

SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 8, 1906.

The court met pursuant to law.

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 A. Gordon of Washington, D. C., Bert Fesler of Duluth, Minn., Chester L. Collins of Bay City, Mich., Timothy J. Butler of Concordia, Kans., William Hoff Cook of San Francisco, Cal., Charles C. Upham of Canton Ohio, C. H. Scott of Elkins, W. Va., George Peck Merriek of Chicago, Ill., George Cole Otto of Chicago, Ill., C. Edward Thornton of Chicago, Ill., William L. Chitty of Chicago, Ill., Harris F. Williams of Chicago, Ill., W. R. Robertson of Webb City, Mo., and George F. Aust of Seattle, Wash., 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 9, will be as follows: Nos. 3, (original), 167, 129, 179, 208, 215 (and 22 and 23), 20, 214, 249 (and 250 and 251) and 1.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 9, 1906.

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 A. Lynch of Canton, Ohio, Augustus Van Wyck of New York City, R. Randolph Hicks of Norfolk, Va., James Van Kleeck of Bay City, Mich., and Joseph M. Blake of Canton, Ohio, were admitted to practice.

No. 11, Original. The State of Kansas, complainant, *v.* The United States et al. Time to plead extended, and leave granted to file demurrer, on motion of Mr. Solicitor-General Hoyt for the United States.

No. 263. The United States, appellant, *v.* The William Cramp and Sons Ship and Engine Building Company; and

No. 264. The William Cramp and Sons Ship and Engine Building Company, appellant, *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Hoyt for the United States.

No. 298. M. P. Reeve, petitioner, *v.* North Carolina Land and Timber Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Henry M. Hoyt in behalf of Mr. Henry H. Ingersoll for the petitioner, and by Mr. R. E. L. Mountcastle for the respondents.

No. 407. Dona Maria Francisca O'Reilly de Camara, countess of Buena Vista, plaintiff in error, *v.* John R. Brooke, major-general, U. S. A. Motion to advance submitted by Mr. Frederic R. Coudert for the plaintiff in error.

No. 7, Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Leave granted to file demurrer, on motion of Mr. George W. McClintic for the defendant. Motion to fix day for argument submitted by Mr. George W. McClintic for defendant.

No. 413. The Atlantic Trust Company, petitioner, *v.* Edgar C. Chapman, receiver, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr.

E. B. Whitney and Mr. Stanley W. Dexter for the petitioner, and by Mr. Edgar C. Chapman for the respondents.

No. 337. David McKenzie, petitioner, *v.* James Pease, sheriff, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. R. G. Dyrenforth for the petitioner, and by Mr. Harris F. Williams for the respondent.

No. 297. Frank D. Zell, plaintiff in error, *v.* The Judges of the Circuit Court of the United States for the Eastern District of Virginia. Leave granted to file reply brief herein, on motion of Mr. D. Lawrence Grover for the defendants in error.

No. 165. Elbert R. Robinson, petitioner, *v.* The American Car and Foundry Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. J. Gray Lucas for the petitioner, and by Mr. Thomas A. Banning and Mr. Ephraim Banning for the respondent. Suggestion of diminution of record and motion for writ of certiorari submitted by Mr. J. Gray Lucas for petitioner.

No. 443. James P. Stewart et al., petitioners, *v.* H. S. Wright. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. W. R. Robertson for the petitioners, and by Mr. John W. Halleburton for the respondent.

Nos. 446 and 447. Corwin D. Bachtel, plaintiff in error, *v.* R. Frank Wilson, sheriff, etc.;

No. 448. Harvey H. Miller, plaintiff in error, *v.* R. Frank Wilson, sheriff, etc.;

No. 449. William L. Davis, plaintiff in error, *v.* R. Frank Wilson, sheriff, etc.; and

No. 450. Charles H. Van Horn, plaintiff in error, *v.* R. Frank Wilson, sheriff, etc. Motion to advance submitted by Mr. Charles C. Upham for the defendants in error.

No. 322. Carmelo Greco, petitioner, *v.* The Steamship Sarnia, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Wilford H. Smith for the petitioner, and by Mr. Percy S. Dudley for the respondent.

No. 68. W. S. Keel, jr., et al., appellants, *v.* E. E. Donville. Motion to dismiss submitted by Mr. E. J. Bowers in support of motion, and by Mr. E. M. Barber in opposition thereto.

No. 441. New York Evening Journal Publishing Company, petitioner, *v.* Joseph Simon. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Edward T. Fenwick and Mr. Clarence J. Shearn for the petitioner, and by Mr. Edward K. Jones for the respondent.

No. 409. James W. Donnell, petitioner, *v.* Herring-Hall-Marvin Safe Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. George Peck Merrick and Mr. S. S. Gregory for the petitioner, and by Mr. Charles H. Aldrich and Mr. Laurence Maxwell, jr., for the respondents. Leave granted to counsel for the petitioner to file reply brief within three days.

No. 286. City of Chicago, appellant, *v.* Darius O. Mills. Motion to advance under rule 32 submitted by Mr. Holmes Conrad for the appellant.

No. 397. The Saginaw Match Company, petitioner, *v.* The Diamond Match Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. R. A. Parker and Mr. Charles F. Burton for the petitioner, and by Mr. John R. Nolan for the respondent.

No. —, Original. Ex parte: In the matter of The Seneca Nation et al., petitioners. Motion for leave to file a petition for a writ of mandamus submitted by Mr. Chester Howe for the petitioners, and by Mr. W. H. Robeson, Mr. J. J. Hemphill, Mr. A. B. Browne and Mr. Alex. Britton in opposition thereto.

No. 433. Henry Arnold Richardson, as trustee, etc., petitioner, *v.* John M. Shaw et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. John Brooks Leavitt for the petitioner, and by Mr. E. S. Theall for the respondents.

No. 436. Cumberland Telephone and Telegraph Company, petitioner, *v.* The Mayor and City Council of Nashville, Tenn. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Samuel A. Putman in behalf of Mr. William L. Granbery for the petitioner.

No. 179. Charles C. Landram et al., executors, etc., et al., appellants, *v.* Gabriella K. Jordan. Motion for leave to file brief herein on behalf of interested party granted, on motion of Mr. Frank Sprigg Perry in that behalf.

No. 185. Uriah S. Lee et al., plaintiffs in error, *v.* The State of New Jersey. Motion to advance submitted by Mr. Robert H. McCarter for the defendant in error.

No. 1, Original. The State of New Jersey, complainant, *v.* The State of Delaware. Motion to direct master to file report and that case be set down for argument submitted by Mr. Robert H. McCarter for the complainant.

No. 339. The Graham & Morton Transportation Company, appellant, *v.* Craig Shipbuilding Company. Advanced, pursuant to thirty-second rule, on motion of Mr. Charles F. Wilson in behalf of counsel, and submitted by Mr. Charles E. Kremer for the appellant, and by Mr. Harvey D. Goulder, Mr. S. H. Holding and Mr. Frank S. Masten for the appellee.

No. 61. Robert A. Miller, as special master, et al., plaintiffs in error, *v.* Northern Assurance Company. In error to the district court of the United States for the district of Porto Rico. Dismissed, per stipulation, on motion of Mr. Frederic D. McKenney for the defendant in error.

No. 95. American Railroad Company of Porto Rico, plaintiff in error, *v.* Juan Mathias Fernandez. In error to the district court of the United States for the district of Porto Rico. Dismissed with costs, on motion of Mr. Frederic D. McKenney for the plaintiff in error.

No. 142. The Eagle Ore Sampling Company, petitioner, *v.* Duncan Chisholm, trustee. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Frederic D. McKenney in behalf of Mr. Henry M. Teller for the petitioner, and by Mr. C. A. Brandenburg, Mr. E. C. Brandenburg and Mr. Joel F. Vale for respondent.

No. 442. The Atlantic Transport Company, claimant, etc., petitioner, *v.* Frances M. Barnes. 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. Louis H. Porter for the respondent.

No. 4. Agustin Castello, appellant, *v.* Ernest Ruffer et al. Passed temporarily, on motion of Mr. Frederic D. McKenney in behalf of counsel.

No. 20. William J. Gallagher, plaintiff in error, *v.* The People of the State of Illinois. Motion to tax supervising fee on record as printed submitted by Mr. Barry Mohun in behalf of counsel for plaintiff in error.

No. 208. Ferdinand Eidman, collector, petitioner, *v.* Frederick B. Tilghman et al., executors, etc. Leave granted to file brief herein in behalf of certain interested parties, on motion of Mr. H. Gordon McCouch in that behalf.

No. 330. The Delaware, Lackawanna and Western Railroad Company, petitioner, *v.* William W. Rutter et al., executors, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. W. M. Coleman in behalf of Mr. William D. Guthrie and Mr. Henry D. Hotchkiss for the petitioner, and by Mr. Augustus Van Wyck for the respondents.

No. 143. American Smelting and Refining Company, plaintiff in error, *v.* The People of the State of Colorado *ex rel.* Henry A. Lindsley, district attorney, etc. Motion to advance submitted by Mr. N. C. Miller for the defendant in error.

No. 5. The Newport News and Old Point Railway and Electric Company, plaintiff in error, *v.* Hampton Roads Railway and Electric Company *et al.* In error to the supreme court of appeals of the State of Virginia. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 74. United Land Association *et al.*, plaintiffs in error, *v.* Louis Abrahams *et al.*; and

No. 75. United Land Association *et al.*, plaintiffs in error, *v.* Lewis Abrahams *et al.* Continued, per stipulation.

Nos. 161 and 162. The Alliance Gas and Electric Company, appellant, *v.* The City of Alliance. Appeals from the circuit court of the United States for the northern district of Ohio. Dismissed with costs, on motion of counsel for the appellant.

No. 183. The Covington and Cincinnati Bridge Company, plaintiff in error, *v.* The City of Covington. Dismissed with costs, on motion of counsel for plaintiff in error.

No. 203. Oklahoma Gas and Electric Company, plaintiff in error, *v.* Myrtle Lukert. In error to the supreme court of the Territory of Oklahoma. Dismissed, per stipulation.

No. 392. J. G. Rawlins, appellant, *v.* J. F. Passmore, sheriff, etc. Motion to advance submitted by Mr. Ligon Johnson in behalf of counsel for the appellee.

No. 3, Original. The State of Kansas, complainant, *v.* The State of Colorado *et al.* Passed for argument before a full bench, on motion of Mr. D. C. Beaman for certain defendants. Leave granted to file brief in reply to brief for the United States, on motion of Mr. D. C. Beaman for certain defendants.

No. 167. The United States, petitioner, *v.* George Riggs & Co. Passed temporarily, on motion of Mr. Assistant Attorney-General McReynolds for the petitioner.

No. 208. Ferdinand Eidman, collector, etc., petitioner, *v.* Frederick B. Tilghman *et al.*, executors, etc. Reassigned for argument on Monday, the 15th instant, at the head of the call, on motion of Mr. Assistant Attorney-General McReynolds for the petitioner.

No. 22. Union Pacific Railroad Company, appellant, *v.* Robert O. Fink, treasurer, etc., *et al.* Appeal from the Circuit Court of the United States for the district of Nebraska. Dismissed with costs, on motion of Mr. Maxwell Evarts for the appellant.

No. 23. Chicago, Burlington and Quincy Railway Company, appellant, *v.* A. F. Carlson et al. Appeal from the circuit court of the United States for the district of Nebraska. Dismissed with costs, on motion of Mr. Maxwell Evarts in behalf of counsel for the appellant.

No. 215. Chicago, Burlington and Quincy Railway Company, appellant, *v.* F. C. Babcock, treasurer, etc., et al. Passed to be heard before a full bench, on motion of Mr. Maxwell Evarts in behalf of counsel.

No. 341. Union Pacific Railroad Company, appellant, *v.* Robert O. Fink, treasurer, etc., et al. Advanced for argument with No. 215 as one case, on motion of Mr. Maxwell Evarts for the appellant.

No. 20. William J. Gallagher, plaintiff in error, *v.* The People of the State of Illinois. Passed temporarily, on motion of Mr. Barry Mohun in behalf of counsel for the plaintiff in error.

No. 452. George D. Collins, plaintiff in error, *v.* Thomas F. O'Neil, sheriff of the city and county of San Francisco, Cal. In error to the superior court of the city and county of San Francisco, State of California. Docketed and dismissed with costs, on motion of Mr. William Hoff Cook for the defendant in error.

No. 129. The County Commissioners of Wicomico County, petitioners, *v.* Samuel Bancroft, jr. Argued by Mr. J. E. Ellegood for the petitioners, and submitted by Mr. Nicholas P. Bond for the respondent.

No. 179. Charles S. Landram et al., executors, etc., et al., appellants, *v.* Gabriella K. Jordan. Argument commenced by Mr. J. J. Hemphill for the appellants, continued by Mr. Charles F. Wilson for the appellee, and concluded by Mr. J. J. Hemphill for the appellants.

No. 214. Fred C. Fisher and Charles C. Cohn, on behalf of Felix Barcelon, plaintiff in error, *v.* Col. David J. Baker et al. Argument commenced by Mr. Frederic R. Coudert for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 10, will be as follows: Nos. 214, 249 (and 250 and 251), 1, 2, 3, 6 (and 7), 8, 14, 19 and 24.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 10, 1906.

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.

L. P. Berry of Marion, Ark., was admitted to practice.

The Chief Justice announced the following order of the court:

No. 20. William J. Gallagher, plaintiff in error, *v.* The People of the State of Illinois. Motion to tax supervising fee on record as printed granted and cause assigned for argument on Monday, the 22d instant, at the head of the call.

No. 1. Edward J. Percy, plaintiff in error, *v.* Nevada N. Stranahan. Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Solicitor-General Hoyt for the defendant in error.

No. 14. James Buck, trustee, etc., plaintiff in error, *v.* William E. Beach, treasurer, etc. Passed, on motion of Mr. Frederic D. McKenney in behalf of counsel.

No. 19. Robert Jackson, plaintiff in error, *v.* George E. Emmons et al. Death of plaintiff in error suggested, and appearance of Joseph J. Waters, administrator of Robert Jackson, deceased, as the party plaintiff in error herein filed and entered, on motion of Mr. J. J. Waters for the plaintiff in error.

No. 3. The State of South Carolina ex rel. O. W. Buchanan, plaintiff in error, *v.* R. H. Jennings et al. Submitted pursuant to the twentieth rule on briefs to be filed hereafter.

No. 8. Ann Francis, plaintiff in error, *v.* Peter J. Francis et al. Submitted by Mr. Nathaniel T. Crutchfield and Mr. James Van Kleeck for the plaintiff in error, and by Mr. Chester L. Collins for the defendant in error, with leave to both sides to file additional briefs within three weeks.

No. 214. Fred C. Fisher and Charles C. Cohn, on behalf of Felix Barcelon, plaintiffs in error, *v.* Col. David J. Baker et al. Argument

continued by Mr. Frederic R. Coudert for the plaintiffs in error, by Mr. Solicitor-General Hoyt for the defendants in error, and concluded by Mr. Frederic R. Coudert for the plaintiffs in error.

No. 249. George A. Pettibone, appellant, *v.* Jasper C. Nichols;

No. 250. Charles H. Moyer, appellant, *v.* Jasper C. Nichols; and

No. 251. William D. Haywood, appellant, *v.* Jasper C. Nichols. Argument commenced by Mr. Edmund F. Richardson for the appellants, and continued by Mr. James H. Hawley for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 11, will be as follows: Nos. 249 (and 250 and 251), 2, 6 (and 7), 19, 24, 25, 26, 27, 28 and 209.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 11, 1906.

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 W. Slack of San Francisco, Cal., and John F. Riley of San Francisco, Cal., were admitted to practice.

No. 249. George A. Pettibone, appellant, *v.* Jasper C. Nichols;

No. 250. Charles H. Moyer, appellant, *v.* Jasper C. Nichols; and

No. 251. William D. Haywood, appellant, *v.* Jasper C. Nichols. Argument concluded by Mr. C. S. Darrow for the appellants.

No. 2. Gulf, Colorado and Santa Fe Railway Company, plaintiff in error, *v.* The State of Texas. Argued by Mr. Gardiner Lathrop for the plaintiff in error, and by Mr. Robert Vance Davidson for the defendant in error.

No. 6. Thomas F. Wilson, etc., appellant, *v.* N. O. Murphy et al.; and

No. 7. Thomas F. Wilson, etc., appellant, *v.* George W. Vickers et al. Submitted by Mr. Eugene S. Ives for appellant, and leave granted to file briefs for appellees within three days.

No. 19. Joseph J. Waters, administrator, etc., plaintiff in error, *v.* George E. Emmons et al. Submitted by Mr. J. J. Waters for the plaintiff in error, and by Mr. William F. Mattingly for the defendants in error.

No. 24. Leonidas M. Lawson et al., petitioners, *v.* United States Mining Company. Argument commenced by Mr. Charles J. Hughes, jr., for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 12, will be as follows: Nos. 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 12, 1906.

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.

Robert B. Gaylord of San Francisco, Cal., was admitted to practice.

No. 24. Leonidas M. Lawson et al., petitioners, *v.* United States Mining Company. Argument continued by Mr. Charles J. Hughes, jr., for the petitioners, and by Mr. William H. Dickson for the respondent, and concluded by Mr. Charles J. Hughes, jr., for the petitioners. Leave granted counsel for petitioners to file reply brief within two weeks.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 15, will be as follows: Nos. 208, 25, 26, 27, 28, 29, 30, 31, 32 and 33.

SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 15, 1906.

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 G. Burke of San Francisco, Cal., Floyd McGown of San Antonio, Tex., Samuel P. Maddox of Dalton, Ga., Albert R. Allen of Fairmont, Minn., Thomas J. Knox of Jackson, Minn., Noah W. Pardon of Chattanooga, Tenn., S. L. Hutchins of Chattanooga, Tenn., Hill McAlister of Nashville, Tenn., Joe V. Williams of Chattanooga, Tenn., Martin A. Fleming of Chattanooga, Tenn., James J. Lynch of Chattanooga, Tenn., T. Pope Shepherd of Chattanooga, Tenn., Robert A. Hewitt, jr. of Maysville, Mo., Lewis Shepherd of Chattanooga, Tenn., George W. Chamlee of Chattanooga, Tenn., and Don C. Smith of Guthrie, Okla., were admitted to practice.

No. 18. The Territory of New Mexico *ex rel.* E. J. McLean & Co., appellants, *v.* The Denver and Rio Grande Railroad Company. Appeal from the supreme court of the Territory of New Mexico. Decree affirmed with costs. Opinion by Mr. Justice Day.

The Chief Justice announced the following orders of the court:

No. —, Original. *Ex parte*: In the matter of The Seneca Nation et al., petitioners. Motion for leave to file petition for a writ of mandamus denied.

No. 1, Original. The State of New Jersey, complainant, *v.* The State of Delaware. Further proceedings herein suspended until the first Monday in February next.

No. 68. W. S. Keel, jr., et al., appellants, *v.* E. E. Douville. Motions to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 143. American Smelting and Refining Company, plaintiff in error, *v.* The People of the State of Colorado *ex rel.* Henry A. Lindsley, district attorney. Motion to advance granted, and cause assigned for argument on Monday, December 17 next.

No. 260. Hugh Wallace et al., plaintiffs in error, *v.* Mrs. Ella Adams, etc. Motion to advance granted, and cause assigned for argument on Monday, December 17 next, after No. 143.

No. 392. J. G. Rawlins, appellant, *v.* J. F. Passmore, sheriff, etc. Motion to advance granted, and cause assigned for argument on Monday, October 29.

No. 446. Corwin D. Bachtel, plaintiff in error, *v.* R. Frank Wilson, sheriff, etc.;

No. 447. Corwin D. Bachtel, plaintiff in error, *v.* R. Frank Wilson, sheriff, etc.;

No. 448. Harvey H. Miller, plaintiff in error, *v.* R. Frank Wilson, sheriff, etc.;

No. 449. William L. Davis, plaintiff in error, *v.* R. Frank Wilson, sheriff, etc.; and

No. 450. Charles H. Van Horn, plaintiff in error, *v.* R. Frank Wilson, sheriff, etc. Motion to advance granted, and cases assigned for argument on Monday, November 12 next, as one case.

No. 185. Uriah S. Lee et al., plaintiffs in error, *v.* The State of New Jersey;

No. 263. The United States, appellant, *v.* The William Cramp & Sons' Ship and Engine Building Company;

No. 264. The William Cramp & Sons' Ship and Engine Building Company, appellant, *v.* The United States; and

No. 407. Dona Maria Francisca O'Reilly de Camara, countess of Buena Vista, plaintiff in error, *v.* John R. Brooke, major-general, U. S. Army. Motions to advance denied.

No. 286. City of Chicago, appellant, *v.* Darius O. Mills. Motion to advance under thirty-second rule for submission in printed briefs granted.

No. 413. The Atlantic Trust Company, petitioner, *v.* Edgar C. Chapman, receiver, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit granted.

No. 433. Henry Arnold Richardson, as trustee, etc., petitioner, *v.* John M. Shaw et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 142. The Eagle Ore Sampling Company, petitioner, *v.* Duncan Chisholm, trustee. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 298. M. P. Reeve, petitioner, *v.* North Carolina Land and Timber Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 305. Arthur Weinret et al., petitioners, *v.* Joseph H. Fink. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 322. Carmelo Greco, petitioner, *v.* The Steamship Sarnia, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 330. The Delaware, Lackawanna and Western Railroad Company, petitioner, *v.* William W. Rutter et al., executors, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 337. David McKenzie, petitioner, *v.* James Pease, sheriff, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 397. The Saginaw Match Company, petitioner, *v.* The Diamond Match Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit, denied.

No. 436. Cumberland Telephone and Telegraph Company, petitioner, *v.* Mayor and City Council of Nashville, Tenn. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 441. New York Evening Journal Publishing Company, petitioner, *v.* Joseph Simon. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 442. The Atlantic Transport Company, claimant, etc., petitioner, *v.* Frances M. Barnes. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 443. James P. Stewart et al., petitioners, *v.* H. S. Wright. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 297. Frank D. Zell, plaintiff in error, *v.* The Judges of the Circuit Court of the United States for the Eastern District of Virginia. In error to the United States circuit court of appeals for the fourth circuit. Order affirmed with costs.

No. 339. The Graham and Morton Transportation Company, appellant, *v.* Craig Shipbuilding Company. Appeal from the district court of the United States for the northern district of Illinois. Decree affirmed with costs, on the authority of *People's Ferry Company v. Beers*, 20 How., 393; *Roach v. Chapman*, 22 How., 129; *Edwards v. Elliott*, 21 Wall., 532; *The Robert W. Parsons*, 191 U. S., 17, and cases cited.

No. 259. The United States, petitioner, *v.* G. Falk & Bro. Motion to advance submitted by Mr. Solicitor-General Hoyt for the petitioner.

Nos. 369 to 379. James G. Tinsley et al., appellants, *v.* Morgan Treat, United States marshal, etc., et al. Motion to advance submitted by Mr. Solicitor-General Hoyt for the appellees.

Nos. 45 and 46. The Dakota, Wyoming and Missouri River Railroad Company et al., plaintiffs in error, *v.* Charles D. Crouch and Francis Seiberling, trustees. Motions to dismiss or affirm submitted by Mr. Clifford S. Walton in behalf of Mr. Charles W. Brown in support of motions, and by Mr. William T. Coad in opposition thereto.

No. 435. Robert M. Green, plaintiff in error, *v.* Chicago, Burlington and Quincy Railway Company. Advanced pursuant to the thirty-second rule, on motion of Mr. Frank P. Prichard for the plaintiff in error.

No. 414. Moritz Eisner et al., petitioners *v.* Emilie Saxlehner. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Charles K. Allen, Mr. Leopold Wallach and Mr. Charles G. Coe for the petitioners, and by Mr. Antonio Knauth for the respondent.

No. 165. Elbert R. Robinson, petitioner, *v.* The American Car and Foundry Company. Leave granted to file reply brief herein, on motion of Mr. J. Gray Lucas for the petitioner.

No. 318. Southern Railway Company, petitioner, *v.* Mattie J. Stutts, administratrix, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. George E. Hamilton in behalf of Mr. Milton Humes for the petitioner, and by Mr. Richard W. Walker for the respondent.

No. 148. California Consolidated Mining Company, plaintiff in error, *v.* Charles Manby, sheriff, etc., et al. Motion to dismiss submitted by Mr. Frank S. Bright in behalf of Mr. J. H. Forney in support of the motion, and by Mr. M. A. Folsom in opposition thereto.

No. 350. The Old Dominion Steamship Company, owner, etc., petitioner, *v.* Primus Gilmore, administrator, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Harrington Putnam for the petitioner, and by Mr. J. Parker Kirlin and Mr. George W. Betts, jr., for the respondent.

No. 366. Abram Rosenberger, petitioner, *v.* Joseph H. Harris. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. W. C. Sullivan in behalf of Mr. J. J. Darlington and Mr. James C. Jones for the petitioner, and by Mr. Solicitor-General Hoyt for the respondent.

No. 360. W. W. Rose, plaintiff in error, *v.* The State of Kansas ex rel. C. C. Coleman, attorney-general. Motions to dismiss or affirm submitted by Mr. A. B. Browne in behalf of Mr. C. C. Coleman in support of motions, and by Mr. Frederic D. McKenney in opposition thereto.

No. 12, Original. The United States of America, complainant, *v.* John F. Shipp et al. Leave granted to file answers herein, on motion

of Mr. Judson Harmon, Mr. Lewis Shepherd, Mr. G. W. Chamblee, Mr. Samuel P. Maddox and Mr. Joe V. Williams for the defendants.

No. 8, Original. *Ex parte*: In the matter of George Moran, petitioner. Argued by Mr. F. E. Riddle for the petitioner, and by Mr. Don C. Smith for the respondent.

No. 208. Ferdinand Eidman, collector, etc., petitioner, *v.* Frederick B. Tilghman et al., executors, etc. Argument commenced by Mr. Assistant Attorney-General McReynolds for the petitioner, continued by Mr. E. B. Whitney for the respondents, and concluded by Mr. Assistant Attorney-General McReynolds for the petitioner.

No. 25. The Fidelity Mutual Life Insurance Company, appellant, *v.* William A. Clark et al. Argument commenced by Mr. Maurice E. Locke for the appellant.

Adjourned until to morrow at 12 o'clock.

The day call for Tuesday, October 16, will be as follows: Nos. 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34.

O

SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 16, 1906.

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.

Jewel P. Lightfoot of Pittsburg, Tex., Andrew M. Crawford of Salem, Oreg., and W. H. Haynes of St. Joseph, Mo., were admitted to practice.

No. 25. The Fidelity Mutual Life Insurance Company, appellant, *v.* William H. Clark et al. Argument continued by Mr. Maurice E. Locke for the appellant, and by Mr. F. M. Etheridge for the appellees, and concluded by Mr. Maurice E. Locke for the appellant.

No. 26. J. A. Axtell et al., plaintiffs in error, *v.* Cyrus Webber. Argued by Mr. Albert R. Allen for the plaintiffs in error, and by Mr. T. J. Knox for the defendant in error.

No. 27. The City of Monterey, plaintiff in error, *v.* David Jacks. Argued by Mr. W. I. Brobeck for the defendant in error, and submitted by Mr. Hamilton Gay Howard for the plaintiff in error.

No. 28. Charles M. Taylor, appellant, *v.* Thomas Burns et al. Submitted by Mr. Eugene S. Ives for the appellant, and by Mr. William Herring and Mrs. Sarah H. Sorin for the appellees.

No. 29. Daniel Sullivan, plaintiff in error, *v.* St. Louis, Brownsville and Mexico Railway Company. Argument commenced by Mr. Floyd McGown for the plaintiff in error, and continued by Mr. Reagan Houston for the defendant in error, and concluded by Mr. Floyd McGown for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 17, will be as follows: Nos. 30, 31, 32, 33, 34, 35, 36, 37, 38 and 39.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 17, 1906.

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.

Leonidas Dennis of New York City was admitted to practice.

No. —, Original. *Ex parte*: In the matter of the Montana Mining Company, Limited, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. A. B. Browne for the petitioner, with leave to Mr. Jackson H. Ralston to file brief in opposition within three days.

No. 36. Hugh P. Strong et al., plaintiffs in error, *v.* Buffalo Land and Exploration Company. Leave granted to file reply brief within ten days, on motion of Mr. William C. White for the defendant in error.

No. 37. The Covington and Cincinnati Bridge Company, plaintiff in error, *v.* S. W. Hager, auditor, etc. Submitted by Mr. S. D. Rouse for the plaintiff in error, and by Mr. N. B. Hays for the defendant in error.

No. 39. C. W. Buster et al., appellants, *v.* J. George Wright, United States Indian inspector, et al. Appeal from the United States circuit court of appeals for the eighth circuit. Dismissed with costs, pursuant to the tenth rule.

No. 30. C. H. Nichols Lumber Company, plaintiff in error, *v.* Charles Franson. Argued by Mr. Carroll T. Bond for the plaintiff in error, and submitted by Mr. Walter S. Fulton for the defendant in error.

No. 31. International Trust Company, plaintiff in error, *v.* John W. Weeks, agent, etc. Argued by Mr. R. M. Morse for the plaintiff in error, and by Mr. G. Philip Wardner for the defendant in error.

No. 32. Paul Heyman, plaintiff in error, *v.* Southern Railway Company. Submitted by Mr. Milton Strasburger and Mr. Samuel H. Myers for the plaintiff in error, and by Mr. Joseph B. Cumming for the defendant in error.

No. 33. National Live Stock Bank, of Chicago, Ill., plaintiff in error, *v.* First National Bank of Geneseo, Ill. Argument commenced by Mr. Silas H. Strawn for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 18, will be as follows: Nos. 33, 34, 35, 36, 38, 40, 41, 42, 43 and 44.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 18, 1906.

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 E. Fowler of Excelsior Springs, Mo., and Robert B. Ruff of Marshall, Mo., were admitted to practice.

No. 41. Catherine Schlemmer, plaintiff in error, *v.* The Buffalo, Rochester and Pittsburgh Railway Company. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Frederic D. McKenney for the plaintiff in error.

No. 165. Elbert R. Robinson, petitioner, *v.* The American Car and Foundry Company. Leave granted to file an additional brief herein, on motion of Mr. J. Gray Lucas for the petitioner.

No. 42. Charles W. Clark, plaintiff in error, *v.* P. O. Wells. Submitted by Mr. Walter M. Bickford and Mr. George F. Shelton for the plaintiff in error, and by Mr. N. W. McConnell for the defendant in error.

No. 33. National Live Stock Bank of Chicago, Ill., plaintiff in error, *v.* First National Bank of Geneseo, Ill. Argument continued by Mr. Silas H. Strawn for the plaintiff in error, and by Mr. J. S. Botsford for the defendant in error, and concluded by Mr. Silas H. Strawn for the plaintiff in error.

No. 34. The Northwestern National Life Insurance Company, plaintiff in error, *v.* Paul Riggs et al., executors, etc. Argued by Mr. S. S. Brown for the plaintiff in error, and by Mr. Robert A. Hewitt, jr., and Mr. W. H. Haynes for the defendants in error.

No. 35. North American Transportation and Trading Company, plaintiff in error, *v.* W. B. Gill. Submitted by Mr. Frederick Bausman for the plaintiff in error. No counsel appeared for defendant in error.

No. 36. Hugh P. Strong et al., plaintiffs in error, *v.* Buffalo Land and Exploration Company. Submitted by Mr. J. M. Vale, Mr. John Brennan, Mr. Moses E. Clapp and Mr. Newel H. Clapp for the plaintiffs in error, and by Mr. William C. White for the defendant in error.

No. 38. W. J. Lappoon, plaintiff in error, *v.* J. F. Kerner et al., etc. Submitted by Mr. Louis M. Swink for the plaintiff in error. No counsel appeared for the defendant in error.

No. 40. Northern Assurance Company of London, plaintiff in error, *v.* Grand View Building Association. Argument commenced by Mr. Joseph R. Webster for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 19, will be as follows: Nos. 40, 43, 44, 45, 46, 47, 48, 49, 50 and 51.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 19, 1906.

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.

Caruthers Ewing of Memphis, Tenn., Frank Feuille of San Juan, P. R., and Francis E. Matthews of Chicago, Ill., were admitted to practice.

No. 214. Fred C. Fisher et al., etc., plaintiffs in error, *v.* Col. David J. Baker et al. Leave granted to counsel for plaintiffs in error to file supplemental brief herein.

No. 43. Warren B. Wilson, appellant, *v.* Leslie M. Shaw, Secretary of the Treasury. Leave granted to counsel for appellee to file brief within ten days, if so advised, on motion of Mr. Solicitor-General Hoyt for the appellee, with leave to counsel for appellant to reply thereto within five days.

No. 36. Hugh P. Strong et al., plaintiffs in error, *v.* Buffalo Land and Exploration Company. Leave granted to counsel for plaintiffs in error to file an additional brief, and to file reply brief within five days after the filing of the additional brief of the defendant in error, on motion of Mr. J. M. Vale for the plaintiffs in error.

No. 47. N. L. Rearick, plaintiff in error, *v.* The Commonwealth of Pennsylvania. Submitted under the twentieth rule on briefs to be filed hereafter.

No. 40. Northern Assurance Company of London, plaintiff in error, *v.* Grand View Building Association. Argument continued by Mr. Charles J. Greene for the plaintiff in error, and concluded by Mr. Joseph R. Webster for the defendant in error.

No. 43. Warren B. Wilson, appellant, *v.* Leslie M. Shaw, Secretary of the Treasury. Argued by Mr. Warren B. Wilson pro se.

No. 44. Tony Kersch, plaintiff in error, *v.* The City of Topeka. Continued.

No. 48. William H. Andrews, plaintiff in error, *v.* Eastern Oregon Land Company. Argued by Mr. S. M. Stockslager for the plaintiff in error, and by Mr. A. B. Browne for the defendant in error.

No. 49. The State of New Jersey, appellant, *v.* William F. Anderson, trustee, etc. Argued by Mr. E. D. Duffield for the appellant. On motion of Mr. Louis A. Pradt, in behalf of counsel for the appellee, leave granted to file brief for appellee within ten days, and leave granted to counsel for appellant to file reply thereto.

No. 51. Ann E. J. Cruit, appellant, *v.* Kate Dean Owen et al. Argument commenced by Mr. Edward H. Thomas for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 22, will be as follows: Nos. 51, 20, 50, 45 (and 46), 167, 52, 53, 54, 55 and 56.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 22, 1906.

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

T. T. Miller of Columbus, Ga., J. H. Martin of Columbus, Ga., Frederick E. Matson of Indianapolis, Ind., Henry Warrum of Indianapolis, Ind., John J. Jackson of Detroit Mich., Charles A. Brodek of New York City, Seymour Kisch of Chicago, Ill., C. Von Oden Hughes of New York City and John A. Fairchild of San Jose, Cal., were admitted to practice.

No. 179. Charles S. Landram et al., executors, etc., et al., appellants, *v.* Gabriella K. Jordan. Appeal from the court of appeals of the District of Columbia. Decree of the supreme court of District of Columbia modified by inserting after the words "against his entire estate" the words "in the District of Columbia," and as so modified said decree and the decree of the court of appeals affirmed with costs. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the court:

No. 7, Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Hearing on demurrer set down for Monday, March 4, 1907.

Nos. 45 and 46. The Dakota, Wyoming and Missouri River Railroad Company et al., plaintiffs in error, *v.* Charles D. Crouch et al., trustees. Motions to dismiss or affirm postponed to the hearing on the merits.

No. 163. Eau Claire National Bank, plaintiff in error, *v.* Ralph W. Jackman, trustee, etc. Motion to dismiss postponed to the hearing on the merits.

No. 205. The Chicago, Rock Island and Pacific Railway Company, plaintiff in error, *v.* D. Roy Mumford. Motion to vacate supersedeas postponed to hearing on the merits.

No. 259. The United States, petitioner, *v.* G. Falk & Brother. Motion to advance granted, and cause assigned for argument on Monday, December 3, next.

Nos. 369 to 379. James G. Tinsley et al., appellants, *v. Morgan Treat, United States marshal, etc., et al.* Motion to advance granted and cause assigned for argument as one case on Monday, December 3, next, after No. 259.

No. 350. The Old Dominion Steamship Company, owner, etc., petitioner, *v. Primus Gilmore, administrator, etc.* Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 165. Elbert R. Robinson, petitioner, *v. The American Car and Foundry Company.* Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 318. Southern Railway Company, petitioner, *v. Mattie J. Stutts, administratrix, etc.* Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 366. Abram Rosenberger, petitioner, *v. Joseph H. Harris.* Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 414. Moritz Eisner et al., petitioners, *v. Emilie Saxlebner.* Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. —, Original. *Ex parte:* In the matter of The Montana Mining Company, Limited, petitioner. Motion for leave to file a petition for writ of mandamus granted and rule to show cause awarded returnable in ten days, pending which restraining order will be issued.

No. 19. Joseph J. Waters, administrator of Robert Jackson, deceased, plaintiff in error, *v. George E. Emmons and J. Paul Smith.* In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. See 19 App. D. C., 250; 25 App. D. C., 146.

No. 26. J. A. Axtell et al., plaintiffs in error, *v. Cyrus Webber.* In error to the supreme court of the State of Minnesota. Dismissed for the want of jurisdiction. *Beaupre v. Noyes*, 138 U. S., 397; *National Life Insurance Company v. Scheffer*, 131 U. S. App. C. C. III.

No. 29. Daniel Sullivan, plaintiff in error, *v. St. Louis, Brownsville and Mexico Railway Company.* In error to the circuit court of the United States for the southern district of Texas. Judgment affirmed with costs. *Rosenbaum v. Bauer*, 120 U. S., 450; *Knapp v. Lake Shore and Michigan Southern Railway Company*, 197 U. S., 541.

No. 35. North American Transportation and Trading Company, plaintiff in error, *v. W. B. Gill.* In error to the supreme court of the State of Washington. Judgment affirmed with costs. *Leon v. Galceran*, 11 Wall., 185; *American Steamboat Company v. Chase*, 16 Wall., 522; *The Robert W. Parsons*, 191 U. S., 17, 36.

No. 38. W. J. Laffoon, plaintiff in error, *v. J. F. Kerner et al.* In error to the supreme court of the State of North Carolina. Dismissed for the want of jurisdiction. *California Consolidated Mining Company v. Manley, sheriff, et al., post*, and cases cited.

No. 148. *California Consolidated Mining Company, plaintiff in error, v. Charles Manley, sheriff of Shoshone County, State of Idaho, et al.* In error to the supreme court of the State of Idaho. Dismissed for the want of jurisdiction. *Green v. Van Buskirk*, 3 Wall., 448; *Union Mutual Life Insurance Company v. Kirchoff*, 160 U. S., 374; *Haseltine v. Central Bank of Springfield, Mo. (No. 1)*, 183 U. S., 130; *Schlosser v. Hemphill*, 198 U. S., 173; *Clark v. Roller*, 199 U. S., 541-544.

No. 360. W. W. Rose, plaintiff in error, *v. The State of Kansas on the relation of C. C. Coleman, attorney-general.* In error to the supreme court of the State of Kansas. Dismissed for the want of jurisdiction. *Smiley v. Kansas*, 196 U. S., 447; *Nonconnah Turnpike Company v. Tennessee*, 131 U. S., App. Cl. VIII; *Newport Light Company v. Newport*, 151 U. S., 527; *Harrison v. Morton*, 171 U. S., 38.

No. 405. Vuko Perovich, plaintiff in error, *v. The United States.* Motion to advance submitted by Mr. Solicitor-General Hoyt for the defendant in error.

No. 431. *The Union Bridge Company, plaintiff in error, v. The United States.* Motion to advance submitted by Mr. Solicitor-General Hoyt for the defendant in error.

No. 392. J. G. Rawlins, plaintiff in error, *v. J. F. Passmore, sheriff, etc.* Motion for leave to proceed in forma pauperis, etc., submitted by Mr. Jackson H. Ralston in behalf of counsel for the plaintiff in error.

No. 460. Alexander D. Shaw 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. Charles Henry Butler in behalf of Mr. Edward S. Hatch for the petitioners, and by Mr. Solicitor-General Hoyt for the respondent.

No. 244. Albert K. Hiscock, trustee, etc., appellant, *v. The Varick Bank of New York.* Motion to dismiss or affirm submitted by Mr. F. M. Czaki in support of motion, and Mr. Will B. Crowley in opposition thereto, with leave to Mr. Czaki to file reply brief within one week.

No. 462. *Herring-Hall-Marvin Safe Company, petitioner, v. Hall's Safe Company et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Frederic D. McKenney in behalf of Mr. Laurence Maxwell, jr., and Mr. Charles H. Aldrich for the petitioner, and cross petition submitted by Mr. William C. Cochran and Mr. Judson Harmon for the respondents.

No. 241. Haight & Freese Company et al., plaintiffs in error, *v.* Beverly R. Robinson, receiver, etc. Motion to dismiss submitted by Mr. Roger Foster in support of motion and opposition to submission of motion submitted by Mr. Albert I. Sire for the plaintiff in errors.

No. 48. William H. Andrews, plaintiff in error, *v.* Eastern Oregon Land Company. Leave granted to file briefs herein on motion of Mr. S. M. Stockslager for the plaintiff in error.

No. 20. William J. Gallagher, plaintiff in error, *v.* The People of the State of Illinois. In error to the supreme court of the State of Illinois. Dismissed with costs, pursuant to the tenth rule.

No. 465. Rosa M. Cole, executrix, etc., petitioner, *v.* The City of Indianapolis et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Ferdinand Winter and Alexander C. Ayres for the petitioner, and by Mr. Frederick E. Matson, Mr. Henry Warrum and Mr. Merrill Moores for the respondents.

No. 164. John C. Hammond, plaintiff in error, *v.* William W. Whit-tredege, trustee, etc., et al. Motions to dismiss or affirm submitted by Mr. Warren Ozra Kyle in support of the motions, and by Mr. Hollis R. Bailey in opposition thereto.

No. 51. Ann E. J. Cruit, appellant, *v.* Kate Dean Owen et al. Argument continued by Mr. Edward H. Thomas for the appellant, by Mr. Chapin Brown for the appellees, and concluded by Mr. Edward H. Thomas for the appellant.

No. 50. The Mercantile Trust and Deposit Company of Baltimore, appellant, *v.* The City of Columbus et al. Argument commenced by Mr. Joseph Packard for the appellant, continued by Mr. W. A. Wimbish and Mr. J. H. Martin for the appellees, and by Mr. Olin J. Wimberly for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 23, will be as follows: Nos. 50, 45 (and 46), 167, 52, 53, 54, 55, 56, 57 and 58.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 23, 1906.

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

Oliver Mitchell of Boston, Mass., George R. Hunt of Lexington, Ky., George C. Webb of Lexington, Ky., George S. Shanklin of Lexington, Ky., and John Robert Taylor of New York City were admitted to practice.

The Chief Justice announced the following order of the court:

No. 392. J. G. Rawlins, appellant, *v.* J. F. Passmore, sheriff, etc. Motion for leave to proceed in forma pauperis denied.

No. 50. The Mercantile Trust and Deposit Company of Baltimore, appellant, *v.* The City of Columbus et al. Argument concluded by Mr. Olin J. Wimberly for the appellant. Leave granted counsel for appellant to file an additional brief on or before Friday.

Nos. 45 and 46. The Dakota, Wyoming and Missouri River Railroad Company et al., plaintiffs in error, *v.* Charles D. Crouch et al., trustees. Argued by Mr. Frederick C. Bryan for the defendants in error, and submitted by Mr. William T. Coad for the plaintiffs in error.

No. 52. George W. Crossman et al., plaintiffs in error, *v.* George R. Bidwell. Passed temporarily.

No. 167. The United States, petitioner, *v.* George Riggs & Co. Argument commenced by Mr. Assistant Attorney-General McReynolds for the petitioner, continued by Mr. W. Wickham Smith for the respondent, and concluded by Mr. Assistant Attorney-General McReynolds for the petitioner.

No. 53. James Goudy, plaintiff in error, *v.* Edward Meath, assessor, etc. Submitted by Mr. Walter Christian for the plaintiff in error. No counsel appeared for the defendant in error.

No. 54. Martin Conboy, trustee, etc., appellant, *v.* First National Bank of Jersey City. Argued by Mr. Martin Conboy for the appellant, and by Mr. William G. Wilson for the appellee.

No. 55. The Security, Trust and Safety Vault Company of Lexington Ky., trustee, etc., plaintiff in error, *v.* The City of Lexington, Ky., et al. Argument commenced by Mr. John T. Shelby for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 24, will be as follows: Nos. 55, 56, 57, 58, 59, 60, 62, 63, 64 and 65.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 24, 1906.

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

H. M. Stephens of Spokane, Wash., William R. Harper of Jackson, Miss., and Leonard M. Daggett of New Haven, Conn., were admitted to practice.

No. 65. James Van Buren, appellant, *v.* P. F. Hennessey, testamentary executor, etc., et al. Appeal from the circuit court of the United States for the eastern district of Louisiana. Dismissed with costs, pursuant to the tenth rule.

No. 55. The Security, Trust and Safety Vault Company of Lexington Ky., trustee, etc., plaintiff in error, *v.* The City of Lexington, Ky., et al. Argument continued by Mr. John T. Shelby for the plaintiff in error, and by Mr. George C. Webb and Mr. George S. Shanklin for the defendants in error, and concluded by Mr. George R. Hunt for the plaintiff in error.

No. 56. The United States *ex rel.* George A. Lowry et al. plaintiffs in error, *v.* Frederick I. Allen, Commissioner of Patents. Argument commenced by Mr. Oliver Mitchell for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 25, will be as follows: Nos. 56, 57, 58, 59, 60, 62, 63, 64, 66 and 67.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 25, 1906.

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

Daniel W. Harper of Biloxi, Miss., and Hiram R. Wood of Rochester, N. Y., were admitted to practice.

No. 60. Granville Stuart, plaintiff in error, *v.* Samuel T. Hauser et al. Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. George B. Colby for the plaintiff in error.

No. 48. William H. Andrews, plaintiff in error, *v.* Eastern Oregon Land Company. Leave granted to file supplemental brief, on motion of Mr. A. B. Browne for the defendant in error.

No. 56. The United States *ex rel.* George A. Lowry et al., plaintiffs in error, *v.* Frederick I. Allen, Commissioner of Patents. Argument continued by Mr. Oliver Mitchell for the plaintiffs in error, by Mr. Assistant Attorney-General McReynolds for the defendant in error, and concluded by Mr. Oliver Mitchell for the plaintiffs in error.

No. 57. The Old Wayne Mutual Life Association of Indianapolis, Ind., plaintiff in error, *v.* Sarah McDonough et al. Argued by Mr. A. S. Worthington for the plaintiff in error. No counsel appeared for the defendants in error.

No. 58. Henry A. Crane, plaintiff in error, *v.* Cornelius F. Buckley et al. Argued by Mr. Charles S. Cushing for the plaintiff in error, with leave to counsel for defendants in error to file brief hereafter.

No. 59. Charles K. Affield, plaintiff in error, *v.* The New York, New Haven and Hartford Railroad Company. Argued by Mr. George D. Watrous for the defendant in error, and submitted by Mr. E. H. Rogers and Mr. W. H. H. Miller for the plaintiff in error.

No. 62. Frederick H. Vogt, appellant, *v.* Matilda S. Vogt by her guardian ad litem, Pauline Vogt. Argument commenced by Mr. John C. Gittings for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 26, will be as follows: Nos. 62, 63, 64, 66, 67, 68, 69, 70 (and 71), 72 and 73.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 26, 1906.

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.

Walter M. Harvey of Takoma, Wash., and John W. Rorke of Boston, Mass., were admitted to practice.

No. 53. James Goudy, plaintiff in error, *v.* Edward Meath, assessor, etc. Leave granted to file brief for the defendant in error, on motion of Mr. Walter M. Harvey for the defendant in error.

No. 62. Frederick H. Vogt, appellant, *v.* Matilda S. Vogt by her guardian ad litem, Pauline Vogt. Argument continued by Mr. John C. Gittings for the appellant. The court declined to hear further argument.

No. 63. Frederick L. Grant Shoe Company, appellant, *v.* W. M. Laird Company. Argument commenced by Mr. P. M. French for the appellant, continued by Mr. Hiram R. Wood for the appellee, and concluded by Mr. P. M. French for the appellant.

No. 64. The Mississippi Railroad Commission et al., appellants, *v.* The Illinois Central Railroad Company. Argument commenced by Mr. Marcellus Green for the appellants, continued by Mr. Edward Mayes for the appellee, and concluded by Mr. Marcellus Green for the appellants.

No. 66. Reuben L. Martin, plaintiff in error, *v.* The Pittsburg and Lake Erie Railroad Company. Argument commenced by Mr. Charles Koonce, jr., for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 29, will be as follows: Nos. 66, 392, 67, 68, 69, 70 (and 71), 72, 73, 76 and 77.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 29, 1906.

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.

Walter J. Gex of Bay St. Louis, Miss., R. B. Boone of Durham, N. C., Alford W. Cooley of New York City, Arthur L. Fullman of New York City, and Morven Thompson of Washington, D. C., were admitted to practice.

No. 25. The Fidelity Mutual Life Insurance Company, appellant, *v.* William H. Clark et al. Appeal from the circuit court of the United States for the northern district of Texas. Decree affirmed with costs. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Harlan and Mr. Justice White. (Mr. Justice McKenna took no part in the decision of this case.)

The Chief Justice announced the following orders of the court:

No. 164. John C. Hammond, plaintiff in error, *v.* William W. Whit-tredege, trustee, etc., et al. Motions to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 405. Vuko Perovich, plaintiff in error, *v.* The United States. Motion to advance granted, and cause assigned for argument on Monday, January 21, 1907.

No. 431. The Union Bridge Company, plaintiff in error, *v.* The United States. Motion to advance granted, and cause assigned for argument on Monday, December 3, after the cases already assigned for that day.

No. 409. James W. Donnell, petitioner, *v.* Herring-Hall-Marvin Safe Company, et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit granted.

No. 462. Herring-Hall-Marvin Safe Company, petitioner, *v.* Hall's Safe Company et al. Petition and cross-petition writ of certiorari to the United States circuit court of appeals for the sixth circuit granted.

No. 460. Alexander D. Shaw 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. 465. Rosa M. Cole, executrix, etc., petitioner, *v.* The City of Indianapolis et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 208. Ferdinand Eidman, collector, etc., petitioner, *v.* Frederick B. Tilghman et al., executors, etc. On writ of certiorari to the United States circuit court of appeals for the second circuit. Judgment affirmed with costs by a divided court and cause remanded to the circuit court of the United States for the southern district of New York.

No. 6. Thomas F. Wilson (on behalf of the Territory of Arizona), appellant, *v.* N. O. Murphy et al. Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs.

No. 7. Thomas F. Wilson (on behalf of the Territory of Arizona), appellant, *v.* George W. Vickers et al. Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs.

No. 241. Haight & Freese Company et al., plaintiffs in error, *v.* Beverly R. Robinson, receiver, etc. In error to the circuit court of the United States for the southern district of New York. Dismissed for the want of jurisdiction. *Alexander v. United States*, 201 U. S., 117, 122; *Nelson v. United States*, 201 U. S., 92; *Hardee v. Wilson*, 146 U. S., 179; *Masterson v. Herndon*, 10 Wall., 416; *Beardsley v. Railway Company*, 158 U. S., 123.

No. 62. Frederick H. Vogt, appellant, *v.* Matilda S. Vogt by her guardian ad litem, Pauline Vogt. Appeal from the court of appeals of the District of Columbia. Dismissed for the want of jurisdiction. *Schlosser v. Hemphill*, 198 U. S., 173; *California Consolidated Mining Company v. Manley*, ante, p. —, and cases cited.

No. 36. Hugh P. Strong et al., plaintiffs in error, *v.* Buffalo Land and Exploration Company. In error to the supreme court of the State of Minnesota. Judgment affirmed with costs on the authority of *Midway Company v. Eaton*, 183 U. S., 602.

Nos. 45 and 46. The Dakota, Wyoming and Missouri River Railroad Company et al., plaintiffs in error, *v.* Charles D. Crouch et al., trustees in error to the supreme court of the State of South Dakota. Dismissed for the want of jurisdiction. *Hardee v. Wilson*, 146 U. S., 179; *Sipperley v. Smith*, 155 U. S., 86; *Mason v. United States*, 136 U. S., 581; *Grand Island, etc., Railroad Company v. Sweeney*, 103 Fed. Rep., 342; 95 Fed. Rep., 396; *Sweeney v. Grand Island, etc., Railroad Company*, 61 Fed. Rep., 3; *Eustis v. Bolles*, 150 U. S., 361; *Speed v. McCarthy*, 181 U. S., 269; *Pennsylvania Railroad Company v. Hughes*, 191 U. S., 477; *Telluride Power, etc., Company v. Rio Grande, etc., Railway Company*, 175 U. S., 639; *Telluride Power, etc., Company v. Rio Grande, etc., Railway Company*, 187 U. S., 569; case below, 18 S. Dak., 540; 101 N. W. Rep., 722.

No. 423. George R. Finch et al., petitioners, *v.* Maryland Casualty Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Henry M. Hoyt in behalf of Mr. P. J. McLaughlin for the petitioners, and by Mr. Emerson Hadley for the respondent.

No. 8. Ann Francis, plaintiff in error, *v.* Peter J. Francis et al. Leave granted to counsel for the defendants in error to file an additional brief within three weeks, on motion of Mr. N. T. Crutchfield for the plaintiff in error.

No. 348. Julian Castillo Slaughter et al., appellants, *v.* Cecile R. Loeb, executrix, etc. Appeal from the court of appeals of the District of Columbia. Dismissed with costs and mandate granted, on motion of Mr. Charles L. Frailey in behalf of counsel for the appellants.

No. 57. The Old Wayne Mutual Life Association of Indianapolis, Ind., plaintiff in error, *v.* Sarah McDonough et al. Leave granted to counsel for the plaintiff in error to file an additional brief on or before Friday next, on motion of Mr. Charles L. Frailey in behalf of counsel.

No. 66. Reuben L. Martin, plaintiff in error, *v.* The Pittsburg and Lake Erie Railroad Company. Argument continued by Mr. Charles Koonce, jr., for the plaintiff in error, and by Mr. James P. Wilson for the defendant in error, and concluded by Mr. Charles Koonce, jr., for the plaintiff in error.

No. 392. J. G. Rawlins, appellant, *v.* J. F. Passmore, sheriff, etc. Argued by Mr. John Randolph Cooper for the appellant, and submitted by Mr. John C. Hart and Mr. W. E. Thomas for the appellee.

No. 67. Alfred H. Burt et al., plaintiffs in error, *v.* William W. Smith. Argued by Mr. Norris Morey for the plaintiffs in error, and by Mr. Milton A. Fowler for the defendant in error.

No. 68. W. S. Keel, jr., et al., appellants, *v.* E. E. Douville. Argument commenced by Mr. D. W. Harper for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 30, will be as follows: Nos. 68, 69, 70 (and 71), 72, 73, 76, 77, 78, 79 and 80.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 30, 1906.

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. 67. Alfred H. Burt et al., plaintiffs in error, *v.* William W. Smith. Leave granted to file supplemental brief on or before Friday, on motion of Mr. Norris Morey for the plaintiffs in error.

No. 197. The Cleveland Electric Railway Company, appellant, *v.* The City of Cleveland et al. Motion for a restraining order submitted by Mr. John W. Warrington for the appellant.

No. 112. Henry M. Earle, administrator, etc., appellant, *v.* Thomas E. Waggaman, administrator, etc. Death of Thomas E. Waggaman suggested, and order of publication granted, on motion of Mr. John C. Gittings for the appellant.

No. 68. W. S. Keel, jr., et al., appellants, *v.* E. E. Douville. Argument continued by Mr. D. W. Harper for the appellants, by Mr. Walter J. Gex for the appellee, and concluded by Mr. William R. Harper for the appellants.

No. 69. The United States, appellant, *v.* Theodore Dalcour et al. Argument commenced by Mr. Solicitor-General Hoyt for the appellant, and continued by Mr. William A. Blount for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 31, will be as follows: Nos. 69, 70 (and 71), 72, 73, 76, 77, 78, 79, 80 and 81.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 31, 1906.

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 W. Bliss of Muskogee, Ind. T., Abram P. Staples of Roanoke, Va., Waller R. Staples of Roanoke, Va., and Edwin M. Ashcraft of Chicago, Ill., were admitted to practice.

The Chief Justice announced the following order of the court:

No. 197. The Cleveland Electric Railway Company, appellant, *v.* The City of Cleveland et al. Rule to show cause awarded, returnable in ten days, and restraining order granted pending the hearing on return to rule.

No. 453. C. H. Scott et al., petitioners, *v.* Charles P. Guice, an infant, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Holmes Conrad and Mr. C. H. Scott for the petitioners.

No. 24. Leonidas M. Lawson et al., petitioners, *v.* United States Mining Company. Leave granted to respondent to file reply brief within ten days, on motion of Mr. A. S. Worthington in behalf of counsel for respondent.

No. 69. The United States, appellant, *v.* Theodore Dalcour et al. Argument continued by Mr. William A. Blount and Mr. Henry R. Hatfield for the appellees, and concluded by Mr. Robert A. Howard for the appellant. Leave granted to counsel for appellees to file a supplemental brief.

No. 70. George W. Crowe, appellant, *v.* Henry Harmon, administrator, etc.; and

No. 71. George W. Crowe, appellant, *v.* M. M. Trickey, administrator, etc. Submitted by Mr. W. C. Kiegin and Mr. Seth E. Hazzard for the appellant, with leave to appellees to file brief hereafter.

No. 72. Tomas Gorrozi et al., appellants, *v.* Juana Dastas. Argument commenced by Mr. C. M. Boerman for the appellants, and continued by Mr. Frederic D. McKenney for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 1, will be as follows: Nos. 72, 76, 77, 78 (and 79), 80, 81, 82, 83, 84 and 85 (and 86, 87 and 88).

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 1, 1906.

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

Joseph W. Heintzman of Cincinnati, Ohio, George F. Henry of Des Moines, Iowa, W. G. Harvison of Des Moines, Iowa, Samuel A. Anderson of Richmond, Va., W. H. Bremner of Des Moines, Iowa, and M. H. Cohen of Des Moines, Iowa, were admitted to practice.

No. 13, Original. *Ex parte*: In the matter of The Montana Mining Company, Limited, petitioner. Leave granted to file return of United States district judge to rule to show cause herein, on motion of Mr. Arthur Brown for respondents.

No. 72. Tomas Garrozi et al., appellants, *v.* Juana Dastas. Argument continued by Mr. Frederic D. McKenney for the appellee, and concluded by Mr. Fritz von Briesen for the appellants.

No. 73. William S. Dexter et al., trustees, etc., plaintiffs in error, *v.* Salem D. Charles et al., etc. Continued, per stipulation.

No. 76. Amelia C. Travers et al., appellants, *v.* Maria L. Reinhardt et al. Leave granted to three counsel to make oral argument for the appellees, on motion of Mr. M. J. Colbert for the appellees. Argument commenced by Mr. Bernard Carter for the appellants, and continued by Mr. William A. Gordon, Mr. M. J. Colbert and Mr. George E. Hamilton for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 2, will be as follows: Nos. 76, 77, 78 (and 79), 80, 81, 82, 83, 84, 85 (and 86, 87 and 88) and 89.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 2, 1906.

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.

C. H. Stanley of Baltimore, Md., Gustave Lemle of New Orleans, La., Frank T. Brown of Norwich, Conn., and Charles Rosen of New Orleans, La., were admitted to practice.

No. 106. C. F. Ainsworth et al., intervenors, etc., appellants, *v.* John M. Evans et al. Death of John M. Evans, one of the appellees, suggested, and order of publication granted, on motion of Mr. Samuel Maddox in behalf of counsel for the appellants.

No. 85. Fritz Durein, plaintiff in error, *v.* The State of Kansas;

No. 86. Fred Ross et al., plaintiffs in error, *v.* The State of Kansas;

No. 87. Fred Simmons et al., plaintiffs in error, *v.* The State of Kansas, and

No. 88. James Sheasley, plaintiff in error, *v.* The State of Kansas. Continued, per stipulation.

No. 76. Amelia C. Travers et al., appellants, *v.* Maria L. Reinhardt et al. Argument concluded by Mr. Arthur A. Birney for the appellants.

No. 77. Ann M. Hairston, plaintiff in error, *v.* The Danville and Western Railway Company. Continued, per stipulation.

No. 78. The Texas and Pacific Railway Company, plaintiff in error, *v.* The Abilene Cotton Oil Company. Argued by Mr. David D. Duncan for the plaintiff in error, and Mr. Hannis Taylor for the defendant in error.

No. 79. The Texas and Pacific Railway Company, plaintiff in error, *v.* The Cisco Oil Mill. Submitted by Mr. John F. Dillon, Mr. W. S. Pierce and Mr. David D. Duncan for the plaintiff in error, and by Mr. John J. Butts for the defendant in error.

No. 80. Franklin S. Jerome, plaintiff in error, *v.* Charles P. Cogswell et al. Argued by Mr. Donald G. Perkins for the plaintiff in error, and Mr. Frank T. Brown for the defendants in error.

No. 81. Charles Bown et al., plaintiffs in error, *v.* Enos C. Walling Passed, to be heard with No. 147 as one case on motion of Mr. S. M. Stockslager for plaintiffs in error.

No. 82. Home Savings Bank, plaintiff in error, *v.* The City of Des Moines et al.;

No. 83. People's Savings Bank, plaintiff in error, *v.* The City of Des Moines et al., and

No. 92. Des Moines Savings Bank, plaintiff in error, *v.* The City of Des Moines et al. Ordered to be heard together as one case on motion of Mr. N. T. Guernsey for the plaintiffs in error. Argument commenced by Mr. N. T. Guernsey for plaintiffs in error in Nos. 83 and 92.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 5, will be as follows: Nos. 82 (and 83 and 92), 84, 89, 90, 91, 93, 94, 96 and 97 and 98.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 5, 1906.

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.

Merritt J. Gordon of Spokane, Wash., was admitted to practice.

No. 129. The County Commissioners of Wicomico County, petitioners *v.* Samuel Bancroft, jr. On writ of certiorari to the United States circuit court of appeals for the fourth circuit. Decree reversed with costs, and cause remanded to the circuit court of the United States for the district of Maryland with directions to dismiss the bill. Opinion by Mr. Justice Day.

No. 37. The Covington and Cincinnati Bridge Company, plaintiff in error, *v.* S. W. Hager, auditor of public accounts of the Commonwealth of Kentucky. In error to the circuit court of the United States for the eastern district of Kentucky. Judgment modified and affirmed with costs. Opinion by Mr. Justice Day.

No. 8, Original. *Ex parte:* In the matter of George Moran, petitioner. Rule discharged and petition for writs of habeas corpus and certiorari denied. Opinion by Mr. Justice Holmes.

No. 40. Northern Assurance Company of London, plaintiff in error, *v.* Grand View Building Association. In error to the supreme court of the State of Nebraska. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 125. Daniel Red Bird et al., appellants, *v.* The United States;

No. 126. The Cherokee Nation, appellant, *v.* The United States;

No. 127. Francis B. Fete et al., appellants, *v.* The United States; and

No. 128. Persons Claiming Rights in the Cherokee Nation by Inter-marriage, appellants *v.* The United States. Appeals from the Court of Claims. Judgment affirmed. Opinion by Mr. Chief Justice Fuller.

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

No. 244. Albert K. Hiscock, trustee, etc., appellant, *v.* The Varick Bank of New York. Motions to dismiss or affirm postponed to the hearing of cause on its merits.

No. 423. George R. Finch et al., petitioners, *v.* Maryland Casualty Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 453. C. H. Scott et al., petitioners, *v.* Charles P. Guice, an infant, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 5, Original. The State of Georgia, complainant, *v.* The Tennessee Copper Company et al. Demurrer overruled, without prejudice to any question, and leave granted to answer. Parties ruled to come to issue on or before November 19, 1906. Complainant to close proofs by December 19, 1906, and defendants to close proofs by January 18, 1907. Cause set for final hearing on February 25, 1907. Leave to use affidavits on file as proofs as counsel may be advised. Restraining order in the meantime denied.

No. 68. W. S. Keel, jr., et al., appellants, *v.* E. E. Donville. Appeal from the circuit court of the United States for the southern district of Mississippi. Dismissed for the want of jurisdiction, on the authority of *Cornell v. Green*, 163 U. S., 75, and cases cited.

No. 392. J. G. Rawlins, plaintiff in error, *v.* J. F. Passmore, sheriff of Lowndes County, Ga. Appeal from the district court of the United States for the southern district of Georgia. Final order affirmed with costs. *Rawlins v. Georgia*, 201 U. S., 638; S. C. 52, S. E. Rep. 1; *Craemer v. Washington*, 168 U. S., 124, 128, 129. Mandate to issue at once.

No. 117. Interstate Consolidated Street Railway Company, plaintiff in error, *v.* The Commonwealth of Massachusetts. Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Henry M. Hoyt in behalf of counsel.

No. 69. The United States, appellant, *v.* Theodore Dalcour et al. Time to file reply brief herein extended to Friday next, on motion of Mr. Solicitor-General Hoyt for the appellant.

No. 402. The Montana Mining Company, Limited, plaintiff in error, *v.* The St. Louis Mining and Milling Company of Montana. Motion to advance submitted by Mr. W. E. Cullen for the plaintiff in error.

No. 6, Original. State of Washington, complainant, *v.* State of Oregon. Leave granted to open, publish, and file testimony, etc., herein, on motion of Mr. Merritt J. Gordon for the complainant.

No. 179. Charles S. Landram et al., appellants, *v.* Gabriella K. Jordan. Mandate granted, on motion of Mr. Charles F. Wilson for the appellee.

No. 274. William F. Holtzman et al., appellants, *v.* Irwin B. Linton, executor, etc. Appeal from the court of appeals of the District of Columbia. Dismissed with costs, on motion of counsel for appellants.

No. 98. The St. Mary's Franco American Petroleum Company, plaintiff in error, *v.* The State of West Virginia. Submitted by Mr. W. E. Chilton for the plaintiff in error, and by Mr. Clarke W. May for the defendant in error.

No. 82. Home Savings Bank, plaintiff in error, *v.* The City of Des Moines et al.;

No. 83. People's Savings Bank, plaintiff in error, *v.* The City of Des Moines et al.; and

No. 92. Des Moines Savings Bank, plaintiff in error, *v.* The City of Des Moines et al. Argument continued by Mr. N. T. Guernsey for the plaintiffs in error in Nos. 83 and 92; by Mr. William G. Harvison for the plaintiff in error in No. 82; by Mr. William H. Bremner for the defendants in error, and concluded by Mr. George F. Henry for the plaintiff in error in No. 92.

No. 84. The Fair Haven and Westville Railroad Company, plaintiff in error, *v.* The City of New Haven. Argument commenced by Mr. George D. Watrous for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 6, will be as follows: Nos. 84, 89, 90, 91, 93, 94, 96, 97, 99 and 100 (and 101).

SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 6, 1906.

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.

Richard T. Greener of New York City was admitted to practice.

The Chief Justice announced the following orders of the court:

No. 402. The Montana Mining Company, Limited, plaintiff in error, *v.* The St. Louis Mining and Milling Company of Montana. Motion to advance granted, and cause assigned for argument on Monday, December 10 next.

No. 13, Original. *Ex parte*: In the matter of The Montana Mining Company, Limited, petitioner. Motion to postpone hearing denied.

No. 123. A. B. Ballard et al., plaintiffs in error, *v.* Charles W. Hunter et al. Suggestion of diminution of the record and motion for writ of certiorari submitted by Mr. James K. Jones in behalf of Mr. L. P. Berry for Charles W. Hunter, one of the defendants in error, in support of motion, and by Mr. William M. Randolph and Mr. Wassell Randolph for the plaintiffs in error in opposition thereto.

No. 99. E. L. Allen et al., plaintiffs in error, *v.* Frances J. Riley. Submitted by Mr. N. H. Loomis for the plaintiffs in error, and by Mr. A. E. Crane and Mr. F. T. Woodburn for the defendant in error.

No. 84. The Fair Haven and Westville Railroad Company, plaintiff in error, *v.* The City of New Haven. Argument continued by Mr. George D. Watrous for the plaintiff in error, by Mr. Leonidas M. Daggett and Mr. E. P. Arvine for the defendant in error, and concluded by Mr. Talcott H. Russell for the plaintiff in error.

No. 13, Original. *Ex parte*: In the matter of The Montana Mining Company, Limited, petitioner. Argument commenced by Mr. W. E. Cullen for the petitioner, and continued by Mr. Arthur Brown and Mr. Jackson H. Ralston for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 7, will be as follows: Nos. 89, 90, 91, 93, 94, 96, 97, 100 (and 101), 102 and 103.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 7, 1906.

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.

C. H. Alexander of Jackson, Miss., and E. N. Harwood of Butte City, Mont., were admitted to practice.

No. 102. John Woods & Sons, plaintiffs in error, *v.* Frank Carl. Submitted by Mr. Charles F. Wilson in behalf of Mr. Homer C. Mechem for the plaintiffs in error, and by Mr. John Fletcher for the defendant in error.

No. 13, Original. *Ex parte*: In the matter of The Montana Mining Company, Limited, petitioner. Argument continued by Mr. Jackson H. Ralston for the respondent, and concluded by Mr. Charles J. Hughes, jr., for the petitioner. Leave granted to both sides to file additional briefs on or before Friday.

No. 89. The National Council Junior Order United American Mechanics of North America et al., plaintiffs in error, *v.* The State Council of Virginia, Junior Order United American Mechanics of the State of Virginia. Argument commenced by Mr. C. V. Meredith for the plaintiffs in error, and continued by Mr. Samuel A. Anderson and Mr. Frank W. Christian for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 8, will be as follows: Nos. 89, 90, 91, 93, 94, 96, 97, 100 (and 101), 103 and 104.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 8, 1906.

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.

Mary Phillbrook of Newark, N. J., Charles K. Arter of Cleveland, Ohio, Dana Malone of Greenfield, Mass., George Westmoreland of Atlanta, Ga., and Archie R. Stewart of Columbus, Ohio, were admitted to practice.

No. 100. The United States, plaintiff in error, *v.* The Torrey Cedar Company; and

No. 101. The United States, plaintiff in error, *v.* The Paine Lumber Company. Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Solicitor-General Hoyt for the plaintiff in error.

No. 24. Leonidas M. Lawson et al., petitioners, *v.* United States Mining Company. Time in which to file reply brief extended to the 14th instant, on motion of Mr. A. S. Worthington in behalf of counsel for the respondent.

No. 104. Henry A. M. Smith, receiver, etc., plaintiff in error, *v.* R. H. Jennings, treasurer, etc. Passed, to be restored to the call under the provisions of section 9, rule 26, on account of sickness of counsel.

No. 89. The National Council Junior Order United American Mechanics of North America et al., plaintiffs in error, *v.* State Council of Virginia, Junior Order United American Mechanics of the State of Virginia. Argument continued by Mr. Frank W. Christian for the defendant in error, and concluded by Mr. Ellis G. Kinkead for the plaintiffs in error.

No. 90. Frank W. Guy et al. *v.* John A. Donald. Argument commenced by Mr. D. Tucker Brooke for Guy et al., continued by Mr. Robert M. Hughes for Donald, and concluded by Mr. R. C. Marshall for Guy et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 9, will be as follows: Nos. 91, 93, 94, 96, 97, 103, 60, 105, 107 and 108.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 9, 1906.

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.

De Witt C. Tanner of Chicago, Ill., and George C. Greer of Beaumont, Tex., were admitted to practice.

No. 107. Thomas Milner Harrison, plaintiff in error, *v.* J. A. Magoon et al. Passed temporarily, on motion of Mr. A. B. Browne in behalf of counsel.

No. 91. Mrs. Camille Cohen et al., plaintiffs in error, *v.* John Brewster, tax collector, etc., et al. Argument commenced by Mr. Charles Rosen for the plaintiffs in error, continued by Mr. F. C. Zacharie for the defendants in error, and concluded by Mr. Gustave Lemle for the plaintiffs in error. Leave granted to file an additional brief for the defendants in error in two days.

No. 93. Katie Moeschen, plaintiff in error, *v.* The Tenement House Department of the City of New York. Argument commenced by Mr. Adolph Bloch for the plaintiff in error. Continued by Mr. Theodore Connoly for the defendant in error, and concluded by Mr. Adolph Bloch for the plaintiff in error.

No. 94. Chattanooga Foundry and Pipe Works et al., plaintiffs in error, *v.* City of Atlanta. Argument commenced by Mr. Frank Spurlock for the plaintiffs in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 12, will be as follows: Nos. 94, 197 (and 321), 96, 97, 103, 446 to 450, inclusive, 60, 105, 108 and 109.

SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 12, 1906.

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 B. Shattuck of Chicago, Ill., Everett M. Hawley of Topeka, Kans., Henry W. Herbert of New York City, W. Benton Crisp of New York City, Albert G. Davis of Schenectady, N. Y., Langdon Parker Marvin of New York City, and Elmer E. Whitted of Denver, Colo., were admitted to practice.

No. 67. Alfred H. Burt et al., plaintiffs in error, *v.* William W. Smith. In error to the court of appeals of the State of New York. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Holmes.

No. 167. The United States, petitioner, *v.* George Riggs & Co. On writ of certiorari to the United States circuit court of appeals for the second circuit. Decree reversed, and cause remanded to the circuit court of the United States for the southern district of New York with directions to affirm the decision of the Board of General Appraisers. Opinion by Mr. Justice Holmes.

No. 28. Charles M. Taylor, appellant *v.* Thomas Burns et al. Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 48. William H. Andrews, plaintiff in error, *v.* Eastern Oregon Land Company. In error to the supreme court of the State of Oregon. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

The Chief Justice announced the following orders of the court:

No. 3, Original. The State of Kansas, complainant, *v.* The State of Colorado et al. Case set for hearing Monday, December 17 next, at the head of the call for that day.

No. 123. A. B. Ballard et al., plaintiffs in error, *v.* Charles W. Hunter et al. Motion for writ of certiorari granted without prejudice, the alleged record presented with the application to stand as a return to the writ.

No. 93. Katie Moeschen, plaintiff in error, *v.* The Tenement House Department of the City of New York. In error to the supreme court of the State of New York. Judgment affirmed with costs. *Boston Beer Company v. Massachusetts*, 97 U. S., 25, 32; *Powell v. Pennsylvania*, 127 U. S., 678; *United States v. Des Moines, etc., Company*, 142 U. S., 510, 544; *Holden v. Hardy*, 169 U. S., 366; *Atkin v. Kansas*, 191 U. S., 207; *Jacobson v. Massachusetts*, 197 U. S., 11; *Gardner v. Michigan*, 199 U. S., 325; case below, 89 App. Div., 526; 179 N. Y., 325. And see *Health Department v. Rector, etc.*, 145 N. Y., 32; *Harrington v. Board of Aldermen*, 20 R. I., 233; *Commonwealth v. Roberts*, 155 Mass., 281.

The Chief Justice also announced that the court would take a recess from Monday, November 19, to Monday, December 3.

No. 11, Original. The State of Kansas, complainant, *v.* The United States et al. Motion to dismiss submitted by Mr. Solicitor-General Hoyt in support of motion, and by Mr. C. C. Coleman, Mr. Joseph H. Choate, Mr. James Hagerman, Mr. A. H. Joline, Mr. A. B. Browne, Mr. John Madden and Mr. Joseph M. Bryson in opposition thereto.

No. 12, Original. The United States of America, complainant, *v.* John F. Shipp et al. Assigned for hearing on preliminary questions of law without prejudice, on Monday, December 3, after Nos. 369, etc., on motion of Mr. Solicitor-General Hoyt for the complainant.

No. 490. Mercantile Trust Company et al., petitioners, *v.* Samuel P. Wheeler, receiver, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Philip Barton Warren and Mr. Bluford Wilson for the petitioners.

No. 491. George W. Crichfield, petitioner, *v.* Juan P. Julia. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. A. J. Rose and Mr. L. Laffin Kellogg for the petitioner, and by Mr. Henry W. Herbert and Mr. W. Benton Crisp for the respondent.

No. 170. Mason City and Fort Dodge Railroad Company *v.* C. D. Boynton. Motion for a writ of certiorari to bring up the whole record and cause submitted by Mr. Ben Carter in behalf of counsel.

No. 483. The Chesapeake and Ohio Steamship Company, Limited, petitioner, *v.* Edward Morris. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. J. Parker Kirlin for the petitioner, and by Mr. William S. Opdyke for the respondent.

No. 72. Tomas Garrozi et al., appellants, *v.* Juana Dastas. Leave granted to file certificate, on motion of Mr. Frederic D. McKenney for the appellee.

No. 118. Merchants' Heat and Light Company, plaintiff in error, *v.* James B. Clough & Sons. Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Frederic D. McKenney in behalf of counsel.

No. 466. William Sobey, petitioner, *v.* Wilford H. Halsclaw. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. Melville Church, Mr. James H. Peirce and Mr. George P. Fisher, jr., for the petitioner, and by Mr. Edgar M. Kitchen and Mr. Edward T. Fenwick for the respondent. Leave to file brief herein as *amicus curiæ* granted, on motion of Mr. Albert G. Davis in that behalf.

No. 310. The People of the State of New York *ex rel.* Albert J. Hatch, plaintiff in error, *v.* Eduard Reardon, peace officer, etc. Motion to advance submitted by Mr. Langdon Parker Marvin in behalf of counsel for plaintiff in error.

No. 402. The Montana Mining Company, Limited, plaintiff in error, *v.* The St. Louis Mining and Milling Company of Montana. Suggestion of diminution of record and motion for writ of certiorari submitted by Mr. A. B. Browne for the plaintiff in error.

No. 94. Chattanooga Foundry and Pipe Works et al., plaintiffs in error, *v.* City of Atlanta. Argument continued by Mr. Frank Spurlock for the plaintiffs in error, by Mr. George Westmoreland and Mr. C. P. Goree for the defendant in error, and concluded by Mr. Frank Spurlock for the plaintiffs in error.

No. 197. The Cleveland Electric Railway Company, appellant, *v.* The City of Cleveland et al.; and

No. 321. The City of Cleveland et al., appellants, *v.* The Cleveland Electric Railway Company. Advanced for hearing on the merits, with the return to rule herein. Argument commenced by Mr. William B. Sanders for the Cleveland Electric Railway Company, and continued by Mr. D. C. Westenhovver for the Forest City Railway Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 13, will be as follows: Nos. 197 (and 321), 96, 97, 103, 446 to 450, inclusive, 60, 105, 108, 109 and 110.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 13, 1906.

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. 197. The Cleveland Electric Railway Company, appellant, *v.* The City of Cleveland et al.; and

No. 321. The City of Cleveland et al., appellants, *v.* The Cleveland Electric Railway Company. Argument continued by Mr. D. C. Westenhaver for the Forest City Railway Company, and by Mr. Newton D. Baker for the City of Cleveland, and concluded by Mr. John W. Warrington for the Cleveland Electric Railway Company.

No. 96. Gila Valley, Globe and Northern Railway Company, plaintiff in error, *v.* A. J. Lyon. Submitted by Mr. Frank W. Burnett for the plaintiff in error, and by Mr. Waters Davis for the defendant in error.

No. 97. Alabama and Vicksburg Railway Company et al., plaintiffs in error, *v.* The Railroad Commission of the State of Mississippi. Argument commenced by Mr. Harry H. Hall for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 14, will be as follows: Nos. 97, 103, 446 to 450, inclusive, 60, 105, 108, 109, 110, 111 and 113.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 14, 1906.

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 W. Craine of Canton, Ohio, Henry M. Huggins of Hillsboro, Ohio, and Edmund Wilson of Red Bank, N. J., were admitted to practice.

No. 466. William Sobey, petitioner, *v.* Wilford H. Holsclaw. Leave granted to file reply brief for respondent, on motion of Mr. E. M. Kitchen for respondent.

No. 97. Alabama and Vicksburg Railway Company et al., plaintiffs in error, *v.* The Railroad Commission of the State of Mississippi. Argument continued by Mr. Hannis Taylor and Mr. C. H. Alexander for the defendant in error, and concluded by Mr. Harry H. Hall for the plaintiffs in error.

No. 103. The Board of Education of the Kentucky Annual Conference of the Methodist Episcopal Church, plaintiff in error, *v.* The People of the State of Illinois. Argument commenced by Mr. Charles H. Aldrich for the plaintiff in error, continued by Mr. Edward M. Ashcraft for the defendants in error, and concluded by Mr. Charles H. Aldrich for the plaintiff in error.

No. 446. Corwin D. Bachtel, plaintiff in error, *v.* R. Frank Wilson, sheriff, etc.;

No. 447. Corwin D. Bachtel, plaintiff in error, *v.* R. Frank Wilson, sheriff, etc.;

No. 448. Harvey H. Miller, plaintiff in error, *v.* R. Frank Wilson, sheriff, etc.;

No. 449. William L. Davis, plaintiff in error, *v.* R. Frank Wilson, sheriff, etc.; and

No. 450. Charles H. Van Horn, plaintiff in error, *v.* R. Frank Wilson, sheriff, etc. Argument commenced by Mr. William A. Lynch for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 15, will be as follows: Nos. 446 to 450, inclusive, 60, 105, 108, 109, 110, 111, 113, 114 and 115.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 15, 1906.

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. 446. Corwin D. Bachtel, plaintiff in error, *v.* R. Frank Wilson, sheriff, etc.;

No. 447. Corwin D. Bachtel, plaintiff in error, *v.* R. Frank Wilson, sheriff, etc.;

No. 448. Harvey H. Miller, plaintiff in error, *v.* R. Frank Wilson, sheriff, etc.;

No. 449. William L. Davis, plaintiff in error, *v.* R. Frank Wilson, sheriff, etc.; and

No. 450. Charles H. Van Horn, plaintiff in error, *v.* R. Frank Wilson, sheriff, etc. Argument continued by Mr. William A. Lynch for the plaintiffs in error, by Mr. Charles C. Upham and Mr. John W. Craine for the defendant in error, and concluded by Mr. William A. Lynch for the plaintiffs in error.

No. 60. Granville Stuart, plaintiff in error, *v.* Samuel T. Hauser et al. Argued by Mr. George B. Colby for the plaintiff in error, and by Mr. S. M. Stockslager for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 16, will be as follows: Nos. 105, 108, 109, 110, 111, 113, 114, 115, 116 and 119.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 16, 1906.

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 S. Watson of New York City, Harry Allen Mendelson of New York City, Julius Hochfelder of New York City and Clayton B. Smith of New London, Conn., were admitted to practice.

No. 105. Ernest Gatewood, plaintiff in error, *v.* The State of North Carolina. Leave granted to Mr. Walter Clark, jr., to appear pro hac vice, on motion of Mr. R. W. Winston for the plaintiff in error. Argument commenced by Mr. R. W. Winston for the plaintiff in error, continued by Mr. Walter Clark, jr. (by special leave), for the defendant in error, and concluded by Mr. R. W. Winston for the plaintiff in error.

No. 108. Ohio Valley National Bank, plaintiff in error, *v.* John Hulitt, receiver, etc. Argued by Mr. Robert Ramsey for the plaintiff in error, and by Mr. Henry M. Huggins for the defendant in error.

No. 109. The James McCreary Realty Corporation, plaintiff in error, *v.* The Equitable National Bank. Submitted by Mr. Eugene G. Kremer for the plaintiff in error, and by Mr. Charles A. Hess for the defendant in error.

No. 110. David Lamar, plaintiff in error, *v.* Albert G. Spalding. Argued by Mr. Edmund Wilson for the defendant in error, and submitted by Harry Allen Mendelson for the plaintiff in error.

No. 113. Stephen R. Wightman, plaintiff in error, *v.* The State of Connecticut. Passed temporarily.

No. 114. Annie Camp Field et al., plaintiffs in error, *v.* Barber Asphalt Paving Company. Argued by Mr. Richard H. Field for the plaintiffs in error, and submitted by Mr. W. C. Scarritt for the defendant in error.

No. 111. Carl S. Reynolds, plaintiff in error, *v.* The State of Connecticut. Argued by Mr. Clayton B. Smith for the plaintiff in error, and submitted by Mr. H. A. Hull for the defendant in error.

No. 115. Arthur E. Appleyard, appellant, *v.* The Commonwealth of Massachusetts. Submitted by Mr. B. S. Minor for the appellant, and by Mr. Dana Malone for the appellee.

Adjourned until Monday next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 19, 1906.

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. 42. Charles W. Clark, plaintiff in error, *v.* P. O. Wells. In error to the circuit court of the United States for the district of Montana. Judgment modified, and affirmed with costs. Opinion by Mr. Justice Day.

No. 89. The National Council Junior Order United American Mechanics of North America et al., plaintiffs in error, *v.* The State Council of Virginia Junior Order United American Mechanics of the State of Virginia. In error to the supreme court of appeals of the State of Virginia. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 53. James Goudy, plaintiff in error, *v.* Edward Meath, assessor, etc. In error to the supreme court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 54. Martin Conboy, trustee, etc., appellant, *v.* First National Bank of Jersey City. Appeal from the United States circuit court of appeals for the second 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. 170. Mason City and Fort Dodge Railroad Company *v.* C. D. Boynton. Motion for a writ of certiorari to bring up whole record and cause denied.

No. 310. The People of the State of New York *ex rel.* Albert J. Hatch, plaintiff in error, *v.* Edward Reardon, peace officer, etc. Motion to advance granted, and cause assigned for argument on Monday, December 10, after the case already assigned for that day.

No. 402. The Montana Mining Company, Limited, plaintiff in error, *v.* The St. Louis Mining and Milling Company of Montana. Motion for writ of certiorari granted without prejudice, the record accompanying the application to stand as a return to the writ.

No. 483. The Chesapeake and Ohio Steamship Company, Limited, petitioner, *v.* Edward Morris. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 490. Mercantile Trust Company et al., petitioners, *v.* Samuel P. Wheeler, receiver, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 491. George W. Crichfield, petitioner, *v.* Juan P. Julia. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 109. The James McCreery Realty Corporation, plaintiff in error, *v.* The Equitable National Bank. In error to the city court of the city of New York. Judgment affirmed with costs. *Dower v. Richards*, 151 U. S., 658; *McCormick v. Market National Bank*, 165 U. S., 538; *California National Bank v. Kennedy*, 167 U. S., 367.

No. 110. David Lamar, plaintiff in error, *v.* Albert G. Spalding. In error to the court of errors and appeals of the State of New Jersey. Judgment affirmed with costs. *Louisville and Nashville Railroad Company v. Schmidt*, 177 U. S., 230. Case below, 68 N. J. Eq., 686.

No. 111. Carl S. Reynolds, plaintiff in error, *v.* The State of Connecticut. In error to the supreme court of errors of the State of Connecticut. Dismissed for the want of jurisdiction. *Schlosser v. Hemphill*, 198 U. S., 173; *California Consolidated Mining Company v. Manley*, decided October 22, and cases cited.

No. 4, Original. The United States, complainant, *v.* The State of Michigan. Dismissed, on motion of Mr. Solicitor-General Hoyt for the complainant.

No. 300. The United States ex rel. Rebecca J. Taylor, plaintiff in error, *v.* William H. Taft, Secretary of War. Motion to dismiss submitted by Mr. Solicitor-General Hoyt in support of motion, and by Mr. Noble E. Dawson in opposition thereto.

No. 352. The Interstate Commerce Commission, appellant, *v.* The Chicago Great Western Railway Company et al. Motion to advance submitted by Mr. Solicitor-General Hoyt for the appellant.

No. 481. Addison Johnson, agent, etc., appellant, *v.* Charles C. Browne. Motion to advance submitted by Mr. Solicitor-General Hoyt for the appellant. Opposition to said motion submitted by Mr. A. A. Hoehling, jr., in behalf of counsel for appellee.

No. 459. Michigan Steamship Company, petitioner, *v.* Hugh McGill et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. A. B. Browne, Mr. J. Parker Kirlin and Mr. C. R. Hickox for the petitioner, and by Mr. William Denman for the respondent.

No. 433. Henry Arnold Richardson, as trustee, etc., petitioner, *v.* John M. Shaw et al. Motion to advance submitted by Mr. Duane E. Fox in behalf of counsel for the petitioner.

No. 486. The Ohio Transportation Company et al., petitioners, *v.* Davidson Steamship Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Frank S. Bright in behalf of Mr. Harvey D. Goulder, Mr. S. H. Holding and Mr. F. S. Marten for the petitioners, and by Mr. C. E. Kremer and Mr. F. H. Canfield for the respondent.

No. 380. The Central of Georgia Railway Company, plaintiff in error, *v.* William A. Wright, comptroller-general, et c., et al.; and

No. 384. The Georgia Railroad and Banking Company, plaintiff in error, *v.* William A. Wright, comptroller-general, et al. Motion to advance submitted by Mr. John C. Hart for the defendants in error.

Adjourned until Monday, December 3, at 12 o'clock.

The day call for Monday, December 3, will be as follows: Nos. 259, 369 to 379 inclusive, 12 (original), 431, 116, 119, 120, 121, 122, and 123.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 3, 1906.

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. von Kolnitz of Charleston, S. C., Harry S. Knight of Sunbury, Pa., H. H. Trowbridge of Los Angeles, Cal., James C. Bradford of Nashville, Tenn., George L. Peschau of Wilmington, N. C., and John N. Van Deman of Dayton, Ohio, were admitted to practice.

No. 21. The New York Foundling Hospital, appellant, *v.* John C. Gatti. Appeal from the supreme court of the Territory of Arizona. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Day. (Mr. Justice Brewer took no part in the consideration and decision of this case.)

No. 58. Henry A. Crane, plaintiff in error, *v.* Cornelius F. Buckley 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 Day.

No. 69. The United States, appellant, *v.* Theodore Dalcour et al., heirs of John Forbes, deceased, et al. Appeal from the district court of the United States for the southern district of Florida. Decree reversed, and cause remanded with directions to dismiss the petition. Opinion by Mr. Justice Holmes.

No. 90. Frank W. Guy et al. *v.* John A. Donald. On a certificate from the United States circuit court of appeals for the fourth circuit. Second and third questions answered in the negative. Opinion by Mr. Justice Holmes.

No. 94. Chattanooga Foundry and Pipe Works et al., plaintiffs in error, *v.* City of Atlanta. In error to the United States circuit court of appeals for the sixth circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the eastern district of Tennessee. Opinion by Mr. Justice Holmes. Dissenting: Mr. Chief Justice Fuller and Mr. Justice Peckham.

No. 27. The City of Monterey, plaintiff in error, *v. David Jacks*. In error to the supreme court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 31. 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. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the district of Massachusetts. Opinion by Mr. Justice McKenna.

No. 51. Ann E. J. Cruet, appellant, *v. Kate Dean Owen et al.* Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice McKenna.

No. 59. Charles K. Affield, plaintiff in error, *v. The New York, New Haven and Hartford Railroad Company*. In error to the supreme court of errors of the State of Connecticut. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 84. The Fair Haven and Westville Railroad Company, plaintiff in error, *v. The City of New Haven*. In error to the supreme court of errors of the State of Connecticut. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 33. National Live Stock Bank of Chicago, Illinois, plaintiff in error, *v. First National Bank of Geneseo, Illinois*. In error to the supreme court of the Territory of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Justice Peckham.

No. 50. The Mercantile Trust and Deposit Company of Baltimore, appellant, *v. The City of Columbus et al.* Appeal from the circuit court of the United States for the northern district of Georgia. Decree reversed with costs, and cause remanded with directions to take proceedings therein according to law. Opinion by Mr. Justice Peckham.

No. 55. The Security Trust and Safety Vault Company of Lexington, Ky., trustee, etc., plaintiff in error, *v. The City of Lexington, Ky., et al.* In error to the court of appeals of the State of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice Peckham.

No. 64. The Mississippi Railroad Commission et al., appellants, *v. The Illinois Central Railroad 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 southern district of Mississippi. Opinion by Mr. Justice Peckham.

No. 99. E. L. Allen et al., plaintiffs in error, *v. Francis J. Riley*. In error to the supreme court of the State of Kansas. Judgment affirmed with costs. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice White and Mr. Justice Day.

No. 102. John Woods & Sons, plaintiffs in error, *v.* Frank Carl. In error to the supreme court of the State of Arkansas. Judgment affirmed with costs. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Day.

No. 66. Reuben L. Martin, plaintiff in error, *v.* The Pittsburg and Lake Erie Railroad Company. In error to the supreme court of the State of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 30. C. H. Nichols Lumber Company, plaintiff in error, *v.* Charles Franson. In error to the circuit court of the United States for the western district of Washington. Judgment affirmed with costs and interest. Opinion by Mr. Justice White.

No. 32. Paul Heymann, plaintiff in error, *v.* Southern Railway Company. In error to the supreme court of the State of Georgia. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice White.

No. 9. The Atlantic Coast Line Railroad Company, plaintiff in error, *v.* The State of Florida upon the relation of W. H. Ellis as attorney-general of said State, et al. In error to the supreme court of the State of Florida. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

Nos. 10 and 11. Seaboard Air Line Railway, plaintiff in error, *v.* The State of Florida upon the relation of W. H. Ellis as attorney-general of said State, et al. In error to the supreme court of the State of Florida. Judgments affirmed with costs. Opinion by Mr. Justice Brewer.

No. 249. George A. Pettibone, appellant, *v.* Jasper C. Nichols. Appeal from the circuit court of the United States for the district of Idaho. Final order affirmed with costs. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice McKenna.

No. 250. Charles H. Moyer, appellant, *v.* Jasper C. Nichols; and

No. 251. William D. Haywood, appellant, *v.* Jasper C. Nichols. Appeals from the circuit court of the United States for the district of Idaho. Final orders affirmed with costs. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice McKenna.

No. 265. George A. Pettibone, plaintiff in error, *v.* E. L. Whitney;

No. 266. Charles H. Moyer, plaintiff in error, *v.* E. L. Whitney; and

No. 267. William D. Haywood, plaintiff in error, *v.* E. L. Whitney. In error to the supreme court of the State of Idaho. Judgments affirmed with costs. Announced by Mr. Justice Harlan. Dissenting: Mr. Justice McKenna.

No. 115. Arthur E. Appleyard, appellant, *v.* The Commonwealth of Massachusetts. Appeal from the circuit court of the United States for the district of Massachusetts. Final order affirmed with costs. Opinion by Mr. Justice Harlan.

No. 34. The Northwestern National Life Insurance Company, plaintiff in error, *v.* Paul Riggs et al., executors, etc. In error to the circuit court of the United States for the western district of Missouri. Judgment affirmed with costs and interest. Opinion by Mr. Justice Harlan.

No. 8. Ann Francis, plaintiff in error, *v.* Peter J. Francis et al. In error to the supreme court of the State of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice Harlan. (Mr. Justice White did not participate in the decision of this case.)

No. 98. The St. Marys Franco-American Petroleum Company, plaintiff in error, *v.* The State of West Virginia. In error to the supreme court of appeals of the State of West Virginia. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 214. Fred C. Fisher and Charles C. Cohn, on behalf of Felix Barcelon, plaintiffs in error, *v.* Col. David J. Baker et al. In error to the supreme court of the Philippine Islands. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

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

No. 60. Granville Stuart, plaintiff in error, *v.* Samuel T. Hauser et al. In error to the supreme court of the State of Idaho. Dismissed for the want of jurisdiction. *Swafford v. Templeton*, 185 U. S., 487; *Butler v. Gage*, 138 U. S., 52; *Home for Incurables v. City of New York*, 187 U. S., 155; *Erie Railroad Company v. Purdy*, 185 U. S., 148; *Ansbro v. United States*, 159 U. S., 695; *Cornell v. Green*, 163 U. S., 75; *Bausman v. Dixon*, 73 U. S., 113; *Gableman v. Peoria, etc., Railway Company*, 179 U. S., 335; *City of New Orleans v. New Orleans Water Company*, 142 U. S., 79; *Beals v. Cone*, 188 U. S., 184; *Speed v. McCarthy*, 181 U. S., 269. Case below, 9 Idaho, 53.

No. 114. Annie Camp Field et al., plaintiffs in error, *v.* Barber Asphalt Paving Company. In error to the supreme court of the State of Missouri. Judgment affirmed with costs. *Field v. Barber Asphalt Paving Company*, 194 U. S., 618; *Backus v. Fort Street Union Depot Company*, 169 U. S., 557. Case below, *Barber Asphalt Paving Company v. Field*, 188 Mo., 182.

No. 352. The Interstate Commerce Commission, appellant, *v.* The Chicago Great Western Railway Company et al. Motion to advance granted, and cause assigned for argument on Monday, March 4, after the case already set down for that day.

No. 380. The Central of Georgia Railway Company, plaintiff in error, *v.* William A. Wright, comptroller-general, et al.; and

No. 384. The Georgia Railroad and Banking Company, plaintiff in error, *v.* William A. Wright, comptroller-general, etc. Motion to advance granted, and cases assigned for hearing on the second Monday of the next term.

No. 433. Henry Arnold Richardson, as trustee, petitioner, *v.* John M. Shaw et al. Motion to advance denied.

No. 481. Addison Johnson, agent, etc., appellant, *v.* Charles C. Brown. Motion to advance granted, and cause assigned for argument on Monday, March 4, after the cases already set down for that day.

No. 459. Michigan Steamship Company, petitioner, *v.* Hugh McGill et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 486. The Ohio Transportation Company et al., petitioners, *v.* Davidson Steamship Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 82. Home Savings Bank, plaintiff in error, *v.* The City of Des Moines et al.;

No. 83. Peoples Savings Bank, plaintiff in error, *v.* The City of Des Moines et al.; and

No. 92. Des Moines Savings Bank, plaintiff in error, *v.* The City of Des Moines et al. Restored to the docket for reargument.

Nos. 502 and 503. William McCoach, collector, etc., petitioner, *v.* The Philadelphia Trust Safe Deposit and Insurance Company et al., executors, etc.; and

No. 504. William McCoach, collector, etc., petitioner, *v.* George W. Norris et al., executors, etc. Petition for writs of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Solicitor-General Hoyt and Mr. Assistant Attorney-General McReynolds for the petitioner, and by Mr. H. Gordon McCouch for the respondents.

No. 505. The United States, petitioner, *v.* The Marion 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. Solicitor-General Hoyt and Mr. Assistant Attorney-General McReynolds for the petitioner.

No. 294. Marcus K. Bitterman et al., petitioners, *v.* Louisville and Nashville Railroad Company. Motion to advance submitted by Mr. Louis Marshall for the petitioners.

No. 473. The First National Bank of Vandalia, Illinois, et al., petitioners, *v.* Edward Flickinger. Petition for a writ of certiorari to the United

States circuit court of appeals for the sixth circuit submitted by Mr. John N. Van Deman for the petitioners, and by Mr. T. E. Powell for the respondent.

No. 553 of October term, 1905. Robert Sawyer et al., plaintiffs in error, *v. The United States*. Motion for leave to lower court to entertain motion for new trial, etc., submitted by Mr. Corcoran Thom for the plaintiffs in error, with leave to counsel for the United States to file suggestions within two days.

No. 109. The James McCreery Realty Corporation, plaintiff in error, *v. The Equitable National Bank*. Motion for mandate submitted by Mr. Frederic D. McKenney in behalf of counsel for defendant in error.

No. 467. The American Railroad Company of Porto Rico, plaintiff in error, *v. Felicia Cardona de Castro et al.* Advanced and assigned for hearing with No. 151, as one case, on motion of Mr. Frederic D. McKenney for the plaintiff in error.

No. 498. Edward B. Leigh, petitioner, *v. Kewanee Manufacturing 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. John P. Ahrens and Mr. David S. Geer for the petitioner, and by Mr. Joseph H. Defrees and Mr. William Brace for the respondent.

No. 402. The Montana Mining Company, Limited, plaintiff in error and petitioner, *v. The St. Louis Mining and Milling Company of Montana*. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. A. B. Browne, Mr. Charles J. Hughes, jr., Mr. W. E. Cullen and Mr. Alexander Britton for the petitioner.

No. 197. The Cleveland Electric Railway Company, appellant, *v. The City of Cleveland et al.* Leave granted to file supplemental brief for appellant on motion of Mr. John W. Warrington for plaintiff in error.

No. 97. Alabama and Vicksburg Railway Company et al., plaintiffs in error, *v. The Railroad Commission of the State of Mississippi*. Leave granted to file supplemental brief for the plaintiffs in error, on motion of Mr. J. Altheus Johnson in behalf of counsel for the plaintiffs in error.

No. 489. De Wane B. Smith, petitioner, *v. Dexter G. Look et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Milton E. Robinson for the petitioner, and by Mr. Fred L. Chappell for the respondents.

No. 113. Stephen R. Wightman, plaintiff in error, *v. The State of Connecticut*. In error to the supreme court of errors of the State of Connecticut. Dismissed with costs, per stipulation.

No. 205. The Chicago, Rock Island and Pacific Railway Company, plaintiff in error, *v.* D. Roy Mumford. In error to the supreme court of the State of Iowa. Dismissed with costs, on authority of counsel for the plaintiff in error.

Nos. 369 to 379. James G. Tinsley et al., appellants, *v.* Morgan Treat, United States marshal, etc., et al. Argument commenced by Mr. John J. Vertrees for the appellants, and continued by Mr. Assistant Attorney-General McReynolds for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 4, will be as follows: Nos. 369 to 379, 259, 12 (original), 431, 116, 119, 120, 121, 122, and 123.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 4, 1906.

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.

Robert B. Cooke of Chattanooga, Tenn.; Walter F. Welch of New York City, Frank H. Deal of Troy, N. Y., Benjamin Wolf of Chicago, Ill., and G. W. Hendricks of Little Rock, Ark., were admitted to practice.

No. 493. Frederick Seymour Barrington, plaintiff in error, *v.* The State of Missouri. Motion for leave to proceed in forma pauperis submitted by Mr. William G. Johnson for the plaintiff in error.

Nos. 369 to 379. James G. Tinsley et al., appellants, *v.* Morgan Treat, United States marshal, etc., et al. Argument continued by Mr. Assistant Attorney-General McReynolds for the appellees, and concluded by Mr. John S. Miller for the appellants.

No. 259. The United States, petitioner, *v.* G. Falk & Brother. Argument commenced by Mr. Assistant Attorney-General McReynolds for the petitioner, continued by Mr. John G. Carlisle for the respondents, and concluded by Mr. Solicitor-General Hoyt for the petitioner.

No. 12, Original. The United States of America, complainant, *v.* John F. Shipp et al. Argument commenced by Mr. Solicitor-General Hoyt for the complainant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 5, will be as follows: Nos. 12 (original), 431, 116, 119, 120, 121, 122, 123, 124 and 130.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 5, 1906.

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

H. H. Grace of Superior, Wis., Coryate S. Wilson of Duluth, Minn., and Francis Raymond Stark of New York City, were admitted to practice.

No. 375. George Braden, appellant, *v.* Morgan Treat, United States marshal, etc., et al. Leave granted to file a supplemental brief for the appellant, on motion of Mr. James P. Helm for the appellant.

No. 12, Original. The United States of America, complainant, *v.* John F. Shipp et al. Argument continued by Mr. Solicitor-General Hoyt for the complainant, by Mr. Judson Harmon, Mr. Lewis Shepherd, Mr. G. W. Chamlee and Robert B. Cooke for the defendants, and concluded by Mr. Solicitor-General Hoyt for the complainant. Leave granted to counsel on both sides to file additional briefs within three days.

No. 431. The Union Bridge Company, plaintiff in error, *v.* The United States. Argument commenced by Mr. D. T. Watson for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 6, will be as follows: Nos. 431, 116, 119, 120, 121, 122, 123, 124, 130 and 131.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 6, 1906.

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.

Oscar W. Kuhn of Cincinnati, Ohio, and Thomas Edward Boyd of Buffalo, N. Y., were admitted to practice.

No. 431. The Union Bridge Company, plaintiff in error, *v.* The United States. Argument continued by Mr. Assistant to the Attorney-General Purdy for the defendant in error, and concluded by Mr. Johns McCleave for the plaintiff in error.

No. 116. J. B. Orcutt Company et al., petitioners, *v.* Charles H. Green et al. Argument commenced by Mr. Reginald S. Huidekoper for the petitioners, continued by Mr. H. D. Bailey for the respondents, and concluded by Mr. Charles Cowles Tucker for the petitioners.

No. 119. The Western Union Telegraph Company, plaintiff in error, *v.* Charles E. Hughes. Argued by Mr. Rush Taggart for the plaintiff in error. No counsel appeared for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 7, will be as follows: Nos. 120, 121, 122, 123, 124, 130, 131, 132, 133 and 134.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 7, 1906.

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 H. Dickson of Denver, Colo., Charles S. Burton of Chicago, Ill., and Benjamin Phillips of Boston, Mass., were admitted to practice.

No. 120. Charles Zartarian, appellant, *v.* George B. Billings, United States Commissioner of Immigration, etc. Submitted by Mr. Daniel B. Ruggles for the appellant, and by Mr. Assistant Attorney-General Cooley for the appellee.

No. 121. Northern Lumber Company, appellant, *v.* William O'Brien et al. Argued by Mr. C. W. Bunn for the appellant, and submitted by Mr. J. N. Searles for the appellees.

No. 123. A. B. Ballard et al., plaintiffs in error, *v.* Charles W. Hunter et al. Argued by Mr. William M. Randolph for the plaintiffs in error, and submitted by Mr. L. P. Berry for the defendants in error.

No. 122. Johnston Armstrong, ancillary receiver, etc., appellant, *v.* James A. Ashley et al. Argument commenced by Mr. George H. Lamar for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 10, will be as follows: Nos. 122, 402, 310, 124, 130, 131, 132, 133, 134 and 135.

SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 10, 1906.

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.

James G. Graham of Newburg, N. Y., William Blair of New York City, E. Crosby Kindleberger of New York City, Nathan Burkan of New York City, W. N. Redwine of South McAlester, Ind. T., Fred H. Barclay of Washington, D. C., William Gordon Mathews of Charleston, W. Va., Charles Curry of Staunton, Va., and C. S. W. Barnes of Staunton, Va., were admitted to practice.

No. 49. The State of New Jersey, appellant, *v.* William F. Anderson, trustee, etc. Appeal from the United States circuit court of appeals for the seventh circuit. Decree reversed with costs, and cause remanded to the district court of the United States for the northern district of Illinois for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Day. Dissenting: Mr. Justice Harlan, Mr. Chief Justice Fuller and Mr. Justice Peckham.

No. 56. The United States *ex rel.* George A. Lowry and Planters Compress Company, plaintiffs in error, *v.* Frederick I. Allen, Commissioner of Patents. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Peckham and Mr. Justice Day.

No. 96. Gila Valley Globe and Northern Railway Company, plaintiff in error, *v.* A. J. Lyon. In error to the supreme court of the Territory of Arizona. Judgment affirmed with costs and interest. Opinion by Mr. Justice Peckham.

No. 300. The United States *ex rel.* Rebecca J. Taylor, plaintiff in error, *v.* William H. Taft, Secretary of War. 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. 9, Original. *Ex parte:* In the matter of Abram C. Wisner, petitioner. Petition for writ of mandamus granted. Opinion by Mr. Chief Justice Fuller.

No. 10, Original. *Ex parte:* In the matter of Abram C. Wisner, petitioner. Petition for writ of prohibition dismissed. Opinion by Mr. Chief Justice Fuller.

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

No. 109. The James McCreery Realty Corporation, plaintiff in error, *v.* The Equitable National Bank. Motion for mandate granted.

No. 294. Marcus K. Bitterman et al., petitioners, *v.* Louisville and Nashville Railroad Company. Motion to advance denied.

No. 493. Frederick Seymour Barrington, plaintiff in error, *v.* The State of Missouri. Motion for leave to proceed in forma pauperis granted, but only such parts of the record as are material and necessary for the consideration of the case will be printed, and these must be promptly designated by counsel.

No. 553 of October term, 1905. Robert Sawyer et al., plaintiffs in error, *v.* The United States. Motion for leave to apply to the circuit court to hear and determine a motion for a new trial, notwithstanding the judgment of last term in this court, granted.

Nos. 502 and 503. William McCoach, collector, etc., petitioner, *v.* The Philadelphia Trust Safe Deposit and Insurance Company, executors, etc., et al.; and

No. 504. William McCoach, collector, etc., petitioner, *v.* George W. Norris et al., executors, etc. Petitions for writs of certiorari to the United States circuit court of appeals for the third circuit granted.

No. 505. The United States, petitioners, *v.* The Marion Trust Company, trustee, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit granted.

No. 466. William Sabey, petitioner, *v.* Wilford H. Halsclaw. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 473. The First National Bank of Vandalia, Ill., et al., petitioners, *v.* Edward Flickinger. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 489. De Wane B. Smith, petitioner, *v.* Dexter G. Look et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 498. Edward B. Leigh, petitioner, *v.* Kewanee Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 506. The United States, petitioner, *v.* R. Hoe & Co. 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. W. Wickham Smith for the petitioner, and by Mr. Albert H. Washburn for the respondents.

No. 507. The United States, petitioner, *v.* James C. Morgan. Petition for a writ of certiorari to the United States circuit court of appeals

for the eighth circuit submitted by Mr. Solicitor-General Hoyt for the petitioner.

No. 125. Daniel Red Bird et al., appellants, *v.* The United States;

No. 126. The Cherokee Nation, appellant, *v.* The United States;

No. 127. Francis B. Fite et al., appellants, *v.* The United States; and

No. 128. Persons Claiming Rights, etc., appellants, *v.* The United States. Motion to amend judgment submitted by Mr. J. J. Hemphill for the appellants in No. 125.

No. 386. Katharine Todd Stearns et al., appellants, *v.* James E. Todd et al. Motion to advance submitted by Mr. C. S. W. Barnes for the appellants.

No. 252. The State of Montana ex rel. Charles S. Haire, plaintiff in error, *v.* James H. Rice, State treasurer. Motion to advance submitted by Mr. M. S. Gunn for the plaintiff in error.

No. 31. International Trust Company, plaintiff in error, *v.* John W. Weeks, agent, etc. Mandate granted, on motion of Mr. Charles F. Wilson in behalf of counsel.

No. 239. Hiram T. Chapman, plaintiff in error, *v.* Florence Elliott Chapman. Motion to dismiss submitted by Mr. E. F. Calloday, Mr. W. F. Gurley and Mr. J. W. Woodrough in support of motions, and by Mr. William E. Gantt and Mr. Herbert L. Baker in opposition thereto.

No. 437. The County Court of Braxton County et al., plaintiffs in error, *v.* The State of West Virginia ex rel. C. W. Dillon, State tax commissioner, et al. Motions to dismiss or affirm submitted by Mr. William Gordon Mathews and Mr. W. Mollohan in support of motions, and by Mr. George E. Price in opposition thereto. Leave granted to file certified copy of opinion herein.

No. 135. Sam Lee et al., appellants, *v.* Herbert E. Ellis. Appeal from the supreme court of the Territory of Oklahoma. Dismissed with costs, pursuant to the tenth rule.

No. 122. Johnston Armstrong, ancillary receiver, etc., appellant, *v.* James A. Ashley et al. Argument continued by Mr. George H. Lamar for the appellant, by Mr. J. J. Darlington for the appellees, and concluded by Mr. Blair Lee for the appellant.

No. 402. The Montana Mining Company, Limited, plaintiff in error, *v.* The St. Louis Mining and Milling Company of Montana. Argument commenced by Mr. Charles J. Hughes, jr., for the plaintiff in error, and continued by Mr. Milton S. Gunn for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 11, will be as follows: Nos. 402, 310, 124, 130, 131, 132, 133, 134, 136 and 137.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 11, 1906.

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 H. Chorosh of New York City, Everett Dufour of Washington, D. C., Alan D. Kenyon of New York City, and Frank L. Crawford of New York City were admitted to practice.

Nos. 424 to 430. Samuel B. Raymond, county treasurer, etc., et al., appellants, *v.* Chicago Union Traction Company et al. Motions to advance submitted by Mr. Holmes Conrad in behalf of counsel.

No. 132. Charles S. Elder, plaintiff in error, *v.* The People of the State of Colorado, on the information of George Stedger, district attorney, etc., on the relation of Charles W. Badgley. Death of Charles W. Badgley suggested, and appearance of William J. Fine, his successor in office, as a party defendant in error herein, filed and entered, on motion of Mr. Henry J. Hersey for the defendants in error.

No. 402. The Montana Mining Company, Limited, plaintiff in error, *v.* The St. Louis Mining and Milling Company of Montana. Argument continued by Mr. Melton S. Gunn for the defendant in error, and concluded by Mr. Charles J. Hughes, jr., for the plaintiff in error. Leave granted to counsel for plaintiff in error to file reply brief on or before Friday.

No. 310. The People of the State of New York ex rel. Albert J. Hatch, plaintiff in error, *v.* Edward Reardon, peace officer, etc. One hour additional time allowed and three counsel to be heard for plaintiff in error, on motion of Mr. John G. Johnson for plaintiff in error. Argument commenced by Mr. John G. Milburn for the plaintiff in error, and continued by Mr. John F. Dillon for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 12, will be as follows: Nos. 310, 124, 130, 131, 132, 133, 134, 136, 137 and 138.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 12, 1906.

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.

Morris Zhupnik of Washington, D. C., Thomas D. Mott, jr., of San Juan, Porto Rico, and George W. Heselton of Gardiner, Me., were admitted to practice.

No. 130. Louisa Sauer et al., plaintiffs in error, *v.* The City of New York. Leave granted to file brief herein as *amicus curiæ*, on motion of Mr. Chandler P. Anderson in that behalf, with leave to counsel for the defendant in error to file reply thereto within three days.

No. 310. The People of the State of New York *ex rel.* Albert J. Hatch, plaintiff in error, *v.* Edward Reardon, peace officer, etc. Argument continued by Mr. Julius M. Mayer and Mr. E. Crosby Kindlberger for the defendant in error, and concluded by Mr. John G. Johnson for the plaintiff in error.

No. 124. Pearl H. Smith, appellant, *v.* Samuel G. Iverson, State auditor, etc. Argument commenced by Mr. H. H. Grace for the appellant, continued by Mr. C. S. Wilson for the appellee, and concluded by Mr. H. H. Grace for the appellant.

No. 130. Louisa Sauer et al., plaintiffs in error, *v.* The City of New York. Argument commenced by Mr. Abram I. Elkus for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 13, will be as follows: Nos. 130, 131, 132, 133, 134, 136, 137, 138, 139 and 140.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 13, 1906.

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.

Willis H. Tennant of Mayville, N. Y., James MacGregor Smith of New York City, and W. H. Armbrrecht of Mobile, Ala., were admitted to practice.

No. —, Original. *Ex parte*: In the matter of Frank D. Zell, petitioner. Motion for leave to file petition for writs of prohibition or mandamus submitted by Mr. Charles L. Frailey for the petitioner.

No. 336. Albert T. Patrick, plaintiff in error, *v.* The People of the State of New York. In error to the court of general sessions for the peace for the county of New York. Dismissed with costs and mandate granted, on motion of Mr. William Lindsay for the plaintiff in error.

No. 130. Louisa Sauer et al., plaintiffs in error, *v.* The City of New York. Argument continued by Mr. Abram I. Elkus for the plaintiffs in error, by Mr. Theodore Connoly for the defendant in error, and concluded by Mr. Abram I. Elkus for the plaintiffs in error.

No. 131. Robert D. Kinney, plaintiff in error, *v.* James T. Mitchell. Argued by Mr. Marlin E. Olmsted for the defendant in error, and submitted by Mr. Robert D. Kinney *pro se*.

No. 132. Charles S. Elder, plaintiff in error, *v.* The State of Colorado on the information of George Stidger, district attorney, etc. Argument commenced by Mr. Charles R. Brock for the plaintiff in error, and continued by Mr. Henry J. Hersey for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 14, will be as follows: Nos. 132, 133, 134, 136, 137, 138, 139, 140, 141 and 144.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 14, 1906.

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.

Edward E. Gates of Indianapolis, Ind., and Wilton H. Earle of Greenville, S. C., were admitted to practice.

No. 136. The United States et al., appellants, *v.* William B. Kirk. Passed temporarily, on motion of Mr. Solicitor-General Hoyt for the appellants.

No. 132. Charles S. Elder, plaintiff in error, *v.* The State of Colorado on the information of George Stidger, district attorney, etc. Argument continued by Mr. Henry J. Hersey for the defendants in error, and concluded by Mr. Robert H. Elder for the plaintiff in error.

No. 133. Conrad Wecker, plaintiff in error, *v.* The National Enameling and Stamping Company et al. Submitted by Mr. E. C. Kehr for the plaintiff in error, and by Mr. Robert A. Holland, jr., and Mr. Charles P. Wise for the defendants in error.

No. 134. Erie Railroad Company, petitioner, *v.* Erie and Western Transportation Company. Argument commenced by Mr. C. E. Kremer for the petitioner, continued by Mr. Harvey D. Goulder and Mr. F. S. Masten for the respondent, and concluded by Mr. C. E. Kremer for the petitioner.

No. 137. Jacob Newman et al., plaintiffs in error, *v.* Harry B. Gates. Argument commenced by Mr. Charles Martindale for the plaintiffs in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 17, will be as follows: Nos. 137, 3 (original), 143, 260, 138, 139, 140, 141, 144 and 145.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 17, 1906.

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

The Chief Justice said: "It gives me pleasure to announce to the gentlemen of the bar that William H. Moody of Massachusetts, appointed to a seat upon this bench, is present and prepared to take the oath of office. The clerk will read his commission, to be afterwards recorded, and administer the oath accordingly."

The commission was then read and the oath administered by the clerk, and Mr. Justice Moody took his seat on the bench.

Mr. Solicitor-General Hoyt presented to the court the Honorable Charles J. Bonaparte, as Attorney-General of the United States, and it was ordered that his commission be recorded.

Joséph H. Choate, jr., of New York City, Frederick B. Harlow of Worcester, Mass., J. A. Ekin Criswell of New York City, Jesse C. Adkins of Washington, D. C., W. I. Lewis of Coudersport, Pa., Patterson A. Reece of Cincinnati, Ohio, Fred. O. Blue of Philippi, W. Va., Perry Allen of New York City, William P. Sidley of Chicago, Ill., and C. W. Burdicks of Cheyenne, Wyo., were admitted to practice.

No. 13. Illinois Central Railroad Company, plaintiff in error *v.* J. U. McKendree. In error to the circuit court of Carlisle County, 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. (Mr. Justice McKenna concurs in the result.)

No. 12. Illinois Central Railroad Company, plaintiff in error *v.* T. G. Edwards. In error to the circuit court of Carlisle County, 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. (Mr. Justice McKenna concurs in the result.)

No. 47. N. L. Rearick, plaintiff in error, *v.* The Commonwealth of Pennsylvania. In error to the superior court of the Commonwealth of Pennsylvania. Judgment reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 63. Frederick L. Grant Shoe Company, appellant, *v.* W. M. Laird Company. Appeal from the district court of the United States for the western district of New York. Dismissed for the want of jurisdiction. Opinion by Mr. Justice White.

No. 119. The Western Union Telegraph Company, plaintiff in error, *v.* Charles E. Hughes. In error to the supreme court of appeals of the State of Virginia. Dismissed for the want of jurisdiction. Opinion by Mr. Justice White.

No. 97. Alabama and Vicksburg Railway Company et al., plaintiffs in error, *v.* The Railroad Commission of the State of Mississippi. In error to the supreme court of the State of Mississippi. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

The Chief Justice announced the following orders of the court:

No. 125. Daniel Red Bird et al., appellants, *v.* The United States;

No. 126. The Cherokee Nation, appellant, *v.* The United States;

No. 127. Francis B. Fite et al., appellants, *v.* The United States; and

No. 128. Persons Claiming Rights, etc., appellants, *v.* The United States. Motion to amend judgment denied.

No. 252. The State of Montana *ex rel.* Charles S. Haire, plaintiff in error, *v.* James H. Rice, State treasurer. Motion to advance granted, and cause assigned for argument on Monday, January 7, 1907.

No. 386. Katherine Todd Stearns et al., appellants, *v.* James E. Todd et al. Advanced under rule 32, to be taken on printed briefs.

No. 437. The County Court of Braxton County et al., plaintiffs in error, *v.* The State of West Virginia *ex rel.* C. W. Dillon, State tax commissioner, et al. Motions to dismiss or affirm postponed to the hearing of the cause on its merits.

Nos. 424 to 430. Samuel B. Raymond, county treasurer, etc., et al., appellants, *v.* Chicago Union Traction Company et al. Motion to advance granted, and cases assigned for argument as one case Monday, April 8 next.

No. 506. The United States, petitioner, *v.* R. Hoe & Co., Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 507. The United States, petitioner, *v.* James C. Morgan. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 131. Robert D. Kinney, plaintiff in error, *v.* James T. Mitchell. In error to the circuit court of the United States for the eastern district of Pennsylvania. Dismissed for the want of jurisdiction.

No. —, Original. *Ex parte*: In the matter of Frank D. Zell, petitioner. Motion for leave to file petition for writs of prohibition or mandamus denied.

No. 124. Pearl H. Smith, appellant, *v.* Samuel G. Iverson as State auditor, etc. Appeal from the circuit court of the United States for the district of Minnesota. Dismissed for the want of jurisdiction. *Hohorst v. Hamburg-American Packet Company*, 148 U. S., 262; *In re Hohorst*, 150 U. S., 653; *McLish v. Raff*, 141 U. S., 661; *Bowker v. United States*, 186 U. S., 135, 138.

No. 239. Hiram T. Chapman, plaintiff in error, *v.* Florence Elliott Chapman. In error to the supreme court of the State of Nebraska. Dismissed for the want of jurisdiction. *Haseltine v. Central Bank*, 183 U. S., 130; *Schlosser v. Hemphill*, 198 U. S., 173.

The Chief Justice also announced that the court would take a recess from Monday, December 24, to Monday, January 7, 1907.

No. 401. Will D. Gould et al., appellants, *v.* Leo V. Youngworth, United States marshal, etc.;

No. 445. Warren Gillelen et al., appellants, *v.* Leo V. Youngworth, United States marshal, etc.; and

No. 432. Lee R. Myers, appellant, *v.* H. Z. Osborne, United States marshal, etc.

Motions to advance submitted by Mr. Solicitor-General Hoyt for the appellees.

No. 487. Clara Chaison et al., petitioners, *v.* Lawrence Hyde et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. George C. Greer for the petitioners, and by Mr. William Hepburn Russell and Mr. William Beverly Winslow for the respondents.

No. 521. Charles Thorley, petitioner, *v.* The Pabst Brewing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Charles Henry Butler in behalf of Mr. William F. Sheehan and Mr. Joseph Fetretch for the petitioner, and by Mr. A. S. Gilbert for the respondent.

No. 519. Eva A. Ingersoll, administratrix, etc., petitioner, *v.* Joseph A. Coram et al. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. Hannis Taylor, Mr. E. N. Harwood, Mr. Hollis R. Bailey, and Mr. John H. Hazelton for the petitioner, and by Mr. Louis D. Brandeis and Mr. William H. Dunbar for the respondents. Leave granted petitioner to file reply brief within four days.

No. 511. Myron W. Andrus, petitioner, *v.* The Berkshire Power Company. 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 petitioner, and by Mr. Arthur L. Shipman and Mr. William Waldo Hyde for the respondent.

No. 509. George F. Vietor et al., petitioners, *v.* Benjamin Levi et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Charles F. Wilson in behalf of Mr. Abram I. Elkus for the petitioners.

No. 14, Original. The State of Missouri, complainant, *v.* The State of Kansas. Leave to file bill of complaint herein granted, and process ordered to issue, on motion of Mr. Herbert S. Hadley for the complainant.

No. 524. Petrona del Carmen Gonzalez Resto, appellant, *v.* Petrona Resto y Negrón et al. Appeal from the supreme court of Porto Rico. Docketed and dismissed with costs, on motion of Mr. Perry Allen for the appellees.

No. 137. Jacob Newman et al., plaintiffs in error, *v.* Harry B. Gates. Argument continued by Mr. S. S. Gregory for the plaintiffs in error, and concluded by Mr. Edward E. Gates for the defendant in error.

No. 3, Original. The State of Kansas, complainant, *v.* The State of Colorado et al. Leave granted to four counsel to argue for the complainant, three for the State of Colorado et al., and three for the United States, and three and one-half hours each allotted to Kansas, Colorado, and the United States, and one and a half hours to the other defendants. Argument commenced by Mr. S. S. Ashbaugh for the complainant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 18, will be as follows: Nos. 3 (original), 143, 260, 138, 139, 140, 141, 144, 145 and 146.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 18, 1906.

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

Edward C. Kramer of East St. Louis, Ill., was admitted to practice.

No. 14, Original. The State of Missouri, complainant, *v.* The State of Kansas. Waiver of process filed, and appearance of defendant entered, on motion of Mr. C. C. Coleman for the defendant.

No. 276. The United States, appellant, *v.* John M. Hite. Submitted by Mr. Assistant Attorney-General Van Orsdel and Mr. John Q. Thompson for the appellant, and by Mr. Edward S. McCalmont for the appellee.

No. 3, Original. The State of Kansas, complainant, *v.* The State of Colorado et al. Argument continued by Mr. S. S. Ashbaugh and Mr. N. H. Loomis for the complainant, by Mr. C. C. Dawson for the State of Colorado, by Mr. Platt Rogers for the Arkansas Valley Sugar Beet and Irrigation Land Company, and by Mr. D. C. Beaman for the Colorado Fuel and Iron Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 19, will be as follows: Nos. 3 (original), 143, 260, 138, 139, 140, 141, 144, 145 and 146.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 19, 1906.

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

Charles W. Waterman of Denver, Colo., was admitted to practice.

No. 3, Original. The State of Kansas, complainant, *v.* The State of Colorado et al. Argument continued by Mr. D. C. Beaman for the Colorado Fuel and Iron Company, by Mr. A. C. Campbell, Mr. Assistant Attorney-General Campbell and Mr. Solicitor-General Hoyt for the United States, and by Mr. N. C. Miller for the State of Colorado.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 20, will be as follows: Nos. 3 (original), 143, 260, 138, 139, 140, 141, 144, 145 and 146.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 20, 1906.

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

No. 416. *Shropshire, Woodliff & Co. v. Bush et al.*, trustees. Submitted, pursuant to the twentieth rule, by Mr. Charles F. Benjamin for Shropshire, Woodliff & Co., and by Mr. George D. Lancaster and Mr. John P. Tillman for Bush et al.

No. 3, Original. *The State of Kansas, complainant, v. The State of Colorado et al.* Leave granted to file summary of oral argument within three days, on motion of Mr. Solicitor-General Hoyt for the United States. Argument continued by Mr. N. C. Miller and Mr. J. F. Vaile for the State of Colorado, by Mr. C. C. Coleman for the complainant, and concluded by Mr. F. Dumont Smith for the complainant.

No. 143. *American Smelting and Refining Company, plaintiff in error, v. The People of the State of Colorado ex rel. Henry A. Lindsley, district attorney, etc.* Argument commenced by Mr. Thomas Thacher for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 21, will be as follows: Nos. 143, 260, 138, 139, 140, 141, 144, 145 and 146.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 21, 1906.

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

W. H. Bard of Seattle, Wash., Charles O. Loucks of Chicago, Ill., and Fred Holmes Atwood of Chicago, Ill., were admitted to practice.

No. 402. The Montana Mining Company, Limited, plaintiff in error, *v.* The St. Louis Mining and Milling Company of Montana. Leave granted to file reply brief within ten days, on motion of Mr. J. H. Ralston for the defendant in error.

No. 239. Hiram T. Chapman, plaintiff in error, *v.* Florence Elliott Chapman. Mandate granted, on motion of Mr. E. F. Colladay for the defendant in error.

No. 143. American Smelting and Refining Company, plaintiff in error, *v.* The People of the State of Colorado *ex rel.* Henry A. Lindsley, district attorney, etc. Argument continued by Mr. Thomas Thacher for the plaintiff in error, and by Mr. N. C. Miller for the defendant in error, and concluded by Mr. C. W. Waterman for the plaintiff in error.

No. 286. City of Chicago, appellant, *v.* Darius O. Mills. Submitted by Mr. James Hamilton Lewis, Mr. Henry M. Ashton and Mr. David K. Tone for the appellant, and by Mr. William D. Guthrie, Mr. John J. Herrick and Mr. I. K. Boyeson for the appellee.

No. 260. Hugh Wallace *et al.*, plaintiffs in error, *v.* Mrs. Ella Adams, etc. Leave granted to file brief herein in behalf of certain interested parties and to make oral argument in that behalf, on motion of Mr. George A. Mansfield for the Choctaw and Chickasaw nations. Argued by Mr. A. C. Cruce and Mr. J. H. Ralston for the plaintiff in error, and by Mr. George A. Mansfield for the Choctaw and Chickasaw nations.

No. 138. J. T. Smithers, plaintiff in error, *v.* T. Smith *et al.* Submitted by Mr. David T. Bomar for the plaintiff in error, and by Mr. Theodore Mack for the defendants in error.

Adjourned until Monday next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 24, 1906.

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

Gerald van Casteel of New York City was admitted to practice.

No. 12, Original. The United States, complainant, *v.* John F. Shipp et al. Preliminary questions of law decided adversely to defendants, and case ordered to proceed. Opinion by Mr. Justice Holmes. (Mr. Justice Moody took no part in the consideration of this matter.)

No. 103. The Board of Education of the Kentucky Annual Conference of the Methodist Episcopal Church, plaintiff in error, *v.* The People of the State of Illinois. In error to the supreme court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 91. Mrs. Camille Cohen et al., plaintiffs in error, *v.* John Brewster, tax collector for the second district of the city of New Orleans, et al. In error to the supreme court of the State of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 105. Ernest Gatewood, plaintiff in error, *v.* The State of North Carolina. In error to the supreme court of the State of North Carolina. Judgment affirmed with costs. Opinion by Mr. Justice White.

The Chief Justice announced the following orders of the court:

Order: There having been an Associate Justice of this court appointed since the commencement of this term, it is ordered that the following allotment be made of the Chief Justice and Associate Justices of this court among the circuits, agreeably to the act of Congress in such case made and provided, and that such allotment be entered of record, viz:

For the first circuit, Oliver Wendell Holmes, Associate Justice.

For the second circuit, Rufus W. Peckham, Associate Justice.

For the third circuit, William H. Moody, Associate Justice.

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

For the fifth circuit, Edward D. White, Associate Justice.

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

For the seventh circuit, William R. Day, Associate Justice.

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

For the ninth circuit, Joseph McKenna, Associate Justice.

No. 401. Will D. Gould et al., appellants, *v.* Leo V. Youngworth, United States marshal, etc.;

No. 415. Warren Gillellen et al., appellants, *v.* Leo V. Youngworth, United States marshal, etc.; and

No. 432. Lee R. Myers, appellant, *v.* H. Z. Osborne, United States marshal, etc. Motions to advance granted, and cases assigned for argument as one case on Monday, March 18, 1907.

No. 519. Eva A. Ingersoll, administratrix, etc., petitioner, *v.* Joseph A. Coram et al. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit granted.

No. 487. Clara Chaison et al., petitioners, *v.* Lawrence Hyde et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 509. George F. Victor et al., petitioners, *v.* Benjamin Levi et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 511. Myron W. Andrus, petitioner, *v.* The Berkshire Power Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 521. Charles Thorley, petitioner, *v.* The Pabst Brewing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 358. Homer E. Grafton, plaintiff in error, *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Hoyt for the defendant in error.

No. 529. Richard Hynes, appellant, *v.* Leo V. Youngworth, United States marshal, etc.; and

No. 530. A. H. Hedderly, appellant, *v.* Leo V. Youngworth, United States marshal, etc. Appeals from the circuit court of the United States for the southern district of California. Docketed and dismissed with costs, on motion of Mr. Solicitor-General Hoyt for the appellee.

No. 528. Frank D. Zell, petitioner, *v.* B. W. Leigh et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Charles L. Frailey, Mr. William L. Royal, Mr. Charles H. Burr, Mr. Reynolds D. Brown and Mr. Malcolm Lloyd, jr., for the petitioner, and by Mr. Floyd Hughes, Mr. Tazewell Taylor and Mr. D. Lawrence Groner for the respondents.

No. 30. C. H. Nichols Lumber Company, plaintiff in error, *v.* Charles Franson. Mandate granted, on motion of Mr. A. B. Browne in behalf of counsel.

No. 346. William Notley et al., plaintiffs in error, *v.* Cecil Brown et al., etc. Motion to dismiss submitted by Mr. A. B. Browne and Mr. Alexander Britton in support of motion with leave to file brief in opposition hereafter.

Adjourned until Monday, January 7, 1907, at 12 o'clock.

The day call for Monday, January 7, 1907, will be as follows: Nos. 139, 252, 140, 141, 144, 145, 146, 147 (and 81), 149 and 150.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 7, 1907.

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

John W. Ray of Frankfort, Ky., Charles S. Wesley of Philadelphia, Pa., Duncan C. Ray of Columbia, S. C., Thomas J. Walker of Butte, Mont., Albert J. Galen of Helena, Mont., Harry L. Gordon of Cincinnati, Ohio, Winfield Scott Becksler of Denver, Colo., Edward C. Chapin of Lansing, Mich., John P. Hartman of Seattle, Wash., Isaiah E. Moses of Seattle, Wash., Edmon Gordon Bennett of Denver, Colo., Charles W. Friend of Irvine, Ky., and Hugh B. Rowland of Washington, D. C., were admitted to practice.

No. 416. *Shropshire, Woodliff & Co. v. Bush et al., trustees.* On a certificate from the United States circuit court of appeals for the sixth circuit. Question answered in the affirmative. Opinion by Mr. Justice Moody.

No. 108. *Ohio Valley National Bank, plaintiff in error, v. John Hulitt, receiver of the First National Bank of Hillsboro, Ohio.* 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 southern district of Ohio. Opinion by Mr. Justice Day.

No. 120. *Charles Zartarian, appellant, v. George B. Billings, United States commissioner of immigration at the port of Boston.* Appeal from the circuit court of the United States for the district of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice Day. (Mr. Justice Moody took no part in the decision of this case.)

No. 133. *Conrad Wecker, plaintiff in error, v. The National Enameling and Stamping Company et al.* In error to the circuit court of the United States for the eastern district of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Day. (Mr. Justice Moody took no part in the decision of this case.)

No. 310. The People of the State of New York ex rel. Albert J. Hatch, plaintiff in error, *v.* Edward Reardon, peace officer of the county of New York. In error to the supreme court of the State of New York. Order affirmed with costs. Opinion by Mr. Justice Holmes.

No. 259. The United States, petitioner, *v.* G. Falk & Brother. On writ of certiorari to the United States circuit court of appeals for the second circuit. Judgment of United States circuit court of appeals reversed and judgment of circuit court affirmed, and cause remanded to the circuit court of the United States for the southern district of New York. Opinion by Mr. Justice McKenna.

No. 116. J. B. Orcutt Company et al., petitioners, *v.* Charles H. Green et al. On writ of certiorari to the United States circuit court of appeals for the second circuit. Judgment of United States circuit court of appeals reversed with costs, and order of district court modified and affirmed, and cause remanded to the district court of the United States for the northern district of New York. Opinion by Mr. Justice Peckham.

No. 143. American Smelting and Refining Company, plaintiff in error, *v.* The People of the State of Colorado on the relation of Henry A. Lindley, district attorney for the second judicial district of the State of Colorado. In error to the supreme court of the State of Colorado. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Peckham. Dissenting: Mr. Chief Justice Fuller, Mr. Justice Harlan, Mr. Justice Holmes and Mr. Justice Moody.

No. 197. The Cleveland Electric Railway Company, appellant, *v.* The City of Cleveland et al.; and

No. 321. The City of Cleveland et al., appellants, *v.* The Cleveland Electric Railway Company. Appeals from the circuit court of the United States for the northern district of Ohio. Decree affirmed, each party to pay one-half the costs in this court. Opinion by Mr. Justice Peckham.

No. 16. Louis Kann et al., appellants, *v.* Caroline King; and

No. 17. Henry Randall Webb, executor, etc., appellant, *v.* Caroline King. Appeals from the court of appeals of the District of Columbia. Decree reversed with costs, and cause remanded with directions to said court to remand the cause to the supreme court of the District of Columbia with directions to dismiss the bill for want of equity. Opinion by Mr. Justice White. Dissenting: Mr. Chief Justice Fuller and Mr. Justice Harlan.

No. 137. Jacob Newman et al., etc., plaintiffs in error, *v.* Harry B. Gates. In error to the supreme court of the State of Indiana. Dismissed for the want of jurisdiction. Opinion by Mr. Justice White.

No. 132. Charles S. Elder, plaintiff in error, *v.* The People of the State of Colorado on the information of George Stidger, district attorney, etc. In error to the supreme court of the State of Colorado. Dismissed for the want of jurisdiction. Opinion by Mr. Justice White.

No. 72. Tomas Garrozi et al., appellants, *v.* Juana Dastas. Appeal from the district court of the United States for the district of Porto Rico. Decree reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice White.

No. 43. Warren B. Wilson, appellant, *v.* Leslie M. Shaw, Secretary of the Treasury. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 446. Corwin D. Bachtel, plaintiff in error, *v.* R. Frank Wilson sheriff, etc.;

No. 447. Corwin D. Bachtel, plaintiff in error, *v.* R. Frank Wilson, sheriff, etc.;

No. 448. Harvey H. Miller, plaintiff in error, *v.* R. Frank Wilson, sheriff, etc.;

No. 449. William L. Davis, plaintiff in error, *v.* R. Frank Wilson, sheriff, etc.; and

No. 450. Charles H. Van Horn, plaintiff in error, *v.* R. Frank Wilson, sheriff, etc. In error to the supreme court of the State of Ohio. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brewer.

No. 57. The Old Wayne Mutual Life Association of Indianapolis, Ind., plaintiff in error, *v.* Sarah McDonough et al. 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 opinion of this court. Opinion by Mr. Justice Harlan.

No. 80. Franklin S. Jerome, plaintiff in error, *v.* Charles P. Cogswell et al. In error to the supreme court of errors of the State of Connecticut. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

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

No. 226, October term, 1905. The Gila Bend Reservoir and Irrigation Company, appellant, *v.* The Gila Water Company. Memorandum denying petition for rehearing withdrawn and leave granted to file petition for rehearing which will be taken as submitted with such additional briefs as counsel on both sides may be advised to present within thirty days from this date.

No. 130. Louisa Sauer et al., plaintiffs in error, *v.* The City of New York. Restored to the docket for reargument.

No. 346. William Notley et al., plaintiffs in error, *v.* Cecil Brown et al. Motion to dismiss postponed to the hearing of the cause on its merits.

No. 358. Homer E. Grafton, plaintiff in error, *v.* The United States. Motion to advance granted, and cause assigned for argument on Monday, March 11 next.

No. 528. Frank D. Zell, petitioner, *v.* B. W. Leigh et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 107. Thomas Milner Harrison, plaintiff in error, *v.* J. A. Magoon, et al.;

No. 172. Emma L. Kaipu, etc., appellant, *v.* L. E. Pinkham, president, etc.;

No. 195. Frederick J. Lowrey et al., trustees, appellants, *v.* The Territory of Hawaii;

No. 212. Wm. W. Berice, Limited, appellant, *v.* Clinton J. Hutchins, trustee;

No. 216. C. G. Ballentyne et al., appellants, *v.* Wm. O. Smith, trustee, et al.; and

No. 273. David Kawanakoa et al., appellants, *v.* Ellen Albertina Palyblank, trustee, etc., et al. Assigned to be heard seriatim on Monday, March 18 next, after the cases already assigned for that day.

No. 548. Nicholas Arceo, plaintiff in error, *v.* The United States. Leave granted to plaintiff in error to enter his appearance in propria persona.

No. 1. Edward J. Percy, plaintiff in error, *v.* Nevada N. Stranahan. Assigned for argument on Monday, March 4 next, on motion of Mr. Assistant Attorney-General Cooley for the defendant in error.

No. 157. Galban & Co., appellant, *v.* The United States. Passed temporarily, on motion of Mr. Assistant Attorney-General Cooley for the appellee.

No. 382. Bank of Kentucky et al., plaintiffs in error, *v.* The Commonwealth of Kentucky. Motion to advance submitted by Mr. A. W. Cooley in behalf of counsel for the defendant in error.

No. 353. Adrian C. Honore, executor, etc., et al., plaintiffs in error, *v.* William C. Wilson, as acting comptroller of the State of New York. Advanced and submitted, on motion of Mr. E. R. Olcott for the defendant in error, with leave to counsel for the plaintiffs in error to file brief within two weeks.

No. 455. Antoine G. Starr, an infant, etc., plaintiff in error, *v.* Samuel W. Campbell. Leave to file brief as amicus curiæ herein granted, on motion of Mr. Charles F. Wilson in that behalf.

No. 475. Russell Sage, assignee, etc., appellant, *v.* The United States. Death of Russell Sage suggested, and appearance of Joseph J. Slocum and Edward C. Osborn, trustees, etc., as the parties appellants herein filed and entered, on motion of Mr. A. B. Browne for the appellants.

No. 501. J. B. Thompson, plaintiff in error, *v.* Commonwealth of Kentucky by T. C. Albritton, revenue agent. Motion to advance submitted by Mr. J. W. Ray for the defendant in error in support of motion, and by Mr. J. B. Thompson pro se in opposition thereto.

No. 238. Citizens' Savings and Trust Company, appellant, *v.* Illinois Central Railroad Company et al. Submitted pursuant to the twentieth rule by Mr. E. C. Eliot and Mr. William B. Sanders for the appellant, and by Mr. J. M. Dickinson for the appellees.

No. 139. Wilmington Star Mining Company, plaintiff in error, *v.* Minnie Fulton. Argued by Mr. William P. Sidley for the plaintiff in error, and submitted by Mr. Arthur J. Eddy for the defendant in error.

No. 252. The State of Montana ex rel. Charles S. Haire, plaintiff in error, *v.* James H. Rice, State treasurer. Argument commenced by Mr. M. S. Gunn for the plaintiff in error, and continued by Mr. Albert J. Galen for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 8, will be as follows: Nos. 252, 140, 141, 144, 145, 146, 147 (and 81), 149, 150 and 117.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 8, 1907.

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

Fred T. Field of Boston, Mass., Venable B. Proctor of Victoria, Tex., Edward E. Wise of New York City, William H. Shea, jr., of Virginia, Minn., and Joseph V. Cunningham of New Castle, Pa., were admitted to practice.

No. 252. The State of Montana *ex rel.* Charles S. Haire, plaintiff in error, *v.* James H. Rice, State treasurer. Argument continued by Mr. Albert J. Galen for the defendant in error, and concluded by Mr. M. S. Gunn for the plaintiff in error.

No. 140. W. A. Walker, executor, etc., appellant, *v.* J. W. McLoud, trustee, et al. Argued by Mr. W. N. Redwine for the appellant, and submitted by Mr. J. W. McLoud for the appellees.

No. 141. East Central Eureka Mining Company et al., plaintiffs in error, *v.* Central Eureka Mining Company. Argument commenced by Mr. Jackson H. Ralston for the plaintiffs in error, and continued by Mr. S. S. Burdett for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 9, will be as follows: Nos. 141, 144, 145, 146, 147 (and 81), 149, 150, 117, 152 (and 467) and 152 (and 153).

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 9, 1907.

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

Aubrey Lawrence of Brookings, S. Dak., and Moritz Heim of St. Paul, Minn., were admitted to practice.

No. 141. East Central Eureka Mining Company et al., plaintiffs in error, *v.* Central Eureka Mining Company. Argument continued by Mr. S. S. Burdett for the defendant in error, and concluded by Mr. Jackson H. Ralston for the plaintiffs in error. Leave granted to counsel for defendant in error to file additional brief within two days.

No. 144. Berton O. Wetmore, administrator, etc., plaintiff in error, *v.* James L. Karrick. Argument commenced by Mr. William L. Ford for the plaintiff in error, and continued by Mr. W. W. Millan and Mr. J. J. Darlington for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 10, will be as follows: Nos. 144, 145, 146, 147 (and 81), 149, 150, 117, 151 (and 467), 152 (and 153) and 154.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 10, 1907.

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

Du Bois G. Atkins of Kingston, N. Y., Charles W. Miller of Goshen, Ind., Benjamin B. Cunningham of Rochester, N. Y., Menefee House of Little Rock, Ark., Joseph Edwards Black of Richmond, Mo., August Frederick Herbsleb of Cincinnati, Ohio, Jehu Baker Middlecoff of Duluth, Minn., and Richard Sleight of Ashland, Wis., were admitted to practice.

No. 72. Tomas Garrozi et al., appellants, *v.* Juana Dastas. Mandate granted, on motion of Mr. Fritz von Briesen for the appellants.

No. 117. Interstate Consolidated Street Railway Company, plaintiff in error, *v.* The Commonwealth of Massachusetts. Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Dana Malone for the defendant in error.

No. 154. Yee Yuen, appellant, *v.* The United States. Appeal from the United States circuit court of appeals for the ninth circuit. Dismissed, pursuant to the tenth rule.

No. 144. Berton O. Wetmore, administrator, etc., plaintiff in error, *v.* James L. Karrick. Counsel announced that they did not desire to make further argument.

No. 145. James B. Swing, trustee, etc., plaintiff in error, *v.* The Weston Lumber Company. Argument commenced by Mr. P. A. Reece for the plaintiff in error, and continued by Mr. Edward C. Chapin for the defendant in error, and concluded by Mr. P. A. Reece for the plaintiff in error.

No. 146. Joseph M. Cunningham, trustee, et al., plaintiffs in error, *v.* Charles Springer et al. Argument commenced by Mr. Neill B. Field for the plaintiffs in error, continued by Mr. Charles A. Spiess for the defendants in error, and concluded by Mr. Neill B. Field for the plaintiffs in error.

No. 147. Orlando F. Bacon, plaintiff in error, *v.* Paul H. Walker et al.; and,

No. 81. Charles Brown et al., plaintiffs in error, *v.* Enos C. Walling. Argued by Mr. S. M. Stockslager for the plaintiffs in error. No counsel appeared for the defendants in error.

No. 149. Jay Delamater, plaintiff in error, *v.* The State of South Dakota. Argument commenced by Mr. Herbert Jackson for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 11, will be as follows: Nos. 149, 150, 151 (and 467), 152 (and 153), 155, 156, 118, 158, 159 and 160.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 11, 1907.

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

M. E. Driscoll of Syracuse, N. Y., John S. Rilling of Erie, Pa., Thomas Raeburn White of Philadelphia, Pa., Ceylon H. Lewis of Syracuse, N. Y., Edward Wiener of Philadelphia, Pa., and James E. Newell of Syracuse, N. Y., were admitted to practice.

No. 149. Jay Delamater, plaintiff in error, *v.* The State of South Dakota. Argument continued by Mr. Herbert Jackson for the plaintiff in error, by Mr. Aubrey Lawrence and Mr. S. M. Howard for the defendant in error, and concluded by Mr. Herbert Jackson for the plaintiff in error. Leave granted to counsel for the defendant in error to file an additional brief within three days.

No. 150. Abel P. Borden et al., plaintiffs in error, *v.* The Trespalacios Rice and Irrigation Company. Submitted by Mr. Venable B. Proctor for the plaintiffs in error, and by Mr. Henry C. Coke for the defendant in error.

No. 152. Northern Pacific Railway Company et al., plaintiffs in error, *v.* Jacob Slaght; and

No. 153. Northern Pacific Railway Company et al., plaintiffs in error, *v.* Margaret A. Slaght. Argued by Mr. C. W. Bunn for the plaintiffs in error, and submitted by Mr. U. L. Ettinger for the defendant in error in No. 152. No counsel appeared for the defendant in error in No. 153.

No. 155. William J. Doyle et al. *v.* London Guarantee and Accident Company, Limited. Argument commenced by Mr. E. Clinton Rhoads for Doyle et al., continued by Mr. Thomas Raeburn White for the London Guarantee and Accident Company, and concluded by Mr. E. Clinton Rhoads for Doyle et al.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 14, will be as follows: Nos. 151 (and 467), 156, 118, 158, 159, 160, 163, 164, 166 and 168 (and 169).

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 14, 1907.

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

Floyd Estell of Winchester, Tenn., George E. Hall of New Haven, Conn., Allen J. Hastings of Olean, N. Y., A. L. Jackson of Houston, Tex., Marshall McLean of New York City, George B. Sidener of St. Louis, Mo., Sylvester R. Rush of Omaha, Nebr., George B. Young of Newport, Vt., Charles L. Ballymore of Buffalo, N. Y., Hector Baxter of Minneapolis, Minn., George P. Burleigh of St. Louis, Mo., Norman G. Johnson of New York City, C. T. Rankin of Jefferson City, Tenn., William Henry Parker of Charleston, S. C., and Edward T. Powell of Columbus, Ohio, were admitted to practice.

No. 134. Erie Railroad Company, petitioner, *v.* Erie and Western Transportation Company. On writ of certiorari to the United States circuit court of appeals for the seventh circuit. Decree of the United States circuit court of appeals reversed with costs, and decree of the district court of the United States for the northern district of Illinois affirmed with costs, and cause remanded to said district court. Opinion by Mr. Justice Holmes.

No. 402. The Montana Mining Company, Limited, plaintiff in error, *v.* The St. Louis Mining and Milling Company of Montana. In error to and on writ of certiorari to the United States circuit court of appeals for the ninth circuit. Writ of certiorari granted. Judgment reversed with costs, and cause remanded to the circuit court of the United States for the district of Montana with directions to grant a new trial. Restraining order to be continued in force until the final disposition of the case. Opinion by Mr. Justice Brewer.

No. 13, Original. *Ex parte*: In the matter of the Montana Mining Company, Limited, petitioner. Stricken from the docket. Announced by Mr. Justice Brewer.

No. 121. The Northern Lumber Company, appellant *v.* William O'Brien et al. Appeal from the United States circuit court of appeals

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

The Chief Justice announced the following orders of the court:

No. 150. Abel P. Borden et al., plaintiffs in error, *v.* The Trespacios Rice and Irrigation Company. In error to the supreme court of the State of Texas. Judgment affirmed with costs. Strickley *v.* Highland Boy Mining Company, 200 U. S., 527, 531; Clark *v.* Nash, 198 U. S., 361.

No. 382. Bank of Kentucky et al., plaintiffs in error, *v.* Commonwealth of Kentucky. Motion to advance granted, and cause assigned for argument on the second Monday of the next term after the cases already set down for that day.

No. 501. J. B. Thompson, plaintiff in error, *v.* Commonwealth of Kentucky by T. C. Albutton, revenue agent. Motion to advance denied without prejudice.

No. 12, Original. United States of America, complainant, *v.* John F. Shipp et al. Motion to arrest defendants and require recognizance to abide the future orders of the court submitted by Mr. Attorney-General Bonaparte for the complainant. Motion for the summoning of witnesses and to take testimony herein submitted by Mr. Attorney-General Bonaparte for the complainant, with leave to counsel for defendants to file brief within one week.

No. 160. The United States, appellant, *v.* Benjamin H. Howell, Son & Co. Confession of error and motion to reverse and amend submitted by Mr. Assistant to the Attorney-General Purdy, in behalf of counsel for the appellees.

No. 193. The People of the State of Illinois ex rel. John McNichols, plaintiff in error, *v.* James Pease, sheriff, etc. Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. M. D. Purdy in behalf of counsel.

No. 358. Homer E. Grafton, plaintiff in error, *v.* The United States. Leave granted to withdraw appearance of the Attorney-General for the plaintiff in error, on motion of Mr. Assistant to the Attorney-General Purdy for the defendant in error.

No. 502. William McCoach, collector, etc., petitioner, *v.* The Philadelphia Trust Safe Deposit and Insurance Company et al., executors, etc.;

No. 503. William McCoach, collector, etc., petitioner, *v.* The Philadelphia Trust Safe Deposit and Insurance Company et al., executors, etc.;

No. 504. William McCoach, collector, etc., petitioner, *v.* George W. Norris et al., executors, etc.; and

No. 505. The United States, petitioner, *v.* The Marion Trust Company, trustee, etc. Motion to advance submitted by Mr. Assistant to the Attorney-General Purdy for the petitioners.

No. 533. Empire State Cattle Company et al., petitioners, *v.* The Atchison, Topeka and Santa Fe Railway Company; and

No. 534. The Minnesota and Dakota Cattle Company, petitioner, *v.* The Atchison, Topeka and Santa Fe Railway Company. Petitions for writs of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. James S. Botsford and Mr. R. E. Ball for the petitioners, and by Mr. A. B. Browne, Mr. Robert Dunlap and Mr. Gardiner Lathrop for the respondent.

No. 215. Chicago, Burlington and Quincy Railway Company, appellant, *v.* F. C. Babcock, treasurer, etc., et al.; and

No. 341. Union Pacific Railroad Company, appellant, *v.* Robert O. Fink, treasurer, etc., et al. Motion to set for hearing on Monday, January 21, submitted by Mr. E. H. Hinshaw in behalf of counsel for the appellees.

No. 552. T. H. Adrian Tromp, petitioner, *v.* The William Cramp & Sons Ship and Engine Building Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Norman G. Johnson and Mr. Ernest Hickman for the petitioner, and by Mr. Henry G. Ward for the respondent.

No. 559. Edward S. Thomas et al., trustees, petitioners, *v.* Anna D. Taggart et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. J. Van Vechten Olcott in behalf of Mr. Abram I. Elkus for the petitioners, and by Mr. Thomas Thacher, Mr. Richard L. Sweezy and Mr. George E. Hall for the respondents.

No. 560. Edward Flickinger, 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. Edward T. Powell, Mr. Thomas E. Powell and Mr. Charles W. Baker for the petitioner, with leave to counsel for respondent to file brief within five days.

No. 198. Louisville and Nashville Railroad Company, plaintiff in error *v.* Smith, Huggins & Co. Motions to dismiss or affirm submitted by Mr. C. T. Rankin in support of motions, and by Mr. John H. Frantz and Mr. James B. Wright in opposition thereto.

No. 542. The News and Courier Company et al., petitioners, *v.* Frank E. Butler et ux. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. William Henry Parker and Mr. H. A. M. Smith for the petitioners, and by Mr. A. H. Joline and Mr. A. T. Smythe for the respondents.

No. 557. Magnus J. Palson et al., petitioners, *v.* North German Lloyd, claimant. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. George A. King in behalf of Mr. Edward E. Blodgett for the petitioner, with leave to respondent to file brief hereafter.

No. 549. Knudsen-Ferguson Fruit Company, petitioner, *v.* Chicago, St. Paul, Minneapolis and Omaha Railway Company; and

No. 550. Knudsen-Ferguson Fruit Company, petitioner, *v.* Michigan Central Railroad Company. Petitions for writs of certiorari to the United States circuit court of appeals for the seventh and eighth circuits submitted by Mr. Roger S. Powell for the petitioner, and by Mr. C. A. Severance and Mr. Frank B. Kellogg for the respondents.

No. 380. The Central of Georgia Railway Company, plaintiff in error, *v.* William A. Wright, comptroller-general et al.; and

No. 384. The Georgia Railroad and Banking Company, plaintiff in error, *v.* William A. Wright, comptroller-general et al. Motion to modify order advancing these cases submitted by Mr. John C. Hart for the defendants in error.

No. 151. The American Railroad Company of Porto Rico, plaintiff in error, *v.* Julio P. Castro; and

No. 467. The American Railroad Company of Porto Rico, plaintiff in error, *v.* Felicia Cardona de Castro et al. Argued by Mr. Frederic D. McKenney for the plaintiff in error, and submitted by Mr. F. L. Cornwell for the defendant in error in No. 151.

No. 156. Rochester Railway Company, plaintiff in error, *v.* City of Rochester. Argument commenced by Mr. Charles J. Bissell for the plaintiff in error and continued by Mr. William W. Webb for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 15, will be as follows: Nos. 156, 118, 158, 159, 163, 164, 166, 168 (and 169), 170 and 171.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 15, 1907.

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

James Wickham of Eau Claire, Wis., Edward D. Bassett of Providence, R. I., Walter Damon Mansfield of San Francisco, Cal., and Charles C. Trabue of Nashville, Tenn., were admitted to practice.

No. 215. Chicago, Burlington and Quincy Railway Company, appellant, *v.* F. C. Babcock, treasurer, etc., et al.; and

No. 341. Union Pacific Railroad Company, appellant, *v.* Robert O. Fink, treasurer, etc., et al. Assigned for argument as one case on Monday, January 21, after the case already set down for that day.

No. 171. Seaboard Air Line Railway, plaintiff in error, *v.* A. L. Seegers et al. Continued, per stipulation.

No. 160. The United States, appellant, *v.* Benjamin H. Howell, Son & Co. Appeal from the circuit court of the United States for the southern district of New York. Decree reversed on confession of error by appellees, and case remanded for further proceedings according to law.

No. 156. Rochester Railway Company, plaintiff in error, *v.* City of Rochester. Argument continued by Mr. B. B. Cunningham for the defendant in error, and concluded by Mr. Charles J. Bissell for the plaintiff in error.

No. 118. Merchants' Heat and Light Company, plaintiff in error, *v.* James B. Clow & Sons. Argument commenced by Mr. W. H. H. Miller for the plaintiff in error, continued by Mr. Newton Wyeth for the defendants in error, and concluded by Mr. W. H. H. Miller for the plaintiff in error.

No. 158. Henry F. Iglehart et al., appellants, *v.* J. Howard Iglehart, executors, etc. Argument commenced by Mr. Noel W. Barksdale for the appellants, and continued by Mr. Hugh B. Roland for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 16, will be as follows: Nos. 158, 159, 163, 164, 166, 168 (and 169), 170, 41, 173 and 174.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 16, 1907.

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

Fred Joy of Boston, Mass., and Robert Redfield of Chicago, Ill., were admitted to practice.

Nos. 502 and 503. William McCoach, collector, etc., petitioner, *v.* The Philadelphia Trust, Safe Deposit and Insurance Company et al., executors, etc.; and

No. 504. William McCoach, collector, etc., petitioner, *v.* George W. Norris et al., executors, etc. Leave granted to file brief in opposition to motion to advance, on motion of Mr. Arthur G. Dickson in behalf of counsel for the respondents.

No. 158. Henry F. Iglehart et al., appellants, *v.* J. Howard Iglehart, executor, etc. Argument continued by Mr. Hugh B. Rowland and Mr. W. V. R. Berry for the appellee, and concluded by Mr. Andrew Wilson for the appellants.

No. 159. D. S. Osborne et al., trustees, etc., plaintiffs in error, *v.* R. A. Clark et al. Argument commenced by Mr. Floyd Estill for the plaintiffs in error, continued by Mr. C. C. Trabue for the defendants in error, and concluded by Mr. James J. Lynch for the plaintiffs in error.

No. 163. Eau Claire National Bank, plaintiff in error, *v.* Ralph W. Jackman, trustee, etc. Argument commenced by Mr. James Wickham for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 17, will be as follows: Nos. 163, 164, 166, 168 (and 169), 170, 41, 173, 174, 175 and 176.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 17, 1907.

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

Mathonihah Thomas of Salt Lake City, Utah, was admitted to practice.

No. 166. City of Chicago, appellant, *v.* Chicago City Railway Company. Assigned for argument on Monday, April 8 next, after the cases already set down for that day, on motion of Mr. John P. Wilson for the appellee.

No. 163. Eau Claire National Bank, plaintiff in error, *v.* Ralph W. Jackman, trustee, etc. Argument continued by Mr. James Wickham for the plaintiff in error, by Mr. C. T. Bundy for the defendant in error, and concluded by Mr. James Wickham for the plaintiff in error.

No. 164. John C. Hammond, plaintiff in error, *v.* William W. Whittredge, trustee, etc., et al. Argued by Mr. Warren Ozro Kyle for the defendants in error, and submitted by Mr. Hollis R. Bailey for the plaintiff in error.

No. 168. J. Charles McGuire et al., plaintiffs in error, *v.* Louis Gerstley et al.; and

No. 169. John W. Clark, plaintiff in error, *v.* Louis Gerstley et al. Argument commenced by Mr. Lorenzo A. Bailey for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 18, will be as follows: Nos. 168 (and 169), 170, 41, 173, 174, 175, 176, 177, 178 and 180.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 18, 1907.

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

Alexander J. Truitt of Punxsutawney, Pa., C. H. McCauley of Ridgway, Pa., Benjamin I. Salinger of Carroll, Iowa, William Noble of South McAlester, Ind. T., George A. Titterington of Dallas, Tex., Elias Bunn Wilcox of San Juan, P. R., William H. Arnold of Texarkana, Ark., Gilbert P. Ritter of Chicago, Ill., and Henry P. Doolittle of Washington, D. C., were admitted to practice.

No. 168. J. Charles McGuire et al., plaintiffs in error, *v.* Louis Gerstley et al.; and

No. 169. John W. Clark, plaintiff in error, *v.* Louis Gerstley et al. Argument continued by Mr. Lorenzo A. Bailey for the plaintiffs in error, by Mr. E. A. Jones for the defendants in error, and concluded by Mr. Lorenzo A. Bailey for the plaintiffs in error.

No. 173. The United States Fidelity and Guaranty Company, plaintiff in error, *v.* The United States suing for the benefit of James S. Kenyon, etc. Argument commenced by Mr. Seeber Edwards for the plaintiff in error, continued by Mr. Edward D. Bassett for the defendant in error, and concluded by Mr. Seeber Edwards for the plaintiff in error.

No. 41. Catherine Schlemmer, plaintiff in error, *v.* The Buffalo, Rochester and Pittsburgh Railway Company. Argument commenced by Mr. L. M. Walter (by special leave) for the plaintiff in error, and continued by Mr. M. E. Olmsted for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 21, will be as follows: Nos. 41, 405, 215 (and 341), 170, 174, 175, 176, 177, 178 and 180.



SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 21, 1907.

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

David Mitchell of Denver, Colo., Henry M. Hoyt of San Francisco, Cal., Harry J. Shoemaker of Doylestown, Pa., Abraham H. Huston of Guthrie, Okla., John W. Cathcart of Honolulu, Hawaii, James W. McNeill of Washington, D. C., William T. Thompson of Lincoln, Nebr., Hugh R. Dinsmore of Fayetteville, Ark., and John W. Wray of Fort Worth, Tex., were admitted to practice.

No. 141. East Central Eureka Mining Company et al., plaintiffs in error, *v.* Central Eureka Mining Company. In error to the supreme court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 123. A. B. Ballard et al., plaintiffs in error, *v.* Charles W. Hunter et al. In error to the supreme court of the State of Arkansas. Judgment affirmed with costs. Opinion by Mr. Justice McKenna. (Mr. Justice Brewer concurs in the result.)

No. 122. Johnston Armstrong, ancillary receiver, etc., appellant, *v.* James A. Ashley et al. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Peckham.

No. 71. George W. Crome, appellant, *v.* M. M. Trickey, administrator, etc.; and

No. 70. George W. Crome, appellant, *v.* Henry Harmon, administrator, etc. Appeals from the supreme court of the Territory of Arizona. Decrees affirmed with costs. Opinion by Mr. Chief Justice Fuller.

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

No. 3. The State of South Carolina *ex relatione* O. W. Buchanan, plaintiff in error, *v.* R. H. Jennings et al., etc. In error to the supreme court of the State of South Carolina. Dismissed for the want of jurisdiction. *French v. Taylor*, 199 U. S., 274; *Leonard v. Railroad Com-*

pany, 198 U. S., 416; *Murdock v. Memphis*, 20 Wall., 590; *Eustis v. Bolles*, 150 U. S., 361.

No. 12, Original. The United States of America, complainant, *v. John F. Shipp et al.* Defendants are ruled to enter into their personal recognizances in the penal sum of \$1,000 each, conditioned to abide the further orders of the court, before the judge of the district court of the United States for the eastern district of Tennessee. A commissioner will be appointed to take the testimony of witnesses at Chattanooga, in the eastern district of Tennessee, and counsel on both sides are given ten days in which to agree upon a fit person for such appointment and communicate the nomination to the court.

No. 198. Louisville and Nashville Railroad Company, plaintiff in error, *v. Smith, Huggins & Co.* Motions to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 380. The Central of Georgia Railway Company, plaintiff in error, *v. William A. Wright*, comptroller-general, etc.; and

No. 384. The Georgia Railroad and Banking Company, plaintiff in error, *v. William A. Wright*, comptroller-general, etc. Motion to modify the order advancing these cases is denied, but they will be taken on printed briefs on or before April 15, if counsel shall be so advised.

Nos. 502 and 503. William McCoach, collector, etc., petitioner, *v. The Philadelphia Trust, Safe Deposit and Insurance Company et al.*, executors, etc.;

No. 504. William McCoach, collector, etc., petitioner, *v. George W. Norris et al.*, excutors, etc.; and

No. 505. The United States, petitioner, *v. The Marion Trust Company*, trustee, etc. Motion to advance granted, and cases assigned to be heard as one case on April 15 next.

No. 533. Empire State Cattle Company et al., petitioners, *v. The Atchison, Topeka and Santa Fe Railway Company*; and

No. 534. The Minnesota and Dakota Cattle Company, petitioner, *v. The Atchison, Topeka and Santa Fe Railway Company*. Petitions for a writs of certiorari to the United States circuit court of appeals for the eighth circuit granted.

No. 559. Edward S. Thomas et al., trustees, petitioners, *v. Anna D. Taggart et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 542. The News and Courier Company et al., petitioners, *v. Frank E. Butler et ux.* Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 549. Knudsen-Ferguson Fruit Company, petitioner, *v. Chicago, St. Louis, Minneapolis and Omaha Railway Company*. Petition for a

writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 550. Knudsen-Ferguson Fruit Company, petitioner, *v.* Michigan Central Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 552. T. H. Adrian Tromp, petitioner, *v.* The William Cramp & Sons Ship and Engine Building Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 557. Magnus J. Palson et al., petitioners, *v.* North German Lloyd, claimant. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 560. Edward Flickinger, 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. 186. Edgar Jadwin et al., plaintiffs in error, *v.* The State of Texas. Passed to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Solicitor-General Hoyt for the plaintiffs in error.

No. 395. Thomas M. Fields, plaintiff in error, *v.* The United States. Motion to dismiss submitted by Mr. Solicitor-General Hoyt in support of motion, and by Mr. Frank J. Hogan, Mr. Henry E. Davis and Mr. John C. Gittings in opposition thereto. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. Frank J. Hogan, Mr. Henry E. Davis and Mr. John C. Gittings for the plaintiff in error and petitioner, and by Mr. Solicitor-General Hoyt in opposition thereto.

No. —, Original. *Ex parte:* In the matter of William O'Gorman, jr., petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. Henry M. Hoyt in behalf of counsel for petitioner.

No. 499. Henry Winters et al., appellants, *v.* The United States. Motion to advance submitted by Mr. A. B. Brown in behalf of counsel for appellants.

No. 551. Mary Sherman McCallum, petitioner, *v.* Phillips L. Goldsborough, collector, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. J. Altheus Johnson and Mr. E. S. Wagenhorst for the petitioner, and by Mr. Solicitor-General Hoyt for the respondent.

No. 405. Vuko Perovich, plaintiff in error, *v.* The United States. Submitted by Mr. Assistant Attorney-General Cooley for the defendant in error. No counsel appeared for the plaintiff in error.

No. 41. Catherine Schlemmer, plaintiff in error, *v.* The Buffalo, Rochester and Pittsburgh Railway Company. Argument continued by Mr. M. E. Olmsted for the defendant in error, and concluded by Mr. Frederic D. McKenney for the plaintiff in error.

No. 215. Chicago, Burlington and Quincy Railway Company, appellant, *v.* F. C. Babcock, treasurer, etc., et al.; and

No. 341. Union Pacific Railroad Company, appellant, *v.* Robert O. Fink, treasurer, etc., et al. Leave granted to three counsel to be heard for the appellants, on motion of Mr. Maxwell Evarts for the appellants. Argument commenced by Mr. Charles J. Greene for the appellant in No. 215, and continued by Mr. John N. Baldwin for the appellant in No. 341, and by Mr. William T. Thompson and Mr. Norris Brown for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 22, will be as follows: Nos. 215 (and 341), 170, 174, 175, 176, 177, 178, 180, 181 and 182.

O

SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 22, 1907.

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

Augustus G. Weissert of Milwaukee, Wis., Henry M. Nevins of Red Bank, N. J., Asa G. Briggs of St. Paul, Minn., and George M. Judd of New York City, were admitted to practice.

No. 570. Harry L. Haynes, petitioner, *v.* J. B. Watkins et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit, submitted by Mr. George A. Titterington for the petitioner, with leave to counsel for the respondents to file brief within three weeks.

No. 215. Chicago, Burlington and Quincy Railway Company, appellant, *v.* F. C. Babcock, treasurer, etc., et al.; and

No. 341. Union Pacific Railroad Company, appellant, *v.* Robert O. Fink, treasurer, etc., et al. Argument continued by Mr. Norris Brown for the Appellees, and concluded by Mr. Maxwell Evarts for the appellant in No. 341.

No. 170. Mason City and Fort Dodge Railroad Company, *v.* C. D. Boynton. Argument commenced by Mr. T. D. Healy for the Mason City and Fort Dodge Railroad Company, and continued by Mr. Benjamin I. Salinger for Boynton.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 23, will be as follows: Nos. 170, 174, 175, 176, 177, 178, 180, 181, 182 and 136.

O

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 23, 1907.

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

Alexander S. Steuart of Washington, D. C., and Ernest F. Cochran of Anderson, S. C., were admitted to practice.

No. 237. Bainbridge W. Burdick, appellant, *v.* William Dillon et al. Continued, per stipulation.

No. 327. Phoenix Water Company, appellant, *v.* The Common Council of the City of Phoenix. Appeal from the supreme court of the Territory of Arizona. Dismissed with costs, per stipulation.

No. 170. Mason City and Fort Dodge Railroad Company *v.* C. D. Boynton. Argument continued by Mr. Benjamin I. Salinger for Boynton, and concluded by Mr. T. D. Healy for the Mason City and Fort Dodge Railroad Company.

No. 174. Nicholas V. Halter et al., plaintiffs in error, *v.* The State of Nebraska. Submitted by Mr. Sylvester R. Rush for the plaintiffs in error, and by Mr. Norris Brown for the defendant in error.

No. 175. Computing Scale Company of America, appellant, *v.* The Automatic Scale Company. Argument commenced by Mr. Melville Church for the appellant, continued by Mr. H. P. Doolittle for the appellee, and concluded by Mr. Melville Church for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 24, will be as follows: Nos. 176, 177, 178, 180, 181, 182, 136, 184, 185 and 187.

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 24, 1907.

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

George H. Shrewsbury of Charleston, W. Va., was admitted to practice.

No. 416. Shoshire, Woodliff & Co. *v.* Bush et al., trustees. Mandate granted, on motion of Mr. C. F. Benjamin for Shoshire, Woodliff & Co.

No. 327. Phœnix Water Company, appellant, *v.* The Common Council of the City of Phœnix. Mandate granted, on motion of Mr. A. A. Hoehling, jr., in behalf of counsel.

No. 176. W. A. Arthur & Co., plaintiffs in error, *v.* Texas and Pacific Railway Company. Argued by Mr. William H. Arnold for the plaintiffs in error, and by Mr. D. D. Duncan for the defendant.

No. 177. James Coffey, plaintiff in error, *v.* The County of Harlan. Argued by Mr. C. C. Flansburg for the plaintiff in error, and submitted by Mr. J. W. Deweese for the defendant in error.

No. 178. John W. Duke, mayor, etc., et al., plaintiffs in error, *v.* C. W. Turner et al. Argument commenced by Mr. A. H. Huston for the plaintiffs in error, and continued by Mr. Frank Dale for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 25, will be as follows: Nos. 178, 180, 181, 182, 136, 184, 185, 187, 188 and 189.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 25, 1907.

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

John Francis Yawger of New York City and William M. Tomkins of Ashland, Wis., were admitted to practice.

No. 12, Original. The United States of America, complainant, *v.* John F. Shipp et al. Suggestion as to modification of order as to taking testimony submitted by Mr. Solicitor-General Hoyt for the complainant.

No. 178. John W. Duke, mayor, etc., et al., plaintiffs in error, *v.* C. W. Turner et al. Argument continued by Mr. Frank Dale for the defendants in error, and concluded by Mr. A. H. Huston for the plaintiffs in error.

No. 180. The United States, appellant, *v.* Donn C. Mitchell. Argued by Mr. Assistant Attorney-General Van Orsdel for the appellant, and by Mr. George A. King for the appellee.

No. 181. William McKay et al., plaintiffs in error, *v.* Agnes Kalyton, etc. Argued by Mr. Samuel Herrick for the plaintiffs in error, and by Mr. William Frye White for the defendant in error.

No. 182. Sum Gay, alias Sam Lee, appellant, *v.* The United States. Submitted by Mr. Assistant Attorney-General Cooley for the appellee. No brief filed for the appellant.

No. 136. The United States et al., appellants, *v.* William B. Kirk. Argued by Mr. Solicitor-General Hoyt for the appellants, and by Mr. Abram J. Rose for the appellee.

No. 184. Solon L. Frank et al., plaintiffs in error, *v.* Joseph Vallkommer, jr., trustee, etc., et al. Argument commenced by Mr. Roger Foster for the plaintiffs in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 28, will be as follows: Nos. 184, 185, 187, 188, 189, 190 (and 191), 192, 194, 196 and 198.



SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 28, 1907.

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

John M. Slaton of Atlanta, Ga., Hugh K. Wagner of St. Louis, Mo., A. C. Titus of Madison, Wis., Francis Fisher Kane of Philadelphia, Pa., John Hubert Mee of San Francisco, Cal., William Byrd of New York City, Hugh M. Tate of Morristown, Tenn., and George E. Sullivan of Washington, D. C., were admitted to practice.

No. 252. *The State of Montana ex rel. Charles S. Haire, plaintiff in error, v. James H. Rice, State treasurer.* In error to the supreme court of the State of Montana. Judgment affirmed with costs. Opinion by Mr. Justice Moody.

No. 118. *Merchants' Heat and Light Company, plaintiff in error, v. James B. Clow & Sons.* In error to the circuit court of the United States for the northern district of Illinois. Judgment affirmed with costs and interest. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Brewer, Mr. Justice Peckham and Mr. Justice Day.

The Chief Justice announced the following orders of the court:

No. —, Original. *Ex parte:* In the matter of William O'Gorman, jr., petitioner. Motion for leave to file petition for a writ of mandamus granted, and rule to show cause awarded, returnable in ten days.

No. 395. *Thomas M. Fields, plaintiff in error and petitioner, v. The United States.* Motion to dismiss and application for a writ of certiorari postponed to the hearing of the case on its merits.

No. 499. *Henry Winters et al., appellants, v. The United States.* Motion to advance granted, and cause assigned, for argument on the second Monday of the next term (October 21) after the cases already set down for that day.

No. 551. *Mary Sherman McCallum, petitioner, v. Phillips L. Goldsborough, collector, etc.* Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 182. Sum Gay alias Sam Lee, appellant, *v.* The United States. Appeal from the district court of the United States for the northern district of California. Decree affirmed.

The Chief Justice also announced that the court will take a recess from Monday, February 4, to Monday, February 25.

No. 580. The United States, appellant, *v.* Conrad Heinszen & Co. Advanced and assigned for argument on Monday, April 8 next, after the cases already set down for that day, on motion of Mr. Solicitor-General Hoyt for appellant.

No. 12, Original. The United States of America, complainant, *v.* John F. Shipp et al. Leave granted to file brief in opposition to suggestions of Attorney-General as to taking testimony, on motion of Mr. Solicitor-General Hoyt in behalf of counsel for the defendants.

No. 553. The Philadelphia and Reading Railway Company, petitioner, *v.* Julia Klutt, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. John G. Lamb for the petitioner, and by Mr. Francis Fisher Kane for the respondent.

No. 561. Horace F. Brown et al., petitioners, *v.* Robert Henry Lanyon et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Francis M. Phelps and Mr. Douglas Dyrenforth for the petitioners.

No. 562. Boston and Maine Railroad, petitioner, *v.* John M. Gorkey. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. George B. Young and Mr. Edgar J. Rich for the petitioner.

No. —, Original. *Ex parte*: In the matter of Harrison Boynton, petitioner. Motion for leave to file petition for a writ of habeas corpus and to proceed in forma pauperis submitted by Mr. A. B. Browne in behalf of counsel.

No. 196. William F. Kessler *v.* George S. Eldred. Submitted by Mr. R. S. Taylor for Kessler, and by Mr. C. C. Linthicum for Eldred.

No. 386. Katharine Todd Stearns et al., appellants, *v.* James E. Todd et al. Submitted by Mr. James Bumgardner, jr., and Mr. C. L. W. Barnes for the appellants, and by Mr. Charles Curry for the appellees.

No. 184. Solon L. Frank et al., plaintiffs in error, *v.* Joseph Vallkommer, jr., trustee, etc., et al. Argument continued by Mr. Roger Foster for the plaintiffs in error, by Mr. Francis B. Mullin for the defendants in error, and concluded by Mr. Roger Foster for the plaintiffs in error.

No. 185. Uriah S. Lee et al., plaintiffs in error, *v.* The State of New Jersey. Continued, per stipulation.

No. 187. Adelaide V. Tilt et al., executors, etc., plaintiffs in error, *v.* Otto Kelsey, comptroller, etc. Argued by Mr. William G. Wilson for the plaintiffs in error, and submitted by Mr. George M. Judd for the defendant in error.

No. 188. The United States, appellant, *v.* The Bethlehem Steel Company. Argument commenced by Mr. Assistant Attorney-General Van Orsdel for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 29, will be as follows: Nos. 188, 189, 190 (and 191), 192, 194, 198, 199, 200, 201 and 202.

O

SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 29, 1907.

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

John J. Allen of Brooklyn, N. Y., Frank H. Blackledge of Indianapolis, Ind., E. M. McVicker of Milwaukee, Wis., and C. A. Ballreich of Pueblo, Colo., were admitted to practice.

No. 482. The United States, appellant, *v.* Edwin M. Keatley. Advanced on motion of Mr. Frank B. Crosthwaite for the appellee, and submitted by Mr. Assistant Attorney-General Van Orsdel and Mr. Philip M. Ashford for the appellant, and by Mr. Frank B. Crosthwaite for the appellee.

No. 188. The United States, appellant, *v.* The Bethlehem Steel Company. Argument continued by Mr. Assistant Attorney-General Van Orsdel for the appellant, by Mr. James H. Hayden for the appellee, and concluded by Mr. Attorney-General Bonaparte for the appellant.

No. 189. Western Turf Association, plaintiff in error, *v.* Hyman Greenberg. Submitted by Mr. William S. Goodfellow for the plaintiff in error, and by Mr. William G. Burke for the defendant in error.

No. 190. Thomas K. Martin, plaintiff in error, *v.* The District of Columbia; and

No. 191. Clarence A. Brandenburg, plaintiff in error, *v.* The District of Columbia. Argued by Mr. E. C. Brandenburg and Mr. George E. Sullivan for the plaintiffs in error, and by Mr. Francis H. Stephens for the defendant in error.

No. 192. John J. Allen, appellant, *v.* The United States. Argument commenced by Mr. Charles C. Lancaster for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 30, will be as follows: Nos. 192, 194, 198, 199, 200, 201, 202, 204, 206 and 207.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 30, 1907.

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

H. M. Hogg of Pueblo, Colo., Alonzo B. McMillen of Albuquerque, N. Mex., and Charles F. Clemons of Honolulu, Hawaii, were admitted to practice.

No. 192. John J. Allen, appellant, *v.* The United States. Argument continued by Mr. Charles C. Lancaster for the appellant, by Mr. Assistant Attorney-General Van Orsdel for the appellee, and concluded by Mr. Charles C. Lancaster for the appellant.

No. 194. The United States *ex rel.* Willis C. West, plaintiff in error, *v.* Ethan A. Hitchcock, Secretary of the Interior. Argument commenced by Mr. William H. Robeson for the plaintiff in error, continued by Mr. Assistant Attorney-General Campbell and Mr. Fred H. Barclay for the defendant in error, and concluded by Mr. Samuel A. Putman for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 31, will be as follows: Nos. 198, 199, 200, 201, 202, 204, 206, 207, 209 and 210 (and 211).

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 31, 1907.

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

Robert C. Alston of Atlanta, Ga., Harry L. Boutwell of Boston, Mass., and Alfred W. Levensaler of Boston, Mass., were admitted to practice.

No. 12, Original. The United States of America, complainant, *v.* John F. Shipp et al. Nomination of James D. Maher, esq., as commissioner to take the testimony herein submitted by Mr. Solicitor-General Hoyt for the complainant.

No. 198. Louisville and Nashville Railroad Company, plaintiff in error, *v.* Smith, Huggins & Co. Argued by Mr. James B. Wright for the plaintiff in error, and submitted by Mr. C. T. Rankins for the defendant in error.

No. 199. Metropolitan Life Insurance Company of New York, plaintiff in error, *v.* The City of New Orleans et al. Three counsel allowed to make oral argument for the defendants in error, on motion of Mr. F. C. Zacharie for the defendants in error. Argument commenced by Mr. Charles P. Cocke for the plaintiff in error, continued by Mr. H. Garland Dupré, Mr. George H. Terriberry and Mr. F. C. Zacharie for the defendants in error, and concluded by Mr. Charles P. Cocke for the plaintiff in error.

No. 200. Sigmond Ornstine, plaintiff in error, *v.* W. J. Cary. Argued by Mr. E. M. McVicker for the plaintiff in error, and by Mr. A. C. Titus for the defendant in error.

No. 201. The Cincinnati, Hamilton and Dayton Railway Company et al., appellants, *v.* The Interstate Commerce Commission. Argument commenced by Mr. Edward Calston for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, February 1, will be as follows: Nos. 201, 202, 204, 206, 207, 209, 210 (and 211), 213, 217 and 218 (and 219).

SUPREME COURT OF THE UNITED STATES.

FRIDAY, FEBRUARY 1, 1907.

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

M. Shaler Allen of Brooklyn, N. Y., was admitted to practice.

No. 201. The Cincinnati, Hamilton and Dayton Railway Company et al., appellants, *v.* The Interstate Commerce Commission. Argument continued by Mr. Edward Colston for the appellants, and by Mr. P. J. Farrell and Mr. L. A. Shaver for the appellee, and concluded by Mr. Lawrence Maxwell, jr., for the appellants.

No. 202. Vicente Serra et al., plaintiffs in error, *v.* Adriano Murtiga. Submitted by Mr. A. B. Browne, Mr. Alexander Britton and Mr. Maurice Kelly for the plaintiffs in error. No counsel appeared for the defendant in error.

No. 206. Empire State-Idaho Mining and Developing Company et al., appellants, *v.* Kennedy J. Hanley. Argued by Mr. George Turner for the appellants, and by Mr. M. A. Folsom for the appellee.

Adjourned until Monday next at 12 o'clock.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 4, 1907.

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

John P. Nields of Wilmington, Del., Jephtha D. Howe of St. Louis, Mo., and Thomas Hackney of Carthage, Mo., were admitted to practice.

No. 286. City of Chicago, appellant, *v.* Darius O. Mills. Appeal from the circuit court of the United States for the northern district of Illinois. Decree affirmed with costs. Opinion by Mr. Justice Day. Dissenting: Mr. Chief Justice Fuller and Mr. Justice Harlan.

No. 147. Orlando F. Bacon, plaintiff in error, *v.* Paul H. Walker et al. In error to the supreme court of the State of Idaho. Judgment affirmed with costs. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Brewer and Mr. Justice Peckham.

No. 81. Charles Bown et al., plaintiffs in error, *v.* Enos C. Walling. In error to the supreme court of the State of Idaho. Judgment affirmed with costs. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Brewer and Mr. Justice Peckham.

No. 140. W. A. Walker, executor, etc., appellant, *v.* J. W. McLoud, trustee, et al. Appeal from the United States circuit court of appeals for the eighth circuit. Decree affirmed with costs, and cause remanded to the United States court for the central district of the Indian Territory. Opinion by Mr. Justice Peckham.

The Chief Justice announced the following orders of the court:

No. 12, Original. The United States of America, complainant, *v.* John F. Shipp et al. This cause coming on to be heard in respect of the appointment of a special commissioner to take testimony herein, and the parties duly appearing by their counsel, having agreed upon a fit person for such appointment and communicated their nomination to the court, it is ordered that Mr. James D. Maher, a resident of the District of Columbia, be, and he is hereby, appointed a commissioner to take and return the testimony in this proceeding, with the powers of a master

in chancery, as provided in the rules of this court; but said commissioner shall not make any findings of fact or state any conclusions of law. It is further ordered that the taking of testimony shall be commenced at the city of Chattanooga, in the eastern district of Tennessee, as soon as possible, at such place as the commissioner shall designate, reasonable notice thereof to be given counsel on both sides, and be proceeded in with all convenient speed; and the commissioner is hereby authorized also to take testimony elsewhere, if that shall be agreed on by counsel or appear to be necessary, with leave to him or to either of the parties to apply to the court for such orders in that regard as they may be advised. Said commissioner shall promptly report to the court the testimony taken by him, without findings of fact or conclusions of law, and shall receive such compensation as may hereafter be determined, and his actual expenses, an itemized statement of which shall accompany his report.

No. —, Original. *Ex parte*: In the matter of Harrison Boynton, petitioner. Motion for leave to file petition for a writ of habeas corpus and to proceed in forma pauperis denied.

No. 553. The Philadelphia and Reading Railway Company, petitioner, *v.* Julia Klutt, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 561. Horace F. Brown et al., petitioner, *v.* Robert Henry Lanyon et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 562. Boston and Maine Railroad, petitioner, *v.* John N. Gorkey. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 587. Damselle Howard, administratrix, etc., plaintiff in error, *v.* The Illinois Central Railroad Company et al. Advanced and assigned for argument on Monday, April 8, after the cases already set down for that day, on motion of Mr. Attorney-General Bonaparte on behalf of the plaintiff in error. Leave granted to the United States to file brief and be heard in the argument as *amicus curiæ*, on motion of Mr. Attorney-General Bonaparte for the United States.

No. 594. M. C. Brooks, administrator, etc., plaintiff in error, *v.* the Southern Pacific Company. Advanced and assigned for argument on Monday, April 8, after the cases already set down for that day, on motion of Mr. William R. Harr for the plaintiff in error.

No. 402. The Montana Mining Company, Limited, plaintiff in error, *v.* The St. Louis Mining and Milling Company of Montana. Mandate stayed for ten days, on motion of Mr. Jackson H. Ralston for the defendant in error.

No. 52. George W. Crossman et al., plaintiffs in error, *v.* George R. Bidwell. In error to the circuit court of the United States for the southern district of New York. Dismissed with costs, on motion of Mr. Solicitor-General Hoyt in behalf of counsel for the plaintiffs in error.

No. 395. Thomas M. Fields, plaintiff in error, *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Hoyt for the defendant in error.

No. 566. Matherson Alkali Works, petitioner, *v.* T. T. Matherson. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Frank W. Christian for the petitioner, and by Mr. Daniel Trigg, Mr. Robert L. Harrison and Mr. William Byrd for the respondent.

No. 582. The Continental Wall Paper Company, petitioner, *v.* The Lewis Voight & Sons Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Myer Cohen in behalf of Mr. Louis Marshall and Mr. Joseph Wilby for the petitioner, and by Mr. Morison R. Waite for the respondent.

No. 7, Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Reassigned for argument of demurrer on Monday, March 11, on motion of Mr. G. W. McClintic for the defendant.

No. 201. The Cincinnati, Hamilton and Dayton Railway Company et al., appellants, *v.* The Interstate Commerce Commission. Leave granted to file an additional brief, on motion of Mr. L. A. Shaver for the appellee.

No. 82. Home Savings Bank, plaintiff in error, *v.* The City of Des Moines et al.;

No. 83. Peoples Savings Bank, plaintiff in error, *v.* The City of Des Moines et al.; and

No. 92. Des Moines Savings Bank, plaintiff in error, *v.* The City of Des Moines et al. Motion to fix day for reargument submitted by Mr. Frederic D. McKenney in behalf of counsel.

No. 151. The American Railroad Company of Porto Rico, plaintiff in error, *v.* Julio P. Castro; and

No. 467. The American Railroad Company of Porto Rico, plaintiff in error, *v.* Felicia Cardona de Castro et al. Leave granted to file a supplemental brief herein, on motion of Mr. Frederic D. McKenney for the plaintiff in error.

No. 563. Charles W. Hunter et al., petitioners, *v.* Rebecca A. Johnson et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Robert A. Howard in behalf of Mr. L. P. Berry for the petitioners.

No. 581. Herman Frasch, appellant and 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. Charles J. Hedrick for the petitioner, with leave to the respondent to file brief in opposition within ten days.

No. 578. Victor H. Wilder et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Maynard F. Stiles for the petitioners and by Mr. Solicitor-General Hoyt for the respondent.

No. 573. The Old Dominion Copper Mining and Smelting Company, petitioner, *v.* Frederick Lewisohn et al., executors, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Louis D. Brandeis and Mr. William H. Dunbar for the petitioner, and by Mr. Eugene Treadwell for the respondents.

No. 353. Adrian C. Honoré, executor, etc., et al., plaintiffs in error, *v.* William C. Wilson, as acting comptroller of the State of New York. In error to the surrogate's court of New York County, State of New York. Dismissed, per stipulation.

Adjourned until Monday, February 25, at 12 o'clock.

The day call for Monday, February 25, will be as follows: Nos. 5 (original), 204, 207, 209, 210 (and 211), 213, 217, 218 (and 219), 220 and 221.

SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 25, 1907.

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

George W. Watt of Philadelphia, Pa., Morris M. Townley of Indianapolis, Ind., John A. Kemp of Delhi, N. Y., John J. Shea of Bartlesville, Ind. T., Arthur Dyrenforth of Chicago, Ill., Adolph Ruger of Brooklyn, N. Y., Edward L. Medler of Albuquerque, N. Mex., James Hope Caldwell of New York City, Frank R. Savidge of Philadelphia, Pa., Alfred W. Putnam of Salem, Mass., Albert A. Ginzberg of Boston, Mass., Claire C. Edwards of Waukegan, Ill., Everett V. Abbot of New York City, James P. A. Black of Hastings, Nebr., John A. Barbite of Rochester, N. Y., Oliver P. Morton of San Francisco, Cal., Rolle E. Hornor of Parkersburg, W. Va., Jake Fisher of Sutton, W. Va., Almon W. Bulkley of Chicago, Ill., L. A. Stebbins of Chicago, Ill., Alexander J. Groesbeck of Detroit, Mich., and John Donald Mackay of Detroit, Mich., were admitted to practice.

No. 138. J. T. Smithers, plaintiff in error, *v.* T. Smith et al. In error to the circuit court of the United States for the northern district of Texas. Judgment reversed with costs, and cause remanded with directions to take such further proceedings therein as the law requires and in conformity with the opinion of this court. Opinion by Mr. Justice Moody. Dissenting: Mr. Justice Brewer.

No. 146. Joseph M. Cunningham, trustee, et al., plaintiffs in error, *v.* Charles Springer et al. In error to the supreme court of the Territory of New Mexico. Judgment affirmed with costs. Opinion by Mr. Justice Moody.

No. 177. James Coffey, plaintiff in error, *v.* The County of Harlan. In error to the circuit court of the United States for the district of Nebraska. Judgment affirmed with costs. Opinion by Mr. Justice Moody.

No. 175. Computing Scale Company of America, appellant, *v.* The Automatic Scale Company. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Day.

No. 155. William J. Doyle et al. *v.* London Guarantee and Accident Company, Limited. On a certificate from the United States circuit court of appeals for the third circuit. Question answered in the negative. Opinion by Mr. Justice Day. (Mr. Justice Peckham took no part in the decision of this case.)

No. 178. John W. Duke, mayor, etc., et al., plaintiffs in error, *v.* C. W. Turner et al. In error to the supreme court of the Territory of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 159. D. S. Osborne et al., trustees, etc., plaintiffs in error, *v.* R. A. Clark et al. In error to the supreme court of the State of Tennessee. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Holmes.

No. 170. Mason City and Fort Dodge Railroad Company *v.* C. D. Boynton. On a certificate from the United States circuit court of appeals for the eighth circuit. First question answered in the affirmative. Opinion by Mr. Justice Holmes.

No. 192. John J. Allen, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Holmes.

No. 215. Chicago, Burlington and Quincy Railway Company, appellant, *v.* F. C. Babcock, treasurer, etc., et al., and

No. 341. Union Pacific Railroad Company, appellant, *v.* Robert O. Fink, treasurer, etc., et al. Appeals from the circuit court of the United States for the district of Nebraska. Decrees affirmed with costs. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Peckham and Mr. Justice McKenna.

No. 163. Eau Claire National Bank, plaintiff in error, *v.* Ralph W. Jackman, trustee, etc. In error to the supreme court of the State of Wisconsin. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 164. John C. Hammond, plaintiff in error, *v.* William W. Whittredge, trustee, etc., et al. In error to the supreme judicial court of the State of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 198. Louisville and Nashville Railroad Company, plaintiff in error, *v.* Smith, Huggins & Co. In error to the supreme court of the State of Tennessee. Dismissed for the want of jurisdiction. Opinion by Mr. Justice McKenna.

No. 482. The United States, appellant, *v.* Edwin M. Keatley. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. 158. Henry F. Iglehart et al., appellants, *v.* J. Howard Iglehart, executor, etc. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Peckham (announced by Mr. Chief Justice Fuller).

No. 168. J. Charles McGuire et al., plaintiffs in error, *v.* Louis Gerstley et al.: and

No. 169. John W. Clark, plaintiff in error, *v.* Louis Gerstley et al. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Peckham (announced by Mr. Chief Justice Fuller).

No. 176. W. A. Arthur & Co., plaintiff in error, *v.* Texas and Pacific Railway Company. In error to the United States circuit court of appeals for the eighth circuit. Judgment reversed with costs, and cause remanded to the circuit court of the United States for the western district of Arkansas with directions to set aside the verdict and grant a new trial. Opinion by Mr. Justice Peckham (announced by Mr. Chief Justice Fuller).

No. 202. Vicente Serra et al., plaintiffs in error, *v.* Adriano Montiga. In error to the supreme court of the Philippine Islands. Judgment affirmed with costs. Opinion by Mr. Justice White. Dissenting: Mr. Justice Harlan.

No. 181. William McKay et al., plaintiffs in error, *v.* Agnes Kalyton, etc. In error to the supreme court of the State of Oregon. 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. Chief Justice Fuller, Mr. Justice Brewer and Mr. Justice Peckham.

No. 151. The American Railroad Company of Porto Rico, plaintiff in error, *v.* Julio P. Castro. In error to the district court of the United States for the district of Porto Rico. Dismissed for the want of jurisdiction. Opinion by Mr. Justice White.

No. 467. The American Railroad Company of Porto Rico, plaintiff in error, *v.* Felicia Cardona de Castro et al. In error to the district court of the United States for the district of Porto Rico. Dismissed for the want of jurisdiction. Opinion by Mr. Justice White.

No. 78. The Texas and Pacific Railway Company, plaintiff in error, *v.* The Abilene Cotton Oil Company. In error to the court of civil appeals for the second supreme judicial district of the State of Texas. Judgment

reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice White.

No. 79. The Texas and Pacific Railway Company, plaintiff in error, *v. The Cisco Oil Mill*. In error to the court of civil appeals for the second supreme judicial district of the State of Texas. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice White.

No. 2. Gulf, Colorado and Santa Fe Railway Company, plaintiff in error, *v. The State of Texas*. In error to the supreme court of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 260. Hugh Wallace et al., plaintiffs in error, *v. Mrs. Ella Adams, etc.* In error to the United States circuit court of appeals for the eighth circuit. Judgment affirmed with costs, and cause remanded to the United States court for the southern district of the Indian Territory. Opinion by Mr. Justice Brewer.

No. 431. The Union Bridge Company, plaintiff in error, *v. The United States*. In error to the district court of the United States for the western district of Pennsylvania. Judgment affirmed. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Brewer and Mr. Justice Peckham. (Mr. Justice Moody took no part in the consideration or decision of this case.)

No. 173. The United States Fidelity and Guaranty Company, plaintiff in error, *v. The United States suing for the benefit of James S. Kenyon, etc.* In error to the circuit court of the United States for the district of Rhode Island. Judgment affirmed with costs. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Brewer.

No. 189. Western Turf Association, plaintiff in error, *v. Hyman Greenberg*. In error to the supreme court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 276. The United States, appellant, *v. John M. Hite*. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Chief Justice Fuller.

No. 11, Original. The State of Kansas, complainant, *v. The United States et al.* Bill dismissed. Opinion by Mr. Chief Justice Fuller.

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

No. 82. Home Savings Bank, plaintiff in error, *v. The City of Des Moines et al.*;

No. 83. People's Savings Bank, plaintiff in error, *v. The City of Des Moines et al.*; and

No. 92. Des Moines Savings Bank, plaintiff in error, *v* The City of Des Moines et al. Motion to fix day for reargument granted, and cases assigned to be heard as one case on Monday, March 4, after the cases already set down for that day.

No. 395. Thomas M. Fields, plaintiff in error, *v*. The United States. Motion to advance granted, and case assigned to be heard on Monday, March 11, after the cases already set down for that day.

No. 563. Charles W. Hunter et al., petitioners, *v*. Rebecca A. Johnson et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit granted.

No. 573. The Old Dominion Copper Mining and Smelting Company, petitioner, *v*. Frederick Lewisohn et al., executors, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 582. Continental Wall Paper Company, petitioner, *v*. the Lewis Voight & Sons Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit granted.

No. 570. Harry L. Haynes, petitioner, *v*. J. B. Watkins et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 566. Mathuson Alkali Works, petitioner, *v*. T. T. Mathuson. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 578. Victor H. Wilder et al., petitioners, *v*. The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 581. Herman Frasch, appellant and plaintiff in error, *v*. Frederick I. Allen, Commissioner of Patents. Consideration of petition for writ of certiorari to the court of appeals of the District of Columbia postponed to the hearing of the case on appeal and writ of error.

No. 136. The United States et al., appellants, *v*. William B. Kirk. Appeal from the United States circuit court of appeals for the second circuit. Decree affirmed by a divided court, and cause remanded to the circuit court of the United States for the northern district of New York.

No. 200. Sigmond Ornstine, plaintiff in error, *v*. W. J. Cary. In error to the supreme court of the State of Wisconsin. Dismissed for the want of jurisdiction. *DeWolf v. Johnson*, 10 Wheat., 386; *Missouri, Kansas and Texas Trust Company v. Krumseig*, 172 U. S., 351; *Louisville and Nashville Railroad Company v. Kentucky*, 161 U. S., 677, 700; *Frisbie v. United States*, 157 U. S., 160; *Lawton v. Steele*, 152 U. S., 133; *Dunham v. Gould*, 16 Johnson, 378; *Commonwealth v. Danziger*, 176 Mass.,

290; *Ex parte Berger*, 193 Mo., 16; case below, *State v. Cary*, 126 Wis., 135, and see *State v. Kreutzberg*, 114 Wis., 530.

No. 386. Katharine Todd Stearns et al., appellants, *v. James E. Todd et al.* Appeal from the circuit court of the United States for the western district of Virginia. Decree affirmed with costs. *Wheless v. St. Louis et al.*, 180 U. S., 379, 382; *Miller v. Clark*, 138 U. S., 223.

No. 352. The Interstate Commerce Commission, appellant, *v. The Chicago Great Western Railway Company et al.* Reassigned for argument on Monday, April 15 next, after the cases already set down for that day.

No. 596. John Stephens et al., petitioners, *v. A. E. Brast et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. V. B. Archer for the petitioners and by Mr. R. E. Hornor for the respondents.

No. 621. William H. Wilder, petitioner, *v. Atwell J. Blackford.* Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. Charles E. Littlefield and Mr. Charles H. Duell for the petitioner and by Mr. Philip Mauro for the respondent.

No. 616. William F. D. Taylor, 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. Lucius H. Beers and Mr. William G. Choate for the petitioner.

No. —, Original. *Ex parte:* In the matter of John Armstrong Chandler, petitioner. Motion for leave to file petition for a writ of prohibition submitted by Mr. George W. Watt for the petitioner, and opposition submitted by Mr. Joseph H. Choate, jr.

No. 517. *In re James B. Wood et al.*, petitioners. Leave granted to Mr. R. W. Bonyunge to withdraw his appearance for petitioners.

No. 595. Alfred Kessler et al., petitioners, *v. The Ensley Land Company et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Benjamin Micou in behalf of Mr. W. A. Gunter for the petitioners, and by Mr. John B. Knox for the respondents.

No. 568. Continental Paper Bag Company, petitioner, *v. Eastern Paper Bag Company.* Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. Albert H. Walker for the petitioner, and by Mr. Samuel R. Betts and by Mr. Francis T. Chambers for the respondent.

No. 130. Louisa Sauer et al., plaintiffs in error, *v. The City of New York.* Motion to fix day for reargument submitted by Mr. Abram I. Elkus for the plaintiffs in error.

No. 622. North American Cold Storage Company, appellant, *v.* The City of Chicago et al. Advanced pursuant to the thirty-second rule, on motion of Mr. L. A. Stebbins for the appellant.

No. 574. Robert S. Bright, trustee, petitioner, *v.* The Fifth Congregational Church of Washington, D. C. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. S. Herbert Giesy and Mr. Heber J. May for the petitioner, and by Mr. William C. Sullivan for the respondent.

Nos. 331 and 332. Adams Express Company, plaintiff in error, *v.* The Commonwealth of Kentucky; and

No. 583. American Express Company of New York, plaintiff in error, *v.* The Commonwealth of Kentucky. Motion to advance submitted by Mr. Edmund F. Trabue for the American Express Company.

No. 254. North Shore Boom and Driving Company, plaintiff in error, *v.* Nicomen Boom Company. Motion to dismiss submitted by Mr. Holmes Conrad in behalf of Mr. W. W. Cotton for the defendant in error, with leave to counsel for plaintiff in error to file brief in opposition on or before March 11.

No. 461. John Romig et al., appellants, *v.* Myrtle Gillett. Motion to dismiss submitted by Mr. Henry F. Woodward and Mr. A. A. Birney for the appellee in support of motion, and by Mr. A. A. Hoehling, jr., for the appellants in opposition thereto.

No. 7, Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Leave granted to file amended demurrer herein, on motion of Mr. John G. Carlisle for the defendant.

No. 602. T. M. Angle, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. George E. Hamilton for the petitioner, and by Mr. Solicitor-General Hoyt for the respondent.

No. 112. Henry M. Earle, administrator, etc., appellant, *v.* Thomas E. Waggaman, administrator, etc. Appearance of T. Percy Myers and John J. Hamilton, administrators, etc., as the parties appellees herein filed and entered, on motion of Mr. T. Percy Myers for appellees.

No. 293. George Deslions et al., petitioners, *v.* La Compagnie Generale Transatlantique, owner, etc. Petition for cross-writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Edward K. Jones for the respondent in support of petition, and by Mr. R. D. Benedict and Mr. Joseph H. Choate for petitioners in opposition thereto.

No. 600. St. Louis and San Francisco Railroad Company, petitioner, *v.* John R. McSwain. Petition for a writ of certiorari to the United

States circuit court of appeals for the fifth circuit submitted by Mr. A. B. Browne, Mr. Theodore Mack and Mr. Thomas F. West for the petitioner.

No. 255. Elizabeth M. Chambers, plaintiff in error, *v.* The Baltimore and Ohio Railroad Company. Continued, per stipulation.

No. 5, Original. The State of Georgia, complainant, *v.* The Tennessee Copper Company et al. Argument commenced by Mr. Ligon Johnson for complainant and continued by Mr. James G. Parks for the defendants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, February 26, will be as follows: Nos. 5 (original), 204, 207, 209, 210 (and 211), 213, 217, 218 (and 219), 220 and 221.

O

SUPREME COURT OF THE UNITED STATES.

TUESDAY, FEBRUARY 26, 1907.

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

William B. Dwinnell of Wilmington, Del., George A. Mosher of Troy, N. Y., Edgar H. Fournier of Lander, Wyo., Benjamin F. Harper of Fort Wayne, Ind., and Robert Crain of Baltimore, Md., were admitted to practice.

No. 478. Chod Thomas, plaintiff in error, *v.* The State of Kansas. Motions to dismiss or affirm submitted by Mr. A. B. Browne in behalf of Mr. C. C. Coleman in support of motions, and by Mr. Alfred M. Jackson in opposition thereto.

No. 482. The United States, appellant, *v.* Edwin M. Keatley. Mandate granted, on motion of Mr. F. B. Crosthwaite for the appellee.

No. 192. John J. Allen, appellant, *v.* The United States. Mandate granted, on motion of Mr. C. C. Lancaster for the appellant.

No. 5, Original. The State of Georgia, complainant, *v.* The Tennessee Copper Company et al. Argument continued by Mr. James G. Parks and Mr. Howard Cornick for defendants, and concluded by Mr. John C. Hart for the complainant.

No. 204. Robert J. Tracy, plaintiff in error, *v.* Albert A. Ginzberg, individually and as trustee, etc. Argued by Mr. H. J. Jaquith for the plaintiff in error, and by Mr. A. W. Putnam for the defendant in error.

No. 207. The Iowa Railroad Land Company, plaintiff in error, *v.* Claude F. Bloomer. Argument commenced by Mr. Charles A. Clark for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, February 27, will be as follows: Nos. 207, 209, 210 (and 211), 213, 217, 218 (and 219), 220, 221, 222 and 223.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, FEBRUARY 27, 1907.

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

Charles L. Griffin of New York City, Hermon A. Kelley of Cleveland, Ohio, Herbert K. Oakes of Detroit, Mich., Orin L. Brown of Terre Haute, Ind., Leon L. French of Searchlight, Nev., and William Berry Craig of New York City were admitted to practice.

No. 628. Ed. Smith, plaintiff in error, *v.* The State of Tennessee. In error to the supreme court of the State of Tennessee. Docketed and dismissed with costs, on motion of Mr. Charles T. Cates, jr., for the defendant in error.

No. 207. The Iowa Railroad Land Company, plaintiff in error, *v.* Claude F. Blumer. Argument concluded by Mr. Charles A. Clark for the plaintiff in error, and case submitted by Mr. Constant R. Marks for the defendant in error.

No. 209. Albert K. Hiscock, trustee, etc., petitioner, *v.* Jacob M. Mertens. Argument commenced by Mr. Will B. Crowley for the petitioner, continued by Mr. D. R. Cobb for the respondent, and concluded by Mr. W. B. Crowley for the petitioner.

Nos. 210 and 211. Isaac W. Fowler, receiver, etc., appellant, *v.* John C. Osgood. Argued by Mr. J. C. Helm and Mr. N. T. Guernsey for the appellant, and by Mr. Cass E. Herrington for the appellee.

No. 213. Mary Amis Quinlan, executrix, etc. *v.* Green County, Kentucky. Argument commenced by Mr. George DuRelle for Quinlan, executrix, and continued by Mr. Ernest MacPherson for Green County.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, February 28, will be as follows: Nos. 213, 217, 218 (and 219), 220, 221, 222, 223, 224, 225 and 226.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, FEBRUARY 28, 1907.

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

Solon L. Perrin of Superior, Wis., John R. Jones of Scranton, Pa., John B. Redman of Ellsworth, Me., George W. Woodruff of Philadelphia, Pa., J. Raymond McCarl of McCook, Nebr., William Russell Deemer of Williamsport, Pa., and Sherman T. Handy of Sault Ste. Marie, Mich., were admitted to practice.

No. 213. *Mary Amis Quinlan, executrix, etc., v. Green County, Kentucky.* Argument continued by Mr. Ernest Macpherson for Green County, and concluded by Mr. Edmund F. Trabue for Quinlan, executrix.

No. 217. *Thomas Tindle et al., plaintiffs in error, v. Clarence T. Birkett.* Argued by Mr. Frank Gibbons for the plaintiffs in error. No counsel appeared for defendant in error.

No. 218. *Iroquois Transportation Company, claimant, etc., plaintiff in error, v. De Laney Forge and Iron Company; and*

No. 219. *Iroquois Transportation Company, claimant, etc., plaintiff in error, v. George W. Edwards et al.* Argument commenced by Mr. Charles E. Kremer for the plaintiff in error, continued by Mr. Herbert K. Oakes for the defendants in error, and concluded by Mr. Charles E. Kremer for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 1, will be as follows: Nos. 220, 221, 222, 223, 224, 225, 226, 227, 229 and 230 (and 231, 232 and 233).

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 1, 1907.

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

Frank H. Hereford of Tucson, Ariz., Beauregard Bryan of El Paso, Tex., and Eugene E. Ivins of Athens, Tenn., were admitted to practice.

No. 220. Davidson Steamship Company, plaintiff in error, *v.* The United States. Argument commenced by Mr. Charles E. Kremer for the plaintiff in error, continued by Mr. Assistant to the Attorney-General Purdy for the defendant in error, and concluded by Mr. Hermon A. Kelley for the plaintiff in error.

No. 221. O. V. Lawson, plaintiff in error, *v.* The State of Washington. Argued by Mr. Frederic D. McKenney for the defendant in error, and leave granted to counsel for the plaintiff in error to file brief hereafter.

No. 222. William Moore et al., appellants, *v.* R. J. McGuire et al. Argument commenced by Mr. U. M. Rose for the appellants.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 4, will be as follows: Nos. 222, 481, 1, 82 (and 83 and 92), 223, 224, 225, 226, 227 and 229.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 4, 1907.

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

Alexander G. Bentley of Washington, D. C., Attila Cox, jr., of Louisville, Ky., R. M. Campbell of Oklahoma City, Okla., Robert W. Childs of Chicago, Ill., C. A. Magaw of Topeka, Kans., Horace Phelps of Denver, Colo., Elbert B. Hand of Racine, Wis., and Willoughby S. Chesley of Washington, D. C., were admitted to practice.

No. 41. Catherine Schlemmer, plaintiff in error, *v.* The Buffalo, Rochester and Pittsburgh Railway Company. 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 Holmes. Dissenting: Mr. Justice Brewer, Mr. Justice Peckham, Mr. Justice McKenna and Mr. Justice Day.

No. 194. The United States *ex rel.* Willis C. West, plaintiff in error, *v.* Ethan A. Hitchcock, Secretary of the Interior. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 139. Wilmington Star Mining Company, plaintiff in error, *v.* Minnie Fulton. In error to the circuit court of the United States for the northern district of Illinois. Judgment reversed with costs, and cause remanded for further proceedings consistent with the opinion of this court. Opinion by Mr. Justice White.

No. 238. Citizens Savings and Trust Company, appellant, *v.* Illinois Central Railroad Company et al. Appeal from the circuit court of the United States for the eastern district of Illinois. Decree reversed with costs, and cause remanded that the plaintiff may proceed, as it may be advised, with the preparation of its case under the act of 1875. Opinion by Mr. Justice Harlan.

No. 174. Nicholas V. Halter et al., plaintiffs in error, *v.* The State of Nebraska. In error to the supreme court of the State of Nebraska.

Judgment affirmed with costs. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Peckham.

No. 369. James G. Tinsley, appellant, *v.* Morgan Treat, United States marshal, et al.;

No. 370. William De C. Kessler, appellant, *v.* Morgan Treat, United States marshal, et al.;

No. 371. Samuel T. Morgan, appellant, *v.* Morgan Treat, United States marshal, et al.;

No. 372. Austin B. Carpenter, appellant, *v.* Morgan Treat, United States marshal, et al.;

No. 373. Fortesque Whittle, appellant, *v.* Morgan Treat, United States marshal, et al.;

No. 374. Frank E. Wilcox, appellant, *v.* Morgan Treat, United States marshal, et al.;

No. 375. George Braden, appellant, *v.* Morgan Treat, United States marshal, et al.;

No. 376. Frank S. Royster, appellant, *v.* Morgan Treat, United States marshal, et al.;

No. 377. J. Rice Smith, appellant, *v.* Morgan Treat, United States marshal, et al.;

No. 378. Charles F. Burroughs, appellant, *v.* Morgan Treat, United States marshal, et al.; and

No. 379. Charles H. McDowell, appellant, *v.* Morgan Treat, United States marshal, et al. Appeals from the circuit court of the United States for the eastern district of Virginia. Final orders reversed with costs and causes remanded with directions to discharge appellants from custody under the orders and warrants of removal without prejudice to a renewal of the applications to remove. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice Harlan. (Mr. Justice Moody took no part in the decision of these cases.)

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

No. —, Original. *Ex parte*: In the matter of John Armstrong Chanler, petitioner. Motion for leave to file petition for a writ of prohibition denied.

No. 130. Louisa Sauer et al., plaintiffs in error, *v.* The City of New York. Assigned for reargument on Monday, March 18, after the cases already assigned for that day.

Nos. 331 and 332. Adams Express Company, plaintiff in error, *v.* The Commonwealth of Kentucky; and

No. 583. American Express Company of New York, plaintiff in error, *v.* The Commonwealth of Kentucky. Motion to advance granted, and cases assigned to be heard as one case on April 15 after cases already assigned for that day.

No. 293. George Deslions et al., petitioners, *v.* La Compagnie General Transatlantique, owner, etc. Consideration of the petition for a cross-writ of certiorari postponed to the hearing of the case.

No. 316. William F. D. Taylor, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 574. Robert S. Bright, trustee, petitioner, *v.* The Fifth Congregational Church of Washington, D. C. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 595. Alfred Kessler et al., petitioners, *v.* The Ensley Land Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 596. John Stephens et al., petitioners, *v.* A. E. Brast et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 600. St. Louis and San Francisco Railroad Company, petitioner, *v.* John R. McSwean. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 621. William H. Wilder, petitioner, *v.* Atwell J. Blackford. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

Nos. 210 and 211. Isaac W. Fowler, receiver, etc., appellant, *v.* John C. Osgood. Appeals from the circuit court of the United States for the district of Colorado. Dismissed for the want of jurisdiction on the authority of *Louisville Trust Company v. Knott*, 195 U. S., 225, and cases therein cited; *Bache v. Hunt*, 193 U. S., 523, 525.

No. 461. John Romig et al., appellants, *v.* Myrtle Gillett. Appeal from the supreme court of the Territory of Oklahoma. Dismissed for want of jurisdiction. *Schlosser v. Hemphill*, 198 U. S., 1737, and cases cited in *California Consolidated Mining Co. v. Manley*, 203 U. S., 579.

No. 478. Chod Thomas, plaintiff in error, *v.* The State of Kansas. In error to the supreme court of the State of Kansas. Dismissed for the want of jurisdiction. *Eilenbecker v. District Court of Plymouth County*, 134 U. S., 31; *Mugler v. Kansas*, 123 U. S., 623; *Crowley v. Christensen*, 137 U. S., 86; *Giozza v. Tiernan*, 148 U. S., 662; *Otis v. Parker*, 187 U. S., 606, 608, 609; *Castillo v. McConnies*, 168 U. S., 674; *Smiley v. Kansas*, 196 U. S., 447. Case below, 86 Pac. Rep., 499.

No. 588. Illinois Central Railroad Company et al., appellants, *v.* Interstate Commerce Commission. Motion to advance submitted by Mr. Solicitor-General Hoyt for the appellee.

No. 601. Southern Railway Company et al., appellants, *v.* H. H. Tift et al. Motion to advance submitted by Mr. Solicitor-General Hoyt on behalf of counsel for the appellees.

No. 632. Luigi Gandolfi et al., petitioners, *v.* Alfredo C. Siegert, surviving partner, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. John Brooks Leavitt and Mr. Edmund Wetmore for the petitioners, and by Mr. E. B. Whitney for the respondent.

No. 624. Frederick W. Ward, petitioner, *v.* John B. Hart, trustee, et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. E. Hilton Jackson in behalf of Mr. V. B. Archer for the petitioner.

No. 314. Clarence P. Hunt, appellant, *v.* The New York Cotton Exchange. Advanced under the thirty-second rule, on motion of Mr. Martin H. Foss in behalf of counsel, and submitted by Mr. Thomas B. Turley and Mr. William H. Carroll for the appellant, and by Mr. Henry S. Robbins, Mr. Henry W. Taft and Mr. Henry Craft for the appellee.

No. 1. Edward J. Pearcy, plaintiff in error, *v.* Nevada N. Stranahan. Submitted by Mr. James C. Lenney for the plaintiff in error, and by Mr. Attorney-General Bonaparte, Mr. Solicitor-General Hoyt and Mr. Otis J. Carlton for the defendant in error.

No. 222. William Moore et al., appellants, *v.* R. J. McGuire et al. Argument concluded by Mr. D. E. Myers for the appellants, and case submitted by Mr. J. M. Moore for the appellees.

No. 481. Addison Johnson, agent and warden, appellant, *v.* Charles C. Browne. Argument commenced by Mr. W. Wickham Smith for the appellant, and continued by Mr. Terence J. McManus for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 5, will be as follows: Nos. 481, 82 (and 83 and 92), 223, 224, 225, 226, 227, 229, 230 (and 231, 232 and 233) and 234.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 5, 1907.

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

Joseph Weissenbach of Chicago, Ill., was admitted to practice.

No. 481. Addison Johnson, agent and warden, appellant, *v.* Charles C. Browne. Argument continued by Mr. Terence J. McManus for the appellee, and concluded by Mr. W. Wickham Smith for the appellant.

No. 82. Home Savings Bank, plaintiff in error, *v.* The City of Des Moines et al.;

No. 83. People's Savings Bank, plaintiff in error, *v.* The City of Des Moines et al.; and

No. 92. Des Moines Savings Bank, plaintiff in error, *v.* The City of Des Moines et al. Reargument commenced by Mr. N. T. Guernsen for the plaintiffs in error in Nos. 83 and 92, continued by Mr. William J. Harvison for plaintiff in error in No. 82, by Mr. William H. Bremner for the defendants in error, and concluded by Mr. George F. Henry for the plaintiff in error in No. 92.

No. 223. Thomas M. Patterson, plaintiff in error, *v.* The People of the State of Colorado ex rel. the Attorney-General of the State of Colorado. Argument commenced by Mr. Thomas M. Patterson pro se.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 6, will be as follows: Nos. 223, 224, 225, 226, 227, 229, 230 (and 231, 232 and 233), 234, 235 and 236.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 6, 1907.

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

Elmer C. Andersen of Kane, Pa., George A. Outcalt of Tecumseh, Okla., John J. McCusker of Baltimore, Md., and Lewis G. Gregory of Washington, D. C., were admitted to practice.

No. 235. John Edward McCarty, appellant, *v.* The United States. Submitted by Mr. H. V. Morehouse for the appellant, and by Mr. Assistant Attorney-General Van Orsdel for the appellee.

No. 326. The Arkansas Southern Railroad Company et al., plaintiffs in error, *v.* The German National Bank. Motion to dismiss submitted by Mr. John Fletcher for the defendant in error in support of motion, and by Mr. Edward B. Peirce for the plaintiff in error in opposition thereto.

No. 223. Thomas M. Patterson, plaintiff in error, *v.* The People of the State of Colorado ex rel. The Attorney-General of the State of Colorado. Argument continued by Mr. Thomas M. Patterson pro se, by Mr. I. B. Melville and Mr. Horace Phelps for the defendant in error, and concluded by Mr. Thomas M. Patterson pro se. Leave granted to plaintiff in error to file an additional brief within ten days.

No. 224. Procopia Garza de Villereal et al., plaintiffs in error, *v.* The State of Texas. Submitted by Mr. A. G. Dickinson for the plaintiffs in error, and by Mr. R. V. Davidson for the defendant in error.

No. 225. Augusta A. Peterson et al., plaintiffs in error, *v.* The Chicago, Rock Island and Pacific Railway Company. Argument commenced by Mr. M. A. Low for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 7, will be as follows: Nos. 225, 226, 227, 229, 230 (and 231, 232 and 233), 234, 236, 240, 242 and 243.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 7, 1907.

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

Harry T. Newcomb of Washington, D. C., W. J. McKie of Corsicana, Tex., and Robert V. Fletcher of Jackson, Miss., were admitted to practice.

No. 225. Augusta A. Peterson et al., plaintiffs in error, *v.* The Chicago, Rock Island and Pacific Railway Company. Argument concluded by Mr. M. A. Low for the defendant in error, and case submitted by Mr. D. T. Bomar for the plaintiffs in error.

No. 226. Henry W. Urquhart, sheriff, etc., appellant, *v.* Thomas Brown. Argued by Mr. E. C. McDonald for the appellant. No counsel appeared for the appellee.

No. 227. Behn, Meyer & Co., plaintiff in error, *v.* Campbell & Go Tauco. Argument commenced by Mr. Henry E. Davis for the plaintiff in error, continued by Mr. A. B. Browne for the defendants in error, and concluded by Mr. Henry E. Davis for the plaintiff in error.

No. 229. Security Warehousing Company et al., appellants, *v.* Elbert B. Hand et al., trustees, etc. Argument commenced by Mr. John B. Simmons for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 8, will be as follows: Nos. 229, 230, (and 231, 232 and 233), 234, 236, 240, 242, 243, 244, 245 and 246.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 8, 1907.

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

Hale Holden of Kansas City, Mo., and James S. Easby-Smith of Washington, D. C., were admitted to practice.

No. 236. Edward H. Love, plaintiff in error, *v.* Annie Flahive et al. Submitted by Mr. Thomas C. Bach for the plaintiff in error, and by Mr. S. M. Stockslager and Mr. George C. Heard for the defendants in error.

No. 229. Security Warehousing Company et al., appellants, *v.* Elbert B. Hand et al., trustees, etc. Argument concluded by Mr. John B. Simmons for the appellees, and case submitted by Mr. Henry S. Robbins for the appellants. Leave granted counsel for the appellants to file an additional brief within five days.

No. 230. Charles E. Yates et al., plaintiffs in error, *v.* Jones National Bank;

No. 231. Charles E. Yates et al., plaintiffs in error, *v.* Utica Bank;

No. 232. Charles E. Yates et al., plaintiffs in error, *v.* Thomas Bailey; and

No. 233. Charles E. Yates et al., plaintiffs in error, *v.* Bank of Staplehurst. Argument commenced by Mr. Halleck F. Rose for the plaintiffs in error, and continued by Mr. Lionel C. Burr and Mr. J. J. Thomas for the defendants in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 11, will be as follows: Nos. 230 (and 231, 232 and 233), 7 (original), 395, 234, 240, 242, 243, 244, 245 and 358.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 11, 1907.

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

F. Walter Brandenburg of Washington, D. C., George Bryan of Richmond, Va., Sanford Robinson of New York City, A. R. Stallings of Davis, W. Va., Forrest W. Brown of Charles Town, W. Va., John H. Ballinger of Seattle, Wash., James G. Wilson of Portland, Oreg., William B. Allison of Seattle, Wash., and George E. Wallace of El Paso, Tex., were admitted to practice.

No. 144. Berton O. Wetmore, administrator, etc., plaintiff in error, *v.* James L. Karrick. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Day. (Mr. Justice Brewer took no part in the consideration and decision of this case.)

No. 190. Thomas R. Martin, plaintiff in error, *v.* The District of Columbia; and

No. 191. Clarence A. Brandenburg, plaintiff in error, *v.* the District of Columbia. In error to the court of appeals of the District of Columbia. Judgments reversed with costs, and causes remanded with directions to reverse the judgments of the supreme court of the District of Columbia and remand the causes to that court with directions to quash the assessments. Opinion by Mr. Justice Holmes. (Mr. Justice Harlan, Mr. Justice White and Mr. Justice McKenna concur in the judgments.)

No. 152. Northern Pacific Railway Company et al., plaintiffs in error, *v.* Jacob Slaght. In error to the supreme court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Justice McKenna. (Mr. Justice Brewer took no part in the decision of this case.)

No. 153. Northern Pacific Railway Company et al., plaintiffs in error, *v.* Margaret A. Slaght. In error to the supreme court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Justice McKenna. (Mr. Justice Brewer took no part in the decision of this case.)

No. 188. *The United States, appellant, v. The Bethlehem Steel Company.* Appeal from the Court of Claims. Judgment reversed, and cause remanded with directions to dismiss the petition. Opinion by Mr. Justice Peckham.

No. 149. *Jay Delamater, plaintiff in error, v. The State of South Dakota.* In error to the supreme court of the State of South Dakota. Judgment affirmed with costs. Opinion by Mr. Justice White. Dissenting: Mr. Chief Justice Fuller.

No. 405. *Vuko Perovich, plaintiff in error, v. The United States.* In error to the district court of the United States for the third division of Alaska. Judgment affirmed. Opinion by Mr. Justice Brewer.

The Chief Justice announced the following orders of the court:

No. 221. *O. V. Lawson, plaintiff in error, v. The State of Washington.* In error to the supreme court of the State of Washington. Dismissed for the want of jurisdiction. *Dent v. West Virginia*, 129 U. S., 114; *California Powder Works v. Davis*, 151 U. S., 393; *Sayward v. Denny*, 158 U. S., 180; *Ausbro v. United States*, 159 U. S., 695.

No. 224. *Procopia Garza De Villereal et al., plaintiffs in error, v. The State of Texas.* In error to the court of civil appeals for the third supreme judicial district of the State of Texas. Dismissed for the want of jurisdiction. *O'Connor v. Texas*, 202 U. S., 501; *Bacon v. Texas*, 163 U. S., 219; *California Powder Works v. Davis*, 151 U. S., 389; *Devine v. Los Angeles*, 202 U. S., 313, 337.

No. 326. *The Arkansas Southern Railroad Company et al., plaintiffs in error, v. The German National Bank.* Motion to dismiss postponed to the hearing of the cause on its merits.

No. 568. *Continental Paper Bag Company, petitioner, v. Eastern Paper Bag Company.* Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit granted.

No. 588. *Illinois Central Railroad Company et al., appellants, v. Interstate Commerce Commission.* Motion to advance granted, and cause assigned for argument on Monday, April 22.

No. 601. *Southern Railway Company et al., appellants, v. H. H. Tift et al.* Motion to advance granted, and cause assigned for argument on Monday, April 22, after the case already set down for that day.

No. 602. *T. M. Angle, petitioner, v. The United States.* Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 624. *Frederick W. Ward, petitioner, v. John B Hart, trustee, et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 632. Luigi Gandolfi et al., petitioners, *v.* Alfredo C. Siegert, as surviving partner, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 590. The Mobile, Jackson and Kansas City Railroad Company et al., plaintiffs in error, *v.* The State of Mississippi et al. Motion to vacate supersedeas submitted by Mr. R. V. Fletcher in support of motion, and by Mr. William Hepburn Russell and Mr. Edward Mayes in opposition thereto, with leave to counsel for defendants in error to file reply brief within five days.

No. 607. The Merchants National Bank of Baltimore, appellant, *v.* The United States. Motion to advance submitted by Mr. James H. Hayden for appellant.

No. 638. Maggie Myers, appellant, *v.* Andrew P. Wymore, late sheriff, etc., et al. Motion to advance submitted by Mr. W. B. C. Brown in behalf of counsel for the appellees.

No. 640. Kentucky Distilleries and Warehouse Company, petitioner, *v.* J. I. Blanton, assignee, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. C. E. Patterson in behalf of Mr. William Marshall Bullitt, Mr. Levy Mayer and Mr. Alfred T. Austrian for the petitioner, and by Mr. Helm Bruce for the respondents.

No. 620. Thomas J. Shea, petitioner, *v.* City of Mobile. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Harry T. Smith and Mr. Gregory L. Smith for the petitioner.

No. 629. Louis W. Downes, petitioner, *v.* The Teter-Henry Development Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Philip Maure and Mr. Reeve Lewis for the petitioner, and by Mr. Henry E. Everding for the respondent.

No. 254. North Shore Boom and Driving Company, plaintiff in error, *v.* Nicomen Boom Company. In error to the supreme court of the State of Washington. Dismissed with costs, on motion of Mr. S. H. Piles for the plaintiff in error.

No. 627. Convent of St. Rose, petitioner, *v.* The United States Savings and Loan Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Charles W. Needham for the petitioner, and by Mr. Corwin S. Shank for the respondent.

No. 246. Samuel H. Leathe, plaintiff in error, *v.* Edward L. Thomas. Death of plaintiff in error suggested, and case passed temporarily, on

motion of Mr. Charles F. Wilson in behalf of counsel for plaintiff in error.

No. 230. Charles E. Yates et al., plaintiffs in error, *v.* Jones National Bank;

No. 231. Charles E. Yates et al., plaintiffs in error, *v.* Utica Bank;

No. 232. Charles E. Yates et al., plaintiffs in error, *v.* Thomas Bailey; and

No. 233. Charles E. Yates et al., plaintiffs in error, *v.* Bank of Staplehurst. Argument concluded by Mr. J. W. Deweese for the plaintiffs in error.

No. 7, Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Three hours allowed to each side in the argument on demurrer, on motion of Mr. William A. Anderson for the complainant. Argument commenced by Mr. Charles E. Hogg in support of demurrer, and continued by Mr. Holmes Conrad in opposition thereto.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 12, will be as follows: Nos. 7 (original), 395, 234, 240, 242, 243, 244, 245, 358 and 247.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 12, 1907.

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

John G. Williams of Duluth, Minn., and Addison T. Smith of Boise, Idaho, were admitted to practice.

No. 136. The United States et al., appellants, *v.* William B. Kirk. Mandate granted, on motion of Mr. William R. Harr for the appellants.

No. 7, Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Argument continued by Mr. Holmes Conrad and Mr. William A. Anderson in opposition to demurrer, and concluded by Mr. John G. Carlisle in support of the demurrer. Leave granted to counsel for complainant to file additional brief within five days, and to counsel for defendant to reply thereto within five days.

No. 395. Thomas M. Fields, plaintiff in error, *v.* The United States. Argument commenced by Mr. Frank J. Hogan for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 13, will be as follows: Nos. 395, 234, 240, 242, 243, 244, 245, 358, 247 and 248.

O

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 13, 1907.

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

No. 248. Andrew Patterson, plaintiff in error, *v.* Isham Taylor, jailer, etc. In error to the supreme court of the State of Florida. Dismissed with costs, pursuant to the tenth rule.

No. 395. Thomas M. Fields, plaintiff in error, *v.* The United States. Argument continued by Mr. Frank J. Hogan for the plaintiff in error, by Mr. J. S. Easby-Smith for the defendant in error, and concluded by Mr. John C. Gittings for the plaintiff in error.

No. 234. Charles T. Cherry, receiver, etc., plaintiff in error, *v.* The Fidelity and Deposit Company. Argument commenced by Mr. R. M. Campbell for the plaintiff in error, and continued by Mr. Edgar H. Gans for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 14, will be as follows: Nos. 234, 240, 242, 243, 244, 245, 358, 247, 253 and 256.

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 14, 1907.

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

Moses N. Amis of Raleigh, N. C., was admitted to practice.

No. 234. Charles T. Cherry, receiver, etc., plaintiff in error, *v.* The Fidelity and Deposit Company. Argument concluded by Mr. Edgar H. Gans for the defendant in error.

No. 240. Winthrop Astor Chanler et al., plaintiffs in error, *v.* Otto Kelsey, comptroller, etc. Argument commenced by Mr. Lucius H. Beers for the plaintiffs in error, continued by Mr. David B. Hill for the defendant in error, and concluded by Mr. Lucius H. Beers for the plaintiffs in error.

No. 242. Stevenson Iron Mining Company, plaintiff in error, *v.* Elmer A. Kibbe. Argued by Mr. John G. Williams for the plaintiff in error, and by Mr. Samuel A. Anderson for the defendant in error.

No. 243. Chicago, Burlington and Quincy Railway Company *v.* Edgar C. Williams. Argument commenced by Mr. O. H. Dean for the Chicago, Burlington and Quincy Railway Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 15, will be as follows: Nos. 243, 244, 245, 358, 247, 253, 256, 257, 258 and 261.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 15, 1907.

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

John H. Atwood of Leavenworth, Kans., was admitted to practice.

No. 401. Will D. Gould et al., appellants, *v.* Leo V. Youngworth, United States marshal, etc.;

No. 415. Warren Gillelen et al., appellants, *v.* Leo V. Youngworth, United States marshal, etc.; and

No. 432. Lee R. Myers, appellant, *v.* H. Z. Osborne, United States marshal, etc. Suggestion of the Attorney-General as to argument submitted by Mr. Solicitor-General Hoyt for appellees.

No. 243. Chicago, Burlington and Quincy Railway Company *v.* Edgar C. Williams. Argument concluded by Mr. O. H. Dean for the Chicago, Burlington and Quincy Railway Company, and cause submitted by Mr. John H. Denison and Mr. Timothy J. Butler for Edgar C. Williams.

No. 244. Albert K. Hiscock, trustee, etc., appellant, *v.* The Varick Bank of New York. Argument commenced by Mr. Will B. Crowley for the appellant, continued by Mr. F. M. Czaki for the appellee, and concluded by Mr. Will B. Crowley for the appellant.

No. 245. The Mercantile Trust Company, plaintiff in error, *v.* Melville D. Hensy. Submitted by Mr. Hayden Johnson and Mr. John Ridout for the plaintiff in error, and by Mr. A. A. Birney and Mr. H. F. Woodard for the defendant in error.

No. 247. Mexican Central Railway Company, Limited, *v.* J. W. Eckman, guardian, etc. Argument commenced by Mr. E. R. Thayer for the Mexican Central Railway Company.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 18, will be as follows: Nos. 247, 358, 401 (and 415 and 432), 107, 172, 195, 212, 216, 273 and 130.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 18, 1907.

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

Herbert J. Goudge of Los Angeles, Cal., Frank E. Carstarphen of New York City, Albert R. Palmer of New York City, and William R. Wood of Lafayette, Ind., were admitted to practice.

No. 226. Henry W. Urquhart, sheriff, etc., appellant, *v.* Thomas Brown. Appeal from the circuit court of the United States for the western district of Washington. Order reversed with costs, and cause remanded with directions to set aside the order discharging the appellee and to enter an order denying the application for a writ of habeas corpus, leaving the appellee in the custody of the State, with the liberty to apply for a writ of error to review the judgment of the supreme court of the State of Washington. Opinion by Mr. Justice Harlan.

No. 204. Robert J. Tracy, plaintiff in error, *v.* Albert A. Ginzberg, individually and as trustee, etc. In error to the supreme judicial court of the State of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 180. The United States, appellant, *v.* Don C. Mitchell. Appeal from the Court of Claims. Judgment reversed, and cause remanded with a direction to enter judgment in favor of the claimant for \$125. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced that the court would take a recess from Monday, March 25, to Monday, April 8.

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

No. 234. Charles T. Cherry, receiver, etc., plaintiff in error, *v.* The Fidelity and Deposit Company. In error to the supreme court of the Territory of Oklahoma. Judgment affirmed with costs. *Fidelity and Deposit Company v. Courtney*, 186 U. S., 342; *Guarantee Company v. Mechanics Company*, 183 U. S., 402; Case below 85 Pac. Rep., 713, sub nom; *Willoughby v. Fidelity and Deposit Company*; *Sweeney v. Lomme*, 22 Wall., 208.

No. 242. Stevenson Iron Mining Company, plaintiff in error, *v. Elmer A. Kibbe*. In error to the circuit court of the United States for the district of Minnesota. Judgment affirmed with costs and interest. *Minnesota Iron Company v. Kline*, 199 U. S., 593; *Holden v. Hardy*, 169 U. S., 366, 392; *Kibbe v. Stevenson Iron Company*, 136 Fed. Rep., 147; *Kline v. Minnesota Iron Company*, 93 Minn., 63; *Schus v. Powers-Simpson Company*, 85 Minn., 447.

No. 590. The Mobile, Jackson and Kansas City Railroad Company et al., plaintiffs in error, *v. The State of Mississippi et al.* Proceedings in the decree below are superseded and stayed until the further order of this court, on plaintiffs in error filing bond in the penal sum of \$5,000, conditioned according to law, and approved by the clerk of this court.

No. 607. The Merchants' National Bank of Baltimore, appellant, *v. The United States*. Motion to advance denied without prejudice.

No. 638. Maggie Myers, appellant, *v. Andrew P. Wymore*, late sheriff, etc., et al. Motion to advance granted, and cause assigned for argument on Monday, April 22 next, after the cases already set down for that day.

No. 620. Thomas J. Shea, petitioner, *v. City of Mobile*. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 627. Convent of St. Rose, petitioner, *v. The United States Savings and Loan Company*. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 629. Louis W. Downes, petitioner, *v. The Teter-Heany Development Company*. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 640. Kentucky Distilleries and Warehouse Company, petitioner, *v. J. I. Blanton*, assignee, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 642. William Spaugh, jr., appellant, *v. H. L. Fitts*, sheriff, etc. Motion to advance submitted by Mr. W. B. C. Brown in behalf of counsel for appellee.

No. 644. Louisville and Nashville Railroad Company, appellant, *v. Erasmus L. Mottley et ux.* Motion to advance submitted by Mr. Attorney-General Bonaparte in behalf of counsel for the appellant.

No. 564. L. Lechenger et al., plaintiffs in error, *v. Merchants National Bank of Houston et al.* Motions to dismiss or affirm submitted by Mr. A. L. Jackson and Mr. John W. Parker in support of motions, and by Mr. Frank C. Jones and Mr. James A. Baker in opposition thereto.

No. 630. Morris Edelstein, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. W. B. Matthews for the petitioner.

No. 635. Southern Railway Company, petitioner, *v.* Hubbard Brothers & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. W. A. Henderson, Mr. Caruthers Ewing and Mr. A. P. Thom for the petitioner.

No. 354. Margaret Saylor, appellant, *v.* John C. Frantz. Appeal from the supreme court of the Territory of Oklahoma. Dismissed with costs, on authority of counsel for appellant.

No. 107. Thomas Milner Harrison, plaintiff in error, *v.* J. A. Magoon et al. Submitted by Mr. D. L. Withington and Mr. A. G. M. Robertson for the plaintiff in error, and by Mr. E. B. McClanahan, Mr. J. A. Magoon, Mr. F. B. McStocker and Mr. D. Emerson for the defendants in error.

No. 247. Mexican Central Railway Company, Limited, *v.* J. W. Eckman, guardian, etc. Argument continued by Mr. E. R. Thayer for the Mexican Central Railway Company, by Mr. George E. Wallace for Eckman, and concluded by Mr. E. R. Thayer for the Mexican Central Railway Company.

No. —, Original. *Ex parte*: In the matter of James Pollitz, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. Frederic D. McKenney in behalf of Mr. Roger Foster for the petitioner.

No. 358. Homer E. Grafton, plaintiff in error, *v.* The United States. Argument commenced by Mr. Clarence S. Nettles for the plaintiff in error, and continued by Mr. Solicitor-General Hoyt for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 19, will be as follows: Nos. 358, 401 (and 415 and 432), 172, 195, 212, 216, 273, 130, 14 and 253.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 19, 1907.

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

Guy E. Farquhar of Pottsville, Pa., Charles E. Berger of Pottsville, Pa., Alexander Cumming of New Haven, Conn., Wallace R. Lane of Des Moines, Iowa, James W. Bevans of Washington, D. C., and Henry W. Prouty of Chicago, Ill., were admitted to practice.

No. 358. Homer E. Grafton, plaintiff in error, *v.* The United States. Argument continued by Mr. Solicitor-General Hoyt for the defendant in error, and concluded by Mr. John H. Atwood for the plaintiff in error.

No. 401. Will D. Gould et al., appellants, *v.* Leo V. Youngworth, United States marshal, etc.;

No. 415. Warren Gillelen et al., appellants, *v.* Leo V. Youngworth, United States marshal, etc.; and

No. 432. Lee R. Myers, appellant, *v.* H. Z. Osborne, United States marshal, etc. Argument commenced by Mr. Will D. Gould for appellants in No. 401, and continued by Mr. H. J. Goudge for the appellants in No. 415, and by Mr. Assistant Attorney-General Sanford for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 20, will be as follows: Nos. 401 (and 415 and 432), 172, 195, 212, 216, 273, 130, 14, 253 and 256.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 20, 1907.

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

Alexander H. Sands of Richmond, Va., and Wilmer Mumma of San Francisco, Cal., were admitted to practice.

No. 401. Will D. Gould et al., appellants, *v.* Leo V. Youngworth, United States marshal, etc.;

No. 415. Warren Gillelen et al., appellants, *v.* Leo V. Youngworth, United States marshal, etc.; and

No. 432. Lee R. Myers, appellant, *v.* H. Z. Osborne, United States marshal, etc. Argument concluded by Mr. H. J. Goudge for the appellants in No. 415.

No. 172. Emma L. Kaipu, etc., appellant, *v.* L. E. Pinkham, president of the board of health, etc. Submitted by Mr. A. G. M. Robertson for the appellant, and by Mr. Lorrin Andrews for the appellee.

No. 195. Frederick J. Lowrey et al., trustees, appellants, *v.* The Territory of Hawaii. Argued by Mr. D. L. Withington for the appellants, and submitted by Mr. Lorrin Andrews for the appellee.

No. 212. William W. Bierce, Limited, appellant, *v.* Clinton J. Hutchins, trustee. Argument commenced by Mr. Charles H. Aldrich for the appellant, and continued by Mr. D. L. Withington and Mr. A. B. Browne for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 21, will be as follows: Nos. 212, 216, 273, 130, 14, 253, 256, 257, 258 and 261.

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 21, 1907.

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

David W. Hill of Poplar Bluff, Mo., was admitted to practice.

No. 461. John Romig et al., appellants, *v.* Myrtle Gillett. Mandate granted, on motion of Mr. H. F. Woodard for the appellee.

No. 212. William W. Bierce, Limited, appellant, *v.* Clinton J. Hutchins, trustee. Argument concluded by Mr. Charles H. Aldrich for the appellant. Leave granted to both sides to file additional briefs.

No. 216. C. G. Ballentyne et al., appellants, *v.* William O. Smith, trustee, et al. Argument commenced by Mr. David L. Withington for the appellants, and continued by Mr. Francis M. Hatch for the appellees, and concluded by Mr. David L. Withington for the appellants.

No. 273. David Kawanakoa et al., appellants, *v.* Ellen Albertina Polyblank, trustee, et al. Argued by Mr. A. B. Browne for the appellees, and submitted by Mr. Sidney M. Ballou for the appellants.

No. 130. Louisa Sauer et al., plaintiffs in error, *v.* The City of New York. Reargued by Mr. Abram I. Elkins for the plaintiffs in error, and by Mr. Theodore Connolly for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 22, will be as follows: Nos. 14, 253, 256, 257, 258, 261, 262, 263 (and 264), 268 and 269.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 22, 1907.

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

James Clarke Jeffery of Chicago, Ill., was admitted to practice.

No. 268. Robert Manford, plaintiff in error, *v.* The State of Minnesota. In error to the supreme court of the State of Minnesota. Dismissed with costs, pursuant to the tenth rule.

No. 14. James Buck, trustee, etc., plaintiff in error, *v.* William E. Beach, treasurer, etc. Argument commenced by Mr. Byron W. Langdon for the plaintiff in error, continued by Mr. William R. Wood for the defendant in error, and concluded by Mr. W. H. H. Miller for the plaintiff in error.

No. 253. R. G. Stone et al., plaintiffs in error, *v.* Southern Illinois and Missouri Bridge Company. Argument commenced by Mr. Shepard Barclay for the plaintiffs in error.

Adjourned until Monday next at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 25, 1907.

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

Vernon E. Hodges of Washington, D. C., Edward G. Smith of Clarksburg, W. Va., Alfred Driver of Philadelphia, Pa., and Horace Van Everen of Boston, Mass., were admitted to practice.

No. 156. Rochester Railway Company, plaintiff in error, *v.* City of Rochester. In error to the supreme court of the State of New York. Judgment affirmed with costs and interest. Opinion by Mr. Justice Moody. (Mr. Justice White concurs in the result.)

No. 206. Empire State-Idaho Mining and Developing Company et al., appellants, *v.* Kennedy J. Hanley. Appeal from the circuit court of the United States for the district of Idaho. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Day.

No. 222. William Moore et al., etc., appellants, *v.* R. J. McGuire et al. Appeal from the circuit court of the United States for the eastern district of Arkansas. Decree reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Harlan. (Mr. Justice Peckham took no part in the decision of this case.)

No. 209. Albert K. Hiscock, trustee, etc., petitioner, *v.* Jacob M. Mertens. On writ of certiorari to the United States circuit court of appeals for the second circuit. Decree affirmed with costs, and cause remanded to the district court of the United States for the northern district of New York. Opinion by Mr. Justice McKenna.

No. 220. Davidson Steamship Company, plaintiff in error, *v.* The United States of America. In error to the United States circuit court of appeals for the eighth circuit. Judgment affirmed, and cause remanded to the circuit court of the United States for the district of Minnesota. Opinion by Mr. Justice Brewer.

No. 236. Edward H. Love, plaintiff in error, *v.* Annie Flahive et al. In error to the supreme court of the State of Montana. Judgment

affirmed with costs. Opinion by Mr. Justice Brewer. (Mr. Justice White took no part in the decision of this case.)

No. 217. Thomas Tindle et al., plaintiffs in error, *v.* Clarence T. Birkett. In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller. (Announced by Mr. Justice Harlan.)

Mr. Justice Harlan announced the following orders of the court:

No. —, Original. *Ex parte*: In the matter of James Pollitz, petitioner. Motion for leave to file petition for a writ of mandamus granted, and rule to show cause awarded, returnable April 8 next.

No. 564. L. Lechenger et al., plaintiffs in error, *v.* Merchants National Bank of Houston et al. Motions to dismiss or affirm postponed to the hearing of the case on its merits.

No. 630. Morris Edelstein, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 635. Southern Railway Company, petitioner, *v.* Hubbard Brothers & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 642. William Spaugh, jr., appellant, *v.* H. L. Fitts, sheriff, etc. Motion to advance granted, and cause assigned for argument on Monday, April 22 next, after the cases already set down for that day.

No. 644. Louisville and Nashville Railroad Company, appellant, *v.* Erasmus L. Mottley et ux. Motion to advance denied without prejudice.

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. 567. William H. Ellis, plaintiff in error, *v.* The United States;

No. 664. Eastern Dredging Company, plaintiff in error, *v.* The United States;

No. 665. Eastern Dredging Company, plaintiff in error, *v.* The United States;

No. 666. Eastern Dredging Company, plaintiff in error, *v.* The United States;

No. 667. Bay State Dredging Company, plaintiff in error, *v.* The United States;

No. 668. Bay State Dredging Company, plaintiff in error, *v.* The United States; and

No. 669. Bay State Dredging Company, plaintiff in error, *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Hoyt for the United States.

No. 394. John Newton Williamson, plaintiff in error, *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Hoyt for the United States.

No. 616. William F. D. Taylor, petitioner, *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Hoyt in behalf of counsel for petitioner.

No. 661. Abraham Ruef, plaintiff in error, *v.* Thomas F. O'Neil, sheriff, etc. In error to the superior court of the city and county of San Francisco, State of California. Dismissed with costs, on motion of Mr. A. B. Browne for the plaintiff in error. Mandate granted, on motion of Mr. Frederic D. McKenney for the defendant in error.

No. 663. Smokeless Fuel Company, petitioner, *v.* Samuel H. Cottrell & Son. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Alexander H. Sands for the petitioner, and by Mr. H. R. Pollard for the respondents.

No. 652. Timothy F. Paddell, plaintiff in error, *v.* The City of New York. Motion to advance submitted by Mr. Everett V. Abbot for the plaintiff in error.

No. 636. W. Kelsey Kurtz, petitioner, *v.* Arthur K. Brown, surviving receiver, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Rudolph M. Schick for the petitioner, and by Mr. R. D. Brown, Mr. Malcolm Lloyd, jr., and Mr. Charles H. Burr for the respondent.

No. 646. Elizabeth J. Ward, petitioner, *v.* Dampskibsselskabet Kjoebenhavn. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Frank R. Savidge for the petitioner, and by Mr. J. Parker Kirlin and Mr. Charles R. Hickox for the respondent.

No. 253. R. G. Stone et al., plaintiffs in error, *v.* Southern Illinois and Missouri Bridge Company. Argument concluded by Mr. Martin L. Clardy for the defendant in error.

Adjourned until Monday, April 8, at 12 o'clock.

The day call for Monday, April 8, will be as follows: Nos. 424 to 430, 166, 580, 587, 594, 256, 257, 258, 261 and 262.

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 8, 1907.

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

Charles H. Hamill of Chicago, Ill., Isaac M. Jordan of Chicago, Ill., Jesse Jay Ricks of Chicago, Ill., Jesse E. Torrance of Winfield, Kans., Carl R. Chindblom of Chicago, Ill., Harry A. Lewis of Chicago, Ill., Benjamin D. Warfield of Louisville, Ky., Frank Coy Allis of Holley, N. Y., J. W. Canada of Memphis, Tenn., Malcolm C. Woods of Marion, S. C., and G. W. Cottrell of Cleveland, Ohio, were admitted to practice.

No. 199. Metropolitan Life Insurance Company of New York, plaintiff in error, *v.* The City of New Orleans et al. In error to the supreme court of the State of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice Moody.

No. 227. Behn, Meyer & Co., plaintiffs in error, *v.* Campbell & Go Tauco. In error to the supreme court of the Philippine Islands. Judgment affirmed with costs and interest. Opinion by Mr. Justice Moody.

No. 213. Mary Amis Quinlan, executrix, *v.* Green County, Kentucky. On a certificate from the United States circuit court of appeals for the sixth circuit. Second question answered in the affirmative. Opinion by Mr. Justice Moody.

No. 218. Iroquois Transportation Company, claimant, etc., plaintiff in error, *v.* De Lancy Forge and Iron Company; and

No. 219. Iroquois Transportation Company, claimant, etc., plaintiff in error, *v.* George W. Edwards et al. In error to the supreme court of the State of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 225. Augusta A. Peterson et al., plaintiffs in error, *v.* The Chicago, Rock Island and Pacific Railway Company. In error to the circuit court of the United States for the northern district of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Day. Dissenting: Mr. Chief Justice Fuller and Mr. Justice Moody.

No. 212. William W. Bierce, Limited, appellant, *v.* Clinton J. Hutchins, trustee. Appeal from the supreme court of the Territory of Hawaii. Decree reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 273. David Kawanakoa et al., appellants, *v.* Ellen Albertina Polyblank, etc., et al. Appeal from the supreme court of the Territory of Hawaii. Decree affirmed with costs. Opinion by Mr. Justice Holmes. (Mr. Justice Harlan concurs in the result.)

No. 314. Clarence P. Hunt, appellant, *v.* The New York Cotton Exchange. Appeal from the circuit court of the United States for the western district of Tennessee. Decree affirmed with costs. Opinion by Mr. Justice McKenna.

No. 245. The Mercantile Trust Company, plaintiff in error, *v.* Melville D. Hensey. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Peckham. (Mr. Justice Brewer took no part in the decision of this case.)

No. 481. Addison Johnson, agent and warden of the State Prison of the State of New York at Sing Sing, appellant, *v.* Charles C. Browne. Appeal from the circuit court of the United States for the southern district of New York. Final order affirmed with costs. Opinion by Mr. Justice Peckham. (Mr. Justice Moody took no part in the consideration or decision of this case.)

No. 226 of October term, 1905. Gila Bend Reservoir and Irrigation Company, appellant, *v.* The Gila Water Company. Petition for a rehearing denied. Opinion by Mr. Justice Brewer.

No. 216. C. G. Ballentyne et al., appellants, *v.* William O. Smith, trustee, et al. Appeal from the supreme court of the Territory of Hawaii. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 395. Thomas M. Fields, plaintiff in error, *v.* The United States. In error to the court of appeals of the District of Columbia. Petition for writ of certiorari denied, and writ of error dismissed for the want of jurisdiction. Opinion by Mr. Justice Brewer. (Mr. Justice White concurs in the judgment.)

No. 145. James B. Swing, trustee, etc., plaintiff in error, *v.* The Weston Lumber Company. In error to the supreme court of the State of Michigan. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 1. Edward J. Pearey, 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. Opinion by Mr. Chief

Justice Fuller. (Mr. Justice McKenna concurs in the result. Mr. Justice Moody took no part in the decision. Mr. Justice White and Mr. Justice Holmes specially concurring.)

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

No. 235. John Edward McCarty, appellant, *v.* The United States. Appeal from the circuit court of the United States for the northern district of California. Dismissed for want of jurisdiction on the authority of *Chase v. United States*, 155 U. S., 489.

No. 247. Mexican Central Railway Company, Limited, *v.* J. W. Eckman, guardian, etc. On a certificate from the United States circuit court of appeals for the fifth circuit. Question answered in the negative on the authority of *Slater v. Mexican Central National Railroad Company*, 194 U. S., 120.

No. 401. Will D. Gould et al., appellants, *v.* Leo V. Youngworth, United States marshal;

No. 415. Warren Gillelen et al., appellants, *v.* Leo V. Youngworth, United States marshal; and

No. 432. Lee R. Myers, appellant, *v.* H. Z. Osborne, United States marshal. Appeals from the circuit court of the United States for the southern district of California. Final orders reversed with costs, and causes remanded with directions to discharge petitioners, respectively, without prejudice to renewal of applications to remove, on the authority of *Tinsley v. Treat* etc., decided at this term.

No. 1, Original. The State of New Jersey, complainant, *v.* The State of Delaware. Ordered that rule issue on the complainant to show cause by April 15 why case should not be dismissed.

No. 394. John Newton Williamson, plaintiff in error, *v.* The United States. Motion to advance granted, and cause assigned for argument on the second Monday of the next term after the cases already set down for that day.

No. 567. William H. Ellis, plaintiff in error, *v.* The United States;

Nos. 664, 665 and 666. Eastern Dredging Company, plaintiff in error, *v.* The United States; and

Nos. 667, 668 and 669. Bay State Dredging Company, plaintiff in error, *v.* The United States. Motions to advance granted, and cases assigned to be heard as one case on Friday, April 26, time to be limited to one hour on each side, or cases may be submitted on briefs to be filed on or before April 30.

No. 616. William F. D. Taylor, petitioner, *v.* The United States. Motion to advance granted, and case assigned to be heard on the second Monday of the next term after cases already set down for that day.

No. 652. Timothy F. Paddell, plaintiff in error, *v.* The City of New York. Motion to advance denied without prejudice.

No. 636. W. Kelsey Kurtz, petitioner, *v.* Arthur K. Brown, surviving receiver, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 646. Elizabeth J. Ward, petitioner, *v.* Dampskibsselskabet Kjobenhavn. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 663. Smokeless Fuel Company, petitioner, *v.* Samuel H. Cottrell & Son. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 270. Jose Paraiso, plaintiff in error, *v.* The United States. Motions to dismiss or affirm or advance submitted by Mr. Solicitor-General Hoyt in support of motions, and by Mr. A. B. Browne and Mr. Alex. Britton in opposition thereto.

No. 349. John M. Fleimster, plaintiff in error, *v.* The United States. Motions to dismiss or affirm or advance submitted by Mr. Solicitor-General Hoyt in support of motions.

No. 456. A. R. Stuart, plaintiff in error, *v.* The United States. Motions to dismiss or affirm or advance submitted by Mr. Solicitor-General Hoyt in support of motions, and by Mr. W. W. Dudley and Mr. L. T. Michener in opposition thereto.

No. 548. Nicolas Arceo, plaintiff in error, *v.* The United States. Motions to dismiss or affirm or advance submitted by Mr. Solicitor-General Hoyt in support of motions.

Nos. 597, 598, and 599. Frank de L. Carrington, plaintiff in error, *v.* The United States. Motions to dismiss or affirm or advance submitted by Mr. Solicitor-General Hoyt in support of motions, and by Mr. R. A. Ballinger in opposition thereto.

No. 694. Euclid Park National Bank of Cleveland, Ohio, et al., petitioners, *v.* Union Trust and Deposit Company, trustee. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Charles D. Merrick for the petitioners and by Mr. B. M. Ambler for the respondent.

No. 689. Catharine J. White, executrix, etc., petitioner, *v.* The Pennsylvania Railroad Company; and

No. 690. Catharine J. White, executrix, etc., petitioner, *v.* The Steam Ferry Boat Philadelphia. 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 and Mr. J. J. Macklin for petitioner.

No. 659. Bay Prairie Irrigation Company, petitioner, *v.* Richard Wood et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Hannis Taylor, Mr. A. L. Jackson and Mr. H. M. Garwood for the petitioner.

No. 691. Standard Oil Company, petitioner, *v.* Edward Anderson. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Charles W. Fuller for the petitioner.

No. 693. Robert T. Neill, trustee, etc., petitioner, *v.* The Union National Bank of Kansas City, Mo. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. E. C. Brandenburg for the petitioner.

No. 287. American Tobacco Company, plaintiff in error, *v.* Emil Werckmeister; and

No. 288. Emil Werckmeister, plaintiff in error, *v.* American Tobacco Company. Motion to advance submitted by Mr. Fritz von Briesen for Werckmeister.

No. 603. The Cleveland Cliffs Iron Company, petitioner, *v.* The East Itasca Mining Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. G. W. Cottrell in behalf of Mr. W. P. Belden for the petitioner, and Mr. J. L. Washburn for the respondent.

No. 641. Troy Wagon Works Company, petitioner, *v.* Howard L. Hancock, trustee. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Duane E. Fox in behalf of Mr. Charles Martindale and Mr. A. W. Bulkley for the petitioner, and by Mr. James W. Noel for the respondent.

No. 493. Frederick Seymour Barrington, plaintiff in error, *v.* The State of Missouri. Motions to dismiss or affirm submitted by Mr. Jno. L. Lott in behalf of Mr. H. S. Hadley in support of motions, and by Mr. William G. Johnson in opposition thereto.

No. 591. Delmar Jockey Club, plaintiff in error, *v.* State of Missouri on the relation of the Attorney-General. Motions to dismiss or affirm submitted by Mr. Jno. L. Lott in behalf of Mr. H. S. Hadley in support of motions, and by Mr. Henry W. Bond in opposition thereto.

No. 587. Damselle Howard, administratrix, etc., plaintiff in error, *v.* The Illinois Central Railroad Co. et al.; and

No. 594. N. C. Brooks, administratrix, etc., plaintiff in error, *v.* Southern Pacific Company. Ordered to be heard as one case, and one-half hour additional time allowed each side on motion of Mr. Alexander P. Humphrey for the defendant in error in No. 594.

No. —, Original. *Ex parte*: In the matter of Fernando Vazquez Morales et al., petitioners. Motion for leave to file petition for an appeal submitted by Mr. H. E. Smith for petitioners.

No. 651. County of Presidio, Texas, petitioner, *v.* The Noel-Young Bond and Stock Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. George A. King in behalf Mr. T. J. Beall for the petitioner, and by Mr. Millard Patterson for the respondent.

No. 166. City of Chicago, appellant, *v.* Chicago City Railway Company. Appeal from the circuit court of the United States for the northern district of Illinois. Decree reversed with costs, on confession of error and consent of counsel, and cause remanded for further proceedings according to law, on motion of Mr. John P. Wilson for the appellee.

No. 421. Luis Bravo et al., etc., appellants, *v.* Emilio Gomez et al. Appeal from the district court of the United States for the district of Porto Rico. Dismissed, per stipulation, on motion of Mr. Frederic D. McKenney for the appellees.

No. 658. School District No. 11, Dakota County, Nebraska, petitioner, *v.* Edward H. Chapman et al., administrators, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Frederic D. McKenney in behalf of Mr. Elbert H. Hubbard for the petitioner.

No. 673. The Deutsche Levante Linie, claimant, etc., petitioner, *v.* J. Samuel Stephenson et al.;

No. 674. The Deutsche Levante Linie, claimant, etc., petitioner, *v.* Constantine S. Galanopulo;

No. 675. The Deutsche Levante Linie, claimant, etc., petitioner, *v.* The Hills Brothers Company;

No. 676. The Deutsche Levante Linie, claimant, etc., petitioner, *v.* The National Board of Marine Underwriters; and

No. 677. The Deutsche Levante Linie, claimant, etc., petitioner, *v.* William H. Harris. Petition for writs of certiorari to the United States circuit court of appeals for second circuit submitted by Mr. Frederic D. McKenney in behalf of Mr. Harrington Putnam for the petitioner, and by Mr. Lawrence Kneeland for the respondents.

No. 684. Hammond Packing Company, plaintiff in error, *v.* The State of Arkansas. Motion to advance submitted by Mr. Robert A. Howard in behalf of counsel for defendant in error.

No. 73. William S. Dexter et al., trustees, etc., plaintiffs in error, *v.* Salem D. Charles et al., as board of street commissioners, etc. In error to the supreme judicial court of the State of Massachusetts. Continuance set aside, and writ of error dismissed with costs, per stipulation.

No. 237. Bainbridge W. Burdick, appellant, *v.* William Dillon et al. Appeal from the United States circuit court of appeals for the first circuit. Dismissed, per stipulation.

No. 678. The Texas and Pacific Railway Company, plaintiff in error, *v.* Ben Small. In error to the United States circuit court of appeals for the fifth circuit. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 16, Original. *Ex parte*: In the matter of James Pollitz, petitioner. Argued by Mr. Roger Foster for the petitioner, and by Mr. Rush Taggart for the respondent.

No. 435. Robert M. Green, plaintiff in error, *v.* Chicago, Burlington and Quincy Railway Company. Submitted by Mr. John G. Johnson and Mr. Frank P. Prichard for the plaintiff in error, and by Mr. Francis Rawle for the defendant in error.

No. 424. Samuel B. Raymond, county treasurer, etc., et al., appellants, *v.* Chicago Union Traction Company;

No. 425. Samuel B. Raymond, county treasurer, etc., et al., appellants, *v.* Chicago Edison Company;

No. 426. Samuel B. Raymond, county treasurer, etc., et al., appellants, *v.* Chicago City Railway Company;

No. 427. Samuel B. Raymond, county treasurer, etc., et al., appellants, *v.* The South Chicago City Railway Company;

No. 428. Samuel B. Raymond, county treasurer, etc., et al., appellants, *v.* The Peoples Gas Light and Coke Company;

No. 429. Samuel B. Raymond, county treasurer, etc., et al., appellants, *v.* Chicago Telephone Company; and

No. 430. Samuel B. Raymond, county treasurer, etc., et al., appellants, *v.* Chicago Consolidated Traction Company. Argument commenced by Mr. David K. Tone for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 9, will be as follows: Nos. 424 to 430, inclusive, 580, 587 (and 594), 256, 257, 258, 261, 262, 263 (and 264), 269.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 9, 1907.

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

B. D. Townsend of Fargo, N. Dak., Hale C. Johnson of Elyria, Ohio, and A. L. Agatin of Duluth, Minn., were admitted to practice.

No. 242. *Stevenson Iron Mining Company*, plaintiff in error, *v. Elmer A. Kibbe*. Mandate granted, on motion of Mr. Charles F. Wilson in behalf of counsel for the defendant in error.

No. 424. *Samuel B. Raymond*, county treasurer, etc., et al., appellants, *v. Chicago Union Traction Company*;

No. 425. *Samuel B. Raymond*, county treasurer, etc., et al., appellants, *v. Chicago Edison Company*;

No. 426. *Samuel B. Raymond*, county treasurer, etc., et al., appellants, *v. Chicago City Railway Company*;

No. 427. *Samuel B. Raymond*, county treasurer, etc., et al., appellants, *v. South Chicago City Railway Company*;

No. 428. *Samuel B. Raymond*, county treasurer, etc., et al., appellants, *v. The Peoples Gas Light and Coke Company*;

No. 429. *Samuel B. Raymond*, county treasurer, etc., et al., appellants, *v. Chicago Telephone Company*; and

No. 430. *Samuel B. Raymond*, county treasurer, etc., et al., appellants, *v. Chicago Consolidated Traction Company*. Argument continued by Mr. William G. Beale for the Chicago Edison Company, by Mr. James F. Meagher for the Peoples Gas Light and Coke Company, by Mr. James Hamilton Lewis for the appellants, by Mr. John P. Wilson for the Chicago City Railway Company, and concluded by Mr. David K. Tone for the appellants. Leave granted to file additional briefs within ten days.

No. 580. *The United States*, appellant, *v. Conrad Heinzen & Co.* One-half hour additional time allowed each side, and three counsel to

be heard on each side, on motion of Mr. Attorney-General Bonaparte for the appellant. Leave granted Mr. Benjamin Micou to file brief in behalf of certain interested parties. Argument commenced by Mr. Assistant Attorney-General Van Orsdel for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 10, will be as follows: Nos. 580, 587 (and 594), 256, 257, 258, 261, 262, 263 (and 264), 269 and 271.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 10, 1907.

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

No. 395. Thomas M. Fields, plaintiff in error, *v.* The United States. Mandate granted, on motion of Mr. Solicitor-General Hoyt for the defendant in error.

No. 271. The United States *v.* A. Graf Distilling Company. Continued, per stipulation.

No. 580. The United States, appellant, *v.* Conrad Heinszen & Co. Argument continued by Mr. Assistant Attorney-General Van Orsdel for the appellant, by Mr. Frederic R. Coudert for the appellees, by Mr. Solicitor-General Hoyt for the appellant, by Mr. Henry M. Ward for the appellees, and concluded by Mr. Attorney-General Bonaparte for the appellant.

No. 587. Damselle Howard, administratrix, etc., plaintiff in error, *v.* The Illinois Central Railroad Company et al.; and

No. 594. N. C. Brooks, administrator, etc., plaintiff in error, *v.* Southern Pacific Company. Argument commenced by Mr. William R. Harr for the plaintiff in error in No. 587.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 11, will be as follows: Nos. 587 (and 594), 256, 257, 258, 261, 262, 263 (and 264), 269, 272 and 275.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 11, 1907.

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

Henry De L. Ashley of Kansas City, Mo., was admitted to practice.

No. —, Original. Ex parte: In the matter of the St. Louis Mining and Milling Company, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. Jackson H. Ralston for the petitioner.

No. 587. Damselle Howard, administratrix, etc., plaintiff in error, *v.* The Illinois Central Railroad Company et al.; and

No. 594. N. C. Brooks, administratrix, etc., plaintiff in error, *v.* Southern Pacific Company. Argument continued by Mr. William R. Harr for the plaintiff in error in No. 587, and by Mr. J. M. Dickinson for the defendants in error in No. 587, by Mr. Jesse E. Torrance for the plaintiff in error in No. 594, by Mr. Alexander P. Humphrey for the defendant in error in No. 594, and by Mr. Attorney-General Bonaparte for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 12, will be as follows: Nos. 587 (and 594), 256, 257, 258, 261, 262, 263 (and 264), 269, 272 and 275.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 12, 1907.

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

William Dike Reed of New York City was admitted to practice.

The Chief Justice announced the following orders of the court:

No. 270. Jose Paraiso, plaintiff in error, *v.* The United States. Motions to dismiss or affirm postponed to the hearing of the cause on its merits. Motion to advance denied, and the case restored to its place on the docket for argument when reached.

No. 349. John M. Flemister, plaintiff in error, *v.* The United States;

No. 456. A. R. Stuart, plaintiff in error, *v.* The United States;

No. 548. Nicolas Arceo, plaintiff in error, *v.* The United States; and

Nos. 597, 598 and 599. Frank De L. Carrington, plaintiff in error, *v.* The United States. Motions to dismiss or affirm postponed to the hearing of the causes on the merits, and the cases advanced to be heard on the second Monday of the next term, after the cases already assigned for that day.

No. 587. Damselle Howard, administratrix, etc., plaintiff in error, *v.* The Illinois Central Railroad Company et al.; and

No. 594. N. C. Brooks, administrator, etc., plaintiff in error, *v.* Southern Pacific Company. Argument concluded by Mr. Attorney-General Bonaparte for the United States.

No. 256. Watson Stewart, appellant, *v.* The United States et al. Argued by Mr. George A. King for the appellant, and by Mr. Assistant Attorney-General Van Orsdel and Mr. L. A. Bailey for the appellees.

No. 257. Henry E. Frankenberg Company, petitioner, *v.* The United States. Argued by Mr. F. W. Brooks for the petitioner, and by Mr. Assistant Attorney-General Sanford for the respondent.

No. 258. Amanda S. Whitfield et al., petitioners, *v.* Ætna Life Insurance Company of Hartford, Conn. Argued by Mr. Frank Hagerman for petitioners, and by Mr. James C. Jones for the respondent.

No. 262. The Chapman & Dewey Land Company, plaintiff in error, v. Charles H. Bigelow et al. Argument commenced by Mr. Henry D. Ashley for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 15, will be as follows: Nos. 262, 502, (and 503, 504 and 505), 352, 331 (and 332 and 583), 567 (and 664, 665, 666, 667, 668 and 669), 261, 263 (and 264), 269, 270 and 272.



SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 15, 1907.

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

Leonard J. Mather of the District of Columbia, Garrard Glenn of New York City, J. Addison Young of New Rochelle, N. Y., John Henry Sherburne, jr., of Brookline, Mass., Robert Kerr Dickerman of Boston, Mass., and Edgar W. Godbey of Decatur, Ala., were admitted to practice.

No. 240. Winthrop Astor Chanler et al., plaintiffs in error, *v.* Otto Kelsey, comptroller, etc. In error to the surrogate's court of New York County, State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Day. Dissenting: Mr. Justice Holmes and Mr. Justice Moody.

No. 223. Thomas M. Patterson, plaintiff in error, *v.* The People of the State of Colorado ex rel. the attorney-general of the State of Colorado. In error to the supreme court of the State of Colorado. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Harlan and Mr. Justice Brewer.

No. 243. Chicago, Burlington and Quincy Railway Company *v.* Edgar C. Williams. On a certificate from the United States circuit court of appeals for the eighth circuit. Dismissed. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Brewer.

No. 76. Amelia C. Travers et al., appellants, *v.* Maria L. Reinhardt et al. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Harlan. (Mr. Justice McKenna and Mr. Justice Moody took no part in the decision of this case.) Dissenting: Mr. Justice Holmes.

The Chief Justice announced the following orders of the court:

No. —, Original. Ex parte: In the matter of Fernando Vazquez Morales et al., petitioners. Motion for leave to file petition for appeal granted, and appeal allowed on appellants filing bond in the penal sum of \$1,000, conditioned according to law, to be approved by the supreme court of Porto Rico.

No. 287. American Tobacco Company, plaintiff in error, *v.* Emil Werckmeister; and

No. 288. Emil Werckmeister, plaintiff in error, *v.* American Tobacco Company. Motions to advance denied.

No. 684. Hammond Packing Company, plaintiff in error, *v.* The State of Arkansas. Motion to advance denied without prejudice.

No. 591. Delmar Jockey Club, plaintiff in error, *v.* The State of Missouri on the relation of the attorney-general. Motions to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 651. County of Presidio, Tex., petitioner, *v.* The Noel-Young Bond and Stock Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit granted.

No. 691. Standard Oil Company, petitioner, *v.* Edward Anderson. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 603. The Cleveland-Cliffs Iron Company, petitioner, *v.* The East Itasca Mining Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 658. School District No. 11, Dakota County, Nebr., petitioner, *v.* Edward H. Chapman et al., administrators, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 659. Bay Prairie Irrigation Company, petitioner, *v.* Richard Wood et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 673. The Deutsche Levante Linie, etc., petitioner, *v.* J. Samuel Stephenson et al.;

No. 674. The Deutsche Levante Linie, etc., petitioner, *v.* Constantine S. Galanopulo;

No. 675. The Deutsche Levante Linie, etc., petitioner, *v.* The Hills Brothers Company;

No. 676. The Deutsche Levante Linie, etc., petitioner, *v.* The National Board of Marine Underwriters; and

No. 677. The Deutsche Levante Linie, etc., petitioner, *v.* William H. Harris. Petitions for writs of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 689. Catharine J. White, executrix, etc., petitioner, *v.* The Pennsylvania Railroad Company; and

No. 690. Catharine J. White, executrix, etc., petitioner, *v.* The Steam Ferry Boat Philadelphia, etc. Petitions for writs of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 693. Robert T. Neill, trustee, etc., petitioner, *v.* The Union National Bank of Kansas City, Mo. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 694. Euclid Park National Bank of Cleveland, Ohio, et al., petitioners, *v.* Union Trust and Deposit Company, trustee. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. —, Original. *Ex parte*: In the matter of the St. Louis Mining and Milling Company, petitioner. Motion for leave to file petition for writ of mandamus granted, and rule to show cause awarded to be addressed to the court below and to the Montana Mining Company, returnable April 29.

No. 100. The United States, plaintiff in error, *v.* The Torrey Cedar Company. In error to the circuit court of the United States for the eastern district of Wisconsin. Dismissed, on motion of Mr. Solicitor-General Hoyt for the plaintiff in error.

No. 101. The United States, plaintiff in error, *v.* The Paine Lumber Company. Submitted by Mr. Solicitor-General Hoyt and Mr. Henry C. Lewis for the plaintiff in error, and by Mr. Charles Barber for the defendant in error.

No. 567. William H. Ellis, plaintiff in error, *v.* The United States; Nos. 664, 665 and 666. Eastern Dredging Company, plaintiff in error, *v.* The United States; and

Nos. 667, 668 and 669. Bay State Dredging Company, plaintiff in error, *v.* The United States. Reassigned for argument on Monday, April 22, after the cases already assigned for that day, on motion of Mr. Solicitor-General Hoyt for the defendant in error.

No. 696. David H. Miller, trustee, etc., et al., petitioners, *v.* E. O. McCormick et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Henry W. Taft, Mr. John W. Boothby, Mr. Edward H. Blanc, Mr. Henry Wollman, Mr. George S. Graham and Mr. F. W. M. Cutcheon for the petitioners, and by Mr. Julien T. Davies, Mr. Abram I. Elkus and Mr. Garrard Glenn for the respondents.

No. 670. D. Hunter, jr., et al., plaintiffs in error, *v.* The City of Pittsburgh. Motions to dismiss or affirm submitted by Mr. W. B. Rodgers and Mr. D. T. Watson for the defendant in error in support of motions, and by Mr. John G. Johnson and Mr. W. A. Stone for the plaintiffs in error in opposition thereto.

No. 593. First National Bank of Decatur, plaintiff in error, *v.* Albert G. Henry. Motions to dismiss or affirm submitted by Mr. Amos E. Goodhue for the defendant in error in support of motions, and by Mr. E. W. Godbey for the plaintiff in error in opposition thereto.

No. 1, Original. The State of New Jersey, complainant, *v.* The State of Delaware. Bill of complaint dismissed without costs and without prejudice, on motion of Mr. Robert H. McCarter for the complainant.

No. 317. John A. Curtin, trustee, appellant, *v.* Gertrude F. Tucker. Petition for a writ of certiorari herein submitted by Mr. Lee M. Friedman and Mr. Robert K. Dickerman for the appellant in support of petition, and by Mr. John H. Sherburne, jr., for the appellee in opposition to the petition.

No. 270. Jose Paraiso, plaintiff in error, *v.* The United States. Assigned for argument on the second Monday of the next term (October 21) with cases of similar character already set down for that day, on motion of Mr. A. B. Browne for the plaintiff in error.

No. 609. The Kansas City Northwestern Railroad Company, appellant, *v.* Frederick Zimmerman as administrator, etc. Suggestion of diminution of the record and motion for a writ of certiorari submitted by Mr. Frederic D. McKenney in behalf of counsel for the defendant in error.

No. 642. William Spaugh, jr., appellant, *v.* H. L. Fitts, sheriff, etc. Motion for a continuance submitted by Mr. Charles F. Wilson for the appellant in support of motion, and by Mr. H. S. Hadley in opposition thereto.

No. 262. The Chapman & Dewey Land Company, plaintiff in error, *v.* Charles H. Bigelow et al. Argument continued by Mr. Henry D. Ashley for the plaintiff in error, by Mr. N. W. Norton for the defendant in error, and concluded by Mr. Henry D. Ashley for the plaintiff in error. Leave granted to counsel for plaintiff in error to file an additional brief.

Nos. 502 and 503. William McCoach, collector, etc., petitioner, *v.* The Philadelphia Trust, Safe Deposit and Insurance Company et al., executors, etc.;

No. 504. William McCoach, collector, etc., petitioner, *v.* George W. Norris et al., executors, etc.; and

No. 505. The United States, petitioner, *v.* The Marion Trust Company, trustee, etc. Argument commenced by Mr. J. C. McReynolds for the petitioners, and continued by Mr. Morris M. Townley for the respondent in No. 505.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 16, will be as follows: Nos. 502 (and 503, 504 and 505), 352, 331 (and 332 and 583), 261, 263 (and 264), 269, 292, 275, 104 and 277.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 16, 1907.

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

Joseph H. Jones of Orlando, Fla., H. Anton Heitmüller of the District of Columbia, John Lewis Smith of the District of Columbia and Oliver Metzgerott of the District of Columbia were admitted to practice.

The Chief Justice announced the following order of the court:

No. 642. William Spaugh, jr., appellant, *v.* H. L. Fitts, sheriff, etc. Motion to continue denied.

No. 14, Original. State of Missouri, complainant, *v.* State of Kansas. Leave granted to file answer and cross-bill, on motion of Mr. A. B. Browne in behalf of counsel.

Nos. 502 and 503. William McCoach, collector, etc., petitioner, *v.* The Philadelphia Trust, Safe Deposit and Insurance Company et al., executors, etc.;

No. 504. William McCoach, collector, etc., petitioner, *v.* George W. Norris et al., executors, etc.; and

No. 505. The United States, petitioner, *v.* The Marion Trust Company, trustee, etc. Argument continued by Mr. Morris M. Townley for the respondent in No. 505, by Mr. H. Gordon McCouch for respondents in Nos. 502, 503 and 504, and concluded by Mr. J. C. McReynolds for the petitioners.

No. 352. The Interstate Commerce Commission, appellant, *v.* The Chicago Great Western Railway Company et al. Argument commenced by Mr. L. A. Shaver for the appellant, and continued by Mr. Ed. Baxter for appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 17, will be as follows: Nos. 352, 331 (and 332 and 583), 261, 263 (and 264), 269, 272, 275, 104, 277 and 278 (and 279).



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 17, 1907.

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

No. 701. *Ex parte*: In the matter of John Johnson, appellant. Appeal from the circuit court of the United States for the southern district of New York. Docketed and dismissed on motion of Mr. Alford W. Cooley in behalf of counsel.

No. 352. The Interstate Commerce Commission, appellant, *v.* The Chicago Great Western Railway Company et al. Argument continued by Mr. Ed. Baxter, Mr. C. A. Severance, Mr. Charles A. Clark and Mr. F. T. Ransom for the appellees, and concluded by Mr. S. A. Cowan for appellant. Leave granted to counsel to file additional briefs.

Nos. 331 and 332. Adams Express Company, plaintiff in error, *v.* The Commonwealth of Kentucky; and

No. 583. American Express Company of New York, plaintiff in error, *v.* The Commonwealth of Kentucky. Argument commenced by Mr. Edmund F. Trabue for the American Express Company, and continued by Mr. N. B. Hays for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 18, will be as follows: Nos. 331 (and 332 and 583), 261, 263 (and 264), 269, 272, 275, 104, 277, 278 (and 279) and 280.

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 18, 1907.

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

Philip Stanley Parker of Brookline, Mass., Augustus N. Hand of New York City, Ida M. Moyers of the District of Columbia, John A. Cline of Cleveland, Ohio, and Faneuil D. S. Bethune of New York were admitted to practice.

Nos. 331 and 332. Adams Express Company, plaintiff in error, *v.* The Commonwealth of Kentucky; and

No. 583. American Express Company of New York, plaintiff in error, *v.* The Commonwealth of Kentucky. Argument continued by Mr. N. B. Hays for the defendant in error, and concluded by Mr. Lawrence Maxwell, jr., for Adams Express Company. Leave granted to counsel for plaintiff in error to file an additional brief within five days.

No. 261. The Goat and Sheepskin Import Company, petitioner, *v.* The United States. Argued by Mr. J. Stuart Tompkins for the petitioner, and by Mr. Assistant Attorney-General Sanford for the respondent. Leave granted to counsel for petitioner to file reply brief within three days.

No. 263. The United States, appellant, *v.* The William Cramp & Sons Ship and Engine Building Company; and

No. 264. The William Cramp & Sons Ship and Engine Building Company, appellant, *v.* The United States. Argument commenced by Mr. Assistant Attorney-General Van Orsdel for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 19, will be as follows: Nos. 263 (and 264), 269, 272, 275, 104, 277, 278 (and 279), 280, 281 and 282.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 19, 1907.

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

Meredith B. Camplin of Sheridan, Wyo., and Porter B. Coolidge of Lander, Wyo., were admitted to practice.

No. 281. American Sugar Refining Company of New York, appellant, *v.* The United States. Continued, by stipulation.

No. 263. The United States, appellant, *v.* The William Cramp & Sons Ship and Engine Building Company; and

No. 264. The William Cramp & Sons Ship and Engine Building Company, appellant, *v.* The United States. Argument continued by Mr. Assistant Attorney-General Van Orsdel for the United States, by Mr. John C. Fay for the William Cramp & Sons Ship and Engine Building Company, by Mr. Attorney-General Bonaparte for the United States, and concluded by Mr. Holmes Conrad for the William Cramp & Sons Ship and Engine Building Company.

No. 269. Higinio Romeu, appellant, *v.* Robert H. Todd. Submitted by Mr. F. L. Cornwell for the appellant, and by Mr. N. B. K. Pettin-gill for the appellee.

No. 272. The State of Wyoming *ex rel.* The Wyoming Agricultural College et al., plaintiffs in error, *v.* William C. Irvin, Treasurer, etc. Argument commenced by Mr. Porter B. Coolidge for the plaintiffs in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 22, will be as follows: Nos. 272, 588, 601, 638, 642, 567 (and 664 to 669), 275, 104, 277, and 278 (and 279).

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 22, 1907.

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

Charles J. Traxler of Minneapolis, Minn., William E. Mullen of Cheyenne, Wyo., Theodore P. Ion of Boston, Mass., Henry C. Charpiot of New York City, Isidore S. Chirurg of Brooklyn, N. Y., Albert V. Taylor of Cleveland, Ohio, and Adrian Sizer of Washington, D. C., were admitted to practice.

No. 82. Home Savings Bank, plaintiff in error, *v.* The City of Des Moines et al.;

No. 83. Peoples Savings Bank, plaintiff in error, *v.* The City of Des Moines et al.; and

No. 92. Des Moines Savings Bank, plaintiff in error, *v.* The City of Des Moines. In error to the supreme court of the State of Iowa. Judgments reversed with costs, and causes remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Moody. Dissenting: Mr. Chief Justice Fuller, Mr. Justice Harlan and Mr. Justice Peckham.

No. 107. Thomas Milner Harrison, plaintiff in error, *v.* J. A. Magoon et al. In error to the supreme court of the Territory of Hawaii. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Holmes.

No. 258. Amanda M. S. Whitfield et al., petitioners, *v.* Ætna Life Insurance Company of Hartford, Conn. On writ of certiorari to the United States circuit court of appeals for the eighth circuit. Judgment reversed with costs, and cause remanded to the circuit court of the United States for the western district of Missouri for further proceedings in conformity with the opinion of this court and consistent with law. Opinion by Mr. Justice Harlan.

No. 493. Frederick Seymour Barrington, plaintiff in error, *v.* The State of Missouri. In error to the supreme court of the State of Missouri. Dismissed for want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced that the call of the docket will be suspended for the term on Friday, April 26; that the court will take a recess from Monday, April 29, to Monday, May 13, and finally adjourn for the term on Monday, May 27.

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

No. 593. First National Bank of Decatur, plaintiff in error, *v.* Albert G. Henry. Motions to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 609. The Kansas City Northwestern Railroad Company, appellant, *v.* Frederick Zimmerman, as administrator, etc. Motion for writ of certiorari on suggestion of diminution of the record granted without prejudice.

No. 670. D. Hunter, jr., et al., plaintiffs in error, *v.* The City of Pittsburgh. Motions to dismiss or affirm postponed to the hearing of the cause on the merits, and case advanced and assigned for hearing on the second Monday of the next term (October 21) after the cases already set down for that day.

No. 317. John A. Curtin, trustee, appellant, *v.* Gertrude F. Tucker. Petition for a writ of certiorari herein denied.

No. 696. David H. Miller, trustee, etc., et al., petitioners, *v.* E. O. McCormick et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

Nos. 502 and 503. William McCoach, collector, etc., petitioner, *v.* The Philadelphia Trust, Safe Deposit and Insurance Company et al., executors, etc.; and

No. 504. William McCoach, collector, etc., petitioner, *v.* George W. Norris et al., executors, etc. On writs of certiorari to the United States circuit court of appeals for the third circuit. Judgments affirmed with costs by a divided court, and causes remanded to the circuit court of the United States for the eastern district of Pennsylvania.

No. 505. The United States, petitioner, *v.* The Marion Trust Company, trustee, etc. On writ of certiorari to the United States circuit court of appeals for the seventh circuit. Judgment affirmed by a divided court, and cause remanded to the district court of the United States for the district of Indiana.

No. 14, Original. State of Missouri, complainant, *v.* State of Kansas. Leave granted to file answer to cross-bill and replication to answer, on motion of Mr. N. T. Gentry for the complainant.

No. 412. White Star Mining Company, plaintiff in error, *v.* Nels O. Hultberg et al.;

No. 647. Claes W. Johnson, plaintiff in error, *v.* White Star Mining Company of Illinois et al.; and

No. 648. Peter H. Anderson, plaintiff in error, *v.* White Star Mining Company of Illinois et al. Motion to dismiss submitted by Mr. George E. Hamilton in behalf of Mr. Frederick S. Winston, Mr. Silas H. Strawn, Mr. John Barton Payne and Mr. Harris F. Williams in support of motions, and by Mr. Charles H. Hamill, Mr. John J. Healy and Mr. Carl R. Chindblom in opposition thereto.

No. 705. Webster Coal and Coke Company, petitioner, *v.* A. J. Cassatt et al.; and

No. 706. Pennsylvania Coal and Coke Company, petitioner, *v.* A. J. Cassatt et al. Petitions for writs of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. John W. Griggs for the petitioners, and by Mr. John G. Johnson for the respondents.

No. 564. L. Leckenger et al., plaintiffs in error, *v.* Merchants National Bank of Houston et al. Motion to advance submitted by Mr. Hannis Taylor for the defendants in error.

No. 708. New York Central and Hudson River Railroad Company, petitioner, *v.* Catherine McGrath. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. J. H. McGowan for the petitioner, and by Mr. Holmes Conrad for the respondent.

No. —, Original. *Ex parte*: In the matter of The First National Bank of Chicago et al., petitioners. Motion for leave to file petition for a writ of mandamus submitted by Mr. Charles F. Wilson in behalf of counsel.

No. 679. William Beattie & Son, petitioners, *v.* United Shirt and Collar Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Frank S. Black and Mr. George A. Mosher for the petitioners, with leave to Mr. H. C. Messimer to file brief for respondents on or before Thursday next.

No. 515. New Orleans Great Northern Railroad Company, appellant, *v.* The Mississippi Railroad Commission et al. Appeal from the circuit court of the United States for the southern district of Mississippi. Decree reversed at the cost of appellant on confession of error, and cause remanded to be proceeded in according to law, on motion of Mr. Marcellus Green for the appellant.

No. 454. Revere Water Company, plaintiff in error, *v.* The Inhabitants of the Town of Winthrop. Motions to dismiss or affirm submitted by Mr. Lauriston L. Scaife in support of motions, and by Mr. A. E. Pillsbury in opposition thereto.

No. 638. Maggie Myers, appellant, *v.* Andrew P. Wymore, late sheriff, etc., et al. Appeal from the district court of the United States for the western district of Missouri. Dismissed with costs, pursuant to the tenth rule.

No. 272. The State of Wyoming *ex rel.* The Wyoming Agricultural College et al., plaintiffs in error, *v.* William C. Irvine, treasurer, etc. Argument continued by Mr. Porter B. Coolidge for the plaintiffs in error, and concluded by Mr. Timothy F. Burke for the defendant in error.

No. 588. Illinois Central Railroad Company et al., appellants, *v.* Interstate Commerce Commission; and

No. 601. Southern Railway Company et al., appellants, *v.* H. H. Tift et al. Argument commenced by Mr. Ed. Baxter for the appellants, and continued by Mr. L. A. Shaver and Mr. T. M. Miller for the appellee in No. 588.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 23, will be as follows: Nos. 588 (and 601), 642, 567 (and 664 to 669), 275, 104, 277, 278 (and 279), 280, 282 and 283 (and 284).

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 23, 1907.

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

W. Orison Underwood of Boston, Mass., Lessing Rosenthal of Chicago, Ill., and Parau F. Rice of Los Angeles, Cal., were admitted to practice.

The Chief Justice announced the following orders of the court:

No. 19, Original. *Ex parte*: In the matter of The First National Bank of Chicago et al., petitioners. Motion for leave to file petition for a writ of mandamus granted, and rule to show cause awarded, returnable on Monday, May 13.

No. 301. The First National Bank of Chicago et al., plaintiffs in error, *v.* The Chicago Title and Trust Company, trustee, etc., et al. Ordered that the motion to dismiss herein be submitted on Monday, May 13, in connection with the return to rule in No. 19, Original.

No. 14, Original. State of Missouri, complainant, *v.* State of Kansas. Motion for the appointment of commissioners to take testimony submitted by Mr. N. T. Gentry for the complainant.

No. 285. Penn Refining Company, Limited, plaintiff in error, *v.* Western New York and Pennsylvania Railroad Company et al. Continued, per stipulation.

No. 282. Vandalia Railroad Company, plaintiff in error, *v.* The State of Indiana ex rel. The City of South Bend. Continued, per stipulation.

No. 588. Illinois Central Railroad Company et al., appellants, *v.* Interstate Commerce Commission; and

No. 601. Southern Railway Company et al., appellants, *v.* H. H. Tift et al. Argument continued by Mr. T. M. Miller and Mr. Marcellus Green for appellee in No. 588, by Mr. William A. Wimbish and Mr. William Hepburn Russell for the appellees in 601, and concluded by Mr. Ed. Baxter for the appellants.

No. 642. William Spaugh, jr., appellant, *v.* H. L. Fitts, sheriff, etc. Argued by Mr. N. T. Gentry for the appellee, and submitted by Mr. Charles F. Wilson for the appellant.

No. 567. William H. Ellis, plaintiff in error, *v.* The United States;
Nos. 664, 665 and 666. Eastern Dredging Company, plaintiff in error,
v. The United States; and

Nos. 667, 668 and 669. Bay State Dredging Company, plaintiff in
error, *v.* The United States. Argument commenced by Mr. Edward E.
Blodgett for the Eastern Dredging Company, and continued by Mr.
Solicitor-General Hoyt for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 24, will be as follows: Nos. 567
(and 664 to 669), 275, 104, 277, 278 (and 279), 280, 283 (and 284), 287
(and 288), 289 and 290.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 24, 1907.

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

Isaac B. Kimbrell of Kansas City, Mo., was admitted to practice.

No. 290. Isaac Berkson et al., appellants, *v.* Samuel H. Marcuse, testamentary executor, etc. Appeal from the circuit court of the United States for the eastern district of Louisiana. Dismissed with costs, pursuant to the tenth rule.

No. 293. George Deslions et al., petitioners, *v.* La Compagnie Generale Transatlantique, owner, etc. Continued, per stipulation.

No. 567. William H. Ellis, plaintiff in error, *v.* The United States; Nos. 664, 665 and 666. Eastern Dredging Company, plaintiff in error, *v.* The United States; and

Nos. 667, 668 and 669. Bay State Dredging Company, plaintiff in error, *v.* The United States. Argument concluded by Mr. W. Orison Underwood for the Bay State Dredging Company, and submitted by Mr. D. T. Watson for William H. Ellis.

No. 275. The Mayor and Aldermen of the City of Vicksburg, appellants, *v.* Vicksburg Water Works Company. Argument commenced by Mr. Hannis Taylor for the appellants, continued by Mr. J. Hirsh for the appellee, and concluded by Mr. Hannis Taylor for the appellants.

No. 104. Henry A. M. Smith, receiver, etc., plaintiff in error, *v.* R. H. Jennings, treasurer, etc. Argument commenced by Mr. T. W. Bacot for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 25, will be as follows: Nos. 104, 277, 278 (and 279), 280, 283 (and 284), 287 (and 288), 289, 291, 292 and 294.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 25, 1907.

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

Frederick V. Holman of Portland, Oreg., Herman J. Westwood of Fredonia, N. Y., Elias S. Clark of Prescott, Ariz., Edgar B. Sherrill of Washington, D. C., Samuel Owen Edmonds of New York City, and Henry Brill of New York City were admitted to practice.

No. 283. The United States, appellant, *v.* Lewis E. Brown; and

No. 284. Lewis E. Brown, appellant, *v.* The United States. Submitted by Mr. Assistant Attorney-General Van Orsdel for the United States, and by Mr. Lorenzo A. Bailey, Mr. W. W. Dudley and Mr. L. T. Michener for Lewis E. Brown.

No. 104. Henry A. M. Smith, receiver, etc., plaintiff in error, *v.* R. H. Jennings, treasurer, etc. Argument continued by Mr. T. W. Bacot for the plaintiff in error, by Mr. Charles A. Douglas for the defendant in error, and concluded by Mr. T. W. Bacot for the plaintiff in error.

No. 277. The United States, appellant, *v.* Ammen Farenholt. Argument commenced by Mr. John Q. Thompson for the appellant, continued by Mr. George A. King for the appellee, and concluded by Mr. John Q. Thompson for the appellant.

No. 278. Mayer S. Bernheimer et al., surviving executors, etc., plaintiffs in error, *v.* Theodore R. Converse, receiver, etc.; and

No. 279. Max Drey et al., executors, etc., plaintiffs in error, *v.* Theodore R. Converse, receiver, etc. Argument commenced by Mr. Lawrence Arnold Tanzer for the plaintiffs in error, and continued by Mr. William G. Wilson for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 26, will be as follows: Nos. 278 (and 279), 280, 287 (and 288), 289, 291, 292, 294, 295, 296 and 299.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 26, 1907.

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

Louis Lowenstein of New York City, Charles M. Thacker of Mangum, Okla., Brode B. Davis of Chicago, Ill., and Joseph W. Moses of Chicago, Ill., were admitted to practice.

No. 278. Mayer S. Bernheimer et al., surviving executors, etc., plaintiffs in error, *v.* Theodore R. Converse, receiver, etc.; and

No. 279. Max Drey et al., executors, etc., plaintiffs in error, *v.* Theodore R. Converse, receiver, etc. Argument continued by Mr. William G. Wilson for the defendant in error, and concluded by Mr. Lawrence Arnold Tanzer for the plaintiffs in error.

No. 280. Copper Queen Consolidated Mining Company, appellant, *v.* The Territorial Board of Equalization of the Territory of Arizona. Argued by Mr. William Herring for the appellant, and by Mr. Elias S. Clark and Mr. William C. Prentiss for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call has been suspended for the term.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 29, 1907.

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

Louis Hicks of New York City, James S. McCluer of Parkersburg, W. Va., Alexander C. Shaw of Washington, D. C., John B. Chaddock of Washington, D. C., A. L. Cole of Dubois, Pa., Charles H. Fiske, jr., of Boston, Mass., and John Houston Merrill of Philadelphia, Pa., were admitted to practice.

No. 435. Robert M. Green, plaintiff in error, *v.* Chicago, Burlington and Quincy Railway Company. In error to the circuit court of the United States for the eastern district of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice Moody.

No. 15. The Atlantic Coast Line Railroad Company, plaintiff in error, *v.* The North Carolina Corporation Commission. In error to the supreme court of the State of North Carolina. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 184. Solon L. Frank et al., plaintiffs in error, *v.* Joseph Vollkommer, jr., trustee, etc., et al. In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

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

No. 642. William Spaugh, jr., appellant, *v.* H. L. Fitts, sheriff, etc. Appeal from the district court of the United States for the eastern district of Missouri. Final order affirmed with costs. *Valentina v. Mercer*, 201 U. S., 131; *Fells v. Murphy*, id., 123; *Urquhart v. Brown*, decided March 18; *In re Eckart*, 166 U. S., 481, 483; *Tinsley v. Anderson*, 171 U. S., 101, 105; *Craemer v. Washington*, 168 U. S., 124; *Ex parte Harding*, 120 U. S., 782.

No. 412. White Star Mining Company, plaintiff in error, *v.* Nels O. Hultberg et al.;

No. 647. Claes W. Johnson, plaintiff in error, *v.* White Star Mining Company of Illinois et al.; and

No. 648. Peter H. Anderson, plaintiff in error, *v.* White Star Mining Company of Illinois et al. In error to the supreme court of the State of

Illinois. Dismissed for the want of jurisdiction. *Sayward v. Denny*, 158 U. S., 180; *San Francisco v. Scott*, 111 U. S., 768; *Delmas v. Insurance Company*, 14 Wall., 661; *Erie Railroad Company v. Purdy*, 185 U. S., 148; *Oxley Stave Company v. Butler County*, 166 U. S., 648. Case below, 220 Ill., 578.

No. 14, Original. State of Missouri, complainant, *v.* State of Kansas. Ordered that Clad Hamilton and Solon T. Gilmore, esqs., be appointed commissioners to take the testimony herein, as named by the parties.

No. 454. Revere Water Company, plaintiff in error, *v.* The Inhabitants of the Town of Winthrop. Motions to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 564. L. Lechenger et al., plaintiffs in error, *v.* Merchants National Bank of Houston et al. Motion to advance denied.

No. 679. William Beattie & Son, petitioner, *v.* United Shirt and Collar Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 705. Webster Coal and Coke Company, petitioner, *v.* A. J. Cassatt et al.; and

No. 706. Pennsylvania Coal and Coke Company, petitioner, *v.* A. J. Cassatt et al. Petitions for writs of certiorari to the United States circuit court of appeals for the third circuit granted.

No. 708. New York Central and Hudson River Railroad Company, petitioner, *v.* Catherine McGrath. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

Mr. Solicitor-General Hoyt presented resolutions of the Bar Association of the District of Columbia in memory of the late J. Hubley Ashton, esq., and it was ordered that they be placed on file.

No. 655. Thomas B. Clement, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Jackson H. Ralston in behalf of Mr. George N. Baxter for the petitioner, and by Mr. Solicitor-General Hoyt for the respondent.

No. 508. John T. Shoener, plaintiff in error, *v.* The Commonwealth of Pennsylvania. Motions to dismiss or to advance submitted by Mr. Guy E. Farquhar and Mr. Charles E. Berger in support of motions, and by Mr. Charles A. Douglas in opposition thereto.

No. —, Original. *Ex parte*: In the matter of George H. Crawford, petitioner. Motion for leave to file petition for a writ of habeas corpus submitted by Mr. Henry M. Hoyt in behalf of counsel for petitioner.

No. 365. The Southern Pine Lumber Company et al., plaintiffs in error and appellants, *v.* W. B. Ward et al. Death of G. M. D. Grigsby, one

of the defendants in error and appellees, suggested, and order of publication granted, on motion of Mr. Henry F. Woodard for the plaintiffs in error and appellants.

No. —, Original. *Ex parte*: In the matter of Charles Ughbanks, petitioner. Motion for leave to file petition for a writ of habeas corpus submitted by Mr. John B. Chaddock for petitioner.

No. 695. Armour & Company, petitioner, *v.* Agnes Skene. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. Roland Gray and Mr. John C. Gray for the petitioner, and by Mr. Charles H. Fiske, Mr. Andrew Fiske and Mr. Charles H. Fiske, jr., for the respondent.

No. 719. Samuel B. Hartman, petitioner, *v.* John D. Park & Sons Co. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Frank F. Reed for the petitioner. Ordered that the mandate of the lower court be stayed until further order of this court.

No. 17, Original. *Ex parte*: In the matter of the St. Louis Mining and Milling Company, petitioner. Submitted by Mr. Jackson H. Ralston for the petitioner, and Mr. A. B. Browne for the respondent, with leave to counsel for respondent to file brief on or before Thursday, and to counsel for petitioner to reply thereto within three days thereafter.

No. 697. Alaska Treadwell Gold Mining Company, petitioner, *v.* Z. R. Cheney, administrator, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Charles J. Faulkner for the petitioner, and by Mr. J. J. Darlington for the respondent.

Nos. 717 and 718. James L. Bradford et al., petitioners, *v.* The United States. Petitions for writs of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Edgar H. Farrar and Mr. Frank L. Richardson for the petitioners, with leave to counsel for respondent to file brief within ten days.

No. 713. Expanded Metal Company et al., petitioners, *v.* Eugene S. Bradford et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Ernest Howard Hunter for the petitioners, and by Mr. E. Hayward Fairbanks for the respondents.

No. 711. Jock B. Henderson, petitioner, *v.* James M. Henrie et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. W. S. Chesley in behalf of Mr. V. B. Archer for the petitioner, and by Mr. James S. McCluer and Mr. John G. McCluer for the respondent.

No. 685. Frederick Herbert Ramsden, petitioner, *v.* Henry M. Knowles. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. William Reed Bigelow for the petitioner, and by Mr. Felix Rackemann for the respondent.

No. 361. R. M. Henningsen et al., appellants, *v.* United States Fidelity and Guaranty Company of Baltimore, Md., et al. Motions to dismiss or affirm submitted by Mr. Harold Preston in support of motions, and by Mr. W. W. Wilshire in opposition thereto.

Adjourned until Monday, May 13, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 13, 1907.

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

Paul J. Christian, jr., of New Orleans, La., J. M. Jamison of Phoenix, Ariz., George H. Huddy, jr., of Providence, R. I., and David Charles Collier of San Diego, Cal., were admitted to practice.

No. 104. Henry A. M. Smith, receiver, etc., plaintiff in error, *v. R. H. Jennings*, treasurer, etc. In error to the supreme court of the State of South Carolina. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Moody.

No. 196. William F. Kessler *v. George S. Eldred*. On a certificate from the United States circuit court of appeals for the seventh circuit. First and second questions answered in the affirmative and third and fourth questions in the negative. Opinion by Mr. Justice Moody.

No. 272. The State of Wyoming *ex rel. The Wyoming Agricultural College et al.*, etc., plaintiffs in error, *v. William C. Irvine* as treasurer of the State of Wyoming. Judgment affirmed with costs. Opinion by Mr. Justice Moody.

No. 253. R. G. Stone et al., plaintiffs in error, *v. Southern Illinois and Missouri Bridge Company*. In error to the supreme court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 5, Original. The State of Georgia, complainant, *v. The Tennessee Copper Company et al.* Injunction ordered. Opinion by Mr. Justice Holmes. Mr. Justice Harlan concurs in the result.

No. 283. The United States, appellant, *v. Lewis E. Brown*; and

No. 284. Lewis E. Brown, appellant, *v. The United States*. Appeals from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Holmes. (Mr. Justice Moody took no part in the decision of this case.)

No. 567. William H. Ellis, plaintiff in error, *v. The United States*. In error to the district court of the United States for the district of

Massachusetts. Judgment affirmed. Opinion by Mr. Justice Holmes. (Mr. Justice Moody took no part in the decision of this case.)

Nos. 664, 665 and 666. Eastern Dredging Company, plaintiff in error, *v.* The United States; and

Nos. 667, 668 and 669. Bay State Dredging Company, plaintiff in error, *v.* The United States. In error to the district court of the United States for the district of Massachusetts. Judgments reversed, and causes remanded. Opinion by Mr. Justice Holmes. Mr. Justice McKenna concurs in the result. Dissenting: Mr. Justice Moody, Mr. Justice Harlan and Mr. Justice Day.

No. 195. Frederick J. Lowrey et al., appellants, *v.* The Territory of Hawaii. Appeal from the supreme court of the Territory of Hawaii. Decree reversed with costs, and cause remanded with directions to proceed in conformity with the opinion of this court. Opinion by Mr. Justice McKenna. (Mr. Justice Brewer took no part in the decision of this case.)

No. 257. Henry E. Frankenberg Company, petitioner, *v.* The United States. On a writ of certiorari to the United States circuit court of appeals for the second circuit. Decree affirmed, and cause remanded to the circuit court of the United States for the southern district of New York. Opinion by Mr. Justice McKenna. (Mr. Justice Moody took no part in the decision of this case.)

No. 277. The United States, appellant, *v.* Ammen Farenholt. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McKenna. (Mr. Justice Moody took no part in the decision of this case.)

No. 256. Watson Stewart, appellant, *v.* The United States and the Osage Nation of Indians. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Peckham. (Mr. Justice Moody took no part in the decision of this case.)

No. 261. The Goat and Sheepskin Import Company, petitioner, *v.* The United States. On writ of certiorari to the United States circuit court of appeals for the second circuit. Decrees reversed, and cause remanded to the circuit court of the United States for the southern district of New York with directions to take such further proceedings as may be necessary not inconsistent with the opinion of this court. Opinion by Mr. Justice Peckham. (Mr. Justice Moody took no part in the decision of this case.)

No. 230. Charles E. Yates et al., plaintiffs in error, *v.* Jones National Bank. 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.

No. 231. Charles E. Yates et al., plaintiffs in error, *v.* Utica Bank. 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.

No. 232. Charles E. Yates et al., plaintiffs in error, *v.* Thomas Bailey. 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.

No. 233. Charles E. Yates et al., plaintiffs in error, *v.* Bank of Staplehurst. 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.

No. 201. The Cincinnati, Hamilton and Dayton Railway Company et al., appellants, *v.* The Interstate Commerce Commission. Appeal from the circuit court of the United States for the southern district of Ohio. Decree affirmed with costs. Opinion by Mr. Justice White.

No. 3, Original. The State of Kansas, complainant, *v.* The State of Colorado et al. Petition of the United States dismissed without prejudice. Bill of complaint dismissed without prejudice. Each party to pay its own costs. Opinion by Mr. Justice Brewer. Mr. Justice White and Mr. Justice McKenna concur in the result. (Mr. Justice Moody took no part in the decision of this case.)

No. 263. The United States, appellant, *v.* The Wm. Cramp & Sons Ship and Engine Building Company; and

No. 264. The Wm. Cramp & Sons Ship and Engine Building Company, appellant, *v.* The United States. Appeals from the Court of Claims. Judgment reversed, and case remanded with directions to enter a judgment on the findings for the defendant. Opinion by Mr. Justice Brewer. (Mr. Justice McKenna and Mr. Justice Moody took no part in the decision of this case.)

Nos. 331 and 332. Adams Express Company, plaintiff in error, *v.* The Commonwealth of Kentucky; and

No. 583. American Express Company of New York, plaintiff in error, *v.* The Commonwealth of Kentucky. Judgments reversed with costs, and causes remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Harlan.

No. 262. The Chapman and Dewey Land Company, plaintiff in error, *v.* Charles H. Bigelow et al. In error to the supreme court of the State of Arkansas. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 244. Albert K. Hiscock, trustee, etc., appellant, *v.* The Varick Bank of New York. 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 northern district of New York. Opinion by Mr. Chief Justice Fuller.

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

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

No. —, Original. In the matter of Charles Ughbanks, petitioner. Motion for leave to file petition for a writ of habeas corpus denied.

No. 361. R. M. Henningsen et al., appellants, *v.* United States Fidelity and Guaranty Company of Baltimore, Md., et al. Motions to dismiss or affirm postponed to the hearing of the case on its merits.

No. 508. John T. Shoener, plaintiff in error, *v.* The Commonwealth of Pennsylvania. Motion to dismiss denied. Motion to advance granted, and cause assigned for argument on Monday, October 21 next, after the cases already set down for that day.

No. 713. Expanded Metal Company et al., petitioners, *v.* Eugene S. Bradford et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit granted.

No. 719. Samuel B. Hartman, petitioner, *v.* John D. Park & Sons Co. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit granted.

No. 655. Thomas B. Clement, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 685. Frederick Herbert Ramsden, petitioner, *v.* Henry M. Knowles. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 695. Armour & Company, petitioners, *v.* Agnes Skene. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 697. Alaska Treadwell Gold Mining Company, petitioner, *v.* Z. R. Cheney, administrator, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 711. Jock B. Henderson, petitioner, *v.* James M. Henrie et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

Nos. 717 and 718. James L. Bradford et al., petitioners, *v.* The United States. Petitions for writs of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 705. Webster Coal and Coke Company, petitioner, *v.* A. J. Cassatt et al.; and

No. 706. Pennsylvania Coal and Coke Company, petitioner, *v.* A. J. Cassatt et al. Motions to advance submitted by Mr. Henry M. Hoyt in behalf of Mr. John W. Griggs and Mr. George S. Graham for petitioners.

No. 720. William Adair, plaintiff in error, *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Hoyt in behalf of Mr. Benjamin D. Warfield, Mr. H. L. Stone and Mr. S. D. Rouse for the plaintiff in error.

No. 744. Oxford and Coast Line Railroad Company, petitioner, *v.* Union Bank of Richmond, Va. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Thomas B. Womack for the petitioner, and by Mr. William L. Royall for the respondent.

No. 740. The American News Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Albert H. Washburn for the petitioner, and by Mr. Solicitor-General Hoyt for the respondent.

No. 301. The First National Bank of Chicago et al., plaintiffs in error, *v.* The Chicago Title and Trust Company, trustee, etc., et al. Motion to dismiss submitted by Mr. Joseph E. Paden and Mr. Newton Wyeth for the defendants in error in support of motions, and by Mr. Henry S. Robbins for the plaintiff in error in opposition to motion.

No. 19, Original. *Ex parte:* In the matter of The First National Bank of Chicago et al., petitioners. Submitted on return to rule by Mr. Henry S. Robbins for the petitioners, and by Mr. Joseph E. Paden and Mr. Newton Wyeth for the respondents.

No. 737. North Chicago Street Railroad Company et al., petitioners, *v.* Chicago Consolidated Traction Company et al.; and

No. 738. West Chicago Street Railroad Company et al., petitioners, *v.* Chicago Consolidated Traction Company et al. Petitions for writs of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Henry S. Robbins for the petitioners, and by Mr. Nathaniel C. Sears and Mr. James F. Meagher for the respondents. Leave granted to counsel for respondents to file additional briefs on or before Monday next, on motion of Mr. Henry M. Hoyt in behalf of counsel, and leave granted to counsel for petitioners to reply thereto, on motion of Mr. Henry S. Robbins for petitioners.

No. 745. Stanley Francis, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Charles L. Frailey for the petitioner, with leave to counsel for respondent to file brief within five days.

Nos. 742 and 743. Leeds & Catlin Company, petitioner, *v.* Victor Talking Machine Company et al. Petitions for writs of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Louis Hicks for the petitioner, and by Mr. Horace Pettit for the respondent.

No. 716. National Exchange Bank of Providence, R. I., petitioner, *v.* City of Superior. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. J. H. Caldwell for the petitioner.

No. 391. Aaron Blutenthal et al., plaintiffs in error, *v.* Miles C. Jones. Death of defendant in error suggested, and Angus O. Jones, administrator of Miles C. Jones, deceased, made the party defendant in error herein, per stipulation of counsel.

No. 734. Seymour W. Bonsall, petitioner, *v.* Arthur C. Platt. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. W. R. Harr in behalf of Mr. Louis Lowenstein for the petitioner, and by Mr. John M. Coit for the respondent.

No. 731. Town of Centerville Station, St. Clair County, Ill., petitioner, *v.* Northwestern Savings Bank. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. C. B. Northrop in behalf of Mr. Edward C. Kramer for the petitioner, and by Mr. B. H. Canby for the respondent.

No. 735. Charles M. Ward et al., administrators, etc., et al., petitioners, *v.* Maria E. G. McK. Ward et al.; and

No. 736. Charles M. Ward et al., petitioners, *v.* Maria E. G. McK. Ward et al. Petitions for writs of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Henry M. Ward and Mr. Austen G. Fox for the petitioners, and by Mr. William G. Wilson for the respondents.

No. 172. Emma L. Kaipu in behalf of Mikala Kaipu, appellant, *v.* L. E. Pinkham, president of the board of health, etc. Appeal from the district court of the United States for the Territory of Hawaii. Death of Mikala Kaipu having been suggested, and the case abated, appeal dismissed.

Adjourned until Monday, May 27, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 27, 1907.

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 Moody.

Archibald G. Thacher of New York City, J. Henry Metcalf of Buffalo, N. Y., D. C. Sherman of Salem, Oreg., William F. Hall of Washington, D. C., Bernard A. Gow of Trinidad, Cal., Howard M. Long of Philadelphia, Pa., James M. Spear of Washington, D. C., Samuel W. Hayes of Chickasha, Ind. T., Charles L. Moore of Enid, Okla., Eliot Tuckerman of New York City, G. A. Hanson of Richmond, Va., S. S. P. Patteson of Richmond, Va., and Edward W. Norris of New York City were admitted to practice.

No. 130. Louisa Sauer et al., plaintiffs in error, *v.* The City of New York. In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Moody. Dissenting: Mr. Justice McKenna and Mr. Justice Day.

No. 207. The Iowa Railroad Land Company, plaintiff in error, *v.* Claude F. Blumer. In error to the supreme court of the State of Iowa. Judgment affirmed with costs. Opinion by Mr. Justice Day. Mr. Justice Brewer concurs in the result. Announced by Mr. Chief Justice Fuller.

No. 275. The Mayor and Aldermen of the City of Vicksburg, appellants, *v.* Vicksburg Water Works Company. Appeal from the circuit court of the United States for the southern district of Mississippi. Decree modified and affirmed with costs. Opinion by Mr. Justice Day. Announced by Mr. Chief Justice Fuller.

No. 278. Mayer S. Bernheimer et al., etc., plaintiffs in error, *v.* Theodore R. Converse, receiver, etc.; and

No. 279. Max Drey et al., etc., plaintiffs in error, *v.* Theodore R. Converse, receiver, etc. In error to the circuit court of the United States for the southern district of New York. Judgments affirmed with costs and interest. Opinion by Mr. Justice Day. Announced by Mr. Chief Justice Fuller.

No. 280. Copper Queen Consolidated Mining Company, appellant, *v.* The Territorial Board of Equalization of the Territory of Arizona. Appeal from supreme court of Territory of Arizona. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 101. The United States, plaintiff in error, *v.* The Paine Lumber Company. In error to the circuit court of the United States for the eastern district of Wisconsin. Judgment affirmed. Opinion by Mr. Justice McKenna. (Mr. Justice Moody took no part in the decision of this case.)

No. 588. Illinois Central Railroad Company et al., appellants, *v.* The Interstate Commerce Commission. Appeal from the circuit court of the United States for the eastern district of Louisiana. Decree affirmed with costs. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Brewer. (Mr. Justice Moody took no part in the decision of this case.)

No. 601. Southern Railway Company et al., appellants, *v.* H. H. Tift et al. Appeal from the United States circuit court of appeals for the fifth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the southern district of Georgia. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Brewer. (Mr. Justice Moody took no part in the decision of this case.)

No. 14. James Buck, trustee, etc., plaintiff in error, *v.* William E. Beach, treasurer, etc. 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 opinion of this court. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Day and Mr. Justice Brewer.

No. 229. Security Warehousing Company et al., appellants, *v.* Elbert B. Hand et al., trustees, etc. Appeal from the United States circuit court of appeals for the seventh circuit. Decree affirmed with costs, and cause remanded to the district court of the United States for the eastern district of Wisconsin. Opinion by Mr. Justice Peckham.

No. 269. Higinio Romeu, appellant, *v.* Robert H. Todd. Appeal from the district court of the United States for the district of Porto Rico. Decree reversed with costs, and cause remanded for further proceedings conformable to the opinion of this court. Opinion by Mr. Justice White.

No. 580. The United States, appellant, *v.* Conrad Heinszen & Co. Appeal from the Court of Claims. Judgment reversed, and cause remanded with directions to dismiss the petition. Opinion by Mr. Justice White. Dissenting: Mr. Justice Brewer and Mr. Justice Peckham.

Mr. Justice Harlan concurs in the result. (Mr. Justice Moody took no part in the decision of this case.)

No. 236. Edward H. Love, plaintiff in error, *v.* Annie Flahive et al. Petition for a rehearing denied. Opinion by Mr. Justice Brewer.

No. 358. Homer E. Grafton, 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 order the complaint or information in the court of first instance to be dismissed and the defendant discharged from custody. Opinion by Mr. Justice Harlan.

No. 16, Original. *Ex parte*: In the matter of James Pollitz, petitioner. Rule discharged, and petition for writ of mandamus dismissed. Opinion by Mr. Chief Justice Fuller.

No. 7, Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Demurrer overruled without prejudice to any question, and leave granted to answer by the first Monday of the next term. Opinion by Mr. Chief Justice Fuller.

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

No. 17, Original. *Ex parte*: In the matter of The St. Louis Mining and Milling Company of Montana, petitioner. *Per curiam*: Rule discharged and petition for writ of mandamus dismissed. *In re* Rice, petitioner, 155 U. S., 396; *In re* Pollitz, petitioner, this day decided, 206 U. S., —.

No. 705. Webster Coal and Coke Company, petitioner, *v.* A. J. Cassatt et al.; and

No. 706. Pennsylvania Coal and Coke Company, petitioner, *v.* A. J. Cassatt et al. Motions to advance granted, and cases assigned for argument on the second Monday of the next term (October 21) after the cases already set down for that day.

No. 720. William Adair, plaintiff in error, *v.* The United States. Consideration of the motion to advance postponed to the next term.

Nos. 742 and 743. Leeds & Catlin Company, petitioner, *v.* Victor Talking Machine Company et al. Petitions for writs of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 641. Troy Wagon Works Company, petitioner, *v.* Howard L. Hancock, trustee. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 716. National Exchange Bank of Providence, R. I., petitioner, *v.* City of Superior. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 731. Town of Centerville Station, St. Clair County, Ill., petitioner, *v.* Northwestern Savings Bank. Petition for a writ of certiorari

to the United States circuit court of appeals for the seventh circuit denied.

No. 734. Seymour W. Bonsall, petitioner, *v.* Arthur C. Pratt. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

Nos. 735 and 736. Charles M. Ward et al., etc., petitioners, *v.* Maria E. G. McK. Ward et al. Petitions for writs of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 737. North Chicago Street Railroad Company et al., petitioners, *v.* Chicago Consolidated Traction Company et al.; and

No. 738. West Chicago Street Railroad Company et al., petitioners, *v.* Chicago Consolidated Traction Company et al. Petitions for writs of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 740. The American News Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 744. Oxford and Coast Line Railroad Company, petitioner, *v.* Union Bank of Richmond, Va. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 745. Stanley Francis, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 3, Original. The State of Kansas, complainant, *v.* The State of Colorado et al. Motion for leave to present petition for rehearing at next term entered, on motion of Mr. Solicitor-General Hoyt in behalf of counsel for the complainant.

No. 781. Candido Acosta et al., appellants, *v.* The People of Porto Rico. Appeal from the supreme court of Porto Rico. Docketed and dismissed with costs, on motion of Mr. Solicitor-General Hoyt in behalf of counsel for appellees.

No. 576. Jarib L. Sanderson, appellant, *v.* The United States et al. Motion to advance submitted by Mr. Solicitor-General Hoyt for the appellee.

No. 773. Penrose McClain, United States collector, etc., petitioner, *v.* William Disston et al., etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Solicitor-General Hoyt for the petitioner.

No. 753. The City of Defiance, petitioner, *v.* William J. McGonigale, receiver, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. John H. Doyle

and Mr. Henry B. Harris for the petitioner, and by Mr. Henry Newbegin and Mr. Robert Newbegin for the respondent.

No. 767. Central Railroad Company of New Jersey, etc., petitioner, *v.* Eliza E. Wren et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Edward G. Benedict and Mr. Robert W. De Forest for the petitioner.

No. 774. Mammoth Mining Company, plaintiff in error, *v.* Grand Central Mining Company et al. Writs of error and certiorari granted, on motion of Mr. R. N. Baskin for plaintiff in error.

No. 246. Samuel H. Leathe, plaintiff in error, *v.* Edward L. Thomas. Appearance of Grace A. Leathe, sole executrix of Samuel H. Leathe, deceased, as the party plaintiff in error herein, filed and entered, per stipulation, on motion of Mr. John Maynard Harlan for the plaintiff in error.

No. 768. The Federal Contracting Company, petitioner, *v.* Bowers Hydraulic Dredging Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Edward W. Norris for the petitioner, and by Mr. Horace L. Cheyney for the respondent.

No. 770. R. H. Wright, petitioner, *v.* Gorman-Wright Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. S. S. P. Patteson for the petitioner.

No. 746. Alberta J. Sharpe et al., petitioners, *v.* Edward W. Rannels. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. W. H. H. Miller, Mr. Augustus Boice, Mr. John B. Jones, Mr. U. M. Rose, Mr. G. B. Rose, Mr. W. E. Hemingway, and Mr. H. R. Marlatt for the petitioners, and by Mr. C. C. Calhoun for the respondent.

No. 765. Edward E. Blodgett, petitioner, *v.* The Portland Chemical and Phosphate Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. G. Philip Wardner for the petitioner, and by Mr. H. Bisbee and Mr. George C. Bedell for the respondent.

No. 772. J. I. Case Threshing Machine Company, petitioner, *v.* The Indiana Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. R. S. Taylor, Mr. I. K. Boyesen, and Mr. James H. Peirce for the petitioner, and by Mr. W. H. H. Miller, Mr. C. K. Offield, Mr. C. C. Linthicum, and Mr. Chester Bradford for the respondent, with leave to file additional briefs.

No. 777. N. A. Munn et al., petitioners, *v.* Clinton Reed; and
 Nos. 778, 779, and 780. N. A. Munn et al., petitioners, *v.* The Ibex
 Mining Company. Petitions for writs of certiorari to the United States
 circuit court of appeals for the eighth circuit submitted by Mr. Edwin H.
 Park and Mr. T. J. O'Donnell for the petitioners, with leave to respon-
 dents to file brief hereafter.

No. 747. Paul F. Vogel, petitioner, *v.* William Worth Burson. Peti-
 tion for a writ of certiorari to the court of appeals of the District of
 Columbia submitted by Mr. E. M. Kitchin and Mr. Edw. T. Fenwick
 for the petitioner, and by Mr. George W. Rea for the respondent.

No. 230. Charles E. Yates et al., plaintiffs in error, *v.* Jones National
 Bank;

No. 231. Charles E. Yates et al., plaintiffs in error, *v.* Utica Bank;

No. 232. Charles E. Yates et al., plaintiffs in error, *v.* Thomas Bailey;
 and

No. 233. Charles E. Yates et al., plaintiffs in error, *v.* Bank of Staple-
 hurst. Motion for leave to present petition for a rehearing at the next
 term entered, on motion of Mr. Arthur B. Hayes in behalf of counsel for
 defendants in error.

No. 764. Fidelity and Casualty Company of New York, petitioner, *v.*
 Bank of Timmons ville. Petition for a writ of certiorari to the United
 States circuit court of appeals for the fourth circuit submitted by Mr.
 J. P. Kennedy Bryan for the petitioner, and by Mr. H. A. M. Smith
 and Mr. P. A. Willcox for the respondent.

No. 760. William Gordon Crawford, petitioner, *v.* The United States.
 Petition for a writ of certiorari to the court of appeals of the District of
 Columbia submitted by Mr. A. S. Worthington for the petitioner, and
 by Mr. Solicitor-General Hoyt for the respondent.

No. 4. Agustin Castello, appellant, *v.* Ernest Ruffer et al. Suggestion
 of death of appellant and order of publication granted, on motion of Mr.
 George H. Lamar in behalf of counsel for appellee.

No. 20, Original. State of Louisiana, complainant, *v.* James R. Gar-
 field, Secretary of Interior, et al. Motion for leave to file bill of com-
 plaint granted, on motion of Mr. George H. Lamar on behalf of counsel,
 and process waived by Mr. Solicitor-General Hoyt for defendants.

No. 766. Jerome P. Porter et al., petitioners, *v.* Tonopah North Star
 Tunnel and Development Company. Petition for a writ of certiorari to
 the United States circuit court of appeals for the ninth circuit submitted
 by Mr. Frederick De Courey Faust and Mr. John E. Humphries for the
 petitioners, and by Mr. Joseph C. Campbell and Mr. W. H. Metson for
 the respondent, and leave granted to file additional briefs.

No. 580. The United States, appellant, *v.* Conrad Heinszen & Co. Motion for leave to present a petition for rehearing at the next term entered, on motion of Mr. Henry M. Ward for the appellees.

No. 728. Susan E. Porterfield, petitioner, *v.* Gerard D. Moore, trustee, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit. Dismissed, on motion of counsel for petitioner.

No. 262. The Chapman and Dewey Land Company, plaintiff in error, *v.* Charles H. Bigelow et al. Motion for leave to present a petition for rehearing at the next term entered.

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 be, and the same are hereby, continued until the next term.

Adjourned to the time and place appointed by law.

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