastern district of Virginia. Decree modified and affirmed with costs. Opinion by Mr. Justice Peckham.

No. 28. Alice A. Cable, administratrix, etc., petitioner, *v. The United States Life Insurance Company of New York City.* On writ of certiorari to the United States circuit court of appeals for the seventh circuit. Decrees reversed with costs, and cause remanded to the circuit court of the United States for the northern district of Illinois with directions to dismiss the bill without prejudice. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Harlan and Mr. Justice White.

No. 59. Sarah A. Hibben, plaintiff in error, *v. William C. Smith et al. as the Financial Exchange et al.* In error to the supreme court of the State of Indiana. Judgment affirmed with costs. Opinion by Mr. Justice Peckham. (Mr. Justice White concurs in the result.)

No. 67. The Choctaw, Oklahoma and Gulf Railroad Company, plaintiff in error, *v. Thomas Tennessee.* In error to the United States circuit court of appeals for the eighth circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the eastern district of Arkansas. Opinion by Mr. Justice Peckham.

No. 68. The Choctaw, Oklahoma and Gulf Railroad Company, plaintiff in error, *v. Will Holloway.* In error to the United States circuit court of appeals for the eighth circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the eastern district of Arkansas. Opinion by Mr. Justice Peckham.

No. 208. Edward S. Sharp, plaintiff in error, *v. The United States.* In error to the United States circuit court of appeals for the third circuit. Judgment affirmed, and cause remanded to the district court of the United States for the district of New Jersey. Opinion by Mr. Justice Peckham.

No. 73. James McLoughlin, plaintiff in error, *v. The Raphael Tuck & Sons Co. (Limited).* In error to the United States circuit court of appeals for the second circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the southern district of New York. Opinion by Mr. Justice White. (Mr. Justice Holmes did not hear the argument and took no part in the decision of this case.)

No. 6. Alice R. Mosheuvel et al., plaintiffs in error, *v. The District of Columbia.* In error to the court of appeals of the District of Columbia. Judgment reversed with costs, and cause remanded with directions to reverse the judgment of the supreme court of the District of Columbia and to grant a new trial. Opinion by Mr. Justice White. Dissenting: Mr. Justice Brewer, Mr. Justice Brown and Mr. Justice Peckham.

No. 65. Jacob Gertgens, plaintiff in error, *v.* John P. O'Connor. In error to the supreme court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 389. The Louisville Trust Company, receiver, etc., appellant, *v.* Stuart R. Knott et al. Appeal from the circuit court of the United States for the western district of Kentucky. Dismissed for the want of jurisdiction in this court. Opinion by Mr. Justice Harlan.

No. 30. W. W. Atkin, plaintiff in error, *v.* The State of Kansas. In error to the supreme court of the State of Kansas. Judgment affirmed with costs. Opinion by Mr. Justice Harlan. Dissenting: Mr. Chief Justice Fuller, Mr. Justice Brewer and Mr. Justice Peckham.

No. 21. The Defiance Water Company, appellant, *v.* The City of Defiance et al. Appeal from the circuit court of the United States for the northern district of Ohio. Decree reversed at appellant's costs, and cause remanded with directions to dismiss the bill for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 42. William R. Warner, jr., executor, etc., appellant, *v.* The Searle & Hereth Company et al. Appeal from the United States circuit court of appeals for the seventh circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the northern district of Illinois. Opinion by Mr. Chief Justice Fuller.

No. 277. The Northern Securities Company et al., appellants, *v.* The United States. Motion for leave to file a brief herein as *amicus curiæ* denied. Opinion by Mr. Chief Justice Fuller.

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

No. 307. Ah How, etc., appellant, *v.* The United States;

No. 308. Chu Do, etc., appellant, *v.* The United States;

No. 309. Lew Guey, appellant, *v.* The United States;

No. 310. Tom Hong, etc., appellant, *v.* The United States;

No. 311. Tom Dock, etc., appellant, *v.* The United States;

No. 312. Yung Lee, appellant, *v.* The United States; and

No. 313. Lee Kit, appellant, *v.* The United States. Motions to vacate orders as to bail and to dismiss or affirm postponed to the hearing of the cases on their merits, and cases advanced and assigned for argument on Monday, January 4, 1904, after the cases already set down for that day.

No. 445. Howe Scale Company of 1886 et al., petitioners, *v.* Wyckoff, Seamans & Benedict. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 479. The First National Bank of Chicago et al., petitioners, *v.* The Chicago Title and Trust Company, trustee, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit granted.

No. 8, Original. The State of South Dakota, complainant, *v.* The State of North Carolina et al. Restored to the docket for reargument and assigned for hearing on Monday, January 4, 1904, after the cases already set down for that day.

No. 176. James D. Dewell et al., etc., plaintiffs in error, *v.* John W. Mix. In error to the circuit court of the United States for the district of Connecticut. Dismissed with costs, per stipulation, on motion of Mr. Solicitor-General Hoyt for the defendant in error.

No. 374. The United States, appellant, *v.* Charles M. Thomas; and

No. 375. Charles M. Thomas, appellant, *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Hoyt for the United States.

No. 482. Winfield S. Gregg, petitioner, *v.* The Metropolitan Trust Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Harlan Cleveland for the petitioner, and by Mr. Herbert Parsons for the respondents.

No. —, Original. *Ex parte*: In the matter of The Johnstown Mining Company, petitioner. Motion for leave to file petition for a writ of certiorari to the circuit court of the United States for the district of Montana submitted by Mr. Wayne MacVeagh, Mr. Robert B. Smith, Mr. Frederick W. Whitridge, Mr. Willard Parker Butler and Mr. Edwin T. Rice, in support of motion, with leave to Mr. James M. Beck to file brief in opposition on or before Friday next.

No. 492. William H. Slaughter et al., petitioners, *v.* La Compagnie Francaise Des Cables Telegraphique. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. C. Walter Artz for the petitioners, with leave to Mr. Edward K. Jones for the respondent to file brief on or before Friday next.

No. 433. State of Minnesota, appellant, *v.* Northern Securities Company et al. Motion to dismiss submitted by Mr. A. B. Browne in behalf of Mr. C. W. Bunn, Mr. George B. Young, Mr. M. D. Grover and Mr. John G. Johnson in support of motion, and by Mr. W. B. Douglas, Mr. M. D. Munn and Mr. George P. Wilson in opposition thereto.

No. 491. Frederic W. Lincoln et al., etc., plaintiffs in error, *v.* The United States. Motion to advance submitted by Mr. H. W. Van Dyke in behalf of Mr. Henry M. Ward, Mr. Paul Fuller and Mr. Frederic R. Coudert, jr., for the plaintiffs in error in support of motion, with leave to Mr. Solicitor-General Hoyt to file brief in opposition within three days.

No. 246. Charles H. Shaw, trustee, et al., appellants, *v.* The City of Covington et al. Motion to advance submitted by Mr. F. J. Hanlon for the appellees in support of motion, and by Mr. Miller Outcalt for the appellants in opposition thereto.

No. 414. The City of Covington et al., appellants, *v.* The First National Bank of Covington, Ky.; and

No. 415. The First National Bank of Covington, Ky., appellant, *v.* The City of Covington et al. Motion to advance submitted by Mr. F. J. Hanlon for the City of Covington et al. in support of motion.

No. 434. Vacuum Oil Company, petitioner, *v.* Climax Refining Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Thomas H. Clark in behalf of Mr. H. L. Osgood for the petitioner, and by Mr. Frederick L. Taft for the respondents.

No. 495. Ensenada Estate, plaintiff in error, *v.* Francis H. Dexter. In error to the district court of the United States for the district of Porto Rico. Docketed and dismissed with costs, on motion of Mr. Frederic D. McKenney for the defendant in error.

No. 98. Hugh Stevenson et al., appellants, *v.* William Fain et al. Continued, per stipulation.

No. 123. Ezra Eshelby et al., plaintiffs in error, *v.* William Watts, judge, etc., et al. In error to the supreme court of the State of Minnesota. Dismissed with costs, on authority of counsel for plaintiffs in error.

No. 80. The County of Stanislaus et al., appellants, *v.* The San Joaquin and Kings River Canal and Irrigation Company. Argument continued by Mr. J. P. Langhorne for the appellants, and by Mr. W. B. Treadwell for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 1, will be as follows: Nos. 80, 240, 221 (and 222, 223 and 301), 14 (and 331), 152 (and 43 and 103), 225, 79, 83, 84 (and 85) and 86.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 1, 1903.

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

Brooks Adams of Quincy, Mass., was admitted to practice.

No. 496. *Maggie A. Bradford v. Southern Railway Company*. Leave granted to docket certificate without payment of costs, on motion of Mr. Frederic D. McKenney in behalf of counsel for Maggie A. Bradford.

No. 80. *The County of Stanislaus et al., appellants, v. The San Joaquin and Kings River Canal and Irrigation Company*. Argument continued by Mr. W. B. Treadwell for the appellee, and concluded by Mr. J. P. Langhorne for the appellants.

No. 240. *The Delaware Indians residing in the Cherokee Nation, appellants, v. The Cherokee Nation*. Argument commenced by Mr. Walter S. Logan for the appellants, and continued by Mr. W. T. Hutchings and Mr. John J. Hemphill for the appellee, and by Mr. Walter S. Logan for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 2, will be as follows: Nos. 240, 221 (and 222, 223 and 301), 14 (and 331), 152 (and 43 and 103), 225, 79, 83, 84 (and 85), 86 and 23.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 2, 1903.

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

No. 240. The Delaware Indians residing in the Cherokee Nation, appellants, *v.* The Cherokee Nation. Argument concluded by Mr. Walter S. Logan for the appellants.

No. 221. August Cliff, plaintiff in error, *v.* The United States ;

No. 222. Frederick J. Schick, plaintiff in error, *v.* The United States ;

No. 223. William Broadwell, plaintiff in error, *v.* The United States ;
and

No. 301. Leo W. McCray, plaintiff in error, *v.* The United States. Argument commenced by Mr. William D. Guthrie for the plaintiffs in error in Nos. 221, 222 and 223, continued by Mr. Solicitor-General Hoyt for the defendant in error, and concluded by Mr. Miller Outcalt for the plaintiff in error in No. 301. Leave granted to counsel on both sides to file additional briefs within one week.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 3, will be as follows: Nos. 14 (and 331), 152 (and 43 and 103), 225, 79, 83, 84 (and 85), 86, 23, 87 and 88.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 3, 1903.

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

Samuel Crozier Irving of Chicago, Ill., was admitted to practice.

No. 79. Matilda R. Beasley et al., appellants, *v.* The Texas and Pacific Railway Company. Submitted by Mr. E. B. Kruttschnitt and Mr. W. P. Hall for the appellants, and by Mr. William Wirt Howe, Mr. John F. Dillon and Mr. W. B. Spencer for the appellee.

No. 113. Jeung Lin Heung, appellant, *v.* The United States. Appeal from the United States circuit court of appeals for the ninth circuit. Dismissed, per stipulation, and mandate granted, on motion of Mr. Solicitor-General Hoyt for the appellee.

No. 103. Spreckels Sugar Refining Company, plaintiff in error, *v.* Penrose A. McClain, collector, etc. Argued by Mr. John G. Johnson for the plaintiff in error, and by Mr. Solicitor-General Hoyt for the defendant in error.

No. 152. Robert A. Chesebrough, plaintiff in error, *v.* The United States. Argument commenced by Mr. Frederic R. Coudert, jr., for the plaintiff in error, and continued by Mr. Assistant Attorney-General Purdy for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 4, will be as follows: Nos. 152 (and 43), 14 (and 331), 225, 83, 84 (and 85), 86, 23, 87, 88 and 54.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 4, 1903.

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

Hubert J. Turney of Cleveland, Ohio, D. G. McIntosh of Towson, Md., and D. K. Este Fisher of Baltimore, Md., were admitted to practice.

No. 152. Robert A. Chesebrough, plaintiff in error, *v.* The United States. Argument concluded by Mr. Paul Fuller for the plaintiff in error.

No. 43. George C. Thomas, plaintiff in error, *v.* The United States. Argued by Mr. Frank D. Pavey for the plaintiff in error, and by Mr. Assistant Attorney-General Purdy for the defendant in error.

No. 331. Warner, Barnes & Co. (Limited), plaintiff in error, *v.* Nevada N. Stranahan. Argued by Mr. Paul Fuller and Mr. Frederic R. Coudert, jr., for the plaintiff in error, and by Mr. Solicitor-General Hoyt for the defendant in error.

No. 14. Czarnikow, MacDougall & Co. (Limited), plaintiff in error, *v.* George R. Bidwell, collector, etc. Submitted by Mr. Frederic R. Coudert, jr., and Mr. Paul Fuller for the plaintiff in error, and by Mr. Solicitor-General Hoyt for the defendant in error.

No. 225. Isabella Gonzales, appellant, *v.* William Williams, United States Commissioner of Immigration. Argument commenced by Mr. Frederic R. Coudert, jr., for the appellant, and continued by Mr. Solicitor-General Hoyt for the appellee, and by Mr. Paul Fuller for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 7, will be as follows: Nos. 225, 83, 84 (and 85), 86, 23, 87, 88, 54, 90 and 91.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 7, 1903.

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

William L. Marbury of Baltimore, Md., Oscar M. Torrison of Chicago, Ill., William Y. C. Anderson of Philadelphia, Pa., and J. F. Bowie of San Francisco, Cal., were admitted to practice.

No. 56. Pennsylvania Railroad Company, plaintiff in error, *v.* William Hughes et al. In error to the supreme court of the State of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 71. The Baltimore and Potomac Railroad Company et al., plaintiffs in error, *v.* Catharine Landrigan, administratrix, etc. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 50. The Schuyler National Bank of Schuyler, Nebr., plaintiff in error, *v.* James Gadsden et al. In error to the supreme court of the State of Nebraska. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice White. Dissenting: Mr. Justice Brown and Mr. Justice Brewer.

No. 39. United States Fidelity and Guaranty Company *v.* The United States for use and benefit of the Golden Pressed and Fire Brick Company et al. On a certificate from the United States circuit court of appeals for the eighth circuit. Question certified answered in the negative. Opinion by Mr. Justice Brown.

No. 53. La Republique Francaise et al., petitioners, *v.* Saratoga Vichy Spring Company. On writ of certiorari to the United States circuit court of appeals for the second circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the northern district of New York. Opinion by Mr. Justice Brown.

No. 74. Norfolk and Western Railway Company et al., plaintiffs in error, *v.* John R. Sims, sheriff, etc. In error to the supreme court of the State of North Carolina. Judgment reversed with costs, and cause

remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Brown. (Mr. Justice Holmes took no part in the disposition of this case.)

No. 66. John Arbuckle et al., appellants, *v.* Joseph E. Blackburn, dairy and food commissioner, etc. Appeal from the United States circuit court of appeals for the sixth circuit. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller. (Mr. Justice Day took no part in the disposition of this case.)

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

No. 246. Charles H. Shaw, trustee, et al., appellants, *v.* The City of Covington;

No. 414. The City of Covington et al., appellants, *v.* The First National Bank of Covington, Ky.; and

No. 415. The First National Bank of Covington, Ky., appellant, *v.* The City of Covington et al. Motions to advance denied.

No. 491. Frederic W. Lincoln et al., etc., plaintiffs in error, *v.* The United States. Motion to advance denied.

No. 433. State of Minnesota, appellant, *v.* Northern Securities Company et al. Motion to dismiss postponed to the hearing of the case on its merits.

No. 434. Vacuum Oil Company, petitioner, *v.* Climax Refining Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 492. William H. Slaughter et al., petitioners, *v.* La Compagnie Francaise Des Cables Telegraphiques. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 482. Winfield S. Gregg, petitioner, *v.* The Metropolitan Trust Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit granted.

No. —, Original. *Ex parte*: In the matter of The Johnstown Mining Company, petitioner. Motion for leave to file petition for a writ of certiorari denied.

No. 86. The Royal Insurance Company, plaintiff in error, *v.* Ruperto Martin, executor, etc. Leave granted to file reply brief herein, on motion of Mr. William G. Choate for the plaintiff in error.

No. 273. Granville Rippey, plaintiff in error, *v.* The State of Texas. Motion to advance submitted by Mr. Charles A. Culberson in behalf of counsel.

No. 500. Eugene Hughes et al., petitioners, *v.* A. Harrison, master, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Anthony Higgins and

Mr. Henry Galbraith Ward for the petitioners, and by Mr. John F. Lewis for the respondent.

No. 502. The American Bonding and Trust Company, petitioner, *v.* The Baltimore and Ohio Southwestern Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. William L. Marbury and Mr. Walter L. Granger for the petitioner, and by Mr. Judson Harmon for the respondent.

No. 11, Original. State of Louisiana, complainant, *v.* State of Mississippi. Leave granted to file general replication and answer to cross-bill, on motion of Mr. Alexander Porter Morse for the complainant. Leave granted to file exceptions to answer to cross-bill within forty days, on motion of Mr. Hannis Taylor for the defendant.

No. 129. The Trustees of Malester College, plaintiffs in error, *v.* The State of Minnesota. In error to the supreme court of the State of Minnesota. Dismissed, per stipulation.

No. 498. Walter N. Dimmick, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. George D. Collins for the petitioner, with leave to counsel for respondent to file brief on or before Friday next.

No. 225. Isabella Gonzales, appellant, *v.* William Williams, United States Commissioner of Immigration. Argument concluded by Mr. Federico Degetau (by special leave) for the appellant. Leave granted to Mr. Solicitor-General Hoyt for the appellee to file an additional brief on or before Friday next.

No. 83. W. H. Spencer, trustee, etc., plaintiff in error, *v.* Duplan Silk Company. Argued by Mr. T. M. B. Hicks for the plaintiff in error, and by Mr. William Y. C. Anderson and Mr. Richard C. Dale for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 8, will be as follows: Nos. 84 (and 85), 86, 23, 87, 88, 54, 90, 91, 92 and 93.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 8, 1903.

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

Samuel Douglas McEnery of New Orleans, La., was admitted to practice.

No. 84. Charles McIntire, appellant and plaintiff in error, *v.* Edwin A. McIntire, administrator, etc.; and

No. 85. Edwin A. McIntire, administrator, etc., et al., appellants and plaintiffs in error, *v.* Charles McIntire. Argument commenced by Mr. William G. Johnson for Charles McIntire, and continued by Mr. Charles Cowles Tucker and Mr. William Henry Dennis for Edwin A. McIntire et al., and concluded by Mr. William G. Johnson for Charles McIntire.

No. 86. The Royal Insurance Company, plaintiff in error, *v.* Ruperto Martin, executor, etc. Argument commenced by Mr. William G. Choate for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 9, will be as follows: Nos. 86, 23, 87, 88, 54, 90, 91, 92, 93 and 94.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 9, 1903.

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

Louis Stürcke of New York City, Wayne B. Wheeler of Columbus, Ohio, William Scott Goodfellow of San Francisco, Cal., C. P. Goodyear of Brunswick, Ga., Albert P. Massey of New York City, and John H. Lee of Chicago, Ill., were admitted to practice.

No. 132. The People's Gas Light and Coke Company, appellant, *v.* The City of Chicago. Motion for writ of certiorari to correct record herein, and that the stipulation and certified transcript presented be taken as a return to said writ, granted, on motion of Mr. Francis J. Kearful for the appellant.

No. 221. August Cliff, plaintiff in error, *v.* The United States;

No. 222. Frederick J. Schick, plaintiff in error, *v.* The United States;

No. 223. William Broadwell, plaintiff in error, *v.* The United States;
and

No. 301. Leo W. McCray, plaintiff in error, *v.* The United States. Time in which to file additional briefs herein extended to Monday next, on motion of Mr. Francis J. Kearful of counsel for plaintiffs in error in Nos. 221, 222 and 223.

No. 86. The Royal Insurance Company, plaintiff in error, *v.* Ruperto Martin, executor, etc. Argument continued by Mr. William G. Choate for the plaintiff in error, and by Mr. Fritz von Briesen for the defendant in error, and concluded by Mr. William G. Choate for the plaintiff in error.

No. 23. Thomas C. Bedford et al., appellants, *v.* The United States. Argued by Mr. John C. Chaney for the appellants, and by Mr. Assistant Attorney-General Pradt for the appellee.

No. 87. Mary Shappirio et al., appellants, *v.* Minnie D. Goldberg et al. Argued by Mr. Leo Simmons for the appellants, and submitted by Mr. Thomas M. Fields for the appellees.

No. 88. The Brunswick Terminal Company et al., *v.* The National Bank of Baltimore. Argument commenced by Mr. Henry W. Williams for the Brunswick Terminal Company et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 10, will be as follows: Nos. 88, 54, 90, 91, 92, 93, 94, 95, 96 and 97.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 10, 1903.

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

Joseph D. Brooks of Westminster, Md., Gilbert L. Dupré of Opelousas, La., Joseph M. Adams of Spokane, Wash., Thomas Edwards, jr., of Washington, D. C., and Frederick R. Austin of Detroit, Mich., were admitted to practice.

No. 88. The Brunswick Terminal Company et al., *v.* The National Bank of Baltimore. Argument continued by Mr. Henry W. Williams for the Brunswick Terminal Company et al., and continued by Mr. Frank Gosnell and Mr. William L. Marbury for The National Bank of Baltimore, and concluded by Mr. C. P. Goodyear for the Brunswick Terminal Company et al.

No. 54. Nicholas C. Benziger et al., petitioners, *v.* The United States. Argument commenced by Mr. W. Wickham Smith for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 11, will be as follows: Nos. 54, 90, 91, 92, 93, 94, 95, 96, 97 and 100.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 11, 1903.

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

Hugh C. Macfarlane of Tampa, Fla., Marquis Eaton of Chicago, Ill., Henry N. Arnold of New York City, Henry W. Leman of Chicago, Ill., John F. Smulski of Chicago, Ill., Frank R. Shattuck of Philadelphia, Pa., Albert N. Eastman of Chicago, Ill., Henry W. Freeman of Chicago, Ill., John C. F. Royer of Chicago, Ill., Henry A. Williams of Columbus, Ohio, Augustus T. Seymour of Columbus, Ohio, and John M. Harris of Scranton, Pa., were admitted to practice.

No. 54. Nicholas C. Benziger et al., petitioners, *v.* The United States. Argument continued by Mr. W. Wickham Smith for the petitioners, by Mr. Assistant Attorney-General McReynolds for the respondent, and concluded by Mr. W. Wickham Smith for the petitioners.

No. 90. The New York County National Bank, appellant, *v.* Albert P. Massey, trustee, etc. Argument commenced by Mr. Latham G. Reed for the appellant, and continued by Mr. Louis Sturke for the appellee, and concluded by Mr. Latham G. Reed for the appellant.

No. 91. The People of the State of New York *ex rel.* The Pennsylvania Railroad Company, plaintiff in error, *v.* Erastus C. Knight, comptroller of the State of New York. Argued by Mr. Henry Galbraith Ward for the plaintiff in error, and by Mr. John Cunneen for the defendant in error.

No. 92. The Postal Telegraph-Cable Company, plaintiff in error, *v.* The Borough of New Hope; and

No. 93. The Postal Telegraph-Cable Company, plaintiff in error, *v.* The Borough of Taylor. Argued by Mr. F. R. Shattuck for the plaintiff in error, and by Mr. William C. Ryan for defendant in error in No. 92, and by Mr. John M. Harris for defendant in error in No. 93.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 14, will be as follows: Nos. 277, 94, 95, 96, 97, 100, 101, 104, 105 (and 106) and 107.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 14, 1903.

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

Hillary C. Messimer of New York City, Charles P. Howland of New York City, Charles R. Brock of Denver, Colo., Alfred J. Thomas of Wooster, Ohio, Anson M. Beard of New York City, Oliver Dibble of San Francisco, Cal., Lewis R. Kirby of San Diego, Cal., Abraham Lewis, jr., of Honolulu, Territory of Hawaii, Granville A. Richardson of Roswell, N. Mex., N. M. Thygeson of St. Paul, Minn., Samuel R. Thayer, of Minneapolis, Minn., Samuel Hill of Seattle, Wash., John B. Daish of Washington, D. C., and Christopher Stuart Patterson of Philadelphia, Pa., were admitted to practice.

No. 33. *The Deposit Bank of Frankfort, plaintiff in error, v. The Board of Councilmen of the City of Frankfort.* In error to the court of appeals of the State of Kentucky. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Day. Dissenting: Mr. Chief Justice Fuller, Mr. Justice Brewer, Mr. Justice Brown and Mr. Justice Peckham.

No. 79. *Matilda R. Beasley et al., appellants, v. The Texas and Pacific Railway Company.* Appeal from the United States circuit court of appeals for the fifth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the western district of Louisiana. Opinion by Mr. Justice Holmes. (Mr. Justice Brewer concurs in the result. Mr. Justice Brown took no part in the decision of this case.)

The Chief Justice announced that the court would take a recess from Monday, December 21, to Monday, January 4, next. The Chief Justice also announced the following orders of the court:

No. 14. *Czarnikow, MacDougall & Co. (Limited), plaintiff in error, v. George R. Bidwell, collector, etc.* In error to the circuit court of the United States for the southern district of New York. Judgment affirmed

with costs, on the authority of *Downes v. Bidwell*, 182 U. S., 244, 287. (The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer and Mr. Justice Peckham dissent.)

No. 331. Warner, Barnes & Co. (Limited), plaintiff in error, *v. Nevada N. Stranahan*. In error to the circuit court of the United States for the southern district of New York. Judgment affirmed with costs, on the authority of *Downes v. Bidwell*, 182 U. S., 244, 287. (The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer and Mr. Justice Peckham dissent.)

No. 88. The Brunswick Terminal Company et al. *v. The National Bank of Baltimore*. Ordered that the whole record and cause be sent up for the consideration of this court.

No. 498. Walter N. Dimmick, petitioner, *v. The United States*. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 500. Eugene Hughes et al., petitioners, *v. A. Harrison*, master, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 502. The American Bonding and Trust Company, petitioner, *v. The Baltimore and Ohio Southwestern Railroad Company*. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 10, Original. The United States, complainant, *v. The State of Michigan*. Leave granted to file replication, on motion of Mr. Solicitor-General Hoyt for the complainant.

No. 494. J. D. Nordlinger, petitioner, *v. The United States*. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Wheeler H. Peckham and Mr. Albert Comstock for the petitioner, and by Mr. Solicitor-General Hoyt for respondent.

No. 509. John Breslin et al., petitioners, *v. Carnegie Steel Company*, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. James I. Kay, Mr. James N. Cooke and Mr. James S. Young for the petitioners, with leave to counsel for respondent to file brief on or before Friday next.

No. 400. Caroline W. Dobbins, plaintiff in error, *v. The City of Los Angeles*; and

No. 401. Martin Daly, plaintiff in error, *v. Charles Elton*, chief of police, etc. Motions to advance submitted by Mr. James McLachlan in behalf of counsel for the plaintiffs in error.

No. 95. Lindley E. Sinclair, plaintiff in error, *v. The District of*

Columbia. In error to the court of appeals of the District of Columbia. Dismissed with costs, on motion of Mr. C. C. Cole for the plaintiff in error.

No. 116. The Hawaiian Tramways Company (Limited), plaintiff in error, *v.* The Honolulu Rapid Transit and Land Company (Limited). In error to the supreme court of the Territory of Hawaii. Dismissed with costs, on motion of Mr. J. J. Darlington for the plaintiff in error.

No. 510. F. A. Pouppirt, petitioner, *v.* Elder Dempster Shipping (Limited). Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Floyd Hughes for the petitioner, and Mr. Robert M. Hughes for the respondent.

No. 477. Jacob E. Jacobsen et al., petitioners, *v.* The Dalles, Portland and Astoria Navigation Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Leon Tobriner in behalf of Mr. T. J. Geisler, and Mr. W. W. Cotton for the petitioners, and by Mr. Franklin P. Mays and Mr. Rufus Mallory for the respondent.

No. 505. The City of Wooster, petitioner, *v.* The Eastern Trust and Banking Company; and

No. 506. Isaac N. Kinney et al., petitioners, *v.* The Eastern Trust and Banking Company. Petitions for writs of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. O. W. Aldrich and Mr. Alfred J. Thomas for the petitioners, and by Mr. William B. Sanders for the respondent.

No. 4, Original. The State of Missouri, complainant, *v.* The State of Illinois et al. Motion as to printing record and for extension of time to take testimony granted, on motion of Mr. Frank S. Bright in behalf of counsel for the complainant.

No. 105. J. D. Spreckels, appellant, *v.* George W. Wittman, chief of police, etc. Appeal from the circuit court of the United States for the northern district of California. Dismissed with costs, on authority of counsel for appellant.

No. 106. W. S. Leake, appellant, *v.* George W. Wittman, chief of police, etc. Appeal from the circuit court of the United States for the northern district of California. Dismissed with costs, on authority of counsel for appellant.

No. 107. Donald McPherson, appellant, *v.* Henry B. F. Macfarland et al., Commissioners of the District of Columbia. Appeal from the court of appeals of the District of Columbia. Dismissed with costs, pursuant to the tenth rule.

No. 257. S. A. Weltmer et al., plaintiffs in error, *v.* C. M. Bishop. Motion to dismiss submitted by Mr. William C. Scarrett in support of motion, and by Mr. James H. Harkless in opposition thereto.

No. 277. The Northern Securities Company et al., appellants, *v.* The United States. Motion for two hours additional time on each side and three counsel to be heard for the appellants granted, on motion of Mr. John G. Johnson for the appellants. Argument commenced by Mr. John G. Johnson for the appellants, and continued by Mr. Charles W. Bunn for the appellants, and by Mr. Attorney-General Knox for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 15, will be as follows: Nos. 277, 94, 96, 97, 100, 101, 104, 108, 109 (and 110) and 111.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 15, 1903.

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

William M. Lanning of Trenton, N. J., Frank W. Christian of Richmond, Va., Noble E. Dawson of Chicago, Ill., Samuel A. T. Watkins of Chicago, Ill., Frank Lyon of Overlook, Va., Walter Christian of Tacoma, Wash., Carlton M. Bliss of Denver, Colo., Charles Earl of Washington, D. C., and Albert J. Smith of Minneapolis, Minn., were admitted to practice.

No. 111. Peter J. Heinz, substituted for Anna M. Heinz, deceased, appellant, *v.* Henry B. F. Macfarland et al., Commissioners of the District of Columbia. Appeal from the court of appeals of the District of Columbia. Dismissed with costs, pursuant to the tenth rule.

No. 277. The Northern Securities Company et al., appellants, *v.* The United States. Argument continued by Mr. Attorney-General Knox for the appellee, and concluded by Mr. George B. Young for the appellants. Leave granted to both sides to file printed copies of the oral arguments.

No. 94. Lindley E. Sinclair, plaintiff in error, *v.* The District of Columbia. Argued by Mr. Charles C. Cole and Mr. J. J. Darlington for the plaintiff in error, and submitted by Mr. A. B. Duvall and Mr. Edward H. Thomas for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 16, will be as follows: Nos. 96, 97, 100, 101, 104, 108, 109 (and 110), 112, 115 and 117.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 16, 1903.

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

Lucius G. Nash of Spokane, Wash., Howard S. Gans of New York City, R. W. Starr of Waterville, Wash., Caleb J. Bieber of Reading, Pa., Allen F. Rees of Houghton, Mich., Thomas O'Day of Portland, Oreg., Dennis T. Flynn of Oklahoma City, Okla., and John V. Morgan of Nebraska City, Nebr., were admitted to practice.

No. 504. Albert J. Adams, plaintiff in error, *v.* The People of the State of New York. Motion to advance submitted by Mr. Abram J. Rose for the plaintiff in error.

No. 121. Henry Lockhart, appellant, *v.* H. C. Leeds et al. Passed temporarily, on motion of Mr. A. B. Browne in behalf of counsel.

No. 96. Ferdinand M. Joplin, etc., plaintiff in error, *v.* Theodore C. Chachere et al. Argued by Mr. S. D. McEnery for the plaintiff in error, and by Mr. Gilbert L. Dupré for the defendants in error.

No. 97. The Town of Weston, appellant, *v.* Sallie E. Tierney. Argued by Mr. E. A. Brannon for the appellant. No counsel appeared for the appellee.

No. 100. Daniel Cronin, plaintiff in error, *v.* Frank Adams et al., etc.; and

No. 101. Daniel Cronin, plaintiff in error, *v.* The City of Denver. Argued by Mr. Charles R. Brock for the defendants in error, and submitted by Mr. Milton Smith for the plaintiff in error.

No. 104. The German Savings and Loan Society, plaintiff in error, *v.* Dora May Dormitzer et al. Argument commenced by Mr. William Scott Goodfellow for the plaintiff in error, and continued by Mr. Lucius G. Nash and Mr. Robert A. Howard for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 17, will be as follows: Nos. 104, 108, 109 (and 110), 112, 115, 117, 118, 119, 120 and 122.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 17, 1903.

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

George F. Brownell of New York City, John T. Martin of New York City, Osborne I. Yellott of Towson, Md., and Frederick C. Hyer of Rahway, N. J., were admitted to practice.

No. 122. Daniel H. Carstairs et al., plaintiffs in error, *v.* Willie B. Cochran, treasurer, etc. Death of Willie B. Cochran, the defendant in error herein, suggested, and the appearance of G. Albert Mayes, his successor in office, filed and entered, on motion of Mr. D. G. McIntosh for the defendant in error.

No. 118. C. W. Cornell et al., plaintiffs in error, *v.* F. E. Coyne, late United States collector, etc. Passed temporarily, on motion of Mr. Assistant Attorney-General McReynolds for the defendant in error.

No. 120. William A. Paulsen, plaintiff in error, *v.* The People of the State of Illinois. Passed.

No. 104. The German Savings and Loan Society, plaintiff in error, *v.* Dora May Dormitzer et al. Argument continued by Mr. Robert A. Howard for the defendants in error, and concluded by Mr. William Scott Goodfellow for the plaintiff in error.

No. 108. James G. James, appellant, *v.* George H. Appel. Argued by Mr. J. F. Bowie for the appellant, and submitted by Mr. C. W. Holcomb, Mr. W. C. Keegin and Mr. J. H. McGowan for the appellee.

No. 109. Commercial National Bank of Portland, plaintiff in error, *v.* Henry Weinhard; and

No. 110. Commercial National Bank of Portland, plaintiff in error, *v.* George H. Williams. Argument commenced by Mr. E. S. Pillsbury for the plaintiff in error, and continued by Mr. Thomas O'Day for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 18, will be as follows: Nos. 109 (and 110), 112, 115, 117, 119, 122, 124, 125, 126 and 127 (and 128).

SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 18, 1903.

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

John Weaver of Philadelphia, Pa., E. B. Evans of Des Moines, Iowa, I. I. Brown of San Francisco, Cal., Albert Fink of Seattle, Wash., Alexander Marshall of Duluth Minn., W. L. Boise of Portland, Oreg., and Charles H. Carey of Portland, Oreg., were admitted to practice.

No. 109. Commercial National Bank of Portland, plaintiff in error, *v.* Henry Weinhard; and

No. 110. Commercial National Bank of Portland, plaintiff in error, *v.* George H. Williams. Argument continued by Mr. Thomas O'Day for the defendants in error, and concluded by Mr. E. S. Pillsbury for the plaintiff in error.

No. 112. The Wabash Railroad Company, plaintiff in error, *v.* W. N. Pearce et al., executors, etc. Submitted by Mr. Wells H. Blodgett for the plaintiff in error, and by Mr. Edward C. Kehr for the defendants in error.

No. 115. The Wabash Railroad Company, plaintiff in error, *v.* Alexander Flannigan et al. Submitted by Mr. Wells H. Blodgett for the plaintiff in error, and by Mr. John D. Johnson for the defendants in error.

No. 117. George W. Crossman et al., plaintiffs in error, *v.* Theodor G. Lurman et al. Argued by Mr. Frederic R. Kellogg for the plaintiffs in error, and by Mr. Charles Stewart Davison for the defendants in error.

No. 383. The United States ex rel. Charles P. Steinmetz, plaintiff in error, *v.* Frederick I. Allen, Commissioner of Patents. Reassigned for argument on Monday, January 4, 1904, after the cases already set down for that day.

No. 13, Original. Ex parte: In the matter of Herman Frasch, petitioner. Argument on return to rule commenced by Mr. Charles J. Hedrick for the petitioner.

Adjourned until Monday next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 21, 1903.

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

Allan A. Gilbert of Chicago, Ill., Albert P. Worthen of Boston, Mass., and Frederick S. Lyon of Los Angeles, Cal., were admitted to practice.

No. 75. Ulysses S. G. White, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Day.

No. 48. Toltec Ranch Company, plaintiff in error, *v.* George Cook et al. In error to the supreme court of the State of Utah. Judgment affirmed with costs. Opinion by Mr. Justice McKenna. (Mr. Justice Brewer concurs in the judgment.)

No. 49. Toltec Ranch Company, plaintiff in error, *v.* William Babcock et al. In error to the supreme court of the State of Utah. Judgment affirmed with costs. Opinion by Mr. Justice McKenna. (Mr. Justice Brewer concurs in the judgment.)

No. 83. W. H. Spencer, trustee, etc., plaintiff in error, *v.* Duplan Silk Company. In error to the United States circuit court of appeals for the third circuit. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

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

No. 97. The Town of Weston, appellant, *v.* Sallie E. Tierney. Appeal from the circuit court of the United States for the northern district of West Virginia. Decree reversed with costs, and cause remanded with directions to dismiss the bill for want of jurisdiction. *Town of Weston v. Tierney*, 184 U. S., 695; *Holt v. Indiana Manufacturing Company*, 176 U. S., 68, 73, and cases cited.

No. 257. S. A. Weltmer et al., plaintiffs in error, *v.* C. M. Bishop. In error to the supreme court of the State of Missouri. Dismissed for the want of jurisdiction on the authority of *Miller v. Texas*, 153 U. S., 535; *Erie Railroad Company v. Purdy*, 185 U. S., 148; *New Orleans Waterworks Co. v. Louisiana*, 185 U. S., 336; *Ex parte Spies*, 123 U. S., 131.

No. 374. The United States, appellant, *v.* Charles M. Thomas; and
 No. 375. Charles M. Thomas, appellant, *v.* The United States.
 Motion to advance granted, and cases assigned for argument on Tuesday,
 October 11, 1904.

No. 400. Caroline W. Dobbins, plaintiff in error, *v.* The City of Los Angeles; and

No. 401. Martin Daly, plaintiff in error, *v.* Charles Elton, chief of police, etc. Motion to advance granted, and cases assigned for argument on Tuesday, October 11, 1904, after the cases already set down for that day.

No. 504. Albert J. Adams, plaintiff in error, *v.* The People of the State of New York. Motion to advance granted, and case assigned for argument on Monday, January 25, after the cases already set down for that day.

No. 477. Jacob E. Jacobsen et al., petitioners, *v.* The Dalles, Portland and Astoria Navigation Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 494. J. D. Nordlinger, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 505. The City of Wooster, petitioner, *v.* The Eastern Trust and Banking Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 506. Isaac N. Kinney et al., petitioners, *v.* The Eastern Trust and Banking Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 509. John Brislin et al., petitioner, *v.* Carnegie Steel Company (Limited). Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 510. Frank A. Pouppirt, petitioner, *v.* Elder Dempster Shipping (Limited). Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

Nos. 453 to 475. John M. Sloan et al., appellants, *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Hoyt for the appellee.

No. 409. The Interstate Commerce Commission, appellant, *v.* David G. Baird et al. Motion to advance submitted by Mr. Solicitor-General Hoyt for the appellant.

No. 383. The United States ex rel. Charles P. Steinmetz, plaintiff in error, *v.* Frederick I. Allen, Commissioner of Patents. Petition for a

writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. Melville Church and Mr. Frederic H. Betts for the plaintiff in error, with leave to Mr. Solicitor-General Hoyt to file brief in opposition.

No. 516. William J. Buttfield, claimant, etc., plaintiff in error, *v.* The United States. Motion to advance submitted by Mr. Henry E. Davis in behalf of counsel for the plaintiff in error.

No. 511. The Boston Dry Goods Company, petitioner, *v.* Jeremiah Smith, jr., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. Frank H. Stewart for the petitioner, and by Mr. Arthur D. Hill for the respondents.

No. 268. Richard H. Lufkin et al., plaintiffs in error, *v.* Mary A. Lufkin. Motion to dismiss or affirm submitted by Mr. Charles T. Gallagher in support of motion, and by Mr. Frank H. Stewart and Mr. A. P. Worthen in opposition thereto.

No. 13, Original. *Ex parte*: In the matter of Herman Frasch, petitioner. Argument continued by Mr. Charles J. Hedrick for the petitioner, by Mr. Assistant Attorney-General McReynolds for the respondents, and concluded by Mr. Charles J. Hedrick for the petitioner.

Adjourned until Monday, January 4, 1904, at 12 o'clock.

The day call for Monday, January 4, will be as follows: Nos. 294 (and 296), 145, 337 (and 338), 407, 4 (and 5), 433, 307 (and 308, 309, 310, 311, 312 and 313), 8, Original, 383 and 119.

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 4, 1904.

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

Massey Wilson of Montgomery, Ala., H. O. Young of Ishpeming, Mich., Scott W. Shaul of Marquette, Mich., George H. Carr of Des Moines, Iowa, A. C. Parker of Des Moines, Iowa, John L. Stevens of Boone, Iowa, Rufus C. Thayer of Colorado Springs, Colo., Bankson T. Morgan of New York City, William M. Seabury of New York City, Howard Thayer Kingsbury of New York City and Waldemar Van Cott of Salt Lake City, Utah, were admitted to practice.

No. 90. *The New York County National Bank, appellant, v. Albert P. Massey, trustee, etc.* Appeal from the United States circuit court of appeals for the second circuit. Judgment of said United States circuit court of appeals reversed with costs, and order of the district court of the United States for the southern district of New York affirmed, and cause remanded to the said district court. Opinion by Mr. Justice Day. Dissenting: Mr. Justice McKenna.

No. 84. *Charles McIntire, appellant and plaintiff in error, v. Edwin A. McIntire, administrator, etc.; and*

No. 85. *Edwin A. McIntire, administrator, etc., et al., appellants and plaintiffs in error, v. Charles McIntire.* Appeals from and in error to the court of appeals of the District of Columbia. Decree affirmed, each party to pay their own costs. Opinion by Mr. Justice Holmes.

No. 104. *The German Savings and Loan Society, plaintiff in error, v. Dora May Dormitzer et al.* In error to the supreme court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice McKenna.

No. 108. *James G. James, appellant, v. George H. Appel.* Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 2. *The Citizens' Bank of Louisiana, plaintiff in error, v. Caleb H. Parker, tax collector of the first district of the city of New Orleans.* In error to the supreme court of the State of Louisiana. Judgment reversed

with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Harlan, Mr. Justice Brewer and Mr. Chief Justice Fuller.

No. 100. Daniel Cronin, plaintiff in error, *v.* Frank Adams et al., constituting the fire and police board of the city of Denver. In error to the supreme court of the State of Colorado. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 101. Daniel Cronin, plaintiff in error, *v.* The City of Denver. In error to the supreme court of the State of Colorado. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 96. Ferdinand M. Joplin, individually and as administrator, etc., plaintiff in error, *v.* Theodore C. Chachere et al. In error to the supreme court of the State of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 54. Nicholas C. Benziger et al., petitioners, *v.* The United States. On writ of certiorari to the United States circuit court of appeals for the second circuit. Judgments of the United States circuit court of appeals and the circuit court of the United States for the southern district of New York reversed, and cause remanded to said circuit court with directions to reverse the decision of the Board of General Appraisers and of the collector, and to direct the collector to admit the figures to free entry. Opinion by Mr. Justice Peckham.

No. 92. The Postal-Telegraph Cable Company, plaintiff in error, *v.* The Borough of New Hope. In error to the supreme court of the State of Pennsylvania. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Harlan and Mr. Justice Brewer.

No. 93. The Postal-Telegraph Cable Company, plaintiff in error, *v.* The Borough of Taylor. In error to the supreme court of the State of Pennsylvania. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Harlan and Mr. Justice Brewer.

No. 115. The Wabash Railroad Company, plaintiff in error, *v.* Alexander Flannigan et al. In error to the St. Louis court of appeals in the State of Missouri. Dismissed for the want of jurisdiction. Opinion by Mr. Justice White.

No. 91. The People of the State of New York *ex rel.* The Pennsylvania Railroad Company, plaintiff in error, *v.* Erastus C. Knight, comptroller of the State of New York. In error to the supreme court

of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Brewer. Announced by Mr. Chief Justice Fuller.

No. 94. Lindley E. Sinclair, plaintiff in error, *v.* The District of Columbia. In error to the court of appeals of the District of Columbia. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 225. Isabella Gonzales, appellant, *v.* William Williams, United States Commissioner of Immigration. Appeal from the circuit court of the United States for the southern district of New York. Final order reversed with costs, and cause remanded with a direction to discharge Gonzales. Opinion by Mr. Chief Justice Fuller.

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

No. 409. The Interstate Commerce Commission, appellant, *v.* David G. David et al. Motion to advance granted, and cause assigned for argument on Monday, March 7 next.

Nos. 453 to 475, inclusive. John M. Sloan et al., appellants, *v.* The United States et al. Motion to advance granted, and cases advanced to be heard as one case, and only on that condition, on Monday, March 7 next, after the case already set down for that day.

No. 516. William J. Buttfield, claimant, etc., plaintiff in error, *v.* The United States. Motion to advance granted, and case advanced to be heard with Nos. 294 and 296 as one case.

No. 511. The Boston Dry Goods Company, petitioner, *v.* Jeremiah Smith, jr., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 268. Richard H. Lufkin et al., plaintiffs in error, *v.* Mary A. Lufkin. In error to the supreme judicial court of the State of Massachusetts. Dismissed for the want of jurisdiction, on the authority of *Powell v. Brunswick County*, 150 U. S., 433; *Miller v. Cornwall Railroad Company*, 168 U. S., 134; *Porter v. Foley*, 24 How., 415; *Ansbro v. United States*, 159 U. S., 695.

The Chief Justice also announced that the court would not assemble on Wednesday the 6th instant until 2 o'clock.

No. 231. Henry C. Payne, Postmaster-General, plaintiff in error and petitioner, *v.* The United States ex rel. National Railway Publication Company; and

No. 232. Henry C. Payne, Postmaster-General, plaintiff in error and petitioner, *v.* The United States ex rel. The Railway List Company. In error to and on writ of certiorari to the court of appeals of the District of Columbia. Dismissed with costs, on motion of Mr. Solicitor-General Hoyt for the plaintiff in error and petitioner.

No. 522. The American Credit Indemnity Company of New York, petitioner, *v.* The Carrollton Furniture Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Frank W. Hackett in behalf of Mr. Albert Stickney for the petitioner.

No. 526. William A. Chapman et al., petitioners, *v.* Montgomery Water Power Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. W. A. Gunter and Mr. G. L. Smith for the petitioners, and by Mr. Edward A. Graham, Mr. Horace Stringfellow and Mr. Robert E. Steiner for the respondent.

No. 503. William H. Pope, plaintiff in error, *v.* John M. C. Williams et al. Motion to advance submitted by Mr. William H. Pope in propria persona.

No. 517. Martin H. Sullivan, petitioner, *v.* William A. Milliken. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Thomas H. Watts for the petitioner, and by Mr. William A. Blount for the respondent.

No. 8, Original. The State of South Dakota, complainant, *v.* The State of North Carolina. Motion for leave to file answer of Simon Rothschilds submitted by Mr. Frederic D. McKenney in his behalf.

No. 39. United States Fidelity and Guaranty Company *v.* The United States for the use and benefit of The Golden Pressed and Fire Brick Company et al. Mandate granted, on motion of Mr. J. F. Shafroth in behalf of counsel.

No. 533. Montgomery Water Power Company, petitioner, *v.* William A. Chapman et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Thomas H. Clark, Mr. Edward A. Graham, Mr. Horace Stringfellow and Mr. Robert E. Steiner for the petitioner, and by Mr. W. A. Gunter and Mr. G. L. Smith for the respondents.

No. 534. Green Etheridge, plaintiff in error, *v.* The State of Alabama. In error to the circuit court of the United States for the northern district of Alabama. Docketed and dismissed with costs, on motion of Mr. Massey Wilson for the defendant in error.

No. 445. Howe Scale Company of 1886 et al., petitioners, *v.* Wyckoff, Seamans & Benedict. Petition for cross-writ of certiorari herein submitted by Mr. W. W. Dodge in behalf of Mr. Edmund Wetmore, and Mr. Henry D. Donnelly in support of petition, and by Mr. Austin G. Fox, Mr. J. H. Peirce, Mr. George P. Fisher, jr., and Mr. William Henry Dennis in opposition thereto. Leave granted to file additional brief in support of petition within five days.

No. 527. H. Hackfeld & Co. (Limited), petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Maxwell Evarts for the petitioner, and by Mr. Solicitor-General Hoyt for the respondent.

No. 377. The Postal Telegraph Company, plaintiff in error, *v.* Mary E. Shevalier;

No. 378. The Postal Telegraph Company, plaintiff in error, *v.* Moraldus Calkins;

No. 379. The Postal Telegraph Company, plaintiff in error, *v.* William J. Huber;

No. 380. The Postal Telegraph Company, plaintiff in error, *v.* C. N. Decker et al.;

No. 381. The Postal Telegraph Company, plaintiff in error, *v.* George Roberts; and

No. 382. The Postal Telegraph Company, plaintiff in error, *v.* William D. Guinnip. In error to the superior court of the State of Pennsylvania. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 407. Dan Rogers, plaintiff in error, *v.* The State of Alabama. Submitted by Mr. Wilford H. Smith for the plaintiff in error, and by Mr. Massey Wilson for the defendant in error.

No. 294. William J. Buttfield, plaintiff in error, *v.* Nevada N. Stranahan, collector, etc.;

No. 296. William J. Buttfield, plaintiff in error, *v.* George R. Bidwell; and

No. 516. William J. Buttfield, claimant, etc., plaintiff in error, *v.* The United States. Argued by Mr. James L. Bishop for the plaintiff in error, and Mr. Edward B. Whitney for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 5, will be as follows: Nos. 145, 337 (and 338), 4 (and 5), 433, 307 (and 308, 309, 310, 311, 312 and 313), 8, Original, 383, 119, 122 and 124.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 5, 1904.

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

Orison V. Eaton of San Francisco, Cal., James B. Muir of Chicago, Ill., Divie B. Duffield of Detroit, Mich., and Frederick C. McLaughlin of New York City were admitted to practice.

No. 21. The Defiance Water Company, appellant, *v.* The City of Defiance et al. Mandate stayed for thirty days from December 30, on motion of Mr. Thomas H. Clark in behalf of counsel for appellant.

No. 145. The United States, appellant, *v.* The Northern Pacific Railroad Company et al. Argued by Mr. C. W. Russell for the appellant, and by Mr. C. W. Bunn for the appellees.

Nos. 337 and 338. Jackson W. Giles, plaintiff in error, *v.* Charles B. Teasley et al. Argued by Mr. Wilford H. Smith for the plaintiff in error, and by Mr. W. A. Gunter for the defendants in error.

No. 4. The United States, appellant, *v.* The California and Oregon Land Company; and

No. 5. The California and Oregon Land Company, appellant, *v.* The United States. Argument commenced by Mr. John F. Dillon for the California and Oregon Land Company.

Adjourned until to-morrow at 2 o'clock.

The day call for Wednesday, January 6, will be as follows: Nos. 4 (and 5), 433, 307 (and 308, 309, 310, 311, 312 and 313), 8, Original, 383, 119, 122, 124, 125 and 126.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 6, 1904.

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

William R. Green of Audubon, Iowa, and Edward P. Smith of Omaha, Nebr., were admitted to practice.

No. 231. Henry C. Payne, Postmaster-General, plaintiff in error and petitioner, *v.* The United States *ex rel.* National Railway Publication Company. Mandate granted, on motion of Mr. Clarence R. Wilson for the defendant in error and respondent.

No. 4. The United States, appellant, *v.* The California and Oregon Land Company; and

No. 5. The California and Oregon Land Company, appellant, *v.* The United States. Reargument continued by Mr. John F. Dillon for the California and Oregon Land Company, and by Mr. C. W. Russell for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 7, will be as follows: Nos. 4 (and 5), 433, 307 (and 308, 309, 310, 311, 312 and 313), 8, Original, 383, 119, 122, 124, 125 and 126.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 7, 1904.

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

Charles Curtis of Topeka, Kans., and Thomas T. Kerb of Spokane, Wash., were admitted to practice.

No. 4. The United States, appellant, *v.* The California and Oregon Land Company; and

No. 5. The California and Oregon Land Company, appellant, *v.* The United States. Reargument continued by Mr. C. W. Russell for the United States, and concluded by Mr. A. B. Browne for the California and Oregon Land Company.

No. 433. The State of Minnesota, appellant, *v.* The Northern Securities Company et al. One hour additional time allowed to each side in the argument herein, on motion of Mr. M. D. Munn for the appellant. Argument commenced by Mr. W. B. Douglas for the appellant, and continued by Mr. M. D. Munn for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 8, will be as follows: Nos. 433, 307 (and 308, 309, 310, 311, 312 and 313), 8, Original, 383, 119, 122, 124, 125, 126 and 118.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 8, 1904.

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

John Charles Harris of Houston, Tex., Edward F. Harris of Galveston, Tex., and Charles H. Ruth of Newport News, Va., were admitted to practice.

No. 433. The State of Minnesota, appellant, *v.* The Northern Securities Company et al. Argument continued by Mr. George B. Young and Mr. John G. Johnson for the appellees, and concluded by Mr. M. D. Munn for the appellant.

No. 8, Original. The State of South Dakota, complainant, *v.* The State of North Carolina et al. Reargument commenced by Mr. Wheeler H. Peckham for the complainant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 11, will be as follows: Nos. 8, Original, 307 (and 308, 309, 310, 311, 312 and 313), 383, 119, 122, 124, 125, 126, 118 and 127 (and 128).

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SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 11, 1904.

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

James H. Griffin of Washington, D. C., Frank T. Ransom of Omaha, Nebr., William F. Sheehan of New York City, Terence J. McManus of New York City, Hartwell Cabell of Cincinnati, Ohio, Richard S. Horton of Omaha, Nebr., Edgar C. Chapman of San Francisco, Cal., and Charles S. Wheeler of San Francisco, Cal., were admitted to practice.

No. 117. George W. Crossman et al., plaintiffs in error, *v.* Theodor G. Lurman et al. In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 86. The Royal Insurance Company, plaintiff in error, *v.* Ruperto Martin, executor, etc. In error to the district court of the United States for the district of Porto Rico. Judgment reversed with costs, and cause remanded with directions to set aside the judgment and grant a new trial. Opinion by Mr. Justice Harlan.

No. 25. John M. Ward, appellant, *v.* Moses H. Sherman et al. Appeal from the supreme court of the Territory of Arizona. Decree reversed with costs, and cause remanded with directions to reverse the decree of the district court and remand the case to that court for further proceedings, in conformity to the views expressed in opinion of this court. Opinion by Mr. Justice Brewer. (Announced by Mr. Chief Justice Fuller.)

No. 112. The Wabash Railroad Company, plaintiff in error *v.* William N. Pierce et al., executors, etc. In error to the St. Louis court of appeals, State of Missouri. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Brewer. (Announced by Mr. Chief Justice Fuller.)

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

No. 445. Howe Scale Company of 1886 et al., petitioners, *v.* Wyckoff, Seamans & Benedict. Petition for cross-writ of certiorari granted.

No. 503. William H. Pope, plaintiff in error, *v.* John M. C. Williams et al. Motion to advance granted and cause assigned for argument on Monday, March 7 next, after the cases already set down for that day.

No. 517. Martin H. Sullivan, petitioner, *v.* William A. Milliken. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 522. The American Credit Indemnity Company of New York, petitioner, *v.* The Carrollton Furniture Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 526. William A. Chapman et al., petitioners, *v.* Montgomery Water Power Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 533. Montgomery Water Power Company, petitioner, *v.* William A. Chapman & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 527. H. Hackfeed & Co. (Limited), petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit granted.

No. 354. The United States, appellant, *v.* John M. Somervell. Submitted pursuant to the twentieth rule by Mr. Solicitor-General Hoyt, Mr. Assistant Attorney-General Pradt and Mr. Philip M. Ashford for the appellant, and by Mr. Frank B. Crosthwaite for the appellee.

No. —. Lo Sing, alias Lou Sing, alias Lue Sing, appellant, *v.* The United States; and

No. —. Li Chung Hong, alias Lee Gin Hong, appellant, *v.* The United States. Motions to docket and dismiss submitted by Mr. Solicitor-General Hoyt for the appellee.

No. 518. The Bank of British Columbia, petitioner, *v.* Percy P. Moore, administrator, etc. Petition for writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. John F. Dillon, Mr. Harry Hubbard, Mr. John M. Dillon, Mr. Fisher A. Baker and Mr. Sidney V. Smith for the petitioner, with leave to counsel for respondent to file brief in opposition to petition within five days and to counsel for petitioner to reply thereto within two days.

No. 539. Thomas H. Phillips, petitioner, *v.* The Iola Portland Cement Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. John Charles Harris and Mr. Edward F. Harris for the petitioner, and by Mr. G. B. Webster for the respondent.

No. 356. The American Steel and Wire Company, plaintiff in error, *v.* R. A. Speed, clerk of county court of Shelby County. Submitted

pursuant to the twentieth rule by Mr. Josiah Patterson for the plaintiff in error, and by Mr. Charles T. Cates, jr., and Mr. William H. Carroll for the defendant in error. Leave granted to counsel for plaintiff in error to file reply brief within five days.

No. 361. Perry F. Dunton, master, etc., petitioner, *v.* The Allan Steamship Company (Limited), owner, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. R. H. Smith for the petitioner, and by Mr. Henry R. Edmunds for the respondent.

No. 410. James E. Wakefield, plaintiff in error, *v.* Robert Van Tassell. Motion to dismiss submitted by Mr. Thomas H. Clark in behalf of Mr. Arthur Keithley in support of motion.

No. 8, Original. The State of South Dakota, complainant, *v.* The State of North Carolina et al. Argument continued by Mr. James H. Merriam for the defendant the State of North Carolina, by Mr. D. L. Russell for the defendant Charles Salter, and by Mr. Robert D. Gilmer for the defendant the State of North Carolina.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 12, will be as follows: Nos. 8, Original, 307 (and 308, 309, 310, 311, 312 and 313), 383, 119, 122, 124, 125, 126, 118 and 127 (and 128).

SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 12, 1904.

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

John W. Wolfe of Cincinnati, Ohio, A. B. Quinton of Topeka, Kans., Milton Brown of Topeka, Kans., Frederick L. Emery of Boston, Mass., and Willard Saulsbury of Wilmington, Del., were admitted to practice.

No. 7, Original. The State of Kansas, complainant, *v.* The State of Colorado. Leave granted to file stipulation as to additional pleadings herein, on motion of Mr. John F. Shafroth in behalf of counsel for the defendants. Ordered that the complainant herein be required to plead on or before the first Monday of March next to the answer of the State of Colorado filed herein on October 12, 1903, and to each and every of the other answers filed by other defendants.

No. 156. Edmund J. Smiley, plaintiff in error, *v.* The State of Kansas. Continued per stipulation.

No. 8, Original. The State of South Dakota, complainant, *v.* The State of North Carolina et al. Reargument concluded by Mr. Wheeler H. Peckham for the complainant.

No. 307. Ah How, etc., appellant, *v.* The United States;

No. 308. Chu Do, etc., appellant, *v.* The United States;

No. 309. Lew Guey, appellant, *v.* The United States;

No. 310. Tom Hong, etc., appellant, *v.* The United States;

No. 311. Tom Dock, etc., appellant, *v.* The United States;

No. 312. Yung Lee, appellant, *v.* The United States; and

No. 313. Lee Kit, appellant, *v.* The United States. Argued by Mr. Terence J. McManus for the appellants, and by Mr. Solicitor-General Hoyt for the appellee.

No. 383. The United States ex rel. Charles P. Steinmetz, plaintiff in error, *v.* Frederick I. Allen, Commissioner of Patents. Argument commenced by Mr. Frederic H. Betts for the plaintiff in error, and continued by Mr. Assistant Attorney-General McReynolds for the defendant in error, and by Mr. Melville Church for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 13, will be as follows: Nos. 383, 119, 122, 124, 125, 126, 118, 127 (and 128), 132 and 133.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 13, 1904.

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

William Kennedy of Naugatuck, Conn., Herbert R. Marlatt of St. Louis, Mo., and William E. Ambrose of Washington, D. C., were admitted to practice.

No. 545. George Wellington Streeter, appellant, *v.* Thomas E. Barrett, sheriff of Cook County, Ill. Appeal from the circuit court of the United States for the northern district of Illinois. Docketed and dismissed with costs and mandate granted, on motion of Mr. Solicitor-General Hoyt for appellee.

No. —. Southern Railway Company, plaintiff in error, *v.* James L. Carson. Motion to docket and dismiss submitted by Mr. J. Altheus Johnson for the defendant in error and denied.

No. 133. John L. Henning, appellant, *v.* The Morton Trust Company 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. 383. The United States ex rel. Charles P. Steinmetz, plaintiff in error, *v.* Frederick I. Allen, Commissioner of Patents. Argument concluded by Mr. Melville Church for the plaintiff in error.

No. 119. Alvin L. Leigh, plaintiff in error, *v.* Henry S. Green. Argument commenced by Mr. J. M. Woolworth for the plaintiff in error, continued by Mr. Edward P. Smith and Mr. William R. Green for the defendant in error, and concluded by Mr. William D. McHugh for the plaintiff in error.

No. 122. Daniel H. Carstairs et al., plaintiffs in error, *v.* G. Albert Mayes, treasurer, etc. Argument commenced by Mr. D. K. Este Fisher for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 14, will be as follows: Nos. 122, 124, 125, 126, 118, 127 (and 128), 132, 134, 135 (and 136) and 137.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 14, 1904.

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

Malcolm R. Patterson of Memphis, Tenn., and Charles W. Greenfield of Chicago, Ill., were admitted to practice.

No. 137. Rainwater-Bradford Hat Company et al., appellants, *v.* W. A. McBride et al. Appeal from the United States circuit court of appeals for the eighth circuit. Dismissed with costs, pursuant to the tenth rule.

No. 122. Daniel H. Carstairs et al., plaintiffs in error, *v.* G. Albert Mayes, treasurer, etc. Argument continued by Mr. D. K. Este Fisher for the plaintiffs in error, and by Mr. D. G. McIntosh and Mr. Osborne I. Yellott for the defendant in error, and concluded by Mr. D. K. Este Fisher for the plaintiffs in error.

No. 124. The Cincinnati Street Railway Company, plaintiff in error, *v.* Charles B. Snell. Argued by Mr. John W. Warrington for the plaintiff in error, and by Mr. John W. Wolfe for the defendant in error.

No. 125. Charles L. Wedding et al., plaintiffs in error, *v.* Romanza Jerome Meyler. Argument commenced by Mr. Merrill Moores for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 15, will be as follows: Nos. 125, 126, 118, 127 (and 128), 132, 134, 135 (and 136), 138, 139 and 140.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 15, 1904.

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

No. 548. Lo Sing, etc., appellant, *v.* The United States; and

No. 549. Li Chung Hong, etc., appellant, *v.* The United States. Appeals from the district court of the United States for the eastern district of New York. Docketed and dismissed.

No. 140. John L. Henning, appellant, *v.* The Morton Trust 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. 125. Charles L. Wedding et al., plaintiffs in error, *v.* Romanza Jerome Meyler. Argument continued by Mr. Merrill Moores for the plaintiffs in error, and by Mr. D. W. Sanders for the defendant in error, and concluded by Mr. Merrill Moores for the plaintiffs in error.

No. 126. The American Book Company, plaintiff in error, *v.* The State of Kansas ex rel. Galen Nichols, county attorney, etc. Argument commenced by Mr. W. H. Rossington for the plaintiff in error, and continued by Mr. A. B. Quinton and Mr. G. C. Clemens for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 18, will be as follows: Nos. 126, 118, 127 (and 128), 132, 134, 135 (and 136), 138, 139, 141 and 142.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 18, 1904.

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

Ulysses G. Denman of Toledo, Ohio, George H. Stanton of Great Falls, Mont., and Thomas L. Sloan of Pender, Nebr., were admitted to practice.

No. 87. Mary Shappirio et al., appellants, *v.* Minnie D. Goldberg et al. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Day.

No. 109. The Commercial National Bank of Portland, plaintiff in error, *v.* Henry Weinhard; and

No. 110. The Commercial National Bank of Portland, plaintiff in error, *v.* George H. Williams. In error to the supreme court of the State of Oregon. Judgments affirmed with costs. Opinion by Mr. Justice Day.

No. 407. Dan Rogers, plaintiff in error, *v.* The State of Alabama. In error to the supreme court of the State of Alabama. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the judgment of this court. Opinion by Justice Holmes.

No. 23. Thomas C. Bedford et al., appellants, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. 80. The County of Stanislaus et al., appellants, *v.* The San Joaquin and Kings River Canal and Irrigation Company. Appeal from the circuit court of the United States for the northern district of California. Decree reversed with costs, and cause remanded with directions to dismiss the bill without prejudice. Opinion by Mr. Justice Peckham.

The Chief Justice announced the following orders of the court:

No. 361. Perry F. Dunton, master, etc., petitioner, *v.* The Allan Steamship Company (Limited), owner, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 539. Thomas H. Phillips, petitioner, *v.* The Iola Portland Cement Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 433. State of Minnesota, appellant, *v.* Northern Securities Company et al. Leave granted to file briefs herein within twenty days on the question whether the circuit court properly took jurisdiction of the case on removal.

No. 354. The United States, appellant, *v.* John M. Somervell. Appeal from the Court of Claims. Judgment affirmed on the authority of *United States v. Finnell*, 185 U. S., 236.

No. 410. James E. Wakefield, plaintiff in error, *v.* Robert W. Van Tassell. In error to the supreme court of the State of Illinois. Dismissed for the want of jurisdiction. *Sayward v. Denny*, 158 U. S., 180; *Mutual Life Insurance Company v. McGrew*, 188 U. S., 308; *Ansbro v. United States*, 159 U. S., 695. See 202 Ill., 41.

No. 372. Henry O. Houghton, trustee, et al., appellants, *v.* Henry C. Payne, Postmaster-General;

No. 373. Bates & Guild Company, appellant, *v.* Henry C. Payne, Postmaster-General; and

No. 481. Ormond G. Smith et al., appellants, *v.* Henry C. Payne, Postmaster-General. Motion to advance submitted by Mr. Solicitor-General Hoyt for the appellee.

No. 535. George W. Beavers, appellant, *v.* William Henkel, United States marshal; and

No. 543. Maurice Runkle, appellant, *v.* William Henkel, United States marshal. Motion to advance submitted by Mr. Solicitor-General Hoyt for the appellee.

No. 548. Lo Sing, etc., appellant, *v.* The United States; and

No. 549. Li Chung, etc., appellant, *v.* The United States. Mandates granted, on motion of Mr. Solicitor-General Hoyt for the appellee.

No. 551. The Board of County Commissioners of the County of Kearny, Kans., petitioner, *v.* Louisé M. Irvine; and

No. 552. The Board of County Commissioners of the County of Kearny, Kans., petitioner, *v.* William Edward Coffin et al. Petitions for writs of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Milton Brown, Mr. Chester I. Long and Mr. George Getty for the petitioner, with leave to counsel for respondents to file brief within five days.

No. 531. Louisville and Nashville Railroad Company, petitioner, *v.* J. M. Summers, administrator, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. J. W. Judd for the petitioner.

No. 384. A. L. Smalley et al., plaintiffs in error, *v.* George F. Lauge-nour et al. Motions to dismiss or affirm submitted by Mr. J. H. Mc-

Gowan and Mr. W. C. Keegin in support of motions, and by Mr. Charles S. Voorhees and Reese H. Voorhees in opposition thereto.

No. 177. Jules S. Bache, appellant, *v.* Samuel Hunt, as receiver, et al. Motion for writ of certiorari to complete record submitted by Mr. Charles Henry Butler for Mr. A. H. Joline for the appellees in support of motion, and by Mr. F. Spiegelberg for the appellant in opposition thereto.

Nos. 555 and 556. Adolph Ottinger, plaintiff in error, *v.* The People of the State of California. Docketed and dismissed with costs, on motion of Mr. William A. Maury for the defendants in error.

No. 524. The Western Union Telegraph Company, appellant, *v.* The City of Toledo et al. Motion to make new parties appellees submitted by Mr. H. D. Estabrook and Mr. John W. Warrington for the appellant in support of motion, and by Mr. U. G. Denman for the appellees in opposition thereto.

No. 142. Edward E. Bessette *v.* W. B. Conkey Company. Passed, to be restored to the call subject to the provisions of section 9, rule 26.

No. 126. The American Book Company, plaintiff in error, *v.* The State of Kansas ex rel. Galen Nichols, county attorney, etc. Argument continued by Mr. G. C. Clemens for the defendant in error, and concluded by Mr. W. H. Rossington for the plaintiff in error.

No. 118. C. W. Cornell et al., plaintiffs in error, *v.* F. E. Coyne, late United States collector, etc. Argument commenced by Mr. C. W. Greenfield for the plaintiffs in error, and continued by Mr. Assistant Attorney-General McReynolds for the defendant in error, and by Mr. William E. Mason for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 19, will be as follows: Nos. 118, 127 (and 128), 132, 134, 135 (and 136), 138, 139, 141, 143 and 144.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 19, 1904.

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

Don A. Bliss of Sherman, Tex., Howard H. Dunn of Albert Lea, Minn., Alfred H. Bright of Minneapolis, Minn., William L. January of Detroit, Mich., H. M. Zimmermann of Pontiac, Mich., and George S. Field of Detroit, Mich., were admitted to practice.

No. 144. The Union Fire Insurance Company of Lincoln, Nebr., plaintiff in error, *v. Eliza McCullough*. In error to the supreme court of the State of Nebraska. Dismissed with costs, pursuant to the tenth rule.

No. 118. C. W. Cornell et al., plaintiffs in error, *v. F. E. Coyne*, late United States collector, etc. Argument concluded by Mr. William E. Mason for the plaintiffs in error.

No. 127. The Security Land and Exploration Company, plaintiff in error, *v. G. A. Burns et al.*; and

No. 128. The Security Land and Exploration Company, plaintiff in error, *v. Henry Weckey et al.* Argument commenced by Mr. William W. Billson for the plaintiff in error, and continued by Mr. John R. Van Derlip and Mr. R. R. Briggs for the defendants in error, and concluded by Mr. William W. Billson for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 20, will be as follows: Nos. 132, 134, 135 (and 136), 138, 139, 141, 143, 146, 147 and 148.

O

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 20, 1904.

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

George W. Bowen of Carroll, Iowa, A. U. Quint of Des Moines, Iowa, and Earl D. Babst of Chicago, Ill., were admitted to practice.

No. 354. The United States, appellant, *v.* John M. Somervell. Mandate granted, on motion of Mr. Frank B. Crosthwaite for appellee.

No. 132. The Peoples Gas Light and Coke Company, appellant, *v.* The City of Chicago. Argument commenced by Mr. William D. Guthrie for the appellant, continued by Mr. Granville W. Browning for the appellee, and concluded by Mr. William D. Guthrie for the appellant.

No. 134. Cosmopolitan Mining Company, plaintiff in error, *v.* Thomas F. Walsh. Argument commenced by Mr. Carlton M. Bliss for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 21, will be as follows: Nos. 134, 135 (and 136), 138, 139, 141, 143, 146, 147, 148 and 149.

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 21, 1904.

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

Mark L. Leister of Tiffin, Ohio, was admitted to practice.

No. 134. *Cosmopolitan Mining Company*, plaintiff in error, *v.* *Thomas F. Walsh*. Argument continued by Mr. Carlton M. Bliss for the plaintiff in error, and by Mr. Charles J. Hughes, jr., and Mr. Charles S. Thomas for the defendant in error, and concluded by Mr. Carlton M. Bliss for the plaintiff in error.

Nos. 135 and 136. *William L. Elkins*, appellant, *v.* *The City of Chicago et al.* Passed.

No. 138. *The Minneapolis and St. Louis Railroad Company*, plaintiff in error, *v.* *The State of Minnesota ex rel. The Railroad and Warehouse Commission*. Argued by Mr. Howard H. Dunn for the defendant in error, and submitted by Mr. Albert E. Clarke for the plaintiff in error, with leave to him to file an additional brief within three days.

No. 139. *David R. Julian*, sheriff, et al., petitioners, *v.* *The Central Trust Company et al.* Argument commenced by Mr. Lee S. Overman for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 22, will be as follows: Nos. 139, 141, 143, 146, 147, 148, 149, 150, 151 and 153.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 22, 1904.

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

No. 139. David R. Julian, sheriff, et al., petitioners, *v.* The Central Trust Company et al. Argument continued by Mr. Lee S. Overman for the petitioners, and by Mr. Charles Price and Mr. F. H. Busbee for the respondents, and concluded by Mr. A. C. Avery for the petitioners.

No. 141. Bankers Mutual Casualty Company, plaintiff in error, *v.* The Minneapolis, St. Paul and Sault Ste. Marie Railway Company. Argument commenced by Mr. A. U. Quint for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 25, will be as follows: Nos. 141, 143, 322 (and 323), 504, 146, 147, 148, 149, 150 and 151.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 25, 1904.

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

George A. True of Port Clinton, Ohio, Thomas N. Haskins of Lasalle, Ill., Ligon Johnson of Atlanta, Ga., and Reuben A. Miller of Owensboro, Ky., were admitted to practice.

No. 152. Robert A. Chesebrough, plaintiff in error, *v.* The United States. In error to the district court of the United States for the southern district of New York. Judgment affirmed. Opinion by Mr. Chief Justice Fuller.

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

No. 177. Jules S. Bache, appellant, *v.* Samuel Hunt, as receiver, et al. Motion for writ of certiorari to complete record herein granted without prejudice.

No. 535. George W. Beavers, appellant, *v.* William Henkel, United States marshal; and

No. 543. Maurice Runkle, appellant, *v.* William Henkel, United States marshal, etc. Motion to advance granted, and cases assigned for argument on Monday, March 7 next, after the cases already set down for that day.

No. 372. Henry O. Houghton, trustee, et al., appellants, *v.* Henry C. Payne, Postmaster-General;

No. 373. Bates & Guild Company, appellant, *v.* Henry C. Payne, Postmaster-General; and

No. 481. Ormond G. Smith et al., etc., appellants, *v.* Henry C. Payne, Postmaster-General. Motion to advance granted, and cases assigned for argument as one case on Monday, March 7 next, after the cases already set down for that day.

No. 273. Granville Rippey, plaintiff in error, *v.* The State of Texas. Motion to advance granted, and case assigned for argument on Monday, March 7 next, after the cases already set down for that day.

No. 384. A. L. Smalley et al., plaintiffs in error, *v.* George F. Languenour et al. Motions to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 524. The Western Union Telegraph Company, appellant, *v.* The City of Toledo et al. Motion to make new parties appellees postponed to the hearing of the case on its merits.

No. 518. The Bank of British Columbia, petitioner, *v.* Percy P. Moore, administrator, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 531. Louisville and Nashville Railroad Company, petitioner, *v.* J. M. Summers, administrator, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 551. The Board of County Commissioners of the County of Kearny, Kans., petitioner, *v.* Louise M. Irvine; and

No. 552. The Board of County Commissioners of the County of Kearny, Kans., petitioner, *v.* William Edward Coffin et al. Petitions for writs of certiorari to the United States circuit court of appeals for the eighth circuit denied.

The Chief Justice also announced that the court would take a recess from Monday, February 1, to Tuesday, February 23 next.

No. 148. The United States, plaintiff in error, *v.* C. C. McCoy et al. Submitted by Mr. Solicitor-General Hoyt for the plaintiff in error with leave to counsel for defendants in error to file brief within two weeks.

No. 151. Ribas y Hijo, appellant, *v.* The United States. Passed on motion of Mr. Solicitor-General Hoyt for the appellee.

No. 161. The United States, appellant, *v.* The Missouri, Kansas and Texas Railway Company et al. Continued, on motion of Mr. Solicitor-General Hoyt for the appellant.

No. —, Original. The State of Georgia, complainant, *v.* The State of Tennessee et al. Motion for leave to file bill of complaint submitted by Mr. John C. Hart and Mr. Ligon Johnson for the complainant.

No. 232. Henry C. Payne, Postmaster-General, plaintiff in error and petitioner, *v.* The United States ex rel. The Railway List Company. Mandate granted, on motion of Mr. Charles W. Needham for the defendant in error and respondent.

No. 512. The Owensboro Water Works Company, appellant, *v.* The City of Owensboro, Ky. Motions to dismiss or affirm, to dissolve injunction or to advance, submitted by Mr. Reuben A. Miller, Mr. George W. Jolly, and Mr. Charles S. Walker in support of the motions, and by Mr. William T. Ellis and Mr. J. D. Atchison in opposition thereto.

No. 530. J. Edward Addicks, petitioner, *v.* Samuel L. Kent. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Thomas S. Gates for Mr. John G. Johnson for the petitioner, and by Mr. Silas W. Pettit for the respondent.

No. 141. Bankers Mutual Casualty Company, plaintiff in error, *v.* The Minneapolis, St. Paul and Sault Ste. Marie Railway Company. Argument continued by Mr. A. U. Quint for the plaintiff in error, and by Mr. A. H. Bright for the defendant in error, and concluded by Mr. George W. Bowers for the plaintiff in error.

No. 143. Northern Pacific Railway Company, petitioner, *v.* Louise H. Adams et al. Argument commenced by Mr. Charles W. Bunn for the petitioner, and continued by Mr. Reese H. Voorhees for the respondents.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 26, will be as follows: Nos. 143, 322 (and 323), 504, 146, 147, 149, 150, 153, 154 and 155.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 26, 1904.

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

Gavin McNab of San Francisco, Cal., was admitted to practice.

No. 143. Northern Pacific Railway Company, petitioner, *v.* Louise H. Adams et al. Argument continued by Mr. Reese H. Voorhees for the respondents, and concluded by Mr. Charles W. Bunn for the petitioner.

No. 322. The United States, appellant, *v.* The Choctaw Nation et al.; and

No. 323. The Chickasaw Freedmen, appellants, *v.* The Choctaw Nation et al. Argument commenced by Mr. Charles W. Needham for the Chickasaw Freedmen, and continued by Mr. George A. Mansfield and Mr. A. A. Hoehling, jr., for the Choctaw and Chickasaw nations, and by Mr. Assistant Attorney-General Pradt for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 27, will be as follows: Nos. 322 (and 323), 504, 146, 147, 149, 150, 153, 154, 155 and 158.

O

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 27, 1904.

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

Joseph C. Dodd of Louisville, Ky., Charles L. Dickerson of Denver, Colo., Thomas McAdam of New York City, Albert H. Harris of Rochester, N. Y., William H. Wetherbee of Detroit, Mich., Spencer M. Marsh of Neillsville, Wis., and Theodore M. Joslin of Adrian, Mich., were admitted to practice.

No. 322. The United States, appellant, *v.* The Choctaw Nation et al.; and

No. 323. The Chickasaw Freedmen, appellants, *v.* The Choctaw Nation et al. Argument concluded by Mr. Assistant Attorney-General Pradt for the United States.

No. 504. Albert J. Adams, plaintiff in error, *v.* The People of the State of New York. Argument commenced by Mr. L. Laffin Kellogg for the plaintiff in error, continued by Mr. Howard S. Gans for the defendants in error, and concluded by Mr. L. Laffin Kellogg for the plaintiff in error.

No. 146. Third National Bank of Buffalo, N. Y., plaintiff in error, *v.* Buffalo German Insurance Company. Argument commenced by Mr. Adelbert Moot for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 28, will be as follows: Nos. 146, 147, 149, 150, 153, 154, 155 and 158.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 28, 1904.

Present: Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Charles A. MacHenry of New York City, James S. Davenport of Vinita, Ind. T., and John H. Scott of Salem, Oreg., were admitted to practice.

No. 146. Third National Bank of Buffalo, N. Y., plaintiff in error, *v.* Buffalo German Insurance Company. Argument continued by Mr. Adelbert Moot for the plaintiff in error, and by Mr. Arthur W. Hickman for the defendant in error, and concluded by Mr. Adelbert Moot for the plaintiff in error.

No. 147. The United States, plaintiff in error, *v.* The St. Anthony Railroad Company. Argued by Mr. Assistant Attorney-General Purdy for the plaintiff in error, and by Mr. Parley L. Williams for the defendant in error.

No. 149. The Central Stock Yards Company, appellant, *v.* The Louisville and Nashville Railroad Company. Argument commenced by Mr. Joseph C. Dodd for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 29, will be as follows: Nos. 149, 150, 153, 154, 155 and 158.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 29, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Robert Franklin Davidson of Indianapolis, Ind., and William Robert Andrews of Washington, D. C., were admitted to practice.

No. 149. The Central Stock Yards Company, appellant, *v.* The Louisville and Nashville Railroad Company. Argument continued by Mr. Joseph C. Dodd for the appellant, and by Mr. Helm Bruce for the appellee, and concluded by Mr. William D. Washburn for the appellant.

No. 150. The Underground Railroad of the City of New York et al., appellants, *v.* The City of New York et al. Argument commenced by Mr. Roger Foster for the appellants.

Adjourned until Monday next at 12 o'clock.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 1, 1904.

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

Frederick W. Park of New York City, Bentley W. Warren of Boston, Mass., Victor M. Harding of Chicago, Ill., Edgar L. Masters of Chicago, Ill., Addison A. Keiser of Ludington, Mich., James E. Heath, jr., of Norfolk, Va., and T. Lloyd Hollister of New York City were admitted to practice.

No. 4. The United States, appellant, *v.* The California and Oregon Land Company; and

No. 5. The California and Oregon Land Company, appellant, *v.* The United States. Appeals from the circuit court of the United States for the district of Oregon. Decree reversed, and cause remanded with directions to enter a decree dismissing the bill and cross-bill. Opinion by Mr. Justice Holmes. Dissenting: Mr. Chief Justice Fuller, Mr. Justice Harlan and Mr. Justice Brown.

No. 18. The Singer Manufacturing Company, petitioner, *v.* Herman Cramer. On writ of certiorari to the United States circuit court of appeals for the ninth circuit. Judgments of United States circuit court of appeals and the circuit court of the United States for the northern district of California reversed with costs, and cause remanded to said circuit court with directions to grant a new trial and for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice White announced by Mr. Chief Justice Fuller. (Mr. Justice McKenna took no part in the decision of this case.)

No. 8, Original. The State of South Dakota, complainant, *v.* The State of North Carolina et al. Decree entered in favor of the complainant. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice White, Mr. Chief Justice Fuller, Mr. Justice McKenna and Mr. Justice Day.

The Chief Justice announced the following orders of the court:

No. 14, Original. The State of Georgia, complainant, *v.* The State of Tennessee et al. Motion for leave to file bill of complaint granted and subpœnas ordered to issue.

No. 530. J. Edward Addicks, petitioner, *v.* Samuel L. Kent. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 512. The Owensboro Water Works Company, appellant, *v.* The City of Owensboro, Ky. Motions to dismiss or affirm postponed to the hearing of the cause on its merits. Motion to advance to be heard orally denied, but the case will be taken on printed briefs on or before March 7 next. If the case shall not be so submitted the injunction will be dissolved.

No. 10, Original. The United States, complainant, *v.* The State of Michigan. Leave granted to file stipulation as to taking testimony herein, on motion of Mr. Solicitor-General Hoyt for the complainant, and order entered thereon specifying time for taking testimony and appointing Peter Doran, esq., commissioner for the purpose of taking such testimony and reporting the same to the court.

No. 216. Margaret Brewster et al., plaintiffs in error, *v.* John Cahill et al. Motion to dismiss submitted by Mr. Thomas N. Haskins in support of motion, and by Mr. Fred T. Beers in opposition thereto.

No. 576. M. H. Momsen, claimant, etc., petitioner, *v.* The National Dredging Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Charles R. Hickox, Mr. J. Parker Kirlin and Mr. Harry Pillaus for the petitioner.

No. 572. Nils O. Linstrom, administrator, etc., petitioner, *v.* International Navigation Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. T. Lloyd Hollister for the petitioner, and by Mr. Henry Galbraith Ward for the respondent.

No. 577. Charles Gring, petitioner, *v.* William J. McIlvaine et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. James E. Heath, jr., for the petitioner, with leave to counsel for respondent to file brief within one week.

No. 484. The District of Columbia, appellant, *v.* Elias E. Barnes. Motion to dismiss submitted by Mr. John C. Fay in support of motion, and by Mr. Assistant Attorney-General Pradt and Mr. Robert A. Howard in opposition thereto.

No. 267. Clarence T. Birkett, plaintiff in error, *v.* The Columbia Bank. Rule to show cause herein granted, on motion of Mr. Frederic D. McKenney in behalf of counsel for the plaintiff in error.

No. 570. Paul E. Berger et al., petitioners, *v.* George A. Fuller. Petition for a writ of certiorari to the United States circuit court of

appeals for the seventh circuit submitted by Mr. William Henry Dennis, Mr. James H. Peirce and Mr. George P. Fisher, jr., for the petitioners, with leave to counsel for respondent to file brief within two weeks.

No. 164. The Logansport Railway Company, appellant, *v.* The City of Logansport et al. Appeal from the circuit court of the United States for the district of Indiana. Dismissed with costs, on authority of counsel for appellant.

Adjourned until Tuesday, February 23, at 12 o'clock.

The day call for Tuesday, February 23, will be as follows: Nos. 150, 230, 153, 154, 155, 158, 159, 160, 162 and 163.

O

SUPREME COURT OF THE UNITED STATES.

TUESDAY, FEBRUARY 23, 1904.

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

Henry Schreiter of New York City, T. W. Spence of Milwaukee, Wis., Seth E. Hazzard of Tucson, Ariz., Fred Mason Butler of Rutland, Vt., George Weston Anderson of Boston, Mass., James Wickersham of Eagle City, Alaska, George Packard of Chicago, Ill., J. S. Sexton of Hazlehurst, Miss., Albert S. Bozeman of Meridian, Miss., George H. Karcher of Chicago, Ill., and Theodore J. Pickett of Washington, D. C., were admitted to practice.

No. 240. The Delaware Indians residing in the Cherokee Nation, appellants, *v.* The Cherokee Nation. Appeal from the Court of Claims. Decree modified and affirmed. Opinion by Mr. Justice Day.

Nos. 337 and 338. Jackson W. Giles, plaintiff in error, *v.* Charles B. Teasley et al. In error to the supreme court of the State of Alabama. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Day. Mr. Justice McKenna concurs in the result. Dissenting: Mr. Justice Harlan.

No. 139. David R. Julian, sheriff, etc., et al., petitioners, *v.* The Central Trust Company et al. On writ of certiorari to the United States circuit court of appeals for the fourth circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the western district of North Carolina. Opinion by Mr. Justice Day.

No. 119. Alvin L. Leigh, plaintiff in error, *v.* Henry S. Green. In error to the supreme court of the State of Nebraska. Judgment affirmed with costs and interest. Opinion by Mr. Justice Day.

No. 504. Albert J. Adams, plaintiff in error, *v.* The People of the State of New York. In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 125. Charles L. Wedding et al., plaintiffs in error, *v.* Romanza Jerome Meyler. In error to the circuit court of Warren County, State of Kentucky. Judgment reversed with costs, and cause remanded for further proceedings in conformity with the judgment of this court. Opinion by Mr. Justice Holmes.

No. 149. The Central Stock Yards Company, appellant, *v.* The Louisville and Nashville Railroad Company. Appeal from the United States circuit court of appeals for the sixth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the western district of Kentucky. Opinion by Mr. Justice Holmes. Mr. Justice McKenna concurs in the result.

No. 307. Ah How, etc., appellant, *v.* The United States;

No. 308. Chu Do, etc., appellant, *v.* The United States;

No. 309. Lew Guey, appellant, *v.* The United States; and

No. 312. Yung Lee, appellant, *v.* The United States. Appeals from the district court of the United States for the eastern district of New York. Decrees affirmed. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Brewer and Mr. Justice Peckham.

No. 383. The United States *ex rel.* Charles P. Steinmetz, plaintiff in error, *v.* Frederick I. Allen, Commissioner of Patents. In error to the court of appeals of the District of Columbia. Judgment reversed with costs, and cause remanded with directions to reverse the judgment of the supreme court of the District of Columbia, and to direct that court to grant the writ as prayed for. Opinion by Mr. Justice McKenna.

No. 13, Original. *Ex parte*: In the matter of Herman Frasch, petitioner. Petition for writ of mandamus dismissed. Opinion by Mr. Justice McKenna.

No. 126. The American Book Company, plaintiff in error, *v.* The State of Kansas *ex rel.* Galen Nichols, county attorney, etc. In error to the supreme court of the State of Kansas. Dismissed with costs. Opinion by Mr. Justice McKenna.

No. 138. The Minneapolis and St. Louis Railroad Company, plaintiff in error, *v.* The State of Minnesota *ex rel.* The Railroad and Warehouse Commission. In error to the supreme court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 322. The United States, appellant, *v.* The Choctaw Nation et al.; and

No. 323. The Chickasaw Freedmen, appellants, *v.* The Choctaw Nation et al. Appeals from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. 46. W. W. Montague & Co. et al., plaintiffs in error, *v.* Edward S. Lowry et al. In error to the United States circuit court of appeals for the ninth circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the northern district of California. Opinion by Mr. Justice Peckham.

No. 147. The United States, plaintiff in error, *v.* The St. Anthony Railroad Company. In error to the United States circuit court of appeals for the ninth circuit. Judgment reversed, and cause remanded to the circuit court of the United States for the district of Idaho with directions to enter judgment in favor of the United States for the amount of timber as stated in the answer, and for its value at the rate of \$1.50 per thousand feet. Opinion by Mr. Justice Peckham.

No. 124. The Cincinnati Street Railway Company, plaintiff in error, *v.* Charles B. Snell. In error to the supreme court of the State of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 61. The Grand Rapids and Indiana Railway Company, plaintiff in error, *v.* Chase S. Osborn, commissioner of railroads, etc. In error to the supreme court of the State of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 294. William J. Buttfield, plaintiff in error, *v.* Nevada N. Stranahan, collector, etc. In error to the circuit court of the United States for the southern district of New York. Judgment affirmed with costs. Opinion by Mr. Justice White. (Mr. Justice Brewer and Mr. Justice Brown, not having heard the argument, took no part in the decision of this case.)

No. 296. William J. Buttfield, plaintiff in error, *v.* George R. Bidwell. 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 White. (Mr. Justice Brewer and Mr. Justice Brown took no part in the decision of this case.)

No. 516. William J. Buttfield, claimant, etc., plaintiff in error, *v.* The United States. In error to the district court of the United States for the eastern district of New York. Judgment affirmed with costs. Opinion by Mr. Justice White. (Mr. Justice Brewer and Mr. Justice Brown took no part in the decision of this case.)

No. 356. The American Steel and Wire Company, plaintiff in error, *v.* R. A. Speed, clerk of county court of Shelby County. In error to the supreme court of the State of Tennessee. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 17. The County of St. Clair, plaintiff in error, *v.* The Interstate Sand and Car Transfer Company. In error to the circuit court of the United States for the southern district of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 122. Daniel H. Carstairs et al., plaintiffs in error, *v.* G. Albert Mayes, treasurer, etc. In error to the court of appeals of the State of Maryland. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 143. Northern Pacific Railway Company, petitioner, *v.* Louise H. Adams et al. On writ of certiorari to the United States circuit court of appeals for the ninth circuit. Judgment reversed with costs, and cause remanded to the circuit court of the United States for the district of Washington, with directions to set aside the judgment and grant a new trial. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Harlan and Mr. Justice McKenna.

No. 118. C. W. Cornell et al., plaintiffs in error, *v.* F. E. Coyne, late United States collector, etc. In error to the circuit court of the United States for the northern district of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Harlan and Mr. Chief Justice Fuller. (Mr. Justice Brown did not hear the argument and took no part in the decision of this case.)

No. 103. Spreckels Sugar Refining Company, plaintiff in error, *v.* Penrose A. McClain, collector. In error to the United States circuit court of appeals for the third circuit. Judgment reversed with costs, and cause remanded to the circuit court of the United States for the eastern district of Pennsylvania with directions to enter judgment in accordance with the opinion of this court. Opinion by Mr. Justice Harlan.

No. 43. George C. Thomas, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the southern district of New York. Judgment affirmed. Opinion by Mr. Chief Justice Fuller.

No. 88. The Brunswick Terminal Company et al. *v.* The National Bank of Baltimore. On writ of certiorari to the United States circuit court of appeals for the fourth circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the district of Maryland. Opinion by Mr. Chief Justice Fuller.

No. 141. Bankers Mutual Casualty Company, plaintiff in error, *v.* The Minneapolis, St. Paul and Sault Ste. Marie Railway Company. 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. Dissenting: Mr. Justice White.

No. 145. The United States of America *v.* The Northern Pacific Railroad Company et al. On writ of certiorari to the United States circuit court of appeals for the ninth circuit. Judgment affirmed, and cause remanded to the circuit court of the United States for the district of Washington. Opinion by Mr. Chief Justice Fuller. (Mr. Justice McKenna took no part in the decision of this case.)

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

No. 216. Margaret Brewster et al., plaintiffs in error, *v.* John Cahill et al.; and

No. 484. The District of Columbia, appellant, *v.* Elias E. Barnes. Motions to dismiss postponed to the hearing of the cases on their merits.

No. 570. Paul E. Berger et al., petitioners, *v.* George A. Fuller. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 572. Nils O. Linstrom, administrator, etc., petitioner, *v.* International Navigation Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 576. M. H. Momsen, claimant, etc., petitioner, *v.* The National Dredging Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 577. Charles Gring, petitioner, *v.* William J. McIlvaine, owner, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 134. Cosmopolitan Mining Company, plaintiff in error, *v.* Thomas F. Walsh. Counsel are given leave to file briefs within twenty days on the question of the jurisdiction of this court of this writ of error.

Nos. 453 to 475. John M. Sloan et al., appellants, *v.* The United States et al. Motion to reassign submitted by Mr. Solicitor-General Hoyt for the appellees.

No. 563. Henry C. Pettit, United States marshal, appellant, *v.* Thomas Walshe. Motion to advance submitted by Mr. Solicitor-General Hoyt for the appellant.

No. 583. Fred L. Dorr et al., plaintiffs in error, *v.* The United States; and

No. 584. Secundina Mendezona y Mendezona, plaintiff in error, *v.* The United States. Advanced and assigned for hearing with No. 244 as one case, on motion of Mr. Solicitor-General Hoyt for the defendant in error.

No. 591. The United States, petitioner, *v.* Sing Tuck et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Solicitor-General Hoyt and Mr. Assistant Attorney-General McReynolds for the petitioner.

No. 267. Clarence T. Birkett, plaintiff in error, *v.* The Columbia Bank. Motion to make rule to show cause absolute submitted by Mr. Robert G. Scherer for the plaintiff in error.

No. 125. Charles L. Wedding et al., plaintiffs in error, *v.* Romanza Jerome Meyler. Judgment herein ordered to be entered nunc pro tunc

as of January 15, 1904, on motion of Mr. C. C. Hadley for the plaintiffs in error.

No. 589. The Tweedie Trading Company, petitioner, *v.* The New York and Boston Dyewood Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Everett P. Wheeler for the petitioner, and by Mr. W. Mynderse for the respondent.

No. —, Original. *Ex parte*: In the matter of Arthur P. Schofield, petitioner. Motion for leave to file petition for a writ of habeas corpus submitted by Mr. Homer Guerry for the petitioner.

No. 590. Cimiotti Unhairing Company et al., petitioners, *v.* American Fur Refining Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. John W. Griggs and Mr. Louis C. Raeger for the petitioners, and by Mr. Henry Schreiter for the respondent.

No. 230. Robert L. West et al., plaintiffs in error, *v.* The State of Louisiana. Motion to reassign submitted by Mr. J. J. Hemphill in behalf of counsel and case passed temporarily.

No. 159. Charles T. Barney, appellant, *v.* The City of New York et al. Passed, to be heard immediately before No. 173, on motion of Mr. Edward M. Shepard for the appellees.

No. 561. The United States *ex rel.* John Turner, appellant, *v.* William Williams, United States commissioner of immigration. Motion to advance and admit to bail submitted by Mr. Edgar T. Masters and Mr. Clarence S. Darrow for the appellant, and by Mr. Solicitor-General Hoyt in opposition.

No. 565. Plymouth Cordage Company et al. *v.* J. A. Smith et al. Motion to advance under the thirty-second rule granted, and case submitted by Mr. E. C. Brandenburg and Mr. Edwin A. Kranthoff for the Plymouth Cordage Company et al.

No. 579. G. B. Hunter et al., petitioners, *v.* Dampskibsselskobet "Tellus," etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. A. B. Browne in behalf of Mr. Milton Andros for the petitioners, and by Mr. Charles Page and Mr. Edward J. McCutcheon for the respondents.

No. 594. Robert Miller, special master, etc., appellant, *v.* The Northern Assurance Company. Appeal from the district court of the United States for the district of Porto Rico. Docketed and dismissed with costs, on motion of Mr. J. S. Flannery for the appellee.

No. 187. Joseph S. Kaufman, plaintiff in error, *v.* W. T. Tredway, trustee, etc., continued per stipulation.

No. 213. Samuel Farquhar et al., plaintiffs in error, *v.* Edward W. Presho et al., street commissioners of Boston. In error to the supreme judicial court of the State of Massachusetts. Dismissed with costs, per stipulation.

No. 269. The Helena Water Works Company, appellant, *v.* The City of Helena. Motions to dismiss or affirm submitted by Mr. Edwin W. Toole and Mr. Thomas C. Bach in support of motions, and by Mr. M. S. Gunn in opposition thereto.

No. 155. David J. Hodges et al., appellants, *v.* William C. Colcord et al. Submitted by Mr. J. S. Jenkins for the appellants, and by Mr. John W. Shartel and Mr. James R. Keaton for the appellees.

No. 150. The Underground Railroad of the City of New York et al., appellants, *v.* The City of New York et al. Argument continued by Mr. Roger Foster for the appellants, and by Mr. Edward M. Shepard for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, February 24, will be as follows: Nos. 150, 153, 154, 158, 159, 160, 162, 163, 165 and 166.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, FEBRUARY 24, 1904.

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

Alonzo H. Stewart of Des Moines, Iowa, John A. Carson of Salem, Oreg., Robert J. Slater of Pendleton, Oreg., John Brooks Leavitt of New York City, and Le Roy G. Denman of San Antonio, Tex., were admitted to practice.

No. 5, Original. The State of Missouri, complainant, *v.* The State of Nebraska. Ordered that depositions herein be opened and published, on motion of Mr. F. N. Prout for the defendant. Leave granted to file stipulation to submit on printed briefs and case submitted on briefs to be filed within forty-five days, on motion of Mr. F. N. Prout for the defendant.

No. 150. The Underground Railroad of the City of New York et al., appellants, *v.* The City of New York et al. Argument continued by Mr. Edward M. Shepard for the appellees, and concluded by Mr. Roger Foster for the appellants.

No. 153. The Winous Point Shooting Club, plaintiff in error, *v.* Jeppe Caspersen et al. Argument commenced by Mr. S. H. Holding for the plaintiff in error, continued by Mr. George A. True for the defendants in error, and concluded by Mr. S. H. Holding for the plaintiff in error.

No. 154. James C. Fargo, as president of the American Express Company, appellant, *v.* William H. Hart, auditor, etc. Argument commenced by Mr. Lewis Cass Ledyard for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, February 25, will be as follows: Nos. 154, 158, 160, 162, 163, 165, 166, 167, 168 and 169.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, FEBRUARY 25, 1904.

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

No. 230. Robert L. West et al., plaintiffs in error, *v.* The State of Louisiana. Reassigned for argument on Monday, April 4 next,¹ when, if not argued, the case will be taken as submitted on the record with or without briefs, as counsel may be advised.

Nos. 453 to 475, inclusive. John M. Sloan et al., appellants, *v.* The United States et al. Reassigned for argument on Monday, March 14 next.

No. 565. Plymouth Cordage Company et al., *v.* J. A. Smith et al. Submission set aside and counsel directed to give due notice of application to submit the case.

No. 154. James C. Fargo, president, etc., appellant, *v.* William H. Hart, auditor, etc. Argument continued by Mr. Lewis Cass Ledyard for the appellant, and Mr. C. C. Hadley for the appellee, and concluded by Mr. Lewis Cass Ledyard for the appellant.

No. 158. The National Mutual Building and Loan Association of New York, plaintiff in error, *v.* Frank V. Brahan. Argument commenced by Mr. Albert S. Bozeman for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, February 26, will be as follows: Nos. 158, 160, 162, 163, 165, 166, 167, 168, 169 and 170.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, FEBRUARY 26, 1904.

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

Myron A. Folsom of Spokane, Wash., and Joshua R. H. Potts of Chicago, Ill., were admitted to practice.

No. 245. The Cedar Rapids Water Company, plaintiff in error, *v.* The City of Cedar Rapids et al. Continued, per stipulation.

No. 158. The National Mutual Building and Loan Association, plaintiff in error, *v.* Frank V. Brahan. Argument continued by Mr. Albert S. Bozeman for the plaintiff in error, and Mr. Edward Mayes for the defendant in error, and concluded by Mr. J. S. Sexton for the plaintiff in error.

No. 160. Charles A. Tinker, plaintiff in error, *v.* Frederick L. Colwell. Argued by Mr. Nelson Smith for the plaintiff in error, and Mr. Thomas McAdam for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, February 29, will be as follows: Nos. 162, 163, 165, 166, 167, 168, 169, 170, 171 and 172.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 29, 1904.

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

D. Tucker Brooke of Norfolk, Va., R. C. Marshall of Portsmouth, Va., W. E. Nattress of Statesville, N. C., James P. Conner of Denison, Iowa, John F. Byers of Minneapolis, Minn., Thomas Watts of Middletown, N. Y., William B. Matthews of Los Angeles, Cal., Gilbert Holland Stewart of Columbus, Ohio, Henry Gumble of Columbus, Ohio, T. J. Keating of Columbus, Ohio, John Clifford Martin of Wilmington, Ohio, Robert W. Bonyng of Denver, Colo., and Julius H. Heyward of Greenville, S. C., were admitted to practice.

No. 127. The Security Land and Exploration Company, plaintiff in error, *v.* G. A. Burns et al.; and

No. 128. The Security Land and Exploration Company, plaintiff in error, *v.* Henry Weckey et al. In error to the supreme court of the State of Minnesota. Judgments affirmed with costs. Opinion by Mr. Justice Peckham.

The Chief Justice announced the following orders of the court:

Order: The reporter having represented that owing to the number of decisions at the present term it would be impracticable to put the reports in one volume, it is therefore now here ordered that he publish an additional volume in this year, pursuant to section 681 of the Revised Statutes.

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

No. 269. The Helena Water Works Company, appellant, *v.* The City of Helena. Motions to dismiss or affirm postponed to the hearing of the case on its merits.

No. 563. Henry C. Pettit, United States marshal, appellant, *v.* Thomas Walshe. Motion to advance granted, and cause assigned for argument on Monday, April 4, next, after the case already set down for that day.

No. 579. G. B. Hunter et al., petitioners, *v.* Dampskibsselskobet "Tel-lus," etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 589. The Tweedie Trading Company, petitioner, *v.* The New York and Boston Dyewood Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 590. Cimiotti Unhairing Company et al., petitioners, *v.* American Fur Refining Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit granted.

No. 591. The United States, petitioner, *v.* Sing Tuck or King Do et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 561. The United States ex rel. John Turner, appellant, *v.* William Williams, United States commissioner of immigration. Motion to advance granted, and cause assigned for argument on Monday, April 4, next, after the cases already set down for that day. Motion to admit to bail granted, and relator will be released pending the appeal, on giving bond, with good and sufficient sureties, in the penal sum of \$5,000, and conditioned according to law, before the circuit court of the United States for the southern district of New York, or one of the judges thereof.

No. 602. The Empire State Idaho Mining and Developing Company, petitioner, *v.* Kennedy J. Hanley. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. W. B. Heyburn, Mr. George Turner and Mr. F. T. Post for the petitioner, and by Mr. John R. McBride and Mr. M. A. Folsom for the respondent.

No. 573. Julius King Optical Company, petitioner, *v.* Frederick F. Bilhoefer et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. H. Albertus West for the petitioner, and by Mr. W. C. Strawbridge for the respondents.

No. 587. Rudolph H. Lange, petitioner, *v.* The Union Pacific Railway Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. F. M. Patterson in behalf of Mr. E. T. Wells for the petitioner, and by Mr. Willard Teller, C. C. Dorsey and W. R. Kelly for the respondent.

No. 592. The City National Bank of Greenville, S. C., petitioner, *v.* Richmond Guano Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. H. J. Haynsworth for the petitioner, with leave to counsel for respondent to file brief within one week.

No. 564. Thomas A. Kelley et al., petitioners, *v.* Cunard Steamship Company (Limited). Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. A. B. Browne and Mr. W. R. Sears for the petitioners, and by Mr. George Putnam for the respondent.

No. 485. International Trust Company, plaintiff in error, *v.* John W. Weeks, agent, etc. Motion to dismiss submitted by Mr. G. Philip Wardner, Mr. Eugene P. Carver and Mr. E. E. Blodgett in support of motion, and by Mr. R. M. Morse and Mr. William M. Richardson in opposition thereto.

No. 189. William H. Jones et al., plaintiffs in error, *v.* Andrew J. Montague, governor, etc., et al.; and

No. 190. William S. Selden et al., appellants, *v.* Andrew J. Montague, governor, etc., et al. Motions to dismiss submitted by Mr. W. A. Anderson and Mr. Frank W. Christian in support of motions, and by Mr. John S. Wise in opposition thereto. Motions postponed to the hearing of cases on the merits.

No. 586. Oscar Hampton Stevens, petitioner, *v.* Richmond Smith et al. Petition for a writ of certiorari to United States circuit court of appeals for the sixth circuit submitted by Mr. Thomas Bronson Jewell in behalf of Mr. H. C. McDougal for the petitioner.

No. 601. The Atlantic Transport Company, claimant, etc., petitioner, *v.* Francis E. Dodge et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Frederic D. McKenney in behalf of Mr. J. Parker Kirlin for the petitioner, and by Mr. W. Mynderse for the respondents.

No. —, Original. *Ex parte:* In the matter of The Christensen Engineering Company, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. Oscar W. Jeffery in behalf of Mr. William A. Jenner for the petitioner.

No. 365. Jesse Kerr, petitioner, *v.* The Modern Woodmen of America. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. James P. Conner in behalf of Mr. Isaac N. Flickinger for the petitioner, and by Mr. C. G. Saunders for the respondent.

No. 162. Lena M. Slater et al., petitioners, *v.* Mexican National Railroad Company. Argued by Mr. Le Roy G. Denman for the respondent, and submitted by Mr. Mason Williams for the petitioners.

No. 512. The Owensboro Water Works Company, appellant, *v.* The City of Owensboro, Ky., submitted by Mr. William T. Ellis and Mr. J. D. Atchison for the appellant, and by Mr. George W. Jolly, Mr. R. A. Miller, Mr. Charles S. Walker and Mr. Robert S. Todd for the appellee.

No. 163. Charles Gagnon, appellant, *v.* The United States. Argued by Mr. William E. Harvey and Mr. George A. King for the appellant, and by Mr. Assistant Attorney-General Thompson for the appellee.

No. 165. The Great Southern Fire-Proof Hotel Company, petitioner, *v.* Benjamin F. Jones et al. Argument commenced by Mr. Gilbert Holland Stewart for the petitioner, and continued by Mr. Talfourd P. Linn for the respondents.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 1, will be as follows: Nos. 165, 166, 167, 168, 169, 170, 171, 172, 159 and 173.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 1, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

F. M. Newman of Brady, Tex., was admitted to practice.

No. 11, Original. State of Louisiana, complainant, *v.* State of Mississippi. Leave granted to file stipulation as to taking testimony, etc., herein, on motion of Mr. Alexander Porter Morse for the complainant, and order entered in pursuance thereof.

No. 536. L. C. Shattuck, appellant, *v.* Martin Costello. Appeal from the supreme court of the Territory of Arizona. Dismissed with costs, on motion of counsel for the appellant.

No. 165. The Great Southern Fire-Proof Hotel Company, petitioner, *v.* Benjamin F. Jones et al. Argument continued by Mr. Talfourd P. Linn, Mr. George K. Nash and Mr. T. J. Keating for the respondents, and concluded by Mr. Henry Gumble for the petitioner.

No. 166. The Mutual Life Insurance Company of New York, petitioner, *v.* Eliza Maud Hill et al. Argument commenced by Mr. Julien T. Davies for the petitioner, and continued by Mr. Stanton Warburton for the respondents.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 2, will be as follows: Nos. 166, 167, 168, 169, 170, 171, 172, 159, 173 and 174.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 2, 1904.

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

Guy Cunningham of Gloucester, Mass., George W. Norris of McCook, Nebr., Wilbur S. Bourne of Beatrice, Nebr., T. J. Leahy of Pawhuska, Okla., and Adrian H. Larkin of New York City were admitted to practice.

No. 166. The Mutual Life Insurance Company of New York, petitioner, *v.* Eliza Maud Hill et al. Argument continued by Mr. Stanton Warburton and Mr. George Turner for the respondents, and concluded by Mr. Julien T. Davies for the petitioner.

No. 167. William A. Platt, as receiver, etc., plaintiff in error, *v.* Osee W. Wilmot. Argued by Mr. Omar Powell for the plaintiff in error. No counsel appeared for the defendant in error.

No. 168. Charles L. Rawson et al., petitioners, *v.* Western Sand Blast Company et al. Argument commenced by Mr. Otto R. Barnett for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 3, will be as follows: Nos. 168, 169, 170, 171, 172, 159, 173, 174, 175 and 177.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 3, 1904.

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

Stephan A. Keenan of Clark, S. Dak., Comfort H. Van Law of Marshalltown, Iowa, and Edward B. Critchlow of Salt Lake City, Utah, were admitted to practice.

No. 168. Charles L. Rawson et al., petitioners, *v.* Western Sand Blast Company et al. Argument continued by Mr. Otto R. Barnett for the petitioners, and by Mr. John W. Munday for the respondents, and concluded by Mr. James H. Raymond for the petitioners.

No. 169. I. H. Adams, plaintiff in error, *v.* J. M. Church, administrator, etc. Argued by Mr. R. J. Slater for the plaintiff in error, and by Mr. Alonzo H. Stewart for the defendant in error.

No. 170. The United States et al., appellants, *v.* Juan B. Martinez, administrator, etc. Continued, per stipulation.

No. 171. Lafayette B. Eaton, appellant and plaintiff in error, *v.* Harrison H. Brown et al. Submitted by Mr. J. Altheus Johnson and Mr. Joseph A. Burkart for the appellant and plaintiff in error, and by Mr. Thomas Watts for the appellees and defendants in error.

No. 172. The United States, appellant, *v.* The Commonwealth Title Insurance and Trust Company, trustee. Submitted by Mr. Assistant Attorney-General Pradt and Mr. George H. Gorman for the appellant, and by Mr. William R. Andrews for the appellee.

No. 159. Charles T. Barney, appellant, *v.* The City of New York et al.; and

No. 173. Arabella D. Huntington, appellant, *v.* The City of New York et al. Argument commenced by Mr. Maxwell Evarts for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 4, will be as follows: Nos. 159 (and 173), 174, 175, 177, 178, 179, 181, 182 (and 183), 184 and 185.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 4, 1904.

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

Pratt A. Brown of New York City and Arthur F. Cosby of New York City were admitted to practice.

No. 184. Delbert B. Gray, petitioner, *v.* The Union Casualty and Surety Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit dismissed for the want of prosecution.

No. 159. Charles T. Barney, appellant, *v.* The City of New York et al.; and

No. 173. Arabella D. Huntington, appellant, *v.* The City of New York et al. Argument continued by Mr. Maxwell Evarts for the appellants, by Mr. Edward M. Shepard and Mr. Pratt A. Brown for the appellees, and concluded by Mr. Arthur H. Masten for the appellant.

No. 174. John D. Boering et al., plaintiffs in error, *v.* Chesapeake Beach Railway Company. Argued by Mr. Charles F. Carusi and Mr. Charles H. Merillat for the plaintiffs in error, and by Mr. Frederic D. McKenney for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 7, will be as follows: Nos. 175, 409, 503, 535, 543, 372 (and 373 and 481), 273, 177, 178 and 179.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 7, 1904.

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

Max D. Steur of New York City, Clarence J. Shearn of New York City, Oscar L. Stribling of Waco, Tex., Peter S. Carter of New York City, Walter W. Magee of Syracuse, N. Y., Charles L. Stone of Syracuse, N. Y., Charles A. Russell of Gloucester, Mass., and William D. Mitchell of St. Paul, Minn., were admitted to practice.

No. 155. David J. Hodges et al., appellants, *v.* William C. Colcord et al. Appeal from the supreme court of the Territory of Oklahoma. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 153. The Winous Point Shooting Club, plaintiff in error, *v.* Jeppe Caspersen et al. In error to the supreme court of the State of Ohio. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

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

No. 485. International Trust Company, plaintiff in error, *v.* John W. Weeks, agent, etc. In error to the United States circuit court of appeals for the first circuit. Dismissed for the want of jurisdiction. *McLish v. Roff*, 141 U. S., 661; *Kirwan v. Murphy*, 170 U. S., 205, 209; *Kingman v. Western Manufacturing Company*, 170 U. S., 675; *Haseltine v. Central Bank of Springfield*, 183 U. S., 130.

No. 512. The Owensboro Water Works Company of Owensboro, Ky., appellants, *v.* The City of Owensboro, Ky. Appeal from the circuit court of the United States for the western district of Kentucky. Decree affirmed with costs, on the authority of *City of Joplin v. Southwest Missouri Light Company* (191 U. S., 150).

No. —, Original. *Ex parte*: In the matter of The Christensen Engineering Company, petitioner. Motion for leave to file petition for writ of mandamus granted, and rule to show cause ordered returnable Monday, March 21.

No. 267. Clarence T. Birkett, plaintiff in error, *v.* The Columbia Bank. Plaintiff in error is required to file bond in the penal sum of \$2,000, with sureties to be approved by the clerk of this court within ten days, whereupon the rule to show cause will be made absolute.

No. 365. Jesse Carr, petitioner *v.* The Modern Woodmen of America. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 564. Thomas A. Kelley et al., petitioners, *v.* Cunard Steamship Company (Limited). Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 573. Julius King Optical Company, petitioner, *v.* Frederick F. Bihoefer et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 586. Oscar Hampton Stevens, petitioner, *v.* Richmond Smith et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 587. Rudolph H. Lange, petitioner, *v.* The Union Pacific Railway Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 592. The City National Bank of Greenville, S. C., petitioner, *v.* Richmond Guano Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 601. The Atlantic Transport Company, claimant, petitioner, *v.* Francis E. Dodge et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 602. Empire State-Idaho Mining and Developing Company, petitioner, *v.* Kennedy J. Hanley. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 591. The United States, petitioner, *v.* Sing Tuck or King Do et al. Motion to advance submitted by Mr. Solicitor-General Hoyt for the petitioner.

No. 179. Ward Roper et al., plaintiffs in error, *v.* A. C. Scurlock et al. In error to the court of civil appeals for the fifth supreme judicial district of the State of Texas. Dismissed with costs, on motion of Mr. George Clark for the plaintiffs in error.

No. 612. The Atlantic Lumber Company et al., petitioners, *v.* The L. Bucki & Son Lumber Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. R. H. Liggett for the petitioners, and by Mr. James E. Padgett, Mr. H. Bisbee and Mr. George C. Bedell for the respondents.

No. 605. The Western Union Telegraph Company, petitioner, *v.* The Pennsylvania Railroad Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. H. D. Estabrook for the petitioner with leave to counsel for respondents to file brief within one week.

No. 7, Original. The State of Kansas, complainant, *v.* The State of Colorado. Leave granted to file replications to answers herein, on motion of Mr. George A. King in behalf of counsel for the complainant.

No. 142. Edward E. Bessette *v.* W. B. Conkey Company. Motion to fix day for argument herein submitted by Mr. W. D. Bynum in behalf of counsel.

No. 276. American Press Association, appellant, *v.* Daily Story Publishing Company. Appeal from the United States circuit court of appeals for the seventh circuit. Dismissed on authority of counsel for appellant.

No. 543. Maurice Runkle, appellant, *v.* William Henkel, United States marshal. 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. 175. Pacific Electric Railway Company, appellant, *v.* The City of Los Angeles et al. Argument commenced by Mr. J. S. Chapman for the appellant, continued by Mr. W. B. Mathews for the appellees, and concluded by Mr. J. S. Chapman for the appellant.

No. 367. The Western Union Telegraph Company, appellant, *v.* The Pennsylvania Railroad Company et al. Motion to advance submitted by Mr. John G. Johnson for the appellees.

No. 409. The Interstate Commerce Commission, appellant, *v.* David G. Baird et al. Argument commenced by Mr. W. A. Day for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 8, will be as follows: Nos. 409, 503, 535, 372 (and 373 and 481), 273, 177, 178, 181, 182 (and 183) and 185.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 8, 1904.

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

Nathaniel Levy of New York City, Charles F. Moody of New York City, E. V. B. Getty of New York City, W. Poindexter of Cleburne, Tex., and John A. Saul of Washington, D. C., were admitted to practice.

The Chief Justice announced the following orders of the court:

No. 142. *Edward E. Bessette v. W. B. Conkey Company*. Ordered for argument at the foot of the call for Monday, March 14.

No. 591. *The United States, petitioner, v. Sing Tuck, etc., et al.* Motion to advance granted, and cause assigned for argument on Monday, April 4, after the cases already set down for that day.

No. 409. *The Interstate Commerce Commission, appellant, v. David G. Baird et al.* Argument continued by Mr. John G. Johnson, Mr. Walter W. Ross and Mr. Adelbert Moot for the appellees, and concluded by Mr. John G. Carlisle for the appellant.

No. 503. *William H. Pope, plaintiff in error, v. John M. C. Williams et al.* Argument commenced by Mr. William H. Pope pro se.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 9, will be as follows: Nos. 503, 535, 372 (and 373 and 481), 273, 177, 178, 181, 182 (and 183), 185 and 186.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 9, 1904.

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

Benjamin S. Liddon of Marianna, Fla., Edward S. Peck of New York City and W. E. Humphrey of Seattle, Wash., were admitted to practice.

No. 179. Ward Roper et al., plaintiffs in error, *v.* A. C. Scurlock et al. Mandate granted, on motion of Mr. C. K. Bell for the defendants in error.

No. 186. Metropolitan Railroad Company, appellant and plaintiff in error, *v.* Henry B. F. Macfarland et al., Commissioners of the District of Columbia. Passed, to be restored to the call subject to the provisions of section 9, rule 26, on motion of Mr. A. B. Duvall for the appellees and defendants in error.

No. 503. William H. Pope, plaintiff in error, *v.* John M. C. Williams et al. Argument continued by Mr. William H. Pope pro se., by Mr. John P. Poe for the defendants in error, and concluded by Mr. William H. Pope pro se.

No. 535. George W. Beavers, appellant, *v.* William Henkel, United States marshal. Argument commenced by Mr. Max D. Steuer for the appellant, and continued by Mr. Assistant Attorney-General Purdy for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 10, will be as follows: Nos. 535, 372 (and 373 and 481), 273, 177, 178, 181, 182 (and 183), 185, 188 and 189 (and 190).

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 10, 1904.

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

Ora E. Butterfield of Detroit, Mich., Karl T. Webber of Columbus, Ohio, Edward L. Taylor, jr., of Columbus, Ohio, D. C. Badger of Columbus, Ohio, and James F. Ailshie of Boise City, Idaho, were admitted to practice.

No. 535. George W. Beavers, appellant, *v.* William Henkel, United States marshal. Argument continued by Mr. Assistant Attorney-General Purdy for the appellee, and concluded by Mr. Max D. Steuer for the appellant.

No. 372. Henry O. Houghton, trustee, et al., appellants, *v.* Henry C. Payne, Postmaster-General; and

No. 373. Bates & Guild Company, appellant, *v.* Henry C. Payne, Postmaster-General. Argument commenced by Mr. William S. Hall for the appellants, continued by Mr. John G. Johnson for the appellee, and concluded by Mr. Holmes Conrad for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 11, will be as follows: Nos. 481, 273, 177, 178, 181, 182 (and 183), 185, 188, 189 (and 190) and 191.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 11, 1904.

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

John D. Pope of Friend, Nebr., William M. Ellison of Westend, Va., Sumner H. Doulton of New York City, Frank E. Gregg of Denver, Colo., and Robert C. Kinkead of Louisville, Ky., were admitted to practice.

No. 481. Ormond G. Smith et al., etc., appellants, *v.* Henry C. Payne, Postmaster-General. Argument commenced by Mr. Tracy L. Jeffords for the appellants, and continued by Mr. H. H. Glassie for the appellee, and concluded by Mr. Charles F. Moody for the appellants.

No. 273. Granville Rippey, plaintiff in error, *v.* The State of Texas. Argued by Mr. George Clark for the plaintiff in error, and by Mr. C. K. Bell for the defendant in error.

No. 177. Jules S. Bache, appellant, *v.* Samuel Hunt, receiver, et al. Argument commenced by Mr. F. Spiegelberg for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 14, will be as follows: Nos. 177, 453 to 475, 178, 181, 182 (and 183), 185, 188, 189 (and 190), 191 and 142.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 14, 1904.

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

Frederick M. Brown of New York City, Edward M. Hyzer of Milwaukee, Wis., Lorrin Andrews of Honolulu, Territory of Hawaii, Elisha K. Camp of New York City, R. Golden Donaldson of Washington, D. C., John M. Waldron of Denver, Colo., and William H. Dunbar of Cambridge, Mass., were admitted to practice.

No. 171. Lafayette B. Eaton, appellant and plaintiff in error, *v.* Harrison H. Brown et al. Appeal from and in error to the court of appeals of the District of Columbia. Decree reversed with costs, and cause remanded with directions to reverse the order of the supreme court of the District of Columbia and to remand the cause to that court for further proceedings. Opinion by Mr. Justice Holmes.

No. 277. The Northern Securities Company et al., appellants, *v.* The United States. Appeal from the circuit court of the United States for the district of Minnesota. Decree affirmed with liberty to the circuit court to proceed in the execution of its decree as the circumstances may require. Opinion by Mr. Justice Harlan, in which Mr. Justice Brown, Mr. Justice McKenna and Mr. Justice Day concurred. Concurring opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Holmes, Mr. Justice White, Mr. Chief Justice Fuller, and Mr. Justice Peckham.

The Chief Justice announced that the court would take a recess from Monday, March 21, to Monday, April 4 next.

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

No. 612. The Atlantic Lumber Company et al., petitioners, *v.* L. Bucki & Son Lumber Co. et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 7, Original. The State of Kansas, complainant, *v.* The State of Colorado et al. Motion for leave to the United States to intervene herein submitted by Mr. Solicitor-General Hoyt for the United States.

No. —, Original. *Ex parte*: In the matter of the United States, petitioner. Motion for leave to file a petition for a writ of mandamus submitted by Mr. Solicitor-General Hoyt for the petitioner.

No. 604. The Western Assurance Company of Toronto, petitioner, *v.* William H. Halliday et al. Petition for writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. J. H. Ralston for Mr. Hartwell Cabell for the petitioner, and by Mr. Edward L. Taylor, jr., Mr. A. T. Seymour and Mr. Karl T. Webber for the respondents.

No. 619. John P. Viridin, etc., petitioner, *v.* The Steamer Ansgar; and

No. 620. John P. Viridin, etc., petitioner, *v.* Oscar Ellefsen, master, etc. Petitions for writs of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Horace L. Cheyney and Mr. John F. Lewis for the petitioner, and by Mr. Edward M. Brown for the respondents.

No. 514. Emma S. Fayerweather et al., appellants, *v.* Thomas G. Ritch et al.; and

No. 515. John B. Reynolds, executor, etc., appellant, *v.* Thomas G. Ritch et al. Motion to advance submitted by Mr. C. N. Bovee, jr., for the appellees.

No. 383. The United States *ex rel.* Charles P. Steinmetz, plaintiff in error, *v.* Frederick I. Allen, Commissioner of Patents. Mandate granted, on motion of Mr. Melville Church for the plaintiff in error.

No. 514. Emma S. Fayerweather et al., appellants, *v.* Thomas G. Ritch et al.; and

No. 515. John B. Reynolds, executor, etc., appellant, *v.* Thomas G. Ritch et al. Motion to dispense with the printing of part of record, etc., submitted by Mr. William Blaikie for the appellants in support of motion, and by Mr. C. N. Bovee, jr., for the appellees in opposition thereto.

No. 212. John Lowe, appellant, *v.* The United States. Motion to advance for argument after No. 195 submitted by Mr. Charles L. Frailey for the appellant.

No. 599. Lindley E. Sinclair, petitioner, *v.* The District of Columbia. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. C. C. Cole and Mr. J. J. Darlington for the petitioner, and by Mr. A. B. Duvall and Mr. E. H. Thomas for the respondent.

No. 7, Original. The State of Kansas, complainant, *v.* The State of Colorado et al. Leave to file motion to dismiss granted, the same to be submitted on printed briefs on or before April 29 next, on motion of Mr. Platt Rogers for the defendants.

No. 595. Riverdale Cotton Mills, petitioner, *v.* Alabama and Georgia Manufacturing Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. William H. Dunbar and Mr. Thomas H. Watts for the petitioner, and by Mr. John T. Morgan and Mr. Marion Erwin for the respondents.

No. 177. Jules S. Bache, appellant, *v.* Samuel Hunt, as receiver, et al. Argument continued by Mr. F. Spiegelberg for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 15, will be as follows: Nos. 177, 178, 181, 182 (and 183), 453 to 475, 185, 188, 189 (and 190), 191 and 142.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 15, 1904.

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

No. 621. D. N. Holden et al., petitioners, *v.* J. A. Stratton, trustee. Ordered that record in No. 38 be used as an exhibit to the petition herein, on motion of Mr. W. E. Humphrey in behalf of counsel for the petitioners. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. W. E. Humphrey in behalf of Mr. P. P. Carroll for the petitioners, and by Mr. Frederick Bausman for the respondent.

No. 177. Jules S. Bache, appellant, *v.* Samuel Hunt, as receiver, et al. Argument continued by Mr. F. Spiegelberg for the appellant, by Mr. A. H. Joline for the appellees, and concluded by Mr. F. Spiegelberg for the appellant.

No. 178. Samuel Wright et al., appellants, *v.* The Minnesota Mutual Life Insurance Company et al. Argument commenced by Mr. John F. Byers for the appellants, continued by Mr. William D. Mitchell for the appellees and concluded by Mr. John F. Byers for the appellants.

No. 181. Luther B. Yaple, trustee, *v.* Dahl-Milliken Grocery Company. Submitted on briefs to be filed.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 16, will be as follows: Nos. 182 (and 183), 453 to 475, 185, 188, 189 (and 190), 191, 142, 192, 193 and 194.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 16, 1904.

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

Samuel A. Herman of Torrington, Conn., Levi H. David of Washington, D. C., and Frank Fuller of Wayne, Nebr., were admitted to practice.

No. 192. The New York, New Haven and Hartford Railroad Company, plaintiff in error, *v.* The Town of Plymouth et al. Submitted by Mr. William F. Henney for the plaintiff in error, and by Mr. Samuel A. Herman and Mr. Charles E. Perkins for the defendants in error.

No. 182. The Newburyport Water Company, appellant, *v.* The City of Newburyport; and

No. 183. The Gloucester Water Supply Company, appellant, *v.* The City of Gloucester. Argument commenced by Mr. L. L. Scaife for the appellants, continued by Mr. Albert E. Pillsbury for the appellees, and concluded by Mr. Robert M. Morse for the appellants.

Nos. 453 to 475. John M. Sloan et al., appellants, *v.* The United States et al. Argument commenced by Mr. Thomas L. Sloan for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 17, will be as follows: Nos. 453 to 475, 185, 188, 189 (and 190), 191, 142, 193, 194, 57 and 195.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 17, 1904.

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

Louis Block of Davenport, Iowa, and William A. Shryock of Philadelphia, Pa., were admitted to practice.

Nos. 453 to 475. John M. Sloan et al., appellants, *v.* The United States et al. Argument continued by Mr. Thomas L. Sloan for the appellants, and by Mr. John L. Webster for the appellees, and concluded by Mr. H. C. Brome for the appellants.

No. 185. The Missouri, Kansas and Texas Railway Company of Texas, plaintiff in error, *v.* Clay May. Submitted by Mr. James Hagerman for the plaintiff in error. No counsel appeared for the defendant in error.

No. 188. Edwin F. Brown, as receiver, etc., appellant, *v.* George C. Schleier et al. Argument commenced by Mr. James H. Brown for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 18, will be as follows: Nos. 188, 189 (and 190), 191, 193, 194, 57, 197, 198, 199 (and 525) and 200.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 18, 1904.

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

E. B. Dubuissou of Opelousas, La., Hampden Story of Crowley, La., George W. Jones of Montgomery, Ala., Alfred W. Kiddle of New York City and Edward P. Garnett of Kansas City, Mo., were admitted to practice.

No. 197. The United States, appellant, *v.* Richard Jones. Submitted by Mr. Assistant Attorney-General Pradt and Mr. Philip M. Ashford for the appellant, and by Mr. George A. King for the appellee.

No. 198. The United States, appellant, *v.* Charles H. Gildersleeve. Submitted by Mr. Assistant Attorney-General Pradt and Mr. Philip M. Ashford for the appellant, and by Mr. George A. King and Mr. William B. King for the appellee.

No. 199. The United States, appellant, *v.* Mary K. Wheeler, administratrix; and

No. 525. Mary K. Wheeler, administratrix, appellant, *v.* The United States. Submitted by Mr. Assistant Attorney-General Pradt and Mr. Philip M. Ashford for the United States, and by Mr. Charles C. Lancaster for Mary K. Wheeler, administratrix.

No. 200. A. Chesebrough et al., owners of the ship Iroquois, petitioners, *v.* Matthew Bridges. Submitted by Mr. Milton Andros for the petitioners, and by Mr. A. H. Ricketts for the respondent.

No. 188. Edwin F. Brown, as receiver, etc., appellant, *v.* George C. Schleier et al. Argument continued by Mr. James H. Brown for the appellant, and concluded by Mr. John M. Waldron for the appellees.

No. 191. Southern Railway Company, plaintiff in error, *v.* Mary L. Beach, administratrix. Submitted by Mr. F. H. Bushee, Mr. W. A. Henderson and Mr. Charles Price for the plaintiff in error. No counsel appeared for the defendant in error.

No. 193. M. J. Coventry et al., plaintiffs in error, *v.* J. W. Davis et al. Submitted by Mr. Eugene F. Ware for the plaintiffs in error, and by Mr. J. D. McCleverty and Mr. W. P. Dillard for the defendants in error.

Adjourned until Monday next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 21, 1904.

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

Henry A. Craig of Philadelphia, Pa., Ulysses L. Marvin of Akron, Ohio, and James Donovan of Helena, Mont., were admitted to practice.

No. 310. Tom Hong, alias Hom Poe, appellant, *v.* The United States;

No. 311. Tom Dock, alias Hom Dock, appellant, *v.* The United States; and

No. 313. Lee Kit, appellant, *v.* The United States. Appeals from the district court of the United States for the eastern district of New York. Decrees reversed, and causes remanded with directions to discharge the appellants. Opinion by Mr. Justice Day.

No. 169. I. H. Adams, plaintiff in error, *v.* J. M. Church, administrator, etc. In error to the circuit court of Malheur County, State of Oregon. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 154. James C. Fargo, as president of the American Express Company, appellant, *v.* William H. Hart, auditor, etc. Appeal from the circuit court of the United States for the district of Indiana. Decree reversed with costs, and cause remanded for further proceedings in conformity to law. Opinion by Mr. Justice Holmes. Dissenting: Mr. Chief Justice Fuller, Mr. Justice Brewer and Mr. Justice Day.

No. 273. Granville Rippey, plaintiff in error, *v.* The State of Texas. In error to the court of criminal appeals of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 160. Charles A. Tinker, plaintiff in error, *v.* Frederick L. Colwell. In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Brown, Mr. Justice White and Mr. Justice Holmes.

No. 134. Cosmopolitan Mining Company, plaintiff in error, *v.* Thomas F. Walsh. In error to the circuit court of the United States for the district of Colorado. Dismissed for the want of jurisdiction. Opinion by Mr. Justice White.

No. 163. Charles Gagnon, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brown.

No. 174. John D. Boering et al., plaintiffs in error, *v.* Chesapeake Beach Railway Company. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 514. Emma S. Fayerweather et al., appellants, *v.* Thomas G. Ritch et al., and

No. 515. John B. Reynolds, executor, etc., appellant, *v.* Thomas G. Ritch et al. Motion to advance granted, and cases assigned for argument on the first Tuesday of the next term (October 11) after the cases already set down for that day. The motion to dispense with printing part of the record is postponed to the hearing on the merits, and counsel may in the meantime proceed under paragraph 9 of rule 10. Announced by Mr. Justice Harlan.

No. 150. The Underground Railroad Company of the City of New York et al., appellants, *v.* The City of New York et al. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 159. Charles T. Barney, appellant, *v.* The City of New York et al. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 173. Arabella D. Huntington, appellant, *v.* The City of New York et al. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

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

No. 367. The Western Union Telegraph Company, appellant, *v.* The Pennsylvania Railroad Company et al. Motion to advance granted, and cause assigned for argument on the first Tuesday of the next term (October 11) after the cases already set down for that day.

No. 605. The Western Union Telegraph Company, petitioner, *v.* The Pennsylvania Railroad Company et al. Petition for writ of certiorari to the United States circuit court of appeals for the third circuit granted, and the cause assigned to be heard on the first Tuesday of the next term (October 11) with No. 367 as one case.

No. 368. The Western Union Telegraph Company, plaintiff in error, *v.* The Pennsylvania Railroad Company. Advanced, to be heard on the first Tuesday of the next term (October 11) after Nos. 367 and 605.

No. 16, Original. *Ex parte*: In the matter of the United States, petitioner. Motion for leave to file petition for a writ of mandamus granted, and rule to show cause awarded, returnable on Monday, April 4, next.

No. 185. The Missouri, Kansas and Texas Railway Company of Texas, plaintiff in error, *v.* Clay May. Ordered that the attorney-general of the State of Texas be notified of the pendency of this suit.

No. 7, Original. The State of Kansas, complainant, *v.* The State of Colorado et al. Motion of the United States for leave to intervene herein granted.

No. 212. John Lowe, appellant, *v.* The United States. Motion to advance for argument immediately after No. 195 granted.

No. 595. Riverdale Cotton Mills, petitioner, *v.* Alabama and Georgia Manufacturing Company et al. Petition for writ of certiorari to the United States circuit court of appeals for the fifth circuit granted.

No. 621. D. N. Holden et al., petitioners, *v.* J. A. Stratton, trustee. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit granted.

No. 599. Lindley E. Sinclair, petitioner, *v.* The District of Columbia. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 604. The Western Assurance Company of Toronto, petitioner, *v.* William H. Halliday et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 619. John P. Viridin, etc., petitioner, *v.* The Steamer Ansgar, etc.; and

No. 620. John P. Viridin, etc., petitioner, *v.* Oscar Ellefsen, master, etc. Petitions for writs of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 191. The Southern Railway Company, plaintiff in error, *v.* Mary L. Beach, administratrix, etc. In error to the supreme court of the State of North Carolina. Judgment reversed with costs, on the authority of *Southern Railway Company v. Allison*, 190 U. S., 326, and cause remanded for further proceedings.

No. 192. The New York, New Haven and Hartford Railroad Company, plaintiff in error, *v.* The Town of Plymouth et al. In error to the supreme court of errors of the State of Connecticut. Dismissed for the want of jurisdiction, on authority of *Sayward v. Denney*, 158 U. S., 180; *Layton v. Missouri*, 187 U. S., 356; *Hooker v. Los Angeles*, 188 U. S., 314; *Ansbro v. United States*, 159 U. S., 695; *New York and New England Railroad Company v. Bristol*, 151 U. S., 556.

No. 193. M. J. Coventry et al., plaintiffs in error, *v.* J. W. Davis et al. In error to the supreme court of the State of Kansas. Dismissed for

the want of jurisdiction, on authority of *New Orleans Waterworks Company v. Louisiana*, 185 U. S., 361; *Sayward v. Denney*, 158 U. S., 180. Case reported in State court, 65 Kansas, 557.

No. 357. W. S. Kirby, appellant, *v. American Soda Fountain Company*. Motions to dismiss or affirm submitted by Mr. John J. Weed for the appellee in support of motions, and by Mr. J. M. McCormick for the appellant in opposition thereto.

No. 283. The Citizens' National Bank of Kansas City, Mo., plaintiff in error, *v. M. S. C. Donnell*. Motions to dismiss or affirm submitted by Mr. Edward P. Garnett for the defendant in error in support of motions, and by Mr. O. H. Dean for the plaintiff in error in opposition thereto.

No. 560. The United States, appellant, *v. Frank Y. Anderson et al.*, trustees, etc., et al. Submitted by Mr. Assistant Attorney-General Pradt for the appellant, and by Mr. M. D. Brainard and Mr. J. A. W. Smith for the appellees.

No. 598. Keller Tool Company et al., petitioners, *v. Joseph Boyer*. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. William A. Maury, Mr. E. Hayward Fairbanks and Mr. Hector T. Fenton for the petitioners, with leave to counsel for the respondent to file brief on or before Wednesday.

No. 618. The United States ex rel. Frank B. Edwards, lieutenant of artillery, United States Army, petitioner, *v. Elihu Root*, Secretary of War, et al. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. Henry A. Craig for the petitioner, with leave to counsel for respondents to file brief on or before Friday next.

No. 519. Abram P. Thompson, plaintiff in error, *v. Joseph J. Darden*. Motion to advance submitted by Mr. Robert M. Hughes for the plaintiff in error.

No. 610. E. J. Roberts, petitioner, *v. The United States*. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Thomas H. Clark in behalf of Mr. Cecil H. Smith and Mr. Frank Lee for the petitioners.

No. 508. Phoebe R. E. E. Linton et al., plaintiffs in error, *v. Fred Heye et al.* Motions to dismiss or affirm submitted by Mr. John C. Watson and Mr. John V. Morgan for the defendants in error in support of motions, and by Mr. Joseph H. Blair for the plaintiffs in error in opposition thereto.

Adjourned until Monday, April 4, at 12 o'clock.

The day call for Monday, April 4, will be as follows: Nos. 189 (and 190), 230, 563, 561, 591, 142, 194, 57, 195 and 212.

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 4, 1904.

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

Charles Pollard Cocke of New Orleans, La., Cornelius H. Fauntleroy of St. Louis, Mo., John W. Cummings of Fall River, Mass., Frank A. Lyons of Hillsdale, Mich., Edgar Watkins of Houston, Tex., Milton Scott Hamilton of San Francisco, Cal., Francis M. Hatch of Honolulu, Hawaii, J. Henry Shepherd of South McAlester, Ind. T., Lionel Adams of New Orleans, La., James H. Hayes of Richmond, Va., William Hitz of Washington, D. C., Robert M. Moon of New York City and Edward A. Freshman of New York City were admitted to practice.

No. 409. The Interstate Commerce Commission, appellant, *v.* David G. Baird et al. Appeal from the circuit court of the United States for the southern district of New York. Order reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Day. Dissenting: Mr. Justice Brewer.

No. 178. Samuel Wright et al., appellants, *v.* The Minnesota Mutual Life Insurance Company et al. Appeal from the circuit court of the United States for the district of Minnesota. Decree affirmed with costs. Opinion by Mr. Justice Day.

No. 172. The United States, appellant, *v.* The Commonwealth Title Insurance and Trust Company, trustee. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. 158. The National Mutual Building and Loan Association of New York, plaintiff in error, *v.* Frank V. Brahan. In error to the supreme court of the State of Mississippi. Judgment affirmed with costs and interest. Opinion by Mr. Justice McKenna. Mr. Justice White took no part in the decision of this case.

No. 188. Edwin F. Brown, as receiver, etc., appellant, *v.* George C. Schleier et al. Appeal from the United States circuit court of appeals

for the eighth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the district of Colorado. Opinion by Mr. Justice McKenna.

No. 167. William A. Platt, as receiver, etc., plaintiff in error, *v.* Osee W. Wilmot. In error to the United States circuit court of appeals for the second circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the northern district of New York. Opinion by Mr. Justice Peckham.

Nos. 453 to 475. John M. Sloan et al., appellants, *v.* The United States et al. Appeals from the circuit court of the United States for the district of Nebraska. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Peckham.

No. 503. William H. Pope, plaintiff in error, *v.* John M. C. Williams et al. In error to the court of appeals of the State of Maryland. Judgment affirmed with costs. Opinion by Mr. Justice Peckham.

No. 148. The United States, plaintiff in error, *v.* C. C. McCoy et al. In error to the United States circuit court of appeals for the ninth circuit. Judgments reversed, and cause remanded to the circuit court of the United States for the district of Washington for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice White.

No. 146. Third National Bank of Buffalo, N. Y., plaintiff in error, *v.* Buffalo German Insurance Company. In error to the court of appeals of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 182. The Newburyport Water Company, appellant, *v.* The City of Newburyport. Appeal from the circuit court of the United States for the district of Massachusetts. Decree reversed at appellant's costs, and cause remanded with directions to dismiss the bill for want of jurisdiction. Opinion by Mr. Justice White.

No. 183. The Gloucester Water Supply Company, appellant, *v.* The City of Gloucester. Appeal from the circuit court of the United States for the district of Massachusetts. Decree reversed at appellant's costs, and cause remanded with directions to dismiss the bill for want of jurisdiction. Opinion by Mr. Justice White.

No. 166. The Mutual Life Insurance Company of New York, petitioner, *v.* Eliza Maud Hill et al. On writ of certiorari to the United States circuit court of appeals for the ninth circuit. Judgments reversed with costs, and cause remanded to the circuit court of the United States for the district of Washington with directions to set aside the verdict, and grant a new trial and to proceed further in accordance with the

views expressed in the opinion of this court. Opinion by Mr. Justice Brewer. (Mr. Justice Peckham took no part in the decision of this case.)

No. 165. The Great Southern Fire-Proof Hotel Company, petitioner, *v.* Benjamin F. Jones et al. On writ of certiorari to the United States circuit court of appeals for the sixth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the southern district of Ohio. Opinion by Mr. Justice Harlan.

No. 177. Jules S. Bache, appellant, *v.* Samuel Hunt, receiver, etc. 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.

No. 181. Luther B. Yapple, trustee, *v.* Dahl-Milliken Grocery Company. On a certificate from the United States circuit court of appeals for the sixth circuit. First question answered in the negative. Opinion by Mr. Chief Justice Fuller.

No. 197. The United States, appellant, *v.* Richard Jones. Appeal from the Court of Claims. Judgment modified by omitting item of \$91.20, and as so modified affirmed. Opinion by Mr. Chief Justice Fuller.

No. 198. The United States, appellant, *v.* Charles H. Gildersleeve. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Chief Justice Fuller.

No. 199. The United States, appellant, *v.* Mary K. Wheeler, administratrix, etc.; and

No. 525. Mary K. Wheeler, administratrix, appellant, *v.* The United States. Appeals from the Court of Claims. Judgment affirmed. Opinion by Mr. Chief Justice Fuller.

No. 132. The People's Gas Light and Coke Company, appellant, *v.* The City of Chicago. Appeal from the circuit court of the United States for the northern district of Illinois. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

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

No. 283. The Citizens' National Bank of Kansas City, Mo., plaintiff in error, *v.* M. S. C. Donnell. Motions to dismiss or affirm postponed to the hearing of the case on its merits.

No. 519. Abram P. Thompson, plaintiff in error, *v.* Joseph J. Darden. Motion to advance denied.

No. 598. Keller Tool Company et al., petitioners, *v.* Joseph Boyer. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 610. E. J. Roberts, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 618. The United States *ex rel.* Frank B. Edwards, lieutenant of artillery, United States Army, petitioner, *v.* Elihu Root, Secretary of War, et al. Petition for writ of certiorari to the court of appeals of the District of Columbia denied.

No. 615. William K. Vanderbilt et al., as executors, etc., *v.* Ferdinand Eidman, as United States collector, etc. Motion to advance submitted by Mr. Solicitor-General Hoyt in behalf of counsel.

No. 639. Leung Sing, or Long Sing, appellant, *v.* The United States. Appeal from the district court of the United States for the eastern district of New York. Docketed and dismissed and mandate granted, on motion of Mr. Solicitor-General Hoyt for the appellee.

No. 634. F. Augustus Heinze et al., petitioners, *v.* The Butte and Boston Consolidated Mining Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Wayne MacVeagh in behalf of Mr. John J. McHatton for the petitioners, and by Mr. James M. Beck and Mr. John A. Garver for the respondent.

No. 629. The Morning Journal Association, petitioner, *v.* James A. Duke. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Edward A. Freshman in behalf of Mr. Clarence J. Shearn for the petitioner, and by Mr. Abram J. Rose and Mr. Alfred C. Petté for the respondent.

No. 632. The Great Western Mining and Manufacturing Company, etc., petitioner, *v.* Charles A. Harris et al., executors, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. C. H. Robb in behalf of Mr. Harlan Cleveland for the petitioner, and by Mr. Julien T. Davies and Mr. Brainard Tolles for the respondents.

No. 574. Lena S. Walton et al., petitioners, *v.* The Wild Goose Mining and Trading Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. John M. Thurston, Mr. J. W. Hughes and Mr. D. W. Burchard for the petitioners, and by Mr. Charles Page and Mr. E. J. McCutchen for the respondent.

No. 614. Dexter Horton & Co., petitioners, *v.* London and San Francisco Bank (Limited). Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. William E. Humphrey for the petitioners, and by Mr. Charles E. Shepard and Mr. Thomas R. Shepard for the respondent.

No. 624. The Nederland Life Insurance Company (Limited), petitioner, *v.* Mary Meinert. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. James Lowndes in behalf of Mr. George W. Wickersham for the petitioner, and by Mr. Albert J. Beveridge for the respondent.

No. 638. J. Raymond Smith, petitioner, *v.* The Steamship Oneida, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Thomas H. Clark in behalf of Mr. Wilhelmus Mynderse for the petitioner, and by Mr. H. G. Ward for the respondent.

No. 640. Alexander K. Coney, appellant, *v.* Continental Building and Loan Association. Appeal from the district court of the United States for the northern district of California. Docketed and dismissed with costs, on motion of Mr. Thomas H. Clark for the appellee.

No. 264. The Terre Haute and Indianapolis Railroad Company, plaintiff in error, *v.* The State of Indiana *ex rel.* William A. Ketcham, attorney-general. Motions to dismiss or affirm submitted by Mr. R. O. Hawkins, Mr. William A. Ketcham, Mr. R. S. Taylor and Mr. Ferd. Winter in support of motions, and by Mr. Lawrence Maxwell, jr., Mr. S. O. Pickens and Mr. John G. Williams in opposition thereto.

No. 626. The United States, to use of J. Edward Chapman, petitioner, *v.* The City Trust, Safe Deposit and Security Company of Philadelphia. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. Charles H. Merillat for the petitioner.

No. 637. Herman R. Murray, petitioner, *v.* Isaac C. Wilson, trustee. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Vincent A. Sheehy for the petitioner, and by Mr. Thomas D. Rambant for the respondent.

No. 567. Helen Potts Hall, appellant, *v.* The First National Bank of Bridgeport et al. Appeal from the circuit court of the United States for the district of Connecticut. Dismissed, *per stipulation*.

No. 546. Southern Railway Company, plaintiff in error, *v.* James L. Carson. Motions to dismiss or affirm submitted by Mr. J. Altheus Johnson in support of motions, and by Mr. W. A. Henderson and Mr. T. P. Cothran in opposition thereto.

No. 189. William H. Jones et al., plaintiffs in error, *v.* Andrew J. Montague, governor, et al.; and

No. 190. William S. Selden et al., appellants, *v.* Andrew J. Montague, governor, et al. One hour additional time allowed each side in the argument of these cases, on motion of Mr. John S. Wise for the plaintiffs in error and appellants. Argument commenced by Mr. John S. Wise for

the plaintiffs in error and appellants, and continued by Mr. William A. Anderson for the defendants in error and appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 5, will be as follows: Nos. 189 (and 190), 230, 563, 561, 591, 142, 194, 57, 195 and 212.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 5, 1904.

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

Edwin Burritt Smith of Chicago, Ill., Charles E. Vroman of Chicago, Ill., Robert A. Holland, jr., of St. Louis, Mo., and Armond W. Scott of Washington, D. C., were admitted to practice.

No. 565. Plymouth Cordage Company et al. *v.* J. A. Smith et al. Submitted by Mr. E. C. Brandenburg and Mr. Edwin A. Krauthoff for the Plymouth Cordage Company et al.

No. 199. The United States, appellant, *v.* Mary K. Wheeler, administratrix; and

No. 525. Mary K. Wheeler, administratrix, appellant, *v.* The United States. Mandate granted, on motion of Mr. C. C. Lancaster for Mary K. Wheeler.

No. 189. William H. Jones et al., plaintiffs in error, *v.* Andrew J. Montague, governor, et al.; and

No. 190. William S. Selden et al., appellants, *v.* Andrew J. Montague, governor, et al. Argument continued by Mr. William A. Anderson and Mr. Frank W. Christian for the defendants in error and appellees, and concluded by Mr. John S. Wise for the plaintiffs in error and appellants.

No. 230. Robert L. West et al., plaintiffs in error, *v.* The State of Louisiana. Argued by Mr. Lionel Adams for the plaintiffs in error, and submitted by Mr. Walter Guion and Mr. F. C. Zacharie for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 6, will be as follows: Nos. 563, 561, 591, 142, 194, 57, 195, 212, 196 and 201 (and 202).

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 6, 1904.

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

W. F. Bailey of Eau Claire, Wis., was admitted to practice.

No. 196. Joseph R. Binns, plaintiff in error, *v.* The United States. Submitted by Mr. J. C. Campbell and Mr. W. H. Metson for the plaintiff in error, and by Mr. Assistant Attorney-General Purdy for the defendant in error.

No. 563. Henry C. Pettit, United States marshal, appellant, *v.* Thomas Walshe. Argument commenced by Mr. Charles Fox for the appellant, and continued by Mr. Ferdinand Winter for the appellee, and concluded by Mr. Charles Fox for the appellant.

No. 561. The United States *ex rel.* John Turner, appellant, *v.* William Williams, United States commissioner of immigration, etc. Argument commenced by Mr. Edgar L. Masters for the appellant, and continued by Mr. Assistant Attorney-General McReynolds for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 7, will be as follows: Nos. 561, 591, 142, 194, 57, 195, 212, 201 (and 202), 203 and 204 (and 62).

SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 7, 1904.

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

John W. Britton of Boston, Mass., was admitted to practice.

No. 561. The United States ex rel. John Turner, appellant, *v.* William Williams, United States commissioner of immigration. Argument continued by Mr. Assistant Attorney-General McReynolds for the appellee, and concluded by Mr. Clarence S. Darrow for the appellant.

No. 591. The United States, petitioner, *v.* Sing Tuck, or King Do, and 31 others. Argument commenced by Mr. Assistant Attorney-General McReynolds for the petitioner, continued by Mr. Robert M. Moore for the respondents, and concluded by Mr. Assistant Attorney-General McReynolds for the petitioner.

No. 142. Edward E. Bessette *v.* W. B. Conkey Company. Argument commenced by Mr. William V. Rooker for Bessette.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 8, will be as follows: Nos. 142, 194 (and 57), 195, 212, 201 (and 202), 203, 204 (and 62), 205, 207 and 209.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 8, 1904.

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

James C. Lenney of New York City, Charles Whitney of Waukegan, Ill., and Fred B. Whitney of Waukegan, Ill., were admitted to practice.

No. —, Original. The State of Wisconsin, complainant, *v.* Ethan Allen Hitchcock, Secretary of the Interior. Leave granted to file bill of complaint herein, on motion of Mr. J. V. Quarles for the complainant, and subpoena ordered to issue, returnable October 10 next.

No. 635. The National Railroad Company of Mexico, petitioner, *v.* G. A. O'Leary. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Charles A. Culberson in behalf of Mr. Thomas W. Dodd for the petitioner.

No. 248. American Water Works and Guaranty Company, appellant, *v.* The City of Little Rock et al. Appeal from the circuit court of the United States for the eastern district of Arkansas. Dismissed with costs, on authority of counsel for the appellant.

No. 142. Edward E. Bessette *v.* W. B. Conkey Company. Argument concluded by Mr. William V. Rooker for Bessette, and submitted by Mr. Jacob Newman, Mr. S. O. Levinson and Mr. B. V. Becker for W. B. Conkey Company.

No. 194. Henry Charnock, plaintiff in error, *v.* The Texas and Pacific Railway Company; and

No. 57. Jovite Cau, plaintiff in error, *v.* The Texas and Pacific Railway Company. Argument commenced by Mr. W. S. Parkerson for the plaintiffs in error, and concluded by Mr. Charles P. Cocke for the defendant in error.

No. 195. William C. Gibson, appellant, *v.* The United States; and

No. 212. John Lowe, appellant, *v.* The United States. Argument commenced by Mr. George A. King for the appellant in No. 195, and continued by Mr. A. A. Hoehling, jr., for the appellant in No. 212, by Mr. Assistant Attorney-General Pradt for the appellee, and concluded by Mr. William B. King for the appellant in No. 195.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 11, will be as follows: Nos. 201 (and 202), 203, 204 (and 62), 205, 207, 209, 210, 211, 214 and 215.

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 11, 1904.

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

Richard H. Field of Kansas City, Mo., A. M. Antrobus of Burlington, Iowa, Chambers Kellar of Deadwood, S. Dak., R. S. Tharin of Washington, D. C., and Louis A. Steber of St. Louis, Mo., were admitted to practice.

No. 162. Lena M. Slater et al., petitioners, *v.* Mexican National Railroad Company. On writ of certiorari to the United States circuit court of appeals for the fifth circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the western district of Texas. Opinion by Mr. Justice Holmes. Dissenting: Mr. Chief Justice Fuller, Mr. Justice Harlan and Mr. Justice Peckham.

No. 175. Pacific Electric Railway Company, appellant, *v.* The City of Los Angeles et al. Appeal from the circuit court of the United States for the southern district of California. Decree affirmed with costs. Opinion by Mr. Justice McKenna.

No. 372. Henry O. Houghton, trustee, et al., appellants, *v.* Henry C. Payne, Postmaster-General;

No. 481. Ormond G. Smith et al., etc., appellants, *v.* Henry C. Payne, Postmaster-General; and

No. 373. Bates & Guild Company, appellant, *v.* Henry C. Payne, Postmaster-General. Appeals from the court of appeals of the District of Columbia. Decrees affirmed with costs. Opinions by Mr. Justice Brown. Dissenting: Mr. Justice Harlan and Mr. Chief Justice Fuller.

No. 535. George W. Beavers, appellant, *v.* William Henkel, United States marshal. Appeal from the circuit court of the United States for the southern district of New York. Order affirmed with costs. Opinion by Mr. Justice Brewer.

No. 433. State of Minnesota, appellant, *v.* Northern Securities Company et al. Appeal from the circuit court of the United States for the

district of Minnesota. Decree reversed with costs, and cause remanded with directions that it be remanded to the State court. Opinion by Mr. Justice Harlan.

No. 168. Charles L. Rawson et al., petitioners, *v.* Western Sand Blast Company et al. On writ of certiorari to the United States circuit court of appeals for the seventh circuit. Decree affirmed with costs by a divided court, and cause remanded to the circuit court of the United States for the northern district of Illinois. Announced by Mr. Justice Harlan. (Mr. Chief Justice Fuller did not sit in this case or take any part in its decision.)

The Chief Justice announced the following orders of the court:

No. 264. The Terre Haute and Indianapolis Railroad Company, plaintiff in error, *v.* The State of Indiana ex rel. William A. Ketcham, attorney-general. Motions to dismiss or affirm postponed to the hearing of the case on its merits.

No. 574. Lena S. Walton et al., petitioners, *v.* The Wild Goose Mining and Trading Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 614. Dexter Horton & Co., petitioner, *v.* London and San Francisco Bank (Limited). Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 626. The United States, to use of J. Edward Chapman, petitioner, *v.* The City Trust, Safe Deposit and Security Company, of Philadelphia. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 629. The Morning Journal Association, petitioner, *v.* James H. Duke. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 634. F. Augustus Heinze et al., petitioners, *v.* The Butte and Boston Consolidated Mining Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 635. The National Railroad Company of Mexico, petitioner, *v.* G. A. O'Leary. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 637. Herman R. Murray, petitioner, *v.* Isaac C. Wilson, trustee, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 638. J. Raymond Smith, petitioner, *v.* The Steamship Oneida, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 624. The Nederland Life Insurance Company (Limited), petitioner, *v.* Mary Meinert. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit granted.

No. 632. The Great Western Mining and Manufacturing Company, etc., petitioner, *v.* Charles A. Harris et al., executors, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 615. William K. Vanderbilt et al., executors, etc., *v.* Ferdinand Eidman, as United States collector of internal revenue. Motion to advance granted, and cause assigned for argument on Tuesday, October 11 next, after the cases already set down for that day.

No. 508. Phoebe R. E. E. Linton et al., plaintiffs in error, *v.* Fred Heye et al. In error to the supreme court of the State of Nebraska. Judgment affirmed with costs, on the authority of *Campbell v. Holt*, 115 U. S., 620; *Richardson v. Louisville and Nashville Railroad Company*, 169 U. S., 128; *Giles v. Little*, 134 U. S., 645. (See *Lantry v. Wolff*, 49 Nebr., 374; *Murphy v. Evans Steam Laundry Company*, 52 Nebr., 593; *Linton v. Heye*, 95 N. W. Rep., 1040.)

No. 197. The United States, appellant, *v.* Richard Jones; and

No. 198. The United States, appellant, *v.* Charles H. Gildersleeve. Mandates granted, on motion of Mr. George A. King for the appellees.

No. 641. The Atlantic Lumber Company, petitioner, *v.* The L. Bucki & Son Lumber Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. R. H. Liggett for the petitioner, and by Mr. H. Bisbee and Mr. George C. Bedell for the respondent.

No. 627. Henry P. Booth, surviving partner, etc., petitioner, *v.* The Norwegian-bark *Eliza Lines*, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. Frank W. Hackett in behalf of Mr. Louis S. Dabney and Mr. Frederic Cunningham for the petitioner.

No. 4, Original. The State of Missouri, complainant, *v.* The State of Illinois et al. Time in which to take testimony extended to June 1, on motion of Mr. William F. Woerner for the complainant.

No. 622. The Hamburg-American Steamship Company, plaintiff in error, *v.* Mary W. Lennan, as executrix, etc. Motions to dismiss or affirm submitted by Mr. William Lindsay and Mr. J. Culbert Palmer in support of motions, and by Mr. Everett P. Wheeler in opposition thereto.

No. 201. Richard H. Field, appellant, *v.* The Barber Asphalt Paving Company; and

No. 202. The Barber Asphalt Paving Company, appellant, *v.* Richard

H. Field. Argued by Mr. Richard H. Field pro se and by Mr. W. C. Scarrett for the Barber Asphalt Paving Company.

203. The St. Louis Merchants' Bridge Terminal Railway Company, plaintiff in error, *v.* Thomas Callahan. Argued by Mr. Robert A. Holland, jr., for the plaintiff in error, and submitted by Mr. William F. Woerner for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 12, will be as follows: Nos. 204 (and 62), 205, 207, 209, 210, 211, 214, 215, 216 and 217.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 12, 1904.

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

George N. Fickeissen of St. Louis, Mo., and James Henry Jeffries of Mount Sterling, Ky., were admitted to practice.

No. 203. The St. Louis Merchants' Bridge Terminal Railway Company, plaintiff in error, *v.* Thomas Callahan. Leave granted to counsel for plaintiff in error to file a reply brief herein within five days, on motion of Mr. Louis A. Steber in behalf of counsel.

No. 237. James F. Cunningham, plaintiff in error, *v.* Josephus Morris. In error to the supreme court of the Territory of Oklahoma. Dismissed with costs, on the authority of counsel for the plaintiff in error.

No. 216. Margaret Brewster et al., plaintiffs in error, *v.* John Cahill et al. Submitted by Mr. Fred T. Beers for the plaintiffs in error, and by Mr. Thomas N. Haskins for the defendants in error.

No. 204. John G. Fischer, plaintiff in error, *v.* The City of St. Louis; and

No. 62. Bernard Schefe, plaintiff in error, *v.* The City of St. Louis. Argument commenced by Mr. Louis A. Steber for the plaintiff in error in No. 204, continued by Mr. William F. Woerner for the defendant in error, and concluded by Mr. G. N. Fickeissen for the plaintiff in error in No. 62.

No. 205. Harold Crowley, plaintiff in error, *v.* The United States. Submitted by Mr. Richard Crowley for the plaintiff in error, and by Mr. Assistant Attorney-General McReynolds for the defendant in error.

No. 207. Samuel M. Damon, plaintiff in error, *v.* The Territory of Hawaii. Argument commenced by Mr. Francis M. Hatch for the plaintiff in error, continued by Mr. Lorrin Andrews for the defendant in error, and concluded by Mr. Francis M. Hatch for the plaintiff in error.

No. 209. Hi-Yu-Tse-Mil-Kin, appellant, *v.* Philomme Smith. Submitted with leave to counsel to file briefs on or before April 29.

No. 210. The United States ex rel. Ferdinand Holzendorf, plaintiff in error, *v.* John Hay, Secretary of State. Argument commenced by Mr. R. S. Tharin for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 13, will be as follows: Nos. 210, 211, 214, 215, 217, 218, 219, 220, 224 and 227.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 13, 1904.

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

Bernard E. Lynch of New Haven, Conn., John H. Norton of Duluth, Minn., Rudolph B. Behrend of Washington, D. C., William P. Breen of Fort Wayne, Ind., and Newton W. Gilbert of Fort Wayne, Ind., were admitted to practice.

No. 218. Archie Burrill, plaintiff in error, *v.* The State of Montana. Submitted by Mr. E. C. Day for the plaintiff in error, and by Mr. James Donovan for the defendant in error.

No. 219. The Creede and Cripple Creek Mining and Milling Company, petitioner, *v.* The Uinta Tunnel Mining and Transportation Company. Passed temporarily.

No. 210. The United States *ex rel.* Ferdinand Holzendorf, plaintiff in error, *v.* John Hay, Secretary of State. Argument concluded by Mr. R. S. Tharin for the plaintiff in error, and cause submitted by Mr. Assistant Attorney-General McReynolds for the defendant in error, the court declining to hear oral argument for that side.

No. 211. Northern Pacific Railway Company *v.* Alline A. Dixon, administratrix, etc. Argued by Mr. A. M. Antrobus for Alline A. Dixon, and submitted by Mr. Charles W. Bunn, Mr. Emerson Hadley and Mr. James B. Kerr for the Northern Pacific Railway Company.

No. 214. City and Suburban Railway Company of Washington, plaintiff in error, *v.* Hedwig E. Svedborg. Argument commenced by Mr. R. B. Behrend for the plaintiff in error, continued by Mr. A. A. Lipscomb and Mr. Philip Walker for the defendant in error, and concluded by Mr. C. C. Cole for the plaintiff in error.

No. 215. International Postal Supply Company of New York *v.* Dwight H. Bruce. Argument commenced by Mr. Louis Marshall for the International Postal Supply Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 14, will be as follows: Nos. 215, 217, 220, 224, 227, 228, 229, 233, 234 and 235.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 14, 1904.

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

John G. Ewing of Notre Dame, Ind., George Edmond Clarke of South Bend, Ind., and D. E. Kelly of Valparaiso, Ind., were admitted to practice.

No. 215. International Postal Supply Company of New York *v.* Dwight H. Bruce. Argument continued by Mr. Louis Marshall for the International Postal Supply Company, and by Mr. W. K. Richardson for Bruce, and concluded by Mr. Louis Marshall for the International Postal Supply Company.

No. 217. William Shepard et al., appellants, *v.* O. E. D. Barron, treasurer, etc. Argument commenced by Mr. David F. Pugh for the appellants, and continued by Mr. Augustus T. Seymour for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 15, will be as follows: Nos. 217, 219, 220, 224, 227, 228, 229, 233, 234 and 235.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 15, 1904.

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

J. C. Bryson of Vicksburg, Miss., George F. Pendleton of Findlay, Ohio, Eugene A. Rowland of Rome, N. Y., Henry E. Naegely of Saginaw, Mich., Miles J. Purcell of Saginaw, Mich., John Michael Harnan of Colorado Springs, Colo., James N. Gillett of Eureka, Cal., Charles M. Harrington of Buffalo, N. Y., William Mason Smith of New York City and Edward M. Bassett of Brooklyn, N. Y., were admitted to practice.

No. 217. William Shepard et al., appellants, *v.* O. E. D. Barron, treasurer, etc. Argument continued by Mr. Henry A. Williams for the appellee, and concluded by Mr. David F. Pugh for the appellants.

No. 219. The Creede and Cripple Creek Mining and Milling Company, petitioner, *v.* The Uinta Tunnel Mining and Transportation Company. Argument commenced by Mr. Charles S. Thomas for the petitioner, continued by Mr. Charles J. Hughes, jr., for the respondent, and by Mr. Charles S. Thomas for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 18, will be as follows: Nos. 219, 220, 224, 227, 228, 229, 233, 234, 235 and 236.

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 18, 1904.

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

E. A. Wallace of Chicago, Ill., B. D. Tarlton of Fort Worth, Tex., Lee Sale of St. Louis, Mo., Thomas Lee Woolwine of Los Angeles, Cal., John H. Frantz of Knoxville, Tenn., Howard Cornick of Knoxville, Tenn., and Alexander C. Blount, jr., of Pensacola, Fla., were admitted to practice.

No. 240. The Delaware Indians residing in the Cherokee Nation, appellants, *v.* The Cherokee Nation. In this cause it is ordered that the decree entered at this term of the court be so modified as to insert before the terms "registered Delawares," when used therein, the word "living," so that the same shall read "living registered Delawares." Announced by Mr. Justice Day.

No. 546. Southern Railway Company, plaintiff in error, *v.* James L. Carson. In error to the supreme court of the State of South Carolina. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced that the call of the docket will be suspended on Friday, April 29, and that the court will take a recess from Monday, May 2, to Monday, May 16, next.

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

No. 203. The St. Louis Merchants' Bridge Terminal Railway Company, plaintiff in error, *v.* Thomas Callahan. In error to the supreme court of the State of Missouri. Judgment affirmed with costs, on the authority of *Tullis v. Railroad Company*, 175 U. S., 348, 351, and cases cited. Reported in *State Court*, 170 Mo., 473.

No. 216. Margaret Brewster et al., plaintiffs in error, *v.* John D. Cahill et al. In error to the supreme court of the State of Illinois. Dismissed for the want of jurisdiction nunc pro tunc as of April 7, 1904, on the authority of *Lehigh Water Company v. Easton*, 121 U. S., 388; *Eustis v. Bolles*, 150 U. S., 361; *Central Land Company v. Laidley*, 159 U. S., 103, 112, and cases cited; *Chapin v. Fye*, 179 U. S., 127, 129; *New Orleans Waterworks Company v. Louisiana*, 185 U. S., 336.

No. 622. The Hamburg-American Steamship Company, plaintiff in error, *v. Mary W. Lennan*, as executrix of the last will and testament of John M. Lennan, deceased. In error to the court of appeals of the State of New York. Dismissed for the want of jurisdiction. *Staten Island Railway Company v. Lambert*, 131 U. S., Appx. ccxi; *Weatherby v. Bowie, Id.*, ccxv; *Murdock v. Memphis*, 20 Wall., 590; *Egan v. Hart*, 165 U. S., 188-191; *Hannibal and St. Joseph Railway Company v. Packet Company*, 125 U. S., 260, 272; *Eustis v. Bolles*, 150 U. S., 361; *New Orleans Waterworks Company v. Louisiana*, 185 U. S., 336. And see *Lennan v. Hamburg-American Steamship Company*, 74 App. Div. (N. Y.), 357; *The Alene*, 116 Fed. Rep., 57.

No. 627. Henry P. Booth, surviving partner, etc., petitioner, *v. The Norwegian bark Eliza Lines, etc., et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit granted.

No. 641. The Atlantic Lumber Company, petitioner, *v. The L. Bucki & Son Lumber Company.* Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit granted.

No. 16, Original. *Ex parte*: In the matter of the United States, petitioner. Submitted on return to rule to show cause by Mr. Solicitor-General Hoyt for the petitioner.

No. —, Original. *Ex parte*: In the matter of Republic of Colombia, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. William G. Johnson for petitioner.

No. 14, Original. The State of Georgia, complainant, *v. The State of Tennessee et al.* Motion for leave to file amended bill herein, for leave to dismiss as to the defendant the State of Tennessee and for leave to file stipulation as to further proceedings submitted by Mr. Ligion Johnson for the complainant.

No. 234. William A. Wright, comptroller-general, petitioner, *v. The Louisville and Nashville Railroad Company et al.* Continued, on motion of Mr. John C. Hart for the petitioner.

No. 648. The Board of Trade of the City of Chicago, petitioner, *v. Christie Grain and Stock Company and C. C. Christie.* Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Henry S. Robbins for the petitioner, and by Mr. James H. Harkless, Mr. Clifford Histed, Mr. W. H. Rossington and Mr. Charles Blood Smith for the respondents.

No. 642. The Manhattan Life Insurance Company, petitioner, *v. Frank B. Albro, executor, etc.* Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. Charles Henry Butler in behalf of Mr. Artemas H. Holmes and

Mr. Edward S. Rapallo for the petitioner, and by Mr. John W. Cummings for the respondent.

No. 649. The Louisville and Nashville Railroad Company, petitioner, *v.* The West Coast Naval Stores Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Alexander C. Blount, jr., and Mr. W. A. Blount for the petitioner.

No. 236. Nora Armstrong, plaintiff in error, *v.* The Board of Control of the State Public Schools et al. In error to the supreme court of the State of Minnesota. Dismissed with costs, pursuant to the tenth rule.

No. 14, Original. The State of Georgia, complainant, *v.* The State of Tennessee et al. Motions granted and bill and amended bill dismissed.

No. 219. The Creede and Cripple Creek Mining and Milling Company, petitioner, *v.* The Uinta Tunnel Mining and Transportation Company. Argument concluded by Mr. Charles S. Thomas for the petitioner. Leave granted to counsel on both sides to file additional briefs within one week.

No. 220. William S. Elder, as administrator, etc., et al., plaintiffs in error, *v.* The Horseshoe Mining and Milling Company et al. Submitted by Mr. Eben W. Martin for the plaintiffs in error, and by Mr. Chambers Kellar for the defendants in error.

No. 224. The Public Clearing House, appellant, *v.* F. E. Coyne, as Postmaster at Chicago, Ill. Argument commenced by Mr. D. I. Sicklesteel for the appellant, continued by Mr. Assistant Attorney-General Purdy for the appellee, and concluded by Mr. D. I. Sicklesteel for the appellant.

No. 227. The National Mutual Building and Loan Association of New York, plaintiff in error, *v.* G. R. Farnham, executor, etc. Submitted by Mr. A. S. Bozeman and Mr. J. S. Sexton for the plaintiff in error, and by Mr. J. C. Bryson for the defendant in error.

No. 228. Loren M. Hewit, as trustee, etc., appellant, *v.* The Berlin Machine Works. Argument commenced by Mr. Frank H. Robinson for the appellant, continued by Mr. Charles M. Harrington for the appellee, and concluded by Mr. Frank H. Robinson for the appellant.

No. 229. Martha Raphael, administratrix, etc., appellant, *v.* Spencer Trask et al. Argument commenced by Mr. Charles Locke Easton for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 19, will be as follows: Nos. 229, 233, 235, 238, 239, 241 (and 242), 243 (and 306 and 343), 244 (and 583 and 584), 246 and 247.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 19, 1904.

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

James S. McDonogh of Louisville, Ky., and Thomas Franklin Athey of Kansas City, Mo., were admitted to practice.

No. 282. Edward W. Anderson et al., plaintiffs in error, *v.* Baxter Morton. Continued, per stipulation, on motion of Mr. West Steever for the plaintiffs in error.

No. 229. Martha Raphael, administratrix, etc., appellant, *v.* Spencer Trask et al. Argument continued by Mr. Charles Locke Easton for the appellant, and by Mr. William Mason Smith and Mr. Edward M. Shepard for the appellees, and concluded by Mr. Charles Locke Easton for the appellant.

No. 233. Elmira Knepper *v.* John A. Sands. Argued by Mr. John H. King for Sands, and submitted by Mr. I. S. Struble for Knepper.

No. 235. Andrew J. Davis *v.* Hiram R. Mills et al. Argument commenced by Mr. John A. Shelton for Davis, and continued by Mr. William Waldo Hyde for Mills et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 20, will be as follows: Nos. 235, 238, 239, 241 (and 242), 243 (and 306 and 343), 244 (and 583 and 584), 246, 247, 249 and 250.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 20, 1904.

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

John Reese of Broken Bow, Nebr., was admitted to practice.

No. 241. The New York and Porto Rico Steamship Company, plaintiff in error, *v.* J. Ochoa y Hermano, etc.; and

No. 242. The New York and Porto Rico Steamship Company, plaintiff in error, *v.* Successors of M. Lomba & Co., etc. In error to the district court of the United States for the district of Porto Rico. Dismissed with costs, on motion of Mr. James H. Hayden for the plaintiff in error.

No. 254. C. Ewing Patterson et al., appellants, *v.* John Y. Hewitt et al. Continued, per stipulation.

No. 235. Andrew J. Davis *v.* Hiram R. Mills et al. Argument continued by Mr. Charles E. Perkins for Mills et al., and concluded by Mr. John A. Shelton for Davis.

No. 238. Solomon L. Swarts, trustee, etc., appellant, *v.* L. F. Hammer, jr., collector, etc. Argument commenced by Mr. Lee Sale for the appellant, continued by Mr. Herbert R. Marlatt for the appellee, and concluded by Mr. Lee Sale for the appellant.

No. 239. The Sun Printing and Publishing Association *v.* Charles William Edwards. Argument commenced by Mr. Franklin Bartlett for the Sun Printing and Publishing Association, continued by Mr. Thomas F. Bayard for Edwards, and concluded by Mr. Franklin Bartlett for the Sun Printing and Publishing Association.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 21, will be as follows: Nos. 243 (and 306 and 343), 244 (and 583 and 584), 246, 247, 249, 250, 251, 252, 253 and 255 (and 256).

SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 21, 1904.

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

Charles P. Sherman of Philadelphia, Pa., John W. Roberts of Seattle, Wash., Lucius H. Beers of New York City, Alfred C. Cassatt of Cincinnati, Ohio, Richard P. Ernst of Covington, Ky., and Charles J. Dodd of New York City were admitted to practice.

Nos. 306 and 343. Lydia Bradley, plaintiff in error and appellant, *v.* H. W. Lightcap. Advanced and assigned for argument with No. 243, as one case, on motion of Mr. John S. Miller for the plaintiff in error and appellant.

No. 250. The St. Louis Mining and Milling Company et al., appellants, *v.* The Montana Mining Company (Limited). Submitted by Mr. E. W. Toole and Mr. Thomas C. Bach for the appellants, and by Mr. W. E. Cullen for the appellee.

No. 251. Charles Weil et al., plaintiff in error, *v.* Emanuel W. Bloomingdale, as assignee, etc., et al. In error to the supreme court of the State of Washington. Dismissed with costs, pursuant to the tenth rule.

Nos. 243, 306 and 343. Lydia Bradley, plaintiff in error and appellant, *v.* H. W. Lightcap. Argument commenced by Mr. John S. Miller for the plaintiff in error and appellant, continued by Mr. E. A. Wallace and Mr. George W. Wall for the defendant in error and appellee, and concluded by Mr. John S. Miller for the plaintiff in error and appellant.

No. 244. Thomas E. Kepner, plaintiff in error, *v.* The United States; No. 583. Fred L. Dorr et al., plaintiffs in error, *v.* The United States; and

No. 584. Secundino Mendezona y Mendezona, plaintiff in error, *v.* The United States. Argument commenced by Mr. Charles H. Aldrich for the plaintiff in error in No. 244.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 22, will be as follows: Nos. 244 (and 583 and 584), 246, 247, 249, 252, 253, 255 (and 256), 258, 259 and 51.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 22, 1904.

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

Otto H. Droege of New York City and J. Lawrence Friedmann of New York City were admitted to practice.

No. 259. The Northern Pacific Railway Company, appellant, *v.* The American Trading Company. Continued, per stipulation.

No. 244. Thomas E. Kepner, plaintiff in error, *v.* The United States;
No. 583. Fred L. Dorr et al., plaintiffs in error, *v.* The United States;
and

No. 584. Secundino Mendezona y Mendezona, plaintiff in error, *v.* The United States. Argument continued by Mr. Charles H. Aldrich for the plaintiff in error in No. 244, by Mr. L. R. Wilfley and Mr. Solicitor-General Hoyt for the defendant in error, by Mr. Charles H. Aldrich for the plaintiff in error in No. 244, and concluded by Mr. L. R. Wilfley for the defendant in error in No. 583.

No. 246. Charles H. Shaw, trustee, et al., appellants, *v.* The City of Covington et al. Argument commenced by Mr. Miller Outcalt for the appellants.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 25, will be as follows: Nos. 246, 247, 249, 252, 253, 255 (and 256), 258, 51, 260 and 261.

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 25, 1904.

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

Lusas C. O'Neill of Waterbury, Conn., Lawrence G. Goodheart of New York City, Edwin A. Jones of New York City, William F. Hays of Seattle, Wash., Charles P. Sherman of New Haven, Conn., Charles S. Haight of New York City and Charles F. Warwick of Philadelphia, Pa., were admitted to practice.

No. 195. William C. Gibson, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Day. (Mr. Justice Brewer took no part in the consideration or decision of this case.)

No. 212. John Lowe, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Day. (Mr. Justice Brewer took no part in the decision of this case.)

No. 207. Samuel M. Damon, plaintiff in error, *v.* The Territory of Hawaii. In error to the supreme court of the Territory of Hawaii. Judgment reversed with costs, and cause remanded with directions to reverse the judgment of the circuit court and to remand the cause to that court with directions to grant a new trial. Opinion by Mr. Justice Holmes.

No. 591. The United States, petitioner, *v.* Sing Tuck or King Do and thirty-one others. On writ of certiorari to the United States circuit court of appeals for the second circuit. Decree reversed and order of the circuit court of the United States for the northern district of New York affirmed, and cause remanded to said circuit court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Brewer and Mr. Justice Peckham.

No. 189. William H. Jones et al., plaintiffs in error, *v.* Andrew J. Montague, governor, et al. In error to the circuit court of the United States for the eastern district of Virginia. Dismissed without costs to either party. Opinion by Mr. Justice Brewer.

No. 190. William S. Selden et al., appellants, *v.* Andrew J. Montague, governor, et al. Appeal from the circuit court of the United States for the eastern district of Virginia. Dismissed without costs to either party. Opinion by Mr. Justice Brewer.

No. 357. W. S. Kirby, appellant, *v.* American Soda Fountain Company. Appeal from the circuit court of the United States for the northern district of Texas. Decree affirmed with costs and interest. Opinion by Mr. Chief Justice Fuller.

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

No. 18, Original. *Ex parte*: In the matter of Republic of Colombia, petitioner. Motion for leave to file petition for writ of mandamus granted, and rule to show cause awarded returnable Monday, May 16 next.

No. 642. The Manhattan Life Insurance Company, petitioner, *v.* Frank B. Albro, executor, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 648. The Board of Trade of the City of Chicago, petitioner, *v.* Christie Grain and Stock Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit granted.

No. 649. The Louisville and Nashville Railroad Company, petitioner, *v.* The West Coast Naval Stores Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit granted.

No. 227. The National Mutual Building and Loan Association of New York, plaintiff in error, *v.* G. R. Farnham, executor, etc. In error to the supreme court of the State of Mississippi. Judgment affirmed with costs and interest, on the authority of *The National Mutual Building and Loan Association of New York v. Brahan*, 193 U. S., —.

No. 593. Hannah O'Callaghan et al., appellants, *v.* Terence O'Brien, administrator, etc., et al. Motion to dismiss submitted by Mr. John H. Mitchell and Mr. W. F. Hays in support of motion, with leave to counsel to file briefs within two weeks. Petition for writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Frederic D. McKenney in behalf of Mr. James B. Howe in support of petition, with leave to counsel for respondents to file brief within two weeks.

No. 241. The New York and Porto Rico Steamship Company, plaintiff in error, *v.* J. Ochoa y Hermano; and

No. 242. The New York and Porto Rico Steamship Company, plaintiff in error, *v.* Successors of M. Lomba & Co. Mandates granted, on motion of Mr. Frederic D. McKenney for the defendants in error.

No. 371. M. H. Courtney, appellant, *v.* Louis A. Pradt, executor, etc., et al. Motion to dismiss submitted by Mr. Louis A. Pradt and Mr. E. C. Brandenburg in support of motion, and by Mr. Alex P. Humphrey in opposition thereto.

No. 644. William H. Hanley et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Joel M. Marx for the petitioners, and by Mr. Solicitor-General Hoyt for the respondent.

No. 184. Delbert B. Gray, petitioner, *v.* The Union Casualty and Surety Company. Motion to reinstate petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Charles F. Warwick for the petitioner.

No. 647. John Sebeck, petitioner, *v.* Plattdeutsche Volkfest Verein. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Clarence P. Moser for the petitioner, and by Mr. Rudolph F. Rabe for the respondent.

No. 326. Globe-Wernicke Company, petitioner, *v.* Fred Macey et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Duane E. Fox in behalf of Mr. Edward Taggart and Mr. Arthur C. Denison for the petitioner, and by Mr. Fred. L. Chappell for the respondents.

No. 15, Original. Ex parte of The Christensen Engineering Company, petitioner. Submitted on return to rule to show cause by Mr. W. A. Jenner for the petitioner, and by Mr. Frederic H. Betts for the respondent.

No. 246. Charles H. Shaw, trustee, etc., et al., appellants, *v.* The City of Covington et al. Argument continued by Mr. Miller Outcalt for the appellants, by Mr. F. J. Hanlon for the appellees, and concluded by Mr. Alfred C. Cassatt for the appellants.

No. 252. Hippolite Filhiol et al., plaintiffs in error, *v.* George H. Torney. Submitted by Mr. Branch K. Miller, Mr. James K. Jones, Mr. J. H. McGowan and Mr. William F. Vilas for the plaintiffs in error, and by Mr. Solicitor-General Hoyt, Mr. M. C. Burch and Mr. R. A. Howard for the defendant in error.

No. 247. Richard C. Crawford et al., plaintiffs in error, *v.* John E. Burke. Argument commenced by Mr. George Packard for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 26, will be as follows: Nos. 247, 249, 253, 255 (and 256), 258, 51, 260, 261, 262 and 263.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 26, 1904.

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

Theodore A. Bell of Napa, Cal., William G. Brantley of Brunswick, Ga., and Philip B. Adams of New York City were admitted to practice.

No. 652. Luther Clay Slavens, appellant, *v.* The United States. Advanced and assigned for argument with No. 355, as one case, on motion of Mr. A. A. Hoehling, jr., for the appellant.

No. 546. Southern Railway Company, plaintiff in error, *v.* James L. Carson. Mandate granted, on motion of Mr. J. Altheus Johnson for the defendant in error.

No. 255. The City of Cleveland, appellant, *v.* The Cleveland City Railway Company; and

No. 256. The City of Cleveland, appellant, *v.* The Cleveland Electric Railway Company. Motion to continue submitted by Mr. W. B. Sanders for the appellees.

No. 263. John D. Hooker, plaintiff in error, *v.* John Burr et al. Submitted by Mr. J. S. Chapman for the plaintiff in error, and by Mr. W. H. Anderson for the defendants in error.

No. 247. Richard C. Crawford et al., plaintiffs in error, *v.* John E. Burke. Argument continued by Mr. John E. Burke in propria persona, and concluded by Mr. Charles E. Vroman for the plaintiffs in error.

No. 278. The Farmers' Loan and Trust Company, trustee, petitioner, *v.* The Lake Street Elevated Railroad Company. Stipulation and suggestion as to dismissal submitted by Mr. I. K. Boyesen and Mr. William Burry for the petitioner.

No. 249. The Berlin Iron Bridge Company, plaintiff in error, *v.* William Brennan. Argued by Mr. Seymour C. Loomis for the plaintiff in error, and by Mr. William Kennedy and Mr. John O'Neill for the defendant in error.

No. 253. Hanks Dental Association *v.* International Tooth Crown Company. Argued by Mr. Philip B. Adams and Mr. C. K. Offield

for the Hanks Dental Association, and submitted by Mr. Walter D. Edmonds for the International Tooth Crown Company.

No. 255. The City of Cleveland, appellant, *v.* The Cleveland City Railway Company; and

No. 256. The City of Cleveland, appellant, *v.* The Cleveland Electric Railway Company. Motion to continue denied, and argument commenced by Mr. Newton D. Baker for appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 27, will be as follows: Nos. 255 (and 256), 258, 51, 260, 261, 262, 264, 265, 266 and 267.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 27, 1904.

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

George J. Gillespie of New York City and William Miller Collier of Auburn, N. Y., were admitted to practice.

No. 255. The City of Cleveland, appellant, *v.* The Cleveland City Railway Company; and

No. 256. The City of Cleveland, appellant, *v.* The Cleveland Electric Railway Company. Argument continued by Mr. Newton D. Baker for the appellant, and by Mr. W. B. Sanders for the appellees, and concluded by Mr. D. C. Westenhaver for the appellant.

No. 260. August A. Busch et al., appellants, *v.* G. P. Webb et al. Appeal from the circuit court of the United States for the eastern district of Texas. Dismissed with costs, on authority of counsel for appellants.

No. 270. The United States, plaintiff in error, *v.* The S. P. Shotter Company. Continued, per stipulation.

No. 258. Charles B. Kimbell et al., appellants, *v.* The Chicago Hydraulic Press Brick Company et al. Argument commenced by Mr. Edmund Harvey Smalley for the appellants, and continued by Mr. Edward Cunningham, jr., for the appellees, and by Mr. Edmund Harvey Smalley for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 28, will be as follows: Nos. 258, 51, 261, 262, 264, 265, 266, 267, 269 and 151.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 28, 1904.

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

John Poe of Findlay, Ohio, and Guy C. H. Corliss of Grand Forks, N. Dak., were admitted to practice.

No. 51. Jose Antonio Fernandez y Perez, plaintiff in error, *v.* Jose Perez y Fernandez. Passed temporarily, on motion of Mr. F. D. McKenney for the defendant in error.

No. 266. C. E. Wynn-Johnson, plaintiff in error, *v.* James M. Shoup, United States marshal, etc. Submitted by Mr. S. M. Stockslager and Mr. George C. Heard for the plaintiff in error, and by Mr. Assistant Attorney-General Purdy for the defendant in error, with leave to counsel for plaintiff in error to file reply brief within one week.

No. 151. Ribas y Hijo, appellant, *v.* The United States. Submitted by Mr. Charles M. Boerman for the appellant, and by Mr. Assistant Attorney-General McReynolds for the appellee.

No. 258. Charles B. Kimbell et al., appellants, *v.* The Chicago Hydraulic Press Brick Company et al. Argument concluded by Mr. Edmund Harvey Smalley for the appellants.

No. 261. Merritt Chandler, appellant, *v.* Roscoe D. Dix, auditor-general, etc., et al. Argument commenced by Mr. John A. McKay for the appellant, continued by Mr. John H. Goff for the appellees, and concluded by Mr. George W. Weadock for the appellant.

No. 262. State of Ohio on the relation of John Lloyd, plaintiff in error, *v.* Joseph B. Dollison, sheriff, etc. Argument commenced by Mr. F. S. Monnett for the plaintiff in error, and continued by Mr. W. B. Wheeler for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 29, will be as follows: Nos. 262, 51, 264, 265, 267, 269, 272, 274, 275 and 279.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 29, 1904.

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

Bruce Cornwall of San Francisco, Cal., and F. Dumont Smith of Kinsley, Kans., were admitted to practice.

No. 7, Original. The State of Kansas, complainant, *v.* The State of Colorado et al. Leave granted to file answer of complainant to intervention of the United States, on motion of Mr. F. Dumont Smith for complainant.

No. 272. Edwin F. Morris et al., appellants, *v.* Ethan A. Hitchcock et al. Submitted by Mr. J. H. Ralston and Mr. F. L. Siddons for the appellants, and by Mr. Assistant Attorney-General Campbell and Mr. A. C. Campbell for the appellees.

No. 274. The City of Seattle, appellant, *v.* Daniel Kelleher, administrator, etc. Continued, per stipulation.

No. 279. W. O. Johnson, petitioner, *v.* Southern Pacific Company. Continued, per stipulation.

No. 262. State of Ohio on the relation of John Lloyd, plaintiff in error, *v.* Joseph B. Dollison, sheriff, etc. Argument continued by Mr. W. B. Wheeler for the defendant in error, and concluded by Mr. F. S. Monnett for the plaintiff in error.

No. 51. Jose Antonio Fernandez y Perez, plaintiff in error, *v.* Jose Perez y Fernandez. Argument commenced by Mr. James S. Harlan for the plaintiff in error, continued by Mr. Frederic D. McKenney for the defendant in error, and concluded by Mr. James S. Harlan for the plaintiff in error.

No. 264. The Terre Haute and Indianapolis Railroad Company, plaintiff in error, *v.* The State of Indiana ex rel. William A. Ketcham, attorney-general. Argument commenced by Mr. Lawrence Maxwell, jr., for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call has been suspended for the term.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 2, 1904.

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

Azro E. Cheney of Reno, Nev., Harry T. Bauerle of Philadelphia, Pa., Morse Ives of Chicago, Ill., and Joseph Hirsh of Vicksburg, Miss., were admitted to practice.

No. 229. Martha Raphael, administratrix, etc., appellant, *v.* Spencer Trask et al. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Day.

No. 185. The Missouri, Kansas and Texas Railway Company of Texas, plaintiff in error, *v.* Clay May. In error to the county court of Bell County, State of Texas. Judgment affirmed with costs and interest. Opinion by Mr. Justice Holmes. (Mr. Justice Brewer concurs in the result.) Dissenting: Mr. Justice Brown, Mr. Justice White and Mr. Justice McKenna.

No. 220. William S. Elder, administrator, etc., et al., plaintiffs in error, *v.* The Horseshoe Mining and Milling Company et al. In error to the supreme court of the State of South Dakota. Judgment affirmed with costs. Opinion by Mr. Justice Peckham.

No. 230. Robert L. West et al., plaintiffs in error, *v.* The State of Louisiana. In error to the supreme court of the State of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Harlan.

No. 200. A. Chesebrough et al., owners of the ship Iroquois, petitioners, *v.* Matthew Bridges. On writ of certiorari to the United States circuit court of appeals for the ninth circuit. Decree affirmed with costs, and cause remanded to the district court of the United States for the northern district of California. Opinion by Mr. Justice Brown.

No. 76. The Clipper Mining Company, plaintiff in error, *v.* The Eli Mining and Land Company et al. In error to the supreme court of the State of Colorado. Judgment affirmed with costs. Opinion by Mr. Justice Brewer. Dissenting: Mr. Chief Justice Fuller and Mr. Justice White.

No. 250. The St. Louis Mining and Milling Company et al., appellants, *v.* The Montana Mining Company, Limited. Appeal from the United States circuit court of appeals for the ninth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the ——— district of Montana. Opinion by Mr. Justice Brewer.

No. 214. City and Suburban Railway Company of Washington, plaintiff in error, *v.* Hedwig E. Svedborg. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice White and Mr. Justice McKenna.

No. 563. Henry C. Pettit, United States marshal, appellant, *v.* Thomas Walshe. Appeal from the circuit court of the United States for the district of Indiana. Order affirmed with costs. Opinion by Mr. Justice Harlan.

No. 16, Original. *Ex parte*: In the matter of The United States, petitioner. Ordered, that the petitioner is entitled to the writ of mandamus as prayed. Opinion by Mr. Chief Justice Fuller.

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

No. 184. Delbert B. Gray, petitioner, *v.* The Union Casualty and Surety Company. Motion to reinstate petition for writ of certiorari denied.

No. 326. Globe-Wernicke Company, petitioner, *v.* Fred Macey et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 644. William H. Hanley et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 647. John Sebeck, petitioner, *v.* Plattdeutsche Volkfest Verein. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 554. Rufus Binyon, plaintiff in error, *v.* The United States. Motion to advance submitted by Mr. Assistant Attorney-General Purdy for the defendant in error.

No. 591. The United States, petitioner, *v.* Sing Tuck, or King Do, and 31 others. Mandate granted, on motion of Mr. Assistant Attorney-General Purdy for the petitioner.

No. 665. Helen Hackley Littell, petitioner, *v.* Charles H. Hackley et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Morse Ives for the petitioner, with leave to counsel for respondent to file brief on or before Friday next.

No. 315. Sallie Field Scott et al., appellants, *v.* Lizzie W. Carew et al. Death of Samuel Y. Finley, one of the appellees herein, suggested, and order of publication granted, on motion of Mr. George H. Lamar for the appellants.

No. 661. W. L. Wells Company, petitioner, *v.* Gastonia Cotton Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Joseph Hirsh, Mr. Charles W. Tillett and Mr. Murray F. Smith for the petitioner, and by Mr. Charles Price for the respondent.

No. 550. James Stillman, appellant, *v.* C. B. Combe, independent executor, etc., et al. Motion to advance submitted by Mr. Charles A. Culberson in behalf of counsel.

No. 666. William J. Brake, administrator, etc., petitioner, *v.* N. A. Callison. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. James E. Padgett, Mr. H. Bisbee and Mr. George C. Bedell for the petitioner, and by Mr. C. D. Rinehart for the respondent.

No. 650. John T. New, plaintiff in error, *v.* The Territory of Oklahoma. Motion to advance submitted by Mr. John J. Weed for the plaintiff in error.

No. 528. Walter N. Dimmick, appellant, *v.* John W. Tompkins, warden, etc. Motion to advance submitted by Mr. George A. King in behalf of counsel for the appellant.

No. 664. Westinghouse Electric and Manufacturing Company, petitioner, *v.* Bullock Electric Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Drury W. Cooper, Mr. F. H. Betts and Mr. Thomas B. Kerr for the petitioner, with leave to counsel for the respondent to file brief on or before Friday next.

No. 662. John E. Kerr et al., petitioners, *v.* The Union Marine Insurance Company, Limited. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Thomas H. Clark in behalf of Mr. W. Mynderse for the petitioners, and by Mr. Albert A. Wray for the respondent.

No. 7, Original. The State of Kansas, complainant, *v.* The State of Colorado et al. Motion to dismiss submitted by Mr. Platt Rogers, Mr. John F. Shafroth, Mr. Frank E. Gregg, Mr. C. C. Goodale, Mr. D. C. Beaman, Mr. C. E. Gast and Mr. F. A. Sabin in support of motion, and by Mr. C. C. Coleman, Mr. N. H. Loomis, Mr. F. Dumont Smith and Mr. S. S. Ashbaugh in opposition thereto.

No. 264. The Terre Haute and Indianapolis Railroad Company, plaintiff in error, *v.* The State of Indiana ex rel. William A. Ketcham, attorney-general. Argument continued by Mr. Lawrence Maxwell, jr., for the plaintiff in error, by Mr. R. S. Taylor and Mr. William A. Ketcham for the defendant in error, and concluded by Mr. John G. Williams for the plaintiff in error.

Adjourned until Monday, May 16, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 16, 1904.

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

Marcel A. Viti of Philadelphia, Pa., Horace B. Hord of New York, City, Irwin W. Schultz of Phillipsburg, N. J., Fremont Wood of Boise City, Idaho, Edward C. Ritscher of Chicago, Ill., William T. Abbott of Chicago, Ill., William S. Hodges of Washington, D. C., F. E. Northup of Marshalltown, Iowa, Robert T. Quisenberry of Danville, Ky., Edward M. Cleary of Washington, D. C., John E. Dolman of St. Joseph, Mo., Kendall B. Randolph of St. Joseph, Mo., Henry R. Platt of Chicago, Ill., Isaac Harr of Johnson City, Tenn., and Ezra P. Axtell of Jacksonville, Fla., were admitted to practice.

No. 235. Andrew J. Davis *v.* Hiram R. Mills et al. On a certificate from the United States circuit court of appeals for the second circuit. Question certified answered in the affirmative. Opinion by Mr. Justice Holmes.

No. 57. Jovite Carr, plaintiff in error, *v.* The Texas and Pacific Railway Company. In error to the United States circuit court of appeals for the fifth circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the eastern district of Louisiana. Opinion by Mr. Justice McKenna.

No. 194. Henry Charnock, plaintiff in error, *v.* The Texas and Pacific Railway Company. In error to the United States circuit court of appeals for the fifth circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the eastern district of Louisiana. Opinion by Mr. Justice McKenna.

No. 238. Solomon L. Swarts, trustee, etc., appellant, *v.* L. F. Hammer, jr., collector, etc. Appealed from the United States circuit court of appeals for the eighth circuit. Decree affirmed with costs, and cause remanded to the district court of the United States for the eastern district of Missouri. Opinion by Mr. Justice McKenna.

No. 262. The State of Ohio on the relation of John Lloyd, plaintiff in error, *v.* Joseph B. Dollison, sheriff of Guernsey County, Ohio. In error to the supreme court of the State of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 209. Hy-Yu-Tse-Mil-Kin, appellant, *v.* Philomme Smith. Appeal from the United States circuit court of appeals for the ninth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the district of Oregon. Opinion by Mr. Justice Peckham.

No. 263. John D. Hooker, plaintiff in error, *v.* John Burr et al. In error to the supreme court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Peckham.

No. 560. The United States, appellant, *v.* Frank Y. Anderson et al., etc. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice White.

No. 272. Edwin T. Morris et al., appellants, *v.* Ethan A. Hitchcock et al., etc. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice White.

No. 210. The United States *ex relatione* Ferdinand Holzendorf, plaintiff in error, *v.* John Hay, Secretary of State. In error to the court of appeals of the District of Columbia. Dismissed for the want of jurisdiction. Opinion by Mr. Justice White. Dissenting: Mr. Justice Brewer and Mr. Justice Brown.

No. 239. The Sun Printing and Publishing Association *v.* Charles William Edwards. On a certificate from the United States circuit court of appeals for the second circuit. Question certified answered in the affirmative. Opinion by Mr. Justice White. Dissenting: Mr. Justice Harlan and Mr. Justice Peckham.

No. 204. John G. Fischer, plaintiff in error, *v.* The City of St. Louis. In error to the supreme court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Brown.

No. 62. Bernard Schefe, plaintiff in error, *v.* The City of St. Louis. In error to the supreme court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Brown.

No. 142. Edward E. Bessette *v.* W. B. Conkey Company. On a certificate from the United States circuit court of appeals for the seventh circuit. Second and fourth questions answered in the affirmative and third question answered in the negative. Opinion by Mr. Justice Brewer.

No. 252. Hippolite Filhiol et al., plaintiffs in error, *v.* George H. Torney. In error to the circuit court of the United States for the eastern

district of Arkansas. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 211. Northern Pacific Railway Company *v.* Alline A. Dixon, administratrix, etc. On a certificate from the United States circuit court of appeals for the eighth circuit. Questions answered. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice White, Mr. Chief Justice Fuller, Mr. Justice Harlan and Mr. Justice McKenna.

No. 151. Ribas y Hijo, appellant, *v.* The United States. Appeal from the district court of the United States for the district of Porto Rico. Decree affirmed. Opinion by Mr. Justice Harlan.

No. 228. Loren M. Hewit, as trustee, etc., appellant, *v.* The Berlin Machine Works. Appeal from the United States circuit court of appeals for the second circuit. Decree affirmed with costs, and cause remanded to the district court of the United States for the western district of New York. Opinion by Mr. Chief Justice Fuller.

No. 253. Hanks Dental Association *v.* International Tooth Crown Company. On a certificate from the United States circuit court of appeals for the second circuit. Question certified answered in the negative. Opinion by Mr. Chief Justice Fuller.

No. 565. Plymouth Cordage Company et al. *v.* J. A. Smith et al. On a certificate from the United States circuit court of appeals for the eighth circuit. Question certified answered in the affirmative. Opinion by Mr. Chief Justice Fuller.

No. 561. The United States ex rel. John Turner, appellant, *v.* William Williams, United States Commissioner of Immigration, etc. Appeal from the circuit court of the United States for the southern district of New York. Order affirmed with costs. Opinion by Mr. Chief Justice Fuller. Separate opinion by Mr. Justice Brewer.

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

No. 249. The Berlin Iron Bridge Company, plaintiff in error, *v.* William Brennan. In error to the supreme court of errors of the State of Connecticut. Dismissed for the want of jurisdiction on the authority of *Webster v. Flannigan*, 192 U. S., 29; *New Orleans Waterworks Company v. Louisiana*, 185 U. S., 336; *Union and Planters' Bank v. Memphis*, 189 U. S., 71; *Phoenix Insurance Company v. Tennessee*, 161 U. S., 174. See *Brennen v. Berlin Iron Bridge Company*, 75 Conn., 393.

No. 258. Charles B. Kimbell et al., appellants, *v.* The Chicago Hydraulic Press Brick Company et al. Appeal from the United States circuit court of appeals for the eighth circuit. Dismissed for the want of jurisdiction on the authority of *Arbuckle v. Blackburn*, 191 U. S., 405; *Continental National Bank v. Buford*, 191 U. S., 119; *Tennessee v.*

Bank, 152 U. S., 454; *Ansbro v. United States*, 159 U. S., 180; *Colorado Company v. Turck*, 150 U. S., 138.

No. 11, Original. State of Louisiana, complainant, *v.* State of Mississippi. Ordered that William D. Bullard, esq., of Scranton, Miss., be appointed a commissioner herein in the place of A. H. Longino, esq., declined.

No. 7, Original. The State of Kansas, complainant, *v.* The State of Colorado et al. Motion to dismiss postponed to the hearing of the case on its merits.

No. 371. M. H. Courtney, appellant, *v.* Louis A. Pradt, executor, etc., et al. Motion to dismiss postponed to the hearing of the case on its merits.

No. 550. James Stillman, appellant, *v.* C. B. Combe, independent executor, etc., et al. Motion to advance granted, the case to be submitted on printed briefs under rule 32.

No. 528. Walter N. Dimmick, appellant, *v.* John W. Tompkins, warden, etc. Motion to advance granted, and cause ordered to be submitted.

No. 554. Rufus Binyon, plaintiff in error, *v.* The United States; and

No. 650. John T. New, plaintiff in error, *v.* The Territory of Oklahoma. Motions to advance severally granted, and cases assigned for argument on the first Tuesday of the next term (October 11) after the cases already set down for that day.

No. 593. Hannah O'Callaghan et al., petitioners, *v.* Terence O'Brien, administrator, et al. Consideration of petition for writ of certiorari herein postponed until the motion to dismiss the appeal is submitted.

No. 662. John E. Kerr et al., petitioners, *v.* The Union Marine Insurance Company, Limited. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 665. Helen Hackley Littell, petitioner, *v.* Charles H. Hackley et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 666. William J. Brake, as administrator, petitioner, *v.* N. A. Callison. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

The Chief Justice also announced that the court will adjourn for the term on Tuesday, May 31, instant.

No. 16. Original. *Ex parte*: In the matter of the United States, petitioner. Leave granted to withdraw original exhibits herein on motion of Mr. Assistant Attorney-General Purdy for the petitioner.

No. 571. The United States, appellant, *v.* John Smith. Motion to advance submitted by Mr. Assistant Attorney-General Purdy for the appellant.

No. 659. Samuel M. Clyatt *v.* The United States. Motion to advance submitted by Mr. Assistant Attorney-General Purdy for the United States.

No. 7, Original. The State of Kansas, complainant, *v.* The State of Colorado et al. Ordered that Granville A. Richardson, esq., be appointed a commissioner to take and return the testimony in this cause, as provided in order this day entered, on motion of Mr. Assistant Attorney-General Campbell in behalf of all the parties.

No. 673. Andrew L. Eaton, petitioner, *v.* E. J. Lewis. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. George C. Hazelton in behalf of Mr. John H. Hazelton and Mr. George C. Hazelton, jr., for the petitioner.

No. 528. Walter N. Dimmick, appellant, *v.* John W. Tompkins, warden, etc. Submitted by Mr. George A. King in behalf of Mr. George D. Collins for the appellant, and by Mr. Solicitor General Hoyt for the appellee.

No. —. Carrie M. Ward, plaintiff in error, *v.* The Cleveland Trust Company, et al. In error to the Supreme Court of the State of Ohio. Motion to docket and dismiss submitted by Mr. James Rudolph Garfield for the defendants in error.

No. 700. Edward S. Campbell, as ancillary receiver, etc., petitioner, *v.* The National Broadway Bank. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Walter D. Davidge in behalf of Mr. George W. Wickersham for the petitioner, and by Mr. William J. Curtis for the respondent.

No. 671. Roy M. Arrighi, petitioner, *v.* The Denver and Rio Grande Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. W. H. Robeson in behalf of Mr. Harvey Riddell for the petitioner, and by Mr. E. O. Wolcott and Mr. J. F. Vaile for the respondent.

No. 699. The California Reduction Company et al., petitioners, *v.* The Sanitary Reduction Works of San Francisco. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. M. J. Colbert in behalf of Mr. Charles Page, Mr. E. J. McCutchen and Mr. Garret W. McEnerney for the petitioners, with leave to counsel for respondent to file brief within ten days.

No. 705. Kimball Steamship Company, petitioner, *v.* Ella M. Weishaar, administratrix, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr.

Edward M. Cleary for the petitioners, and by Mr. N. A. Acker for the respondent.

No. 685. The Fidelity Mutual Life Insurance Company, petitioner, *v.* Paul Riggs et al., executors, etc.;

No. 686. The Northwestern National Life Insurance Company, petitioner, *v.* Paul Riggs et al., executors, etc.;

No. 687. The American Central Life Insurance Company, petitioner, *v.* Paul Riggs et al., executors, etc.; and

No. 688. The Hartford Life Insurance Company, petitioner, *v.* Paul Riggs et al., executors, etc. Petitions for writs of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. John E. Dolman and Mr. Stephen S. Brown for the petitioners, and by Mr. K. B. Randolph for the respondents.

No. 681. The Insurance Company of North America, petitioner, *v.* The Norwich and New York Transportation Company;

No. 682. The Security Insurance Company of New Haven, petitioner, *v.* The Norwich and New York Transportation Company;

No. 683. The Fireman's Fund Insurance Company of San Francisco, petitioner, *v.* The Norwich and New York Transportation Company; and

No. 684. Percy Chubb et al., petitioners, *v.* The Norwich and New York Transportation Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Lawrence Kneeland for the petitioners, and by Mr. Wilhelmus Mynderse for the respondent.

No. 697. John C. Fetzer et al., receivers, etc., et al., petitioners, *v.* David A. Kohn et al.; and

No. 698. John C. Fetzer et al., receivers, etc., et al., petitioners, *v.* Jacob Miller et al. Petitions for writs of certiorari to the United States circuit court of appeals for the seventh circuit, submitted by Mr. Charles H. Aldrich, Mr. John S. Miller and Mr. Henry Crawford for the petitioners, with leave to counsel for respondents to file brief within three days.

No. 701. N. A. Callison, petitioner, *v.* William J. Brake, as administrator, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. E. P. Axtell and Mr. C. D. Rinehart for the petitioner, and by Mr. H. Bisbee and Mr. George C. Bedell for the respondent.

No. 1, Original. The State of New Jersey, complainant, *v.* The State of Delaware. Time for taking testimony extended to the first Monday in January next, on motion of Mr. George H. Bates for defendant.

No. 663. The Mexican Central Railway Company, Limited, petitioner, *v.* H. A. Robinson. Petition for a writ of certiorari to the United States

circuit court of appeals for the fifth circuit submitted by Mr. Alexander Britton, Mr. A. B. Browne and Mr. Eben Richards for the petitioner, and by Mr. Millard Patterson for the respondent.

No. 680. The City of Johnson City, Tenn., petitioner, *v.* Municipal Trust Company, Limited. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Isaac Harr and Mr. H. H. Carr for the petitioner.

No. 692. World Marine Insurance Company, Limited, et al., petitioners, *v.* The Lackawanna Transportation Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit, submitted by Mr. Thomas H. Clark in behalf of Mr. Wilhelmus Mynderse for the petitioners, and by Mr. John G. Milburn and Mr. Harvey D. Goulder for the respondent.

No. 694. Insurance Company of North America, petitioner, *v.* Steamship Westminster, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Horace L. Cheyney and Mr. John F. Lewis for the petitioner, and by Mr. J. Parker Kirilin for the respondent. Leave granted to petitioner to file reply brief within three days.

No. 8, Original. The State of South Dakota, complainant, *v.* The State of North Carolina et al. Leave to file petition for rehearing herein on or before the first day of the next term (October 10) granted, on motion of Mr. James E. Shepherd for the defendant, The State of North Carolina.

Adjourned until Tuesday, May 31, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, MAY 31, 1904.

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

George Xavier McLanahan of Catskill, N. Y., Albert W. Buddress of Port Townsend, Wash., Eugene A. Byrnes of Washington, D. C., Philip Tindall of Washington, D. C., Charles Clark of Honolulu, Hawaii, Milton Strasburger of Washington, D. C., Royal E. Burnham of Washington, D. C., Gordon T. Hughes of New York City, Robert Fitch Shepard of Washington, D. C., John A. Brown of Chicago, Ill., Martin Howard Foss of Chicago, Ill., and Charles D. Fullen of Chicago, Ill., were admitted to practice.

No. 201. Richard H. Field, appellant, *v.* The Barber Asphalt Paving Company; and

No. 202. The Barber Asphalt Paving Company, appellant, *v.* Richard H. Field. Appeals from the circuit court of the United States for the western district of Missouri. Decree reversed, costs to be paid by Field, and case remanded with directions to dismiss the bill. Opinion by Mr. Justice Day.

• No. 244. Thomas E. Kepner, plaintiff in error, *v.* The United States. In error to the supreme court of the Philippine Islands. Judgment reversed, and cause remanded with directions to discharge the prisoner. Opinion by Mr. Justice Day. Dissenting: Mr. Justice Holmes, Mr. Justice White and Mr. Justice McKenna. Separate dissenting opinion by Mr. Justice Brown.

No. 584. Secundino Mendezona y Mendezona, plaintiff in error, *v.* The United States. In error to the supreme court of the Philippine Islands. Judgment reversed, and cause remanded with directions to discharge the prisoner. Opinion by Mr. Justice Day. Dissenting: Mr. Justice Brown, Mr. Justice Holmes, Mr. Justice White and Mr. Justice McKenna.

No. 583. Fred L. Dorr et al., plaintiffs in error, *v.* The United States. In error to the supreme court of the Philippine Islands. Judgment affirmed. Opinion by Mr. Justice Day. Mr. Justice Peckham, Mr. Chief Justice Fuller and Mr. Justice Brewer concur in the result. Dissenting: Mr. Justice Harlan.

No. 215. International Postal Supply Company of New York *v.* Dwight H. Bruce. On a certificate from the United States circuit court of appeals for the second circuit. Question certified answered in the negative. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Harlan and Mr. Justice Peckham.

No. 246. Charles H. Shaw, trustee, et al., appellants, *v.* The City of Covington et al. Appeal from the circuit court of the United States for the eastern district of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice White.

No. 261. Merritt Chandler, appellant, *v.* Roscoe D. Dix, auditor-general, etc., et al. Appeal from the circuit court of the United States for the eastern district of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 264. The Terre Haute and Indianapolis Railroad Company, plaintiff in error, *v.* The State of Indiana ex rel. William A. Ketcham, attorney-general. In error to the supreme court of the State of Indiana. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the judgment of this court. Opinion by Mr. Justice Holmes.

No. 218. Archie Burrill, plaintiff in error, *v.* The State of Montana. In error to the supreme court of the State of Montana. Judgment affirmed with costs. Opinion by Mr. Justice McKenna. Announced by Mr. Chief Justice Fuller.

No. 217. William Shepard et al., appellants, *v.* O. E. D. Barron, treasurer, etc. Appeal from the circuit court of the United States for the southern district of Ohio. Decree affirmed with costs. Opinion by Mr. Justice Peckham.

No. 528. Walter N. Dimmick, appellant, *v.* John W. Tompkins, warden, etc. Appeal from the circuit court of the United States for the northern district of California. Order affirmed with costs. Opinion by Mr. Justice Peckham.

No. 255. The City of Cleveland, appellant, *v.* The Cleveland City Railway Company; and

No. 256. The City of Cleveland, appellant, *v.* The Cleveland Electric Railway Company. Appeals from the circuit court of the United States for the northern district of Ohio. Decrees affirmed with costs. Opinion by Mr. Justice White. (Mr. Justice Harlan did not hear the argument and took no part in the decision of these cases.)

No. 301. Leo W. McCray, plaintiff in error, *v.* The United States. In error to the district court of the United States for the southern district of Ohio. Judgment affirmed. Opinion by Mr. Justice White. Dissenting: Mr. Chief Justice Fuller, Mr. Justice Brown and Mr. Justice Peckham.

No. 224. The Public Clearing House, appellant, *v.* F. E. Coyne, as postmaster at Chicago, Ill. Appeal from the circuit court of the United States for the northern district of Illinois. Decree affirmed with costs. Opinion by Mr. Justice Brown. Mr. Justice Brewer, Mr. Justice White and Mr. Justice Holmes concur in the result. Dissenting: Mr. Justice Peckham.

No. 196. Joseph R. Binns, plaintiff in error, *v.* The United States. In error to the district court of the United States for the district of Alaska. Judgment affirmed. Opinion by Mr. Justice Brewer. (Mr. Justice Harlan took no part in the decision of this case.)

No. 266. C. E. Wynn-Johnson, plaintiff in error, *v.* James M. Shoup, United States marshal, etc. In error to the district court of the United States for the district of Alaska. Judgment affirmed with costs. Opinion by Mr. Justice Brewer. (Mr. Justice Harlan took no part in the decision of this case.)

No. 222. Frederick J. Schick, plaintiff in error, *v.* The United States; and

No. 223. William Broadwell, plaintiff in error, *v.* The United States. In error to the district court of the United States for the northern district of Illinois. Judgments affirmed. Opinion by Mr. Justice Brewer. Mr. Chief Justice Fuller, Mr. Justice Brown and Mr. Justice Peckham dissent from the judgments. Dissenting: Mr. Justice Harlan.

No. 233. Elmira Knepper *v.* John A. Sands. On a certificate from the United States circuit court of appeals for the eighth circuit. Question certified answered in the negative. Opinion by Mr. Justice Harlan.

No. 205. Harold Crowley, plaintiff in error, *v.* The United States. In error to the district court of the United States for the district of Porto Rico. Judgment reversed, and cause remanded with directions to overrule the demurrer to the plea in abatement and for such further proceedings as may be consistent with law. Opinion by Mr. Justice Harlan. Mr. Justice McKenna concurs in the result. Dissenting: Mr. Justice White.

No. 15, Original. *Ex parte*: In the matter of The Christensen Engineering Company, petitioner. Rule made absolute and petitioner entitled to mandamus. Opinion by Mr. Chief Justice Fuller.

No. 243. Lydia Bradley, plaintiff in error, *v.* H. W. Lightcap. In error to the supreme court of the State of Illinois. Judgment reversed

with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Chief Justice Fuller.

No. 306. Lydia Bradley, plaintiff in error, *v. H. W. Lightcap*. In error to the supreme court of the State of Illinois. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court in case No. 243. Opinion by Mr. Chief Justice Fuller.

No. 343. Lydia Bradley, appellant, *v. H. W. Lightcap*. Appeal from the circuit court of the United States for the northern district of Illinois. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

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

No. 34. Andrew J. Aikens, plaintiff in error, *v. The State of Wisconsin*;

No. 35. Albert Huegin, plaintiff in error, *v. The State of Wisconsin*; and

No. 36. Melvin A. Hoyt, plaintiff in error, *v. The State of Wisconsin*. Ordered for reargument.

No. 571. The United States, appellant, *v. John Smith*; and

No. 659. Samuel M. Clyatt *v. the United States*. Motions to advance granted, and cases assigned for argument on the first Monday (5th) of December next.

No. 661. W. L. Wells Company, petitioner, *v. Gastonia Cotton Manufacturing Company*. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit granted.

No. 699. The California Reduction Company et al., petitioners, *v. The Sanitary Reduction Works of San Francisco*. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit granted.

No. 663. The Mexican Central Railway Company (Limited), petitioner, *v. H. A. Robinson*. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 664. Westinghouse Electric and Manufacturing Company, petitioner, *v. Bullock Electric Manufacturing Company*. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 671. Roy M. Arrighi, petitioner, *v. The Denver and Rio Grande Railroad Company*. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 673. Andrew L. Eaton, petitioner, *v. E. J. Lewis*. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 680. City of Johnson City, Tenn., petitioner, *v.* Municipal Trust Company (Limited). Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 681. The Insurance Company of North America, petitioner, *v.* The Norwich and New York Transportation Company;

No. 682. The Security Insurance Company of New Haven, petitioner, *v.* The Norwich and New York Transportation Company;

No. 683. The Fireman's Fund Insurance Company of San Francisco, petitioner, *v.* The Norwich and New York Transportation Company; and

No. 684. Percy Chubb et al., petitioners, *v.* The Norwich and New York Transportation Company. Petitions for writs of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 685. The Fidelity Mutual Life Insurance Company, petitioner, *v.* Paul Riggs et al., executors, etc.;

No. 686. The Northwestern National Life Insurance Company, petitioner, *v.* Paul Riggs et al., executors;

No. 687. The American Central Life Insurance Company, petitioner, *v.* Paul Riggs et al., executors, etc.; and

No. 688. The Hartford Life Insurance Company, petitioner, *v.* Paul Riggs et al., executors, etc. Petitions for writs of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 692. World Marine Insurance Company (Limited) et al., petitioners, *v.* The Lackawanna Transportation Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 694. Insurance Company of North America, petitioner, *v.* The Steamship Westminster, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 697. John C. Fetzer et al., receivers, etc., et al., petitioners, *v.* David A. Kohn et al.; and

No. 698. John C. Fetzer et al., receivers, etc., et al., petitioners, *v.* Jacob Miller et al. Petitions for writs of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 700. Edward S. Campbell, as ancillary receiver, etc., petitioner, *v.* The National Broadway Bank. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 701. N. A. Callison, petitioner, *v.* William J. Brake, administrator, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 705. Kimball Steamship Company, petitioner, *v.* Ella M. Weisshaar, administratrix, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 728. Carrie M. Ward, plaintiff in error, *v.* The Cleveland Trust Company et al. In error to the supreme court of the State of Ohio. Motion to docket and dismiss granted, and case docketed and dismissed with costs.

Order: Ordered that the clerk of the court be, and he is hereby, authorized and directed to procure a new seal for the court. Said seal shall be the arms of the United States, with these words in the margin: "Seal of the Supreme Court of the United States," engraved on a circular piece of steel not exceeding two and one-fourth inches in diameter.

Order: Whereas J. C. Bancroft Davis, the former reporter of this court, resigned his office on September 11, 1902, to take effect at once, which resignation was accepted; and whereas Charles Henry Butler was appointed his successor December 4, 1902, and was charged by the order appointing him with the duty of reporting all the decisions of October term, 1902, and has accordingly reported all decisions delivered prior to December 4, during October term, 1902; it is

Ordered, That the order of December 4, 1902, appointing Charles Henry Butler reporter of this court be given effect nunc pro tunc as of the first day of October term, 1902, to wit, October 13, 1902.

No. 722. The United States, appellant, *v.* The Harvey Steel Company. Motion to advance submitted by Mr. Solicitor-General Hoyt for the appellant.

No. 729. The Atlantic, Gulf and Pacific Company, plaintiff in error, *v.* The United States. In error to the district court of the United States for the northern district of California. Docketed and dismissed, on motion of Mr. Solicitor-General Hoyt for the defendant in error.

No. 244. Thomas E. Kepner, plaintiff in error, *v.* The United States. Motion for leave to file petition for rehearing submitted by Mr. Solicitor-General Hoyt for the defendant in error.

No. 211. Northern Pacific Railway Company *v.* Alline A. Dixon, administratrix, etc. Motion for leave to file petition for rehearing submitted by Mr. J. M. Vale in behalf of counsel for Dixon.

No. 659. Samuel M. Clyatt *v.* The United States. Motion for writ of certiorari to bring up the whole record and cause submitted by Mr. W. G. Henderson in behalf of counsel for Clyatt.

No. 723. John T. Andrews, petitioner, *v.* Chicago and Northwestern Railway Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. M. D. O'Connell in behalf of Mr. A. C. Parker for the petitioner, and by Mr. James C. Davis for the respondent.

No. 724. William H. Flannery et al., petitioners, *v.* Isaac B. Lewis. Petition for a writ of certiorari to the United States circuit court of

appeals for the second circuit submitted by Mr. La Roy S. Gove, Mr. James J. Macklin and Mr. R. D. Benedict for the petitioners, and by Mr. Herbert Green for the respondent.

No. 725. Aetna Insurance Company, petitioner, *v.* Isaac B. Lewis. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. La Roy S. Gove for the petitioner, and by Mr. Herbert Green for the respondent.

No. 660. Thomas F. Curley et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. H. W. Chaplin for the petitioners.

No. 695. The Bettendorf Patents Company, petitioner, *v.* J. R. Little Metal Wheel Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Frederic D. McKenney in behalf of Mr. James S. Harlan for the petitioner.

No. 627. Henry P. Booth, surviving partner, etc., petitioner, *v.* The Norwegian Bark Eliza Lines, etc., et al. Petition for a cross-writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. Edward S. Dodge and Mr. Frederic Dodge in support of petition.

No. 727. The L. A. Kinsey Company et al., petitioners, *v.* The Board of Trade of the City of Chicago. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Charles D. Fullen, Mr. John A. Brown and Mr. Jacob J. Kern for the petitioner, and petition granted.

No. 715. The Western Union Telegraph Company, petitioner, *v.* Charles J. Swan. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. H. N. Low and Mr. H. D. Estabrook for the petitioner.

No. 584. Secundino Mendezona y Mendezona, plaintiff in error, *v.* The United States. Motion for leave to file petition for rehearing submitted by Mr. Solicitor-General Hoyt for the defendant in error.

No. 201. Richard H. Field, appellant, *v.* The Barber Asphalt Paving Company; and

No. 202. The Barber Asphalt Paving Company, appellant, *v.* Richard H. Field. Motion for leave to file petition for rehearing submitted by Mr. T. B. Jewell in behalf of Richard H. Field.

No. 704. William Burrill et al., petitioners, *v.* George W. Crossman et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Thomas H. Clark

in behalf of Mr. Lawrence Kneeland for the petitioners, and by Mr. Everett P. Wheeler for the respondent.

Nos. 243 and 306. Lydia Bradley, plaintiff in error, *v.* H. W. Lightcap. Motion for leave to file petitions for rehearing herein submitted by Mr. Thomas H. Clark in behalf of counsel for the defendant in error.

Order: It is now here ordered by the court that all the cases on the docket not decided, and all the other business of the term not disposed of by the court be, and the same are hereby, continued until the next term of the court.

Adjourned to the time and place appointed by law.

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