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SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 11, 1892.

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

Herbert Knight, of New York City, was admitted to practice.

No. 31.—John Cadwalader, collector, etc., plaintiff in error, *vs.* John Wanamaker *et al.*; and

No. 60.—William H. Hagedon, plaintiff in error, *vs.* A. F. Seeberger, collector, etc. Ordered to be heard with No. 151, when that case is reached in regular call, on motion of Mr. Solicitor-General Aldrich, for the collectors.

No. 437.—The Eureka and Palisade Railroad Company, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the district of Nevada. Dismissed, per stipulation, on motion of Mr. Solicitor-General Aldrich, for the defendant in error.

No. 1099.—The De La Vergne Refrigerating Machine Company, appellant, *vs.* John Featherstone *et al.* Motion to advance submitted by Mr. Solicitor-General Aldrich in support of motion.

No. 1170.—William McPherson, jr., *et al.*, plaintiffs in error, *vs.* Robert R. Blacker, secretary of state of Michigan. Advanced, and assigned for argument at the head of the call on motion of Mr. Henry M. Duffield, for the plaintiffs in error.

No. 150.—The Swan Land and Cattle Company (Limited), appellant, *vs.* Joseph Frank *et al.* Appearance of Hannah Frank, administrator of Joseph Frank, and of Joseph G. Snyder and Henry L. Frank, executors of Godfrey Snyder, as parties appellees herein, filed and entered, on motion of Mr. J. M. Woolworth, for the appellees.

No. 18.—Elijah W. Meddaugh *et al.*, appellants, *vs.* Nathaniel Wilson. Ordered to be passed, subject to the provisions of Rule 26, on motion of Mr. Otto Kirchner, for the appellants.

No. 1.—Benjamin Barker, jr., assignee of John S. Prouty, plaintiff in error, *vs.* The Lake Shore and Michigan Southern Railway Company. Ordered that John R. Morley, trustee, etc., be substituted as plaintiff in error herein, on motion of W. F. Upson, for plaintiff in error.

No. 145.—Charles Wilkins *et al.*, plaintiffs in error, *vs.* George W. Tourtelott *et al.* Motion to omit parts of record in printing submitted by Mr. James M. Mason in support of motion and by Mr. Jefferson Brumback and Mr. Wallace Pratt in opposition thereto.

Ex parte The Commonwealth of Virginia, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. R. Taylor Scott, for petitioner, with leave to the Attorney-General of the United States to file brief in opposition thereto on or before Saturday next.

No. 22.—The Consolidated Bunting Apparatus Co., appellant, *vs.* The Peter Schoenhofen Brewing Co.

No. 160.—The Consolidated Bunting Apparatus Co. *et al.*, appellants, *vs.* The H. Clausen & Son Brewing Company. Continued on motion of Mr. Ephraim Banning for the appellants.

No. 1099.—The De La Vergne Refrigerating Machine Company, appellant, *vs.* John Featherstone *et al.* Motions to advance and for a writ of certiorari submitted by Mr. Ephraim Banning for the appellant.

No. 37.—Herman Sturm, appellant, *vs.* F. A. Boker *et al.* Passed subject to 26th rule, on motion of Mr. William D. Guthrie for appellees.

No. 1100.—Edward W. Hallinger, appellant, *vs.* Robert Davis, jailor, &c. Advanced and assigned for argument on the first Monday of November next, on motion of Mr. C. H. Winfield for appellee.

No. 1125.—Phineas Pam-to-pee *et al.*, appellants, *vs.* The United States, and

No. 1133.—The Pottawatomie Indians of Michigan and Indiana, appellants, *vs.* The United States. Motion to advance submitted by Mr. J. H. McGowan in behalf of counsel.

No. 419.—The Illinois Central Railroad Company, appellant, *vs.* The People of the State of Illinois *et al.*

No. 608.—The City of Chicago, appellant, *vs.* The Illinois Central Railroad Company *et al.*

No. 609.—The People of the State of Illinois, appellants, *vs.* The Illinois Central Railroad Co. *et al.*

No. 610.—The United States, appellant, *vs.* The People of the State of Illinois *et al.* Ordered for argument immediately after No. 1170, on motion of Mr. John S. Miller, for the city of Chicago.

No. 143. Henry Huber *et al.*, appellants, *vs.* The N. O. Nelson Manufacturing Company. Suggestion of death of James E. Boyle, one of the appellants herein and appearance of James E. Boyle, jr., administrator, &c., filed and entered on motion of Mr. A. S. Browne for the appellants.

No. 1132. Charles W. Shively, plaintiff in error, *vs.* John Q. A. Bowlby *et al.* Motion to advance to be heard with No. 912 submitted by Mr. A. H. Garland and Mr. Sidney Dell for the plaintiff in error.

No. 1074.—The Wilmington and Weldon Railroad Company, plaintiff in error, *vs.* B. I. Alsbrook, sheriff, etc. Motion to advance submitted by Mr. Frederic D. McKenney for the plaintiff in error.

No. 13.—The New York and Texas Land Company (limited), plaintiff in error, *vs.* William Votaw. Suggestion of death of William Votaw, the defendant in error herein, and appearance of Mary Jane Votaw and William J. Slaughter, executors, etc., filed and entered on motion of Mr. A. B. Browne in behalf of counsel, and cause continued to the next term.

No. 1201.—John J. Berett *et al.*, appellants, *vs.* Daniel W. Middleton *et al.* Appeal from the supreme court of the District of Columbia. Docketed and dismissed with costs on motion of Mr. John Ridout, for appellees, and mandate granted.

No. 8.—The United States, plaintiff in error, *vs.* The Denver and Rio Grande Railway Company, and

No. 9.—The United States, plaintiff in error, *vs.* The Denver & Rio Grande Railway Company *et al.* Passed subject to the 26th rule, on motion of Mr. Assistant Attorney-General Maury, for the United States.

No. 10.—William Wright, appellant, *vs.* David G. Yuengling, jr.

No. 11.—William Wright, appellant, *vs.* Johnston Beggs. Passed subject to the 26th rule.

No. 1170.—William McPherson, jr., *et al.*, plaintiffs in error, *vs.* Robert R. Blacker, secretary of state of Michigan. Argued by Mr. Henry M. Duffield, Mr. W. H. H. Miller, and Mr. Fisher A. Baker, for the plaintiffs in error, and by Mr. Otto Kirchner and Mr. A. A. Ellis, for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 12, will be as follows, viz: Nos. 419 (and 608, 609, and 610), 1, 2, 3, 4, 5, 6, 7, 14, and 16.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 12, 1892.

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

E. A. O'Sullivan, of New Orleans, La., was admitted to practice.

No. 6.—Charles Moran, trustee, appellant, *vs.* The Pittsburg, Cincinnati and St. Louis Railway Company *et al.* Passed, subject to the provisions of the 26th rule, on motion of Mr. George Hoadly, for the appellant.

No. 20.—Benjamin F. Butler, plaintiff in error, *vs.* Charles P. Goreley, assignee, etc. Passed, subject to the provisions of the 26th rule, on motion of Mr. O. D. Barrett, for the plaintiff in error.

No. 14.—The Lehigh Zinc and Iron Company (Limited), plaintiff in error, *vs.* Charles Bamford *et al.* Passed, subject to the provisions of the 26th rule, on motion of Mr. Wm. A. McKenney, in behalf of counsel.

No. 419.—The Illinois Central Railroad Company, appellant, *vs.* The People of the State of Illinois *et al.*

No. 608.—The City of Chicago, appellant, *vs.* The Illinois Central Railroad Company *et al.*

No. 609.—The People of the State of Illinois, appellants, *vs.* The Illinois Central Railroad Company *et al.* And

No. 610.—The United States, appellants, *vs.* The People of the State of Illinois *et al.*

Argument commenced by Mr. B. F. Ayer for the Illinois Central Railroad Company, and continued by Mr. John S. Miller for the city of Chicago.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 13, will be as follows: Nos. 419 (and 608, 609, and 610), 1, 2, 3, 4, 5, 7, 16, 17, and 26.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 13, 1892.

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

W. B. Heyburn, of Osborn, Idaho, was admitted to practice.

No. 419.—The Illinois Central Railroad Company, appellant, *vs.* The People of the State of Illinois *et al.*

No. 608.—The City of Chicago, appellant, *vs.* The Illinois Central Railroad Company *et al.*

No. 609.—The People of the State of Illinois, appellants, *vs.* The Illinois Central Railroad Company *et al.*

No. 610.—The United States, appellant, *vs.* The People of the State of Illinois *et al.*

Argument continued by Mr. John S. Miller and Mr. S. S. Gregory for the City of Chicago and by Mr. George Hunt for the People of the State of Illinois.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 14, will be as follows: Nos. 419 (and 608, 609, and 610), 1, 2, 3, 4, 5, 7, 16, 17, and 26.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 14, 1892.

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

Robert Lewis Harrison and William C. Clapton, of New York City, were admitted to practice.

No. 987.—Edward Roby, plaintiff in error, *vs.* Charles W. Colehour.

No. 988.—Edward Roby, plaintiff in error, *vs.* Charles W. Colehour, *et al.*

No. 989.—Edward Roby, plaintiff in error, *vs.* Charles W. Colehour, *et al.*

No. 990.—Edward Roby, plaintiff in error, *vs.* Charles W. Colehour, *et al.*

Leave granted counsel for plaintiff in error to file supplemental brief in opposition to motion to dismiss, on motion of Mr. John N. Jewett in behalf of counsel.

No. 1117.—George C. Finney *et al.*, appellants, *vs.* F. August Reich *et al.* Submitted, pursuant to the twentieth rule, by Mr. C. E. Kremer for the appellants, and by Mr. Charles E. Pope for the appellees.

No. 419.—The Illinois Central Railroad Company, appellant, *vs.* The People of the State of Illinois *et al.*

No. 608.—The City of Chicago, appellant, *vs.* The Illinois Central Railroad Company *et al.*

No. 609.—The People of the State of Illinois, appellants, *vs.* The Illinois Central Railroad Company *et al.*

No. 610.—The United States, appellant, *vs.* The People of the State of Illinois *et al.* Argument continued by Mr. George Hunt for the people of the State of Illinois, and concluded by Mr. John N. Jewett for the Illinois Central Railroad Company.

No. 1.—John R. Moreley, trustee, etc., plaintiff in error, *vs.* The Lake Shore and Michigan Southern Railway Company. Argument commenced by Mr. W. F. Upton, for the plaintiff in error, and continued by Mr. E. S. Rapallo for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 17, will be as follows: Nos. 1, 2, 3, 4, 5, 7, 16, 17 (and 26), 912, and 5 original.

SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 17, 1892.

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

William C. Jones, of Spokane, Wash., and John A. Wright, of San Francisco, Cal., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 145.—Charles Wilkins *et al.*, plaintiffs in error, *vs.* George W. Tourtelott *et al.* Motion for leave to omit parts of record in printing denied.

No. 1074.—The Wilmington and Weldon Railroad Company, plaintiff in error, *vs.* B. F. Alsbrook, sheriff, etc. Motion to advance granted and cause assigned for argument on the second Monday (14th) of November next.

No. 1099.—The De La Vergne Refrigerating Machine Company, appellant, *vs.* John Featherstone *et al.* Motion to advance granted and cause assigned for argument on the second Monday (14th) of November next, after No. 1074. Motion for certiorari denied.

No. 1125.—Phineas Pam-to-pel *et al.*, appellants, *vs.* The United States.

No. 1133.—The Pottawatomie Indians of Michigan and Indiana, appellants, *vs.* The United States.

Motion to advance granted, and causes assigned for argument on the second Monday (9th) of January next.

No. 1132.—Charles W. Shively, plaintiff in error, *vs.* John Q. A. Bowlby *et al.* Motion to advance denied, but leave granted to counsel herein to file printed briefs in the case of Yesler *v.* Board of Harbor Line Commissioners, No. 912 on the docket for the present term.

Ex parte: In the matter of the commonwealth of Virginia, petitioner. Motion for leave to file petition for writ of mandamus granted, and rule to show cause ordered, returnable on the second Monday (14th) of November next.

Order.

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

For the first circuit,	Horace Gray,	associate justice.
“ “ second “	Samuel Blatchford,	“ “
“ “ third “	George Shiras, jr.,	“ “
“ “ fourth “	Melville W. Fuller,	Chief Justice.
“ “ fifth “	Lucius Q. C. Lamar,	associate justice.
“ “ sixth “	Henry B. Brown,	“ “
“ “ seventh “	John M. Harlan,	“ “
“ “ eighth “	David J. Brewer,	“ “
“ “ ninth “	Stephen J. Field,	“ “

The Chief Justice also announced that the court would adjourn at the close of business to-day until Monday, the 24th instant.

No. 1170.—William McPherson *et al.*, plaintiffs in error, *vs.* Robert R. Blacker, secretary of state of the State of Michigan. In error to the supreme court of the State of Michigan. Judgment affirmed with costs.

Opinion by Mr. Chief Justice Fuller.

Ordered, that the mandate issue at once.

No. — —.The United States, appellant, *vs.* The steamship “Itata,” etc. Motion for a writ of certiorari to the United States circuit court of appeals for the ninth circuit. Submitted by Mr. Attorney-General Miller in support of motion.

No. 232.—John S. Hager, collector, etc., plaintiff in error, *vs.* R. H. Swayne. Suggestion of death of John S. Hager, the plaintiff in error herein, and appearance of Elizabeth L. Hager, executrix, etc., filed and executed on motion of Mr. Solicitor-General Aldrich for the plaintiff in error.

No. 1105.—William Douglass Cross, appellant, *vs.* Jerome B. Burke, warden, etc.

Motion to advance submitted by Mr. Solicitor-General Aldrich in support of motion.

Motion for leave to proceed *in forma pauperis* and that the record be printed at public expense granted, on motion of Mr. C. Maurice Smith, for the appellant.

No. 872.—The Cincinnati Safe & Lock Company *et al.*, plaintiffs in error, *vs.* The Grand Rapids Safety Deposit Company. Motion to dismiss submitted by Mr. Charles B. Wilby in support of motion, and by Mr. J. F. Follett and Mr. T. H. Kelley in opposition thereto.

No. 1094.—Charles C. Hubbard, collector, &c., plaintiff in error, *vs.* Charles Saby. Motion to dismiss submitted by Mr. Edwin B. Smith and Mr. Lewis E. Stanton in support of motion and by Mr. Assistant Attorney-General Maury in opposition thereto.

Ex parte: In the matter of Henry Morrison, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Samuel B. Clarke for the petitioner.

Ex parte: In the matter of Henry Morrison, petitioner. Motion for leave to file petition for a writ of prohibition submitted by Mr. Samuel B. Clarke for the petitioner.

No. 1031.—The United States, appellant, *vs.* The “Old Settlers,” etc.

No. 1032.—The “Old Settlers,” etc., appellants, *vs.* The United States. On motion of Mr. A. H. Garland, for the “Old Settlers,” etc., advanced, and assigned for argument on the first Monday (5th) of December next.

No. 829.—Henry E. McKee, appellant, *vs.* Ward H. Lamon.

No. 830.—Ward H. Lamon *et al.*, appellants, *vs.* Henry E. McKee.

No. 831.—Henry E. McKee, appellant, *vs.* John H. B. Latrobe.

No. 915.—John D. McPherson, executor, etc., appellant, *vs.* Henry E. McKee *et al.* Appearance of Charlotte V. Latrobe, executrix of John H. B. Latrobe, deceased, filed and entered, on motion of Mr. Enoch Totten, for the executrix.

No. 1197.—Louis P. Shoemaker *et al.*, executors, etc., *et al.*, plaintiffs in error, *vs.* The United States, on the petition of the Rock Creek Park Commission. Advanced, and assigned for argument on the fourth Monday (28th) of November next, on motion of Mr. R. Ross Perry, for the defendants in error.

No. 825.—Arnold, Constable & Co., appellants, *vs.* The United States. Motion to advance submitted by Mr. W. Hallett Phillips, in behalf of counsel for the appellants.

Ex parte: In the matter of the common council of the village of Three Rivers, Mich., petitioners' motion for leave to file petition for writ of mandamus submitted by Mr. William A. McKenney in behalf of counsel for the petitioner.

No. 5, original.—The State of Iowa, complainant, *vs.* The State of Illinois.

Reassigned for argument on the fourth Monday (28th) of November next, after cases already set down for that day, per stipulation.

No. 631.—Franklin D. Cossett, appellant, *vs.* W. F. Hancock, admr., &c. Appeal from the circuit court of the United States for the western district of Tennessee. Dismissed with costs, on authority of counsel for appellant.

No. 1.—John R. Morley, trustee, &c., plaintiff in error, *vs.* The Lake Shore and Michigan Southern Railway Company.

Argument concluded by Mr. George Hoadly for the plaintiff in error.

No. 2.—Louis Mette *et al.*, plaintiffs in error, *vs.* Daniel L. McGuckin. Submitted by Mr. Jefferson Chandler and Mr. J. M. Woolworth for the plaintiffs in error. No counsel appeared for defendant in error.

No. 3.—Max Rosenthal, appellant, *vs.* Kersey Coates, as assignee, etc. Appeal from the circuit court of the United States for the western district of Missouri. Dismissed with costs, pursuant to the 10th rule.

No. 4.—Alfred Earnshaw, plaintiff in error, *vs.* The United States. Argued by Mr. R. C. McMurtrie for the plaintiff in error, and by Mr. Assistant Attorney-General Maury for the defendant in error.

No. 5.—Singleton M. Ashenfelter, appellant, *vs.* The Territory of New Mexico, *ex rel.* Edward C. Wade. Argued by Mr. C. W. McKeehan for the appellant. No counsel appeared for the appellee.

No. 7.—The San Pedro and Cañon del Agua Company, appellant, *vs.* The United States. Argument commenced by Mr. George Hoadly for the appellant.

No. 6.—Original. The State of Maryland, complainant, *vs.* The State of West Virginia. Leave granted to file stipulation extending time to file answer, and time to file answer extended to the first Monday (2d) of January next, on motion of Mr. William A. Maury in behalf of counsel.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 24, will be as follows: Nos. 7, 16, 17 (and 26), 912, 690, 794, 722, 1018, 1007, and 1008.

SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 24, 1892.

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

Chester Bradford, of Indianapolis, Ind. ; T. P. Ravenel, of Savannah, Ga.; Myron H. Phelps, of New York City, and A. L. Fitzgerald, of Eureka, Nev., were admitted to practice.

The Chief Justice announced the following orders of the court :

No. 825.—Arnold, Constable & Co., appellants, *vs.* The United States. Motion to advance denied.

No. 1105.—William Douglass Cross, appellant, *vs.* Jerome B. Burke, warden, etc. Motion to advance granted, and cause assigned for argument on the 31st of October, at the head of the call.

Ex parte: In the Matter of the Common Council of the Village of Three Rivers, petitioner. Motion for leave to file petition for a writ of mandamus denied.

Ex parte: In the Matter of Henry Morrison, petitioner. Motion for leave to file petition for a writ of mandamus granted, and rule to show cause ordered, returnable on the second Monday (14th) of November next.

Ex parte: In the Matter of Henry Morrison, petitioner. Motion for leave to file petition for a writ of prohibition granted, and rule to show cause ordered, returnable on the second Monday (14th) of November next.

No. 722.—The Monongahela Navigation Company, appellant and plaintiff in error, *vs.* The United States. Leave granted to file brief of D. T. Watson and others on behalf of appellee and defendant in error, on motion of Mr. Solicitor-General Aldrich, for appellee and defendant in error.

No. 1073.—The United States, appellant, *vs.* The California and Oregon Land Company ; and

No. 1159.—The United States, appellant, *vs.* The Dalles Military Road Company *et al.* Motions to advance submitted by Mr. Solicitor-General Aldrich, for the appellant.

No. 1202.—W. F. Prosser *et al.*, &c., appellants, *vs.* The Northern Pacific Railroad Company. Motion to advance submitted by Mr. W. C. Jones, for the appellants, with leave to Mr. A. H. Garland, for appellee, to file opposition thereto on or before Monday next.

No. 68.—Henry Suessenbach *et al.*, appellants, *vs.* The First National Bank of Deadwood, Dakota. Appeal from the supreme court of the Territory of Dakota. Dismissed with costs, per stipulation, on motion of Mr. S. S. Burdett, for appellee, and cause remanded to the supreme court of the State of South Dakota.

No. 1162.—The State of Indiana, appellant, *vs.* The United States. Motion to advance submitted by Mr. Wm. E. Earle for the appellant.

No. 222.—Thomas A. Edison *et al.*, appellants, *vs.* Augustus D. Klaber, trading as the Cyclostyle Company. Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs on motion of counsel for appellants.

No. 593.—Oscar A. Burton, appellant, *vs.* Chester W. Witters, receivers, &c. Appeal from the circuit court of the United States for the district of Vermont. Dismissed per stipulation.

No. 7.—The San Pedro and Cañon del Agua Company, appellant, *vs.* The United States. Leave granted Mr. George Hoadly to file substitute brief, and for Mr. Assistant Attorney-General Parker to file reply within one week. Argument continued by Mr. George Hoadly for appellant, by Mr. Thomas Smith and Mr. Assistant Attorney-General Parker for the appellee, and concluded by Mr. George Hoadly for the appellant.

No. 16.—Harriet C. Jones and Frank C. Jones, administratrix and administrator, &c., appellants, *vs.* Eliza A. Cunningham, *et al.*

Appeal from the circuit court of the United States for the southern district of Georgia. Dismissed with costs per stipulation.

No. 17.—The Railway Register Manufacturing Company, appellant, *vs.* The Central Park, North and East River Railroad Company *et al.*; and,

No. 26.—The Railway Register Manufacturing Company, appellant, *vs.* The Broadway and Seventh Avenue Railroad Company *et al.* Appeals from the circuit court of the United States for the southern district of New York.

Dismissed with costs, pursuant to the 19th rule.

No. 912.—Henry L. Yesler, plaintiff in error, *vs.* The Board of Harbor Line Commissioners *et al.* On motion of Mr. Thomas R. Shepard leave granted to three counsel for the plaintiff in error to be heard, and one-half hour additional time allowed each side in the argument of this case. Argument commenced by Mr. Thomas R. Shepard for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 25, will be as follows: Nos. 912, 690, 794, 722, 1018, 1007, 1008, 1067, 21, and 24.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 25, 1892.

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

William Dill, of Leavenworth, Kansas, was admitted to practice.

No. 651.—J. S. Lewis, plaintiff in error, *vs.* David D. Withers. Suggestion of death of David D. Withers, the defendant in error herein, and order of publication granted on motion of Mr. W. Hallett Phillips, of counsel for plaintiff in error.

No. 21.—Robert A. Balloch, appellant, *vs.* William H. Hooper, *et al.* Appearance of Franklin H. Hooper, executor, as a party appellee, filed and entered on motion of Mr. Job Barnard for appellees.

No. 912.—Henry L. Yesler, plaintiff in error, *vs.* The Board of Harbor Line Commissioners *et al.* Argument continued by Mr. Thomas R. Shepard for the plaintiff in error, by Mr. W. C. Jones for the defendants in error, and concluded by Mr. A. H. Garland for the plaintiff in error.

No. 690.—The United States, appellant, *vs.* Schoverling, Daly & Gales. Argued by Mr. Solicitor-General Aldrich, for the appellant, and by Mr. Albert Comstock, for the appellees.

No. 722.—The Monongahela Navigation Company, appellant and plaintiff in error, *vs.* The United States. Argument commenced by Mr. Johns McCleave for the appellant and plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 26, will be as follows: Nos. 722, 794, 1018, 1007, 1008, 1067, 21, 24, 25, and 27.

7267—8

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 26, 1892.

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

The Chief Justice made the following announcement:

I will say to the gentlemen of the bar that at the conclusion of its session to-day the court, as a mark of respect to the President of the United States and to the memory of Mrs. Harrison, will adjourn until Friday morning, at the usual hour.

No. 722.—The Monongahela Navigation Company, appellant and plaintiff in error, *vs.* The United States. Argument continued by Mr. Attorney-General Miller and Mr. Solicitor-General Aldrich for the appellee and defendant in error, and concluded by Mr. Wayne MacVeagh for the appellant and plaintiff in error.

No. 794.—The United States, appellant, *vs.* Perry and Ryer. Argument commenced by Mr. Assistant Attorney-General Maury for the appellant.

Adjourned until Friday next at 12 o'clock.

The day call for Friday, October 28, will be as follows: Nos. 794, 1018, 1007, 1008, 1067, 21, 24, 25, 27, and 28.

7267-9

SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 28, 1892.

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

Wm. D. Washburn, of Chicago, Ill., and Edmund S. McDonald, of Decatur, Ill., were admitted to practice.

No. 1112.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* B. F. Nelson. In error to the United States circuit court of appeals for the fifth circuit. Dismissed with costs, on authority of counsel for the plaintiff in error.

No. 794.—The United States, appellant, *vs.* Perry & Ryer. Argument continued by Mr. Assistant Attorney-General Maury for the appellant, by Mr. W. Wickham Smith for appellees, and concluded by Mr. Assistant Attorney-General Maury for the appellant.

No. 1018.—Alexander Lewis, plaintiff in error, *vs.* The United States. Argued by Mr. H. J. May and Mr. A. H. Garland for the plaintiff in error, and by Mr. Assistant Attorney-General Parker for the defendant in error.

No. 1007.—C. A. Benson (impleaded with Mary Rautzahn), plaintiff in error, *vs.* The United States. Argument commenced by Mr. A. L. Williams for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 31, will be as follows: Nos. 1007, 1008, 1067, 1105, 21, 24, 25, 27, 28, and 30.

7267-10

SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 31, 1892.

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

John S. Duncan, of Indianapolis, Ind.; Henry M. Withers, of Kansas City, Mo.; Wm. D. Harden, of Savannah, Ga.; James E. Neal, of Hamilton, Ohio; Pinkney G. Lewis, of Milwaukee, Wis., and Walter Wightman Vandiver, of Rome, Ga., were admitted to practice.

No. 23.—E. Van Winkle & Company, plaintiff in error, *vs.* Cauty, Crowell, *et al.* In error to the circuit court of the United States for the middle district of Alabama. Judgment affirmed with costs. Opinion by Mr. Justice Blatchford. (Mr. Justice Shiras was not a member of the court when this case was argued and took no part in its decision.)

No. 872.—The Cincinnati Safe and Lock Company *et al.*, plaintiffs in error, *vs.* The Grand Rapids Safety Deposit Company. In error to the circuit court of the United States for the southern district of Ohio. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 1094.—Charles C. Hubbard, collector, etc., plaintiff in error, *vs.* Charles Soby. In error to the circuit court of the United States for the district of Connecticut. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

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

No. 1073.—The United States, appellant, *vs.* The California and Oregon Land Company, and

No. 1159.—The United States, appellant, *vs.* The Dalles Military Road Company *et al.* Motions to advance granted and causes assigned for argument on the second Monday (9th) of January next, after cases already set down for that day.

No. 1162.—The State of Indiana, appellant, *vs.* The United States. Motion to advance granted and cause assigned for argument on the second Monday (9th) of January next, after cases already set down for that day.

No. 1204.—The United States, appellant, *vs.* The Steamship Itata, &c. Motion for a writ of certiorari to the United States circuit court of appeals for the 9th circuit denied without prejudice.

No. 617.—A. Mos Woodruff, trustee, *et al.*, plaintiffs in error, *vs.* The State of Mississippi *et al.* Motion to advance submitted by Mr. J. Hubley Ashton for the appellees.

No. 47.—George H. Hilton, appellant, *vs.* James E. Jones *et al.* Motion to incorporate certain additional matter in the record herein submitted by Mr. W. Hallett Phillip in behalf of counsel for the appellant.

No. 1157.—John W. Noble, Secretary of the Interior, *et al.*, plaintiffs in error, *vs.* The Union River Logging Railroad Company. Motion to advance submitted by Mr. Frederic D. McKenney for the defendant in error.

No. 436.—The Northern Pacific Railroad Company, plaintiff in error, *vs.* William J. Everett. Suggestion of death of William J. Everett, the defendant in error herein, and appearance of Jane Everett, administratrix, &c., filed and entered on motion of Mr. Harvey Spalding, in behalf of counsel for the defendant in error.

No. 1007.—C. A. Benson (impleaded with Mary Rautzahn), plaintiff in error, *vs.* The United States. Argument continued by Mr. A. L. Williams for the plaintiff in error, by Mr. Assistant Attorney-General Parker for the defendant in error, and concluded by Mr. A. L. Williams for the plaintiff in error.

No. 1008.—Clyde Mattox, plaintiff in error, *vs.* The United States. Submitted by Mr. J. W. Johnson for the plaintiff in error, and by Mr. Assistant Attorney-General Maury for the defendant in error.

No. 1067.—Charles E. Cook, appellant, *vs.* Colden A. Hart, sheriff, &c. Argument commenced by Mr. Charles H. Aldrich for the appellant, and continued by Mr. W. C. Williams for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 1, will be as follows: Nos. 1067, 1105, 21, 24, 25, 27, 28, 30, 32, and 34.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 1, 1892.

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

No. 57.—R. B. Hooper, plaintiff in error, *vs.* The People of the State of California.

Passed, subject to the provisions of the 26th rule, on motion of Mr. A. B. Browne in behalf of counsel.

No. 1067.—Charles E. Cook, appellant, *vs.* Colden A. Hart, sheriff, etc. Argument continued by Mr. W. C. Williams for the appellee and concluded by Mr. Charles H. Aldrich for the appellant.

No. 1105.—William Douglass Cross, appellant, *vs.* Jerome B. Burke, warden, etc. Argued by Mr. Joseph Shillington and Mr. C. Maurice Smith for the appellant, and by Mr. Solicitor-General Aldrich for the appellee.

No. 21.—Robert A. Balloch, appellant, *vs.* F. H. Hooper, executor, etc., *et al.* Passed.

No. 24.—William W. Hickies *et al.*, appellants, *vs.* Charles E. Philes *et al.* Continued.

No. 27.—The Washington & Georgetown Railroad Company, appellant, *vs.* The District of Columbia *et al.* Passed.

No. 28.—Asenath A. Ware *et al.*, appellants, *vs.* The Galveston City Company. Submitted by Mr. Walter Gresham for the appellants and by Mr. A. H. Willie for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 2, will be as follows: Nos. 25, 30, 32, 34, 35, 36, 38, 39, 40, and 41.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 2, 1892.

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

John F. Neilan, Israel Williams, Michael O. Burns, and Allen Andrews, of Hamilton, Ohio, were admitted to practice.

No. 34.—John L. Hardee, appellant, *vs.* Benjamin J. Wilson. Suggestion of death of John L. Hardee, the appellant herein, and appearance of Joseph D. Weed, executor, &c., filed and entered, on motion of Mr. Wm. D. Harden, for appellant.

No. 36.—John J. Schillinger *et al.*, appellants, *vs.* The United States. Passed, subject to the provisions of the 26th rule, on motion of Mr. Assistant Attorney-General Cotton for appellee.

No. 25.—Charles Foster, appellant, *vs.* The Mansfield, Coldwater and Lake Michigan Railroad Company *et al.* Argued by Mr. John H. Doyle for the appellant and submitted by Mr. J. T. Brooks for the appellees.

No. 30.—Martha P. Stotesbury *et el.*, executors, &c., appellants, *vs.* The United States. Passed.

No. 32.—The Hamilton Gas Light and Coke Company, appellant, *vs.* The City of Hamilton. Argument commenced by Mr. John F. Follett for the appellant and continued by Mr. Allen Andrews and Mr. Israel Williams for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 3, will be as follows: Nos. 32, 34, 35, 38, 39, 40, 41, 42, 43, and 44.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 3, 1892.

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

Edward E. Hull, of Hamilton, Ohio, and Wm. W. Swan, of Boston, Mass., were admitted to practice.

No. 32.—The Hamilton Gas Light and Coke Company, appellant, *vs.* The City of Hamilton. Argument concluded by Mr. John F. Neilan for the appellant.

No. 34.—John L. Hardee, appellant, *vs.* Benjamin J. Wilson. Order of the 2d instant making Joseph D. Weed appellant herein rescinded, and appearance of Mary Ellen Hardee and John I. Stoddard, executrix and executor of John L. Hardee, deceased, as appellants herein, filed and entered on motion of Mr. Wm. D. Harden for appellants.

No. 34.—Mary Ellen Hardee, executrix, &c., *et al.*, appellants, *vs.* Benjamin J. Wilson. Argued by Mr. William D. Harden for the appellants and by Mr. T. P. Ravenel for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 4, will be as follows: Nos. 35, 38, 39, 21, 27, 40, 41, 42, 43, and 44.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 4, 1892.

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

No. 862.—The United States, appellant, *vs.* The Colton Marble and Lime Company *et al.*

No. 863.—The United States, appellant, *vs.* The Southern Pacific Railroad Company *et al.*

No. 921.—The United States, appellant, *vs.* The Southern Pacific Railroad Company *et al.*

No. 922. The United States, appellant, *vs.* The Southern Pacific Railroad Company *et al.*

Assigned for argument on Wednesday, the 9th instant, on motion of Mr. Assistant Attorney-General Maury, for the appellant.

No. 35.—George J. McGourkey, trustee, appellant, *vs.* The Toledo and Ohio Canal Railroad Company. Argued by Mr. George Hoadly and Mr. Fisher A. Baker for the appellant, and by Mr. Stevenson Burke for the appellees.

No. 38.—The City of Bellaire, plaintiff in error, *vs.* The Baltimore and Ohio Railroad Company *et al.* Submitted by Mr. J. A. Gallaher for the plaintiff in error, and by Mr. John K. Cowen and Mr. Hugh L. Bond, jr., for the defendants in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 7, will be as follows: Nos. 39, 21, 27, 30, 1100, 40, 41, 42, 43, and 44.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 7, 1892.

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

Charles Frederic Adams, of New York City, was admitted to practice.

No. 4.—Alfred Earnshaw, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the eastern district of Pennsylvania. Judgment affirmed. Opinion by Mr. Justice Brown.

No. 794.—The United States, appellant, *vs.* Perry & Ryer, etc. Appeal from the circuit court of the United States for the southern district of New York. Decree reversed and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brown. Ordered that the title herein be amended by adding thereto the individual names of the members of the firm of Perry & Ryer.

No. 690.—The United States, appellant, *vs.* Schoverling, Daly & Gales, etc. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed. Opinion by Mr. Justice Blatchford. Ordered that the title herein be amended by adding thereto the individual name of the appellees.

No. 987.—Edward Roby, plaintiff in error, *vs.* Charles W. Colehour ;

No. 988.—Edward Roby, plaintiff in error, *vs.* Charles W. Colehour and James E. Clarke ;

No. 989.—Edward Roby, plaintiff in error, *vs.* Charles W. Colehour and Jared Myers Clarke ; and

No. 990.—Edward Roby, plaintiff in error, *vs.* Charles W. Colehour and Wm. H. Colehour. In error to the supreme court of the State of Illinois. Decrees affirmed with costs. Opinion by Mr. Justice Harlan.

No. 1170.—William McPherson, jr., *et al.*, plaintiffs in error, *vs.* Robert R. Blacker, secretary of state of Michigan ; in error to the supreme court of the State of Michigan. Opinion by Mr. Chief Justice Fuller filed.

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

No. 47.—George H. Hilton, appellant, *vs.* James E. Jones *et al.* Leave granted to file addition to transcript, but motion to incorporate same in record herein postponed to the hearing on the merits.

No. 617.—Amos Woodruff, trustee, *et al.*, plaintiffs in error, *vs.* The State of Mississippi *et al.* Motion to advance granted and cause assigned for argument on the second Monday (9th) of January next after cases already set down for that day.

No. 1157.—John W. Noble, Secretary of the Interior, *et al.*, appellants, *vs.* The Union River Logging Railroad Company. Motion to advance granted and cause assigned for argument on the second Monday (12th) of December next.

No. 1202.—W. F. Prosser *et al.*, etc., appellants, *vs.* The Northern Pacific Railroad Company. Motion to advance granted if counsel agree to confine oral argument to one hour on each side, and, with that understanding, assigned for argument on the second Monday (9th) of January next after cases already set down for that day.

No. 7.—Original, *ex parte*: In the matter of the Commonwealth of Virginia, petitioner.

Rule day postponed to the 21st instant on motion of Mr. Assistant Attorney-General Maury for the respondent.

No. 1206.—George H. Walter, treasurer, etc., *et al.*, appellants, *vs.* The Northeastern Railroad Company, and

No. 1207.—D. E. Keels *et al.*, appellants, *vs.* The Central Railroad Company of South Carolina. Motion to advance submitted by Mr. J. L. McLaurin for the appellants.

No. 1218.—Margaret Billings *et al.*, appellants, *vs.* The Aspen Mining and Smelting Company *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the 8th circuit, submitted by Mr. Calderon Carlisle for the appellees, and by Mr. T. A. Green in opposition thereto.

No. 43.—Dolores G. Astiazaran *et al.*, appellants, *vs.* The Santa Rita Land and Mining Co. *et al.* Suggestion of death of Frank Ely, one of the appellants herein, and appearance of Santiago Ainsa, administrator, etc., filed and entered, on motion of Mr. Rochester Ford for the appellants.

No. 403.—The Southern Pacific Company, plaintiff in error, *vs.* Elizabeth J. Denton. Motion to dismiss or affirm submitted by Mr. D. A. McKnight in support of motion and by Mr. J. Hubley Ashton in opposition thereto.

No. 39.—Henry Root, appellant, *vs.* The Third Avenue Railroad Company. Argued by Mr. Frederic R. Coudert for the appellant and by Mr. Herbert Knight and Mr. Edmund Wetmore for the appellee.

No. 1100.—Edward W. Hallinger, appellant, *vs.* Robert Davis, jailor, etc. Submitted by Mr. C. H. Winfield for appellee, with leave to counsel for appellant to file brief on or before Friday next.

No. 21.—Robert A. Balloch, appellant, *vs.* F. H. Hooper, executor, etc., *et al.* Argument commenced by Mr. S. S. Henkle for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 8, will be as follows: Nos. 21, 27, 30, 40, 41, 42, 43, 44, 45, and 46.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 8, 1892.

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

No. 46.—The Hancock Inspirator Company, appellant, *vs.* Samuel W. Regester *et al.* Appeal from the circuit court of the United States for the district of Maryland. Dismissed with costs, pursuant to the tenth rule.

No. 21.—Robert A. Balloch, appellant, *vs.* F. H. Hooper, executor, etc., *et al.* Argument continued by Mr. S. S. Henkle for the appellant, by Mr. Job Barnard for the appellees, and concluded by Mr. S. S. Henkle for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 9, will be as follows: Nos. 862, (and 863, 921, and 922), 27, 30, 40, 41, 42, 43, 44, 45, and 47.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 9, 1892.

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

No. 862.—The United States, appellant, *vs.* the Colton Marble and Lime Company *et al.*

No. 863.—The United States, appellant, *vs.* the Southern Pacific Railroad Company *et al.*

No. 921.—The United States, appellant, *vs.* the Southern Pacific Railroad Company *et al.*, and

No. 922.—The United States, appellant, *vs.* The Southern Pacific Railroad Company, *et al.* One hour additional time in the argument of these cases granted each side, on motion by Mr. Assistant Attorney-General Maury, for the appellant. Argument commenced by Mr. Assistant Attorney-General Maury, for the appellant, and continued by Mr. James C. Carter, for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 10, will be as follows: Nos. 862, (and 863, 921, and 922), 27, 30, 40, 41, 42, 43, 44, 45, and 47.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 10, 1892.

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

William C. Mayne, of Philadelphia, Pa., and Charles Steele, of New York City, were admitted to practice.

No. 862.—The United States, appellant, *vs.* the Colton Marble and Lime Company *et al.*

No. 863.—The United States, appellant, *vs.* the Southern Pacific Railroad Company *et al.*

No. 921.—The United States, appellant, *vs.* the Southern Pacific Railroad Company *et al.*, and

No. 922.—The United States, appellant, *vs.* The Southern Pacific Railroad Company *et al.* Argument continued by Mr. James C. Carter for the appellees and concluded by Mr. Assistant Attorney-General Maury for the appellant.

No. 27.—The Washington and Georgetown Railroad Company, appellant, *vs.* The District of Columbia. Argument commenced by Mr. Enoch Totten for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 11, will be as follows: Nos. 27, 30, 40, 41, 42, 43, 44, 45, 47, and 48.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 11, 1892.

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

No. 1219.—Samuel H. Savage, executor, etc., appellant, *vs.* The United States. Appeal from the Court of Claims. Docketed and dismissed on motion of Mr. Assistant Attorney-General Cotton, for the appellee.

No. 1220.—Mary B. Campbell, administratrix, etc., *et al.*, plaintiffs in error, *vs.* Bernard O'Neill, administrator, etc.;

No. 1221.—Mary B. Campbell, administratrix, etc., *et al.*, plaintiffs in error, *vs.* D. J. Quigley, executor, etc.;

No. 1222.—Mary B. Campbell, administratrix, etc., *et al.*, plaintiffs in error, *vs.* Henry Hoffman, administrator, etc.;

No. 1223.—Mary B. Campbell, administratrix, etc., *et al.*, plaintiffs in error, *vs.* Henry Oliver, administrator, etc.;

No. 1224.—Mary B. Campbell, administratrix, etc., *et al.*, plaintiffs in error, *vs.* E. F. Beattie, administrator, etc.;

No. 1225.—Mary B. Campbell, administratrix, etc., *et al.*, plaintiffs in error, *vs.* Samuel Sanders;

No. 1226.—Mary B. Campbell, administratrix, etc., *et al.*, plaintiffs in error, *vs.* T. S. Grimke, administrator, etc.;

No. 1227.—Mary B. Campbell, administratrix, etc., *et al.*, plaintiffs in error, *vs.* Henry Oliver, administrator, etc.;

No. 1228.—Mary B. Campbell, administratrix, etc., *et al.*, plaintiffs in error, *vs.* Christina Rehkopf, administratrix, etc.;

No. 1229.—Mary B. Campbell, administratrix, etc., *et al.*, plaintiffs in error, *vs.* Annie C. Peterson, administratrix, etc.;

No. 1230.—Mary B. Campbell, administratrix, etc., *et al.*, plaintiffs in error, *vs.* F. A. Dothage, administrator, etc.; and

No. 1231.—Mary B. Campbell, administratrix, etc., *et al.*, plaintiffs in error, *vs.* Ann Laffan, administratrix, etc. In error to the court of common pleas of Charleston County, S. C. Docketed and dismissed, with costs, on motion of Mr. A. G. Riddle for the defendants in error.

No. 48.—The Worcester, Nashua and Rochester Railroad Company, plaintiff in error, *vs.* The John Hancock Mutual Life Insurance Company. Continued per stipulation.

No. 27.—The Washington and Georgetown Railroad Company, appellant, *vs.* The District of Columbia *et al.* Argument concluded by Mr. Walter D. Davidge for the appellant, and cause submitted on printed argument by Mr. George C. Hazelton and Mr. Sidney T. Thomas for the appellees.

No. 30.—Martha P. Statesbury *et al.*, executors, etc., appellants, *vs.* The United States. Argued by Mr. Enoch Totten for the appellants and by Mr. Assistant Attorney-General Cotton for the appellee.

No. 40.—Philander Derby *et al.*, appellants, *vs.* Daniel L. Thompson *et al.* Argument commenced by Mr. Arthur V. Briesen for the appellants and continued by Mr. J. E. Maynardier for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 14, will be as follows: Nos. 40, 41, 42, 43, 44, 45, 47, 1099, 1074, and 49.

SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 14, 1892.

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

Albert J. Woolf, of Youngstown, Ohio; John B. Laidler, of Huntington, West Va.; W. H. Day, of Weldon, N. C.; Charles E. Pickard, of Chicago, Ills.; Alfred W. Heywood, of Raleigh, N. C.; Thomas N. Hill, of Halifax, N. C., and Joseph Tyssowski, of Washington, D. C., were admitted to practice.

No. 1.—John R. Moreley, trustee, etc., plaintiff in error, *vs.* The Lake Shore and Michigan Southern Railway Company. In error to the court of appeals of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Shiras. Dissenting, Mr. Justice Harlan, Mr. Justice Field, and Mr. Justice Brewer.

No. 25.—Charles Foster, appellant, *vs.* The Mansfield, Coldwater and Lake Michigan Railway Company *et al.* Appeal from the circuit court of the United States for the northern district of Ohio. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 7.—The San Pedro and Cañon Del Agua Company, appellant, *vs.* The United States. Appeal from the supreme court of the Territory of New Mexico. Decree affirmed. Opinion by Mr. Justice Brewer.

No. 28.—Asenath A. Ware *et al.*, appellants, *vs.* The Galveston City Company. Appeal from the circuit court of the United States for the eastern district of Texas. Decree affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 38.—The City of Bellaire, plaintiff in error, *vs.* The Baltimore and Ohio Railroad Company *et al.* In error to the circuit court of the United States for the southern district of Ohio. Judgment reversed for want of jurisdiction, with costs against the Baltimore and Ohio Railroad Company,

and cause remanded with directions to award costs against the Baltimore and Ohio Railroad Company in the circuit court, and to remand the case to the State court. Opinion by Mr. Justice Gray.

No. 1008.—Clyde Mattox, plaintiff in error, *vs.* The United States. In error to the district court of the United States for the district of Kansas. Judgment reversed and cause remanded with a direction to grant a new trial. Opinion by Mr. Chief Justice Fuller.

No. 1105.—William Douglass Cross, appellant, *vs.* Jerome B. Burke, warden, etc. Appeal from the supreme court of the District of Columbia. Appeal dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice also announced the following order :

No. 1206.—George H. Walter, treasurer, etc., *et al.*, appellants, *vs.* The Northeastern Railroad Company; and

No. 1207.—D. E. Keels *et al.*, appellants, *vs.* The Central Railroad Company of South Carolina. Motion to advance granted and causes assigned for argument on the second Monday (9th) of January next, after cases already set down for that day.

No. 50.—George Legg, plaintiff in error, *vs.* E. L. Hedden, collector, etc. In error to the circuit court of the United States for the southern district of New York. Judgment reversed with costs and cause remanded with directions to grant a new trial, on motion of Mr. Solicitor-General Aldrich, who confessed error on behalf of the defendant in error.

No. 1124.—The Northern Pacific Railroad Company, appellant, *vs.* Charles S. Walker, etc., *et al.* Motion to advance submitted by Mr. A. H. Garland for the appellant.

No. 388.—The American Tube and Iron Company, plaintiff in error, *vs.* Owen Evans, guardian, etc. Suggestion of diminution of record and motion for a writ of certiorari, submitted by Mr. R. B. Murray for the defendant in error.

No. 1232.—The United States *ex rel.* Elizabeth Trask, plaintiff in error, *vs.* John Wanamaker, Postmaster-General. Motion to advance submitted by Mr. Harvey Spalding for the plaintiff in error.

No. 132.—The St. Louis, Arkansas and Texas Railway Company, plaintiff in error, *vs.* The Union Bridge Company. In error to the circuit court of the United States for the eastern district of Arkansas. Dismissed with costs on authority of counsel for the plaintiff in error.

No. 40.—Philander Derby *et al.*, appellants, *vs.* Daniel L. Thompson *et al.* Argument continued by Mr. James E. Maynadier for the appellees and concluded by Mr. Arthur V. Briesen for the appellants.

No. 41.—Henry W. Potts, assignee, etc., plaintiff in error, *vs.* William H. Wallace. Argued by Mr. Sidney Ward for the plaintiff in error and by Mr. B. F. Tracy for the defendant in error.

No. 42.—Colin Cameron, appellant, *vs.* The United States. Argument commenced by Mr. Rochester Ford for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 15, will be as follows: Nos. 42, 43, 44, 45, 47, 1099, 1074, 49, 51 (and 52), and 53 (and 1025).



SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 15, 1892.

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

John W. Lytle, of Omaha, Nebr., and L. L. Van Allen, and Samuel Greenbaum, of New York City, were admitted to practice.

No. 862.—The United States, appellant, *vs.* The Colton Marble and Lime Company *et al.*

No. 863.—The United States, appellant, *vs.* The Southern Pacific Railroad Company *et al.*

No. 921.—The United States, appellant, *vs.* The Southern Pacific Railroad Company *et al.*

No. 922.—The United States, appellant, *vs.* The Southern Pacific Railroad Company *et al.*

Leave granted to Mr. James C. Carter to file supplemental brief on behalf of the appellees herein and to Mr. Assistant Attorney Maury to file reply thereto on or before Friday next.

No. 1118.—Passavant & Co., appellants, *vs.* The United States. Motion to advance submitted by Mr. Edwin B. Smith for the appellants.

No. 42.—Colin Cameron, appellant, *vs.* The United States. Argument continued by Mr. Rochester Ford for the appellant, by Mr. Solicitor-General Aldrich for the appellee, and concluded by Mr. James C. Carter for the appellant.

No. 43.—Dolores G. Astiazaran *et al.*, appellants, *vs.* The Santa Reta Land and Mining Company *et al.* Continued.

No. 44.—Henry Junge, plaintiff in error, *vs.* C. L. Hedden, late collector, etc. Argument commenced by Mr. Edwin B. Smith for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 15, will be as follows: Nos. 44, 45, 47, 1099, 1074, 49, 51 (and 52), and 53 (and 1025), 20 and 54.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 16, 1892.

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

No. 43.—Dolores G. Astiazaran *et al.*, appellants, *vs.* The Santa Rita Land and Mining Company *et al.* Writ of certiorari granted on motion of Mr. Rochester Ford for the appellants.

No. 47.—George H. Hilton, appellant, *vs.* James E. Jones *et al.* Passed, subject to the provisions of the 26th rule, on motion of Mr. James S. Harlan for the appellant.

No. 44.—Henry Junge, plaintiff in error, *vs.* E. L. Hedden, collector, etc. Argument continued by Mr. Assistant Attorney-General Maury for the defendant in error, and concluded by Mr. Edwin B. Smith for the plaintiff in error.

No. 45.—Lippman Toplitz *et al.*, plaintiffs in error, *vs.* E. L. Hedden, late collector, etc. Argued by Mr. Edwin B. Smith for the plaintiffs in error, and by Mr. Solicitor-General Aldrich for the defendant in error.

No. 1099.—The De La Vergne Refrigerating Machine Company, appellant, *vs.* John Featherstone *et al.* Argument commenced by Mr. Ephraim Banning for the appellant and continued by Mr. L. L. Bond for the appellees and by Mr. Edmund Wetmore for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 17, will be as follows: Nos. 1099, 1074, 49, 51 (and 52), 53 (and 1025), 20, 54, 55, 56, and 58.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 17, 1892.

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

George L. Jacobs, of Boston, Mass., and B. R. Dysart, of Macon, Mo., were admitted to practice.

No. 1099.—The De La Vergne Refrigerating Machine Company, appellant, *vs.* John Featherstone *et al.* Argument concluded by Mr. Edmund Wetmore for the appellant. Leave granted Mr. Solicitor-General Aldrich to file an additional brief on behalf of the appellant, and for Mr. L. L. Bond to file reply thereto.

No. 1074.—The Wilmington and Weldon Railroad Company, plaintiff in error, *vs.* B. I. Alsbrook, sheriff, etc. Argued by Mr. Samuel F. Phillips and Mr. Thomas N. Hill, for the plaintiff in error, and by Mr. R. O. Burton, for the defendant in error.

No. 49.—Jennie M. Thompson *et al.*, executors, etc., plaintiffs in error, *vs.* The St. Nicholas National Bank. Argument commenced by Mr. Lewis Sanders, for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 18, will be as follows: Nos. 49, 51 (and 52), 53 (and 1025), 20, 54, 55, 56, 58, 59, and 61.

7267—24

SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 18, 1892.

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

William Worthington, of Cincinnati, Ohio, and Salter Storrs Clark, of Yonkers, N. Y., were admitted to practice.

No. 49.—Jennie M. Thompson *et al.*, executors, etc., plaintiffs in error, *vs.* The St. Nicholas National Bank. Argument continued by Mr. Lewis Sanders for the plaintiffs in error, by Mr. William Allen Butler for the defendant in error, and concluded by Mr. Lewis Sanders for the plaintiffs in error.

No. 51.—The United States, appellant, *vs.* Charles Allen Dunnington *et al.*

No. 52.—Charles Allen Dunnington *et al.*, appellants, *vs.* The United States. Argued by Mr. George A. King for Dunnington *et al.* and by Mr. Solicitor-General Aldrich for the United States.

No. 53.—Levi Scott *et al.*, plaintiffs in error, *vs.* David Armstrong receiver, etc.; and

No. 1025.—The Farmers and Merchants' State Bank *et al.*, appellants, *vs.* David Armstrong, receiver, etc. Argument commenced by Mr. William Worthington for the plaintiffs in error and appellants, and continued by Mr. John W. Herron for the defendant in error and appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 21, will be as follows: Nos. 53 (and 1025), 20, 54, 55, 56, 58, 59, 61, 62, and 63.

SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 21, 1892.

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

Lewis Berkeley Cox, of Portland, Oregon, was admitted to practice.

No. 34.—Mary Ellen Hardee and John J. Stoddard, executrix and executor of John L. Hardee, deceased, appellants, *vs.* Benjamin J. Wilson. Appeal from the circuit court of the United States for the southern district of Georgia. Dismissed with costs. Opinion by Mr. Justice Shiras.

No. 1067.—Charles E. Cook, appellant, *vs.* Colden A. Hart, sheriff of Dodge County, Wisconsin. Appeal from the circuit court of the United States for the eastern district of Wisconsin. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 30.—Martha P. Stotesbury *et al.*, executors, etc., appellants, *vs.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brewer.

No. 39.—Henry Root, appellant, *vs.* The Third Avenue Railroad Company. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 403.—The Southern Pacific Company, plaintiff in error, *vs.* Elizabeth J. Denton. In error to the circuit court of the United States for the western district of Texas. Judgment reversed with costs and cause remanded, with directions to render judgment for the defendant upon the demurrer to the petition. Opinion by Mr. Justice Gray.

No. 32.—The Hamilton Gas Light and Coke Company, appellant, *vs.* The City of Hamilton, Ohio. Appeal from the circuit court of the United States for the southern district of Ohio. Decree affirmed with costs. Opinion by Mr. Justice Harlan.

No. 27.—The Washington and Georgetown Railroad Company, appellant, *vs.* The District of Columbia *et al.* Appeal from the Supreme Court of the District of Columbia. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court :

No. 388.—The American Tube and Iron Company, plaintiff in error, *vs.* Owen Evans, guardian, etc. Motion for a writ of certiorari granted.

No. 1118.—Passavant & Co., appellants, *vs.* The United States. Motion to advance granted on condition that the cause be submitted on printed briefs, as provided by rules 32 and 6.

No. 1124.—The Northern Pacific Railroad Company, appellant, *vs.* Charles S. Walker, county auditor, etc., *et al.* Motion to advance granted and cause assigned for argument on the second Monday (9th) of January next, after cases already set down for that day.

No. 1232.—The United States *ex rel.* Elizabeth Trask, plaintiff in error, *vs.* John Wanamaker, Postmaster-General. Motion to advance granted and cause assigned for argument on the second Monday (12th) of December next after cases already set down for that day.

The Chief Justice also announced that at the conclusion of business on Wednesday the court would adjourn until Monday next.

No. 825.—Arnold, Constable & Company, appellants, *vs.* The United States. Motion to advance submitted by Mr. W. Hallett Phillips in behalf of counsel for appellants.

No. 1237.—The Cunard Steamship Company (limited), owner of the steamship *Umbria*, appellant, *vs.* Cyprien Fabre, manager of the Compagnie Française de Navigation à Vapeur. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit, submitted by Mr. R. D. Benedict for the appellee.

No. 1238.—The Chicago and Northwestern Railway Company, plaintiff in error, *vs.* John Osborne.

No. 1239.—The Chicago and Northwestern Railway Company, plaintiff in error, *vs.* H. A. Junod and R. Y. Culbertson. Petitions for writs of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. C. C. Nourse, for the defendants in error, and opposition thereto submitted by Mr. W. C. Goudy, for the plaintiff in error.

No. 53.—Levi Scott *et al.*, plaintiffs in error, *vs.* David Armstrong, receiver, etc.; and

No. 1025.—The Farmers and Merchants' State Bank *et al.*, appellants, *vs.* David Armstrong, receiver, etc. Argument continued by Mr. John

W. Herron for defendant in error and appellee and concluded by Mr. William Worthington for plaintiffs in error and appellants.

No. 20.—Benjamin F. Butler, plaintiff in error, *vs.* Charles P. Goreley, assignee, etc. Argument commenced by Mr. Benjamin F. Butler for the plaintiff in error and continued by Mr. George E. Jacobs for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 22, will be as follows: Nos. 20, 54, 55, 56, 58, 59, 61, 62, 63, and 64.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 22, 1892.

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

William F. Boyd, of Cincinnati, Ohio, and Frank C. Dillard, of Sherman, Tex., were admitted to practice.

No. 20.—Benjamin F. Butler, plaintiff in error, *vs.* Charles P. Goreley, assignee, &c.

Argument continued by Mr. Charles Levi Woodbury for the defendant in error and concluded by Mr. Benjamin F. Butler for the plaintiff in error.

No. 54.—John Fisher *et al.*, executors, etc., *et al.*, appellants, *vs.* Loretta Shropshire *et al.*

Ordered, That the name of Hester Lyle be changed to Esther Lyle in the title of this cause.

Argued by Mr. A. H. McVey for the appellants and by Mr. J. G. Day for the appellees.

No. 55.—Henry H. McMullen, appellant, *vs.* The United States. Submitted by Mr. C. C. Lancaster for the appellant and by Mr. Assistant Attorney-General Cotton for the appellee.

No. 56.—The Illinois Central Railroad Company, plaintiff in error, *vs.* The City of Decatur. Argument commenced by Mr. B. F. Ayer for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 23, will be as follows: Nos. 56, 58, 59, 61, 62, 63, 64, 65, 66, and 67.

7267—27

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 23, 1892.

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

No. 65.—George E. Dowling, plaintiff in error, *vs.* The National Bank of America at Chicago. In error to the circuit court of the United States for the western district of Michigan. Judgment reversed with costs, per stipulation, and cause remanded for a new trial.

No. 67.—James T. Simms, appellant, *vs.* Patrick Bambrick *et al.* Appeal from the supreme court of the Territory of Arizona. Dismissed, with costs, pursuant to the 10th rule.

No. 56.—The Illinois Central Railroad Company, plaintiff in error, *vs.* The City of Decatur. Argument continued by Mr. B. F. Ayer for the plaintiff in error; by Mr. Hugh Crea and Mr. E. S. McDonald for the defendant in error, and concluded by Mr. B. F. Ayer for the plaintiff in error.

No. 58.—The Lake Shore and Michigan Southern Railway Company, plaintiff in error, *vs.* Chalmer M. C. Prentice. Argued by Mr. George C. Greene for the plaintiff in error, and by Mr. W. A. Foster for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 28th, will be as follows: Nos. 1197, 59, 61, 62, 63, 64, 66, 5 org'l., 70, and 71.

7267—28



SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 28, 1892.

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

Hugh T. Taggart, of Washington, D. C.; Felix Rackemann, of Boston, Mass. and Lawrence M. Ennis, of Chicago, Ill., were admitted to practice.

No. 1100.—Edward W. Hallinger, appellant, *vs.* Robert Davis, jailor of Hudson County, N. J. Appeal from the circuit court of the United States for the district of New Jersey. Decree affirmed with costs. Opinion by Mr. Justice Shiras.

No. 45.—Lippman Toplitz *et al.*, plaintiffs in error, *vs.* Edward L. Hedden, late collector, etc. In error to the circuit court of the United States for the southern district of New York. Judgment affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 49.—Jennie M. Thompson *et al.*, executors, etc., plaintiffs in error, *vs.* The St. Nicholas National Bank. In error to the court of appeals of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 44.—Henry Junge, plaintiff in error, *vs.* Edward L. Hedden, late collector, etc. In error to the circuit court of the United States for the southern district of New York. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

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

No. 825.—Arnold, Constable & Co., appellants, *vs.* The United States. Motion to advance granted and cause assigned for argument on the second Monday (9th) of January next, after cases already set down for that day.

No. 1218.—Margaret Billings *et al.*, appellants, *vs.* The Aspen Mining and Smelting Company *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit. Denied.

No. 1237.—The Cunard Steamship Company, etc., appellants, *vs.* Cyprien Fabre, manager, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit. Granted.

ORDER.

Ordered that Rule 32 of this court be, and the same is hereby, amended so as to read as follows :

Cases brought to this court by writ of error or appeal under the act of February 25, 1889, chapter 236, or under section 5 of the act of March 3, 1891, chapter 517, where the only question in issue is the question of the jurisdiction of the court below, will be advanced on motion, and heard under the rules prescribed by Rule 6, in regard to motions to dismiss writs of error and appeals.

No. 1014.—James F. Joy *et al.*, appellants, *vs.* Adelbert College, *etc.*, *et al.* Motion to dismiss submitted by Mr. George Hoadly in support of motion.

No. 1160.—John Glenn as trustee, *etc.*, plaintiff in error, *vs.* David J. Garth *et al.* Motion to dismiss submitted by Mr. William C. Clopton in support of motion, with leave to Mr. Burton N. Harrison or other counsel for the plaintiff in error to file brief in opposition on or before December 19, and to counsel for defendants in error to file reply if desired.

No. 1246.—Christian Van Gunden *et al.*, plaintiffs in error, *vs.* The Virginia Coal and Iron Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. William C. Mayne, Mr. Daniel H. Chamberlain, and Mr. F. S. Blair, for the plaintiffs in error, in support of petition, and Mr. Richard C. Dale, Mr. J. F. Bullitt, and Mr. R. A. Ayers, for the defendant in error, in opposition thereto.

No. 1200.—Henry W. Blagge *et al.*, administrators, *etc.*, plaintiffs in error, *vs.* Francis V. Balch, administrator, *etc.* Motion to advance submitted by Mr. Felix Rackemann for the defendant in error.

Ex parte: In the matter of The Myers Excursion and Navigation Company, petitioner. Motion for leave to file petition for a writ of prohibition submitted by Mr. Raphael J. Moses, jr., for the petitioner.

No. 106.—The United Lines Telegraph Company *et al.*, appellants, *vs.* The Boston Safe Deposit and Trust Company. Motion for leave to incorporate new matter into the record herein, postponed until Monday next.

No. 1087.—John Brown, plaintiff in error, *vs.* The United States. Leave granted to proceed *in forma pauperis* and record herein ordered printed at public expense on motion of Mr. A. H. Garland for the plaintiff in error.

No. 1202.—W. F. Prosser *et al.*, *etc.*, appellants, *vs.* The Northern Pacific Railroad Company. Ordered that the order of this court of the 7th instant, in reference to the advancement of this cause be, and the same is hereby, vacated and set aside.

No. 64.—Levi Ankeny, plaintiff in error, *vs.* Van Buren Clark. Passed, subject to the provisions of the twenty-sixth rule on motion of Mr. J. H. Mitchell, for the plaintiff in error.

No. 5.—Original. The State of Iowa, complainant, *vs.* The State of Illinois. Submitted by Mr. John Y. Stone, for the complainant, and by Mr. George Hunt, for the defendant.

No. 1197.—Louis P. Shoemaker *et al.*, etc., plaintiffs in error, *vs.* The United States, on the petition of the Rock Creek Park Commission. One hour additional time granted to counsel for the plaintiffs in error in the argument of this case, on motion of Mr. T. A. Lambert for the plaintiffs in error. Argument commenced by Mr. T. A. Lambert for the plaintiffs in error and continued by Mr. R. Ross Perry for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 29, will be as follows: Nos. 1197, 59, 61, 62, 63, 66, 70, 71, 72, and 73.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 29, 1892.

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

No. 10, Original.—*Ex parte*: In the matter of William Douglass Cross, petitioner. By leave of the court petition for writs of habeas corpus and certiorari filed and submitted by Mr. C. Maurice Smith for the petitioner and leave granted to proceed *in forma pauperis*.

No. 1197.—Louis P. Shoemaker *et al.*, etc., plaintiffs in error, *vs.* The United States, on the petition of the Rock Creek Park Commission. Argument continued by Mr. R. Ross Perry and Mr. C. C. Cole for the defendant in error, and concluded by Mr. J. M. Wilson, for the plaintiffs in error.

No. 59.—Harlan P. Lloyd, trustee, etc., appellant, *vs.* Emma C. Preston, executrix, &c.

Argument commenced by Mr. H. P. Lloyd for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 30, will be as follows: Nos. 59, 61, 62, 63, 66, 70, 71, 72, 73, and 74.

7267—30



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 30, 1892.

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

No. 10.—Original. *Ex parte*: In the matter of Wm. Douglass Cross, petitioner. Leave granted to file brief in support of petition, on motion of Mr. Joseph Shillington for the petitioner.

No. 73.—James Thompson, plaintiff in error, *vs.* W. A. Carlisle *et al.* In error to the circuit court of the United States for the northern district of Texas. Dismissed with costs pursuant to the 10th rule.

No. 74.—The City of Richmond *et al.*, appellants, *vs.* The First National Bank of Richmond. Appeal from the circuit court of the United States for the eastern district of Virginia. Dismissed with costs on authority of counsel for the appellants.

No. 808.—Alexander M. Byers, appellant, *vs.* Michael Coleman *et al.*, commissioners, etc. Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs per stipulation.

No. 809.—John W. Crissey, appellant, *vs.* Michael Coleman *et al.*, commissioners, etc. Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs per stipulation.

No. 810.—Benjamin P. Cheney, appellant, *vs.* Michael Coleman *et al.*, commissioners, etc. Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs per stipulation.

No. 1100.—Edward W. Hallinger, appellant, *vs.* Robert Davis, jailor, etc. Mandate ordered to issue at once.

No. 59.—Harlan P. Lloyd, trustee, etc., appellant, *vs.* Emma C. Preston, executrix, etc. Argument continued by Mr. J. W. Warrington for the appellee and concluded by Mr. H. P. Lloyd for the appellant.

No. 61.—John E. Alexandre *et al.*, executors, etc., *et al.*, appellants, *vs.* John Machan *et al.*

Argument commenced by Mr. R. D. Benedict for the appellants and continued by Mr. George A. Black for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 1st, will be as follows: Nos. 61, 62, 63, 66, 70, 71, 72, 75, 76 (and 77) and 78.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 1, 1892.

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

No. 75.—Edward S. Smith, appellant, *vs.* Judson L. Thomson *et al.* Appeal from the circuit court of the United States for the northern district of New York. Dismissed with costs, pursuant to the tenth rule.

No. 61.—John E. Alexander *et al.*, executors, etc., *et al.*, appellants, *vs.* John Machan *et al.* Argument continued by Mr. George A. Black for the appellees, and concluded by Mr. R. D. Benedict for the appellants.

No. 62.—The Stemwinder Mining Company, plaintiff in error, *vs.* The Emma and Last Chance Consolidated Mining Company *et al.* Argued by Mr. Albert Hagen and Mr. S. S. Burdett for the plaintiff in error, and submitted by Mr. W. B. Heyburn for the defendants in error.

No. 66.—La Compañía Bilbaina de Navegación, de Bilbao, appellant, *vs.* The Spanish-American Light and Power Company, Consolidated. Argument commenced by Mr. James Parker for the appellant, and continued by Mr. G. W. Wingate for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 2, will be as follows: Nos. 66, 63, 70, 71, 72, 76 (and 77), 78, 79, 80, and 81.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 2, 1892.

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

No. 1031.—The United States, appellant, *vs.* The “Old Settlers,” etc., *et al.*, and

No. 1032.—The “Old Settlers,” etc., *et al.*, appellants, *vs.* The United States. Reassigned for argument on the 12th instant at the head of the call, on motion of Mr. Solicitor-General Aldrich, for the United States.

No. 1132.—Charles W. Shively, plaintiff in error, *vs.* John Q. A. Bowlby *et al.* Submitted pursuant to the 20th rule by Mr. Sidney Dell and Mr. A. H. Garland for the plaintiff in error, and by Mr. J. N. Dolph for the defendants in error.

No. 66.—La Compañía Bilbaina de Navegación, de Bilbao, appellant, *vs.* The Spanish-American Light and Power Company, Consolidated. Argument concluded by Mr. James Parker for the appellant.

No. 63.—C. G. Means & Sons, plaintiffs in error, *vs.* The Bank of Randall. Submitted by Mr. B. P. Waggener for the plaintiffs in error, and by Mr. Edward H. Stiles and Mr. Charles Blood Smith for the defendant in error.

No. 70.—The National Tube Works Company, appellant, *vs.* George William Ballou. Argued by Mr. W. J. Curtis for the appellant, and by Mr. Thomas Thacher for the appellee.

No. 78.—Knox County, in the State of Missouri, plaintiff in error, *vs.* The Ninth National Bank of the City of New York. Argument commenced by Mr. B. R. Dysart for the plaintiff in error, and continued by Mr. John B. Henderson for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 5, will be as follows: Nos. 78, 72, 76 (and 77), 71, 79, 80, 81, 36, 82, and 83.

SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 5, 1892.

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

E. A. Angell, of Cleveland, Ohio, D. B. Hamilton, of Rome, Ga., Daniel S. Decker, of New York City, and H. V. Howland, of Auburn, N. Y., were admitted to practice.

No. 1018.—Alexander Lewis, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the western district of Arkansas. Judgment reversed and cause remanded with directions to grant a new trial. Opinion by Mr. Justice Shiras. Dissenting, Mr. Justice Brewer and Mr. Justice Brown.

No. 51.—The United States, appellant, *vs.* Charles Allen Dunnington *et al.*, and,

No. 52.—Charles Allen Dunnington *et al.*, appellants, *vs.* the United States. Appeals from the Court of Claims. Judgment reversed and cause remanded with directions to dismiss the petition. Opinion by Mr. Justice Brown.

No. 1007.—C. A. Benson (impleaded with Mary Rautzahn), plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the district of Kansas. Judgment affirmed. Opinion by Mr. Justice Brewer.

No. 20.—Benjamin F. Butler, plaintiff in error, *vs.* Charles P. Goreley, assignee of Isaac H. Taylor. In error to the Superior Court of the State of Massachusetts. Judgment affirmed, with costs and interest. Opinion by Mr. Justice Blatchford.

No. 55.—Henry H. McMullen, appellant, *vs.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Harlan.

No. 21.—Robert A. Balloch, appellant, *vs.* Franklin H. Hooper, executor of Wm. R. Hooper, deceased, *et al.* Appeal from the Supreme Court of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Harlan.

No. 419.—The Illinois Central Railroad Company, appellant, *vs.* The People of the State of Illinois, *et al.*

No. 608.—The City of Chicago, appellant, *vs.* The Illinois Central Railroad Company *et al.*, and

No. 609.—The People of the State of Illinois, appellants, *vs.* The Illinois Central Railroad Company *et al.* Appeals from the circuit court of the United States for the northern district of Illinois. Decree modified and affirmed; costs to be paid by the Illinois Central Railroad Company. Opinion by Mr. Justice Field. Dissenting: Mr. Justice Shiras, Mr. Justice Gray, and Mr. Justice Brown. (The Chief Justice having been of counsel in the court below and Mr. Justice Blatchford being a stockholder in the Illinois Central Railroad Company, did not take any part in the consideration or decision of these cases.)

No. 10.—Original. *Ex parte*: In the matter of William Douglass Cross, petitioner. Petition for writs of *habeas corpus* and *certiorari* denied. Opinion by Mr. Chief Justice Fuller.

No. 1074.—The Wilmington and Weldon Railroad Company, plaintiff in error, *vs.* B. I. Alsbrook, sheriff, etc. In error to the supreme court of the State of North Carolina. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

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

No. 1238.—The Chicago and Northwestern Railway Company, plaintiff in error, *vs.* John Osborne, and

No. 1239.—The Chicago and Northwestern Railway Company, plaintiff in error, *vs.* H. A. Junod *et al.* Petitions for writs of *certiorari* to the United States circuit court of appeals for the eighth circuit denied.

No. 1014.—James F. Joy, trustee, *et al.*, appellants, *vs.* Adelbert College, etc., *et al.* Appeal from the circuit court of the United States for the northern district of Ohio. Dismissed for the want of jurisdiction.

No. 1200.—Henry W. Blagge *et al.*, administrators, etc., plaintiffs in error, *vs.* Francis V. Balch, administrator, etc. Motion to advance denied.

No. 1246.—Christian Van Gunden *et al.*, plaintiffs in error, *vs.* The Virginia Coal and Iron Company. Petition for writ of *certiorari* to the United States circuit court of appeals for the fourth circuit denied.

Ex parte: In the matter of Elizabeth Engles, petitioner. Motion for leave to file petition for a writ of prohibition denied.

No. 1202.—W. F. Prosser *et al.*, etc., appellants, *vs.* The Northern Pacific Railroad Company. Advanced and assigned for argument on the second Monday (9th) of January next, after cases already set down for that day.

No. 2.—Louis Mette *et al.*, etc., plaintiffs in error, *vs.* Daniel L. McGuckin. In error to the supreme court of the State of Nebraska. Judgment affirmed, with costs, by a divided court.

The Chief Justice also announced that the court would adjourn on Thursday, December 22d, to Tuesday, January 3d next.

No. 42.—Colin Cameron, appellant, *vs.* The United States. Leave to file certified copy of judgment granted on motion of Mr. Solicitor-General Aldrich for the appellee.

No. 665.—Josephine P. Waldron, plaintiff in error, *vs.* Mary A. Waldron. Motion to vacate supersedeas herein to require the plaintiff in error to give a new bond, submitted by Mr. Charles H. Aldrich for the defendant in error.

No. 1247.—Edward H. Horner, plaintiff in error, *vs.* the United States. Motion to advance submitted by Mr. Assistant Attorney-General Maury for the defendant in error.

No. 3.—Original. The State of Virginia, complainant, *vs.* The State of Tennessee. Assigned for argument on the 7th of March next, at the head of the call, on motion of Mr. Wm. A. Maury, in behalf of counsel.

No. 1255.—The Chester Water Company *et al.*, appellants, *vs.* The Holly Manufacturing Company *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit, submitted by Mr. Richard C. Dale and Mr. Samuel Dickson, for the appellants, in support of petition, and by Mr. R. L. Ashhurst, for the appellees, in opposition thereto.

No. 106.—The United Lines Telegraph Company *et al.*, appellants, *vs.* The Boston Safe Deposit and Trust Company. Motion to incorporate record of State court into the record herein submitted by Mr. Robert G. Ingersoll in support of motion, and by Mr. William G. Wilson in opposition thereto.

No. 672.—Joseph Blackburn *et al.*, plaintiffs in error, *vs.* Arthur R. Osborne. In error to the supreme court of the State of Wisconsin. Dismissed with costs per stipulation and mandate granted on motion of Mr. A. B. Browne, for the defendant in error.

No. 83.—Herman Royer, appellant, *vs.* William Coupe & Company. Appeal from the circuit court of the United States for the district of Massachusetts. Dismissed with costs, pursuant to the 10th rule.

No. 78.—Knox County, in the State of Missouri, plaintiff in error, *vs.* The Ninth National Bank of the City of New York. Argument concluded by Mr. B. R. Dysark for the plaintiff in error.

No. 72.—J. H. & M. E. Cooke, plaintiffs in error, *vs.* W. W. Avery. Submitted by Mr. M. L. Crawford for the plaintiffs in error and by Mr. John M. Avery for the defendant in error.

No. 76 and No. 77.—The Commercial National Bank of Pennsylvania, appellant, *vs.* David Armstrong, receiver, etc. David Armstrong, receiver, etc., appellant, *vs.* The Commercial National Bank of Pennsylvania. Argument commenced by Mr. George Hoadly, junior, for The Commercial National Bank of Pennsylvania, and continued by Mr. J. W. Herron for Armstrong, receiver.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 6, will be as follows : Nos. 76 (and 77), 71, 79, 80, 81, 36, 82, 84, 85, and 86.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 6, 1892.

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

Watson M. Rogers, of Watertown, N. Y., and George H. Knight, of St. Louis, Mo., were admitted to practice.

No. 86.—Charles F. Brush *et al.*, appellants, *vs.* John Owen *et al.* Appeal from the circuit court of the United States for the district of Indiana. Dismissed with costs, pursuant to the tenth rule.

No. 76.—The Commercial National Bank of Pennsylvania, appellant, *vs.* David Armstrong, receiver, *etc.*, and

No. 77.—David Armstrong, receiver, *etc.*, appellant, *vs.* The Commercial National Bank of Pennsylvania. Argument continued by Mr. John W. Herron for the receiver, and concluded by Mr. George Hoadly, junior, for the bank.

No. 71.—John Mitchell, administrator, *etc.*, plaintiff in error, *vs.* The New York, Lake Erie and Western Railroad Company. Argument commenced by Mr. H. H. Shoak for the plaintiff in error. The court declined to hear further argument.

No. 79.—John T. Lytle, appellant, *vs.* The Town of Lansing. Argument commenced by Mr. Thomas G. Shearman for the appellant, and continued by Mr. H. V. Howland for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 7, will be as follows: Nos. 79, 80, 81, 82, 84, 85, 87, 88, 89, and 90.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 7, 1892.

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

Warwick Hough, of St. Louis, Mo., Israel Cowen, of Chicago, Ill., and Robert E. De Forest, of Bridgeport, Conn., were admitted to practice.

No. 90.—George W. Brown *et al.*, plaintiffs in error, *vs.* George N. Beale *et al.* In error to the supreme court of the District of Columbia. Judgment affirmed with costs, per stipulation, on motion of Mr. W. D. Davidge, for the defendants in error.

No. 88.—Malcolm Macdonald, appellant, *vs.* William McLean. Appeal from the circuit court of the United States for the southern district of California. Dismissed with costs, pursuant to the 16th rule.

No. 79.—John T. Lytle, appellant, *vs.* The Town of Lansing. Argument continued by Mr. H. V. Howland for the appellee and concluded by Mr. Thomas G. Shearman for the appellant.

No. 80.—Eugenia A. Roget, executrix, etc., appellant, *vs.* The United States. Argued by Mr. R. B. Lines for the appellant and by Mr. Attorney-General Miller for the appellee.

No. 81.—John C. Streeter, plaintiff in error, *vs.* The Jefferson County National Bank. Argued by Mr. Watson M. Rogers for the plaintiff in error, and by Mr. John Lansing for the defendant in error.

No. 82.—Herman Royer, appellant, *vs.* William Coupe & Company. Argument commenced by Mr. M. A. Wheaton for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 8, will be as follows: Nos. 82, 84, 85, 87, 89, 91, 92, 93, 94, and 95.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 8, 1892.

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

Levi L. Barbour, of Detroit, Mich., was admitted to practice.

No. 43.—Dolores G. Astiazaran *et al.*, appellants, *vs.* The Santa Rita Land and Mining Company *et al.* Order of continuance herein vacated and set aside on motion of Mr. A. B. Browne for the appellees, and cause submitted by Mr. Rochester Ford for the appellants, and by Mr. A. T. Britton and Mr. A. B. Browne for the appellees.

No. 1127.—The Lincoln Rapid Transit Company, plaintiff in error, *vs.* William H. Rundel. In error to the supreme court of the State of Nebraska. Dismissed with costs per stipulation.

No. 1216.—Emma J. Clark *et al.*, appellants, *vs.* Martha A. Miller. Appeal from the circuit court of the United States for the district of Connecticut. Dismissed with costs on authority of counsel for the appellants.

No. 82.—Herman Royer, appellant, *vs.* William Coupe & Company. Argument continued by Mr. M. A. Wheaton for the appellant, by Mr. Wilmarth H. Thurston for the appellees, and concluded by Mr. M. A. Wheaton for the appellant.

No. 84.—Eliab W. Metcalf, plaintiff in error, *vs.* The City of Watertown. Argument commenced by Mr. C. E. Monroe for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 9, will be as follows: Nos. 84, 85, 87, 89, 91, 92, 93, 94, 95, and 96.

7267—37

SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 9, 1892.

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

J. Frank Snyder, of Clearfield, Pa.; Harper S. Cunningham, of Guthrie, Okla.; James Aylward Develin, of Philadelphia, Pa.; Henry J. Gjertsen, of Minneapolis, Minn.; W. C. Marshall, of St. Louis, Mo.; and Eleneious Smith, of St. Louis, Mo., were admitted to practice.

No. 87.—The Monroe Cattle Company, appellant, *vs.* A. W. Becker. Submitted by Mr. A. H. Garland and Mr. H. J. May for the appellant, and by Mr. W. D. Williams for the appellee.

No. 84.—Eliab W. Metcalf, plaintiff in error, *vs.* The City of Watertown. Argument continued by Mr. C. E. Monroe for the plaintiff in error, by Mr. George W. Bird and Mr. Daniel Hall for the defendant in error, and concluded by Mr. George A. Jenks for the plaintiff in error.

No. 85.—Milford H. Brinkerhoff *et al.*, executors, etc., appellants, *vs.* Albert S. Aloe. Argued by Mr. J. C. Smith for the appellants, and by Mr. George H. Knight for the appellee.

No. 89.—The Baltimore and Ohio Railroad Company, plaintiff in error, *vs.* John Baugh. Argument commenced by Mr. John K. Cowan, for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 12, will be as follows: Nos. 89, 1031 (and 1032), 91, 92, 93, 94, 95, 96 (and 97), 908, and 1157.

SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 12, 1892.

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

Charles L. Buckingham, of New York City; William D. Sohier, of Boston, Mass.; P. R. Flitcraft, of St. Louis, Mo.; and J. W. Hughes, of Sacramento, Cal., were admitted to practice.

No. 41.—Henry W. Potts, as assignee, etc., plaintiff in error, *vs.* William H. Wallace. In error to the circuit court of the United States for the eastern district of New York. Judgment reversed with costs, and cause remanded with directions to grant a new trial and for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Shiras.

No. 40.—Philander Derby *et al.*, appellants, *vs.* Daniel L. Thompson *et al.* Appeal from the circuit court of the United States for the district of Massachusetts. Decree reversed with costs and cause remanded with directions to dismiss the bill. Opinion by Mr. Justice Brown.

No. 862.—The United States, appellant, *vs.* The Colton Marble and Lime Company *et al.*

No. 863.—The United States, appellant, *vs.* The Southern Pacific Railroad Company *et al.*

No. 921.—The United States, appellant, *vs.* The Southern Pacific Railroad Company *et al.*, and

No. 922.—The United States, appellant, *vs.* The Southern Pacific Railroad Company *et al.* Appeals from the circuit court of the United States for the southern district of California. Decrees reversed and causes remanded with directions to enter decrees in favor of the plaintiff for the relief sought. Opinion by Mr. Justice Brewer. Dissenting, Mr. Justice Field and Mr. Justice Gray.

No. 66.—La Compania Bilbaina de Navegacion, De Bilbao, appellant *vs.* The Spanish-American Light and Power Company, Consolidated. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs, but without interest. Opinion by Mr. Justice Blatchford.

No. 33.—Collis P. Huntington, plaintiff in error, *vs.* Elizabeth C. Atrill. In error to the court of appeals of the State of Maryland. Judgment re-

versed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Gray. Dissenting: Mr. Chief Justice Fuller, (Mr. Justice Lamar and Mr. Justice Shiras, not having heard the argument, took no part in the decision of this case.)

No. 53.—Levi Scott *et al.*, plaintiffs in error, *vs.* David Armstrong, receiver, etc. In error to the circuit court of the United States for the southern district of Ohio. Judgment reversed with costs, and cause remanded, with directions for further proceedings in conformity with the opinion of this court. Opinion by Mr. Chief Justice Fuller.

No. 1025.—The Farmers and Merchants' State Bank and Levi Scott, appellants, *vs.* David Armstrong, receiver, etc. On a certificate from the United States circuit court of appeals for the sixth circuit. First question certified answered in the affirmative and the second in the negative; the other questions propounded require no reply. Opinion by Mr. Chief Justice Fuller.

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

106.—The United Lines Telegraph Company *et al.*, appellants, *vs.* The Boston Safe Deposit and Trust Company. Motion to incorporate record of State court into the record herein denied.

No. 665.—Josephine P. Waldron, plaintiff in error, *vs.* Mary A. Waldron. Ordered that plaintiff in error give a new bond herein within thirty days from this date.

No. 1247.—Edward H. Horner, plaintiff in error, *vs.* The United States. Motion to advance granted and cause assigned for argument on the second Monday (9th) of January next after the cases already assigned for that day.

No. 1255.—The New Chester Water Company *et al.*, appellants, *vs.* The Holly Manufacturing Company *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 71.—John Mitchell, administrator, etc., plaintiff in error, *vs.* The New York, Lake Erie & Western Railroad Company. In error to the circuit court of the United States for the southern district of New York. Judgment affirmed with costs.

No. 85.—Milford H. Brinkerhoff *et al.*, executors, etc., appellants, *vs.* Albert S. Aloe. Appeal from the circuit court of the United States for the eastern district of Missouri. Decree affirmed with costs.

No. 918.—The United States, appellant, *vs.* Bird L. Fletcher, and

No. 919.—Bird L. Fletcher, appellant, *vs.* The United States. Submitted pursuant to the 20th rule by Mr. Solicitor-General Aldrich for the United States, and by Mr. George A. King for Fletcher.

No. 665.—Josephine P. Waldron, plaintiff in error, *vs.* Mary A. Waldron. New supersedeas bond filed by Mr. C. H. Aldrich in behalf of counsel for the plaintiff in error.

No. 166, of October term, 1891.—Joseph Oteri, appellant, *vs.* Sarah Scalzo *et al.*, executors, etc. Ordered that certain original books and papers herein be returned to the clerk of the circuit court of the United States for the eastern district of Louisiana on motion of Mr. George A. King for the appellees.

No. 846.—The Central Land Company, of West Virginia, plaintiff in error, *vs.* John B. Laidley. Motions to dismiss or affirm submitted by Mr. John B. Laidley in support of motions, and leave granted Mr. J. H. Ferguson to file affidavit in opposition thereto.

No. 1024.—The Cincinnati, Hamilton and Dayton Railroad Company, appellant, *vs.* William R. McKeen. Motion for an order that the entire record from the United States circuit court of appeals for the seventh circuit be received herein, and motion to advance submitted by Mr. Lawrence Maxwell, jr., for the appellant.

No. 1085.—John Sutliff, plaintiff in error, *vs.* The Board of County Commissioners of the county of Lake, Colorado. Submitted pursuant to the 20th rule by Mr. John McClure for the plaintiff in error, and by Mr. H. B. Johnson for the defendant in error.

No. 1123.—John Q. Brown, as assignee, etc., plaintiff in error, *vs.* The Marion National Bank. Submitted pursuant to the 20th rule by Mr. T. L. Burnett and Mr. H. M. Lane for the plaintiff in error, and by Mr. W. J. Lisle for the defendant in error.

No. 89.—The Baltimore and Ohio Railroad Company, plaintiff in error, *vs.* John Baugh. Argument concluded by Mr. John K. Cowen for the plaintiff in error, and submitted by Mr. L. Danford for the defendant in error.

No. 91.—Joseph A. Ankeny *et al.*, appellants, *vs.* Clara M. Hannon *et al.*

Argued by Mr. Lawrence Maxwell, jr., for the appellees and submitted by Mr. A. B. Cummins for the appellants.

No. 8, original } *Ex parte:* In the matter of Henry Morrison, petitioner.
No. 9, original }

Argument commenced by Mr. Samuel B. Clarke for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 13, will be as follows: Nos. 1031 (and 1032), 92, 93, 94, 95, 96 (and 97), 908, 1157, 1232, and 98.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 13, 1892.

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

Charles Stewart, of Houston, Tex.; S. W. T. Lanham, of Waterford, Tex.; E. L. Antony, of Cameron, Tex.; and C. W. Cross, of San Francisco, Cal., were admitted to practice.

No. 8, original. } *Ex parte*: In the Matter of Henry Morrison, petitioner.
 No. 9, original. }

Argument continued by Mr. R. D. Benedict for the respondent in No. 8, by Mr. John Lowell for the respondent in No. 9, and concluded by Mr. Elihu Root for the petitioner.

No. 1031.—The United States, appellant, *vs.* The Old Settlers, etc., *et al.*

No. 1032.—The Old Settlers, etc., *et al.*, appellants, *vs.* The United States. One hour additional time allowed each side in the argument of these appeals on motion of Mr. A. H. Garland for the Old Settlers, etc., *et al.* Argument commenced by Mr. Reese H. Voorhees for The Old Settlers, etc., *et al.*

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 14, will be as follows: Nos. 1031 (and 1032), 92, 93, 94, 95, 96 (and 97), 908, 1157, 1232, and 98.

7267—40

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 14, 1892.

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

No. 710.—The Albuquerque National Bank, appellant, *vs.* José L. Perea, sheriff, etc. Submitted pursuant to the 20th rule by Mr. W. B. Childers for the appellant, and by Mr. Edward L. Bartlett for the appellee.

No. 1262.—Sidney Lascelles, plaintiff in error, *vs.* The State of Georgia. Motion to advance submitted by Mr. Martin F. Morris in behalf of counsel for the defendant in error.

No. 1031.—The United States, appellant, *vs.* The Old Settlers, etc., *et al.*, and

No. 1032.—The Old Settlers, etc., *et al.*, appellants, *vs.* The United States. Argument continued by Mr. Reese H. Voorhees for the Old Settlers, etc., *et al.*, by Mr. F. P. Dewees and Mr. Solicitor-General Aldrich for the United States, and concluded by Mr. A. H. Garland for the Old Settlers, etc., *et al.*

No. 92.—Sarah G. Miles, plaintiff in error, *vs.* The Connecticut Mutual Life Insurance Company. Submitted by Mr. R. P. White for the plaintiff in error, and by Mr. Hume Hanson for the defendant in error.

No. 93.—M. B. Holmes *et al.*, plaintiffs in error, *vs.* L. Goldsmith & Company. Argument commenced by Mr. John H. Mitchell for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 15, will be as follows: Nos. 93, 94, 95, 96 (and 97), 908, 1157, 1232, 98, 99, and 100 (and 101).

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 15, 1892.

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

Henry S. Rasqum, Hugo Hirsh, and Thomas F. Magner, of Brooklyn, N. Y.; George C. Brownell, of Oregon City, Oregon; Frederick A. Brown, of Tacoma, Wash., and J. F. McGee, of Minneapolis, Minn., were admitted to practice.

No. 1103.—Norman Brass, plaintiff in error, *vs.* The State of North Dakota, *ex rel.* Louis W. Stoesser. Submitted, pursuant to the 20th rule, by Mr. J. F. McGee, for the plaintiff in error, and by Mr. C. D. O'Brien, for the defendant in error.

No. 93.—M. B. Holmes *et al.*, plaintiffs in error, *vs.* L. Goldsmith & Co. Argument continued by Mr. John H. Mitchell, for the plaintiffs in error; by Mr. L. B. Cox, for the defendants in error, and concluded by Mr. John H. Mitchell, for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 16, will be as follows: Nos. 94, 95, 96 (and 97), 908, 1157, 1232, 98, 64, 99, and 100 (and 101).

7267—42



SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 16, 1892.

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

T. B. Catron, of Santa Fe, N. Mex., and Owen E. Le Fevre, of Denver, Colo., were admitted to practice.

No. 657.—The City of St. Louis, plaintiff in error, *vs.* The King Iron Bridge and Manufacturing Company. In error to the circuit court of the United States for the eastern district of Missouri. Dismissed with costs, on motion of Mr. W. C. Marshall for the plaintiff in error.

No. 94.—The City of St. Louis, plaintiff in error, *vs.* The Western Union Telegraph Company. Argued by Mr. W. C. Marshall for the plaintiff in error, and by Mr. John F. Dillon and Mr. Eleneious Smith for the defendant in error.

No. 95.—D. M. Osborne & Company, appellant, *vs.* The Missouri Pacific Railway Company. Argument commenced by Mr. P. R. Flitercraft for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 19, will be as follows: Nos. 95, 96 (and 97), 908, 1157, 1232, 98, 64, 99, 100 (and 101), and 102.

7267—43

SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 19, 1892.

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

William L. Crawford, of Dallas, Tex., and Joseph H. Defrees, of Chicago, Ill., were admitted to practice.

No. 59.—Harlan P. Lloyd, trustee, etc., *et al.*, appellants, *vs.* Emma C. Preston, executrix, etc., *et al.* Appeal from the circuit court of the United States for the southern district of Ohio. Decree affirmed with costs. Opinion by Mr. Justice Shiras. (The Chief Justice, not having heard the argument, did not take part in the decision of this case.)

No. 42.—Colin Cameron, appellant, *vs.* The United States. Appeal from the supreme court of the Territory of Arizona. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brown.

No. 35.—George J. McGourkey, trustee, appellant, *vs.* The Toledo and Ohio Central Railway Company *et al.* Appeal from the circuit court of the United States for the northern district of Ohio. Decree affirmed with costs *nunc pro tunc* as of November 4, 1892. Opinion by Mr. Justice Brown. Dissenting: Mr. Chief Justice Fuller and Mr. Justice Brewer.

No. 63.—C. G. Means *et al.*, etc., plaintiffs in error, *vs.* The Bank of Randall. In error to the circuit court of the United States for the district of Kansas. Judgment affirmed with costs and interest. Opinion by Mr. Justice Blatchford.

No. 82.—Herman Royer, appellant, *vs.* William Coupe & Company. Appeal from the circuit court of the United States for the district of Massachusetts. Decree affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 70.—The National Tube Works Company, appellant, *vs.* George William Ballou. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 1123.—John Q. Brown, as assignee, etc., plaintiff in error, *vs.* The Marion National Bank, etc. In error to the court of appeals of the State of Kentucky. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 912.—Henry L. Yesler, plaintiff in error, *vs.* The Board of Harbor Line Commissioners *et al.* In error to the supreme court of the State of Washington. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

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

No. 846.—The Central Land Company of West Virginia, plaintiff in error, *vs.* John B. Laidley. Motion to dismiss postponed to the hearing on the merits.

No. 1024.—The Cincinnati, Hamilton and Dayton Railroad Company, plaintiff in error, *vs.* William R. McKeen. Motions for an order that the transcript of the record in this cause sent up by the United States circuit court of appeals for the seventh circuit be received, and that the whole record in the cause be retained in this court for its consideration, and to advance the cause denied. Ordered, that counsel be allowed to submit briefs upon the question whether the certificate in this cause is valid, and, if so, whether it is sufficient under the act creating the circuit court of appeals to be proceeded upon by this court.

No. 1262.—Sidney Lascelles, plaintiff in error, *vs.* The State of Georgia. Motion to advance granted and cause assigned for argument on the second Monday (13th) of March next.

No. 62.—The Stemwinder Mining Company, plaintiff in error, *vs.* The Emma and Last Chance Consolidated Mining Company *et al.* In error to the supreme court of the Territory of Idaho. Judgment affirmed with costs, by a divided court, and cause remanded to the supreme court of the State of Idaho.

ORDER.

It is ordered that the following allotment be made of the Chief Justice and Associate Justices of this court among the circuits, agreeably to the act of Congress in such case made and provided, and that such allotment be entered of record, viz :

For the First Circuit,	Horace Gray,	Associate Justice.
“ “ Second	“ Samuel Blatchford	“ “
“ “ Third	“ George Shiras, jr.,	“ “
“ “ Fourth	“ Melville W. Fuller,	Chief Justice.
“ “ Fifth	“ Lucius Q. C. Lamar,	Associate Justice.
“ “ Sixth	“ Henry B. Brown,	“ “
“ “ Seventh	“ Melville W. Fuller,	Chief Justice.
“ “ Eighth	“ David J. Brewer,	Associate Justice.
“ “ Ninth	“ Stephen J. Field,	“ “

No. 7.—The San Pedro and Cañon del Agua Company, appellant, *vs.* The United States. Motion by Mr. Attorney-General Miller that the mandate issue herein, opposed by Mr. George Hoadly for the appellant, and motion denied.

No. 50.—George Legg, plaintiff in error, *vs.* E. L. Hedden, late collector, etc. Mandate granted on motion of Mr. Solicitor-General Aldrich for the defendant in error.

No. 391.—The United States, plaintiff in error, *vs.* Hermann Isaacs. Advanced to be heard with No. 142, as one case, on motion of Mr. Solicitor-General Aldrich for the plaintiff in error.

No. 1014.—James F. Joy, trustee, *et al.*, appellants, *vs.* Adelbert College, etc., *et al.* Mandate granted on motion of Mr. George Hoadly for the appellees.

No. 3.—Max Rosenthal, appellant, *vs.* Kersey Coates, as assignee, etc. Motion to vacate decree of October 17, 1892, dismissing this cause, and to restore case to the docket. Submitted by Mr. George Hoadly for the appellant.

No. 1173. Alexander F. Smith, appellant, *vs.* Eddy B. Townsend. Motion to advance submitted by Mr. A. H. Garland for the appellant.

No. 209.—The Amoskeag National Bank *et al.*, appellants, *vs.* Alfred G. Fairbanks, assignee, etc. Motion to remand this cause to the circuit court of the United States for the district of New Hampshire, with directions to dismiss the bill, per stipulation of counsel, submitted by Mr. Thomas L. Livermore, for the appellant.

No. 582.—John M. Burke, appellant, *vs.* H. Grafton Dulany. Suggestion of death of H. Grafton Dulany, the appellee herein, and appearance of Richard H. Dulany and John Southgate Lemmon, executors, etc., filed and entered, on motion of Mr. Leigh Robinson, for the appellees.

No. 1072.—Sarah G. Marshall *et al.*, appellants, *vs.* Woodbury Wheeler *et al.* Motion for leave to file transcript of record herein submitted by Mr. Calderon Carlisle, in support of motion, and by Mr. William A. McKenney, in opposition thereto, and motion to dismiss submitted by Mr. William A. McKenney, in support of motion, and by Mr. Calderon Carlisle, in opposition thereto.

No. 709.—The Louisville Board of Trade, plaintiff in error, *vs.* The City of Louisville *et al.* In error to the court of appeals of the State of Kentucky. Dismissed with costs on authority of counsel for the plaintiff in error.

No. 95.—D. M. Osborne and Company, appellant, *vs.* The Missouri Pacific Railway Company. Argument continued by Mr. P. R. Flitcraft for the appellant by Mr. John F. Dillon for the appellee, and concluded by Mr. P. R. Flitcraft for the appellant.

No. 96 and No. 97.—William Shannon, appellant, *vs.* Preston M. Bruner, and Preston M. Bruner, appellant, *vs.* William Shannon. Argument commenced by Mr. Upton M. Young for Shannon and continued by Mr. George H. Knight for Bruner.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 20, will be as follows: Nos. 96, (and 97), 908, 1157, 1232, 98, 64, 99, 100 (and 101), 102, and 103.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 20, 1892.

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

John Power, of Escanaba, Mich., and Edward C. Little, of Abilene, Kans., were admitted to practice.

No. 209.—The Amoskeag National Bank *et al.*, appellants, *vs.* Alfred G. Fairbanks, assignee. Appeal from the circuit court of the United States for the district of New Hampshire. Decree reversed with costs and cause remanded for further proceedings in conformity with law, per stipulation of counsel.

No. 96.—William Shannon, appellant, *vs.* Preston M. Bruner, and

No. 97.—Preston M. Bruner, appellant, *vs.* William Shannon. Argument continued by Mr. F. N. Judson for Bruner, and concluded by Mr. Upton M. Young for Shannon.

No. 908.—Richard P. Barden *et al.*, plaintiffs in error, *vs.* The Northern Pacific Railroad Company, and

No. 1124.—The Northern Pacific Railroad Company, appellant, *vs.* Charles S. Walker, county auditor, etc., *et al.*

Ordered by the court that these cases be reassigned for argument on the 16th of January next at the head of the call.

No. 1157.—John W. Noble, Secretary of the Interior, *et al.*, appellants, *vs.* The Union River Logging Railroad Company. Argued by Mr. Assistant Attorney-General Maury for the appellants, and by Mr. Frederic D. McKenney for the appellee.

No. 1232.—The United States *ex rel.* Elizabeth Trask, plaintiff in error, *vs.* John Wanamaker, Postmaster-General. Argument commenced by Mr. Harvey Spalding, for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 21, will be as follows: Nos. 1232, 98, 64, 99, 100 (and 101), 102, 103, 104, 105, and 106.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 21, 1892.

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

Jno. C. Bullitt, jr., of St. Paul, Minn., and Albert E. Clarke, of Minneapolis, Minn., were admitted to practice.

No. 66.—*La Compania Bilbaina de Navegacion, de Bilbao*, appellant, *vs. The Spanish American Light and Power Company, Consolidated*. Mandate granted, on motion of Mr. Frederic D. McKenney in behalf of counsel.

No. 1232.—*The U. S. ex rel. Elizabeth Trask*, plaintiff in error, *vs. John Wanamaker, Postmaster General*. Argument continued by Mr. Harvey Spalding for the plaintiff in error. The court did not desire further argument.

No. 109.—*The Southern Pacific Railroad Company in New Mexico*, plaintiff in error, *vs. Teofilo Esquibel*. Continued on motion of Mr. James C. Carter for the plaintiff in error.

No. 98.—*W. W. Jennings*, plaintiff in error, *vs. The Coal Ridge Improvement and Coal Company*. Argued by Mr. M. E. Olmsted for the plaintiff in error, and by Mr. S. P. Wolverton for the defendant in error.

No. 64.—*Levi Ankeny*, plaintiff in error, *vs. Van Buren Clark*. Argument commenced by Mr. John H. Mitchell for the plaintiff in error and continued by Mr. John B. Allen for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 22, will be as follows: Nos. 64, 99, 100 (and 101), 102, 103, 104, 105, 106, 107, and 108.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 22, 1892.

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

William H. Bryant, of Denver, Colo., and Frank D. Larrabee, of Minneapolis, Minn., were admitted to practice.

No. 164.—Charles Meletta, plaintiff in error, *vs.* Robert Schell *et al.*, executors, etc. In error to the circuit court of the United States for the southern district of New York. Dismissed with costs on motion of Mr. Frederic D. McKenney in behalf of counsel for the plaintiff in error.

No. 165.—Felipe N. Casado, surviving partner, etc., plaintiff in error, *vs.* Robert Schell *et al.*, executors, etc. In error to the circuit court of the United States for the southern district of New York. Dismissed with costs on motion of Mr. Frederic D. McKenney in behalf of counsel for the plaintiff in error.

No. 271.—Wm. A. Lattimer *et al.*, executors, etc., plaintiffs in error, *vs.* John E. Parsons *et al.*, executors, etc. In error to the circuit court of the United States for the southern district of New York. Dismissed with costs on motion of Mr. Frederic D. McKenney in behalf of counsel for the plaintiffs in error.

No. 1106.—Susan Luxton, plaintiff in error, *vs.* The North River Bridge Company. Submitted pursuant to the 20th rule by Mr. Gilbert Collins for the plaintiff in error and by Mr. Joseph D. Bedle for the defendant in error.

No. 64.—Levi Ankeny, plaintiff in error, *vs.* Van Buren Clark. Argument continued by Mr. John B. Allen for the defendant in error and concluded by Mr. John H. Mitchell for the plaintiff in error.

No. 99.—David May *et al.*, appellants, *vs.* Daniel K. Tenney. Argued by Mr. C. S. Thomas for the appellants, and by Mr. Charles H. Aldrich for the appellee.

Adjourned until Tuesday, January 3, 1893, at 12 o'clock.

The day call for Tuesday, January 3, will be as follows: Nos. 100 (and 101), 102, 103, 104, 105, 106, 107, 108, 110, and 111.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 3, 1893.

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

Henry M. Foote, of Washington, D. C., John L. Hunt, of Lowell, Mass., Walter B. Vincent, of Providence, R. I., and John M. Gearin, of Seattle, Wash., were admitted to practice.

No. 81.—John C. Streeter, plaintiff in error, *vs.* The Jefferson County National Bank. In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Shiras.

No. 61.—John E. Alexandre *et al.*, executors, etc., *et al.*, appellants, *vs.* John Machan *et al.*, owners, etc. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 79.—John T. Lytle, appellant, *vs.* The Town of Lansing. Appeal from the circuit court of the United States for the northern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 87.—The Monroe Cattle Company, appellant, *vs.* A. W. Becker. Appeal from the circuit court of the United States for the northern district of Texas. Decree, except as to section 66, reversed with costs, and cause remanded for further proceedings to be had therein in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 710.—The Albuquerque National Bank, appellants, *vs.* José L. Perea, sheriff, etc. Appeal from the supreme court of the Territory of New Mexico. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 78.—Knox County in the State of Missouri, plaintiff in error, *vs.* The Ninth National Bank of the City of New York. In error to the circuit court of the United States for the eastern district of Missouri. Judgment affirmed with costs and interest. Opinion by Mr. Justice Brewer.

No. 8.—Original. *Ex parte.* In the matter of Henry Morrison, petitioner. Petition for a writ of mandamus denied. Opinion by Mr. Justice Blatchford.

No. 9.—Original. *Ex parte*. In the matter of Henry Morrison, petitioner. Petition for a writ of prohibition denied. Opinion by Mr. Justice Blatchford.

No. 58.—The Lake Shore and Michigan Southern Railway Company, plaintiff in error, *vs.* Chalmer M. C. Prentice. In error to the circuit court of the United States for the northern district of Illinois. Judgment reversed with costs, and cause remanded, with direction to set aside the verdict and to order a new trial. Opinion by Mr. Justice Gray. (Mr. Justice Field, Mr. Justice Harlan, and Mr. Justice Lamar took no part in the decision of this case.)

No. 5.—Original. The State of Iowa, complainant, *vs.* The State of Illinois. Ordered that commission be appointed to ascertain and designate boundary. Opinion by Mr. Justice Field.

No. 91.—Joseph A. Ankeny *et al.*, appellants, *vs.* Clara M. Hannon *et al.* Appeal from the circuit court of the United States for the southern district of Ohio. Decree affirmed with costs. Opinion by Mr. Justice Field.

No. 54.—John Fisher *et al.*, executors, etc., *et al.*, appellants, *vs.* Loretta Shropshire *et al.* Appeal from the circuit court of the United States for the southern district of Iowa. Decree reversed with costs, and cause remanded, with a direction to enter a decree for the amount of \$3,356.34, with interest from January 1, 1881. Opinion by Mr. Chief Justice Fuller.

No. 98.—W. W. Jennings, plaintiff in error, *vs.* The Coal Ridge Improvement and Coal Company. In error to the supreme court of the State of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 1232.—The United States *ex rel.* Elizabeth Trask, plaintiff in error, *vs.* John Wanamaker, Postmaster-General. In error to the supreme court of the District of Columbia. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

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

No. 3.—Max Rosenthal, appellant, *vs.* Kersey Coates, as assignee, etc. Ordered that the decree of dismissal hereinbefore entered be vacated upon the payment of costs and printing the record ; the case to be submitted on printed briefs on or before February 3, next.

No. 1072.—Sarah G. Marshall *et al.*, etc., appellants, *vs.* Woodbury Wheeler *et al.* Leave to file the transcript of the record granted, and motion to dismiss denied.

No. 1173.—Alexander F. Smith, appellant, *vs.* Eddy B. Townsend. Motion to advance denied.

No. 96.—William Shannon, appellant, *vs.* Preston M. Bruner; and,

No. 97.—Preston M. Bruner, appellant, *vs.* William Shannon. Appeals from the circuit court of the United States for the eastern district of Missouri. Decree approved by a divided court, each appellant to pay the costs on his appeal.

No. 335.—The United States, appellant, *vs.* John R. Tanner. Submitted pursuant to the 20th rule by Mr. Solicitor-General Aldrich for the appellant, and by Mr. George A. King, for the appellee.

No. 459.—The United States, appellant, *vs.* Almon Hall. Submitted pursuant to the 20th rule by Mr. Solicitor-General Aldrich for the appellant, and by Mr. C. C. Lancaster for the appellee.

No. 783.—The United States, appellant, *vs.* Thomas Fletcher. Submitted pursuant to the 20th rule by Mr. Solicitor-General Aldrich for the appellant, and by Mr. W. W. Dudley, Mr. Louis T. Michener, and Mr. R. R. McMahan for the appellee.

No. 1194.—The United States, appellant, *vs.* Marion Erwin. Submitted pursuant to the 20th rule by Mr. Felix Brannigan for the appellant, and by Mr. W. W. Dudley, Mr. Louis T. Michener, and Mr. R. R. McMahan for the appellee.

No. 667.—The United States, appellant, *vs.* Edwin E. Marvin. Appeal from the circuit court of the United States for the district of Connecticut. Dismissed on motion of Mr. Solicitor-General Aldrich for the appellant.

No. 638.—The United States, appellant, *vs.* William W. Gilbert. Appeal from the Court of Claims. Dismissed on motion of Mr. Solicitor-General Aldrich for the appellant.

No. 437.—The Eureka and Palisade Railroad Company, plaintiff in error, *vs.* The United States. Mandate granted on motion of Mr. Solicitor-General Aldrich for the appellee.

No. 1268.—The schooner "San Diego," etc., appellants, *vs.* The United States. Appeal from the district court of the United States for the district of Alaska. Docketed and dismissed on motion of Mr. Solicitor-General Aldrich for the appellee.

No. 1060 and No. 1061.—The United States, appellant, *vs.* Frank Gates. The United States, appellant, *vs.* Aaron S. Post. Motion to advance submitted by Mr. Solicitor-General Aldrich for the appellant.

No. 639.—Jacob C. Mann, appellant, *vs.* The Tacoma Land Company. Time for filing briefs under the 20th rule extended to the 9th instant, on motion of Mr. T. H. N. McPherson for the appellant.

No. 1242.—The Columbus Watch Company *et al.*, appellants, *vs.* Royal E. Robbins *et al.* Motion to advance submitted by Mr. M. D. Leggett for the appellants.

No. 1079.—The United States, *ex rel.* George G. Merrick *et al.*, plaintiffs in error, *vs.* Charles Foster, Secretary of the Treasury. Motion to advance submitted by Mr. A. H. Garland for the plaintiffs in error.

No. 256.—Charles Holfinghoff, plaintiff in error, *vs.* J. A. Edwards, doing business as J. H. Edwards & Co. In error to the circuit court of the United States for the southern district of Ohio. Dismissed per stipulation.

No. 292.—C. M. Clark, appellant, *vs.* C. H. Faris. Appeal from the circuit court of the United States for the district of West Virginia. Dismissed with costs on authority of counsel for the appellant.

No. 111.—W. P. Clement *et al.*, plaintiffs in error, *vs.* J. A. Field *et al.* Submitted by Mr. A. P. Jetmore for the plaintiffs in error and by Mr. S. N. Taylor for the defendants in error.

No. 100.— } Marcella Doyle, plaintiff in error, *vs.* The Union Pacific
 No. 101.— } Railway Company. Argued by Mr. T. M. Patterson
 for the plaintiff in error and by Mr. John F. Dillon for the defendant in error.

No. 102.—Calixte D. Bernier *et al.*, plaintiffs in error, *vs.* Edward Bernier *et al.* Argument commenced by Mr. J. C. Donnelly for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 4, will be as follows: Nos. 102, 103, 104, 105, 106, 107, 108, 110, 112, and 113.



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

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 4, 1893.

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

Robert J. Gamble, of Yankton, S. Dak., was admitted to practice.

No. 1154.—The City of New Orleans, appellant, *vs.* Ruffin B. Paine, U. S. deputy surveyor. Submitted pursuant to the 20th rule by Mr. J. Q. Bradford for the appellant and by Mr. Assistant Attorney-General Maury for the appellee.

No. 102.—Calixte D. Bernier *et al.*, plaintiffs in error, *vs.* Edward Bernier *et al.* Argument continued by Mr. J. C. Donnelly for the plaintiffs in error, by Mr. J. H. Goff for the defendants in error, and concluded by Mr. J. C. Donnelly for the plaintiffs in error.

No. 103.—Theodore J. Moelle, appellant, *vs.* James K. O. Sherwood. Submitted by Mr. N. S. Harwood and Mr. John H. Ames for the appellant and Mr. C. S. Montgomery for the appellee.

No. 105.—Adam Kohn, appellant, *vs.* John McNulta, receiver, etc. Submitted by Mr. J. K. Hamilton for the appellant, and by Mr. Wells H. Blodgett for the appellee.

No. 104.—George Weatherhead *et al.*, appellants, *vs.* William Coupe *et al.* Argument commenced by Mr. Walter B. Vincent for the appellants, and continued by Mr. Wilmarth H. Thurston for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 5, will be as follows: Nos. 104, 106, 107, 108, 110, 112, 113, 115, 116, and 117.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 5, 1893.

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

Harvey Riddell, of Denver, Colo., and Oscar Foote, of Washington, D. C., were admitted to practice.

No. 104.—George Weatherhead *et al.*, appellants, *vs.* William Coupe, *et al.* Argument continued by Mr. Wilmarth H. Thurston for the appellees, and concluded by Mr. Causten Browne for the appellants.

No. 106.—The United Lines Telegraph Company *et al.*, appellants, *vs.* The Boston Safe Deposit and Trust Company. Argument commenced by Mr. Robert G. Ingersoll for the appellants, and continued by Mr. William G. Wilson for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 6, will be as follows: Nos. 106, 107, 108, 110, 112, 113, 115, 116, 117, and 118.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 6, 1893.

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

Thomas W. Bakewell, of Pittsburg, Pa., was admitted to practice.

No. 1092.—David S. Stanley *et al.*, plaintiffs in error, *vs.* Mary U. Schwalby *et al.* Submitted pursuant to the 20th rule by Mr. Assistant Attorney-General Maury for the plaintiffs in error, and by Mr. A. H. Garland for the defendants in error.

No. 312.—The United States, appellant, *vs.* Richard Jones. Submitted pursuant to the 20th rule by Mr. Solicitor-General Aldrich and Mr. Felix Brannigan for the appellant, and by Mr. W. W. Dudley, Mr. Louis T. Michener, and Mr. R. R. McMahon for the appellee.

No. 649.—The United States, appellant, *vs.* Charles B. Harmon. Submitted pursuant to the 20th rule by Mr. Solicitor-General Aldrich and Mr. Felix Brannigan for the appellant, and by Mr. E. M. Rand for the appellee.

No. 106.—The United Lines Telegraph Company *et al.*, appellants, *vs.* The Boston Safe Deposit and Trust Company. Argument continued by Mr. William G. Wilson for the appellee, and concluded by Mr. Robert G. Ingersoll for the appellants.

No. 107.—J. P. Bauserman, administrator, etc., plaintiff in error, *vs.* Elbridge G. Blunt. Argued by Mr. Frank Hagerman and Mr. J. H. Gilpatrick for the plaintiff in error, and by Mr. Samuel Shellabarger for the defendant in error.

No. 108.—Nicholas S. Hill, plaintiff in error, *vs.* The United States. Argued by Mr. Attorney-General Miller for the defendant in error and submitted by Mr. J. Alexander Preston for the plaintiff in error.

No. 115.—Wm. H. Robertson, collector, etc., plaintiff in error, *vs.* George S. Atterbury. In error to the circuit court of the United States for the southern district of New York. Dismissed with costs on motion of Mr. Attorney-General Miller for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 9, will be as follows: Nos. 112, 1125 (and 1133), 1073 (and 1159), 1162, 617, 1206, 1207, 825, 1202, and 1247.

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 9, 1893.

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

James H. Nixon, of Washington, D. C.; John Critcher, of Alexandria, Va.; Charles Louis Borgmeyer, of Newark, N. J.; Ira B. Jones, of Lancaster, S. C.; J. T. Barron, of Columbia, S. C.; W. Huger Fitz Simons, of Charleston, S. C., and D. A. Townsend, of Union, S. C., were admitted to practice.

No. 93.—M. B. Holmes *et al.*, plaintiffs in error, *vs.* L. Goldsmith & Co. In error to the circuit court of the United States for the district of Oregon. Judgment affirmed with costs and interest. Opinion by Mr. Justice Shiras.

No. 1157.—John W. Noble, Secretary of the Interior *et al.*, appellants, *vs.* The Union River Logging Railroad Company. Appeal from the supreme court of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 56.—The Illinois Central Railroad Company, plaintiff in error, *vs.* The City of Decatur. In error to the supreme court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Brewer. (Mr. Justice Blatchford took no part in the decision of this case.)

No. 92.—Sarah G. Miles, plaintiff in error, *vs.* The Connecticut Mutual Life Insurance 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 Blatchford. Dissenting: Mr. Justice Brown.

No. 1085.—John Sutliff, plaintiff in error, *vs.* The Board of County Commissioners of the County of Lake, State of Colorado. On a certificate from the United States circuit court of appeals for the eighth circuit. The first question certified answered in the affirmative, and the second in the negative. Opinion by Mr. Justice Gray.

No. 1099.—The De La Vergne Refrigerating Machine Company, appellant, *vs.* John Featherstone *et al.* On a certificate from the United States

circuit court of appeals for the seventh circuit. It is the opinion of this court that the grant of letters patent to James Boyle was not void because of the death of Boyle before the patent was issued, and that it should be construed in the alternative as a grant to James Boyle, or his heirs, or assigns, which would include a grantee or grantees in being capable of taking the patent and to whose benefit the grant would inure; that the patent should be construed as a grant to Thomas L. Rankin as assignee, and held to have been obtained by the authority of Mrs. Boyle as administratrix as well as of Rankin, and that the amendment did not render the patent absolutely void, nor did the fact that no oath was filed after Boyle's death. Opinion by Mr. Chief Justice Fuller.

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

No. 7.—The San Pedro and Cañon del Agua Company, appellant, *vs.* The United States. Leave granted to file applications for a modification of the decree; notice to be given the appellee and briefs required to be filed on or before 23d instant.

No. 1060.—The United States, appellant, *vs.* Frank Gates; and

No. 1061. The United States, appellant, *vs.* Aaron S. Post. Motion to advance these cases denied, but leave granted to submit on printed briefs on or before the first Monday (6th) of March next.

No. 1079.—The United States *ex rel.* George G. Merrick *et al.*, plaintiff in error, *vs.* Charles Foster, Secretary of the Treasury. Motion to advance denied.

No. 1242.—The Columbus Watch Company *et al.*, appellants, *vs.* Royal E. Robbins *et al.* Motion to advance granted, the case to be submitted on printed briefs to be filed on or before the first Monday (6th) of March next.

No. 84.—Eliab W. Metcalf, plaintiff in error, *vs.* The City of Watertown. Case restored to the docket to be reargued before a full bench.

No. 415.—Josiah Barnett, assignee, appellant, *vs.* Patrick H. Kinney. Submitted, pursuant to the 20th rule, by Mr. W. H. H. Miller, for the appellant, and by Mr. Wm. Stone Abert and Mr. John W. Warner for the appellee.

No. 1173.—Alexander F. Smith, appellant, *vs.* Eddy B. Townsend. Leave granted to renew motion to advance, on motion of Mr. Attorney-General Miller.

No. 467.—The United States, appellant, *vs.* George Truesdell. Submitted, pursuant to the 20th rule, by Mr. Assistant Attorney-General Cotton for the appellant, and by Mr. Job Barnard and Mr. George A. King for the appellee.

No. 552.—The United States, appellant, *vs.* Finnella M. Alexander *et al.* Submitted, pursuant to the 20th rule, by Mr. Assistant Attorney-General Cotton for the appellant, and by Mr. Job Barnard and Mr. George A. King for the appellees.

No. 628.—The United States, appellant, *vs.* H. H. King. Submitted, pursuant to the 20th rule, by Mr. Solicitor-General Aldrich and Mr. Felix Brannigan for the appellant, and by Mr. C. C. Lancaster for the appellee.

No. 645.—John L. Smithmayer *et al.*, appellants, *vs.* The United States. Submitted, pursuant to the 20th rule, by Mr. John Paul Jones, Mr. Reese H. Voorhees, and Mr. James Coleman for the appellants, and by Mr. Solicitor-General Aldrich and Mr. Felix Brannigan for the appellee.

No. 673.—The United States, appellant, *vs.* John W. Payne. Submitted pursuant to the 20th rule by Mr. Solicitor-General Aldrich and Mr. Felix Brannigan for the appellant, and by Mr. C. C. Lancaster for the appellee.

No. 699.—The United States, appellant, *vs.* Henry Pitman. Submitted pursuant to the 20th rule by Mr. Solicitor-General Aldrich and Mr. Felix Brannigan for the appellant, and by Mr. Henry Pitman for the appellee.

No. 795.—The United States, appellant, *vs.* Henry H. Taylor. Submitted pursuant to the 20th rule by Mr. Solicitor-General Aldrich and Mr. Felix Brannigan for the appellant, and by Mr. George A. King for the appellee.

No. 900.—The United States, appellant, *vs.* Stephen C. McCandless. Submitted pursuant to the 20th rule by Mr. Solicitor-General Aldrich, and Mr. Felix Brannigan for the appellant, and by Mr. C. C. Lancaster for the appellee.

No. 1022.—William Harman, plaintiff in error, *vs.* The City of Chicago. Submitted pursuant to the 20th rule by Mr. D. J. Schuyler and Mr. C. E. Kremer for the plaintiff in error, and by Mr. John S. Miller for the defendant in error.

No. 1153.—B. A. Shunk, plaintiff in error, *vs.* The Moline, Milburn and Stoddard Company. Submitted pursuant to the 20th rule by Mr. Walter J. Lamb for the plaintiff in error, and by Mr. John L. Webster for the defendant in error.

No. 247.—Belle N. B. Wade *et al.*, trustees, appellants, *vs.* The Chicago, Springfield and St. Louis R. R. Co. *et al.*; and

No. 248.—The American Loan and Trust Company, of New York, appellant, *vs.* Belle N. B. Wade *et al.*, trustees. Suggestion of the dissolution of the American Loan and Trust Company, of New York, and

stipulation and motion to substitute Dallas B. Pratt, trustee, in the place of the said trust company, submitted by Mr. J. Hubley Ashton in behalf of counsel.

No. 638.—The United States, appellant, *vs.* William W. Gilbert; and

No. 667.—The United States, appellant, *vs.* Edwin E. Marvin. Mandates granted on motion of Mr. C. C. Lancaster for the appellees.

No. 117.—Henry Deno, plaintiff in error, *vs.* W. E. Griffin. Passed, on motion of Mr. J. H. Ralston for the defendant in error.

No. 1241.—George A. Pettibone *et al.*, plaintiffs in error, *vs.* The United States. Motion to advance submitted by Mr. Walter H. Smith for the plaintiffs in error.

No. 181.—George I. Seney, trustee, appellant, *vs.* The Wabash Western Railway Company. Passed to be argued as one case with Nos. 282 and 288 when No. 282 is reached, per stipulation, on motion of Mr. Wells H. Blodgett for the appellee.

Ex parte: In the matter of John B. Sanborn, petitioner. Motion for leave to file petition for a writ of mandamus, submitted by Mr. William B. King for the petitioner.

No. 228.—The Vulcan Iron Works *et al.*, appellants, *vs.* Thomas M. Skinner. Appeal from the circuit court of the United States for the northern district of Illinois. Dismissed per stipulation.

No. 112.—S. S. Taylor *et al.*, appellants, *vs.* Alfred Brown *et al.* Argued by Mr. Robert J. Gamble for the appellees, and submitted by Mr. S. S. Burdett for the appellants.

No. 1125.—Phineas Pam-to-pee *et al.*, appellants, *vs.* The United States. And

No. 1133.—The Pottawatomic Indians of Michigan and Indiana, appellants, *vs.* The United States. *Argument commenced by Mr. John B. Shipman for the appellants in No. 1125, and continued by Mr. John Critcher for the appellants in No. 1133, and by Mr. Assistant Attorney-General Parker for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 10, will be as follows: Nos. 1125 (and 1133), 1073, 1159, 1162, 617, 1206, 1207, 825, 1202, and 1247.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 10, 1893.

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

No. 1125.—Phineas Pam-to-pee *et al.*, appellants, *vs.* The United States.

No. 1133.—The Pottawatomie Indians, etc., appellants, *vs.* The United States. Argument continued by Mr. Assistant Attorney-General Parker, for the appellee, by Mr. George S. Boutwell, for the appellants in No. 1133, and concluded by Mr. John B. Shipman, for the appellants in No. 1125.

No. 1073.—The United States, appellant, *vs.* The California and Oregon Land Company, and

No. 1159.—The United States, appellant, *vs.* The Dalles Military Road Company *et al.* Argument commenced by Mr. Assistant Attorney-General Parker, for the United States, and continued by Mr. A. B. Browne, for the California and Oregon Land Company.

The day call for Wednesday, January 11, will be as follows: Nos. 1073, 1159, 1162, 617, 1206, 1207, 825, 1202, and 1247.

Adjourned until to-morrow at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 11, 1893.

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

No. 399.—W. E. Hughes, plaintiff in error, *vs.* Thomas Robson. In error to the circuit court of the United States for the northern district of Texas. Dismissed per stipulation.

No. 1073.—The United States, appellant, *vs.* The California and Oregon Land Company, and

No. 1159.—The United States, appellant, *vs.* The Dalles Military Road Company *et al.* Argument continued by Mr. A. B. Browne and Mr. John F. Dillon for the California and Oregon Land Company, by Mr. James K. Kelly for The Dalles Military Road Company *et al.*, and concluded by Mr. Assistant Attorney-General Parker for the United States.

No. 1206.—George H. Walter, treasurer, etc., *et al.*, appellants, *vs.* The Northeastern Railroad Company, and

No. 1207.—D. E. Keels *et al.*, appellants, *vs.* The Central Railroad Company of South Carolina. Argument commenced by Mr. Samuel Lord for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 12, will be as follows: Nos. 1206, 1207, 617, 1162, 825, 1202, and 1247.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 12, 1893.

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

Herman Kobbe, of New York City, was admitted to practice.

No. 1206.—George H. Walter, treasurer, etc., *et al.*, appellants, *vs.* The North Eastern Railroad Company, and

No. 1207.—D. E. Keels *et al.*, appellants, *vs.* The Central Railroad Company of South Carolina. Argument continued by Mr. Henry A. M. Smith, for the appellees, and by Mr. W. Huger Fitz Simons, for the North Eastern Railroad Company. The court declined to hear further argument.

No. 617.—Amos Woodruff, trustee, *et al.*, plaintiffs in error, *vs.* The State of Mississippi *et al.* Argument commenced by Mr. Calderon Carlisle for the plaintiffs in error and continued by Mr. Frank Johnston for the defendants in error.

The day call for Friday, January 13, will be as follows: Nos. 617, 1162, 825, 1202, and 1247.

Adjourned until to-morrow at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 13, 1893.

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

No. 1173.—Alexander F. Smith, appellant, *vs.* Eddy B. Townsend. Motion to advance submitted by Mr. Attorney-General Miller.

No. 1148.—Mary B. Campbell, administratrix, etc., *et al.*, plaintiffs in error, *vs.* D. J. Quigley *et al.*, executors, etc. In error to the court of common pleas of Charleston County, South Carolina. Dismissed with costs on motion of Mr. William E. Earle for the plaintiffs in error.

No. 1209.—Mary B. Campbell, administratrix, etc., *et al.*, plaintiffs in error, *vs.* B. J. Whaley. In error to the court of common pleas of Charleston County, South Carolina. Dismissed with costs on motion of Mr. William E. Earle for the plaintiffs in error.

No. 617. Amos Woodruff, trustee, *et al.*, plaintiffs in error, *vs.* The State of Mississippi *et al.* Argument continued by Mr. Frank Johnston and Mr. J. Hubley Ashton for the defendants in error and concluded by Mr. Calderon Carlisle for the plaintiffs in error.

No. 1162.—The State of Indiana, appellant, *vs.* The United States. Argued by Mr. William E. Earle for the appellant and by Mr. Assistant Attorney-General Parker for the appellee.

No. 825.—Arnold, Constable & Co., appellants, *vs.* The United States. Argument commenced by Mr. Stephen G. Clarke for the appellants and continued by Mr. Assistant Attorney-General Maury for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 16th, will be as follows: Nos. 825, 1202, 1247, 908, 1124, 110, 113, 116, 118, and 119.

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 16, 1893.

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

Leonard W. Colby, of Beatrice, Nebr., Benjamin G. Hitchings, of New York City, and Cornelius L. Poor, of Burlington, Iowa, were admitted to practice.

No. 1197.—Louis P. Shoemaker *et al.*, executors, etc., *et al.*, plaintiffs in error, *vs.* The United States; on the petition of the commission to select the land for the Rock Creek Park. In error to the supreme court of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Shiras.

No. 1154.—The City of New Orleans, appellant, *vs.* Ruffin B. Paine, deputy United States surveyor. 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 eastern district of Louisiana. Opinion by Mr. Justice Brown.

No. 105.—Adam Kohn, appellant, *vs.* John McNulta, receiver, etc. Appeal from the circuit court of the United States for the northern district of Ohio. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 104.—George Weatherhead *et al.*, appellants, *vs.* William Coupe *et al.* Appeal from the circuit court of the United States for the district of Rhode Island. Decree reversed with costs and cause remanded with a direction to dismiss the bill with costs. Opinion by Mr. Justice Blatchford.

No. 649.—The United States, appellant, *vs.* Charles B. Harmon. Appeal from the circuit court of the United States for the district of Maine. Decree affirmed. Opinion by Mr. Justice Blatchford.

No. 1106.—Susan Luxton, plaintiff in error, *vs.* The North River Bridge Company. In error to the circuit court of the United States for the district of New Jersey. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Gray.

No. 102.—Calixte D. Bernier *et al.*, plaintiffs in error, *vs.* Edward Bernier *et al.* In error to the supreme court of the State of Michigan. Decree reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Field.

No. 95.—D. M. Osborne & Company, appellant, *vs.* The Missouri Pacific Railway Company. Appeal from the circuit court of the United States for the eastern district of Missouri. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court:

No. 1173.—Alexander F. Smith, appellant, *vs.* Eddy B. Townsend. Motion to advance granted, the case to be submitted on printed briefs on or before the first Monday (6th) of March next.

No. 1241.—George A. Pettibone *et al.*, plaintiffs in error, *vs.* The United States. Motion to advance granted and cause assigned for argument on the 30th instant.

No. 11, original.—*Ex parte*: In the matter of John B. Sanborn, petitioner. Motion for leave to file petition for a writ of mandamus granted and rule to show cause ordered to issue returnable on the 30th instant.

No. 247.—Belle N. B. Wade *et al.*, trustees, appellants, *vs.* The Chicago, Springfield and St. Louis Railroad Company *et al.*; and

No. 248.—The American Loan and Trust Company of New York, appellant, *vs.* Belle N. B. Wade *et al.*, trustees. Motion to substitute Dallas B. Pratt, trustee, in the place of The American Loan and Trust Company of New York as one of the appellees in No. 247 and as appellant in No. 248 granted.

The Chief Justice also announced that the Court would adjourn from Monday, February 6, to Saturday, March 4, next.

No. 1198.—Wm. G. Ford *et al.*, appellants, *vs.* The Delta and Pine Land Company *et al.* Time to designate parts of record to be printed, under provisions of section 9 of rule 10, extended to the next term, on motion of Mr. Casey Young, for the appellants.

No. 1274.—The U. S. *ex rel.* The International Contracting Company, plaintiff in error, *vs.* Stephen B. Elkins, Secretary of the Department of War. Motion to advance submitted by Mr. A. S. Worthington for the plaintiff in error, with leave to both sides to file brief used in the court below.

No. 198.—Charles Jones, assignee, etc., appellant, *vs.* David M. Smith *et al.* Ordered that Thomas E. Pearsall, assignee, etc., be substituted in the place of Charles Jones, deceased, as appellant in this cause, on motion of Mr. Benjamin G. Hitchings for the appellant.

No. 908.—Richard P. Barden *et al.*, plaintiffs in error, *vs.* The Northern Pacific Railroad Company, and

No. 1124.—The Northern Pacific Railroad Company, appellant, *vs.* Charles S. Walker, county auditor, etc. Passed until Friday.

No. 825.—Arnold, Constable & Co., appellants, *vs.* The United States. Argument continued by Mr. Assistant Attorney-General Maury for the appellee, and concluded by Mr. W. B. Coughtry for the appellants.

No. 1202.—W. F. Prosser *et al.*, appellants, *vs.* The Northern Pacific Railroad Company. Argument commenced by Mr. W. C. Jones for the appellants, and continued by Mr. A. H. Garland and James McNaught for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 17, will be as follows: Nos. 1202, 1247, 110, 113, 116, 118, 119, 122, 123, and 124.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 17, 1893.

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

William E. Gantt, of Sioux City, Iowa, and Edgar W. Camp, of Jamestown, N. Dak., were admitted to practice.

No. 313.—George W. Brackenridge, plaintiff in error, *vs.* The Town of Lansing. In error to the circuit court of the United States for the northern district of New York. Dismissed with costs on authority of counsel for the plaintiff in error.

No. 1202.—W. F. Prosser *et al.*, appellants, *vs.* The Northern Pacific Railroad Company. Argument continued by Mr. James McNaught for the appellee and concluded by Mr. W. C. Jones for the appellants.

No. 1247.—Edward H. Horner, plaintiff in error, *vs.* The United States. Argued by Mr. Herman Aaron for the plaintiff in error, and by Mr. Assistant Attorney-General Maury for the defendant in error.

No. 110.—The Lovell Manufacturing Company (Limited), appellant, *vs.* Alanson Cary *et al.* Argument commenced by Mr. Thomas W. Bakewell for the appellant and continued by Mr. W. H. Kenyon for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 18, will be as follows: Nos. 110, 113, 116, 118, 119, 122, 123, 124, (and 128, 129, and 130), 125 and 126.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 18, 1893.

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

No. 1197.—Louis P. Shoemaker *et al.*, plaintiffs in error, *vs.* The United States on the petition of the Rock Creek Park Commission. Mandate granted on motion of Mr. C. C. Cole for the defendant in error.

No. 126.—Hollon Parker, appellant, *vs.* Elizabeth Denny, executrix, etc. Appeal from the supreme court of the Territory of Washington. Dismissed, clerk's cost to be paid by appellant, per stipulation, and cause remanded to the supreme court of the State of Washington.

No. 984.—A. Sanger *et al.*, plaintiffs in error, *vs.* D. D. Flow *et al.* In error to the United States circuit court of appeals for the eighth circuit. Dismissed with costs on motion of counsel for the plaintiffs in error.

No. 110.—The Lovell Manufacturing Co., Limited, appellant, *vs.* Alanson Cary *et al.* Argument continued by Mr. Wm. H. Kenyon for the appellees, and concluded by Mr. W. Bakewell for the appellant.

No. 113.—The Boston Safe Deposit and Trust Company, appellant, *vs.* The City of Grand Haven, *et al.* Appeal from the circuit court of the United States for the western district of Michigan. Decree affirmed with costs by consent.

No. 116.—The Washington and Georgetown Railroad Company *et al.*, plaintiffs in error, *vs.* Leon Tobriner, administrator, etc. Argument commenced by Mr. Enoch Totten for the plaintiffs in error, and continued by Mr. W. L. Cole for the defendant in error.

Mr. Attorney-General Miller then addressed the court as follows:

It is my painful duty to announce to the court the death of Rutherford B. Hayes, ex-President of the United States. At his home in Fremont, Ohio, after a brief illness, at the ripe age of three score years and ten, this eminent public servant last night passed from the life that now is into the life hereafter. This is not the time for eulogy, yet I am constrained to say that in his death the country has lost one who was a good citizen, a good soldier, a good President, and above all a good man.

The Chief Justice responded :

The Court receives the announcement of the death of ex-President Hayes with the sensibility due to his eminent public services and his private virtues ; and as a mark of respect to his memory will now adjourn until to-morrow at the usual hour.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 19, will be as follows: Nos. 116, 118, 119, 122, 123, 124 (and 128, 129, and 130), 125 127, 131, and 133.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 19, 1893.

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

Charles A. Maxwell and George S. Chase, of Washington, D. C., were admitted to practice.

No. 116.—The Washington and Georgetown Railroad Company *et al.*, plaintiffs in error, *vs.* Leon Tobriner, administrator, etc. Argument continued by Mr. W. L. Cole and Mr. William A. Cook for the defendant in error, and concluded by Mr. Walter D. Davidge for the plaintiffs in error.

No. 118.—S. A. Knapp *et al.*, plaintiffs in error, *vs.* George J. Garrison *et al.* In error to the circuit court of the United States for the district of Nevada. Dismissed with costs on authority of counsel for the plaintiffs in error.

No. 119.—S. A. Knapp *et al.*, plaintiffs in error, *vs.* George J. Garrison. In error to the circuit court of the United States for the district of Nevada. Dismissed with costs on authority of counsel for the plaintiffs in error.

No. 122.—The Continental Steamboat Company, plaintiff in error, *vs.* John H. Burke, administrator, etc. Argued by Mr. William G. Roelker for the plaintiff in error and by Mr. Martin F. Morris for the defendant in error.

No. 123.—E. Marx, plaintiff in error, *vs.* Ida J. Hawthorn. Argument commenced by Mr. John M. Gearin for the plaintiff in error, and continued by Mr. J. N. Dolph for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 20, will be as follows: Nos. 123, 908, 1124, 124 (and 128, 129, and 130), 125, 127, 131, 133, 134, and 135.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 20, 1893.

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

No. 123.—E. Marx, plaintiff in error, *vs.* Ida J. Hanthorn. Argument continued by Mr. J. N. Dolph for the defendant in error, and concluded by Mr. John H. Mitchell for the plaintiff in error.

This being the day appointed for the funeral of the late Ex-President of the United States, Rutherford B. Hayes, the court, out of respect for his memory, suspended business for the remainder of the day.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 23, will be as follows: Nos. 908, 1124, 124 (and 128, 129, and 130), 125, 127, 131, 133, 134, 135, and 136.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 23, 1893.

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

John Murray Mitchell and Henry Addison Alexander, of New York City; Lewis B. Hilles, of Chicago, Ill.; Walter D. Edmonds, of New York City; Augustus P. Burgwin, of Pittsburg, Pa.; Elon R. Brown, of Watertown, N. Y.; Samuel C. Hyde, of Spokane, Wash., and Garland Pollard, of St. Louis, Mo., were admitted to practice.

Nos. 100, 101.—Marcella Doyle, plaintiff in error, *vs.* The Union Pacific Railway Company. In error to the circuit court of the United States for the district of Colorado. Judgments affirmed with costs. Opinion by Mr. Justice Shiras.

No. 1206.—George H. Walter, treasurer of Charleston County *et al.*, appellants, *vs.* The Northeastern Railroad Company; and

No. 1207.—D. E. Keels *et al.*, appellants, *vs.* The Central Railroad Company of South Carolina. Appeals from the circuit court of the United States for the district of South Carolina. Decrees reversed with costs, and causes remanded with directions to dismiss the bills for want of jurisdiction. Opinion by Mr. Justice Brown.

No. 545.—John L. Smithmeyer *et al.*, appellants, *vs.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Blatchford.

No. 1022.—William Harman, plaintiff in error, *vs.* The City of Chicago. In error to the supreme court of the State of Illinois. Judgment reversed, with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Field.

No. 72.—J. H. Cooke and M. E. Cooke, plaintiffs in error, *vs.* W. W. Avery. In error to the circuit court of the United States for the northern district of Texas. Judgment affirmed, except as to the recovery of damages and costs against M. E. Cooke, one of the defendants below, and as to said M. E. Cooke that part of said judgment reversed with costs, and cause remanded with a direction to order the judgment to be modified so as to conform to this judgment. Opinion by Mr. Chief Justice Fuller.

No. 1160.—John Glenn, as trustee, etc., plaintiff in error, *vs.* David J. Garth *et al.* In error to the supreme court of the State of New York. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

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

No. 1274.—The United States *ex rel.*: The International Contracting Company, plaintiff in error, *vs.* Stephen B. Elkins, Secretary of the Department of War. Motion to advance denied.

No. 617.—Amos Woodruff, trustee, *et al.*, plaintiff in error, *vs.* The State of Mississippi *et al.* Ordered to be restored to the docket for re-argument before a full bench.

No. 1099.—The De La Vergne Refrigerating Machine Company, appellant, *vs.* John Featherstone *et al.* Motion for mandate to issue submitted by Mr. Charles H. Aldrich in support of motion, and by Mr. Wm. A. McKenney in opposition thereto.

Ex parte: In the matter of Wm. H. Gaines *et al.*, petitioners (No. 1).

Ex parte: In the matter of Wm. H. Gaines *et al.*, petitioners (No. 2). Motions for leave to file petitions for writs of mandamus submitted by Mr. William A. McKenney for the petitioner.

No. 1080.—Sallie G. Thorington, plaintiff in error, *vs.* The City Council of Montgomery. Motions to dismiss or affirm submitted by Mr. W. Hallett Phillips and Mr. H. C. Semple in support of motions, and by Mr. John M. Chilton in opposition thereto.

Ex parte: In the matter of John P. Hawkins, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. George A. Black in support of motion, and by Mr. John Murray Mitchell in opposition thereto.

No. 57.—R. B. Hooper, plaintiff in error, *vs.* The People of the State of California. Submitted by Mr. John E. Parsons for the plaintiff in error and by Mr. T. C. Van Ness for defendants in error.

No. 1056.—William Tregae, plaintiff in error, *vs.* The Board of Directors of the Modesto Irrigation District. Motions to dismiss or affirm submitted by Mr. A. L. Rhodes in support of motions, and by Mr. J. J. Scrivner and Mr. Thomas B. Bond in opposition thereto.

No. 1042.—Howard M. Hamblin, plaintiff in error, *vs.* The Western Land Company. Motions to dismiss or affirm submitted by Mr. John S. Monk in support of motions, and by Mr. W. L. Joy in opposition thereto.

No. 1248.—Wm. H. Palmer *et al.*, plaintiffs in error, *vs.* Mary H. Barrett. Motions to dismiss or affirm submitted by Mr. Hugo Hirsh and Mr. Henry S. Rasquin in support of motions and by Mr. H. E. Tremain and Mr. M. L. Towns in opposition thereto.

No. 1260.—James Steel, administrator, etc., appellant, *vs.* The Phoenix Insurance Company of Brooklyn. Petition for a writ of certiorari to the United States circuit court of appeals of the ninth circuit, submitted by Mr. L. B. Cox in support of petition and by Mr. George H. Williams in opposition thereto.

No. 339.—William Gardner *et al.*, plaintiffs in error, *vs.* The Commonwealth of Pennsylvania. In error to the supreme court of the State of Pennsylvania. Dismissed with costs on authority of counsel for the plaintiffs in error.

No. 908.—Richard P. Barden *et al.*, plaintiffs in error, *vs.* The Northern Pacific Railroad Company. One hour additional time granted each side, with leave to three counsel to appear for each side in the argument hereof. Argument commenced by Mr. Assistant Attorney-General Shields for the plaintiffs in error and continued by Mr. James McNaught for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 24, will be as follows: Nos. 908, 1124, 124 (and 128, 129, and 130), 125, 127, 131, 133, 134, 135, and 136.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 24, 1863.

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

The Chief Justice said :

It again becomes my melancholy duty to announce the death of a member of this court. Mr. Justice Lamar died at Macon, Ga., last evening at 8:50 o'clock. No business will be transacted, but the court will now adjourn until Monday next.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 30, will be as follows: Nos. 908, 1124, 124 (and 128, 129, and 130), 125, 127, 131, 133, 134, 135, and 136.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 30, 1893.

Present, at 12 o'clock m., Mr. Justice Brewer.

Mr. Justice Brewer said :

“The funeral services of one of our most distinguished citizens, James G. Blaine, will take place at this hour, and in order to enable the Justices of this court to attend and pay their respect to his memory a recess will be taken until 2 o'clock p. m.”

In pursuance of the foregoing order, the court met at 2 p. m.

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

Almon Hall, of Toledo, Ohio; Robert N. Kenyon, of New York City; Henry D. McDonald, of Paris, Tex.; Patrick Reddy, of San Francisco, Cal.; Duncan McDougall, of Ottawa, Ill.; and Charles W. Russell, of Wheeling, W. Va., were admitted to practice.

No. 111.—W. P. Clement *et al.*, etc., plaintiffs in error, *vs.* J. A. Field *et al.*, in error to the circuit court of the United States for the district of Kansas. Judgment affirmed with costs. Opinion by Mr. Justice Shiras.

No. 106.—The United Lines Telegraph Company *et al.*, appellants, *vs.* The Boston Safe Deposit and Trust Company. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Blatchford. Dissenting: Mr. Justice Field and Mr. Justice Brewer.

No. 1247.—Edward H. Homer, plaintiff in error, *vs.* The United States. On a certificate from the United States circuit court of appeals for the second circuit. Questions certified answered in the affirmative. Opinion by Mr. Justice Blatchford.

The Chief Justice announced the following orders of the Court :

No. 7.—The San Pedro and Cañon del Agna Company, appellant, *vs.* The United States. Motion to modify decree herein denied without prejudice to any right of appellant to obtain from the land department a new survey and patent.

No. 1056.—William Tregoe, plaintiff in error, *vs.* The Board of Directors of the Modesto Irrigation District. Motions to dismiss or affirm postponed to the hearing on the merits.

No. 1099.—The De La Vergne Refrigerating Machine Company, appellant, *vs.* John Featherstone *et al.* Ordered, that the mandate issue on the 6th of February next, unless further cause to the contrary is shown.

No. 1260.—James Steel, administrator, etc., appellant, *vs.* The Phoenix Insurance Company of Brooklyn. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit granted.

Ex parte: In the matter of William H. Gaines *et al.*, petitioners (No. 1).

Ex parte: In the matter of William H. Gaines *et al.*, petitioners (No. 2). Motions for leave to file petitions for writs of mandamus granted and rules to show cause ordered returnable on the 6th day of March next.

Ex parte: In the matter of John P. Hawkins, petitioner. Motion for leave to file petition for a writ of mandamus denied.

No. 645.—John L. Smithmeyer, *et al.*, appellants, *vs.* The United States. Mandate granted on motion of Mr. Solicitor-General Aldrich for the appellee.

No. 1277.—The United States, appellant, *vs.* Frank M. Fowks. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Assistant Attorney-General Maury for the appellant, in support of the petition, and by Mr. Thomas Hart, jr., for the appellee in opposition thereto.

No. 875.—James H. Gregory *et al.*, plaintiffs in error, *vs.* John W. Bransford, treasurer, etc.

No. 876.—Joseph Lawson *et al.*, plaintiffs in error, *vs.* John W. Bransford, treasurer, etc., and

No. 877.—L. E. Letchford *et al.*, plaintiffs in error, *vs.* M. J. Day, sergeant, etc., in error to the corporation court of Lynchburg, Va. Dismissed with costs by authority of the plaintiffs in error on motion of Mr. R. Taylor Scott for the defendants in error.

No. 1093.—W. W. Larkin, plaintiff in error, *vs.* John W. Bransford, treasurer, etc. In error to the circuit court of Lynchburg, Va. Dismissed with costs by authority of the plaintiff in error on motion of Mr. R. Taylor Scott for the defendant in error.

No. 42.—Colin Cameron, appellant, *vs.* The United States. Motion to set aside decree of dismissal and to reinstate cause submitted by Mr. James C. Carter for the appellant.

No. 1128.—Charles McIntire, jr., administrator, etc., plaintiff in error, *vs.* Edwin A. McIntire *et al.* Motion to dismiss submitted by Mr. S. S. Henkle in support of motion, and by Mr. Calderon Carlisle, Mr. Will-

iam G. Johnson, and Mr. J. M. Wilson in opposition thereto. Leave granted counsel for plaintiff in error to file additional brief.

Ex parte: In the matter of The Haberman Manufacturing Company, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. Charles E. Mitchell and Mr. Robert N. Kenyon for the petitioner.

No. 184.—The Mississippi Mills *et al.*, appellants, *vs.* Simon Cohn *et al.* Suggestion of death of Joel Wood, one of the appellants herein, and appearance of William H. Lee, administrator, etc., filed and entered on motion of Mr. William A. McKenney in behalf of counsel.

No. 256.—Charles Hoefinghaff, plaintiff in error, *vs.* J. A. Edwards, doing business as J. H. Edwards & Company. Mandate granted, on motion of Mr. William A. McKenney, in behalf of counsel.

No. 6.—Original.—The State of Maryland, complainant, *vs.* The State of West Virginia. Ordered that time to file answer herein be extended to the third Monday of February, per stipulation, on motion of Mr. Frederic D. McKenney, in behalf of counsel.

No. 7.—Original. *Ex parte*: In the matter of the Commonwealth of Virginia, petitioner. Submitted by Mr. R. Taylor Scott, for the petitioner, and by Mr. Assistant Attorney-General Maury, for the respondent.

No. 908.—Richard P. Barden *et al.*, plaintiffs in error, *vs.* The Northern Pacific Railroad Company. Argument continued by Mr. James McNaught, for the defendant in error, and by Mr. Martin F. Morris, for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 31, will be as follows: Nos. 908, 1124, 1241, 124 (and 128, 129, and 130), 125, 127, 131, 133, 134, 135, and 136.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 31, 1893.

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

Elmer A. Allen, of New York City, was admitted to practice.

No. 198.—Thomas E. Pearsall, assignee, etc., appellant, *vs.* David M. Smith *et al.* Suggestion of death of Richard S. Jones, one of the appellees herein, and appearance of Frances A. Jones, executrix, etc., filed and entered on motion of Mr. Elmer A. Allen, for the appellees.

No. 908.—Richard P. Barden *et al.*, plaintiffs in error, *vs.* The Northern Pacific Railroad Company. Argument continued by Mr. James C. Carter for the defendant in error, and concluded by Mr. Attorney-General Miller for the plaintiffs in error.

No. 1124.—The Northern Pacific Railroad Company, appellant, *vs.* Charles S. Walker, county auditor, etc., *et al.* Argument commenced by Mr. F. M. Dudley for the appellant, and continued by Mr. S. L. Gaspell for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, February 1, will be as follows: Nos. 1124, 1241, 124 (and 128, 129, and 130), 125, 127, 131, 133, 134, 135, and 136.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, FEBRUARY 1, 1893.

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

Jno. P. Croasdale, of Philadelphia, Pa.; James Wyatt Oates, of Santa Rosa, Cal.; and George C. Lay, of New York City, were admitted to practice.

No. 1081.—The Columbus Southern Railway Company, plaintiff in error, *vs.* William A. Wright, comptroller-general, and

No. 1141.—L. F. Hennington, plaintiff in error, *vs.* The State of Georgia. Motions to advance submitted by Mr. R. E. Lester, in behalf of counsel.

No. 1124.—The Northern Pacific Railroad Company, appellant, *vs.* Charles S. Walker, county auditor, etc., *et al.* Argument continued by Mr. S. L. Glaspell for the appellee, by Mr. James McNaught for the appellant, and concluded by Mr. F. M. Dudley for the appellant.

No. 1241.—George A. Pettibone *et al.*, plaintiffs in error, *vs.* The United States. Argument commenced by Mr. Walter H. Smith for the plaintiffs in error, and continued by Mr. Charles W. Russell for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, February 2, will be as follows: Nos. 1241, 124 (and 128, 129, and 130), 125, 127, 131, 133, 134, 135, 136, and 137.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, FEBRUARY 2, 1893.

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

William Pennington, of Paterson, N. J.; Theodore Hall, of Ashtabula, Ohio, and J. M. McBurney, of Washington, Pa., were admitted to practice.

No. 115.—W. H. Robertson, collector, etc., plaintiff in error, *vs.* George S. Atterbury. Mandate granted on motion of Mr. Benjamin Barker, jr., for the defendant in error.

Ex parte: In the matter of The American Construction Company, petitioner (No. 1).

Ex parte: In the matter of The American Construction Company, petitioner (No. 2). Leave granted to file petitions for writs of mandamus or for writs of certiorari to the United States circuit court of appeals for the fifth circuit, and temporary stay ordered on motion of Mr. William B. Hornblower for the petitioners.

No. 1241.—George A. Pettibone *et al.*, plaintiffs in error, *vs.* The United States. Argument continued by Mr. Charles W. Russell and Mr. Attorney-General Miller for the defendant in error, and concluded by Mr. Patrick Reddy for the plaintiffs in error.

No. 128.—Henry B. Shields, appellant, *vs.* Robert F. McAuley, *et al.*, and

No. 129.—Henry B. Shields *et ux.*, appellants, *vs.* Robert F. McAuley, *et al.* Appeals from the circuit court of the United States for the western district of Pennsylvania. Dismissed with costs, on authority of counsel for appellants.

No. 124.—Alexander M. Byers, administrator, etc., appellant, *vs.* Robert F. McAuley *et al.*, and

No. 130.—Dora McAuley *et al.*, appellants, *vs.* Robert F. McAuley *et al.* Argued by Mr. D. F. Patterson for the appellees and submitted by Mr.

D. T. Watson for appellant in No. 124, by Mr. S. Schoyer, jr., and Mr. W. M. Watson for appellants in No. 130, and by Mr. Thomas Patterson and Mr. George C. Burgwin for appellees in No. 124.

No. 125.—David Lehnen, plaintiff in error, *vs.* Newton Dickson. Argument commenced by Mr. D. P. Dyer for the plaintiff in error, and continued by Mr. James O. Broadhead for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, February 3, will be as follows: Nos. 125, 127, 131, 133, 134, 135, 136, 137, 138, and 139.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, FEBRUARY 3, 1893.

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

Jed. L. Washburn, of Duluth, Minn.; John F. Caples, of Portland, Oregon; Nathaniel L. Frothingham, of Boston, Mass.; Edward Kenney and Alexander Grant, of Newark, N. J.; Jabez Norman, of Denver, Colo.; William Colton, of Baltimore, Md., and Wallace Heckman, of Chicago, Ill., were admitted to practice.

No. 125.—David Lehnen, plaintiff in error, *vs.* Newton Dickson. Argument continued by Mr. James O. Broadhead for the defendant in error, and concluded by Mr. D. P. Dyer for the plaintiff in error.

No. 127.—The New York, Lake Erie and Western Railroad Company, plaintiff in error, *vs.* Wallace Estill *et al.* Argued by Mr. Garland Pollard for the plaintiff in error, and by Mr. W. M. Williams and Mr. John Cosgrove for the defendants in error.

Adjourned until Monday next, at 12 o'clock.

There will be no call of the docket on Monday, February 6.

The day call for Monday, March 6, will be as follows: Nos. 131, 133, 134, 135, 136, 137, 138, 139, 140 and 141.

7267—68

SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 6, 1893.

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

No. 1153.—B. A. Shunk, plaintiff in error, *vs.* The Moline, Milburn and Stoddart Company. In error to the circuit court of the United States for the district of Nebraska. Judgment affirmed with costs and interest. Opinion by Mr. Justice Brewer. Dissenting : Mr. Justice Field.

No. 825.—Arnold, Constable & Co., appellants, *vs.* The United States. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed. Opinion by Mr. Justice Brewer.

No. 1042.—Howard M. Hamblin, plaintiff in error, *vs.* The Western Land Company. In error to the supreme court of the State of Iowa. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

Ex parte : In the matter of The Haberman Manufacturing Company, petitioner. Motion for leave to file petition for a writ of mandamus denied. Opinion by Mr. Justice Blatchford.

No. 1080.—Sallie G. Thorington, plaintiff in error, *vs.* The City Council of Montgomery. In error to the supreme court of the State of Alabama. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 415.—Josiah Barnett, assignee, appellant, *vs.* Patrick H. Kinney. Appeal from the supreme court of the Territory of Idaho. Decree reversed with costs and cause remanded to the supreme court of the State of Idaho for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Chief Justice Fuller.

No. 1092.—David S. Stanley *et al.*, plaintiffs in error, *vs.* Mary M. Schwalby *et al.* In error to the supreme court of the State of Texas. Judgment reversed and cause remanded for further proceedings to be had therein not inconsistent with the opinion of this court. Opinion by Mr. Chief Justice Fuller. Dissenting, Mr. Justice Field.

The Chief Justice announced the following orders of the court:

No. 42. Colin Cameron, appellant, *vs.* The United States. Motion to set aside decree granted and cause reinstated, with leave to counsel to file additional briefs, if desired, on or before March 6, next.

No. 1248. William H. Palmer *et al.*, plaintiffs in error, *vs.* Mary H. Barrett. Motions to dismiss or affirm postponed to the hearing on the merits.

No. 1128.—Charles McIntire, jr., administrator, plaintiff in error, *vs.* Edwin A. McIntire *et al.* Motion to dismiss denied.

No. 1277.—The United States, appellant, *vs.* Frank W. Fowkes. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 1081.—The Columbus Southern Railway Company, plaintiff in error, *vs.* William A. Wright, comptroller-general, etc. Motion to advance denied.

No. 1141.—L. F. Hennington, plaintiff in error, *vs.* The State of Georgia. Motion to advance denied.

No. 57.—R. B. Hooper, plaintiff in error, *vs.* The People of the State of California. Submission set aside and cause restored to the docket for oral argument.

No. 908.—Richard P. Barden *et al.*, plaintiffs in error, *vs.* The Northern Pacific Railroad Company. Cause restored to the docket for argument before a full bench.

No. 1124.—The Northern Pacific Railroad Company, appellant, *vs.* Charles S. Walker, county auditor, &c., *et al.* Writ of certiorari ordered to issue to bring up the entire record and cause from the United States circuit court of appeals for the eighth circuit.

No. 122.—The Continental Steamboat Company, plaintiff in error, *vs.* John H. Burke, administrator, &c. In error to the circuit court of the United States for the district of Rhode Island. Judgment affirmed with costs and interest by a divided court.

No. 1060.—The United States, appellant, *vs.* Frank Gates. Submitted by Mr. Solicitor-General Aldrich for the appellant, and by Mr. George A. King, Mr. Charles King, and Mr. W. B. King, for the appellee.

No. 1107.—Frank Hume, plaintiff in error, *vs.* Richmond Irving Bowie, administrator, &c. Motion to dismiss submitted by Mr. Enoch Totten in support of motion, and by Mr. Walter D. Davidge and Mr. S. T. Thomas in opposition thereto.

No. 60.—William H. Hagedon, plaintiff in error, *vs.* A. F. Seeberger, collector, &c. In error to the circuit court of the United States for the northern district of Illinois. Dismissed with costs on motion of Mr. Henry E. Tremain for the plaintiff in error.

Ex parte: In the matter of Albert Frederich, appellant, motions for leave to docket cause, to proceed *in formâ pauperis*, to print record at public expense, and to advance, submitted by Mr. Frederic D. McKenney for the appellant, and motion postponed to the 6th of March next, and notice ordered to be given to the attorney-general of the State of Washington.

No. 1099.—The De La Vergne Refrigerating Machine Company, appellant *vs.* John Featherstone *et al.* Ordered that mandate issue.

No. 1254.—Henry Bier, plaintiff in error, *vs.* J. Burrus McGehee. Motion to dismiss submitted by Mr. F. L. Richardson in support of motion, and by Mr. Henry L. Lazarus in opposition thereto.

No. 848.—The Lapham-Dodge Company, appellant, *vs.* Henry Severin *et al.* Appeal from the circuit court of the United States for the district of Indiana. Dismissed with costs, on authority of counsel for the appellant.

No. 3.—Max Rosenthal, appellant, *v.* Kersey Coates, as assignee, &c. Submitted by Mr. George Hoadly for the appellant, and Mr. T. A. Frank Jones for the appellee.

Order.

It is ordered by the court that mandates issue in all cases decided prior to the first of January, 1893, when applied for, except cases docketed and dismissed under the ninth rule, and cases Nos. 419, 608, 609, 987, 988, 989, and 990.

Adjourned until Saturday, March 4, at 11 o'clock.

There will be no call of the docket on Saturday, March 4.

The day call for Monday, March 6, will be as follows: Nos. 131, 133, 134, 135, 136, 137, 138, 139, 140, and 141.



SUPREME COURT OF THE UNITED STATES.

SATURDAY, MARCH 4, 1893.

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

The Chief Justice said :

It gives me pleasure to announce that since the adjournment of the Court the vacancy then existing upon this bench has been filled by the appointment of Mr. Howell E. Jackson, of Tennessee. Mr. Jackson is present and prepared to take the oath. Let the commission be read and the oath administered.

The commission was then read and the oath administered and Mr. Justice Jackson took his seat on the bench.

The Chief Justice then said :

No business will be transacted to-day, but applications for admission to the bar will be entertained. Are there any such applications?

Leroy G. Palmer, of Mt. Pleasant, Iowa, was admitted to practice.

The Chief Justice announced that the Court would take a recess in order to attend the inauguration of the President of the United States.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 6, will be as follows: Nos. 131, 133, 134, 135, 136, 137, 138, 139, 140, and 141.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 6, 1893.

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

M. V. Gannon, of Omaha, Nebr., Gist Blair, of St. Louis, Mo., John Barton Payne, of Chicago, Ill., Wm. M. Safford, Lewis Cass Ledyard, and John W. Simpson, of New York City, Joel F. Vaill, of Denver, Colo., Charles M. Cooper, of Jacksonville, Fla., F. M. Etheridge, of Dallas, Tex., John Foley, of Saratoga Springs, N. Y., Horatio F. Dale, of Des Moines, Iowa, James G. Maguire, of San Francisco, Cal., G. W. Wilson, of Hamilton, Ohio, Joseph J. Dunne, of San Francisco, Cal., R. F. Del Valle, of Los Angeles, Cal., Henry T. Gage, of Los Angeles, Cal., Charles E. Warner, of Fort Smith, Ark., B. F. Rex, of St. Louis, Mo., C. L. Herbert, of Ardmore, Ind. T., Joseph M. Hill, of Fort Smith, Ark., Clifford L. Jackson, of Muskogee, Ind. T., Frank T. Baldwin, of Stockton, Cal., John W. Weed, of New York City; Theodore T. Hudson, of Duluth, Minn., Martin N. Johnson, Petersburg, N. Dak., Marcus Rosenthal, of San Francisco, Cal., Platt Rogers, of Denver, Colo., Coleman L. Blease, of Newberry, S. C., Edward F. Duffy, of Pittsburg, Pa., J. J. Dwyer, of San Francisco, Cal., Thomas Curtin, of Bristol, Tenn., C. J. St. John, of Bristol, Tenn., Henry D. Clayton, of Eufaula, Ala., S. B. Daves, of Muskogee, Ind. T., and John F. Stone, of Guthrie, Okla., were admitted to practice.

No. 80.—Eugenia A. Roget, executrix, etc., appellant, *vs.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Shiras.

No. 123.—E. Marx, plaintiff in error, *vs.* Ida J. Hawthorn. In error to the circuit court of the United States for the district of Oregon. Judgment affirmed with costs. Opinion by Mr. Justice Shiras. (Mr. Justice Brewer did not sit in this case, nor take any part in its decision.)

No. 552.—The United States, appellant, *vs.* Finnella M. Alexander and Sophia L. Little. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Shiras.

No. 467.—The United States, appellant, *vs.* George Truesdell. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Shiras.

No. 335.—The United States, appellant, *vs.* John R. Tanner. Appeal from the Court of Claims. Judgment reversed and cause remanded, with directions to dismiss the petition. Opinion by Mr. Justice Brown.

No. 783.—The United States, appellant, *vs.* Thomas Fletcher. Appeal from the circuit court of the United States for the eastern district of Arkansas. Decree reversed and cause remanded, with directions to enter a new judgment in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 699.—The United States, appellant, *vs.* Henry Pitman. Appeal from the district court of the United States for the district of Rhode Island. Decree affirmed. Opinion by Mr. Justice Brown.

No. 312.—The United States, appellant, *vs.* Richard Jones. Appeal from the district court of the United States for the southern district of Alabama. Decree reversed and cause remanded, with directions to reduce the judgment in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 1194.—The United States, appellant, *vs.* Marion Erwin. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brown.

No. 628.—The United States, appellant, *vs.* H. H. King. Appeal from the district court of the United States for the southern district of Georgia. Decree reversed and cause remanded with directions to reduce the judgment in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 673.—The United States, appellant, *vs.* John W. Payne. Appeal from the Court of Claims. Judgment reversed and cause remanded with directions to reduce the judgment in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 459.—The United States, appellant, *vs.* Almon Hall. Appeal from the district court of the United States for the northern district of Ohio. Decree reversed and cause remanded with directions to reduce the judgment in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 900.—The United States, appellant, *vs.* Stephen C. McCandless. Appeal from the Court of Claims. Judgment reversed and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 795.—The United States, appellant, *vs.* Henry H. Taylor. Appeal from the circuit court of the United States for the eastern district of Tennessee. Decree reversed and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brown.

No. 99.—David May *et al.*, appellants, *vs.* Daniel K. Tenney. Appeal from the circuit court of the United States for the district of Colorado. Decree reversed with costs, and cause remanded with directions to dismiss the bill. Opinion by Mr. Justice Brewer.

No. 1073.—The United States, appellant, *vs.* The California and Oregon Land Company; and,

No. 1159.—The United States, appellant, *vs.* The Dalles Military Road Company, *et al.* Appeals from the United States circuit court of appeals for the ninth circuit. Decrees affirmed and causes remanded to the circuit court of the United States for the district of Oregon. Opinion by Mr. Justice Brewer.

No. 76.—The Commercial National Bank of Pennsylvania, appellant, *vs.* David Armstrong, receiver, etc.; and

No. 77.—David Armstrong, receiver, etc., appellant, *vs.* The Commercial National Bank of Pennsylvania. Appeals from the circuit court of the United States for the southern district of Ohio. Decree affirmed, each appellant to pay the costs of his appeal. Opinion by Mr. Justice Brewer.

No. 125.—David Lehnen, plaintiff in error, *vs.* Newton Dickson. In error to the circuit court of the United States for the eastern district of Missouri. Judgment affirmed with costs and interest. Opinion by Mr. Justice Brewer.

No. 94.—The City of St. Louis, plaintiff in error, *vs.* The Western Union Telegraph Company. In error to the circuit court of the United States for the eastern district of Missouri. Judgment reversed with costs and cause remanded with directions to grant a new trial. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Brown.

No. 127.—The New York, Lake Erie and Western Railroad Company, plaintiff in error, *vs.* Wallace Estill *et al.* In error to the circuit court of the United States for the western district of Missouri. Judgment modified and affirmed, each party to pay one-half the costs in this court. Opinion by Mr. Justice Blatchford.

No. 110.—The Lovell Manufacturing Company, limited, appellant, *vs.* Alanson Cary and Edward A. Moen. Appeal from the circuit court of the United States for the western district of Pennsylvania. Decree reversed with costs, and cause remanded with a direction to dismiss the bill with costs. Opinion by Mr. Justice Blatchford. (Mr. Justice Brewer did not sit in this case or take any part in its decision.)

No. 19.—Henry Hayes, administrator, etc., appellant, *vs.* Dundas T. Pratt, executor, etc. Appeal from the circuit court of the United States for the district of New Jersey. Decree amended by directing payment to Dundas T. Pratt, as executor, instead of as treasurer of The Hayes Mechanics' Home, and as so amended affirmed with costs and interest. Opinion by Mr. Justice Gray. (Mr. Justice Shiras, not having been a member of the court when this case was argued, took no part in its decision.)

No. 29.—Francis B. Fleitas, appellant, *vs.* Gilbert M. Richardson. Appeal from the circuit court of the United States for the eastern district of Louisiana. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Gray. (Mr. Justice Shiras, not having been a member of the court when this case was argued, took no part in its decision.)

No. 148.—Mrs. Mary C. W. Fleitas, appellant, *vs.* Gilbert M. Richardson *et al.* Appeal from the circuit court of the United States for the eastern district of Louisiana. Decree affirmed with costs. Opinion by Mr. Justice Gray. (Mr. Justice Shiras, not having been a member of the court when this case was argued, took no part in its decision.)

No. 43.—Dolores G. Astrazaran *et al.*, appellants, *vs.* The Santa Rita Land and Mining Company *et al.* Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs. Opinion by Mr. Justice Gray.

No. 107.—J. P. Bauserman, administrator, etc., plaintiff in error, *vs.* Elbridge G. Blunt. In error to the circuit court of the United States for the district of Kansas. Judgment reversed with costs, and cause remanded for further proceedings to be had therein in conformity with the opinion of the court. Opinion by Mr. Justice Gray.

No. 1117.—George C. Finney *et al.*, appellants, *vs.* F. August Reich *et al.* On a certificate from the United States circuit court of appeals for the seventh circuit. Question certified answered in the negative. Opinion by Mr. Justice Gray.

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

No. 103.—Theodore J. Moelle, appellant, *vs.* James K. O. Sherwood. Appeal from the circuit court of the United States for the district of Nebraska. Decree affirmed with costs. Opinion by Mr. Justice Field.

No. 918.—The United States, appellant, *vs.* Bird L. Fletcher, and

No. 919.—Bird L. Fletcher, appellant, *vs.* The United States. Appeals from the Court of Claims. Judgment reversed and cause remanded with directions to dismiss the petition. Opinion by Mr. Chief-Justice Fuller. (Announced by Mr. Justice Blatchford.)

No. 112.—S. S. Taylor *et al.*, appellants, *vs.* Alfred Brown *et al.* Appeal from the supreme court of the Territory of Dakota. Decree affirmed with costs and cause remanded to the supreme court of the State of South Dakota for further proceedings in conformity with law. Opinion by Mr. Chief-Justice Fuller. (Announced by Mr. Justice Blatchford.)

No. 116.—The Washington and Georgetown Railroad Company *et al.*, plaintiffs in error, *vs.* Leon Tobriner, administrator, etc. In error to the supreme court of the District of Columbia. Ordered, that if the defendant in error shall, within a reasonable time during the present term of this court, produce and file a certified copy of a remittitur of the interest, in the supreme court of the District of Columbia, the judgment, less the interest, will be affirmed; but if this is not done, it will be reversed. In either event the costs must be paid by the defendant in error. Opinion by Mr. Chief Justice Fuller. (Announced by Mr. Justice Blatchford.) (Mr. Justice Brewer did not hear the argument and took no part in the decision of this case.)

No. 1241.—George A. Pettibone *et al.*, plaintiffs in error, *vs.* The United States. In error to the district court of the United States for the district of Idaho. Judgment reversed and cause remanded with directions to quash the indictment and discharge the prisoners. Opinion by Mr. Chief Justice Fuller. (Announced by Mr. Justice Blatchford.) Dissenting: Mr. Justice Brewer and Mr. Justice Brown.

Mr. Justice Field announced the following order :

No. 987.—Edward Roby, plaintiff in error, *vs.* Charles W. Colehour.

No. 988.—Edward Roby, plaintiff in error, *vs.* Charles W. Colehour *et al.*

No. 989.—Edward Roby, plaintiff in error, *vs.* Charles W. Colehour *et al.*

No. 990.—Edward Roby, plaintiff in error, *vs.* Charles W. Colehour *et al.*

It is ordered by the court that the mandates issue in the above-entitled cases.

No. 1061.—The United States, appellant, *vs.* Aaron S. Post. Submitted by the Attorney-General and Mr. H. M. Foote, for the appellant, and by Mr. Charles King, Mr. George A. King, and Mr. W. B. King, for the appellee.

No. 578.—William Deering, appellant, *vs.* The McCormick Harvesting Machine Works *et al.* Motion to incorporate into the record in this case certain other records submitted by Mr. Charles H. Aldrich in behalf of counsel.

No. 1284.—George E. Wilson, plaintiff in error, *vs.* The United States. Motion to advance submitted by Mr. Charles H. Aldrich in behalf of counsel.

No. 1297.—Rufus E. Graves, plaintiff in error, *vs.* The United States. Motion to advance submitted by Mr. Charles H. Aldrich in behalf of counsel.

No. 1142.—The Pennsylvania Company, plaintiff in error, *vs.* George S. Bender, administrator, etc. Motion to dismiss submitted by Mr. L. R. Critchfield in support of motion, and by Mr. L. L. Gilbert in opposition thereto.

No. 1092.—David S. Stanley *et al.*, plaintiffs in error, *vs.* Mary U. Schwalby *et al.* Mandate granted on motion of Mr. A. H. Garland for the defendants in error.

No. 6, original.—The State of Maryland, complainant, *vs.* The State of West Virginia. Answer of defendant filed and leave granted to file cross-bill within sixty days, on motion of Mr. C. J. Faulkner in behalf of counsel.

No. 1118.—Passavant & Co., appellants, *vs.* The United States. Submitted, pursuant to the 32d rule, by Mr. E. B. Smith, for the appellants, and by the Attorney-General for the appellee.

No. 5, original.—The State of Iowa, complainant, *vs.* The State of Illinois. Motion for an order approving the selection of temporary commissioners submitted by Mr. John J. Seerley, in behalf of counsel.

No. 1241.—George A. Pettibone *et al.*, plaintiffs in error, *vs.* The United States. Mandate granted on motion of Mr. Walter H. Smith for the plaintiffs in error. *Ex parte*, in the matter of W. W. Riser, petitioner; *ex parte*, in the matter of M. V. Tyler, petitioner; *ex parte*, in the matter of M. V. Tyler, petitioner; *ex parte*, in the matter of M. B. Gaines, petitioner.

Motions for leave to file petitions for writs of habeas corpus submitted by Mr. D. A. Townsend for the petitioners.

No. 12.—Original.—*Ex parte*: In the matter of Wm. H. Gaines *et al.*, petitioners.

No. 13.—Original.—*Ex parte*: In the matter of Wm. H. Gaines *et al.*, petitioners.

Demurrers filed on motion of Mr. N. M. Rose for the petitioners.

No. 1080.—Sallie G. Thorington, plaintiff in error, *vs.* The City Council of Montgomery. Mandate granted on motion of Mr. W. Hallet Phillips for the defendant in error.

No. 1173.—Alexander F. Smith, appellant, *vs.* Eddy B. Townsend. Submitted by Mr. A. H. Garland and Mr. H. J. May for the appellant, and by Mr. Attorney-General and Mr. Charles A. Maxwell and Mr. Charles S. Chase for the appellee.

No. 79.—John T. Lytle, appellant, *vs.* The Town of Lansing. Mandate granted on motion of Mr. Frederic D. McKenney in behalf of counsel.

No. 313.—George W. Brackenridge, plaintiff in error, *vs.* The Town of Lansing. Mandate granted on motion of Mr. Frederic D. McKenney in behalf of counsel.

No. 1199.—The Mexican Central Railway Company, plaintiff in error, *vs.* Alexander Pinkney. Advanced pursuant to the 32d rule on motion of Mr. Frederic D. McKenney for the defendant in error.

Ex parte: In the matter of Albert Frederick, appellant. Motions for leave to docket cause, to proceed *in formâ pauperis*, to print record at public expense, and to advance, resubmitted by Mr. Frederic D. McKenney for the appellant.

No. 14.—Original.—*Ex parte*: In the matter of The American Construction Company, petitioner. Argument commenced by Mr. Wm. B. Hornblower for the petitioner, and continued by Mr. John G. Johnson and Mr. Thomas Thacher for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 7, will be as follows: Nos. 3, original, 131, 133, 134, 135, 136, 137, 138, 139, 140, and 141.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 7, 1893.

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

Gideon C. Wilson, of Cincinnati, Ohio, Michael J. Kelly, of New York City, A. C. Baker, of Phoenix, Ariz., Solomon E. Jackson, of Ardmore, Ind. T., Taylor Everett Brown, of Chicago, Ill., C. O. Stockslager, of Hailey, Idaho, Virgil M. Hobbs, of Kingfisher, Okla. T., Charles A. Cogswell, of Lakeview, Oregon, and James R. Carey, of Salem, Ohio, were admitted to practice.

No. 5.—Original. The State of Iowa, complainant, *v.* The State of Illinois. Ordered that the selection of commissioners, as provided in decree, be confirmed, per stipulation of counsel.

No. 16.—Original. *Ex parte*: In the matter of W. W. Riser, petitioner.

No. 17.—Original. *Ex parte*: In the matter of M. V. Tyler, petitioner.

No. 18.—Original. *Ex parte*: In the matter of M. V. Tyler, petitioner.

No. 19.—Original. *Ex parte*: In the matter of M. B. Gaines, petitioner. Motions for leave to file petitions for writs of habeas corpus granted, and rules to show cause ordered returnable on the 27th instant. Announced by Mr. Justice Gray.

The honorable W. H. H. Miller then addressed the court as follows:

I have the honor to introduce to the court my successor in the office of Attorney-General of the United States, Mr. Richard Olney, of Massachusetts. In performing this the last act of my official life, I am sure I can not better indicate my sense of obligation to the court and my good will toward my successor than to express the wish that he may always receive at your hands the same kindly consideration and cordial good feeling that has uniformly been accorded to me, not only by the court, but by each individual member and officer. I present also the commission of the Attorney-General, to be recorded according to the custom in such cases.

The presiding justice, Mr. Justice Field, responded : The justices desire me to say, in reply, that they recognize the uniform courtesy and consideration that have marked your intercourse with the court, and they desire to say, further, that their high regard and best wishes will always follow you in your future career. We welcome the new Attorney-General, and direct that his commission be recorded by the clerk.

No. 303.—Lucius P. Mason *et al.*, plaintiff in error, *vs.* The John Spry Lumber Company. In error to the supreme court of the State of Michigan. Dismissed per stipulation.

No. 307.—The National Cable Railway Company, appellant, *vs.* The Mount Adams and Eden Park Inclined Railway. Appeal from the circuit court of the United States for the southern district of Ohio. Dismissed with costs on motion of counsel for appellant.

No. 573.—The Erin Stave and Lumber Company *et al.*, plaintiffs in error, *vs.* The Falls City Bank, of Louisville, Ky. In error to the circuit court of the United States for the middle district of Tennessee. Dismissed with costs on authority of counsel for the plaintiffs in error.

No. 853.—D. H. Williams, plaintiff in error, *vs.* A. Abeel *et al.* In error to the circuit court of the United States for the northern district of Texas. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 854.—D. H. Williams, plaintiff in error, *vs.* J. S. Wilcox *et al.* In error to the circuit court of the United States for the northern district of Texas. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 1019.—James D. Donnelly, appellant, *vs.* John W. Douglass *et al.*, etc. Appeal from the supreme court of the District of Columbia. Dismissed with costs per stipulation.

No. 467.—The United States, appellant, *vs.* George Truesdell.

No. 552.—The United States, appellant, *vs.* Finnella M. Alexander *et al.* Mandates granted on motion of Mr. George A. King for the appellees.

No. 415.—Josiah Barnett, assignee, appellant, *vs.* Patrick H. Kinney. Mandate granted on motion of Mr. W. H. H. Miller for the appellant.

No. 14.—Original. *Ex parte*: In the matter of the American Construction Company, petitioner. Argument continued by Mr. Thomas Thacher for the respondent, and concluded by Mr. Eugene Stevenson for the petitioner.

No. 15.—Original. *Ex parte*: In the matter of the American Construction Company, petitioner. Argued by Mr. Wm. B. Hornblower for the petitioner, and by Mr. C. M. Cooper for the respondent.

No. 11.—Original. *Ex parte*: In the matter of John B. Sanborn, petitioner. Argued by Mr. George A. King for the petitioner, and by Mr. Assistant Attorney-General Maury for the respondent.

No. 1242.—The Columbus Watch Company *et al.*, appellants, *vs.* Royal E. Robbins *et al.* Submitted by Mr. M. D. Leggett and Mr. James Watson for the appellants, by Mr. Lysander Hill and Mr. George S. Prindle for the appellees, and by Mr. Frederic P. Fish by leave.

Nos. 12 and 13.—Original. *Ex parte*: In the matter of William H. Gaines *et al.*, petitioners. Argument commenced by Mr. U. M. Rose for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 8, will be as follows: Nos. 3 (original), 131, 133, 134, 135, 136, 137, 138, 139, 140, and 141.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 8, 1893.

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

O. C. Kirven, of Fairfield, Tex.; Henry Hardy, of Ardmore, Ind. T.; Edward Quinton Keasbey, of Morristown, N. J.; W. T. Hutchings, of Muskogee, Ind. T.; E. McGinnis, of St. Louis, Mo., and Charles S. Thornton, of Chicago, Ills., were admitted to practice.

No. 329.—The Little Rock and Memphis Railroad Company, appellant, *vs.* The St. Louis, Iron Mountain and Southern Railway Company, *et al.* Appeal from the circuit court of the United States for the eastern district of Arkansas. Dismissed with costs, on motion of counsel for appellant.

No. 703.—Lawson L. Hill, *et al.*, appellants, *vs.* Wm. I. Gordon, *et al.* Appeal from the circuit court of the United States for the northern district of Florida. Dismissed per stipulation.

Nos. 12 and 13.—Original. *Ex parte*: In the matter of Wm. H. Gaines, *et al.*, petitioners. Argument continued by Mr. A. H. Garland for the respondent, and concluded by Mr. W. M. Rose for the petitioners.

No. 3.—Original. The State of Virginia, complainant, *vs.* The State of Tennessee. One hour additional time on each side, and leave to three counsel on each side to be heard granted on motion of Mr. R. A. Ayers for the complainant.

Argument commenced by Mr. R. A. Ayers for the complainant, and continued by Mr. George W. Pickle for the defendant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 9, will be as follows: Nos. 3 (original), 131, 133, 134, 135, 136, 137, 138, 139, 140, and 141.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 9, 1893.

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

Joseph M. Terrell, of Greenville, Ga.; Thomas J. Buchanan, jr., of Okolona, Miss., and Eugene G. Kremer, of New York City, were admitted to practice.

No. 3.—Original.—The State of Virginia, complainant, *vs.* the State of Tennessee. Leave granted to file addition to record, on motion of Mr. George W. Pickle for the defendant.

No. 1134.—The State of Missouri *ex rel.*, John S. Lemon *et al.*, plaintiffs in error, *vs.* the The Board of Equalization of Buchanan County, Mo. Motion to advance submitted by Mr. George G. Vest for the plaintiffs in error.

No. 157.—William F. Patrick, appellant, *vs.* Frank J. Bowman, to use of Dennis P. Slattery. Suggestion of death of Frank J. Bowman, and motion that cause proceed in the name of Dennis P. Slattery as appellee herein submitted by Mr. E. McGinnis for the appellee, and motion granted.

No. 3.—Original.—The State of Virginia, complainant, *vs.* The State of Tennessee. Argument continued by Mr. W. F. Rhea for the complainant, by Mr. A. L. De Moss and Mr. A. S. Colyar for the defendant, and concluded by Mr. R. Taylor Scott for the complainant.

No. 131.—Morris T. Martin *et al.*, appellants, *vs.* Henry Snyder, jr. Argument commenced by Mr. L. B. Hilles for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 10, will be as follows: Nos. 131, 133, 134, 135, 136, 137, 138, 139, 140, and 141.

7267—74

SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 10, 1893.

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

William S. Fly, of Gonzales, Tex., Charles K. Bell, of Fort Worth, Tex., Jacob C. Hodges, of Paris, Tex., and William D. Ellis, of Atlanta, Ga., were admitted to practice.

No. 785.—Jonathan Lindsay *et al.*, plaintiffs in error, *vs.* Jane Burgess. Death of Jane Burgess, the defendant in error herein, suggested by Mr. George W. Pickle for the defendants in error.

No. 131.—Morris T. Martin *et al.*, appellants, *vs.* Henry Snyder, jr. Argument continued by Mr. L. B. Hilles for the appellants, concluded by Mr. D. W. Voorhees for the appellants, and submitted by Mr. A. C. Story for the appellee.

No. 133.—John C. Johnston, appellant, *vs.* The Standard Mining Company of Kansas City. Argued by Mr. Hugh Butler for the appellant, and by Mr. C. S. Thomas for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 12, will be as follows: Nos. 134, 135, 136, 137, 138, 139, 140, 141, 142 (and 391) and 1262.

7267—75

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 13, 1893.

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

Lewis E. Whitcher, of Highmore, S. Dak., Allan D. Gilkerson, of Hays City, Kans., Ellis Phelan, of Waterbury, Conn., Victor Morawitz, of New York City, R. O. Reynolds, of Aberdeen, Miss., C. Marchbanks, of Chattanooga, Tenn., and Alfales Young, of Salt Lake City, Utah, were admitted to practice.

No. 1254.—Henry Bier, plaintiff in error, *vs.* J. Burruss McGehee. In error to the court of appeals for the parish of Orleans and State of Louisiana. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brown.

No. 3.—Max Rosenthal, appellant *vs.* Kersey Coates, as assignee, etc. Appeal from the circuit court of the United States for the western district of Missouri. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 1061.—The United States, appellant, *vs.* Aaron S. Post, appeal from the Court of Claims, judgment affirmed. Opinion by Mr. Justice Blatchford. (Mr. Justice Jackson took no part in the decision of this case.)

No. 1060.—The United States, appellant, *vs.* Frank Gates, appeal from the Court of Claims, judgment affirmed. Opinion by Mr. Justice Blatchford. (Mr. Justice Jackson took no part in the decision of this case.)

No. 1162.—The State of Indiana, appellant, *vs.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Gray.

Mr. Justice Field announced the following orders of the court:

No. 578.—William Deering, appellant, *vs.* The Winona Harvester Works *et al.* Motion for leave to incorporate certain parts of record in case No. 577 into the record in this case granted.

No. 1284.—George E. Wilson, plaintiff in error, *vs.* The United States. Motion to advance granted and cause assigned for argument on the first Monday in April.

No. 1297.—Rufus E. Graves, plaintiff in error, *vs.* The United States. Motion to advance denied.

No. 1305.—*Ex parte*: In the matter of Albert Frederick, appellant. Motion for leave to docket case without making the usual deposit for clerk's costs, for an order to print record at public expense, for leave to proceed *in forma pauperis*, and to advance granted, and cause assigned for argument on the first Monday in April.

No. 1134.—The State of Missouri *ex rel.* John S. Lemon *et al.*, etc. plaintiffs in error, *vs.* The Board of Equalization of Buchanan County, Mo. Motion to advance denied.

No. 131.—Morris T. Martin *et al.*, appellants, *vs.* Henry Snyder, jr. A question arising upon the record in this case, whether the cause was properly removed from the State court of Illinois to the United States circuit court for the northern district of Illinois, the court will receive briefs of counsel upon that question, to be filed on or before the first Monday of April.

The Chief Justice announced the following 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 said court among the circuits, agreeably to the act of Congress in such case made and provided, and that such allotment be entered of record, viz :

For the first circuit, Horace Gray, Associate Justice.

For the second circuit, Samuel Blatchford, Associate Justice.

For the third circuit, George Shiras, jr., Associate Justice.

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

For the fifth circuit, Howell E. Jackson, Associate Justice.

For the sixth circuit, Henry B. Brown, Associate Justice.

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

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

For the ninth circuit, Stephen J. Field, Associate Justice.

No. 1076.—Hugh Mulholland, appellant, *vs.* The United States. Appeal from the district court of the United States for the district of Kentucky. Dismissed on authority of counsel for the appellant on motion of Mr. Solicitor-General Aldrich for the appellee.

No. 31.—John Cadwalader, collector, etc., plaintiff in error, *vs.* John Wanamaker *et al.*

No. 151.—James H. Walker & Co., plaintiffs in error, *vs.* A. F. Seeburger, collector, etc., and

No. 860.—Sallie D. Hartranft, executrix, etc., plaintiff in error, *vs.* Charles H. Meyer *et al.* Passed and assigned for argument on April 3 next at the foot of the call, on motion of Mr. Solicitor-General Aldrich for the collectors.

No. 1287.—The United States, appellant, *vs.* The Late Corporation of the Church of Jesus Christ of Latter Day Saints. Motion to advance submitted by Mr. Samuel Shellabarger for the appellee.

No. 623.—Reuben B. Miller, executor, etc., *et al.*, plaintiffs in error, *vs.* John Swann *et al.*, trustees, *et al.* Motion to dismiss submitted by Mr. J. A. W. Smith in support of motion, and by Mr. W. Hallett Phillips and Mr. Ellis Phelan in opposition thereto.

No. 1304.—The Fort Payne Coal and Iron Company, appellant, *vs.* A. L. Sayles *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. J. A. W. Smith for the appellant.

No. 1073.—The United States, appellant, *vs.* The California and Oregon Land Company. Mandate granted on motion of Mr. A. B. Browne for the appellee.

No. 57.—R. B. Hooper, plaintiff in error, *vs.* The People of the State of California. Continued on motion of Mr. A. B. Browne for the defendants in error.

Ex parte: In the matter of Howard J. Schneider, petitioner. Motion for leave to file petitions for a writ of error, a writ of habeas corpus, and writ of certiorari, submitted by Mr. William F. Mattingly for the petitioner.

No. 134.—Friedrich Hohorst, appellant, *vs.* The Hamburg-American Packet Company. Argued by Mr. S. S. Clark for the appellant, and by Mr. Walter D. Edmonds, for the appellee.

No. 135.—The Wasatch Mining Company, appellant, *vs.* The Crescent Mining Company. Argued by Mr. A. B. Browne for the appellant, and by Mr. R. N. Baskin for the appellee.

No. 136.—Hugo Hohenstein, plaintiff in error, *vs.* E. L. Hedden, collector, &c. In error to the circuit court of the United States for the southern district of New York. Judgment reversed with costs upon confession of error by Mr. Assistant Attorney-General Maury for the defendant in error.

No. 137.—John Nix *et al.*, plaintiffs, in error, *vs.* E. L. Hedden, collector, &c. Passed.

No. 138.—The National Hat Pouncing Machine Company, appellant, *vs.* C. M. Hedden *et al.* Argument commenced by Mr. Eugene Treadwell for the appellant.

Adjourned until tomorrow at 12 o'clock.

Nos. 138, 139, 140, 141, 142 (and 391) 1262, 143, 144, 145, and 146.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 14, 1893.

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

A. S. Prendergast, of Waco, Tex., and James Norfleet, of Fort Payne, Ala., were admitted to practice.

Ex parte: In the matter of Howard J. Schneider, petitioner. Petition for writ of error denied. Opinion by Mr. Chief Justice Fuller.

Ex parte: In the matter of Howard J. Schneider, petitioner. Motion for leave to file petition for a writ of habeas corpus and certiorari denied. Opinion by Mr. Chief Justice Fuller.

No. 1304.—The Fort Payne Coal and Iron Company, appellant, *vs.* A. L. Sayles *et al.* Leave granted Mr. James Norfleet to file brief in opposition to petition for a writ of certiorari on or before Friday next.

No. 144.—Edward T. Farish *et al.*, plaintiffs in error, *vs.* The New Mexico Mining Company *et al.* Continued per stipulation.

No. 146.—The Georgia Infirmary, etc., appellant, *vs.* Harriet C. Jones *et al.*, admrs., etc., and

No. 147.—The City Council of Augusta, appellant, *vs.* Harriet C. Jones *et al.*, admrs., etc. Passed for settlement on motion of Mr. Joseph H. Choate for the appellees.

No. 138.—The National Hat Pouncing Machine Company, appellant, *vs.* C. M. Hedden *et al.* Argument continued by Mr. Eugene Treadwell for the appellant, by Mr. Edward Q. Keasbey for the appellees, and concluded by Mr. William W. Swan for the appellant.

No. 141.—Hermann Isaacs, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the eastern district of Louisiana. Dismissed on motion of Mr. W. Wickham Smith for the plaintiff in error.

No. 142.—Hermann Isaacs, plaintiff in error, *vs.* B. F. Jones, collector, etc. Argument commenced by Mr. W. Wickham Smith for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

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

Nos. 142 (and 391), 139, 140, 1262, 143, 145, 149, 150, 153, and 154.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 15, 1893.

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

Benjamin F. Clark, of St. Louis, Mo., was admitted to practice.

No. 116.—The Washington and Georgetown Railroad Company *et al.*, plaintiffs in error, *vs.* Leon Tobriner, administrator, etc. Certified copy of remittitur filed on motion of Mr. W. L. Cole, for the defendant in error.

No. 116.—The Washington and Georgetown Railroad Company *et al.*, plaintiffs in error, *vs.* Leon Tobriner, administrator, etc. In error to the Supreme Court of the District of Columbia. Judgment affirmed, less the interest. Costs in this court to be paid by defendant in error.

No. 142.—Hermann Isaacs, plaintiff in error, *vs.* Benjamin F. Jonas, collector, etc. Argument continued by Mr. W. Wickham Smith for the plaintiff in error, by Mr. Assistant Attorney-General Parker for the defendant in error, and concluded by Mr. W. Wickham Smith for the plaintiff in error.

No. 391.—The United States, plaintiff in error, *vs.* Hermann Isaacs. Argued by Mr. Assistant Attorney-General Parker for the plaintiff in error, and by Mr. W. Wickham Smith for the defendant in error.

No. 139.—The People of the State of New York *ex rel.* Carl Schurz *et al.*, plaintiffs in error, *vs.* Frederick Cook, secretary of state. Argued by Mr. George Zabriskie for the plaintiffs in error and by Mr. S. W. Rosendale for the defendant in error.

No. 140.—James M. Constable *et al.*, appellants, *vs.* The National Steamship Company (limited).

Argument commenced by Mr. Joseph H. Choate for the appellants.

Adjourned until to-morrow at 12 o'clock.

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

Nos. 140, 1262, 143, 145, 149, 150, 153, 154, 155, and 156.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 16, 1893.

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

James H. Bible, of Chattanooga, Tenn., was admitted to practice.

Ex parte: In the matter of Milton Humes *et al.*, petitioners. Motion for leave to file petition for a writ of mandamus and for temporary stay of proceedings. Submitted by Mr. W. Hallett Phillips, for the petitioners.

No. 140.—James M. Constable *et al.*, appellants, *vs.* The National Steamship Company (Limited). Argument continued by Mr. Joseph H. Choate for the appellants, by Mr. John Chetwood for the appellee, and concluded by Mr. Joseph H. Choate for the appellants.

No. 1262.—Sidney Lascelles, plaintiff in error, *vs.* The State of Georgia. Argument commenced by Mr. W. W. Vandiver for the plaintiff in error. The court declined to hear further argument.

No. 143.—Henry Huber *et al.*, appellants, *vs.* The N. O. Nelson Manufacturing Company. Argument commenced by Mr. Arthur S. Browne for the appellant, and continued by Mr. B. F. Rex and Mr. S. N. Taylor for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 17, will be as follows: Nos. 143, 145, 149, 150, 153, 154, 155, 156, 157, and 159.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 17, 1893.

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

No. 20.—Original. *Ex parte*: In the matter of Milton Humes and C. C. Harris, petitioners. Motion for leave to file petition for a writ of mandamus granted and rule to show cause ordered returnable on the first Monday in April, all proceedings to be stayed in the meantime.

No. 143.—Henry Huber *et al.*, appellants, *vs.* The N. O. Nelson Manufacturing Company. Argument continued by Mr. S. N. Taylor for the appellee and concluded by Mr. Philip Mauro for the appellants.

No. 145.—Charles Wilkins *et al.*, plaintiffs in error, *vs.* George W. Tourtelott *et al.* Argument commenced by Mr. James M. Mason for the plaintiffs in error and continued by Mr. Jefferson Brumback for the defendants in error, and by Mr. William M. Springer for the plaintiffs in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 20, will be as follows: Nos. 145, 149, 150, 153, 154, 155, 156, 157, 159, and 161.

7267—80



SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 20, 1893.

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

James W. Eaton, of Albany, N. Y.; William B. Anderson, of New York City; L. A. Byrne, of Texarkana, Ark.; Thomas D. Jones, of Chicago, Ill.; Adrian H. Joline, of New York City; D. W. Houston, of Aberdeen, Miss., and Arthur F. Odlin, of Orlando, Fla., were admitted to practice.

No. 1118.—Passavant & Co., appellants, *vs.* The United States. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed. Opinion by Mr. Justice Jackson.

No. 11.—Original.—*Ex parte*: In the matter of John B. Sanborn, petitioner. Petition for a writ of mandamus denied. Opinion by Mr. Justice Shiras.

No. 1142.—The Pennsylvania Company, plaintiff in error, *vs.* George S. Bender, administrator, etc. In error to the supreme court of the State of Ohio. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brewer.

No. 13.—Original. } *Ex parte*: In the matter of William H. Gaines
No. 12.—Original. } *et al.*, petitioners.

Petitions for writs of mandamus granted.

Opinion by Mr. Justice Blatchford.

No. 1107.—Frank Hume, plaintiff in error, *vs.* Richmond Irving Bowie, administrator, etc. In error to the supreme court of the District of Columbia. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court:

No. 5.—Singleton M. Ashenfelter, appellant, *vs.* The Territory of New Mexico *ex rel.*, Edward C. Wade. Ordered for reargument on the second Monday of the next term. Notice to be given to the Attorney-General that he may participate in the argument if he desires.

No. 623.—Reuben B. Miller, executor, etc., *et al.*, plaintiffs in error, *vs.* John Swann *et al.*, trustees *et al.* Motion to dismiss denied, and leave granted plaintiffs in error to make Frank Y. Anderson, trustee, a party with citation, and to take citation to any others of the defendants in error if so advised.

No. 1287.—The United States, appellant, *vs.* The late corporation of the Church of Jesus Christ of Latter Day Saints. Motion to advance granted and case assigned for argument on the second Monday of the next term after the case already set down for that day, unless counsel prefer to submit the case on briefs to be filed on or before the third Monday (17th) of April.

No. 1304.—The Fort Payne Coal and Iron Company, appellant, *vs.* A. L. Sayles *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

Order.

The reporter having represented that, owing to the number of decisions at the term, it will be impracticable to put the reports in one volume: It is, therefore, now here ordered that he publish an additional volume in this year, pursuant to section 681 of the Revised Statutes.

No. 1099.—The De La Veigne Refrigerating Machine Company, appellant, *vs.* John Featherstone *et al.* Motion for taxation of costs submitted by Mr. Charles H. Aldrich in support of motion, and by Mr. William A. McKenney in opposition thereto.

No. 1184.—James N. Ogden *et al.*, etc., appellants, *vs.* The United States. Motion to dismiss submitted by Mr. Solicitor-General Aldrich in support of motion.

No. 61.—John E. Alexander *et al.*, executors, etc., *et al.*, appellants, *vs.* John Malhan *et al.* Motion to reform decree by adding interest and damages. Submitted by Mr. George A. Black in support of motion, and by Mr. R. D. Benedict in opposition thereto.

No. 1179.—Frank Collins, plaintiff in error, *vs.* The United States.

No. 1180.—Robert M. Hall, plaintiff in error, *vs.* The United States, and

No. 1203.—John Graves, plaintiff in error, *vs.* The United States. Motions for leave to proceed *in forma pauperis*, and to advance submitted by Mr. Ben. T. Du Val in support of motions.

Ex parte: In the matter of A. L. Banks *et al.*, petitioners. Motion for leave to file petition for writ of mandamus submitted by Mr. Wade R. Young for the petitioner.

No. 1309.—Robert Singlehurst *et al.*, appellants, *vs.* La Campagnie Generale Transatlantique. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit, submitted by Mr. Edward K. Jones for the appellee, in support of the petition, and by Mr. R. D. Benedict for the appellants, in opposition thereto.

No. 459.—The United States, appellant, *vs.* Almon Hall, and

No. 628.—The United States, appellant, *vs.* H. H. King. Mandates granted on motion of Mr. C. C. Lancaster for the appellees.

No. 269.—B. S. Bibb, plaintiff in error, *vs.* Thomas H. Allen *et al.* Suggestion of diminution of the record and motion for a writ of certiorari submitted by Mr. C. C. Lancaster in support of motion.

No. 198.—Thomas E. Pearsall, assignee, etc., appellant, *vs.* David M. Smith *et al.* Motion to postpone hearing submitted by Mr. Alexander Porter Morse in support of motion, and by Mr. Benjamin G. Hitchings in opposition thereto.

No. 1143.—Lewis C. Kengla, plaintiff in error, *vs.* Joseph T. Offutt, etc. Motion to dismiss submitted by Mr. Hugh T. Taggart in support of motion, and by Mr. William A. Cook in opposition thereto.

No. 145.—Charles Wilkins *et al.*, plaintiffs in error, *vs.* George W. Tourtelott *et al.* Argument concluded by Mr. William M. Springer for the plaintiffs in error.

No. 149.—The United States, appellant, *vs.* The Union Pacific Railway Company *et al.* Argument commenced by Mr. Assistant Attorney-General Maury for the appellant, and continued by Mr. John F. Dillon for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 21, will be as follows: Nos. 149, 150, 153, 154, 155, 156, 157, 159 (and 15), 161, and 162.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 21, 1893.

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

Samuel O. Pickens, of Indianapolis, Ind., Levy Mayer, of Chicago, Ill., Lewis G. Blossom, of Chicago, Ill., Rankin Mason, of Topeka, Kans., James G. Martin, of Asheville, N. C., Henry L. Waldo, of Santa Fe, N. Mex., and Wm. T. Muir, of Portland, Oregon, were admitted to practice.

No. 441.—The Stayton Water Ditch and Canal Company *et al.*, appellant, *vs.* The Salem (Oregon) Capital Flour Mills Company (Limited). Appeal from the circuit court of the United States for the district of Oregon. Dismissed with costs on motion of Mr. J. H. Mitchell for the appellants.

No. 149.—The United States, appellant, *vs.* The Union Pacific Railway Co. *et al.* Argument continued by Mr. John F. Dillon for the appellees, and concluded by Mr. Assistant Attorney-General Maury for the appellant.

No. 150.—The Swan Land and Cattle Company (Limited), appellant, *vs.* Joseph Frank *et al.* Ordered that Joseph Snyderacker, administrator *de bonis non* of Louis Snyderacker, deceased, be made a party appellee in this cause on motion of Mr. J. M. Woolworth for the appellees. Argued by Mr. Richard D. Jones, for the appellant, and by Mr. Levy Mayer and Mr. J. M. Woolworth, for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 22, will be as follows: Nos. 153, 154, 155, 156, 157, 159 (and 15), 161, 162, 163, and 166.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 22, 1893.

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

Charles C. Parsons, of Denver, Colo., was admitted to practice.

No. 153.—R. C. Cates *et al.*, appellants, *vs.* J. H. Allen *et al.*, etc. Argued by Mr. E. H. Bristow for the appellants, and by Mr. John M. Allen for the appellees.

No. 154.—Frank D. Barnum, plaintiff in error, *vs.* The Town of Okalona. Argument commenced by Mr. E. H. Bristow, for the plaintiff in error. The court declined to hear further argument.

No. 155.—W. J. Rainey, appellant, *vs.* Samuel S. Brown *et al.* Appeal from the circuit court of the United States for the western district of Pennsylvania. Dismissed with costs, pursuant to the sixteenth rule, on motion of Mr. A. P. Burgwin, for the appellees.

No. 156.—The Northern Pacific Railroad Company, appellant, *vs.* W. Whalen *et al.*; submitted by Mr. James McNaught, Mr. A. H. Garland, and Mr. H. J. May for the appellant; no counsel appeared for the appellees.

No. 157.—William F. Patrick, appellant, *vs.* Dennis P. Slattery. Argument commenced by Mr. Charles C. Parsons for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday will be as follows: Nos. 157, 159 (and 15), 161, 162, 163, 166, 167, 168, 169, and 170.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 23, 1893.

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

James Roane Masterson, of Houston, Tex.; C. H. Benedict, of St. Paul, Minn., and George A. Chase, of Titusville, Pa., were admitted to practice.

No. 168.—John K. Sax, appellant, *vs.* The Taylor Iron Works. Appeal from the circuit court of the United States for the district of New Jersey. Dismissed with costs, pursuant to the tenth rule.

No. 169.—John Watson, appellant, *vs.* Henry Belfield *et al.* Appeal from the circuit court of the United States for the district of New Jersey. Dismissed with costs, pursuant to the tenth rule.

No. 157.—William F. Patrick, appellant, *vs.* Dennis P. Slattery. Argument concluded by Mr. Charles C. Parsons, for the appellant, and submitted by Mr. E. McGinnis for the appellee.

No. 159.—The Pittsburg and Southern Coal Company, plaintiff in error; *vs.* The State of Louisiana, for use of the Charity Hospital of New Orleans, and

No. 15.—The Pittsburg and Southern Coal Company, plaintiff in error, *vs.* John W. Bates, sheriff, etc. Passed until to-morrow.

No. 161.—George Kremenz, appellant, *vs.* The S. Cattle Company. Argued by Mr. L. C. Raegener and Mr. Charles E. Mitchell for the appellant and submitted by Mr. Edwin H. Brown for the appellee.

No. 162.—Nathaniel H. Wolfe, plaintiff in error, *vs.* The Hartford Life and Annuity Insurance Company, Hartford, Conn. Submitted by Mr. Robert S. Green for the plaintiff in error and by Mr. Herman Kobbe for the defendant in error.

No. 163.—The President and Directors of the Manhattan Company, plaintiffs in error, *vs.* Marshall B. Blake, collector of internal revenue. Submitted by Mr. John W. Butterfield for the plaintiff in error and by Mr. Assistant Attorney-General Maury for the defendant in error.

No. 166.—H. C. Moses *et al.*, plaintiffs in error, *vs.* The National Bank of Lawrence County. Submitted by Mr. Henry B. Thompkins for the defendant in error.

No. 167.—Solon Humphreys *et al.*, receivers, etc., appellants, *vs.* John H. Perry *et al.* Argument commenced by Mr. Richard S. Tuthill for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 24, will be as follows: Nos. 167, 159 (and 15), 170, 171, 172, 173, 174, 175, 176, and 177.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 24, 1893.

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

Edward Thomas Patrick, of Denver, Colo.; William A. Cullopp, of Vincennes, Ind.; John L. Vance, jr., of Gallipolis, Ohio; Henry P. Dart, of New Orleans, La., and Julian Stuart Jones, of Baltimore, Md., were admitted to practice.

No. 166.—H. C. Moses *et al.*, plaintiffs in error, *vs.* The National Bank of Lawrence County. Leave granted to make new parties plaintiffs in error and to file brief on or before April 3d next, on motion of Mr. M. F. Morris for the plaintiffs in error.

No. 171.—William P. Halliday, appellant, *vs.* Richard H. Stuart *et al.* Continued per stipulation, on motion of Mr. Julian S. Jones for the appellee.

No. 172.—Frekerick Hallender *et al.*, plaintiffs in error, *vs.* Daniel Magone, collector, &c. Passed to the foot of the call for April 3d next, on motion of Mr. Solicitor-General Aldrich for the defendant in error.

No. 1279.—The Belmont Planting and Manufacturing Company, appellant, *vs.* William L. Scott. Advanced pursuant to the 32d rule, on motion of Mr. Henry P. Dart for the appellee.

No. 174.—The East Tennessee, Virginia and Georgia Railroad Company, plaintiff in error, *vs.* C. D. McKemy. In error to the supreme court of the State of Tennessee. Dismissed with costs pursuant to the 10th rule.

No. 177.—The Railway Register Manufacturing Company, appellant, *vs.* The Third Avenue Railroad Company *et al.* Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs pursuant to the 10th rule.

No. 167.—Solon Humphreys *et al.*, receivers, etc., appellants, *vs.* John H. Perry *et al.* Argument concluded by Mr. Richard S. Tuthill for the appellees, and submitted by Mr. Wells H. Blodgett for the appellants.

No. 170.—Chicot County, Arkansas, plaintiff in error, *vs.* J. K. O. Sherwood *et al.* Submitted by Mr. D. H. Reynolds for the plaintiff in error. No counsel appeared for the defendants in error.

No. 173.—J. S. Casement & Co., plaintiffs in error, *vs.* Samuel S. Brown *et al.* Submitted by Mr. W. A. Hutchins and Mr. J. W. Bannon for the plaintiffs in error, and by Mr. Thornton M. Hinkle for the defendants in error.

No. 175.—Joseph Desha Pickett *et al.*, appellants, *vs.* George Foster *et al.* Argued by Mr. Samuel F. Phillips for the appellees, and submitted by Mr. R. E. De Forest for the appellants, with leave to Mr. Wm. E. Earle to file additional brief for appellants on or before Tuesday next.

No. 176.—The Board of Education of the City of Atchison, Kansas, plaintiff in error, *vs.* Francis M. De Kay. Argument commenced by Mr. Henry Elliston for the plaintiff in error. The court declined to hear further argument.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 27, will be as follows: Nos. 159 (and 15), 178, 179, 180, 182, 183, 184, 185, 186, and 187.



SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 27, 1893.

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

A. C. Matthews, of Pittsfield, Ill.; C. D. Martin, of Lancaster, Ohio; Ralph W. Haynes, of Springfield, Ill.; George E. Nelson, of Muscogee, Ind. T.; David Martin, of Atchison, Kans.; Henry Grasse and William B. Bristow, of New York City, and Frank Ivey Wood, of Washington, D. C., were admitted to practice.

No. 64.—Levi Ankeny, plaintiff in error, *vs.* Van Buren Clark. In error to the supreme court of the Territory of Washington. Judgment affirmed with costs, and cause remanded to the supreme court of the State of Washington. Opinion by Mr. Justice Shiras.

No. 135.—The Wasatch Mining Company, appellant, *vs.* The Crescent Mining Company. Appeal from the supreme court of the Territory of Utah. Decree affirmed with costs. Opinion by Mr. Justice Shiras.

No. 133.—John C. Johnston, appellant, *vs.* The Standard Mining Company, etc. Appeal from the circuit court of the United States for the district of Colorado. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 42.—Colin Cameron, appellant, *vs.* The United States. Appeal from the supreme court of the Territory of Arizona. Decree reversed and cause remanded, with directions to dismiss the petition. Opinion by Mr. Justice Brown. Dissenting: Mr. Chief Justice Fuller.

No. 722.—The Monongahela Navigation Company, appellant and plaintiff in error, *vs.* The United States. Appeal from and in error to the circuit court of the United States for the western district of Pennsylvania. Judgment reversed and cause remanded, with directions to grant a new trial. Opinion by Mr. Justice Brewer. (Mr. Justice Shiras having been of counsel, and Mr. Justice Jackson not having been a member of the court at the time of the argument, took no part in the consideration and decision of this case.)

No. 143.—Henry Huber *et al.*, appellants, *vs.* The N. O. Nelson Manufacturing Company. Appeal from the circuit court of the United States for the eastern district of Missouri. Decree affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 14, original.—*Ex parte*: In the matter of the American Construction Company, petitioner. Petition for writ of mandamus or for writ of certiorari denied. Opinion by Mr. Justice Gray. (The Chief Justice was not present at the argument and took no part in the decision of this case.)

No. 15, original.—*Ex parte*: In the matter of The American Construction Company, petitioner. Petition for writ of mandamus denied, and rule to show cause why writ of certiorari should not issue ordered, returnable on the third Monday (17th) of April next. Opinion by Mr. Justice Gray. (The Chief Justice was not present at the argument and took no part in the decision of this case.)

No 1184.—James N. Ogden *et al.*, appellants, *vs.* The United States. Appeal from the circuit court of the United States for the eastern district of Louisiana. Dismissed for want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 162.—Nathaniel H. Wolfe, plaintiff in error, *vs.* The Hartford Life and Annuity Insurance Company, of Hartford, Conn. In error to the circuit court of the United States for the southern district of New York. Judgment reversed at cost of plaintiff in error, and cause remanded for further proceedings. Opinion by Mr. Chief Justice Fuller.

No. 134.—Frederick Hohorst, appellant, *vs.* The Hamburg-American Packet Company. Appeal from the circuit court of the United States for the southern district of New York. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 1242.—The Columbus Watch Company *et al.*, appellants, *vs.* Royal E. Robbins *et al.* On a certificate from the United States circuit court of appeals for the sixth circuit. Dismissed. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court :

No. 61.—John E. Alexandre *et al.*, executors, etc., *et al.*, appellants, *vs.* John Machan *et al.* Motion to reform decree denied.

No. 198.—Thomas E. Pearsall, assignee, etc., appellant, *vs.* David M. Smith *et al.* Motion to postpone hearing granted and cause assigned for hearing on the second Monday (10th) of April after cases already set down for that day.

No. 269.—B. S. Bibb, plaintiff in error, *vs.* Thomas H. Allen *et al.* Writ of certiorari granted, returnable forthwith, and leave given to file the record presented as return to certiorari.

No. 1099.—The De La Vergne Refrigerating Machine Company, appellant, *vs.* John Featherstone *et al.* Motion for an order for taxation of costs denied.

No. 1143.—Lewis C. Kengle, plaintiff in error, *vs.* Joseph T. Offutt. Motion to dismiss postponed to the hearing on the merits.

No. 1179.—Frank Collins, plaintiff in error, *vs.* The United States.

No. 1180.—Robert M. Hall, plaintiff in error, *vs.* The United States.

No. 1203.—John Graves, plaintiff in error, *vs.* The United States. Motions for leave to proceed *in forma pauperis*, to print records at public expense, and to advance granted, and cases assigned for argument on the second Monday (10th) of April next after cases already set down for that day.

No. 1309.—Robert Singlehurst *et al.*, appellants, *vs.* La Compagnie Générale Transatlantique. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

Ex parte: In the matter of A. L. Blanks *et al.*, petitioners. Motion for leave to file petition for writ of mandamus denied.

The Chief Justice also announced that as Friday next would be Good Friday the court would adjourn from Thursday until Monday next.

No. 29.—Francis B. Fleitas, appellant, *vs.* Gilbert M. Richardson.

No. 148.—Mrs. Mary C. W. Fleitas, appellant, *vs.* Gilbert M. Richardson *et al.* Mandates granted per stipulation on motion of Mr. William A. Maury, in behalf of counsel.

No. 173.—J. S. Casement & Co., plaintiffs in error, *vs.* Samuel S. Brown *et al.* Leave granted to Mr. W. A. Hutchins to file brief, on behalf of plaintiffs in error, within one week.

No. 223.—R. S. Hollins, sr., *et al.*, appellants, *vs.* The Brierfield Coal and Iron Company *et al.* Writ of certiorari granted returnable forthwith and leave given to file the record presented as return to certiorari, on motion of Mr. William F. Mattingly for the appellees.

No. 1314.—Thomas D. Price, plaintiff in error, *vs.* Theodore Parkhurst *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit, submitted by Mr. Henry Wise Garnett, Mr. H. M. Teller, and Mr. H. W. Hobson for the plaintiff in error, in support of the petition, and by Mr. R. S. Morrison for the defendants in error, in opposition thereto.

No. 1312.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* Ida May Anderson and husband. Motion to advance submitted by Mr. W. Hallett Phillips for the defendants in error.

No. 198.—Thomas E. Pearsall, assignee, etc., appellant, *vs.* David M. Smith *et al.* Death of Albert Slauson, one of the appellees herein, sug-

gested, and Austin U. Slauson, executor, etc., substituted in the place of Albert Slauson, deceased, and cause ordered to proceed in the name of the surviving members of the firm of A. Slauson & Co., as parties appellees herein, on motion of Mr. Alexander Porter Morse for the appellees.

No. 176.—The Board of Education of the City of Atchison, Kansas, plaintiff in error, *vs.* Francis M. De Kay. Leave granted Mr. David Martin to file brief on behalf of plaintiff in error within three days.

No. 1159.—The United States, appellant, *vs.* The Dalles Military Road Company *et al.* Mandate granted on motion of Mr. A. B. Browne on behalf of counsel for the appellees.

No. 184.—The Mississippi Mills *et al.*, appellants, *vs.* Simon Cohn *et al.* Death of Henrietta Steinhardt, one of the appellees herein, suggested by Mr. Martin F. Morris in behalf of counsel for appellants, and order of publication granted and case continued.

No. 179.—Gustavus Bogk, plaintiff in error, *vs.* Harry Gassert *et al.* Death of Gustavus Bogk, the plaintiff in error herein, suggested, and John M. Steward, administrator, etc., substituted as plaintiff in error, on motion of Mr. Martin F. Morris in behalf of counsel for plaintiff in error.

No. 908.—Richard P. Barden *et al.*, plaintiff in error, *vs.* The Northern Pacific Railroad Company. Assigned for reargument on the second Monday of the next term, after cases already set down for that day, on motion of Mr. Martin F. Morris for the plaintiffs in error.

No. 159.—The Pittsburgh & Southern Coal Company, plaintiff in error, *vs.* The State of Louisiana for use of the Charity Hospital of New Orleans; and

No. 15.—The Pittsburgh & Southern Coal Company, plaintiff in error, *vs.* John W. Bates, sheriff, etc. Passed until to-morrow.

No. 186.—Henry Pangborn, appellant, *vs.* Peter B. Brazel. Appeal from the circuit court of the United States for the eastern district of Michigan. Dismissed with costs pursuant to the tenth rule.

No. 178.—Samuel C. Schaeffer, appellant, *vs.* John I. Blair. Argued by Mr. C. D. Martin and Mr. R. A. Harrison for the appellant, and by Mr. Charles O. Tichenor for the appellee.

No. 179.—John M. Steward, administrator, etc., plaintiff in error, *vs.* Harry Gassert *et al.* Argued by Mr. W. W. Dixon for the defendants in error and submitted by Mr. E. W. Toole and Mr. William Wallace, jr., for the plaintiff in error, and by Mr. Martin F. Morris for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 28, will be as follows: Nos. 159 (and 15), 180, 182, 183, 185, 187, 188, 189, 190, and 191.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 28, 1893.

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

H. H. Hubbard, of Afton, Ind. T., was admitted to practice.

No. 189.—Francois Geozza, appellant, *vs.* Patrick Tiernan, sheriff, etc. Appeal from the circuit court of the United States for the eastern district of Texas. Dismissed with costs pursuant to the 10th Rule.

No. 190.—The Sheffield Furnace Company, appellant, *vs.* James P. Witherow. Passed, on account of sickness of counsel, subject to the provisions of the 26th Rule.

No. 159.—The Pittsburg and Southern Coal Company, plaintiff in error, *vs.* The State of Louisiana, for use of the Charity Hospital of New Orleans, and

No. 15.—The Pittsburg and Southern Coal Company, plaintiff in error, *vs.* John W. Bates, sheriff, etc. Passed until to-morrow.

No. 180.—The Chicago, Milwaukee and St. Paul Railway Company, plaintiff in error, *vs.* Alfred M. Hoyt *et al.*, use, etc. Passed until to-morrow.

No. 182.—Sarah R. Mexia *et al.*, plaintiffs in error, *vs.* T. J. Oliver. Submitted by Mr. W. S. Flippin and Mr. A. H. Evans for the plaintiffs in error, with leave to counsel to defendant in error to file brief.

No. 183.—John Paulsen *et al.*, plaintiffs in error, *vs.* The City of Portland *et al.* Argued by Mr. W. T. Muir for the defendants in error, and submitted by Mr. George H. Williams for the plaintiffs in error.

No. 185.—Francois Giozza, appellant, *vs.* Patrick Tiernan, sheriff, etc. Submitted by Mr. J. M. Burroughs for appellant and by Mr. C. A. Culberson for appellee.

No. 187.—James M. Grant, appellant, *vs.* Richard Walter. Argued by Mr. William E. Simonds for the appellant and by Mr. Henry Grasse for the appellee.

No. 188.—Charles B. Smith *et al.*, appellants, *vs.* The Whitman Saddle Company. Argued by Mr. William E. Simonds for the appellants. No counsel appeared for the appellee.

No. 191.—A. Adgate Duer, appellant, *vs.* The Corbin Cabinet Lock Company. Submitted on the printed records with leave to counsel to file briefs.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 29, will be as follows: Nos. 159 (and 15), 180, 192, 193, 194, 195, 196, 197, 199, and 200.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 29, 1893.

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

Albert J. Beveridge, of Indianapolis, Ind., and Edward A. Moseley, of Newburyport, Mass., were admitted to practice.

No. 191.—A. Adgate Duer, appellant, *vs.* The Corbin Cabinet Lock Company. Death of A. Adgate Duer, the appellant, herein suggested, and appearance of Margaret L. Duer, executrix, etc., filed and entered on motion of Mr. Benjamin Price for the appellant. Ordered that two weeks' time be allowed counsel within which to file additional briefs herein, on motion of counsel for both sides.

No. 159.—The Pittsburg and Southern Coal Company, plaintiff in error, *vs.* The State of Louisiana, for use of the Charity Hospital of New Orleans, and

No. 15.—The Pittsburg and Southern Coal Company, plaintiff in error, *vs.* John W. Bates, sheriff, etc.

Passed until Monday next at the head of the call.

No. 180.—The Chicago, Milwaukee and St. Paul Railway Company, plaintiff in error, *vs.* Alfred M. Hoyt *et al.*, use, etc. Passed until tomorrow.

No 192.—The National Meter Company, appellant, *vs.* The Board of Water Commissioners of the City of Yonkers.

Argument commenced by Mr. J. Edgar Bull for the appellant, and continued by Mr. F. P. Fish and Mr. F. H. Betts for the appellee, and concluded by Mr. Edmund Wetmore for the appellant.

No. 193.—George S. Bender, administrator, etc., plaintiff in error, *vs.* The Pennsylvania Company, etc. Submitted by Mr. L. R. Critchfield for the plaintiff in error, and by Mr. J. R. Carey for the defendant in error.

No. 194.—William L. Wallace, executor, etc., *et al.*, appellants, vs. Theodore W. Myers, comptroller, etc. Death of William L. Wallace, one of the appellants herein, suggested, and order of publication granted on motion of Mr. George K. French, for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 30, will be as follows: Nos. 180, 195, 196, 197, 199, 200, 201, 202, 203, and 204.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 30, 1893.

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

James L. Autry, of Corsicana, Tex., and C. T. Ladson, of Atlanta, Ga., were admitted to practice.

No. 5.—Original.—The State of Iowa, complainant, *vs.* The State of Illinois. Leave granted to file report of commissioners, on motion of Mr. Walter I. Hayes in behalf of counsel. Motion to confirm report of commissioners submitted by Mr. Walter I. Hayes in behalf of counsel.

No. 693.—The German Bank of Memphis *et al.*, appellants, *vs.* The United States. Submitted by Mr. W. S. Flippin, Mr. A. H. Garland, and Mr. H. J. May for the appellants, and by Assistant Attorney-General Maury for the appellee.

No. 175.—Joseph Desha Picketts *et al.*, appellants, *vs.* George Foster *et al.* Leave granted to file supplemental brief, on motion of Mr. F. D. McKenney for the appellees.

No. 419.—The Illinois Central R. R. Co., appellant, *vs.* The People of the State of Illinois *et al.*

No. 608.—The City of Chicago, appellant, *vs.* The Illinois Central R. R. Co. *et al.*, and

No. 609.—The People of the State of Illinois, appellants, *vs.* The Illinois Central R. R. Co. *et al.* Motion for mandates to issue submitted by Mr. F. D. McKenney, in support of motion, and by Mr. John N. Jewett, in opposition thereto.

No. 201.—The Richmond and Danville Railroad Company, plaintiff in error, *vs.* J. L. Killian. In error to the circuit court of the United States for the northern district of Georgia. Dismissed with costs pursuant to the 10th rule.

No. 203.—Simon J. Lonergan *et al.*, plaintiffs in error, *vs.* Marcus B. Buford *et al.* Submitted by Mr. John A. Marshall for the plaintiffs in error and by Mr. S. A. Merritt for the defendants in error.

No. 204.—The Kentucky and Indiana Bridge Company, appellant, *vs.* The Louisville and Nashville Railroad Company. Appeal from the circuit court of the United States for the district of Kentucky. Dismissed with costs pursuant to the 10th rule.

No. 180.—The Chicago, Milwaukee and St. Paul Railway Company, plaintiff in error, *vs.* Alfred M. Hoyt *et al.*, use, etc. Argued by Mr. Edwin Walker for the plaintiff in error, and by Mr. John N. Jewett for the defendants in error.

No. 196.—Veeder G. Thomas *et al.*, appellants, *vs.* The Western Car Company. Argument commenced by Mr. Samuel A. Lynde for the appellants, and continued by Mr. H. B. Hopkins for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 3, will be as follows: Nos. 196, 159 (and 15), 195, 197, 199, 200, 202, 205, 1284, and 1305.



SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 3, 1893.

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

Alonzo Greene Smith and W. A. Ketcham, of Indianapolis, Ind.; Frank E. Robson, of Detroit, Mich.; L. D. Howard Gilmour, of Newark, N. J.; Joseph W. Barnwell, of Charleston, S. C.; Joseph M. White, of Montgomery, Ala., and Thomas C. Marshall, of Missoula, Mont., were admitted to practice.

No. 1262.—Sidney Lascelles, plaintiff in error, *vs.* The State of Georgia. In error to the supreme court of the State of Georgia. Judgment affirmed with costs. Opinion of Mr. Justice Jackson.

139.—The people of the State of New York, *ex rel.* Carl Schurz *et al.*, plaintiffs in error, *vs.* Frederick Cook, secretary of state of New York. In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Jackson.

No. 170.—Chicot County, Arkansas, plaintiff in error, *vs.* J. K. O. Sherwood *et al.* In error to the circuit court of the United States for the eastern district of Arkansas. Judgment affirmed with costs and interest. Opinion by Mr. Justice Jackson.

No. 154.—Frank D. Barnum, plaintiff in error, *vs.* The Town of Okolona. In error to the district court of the United States for the northern district of Mississippi. Judgment affirmed with costs. Opinion by Mr. Justice Shiras.

No. 138.—The National Hat Pouncing Machine Company, appellant, *vs.* Clarence M. Hedden *et al.* Appeal from the circuit court of the United States for the district of New Jersey. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 1173.—Alexander F. Smith, appellant, *vs.* Eddy B. Townsend. Appeal from the supreme court of the Territory of Oklahoma. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 163.—The President and Directors of the Manhattan Company, plaintiffs in error, *vs.* Marshall B. Blake, collector, etc. In error to the circuit court of the United States for the southern district of New York. Judgment affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 3.—Original.—The State of Virginia, complainant, *vs.* The State of Tennessee. Decreed that the boundary line established between the States of Virginia and Tennessee by the compact of 1803, between them, is the real, certain, and true boundary, and that the prayer of the complainant to have the same set aside and annulled, and to have a new boundary run between them on the parallel of 36° 30' north latitude be denied at the costs of the complainant. Opinion by Mr. Justice Field.

No. 193.—George S. Bender, administrator, etc., plaintiff in error, *vs.* The Pennsylvania Company, operating the Pittsburg, Fort Wayne and Chicago Railway. In error to the circuit court of the United States for the northern district of Ohio. Dismissed for want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 1124.—The Northern Pacific Railroad Company, appellant, *vs.* Charles S. Walker, county auditor of Barnes County, North Dakota, *et al.* On certiorari to the United States circuit court of appeals for the eighth circuit. Decree of the circuit court of the United States for the district of North Dakota reversed at the costs of the appellant, and cause remanded to that court with a direction for further proceedings in conformity with the opinion of this court. Opinion by Mr. Chief Justice Fuller.

No. 1031.—The United States, appellant, *vs.* The "Old Settlers," etc., *et al.*, and

No. 1032.—The "Old Settlers," etc., *et al.*, appellants, *vs.* The United States. Appeals from the Court of Claims. Judgment modified and affirmed. Opinion by Mr. Chief-Justice Fuller. Mr. Justice Jackson took no part in the decision of these cases.

The Chief Justice announced the following orders of the court :

No. 1312.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* Ida May Anderson and husband. Motion to advance granted, the cause to be submitted on printed briefs to be filed on or before the third Monday (17th) of April.

No. 1314.—Thomas D. Price, plaintiff in error, *vs.* Theodore Pankhurst *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 145.—Charles Wilkins *et al.*, plaintiffs in error, *vs.* George W. Tourtelott *et al.* In error to the supreme court of the State of Kansas. Judgment affirmed, with costs, by a divided court.

Ex parte: In the matter of Stephen W. Carey *et al.*, petitioners. Motion for leave to file petition for a writ of prohibition submitted by Mr. Jefferson Chandler for the petitioners.

No. 15.—Original.—*Ex parte*: In the matter of the American Construction Company, petitioner. Petition dismissed on motion of Mr. William B. Hornblower for the petitioner.

No. 1179.—Frank Collins, plaintiff in error, *vs.* The United States.

No. 1180.—Robert M. Hall, plaintiff in error, *vs.* The United States, and

No. 1203.—John Graves, plaintiff in error, *vs.* The United States. Reassigned for argument on the second Monday of the next term after cases already set down for that day, on motion of Mr. A. H. Garland in behalf of counsel.

No. 419. The Illinois Central Railroad Company, appellant, *vs.* The People of the State of Illinois *et al.* ;

No. 608.—The City of Chicago, appellant, *vs.* The Illinois Central Railroad Company *et al.* ; and

No. 609.—The People of the State of Illinois, appellants, *vs.* The Illinois Central Railroad Company *et al.* Leave granted to Mr. B. H. Bristow to file printed opposition to motion for mandates to issue by to-morrow morning.

No. 1048.—The Chicago and Northwestern Railway Company, plaintiff in error, *vs.* The City of Chicago. Motion to dismiss submitted by Mr. John S. Miller in support of motion and by Mr. W. C. Goudy in opposition thereto.

No. 70.—The National Tube Works Company, appellant, *vs.* George William Ballou. Motion to recall the mandate and amend decree herein submitted, by Mr. W. J. Curtis in support of motion, and by Mr. Thomas Thacher and Mr. W. Hallett Phillips in opposition thereto.

No. 198.—Thomas E. Pearsall, assignee, etc., appellant, *vs.* David M. Smith *et al.* Motion to continue submitted, by Mr. Alexander Porter Morse in support of the motion, and by Mr. Benjamin G. Hitchings in opposition thereto.

No. 1299.—The Pittsburgh, Cincinnati, Chicago and St. Louis Railway Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, etc., *et al.*,

No. 1300.—The Indianapolis and Vincennes Railroad Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, etc., *et al.* ; and

No. 1311.—The Cleveland, Cincinnati, Chicago and St. Louis Railway Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, etc. Motions to advance submitted by Mr. A. G. Smith, for the defendants in error.

No. 43.—Dolores G. Astiazaran *et al.*, appellants, *vs.* The Santa Rita Land and Mining Company *et al.* Mandate granted on motion of Mr. A. B. Browne, for the appellees.

No. 265.—Mary J. Garner, appellant, *vs.* The Second National Bank of Providence, R. I., *et al.* Continued, per stipulation, on motion of Mr. William A. McKenney, in behalf of counsel.

No. 155.—W. J. Rainey, appellant, *vs.* Samuel S. Brown *et al.* Mandate granted on motion of Mr. A. P. Burgwin, for the appellees.

No. 401.—Jason G. Miller, plaintiff in error, *vs.* Dominic G. Courtnay. Death of Jason G. Miller, the plaintiff in error herein suggested and appearance of Mary P. Miller, devisee, etc., filed and entered on motion of Mr. G. M. Lambertson, in behalf of counsel for the plaintiff in error.

No. 295.—Benjamin F. Sweet, appellant, *vs.* The La Belle Wagon Works. Appeal from the circuit court of the United States for the eastern district of Wisconsin. Dismissed with costs on authority of counsel for the appellant.

No. 205.—The Louisville and Nashville Railroad Company, appellant, *vs.* The Louisville Bridge Company. Appeal from the circuit court of the United States for the district of Kentucky. Dismissed with costs pursuant to the tenth rule.

No. 196.—Veeder G. Thomas *et al.*, appellants, *vs.* The Western Car Company. Argument continued by Mr. H. B. Hopkins and Mr. John M. Butler for appellee, and concluded by Mr. Charles M. Osborn for appellants.

No. 159.—The Pittsburg and Southern Coal Company, plaintiff in error, *vs.* The State of Louisiana, for use of the Charity Hospital of New Orleans, and

No. 15.—The Pittsburg and Southern Coal Company, plaintiff in error, *vs.* John W. Bates, sheriff, etc. Continued.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 4, will be as follows: Nos. 195, 197, 198, 199, 200, 202, 1284, 1305, 31 (and 151 and 860), and 172.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 4, 1893.

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

Charles F. T. Beale, of Hudson, N. Y., Samuel H. Smith, of Baxter Springs, Kans., Thomas J. Ballinger, of Galveston, Tex., and Charles M. Crutchfield and Elmer D. Matts, of Missoula, Mont., were admitted to practice.

No. 16.—Original. *Ex parte*: In the matter of W. W. Riser, petitioner.

No. 17.—Original. *Ex parte*: In the matter of M. V. Tyler, petitioner.

No. 18.—Original. *Ex parte*: In the matter of M. V. Tyler, petitioner.

No. 19.—Original. *Ex parte*: In the matter of M. B. Gaines, petitioner. Two hours allowed each side in the argument of these cases, on motion of Mr. J. Randolph Tucker for the petitioners.

Argued by Mr. Ira B. Jones and Mr. J. Randolph Tucker, for the petitioners, and by Mr. Hugh L. Bond, jr., for the respondents, in Nos. 16, 18, and 19, and by Mr. Joseph W. Barnwell, for the respondents, in No. 17.

No. 195.—A. R. Bushnell *et al.*, plaintiffs in error, *vs.* The Croke Mining and Smelting Company. Argument commenced by Mr. A. R. Bushnell, for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 5, will be as follows: Nos. 195, 197, 199, 200, 202, 1284, 1305, 31 (and 151 and 860), 172, and 206.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 5, 1893.

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

Isaac F. Russell, of New York City; John A. Slattery, of Cincinnati, Ohio; and A. H. Ricketts, of San Francisco, Cal., were admitted to practice.

No. 188.—Charles B. Smith *et al.*, appellants, *vs.* The Whitman Saddle Company. Leave granted to file brief on behalf of appellee on or before Monday next, on motion of Mr. W. Hallett Phillips in behalf of counsel.

No. 195.—A. R. Bushnell *et al.*, plaintiffs in error, *vs.* The Croke Mining and Smelting Company. Argued by Mr. A. R. Bushnell for the plaintiffs in error, and by Mr. Frederick D. McKenney for the defendant in error, and submitted by Mr. C. S. Thomas and Mr. W. H. Bryant for the defendant in error.

No. 197.—Robert B. Langdon, appellant, *vs.* Philip M. Ranney *et al.* Appeal from the circuit court of the United States for the district of Minnesota. Dismissed with costs pursuant to the 16th rule.

No. 199.—The Richmond and Danville Railroad Company, plaintiff in error, *vs.* Henry Elliot. Argument commenced by Mr. Henry Jackson for the plaintiff in error, and continued by Mr. C. T. Ladson for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 6, will be as follows: Nos. 199, 200, 202, 1284, 1305, 31 (and 151 and 860), 172, 206, 207, and 208.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 6, 1893.

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

James Merritt Cropsey, of Indianapolis, Ind., was admitted to practice.

No. 1318.—S. W. Carey *et al.*, appellants, *vs.* The Houston and Texas Central Railway Company *et al.* Motion to advance submitted by Mr. Eppa Hunton in behalf of counsel.

No. 208.—E. L. Hedden, collector, etc., plaintiff in error, *vs.* Oscar L. Richard *et al.* Passed on motion of Mr. E. B. Smith for the defendants in error.

No. 237.—James P. Stoneroad, plaintiff in error, *vs.* George W. Stoneroad. Continued per stipulation.

No. 199.—The Richmond and Danville Railroad Company, plaintiff in error, *vs.* Henry Elliot. Argument continued by Mr. C. T. Ladson for the defendant in error, and concluded by Mr. Henry Jackson for the plaintiff in error.

No. 200.—The Richmond and Danville Railroad Company, plaintiff in error, *vs.* Maggie L. Powers *et al.* Argued by Mr. Pope Barrow for the plaintiff in error and by Mr. Hoke Smith for the defendants in error.

No. 202.—Joseph H. Chandler, plaintiff in error, *vs.* The Calumet and Hecla Mining Company. Argument commenced by Mr. J. K. Redington for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 7, will be as follows: Nos. 202, 1284, 1305, 31 (and 151 and 860), 172, 206, 207, 210, 211, and 212.

7267—93

SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 7, 1893.

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

James McColgan, of Baltimore, Md., and A. T. Schroeder and Henry P. Henderson, of Salt Lake City, Utah, were admitted to practice.

No. 116.—The Washington and Georgetown Railroad Company *et al.*, plaintiffs in error, *vs.* Leon Tobriner, administrator, etc. Mandate granted on motion of Mr. William A. McKenney for the plaintiffs in error.

No. 1028.—William A. French *et al.*, plaintiffs in error, *vs.* The State of North Carolina. In error to the Supreme Court of the State of North Carolina. Dismissed with costs, on motion of Mr. Samuel F. Phillips for the plaintiffs in error.

No. 202.—Joseph H. Chandler, plaintiff in error, *vs.* The Calumet and Hecla Mining Company.

Argument continued by Mr. Ashley Pond and Mr. T. L. Chadbourne for the defendant in error and concluded by Mr. J. M. Wilson for the plaintiff in error.

No. 118.—John D. Fee, plaintiff in error, *vs.* Jane C. Brown. Suggestion of death of Jane C. Brown, the appellee herein, and appearance of Henry C. Brown, executor, etc., filed and entered on motion of Mr. J. H. Brown for the appellee.

No. 1284.—George E. Wilson, plaintiff in error, *vs.* The United States. Argued by Mr. C. Stuart Beattie for the plaintiff in error, and by Mr. Assistant Attorney-General Parker for the defendant in error.

No. 1305.—*Ex parte.* In the matter of Albert Frederick, appellant. Argument commenced by Mr. Frederic D. McKenney for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 10, will be as follows: Nos. 1305, 172, 206, 31 (and 151 and 860), 207, 210, 211, 212, 198, and 213.

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 10, 1893.

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

Joseph W. O'Neill, of Lebanon, Ohio; John Elden Bowman, of Springfield, Ohio; T. J. O'Donnell, of Denver, Colo.; John M. Dickson, of St. Louis, Mo.; Jesse B. Barton, of Ogden, Utah; C. S. Nettles, of Darlington, S. C.; Alexander B. McKinley, of Denver, Colo.; and Daniel D. Goodell, of Brighton, Ill., were admitted to practice.

No. 150.—The Swan Land and Cattle Company, Limited, appellant, *vs.* Hannah Frank, administratrix, etc., *et al.* Appeal from the circuit court of the United States for the northern district of Illinois. Decree modified, at the costs of the appellant, and cause remanded with directions to dismiss the bill without prejudice. Opinion by Mr. Justice Jackson. Dissenting, Mr. Justice Brown. (Mr. Justice Gray was not present at the argument and took no part in the decision of this case.)

No. 187.—James M. Grant, appellant, *vs.* Richard Walter. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Jackson.

No. 161.—George Krementz, appellant, *vs.* The S. Cattle Company. Appeal from the circuit court of the United States for the southern district of New York. Decree reversed with costs and cause remanded with directions to proceed in conformity with the opinion of this court. Opinion by Mr. Justice Shiras.

No. 149.—The United States, appellant, *vs.* The Union Pacific Railway Company *et al.* Appeal from the circuit court of the United States for the district of Colorado. Decree affirmed. Opinion by Mr. Justice Brown.

No. 693.—The German Bank of Memphis, etc., *et al.*, appellants, *vs.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brown.

No. 173.—J. S. Casement & Co., plaintiffs in error, *vs.* Samuel S. Brown *et al.*, etc. In error to the circuit court of the United States for the southern district of Ohio. Judgment affirmed with costs and interest. Opinion by Mr. Justice Brewer.

No. 176.—The Board of Education of the City of Atchison, Kansas, plaintiff in error, *vs.* Francis M. De Kay. In error to the circuit court of the United States for the district of Kansas. Judgment affirmed with costs and interest. Opinion by Mr. Justice Brewer.

No. 203.—Simon J. Lonergan *et al.*, plaintiffs in error, *vs.* Marcus B. Buford *et al.* In error to the supreme court of the Territory of Utah. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 167.—Solon Humphreys *et al.*, receivers, etc., appellants, *vs.* John H. Perry *et al.*, etc. Appeal from the circuit court of the United States for the northern district of Illinois. Decree reversed with costs and cause remanded with a direction to dismiss the petition of the intervenors. Opinion by Mr. Justice Blatchford.

No. 142.—Hermann Isaacs, plaintiff in error, *vs.* Benjamin F. Jonas, collector, etc. In error to the circuit court of the United States for the eastern district of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice Gray.

No. 391.—The United States, plaintiff in error, *vs.* Hermann Isaacs. In error to the circuit court of the United States for the eastern district of Louisiana. Judgment reversed and cause remanded with directions to set aside the verdict and to order a new trial. Opinion by Mr. Justice Gray.

No. 419.—The Illinois Central Railroad Company, appellant, *vs.* The City of Chicago *et al.*;

No. 608.—The City of Chicago, appellant, *vs.* The Illinois Central Railroad Company *et al.*; and

No. 609.—The People of the State of Illinois, appellants, *vs.* The Illinois Central Railroad Company *et al.* Ordered by the court that the clerk issue the mandate herein. Announced by Mr. Justice Field.

No. 131.—Morris T. Martin *et al.*, appellants, *vs.* Henry Snyder, jr. Appeal from the circuit court of the United States for the northern district of Illinois. Decree reversed, costs in this court to be paid by the appellants, and cause remanded with directions to render a decree against the defendants for costs in that court and to remand the case to the State court. Opinion by Mr. Chief Justice Fuller.

No. 185.—Francois Giozza, appellant, *vs.* Patrick Tiernan, sheriff of Galveston County, Texas. Appeal from the circuit court of the United States for the eastern district of Texas. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court :

No. 70.—The National Tube Works Company, appellant, *vs.* George William Ballou. Motion to recall mandate and amend decree herein denied.

No. 198.—Thomas E. Pearsall, assignee, etc., appellant, *vs.* David M. Smith *et al.* Motion to continue denied.

No. 1048.—The Chicago and Northwestern Railway Company, plaintiff in error, *vs.* The City of Chicago. Motions to dismiss or affirm postponed to the hearing on the merits.

No. 1299.—The Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, etc., *et al.*

No. 1300.—The Indianapolis and Vincennes Railroad Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, etc., *et al.*; and

No. 1311.—The Cleveland, Cincinnati, Chicago and St. Louis Railway Company, plaintiff in error, *vs.* Victor M. Backus, as treasurer, etc. Motions to advance granted and causes assigned for argument on the second Monday of the next term after cases already set down for that day.

Ex parte: In the matter of Stephen W. Carey *et al.*, petitioners. Motion for leave to file petition for a writ of prohibition denied.

No. 1318.—S. W. Carey *et al.*, appellants, *vs.* The Houston and Texas Central Railway Company *et al.* Motion to advance denied.

No. 5.—Original.—The State of Iowa, complainant, *vs.* The State of Illinois. Preliminary report of commissioners appointed to mark the boundary line approved.

Ex parte: In the matter of Thomas D. Price, petitioner. Petition for a writ of error submitted by Mr. Henry Wise Garnett for the petitioner.

No. 1322.—J. L. Sperry *et al.*, etc., appellants, *vs.* E. A. Levins. Appeal from the supreme court of the Territory of Washington. Docketed and dismissed with costs, on motion of Mr. Fillmore Beall for the appellee, and remanded to the supreme court of the State of Washington.

No. 242.—The Ottawa, Oswego and Fox River Valley Railroad Company, appellant, *vs.* O. Mason. Appeal from the circuit court of the United States for the northern district of Illinois. Dismissed with costs per stipulation, and mandate granted, on motion of Mr. George A. Sanders for the defendant in error.

No. 1305.—*Ex parte:* In the matter of Albert Frederich, appellant. Argument concluded by Mr. Frederic D. McKenney for the appellant and submitted by Mr. W. C. Jones for the State of Washington.

No. 137.—John Nix *et al.*, plaintiffs in error, *vs.* E. L. Hedden, collector, etc. Death of E. L. Hedden, the defendant in error herein, sug-

gested, and appearance of Elizabeth C. Hedden, administratrix, etc., filed and entered, on motion of Mr. Assistant Attorney-General Maury for the defendant in error.

No. 208.—Edward L. Hedden, collector, etc., plaintiff in error, *vs.* Oscar L. Richard *et al.* Death of E. L. Hedden, the plaintiff in error herein, suggested, and appearance of Elizabeth C. Hedden, administratrix, etc., filed and entered, on motion of Mr. Assistant Attorney-General Maury for the plaintiff in error.

No. 172.—Frederick Hollender *et al.*, plaintiffs in error, *vs.* Daniel Magone, collector, etc. Argued by Mr. Edwin B. Smith for the plaintiffs in error, and by Mr. Assistant Attorney-General Maury for the defendant in error.

No. 206.—Catharine L. Dobson, appellant, *vs.* Edwin J. Cubley *et al.* Argument commenced by Mr. Arthur S. Browne for the appellant, and continued by Mr. Howard Henderson for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 11, will be as follows: Nos. 206, 31 (and 151 and 860), 207, 210, 211, 212, 198, 213 (and 214), 215 (and 216), and 217.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 11, 1893.

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

David Goldsmith, of St. Louis, Mo., Philip Tillinghast, of Moscow, Idaho, and E. S. McCalmont, of Washington, D. C., were admitted to practice.

No. 296.—Gabe Meyer *et al.*, appellants, *vs.* A. Backer, and

No. 306.—A. Backer, appellant, *vs.* Gabe Meyer *et al.* Appeals from the circuit court of the United States for the eastern district of Arkansas. Dismissed per stipulation.

No. 206.—Catharine L. Dobson, appellant, *vs.* Edwin J. Cubley *et al.* Argument continued by Mr. Howard Henderson for the appellees and concluded by Mr. Arthur S. Browne for the appellant.

No. 31.—John Cadwalader, collector, etc., plaintiff in error, *vs.* John Wanamaker *et al.*

No. 151.—James H. Walker & Co., plaintiffs in error, *vs.* A. F. Seeburger, collector, etc., and

No. 860.—Sallie D. Hartrauff, executrix, etc., plaintiff in error, *vs.* Charles H. Meyer *et al.* Three hours allowed each side in the argument of these cases on motion of Mr. Solicitor-General Aldrich for the collectors. Three counsel allowed to be heard for the importers, on motion of Mr. A. H. Garland for the importers. Argument commenced by Mr. Solicitor-General Aldrich for the collectors and continued by Mr. A. H. Garland and Mr. F. P. Prichard for the importers.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 12, will be as follows: Nos. 31 (and 151 and 860), 207, 210, 211, 212, 198, 213 (and 214), 215 (and 216), 217, and 218.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 12, 1893.

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

William H. Adams, of Minneapolis, Minn., and James R. Angel, of New York City, were admitted to practice.

No. 218.—Dundas Dick & Co., appellants, *vs.* Frederick A. Hubel. Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs pursuant to the 10th rule.

No. 31.—John Cadwalader, collector, etc., plaintiff in error, *vs.* John Wanamaker *et al.*

No. 151.—James H. Walker & Co., plaintiffs in error, *vs.* A. F. Seeburger, collector, etc., and

No. 360.—Sallie D. Hartranft, executrix, etc., plaintiff in error, *vs.* Charles H. Meyer *et al.* Argument continued by Mr. Frank P. Prichard and Mr. Joseph H. Choate for the importers, and concluded by Mr. Solicitor-General Aldrich for the collectors.

No. 207.—Harlick Nichels, master, etc., appellant, *vs.* The British Steamship *Servia*, etc. Argument commenced by Mr. John E. Parsons for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 13, will be as follows: Nos. 207, 210, 211, 212, 198, 213 (and 214), 215 (and 216), 217, 219, and 220.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 13, 1893.

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

David W. Karraker, of Jonesboro, Ill.; Cornelius Eugene Kene, of New York City; Fountain S. Yager, of Chattanooga, Tenn.; Paul Fuller, of New York City, and Matthew Daly, of New York City, were admitted to practice.

No. 219.—James Waldie, as Committee, etc., appellant, *vs.* Frederick A. Hubel. Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs pursuant to the tenth rule.

No. 207.—Harlich Nichels, Master, etc., appellant, *vs.* The British Steamship "Servia," etc. Argument continued by Mr. John E. Parsons for the appellant, by Mr. Frank D. Sturges for the appellee, and concluded by Mr. John E. Parsons for the appellant.

No. 210.—The City of Cairo, plaintiff in error, *vs.* Joseph Zane. Argument commenced by Mr. W. B. Gilbert for the plaintiff in error, and continued by Mr. George A. Sanders for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 14, will be as follows: Nos. 210, 211, 212, 198, 213 (and 214), 215 (and 216), 217, 220, 221, and 223.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 14, 1893.

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

William J. English, of Chicago, Ill., and Allison Mayfield, of Sherman, Tex., were admitted to practice.

No. 1192.—Velancey E. Fuller, plaintiff in error, *vs.* The American Emigrant Company. In error to the supreme court of the State of Iowa. Dismissed with costs, per stipulation, and mandate granted on motion of Mr. Frederic D. McKenney for defendant in error.

Ex parte: In the matter of Mary M. Black, petitioner. Petition for supersedeas, etc., submitted by Mr. Francis Tracy Tobin for the petitioner.

No. 210.—The City of Cairo, plaintiff in error, *vs.* Joseph Zane, Argument concluded by Mr. George A. Sanders for the defendant in error.

No. 220.—Wilson N. Jones, plaintiff in error, *vs.* Adolph Baer *et al.* Submitted by Mr. A. H. Garland and Mr. H. J. May for the plaintiff in error and by Mr. David Goldsmith, Mr. L. P. Sandels, and Mr. William T. Hutchins for the defendants in error.

No. 211.—The Union Pacific Railway Company, plaintiff in error, *vs.* Henry Goodridge *et al.*, and

No. 212.—The Union Pacific Railway Company, plaintiff in error, *vs.* E. R. Taggart. Argument commenced by Mr. John F. Dillon for the plaintiff in error and continued by Mr. C. S. Thomas for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 17, will be as follows: Nos. 211 (and 212), 198, 213 (and 214), 215 (and 216), 217, 221, 223, 224, 225, and 226.

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 17, 1893.

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

Louis D. Johnson, of Urbana, Ohio; William Grant Webster, of Washington, D. C.; P. H. Gunckel, of Minneapolis, Minn.; George T. White, of Chattanooga, Tenn.; H. J. Lauck, of Washington, D. C.; Clarence A. Lamoreaux, of Ashland, Wis., and Henry Thompson, of New York City, were admitted to practice.

No. 180.—The Chicago, Milwaukee and St. Paul Railway Company, plaintiff in error, *vs.* Alfred M. Hoyt *et al.* In error to the circuit court of the United States for the northern district of Illinois. Judgment reversed with costs and cause remanded with directions to enter a judgment in favor of the defendant for the sum of \$9,022.30, with interest thereon from October 1, 1889, the date of the judgment below. Opinion by Mr. Justice Jackson. (The Chief Justice having been of counsel, and Mr. Justice Field not having heard the argument, took no part in the consideration or decision of this case.)

No. 195.—A. R. Bushnell *et al.*, plaintiffs in error, *vs.* The Crooke Mining and Smelting Company. In error to the supreme court of the State of Colorado. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Jackson. (Mr. Justice Field did not sit in this case or take part in its decision.)

No. 1125.—Phineas Pam-to-pee *et al.*, appellants, *vs.* The United States; and

No. 1133.—The Pottawatomie Indians of Michigan and Indiana, appellants, *vs.* The United States. Appeals from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Shiras.

No. 179.—John M. Steward, administrator, etc., plaintiff in error, *vs.* Harry Gassert *et al.* In error to the supreme court of the Territory of Montana. Judgment affirmed with costs and cause remanded to the supreme court of the State of Montana. Opinion by Mr. Justice Brown.

No. 183.—Johan Paulsen *et al.*, plaintiffs in error, *vs.* The City of Portland *et al.* In error to the supreme court of the State of Oregon. Judgment affirmed with costs. Opinion by Mr. Justice Brewer. (Mr. Justice Field did not hear the argument or take part in the decision of this case.)

No. 200.—The Richmond and Danville Railroad Company, plaintiff in error, *vs.* Maggie L. Powers *et al.*, etc. In error to the circuit court of the United States for the northern district of Georgia. Judgment affirmed with costs and interest. Opinion by Mr. Justice Brewer.

No. 192.—The National Meter Company, appellant, *vs.* The Board of Water Commissioners of the City of Yonkers. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 182.—Sarah R. Mexia and husband, plaintiffs in error, *vs.* T. J. Oliver. In error to the circuit court of the United States for the northern district of Texas. Judgment reversed with costs and cause remanded with a direction to grant a new trial. Opinion by Mr. Justice Blatchford.

No. 1284.—George E. Wilson, plaintiff in error, *vs.* The United States. In error to the district court of the United States for the northern district of Illinois. Judgment reversed, and cause remanded with directions to order a new trial. Opinion by Mr. Justice Field.

No. 188.—Charles B. Smith *et al.*, appellants, *vs.* The Whitman Saddle Company. Appeal from the circuit court of the United States for the district of Connecticut. Decree reversed with costs, and cause remanded with a direction to dismiss the bill. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced that the call of the docket would cease for the term on Friday, the 28th instant.

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

No. 94.—The City of St. Louis, plaintiff in error, *vs.* The Western Union Telegraph Company. Leave granted counsel for the defendant in error to file petition for rehearing herein, and further ordered that counsel on both sides be allowed to file a brief on or before Friday, the 28th inst., upon the question whether the City of St. Louis has such interest in and control over the streets, alleys, and public places within its limits as authorizes it to impose upon the telegraph company a charge in the nature of a rental for the exclusive use of portions thereof in the manner stated.

Ex parte : In the matter of Mary M. Black, petitioner. Motion for leave to apply to this court for writ of error, etc., denied.

Ex parte: In the matter of Thomas D. Price, petitioner. Motion for leave to file petition for a writ of error denied without prejudice to an application for such writ to any justice of this court.

Nos. 12 and 13, Original.—*Ex parte*: In the matter of William H. Gaines *et al.*, petitioners. Motions to amend judgments herein so as to provide for the recovery of costs, denied.

No. 166.—H. C. Moses *et al.*, plaintiffs in error, *vs.* The National Bank of Lawrence County. Leave granted to counsel for the plaintiffs in error to file an additional brief herein instantler, and to counsel for the defendants in error to file a reply thereto within one week.

No. 220.—Wilson N. Jones, plaintiff in error, *vs.* Baer, Seasongood & Co. In error to the United States court for the Indian Territory. Judgment affirmed, with costs and interest, by a divided court.

No. 106.—The United Lines Telegraph Company *et al.*, appellants, *vs.* The Boston Safe Deposit and Trust Company. Motion for mandate to issue submitted by Mr. William G. Wilson for the appellee.

No. 61.—John E. Alexandre *et al.*, executors, etc., *et al.*, appellants, *vs.* John Machan *et al.* Motion for mandate to issue submitted by Mr. George A. Black for the appellees.

No. 1125.—Phineas Pam-to-pee *et al.*, appellants, *vs.* The United States.

No. 1133.—The Pottawatomie Indians of Michigan and Indiana, appellants, *vs.* The United States. Mandate granted on motion of Mr. George S. Boutwell, for the appellants, in No. 1133.

No. 122.—The Continental Steamboat Company, plaintiff in error, *vs.* John H. Burke, administrator, &c. Mandate granted on motion of Mr. Martin F. Morris, for the defendant in error.

No. 1312.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* Ida May Anderson and husband. Submitted by Mr. John F. Dillon, Mr. Winslow S. Pierce, and Mr. Harry Hubbard, for the plaintiff in error, and by Mr. W. Hallett Phillips, for the defendants in error.

No. 1199.—The Mexican Central Railway Company, plaintiff in error, *vs.* Alexander Pinkney. Submitted, by Mr. A. T. Britton, Mr. A. B. Browne, and Mr. J. Lewis Stackpole for the plaintiff in error, and by Mr. Samuel F. Phillips and Mr. Frederic D. McKenney for the defendant in error.

No. 957.—John A. Nash, appellant, *vs.* George W. Harshman. Motions to dismiss or affirm submitted by Mr. Louis D. Johnson in support of motions.

No. 1171.—John Evans Cornell, appellant, *vs.* Hetty H. R. Green. Motion to dismiss submitted by Mr. Newell Martin in support of the motion, and by Mr. Robert Rae in opposition thereto.

No. 255.—The Joliet Manufacturing Company, appellant, *vs.* The Keystone Manufacturing Company *et al.* Continued per stipulation.

No. 226.—Walter C. Johnson, appellant, *vs.* Laura N. Cowling *et al.* Appeal from the supreme court of the District of Columbia. Dismissed with costs, pursuant to the tenth rule.

No. 211.—The Union Pacific Railway Company, plaintiff in error, *vs.* Henry Goodridge *& al.*; and

No. 212.—The Union Pacific Railway Company, plaintiff in error, *vs.* E. R. Taggart. Argument continued by Mr. C. S. Thomas for the defendants in error and concluded by Mr. J. M. Wilson for the plaintiff in error.

No. 20.—Original.—*Ex parte*: In the matter of Milton Humes *et al.*, petitioners. Argued by Mr. W. Hallett Phillips for the petitioners, and and by Mr. George T. White for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 18, will be as follows: Nos. 198, 213 (and 214), 215 (and 216), 217, 221, 223, 224, 225, 190, and 227.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 18, 1893.

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

No. 992.—Milton L. Baer, plaintiff in error, *vs.* Moran Bros. & Co. Motion to advance submitted by Mr. John H. Mitchell in support of motion.

No. 639.—Jacob C. Mann, appellant, *vs.* The Tacoma Land Company. Motion to advance submitted by Mr. T. H. N. McPherson in support of motion.

No. 198.—Thomas E. Pearsall, assignee, etc., appellant, *vs.* David M. Smith *et al.* Argued by Mr. Benjamin G. Hitchings for the appellant. The court declined to hear counsel for the appellees.

No. 213 and No. 214.—Allen C. Dalzell *et al.*, appellants, *vs.* The Dueber Watch Case Manufacturing Company. Argument commenced by Mr. J. E. Bowman for the appellants, and continued by Mr. James Moore for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 19, will be as follows: Nos. 213 (and 214), 215 (and 216), 217, 221, 223, 224, 225, 190, 227, and 229.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 19, 1893.

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

No. 128 t.—George E. Wilson, plaintiff in error, *vs.* The United States. Mandate granted on motion of Mr. Solicitor-General Aldrich for the defendant in error.

No. 243.—John H. Gordon *et al.*, appellants, *vs.* Benjamin H. Warder *et al.*

No. 244.—John H. Gordon *et al.*, appellants, *vs.* Abel Hoover *et al.*

No. 245.—John H. Gordon *et al.*, appellants, *vs.* The Champion Machine Company; and

No. 246.—John H. Gordon *et al.*, appellants, *vs.* Whiteley, Fassler & Kelly. Continued, per stipulation, on motion of Mr. Edmund Wetmore for the appellees.

No. 215.—Elizabeth B. McComb, executrix, etc., appellant, *vs.* George A. Frink *et al.*, administrators; and

No. 216.—George A. Frink *et al.*, administrators, appellants, *vs.* Elizabeth B. McComb, executrix. Passed on motion of Mr. George H. Bates, for McComb, executrix, etc.

Nos. 213 and 214.—Allen C. Dalzell *et al.*, appellants, *vs.* The Dueber Watch Case Manufacturing Company. Argument continued by Mr. James Moore for the appellee, and concluded by Mr. Edmund Wetmore for the appellants.

No. 217.—John T. Underwood *et al.*, appellants, *vs.* Henry Gerber *et al.* Argued by Mr. Livingston Gifford for the appellants and by Mr. Arthur V. Briesen for the appellees.

No. 221.—Henry H. Porter *et al.*, appellants, *vs.* Dwight M. Sabin *et al.* Argument commenced by Mr. J. M. Flower for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 20, will be as follows: Nos. 221, 223, 224, 225, 227, 229, 230 (and 231), 232, 233 (and 234 and 235).

SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 20, 1893.

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

William C. Arnold and Edward E. McCall, of New York City, were admitted to practice.

No. 229.—The United States, appellant, *vs.* Charles A. Snyder *et al.* Submitted by Mr. Assistant Attorney-General Maury for the appellant, and by Mr. B. F. Jonas for the appellees.

No. 230.—The United States, plaintiff in error, *vs.* Mrs. Anna M. Dumas *et al.*; and

No. 231.—The United States, plaintiff in error, *vs.* Anna M. Dumas *et al.* Submitted on briefs to be filed.

No. 234.—The United States, plaintiff in error, *vs.* Moses Mock. In error to the circuit court of the United States for the northern district of California. Dismissed on authority of counsel for the plaintiff in error.

No. 221.—Henry H. Porter *et al.*, appellants, *vs.* Dwight M. Sabin *et al.* Argument continued by Mr. J. M. Flower for the appellants, by Mr. C. K. Davis for the appellees, and concluded by Mr. J. M. Flower for the appellants.

No. 223.—R. S. Hollins, sr., *et al.*, appellants, *vs.* The Brierfield Coal and Iron Company *et al.* Death of Preston B. Plumb and George I. Seney, two of the appellees herein, suggested, and order of publication granted, on motion of Mr. A. T. London, for the appellants.

No. 224.—The Metropolitan National Bank of New York, appellant, *vs.* The St. Louis Dispatch Company *et al.* Stipulation to make new parties appellees herein submitted by Mr. John M. Dickson for the appellant. Argued by Mr. John M. Dickson for the appellant and by Mr. C. E. Gibson for the appellees.

No. 225.—Edward W. Leggett, appellant, *vs.* The Standard Oil Company. Argument commenced by Mr. Edmund Wetmore for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 21, will be as follows: Nos. 225, 227, 232, 233 (and 235), 236, 238, 239, 240 (and 241), 247 (and 248), and 249.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 21, 1893.

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

Edwin M. Felt, of New York City, and Thomas J. Study, of Richmond, Ind., were admitted to practice.

No. 146.—The Georgia Infirmary, etc., appellant, *vs.* Harriet C. Jones *et al.*, administrators, etc.; and

No. 147.—The City Council of Augusta, appellants, *vs.* Harriet C. Jones *et al.*, administrators, etc.;

Appeals from the circuit court of the United States for the southern district of New York. Dismissed, per stipulation, on motion of Mr. Charles C. Beaman, for the appellees.

No. 238.—The District of Columbia, plaintiff in error, *vs.* Matilda S. Church *et al.*; and

No. 239.—The District of Columbia, plaintiff in error, *vs.* J. Harrison Johnson;

Continued, per stipulation.

No. 240.—The Minneapolis and St. Louis Railway Company, plaintiff in error, *vs.* Henry G. Emmons; and

No. 241.—The Minneapolis and St. Louis Railway Company, plaintiff in error, *vs.* Ole Nelson. Submitted by Mr. Albert E. Clarke for the plaintiffs in error, and by Mr. Edward J. Hill for the defendants in error.

No. 249.—Lemuel Coffin *et al.*, appellants, *vs.* Lucius L. Day *et al.* Appeal from the circuit court of the United States for the northern district of Illinois. Dismissed with costs, pursuant to the tenth rule.

No. 225.—Edward W. Leggett, appellant, *vs.* The Standard Oil Company. Argument continued by Mr. Edmund Wetmore for the appellant, by Mr. Charles C. Beaman for the appellee, and concluded by Mr. Edmund Wetmore for the appellant.

No. 227.—Albert L. Ide, appellant, *vs.* The Ball Engine Company *et al.* Argued by Mr. C. K. Affield for the appellant and by Mr. J. C. Sturgeon and Mr. J. D. Gallagher for the appellees.

No. 232.—Elizabeth D. Hager, executrix of John S. Hager, collector, etc., plaintiff in error, *vs.* R. H. Swayne. Submitted by Mr. Assistant Attorney-General Parker for the plaintiff in error, and by Mr. Charles Page for the defendant in error.

No. 233.—The United States, plaintiff in error, *vs.* Moses Mock. Submitted by Mr. Assistant Attorney-General Parker for the plaintiff in error. No counsel appeared for the defendant in error.

No. 235.—The United States, plaintiff in error, *vs.* John W. Humphries *et al.* Submitted by Mr. Assistant Attorney-General Parker for the plaintiff in error. No counsel appeared for the defendants in error.

No. 236.—The United States, plaintiff, *vs.* Robert S. Rodgers. Submitted with leave to counsel for the plaintiff to file briefs on or before Tuesday next.

No. 247.—Belle N. B. Wade *et al.*, trustees, appellants, *vs.* The Chicago, Springfield and St. Louis Railroad Company *et al.*, and

No. 248.—Dallas B. Pratt, trustee, appellant, *vs.* Belle N. B. Wade *et al.*, trustees.

Submitted by Mr. F. N. Judson and Mr. S. P. Wheeler for the appellants in No. 247 and appellees in No. 248, and by Mr. Adrian H. Johnes for the appellees in No. 247 and appellant in No. 248.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 24, will be as follows: Nos. 250, 251, 252, 253 (and 254), 257, 258, 259, 260, 261, and 262.



SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 24, 1893.

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

Thomas W. Harper, of Terre Haute, Ind.; Edmund W. Pettus, of Selma, Ala.; Gaston A. Robbins, of Selma, Ala., and J. T. Ronald, of Seattle, Wash., were admitted to practice.

No. 1305.—*Ex parte*: In the matter of Albert Frederich, appellant. Appeal from the circuit court of the United States for the district of Washington. Order affirmed. Opinion by Mr. Justice Jackson.

No. 202.—Joseph H. Chandler, plaintiff in error, *vs.* The Calumet and Hecla Mining Company. In error to the circuit court of the United States for the western district of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice Jackson. (Mr. Justice Field did not hear the argument in this case or take any part in its decision. Mr. Justice Brown, being interested in the result, did not sit in this case, and took no part in its decision.)

No. 196.—Veeder G. Thomas, *et al.*, appellants, *vs.* The Western Car Company. Appeal from the circuit court of the United States for the northern district of Illinois. Decree reversed with costs and cause remanded, with directions to modify the decree in accordance with the opinion of this court. Opinion by Mr. Justice Shiras.

No. 206.—Catharine L. Dobson, appellant, *vs.* Edwin J. Cubley *et al.* Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Shiras.

No. 157.—William F. Patrick, appellant, *vs.* Dennis P. Slattery. Appeal from the circuit court of the United States for the eastern district of Missouri. Decree reversed with costs and cause remanded, with directions

to dismiss the bill. Opinion by Mr. Justice Brown. Dissenting, Mr. Chief Justice Fuller and Mr. Justice Brewer. (Mr. Justice Field did not sit in this case and took no part in its decision.)

No. 210.—The City of Cairo, plaintiff in error, *vs.* Joseph Zane. In error to the circuit court of the United States for the southern district of Illinois. Judgment affirmed with costs and interest. Opinion by Mr. Justice Brewer.

No. 207.—Harlich Nichels, master, etc., appellant, *vs.* The British Steamship "Servia," etc. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 156.—The Northern Pacific Railroad Company, appellant, *vs.* W. Whalen *et al.* Appeal from the supreme court of the Territory of Washington. Decree affirmed with costs and cause remanded to the supreme court of the State of Washington. Opinion by Mr. Justice Gray.

No. 20.—Original.—*Ex parte:* In the matter of Milton Humes *et al.*, petitioners. Petition for a writ of mandamus denied. Opinion by Mr. Chief Justice Fuller.

No. 17.—Original.—*Ex parte:* In the matter of M. V. Tyler, petitioner.

No. 16.—Original.—*Ex parte:* In the matter of W. W. Riser, petitioner.

No. 18.—Original.—*Ex parte:* In the matter of M. V. Tyler, petitioner.

No. 19.—Original.—*Ex parte:* In the matter of M. B. Gaines, petitioner. Petitions for writs of habeas corpus denied.

Opinion by Mr. Chief Justice Fuller. (Mr. Justice Field took no part in this decision.)

The Chief Justice announced the following orders of the court :

No. 61.—John E. Alexandre *et al.*, executors, etc., *et al.*, appellants, *vs.* John Machan *et al.* Motion for mandate to issue denied.

No. 106.—The United Lines Telegraph Company *et al.*, appellants, *vs.* The Boston Safe Deposit and Trust Company. Motion for mandate to issue denied.

No. 1171.—John Evans Cornell, appellant, *vs.* Hetty H. R. Green. Motion to dismiss postponed to the hearing on the merits.

No. 639.—Jacob C. Mann, appellant, *vs.* The Tacoma Land Company.

No. 992.—Milton L. Baer, plaintiff in error, *vs.* Moran Bros. Company. Motions to advance denied without prejudice to their renewal at the next term.

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

I have been requested, if your honors please, to present to the court the resolutions of the bar upon the occasion of the death of Mr. Justice Lamar. In undertaking that duty I have no hesitation in saying that the resolutions, which I shall presently read, do but simple justice to the character of your late associate and in no way exaggerate either the great loss of the whole community or the profound affliction of a very large circle of friends and acquaintances. Under any circumstances, the death of a justice of this court is of preëminent importance. Though the court remains, an element disappears which had vitally affected its deliberations and its results, to be succeeded by a new one different to some extent in the nature of things and possibly of a wholly diverse character. Thus, as one departs and another assumes his place, a new order of things arises, all the more surely because it comes insensibly and almost by stealth. It is a new order of the greatest moment because, in the scope and extent of its jurisdiction and power, as touching on the one hand the private rights of every one of sixty millions of people and dealing on the other with the collective rights of numerous populous communities and sovereign States, no court like it or even strongly resembling it has ever existed among men. To have sat upon such a court without reproach and without discredit, may well fill to the full the measure of the loftiest ambition. With Mr. Justice Lamar has passed away not merely a lawyer and a judge, but a notable historical figure. It may have been his misfortune as a lawyer, though certainly his good fortune as a man, that his lot was cast in tempestuous times—in times which, however adverse to the acquisition of technical knowledge and technical skill, always and inevitably develop whatever there is in a man of intellectual and moral greatness. He was born when the echoes of the sectional contest over the admission of Missouri into the Union—that issue which startled Jefferson “like a fire bell in the night”—were still resounding throughout the land. He was a mere youth when the Missouri Compromise was succeeded by another, and the specter of disunion was laid for a time by the mingled firmness and moderation of General Jackson.

He had hardly entered upon the practice of the law when North and South again came into violent collision over the fugitive-slave law and the extension of slavery into the Territories. He went with his section and his State in the civil war that followed only ten years later, and supported their cause with equal devotion on the battlefield and in the forum. Always and under all circumstances he was a leader, not merely followed and obeyed, but implicitly trusted and sincerely loved. He continued to lead even more decisively and on a larger field when arms were laid down, and to him more than to any other one man, North or South, is due the adoption by both victors and vanquished of those counsels of moderation and

magnanimity and wisdom which have made the edifice of our constitutional Union more impregnable to all assault than ever before. But this eventful and stormy career, these engrossing and exciting occupations and achievements of the soldier and statesman and patriot, necessarily interrupted and prevented that exclusive devotion to the science of jurisprudence and that constant familiarity with its practical application in the administration of justice which that jealous mistress, the law, inexorably exacts of all her followers.

I do not believe that Mr. Justice Lamar ever practiced law, as his sole or chief occupation, for any one term of five consecutive years. I am unable to discover that he could have made the practice of the law his sole or principal pursuit for more than ten or twelve years in all. And it is the highest possible tribute to his natural genius, to his legal instincts, and extraordinary intellectual gifts, that, in spite of all the disadvantages under which he labored, Mr. Justice Lamar performed his part as a member of this high court, of judicature not only to the acceptance of the bench and the bar, but with such intelligent and well-directed zeal and devotion that only failing health and strength could have prevented his ultimately attaining decided judicial eminence.

The resolutions I have the honor to present are as follows :

Resolved, That by the death of Mr. Justice Lamar the country loses a judge whose career on the bench, though brief, showed that he had a rare judicial mind and temperament, with a great power of legal analysis and a faculty of expressing himself in nervous English, which left no room for misunderstanding. His long service in public life fitted him to deal with the great questions of constitutional law which make a seat upon the bench of the Supreme Court so important and so responsible. He entered early into the public service and soon became prominent. When the war closed no one was more conspicuous than he in efforts to allay distrust, to do away with division and coldness, and to produce, throughout the Union, a feeling of confidence and good will. For this he labored and spoke in the Senate; and, with this ever before his eyes, he administered the Department of the Interior. We offer this tribute to his memory with no wish to perform a mere perfunctory duty. Over and above his intellect, his trained faculties, his knowledge, his wit, and his power, he was an affectionate, loving, and lovable man, dear to all who knew him. He is mourned not only by his friends, but by many who had no personal acquaintance with him.

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

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

The Chief Justice responded :

The court receives with appreciation the tribute of the bar through the Attorney-General to the memory of the eminent man who so recently passed from its membership.

Although he was not spared to give many years to its labors, Mr. Justice Lamar was long enough upon this bench to exhibit on a comparatively new field his undoubted intellectual power and to demonstrate the possession of marked judicial qualities. The remarkable career which preceded his appointment, crowded with varied incident and filled with distinguished service in public station, while it withdrew him from that active participation in professional practice which assures the habit of prompt decision in ordinary litigation; nevertheless well prepared him for the consideration of those grave public questions that so often press for solution before this tribunal. Experience in affairs had made him sage, and the wisdom thus acquired was aided by that "desire to seek, patience to doubt, fondness to meditate, slowness to assert, readiness to reconsider," which the great philosopher declared fitted him for nothing so well as for the study of truth. Such was indeed his nature, and leadership came to him not merely by reason of his courage, his eloquence, his statesmanlike views and general ability, but largely, perhaps chiefly, because of his simplicity and single-mindedness, his integrity of thought as well as honesty in action, and that unobtrusive and unselfish devotion to duty which gives entrance to the kingdom that "cometh without observation."

There can be no better qualification for a great magistrate than, in addition to sufficient learning, to possess keen love of justice, earnest desire for truth, absolute sincerity and the highest conception of the responsibilities of public office, coupled with an intimate knowledge of the workings of government obtained through practical experience.

Mr. Justice Lamar always underrated himself. This tendency plainly sprang from a vivid imagination. With him the splendid visions attendant upon youth never faded into the light of common day, but they kept before him an ideal, the impossibility of whose realization, as borne in upon him from time to time, oppressed him with a sense of failure. Yet the conscientiousness of his work was not lessened, nor was the acuteness of his intellect obscured, by these natural causes of his discontent; nor did a certain Oriental dreaminess of temperament ever lure him to abandon the effort to accomplish something that would last after his lips were dumb.

We fully recognize the fitness of the reference to the loving disposition of our departed colleague. This especially endeared him to us, and it was this which enabled him to bear with cheerfulness the trials of a long illness and to find in the consolations of religion the peace that passeth all understanding.

Sincere in his support of a cause to which his early education and the training of opening manhood, his surroundings and personal attachments, committed him, his acceptance of the result of the arbitrament of arms was genuine and unqualified; and the singular felicity was his, here having returned to die at home at last, to appreciably contribute to the restoration of the ties of common interest and affection of a united people; of pride in common institutions and love for a common country; and to pass his closing days in assisting in the authoritative exposition of the wonderful instrument which binds together "the great contexture of this mysterious whole."

The resolutions and accompanying remarks will be spread upon our records, and the commemorative expressions of the bars of the State of Georgia, of the State of Mississippi, and of the State of Illinois, and such other similar testimonials as may be transmitted to us, will be placed on file.

No. 972.—The United States, plaintiff, *vs.* Michel Thomas;

No. 1087.—John Brown, plaintiff in error, *vs.* The United States;

No. 1088.—John Pointer, plaintiff in error, *vs.* The United States;

No. 1135.—Tom Moore, plaintiff in error, *vs.* The United States;

No. 1186.—Lewis Holder, plaintiff in error, *vs.* The United States; and

No. 1210.—Sam Hickory, plaintiff in error, *vs.* The United States. Advanced and assigned for argument on the second Monday of the next term after cases already set down for that day, on motion of Mr. Solicitor-General Aldrich for the United States.

No. 1323.—Thomas Hughes *et al.*, appellants, *vs.* The United States. Motion to advance submitted by Mr. Solicitor-General Aldrich in behalf of counsel.

No. 1130.—Daniel J. McDaid *et al.*, plaintiffs in error, *vs.* The Territory of Oklahoma on the relation of Winfield S. Smith *et al.* Motion to advance submitted by Mr. Solicitor-General Aldrich in behalf of counsel.

No. 1184.—James N. Ogden *et al.*, appellants, *vs.* The United States. Mandate granted on motion of Mr. Solicitor-General Aldrich for the appellee.

No. 272.—Charles E. Miller *et al.*, executors, etc., plaintiffs in error, *vs.* James M. Constable *et al.*;

No. 273.—James M. Constable *et al.*, plaintiffs in error, *vs.* Charles E. Miller *et al.*, executors, etc.;

No. 274.—Charles E. Miller *et al.*, executors, etc., plaintiffs in error, *vs.* James M. Constable *et al.*; and

No. 275.—Daniel Magone, collector, etc., plaintiff in error, *vs.* James E. Heller *et al.* Continued by consent on motion of Mr. Assistant Attorney-General Maury for the collector.

No. 208.—Elizabeth C. Hedden, administratrix of Edward L. Hedden, collector, etc., plaintiff in error, *vs.* Oscar L. Richard *et al.* Submitted by Mr. Assistant Attorney-General Maury for the plaintiff in error, and by Mr. Edwin B. Smith for the defendants in error.

No. 137.—John Nix *et al.*, plaintiffs in error, *vs.* Elizabeth C. Hedden, administratrix of Edward L. Hedden, deceased, collector, etc. Submitted by Mr. Edwin B. Smith for the plaintiffs in error, and by Mr. Assistant Attorney-General Maury for the defendant in error.

No. 1325.—The Aspen Mining and Smelting Company *et al.*, appellants, *vs.* Margaret Billings *et al.* Motion to dismiss submitted by Mr. T. A. Green in support of motion, with leave to Mr. Calderon Carlisle to file brief in opposition thereto.

No. 1329 and 1330.—Nelson F. Evans, plaintiff in error, *vs.* The United States. Motion to advance submitted by Mr. H. L. Carson for the plaintiff in error.

No. 1335.—Francesca L. De Martin, appellant, *vs.* James D. Phelan *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. George D. Collins in support of the petition, with leave to counsel to file briefs on or before Friday next.

No. 1275.—The Interstate Commerce Commission, appellant, *vs.* The Atchison, Topeka and Santa Fe Railroad Company *et al.* Motion to dismiss submitted by Mr. George R. Peck, Mr. A. T. Britton, and Mr. A. B. Browne in support of motion, and by Mr. W. A. Day in opposition thereto.

No. 959.—James Harvey *et al.*, plaintiffs in error, *vs.* The Telegraph Printing Company. In error to the circuit court of the United States for the southern district of Georgia. Dismissed with costs on motion of counsel for the plaintiffs in error.

No. 250.—Vincent P. Travers, appellant, *vs.* Oliver H. Buckley *et al.* Appeal from the circuit court of the United States for the district of Massachusetts. Dismissed with costs pursuant to the tenth rule.

No. 252.—Nathaniel C. Locke, appellant, *vs.* John H. Smith *et al.* Appeal from the circuit court of the United States for the district of Massachusetts. Dismissed with costs pursuant to the tenth rule.

No. 253.—The Schuyler National Bank, plaintiff in error, *vs.* John G. Bollong, and

No. 254.—The Schuyler National Bank, plaintiff in error, *vs.* Neil R. Bollong. Passed for settlement.

No. 260.—Guillaume Abadie, appellant, *vs.* The United States. Submitted by Mr. James Herrman for the appellant and by Mr. Assistant Attorney-General Maury for the appellee.

No. 262.—The United States, plaintiff in error, *vs.* John R. Jones *et al.* Submitted by Mr. Assistant Attorney-General Parker for the plaintiff in error and by Mr. T. Alexander and Mr. N. C. Blanchard for the defendants in error, with leave to file briefs on or before Friday next.

No. 251.—Wilbur F. Brigham, trustee, appellant, *vs.* Judson H. Coffin *et al.* Argued by Mr. Thomas William Clarke for the appellant, and submitted by Mr. J. E. Maynadier for the appellees.

No. 257.—The People of the State of California, plaintiff in error, *vs.* The San Pablo and Tulare Railroad Company. Argument commenced by Mr. W. H. H. Hart for the plaintiffs in error. The court declined to hear further argument.

No. 258.—Henry Curtner *et al.*, appellants, *vs.* The United States. Argument commenced by Mr. E. R. Taylor for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 25, will be as follows: Nos. 258, 215 (and 216), 259, 261, 190, 263 (and 278), 264, 266, 267, and 268.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 25, 1893.

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

Gershom M. Barber, of Cleveland, Ohio; Frank D. Carpenter, of Wilmington, Del., and Arthur Steuart, of Baltimore, Md., were admitted to practice.

No. 277.—Edward Byrne, appellant, *vs.* The United States. Continued on motion of Mr. Assistant Attorney-General Cotton for the appellee.

No. 264.—The Corbin Cabinet Lock Company, appellant, *vs.* The Eagle Lock Company. Continued per stipulation.

No. 266.—The Chicago City Railway Company, plaintiff in error, *vs.* Lucy A. Noyes. In error to the circuit court of the United States for the northern district of Illinois. Dismissed with costs, pursuant to the tenth rule.

No. 267.—Harvey Howard *et al.*, appellants, *vs.* Lyman Robinson *et al.* Appeal from the circuit court of the United States for the district of Colorado. Dismissed with costs, pursuant to the tenth rule.

No. 268.—James Kneeland, plaintiff in error, *vs.* E. Nelson Salling. In error to the circuit court of the United States for the western district of Michigan. Dismissed with costs, pursuant to the tenth rule.

No. 1332.—*Ex parte:* In the matter of James Lennon, appellant. Motion to advance submitted by Mr. Walter H. Smith for the appellant.

No. 258.—Henry Curtner *et al.*, appellants, *vs.* The United States. Argument continued by Mr. Mich. Mullany for the appellants, and concluded by Mr. A. B. Browne for the appellee.

No. 215.—Elizabeth B. McComb, executrix, etc., appellant, *vs.* George A. Frink *et al.*, administrators, etc., and

No. 216.—George A. Frink *et al.*, administrators, etc., appellants, *vs.* Elizabeth B. McComb, executrix, etc. Argument commenced by Mr. William G. Wilson for Frink *et al.*

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 26, will be as follows: Nos. 215, (and 216), 259, 261, 190, 263 (and 278), 269, 270, 276, 279, and 280.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 26, 1893.

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

Frank S. Streeter, of Concord, N. H.; Charles Acton Ives, of Newport, R. I.; Robert W. Burbank, of Providence, R. I., and Ladislas Kargé, of New York City, were admitted to practice.

No. 280.—The Wight Fire Proofing Company, appellant, *vs.* The Chicago Fire Proofing Company *et al.* Appeal from the circuit court of the United States for the northern district of Illinois. Dismissed with costs pursuant to the tenth rule.

No. 215.—Elizabeth B. McComb, executrix, etc., appellant, *vs.* George A. Frink *et al.*, administrators, etc.; and

No. 216.—George A. Frink *et al.*, administrators, etc., appellants, *vs.* Elizabeth B. McComb, executrix, etc. Argument continued by Mr. William G. Wilson for Frink *et al.*, by Mr. Wayne MacVeagh and Mr. George H. Bates for McComb, and concluded by Mr. George Gray for Frink *et al.*

No. 259.—W. B. Carr, plaintiff in error, *vs.* John Quigley. Argument commenced by Mr. A. B. Browne for the plaintiff in error and continued by Mr. Mich. Mullany for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 27, will be as follows: Nos. 259, 261, 190, 263 (and 278), 269, 270, 276, 279, 281, and 181 (and 282 and 288).

SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 27, 1893.

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

Edwin Sutherland, of Washington, D. C.; Benjamin F. Gilkerson, of Bristol, Pa.; Hiram G. Davis, of Corvallis, Oregon, and Daniel R. Murphy, of Portland, Oregon, were admitted to practice.

No. 279.—Moses Evans, plaintiff in error, *vs.* Anna Stellnisch *et al.* Submitted by Mr. John S. Gregory for the plaintiff in error. No counsel appeared for the defendants in error.

No. 281.—Augustus R. Gumaer *et al.*, appellants, *vs.* The Colorado Oil Company. Continued.

No. 181.—George I. Seney, trustee, appellant, *vs.* The Wabash Western Railway Company.

No. 282.—The United States Trust Company of New York, appellant, *vs.* The Wabash Western Railway Company; and

No. 288.—The Wabash Western Railway Company, appellant, *vs.* The United States Trust Company of New York. Continued per stipulation.

No. 283.—The Lane and Bodley Company, appellant, *vs.* Joseph M. Locke. Continued per stipulation.

No. 284.—J. Leslie Thompson, receiver, etc., *et al.*, plaintiffs in error, *vs.* The Sioux Falls National Bank, of Sioux Falls, Dak. Continued on motion of Mr. C. K. Davis for the defendants in error.

No. 1183.—Nancy W. Cushing *et al.*, appellants, *vs.* Elizabeth D. Batelle. Appeal from the supreme court of the District of Columbia. Dismissed with costs on authority of counsel for appellants.

No. 259.—W. B. Carr, plaintiff in error, *vs.* John Quigley. Argument continued by Mr. Mich. Mullany for the defendant in error, and concluded by Mr. A. B. Browne for the plaintiff in error.

No. 261.—Sir Peter Coats *et al.*, appellants, *vs.* The Merrick Thread Company *et al.* Argument commenced by Mr. Frederic H. Betts for the appellants, and continued by Mr. W. C. Witter for the appellees.

No. 270.—Isaac S. Hobbie *et al.*, plaintiffs in error, *vs.* Charles E. Jen-
nison. Submitted by Mr. James A. Allen for the plaintiffs in error, and
by Mr. George H. Lothrop for the defendant in error.

No. 276.—John Cadwalader, collector, etc., plaintiff in error, *vs.* The
Jessup and Moore Paper Company. Submitted by Mr. Assistant Attor-
ney-General Parker for the plaintiff in error on the record, and by Mr.
E. L. Perkins for the defendant in error.

No. 287.—Jesse P. Farley, appellant, *vs.* James J. Hill *et al.* Con-
tinued on motion of Mr. H. D. Beam for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 28, will be as follows: Nos. 261,
190, 263 (and 278), 269, 285, 286, 289, 290, 291, and 293.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 28, 1893.

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

Alfred S. Bennett, of The Dalles, Oregon, was admitted to practice.

No. 263.—Charles E. Wager, appellant, *vs.* The Providence Washington Insurance Co. *et al.*; and

No. 278.—The Providence Washington Insurance Co. *et al.*, appellants, *vs.* Henry Morse *et al.* Continued by consent, on motion of Mr. J. A. Hyland for Wager.

No. 285.—William Rader *et al.*, plaintiffs in error and appellants, *vs.* Fletcher Maddox *et al.* Continued per stipulation, on motion of Mr. A. H. Garland for the plaintiffs in error and appellants.

No. 291.—The Empire Coal and Transportation Company, appellant, *vs.* The Empire Coal and Mining Company *et al.* Continued on motion of Mr. A. H. Garland for the appellant.

No. 261.—Sir Peter Coats *et al.*, appellants, *vs.* The Merrick Thread Company *et al.* Argument continued by Mr. W. C. Wetter for the appellees, and concluded by Mr. Frederic H. Betts for the appellants.

No. 190.—The Sheffield Furnace Company, appellant, *vs.* James P. Witherow. Argued by Mr. T. R. Roulhac and Mr. H. C. Tompkins for the appellant, and by Mr. Wayne MacVeagh and Mr. H. B. Tompkins for the appellee.

No. 269.—B. S. Bibb, plaintiff in error, *vs.* Thomas H. Allen *et al.* Argued by Mr. E. W. Pettus for the plaintiff in error and by Mr. A. A. Wiley for the defendants in error.

Adjourned until Monday next at 12 o'clock.

7267—109.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 1, 1893.

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

Thomas H. Anderson, of Cambridge, Ohio; Louis P. Hennighausen, of Baltimore, Md.; J. K. Richards, of Columbus, Ohio; Franklin Bartlett, of New York City; Charles M. Demond, of New York City; and Oscar Stoehr, of Cincinnati, Ohio, were admitted to practice.

No. 230.—The United States, plaintiff in error, *vs.* Mrs. Anna M. Dumas *et al.* In error to the circuit court of the United States for the eastern district of Louisiana. Judgment affirmed. Opinion by Mr. Justice Jackson.

No. 231.—The United States, plaintiff in error, *vs.* Anna M. Dumas *et al.* In error to the circuit court of the United States for the eastern district of Louisiana. Judgment affirmed. Opinion by Mr. Justice Jackson.

No. 1199.—The Mexican Central Railway Company, limited, plaintiff in error, *vs.* Alexander Pinkney. In error to the circuit court of the United States for the western district of Texas. Judgment reversed with costs, and cause remanded with directions to set aside the verdict and judgment, and to overrule the demurrer to the plea in abatement. Opinion by Mr. Justice Jackson.

No. 229.—The United States, appellant, *vs.* Charles A. Snyder, etc., *et al.*, and The International Cotton Press Company. Appeal from the circuit court of the United States for the eastern district of Louisiana. That part of the decree which dismisses the bill as to the International Cotton Press Company reversed, and cause remanded with directions to proceed therein in conformity with the opinion of this court. Opinion by Mr. Justice Shiras.

No. 191.—Margaret L. Duer, executrix, etc., appellant, *vs.* The Corbin Cabinet Lock Company. Appeal from the circuit court of the United States for the district of Connecticut. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 199.—The Richmond and Danville Railroad Company, plaintiff in error, *vs.* Henry Elliot. In error to the circuit court of the United States for the northern district of Georgia. Judgment reversed with costs and cause remanded, with directions to grant a new trial. Opinion by Mr. Justice Brewer.

No. 233.—The United States, plaintiff in error, *vs.* Moses Mock. In error to the circuit court of the United States for the northern district of California. Judgment reversed and cause remanded, with directions to grant a new trial. Opinion by Mr. Justice Brewer.

No. 235.—The United States, plaintiff in error, *vs.* John W. Humphries *et al.* In error to the circuit court of the United States for the northern district of California. Judgment reversed and cause remanded, with directions to grant a new trial. Opinion by Mr. Justice Brewer.

No. 89.—The Baltimore and Ohio Railroad Company, plaintiff in error, *vs.* John Baugh. In error to the circuit court of the United States for the southern district of Ohio. Judgment reversed with costs and cause remanded, with directions to grant a new trial. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Field and Mr. Chief Justice Fuller.

No. 217.—John T. Underwood *et al.*, appellants, *vs.* Henry Gerber *et al.* Appeal from the circuit court of the United States for the eastern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 198.—Thomas E. Pearsall, assignee, etc., appellant, *vs.* David M. Smith *et al.* Appeal from the circuit court of the United States for the eastern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 178.—Samuel C. Schaeffer, appellant, *vs.* John I. Blair. Appeal from the circuit court of the United States for the western district of Missouri. Decree reversed with costs, and cause remanded for further proceedings to be had therein in accordance with the opinion of this court. Opinion by Mr. Justice Gray. Dissenting, Mr. Justice Brewer. (Mr. Justice Field was not present at the argument and took no part in the decision.)

No. 95.—John A. Nash, appellant, *vs.* George W. Harshman. Appeal from the circuit court of the United States for the northern district of Ohio. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 1275.—The Interstate Commission, appellant, *vs.* The Atchison, Topeka and Santa Fe Railroad Company *et al.* Appeal from the circuit court of the United States for the southern district of California. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 260.—Guillaume Abadie, appellant, *vs.* The United States. Appeal from the circuit court of the United States for the northern district of California. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 262.—The United States, plaintiff in error, *vs.* John R. Jones *et al.* In error to the circuit court of the United States for the western district of Louisiana. Judgment affirmed. Opinion by Mr. Chief Justice Fuller.

No. 1024.—The Cincinnati, Hamilton and Dayton Railroad Company, appellant, *vs.* William R. McKeen. On a certificate from the United States circuit court of appeals for the seventh circuit. Dismissed. Opinion by Mr. Chief Justice Fuller.

No. 232.—Elizabeth L. Hager, executrix, etc., plaintiff in error, *vs.* R. H. Swayne. In error to the circuit court of the United States for the northern district of California. Judgment reversed, with costs, and cause remanded, with a direction to dismiss the complaint. Opinion by Mr. Chief Justice Fuller.

No. 1312.—The Texas and Pacific Railway Company, plaintiff in error, *vs.* Ida May Anderson and husband, Scott Anderson. On a certificate from the United States circuit court of appeals for the fifth circuit. It is the opinion of this court that the said circuit court of appeals can not review by writ of error this judgment of the circuit court in execution of the mandate of this court. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court:

No. 1130.—Daniel J. McDaid *et al.*, plaintiffs in error, *vs.* The Territory of Oklahoma on the relation of Winfield S. Smith *et al.*

No. 1323.—Thomas Hughes *et al.*, plaintiffs in error, *vs.* The United States.

No. 1329 and No. 1330.—Nelson F. Evans, plaintiff in error, *vs.* The United States.

No. 1332.—*Ex parte*: In the matter of James Lennon, appellant. Motion to advance granted and causes assigned for argument on the second Monday of the next term after cases already set down for that day.

No. 1333.—Francesca L. De Martin, appellant, *vs.* James D. Phelan *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit, denied.

No. 778.—John Hoey *et al.*, appellants, *vs.* Michael Coleman *et al.*, commissioners, etc. Appeal from the circuit court of the United States for the southern district of New York. Dismissed per stipulation on motion of Mr. J. Hubley Ashton, in behalf of counsel.

No. 1339.—The Sawyer-Man Electric Company, appellant, *vs.* The Edison Electric Light Company *et al.* Petition for a writ of certiorari to

the United States circuit court of appeals for the second circuit submitted by Mr. Edmund Wetmore, Mr. Elihu Root, Mr. Samuel A. Duncan, and Mr. Leonard E. Curtis for the appellant, in support of the petition, and by Mr. Joseph H. Choate, Mr. F. P. Fish, and Mr. R. N. Dyer for the appellees, in opposition thereto, with leave to Mr. Choate to file additional brief.

No. 1340.—In the matter of the application of A. K. Gardiner & Bro. concerning certain importations of merchandise by them. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit, submitted by Mr. Edwin B. Smith for the petitioners.

No. 1336.—John H. Reagan *et al.*, appellants, *vs.* The Farmers' Loan and Trust Company *et al.* Advanced, and assigned for argument on the second Monday of the next term after cases already set down for that day, on motion of Mr. C. A. Culberson for the appellants.

No. 1341.—The Sun Printing and Publishing Association, plaintiff in error, *vs.* Juliette C. Smith. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit, submitted by Mr. Franklin Bartlett for the petitioner.

No. 1253.—John McNulty, plaintiff in error, *vs.* The People of the State of California; and

No. 1316.—F. O. Vincent, plaintiff in error, *vs.* The People of the State of California. Motions to dismiss submitted by Mr. W. H. H. Hart in support of motions, with leave to Mr. Carroll Cook to file briefs in opposition thereto.

Ex parte: In the matter of Friederich Hohorst, petitioner. Motion for leave to file petition for a writ of mandamus, submitted by Mr. Charles M. Demond in support of motion.

No. 1271.—Charles Moran *et al.*, etc., appellants, *vs.* J. C. Hagerman, administrator, etc., *et al.* Motion to dismiss submitted by Mr. Horatio King, Mr. W. E. F. Deal, and Mr. Edmund Tauszky in support of the motion, and by Mr. Wheeler H. Peckham in opposition thereto.

No. 76.—The Commercial National Bank of Pennsylvania, appellant, *vs.* David Armstrong, receiver, etc.; and,

No. 77.—David Armstrong, receiver, etc., appellant, *vs.* The Commercial National Bank of Pennsylvania. Mandate granted on motion of Mr. Oscar Stoehr, for the bank.

No. 424.—The Sheffield and Birmingham Coal, Iron and Railway Company, appellant, *vs.* Gordon, Strobel & Lareau, Limited. Motions to dismiss or affirm submitted by Mr. W. A. Gunter in support of motions, and by Mr. Henry B. Tompkins in opposition thereto.

No. 1265.—The Aztec Mining Company, plaintiff in error, *vs.* John W. Ripley. Motions to dismiss or affirm submitted by Mr. Rufus H. Thayer in support of motions, and by Mr. Nathan Frank in opposition thereto.

No. 1325.—The Aspen Mining and Smelting Company *et al.*, appellants, *vs.* Margaret Billings *et al.* Leave granted Mr. Calderon Carlisle to file affidavits in opposition to motion to dismiss.

No. 870.—The Gulf, Colorado and Santa Fé Railway Company, plaintiff in error, *vs.* Hefley & Lewis. Motion to dismiss submitted by Mr. E. L. Antony in support of motion, and by Mr. George R. Peck, Mr. A. T. Britton, and Mr. A. B. Browne in opposition thereto.

No. 1181.—John D. Fee, plaintiff in error, *vs.* Henry C. Brown, executor of Jane C. Brown, deceased. Motions to dismiss or affirm submitted by Mr. James H. Brown in support of motions, and by Mr. J. M. Vale in opposition thereto.

No. 1187.—George E. Shute, sheriff, *etc.*, *et al.*, appellants, *vs.* William Keyser. Motion to dismiss submitted by Mr. R. F. Brent in support of motion, and by Mr. William Allen Butler and Mr. John Notman in opposition thereto.

No. 1280.—John Loeber, plaintiff in error, *vs.* J. Henry Schraeder, administrator, *etc.* Motions to dismiss or affirm submitted by Mr. L. P. Hennighausen and Mr. M. R. Walter in support of the motions, and by Mr. William Colton in opposition thereto.

Adjourned until Wednesday, May 10, at 12 o'clock.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MAY 10, 1893.

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

Nathan S. Porter, of Olympia, Wash.; Milo A. Root, of Olympia, Wash.; Robert A. Miller, of Jacksonville, Oregon; Edward J. McCutchen, of San Francisco, Cal.; Ward Thoron, of Washington, D. C.; Jonathan W. Flanders, of Sturgis, Mich.; Thos. Carroll, of Tacoma, Wash.; John E. Humphries, of Seattle, Wash.; Carroll McKenney, of Washington, D. C.; A. Caminetti, of Jackson, Cal.; Herbert S. Herrick, of San Francisco, Cal., and Maxwell Evarts, of New York City, were admitted to practice.

No. 225.—Edward W. Leggett, appellant, *vs.* The Standard Oil Company. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Jackson.

No. 247.—Belle N. B. Wade *et al.*, trustees, appellants, *vs.* The Chicago, Springfield and St. Louis Railroad Company *et al.*; and

No. 248.—Dallas B. Pratt, trustee, appellant, *vs.* Belle N. B. Wade *et al.*, trustees. Appeals from the circuit court of the United States for the southern district of Illinois. Decree reversed with costs to the complainants in the circuit court and cause remanded with directions to enter a decree in conformity with the opinion of this court. Opinion by Mr. Justice Jackson. (Mr. Justice Field did not sit in this case and took no part in its decision.)

No. 1280.—John Loeber, plaintiff in error, *vs.* J. Henry Schroeder, administrator of Catharine Loeber, deceased. In error to the court of appeals for the State of Maryland. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Jackson.

No. 269.—Benajah S. Bibb, plaintiff in error, *vs.* Thomas H. Allen *et al.*, etc. In error to the circuit court of the United States for the middle district of Alabama. Judgment affirmed with costs and interest. Opinion by Mr. Justice Jackson.

No. 208.—Elizabeth L. Hedden, administratrix, etc., plaintiff in error, *vs.* Oscar L. Richard *et al.* In error to the circuit court of the United States for the southern district of New York. Judgment reversed with costs

and cause remanded with directions to award a new trial, and proceed in conformity with the opinion of this court. Opinion by Mr. Justice Shiras.

No. 251.—Wilbur F. Brigham, trustee, appellant, *vs.* Judson H. Coffin *et al.* Appeal from the circuit court of the United States for the district of Massachusetts. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 227.—Albert L. Ide, appellant, *vs.* The Ball Engine Company *et al.* Appeal from the circuit court of the United States for the northern district of Illinois. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 261.—Sir Peter Coats *et al.*, appellants, *vs.* The Merrick Thread Company *et al.* Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 172.—Frederick Hollender *et al.*, plaintiffs in error, *vs.* Daniel Magone, collector, &c. In error to the circuit court of the United States for the southern district of New York. Judgment reversed with costs and cause remanded with directions to award a new trial. Opinion by Mr. Justice Brewer.

No. 190.—The Sheffield Furnace Company, appellant, *vs.* James P. Witherow. Appeal from the circuit court of the United States for the northern district of Alabama. Decree affirmed with costs and interest. Opinion by Mr. Justice Brewer.

No. 279.—Moses Evans, plaintiff in error, *vs.* Anna Stettmisch *et al.* In error to the circuit court of the United States for the district of Nebraska. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 124.—Alexander M. Byers, administrator, etc., appellant, *vs.* Robert F. McAuley *et al.*; and

No. 130.—Dora McAuley *et al.*, appellants, *vs.* Robert F. McAuley *et al.* Appeals from the circuit court of the United States for the western district of Pennsylvania. Decree reversed with costs and cause remanded with directions to enter a decree in conformity with the opinion of this court. Opinion by Mr. Justice Brewer. Dissenting: Mr. Chief Justice Fuller and Mr. Justice Shiras. (Mr. Justice Jackson took no part in the decision of the case.)

No. 270.—Isaac S. Hobbie *et al.*, plaintiffs in error, *vs.* Charles E. Jenkinson. In error to the circuit court of the United States for the eastern district of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice Blatchford.

No. 276.—John Cadwalader, collector, etc., plaintiff in error, *vs.* The Jessup and Moore Paper Company. In error to the circuit court of the

United States for the eastern district of Pennsylvania. Judgment affirmed with costs and interest. Opinion by Mr. Justice Blatchford.

No. 166.—H. C. Moses *et al.*, plaintiffs in error, *vs.* The National Bank of Lawrence County. In error to the circuit court of the United States for the middle district of Alabama. Judgment reversed with costs, and cause remanded for further proceedings to be had therein in conformity with the opinion of this court. Opinion by Mr. Justice Gray.

No. 137.—John Nix *et al.*, plaintiffs in error, *vs.* Elizabeth C. Hedden, administratrix, etc. In error to the circuit court of the United States for the southern district of New York. Judgment affirmed with costs. Opinion by Mr. Justice Gray.

No. 257.—The People of the State of California, plaintiff in error, *vs.* The San Pablo and Tulare Railroad Company. In error to the circuit court of the United States for the northern district of California. Dismissed. Opinion by Mr. Justice Gray.

No. 213.—Allen C. Dalzell *et al.*, appellants, *vs.* The Dueber Watch Case Manufacturing Company. Appeal from the circuit court of the United States for the southern district of New York. Decree reversed with costs and cause remanded, with directions to dismiss the bill. Opinion by Mr. Justice Gray. Dissenting: Mr. Justice Brewer.

No. 214.—Allen C. Dalzell, *et al.*, appellants, *vs.* The Dueber Watch Case Manufacturing Company. Appeal from the circuit court of the United States for the southern district of New York. Decree reversed with costs and cause remanded, with directions to overrule the plea to the bill and to order the defendant to answer that bill. Opinion by Mr. Justice Gray. Dissenting: Mr. Justice Brewer.

No. 240.—The Minneapolis and St. Louis Railway Company, plaintiff in error, *vs.* Henry G. Emmons; and

No. 241.—The Minneapolis and St. Louis Railway Company, plaintiff in error, *vs.* Ole Nelson. In error to the supreme court of the State of Minnesota. Judgments affirmed with costs. Opinion by Mr. Justice Field.

No. 153.—R. C. Cates *et al.*, appellants, *vs.* J. H. Allen *et al.*, etc. Appeal from the district court of the United States for the northern district of Mississippi. Decree of October 28, 1887, reversed with costs and cause remanded with directions to render judgment against the complainants for costs in that court and to remand the case to the chancery court of Lee County, Miss. Opinion by Mr. Chief Justice Fuller. Dissenting, Mr. Justice Brown and Mr. Justice Jackson.

No. 224.—The Metropolitan National Bank of New York, appellant, *vs.* The St. Louis Dispatch Company *et al.* Appeal from the circuit court

of the United State for the eastern district of Missouri. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller. Order making new parties appellees entered.

The Chief Justice announced the following orders of the court :

No. 424.—The Sheffield and Birmingham Coal, Iron and Railway Company, appellant, *vs.* Gordon, Stroebel & Lareau (limited). Motion to dismiss or affirm postponed to the hearing on the merits.

No. 1325.—The Aspen Mining and Smelting Company *et al.*, appellants, *vs.* Margaret Billings *et al.* Motion to dismiss postponed to the next term, and counsel for appellees directed to serve new notice and to embrace case between same parties, No. 1326, on the docket for the present term.

No. 870.—The Gulf, Colorado and Santa Fe Railway Company, plaintiff in error, *vs.* Hefley & Lewis. Motion to dismiss denied.

No. 1181.—John D. Fee, plaintiff in error, *vs.* Henry C. Brown, executor, etc. Motions to dismiss or affirm postponed to the hearing on the merits.

No. 1265.—The Aztec Mining Company, plaintiff in error, *vs.* John W. Ripley. Motions to dismiss or affirm continued until next term for new notice to be given.

No. 1271.—Charles Moran *et al.*, appellants, *vs.* J. C. Hagerman, administrator, etc., *et al.* Motion to dismiss postponed to the hearing on the merits.

No. 1340.—In the matter of the application of A. K. Gardner & Bro. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 1341.—The Sun Printing and Publishing Association, plaintiff in error, *vs.* Juliette C. Smith. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 21.—Original.—*Ex parte*: In the matter of Friedrich Hohorst, petitioner. Motion for leave to file petition for a writ of mandamus granted, and rule to show cause ordered to issue, returnable on the first day of the next term.

No. 1345.—Fong Yue Ting, appellant, *vs.* The United States *et al.* ;

No. 1346.—Wong Quan, appellant, *vs.* The United States *et al.* ; and

No. 1347.—Lee Joe, appellant, *vs.* The United States *et al.*

Advanced for immediate argument on application of counsel. Argued by Mr. Joseph H. Choate and Mr. J. Hubley Ashton for the appellants, and by Mr. Solicitor-General Aldrich for the appellees.

Adjourned until Monday next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 15, 1893.

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

John S. Seymour, of Norwalk, Conn.; Frederick Seymour, of New York City; George P. Montague, of Vallejo, Cal.; John M. Gartside, of Chicago, Ill.; James Alva Watt, of San Francisco, Cal.; Russell W. Montague, of White Sulphur Springs, W. Va.; Anthony A. Connolly and Joseph B. Connolly, of Washington, D. C.; Ernest W. Bradford, of Indianapolis, Ind.; Richard H. Clarke, of Mobile, Ala., and John W. Showalter, of Chicago, Ill., were admitted to practice.

No. 31.—John Cadwalader, collector, etc., plaintiff in error, *vs.* John Wanamaker *et al.* In error to the circuit court of the United States for the eastern district of Pennsylvania. Judgment affirmed with costs and interest. Opinion by Mr. Justice Shiras.

No. 151.—James H. Walker & Co., plaintiff in error, *vs.* Anthony F. Seeberger, collector, etc. In error to the circuit court of the United States for the northern district of Illinois. Judgment reversed with costs, and cause remanded with directions to award a new trial. Opinion by Mr. Justice Shiras.

No. 860.—Sallie D. Hartranft, executrix, etc., plaintiff in error, *vs.* Meyer & Dickinson. In error to the circuit court of the United States for the eastern district of Pennsylvania. Judgment affirmed with costs and interest. Opinion by Mr. Justice Shiras. Dissenting: Mr. Justice Brewer and Mr. Justice Brown.

No. 175.—Joseph Desha Pickett *et al.*, plaintiffs in error, *vs.* George Foster *et al.* Appeal from the circuit court of the United States for the western district of Louisiana. Decree affirmed with costs. Opinion by Mr. Justice Shiras.

No. 211.—The Union Pacific Railway Company, plaintiff in error, *vs.* Henry Goodridge *et al.* In error to the circuit court of the United States for the district of Colorado. Judgment affirmed with costs and interest. Opinion by Mr. Justice Brown.

No. 212.—The Union Pacific Railway Company, plaintiff in error, *vs.* E. R. Taggart. In error to the circuit court of the United States for the district of Colorado. Judgment affirmed with costs and interest. Opinion by Mr. Justice Brown.

No. 215.—Elizabeth B. McComb, executrix, etc., appellants, *vs.* George A. Frink *et al.*, administrators, etc., and

No. 216.—George A. Frink *et al.*, administrators, etc., appellants, *vs.* Elizabeth B. McComb, executrix, etc. Appeals from the circuit court of the United States for the district of Delaware. Decree affirmed, the costs in this court to be equally divided between the parties. Opinion by Mr. Justice Brewer.

No. 210.—The City of Cairo, plaintiff in error, *vs.* Joseph Zane. Leave granted counsel to file briefs on or before the first day of next term on the question whether the coupons sued on bear interest or not. Announced by Mr. Justice Brewer.

No. 94.—The City of St. Louis, plaintiff in error, *vs.* The Western Union Telegraph Company. Petition for rehearing denied. Announced by Mr. Justice Brewer.

No. 221.—Henry H. Porter *et al.*, appellants, *vs.* Dwight M. Sabin *et al.* Appeal from the circuit court of the United States for the district of Minnesota. Decree affirmed with costs. Opinion by Mr. Justice Gray.

No. 108.—Nicholas S. Hill, plaintiff in error, *vs.* The United States. In error to the circuit court of the United States for the district of Maryland. Judgment reversed and cause remanded with directions to dismiss it for want of jurisdiction. Opinion by Mr. Justice Gray. Dissenting: Mr. Justice Shiras.

No. 1345.—Fong Yue Ting, appellant, *vs.* The United States *et al.* ;

No. 1346.—Wong Quan, appellant, *vs.* The United States *et al.*, and

No. 1347.—Lee Joe, appellant, *vs.* The United States *et al.* Appeals from the circuit court of the United States for the southern district of New York. Decrees affirmed. Opinion by Mr. Justice Gray. Dissenting: Mr. Justice Brewer, Mr. Justice Field, and Mr. Chief Justice Fuller.

No. 259.—W. B. Carr, plaintiff in error, *vs.* John Quigley. In error to the supreme court of the State of California. Judgment reversed with costs, and cause remanded for further proceedings to be had therein in accordance with the opinion of this court. Opinion by Mr. Justice Field.

No. 1187.—George E. Shute, sheriff, etc., *et al.*, appellants, *vs.* William Keyser. Appeal from the supreme court of the Territory of Arizona. Motion to dismiss denied. Opinion by Mr. Chief Justice Fuller.

No. 258.—Henry Curtner *et al.*, appellants, *vs.* The United States. Appeal from the circuit court of the United States for the northern dis-

trict of California. Decree reversed and cause remanded, with a direction to dismiss the bill. Opinion by Mr. Chief Justice Fuller.

No. 1253.—John McNulty, plaintiff in error, *vs.* The People of the State of California. In error to the supreme court of the State of California. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 1316.—F. O. Vincent, plaintiff in error, *vs.* The People of the State of California. In error to the supreme court of the State of California. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court :

No. 1339.—The Sawyer-Man Electric Company, appellant, *vs.* The Edison Electric Light Company *et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

Order.

It is ordered that Equity Rule 67, as promulgated May 2, 1892, be, and it is hereby, amended by adding thereto the following :

“Upon due notice given, as prescribed by previous order, the court may, at its discretion, permit the whole, or any specific part, of the evidence to be adduced orally in open court on final hearing.”

No. 133.—John C. Johnston, appellant, *vs.* The Stanard Mining Company ; and

No. 210.—The City of Cairo, plaintiff in error, *vs.* Joseph Zane. It is ordered by the court that the mandates in these cases be withheld until the further order of the court.

No. 179.—John M. Steward, administrator, *etc.*, plaintiff in error, *vs.* Harry Gassert *et al.* Leave to file petition for rehearing, and that mandate be stayed for thirty days granted, on motion of Mr. F. M. Cockrell in behalf of counsel.

No. 6.—Original.—The State of Maryland, complainant, *vs.* The State of West Virginia. Time to file cross-bill and answer extended as per stipulation, on motion of Mr. A. H. Garland in behalf of counsel.

No. 3.—Original.—The State of Virginia, complainant, *vs.* The State of Tennessee. Motion to restore boundary marks and to allow complainant to take additional evidence submitted by Mr. R. Taylor Scott in support of motion, and by Mr. C. J. St. John in opposition thereto. Motion to amend decree as to costs, per stipulation, granted.

No. 1292.—Michael Moran *et al.*, plaintiff in error, *vs.* Frank D. Sturgis, receiver, *etc.* Motion of Mr. R. D. Benedict to advance denied without prejudice to its renewal at the next term.

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No. 1253.—John McNulty, plaintiff in error, *vs.* The People of the State of California. Ordered that mandate be stayed for ten days on motion of Mr. Carroll Cook for the plaintiff in error.

No. 180.—The Chicago, Milwaukee and St. Paul Railway Company, plaintiff in error, *vs.* Alfred M. Hoyt *et al.*, etc. Motion by Mr. John W. Showalter for leave to file motion to modify judgment herein and for stay of mandate denied.

No. 590.—Franklin Farrel, plaintiff in error, *vs.* The National Shoe and Leather Bank of New York City. In error to the circuit court of the United States for the district of Connecticut. Dismissed per stipulation.

No. 601.—Oscar Ulrich, appellant, *vs.* Hugh J. McGowan, marshal, etc. Appeal from the circuit court of the United States for the western district of Missouri. Dismissed with costs on authority of counsel for appellants.

No. 1143.—Lewis C. Kengla, plaintiff in error, *vs.* Joseph T. Offutt, lately doing business as Joseph T. Offutt & Co. In error to the supreme court of the District of Columbia. Dismissed; cost of printing the record and clerk's costs in this court to be paid by the defendant in error per stipulation of counsel.

The Chief Justice announced the following order:

It is now here ordered by the court that all the cases on the docket not decided and all the other business of the term not disposed of by the court be, and the same are hereby, continued until the next term of the court.

Adjourned to the time and place appointed by law.

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