

SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 9, 1905.

The court met pursuant to law.

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

A. B. Hays of Ogden, Utah, Hiram H. Henderson of Ogden, Utah, John J. Winn of Haverhill, Mass., George H. Terriberry of New Orleans, La., William J. Hennessey of New Orleans, La., J. N. Flowers of Jackson, Miss., Robert M. Montgomery of Lansing, Mich., F. E. Priddy of Adrian, Mich., Louis C. White of Washington, D. C., Benjamin R. Johnson of Washington, D. C., Walter M. Beckford of Butte, Mont., and Paul Charlton of Omaha, Nebr., were admitted to practice.

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

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 10, will be as follows: Nos. 11, Original, 6, 84, 163, 9, 250 (and 251 and 252), 2, 3, 4 and 7.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 10, 1905.

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

Alexander Akerman of Macon, Ga., and J. N. Searles of Stillwater, Minn., were admitted to practice.

No. 149 of October term, 1904. Frederic W. Lincoln et al., plaintiffs in error, *v.* The United States; and

No. 466 of October term, 1904. Warner, Barnes & Co., Limited, appellants, *v.* The United States. Motion for an oral reargument herein submitted by Mr. Attorney-General Moody for the United States. Leave granted to Mr. Henry M. Ward to file briefs on or before Monday next and to the Solicitor-General to reply thereto within five days thereafter.

No. 13. Edward J. Percy, plaintiff in error, *v.* Nevada N. Stranahan. Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Solicitor-General Hoyt for the defendant in error.

No. 28. The United States of America *v.* The A. C. McElroy Manufacturing Company. Passed for settlement.

No. 146. Cheung Him Nim, appellant, *v.* The United States;

No. 147. Chew Hing, appellant, *v.* The United States;

No. 148. Lee Yue, appellant, *v.* The United States;

No. 149. Chin Chew Fong, etc., appellant, *v.* The United States; and

No. 150. Cheung Pang, appellant, *v.* The United States. Appeals from the United States circuit court of appeals for the ninth circuit. Dismissed, per stipulation, on motion of Mr. Solicitor-General Hoyt for the appellee, and mandate granted.

No. 381. Lewis M. Alexander, appellant, *v.* The United States;

No. 382. George A. Whiting, appellant, *v.* The United States;

No. 383. William Z. Stuart, appellant, *v.* The United States;

No. 384. General Paper Company, appellant, *v.* The United States;

No. 385. E. T. Harmon et al., appellant, *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Hoyt for the appellee.

No. 340. Edwin F. Hale, appellant, *v.* William Henkel, United States marshal; and

No. 341. William H. McAlister, appellant, *v.* William Henkel, United States marshal. Motion to advance submitted by Mr. Solicitor-General Hoyt for the appellee.

No. 223. The United States, appellant, *v.* Bitter Root Development Company et al. Motion to advance submitted by Mr. Solicitor-General Hoyt for the appellant.

No. 359. The United States, appellant, *v.* William A. Clark. Motion to advance submitted by Mr. Solicitor-General Hoyt in support of motion, and by Mr. Walter M. Bickford for the appellee in opposition thereto.

No. 410. The Aetna Indemnity Company, petitioner, *v.* William M. Ladd et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Benj R. Johnson in behalf of Mr. Joseph C. Campbell, Mr. W. H. Metson and Mr. George M. Mackellar for the petitioner, and by Mr. George H. Williams and Mr. C. E. S. Wood for the respondents.

No. 7, Original. The State of Kansas, complainant, *v.* The State of Colorado et al. Motion to fix day for hearing submitted by Mr. C. C. Coleman for the complainant, with leave to counsel for defendants to file opposition.

No. 339. Ah Sou, appellant, *v.* The United States. Petition for a writ of certiorari herein submitted by Mr. J. M. Thurston for the petitioner, and by Mr. Solicitor-General Hoyt in opposition to the petition.

No. 407. Anna Siegel, plaintiff in error, *v.* The New York and Harlem Railroad Company et al. Motion to advance submitted by Mr. Edward Winslow Paige and Mr. Ira A. Place for the defendants in error.

No. 259. Samuel W. Watkins, plaintiff in error, *v.* American National Bank of Denver. Motions to dismiss or affirm submitted by Mr. T. J. O'Donnell and Mr. R. T. McNeal in support of motions, and by Mr. George H. Noyes in opposition thereto. Petition for writ of certiorari herein and to postpone motions to the hearing on the merits submitted by Mr. G. H. Rae in behalf of Mr. George H. Noyes for the plaintiff in error.

No. 368. Mary Mabel Rogers, appellant, *v.* Henry H. Peck et al. Motion to advance submitted by Mr. Clarke C. Fitts for the appellees in support of motion, and by Mr. Tracy L. Jeffords and Mr. F. M. Butler for the appellant in opposition thereto.

No. 77. James B. Howard, plaintiff in error, *v.* The Commonwealth of Kentucky. Motion to advance submitted by Mr. N. B. Hays for the defendant in error.

No. 427. Robert D. Kinney, plaintiff in error, *v.* James T. Mitchell. Motion for leave to enter appearance in propria persona granted Mr. Robert D. Kinney, the plaintiff in error. Motion to advance submitted by Mr. Robert D. Kinney pro se.

No. 360. W. H. Carfer, sheriff, etc., appellant, *v.* C. T. Caldwell. Motion to advance submitted by Mr. Lawrence Maxwell, jr., for the appellant, and by Mr. C. T. Caldwell in opposition thereto.

No. —, Original. Ex parte: In the matter of The United States of America upon the relation of Leonidas M. Lawson et al., petitioners. Motion for leave to file petition for a writ of mandamus submitted by Mr. William Frye White in behalf of Mr. Charles C. Dey, Mr. Ogden Hiles, Mr. Charles J. Hughes, jr., Mr. L. R. Rogers and Mr. John A. Street for the petitioners.

No. 428. Giuseppe Marmo, appellant, *v.* William C. Nicoll, sheriff of the county of Essex, N. J. Appeal from the circuit court of the United States for the district of New Jersey. Docketed and dismissed with costs, on motion of Mr. Charles F. Wilson for the appellee.

No. 4, Original. The State of Missouri, complainant, *v.* The State of Illinois et al. Motion to extend time to file briefs for the defendants submitted by Mr. F. S. Bright in behalf of counsel.

No. 41. The New York Life Insurance Company, plaintiff in error, *v.* Annie E. English. In error to the court of civil appeals of the first supreme judicial district of the State of Texas. Dismissed with costs and mandate granted, on motion of Mr. Frederic D. McKenney for the plaintiff in error.

No. 76. Tacoma Mill Company, petitioner, *v.* Black Hills and Northwestern Railway Company et al. On writ of certiorari to the United States circuit court of appeals for the ninth circuit. Dismissed, per stipulation, on motion of Mr. Frederic D. McKenney for the petitioner.

No. 331. Henry A. Blair et al., etc., appellants, *v.* The City of Chicago et al. ;

No. 332. The North Chicago City Railway Company, appellants, *v.* Henry A. Blair et al., etc. ;

No. 333. City of Chicago, appellant, *v.* John C. Fetzer et al., etc. ;

No. 334. Henry A. Blair et al., etc., appellants, *v.* the City of Chicago et al. ;

No. 335. The Chicago West Division Railway Company, appellant, *v.* Henry A. Blair et al., etc.; and

No. 336. City of Chicago, appellant, *v.* John C. Fetzer et al., etc. Motion to advance submitted by Mr. Frederic D. McKenney in behalf of counsel. Suggestion of diminution of record and motion for writ of

certiorari submitted by Mr. Holmes Conrad for the City of Chicago, with leave to file reply to motion within one week.

No. 12, Original. The State of Wisconsin, complainant, *v.* Ethan Allen Hitchcock, Secretary of the Interior. Leave granted to file amended bill, on motion of Mr. William C. Prentiss in behalf of counsel. Leave granted to file demurrer within ten days, on motion of Mr. Assistant Attorney-General Campbell for the defendant.

No. 93. Wabash Railroad Company, plaintiff in error, *v.* W. H. Summers. In error to the Kansas City court of appeals of the State of Missouri.

No. 94. Wabash Railroad Company, plaintiff in error, *v.* James Hendrix; and

No. 95. Wabash Railroad Company, plaintiff in error, *v.* S. M. Rice. In error to the St. Louis court of appeals of the State of Missouri. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 109. C. M. Barnes, mayor, etc., et al., appellants, *v.* C. W. Turner et al. Appeal from the supreme court of the Territory of Oklahoma. Dismissed with costs, on motion of counsel for the appellants.

No. 120. National Accident Society, plaintiff in error, *v.* William Bruce Martin, judge, etc. In error to the supreme court of appeals of the State of Virginia. Dismissed with costs, on motion of counsel for plaintiff in error.

No. 132. Galen E. Green, plaintiff in error, *v.* David Stewart. In error to the court of appeals of the District of Columbia. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 136. Pablo Ubarri et al., plaintiffs in error, *v.* Pedro C. Correa y Rodriguez et al. In error to the district court of the United States for the district of Porto Rico. Dismissed with costs, on motion of counsel for the plaintiffs in error.

No. 143. The Chicago and Erie Railroad Company, plaintiff in error, *v.* J. W. Jacoby, administrator, etc. In error to the supreme court of the State of Ohio. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 189. Wabash Railroad Company, plaintiff in error, *v.* John Sloop. In error to the Kansas City court of appeals, State of Missouri. Dismissed with costs, on motion of counsel for plaintiff in error.

No. 205. William C. Jutte, plaintiff in error, *v.* The Monongahela River Consolidated Coal and Coke Company. In error to the supreme court of the State of Pennsylvania. Dismissed with costs, on motion of counsel for plaintiff in error.

No. 364. Jerry T. Donovan, plaintiff in error, *v.* Michael T. Berry. In error to the superior court of the State of Massachusetts. Dismissed with costs, per stipulation.

No. 2. The United States, appellant, *v.* The Missouri, Kansas and Texas Railway Company et al. Appeal from the circuit court of the United States for the district of Kansas. Dismissed, on motion of Mr. Solicitor-General Hoyt for the appellant.

No. 4. Erie Railroad Company, plaintiff in error, *v.* George H. Minor. In error to the supreme court of the State of New York. Dismissed with costs, pursuant to the nineteenth rule.

No. 11, Original. State of Louisiana, complainant, *v.* State of Mississippi. Leave granted to three counsel to argue for each side, and four hours allowed each side in the argument of this case, on motion of Mr. Walter Guion for the complainant. Argument commenced by Mr. John Dymond, jr., for the complainant, and continued by Mr. F. C. Zacharie for the complainant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 11, will be as follows: Nos. 11 (original), 163, 6, 84, 9, 250 (and 251 and 252), 3, 7, 8 and 11.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 11, 1905.

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

Edwin S. McAnany of Kansas City, Kans., James H. Neville of Gulfport, Miss., George C. Walshe of New Orleans, La., and W. H. Field of Louisville, Ky., were admitted to practice.

No. 23. Charles E. Dawson et al., plaintiffs in error, *v.* Thomas E. Waggaman, collector, etc. In error to the court of appeals of the District of Columbia. Dismissed with costs, on authority of counsel for plaintiffs in error.

No. 8. Thomas E. Davis, plaintiff in error, *v.* Jacob Living et al. In error to the supreme court of appeals of the State of West Virginia. Dismissed with costs, pursuant to the tenth rule.

No. 11, Original. State of Louisiana, complainant, *v.* State of Mississippi. Argument continued by Mr. F. C. Zacharie for complainant, and by Mr. Hannis Taylor, Mr. J. N. Flowers and Mr. Monroe McClurg for the defendant, and by Mr. Walter Guion for the complainant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 12, will be as follows: Nos. 11 (original), 163, 6, 84, 9, 250 (and 251 and 252), 3, 7, 11 and 14.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 12, 1905.

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

Thomas Allen Perkins of San Francisco, Cal., E. S. Daniels of Chattanooga, Tenn., A. Gordon Murray of New York City, W. G. Peterkin of Parkersburg, W. Va., E. Myron Wolf of San Francisco, Cal., and Frank Freeman of Willow, Glenn County, Cal., were admitted to practice.

No. 11, Original. State of Louisiana, complainant, *v.* State of Mississippi. Argument concluded by Mr. Walter Guion for the complainant. Leave granted to counsel for complainant to file an additional brief within five days, and to counsel for defendant to file reply thereto within five days thereafter.

No. 163. E. A. Wimbish, superintendent, etc., appellant, *v.* Henry Jamison. Argument commenced by Mr. Minter Wimberly for the appellant, continued by Mr. Alexander Akerman for the appellee, and concluded by Mr. Minter Wimberly for the appellant.

No. 6. Florida McGuire et al., petitioners, *v.* William A. Blount et al. Argument commenced by Mr. Benjamin Micou for the petitioners, and continued by Mr. William A. Blount for the respondents.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 13, will be as follows: Nos. 6, 84, 9, 250 (and 251 and 252), 3, 7, 11, 14, 15 (and 16) and 17. .

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 13, 1905.

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

R. H. Warren of Sioux Falls, S. Dak.; Reinhardt T. Harding of San Francisco, Cal., and Timothy Byron Clark of Plattsmouth, Nebr., were admitted to practice.

No. 241. The West Chicago Street Railroad Company, plaintiff in error, *v.* The People of the State of Illinois *ex rel.* The City of Chicago. Motion to advance submitted by Mr. Frederic D. McKenney in behalf of counsel.

No. 6. Florida McGuire et al., petitioners, *v.* William A. Blount et al. Argument continued by Mr. William A. Blount for the respondents, and concluded by Mr. Benjamin Micou for the petitioners.

No. 84. Union Refrigerator Transit Company, plaintiff in error, *v.* The Commonwealth of Kentucky, by W. L. Weller, jr., revenue agent. Argument commenced by Mr. William H. Field for the plaintiff in error, and continued by Mr. Henry L. Stone for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 16, will be as follows: Nos. 84, 9, 250 (and 251 and 252), 3, 7, 11, 14, 15 (and 16), 17 and 18.



SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 16, 1905.

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

Herbert D. Bailey of Troy, N. Y., William Henry White of Washington, D. C., Joseph S. Auerbach of New York City, Byron E. Crowell of Lawrence, Mass., Charles Lee Tilden of San Francisco, Cal., Sheldon G. Kellogg of San Francisco, Cal., George William Reed of Oakland, Cal., Frank W. Burnett of Los Angeles, Cal., Reginald S. Huidekoper of Washington, D. C., and Rutherford H. Towner of New York City were admitted to practice.

The Chief Justice announced the following orders of the court:

No. 4, Original. The State of Missouri, complainant, *v.* The State of Illinois et al. Defendants given until November 15 to file briefs herein. Cause assigned to be heard January 2, 1906. Compensation of the commissioner for supervising the printing of the record herein, indexing, etc., fixed at the same compensation as allowed the clerk of this court, under the rules, for similar services.

No. 7, Original. State of Kansas, complainant, *v.* State of Colorado et al. On application of the parties, the intervenors being also heard thereon, cause assigned for hearing on the first Monday of the next term. Ordered that the State of Kansas file briefs within three months hereafter; that the defendants file briefs within three months thereafter, and that the United States be allowed three months to file briefs thereupon.

No. —, Original. *Ex parte*: In the matter of Leonidas M. Lawson et al. Motion for leave to file petition for a writ of mandamus denied.

No. 75. The Guardians' Trust and Deposit Company et al. *v.* B. J. Fisher et al. Motion that the whole record and cause be sent up for consideration granted, the record presented with the motion to stand as return to this order.

No. 77. James B. Howard, plaintiff in error, *v.* The Commonwealth of Kentucky. Motion to advance denied.

No. 427. Robert D. Kinney, plaintiff in error, *v.* James T. Mitchell. Motion to advance denied.

No. 340. Edwin F. Hale, appellant, *v.* William Henkel, United States marshal; and

No. 341. William H. McAlister, appellant, *v.* William Henkel, United States marshal. Motion to advance granted, and cases assigned to be heard as one case on January 2, 1906, after the case already assigned for that day.

No. 381. Lewis M. Alexander, appellant, *v.* The United States;

No. 382. George A. Whiting, appellant, *v.* The United States;

No. 383. William Z. Stuart, appellant, *v.* The United States;

No. 384. General Paper Company, appellant, *v.* The United States; and

No. 385. E. T. Harmon et al., appellants, *v.* The United States. Motion to advance granted, and cases assigned to be heard as one case on January 2, 1906, after the cases already assigned for that day.

No. 223. The United States, appellant, *v.* Bitter Root Development Company et al.; and

No. 359. The United States, appellant, *v.* William A. Clark. Motions to advance granted, and cases assigned for argument on January 2, 1906, after the cases already assigned for that day.

No. 241. The West Chicago Street Railroad Company, plaintiff in error, *v.* The People of the State of Illinois ex rel. the City of Chicago. Motion to advance granted, and cause assigned for argument on January 2, 1906, after the cases already assigned for that day.

No. 331. Henry A. Blair et al., etc., appellants, *v.* The City of Chicago et al.;

No. 332. The North Chicago City Railway Company, appellant, *v.* Henry A. Blair et al., etc.;

No. 333. City of Chicago, appellant, *v.* John C. Fetzer et al., etc.;

No. 334. Henry A. Blair et al., etc., appellants, *v.* The City of Chicago;

No. 335. The Chicago West Division Railway Company, appellant, *v.* Henry A. Blair et al., etc.; and

No. 336. City of Chicago, appellant, *v.* John C. Fetzer et al., etc. Motions to advance granted, and cases assigned to be heard as one case on January 2, 1906, after the cases already assigned for that day.

No. 360. W. H. Carfer, sheriff, etc., appellant, *v.* C. T. Caldwell. Advanced, as under rule 32, to be taken on printed briefs to be filed on or before January 8, 1906.

No. 368. Mary Mabel Rogers, appellant, *v.* Henry H. Peck et al. Motion to advance granted, and cause assigned for argument November 6 next.

No. 407. Anna Siegel, plaintiff in error, *v.* The New York and Harlem Railroad Company et al. Motion to advance granted, and cause assigned for argument on January 2, 1906, after the cases already assigned for that day.

No. 264. Leonidas M. Lawson et al., petitioners, *v.* United States Mining Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit granted.

No. 255. Joseph R. De Lamar, petitioner, *v.* Utah-Nevada Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 265. R. J. Walbridge, petitioner, *v.* W. P. Walker & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 271. Lewis C. Burnes et al., petitioners, *v.* Frances B. Burnes et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 276. Big Six Development Company, petitioner, *v.* S. Duffield Mitchell. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 277. P. S. Bailey, petitioner, *v.* Thomas F. Willeford. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 279. Joseph Bisso et al., petitioners, *v.* Malvina L. Quinette. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 410. The Ætna Indemnity Company, petitioner, *v.* William M. Ladd et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 259. Samuel W. Watkins, plaintiff in error, *v.* American National Bank of Denver. In error to the United States circuit court of appeals for the eighth circuit. Dismissed for the want of jurisdiction. *Ex parte* Jones, 164 U. S., 691; *Press Publishing Company v. Monroe*, id., 105; *Arbuckle v. Blackburn*, 191 U. S., 405; *Spencer v. Duplan Silk Company*, id., 526; *Wabash Railroad Company v. Flannigan*, 192 U. S., 29. Petition for writ of certiorari denied.

No. 163. E. A. Wimbish, superintendent, etc., appellant, *v.* Henry Jamison. Appeal from the district court of the United States for the southern district of Georgia. Final order reversed with costs, and cause

remanded with a direction to quash the writ and dismiss the petition. *Minnesota v. Brundage*, 180 U. S., 499; *Davis v. Burke*, 179 U. S., 399; *New York v. Eno*, 155 U. S., 89; *Pepke v. Cronan*, id., 100.

No. 28. *The United States of America v. The A. C. McElroy Manufacturing Company*. On a certificate from the United States circuit court of appeals for the third circuit. Dismissed, on motion of Mr. Solicitor-General Hoyt for the United States.

No. 73. *The Otis Company, plaintiff in error, v. The Ludlow Manufacturing Company et al.* Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Henry M. Hoyt in behalf of counsel.

No. 419. *Daniel Red Bird et al., appellants, v. The United States*;

No. 420. *The Cherokee Nation, appellant, v. The United States*;

No. 421. *Francis B. Fite et al., appellants, v. The United States*; and

No. 422. *The persons claiming rights in the Cherokee Nation by intermarriage, appellants, v. The United States*. Motion to advance submitted by Mr. John J. Hemphill for the appellants.

No. 178. *Security Mutual Life Insurance Company, plaintiff in error, v. Henry R. Prewitt, insurance commissioner, etc.* Motion to advance submitted by Mr. Alex. P. Humphrey in behalf of counsel.

No. 154. *The Hibernia Savings and Loan Society, plaintiff in error, v. The City and County of San Francisco*. Motion to fix a day certain for the argument of this case submitted by Mr. W. I. Brobeck for the defendant in error.

No. 103. *The Mobile Transportation Company, appellant, v. The City of Mobile et al.* Motions to dismiss or affirm submitted by Mr. Harry T. Smith and Mr. Gregory L. Smith in support of motions, and by Mr. F. G. Bromberg and Mr. Eugene H. Lewis in opposition thereto.

No. 69. *The Skaneateles Paper Company et al., plaintiffs in error, v. The City of Syracuse*. Motion to pass case and motion to remit part of clerk's fees submitted by Mr. Martin Conboy in behalf of Mr. John W. Griggs for the plaintiffs in error.

No. 296. *Farmers' Loan and Trust Company et al., appellants, v. City of Sioux Falls et al.* Motions to dismiss or affirm submitted by Mr. H. H. Keith and Mr. R. H. Warren in support of motions, and by Mr. D. T. Watson and Mr. Bartlett Tripp in opposition thereto. Petition for a writ of certiorari submitted by Mr. D. T. Watson and Mr. Bartlett Tripp for the appellants in support of petition, and by Mr. H. H. Keith and Mr. R. H. Warren for the appellees in opposition thereto.

No. 400. *J. B. Orcutt Company et al., petitioners, v. Charles H. Green et al.* Petition for a writ of certiorari to the United States circuit court

of appeals for the second circuit submitted by Mr. Reginald S. Huidekoper, Mr. J. Miller Kenyon and Mr. C. C. Tucker for the petitioners, and by Mr. Herbert D. Bailey for the respondents.

No. 418. P. Sanford Ross, incorporated, petitioner, *v.* The Steamship City of Birmingham, etc. Petition for writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. E. G. Benedict and Mr. Robert D. Benedict for the petitioner, and by Mr. Charles S. Haight for the respondent.

No. 379. American Surety Company of New York, petitioner, *v.* Campbell & Zell Company. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. Rutherford H. Towner and Mr. Henry Wheeler for the petitioner, and by Mr. Byron E. Crowell for the respondent.

No. —, Original. The State of Georgia, complainant, *v.* The Tennessee Copper Company and the Ducktown Sulphur, Copper and Iron Company (Limited). Motion for leave to file a bill of complaint herein and for a restraining order submitted by Mr. John C. Hart and Mr. Ligon Johnson for the complainant.

No. 423. T. W. Harrison, petitioner, *v.* The Remington Paper Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Frederic D. McKenney in behalf of Mr. W. H. Rossington, and Mr. Charles Blood Smith for the petitioner.

No. 84. Union Refrigerator Transit Company, plaintiff in error, *v.* The Commonwealth of Kentucky, by W. L. Weller, jr., revenue agent, etc. Argument continued by Mr. H. L. Stone for the defendant in error, and concluded by Mr. Alex. P. Humphrey for the plaintiff in error.

No. 9. J. W. Guthrie et al., plaintiffs in error, *v.* Henry O. Harkness. Argument commenced by Mr. Abbot R. Heywood for the plaintiffs in error, continued by Mr. Hiram H. Henderson for the defendant in error, and concluded by Mr. Abbot R. Heywood for the plaintiffs in error.

Nos. 250, 251 and 252. George E. Green, appellant, *v.* Clinton D. MacDougall, United States marshal, etc. Argument commenced by Mr. John G. Johnson for the appellant, continued by Mr. Assistant to the Attorney-General Purdy for the appellee, and concluded by Mr. John G. Johnson for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 17, will be as follows: Nos. 3, 7, 11, 14, 15 (and 16), 17, 18, 19 (and 20), 21 and 22.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 17, 1905.

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

G. K. Denton of Evansville, Ind., James H. Dorman, jr., of Frankfort, Ky., Charles C. Butler of Cripple Creek, Colo., and Richard Saxe Jones of Seattle, Wash., were admitted to practice.

No. 63. The State of South Carolina ex rel. O. W. Buchanan, plaintiff in error, *v.* R. H. Jennings et al. Continued, per stipulation.

No. 100. Thomas F. Wilson on behalf of the Territory of Arizona, appellant, *v.* N. S. Murphy et al.; and

No. 101. Thomas F. Wilson on behalf of the Territory of Arizona, appellant, *v.* George W. Vickers et al. Continued, per stipulation.

No. 125. George C. Rankin, receiver, etc., plaintiff in error, *v.* Edward E. Barton. Submitted pursuant to the twentieth rule by Mr. H. Whiteside for the plaintiff in error, and by Mr. George A. Vandever for the defendant in error.

No. 3. The Cedar Rapids Water Company, plaintiff in error, *v.* The City of Cedar Rapids et al. Argument commenced by Mr. Charles A. Clark for the plaintiff in error, continued by Mr. John N. Hughes for the defendants in error, and concluded by Mr. Charles A. Clark for the plaintiff in error.

No. 7. Royal Insurance Company, plaintiff in error, *v.* Robert Miller, special master, etc. Argument commenced by Mr. Frederic D. McKenney for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 18, will be as follows: Nos. 7, 11, 14, 15 (and 16), 17, 18, 19 (and 20), 21, 22 and 24 (and 27).

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 18, 1905.

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

No. 7. Royal Insurance Company, plaintiff in error, *v.* Robert Miller, special master, etc. Argument continued by Mr. Frederic D. McKenney for the plaintiff in error, by Mr. Fritz von Briesen for the defendant in error, and concluded by Mr. Frederic D. McKenney for the plaintiff in error.

No. 11. The Nederland Life Insurance Company (Limited), petitioner, *v.* Mary Meinert. Argument commenced by Mr. John L. Cadwalader for the petitioner, continued by Mr. G. K. Denton for the respondent, and concluded by Mr. John L. Cadwalader for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 19, will be as follows: Nos. 14, 15 (and 16), 17, 18, 19 (and 20), 21, 22, 24 (and 27), 25 and 26.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 19, 1905.

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

Harlan F. Burket of Findlay, Ohio, Benjamin F. James of Bowling Green, Ohio, Randolph Harrison of Lynchburg, Va., Fred H. Stone of Hillsdale, Mich., and Frank T. Post of Spokane, Wash., were admitted to practice.

No. 14. Reuben Hodges et al., plaintiffs in error, *v.* The United States. Submitted by Mr. James P. Clarke for the plaintiffs in error, and by Mr. Assistant to the Attorney-General Purdy for the defendant in error.

No. 15. The People of the State of Illinois ex rel. Frank O. Anderson, plaintiff in error, *v.* William Vredenburgh, insurance superintendent of the State of Illinois; and

No. 16. The Continental Insurance Company of Illinois, plaintiff in error, *v.* William Vredenburgh, insurance superintendent of the State of Illinois. Submitted by Mr. George W. Wall for the defendant in error. No briefs filed for the plaintiffs in error.

No. 17. Nicholas Bowden, executor, etc., et al., appellants, *v.* The City and County of San Francisco. Argument commenced by Mr. E. B. Holladay for the appellants, continued by Mr. W. I. Brobeck for the appellees, and concluded by Mr. E. B. Holladay for the appellants.

No. 18. Union Pacific Railroad Company, appellant, *v.* Mason City and Fort Dodge Railroad Company. Argument commenced by Mr. John N. Baldwin for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 20, will be as follows: Nos. 18, 19 (and 20), 21, 22, 24 (and 27), 25, 26, 29, 30 and 31.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 20, 1905.

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

John M. Spellman of Dallas, Tex., and Lewis Grant Davis of Piqua, Ohio, were admitted to practice.

No. 18. Union Pacific Railroad Company, appellant, *v.* Mason City and Fort Dodge Railroad Company. Argument continued by Mr. John N. Baldwin for the appellant, and by Mr. Frank B. Kellogg for the appellee, and concluded by Mr. Maxwell Evarts for the appellant.

Nos. 19 and 20. William Marvin, plaintiff in error, *v.* Belle B. Trout. Argument commenced by Mr. George F. Pendleton for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 23, will be as follows: Nos. 19 (and 20), 21, 22, 24 (and 27), 25, 26, 29, 30, 31 and 32.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 23, 1905.

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

Henry A. Vieth of Washington, D. C., Corcoran Thom of Washington, D. C., W. A. Carter of Tampa, Fla., Jesse Addison Hicks of Washington, D. C., Francis M. Phelps of Washington, D. C., and Robert Watson Winston of Durham, N. C., were admitted to practice.

The Chief Justice announced the following orders of the court:

No. 13, Original. The State of Georgia, complainant, *v.* The Tennessee Copper Company et al. Motion for leave to file bill of complaint granted, subpoena awarded returnable January 15, 1906, and rule to show cause why restraining order should not be granted entered returnable December 4 next.

No. 69. The Skaneateles Paper Company et al., plaintiffs in error, *v.* The City of Syracuse. Record agreed on may be treated and printed as the record in the case, and the clerk's fees for supervising printing, etc., will be limited to such record. Case passed temporarily.

No. 103. The Mobile Transportation Company, appellant, *v.* The City of Mobile et al. Motions to dismiss or affirm postponed to the hearing on the merits.

No. 154. The Hibernia Savings and Loan Society, plaintiff in error, *v.* The City and County of San Francisco. Motion to assign for a day certain denied.

No. 178. Security Mutual Life Insurance Company, plaintiff in error, *v.* Henry R. Prewitt, insurance commissioner. Motion to advance granted, and case assigned to be heard January 2, 1906, after the cases already assigned for that day.

No. 419. Daniel Red Bird et al., appellants, *v.* The United States;

No. 420. The Cherokee Nation, appellant, *v.* The United States;

No. 421. Francis B. Fite et al., appellants, *v.* The United States; and

No. 422. The Persons Claiming Rights in the Cherokee Nation by Intermarriage, appellants, *v.* The United States. Motion to advance granted, and cases assigned to be heard as one case on Monday, February 19, 1906.

No. 400. J. B. Orcutt Company et al., petitioners, *v.* Charles H. Green et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 339. Ah Son, appellant, *v.* The United States. Petition for a writ of certiorari herein denied.

No. 379. American Surety Company of New York, petitioner, *v.* Campbell & Zell Company. Petition for writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 418. P. Sanford Ross, Incorporated, petitioner, *v.* The Steamship City of Birmingham, etc. Petition for writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 423. T. W. Harrison, petitioner, *v.* The Remington Paper Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 331. Henry A. Blair et al., appellants, *v.* The City of Chicago et al.;

No. 332. North Chicago City Railway Company, appellant, *v.* Henry A. Blair et al.;

No. 333. City of Chicago, appellant, *v.* John C. Fetzer et al.;

No. 334. Henry A. Blair et al., appellants, *v.* The City of Chicago et al.;

No. 335. Chicago West Division Railway Company, appellant, *v.* Henry A. Blair et al.; and

No. 336. City of Chicago, appellant, *v.* John C. Fetzer et al. Leave granted to City of Chicago to file and print such records or parts thereof as it may be advised, without prejudice, pursuant to stipulation.

No. 3. The Cedar Rapids Water Company, plaintiff in error, *v.* The City of Cedar Rapids et al. In error to the supreme court of the State of Iowa. Dismissed for want of jurisdiction. *Kimball v. Kimball*, 174 U. S., 158; *Mills v. Green*, 159 U. S., 651; *California v. San Pablo and Tulare Railroad Company*, 149 U. S., 308; *Little v. Bowers*, 134 U. S., 547.

No. 15. The People of the State of Illinois ex rel. Frank O. Anderson, plaintiff in error, *v.* William Vredenburgh, insurance superintendent, etc. In error to the supreme court of the State of Illinois. Dismissed for want of jurisdiction. *Schlosser v. Hemphill*, 198 U. S., 173.

No. 16. The Continental Insurance Company, plaintiff in error, *v.* William Vredenburgh, insurance superintendent, etc. In error to the supreme court of the State of Illinois. Dismissed for want of jurisdiction. *Schlosser v. Hemphill*, 198 U. S., 173.

No. 17. Nicholas Bowden, executor, etc., et al., appellants, *v.* The City and County of San Francisco. Appeal from the circuit court of the United States for the northern district of California. Decree affirmed

with costs. *Hoadly v. San Francisco*, 124 U. S., 645; 94 U. S., 4; 50 Cal., 273; 70 Cal., 320; *Townsend v. Greeley*, 5 Wall., 326; *Grisar v. McDowell*, 6 Wall., 379; *Halladay v. San Francisco*, 124 Cal., 352; *Board of Education v. Martin*, 92 Cal., 209; *Trenouth v. San Francisco*, 100 U. S., 251.

Nos. 250, 251 and 252. *George E. Green*, appellant, *v. Clinton D. MacDougall*, United States marshal, etc. Appeals from the district court of the United States for the northern district of New York. Final orders affirmed with costs. *Beavers v. Henkel*, 194 U. S., 73; *Benson v. Henkel*, 198 U. S., 1; *Hyde v. Shine*, 199 U. S., 84; *Greene v. Henkel*, 183 U. S., 249.

No. 296. *Farmers' Loan and Trust Company et al.*, appellants, *v. City of Sioux Falls et al.* Appeal from the United States circuit court of appeals for the eighth circuit. Dismissed for the want of jurisdiction. *Arbuckle v. Blackburn*, 191 U. S., 405; *Newburyport Water Company v. Newburyport*, 193 U. S., 562; *Underground Railroad v. New York*, id., 416; *Skaneateles Water Works Company v. Skaneateles*, 184 U. S., 354; *McCain v. Des Moines*, 174 U. S., 168. Petition for writ of certiorari denied.

No. 309. *Martin Conboy*, trustee, etc., appellant, *v. First National Bank of Jersey City*. Motions to dismiss or affirm submitted by Mr. William G. Wilson in support of motions, and by Mr. Martin Conboy in opposition thereto.

No. 386. *Ernest Gatewood*, plaintiff in error, *v. The State of North Carolina*. Motion to advance submitted by Mr. R. W. Winston for the plaintiff in error.

No. 433. *Erie Railroad Company*, petitioner, *v. Erie and Western Transportation Company*. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. F. M. Phelps in behalf of Mr. C. E. Kremer, and Mr. W. O. Johnson for the petitioner, and by Mr. Harvey D. Goulder, Mr. S. H. Holding and Mr. F. S. Masten for the respondent.

No. 437. *Empire State-Idaho Mining and Developing Company*, petitioner, *v. Bunker Hill and Sullivan Mining and Concentrating Company*. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. F. T. Post and Mr. George Turner for the petitioner, and by Mr. Curtis H. Lindley, Mr. Henry Eickhoff and Mr. M. A. Folsom for the respondent.

No. 294. *Warren B. Wilson*, appellant, *v. Leslie M. Shaw*, Secretary of the Treasury. Motion to advance submitted by Mr. Warren B. Wilson pro se.

No. 127. W. J. McCahan Sugar Refining Company, petitioner, *v.* The Steamship Wildcraft, etc. Motion for leave to take additional testimony submitted by Mr. Charles R. Hickox for the petitioner.

No. 12, Original. The State of Wisconsin, complainant, *v.* Ethan Allen Hitchcock, Secretary of the Interior. Motion to set demurrer for argument submitted by Mr. William C. Prentiss in behalf of counsel for the complainant.

Nos. 19 and 20. William Marvin, plaintiff in error, *v.* Belle B. Trout. Argument continued by Mr. George F. Pendleton for the plaintiff in error, and by Mr. John Poe for the defendant in error, and concluded by Mr. George F. Pendleton for the plaintiff in error.

No. 21. The Attorney-General of the State of Michigan *ex rel.* L. E. Kies et al., plaintiffs in error, *v.* Thomas J. Lowrey et al. Argument commenced by Mr. Frank A. Lyon for the plaintiffs in error, and continued by Mr. Henry B. Graves for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 24, will be as follows: Nos. 21, 22, 24 (and 27), 25, 26, 29, 30, 31, 32 and 33.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 24, 1905.

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

William T. Irwin of Peoria, Ill., Will E. Soult of Washington, D. C., and George A. Connolly of San Francisco, Cal., were admitted to practice.

No. 368. Mary Mabel Rogers, appellant, *v.* Henry H. Peck et al. Leave granted to appellant to proceed in forma pauperis, the record to be printed at public expense, on motion of Mr. Tracy L. Jeffords for the appellant.

No. 21. The Attorney-General of the State of Michigan ex rel. L. E. Kies et al., plaintiffs in error, *v.* Thomas J. Lowrey et al. Argument continued by Mr. Henry B. Graves and Mr. Fred H. Stone for the defendants in error, and concluded by Mr. Frank A. Lyon for the plaintiffs in error.

No. 22. Cockran Oil and Development Company, plaintiff in error, *v.* Laurent Arnaudet et al. Argument commenced by Mr. Kenneth Baillio for the plaintiff in error, and continued by Mr. D. Caffery, jr., and Mr. Gilbert L. Dupré for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 25, will be as follows: Nos. 22, 24 (and 27), 25, 26, 29, 30, 31, 32, 33 and 34.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 25, 1905.

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

Sidney Elbridge Clarke of Hartford, Conn., and George Lewes Cooper of New York City were admitted to practice.

No. 30. Valentine Huber, plaintiff in error, *v.* Jennings-Heywood Oil Syndicate et al. Passed on account of sickness of counsel, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. H. Generes Dufour in behalf of counsel for the plaintiff in error.

No. 22. Cockran Oil and Development Company, plaintiff in error, *v.* Laurent Arnaudet et al. Argument continued by Mr. Gilbert L. Dupré for the defendants in error, and concluded by Mr. E. B. Du Buisson for the plaintiff in error.

No. 24. The New York, New Haven and Hartford Railroad Company, appellant, *v.* The Interstate Commerce Commission; and

No. 27. The Interstate Commerce Commission, appellant, *v.* The Chesapeake and Ohio Railway Company et al. Argument commenced by Mr. Assistant Attorney-General McReynolds for the Interstate Commerce Commission, and continued by Mr. Randolph Harrison for the Chesapeake and Ohio Railway Company et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 26, will be as follows: Nos. 24 (and 27), 25, 26, 29, 31, 32, 33, 34, 35 and 36.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 26, 1905.

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

Frank D. Arthur of New York City was admitted to practice.

No. 24. The New York, New Haven and Hartford Railroad Company, appellant, *v.* The Interstate Commerce Commission; and

No. 27. The Interstate Commerce Commission, appellant, *v.* The Chesapeake and Ohio Railway Company et al. Argument continued by Mr. Randolph Harrison for the Chesapeake and Ohio Railway Company et al., by Mr. John W. Daniel and Mr. John W. Griggs for the New York, New Haven and Hartford Railroad Company, and concluded by Mr. Assistant Attorney-General McReynolds for the Interstate Commerce Commission.

No. 25. The California Reduction Company et al., petitioners, *v.* The Sanitary Reduction Works of San Francisco. Argument commenced by Mr. R. T. Harding for the petitioners, and continued by Mr. Sheldon G. Kellogg for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 27, will be as follows: Nos. 25, 26, 29, 31, 32, 33, 34, 35, 36 and 37.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 27, 1905.

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

Martin H. Vogel of New York City, N. Y., was admitted to practice.

No. 135. Preferred Tontine Mercantile Company et al., plaintiffs in error, *v.* The State of Missouri ex rel. Luther S. Hickman, supervisor, etc. In error to the supreme court of the State of Missouri. Dismissed with costs, and mandate granted on motion of counsel for the plaintiffs in error.

No. 25. The California Reduction Company et al., petitioners, *v.* The Sanitary Reduction Works of San Francisco. Argument continued by Mr. Sheldon G. Kellogg and Mr. Aldis B. Browne for the respondent, and concluded by Mr. R. T. Harding for the petitioners.

No. 26. John J. Delahanty, plaintiff in error, *v.* William T. Pitkin et al. Argument commenced by Mr. Sidney E. Clarke for the plaintiff in error, continued by Mr. Charles E. Perkins for the defendants in error, and concluded by Mr. Lewis E. Stanton for the plaintiff in error.

No. 29. The Tampa Water Works Company, plaintiff in error, *v.* The City of Tampa. Argued by Mr. William A. Carter for the plaintiff in error, and submitted by Mr. Hugh C. Macfarlane and Mr. James F. Glen for the defendant in error.

No. 31. Greenlief W. Simpson, appellant, *v.* The United States. Argument commenced by Mr. A. A. Hoehling, jr., for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 30, will be as follows: Nos. 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40 (and 217).

SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 30, 1905.

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

Gilbert E. Roe of New York City, N. Y., Pleasant Z. Jones of Brookhaven, Miss., John Pemberton Baldwin of New Orleans, La., and George B. Gordon of Pittsburg, Pa., were admitted to practice.

No. 6. Florida McGuire et al., petitioners, *v.* William A. Blount et al. On writ of certiorari to the United States circuit court of appeals for the fifth circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the northern district of Florida. Opinion by Mr. Justice Day.

No. 9. J. W. Guthrie et al., plaintiffs in error, *v.* Henry O. Harkness. In error to the supreme court of the State of Utah. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 12. Henry P. Booth, surviving partner, etc., et al., petitioners, *v.* The Norwegian Bark Eliza Lines, etc., et al. On writ and cross-writ of certiorari to the United States circuit court of appeals for the first circuit. Decree reversed with costs, and cause remanded to the circuit court of the United States for the district of Massachusetts for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Brown, Mr. Justice Harlan, Mr. Justice McKenna and Mr. Justice Day.

The Chief Justice announced the following orders of the court:

No. 26. John J. Delahanty, plaintiff in error, *v.* William T. Pitkin et al. In error to the supreme court of errors of the State of Connecticut. Dismissed for the want of jurisdiction. *Giles v. Teasley*, 193 U. S., 146; *Remington Paper Company v. Watson*, 173 U. S., 443; *Smalley v. Langenour*, 196 U. S., 93; *Wabash Railroad Company v. Flannigan*, 192 U. S., 29. Case below, 76 Conn., 412.

No. 12, Original. The State of Wisconsin, complainant, *v.* Ethan Allen Hitchcock, Secretary of the Interior. Demurrer set for argument February 19, 1906, after the case already assigned for that day.

No. 127. W. J. McCahan Sugar Refining Company, petitioner, *v.* The Steamship Wildcraft, etc. Motion for leave to take additional testimony denied.

No. 294. Warren B. Wilson, appellant, *v.* Leslie M. Shaw, Secretary of the Treasury. Motion to advance denied.

No. 386. Ernest Gatewood, plaintiff in error, *v.* The State of North Carolina. Motion to advance denied.

No. 309. Martin Conboy, trustee, etc., appellant, *v.* First National Bank of Jersey City. Motions to dismiss or affirm postponed to the hearing on the merits.

No. 433. Erie Railroad Company, petitioner, *v.* Erie and Western Transportation Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit granted.

No. 139. The United States *v.* Lee Si Kum; and

No. 140. The United States *v.* Mah Quong Kay. On certificates from the United States circuit court of appeals for the ninth circuit. Dismissed, on motion of Mr. Solicitor-General Hoyt for the United States.

No. 346. The United States, appellant, *v.* The Cherokee Nation;

No. 347. The Eastern Cherokees, appellant, *v.* The Cherokee Nation; and

No. 348. The Cherokee Nation, appellant, *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Hoyt for the United States.

No. 442. The United States of America et al., petitioners, *v.* William B. Kirk. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Solicitor-General Hoyt for the petitioners, with leave to counsel for the respondent to file brief on or before Friday next.

No. 445. Pressed Steel Car Company, petitioner, *v.* John M. Hansen. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. P. C. Knox for the petitioner, and by Mr. George B. Gordon, Mr. D. T. Watson and Mr. James I. Kay for the respondent.

No. 33. Peoria Gas and Electric Company, appellant, *v.* City of Peoria. Motion for leave to file brief herein on behalf of Darius O. Mills submitted by Mr. F. J. Kearfal in behalf of Mr. William D. Guthrie in support of motion, and by Mr. E. C. Ritsher, Mr. W. T. Irwin and Mr. W. T. Abbott in opposition thereto.

No. 7. Royal Insurance Company, plaintiff in error, *v.* Robert Miller, special master, etc. Leave granted to file an additional brief herein, on motion of Mr. Frederic D. McKenney for the plaintiff in error.

No. 80. Agustin Castello, appellant, *v.* Ernest Ruffer et al. Continued, per stipulation, on motion of Mr. Frederic D. McKenney in behalf of counsel.

No. 31. Greenlief W. Simpson, appellant, *v.* The United States. Argument concluded by Mr. A. A. Hoehling, jr., for the appellant, and submitted by Mr. Assistant Attorney-General Pradt and Mr. Philip M. Ashford for the appellee.

No. 32. Francis B. Sweeney et al., plaintiffs in error, *v.* Carter Oil Company. Submitted by Mr. V. B. Archer for the plaintiffs in error, and by Mr. George L. Roberts for the defendant in error.

No. 33. Peoria Gas and Electric Company, appellant, *v.* City of Peoria. Argument commenced by Mr. Edward C. Ritsher for the appellant, continued by Mr. Winslow Evans for the appellee, and concluded by Mr. William T. Abbott for the appellant. Motion for leave to file brief herein on behalf of Darius O. Mills granted.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 31, will be as follows: Nos. 34, 35, 36, 37, 38, 39, 40 (and 217), 42, 43 and 44.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 31, 1905.

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

J. Richard Watts of Louisville, Ky., North T. Gentry of Columbia, Mo., and Charles W. Nichols of Lansing, Mich., were admitted to practice.

No. 34. Valentin Trono et al., plaintiffs in error, *v.* The United States. Argument commenced by Mr. Aldis B. Browne for the plaintiffs in error, continued by Mr. Solicitor-General Hoyt for the defendant in error, and concluded by Mr. Aldis B. Browne for the plaintiffs in error.

No. 35. The Chesapeake Beach Railway Company, plaintiff in error, *v.* The Washington, Potomac and Chesapeake Railroad Company. Argument commenced by Mr. Frederic D. McKenney for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 1, will be as follows: Nos. 35, 36, 37, 38, 39, 40 (and 217), 42, 43, 44 and 45.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 1, 1905.

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

John H. Murphy of Denver, Colo., J. F. Stallings of Birmingham, Ala., and Vernon Cook of Baltimore, Md., were admitted to practice.

No. 45. Henry Lockhart et al., appellants, *v.* H. C. Leeds et al. Appeal from the supreme court of the Territory of New Mexico. Dismissed with costs, on motion of counsel for the appellants.

No. 35. The Chesapeake Beach Railway Company, plaintiff in error, *v.* The Washington, Potomac and Chesapeake Railroad Company. Argument continued by Mr. Samuel A. Putman and Mr. Charles Poe for the defendant in error, and concluded by Mr. Frederic D. McKenney for the plaintiff in error.

No. 36. Edward White, appellant, *v.* Augusta Patten Glover et al. Argument commenced by Mr. E. F. Colladay for the appellant, and continued by Mr. Corcoran Thom for the appellees, and submitted by Mr. L. T. Michener for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 2, will be as follows: Nos. 37, 38, 39, 40 (and 217), 42, 43, 44, 46, 47 and 48.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 2, 1905.

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

C. Schuyler Davis of Rochester, N. Y., J. W. McAntire of Joplin, Mo., and F. J. Fallon of San Francisco, Cal., were admitted to practice.

No. 46. Arthur M. Manigault, appellant, *v.* A. A. Springs et al. Submitted by Mr. H. A. M. Smith for the appellant, and by Mr. Theodore G. Barker for the appellees.

No. 47. Cumulative Credit Company, appellant, *v.* Motley H. Flint. Appeal from the circuit court of the United States for the southern district of California. Dismissed with costs, pursuant to the tenth rule.

No. 37. John J. Cochran et al., plaintiffs in error, *v.* The County of Montgomery. Argument commenced by Mr. Edgar H. Gans for the plaintiffs in error, and concluded by Mr. William L. Martin for the defendant in error.

No. 38. Harry J. Cantwell et al., plaintiffs in error, *v.* The State of Missouri. Argument commenced by Mr. Harry J. Cantwell for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 3, will be as follows: Nos. 38, 39, 40 (and 217), 42, 43, 44, 48, 49, 50 and 51 (and 52).

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 3, 1905.

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

W. C. Arnold of Dubois, Pa., and Ephraim H. Foster of Huntsville, Ala., were admitted to practice.

No. 38. Harry J. Cantwell et al., plaintiffs in error, *v.* The State of Missouri. Argument continued by Mr. Harry J. Cantwell for the plaintiffs in error, and concluded by Mr. N. T. Gentry for the defendant in error.

No. 39. The United States for the use and benefit of Daniel H. Hill et al., plaintiffs in error, *v.* The American Surety Company of New York. Submitted by Mr. Albert W. Buddress for the plaintiffs in error. No appearance for defendant in error.

Nos. 40 and 217. Eclipse Bicycle Company, appellant, *v.* Willard M. Farrow. Argument commenced by Mr. A. S. Worthington for the appellant, and continued by Mr. Henry M. Earle and Mr. John C. Gittings for the appellee, and by Mr. H. L. Osgood for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 6, will be as follows: Nos. 40 (and 217), 368, 42, 43, 44, 48, 49, 50, 51 (and 52) and 53.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 6, 1905.

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

E. Allen Frost of Chicago, Ill., Frank Gibbons of Buffalo, N. Y., Robert L. Parrish of Covington, Va., Howard A. Coombs of Washington, D. C., John M. York of Los Angeles, Cal., and Thomas W. Moloney of Rutland, Vt., were admitted to practice.

No. 11. The Nederland Life Insurance Company, Limited, petitioner, *v.* Mary Meinert. On writ of certiorari to the United States circuit court of appeals for the seventh circuit. Judgments reversed with costs, and cause remanded to the circuit court of the United States for the district of Indiana, with directions to enter judgment for the defendant. Opinion by Mr. Justice Peckham.

No. 18. Union Pacific Railroad Company, appellant, *v.* Mason City and Fort Dodge Railroad Company. Appeal from the United States circuit court of appeals for the eighth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the district of Nebraska. Opinion by Mr. Justice Brewer. (Mr. Justice McKenna took no part in the decision of this case.)

The Chief Justice announced the following orders of the court:

No. 14. Reuben Hodges et al., plaintiffs in error, *v.* The United States. Case restored to the docket for oral argument and set down for January 2, 1906, after the cases already assigned for that day.

No. 346. The United States, appellant, *v.* The Cherokee Nation;

No. 347. The Eastern Cherokees, appellants, *v.* The Cherokee Nation; and

No. 348. The Cherokee Nation, appellant, *v.* The United States. Motion to advance granted, and causes assigned for argument as one case on January 2, 1906, after the cases already assigned for that day.

No. 442. The United States of America et al., petitioners, *v.* William B. Kirk. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 445. Pressed Steel Car Company, petitioner, *v.* John M. Hansen. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 39. The United States for the use and benefit of Daniel H. Hill et al., plaintiffs in error, *v.* The American Surety Company of New York. Leave granted to counsel for defendant in error to file brief herein within ten days, and to counsel for plaintiffs in error to reply thereto.

No. 36. Edward White, appellant, *v.* Augusta Patten Glover et al. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Case below, 23 App. D. C., 389.

No. 38. Harry J. Cantwell et al., plaintiffs in error, *v.* The State of Missouri. In error to the supreme court of the State of Missouri. Judgment affirmed with costs. *Holden v. Hardy*, 169 U. S., 366; *Jacobson v. Massachusetts*, 197 U. S., 11; *Jackson v. Lamphire*, 3 Pet., 280. Case below, *State v. Cantwell*, 179 Mo., 245.

The Chief Justice also announced that the court would take a recess from Monday, the 13th instant, to Monday, the 27th instant.

No. 10, Original. The United States, complainant, *v.* The State of Michigan. Ordered that report of commissioner herein be opened, published and filed, on motion of Mr. Solicitor-General Hoyt for the complainant.

No. 308. John W. Ballman, plaintiff in error, *v.* The United States. Advanced and assigned for argument on Monday, November 27, on motion of Mr. Solicitor-General Hoyt for the defendant in error.

No. 311. The United States ex rel. George A. Low et al., plaintiffs in error, *v.* Frederick I. Allen, Commissioner of Patents. Leave granted to withdraw appearance entered herein for the defendant in error, on motion of Mr. John M. Coit, in his own behalf.

No. 452. Nome Beach Lighterage and Transportation Company, petitioner, *v.* The Standard Marine Insurance Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. A. B. Browne and Mr. Francis J. Heney for the petitioner. Leave granted to counsel for respondent to file brief within forty days, on motion of Mr. John M. Thurston, in behalf of counsel.

No. 425. Earl A. Thissell, petitioner, *v.* United States Bobbin and Shuttle Company. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. Warren Ozra Kyle for the petitioner, and by Mr. William M. Richardson and Mr. Cyrus M. Van Slyck for the respondent.

Nos. 40 and 217. Eclipse Bicycle Company, appellant, *v.* Willard M. Farrow. Argument concluded by Mr. H. L. Osgood for the appellant. Leave granted to both sides to file additional briefs within five days.

No. 368. Mary Mabel Rogers, appellant, *v.* Henry H. Peck et al. Argument commenced by Mr. Tracy L. Jeffords for the appellant, continued by Mr. Clarke C. Fitts for the appellees, and concluded by Mr. T. W. Moloney for the appellant.

No. 42. Allison D. Gibbs, plaintiff in error, *v.* Robert S. McDougall. Submitted by Mr. John F. Shafroth for the plaintiff in error. No counsel appeared for the defendant in error.

No. 43. The Citizens' National Bank et al., plaintiffs in error, *v.* Commonwealth of Kentucky, use, etc., of Boyle County. Argument commenced by Mr. Robert T. Quisenberry for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 7, will be as follows: Nos. 43, 44, 48, 49, 50, 51 (and 52), 53, 54, 55 and 56.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 7, 1905.

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

Charles E. Lauder of Chicago, Ill., and Ernest W. Gibson of Brattleboro, Vt., were admitted to practice.

No. 55. Gulf, Colorado and Santa Fe Railway Company, plaintiff in error, *v.* The State of Texas. Continued, on motion of Mr. A. B. Browne for the plaintiff in error.

No. 33. Peoria Gas and Electric Company, appellant, *v.* City of Peoria. Motion for leave to counsel for City of Chicago to file brief herein submitted by Mr. Holmes Conrad in behalf of counsel.

No. 43. The Citizens' National Bank et al., plaintiffs in error, *v.* Commonwealth of Kentucky, use, etc., of Boyle County. The court declined to hear further argument.

No. 44. F. H. Hartman, plaintiff in error, *v.* Butterfield Lumber Company. Argued by Mr. Holmes Conrad for the defendant in error, and submitted by Mr. P. Z. Jones for the plaintiff in error.

No. 48. Paul Derobert *v.* Nevada N. Stranahan. On a certificate from the United States circuit court of appeals for the second circuit. Stricken from the docket for want of prosecution.

No. 49. Harold Petri et al., plaintiffs in error, *v.* The F. E. Creelman Lumber Company et al. Argued by Mr. David S. Lansden for the defendants in error, and submitted by Mr. Consider H. Willett for the plaintiffs in error.

No. 50. Beryl F. Carroll, auditor, etc., appellant, *v.* The Greenwich Insurance Company of New York et al. Argument commenced by Mr. Charles W. Mullan for the appellant, and continued by Mr. John G. Johnson and Mr. James C. Davis for the appellees and by Mr. Charles A. Clark for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 8, will be as follows: Nos. 50, 51 (and 52), 53, 54, 56, 57, 58, 59, 60 and 61.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 8, 1905.

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

Arnold Shanklin of St. Louis, Mo., George H. Hutton of San Monica, Cal., and Frank J. Hogan of Washington, D. C., were admitted to practice.

No. 59. Jose Antonio Fernandez et al., plaintiffs in error, *v.* Salvador Lugo. In error to the district court of the United States for the district of Porto Rico. Dismissed with costs, pursuant to the tenth rule.

No. 60. Harry F. Harris, plaintiff in error, *v.* George F. Elliott et al. In error to the court of appeals of the District of Columbia. Dismissed with costs, on motion of Mr. Frank J. Hogan for the plaintiff in error.

No. 457. Hobart S. Bird, appellant, *v.* Jose Berrios, warden, etc. Appeal from the supreme court of Porto Rico. Dismissed with costs and mandate granted, on motion of counsel for appellant.

No. 50. Beryl F. Carroll, auditor, etc., appellant, *v.* The Greenwich Insurance Company of New York et al. Argument concluded by Mr. Charles A. Clark for the appellant.

No. 51. The United States, appellant, *v.* The Utah, Nevada and California Stage Company; and

No. 52. The Utah, Nevada and California Stage Company, appellant, *v.* The United States. Submitted by Mr. Assistant Attorney-General Pradt and Mr. Joseph Stewart for the United States, and by Mr. A. A. Hoehling, jr., and Mr. J. H. McGowan for the Stage Company.

No. 53. Armour Packing Company, plaintiff in error, *v.* B. R. Lacy, treasurer, etc. Argument commenced by Mr. Thomas B. Felder, jr., for the plaintiff in error, continued by Mr. Robert D. Gilmer for the defendant in error, and concluded by Mr. Thomas B. Felder, jr., for the plaintiff in error.

No. 54. John D. Jack, plaintiff in error, *v.* The State of Kansas. Argued by Mr. Edwin A. Austin for the defendant in error, and submitted by Mr. W. H. Rossington and Mr. Charles Blood Smith for the plaintiff in error.

No. 56. Joshua Roberts Mead et al., plaintiffs in error, *v.* The City of Portland et al. Passed temporarily.

No. 57. Henry French, administrator, etc., plaintiff in error, *v.* H. C. Taylor et al. Argument commenced by Mr. T. O. Abbott for the plaintiff in error, continued by Mr. Richard Saxe Jones for the defendants in error, and concluded by Mr. T. O. Abbott for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 9, will be as follows: Nos. 58, 61, 62, 64, 65, 66, 67 (and 68), 70, 71 and 72 (and 451).

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 9, 1905.

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

Frank Moss of New York City, N. Y., and James Brown Scott of New York City, N. Y., were admitted to practice.

No. 169. Thomas M. Riggins, appellant, *v.* The United States. Submitted by Mr. Lawrence Cooper for the appellant, and by Mr. Assistant to the Attorney-General Purdy for the appellee.

No. 62. James Gardner, plaintiff in error, *v.* The People of the State of Michigan. Submitted by Mr. Fred A. Baker for the plaintiff in error, and by Mr. T. A. Tarsney and Mr. John B. Corliss for the defendants in error.

No. 65. The Succession of Juan Serralles, etc., appellant, *v.* Belen Esbri, widow, etc. Passed temporarily.

No. 58. Alabama Great Southern Railway Company *v.* H. C. Thompson, administrator, etc. Argued by Mr. Edward Colston for the railway company, and submitted by Mr. E. S. Daniels for Thompson. Leave granted counsel for Thompson to file additional brief within five days.

No. 61. Mary McCune, etc., appellant, *v.* N. Fred Essig et ux. Submitted by Mr. W. E. Cullen for the appellant, and by Mr. George Turner for the appellees.

No. 64. Gustav E. Hafemann, plaintiff in error, *v.* Fred A. Gross et al. Argued by Mr. Roger S. Powell for the plaintiff in error, and submitted by Mr. Thomas J. Davis for the defendant in error.

No. 66. John C. Gore et al., appellants, *v.* The United States et al. Submitted by Mr. Hamilton G. Howard for the appellants, and by Mr. H. G. Platt and Mr. Richard Bayne for the appellees, with leave to counsel for appellees to file an additional brief within fifteen days, and to counsel for appellants to reply thereto.

Nos. 67 and 68. James Fappiano, plaintiff in error, *v.* Robert A. Speed, clerk, etc. Argued by Mr. Charles T. Cates, jr., for defendant in error, and submitted by Mr. W. M. Randolph and Mr. Wassell Randolph for the plaintiff in error.

No. 70. George O. Campbell et al., plaintiffs in error, *v.* The State of California. Passed.

No. 71. The People of the State of New York ex rel. Simon Lieberman, plaintiff in error, *v.* John E. Van De Carr, warden, etc. Argued by Mr. Frank Moss for the plaintiff in error, and submitted by Mr. Theodore Connoly for the defendant in error. Leave granted to counsel for plaintiff in error to file additional brief within five days.

No. 72. Allen C. Clark et al., appellants, *v.* John E. Roller, intervener; and

No. 451. John E. Roller, intervener, appellant, *v.* Allen C. Clark et al. Argument commenced by Mr. Leo Simmons for Clark et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 10, will be as follows: Nos. 72 (and 451), 74, 75, 77, 78, 79, 81, 82, 83 and 85.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 10, 1905.

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

José R. F. Savage of San Juan, Porto Rico, was admitted to practice.

No. 115. Thomas R. Shaw, receiver, etc., plaintiff in error, *v.* National German-American Bank of St. Paul, Minn. Submitted pursuant to the twentieth rule by Mr. Guy C. H. Corliss for the plaintiff in error, and by Mr. J. W. Lusk for the defendant in error.

No. 75. The Guardian Trust and Deposit Company et al., petitioners, *v.* B. J. Fisher et al. Passed temporarily, on motion of Mr. A. H. Taylor for the petitioners.

Nos. 81 and 82. The People of the State of New York *ex rel.* The New York Central and Hudson River Railroad Company, plaintiff in error, *v.* Nathan L. Miller, comptroller, etc. Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. A. B. Browne in behalf of counsel.

No. 72. Allen C. Clark et al., appellants, *v.* John E. Roller, intervenor; and

No. 451. John E. Roller, intervenor, appellant, *v.* Allen C. Clark et al. Argument continued by Mr. Leo Simmons for Clark et al., and by Mr. John E. Roller *pro se*, and concluded by Mr. Leo Simmons for Clark et al.

No. 74. William M. Estes, appellant, *v.* Richard A. Timmons. Submitted by Mr. S. D. Lockett for the appellant, and by Mr. J. H. Everest for the appellee.

No. 77. James B. Howard, plaintiff in error, *v.* The Commonwealth of Kentucky. Argument commenced by Mr. W. M. Smith for the plaintiff in error, and continued by Mr. N. B. Hays for the defendant in error.

Adjourned until Monday next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 13, 1905.

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

James G. Parks of Cleveland, Tenn., Allen B. Clement of Philadelphia, Pa., and Frederick D. Silber of Chicago, Ill., were admitted to practice.

No. 29. The Tampa Water Works Company, plaintiff in error, *v.* The City of Tampa. In error to the supreme court of the State of Florida. Judgment affirmed with costs. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Brown and Mr. Justice Peckham.

No. 35. The Chesapeake Beach Railway Company, plaintiff in error, *v.* The Washington, Potomac and Chesapeake Railroad Company. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 21. The Attorney-General of the State of Michigan *ex rel.* L. E. Kies et al., plaintiffs in error, *v.* Thomas J. Lowrey et al. In error to the supreme court of the State of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 125. George C. Rankin, receiver, etc., plaintiff in error, *v.* Edward E. Barton. In error to the supreme court of the State of Kansas. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McKenna.

Nos. 19 and 20. William Marvin, plaintiff in error, *v.* Belle B. Trout. In error to the supreme court of the State of Ohio. Judgments affirmed with costs. Opinion by Mr. Justice Peckham.

No. 84. Union Refrigerator Transit Company, plaintiff in error, *v.* The Commonwealth of Kentucky by A. L. Weller, jr., revenue agent. In error to the court of appeals of the State of Kentucky. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Brown. Dissenting: Mr. Justice Holmes and Mr. Chief Justice Fuller.

No. 22. Cockran Oil and Development Company, plaintiff in error, *v.* Laurent Arnaudet et al. In error to the supreme court of the State of Louisiana. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

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

No. 149 of October term, 1904. Frederick W. Lincoln et al., plaintiffs in error, *v.* The United States; and

No. 466 of October term, 1904. Warner, Barnes & Co., Limited, appellant, *v.* The United States. Petition for rehearing granted as to the question whether Congress ratified the collection of the sums sought to be recovered in these suits, and the cases assigned for oral argument on that point on January 2, 1906, after the cases already assigned for that day.

No. 425. Earl A. Thissell, petitioner, *v.* U. S. Bobbin and Shuttle Company. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 33. Peoria Gas and Electric Company, appellant, *v.* City of Peoria. Leave granted to counsel for the city of Chicago to file brief herein as *amicus curiæ*.

No. 39. The United States for the use and benefit of Daniel H. Hill et al., plaintiffs in error, *v.* The American Surety Company of New York. Time for defendant in error to file brief herein extended to November 26.

No. 42. Allison D. Gibbs, plaintiff in error, *v.* Robert S. McDougall. In error to the supreme court of the Philippine Islands. Dismissed for the want of jurisdiction. *Schlosser v. Hemphill*, 198 U. S., 173.

No. 43. The Citizens' National Bank et al., plaintiffs in error, *v.* Commonwealth of Kentucky use, etc., of Boyle County. In error to the court of appeals of the State of Kentucky. Dismissed for the want of jurisdiction. *Schlosser v. Hemphill*, 198 U. S., 173.

No. 115. Thomas R. Shaw, receiver, etc., plaintiff in error, *v.* National German-American Bank of St. Paul, Minn. In error to the United States circuit court of appeals for the eighth circuit. Judgment affirmed with costs. *California National Bank v. Kennedy*, 167 U. S., 362; *Concord First National Bank v. Hawkins*, 174 U. S., 364; *Scott v. Dewese*, 181 U. S., 202; *Matteson v. Dent*, 176 U. S., 521. Case remanded to the circuit court of the United States for the district of Minnesota.

No. 302. The State of New Jersey, appellant, *v.* William T. Anderson, trustee, etc. Motion to dismiss submitted by Mr. Frederick D. Silber in support of motion, and by Mr. Levy Mayer in opposition thereto.

No. 439. Frank I. Wood et al., appellants, *v.* David C. Grayson, trustee, et al. Application to dispense with the printing of the record herein and to assign case for argument with Nos. 89 and 90 granted, on motion of Mr. John Ridout for the appellants.

No. 440. The Western Woolen Mill Company, petitioner, *v.* Northern Assurance Company of London. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. William Hitz in behalf of Mr. W. H. Rossington and Mr. Charles Blood Smith for the petitioner, and by Mr. Charles J. Greene and Mr. Ralph W. Breckenridge for the respondent.

No. 344. Mutual Reserve Life Insurance Company, plaintiff in error, *v.* Henry C. Birch. Motions to dismiss or affirm submitted by Mr. Gilbert E. Roe in support of motions, and by Mr. Gordon T. Hughes in opposition thereto.

No. 77. James B. Howard, plaintiff in error, *v.* The Commonwealth of Kentucky. Argument continued by Mr. N. B. Hays for the defendant in error, and concluded by Mr. W. M. Smith for the plaintiff in error. Leave granted counsel for plaintiff in error to file an additional brief within five days.

Adjourned until Monday, November 27, at 12 o'clock.

The day call for Monday, November 27, will be as follows: Nos. 308, 56, 65, 70, 75, 78, 79, 83, 85 (and 86) and 87.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 27, 1905.

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

Lawrence A. McNary of Portland, Oreg., Brainard W. Parker of Washington, D. C., William B. Bosley of San Francisco, Cal., William Nevarre Cromwell of Washington, D. C., Cassell Severance of Washington, D. C., Edgar M. Kitchin of Washington, D. C., Jay Rich Grier of Philadelphia, Pa., Aubrey L. Brook of Greensboro, N. C., Charles Warren Kitts of Grass Valley, Nevada County, Cal., Norton Chase of New York City, Robert H. McCarter of Newark, N. J., J. S. Barker of Washington, D. C., John E. Bird of Adrian, Mich., and C. H. Garoutte of San Francisco, Cal., were admitted to practice.

No. 368. Mary Mabel Rogers, appellant, *v.* Henry H. Peck et al. Appeal from the district court of the United States for the district of Vermont. Final order affirmed. Ordered that mandate issue at once. Opinion by Mr. Justice Day.

No. 51. The United States, appellant, *v.* The Utah, Nevada and California Stage Company; and

No. 52. The Utah, Nevada and California Stage Company, appellant, *v.* The United States. Appeals from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Day.

No. 31. Greenlief W. Simpson, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Holmes.

No. 50. Beryl F. Carroll, auditor of the State of Iowa, appellant, *v.* The Greenwich Insurance Company of New York 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 directions to dismiss the bill. Opinion by Mr. Justice Holmes. Separate opinion by Mr. Justice Harlan concurring in the result. Mr. Justice Brewer and Mr. Justice Day concur in the result.

No. 61. Mary McCune, by Daniel Donohue, her guardian ad litem, appellant, *v.* N. Fred Essig et ux. Appeal from the United States circuit court of appeals for the ninth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the eastern district of Washington. Opinion by Mr. Justice McKenna.

No. 74. William M. Estes, appellant, *v.* Richard A. Timmons. Appeal from the supreme court of the Territory of Oklahoma. Decree affirmed with costs. Opinion by Mr. Justice McKenna.

No. 54. John D. Jack, plaintiff in error, *v.* The State of Kansas. In error to the supreme court of the State of Kansas. Judgment affirmed with costs. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Brewer and Mr. Justice McKenna.

No. 7. Royal Insurance Company, plaintiff in error, *v.* Robert Miller, special master, etc., et al. In error to the district court of the United States for the district of Porto Rico. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 44. F. H. Hartman, plaintiff in error, *v.* Butterfield Lumber Company. In error to the supreme court of the State of Mississippi. Judgment affirmed with costs. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice White.

No. 64. Gustav E. Hafemann, plaintiff in error, *v.* Fred A. Gross et al. In error to the supreme court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice White, Mr. Justice McKenna and Mr. Justice Holmes.

No. 5. Harry Donovan et al., petitioners, *v.* Pennsylvania Company. On writ of certiorari to the United States circuit court of appeals for the seventh circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the northern district of Illinois. Opinion by Mr. Justice Harlan.

No. 25. The California Reduction Company et al., petitioners, *v.* The Sanitary Reduction Works of San Francisco. On writ of certiorari to the United States circuit court of appeals for the ninth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the northern district of California. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Brewer and Mr. Justice Peckham.

No. 62. James Gardner, plaintiff in error, *v.* The People of the State of Michigan. In error to the supreme court of the State of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Brewer and Mr. Justice Peckham.

No. 32. Francis B. Sweeney et al., etc., plaintiffs in error, *v.* Carter Oil Company. In error to the circuit court of the United States for the

northern district of West Virginia. Judgment reversed with costs, and cause remanded to be proceeded in according to law. Opinion by Mr. Chief Justice Fuller.

No. 37. John J. Cochran et al., plaintiffs in error, *v.* The County of Montgomery. In error to the United States circuit court of appeals for the fifth circuit. Dismissed for the want of jurisdiction; and

No. 112. John J. Cochran et al., petitioners, *v.* The County of Montgomery. Petition for writ of certiorari granted. Record of writ of error to stand as return to same, and judgment reversed at the cost of the Fidelity and Deposit Company of Maryland, and cause remanded to the circuit court of the United States for the middle district of Alabama, with a direction to remand to the State court. Opinion by Mr. Chief Justice Fuller.

No. 57. Henry French, etc., plaintiff in error, *v.* H. C. Taylor 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. 302. The State of New Jersey, appellant, *v.* William T. Anderson, trustee, etc. Motion to dismiss denied.

No. 440. The Western Woolen Mill Company, petitioner, *v.* Northern Assurance Company of London. Petition for writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 490. Benjamin F. Nelson, plaintiff in error, *v.* The United States;

No. 491. Anselm C. Bossard, plaintiff in error, *v.* The United States; and

No. 492. Clarence I. McNair, plaintiff in error, *v.* The United States. Advanced and assigned for argument with Nos. 381, 382, 383 and 384, as one case, on January 2, 1906, on motion of Mr. Solicitor-General Hoyt for the defendant in error.

No. 370. Franklin M. Neill et al., appellants, *v.* Southern Railway Company. Motion to advance submitted by Mr. R. H. Battle for the appellants.

No. 453. Hedewig Kriete, plaintiff in error, *v.* The New York and Harlem Railroad Company et al.;

No. 454. David W. O'Neil et al., plaintiffs in error, *v.* The New York and Harlem Railroad Company; and

No. 493. Franziska Scholz, plaintiff in error, *v.* The New York and Harlem Railroad Company et al. Advanced and assigned for argument with No. 407, as one case, on January 2, 1906, on motion of Mr. A. B. Cruikshank for the plaintiffs in error.

No. 403. Alexander von Faber-Castell, etc., petitioner, *v.* John Eberhard Faber. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Frederic W. Henrichs and Mr. Joseph H. Choate for the petitioner, and by Mr. Benjamin F. Tracy for the respondent.

No. 171. Louisiana and Missouri River Railroad Company, plaintiff in error, *v.* Patrick Makey. Motions to dismiss or affirm submitted by Mr. W. B. C. Brown in behalf of Mr. George Robertson in support of motions, and by Mr. W. C. Scarrett in opposition thereto.

No. 456. The Hayes-Young Tie Plate Company, petitioner, *v.* The St. Louis Transit Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. J. S. Barker in behalf of Mr. James L. Hopkins, and Mr. Alfred A. Eicks for the petitioner.

No. 128. Charles A. De Arnaud, plaintiff in error, *v.* Fred C. Ainsworth. Motion for leave to proceed in forma pauperis and that record be printed at public expense submitted by Mr. F. P. B. Sands for the plaintiff in error.

No. 229. George F. Albright, appellant, *v.* The Territory of New Mexico ex rel. Jesus M. Sandoval. Motion to dismiss submitted by Mr. William Stone Abert in behalf of Mr. Neill B. Field in support of motion, and by Mr. William B. Childers in opposition thereto.

No. 118. Sofie L. Alexander, appellant, *v.* Seferino Crollott, justice of the peace, etc. Motions to dismiss or affirm submitted by Mr. A. B. Browne in behalf of Mr. W. B. Childers in support of motions, and by Mr. Neill B. Field in opposition thereto.

No. 331. Henry A. Blair et al., appellants, *v.* The City of Chicago, et al.;

No. 332. The North Chicago City Railway Company, appellant, *v.* Henry A. Blair, et al.;

No. 333. City of Chicago, appellant, *v.* John C. Fetzer et al., etc.;

No. 334. Henry A. Blair et al., etc., appellant, *v.* The City of Chicago et al.;

No. 335. Chicago West Division Railway Company, appellant, *v.* Henry A. Blair et al.; and

No. 336. City of Chicago, appellant, *v.* John C. Fetzer et al., etc. Motion for extension of time for oral argument herein submitted by Mr. A. B. Browne in behalf of counsel.

No. 394. Perry F. Powers, auditor-general, appellant, *v.* The Detroit, Grand Haven and Milwaukee Railway Company. Motion to advance submitted by Mr. John E. Bird for the appellant.

No. 397. The Michigan Central Railroad Company, appellant, *v.* Perry F. Powers, auditor-general, etc. Motion to advance submitted by Mr. John E. Bird for the appellee.

No. 13, Original. The State of Georgia, complainant, *v.* The Tennessee Copper Company et al. Leave granted to file demurrer herein, on motion of Mr. John H. Frantz for the defendants.

No. 273. The Harway Dyewood and Extract Manufacturing Company et al., petitioners, *v.* The Kemolin Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. W. P. Preble, jr., for the petitioners, and by Mr. Harold Binney for the respondent.

No. —, Original. *Ex parte*: In the matter of William W. Bierce, Limited. Motion for leave to file petition for a writ of mandamus submitted by Mr. A. A. Hoehling, jr., in behalf of counsel.

No. 444. American Sewage Disposal Company of Boston, petitioner, *v.* City of Pawtucket. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. Edward P. Payson for the petitioner, and by Mr. William R. Tillinghast for the respondent.

No. 170. Rufus Martin, plaintiff in error, *v.* The State of Texas. Motion that the fees for supervising the printing of the record herein be based on the parts of the record printed and not on the whole record as filed submitted by Mr. Watson E. Coleman for the plaintiff in error.

No. 308. John W. Ballmann, plaintiff in error, *v.* The United States. Submitted by Mr. Lawrence Maxwell, jr., Mr. Miller Outcalt and Mr. Thomas F. Shay for the plaintiff in error, and by Mr. Solicitor-General Hoyt for the defendant in error, with leave to counsel for plaintiff in error to file a reply brief within five days.

No. 79. Peter O. Sjoli, plaintiff in error, *v.* Charles Dreschel. Submitted by Mr. Moses E. Clapp for the plaintiff in error, and by Mr. William E. Hale for the defendant in error.

No. 83. The Newport News and Old Point Railway and Electric Company, plaintiff in error, *v.* Hampton Roads Railway and Electric Company. Continued, per stipulation.

No. 56. Joshua Roberts Mead et al., plaintiffs in error *v.* The City of Portland et al. Argument commenced by Mr. Charles H. Cary for the plaintiffs in error, continued by Mr. L. A. McNary for the defendants in error, and concluded by Mr. Charles H. Cary for the plaintiffs in error.

No. 65. The Succession of Juan Serralles, etc., appellant, *v.* Belen Esbri, widow, etc. Argued by Mr. James S. Harlan for the appellant. No brief filed for the appellee.

No. 70. George O. Campbell et al., plaintiffs in error, v. The State of California. Argument commenced by Mr. Charles H. Garoutte for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 28, will be as follows: Nos. 70, 75, 78, 85 (and 86), 87, 88, 89 (and 90 and 439), 91, 92 and 96.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 28, 1905.

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

No. 133. The Mayor and Aldermen of the City of Vicksburg, appellants, *v.* The Vicksburg Water Works Company. Motions to dismiss or affirm submitted by Mr. S. S. Hudson, Mr. Joseph Hirsh and Mr. M. F. Smith in support of motions, and by Mr. J. C. Bryson and Mr. L. W. Magruder in opposition thereto.

No. 70. George O. Campbell et al., plaintiffs in error, *v.* The State of California. Argument continued by Mr. Charles H. Garoutte for the plaintiffs in error, by Mr. U. S. Webb for the defendant in error, and concluded by Mr. Charles H. Garoutte for the plaintiffs in error.

No. 75. The Guardian Trust and Deposit Company et al., petitioners, *v.* B. J. Fisher et al. Argument commenced by Mr. John P. Bruns for the petitioners, continued by Mr. Aubrey L. Brooks for the respondents, and concluded by Mr. A. H. Taylor for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 29, will be as follows: Nos. 78, 85 (and 86), 87, 88, 89 (and 90 and 439), 91, 92, 96, 97 (and 98 and 99) and 102.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 29, 1905.

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

Richard C. Stoll of Lexington, Ky., Stanton C. Peelle of Washington, D. C., and Charles C. Stroh of Harrisburg, Pa., were admitted to practice.

No. 78. Calvin R. Nutt et al., plaintiffs in error, *v.* S. Prentiss Knut et al. Argument commenced by Mr. A. S. Worthington for the plaintiffs in error, continued by Mr. Frederic D. McKenney for the defendants in error, and concluded by Mr. A. S. Worthington for the plaintiffs in error.

No. 85. The Russian-American Packing Company, appellant, *v.* The United States; and

No. 86. The Royal Packing Company, appellant, *v.* The United States. Argument commenced by Mr. Alexander Britton for the appellants, continued by Mr. Frederick De C. Faust for the appellee, and concluded by Mr. Alexander Britton for the appellants.

No. 87. Axel W. Hallenborg et al., appellants, *v.* Cobre Grande Copper Company et al. Argument commenced by Mr. A. B. Cruikshank for the appellants.

Adjourned until Friday next at 12 o'clock.

The day call for Friday, December 1, will be as follows: Nos. 87, 88, 89 (and 90 and 439), 91, 92, 96, 97 (and 98 and 99), 102, 103 and 104.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 1, 1905.

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

William Pirtle Herod of Indianapolis, Ind., William F. Stevenson of Cheraw, S. C., and P. A. Willcox of Florence, S. C., were admitted to practice.

No. 87. Axel W. Hallenborg et al., appellants, *v.* Cobre Grande Copper Company et al. Argument continued by Mr. A. B. Cruikshank for the appellants, and by Mr. A. B. Browne for the appellees, and concluded by Mr. A. B. Cruikshank for the appellants.

No. 308. John W. Ballmann, plaintiff in error, *v.* The United States. Leave granted to file an additional brief for the defendant in error, on motion of Mr. Solicitor-General Hoyt for defendant in error.

No. 88. U. X. Gunter, jr., attorney-general, etc., et al., appellants, *v.* The Atlantic Coast Line Railroad Company. Argument commenced by Mr. W. F. Stevenson for the appellants, and continued by Mr. Theodore G. Barker for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 4, will be as follows: Nos. 88, 89 (and 90 and 439), 91, 92, 96, 97 (and 98 and 99), 102, 103, 104 and 105.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 4, 1905.

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

Benjamin N. Kohout of Wilber, Nebr., Frank R. Reid of Aurora, Ill., Joseph Bell Cotton of Duluth, Minn., Samuel A. Anderson of St. Paul, Minn., E. Clinton Rhoads of Philadelphia, Pa., Paul Armitage of New York City, Watts S. Humphrey of Saginaw, Mich., Charles J. Bissell of Rochester, N. Y., and William W. Webb of Rochester, N. Y., were admitted to practice.

No. 72. Allen C. Clark et al., appellants, *v.* John E. Roller, intervener; and

No. 451. John E. Roller, intervener, appellant, *v.* Allen C. Clark et al. Appeals from the court of appeals of the District of Columbia. Decree modified and affirmed. Costs to be paid by Clark et al. Opinion by Mr. Justice Holmes.

No. 34. Valentin Trono et al., plaintiffs in error, *v.* The United States. In error to the supreme court of the Philippine Islands. Judgment affirmed. Opinion by Mr. Justice Peckham. Mr. Justice Holmes concurs in the result. Dissenting: Mr. Justice McKenna, Mr. Justice White and Mr. Chief Justice Fuller. Separate dissenting opinion by Mr. Justice Harlan.

Nos. 67 and 68. James Fappiano, plaintiff in error, *v.* Robert A. Speed, as clerk of the county court of Shelby County. In error to the supreme court of the State of Tennessee. Judgments affirmed with costs. Opinion by Mr. Justice Peckham.

No. 49. Harold Petri et al., plaintiffs in error, *v.* The F. E. Creelman Lumber Company 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 for further proceedings. Opinion by Mr. Justice White. (Announced by Mr. Chief Justice Fuller.)

No. 46. Arthur M. Manigault, appellant, *v.* A. A. Springs et al., etc. Appeal from the circuit court of the United States for the district of South Carolina. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 10. The State of South Carolina, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice White, Mr. Justice Peckham and Mr. Justice McKenna.

The Chief Justice announced the following orders of the court :

No. 14, Original. *Ex parte*: In the matter of William W. Bierce, Limited, petitioner. Leave to file petition for writs of mandamus or certiorari granted, and on consideration thereof and of the record presented therewith it is ordered that an appeal be, and it is hereby, allowed, without préjudice, from the judgment of the supreme court of the Territory of Hawaii in the case of Bierce, Limited (a corporation), *v.* Hutchins, trustee, on appellant giving bond in the penal sum of \$1,000, conditioned according to law and approved by the chief justice of said supreme court or an associate justice thereof.

No. 128. Charles A. De Arnaud, plaintiff in error, *v.* Fred C. Ainsworth. Motion for leave to proceed in forma pauperis, etc., denied.

No. 170. Rufus Martin, plaintiff in error, *v.* The State of Texas. Motion to limit the supervising fee to the parts of the record to be printed by agreement granted.

No. 171. Louisiana and Missouri River Railroad Company, plaintiff in error, *v.* Patrick Markey. Motions to dismiss or affirm postponed to the hearing on the merits.

No. 133. Mayor, etc., of the City of Vicksburg, appellants, *v.* The Vicksburg Water Works Company. Motions to dismiss or affirm postponed to the hearing on the merits.

Nos. 331 to 336. Henry A. Blair et al., appellants, *v.* The City of Chicago et al. Leave granted to three counsel to be heard on each side and four hours additional time for oral argument allowed, to be equally divided, and making the entire time eight hours.

No. 370. Franklin McNeill et al., appellants, *v.* Southern Railway Company. Motion to advance granted, and cause assigned for argument on Monday, April 2, 1906.

No. 394. Perry F. Powers, auditor-general, etc., appellant, *v.* The Detroit, Grand Haven and Milwaukee Railway Company; and

No. 397. The Michigan Central Railroad Company, appellant, *v.* Perry F. Powers, auditor-general, etc. Motions to advance granted, and cases assigned for argument as one case on February 19, 1906, after the cases already assigned for that day.

Nos. 462 to 487. Railroad Companies et al., appellants, *v.* Perry F. Powers, auditor-general, etc. On consideration of the records filed herein these cases are advanced to be heard with Nos. 394 and 397, as one case, on February 19, 1906.

No. 273. The Harway Dyewood and Extract Manufacturing Company et al., petitioners, *v.* The Homolin Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 403. Alexander von Faber-Castell, petitioner, *v.* John Eberhard Faber. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 444. American Sewage Disposal Company of Boston, petitioner, *v.* City of Pawtucket. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 456. The Hayes Young Tie Plate Company, petitioner, *v.* The St. Louis Transit Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 66. John C. Gove, jr., et al., appellants, *v.* The United States et al. Appeal from the circuit court of the United States for the northern district of California. Dismissed for want of jurisdiction. *Gwin v. United States*, 184 U. S., 672; *Lau Ow Bew v. United States*, 144 U. S., 47-56; *American Construction Co. v. Jacksonville Railway Company*, 148 U. S., 372-383; *Borgmeyer v. Idler*, 159 U. S., 418; *Muse v. Arlington Hotel Co.*, 168 U. S., 430. Act of March 3, 1891, 26 Stat., 826, chapter 517, sections 5 and 6.

No. 498. Rudolph F. Theurer, executor, etc., et al., plaintiffs in error, *v.* The United States. In error to the circuit court of the United States for the district of Louisiana. Docketed and dismissed, on motion of Mr. Solicitor-General Hoyt for the defendant in error, and cause remanded to the circuit court of the United States for the eastern district of Louisiana.

No. 122. Mutual Reserve Life Insurance Company, plaintiff in error, *v.* George W. Woodward. Motion for leave to file brief herein as *amicus curiae* granted, on motion of Mr. Albert P. Massey for interested parties.

No. 114. John S. McCalla, appellant, *v.* Calvin S. Acker. Death of Calvin S. Acker suggested, and appearance of Alma Mazo Acker, executrix, etc., as the party appellee herein filed and entered, per stipulation, on motion of Mr. Fred Beall of counsel for appellant.

No. 13, Original. The State of Georgia, complainant, *v.* The Tennessee Copper Company et al. Leave granted to file demurrer of the Ducktown Sulphur, Copper and Iron Company, Limited, one of the defendants herein, on motion of Mr. James G. Parks for said defendant.

No. 499. Lucian H. Alexander, plaintiff in error, *v.* The City of Tacoma et al. In error to the supreme court of the State of Washington. Docketed and dismissed with costs, on motion of Mr. David A. Gourick for the defendant in error.

No. 280. La Compania de los Ferrocarriles de Puerto Rico, plaintiff in error, *v.* Jose Casuela Geigel. Motions to dismiss or affirm submitted by Mrs. Ellen S. Mussey in support of motions, and by Mr. F. H. Dexter, Mr. Frederic D. McKenney and Mr. John Spalding Flannery in opposition thereto.

No. 88. U. X. Gunter, jr., attorney-general, etc., et al., appellants, *v.* The Atlantic Coast Line Railroad Company. Argument continued by Mr. Theodore G. Barker and Mr. P. A. Willcox for the appellee, and concluded by Mr. W. F. Stevenson for the appellants.

No. 89. B. H. Warner et al., trustees, etc., et al., appellants, *v.* David C. Grayson, trustee, et al.;

No. 90. H. Maurice Talbott et al., appellants, *v.* David C. Grayson, trustee, et al.; and

No. 439. Frank I. Wood et al., appellants, *v.* David C. Grayson, trustee, et al. Argument commenced by Mr. John Ridout for Wood and Talbott, and continued by Mr. B. W. Parker for Warner and Wine, trustees, and by Mr. J. J. Darlington for Grayson, trustee, et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 5, will be as follows: Nos. 89, (and 90 and 439), 91, 92, 96, 97 (and 98 and 99), 102, 103, 104, 105 and 106 (and 165).

SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 5, 1905.

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

Robert H. Elder of Brooklyn, N. Y., was admitted to practice.

No. 14, Original. *Ex parte*: In the matter of W. W. Bierce, Limited, petitioner. Leave granted to withdraw certified transcript of record filed herein as exhibit to petition, on motion of Mr. Frederic D. McKenney for petitioner.

No. 502. Sewerage and Water Board of New Orleans, petitioner, *v.* The National Contracting Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Omer Villere and Mr. Samuel L. Gilmore for the petitioner.

No. 89. B. H. Warner et al., trustees, etc., et al., appellants, *v.* David C. Grayson, trustee, et al.;

No. 90. H. Maurice Talbott et al., appellants, *v.* David C. Grayson, trustee, et al.; and

No. 439. Frank I. Wood et al., appellants, *v.* David C. Grayson, trustee, et al. Argument continued by Mr. J. J. Darlington for Grayson, trustee, et al., and concluded by Mr. Charles F. Carusi for Wood and Talbott.

No. 91. Fred H. Kolze, administrator, et al., appellants, *v.* Charlotte E. Hoadley. Submitted by Mr. John T. Richards for the appellants, and by Mr. Herman W. Stillman for the appellee.

No. 92. Wabash Railroad Company, plaintiff in error, *v.* Genevieve Halstead Mathew. Argument commenced by Mr. Frederic D. McKenney for the plaintiff in error, continued by Mr. Grant T. Rosenzweig for the defendant in error, and concluded by Mr. Frederic D. McKenney for the plaintiff in error.

No. 96. Minnesota Iron Company, plaintiff in error, *v.* Mark M. Kline. Argument commenced by Mr. Frank B. Kellogg for the plaintiff in error, continued by Mr. S. A. Anderson for the defendant in error, and concluded by Mr. Frank B. Kellogg for the plaintiff in error.

No. 97. Frank Cole Brown, plaintiff in error, *v.* Charles Duncan Gurney;

No. 98. Josiah Appleton Small, plaintiff in error, *v.* Frank Cole Brown; and

No. 99. Frank Cole Brown, plaintiff in error, *v.* Josiah Appleton Small. Argued by Mr. William C. Prentiss for Brown, and submitted by Mr. Charles C. Butler for Gurney. No brief filed for Small.

No. 102. Agueda Benedicto de la Rama, appellant, *v.* Esteban de la Rama. Argument commenced by Mr. Frederic R. Coudert for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 6, will be as follows: Nos. 102, 103, 104, 105, 106 (and 165), 107, 108, 110, 111 and 113.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 6, 1905.

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

William P. Roberts of Minneapolis, Minn., W. E. Hemingway of Little Rock, Ark., and Alfred R. Union of Chicago, Ill., were admitted to practice.

No. 104. The United States, petitioner, *v.* R. F. Downing & Co. Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Assistant Attorney-General McReynolds for the petitioner.

No. 116. The United States, plaintiff in error, *v.* The New York and Cuba Mail Steamship Company. Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Assistant Attorney-General McReynolds for the plaintiff in error.

No. 280. La Compania de los Ferrocarriles de Puerto Rico, plaintiff in error, *v.* Jose Casuela Geigel. In error to the district court of the United States for the district of Porto Rico. Dismissed with costs, and mandate granted, on motion of Mr. Frederic D. McKenney for the plaintiff in error.

No. 110. C. E. Howard, appellant, *v.* E. B. Perrin. Submitted by Mr. E. E. Ellmwood for the appellant, and by Mr. Edward M. Doe for the appellee.

No. 113. Ann Francis, plaintiff in error, *v.* Peter J. Francis et al. In error to the supreme court of the State of Michigan. Dismissed with costs, pursuant to the tenth rule.

No. 102. Agueda Benedicto de la Rama, appellant, *v.* Esteban de la Rama. Argument concluded by Mr. Frederic R. Coudert for the appellant. No appearance for the appellee.

No. 103. The Mobile Transportation Company, appellant, *v.* The City of Mobile et al. Argument commenced by Mr. Frederick G. Bromberg for the appellant, continued by Mr. Harry T. Smith for the appellees, and concluded by Mr. Frederick G. Bromberg for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 7, will be as follows: Nos. 105, 106 (and 165), 107, 108, 111, 114, 117, 119, 121 and 122.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 7, 1905.

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

John W. Friend of Newport News, Va., C. C. Carlin of Alexandria, Va., Thomas J. Cavanaugh of Paw Paw, Mich., Hiram T. Cook of South Haven, Mich., Russell M. Chase of Paw Paw, Mich., James W. Hamilton of Omaha, Nebr., and Montague Lyon of St. Louis, Mo., were admitted to practice.

No. 114. John S. McCalla, appellant, *v.* Alma M. Acker, executrix of Calvin S. Acker, deceased. Submitted by Mr. Fred Beall and Mr. S. H. Harris for the appellant, and by Mr. Chester Howe for the appellee, with leave to both sides to file briefs on or before January 1, 1906.

No. 121. J. T. Wiygul & Sons, plaintiffs in error, *v.* Kansas City, Memphis and Birmingham Railroad Company. In error to the supreme court of the State of Mississippi. Dismissed with costs, pursuant to the tenth rule.

No. 105. H. C. Herrick et al., appellants, *v.* Boquillas Land and Cattle Company. Submitted by Mr. Ben. Goodrich for the appellants, and by Mr. Francis J. Heney for the appellee.

No. 106. The United States, appellant, *v.* The Detroit Timber and Lumber Company et al.; and

No. 165. Martin-Alexander Lumber Company et al., appellants, *v.* The United States. Argument commenced by Mr. M. C. Burch for the United States, continued by Mr. W. E. Hemingway and Mr. James F. Read for the lumber companies et al., and concluded by Mr. Fred. A. Maynard for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 8, will be as follows: Nos. 107, 108, 111, 117, 119, 122, 123, 124, 126 and 127.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 8, 1905.

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

Henry McAllister, jr., of Colorado Springs, Colo., Jesse M. Littleton of Winchester, Tenn., William W. Smith of Woodlawn, Sullivan County, N. Y., T. A. Wright of Rockwood, Tenn., and William D. Wright of Knoxville, Tenn., were admitted to practice.

No. 122. Mutual Reserve Life Insurance Company, plaintiff in error, *v.* George W. Woodward. Continued, per stipulation.

No. 107. Behn, Meyer & Co., appellants, *v.* Campbell and Go Tauco. Argument commenced by Mr. C. C. Carlin for the appellants, continued by Mr. A. B. Browne for the appellees, and concluded by Mr. Henry E. Davis for the appellants. Leave granted to both sides to file additional briefs.

No. 108. T. A. Graham, county auditor, et al., plaintiffs in error, *v.* S. Ellen Folsom et al. Argument commenced by Mr. F. Barron Grier for the plaintiffs in error, continued by Mr. H. J. Haynsworth and Mr. R. E. L. Mountcastle for the defendants in error, and concluded by Mr. Joseph A. McCullough for the plaintiffs in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 11, will be as follows: Nos. 111, 117, 119, 123, 124, 126, 127, 128, 129 and 130.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 11, 1905.

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

C. S. Gilkerson of Cheyenne, Okla., Churchill P. Goree of Atlanta, Ga., Fred C. Rector of Columbus, Ohio, Ernest Hall of New York City, Charles F. Jones of Brookville, Ind., E. L. Worthington of Maysville, Ky., I. B. Melville of Denver, Colo., James C. Sims of Bowling Green, Ky., H. Clay Howard of Paris, Ky., and Sidney Miller Ballou of Honolulu, Hawaii, were admitted to practice.

No. 71. The People of the State of New York *ex rel.* Simon Lieberman, plaintiff in error, *v.* John E. Van DeCarr, warden, etc. In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Day. Concurring opinion by Mr. Justice Holmes.

Mr. Justice Brown announced the following order of the court:

Ordered: That general order in bankruptcy No. 35 be amended by adding the following sentence to subdivision 4: He may also, pending such proceedings in voluntary or involuntary cases, order the commissions of referees and trustees to be paid immediately after such commissions accrue and are earned.

No. 169. Thomas M. Riggins, appellant, *v.* The United States. Appeal from the circuit court of the United States for the northern district of Alabama. Final order reversed, and cause remanded with a direction to quash the writ of habeas corpus and dismiss the petition without prejudice. Opinion by Mr. Chief Justice Fuller.

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

No. 103. The Mobile Transportation Company, appellant, *v.* The City of Mobile et al. Appeal from the United States circuit court of appeals for the fifth circuit. Dismissed for want of jurisdiction. Act March 3, 1891, 26 Stat., 826, c. 517, sec. 6; Colorado Central Consolidated Mining Company *v.* Turck, 150 U. S., 138; Rouse *v.* Letcher, 156 U. S.,

47; *Carey v. Houston and Texas Central Railway Company*, 161 U. S., 115; *Ex parte Jones*, 164 U. S., 691; *Gableman v. Peoria Railway Company*, 179 U. S., 335, 339; *Arbuckle v. Blackburn*, 191 U. S., 405; *Spencer v. Duplan Silk Company*, id., 526; *Mobile Transportation Company v. City of Mobile*, 187 U. S., 482; *Same v. Same*, 195 U. S., 631.

No. 502. Sewerage and Water Board of New Orleans, petitioner, *v. National Contracting Company*. Petition for a writ of certiorari to the United States court circuit of appeals for the fifth circuit denied.

No. 92. Wabash Railroad Company, plaintiff in error, *v. Genevieve Halstead Mathew*. In error to the Kansas City court of appeals of the State of Missouri. Judgment affirmed, with 10 per cent damages, in addition to interest and costs.

The Chief Justice also announced that the court would take a recess from the 18th instant to January 2, 1906.

No. 130. Thomas S. Ellis, appellant, *v. William Williams*, commissioner, etc.;

No. 141. The Southern Pacific Railroad Company et al., appellants, *v. The United States*;

No. 142. The Southern Pacific Railroad Company et al., appellants, *v. The United States*;

No. 158. The Southern Pacific Company et al., appellants, *v. The Interstate Commerce Commission*;

No. 159. Southern California Railway Company, appellant, *v. The Interstate Commerce Commission et al.*;

No. 160. Atchison, Topeka and Santa Fe Railway Company, appellant, *v. The Interstate Commerce Commission et al.*;

No. 161. Santa Fe Pacific Railroad Company, appellant, *v. The Interstate Commerce Commission et al.*; and

No. 162. Southern Pacific Company *v. The Interstate Commerce Commission et al.* Passed temporarily, on motion of Mr. Solicitor-General Hoyt for the appellees.

No. 339. Ah Sou, appellant, *v. The United States*. Motions to dismiss or affirm submitted by Mr. Solicitor-General Hoyt in support of motions, and by Mr. John M. Thurston in opposition thereto.

No. 152. The Atlantic Coast Line Railroad Company, plaintiff in error, *v. Florida ex rel. W. H. Ellis, etc., et al.*;

No. 155. The Seaboard Air Line Railway, plaintiff in error, *v. Florida ex rel. W. H. Ellis, etc., et al.*; and

No. 156. The Seaboard Air Line Railway, plaintiff in error, *v. Florida ex rel. W. H. Ellis, etc., et al.* Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Hillary A. Herbert in behalf of counsel.

No. —, Original. *Ex parte*: In the matter of the Commonwealth of Kentucky, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. Lawrence Maxwell, jr., for petitioner.

No. 393. The Commonwealth of Kentucky, appellant, *v.* Caleb Powers. Motion to dismiss submitted by Mr. Richard Yates, Mr. Frank S. Black, Mr. R. D. Hill, Mr. E. L. Worthington, Mr. James C. Sims, and Mr. H. Clay Howard in support of motion, and by Mr. Lawrence Maxwell, jr., and Mr. N. B. Hays in opposition thereto.

No. 504. Copper River Mining Company, petitioner, *v.* R. F. McClellan et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. W. B. Heyburn and Mr. Charles H. Aldrich for the petitioner, with leave to Mr. Frederick De C. Faust for the respondents to file brief within two weeks.

No. 409. John H. Mitchell, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the district of Oregon. Upon suggestion of death of plaintiff in error case abated and writ of error dismissed, on motion of Mr. John M. Thurston for the plaintiff in error.

No. 300. William H. Andrews, plaintiff in error, *v.* Eastern Oregon Land Company. Motions to dismiss or affirm submitted by Mr. A. B. Browne and Mr. Alexander Britton in support of motions, and by Mr. S. M. Stockslager and Mr. George C. Heard in opposition thereto.

No. 512. The Iroquois Transportation Company, petitioner, *v.* A. Harvey's Sons Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. C. E. Kremer for the petitioner, and by Mr. Henry B. Graves for the respondent.

No. 128. Charles A. De Arnaud, plaintiff in error, *v.* Fred. C. Ainsworth. In error to the court of appeals of the District of Columbia. Dismissed with costs, pursuant to the tenth rule.

No. 129. William F. Tryleer, appellant, *v.* McGregor Company Association et al. Appeal from the circuit court of the United States for the western district of Texas. Dismissed with costs, pursuant to the tenth rule.

No. 111. In the matter of the petition of J. W. Robinson and Marie Carrau for a writ of habeas corpus. Submitted by Mr. J. W. Robinson and Mr. Milton W. Smith for petitioners, and by Mr. S. H. Piles, Mr. George Donworth and Mr. James B. Howe for respondent.

No. 117. J. L. Congdon, plaintiff in error, *v.* The People of the State of Michigan. Argument commenced by Mr. Thomas J. Cavanaugh for the plaintiff in error, continued by Mr. Russell M. Chase for the defendants in error, and concluded by Mr. H. T. Cook for the plaintiff in error.

No. 119. John W. Haddock, plaintiff in error, *v.* Harriet Haddock. Argued by Mr. A. J. Rose for the plaintiff in error, and by Mr. Henry Willis Smith for the defendant in error.

No. 123. Knoxville Water Company, appellant, *v.* The Mayor and Aldermen of the City of Knoxville et al. Argument commenced by Mr. Charles T. Cates, jr., for the appellant, and continued by Mr. John W. Green for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 12, will be as follows: Nos. 123, 124, 126, 127, 131, 133, 134, 137, 138 and 144.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 12, 1905.

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

J. P. Becker of Medford, Okla., Robert J. Ray of Lawton, Okla., O. H. Ecke of Fond du Lac, Wis., and F. F. D. Albery of Columbus, Ohio, were admitted to practice.

No. 134. George H. Copland et al., appellants, *v.* C. W. Waldron et al. Appeal from the district court of the United States for the district of Washington. Dismissed with costs, pursuant to the tenth rule, and cause remanded to the district court of the United States for the western district of Washington.

No. 137. Fred C. Rector, trustee, etc., plaintiff in error, *v.* The City Deposit Bank Company. Submitted by Mr. David F. Pugh for the plaintiff in error, and by Mr. Talfourd P. Linn for the defendant in error.

No. 138. Fred C. Rector, trustee, etc., plaintiff in error, *v.* The Commercial National Bank. Submitted by Mr. David F. Pugh for the plaintiff in error, and by Mr. F. F. D. Albery for the defendant in error.

No. 123. Knoxville Water Company, appellant, *v.* The Mayor and Aldermen of the City of Knoxville et al. Argument concluded by Mr. Charles T. Cates, jr., for the appellant.

No. 124. U. C. Guss et al., appellants and plaintiffs in error, *v.* J. T. Nelson. Argued by Mr. A. G. C. Bierer for the appellants and plaintiffs in error, and submitted by Mr. W. R. Biddle and Mr. W. P. Dillard for the appellee and defendant in error.

No. 126. The United States ex rel. Ralph W. Drury and John Dowd, appellants, *v.* Edward Lewis, warden, etc. Argued by Mr. Assistant to the Attorney-General Purdy for the appellants. No counsel appeared for the appellee.

No. 127. W. J. McCahan Sugar Refining Company, petitioner, *v.* The Steamship Wildcroft, etc. Argument commenced by Mr. Horace L. Cheyney for the petitioner, and continued by Mr. J. Parker Kirlin for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 13, will be as follows: Nos. 127, 131, 133, 144, 145, 151, 153, 154, 157 and 164.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 13, 1905.

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

Lewis Maverick of San Antonio, Tex., W. T. Sprowls of Durant, Ind. T., J. H. Cline of Hobart, Okla., W. P. Langston of Holdenville, Ind. T., Jake L. Hamon of Lawton, Okla., Joseph R. Lamar of Augusta, Ga., Wilford M. Smith of Lawton, Okla., Robert L. Williams of Durant, Ind. T., Joseph I. Howard of Foss, Okla., Fred R. Ellis of Lawton, Okla., and Charles A. Spiess of Las Vegas, N. Mex., were admitted to practice.

No. 145. The Owensboro Water Works Company, appellant, etc., *v.* The City of Owensboro. Submitted by Mr. John D. Atchison and Mr. William T. Ellis for the appellant, and by Mr. Charles S. Walker for the appellee.

No. 151. Montana Catholic Missions, plaintiff in error, *v.* Missoula County, State of Montana. Submitted by Mr. Thomas J. Walsh for the plaintiff in error. No counsel appeared for the defendant in error.

No. 127. W. J. McCahan Sugar Refining Company, petitioner, *v.* The Steamship Wildcroft, etc. Argument continued by Mr. J. Parker Kirlin for the respondent, and concluded by Mr. Horace L. Cheyney for the petitioner.

No. 131. San Antonio Traction Company, plaintiff in error, *v.* George A. Altgelt, etc. Argued by Mr. Charles W. Ogden for the plaintiff in error. No counsel appeared for the defendant in error.

No. 133. The Mayor and Aldermen of the City of Vicksburg, appellants, *v.* The Vicksburg Water Works Company. Submitted by Mr. J. C. Bryson for the appellants, and by Mr. S. S. Hudson, Mr. Murray F. Smith and Mr. J. Hirsh for the appellee.

No. 144. Joseph O. Carter et al., plaintiffs in error, *v.* The Territory of Hawaii. Argued by Mr. S. M. Ballou for the plaintiffs in error, and submitted by counsel for the defendant in error, with leave to file brief hereafter, the plaintiffs in error to reply thereto within five days.

No. 153. Eleanora D. Speer et al., appellants, *v.* Michael J. Colbert, trustee, etc., et al. Leave granted to three counsel to be heard for appellants. Argument commenced by Mr. J. R. Lamar for the appellants, and continued by Mr. Conway Robinson for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 14, will be as follows: Nos. 153, 154, 157, 164, 166, 167 (and 168), 170, 171, 172 and 173.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 14, 1905.

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

Seeber Edwards of Providence, R. I., E. H. Hinshaw of Fairbury, Nebr., Victor Hugo Duras of Wilber, Nebr., and John Galvin of Cincinnati, Ohio, were admitted to practice.

No. 166. William D. Martin, plaintiff in error, *v.* The New Trinidad Lake Asphalt Company, Limited. In error to the circuit court of the United States for the southern district of New York. Dismissed, per stipulation.

No. 167. Illinois Central Railroad Company, plaintiff in error, *v.* T. G. Edwards; and

No. 168. Illinois Central Railroad Company, plaintiff in error, *v.* J. U. McKendree. Submitted by Mr. J. M. Dickinson and Mr. Edmund F. Trabue for the plaintiff in error. No brief filed for defendants in error.

No. 170. Rufus Martin, plaintiff in error, *v.* The State of Texas. Passed temporarily, on motion of Mr. W. E. Coleman for the plaintiff in error.

No. 171. Louisiana and Missouri River Railroad Company, plaintiff in error, *v.* Patrick Markey. In error to the supreme court of the State of Missouri. Dismissed with costs, per stipulation.

No. 172. John Strickley et al., plaintiffs in error, *v.* The Highland Boy Gold Mining Company. Passed temporarily, on motion of Mr. George Sutherland in behalf of counsel.

No. 153. Eleanora D. Speer et al., appellants, *v.* Michael J. Colbert, trustee, et al. Argument continued by Mr. Conway Robinson for the appellants, by Mr. George E. Hamilton and Mr. M. J. Colbert for the appellees, and concluded by Mr. Marion Erwin for the appellants.

No. 154. The Hibernia Savings and Loan Society, plaintiff in error, *v.* The City and County of San Francisco. Submitted by Mr. T. C. Van Ness for the plaintiff in error, with leave to counsel for defendant in error to file brief hereafter.

No. 157. Chicago, Burlington and Quincy Railway Company, plaintiff in error, *v.* The People of the State of Illinois *ex rel.* I. O. Grimwood *et al.* Argument commenced by Mr. A. J. Hopkins for the plaintiff in error, continued by Mr. John K. Newhall for the defendants in error, and concluded by Mr. A. J. Hopkins for the plaintiff in error.

No. 164. The Louisville and Nashville Railroad Company, plaintiff in error, *v.* F. E. Deer. Submitted by Mr. George W. Jones for the plaintiff in error. No counsel appeared for the defendant in error.

No. 173. Marian J. Looney, administratrix, *etc.*, plaintiff in error, *v.* The Metropolitan Railroad Company *et al.* Argument commenced by Mr. M. D. Rosenberg for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 15, will be as follows: Nos. 173, 174, 175, 176, 177, 179, 180, 181, 182 and 183.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 15, 1905.

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

A. Eddleman of Ardmore, Ind. T., Raymond M. Hudson of Newport News, Va., Joseph Spencer Graydon of Cincinnati, Ohio, George E. Hargrave of New York City, Laurence Arnold Tanzer of New York City, and Joseph Story of Greenville, Ill., were admitted to practice.

No. 175. Empire State-Idaho Mining and Developing Company, appellant, *v.* Bunker Hill and Sullivan Mining and Concentrating Company. Passed temporarily, on motion of Mr. W. B. Heyburn for the appellant.

No. 176. First National Bank of Ottawa, Ill., plaintiff in error, *v.* Theodore R. Converse, receiver, etc. Passed temporarily, on motion of Mr. C. A. Severance for the plaintiff in error.

No. 173. Marian J. Looney, administratrix, etc., plaintiff in error, *v.* The Metropolitan Railroad Company et al. Argument continued by Mr. M. D. Rosenberg for the plaintiff in error, by Mr. J. J. Darlington for the defendant in error, and concluded by Mr. Alexander Wolf for the plaintiff in error.

No. 174. The Cincinnati, Portsmouth, Big Sandy and Pomeroy Packet Company, plaintiff in error, *v.* George W. Bay et al. Argued by Mr. Ledyard Lincoln for the plaintiff in error, and by Mr. James S. Graydon for the defendants in error, with leave to both sides to file additional briefs within six days.

No. 177. The Cincinnati, New Orleans and Texas Pacific Railway Company, plaintiff in error, *v.* George Bohon, administrator, etc., et al. Argued by Mr. John Galvin for the plaintiff in error, and by Mr. John W. Yerkes for the defendants in error.

Adjourned until Monday next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 18, 1905.

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

William Warfield Wilson of Chicago, Ill., George Dutton Watrous of New Haven, Conn., Edward Grant Buckland of New Haven, Conn., Fred C. Geiger of Cleveland, Ohio, and George J. Bergen of Camden, N. J., were admitted to practice.

Nos. 40 and 217. Eclipse Bicycle Company, appellant, *v.* Willard M. Farrow. Appeals from the court of appeals of the District of Columbia. Decrees reversed with costs, and case remanded with directions to reinstate the auditor's first account, so far as the same disallows a claim in respect of E. 10. Opinion by Mr. Justice Holmes.

No. 96. Minnesota Iron Company, plaintiff in error, *v.* Mark M. Kline. In error to the supreme court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 85. The Russian-American Packing Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brown.

No. 86. The Royal Packing Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brown.

No. 118. Sofre L. Alexander, appellant, *v.* Seferino Crollott, justice of the peace, etc. Appeal from the supreme court of the Territory of New Mexico. Decree affirmed with costs. Opinion by Mr. Justice Brown.

No. 79. Peter O. Sjoli, plaintiff in error, *v.* Charles Dreschel. In error to the supreme court of the State of Minnesota. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Harlan. Mr. Justice Brewer took no part in the decision of this case.

Mr. Justice Harlan announced the following orders of the court:

No. 15, Original. *Ex parte*: In the matter of the Commonwealth of Kentucky, petitioner. Motion for leave to file petition for writ of mandamus granted, and rule to show cause awarded, returnable January 15, 1906, the response of the district judge to this motion to stand as a return to rule.

No. 393. The Commonwealth of Kentucky, appellant, *v.* Caleb Powers. Consideration of motions to dismiss or affirm postponed until after hearing on return to rule in *Ex parte*: In the matter of the Commonwealth of Kentucky, No. 15, Original.

No. 167. Illinois Central Railroad Company, plaintiff in error, *v.* T. G. Edwards; and

No. 168. Illinois Central Railroad Company, plaintiff in error, *v.* J. U. McKendree. Restored to the docket for oral argument, and notice of the pendency of these cases directed to be given to the Attorney-General.

No. 300. William H. Andrews, plaintiff in error, *v.* Eastern Oregon Land Company. Motions to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 512. The Iroquois Transportation Company, etc., petitioners, *v.* A. Harvey's Sons Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 107. Behn, Meyer & Co., appellant, *v.* Campbell & Go Tauco. Appeal from the supreme court of the Philippine Islands. Dismissed for the want of jurisdiction. Act July 1, 1902, 32 Stat., 691, c. 1369, sec. 10; *Deland v. Platte County*, 155 U. S., 221; *Comstock v. Eagleton*, 196 U. S., 99; *Oklahoma City, v. McMaster*, *id.*, 529; *Walker v. Dre-ville*, 12 Wall., 440.

No. 111. In the matter of the petition of J. W. Robinson and Marie Carran for a writ of habeas corpus. On a certificate from the United States circuit court of appeals for the ninth circuit. Certificate dismissed. *United States v. Rider*, 163 U. S., 132; *Fire Insurance Association v. Wickham*, 128 U. S., 426; *Jewell v. Knight*, 123 U. S., 426; *United States v. Perrin*, 131 U. S., 55; *Cross v. Evans*, 167 U. S., 60.

No. 339. Ah Sou, appellant, *v.* The United States. Appeal from the United States circuit court of appeals for the ninth circuit. Dismissed for the want of jurisdiction. 132 Fed. Rep., 878; 138 Fed. Rep., 775; *Barry v. Mercein*, 5 How., 103, 120; *Kurtz v. Moffitt*, 115 U. S., 487; *Lau Ow Bew v. United States*, 144 U. S., 58; *Western Union Telegraph Company v. Ann Arbor Railroad Company*, 178 U. S., 239; *Farrell v. O'Brien*, 199 U. S., 89; *Fong Yue Ting v. United States*, 149 U. S., 698, 730; *Chin Bak Kan v. United States*, 186 U. S., 193; Tom

Hong *v.* United States, 193 U. S., 517; Turner *v.* Williams, 194 U. S., 279.

No. 344. Mutual Reserve Life Insurance Company, plaintiff in error, *v.* Henry C. Birch. In error to the supreme court of the State of New York. Judgment affirmed with 10 per cent damages, in addition to interest and costs. Mutual Reserve Fund Life Association *v.* Phelps, 190 U. S., 147; Connecticut Mutual Life Insurance Company *v.* Spratley, 172 U. S., 602; Egan *v.* Hart, 165 U. S., 188; Richardson *v.* L. and N. Railroad Company, 169 U. S., 128; Young *v.* Valentine, 177 N. Y., 347; Woodward *v.* Mutual Reserve Fund Life Insurance Company, 178 N. Y., 485; Birch *v.* Same, 181 N. Y., 53; *id.*, 91 App. Div., 384.

No. 14. Reuben Hodges et al., plaintiffs in error, *v.* The United States. Reassigned for argument on Monday, February 19, 1906, after the cases already set down for that day, on motion of Mr. Solicitor-General Hoyt for the defendant in error.

No. 516. The United States, petitioner, *v.* George Riggs & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Solicitor-General Hoyt and Mr. Assistant Attorney-General McReynolds for the petitioner, and by Mr. W. Wickham Smith for the respondents.

No. 303. The Mercantile Trust and Deposit Company of Baltimore, appellant, *v.* The City of Columbus et al. Motion to advance under the thirty-second rule submitted by Mr. W. A. Wimbish for the appellees in support of motion, and by Mr. Joseph Packard, Mr. John I. Hall and Mr. O. J. Wimberly for the appellant in opposition thereto.

No. 346. The United States, appellant, *v.* The Cherokee Nation;

No. 347. The Eastern Cherokees, appellant, *v.* The Cherokee Nation; and

No. 348. The Cherokee Nation, appellant, *v.* The United States. Motion for extension of time for argument and for direction as to order of argument submitted by Mr. W. H. Robeson for the Eastern Cherokees, and by Mr. Frederic D. McKenney for the Cherokee Nation.

No. 175. Empire State-Idaho Mining and Developing Company, appellant, *v.* Bunker Hill and Sullivan Mining and Concentrating Company. Motion to dismiss submitted by Mr. Curtis H. Lindley, Mr. Henry Eichoff and Mr. M. A. Folsom in support of motion, and by Mr. F. T. Post and Mr. George Turner in opposition thereto.

No. —, Original. *Ex parte*: In the matter of The Chicago Title and Trust Company, trustee, etc., et al., petitioners. Motion for leave to file petition for a writ of mandamus submitted by Mr. Joseph E. Paden and Mr. Newton Wyeth for the petitioners, with leave to Mr. James G. Elsdon to file brief in opposition within one week.

No. 371. Alabama and Vicksburg Railway Company et al., plaintiffs in error, *v.* The Railroad Commission of the State of Mississippi. Motions to dismiss or affirm submitted by Mr. Hannis Taylor and Mr. Monroe McClurg in support of motions, and by Mr. Harry H. Hall in opposition thereto.

No. —, Original. The State of Oregon, complainant, *v.* Ethan Allen Hitchcock, Secretary of the Interior, et al. Motion for leave to file bill of complaint submitted by Mr. W. B. Matthews for the complainant.

No. 394. Perry F. Powers, auditor-general, etc., appellant, *v.* The Detroit, Grand Haven and Milwaukee Railway Company;

No. 397. The Michigan Central Railroad Company, appellant, *v.* Perry F. Powers, auditor-general; and

Nos. 462 to 487. Detroit and Mackinac Railway Company et al., appellants, *v.* Perry F. Powers, auditor-general, etc. Motion to extend time for argument of these cases and that additional counsel be heard submitted by Mr. Thomas H. Clark in behalf of counsel.

No. 190. Wabash Railroad Company, plaintiff in error, *v.* Bernard Loeb. In error to the Kansas City court of appeals of the State of Missouri. Dismissed with costs, on motion of counsel for the plaintiff in error.

Adjourned until Tuesday, January 2, 1906, at 12 o'clock.

The day call for Tuesday, January 2, 1906, will be as follows: Nos. 4 (original), 340 (and 341), 381 (and 382, 383, 384, 385, 490, 491 and 492), 223, 359, 241, 331 (and 332, 333, 334, 335 and 336), 407 (and 453, 454 and 493), 178 and 346 (and 347 and 348).

SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 2, 1906.

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

Edwin N. Hill of Boston, Mass., Judson G. Wells of New York City, Frank B. Fulkerson of St. Joseph, Mo., Arthur P. Murphy of Rolla, Mo., W. T. Tyndall of Sparta, Mo., George F. Shelton of Butte, Mont., Erasmus C. Lindley of Chicago, Ill., Edgar Bronson Tolman of Chicago, Ill., Glenn Edward Plumb of Chicago, Ill., and William Brace of Chicago, Ill., were admitted to practice.

No. 39. The United States for the use and benefit of Daniel H. Hill et al., etc., plaintiffs in error, *v.* The American Surety Company of New York. In error to the supreme court of King County, State of Washington. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Day.

No. 58. Alabama Great Southern Railway Company *v.* H. C. Thompson, administrator, etc. On a certificate from the United States circuit court of appeals for the sixth circuit. First question answered in the affirmative and the second in the negative. Opinion by Mr. Justice Day.

No. 177. The Cincinnati, New Orleans and Texas Pacific Railway Company, plaintiff in error, *v.* George Bohon, administrator, etc. In error to the court of appeals of the State of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 164. The Louisville and Nashville Railroad Company, plaintiff in error, *v.* F. E. Deer. In error to the supreme court of the State of Alabama. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 174. The Cincinnati, Portsmouth, Big Sandy and Pomeroy Packet Company, plaintiff in error, *v.* George W. Bay et al. In error to the supreme court of the State of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 240. John W. Ballmann, appellant, *v.* Vivian J. Fagin, United States marshal, etc. Appeal from the circuit court of the United States for the southern district of Ohio. Order affirmed with costs. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Harlan and Mr. Justice McKenna.

No. 308. John W. Ballmann, plaintiff in error, *v.* The United States. In error to the district court of the United States for the southern district of Ohio. Judgment reversed, and cause remanded for further proceedings consistent with the opinion of this court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Harlan and Mr. Justice McKenna.

No. 77. James B. Howard, plaintiff in error, *v.* The Commonwealth of Kentucky. In error to the court of appeals of the State of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice McKenna. Mr. Justice Harlan concurs in the result.

No. 56. Joshua Roberts Mead et al., plaintiffs in error, *v.* 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 McKenna.

No. 65. The Succession of Juan Serralles, etc., appellants, *v.* Belen Esbri, widow, etc. Appeal from the supreme court of Porto Rico. Judgment reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Peckham.

No. 151. Montana Catholic Missions, plaintiff in error, *v.* Missoula County, State of Montana. In error to the circuit court of the United States for the district of Montana. Judgment affirmed with costs. Opinion by Mr. Justice Peckham.

No. 153. Eleanora D. Speer et al., etc., appellants, *v.* Michael J. Colbert, etc. Appeal from the court of appeals of the District of Columbia. Decree affirmed. Costs to be paid out of residuary fund. Opinion by Mr. Justice Peckham.

No. 70. George O. Campbell et al., plaintiffs in error, *v.* The State of California. In error to the supreme court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 105. H. C. Herrick et al., appellants, *v.* Boquillas Land and Cattle Company. Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs. Opinion by Mr. Justice White.

No. 91. Fred H. Kolze, administrator, etc., et al., appellants, *v.* Charlotte E. Hoadley. 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 dismiss the bill. Opinion by Mr. Justice Brown.

No. 33. Peoria Gas and Electric Company, appellant, *v.* City of Peoria. 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 either refer it to a commissioner for further findings and testimony, if that be deemed necessary, showing the terms and duration of the alleged agreement between the two companies and how far it was acted upon by them, or that the court shall itself undertake this investigation and make like findings. Opinion by Mr. Justice Brewer.

No. 110. C. E. Howard, appellant, *v.* E. B. Perrin. Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 75. The Guardian Trust and Deposit Company et al., petitioners, *v.* B. J. Fisher et al. On a writ of certiorari to the United States circuit court of appeals for the fourth circuit. Decree of the circuit court of the United States for the western district of North Carolina affirmed with costs, and cause remanded to that court. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice White, Mr. Justice Peckham and Mr. Justice McKenna.

No. 78. Calvin R. Nutt et al., plaintiffs in error, *v.* S. Prentiss Knut et al. In error to the supreme court of the State of Mississippi. Judgment affirmed with costs and interest. Opinion by Mr. Justice Harlan. Mr. Chief Justice Fuller and Mr. Justice White concur in the result.

No. 123. Knoxville Water Company, appellant, *v.* The Mayor and Aldermen of the City of Knoxville et al. Appeal from the circuit court of the United States for the eastern district of Tennessee. Decree affirmed with costs. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham and Mr. Justice Holmes.

No. 145. The Owensboro Water Works Company, etc., appellants, *v.* The City of Owensboro. Appeal from the circuit court of the United States for the western district of Kentucky. Decree affirmed with costs. Opinion by Mr. Justice Harlan.

No. 126. The United States ex rel. Ralph W. Drury et al., appellants, *v.* Edward Lewis, warden, etc. Appeal from the circuit court of the United States for the western district of Pennsylvania. Final order affirmed. Opinion by Mr. Chief Justice Fuller.

No. 229. George F. Albright, appellant, *v.* The Territory of New Mexico ex rel. Jesus M. Sandoval. Appeal from the supreme court of the Territory of New Mexico. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

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

No. 117. J. L. Congdon, plaintiff in error, *v.* The People of the State of Michigan. In error to the supreme court of the State of Michigan. Dismissed for the want of jurisdiction. *Schlosser v. Hemphill*, 198 U. S., 173; *Haseltine v. Bank*, 183 U. S., 130.

No. 16, Original. The State of Oregon, complainant, *v.* Ethan Allen Hitchcock, Secretary of the Interior, et al. Motion for leave to file bill of complaint granted, and process ordered returnable Monday, March 12 next.

No. —, Original. Ex parte: In the matter of The Chicago Title and Trust Company, petitioner. Motion for leave to file petition for a writ of mandamus denied.

No. 303. The Mercantile Trust and Deposit Company of Baltimore, appellant, *v.* The City of Columbus et al. Motion to advance under the thirty-second rule denied.

No. 371. Alabama and Vicksburg Railway Company et al., plaintiffs in error, *v.* The Railroad Commission of the State of Mississippi. Motions to dismiss or affirm postponed to the hearing of the case on its merits.

No. 516. The United States, petitioner, *v.* George Riggs & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 452. Nome Beach Lighterage and Transportation Company, petitioner, *v.* The Standard Marine Insurance Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 504. Copper River Mining Company, petitioner, *v.* R. F. McClellan et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 346. The United States, appellant, *v.* The Cherokee Nation;

No. 347. The Eastern Cherokees, appellants, *v.* The Cherokee Nation; and

No. 348. The Cherokee Nation, appellant, *v.* The United States. Two hours allowed to the United States, two hours to the Cherokee Nation, and two hours to the Eastern Cherokees. The order of argument shall be as follows: The United States, the Cherokee Nation, the Eastern Cherokees, the Cherokee Nation, the United States. Two counsel may be heard for each appellant.

No. 394. Perry F. Powers, auditor-general, etc., appellant, *v.* The Detroit, Grand Haven and Milwaukee Railway Company;

No. 397. The Michigan Central Railroad Company, appellant, *v.* Perry F. Powers, auditor-general, etc.; and

Nos. 462 to 487. Detroit and Mackinac Railway Company et al., appellants, *v.* Perry F. Powers, auditor-general, etc. Two hours additional time in the argument herein granted, making six hours in all; and more than two counsel may be heard on each side.

No. 130. Thomas S. Ellis, appellant, *v.* William Williams, commissioner of immigration. Appeal from the circuit court of the United States for the southern district of New York. Dismissed, per stipulation, on motion of Mr. Solicitor-General Hoyt for the appellee.

No. 523. Joaquin F. De Vignier et al., petitioners, *v.* The City of New Orleans. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Richard De Gray, Mr. J. D. Rouse and Mr. William Grant for the petitioners.

No. 4, Original. The State of Missouri, complainant, *v.* The State of Illinois et al. Four hours allowed each side and three counsel for complainant allowed to be heard in the argument, on motion of Mr. Sam. B. Jeffries for the complainant. Argument commenced by Mr. Sam. B. Jeffries for the complainant, and continued by Mr. James Todd for the sanitary district of Chicago.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 3, will be as follows: Nos. 4 (original), 340 (and 341), 381 (and 382, 383, 384, 385, 490, 491 and 492), 223, 359, 241, 331 (and 332, 333, 334, 335 and 336), 407 (and 453, 454 and 493), 178 and 346 (and 347 and 348).

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 3, 1906.

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

Henry M. Ashton of Chicago, Ill., was admitted to practice.

No. 4, Original. The State of Missouri, complainant, *v.* The State of Illinois et al. Argument continued by Mr. James Todd for the sanitary district of Chicago, by Mr. Charles W. Bates for the complainant, and by Mr. H. J. Hamlin for the State of Illinois.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 4, will be as follows: Nos. 4 (original), 340 (and 341), 381 (and 382, 383, 384, 385, 490, 491 and 492), 223, 359, 241, 331 (and 332, 333, 334, 335 and 336), 407 (and 453, 454 and 493), 178 and 346 (and 347 and 348).

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 4, 1906.

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

No. 4, Original. The State of Missouri, complainant, *v.* The State of Illinois et al. Argument concluded by Mr. Herbert S. Hadley for the complainant.

No. 340. Edwin F. Hale, appellant, *v.* William Henkel, United States marshal, etc.; and

No. 341. William H. McAlister, appellant, *v.* William Henkel, United States marshal, etc. Argument commenced by Mr. De Lancey Nicoll for the appellants and continued by Mr. Henry W. Taft for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 5, will be as follows: Nos. 340 (and 341), 381 (and 382, 383, 384, 385, 490, 491 and 492), 223, 359, 241, 331 (and 332, 333, 334, 335 and 336), 407 (and 453, 454 and 493), 178, 346 (and 347 and 348), and 149 and 466 of October term, 1904.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 5, 1906.

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

Felix H. Levy of New York City, Edwin P. Grosvenor of New York City, Albert James Campbell of Butte, Mont., and Charles F. Fawsett of Milwaukee, Wis., were admitted to practice.

No. 340. Edwin F. Hale, appellant, *v.* William Henkel, United States marshal, etc.; and

No. 341. William H. McAlister, appellant, *v.* William Henkel, United States marshal, etc. Argument continued by Mr. Henry W. Taft for the appellee, and concluded by Mr. De Lancey Nicoll for the appellants. Leave granted to file additional briefs within five days.

No. 381. Lewis M. Alexander, appellant, *v.* The United States;

No. 382. George A. Whiting, appellant, *v.* The United States;

No. 383. William Z. Stuart, appellant, *v.* The United States;

No. 384. General Paper Company, appellant, *v.* The United States;

No. 385. E. T. Harmon et al., appellants, *v.* The United States;

No. 490. Benjamin F. Nelson, plaintiff in error, *v.* The United States;

No. 491. Anselm C. Bossard, plaintiff in error, *v.* The United States; and

No. 492. Clarence I. McNair, plaintiff in error, *v.* The United States. Argument commenced by Mr. James G. Flanders for the appellants and plaintiffs in error, and continued by Mr. Frank B. Kellogg for the appellee and defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 8, will be as follows: Nos. 381 (and 382, 383, 384, 385, 490, 491 and 492), 223, 359, 241, 331 (and 332, 333, 334, 335 and 336), 407 (and 453, 454 and 493), 178, 346 (and 347 and 348), 149 and 466 of October term, 1904, and 116.

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 8, 1906.

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

George M. Anderson of Rockville, Md., William W. Scott of Fairmont, W. Va., Malcolm A. Coles of Richmond, Va., James A. Tanner of Washington, D. C., Marion C. Early of St. Louis, Mo., and Richard S. Folsom of Chicago, Ill., were admitted to practice.

No. 89. B. H. Warner et al., trustees, et al., appellants, *v.* David C. Grayson, trustee, et al.; and

No. 90. H. Maurice Talbott et al., appellants, *v.* David C. Grayson, trustee, et al. Appeals from the court of appeals of the District of Columbia. Decree modified and affirmed, costs to be paid by Wood and Talbott. Opinion by Mr. Justice Day.

No. 439. Frank I. Wood et al., appellants, *v.* David C. Grayson, trustee, et al. Appeal from the court of appeals of the District of Columbia. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Day.

No. 144. Joseph O. Carter et al., plaintiffs in error, *v.* The Territory of Hawaii. In error to the supreme court of the Territory of Hawaii. Judgment reversed with costs, and cause remanded with directions to reverse the judgment of the circuit court and to remand the cause to that court with directions to grant a new trial. Opinion by Mr. Justice Holmes.

No. 87. Axel W. Hallenborg and J. Edward Addicks, appellants, *v.* Cobre Grande Copper Company et al. Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs. Opinion by Mr. Justice McKenna.

No. 108. T. A. Graham, county auditor, etc., et al., plaintiffs in error, *v.* S. Ellen Folsom et al. In error to the circuit court of the United States for the district of South Carolina. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 53. Armour Packing Company, plaintiff in error, *v.* B. R. Lacy, treasurer, etc. In error to the supreme court of the State of North Carolina. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham and Mr. Justice McKenna.

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

No. 175. Empire State-Idaho Mining and Developing Company, appellant, *v.* Bunker Hill and Sullivan Mining and Concentrating Company. Appeal from the United States circuit court of appeals for the ninth circuit. Dismissed for the want of jurisdiction. (Colorado Central Mining Company *v.* Turck, 150 U. S., 138; Press Publishing Company *v.* Monroe, 164 U. S., 105; Blackburn *v.* Portland Gold Mining Company, 175 U. S., 571; Spencer *v.* Duplan Silk Company, 191 U. S., 526; Shoshone Mining Company *v.* Rutter, 177 U. S., 505.)

No. 260. The Last Chance Mining Company et al., petitioners, *v.* Bunker Hill and Sullivan Mining and Concentrating Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 437. Empire State-Idaho Mining and Development Company, petitioner, *v.* Bunker Hill and Sullivan Mining and Concentrating Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 523. Joaquin F. de Vignier et al., petitioners, *v.* The City of New Orleans. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied. (Mr. Justice White took no part in the disposition of this application.)

No. 114. John S. McCalla, appellant, *v.* Alma Mazo Acker, executrix of Calvin S. Acker, deceased. Appeal from the supreme court of the Territory of Oklahoma. Decree affirmed with costs. Winebrenner *v.* Forney, 189 U. S., 148.

No. 538. C. R. Chipman et al., petitioners, *v.* James B. McDonald, as administrator, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. T. Moultrie Mordecai, Mr. Philip H. Gadsden and Mr. John E. Hartridge for the petitioners, and by Mr. A. W. Cockrell for the respondent.

No. 531. Charles C. Brown, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. J. G. Wells, Mr. William Lindsay and Mr. Louis Marshall for the petitioner, and by Mr. Solicitor-General Hoyt and Mr. W. Wickham Smith for the respondent.

No. —, Original. *Ex parte*: In the matter of National Enameling and Stamping Company et al., petitioners. Motion for leave to file petition for writ of mandamus, submitted by Mr. Fritz von Briesen in behalf of counsel for petitioners.

No. 528. Jesse Thomas, petitioner, *v.* The Provident Life and Trust Company et al.; and

No. 529. Lucy L. Wickham, petitioner, *v.* The Provident Life and Trust Company et al. Petitions for writs of certiorari to the United States circuit court of appeals for the ninth circuit, submitted by Mr. D. A. Gowrick and Mr. Charles S. Fogg for the petitioners, and by Mr. John F. Shafroth for the respondents.

No. —, Original. *Ex parte*: In the matter of Automatic Switch Company of Baltimore City, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. William Hitz in behalf of counsel for the petitioner. Leave granted to respondent to file brief on or before Friday next, on motion of John Ridout for respondent.

No. 122. Mutual Reserve Life Insurance Company, plaintiff in error, *v.* George W. Woodward. In error to the supreme court of the State of New York. Dismissed, per stipulation.

No. 307. Lottie R. Russell, appellant, *v.* Benjamin Russell et al. Motions to dismiss or affirm submitted by Mr. Robert H. McCarter and Mr. Walter H. Bacon in support of motions, and by Mr. John G. Carlisle and Mr. John H. Hazelton in opposition thereto.

No. 360. W. H. Carfer, sheriff, etc., appellant, *v.* C. T. Caldwell. Submitted by Mr. W. E. Chilton and Mr. Lawrence Maxwell, jr., for the appellant, and by Mr. C. T. Caldwell pro se.

No. 381. Lewis M. Alexander, appellant, *v.* The United States;

No. 382. George A. Whiting, appellant, *v.* The United States;

No. 383. William Z. Stuart, appellant, *v.* The United States;

No. 384. General Paper Company, appellant, *v.* The United States;

No. 385. E. T. Harmon et al., appellants, *v.* The United States;

No. 490. Benjamin F. Nelson, plaintiff in error, *v.* The United States;

No. 491. Anselm C. Bossard, plaintiff in error, *v.* The United States;

and

No. 492. Clarence I. McNair, plaintiff in error, *v.* The United States. Argument continued by Mr. Frank B. Kellogg and Mr. James M. Beck for the appellee and defendant in error, and concluded by Mr. James G. Flanders for the appellants and plaintiffs in error.

No. 223. The United States, appellant, *v.* Bitter Root Development Company et al. Argument commenced by Mr. M. C. Burch for the appellant, and continued by Mr. L. O. Evans for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 9, will be as follows: Nos. 223, 359, 241, 331 (and 332, 333, 334, 335 and 336), 407 (and 453, 454 and 493), 178, 346 (and 347 and 348), 149 and 466 of October term, 1904; 116 and 141 (and 142).

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 9, 1906.

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

Edgar J. Pershing of Philadelphia, Pa., was admitted to practice.

No. 435. Harry B. Davis et al., petitioners, *v.* Thomas R. Jones et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. William G. Johnson in behalf of Mr. E. Hayward Fairbanks for the petitioners, and by Mr. Melville Church and Mr. Robert Watson for the respondents.

No. 223. The United States, appellant, *v.* Bitter Root Development Company et al. Argument continued by Mr. L. O. Evans for the appellees, and concluded by Mr. Fred. A. Maynard for the appellant. Leave granted to appellee to file an additional brief within three days.

No. 359. The United States, appellant, *v.* William A. Clark. Argument commenced by Mr. M. C. Burch for the appellant, and continued by Mr. Walter M. Beckford for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 10, will be as follows: Nos. 359, 241, 331 (and 332, 333, 334, 335 and 336), 407 (and 453, 454 and 493), 178, 346 (and 347 and 348), 149 and 466 of October term, 1904; 116, 141 and 142.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 10, 1906.

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

W. Clyde Jones of Chicago, Ill., Ralph Kauffman of Ellensburg, Wash., and J. G. Grossman of Chicago, Ill., were admitted to practice.

No. 223. The United States, appellant, *v.* Bitter Root Development Company et al. Leave granted to appellant to file reply brief within two days after additional brief of the appellees is filed, on motion of Mr. M. C. Burch for the appellant.

No. 359. The United States, appellant, *v.* William A. Clark. Argument continued by Mr. Walter M. Bickford and Mr. George F. Shelton for the appellee, and concluded by Mr. Fred A. Maynard for the appellant. Leave granted to file an additional brief for appellant within five days.

No. 241. The West Chicago Street Railroad Company, plaintiff in error, *v.* The People of the State of Illinois ex rel. The City of Chicago. Argument commenced by Mr. John P. Wilson for the plaintiff in error, and continued by Mr. James Hamilton Lewis for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 11, will be as follows: Nos. 241, 331 (and 332, 333, 334, 335 and 336), 407 (and 453, 454 and 493), 178, 346 (and 347 and 348); 149 and 466 of October term, 1904; 116, 141, 142 and 158 (and 159, 160, 161 and 162).

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 11, 1906.

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

Otis E. McCutcheon of Idaho Falls, Idaho, was admitted to practice.

No. 179. James Buck, trustee, etc., plaintiff in error, *v.* William E. Beach, treasurer, etc. Passed for settlement, per stipulation, on motion of Mr. Thomas H. Clark in behalf of counsel.

No. 241. The West Chicago Street Railroad Company, plaintiff in error, *v.* The People of the State of Illinois *ex rel.* The City of Chicago. Argument continued by Mr. James Hamilton Lewis and Mr. Granville W. Browning for the defendants in error, and concluded by Mr. John P. Wilson for the plaintiff in error. Leave granted to counsel for defendants in error to file an additional brief within three days.

No. 331. Henry A. Blair et al., etc., appellants, *v.* The City of Chicago et al.;

No. 332. The North Chicago City Railway Company, appellant, *v.* Henry A. Blair et al., etc.;

No. 333. The City of Chicago, appellant, *v.* John C. Fetzer et al., etc.;

No. 334. Henry A. Blair et al., etc., appellants, *v.* The City of Chicago et al.;

No. 335. The Chicago West Division Railway Company, appellant, *v.* Henry A. Blair et al., etc.; and

No. 336. City of Chicago, appellant, *v.* John C. Fetzer et al., etc. Argument commenced by Mr. Brainard Tolles for the appellants in Nos. 331, 332, 334 and 335.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 12, will be as follows: Nos. 331 (and 332, 333, 334, 335 and 336), 407 (and 453, 454 and 493), 178, 346 (and 347 and 348); 149 and 466 of October term, 1904; 116, 141, 142, 158 (and 159, 160, 161 and 162) and 170.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 12, 1906.

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

John Allen Bagley of Montpelier, Idaho, Charles Henry Tuttle of New York City, and William H. Boys of Streator, Ill., were admitted to practice.

No. 331. Henry A. Blair et al., etc., appellants, *v.* The City of Chicago et al.;

No. 332. The North Chicago City Railway Company, appellant, *v.* Henry A. Blair et al., etc.;

No. 333. The City of Chicago, appellant, *v.* John C. Fetzer et al., etc.;

No. 334. Henry A. Blair et al., etc., appellants, *v.* The City of Chicago et al.;

No. 335. The Chicago West Division Railway Company, appellant, *v.* Henry A. Blair et al., etc.; and

No. 336. The City of Chicago, appellant, *v.* John C. Fetzer et al., etc. Argument continued by Mr. Brainard Tolles and Mr. John S. Miller for the appellants in Nos. 331, 332, 334 and 335, and by Mr. Clarence S. Darrow and Mr. Glenn Edward Plumb for the City of Chicago et al.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 15, will be as follows: Nos. 331 (and 332, 333, 334, 335 and 336), 407 (and 453, 454 and 493), 178, 346 (and 347 and 348); 149 and 466 of October term, 1904; 116, 141, 142, 158 (and 159, 160, 161 and 162) and 170.

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 15, 1906.

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

Benjamin G. Demarest of Newark, N. J., C. L. Cole of Atlantic City, N. J., W. A. White of Biloxi, Miss., Victor Lamar Smith of Atlanta, Ga., Frank E. Fogg of Lewiston, Idaho, L. M. Berkeley of New York City, and William F. Humphrey of San Francisco, Cal., were admitted to practice.

No. 88. U. X. Gunter, jr., attorney-general, etc., et al., appellants, *v.* The Atlantic Coast Line Railroad Company. Appeal from the circuit court of the United States for the district of South Carolina. Decree affirmed with costs. Opinion by Mr. Justice White. Dissenting: Mr. Justice Brown.

The Chief Justice announced the following orders of the court:

No. 307. Lottie R. Russell, appellant, *v.* Benjamin Russell et al. Appeal from the United States circuit court of appeals for the third circuit. Dismissed for the want of jurisdiction. *Colorado Central Mining Company v. Turek*, 150 U. S., 138; *Press Publishing Company v. Monroe*, 164 U. S., 105; *Ex parte Jones*, id., 691; *Continental National Bank v. Buford*, 191 U. S., 119; *Spencer v. Duplan Silk Company*, id., 526.

No. —, Original. *Ex parte*: In the matter of Automatic Switch Company of Baltimore City, petitioner. Motion for leave to file petition for a writ of mandamus granted, and rule to show cause awarded, returnable Monday, January 29.

No. —, Original. *Ex parte*: In the matter of National Enameling and Stamping Company et al., petitioners. Motion for leave to file petition for a writ of mandamus granted, and rule to show cause awarded, returnable on Monday, January 29.

No. 435. Harry B. Davis et al., petitioners, *v.* Thomas R. Jones et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 528. Jesse Thomas, petitioner, *v.* The Provident Life and Trust Company et al.; and

No. 529. Lucy L. Wickham, petitioner, *v.* The Provident Life and Trust Company et al. Petitions for writs of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 531. Charles C. Browne, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 538. C. R. Chipman, etc., et al., petitioners, *v.* James B. McDonald, administrator, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 7, Original. The State of Kansas, complainant, *v.* The State of Colorado et al. Ordered that testimony herein be opened, published, and filed, on motion of Mr. Assistant Attorney-General Campbell in behalf of counsel.

No. 533. George W. Felts, appellant, *v.* E. J. Murphy, warden, etc. Motion to advance submitted by Mr. William E. Mason for the appellant.

No. 405. George H. Jones, plaintiff in error, *v.* William Vane et al. Motion to dismiss or affirm submitted by Mr. S. M. Stockslager and Mr. George C. Heard in support of motions, and by Mr. William T. Birdsall in opposition thereto.

No. 184. The Travelers Insurance Company of Hartford, Conn., plaintiff in error, *v.* Henry R. Prewitt, insurance commissioner, etc. Advanced to be heard with No. 178 as one case, on motion of Mr. J. H. Hazelrigg for the defendant in error.

No. 526. Albert M. Raymond, petitioner, *v.* The United States. Petition for a writ of certiorari to the court of appeals of the District of Columbia, submitted by Mr. Levi H. Davis for the petitioner.

No. 424. The County Commissioners of Wicomico County, petitioners, *v.* Samuel Bancroft, jr. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit, submitted by Mr. James E. Ellegood for the petitioners, and by Mr. Nicholas P. Bond for the respondent.

No. 544. Effie C. Wilson, petitioner, *v.* Samuel D. Hoffman. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit, submitted by Mr. George J. Bergen for the petitioner, and by Mr. C. L. Cole for the respondent.

No. 542. Giuseppe Marmo, appellant, *v.* Frank H. Sommer, sheriff, etc. Appeal from the circuit court of the United States for the district of New Jersey. Dismissed with costs, on motion of counsel for the appellant.

No. 331. Henry A. Blair et al., etc., appellants, *v.* The City of Chicago et al.;

No. 332. The North Chicago City Railway Company, appellant, *v.* Henry A. Blair et al., etc.;

No. 333. The City of Chicago, appellant, *v.* John C. Fetzer et al., etc.;

No. 334. Henry A. Blair et al., etc., appellants, *v.* The City of Chicago et al.;

No. 335. The Chicago West Division Railway Company, appellant, *v.* Henry A. Blair et al., etc.; and

No. 336. The City of Chicago, appellant, *v.* John C. Fetzer et al., etc. Argument continued by Mr. E. B. Tolman for the City of Chicago, and concluded by Mr. John G. Johnson for the appellants in Nos. 331, 332, 334 and 335.

No. 407. Anna Siegel, plaintiff in error, *v.* The New York and Harlem Railroad Company et al.;

No. 453. Hedewig Kriete, plaintiff in error, *v.* The New York and Harlem Railroad Company et al.;

No. 454. David W. O'Neil et al., plaintiffs in error, *v.* The New York and Harlem Railroad Company et al.; and

No. 493. Franziska Scholz, plaintiff in error, *v.* The New York and Harlem Railroad Company et al. Argument commenced by Mr. L. M. Berkeley for the plaintiffs in error, and continued by Mr. Edward Winslow Paige for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 16, will be as follows: Nos. 407 (and 453, 454 and 493), 178 (and 184), 346 (and 347 and 348); 149 and 466 of October term, 1904; 116, 141, 142, 158 (and 159, 160, 161 and 162), 170 and 172.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 16, 1906.

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

Herbert Jackson of Covington, Ky., T. D. Gresham of Dallas, Tex., and Luman F. Parker, jr., of Vinita, Ind. T., were admitted to practice.

No. 407. Anna Siegel, plaintiff in error, *v.* The New York and Harlem Railroad Company et al.;

No. 453. Hedewig Kriete, plaintiff in error, *v.* The New York and Harlem Railroad Company et al.;

No. 454. David W. O'Neil et al., plaintiffs in error, *v.* The New York and Harlem Railroad Company et al.; and

No. 493. Franziska Scholz, plaintiff in error, *v.* The New York and Harlem Railroad Company et al. Argument continued by Mr. Edward Winslow Paige and Mr. Ira A. Place for the defendants in error, and concluded by Mr. L. M. Berkeley for the plaintiffs in error.

No. 178. Security Mutual Life Insurance Company, plaintiff in error, *v.* Henry R. Prewitt, insurance commissioner, etc.; and

No. 184. The Travelers Insurance Company of Hartford, Conn., plaintiff in error, *v.* Henry R. Prewitt, insurance commissioner, etc. Argument commenced by Mr. William Marshall Bullitt for the plaintiff in error in No. 178, and continued by Mr. Edmund F. Trabue for the plaintiff in error in No. 184, and by Mr. J. H. Hazelrigg for the defendant in error, and concluded by Mr. John G. Johnson for the plaintiff in error in No. 184.

No. 346. The United States, appellant, *v.* The Cherokee Nation;

No. 347. The Eastern Cherokees, appellants, *v.* The Cherokee Nation; and

No. 348. The Cherokee Nation, appellant, *v.* The United States. Argument commenced by Mr. Assistant Attorney-General Pradt for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 17, will be as follows: Nos. 346 (and 347 and 348); 149 and 466 of October term, 1904; 116, 141, 142, 158 (and 159, 160, 161 and 162), 170, 172, 176 and 180.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 17, 1906.

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

James J. Banks of Denver, Colo., Henry J. Hersey of Denver, Colo., and James K. Jones, jr., of Washington, Ark., were admitted to practice.

No. 346. The United States, appellant, *v.* The Cherokee Nation;

No. 347. The Eastern Cherokees, appellants, *v.* The Cherokee Nation;
and

No. 348. The Cherokee Nation, appellant, *v.* The United States. Argument continued by Mr. Assistant Attorney-General Pradt for the United States, by Mr. Frederic D. McKenney for the Cherokee Nation and by Mrs. Belva A. Lockwood for the Eastern and Emigrant Cherokees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 18, will be as follows: Nos. 346 (and 347 and 348); 149 and 466 of October term, 1904; 116, 141, 142, 158 (and 159, 160, 161 and 162), 170, 172, 176 and 180.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 18, 1906.

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

Charles A. Goss of Omaha, Nebr., William P. Borland of Kansas City, Mo., Henderson Peck of New York City, and C. Porter Johnson of St. Louis, Mo., were admitted to practice.

No. 347. The Eastern Cherokees, appellants, *v.* The Cherokee Nation. Ordered that the title herein be amended by making the United States a party appellee.

No. 346. The United States, appellant, *v.* The Cherokee Nation;

No. 347. The Eastern Cherokees, appellants, *v.* The Cherokee Nation and the United States; and

No. 348. The Cherokee Nation, appellant, *v.* The United States. Argument continued by Mrs. Belva A. Lockwood for the Eastern and Emigrant Cherokees, by Mr. Robert L. Owen and Mr. William H. Roberson for the Eastern Cherokees, by Mr. Charles Nagel for the Cherokee Nation, and concluded by Mr. Assistant Attorney-General Pradt for the United States. Leave granted to file additional briefs within six days.

No. 149 of October term, 1904. Frederic W. Lincoln et al., plaintiffs in error, *v.* The United States; and

No. 466 of October term, 1904. Warner, Barnes & Co., Limited, appellant, *v.* The United States. Reargument commenced by Mr. Paul Fuller for the plaintiff in error and appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 19, will be as follows: Nos. 149 and 466 of October term, 1904; 116, 141, 142, 158 (159, 160, 161 and 162), 170, 172, 176, 180 and 181.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 19, 1906.

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

J. H. Wood of Bristol, Va., George W. Blankenship of Bristol, Va., and Thomas James Norton of Los Angeles, Cal., were admitted to practice.

No. 181. Jose S. Esquibel, appellant, *v.* Francisco S. Chaves. Appeal from the supreme court of the Territory of New Mexico. Dismissed with costs, pursuant to the tenth rule.

No. 149 of October term, 1904. Frederic W. Lincoln et al., plaintiffs in error, *v.* The United States; and

No. 466 of October term, 1904. Warner, Barnes & Co., Limited, appellant, *v.* The United States. Reargument continued by Mr. F. R. Coudert for the plaintiffs in error and appellant, and by Mr. Attorney-General Moody and Mr. Solicitor-General Hoyt for the defendant in error and appellee, and concluded by Mr. John G. Carlisle for the plaintiffs in error and appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 22, will be as follows: Nos. 116, 141, 142, 158 (and 159, 160, 161 and 162), 170, 172, 176, 180, 182 and 183.

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 22, 1906.

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

Sinclair B. Sheibley of Rome, Ga., Charles Wesley Tooke of Syracuse, N. Y., Stuart Milton Kohn of San Francisco, Cal., Andrew Y. Bradley of Washington, D. C., Francis B. Mullin of Brooklyn, N. Y., Stephen M. Hoyer of Brooklyn, N. Y., and James S. Davis of Fort Worth, Tex., were admitted to practice.

No. 131. San Antonio Traction Company, plaintiff in error, *v.* George A. Altgelt, etc. In error to the court of civil appeals for the fourth supreme judicial district of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Brown.

No. 124. U. C. Guss et al., appellants and plaintiffs in error, *v.* J. T. Nelson. Appeal from and in error to the supreme court of the Territory of Oklahoma. Appeal dismissed for want of jurisdiction. Judgment affirmed with costs on writ of error. Opinion by Mr. Justice Brewer. Mr. Justice McKenna took no part in the decision of this case.

No. 360. W. H. Carfer, sheriff of Wood County, W. Va., appellant, *v.* C. T. Caldwell. Appeal from the circuit court of the United States for the northern district of West Virginia. Final order reversed with costs, and cause remanded with a direction to quash the writ and dismiss the petition. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced that the court would take a recess from Monday, January 29, to Monday, February 19 next.

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

No. 424. The County Commissioners of Wicomico County, petitioners, *v.* Samuel Bancroft, jr. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit granted.

No. 526. Albert M. Raymond, petitioner, *v.* The United States. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 544. Effie C. Wilson, petitioner, *v.* Samuel D. Hoffman. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 533. George W. Felts, appellant, *v.* E. J. Murphy, warden, etc. Motion to advance granted, and cause assigned for argument on Monday, February 19 next, after the causes already set down for that day.

No. 405. George H. Jones, plaintiff in error, *v.* William Vane et al. In error to the supreme court of the State of Idaho. Dismissed for the want of jurisdiction. *San Francisco v. Itsell*, 133 U. S., 65; *Hopkins v. McLure*, id., 386; *California v. Holladay*, 159 U. S., 415; *Eustis v. Bolles*, 150 U. S., 261, 367; *Kipley v. Illinois*, 170 U. S., 182; *Lynde v. Lynde*, 181 U. S., 183; *Telegraph Company v. Ann Arbor Railway Company*, 178 U. S., 239.

No. 539. Joseph Ralph Burton, plaintiff in error, *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Hoyt for the defendant in error.

No. 557. E. L. Whitney, warden, etc., petitioner, *v.* George Dick. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Solicitor-General Hoyt for the petitioner, and by Mr. Frank E. Fogg for the respondent.

No. 550. R. Percy Wright, petitioner, *v.* East Riverside Irrigation District. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. W. F. Humphrey and Mr. Garret W. McEnerney for the petitioner, and by Mr. Byron Waters for the respondent.

No. 404. Anna Valentina, appellant, *v.* James W. Mercer, sheriff, etc. Motion to advance submitted by Mr. Robert H. McCarter for the appellee.

No. 552. I. H. Moore et al., petitioners, *v.* John Dalton et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. S. M. Stockslager for the petitioners. Leave granted to counsel for respondents to file brief within twenty days, on motion of Mr. William A. Maury in behalf of counsel.

No. —, Original. *Ex parte*: In the matter of George W. Watt and James M. Dohan, petitioners. Motion for leave to file petition for a writ of mandamus submitted by Mr. W. C. Arnold for the petitioners.

No. 535. North Pacific Coast Railroad Company, petitioner, *v.* Mrs. Catherine Hall et al.;

No. 536. North Shore Railroad Company, petitioner, *v.* J. C. McCue; and

No. 537. North Pacific Coast Railroad Company, petitioner, *v.* Mrs. Catherine Hall et al. Petitions for writs of certiorari to the United

States circuit court of appeals for the ninth circuit submitted by Mr. Frederic D. McKenney in behalf of Mr. George W. Towle, jr., for the petitioners, and by Mr. H. V. Morehouse for the respondents.

No. —, Original. *Ex parte*: In the matter of Leonard Imboden and James A. Hill, petitioners. Motion for leave to file petition for a writ of habeas corpus submitted by Mr. Henry J. Hersey, Mr. James J. Banks and Mr. James S. Davis for the petitioners.

No. 407. Anna Siegel, plaintiff in error, *v.* The New York and Harlem Railroad Company et al.;

No. 453. Hedewig Kriete, plaintiff in error, *v.* The New York and Harlem Railroad Company et al.;

No. 454. David W. O'Neil et al., plaintiffs in error, *v.* The New York and Harlem Railroad Company et al.; and

No. 493. Franziska Scholz, plaintiff in error, *v.* The New York and Harlem Railroad Company et al. Leave granted to file an additional brief for the defendants in error, on motion of Mr. Edward Winslow Paige for the defendants in error.

No. 15, Original. *Ex parte*: In the matter of The Commonwealth of Kentucky, petitioner. Argument commenced by Mr. N. B. Hays for the petitioner, continued by Mr. E. L. Worthington and Mr. Frank S. Black for the respondent, and concluded by Mr. Lawrence Maxwell, jr., for the petitioner.

No. 393. The Commonwealth of Kentucky, appellant, *v.* Caleb Powers. Advanced and submitted pursuant to the thirty-second rule on briefs heretofore filed.

No. 116. The United States, plaintiff in error, *v.* The New York and Cuba Mail Steamship Company. Argument commenced by Mr. Assistant Attorney-General Robb for the plaintiff in error, and continued by Mr. John G. Carlisle for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 23, will be as follows: Nos. 116, 158 (and 159, 160, 161 and 162), 141, 142, 170, 172, 176, 180, 182 and 183.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 23, 1906.

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

Samuel M. Howard of Gettysburg, S. Dak., was admitted to practice.

No. 116. The United States, plaintiff in error, *v.* The New York and Cuba Mail Steamship Company. Argument continued by Mr. John G. Carlisle for the defendant in error, and concluded by Mr. Assistant Attorney-General Robb for the plaintiff in error.

No. 158. Southern Pacific Company et al., appellants, *v.* The Interstate Commerce Commission;

No. 159. Southern California Railway Company, appellant, *v.* The Interstate Commerce Commission et al.;

No. 160. Atchison, Topeka and Santa Fe Railway Company, appellant, *v.* The Interstate Commerce Commission et al.;

No. 161. Santa Fe Pacific Railroad Company, appellant, *v.* The Interstate Commerce Commission et al.; and

No. 162. Southern Pacific Company, appellant, *v.* The Interstate Commerce Commission. Argument commenced by Mr. Maxwell Evarts for the appellants, and continued by Mr. L. A. Shaver and Mr. J. H. Call for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 24, will be as follows: Nos. 158 (and 159, 160, 161 and 162), 141, 142, 170, 172, 176, 180, 182, 183 and 185.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 24, 1906.

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

William H. Surratt of Baltimore, Md., Benjamin D. Hyde of Boston, Mass., and Thomas M. Henry of Pittsburg, Pa., were admitted to practice.

No. 158. Southern Pacific Company et al., appellants, *v.* The Interstate Commerce Commission;

No. 159. Southern California Railway Company, appellant, *v.* The Interstate Commerce Commission et al.;

No. 160. Atchison, Topeka and Santa Fe Railway Company, appellant, *v.* The Interstate Commerce Commission et al.;

No. 161. Santa Fe Pacific Railroad Company, appellant, *v.* The Interstate Commerce Commission et al.; and

No. 162. Southern Pacific Company, appellant, *v.* The Interstate Commerce Commission. Argument continued by Mr. J. H. Call for the appellees, and concluded by Mr. Robert Dunlop for the appellants.

No. 141. The Southern Pacific Railroad Company et al., appellants, *v.* The United States. Argument commenced by Mr. Maxwell Evarts for the appellants, continued by Mr. J. H. Call for the appellee, and concluded by Mr. Maxwell Evarts for the appellants.

No. 142. The Southern Pacific Railroad Company et al., appellants, *v.* The United States. Argument commenced by Mr. Maxwell Evarts for the appellants, and continued by Mr. J. H. Call for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 25, will be as follows: Nos. 142, 170, 172, 176, 180, 182, 183, 185, 186 and 187.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 25, 1906.

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

Albert Dean Currier of Chicago, Ill., was admitted to practice.

No. 142. The Southern Pacific Railroad Company et al., appellants, *v.* The United States. Argument continued by Mr. J. H. Call for the appellee, and concluded by Mr. Maxwell Evarts for the appellants.

No. 170. Rufus Martin, plaintiff in error, *v.* The State of Texas. Submitted by Mr. Watson E. Coleman for the plaintiff in error, and by Mr. C. K. Bell for the defendant in error.

No. 172. John Strickley et al., plaintiffs in error, *v.* The Highland Boy Gold Mining Company. Argued by Mr. George Sutherland for the defendant in error, and submitted by Mr. Arthur Brown for the plaintiffs in error.

No. 176. First National Bank of Ottawa, Ill., plaintiff in error, *v.* Theodore R. Converse, receiver, etc. Argument commenced by Mr. Lester H. Strawn for the plaintiff in error, and continued by Mr. C. A. Severance for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 26, will be as follows: Nos. 176, 180, 182, 183, 185, 186 and 187.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 26, 1906.

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

Archibald C. Shenstone of New York City was admitted to practice.

No. 78. Calvin R. Nutt et al., plaintiffs in error, *v.* L. Prentiss Knut et al. Mandate granted, on motion of Mr. William Hitz in behalf of counsel for the defendants in error.

No. 401. The Drake & Stratton Company, plaintiff in error, *v.* Alden Anderson, a minor, etc. In error to the circuit court of the United States for the district of Minnesota. Dismissed, per stipulation.

No. 402. The Drake & Stratton Company, plaintiff in error, *v.* Michael Senese. In error to the circuit court of the United States for the district of Minnesota. Dismissed, per stipulation.

No. 176. First National Bank of Ottawa, Ill., plaintiff in error, *v.* Theodore R. Converse, receiver, etc. Argument continued by Mr. C. A. Severance for the defendant in error, and concluded by Mr. Lawrence Arnold Tanzer for the plaintiff in error.

No. 180. Edward B. Whitney, trustee, etc., appellant, *v.* Emma B. Dresser. Argument commenced by Mr. George H. Gilman for the appellant, continued by Mr. A. H. Joline for the appellee, and concluded by Mr. George H. Gilman for the appellant.

No. 182. The Territory of New Mexico, appellant, *v.* The Atchison, Topeka and Santa Fe Railway Company et al. Argument commenced by Mr. Frank W. Clancy for the appellant, continued by Mr. Robert Dunlap for the appellees, and concluded by Mr. Frank W. Clancy for the appellant.

Adjourned until Monday next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 29, 1906.

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

Clarke W. May of Charleston, W. Va., Blackburne Esterline of Chicago, Ill., Joseph H. Milans of Washington, D. C., J. M. Rush Jermon of Philadelphia, Pa., Thomas F. Hanlon of Washington, D. C., and Frank J. Boudinot of Fort Gibson, Ind. T., were admitted to practice.

No. 154. *The Hibernia Savings and Loan Society, plaintiff in error, v. The City and County of San Francisco.* In error to the supreme court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Brown.

The Chief Justice announced the following orders of the court:

No. —, Original. *Ex parte:* In the matter of George W. Watt and James M. Dohan, petitioners. Motion for leave to file petition for a writ of mandamus denied.

No. —, Original. *Ex parte:* In the matter of Leonard Imboden and James A. Hill, petitioners. Motion for leave to file petition for a writ of habeas corpus denied.

No. 404. Anna Valentina, appellant, *v. James W. Mercer, sheriff, etc.* Motion to advance granted, and cause assigned for argument on Monday, February 19 next, after the cases already set down for that day.

No. 539. Joseph Ralph Burton, plaintiff in error, *v. The United States.* Motion to advance granted, and cause assigned for argument on Monday, April 2 next, after the case already set down for that day.

No. 535. North Pacific Coast Railroad Company, petitioner, *v. Mrs. Catherine Hall et al.;*

No. 536. North Shore Railroad Company, petitioner, *v. J. S. McCue;* and

No. 537. North Pacific Coast Railroad Company, petitioner, *v. Mrs. Catherine Hall et al.* Petition for writs of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 550. R. Percy Wright, petitioner, *v.* East Riverside Irrigation District. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 557. E. L. Whitney, warden, etc., petitioner, *v.* George Deck. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit granted, the record in No. 494 to stand as a return, and both cases advanced to be taken on printed briefs at any time before April 2, if counsel shall be so advised.

No. 407. Anna Siegel, plaintiff in error, *v.* The New York and Harlem Railroad Company et al.;

No. 453. Hedewig Kriete, plaintiff in error, *v.* The New York and Harlem Railroad Company et al.;

No. 454. David W. O'Neil et al., plaintiffs in error, *v.* The New York and Harlem Railroad Company et al.; and

No. 493. Franziska Schalz, plaintiff in error, *v.* The New York and Harlem Railroad Company et al. In error to the supreme court of the State of New York. Judgments reversed with costs, and cases remanded for further proceedings not inconsistent with the opinions of this court in *Muhlker v. New York and Harlem Railroad Company*, 197 U. S., 544; *Birrell v. New York and Harlem Railroad Company*; *Kierns v. New York and Harlem Railroad Company*, 198 U. S., 390.

Order: It is ordered by the court that paragraph 4 of rule 9 be, and the same is hereby, amended so as to read as follows: 4. In all cases where the period of thirty days is mentioned in rule 8, it shall be extended to sixty days in writs of error and appeals from California, Oregon, Nevada, Washington, New Mexico, Utah, Arizona, Montana, Wyoming, North Dakota, South Dakota, Alaska, Idaho, Hawaii, and Porto Rico, and to one hundred and twenty days from the Philippine Islands.

No. 516. The United States, petitioner, *v.* George Riggs & Co. Motion to advance submitted by Mr. Solicitor-General Hoyt for the petitioner.

No. 553. Robert Sawyer et al., plaintiffs in error, *v.* The United States. Advanced and assigned for argument on Monday, April 2 next, after the cases already set down for that day, on motion of Mr. Solicitor-General Hoyt for the defendant in error.

No. 556. Frederick S. Goshorn et al., petitioners, *v.* Royal Trust Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. George Sutherland in behalf of Mr. Henry W. Leman for the petitioners, and by Mr. Frank H. Scott and Mr. E. A. Bancroft for the respondents.

No. 567. George H. Gilman et al., petitioners, *v.* James A. Hinson. Petition for a writ of certiorari to the court of appeals of the District of

Columbia submitted by Mr. L. S. Bacon for the petitioners, and by Mr. C. C. Poole and Mr. T. E. Brown for the respondent.

No. 77. James B. Howard, plaintiff in error, *v.* The Commonwealth of Kentucky. Mandate stayed for thirty days, on motion of Mr. J. W. Blackburn, jr., in behalf of counsel for plaintiff in error.

No. 432. Miners and Merchants Bank of Lonaconing, plaintiff in error, *v.* Walter Snyder. In error to the court of appeals of the State of Maryland. Dismissed with costs, on motion of counsel for the plaintiff in error.

Nos. 331, 332, 334, and 335. Henry A. Blair et al., appellants, *v.* The City of Chicago et al. Leave granted to file a reply brief herein, on motion of Mr. Joseph Auerbach for Blair et al.

No. 18. Original. *Ex parte*: In the matter of Automatic Switch Company of Baltimore City, petitioner. Return day extended to February 12-next, on motion of Mr. John Ridout, of counsel for respondent.

No. 561. Charles G. Dunn, receiver, etc., petitioner, *v.* Mitchell L. Erlanger, sheriff, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. E. C. Brandenburg in behalf of Mr. William Lesser for the petitioner, and by Mr. Henry J. Goldsmith for the respondent.

No. 566. Delta National Bank et al., petitioners, *v.* J. O. Easterbrook, trustee, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. E. C. Brandenburg for the petitioners.

Adjourned until Monday, February 19, at 12 o'clock.

The day call for Monday, February 19, will be as follows: Nos. 419 (and 420, 421 and 422), 12 (original), 394 (and 397 and 462 to 487), 14, 533, 404, 183, 185, 186 and 187.

SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 19, 1906.

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

Clarence P. Byrnes of Pittsburg, Pa., James B. Wright of Knoxville, Tenn., C. A. L. Massie of New York City, James R. Kinealy of St. Louis, Mo., Harry B. North of Rockford, Ill., Loyal E. Knappen of Grand Rapids, Mich., William C. Herron of Cincinnati, Ohio, Louis C. Stanley of Detroit, Mich., John M. Ross of Prescott, Ariz., Kenneth S. Murchison of Tahlequah, Ind. T., Daniel Hebbard Case of Wailuku, Hawaii, Albert Foster Jones of Oroville, Cal., Barry Mohun of Washington, D. C., and J. M. Barrs of Jacksonville, Fla., were admitted to practice.

No. 4, Original. The State of Missouri, complainant, *v.* The State of Illinois et al. Bill dismissed with costs, without prejudice. Opinion by Mr. Justice Holmes.

No. 172. John Strickley et al., plaintiffs in error, *v.* The Highland Boy Gold Mining Company. In error to the supreme court of the State of Utah. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 180. Edward B. Whitney, trustee, etc., appellant, *v.* Emma B. Dresser. Appeal from the United States circuit court of appeals for the second circuit. Order affirmed with costs, and cause remanded to the district court of the United States for the southern district of New York. Opinion by Mr. Justice Holmes.

No. 173. Marian J. Looney, administratrix, etc., plaintiff in error, *v.* The Metropolitan Railroad Company et al. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 116. The United States, plaintiff in error, *v.* The New York and Cuba Mail Steamship Company. In error to the district court of the United States for the southern district of New York. Judgment reversed, and cause remanded with directions to sustain the demurrer. Opinion by Mr. Justice McKenna.

No. 178. Security Mutual Life Insurance Company, plaintiff in error, *v.* Henry R. Prewitt, insurance commissioner of the State of Kentucky; and

No. 184. The Travelers Insurance Company of Hartford, Conn., plaintiff in error, *v.* Henry R. Prewitt, insurance commissioner of the State of Kentucky. In error to the court of appeals of the State of Kentucky. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Peckham.

No. 223. The United States, appellant, *v.* Bitter Root Development Company et al. Appeal from the United States circuit court of appeals for the ninth circuit. Decree affirmed without prejudice, and case remanded to the circuit court of the United States for the district of Montana. Opinion by Mr. Justice Peckham. Mr. Justice White and Mr. Justice McKenna took no part in the decision of this case.

No. 137. Fred C. Rector, trustee, etc., plaintiff in error, *v.* The City Deposit Bank Company. In error to the supreme court of the State of Ohio. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice White.

No. 138. Fred C. Rector, trustee, etc., plaintiff in error, *v.* The Commercial National Bank. In error to the supreme court of the State of Ohio. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice White.

No. 176. First National Bank of Ottawa, Ill., plaintiff in error, *v.* Theodore R. Converse, receiver, 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 sustain the demurrer and enter judgment for the bank. Opinion by Mr. Justice White. Mr. Justice Harlan concurs. Dissenting: Mr. Justice Brewer and Mr. Justice Brown.

No. 24. The New York, New Haven and Hartford Railroad Company, appellant, *v.* The Interstate Commerce Commission; and

No. 27. The Interstate Commerce Commission, appellant, *v.* The Chesapeake and Ohio Railway Company et al. Appeals from the circuit court of the United States for the western district of Virginia. Decree modified and affirmed. Costs to be paid by the railroad companies. Opinion by Mr. Justice White.

No. 106. The United States, appellant, *v.* The Detroit Timber and Lumber Company et. al.; and

No. 165. Martin-Alexander Lumber Company et al., appellants, *v.* The United States. Appeals from the United States circuit court of

appeals for the eighth circuit. Decree affirmed, and cause remanded to the circuit court of the United States for the western district of Arkansas. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Harlan and Mr. Justice McKenna.

No. 141. The Southern Pacific Railroad Company et al., appellants, *v.* The United States. Appeal from the United States circuit court of appeals for the ninth circuit. Decree affirmed, and cause remanded to the circuit court of the United States for the southern district of California. Opinion by Mr. Justice Brewer.

No. 142. The Southern Pacific Railroad Company et al., appellants, *v.* The United States. Appeal from the United States circuit court of appeals for the ninth circuit. Decree affirmed, and cause remanded to the circuit court of the United States for the southern district of California. Opinion by Mr. Justice Brewer.

No. 170. Rufus Martin, plaintiff in error, *v.* The State of Texas. In error to the court of criminal appeals of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

The Chief Justice announced that the court would not sit on Thursday, the 22d instant. The Chief Justice also announced the following orders of the court:

No. 516. The United States, petitioner, *v.* George Riggs & Co. Motion to advance granted, and cause assigned for argument on the first Tuesday of the next term (October 9, 1906).

No. 552. I. H. Moore et al., petitioners, *v.* John Dalton et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 556. Frederick S. Goshorn et al., petitioners, *v.* Royal Trust Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 561. Charles G. Dunn, receiver, etc., petitioner, *v.* Mitchell L. Erlanger, sheriff, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 566. Delta National Bank et al., petitioners, *v.* J. O. Easterbrook, trustee. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 567. George H. Gilman et al., petitioners, *v.* James A. Hinson. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 14. Reuben Hodges et al., plaintiffs in error, *v.* The United States. Reassigned for argument on Monday, April 2, on motion of Mr. Attorney-General Moody for the defendant in error.

No. 242. The Columbian Correspondence College, appellant, *v.* Robert J. Wynne, Postmaster-General, et al. Motions to dismiss or affirm submitted by Mr. Assistant to the Attorney-General Purdy and Mr. Solicitor-General Hoyt in support of motions, and by Mr. A. A. Birney and Mr. Charles A. Ray in opposition thereto.

No. 547. J. G. Rawlins et al., plaintiffs in error, *v.* The State of Georgia. Motion to advance submitted by Mr. W. G. Brantley in behalf of counsel for the defendant in error.

No. 585. Robert B. Roosevelt, petitioner, *v.* Elbert A. Brinckerhoff et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. George H. Yeaman and Mr. George B. Kobbe for the petitioner, and by Mr. Frederick S. Duncan for the respondents.

No. —, Original. The State of Virginia, complainant, *v.* The State of West Virginia. Motion for leave to file bill of complaint herein and for process to issue thereon submitted by Mr. W. A. Anderson for the complainant.

No. 571. Duncan Electric Manufacturing Company et al., petitioners, *v.* Sieinens-Halske Electric Company of America. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. R. H. Parkinson for the petitioner, and by Mr. Drury W. Cooper, Mr. Edward Rector and Mr. Thomas B. Kerr for the respondent.

No. 545. Kokomo Steel and Wire Company, petitioner, *v.* Columbia Wire Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. C. C. Shirley, Mr. Thomas A. Banning and Mr. Ephraim Banning for the petitioner, and by Mr. Thomas W. Bakewell for the respondent.

No. 16, Original. The State of Oregon, complainant, *v.* Ethan A. Hitchcock, Secretary, etc., et al. Leave granted to file demurrer and motion to fix day for argument submitted by Mr. Assistant Attorney-General Campbell for the defendants.

No. 242. The Columbian Correspondence College, appellant, *v.* Robert J. Wynne, Postmaster-General, et al. George B. Cortelyou substituted in place of Robert J. Wynne as a party appellee herein, on motion of Mr. Charles A. Ray for the appellant.

No. 302. The State of New Jersey, appellant, *v.* William T. Anderson, trustee, etc. Petition for certiorari or motion for leave to assign cross errors submitted by Mr. E. C. Brandenburg in behalf of Mr. Frederick D. Silber and Mr. H. K. Tenney in support of motion, and by Mr. Levy Meyer and Mr. Robert H. McCarter in opposition thereto.

No. 559. The Greenwich Insurance Company of New York City, petitioner, *v. N. & M. Friedman Company*. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Duane E. Fox in behalf of Mr. Mark Norris for the petitioner, and by Mr. Loyal E. Knappen for the respondent.

No. 424. The County Commissioners of Wicomico County, petitioners, *v. Samuel Bancroft, jr.* Motion to advance submitted by Mr. James E. Ellegood for the petitioners.

No. 417. Emilio Montilla y Valdespino, appellant, *v. Paul Van Syckel et al.* Appeal from the supreme court of Porto Rico. Dismissed with costs, per stipulation, on motion of Mr. Barry Mohun for the appellant.

No. 547. J. G. Rawlins et al., plaintiffs in error, *v. The State of Georgia*. Motion for leave to proceed in forma pauperis and that record be printed at public expense submitted by Mr. Charles F. Wilson in behalf of counsel for the plaintiffs in error.

No. 563. Edward L. Harper, bankrupt, petitioner, *v. George C. Rankin, receiver, etc.* Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. R. A. Ayers for the petitioner, and by Mr. John W. Herron for the respondent.

No. 560. Missouri River Power Company, petitioner, *v. Louis Stadler et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. A. B. Browne, Mr. Alex. Britton, Mr. E. C. Day and Mr. Thomas C. Bach for the petitioner, and by Mr. Thomas J. Walsh for the respondents.

No. 597. David Kawamanakoa et al., appellants, *v. Ellen Albertino Polyblank, etc., et al.* Appeal from the supreme court of the Territory of Hawaii. Docketed and dismissed with costs, on motion of Mr. A. B. Browne for the appellants.

No. 505. The German Saving and Loan Society, petitioner, *v. William L. Tull et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Morgan H. Beach in behalf of Mr. Francis J. Heney for the petitioner, and by Mr. Robert A. Howard, Mr. Samuel R. Stern and Mr. Lucius G. Nash for the respondents.

No. 222. Joshua W. Darden, plaintiff in error, *v. The State of Arkansas*. Motions to dismiss or affirm submitted by Mr. Thomas B. Martin in support of motions, and by Mr. Joe T. Robinson in opposition thereto.

No. 263. The Lake Erie Provision Company, plaintiff in error, *v. C. H. Wessells et al.* In error to the circuit court of the United States for the northern district of Ohio. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 17, Original. *Ex parte*: In the matter of National Enameling and Stamping Company et al., petitioners; and

No. 18, Original. *Ex parte*: In the matter of Automatic Switch Company of Baltimore City, petitioner. Argument commenced by Mr. Louis Marshall for the petitioner in No. 17, continued by Mr. R. N. Kenyon for the respondent in No. 17, by Mr. W. Clyde Jones for the respondent in No. 18, and concluded by Mr. Philip Mauro for the petitioner in No. 18.

No. 419. Daniel Red Bird et al., appellants, *v.* The United States;

No. 420. The Cherokee Nation, appellant, *v.* The United States;

No. 421. Francis B. Fite et al., appellants, *v.* The United States; and

No. 422. Persons claiming rights in the Cherokee Nation by inter-marriage, appellants, *v.* The United States. Argument commenced by Mr. John J. Hemphill for the appellants in No. 419.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, February 20, will be as follows: Nos. 419 (and 420, 421 and 422), 12 (original), 394 (and 397 and 462 to 487), 533, 404, 183, 185, 186, 187 and 73.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, FEBRUARY 20, 1906.

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

Charles J. Wrightsman of Pawnee, Okla., Roscoe Pound of Lincoln, Nebr., P. J. Brady of Cleveland, Ohio, James H. Wilkerson of Chicago, Ill., Daniel Blaisdell Ruggles of Boston, Mass., and Samuel Alschuler of Aurora, Ill., were admitted to practice.

No. 419. Daniel Red Bird et al., appellants, *v.* The United States;
 No. 420. The Cherokee Nation, appellant, *v.* The United States;
 No. 421. Francis B. Fite et al., appellants, *v.* The United States; and
 No. 422. Persons claiming rights in the Cherokee Nation by intermarriage, appellants, *v.* The United States. Argument continued by Mr. John J. Hemphill for the appellants in No. 419, by Mr. J. S. Davenport and Mr. William T. Hutchings for the appellants in No. 421, by Mr. William Henry White for the appellants in No. 422, and concluded by Mr. Edgar Smith for the appellant in No. 420.

Adjourned until to-morrow at 2 o'clock.

The day call for Wednesday, February 21, will be as follows: Nos. 12, (original), 394 (and 397 and 462 to 487), 533, 404, 183, 185, 186, 187, 73 and 104.

O

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, FEBRUARY 21, 1906.

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

James M. Trimble of Montclair, N. J., Edward T. Taylor of Glenwood Springs, Cal., Ernest C. Macdonald of Spokane, Wash., and Edward Westey Ross of Olympia, Wash., were admitted to practice.

No. —, Original. The State of Washington, complainant, *v.* The State of Oregon. Motion for leave to file bill of complaint submitted by Mr. Ernest C. Macdonald for the complainant.

No. 420. The Cherokee Nation, appellant, *v.* The United States. Leave granted to file supplemental brief herein, on motion of Mr. Edgar Smith for the appellant.

No. 12, Original. The State of Wisconsin, complainant, *v.* Ethan Allen Hitchcock, Secretary of the Interior. Argued on demurrer by Mr. A. C. Campbell for the defendant, and by Mr. T. W. Spence for the complainant.

Nos. 397 and 462 to 487. The Michigan Central Railroad Company et al., appellants, *v.* Perry F. Powers, auditor-general, etc. Argument commenced by Mr. Lloyd W. Bowers for the appellants.

Adjourned until Friday next at 12 o'clock.

The day call for Friday, February 23, will be as follows: Nos. 397 (and 462 to 487), 394, 533, 404, 183, 185, 186, 187, 73 and 104.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, FEBRUARY 23, 1906.

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

William F. Gurley of Omaha, Nebr., Burton Parker of Monroe, Mich., T. Webster Hoyt of Denver, Colo., William J. Gregg of Pittsburg, Kans., Daniel E. Riordan of Eagle River, Wis., Charles T. Bundy of Eau Claire, Wis., Thomas Sterling of Vermilion, S. Dak., Earlliss P. Arvine of New Haven, Conn., Don Raymond Cobb of Syracuse, N. Y., Will B. Crowley of Syracuse, N. Y., Frank A. Youmans of Fort Smith, Ark., and J. J. Barge of Atlanta, Ga., were admitted to practice.

No. 599. Ferdinand Eidman, collector, etc., petitioner, *v.* Frederick B. Tilghman et al., executors, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Assistant Attorney-General Robb and Mr. Solicitor-General Hoyt for the petitioner, and by Mr. Edward B. Whitney for the respondents.

Nos. 397 and 462 to 487. The Michigan Central Railroad Company et al., appellants, *v.* Perry F. Powers, auditor-general, etc. Argument continued by Mr. Lloyd W. Bowers for the appellants, and by Mr. Charles A. Blair, Mr. Roger Irving Wykes and Mr. Loyal E. Knappen for the appellee, and by Mr. O. E. Butterfield and Mr. Benton Hanchett for the appellants.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, February 26, will be as follows: Nos. 397 (and 462 to 487), 394, 533, 404, 183, 185, 186, 187, 73 and 104.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 26, 1906.

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

~~William H. Weissager of Baltimore, Md.,~~ William H. Brooks of Holyoke, Mass., James B. Carroll of Springfield, Mass., Walter S. Robinson of Springfield, Mass., Boyd B. Jones of Haverhill, Mass., Charles L. Gardner of Springfield, Mass., George W. Buck of Boston, Mass., F. T. Woodburn of Holton, Kans., Joseph M. Dixon of Missoula, Mont., James Everett Ball of Marquette, Mich., Charles T. Hardinger of Osceola, Iowa, Francis M. Cox of Washington, D. C., J. G. Hamilton of Grand Forks, N. Dak., and Charles J. Maddux of New Rockford, N. Dak., were admitted to practice.

No. 158. Southern Pacific Company et al., appellants, *v.* The Interstate Commerce Commission;

No. 159. Southern California Railway Company, appellant, *v.* The Interstate Commerce Commission et al.;

No. 160. Atchison, Topeka and Santa Fe Railway Company, appellant, *v.* The Interstate Commerce Commission et al.;

No. 161. Santa Fe Pacific Railroad Company, appellant, *v.* The Interstate Commerce Commission et al.; and

No. 162. Southern Pacific Company, appellant, *v.* The Interstate Commerce Commission. Appeals from the circuit court of the United States for the southern district of California. Decree reversed with costs, and cause remanded with directions to dismiss the bill. Opinion by Mr. Justice Peckham.

The Chief Justice announced the following orders of the court:

No. —, Original. The Commonwealth of Virginia, complainant, *v.* The State of West Virginia. Motion for leave to file bill of complaint herein granted, and process ordered, returnable Monday, October 8 next.

No. —, Original. The State of Washington, complainant, *v.* The State of Oregon. Motion for leave to file bill of complaint herein granted, and process ordered.

No. 16, Original. The State of Oregon, complainant, *v.* Ethan A. Hitchcock, Secretary, etc., et al. Hearing on demurrer set for Monday, April 2, after the cases already assigned for that day.

No. 302. The State of New Jersey, appellant, *v.* William F. Anderson, trustee, etc. Writ of certiorari granted, the record on file to stand as a return to the writ.

No. 424. The County Commissioners of Wicomico County, petitioners, *v.* Samuel Bancroft, jr. Motion to advance granted, and case assigned for the first Tuesday of the next term (October 9) after the cases already assigned for that day.

No. 547. J. G. Rawlins et al., plaintiffs in error, *v.* The State of Georgia. Leave granted to proceed in forma pauperis, and case advanced to be heard on Monday, April 2, after the cases already assigned for that day.

No. 599. Ferdinand Eidman, collector, etc., petitioner, *v.* Frederick B. Tilghman et al., executors, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 505. The German Savings and Loan Society, petitioner, *v.* William L. Tull et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 545. Kokomo Steel and Wire Company, petitioner, *v.* Columbia Wire Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 559. The Greenwich Insurance Company of New York City, petitioner, *v.* N. & M. Friedman Co. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 560. Missouri River Power Company, petitioner, *v.* Louis Stadler et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 563. Edward L. Harper, bankrupt, petitioner, *v.* George C. Rankin, receiver, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 571. Duncan Electric Manufacturing Company et al., petitioners, *v.* Siemens-Halske Electric Company of America. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 585. Robert B. Roosevelt, petitioner, *v.* Elbert A. Brinckerhoff et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 222. Joshua W. Dardin, plaintiff in error, *v.* The State of Arkansas. In error to the supreme court of the State of Arkansas. Dis-

missed for want of jurisdiction. *Schlosser v. Hemphill*, 198 U. S., 173; *Haseltine v. Bank*, 183 U. S., 130; *California National Bank v. Stateler*, 171 U. S., 447; Kirby's Digest Statutes of Arkansas, sec. 1790.

No. 242. The Columbian Correspondence College, appellant, *v. George B. Cortelyou*, Postmaster-General, et al. Appeal from the court of appeals of the District of Columbia. Dismissed for the want of jurisdiction. *South Carolina v. Seymour*, 153 U. S., 353, 357; *United States v. Lynch*, 137 U. S., 280, 286; Code District of Columbia, sec. 233.

No. 501. Rochester Railway Company, plaintiff in error, *v. City of Rochester*. Motion to advance submitted by Mr. William W. Webb for the defendant in error.

No. 575. Hong Wing, petitioner, *v. The United States*;

No. 576. Wong Ding Ching, petitioner, *v. The United States*;

No. 577. Dang Ming, petitioner, *v. The United States*;

No. 578. Wong Wah, petitioner, *v. The United States*;

No. 579. Lam Loy, petitioner, *v. The United States*. Petitions for writs of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Francis J. Wing for the petitioners, and by Mr. Solicitor-General Hoyt for the respondent.

No. 540. Charles S. Landram et al., executors, etc., et al., appellants, *v. Gabriella K. Jordan*. Motion to advance submitted by Mr. Frank W. Hackett for the appellee.

No. 598. Taylor Knoll, petitioner, *v. The United States*. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. John C. Gittings for the petitioner, and by Mr. Solicitor-General Hoyt for the respondent.

No. 601. The Town of Fletcher, petitioner, *v. Samuel G. Hickman*. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Robert W. Bonyng and Mr. H. L. Ritter for the petitioner, and by Mr. T. K. Skinker for the respondent.

No. 431. Fannie D. Galbraith, petitioner, *v. Illinois Steel Company*. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Duane E. Fox in behalf of Mr. Adam A. Goodrich for the petitioner, and by Mr. William Duff Haynie for the respondent.

No. 602. Albert K. Hiscock, trustee, etc., petitioner, *v. Jacob M. Mertens*. Petition for a writ of certiorari to the United States circuit court of appeals for the second district submitted by Mr. Will B. Crowley for the petitioner, and by Mr. Dorr Raymond Cobb for the respondent.

No. —, Original. *Ex parte*: In the matter of Columbia George and Toy Toy, petitioners. Motion for leave to file petition for a writ of habeas corpus submitted by Mr. A. E. Crane and Mr. F. T. Woodburn for the petitioners.

No. 580. T. N. Barnsdell, petitioner, *v.* Thomas S. Waltemeyer. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Charles S. Thomas and Mr. W. H. Bryant for the petitioner, and by Mr. T. Webster Hoyt for the respondent.

No. 1, Original. The State of New Jersey, complainant, *v.* The State of Delaware. Leave granted to file preliminary report of master, and suggestions of counsel in regard thereto submitted by Mr. George H. Bates for the defendant and Mr. Robert H. McCarter for the complainant.

No. 569. John J. Allen, appellant, *v.* The United States. Suggestion of diminution of record and motion for a writ of certiorari submitted by Mr. Herbert E. Smith for the appellant, and by Mr. Solicitor-General Hoyt in opposition thereto.

No. 600. The *Ætna* Indemnity Company, petitioner, *v.* City of Haverhill. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. George W. Buck, Mr. Boyd B. Jones and Mr. T. Tileston Wells for the petitioner, with leave to respondent to file brief on or before Friday next.

Nos. 397 and 462 to 487. The Michigan Central Railroad Company et al., appellants, *v.* Perry F. Powers, auditor-general, etc. Argument concluded by Mr. Benton Hanchett for the appellants.

No. 394. Perry F. Powers, auditor-general, etc., appellant, *v.* The Detroit, Grand Haven and Milwaukee Railway Company. Argued by Mr. Timothy E. Tarsney for the appellant, and by Mr. H. Geer and Mr. L. C. Stanley for the appellee. Leave granted to counsel for appellant to file an additional brief within two days.

No. 533. George W. Felts, appellant, *v.* E. J. Murphy, warden, etc. Argument commenced by Mr. William E. Mason for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, February 27, will be as follows: Nos. 533, 404, 183, 185, 186, 187, 73, 104, 152 and 155.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, FEBRUARY 27, 1906.

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

Edward M. Smart of Merrill, Wis., C. Dodd McFarland of Baltimore, Md., Theodore A. Hostetler of Washington, D. C., and Guy Gillen of Lake City, Fla., were admitted to practice.

No. 19, Original. The State of Washington, complainant, *v.* The State of Oregon. Process waived. Appearance for defendant entered and leave to file answer and stipulation as to taking testimony granted, on motion of Mr. C. W. Fulton for the defendant.

No. 533. George W. Felts, appellant, *v.* E. J. Murphy, warden, etc. Argument continued by Mr. William E. Mason for the appellant, by Mr. Harvey B. North for the appellee, and concluded by Mr. William E. Mason for the appellant. Leave granted to counsel to file additional brief within two days.

No. 404. Anna Valentina, appellant, *v.* James W. Mercer, sheriff, etc. Argument commenced by Mr. James M. Trimble for the appellant, by Mr. Robert H. McCarter for the appellee, and concluded by Mr. James M. Trimble for the appellant.

No. 183. The City of Cleveland et al., appellants, *v.* The Cleveland Electric Railway Company. Argument commenced by Mr. Newton D. Baker for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, February 28, will be as follows: Nos. 183, 185, 186, 187, 73, 104, 152, 155, 156 and 30.

O

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, FEBRUARY 28, 1906.

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

N. D. Ely of Davenport, Iowa, and Ralph E. Smith of Merrill, Wis., were admitted to practice.

No. 607. William W. Bierce, Limited, appellant, *v.* Clinton J. Hutchins, trustee. Motion for a writ of supersedeas submitted by Mr. Charles H. Aldrich for the appellant.

No. 183. The City of Cleveland et al., appellants, *v.* The Cleveland Electric Railway Company. Argument continued by Mr. Newton D. Baker for the appellants, by Mr. Andrew Squire and Mr. John W. Warrington for the appellee, and concluded by Mr. D. C. Westenhaver for the appellants.

No. 185. The United States, appellant, *v.* James H. Wickersham, jr. Submitted by Mr. Assistant Attorney-General Pradt and Mr. Felix Brannigan for the appellant, and by Mr. William R. Andrews and Mr. S. D. Luckett for the appellee.

No. 186. The Atlantic Coast Line Railroad Company, plaintiff in error, *v.* The North Carolina Corporation Commission. Argument commenced by Mr. John G. Johnson for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 1, will be as follows: Nos. 186, 187, 73, 104, 152, 155, 156, 30, 188 and 191 (and 192, 193, 194 and 195).

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 1, 1906.

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

Peter J. Rogde of Sioux Falls, S. Dak., Frank Crane of Pierre, S. Dak., Louis H. Kileski of Lowell, Mass., J. Stuart Tompkins of New York City, Wallace D. Scott of New York City, Edward J. Smejkal of Chicago, Ill., Charles McGavin of Chicago, Ill., R. P. Swank of Mahanoy City, Pa., Charles G. Gardner of Springfield, Mass., Edwin S. Gardner of Springfield, Mass., and Charles H. Beckwith of Springfield, Mass., were admitted to practice.

No. 30. Valentine Huber, plaintiff in error, *v.* Jennings-Haywood Oil Syndicate et al. Submitted by Mr. Branch K. Miller, Mr. D. Caffery, jr., and Mr. James L. Dormon for the plaintiff in error, and by Mr. Gilbert L. Dupre for the defendants in error.

No. 186. The Atlantic Coast Line Railroad Company, plaintiff in error, *v.* The North Carolina Corporation Commission. Argument continued by Mr. F. A. Woodard and Mr. Robert D. Gilmer for the defendant in error, and concluded by Mr. John G. Johnson for the plaintiff in error.

No. 187. A. Leschen & Sons Rope Company, appellant, *v.* Broderick & Bascom Rope Company. Argued by Mr. Melville Church for the appellant. No counsel appeared for the appellee.

No. 73. The Otis Company, plaintiff in error, *v.* The Ludlow Manufacturing Company et al. Argument commenced by Mr. Boyd B. Jones for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 2, will be as follows: Nos. 73, 104, 152, 155, 156, 188, 191 (and 192, 193, 194 and 195), 196, 197 and 198.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 2, 1906.

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

Frank L. Littleton of Indianapolis, Ind., Nathan P. Bushnell of Peekskill, N. Y., Harry A. Harris of Washington, D. C., and Harry C. Hendrickson of Indianapolis, Ind., were admitted to practice.

No. 73. The Otis Company, plaintiff in error, *v.* The Ludlow Manufacturing Company et al. Argument continued by Mr. Boyd B. Jones for the plaintiff in error, and by Mr. James B. Carroll and Mr. William H. Brooks for the defendants in error, and concluded by Mr. Boyd B. Jones for the plaintiffs in error.

No. 104. The United States, petitioner, *v.* R. F. Downing & Co. Argued by Mr. Assistant Attorney-General McReynolds for the petitioner, and by Mr. J. Stuart Tompkins for the respondents.

No. 152. The Atlantic Coast Line Railroad Company, plaintiff in error, *v.* The State of Florida *ex rel.* W. H. Ellis, attorney-general, et al. Argument commenced by Mr. John E. Hartridge for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 5, will be as follows: Nos. 152, 155, 156, 188, 191 (and 192, 193, 194 and 195), 196, 197, 198, 199 (and 200 and 201) and 202 (and 203).

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 5, 1906.

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

James E. West of Washington, D. C., Elisha S. Theall of Washington, D. C., Constant Southworth of Cincinnati, Ohio, Norris Brown of Kearney, Nebr., and Marion F. Stanley of Aurora, Nebr., were admitted to practice.

No. 359. The United States, appellant, *v.* William A. Clark. Appeal from the United States circuit court of appeals for the ninth circuit. Decree affirmed, and cause remanded to the circuit court of the United States for the district of Montana. Opinion by Mr. Justice Holmes, Mr. Justice McKenna specially concurring. Dissenting: Mr. Justice Harlan and Mr. Justice Brown.

No. 157. Chicago, Burlington and Quincy Railway Company, plaintiff in error, *v.* The People of the State of Illinois ex rel. I. O. Grimwood et al. In error to the supreme court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Brewer; Mr. Justice Holmes, Mr. Justice White and Mr. Justice McKenna specially concurring.

No. 11, Original. State of Louisiana, complainant, *v.* State of Mississippi. Decree for complainant. Opinion by Mr. Chief Justice Fuller.

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

Order: The Reporter having represented that owing to the number of decisions at the present term it would be impracticable to put the reports in one volume, it is therefore now here ordered that he publish an additional volume in this year pursuant to section 681 of the Revised Statutes.

No. 1, Original. The State of New Jersey, complainant, *v.* The State of Delaware. Further proceedings herein are suspended for sixty days.

No. —, Original. Ex parte: In the matter of Columbia George and Toy Toy, petitioners. Motion for leave to file petition for a writ of habeas corpus denied.

No. 501. Rochester Railway Company, plaintiff in error, *v.* City of Rochester. Motion to advance denied.

No. 540. Charles S. Landram et al., executors, etc., et al., appellants, *v.* Gabriella K. Jordan. Motion to advance granted, and case assigned for argument on Tuesday, October 9 next, after the cases already set down for that day.

No. 569. John J. Allen, appellant, *v.* The United States. Application for writ of certiorari on suggestion of diminution of the record denied.

No. 607. William W. Bierce, Limited, appellant, *v.* Clinton J. Hutchins, trustee. Bond already given ordered to operate as a super-sedeas, and judgment superseded accordingly.

No. 602. Albert K. Hiscock, trustee, etc., petitioner, *v.* Jacob M. Mertens. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 431. Fannie D. Galbraith, petitioner, *v.* Illinois Steel Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 575. Hong Wing, petitioner, *v.* The United States;

No. 576. Wong Ding Chong, petitioner, *v.* The United States;

No. 577. Dang Ming, petitioner, *v.* The United States;

No. 578. Wong Wah, petitioner, *v.* The United States; and

No. 579. Lam Loy, petitioner, *v.* The United States. Petitions for writs of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 580. T. N. Barnsdell, petitioner, *v.* Thomas S. Waltemeyer. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 598. Taylor Knoll, petitioner, *v.* The United States. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 600. The Ætna Indemnity Company, petitioner, *v.* City of Haverhill. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 601. The Town of Fletcher, petitioner, *v.* Samuel G. Hickman. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 30. Valentine Huber, plaintiff in error, *v.* Jennings-Heywood Oil Syndicate et al. In error to the supreme court of the State of Louisiana. Dismissed for want of jurisdiction. *Capital City Dairy Company v. Ohio*, 183 U. S., 238; *Brown v. New Jersey*, 175 U. S., 172; *Chapin v. Fye*, 179 U. S., 127; *Turner v. Richardson*, 180 U. S., 87; *Mutual*

Life Insurance Company *v.* McGrew, 188 U. S., 308; Texas and Pacific Railway Company *v.* Southern Pacific Company, 137 U. S., 48.

No. 292. Catherine Schlemmer, plaintiff in error, *v.* The Buffalo, Rochester and Pittsburg Railway Company. Leave granted to Mr. L. M. Walter to appear specially herein and make oral argument for the plaintiff in error, on motion of Mr. Edward A. Moseley in his behalf.

No. 599. Ferdinand Eidman, collector, etc., petitioner, *v.* Frederick B. Tilghman et al., executors, etc. Advanced and assigned for argument on Tuesday, October 9 next, after the cases already set down for that day, on motion of Mr. Solicitor-General Hoyt for the petitioner.

No. 612. George B. Cortelyou, Postmaster-General, plaintiff in error, *v.* The United States ex rel. Margarito Romero, Mayor, etc., et al. In error to the court of appeals of the District of Columbia. Dismissed with costs, on motion of Mr. Solicitor-General Hoyt for the plaintiff in error.

No. 614. The Chicago, Burlington and Quincy Railroad Company, appellant, *v.* F. C. Babcock, as treasurer of Adams County, Nebr., et al. Motion to advance submitted by Mr. Norris Brown for the appellees.

No. 238. William J. Gallagher, plaintiff in error, *v.* The People of the State of Illinois. Motion to continue submitted by Mr. C. H. Soelke for the plaintiff in error, with leave to counsel for the defendants in error to file brief in opposition within one week.

No. 613. Liverpool, Brazil and River Plate Steam Navigation Company, Limited, et al., petitioners, *v.* The Steamship Eagle Point, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. George H. Emerson, Mr. Harrington Putnam, Mr. C. C. Burlingham and Mr. H. G. Ward for the petitioners, and by Mr. Wilhelmus Mynderse for the respondent.

No. 377. Sidney Turner Dyer, by Elisha Dyer, jr., her next friend, et al., appellants, *v.* The Mayor and City Council of Baltimore et al. Appeal from the circuit court of the United States for the district of Maryland. Dismissed at the cost of the appellees, per stipulation.

No. 199. Antonio Jose Amadeo, etc., plaintiff in error, *v.* The Northern Assurance Company; and

No. 200. Antonio Jose Amadeo, etc., plaintiff in error, *v.* The Royal Insurance Company. Suggestion of death of Antonio Jose Amadeo filed, on motion of Mr. Frederic D. McKenney for the defendant in error.

No. 152. The Atlantic Coast Line Railroad Company, plaintiff in error, *v.* The State of Florida ex rel. W. H. Ellis, attorney-general, et al.; and

Nos. 155 and 156. Seaboard Air Line Railway, plaintiff in error, *v.* The State of Florida ex rel. W. H. Ellis, attorney-general, et al. Argument continued by Mr. H. A. Herbert for the plaintiff in error in Nos. 155 and 156, by Mr. J. M. Barrs for the defendant in error, and concluded by Mr. George P. Raney for the plaintiff in error in Nos. 155 and 156. Leave granted to counsel for plaintiff in error in Nos. 155 and 156 to file an additional brief within three days.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 6, will be as follows: Nos. 188, 191 (and 192, 193, 194 and 195), 196, 197, 198, 199 (and 200 and 201), 202 (and 203), 204, 206 and 207.

O

SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 6, 1906.

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

Roy S. Goodrich of Phoenix, Ariz., Ford W. Thompson of St. Louis, Mo., Paul E. Ussher of Los Angeles, Cal., and E. W. R. Ewing of Washington, D. C., were admitted to practice.

No. 191. Henry F. Wyman et al., appellants, *v.* Sumner Wallace et al.;

No. 192. Peter Frenzer et al., appellants, *v.* Sumner Wallace et al.;

No. 193. Edgar M. Morsman, appellant, *v.* Sumner Wallace et al.;

No. 194. William S. Poppleton, appellant, *v.* Sumner Wallace et al.;

and

No. 195. George W. McClellan, executor, etc., et al., appellants, *v.* Sumner Wallace et al. Argued by Mr. R. S. Horton for the appellant in No. 194, and submitted by Mr. W. W. Morsman for the appellants in Nos. 191, 192 and 193, by Mr. R. S. Horton for the appellant in No. 195, and by Mr. J. M. Woolworth for the appellees.

No. 196. J. J. Darlington and George W. Gray, executors, etc., appellants, *v.* Erle H. Turner et al. Argument commenced by Mr. Clarence R. Wilson for the appellants, and continued by Mr. William G. Johnson for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 7, will be as follows: Nos. 196, 197, 188, 198, 199 (and 200 and 201), 202 (and 203), 204, 206, 207 and 208.

O

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 7, 1906.

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

No. 282. International Trust Company, plaintiff in error, *v.* John W. Weeks, agent, etc. Continued, per stipulation.

No. 196. J. J. Darlington and George W. Gray, executors, etc., et al., appellants, *v.* Erle H. Turner et al. Argument continued by Mr. William G. Johnson for the appellees, and concluded by Mr. Nathaniel Wilson for the appellants.

No. 197. The St. Louis Dressed Beef and Provision Company *v.* Maryland Casualty Company. Argument commenced by Mr. Ford W. Thompson for the St. Louis Dressed Beef and Provision Company, continued by Mr. George Weens Williams and Mr. Frank Gosnell for the Maryland Casualty Company, and concluded by Mr. Ford W. Thompson for the St. Louis Dressed Beef and Provision Company.

No. 188. Ellis Keen, plaintiff in error, *v.* Sophronia K. Keen. Argument commenced by Mr. D. P. Dyer for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 8, will be as follows: Nos. 188, 198, 199 (and 200 and 201), 202 (and 203), 204, 206, 207, 208, 209 and 210.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 8, 1906.

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

Nos. 158 to 162. Southern Pacific Company et al., appellants, *v.* The Interstate Commerce Commission et al. Mandate granted, on motion of Mr. Maxwell Evarts for the appellants.

No. 188. Ellis Keen, plaintiff in error, *v.* Sophronia K. Keen. Argument concluded by Mr. D. P. Dyer for the plaintiff in error, and submitted by Mr. Charles W. Bates for the defendant in error.

No. 198. The Houston and Texas Central Railroad Company et al., plaintiffs in error, *v.* J. A. Mayes. Argued by Mr. Maxwell Evarts for the plaintiffs in error, and submitted by Mr. T. W. Gregory for the defendant in error.

No. 199. Antonio Jose Amadeo, etc., plaintiff in error, *v.* The Northern Assurance Company;

No. 200. Antonio Jose Amadeo, etc., plaintiff in error, *v.* The Royal Insurance Company; and

No. 201. Federico Amadeo, etc., plaintiff in error, *v.* The Royal Insurance Company. Argument commenced by Mr. Fritz von Briesen for the plaintiffs in error, continued by Mr. Frederic D. McKenney for the defendants in error, and concluded by Mr. Fritz von Briesen for the plaintiffs in error.

No. 202. Louis Kann et al., appellants, *v.* Caroline King; and

No. 203. Henry Randall Webb, executor, etc., appellant, *v.* Caroline King. Argument commenced by Mr. R. Ross Perry for the appellant in No. 203, and continued by Mr. J. J. Darlington for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 9, will be as follows: Nos. 202 (and 203), 204, 206, 207, 208, 209, 210, 211, 212 and 213.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 9, 1906.

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

No. 568. Siebrand H. Niewenhous, plaintiff in error, *v.* The New York and Harlem Railroad Company et al. In error to the supreme court of the State of New York. Dismissed, per stipulation, and mandate granted.

No. 211. Henrietta S. Christopher et al., plaintiffs in error, *v.* Joseph W. Norvell, receiver, etc. Submitted by Mr. H. H. Buckman for the plaintiffs in error, and by Mr. Duncan Upshaw Fletcher for the defendant in error.

No. 202. Louis Kann et al., appellants, *v.* Caroline King; and

No. 203. Henry Randall Webb, executor, etc., appellant, *v.* Caroline King. Argument continued by Mr. J. J. Darlington for the appellee, and concluded by Mr. William G. Johnson for the appellants in No. 202.

No. 204. Wilford P. Joy, plaintiff in error, *v.* The City of St. Louis et al. Argued by Mr. E. P. Johnson for the plaintiff in error, and by Mr. Charles Claffin Allen for the defendants in error.

No. 206. Luther H. Soper, plaintiff in error, *v.* Lawrence Brothers Company. Argument commenced by Mr. William Frye White for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 12, will be as follows: Nos. 206, 207, 208, 209, 210, 212, 213, 214, 215 and 216.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 12, 1906.

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

George N. Brown of Chicago, Ill., Samuel H. Myers of Augusta, Ga., and J. Clarke Swayze of Topeka, Kans., were admitted to practice.

No. 331. Henry A. Blair et al., etc., appellants, *v.* The City of Chicago et al.;

No. 332. The North Chicago City Railway Company, appellant, *v.* Henry A. Blair et al., etc.;

No. 333. City of Chicago, appellant, *v.* John C. Fetzer et al., etc.;

No. 334. Henry A. Blair et al., etc., appellants, *v.* The City of Chicago et al.;

No. 335. The Chicago West Division Railway Company, appellant, *v.* Henry A. Blair et al., etc.; and

No. 336. City of Chicago, appellant, *v.* John C. Fetzer et al., etc Appeals from the circuit court of the United States for the northern district of Illinois. Decrees reversed, costs to be divided between receivers and the City of Chicago, and causes remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Day. Dissenting: Mr. Justice McKenna, Mr. Justice Brewer and Mr. Justice Brown.

No. 73. The Otis Company, plaintiff in error, *v.* The Ludlow Manufacturing Company et al. In error to the superior court of the State of Massachusetts. Decree modified and affirmed with costs. Opinion by Mr. Justice Holmes.

No. 381. Lewis M. Alexander, appellant, *v.* The United States;

No. 382. George A. Whiting, appellant, *v.* The United States;

No. 383. William Z. Stuart, appellant, *v.* The United States;

No. 384. General Paper Company, appellant, *v.* The United States; and

No. 385. E. T. Harmon et al., appellants, *v.* The United States. Appeals from the circuit court of the United States for the eastern district of Wisconsin. Dismissed for the want of jurisdiction. Opinion by Mr. Justice McKenna.

No. 490. Benjamin F. Nelson, plaintiff in error, *v.* The United States;
 No. 491. Anselm C. Bossard, plaintiff in error, *v.* The United States;
 and

No. 492. Clarence I. McNair, plaintiff in error, *v.* The United States.
 In error to the circuit court of the United States for the district of
 Minnesota. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. 533. George W. Felts, appellant, *v.* E. J. Murphy, warden of the
 Illinois State Penitentiary at Joliet. Appeal from the circuit court of
 the United States for the northern district of Illinois. Order affirmed
 with costs. Opinion by Mr. Justice Peckham.

No. 404. Anna Valentina, appellant, *v.* James W. Mercer, sheriff, etc.
 Appeal from the circuit court of the United States for the district of New
 Jersey. Order affirmed with costs. Opinion by Mr. Justice Peckham.

No. 340. Edwin F. Hale, appellant, *v.* William Henkel, United States
 marshal, etc. Appeal from the circuit court of the United States for the
 southern district of New York. Order affirmed with costs. Opinion
 by Mr. Justice Brown. Mr. Justice Harlan concurs in the result. Mr.
 Justice McKenna concurs in the result. Dissenting: Mr. Justice Brewer
 and Mr. Chief Justice Fuller.

No. 341. William H. McAlister, appellant, *v.* William Henkel, United
 States marshal, etc. Appeal from the circuit court of the United States
 for the southern district of New York. Order affirmed with costs.
 Opinion by Mr. Justice Brown.

No. 393. The Commonwealth of Kentucky, appellant, *v.* Caleb Powers.
 Appeal from the circuit court of the United States for the eastern district
 of Kentucky. Order awarding writ of habeas corpus reversed with
 costs, and cause remanded with directions to set aside the order appealed
 from as well as the order docketing the case in the circuit court of the
 United States to remand the prosecution to the State court and surrender
 the custody of the accused to the State authorities. Opinion by Mr.
 Justice Harlan.

No. 15, Original. *Ex parte*: In the matter of the Commonwealth
 of Kentucky, petitioner. Ordered that the rule to show cause be made
 absolute and the prayer of the petition granted. Opinion by Mr. Justice
 Harlan.

No. 182. The Territory of New Mexico, appellant, *v.* The Atchison,
 Topeka and Santa Fe Railway Company et al. Appeal from the supreme
 court of the Territory of New Mexico. Dismissed for the want of juris-
 diction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced that the court would take a recess from
 Monday, March 19, to Monday, April 2 next.

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

No. 613. Liverpool, Brazil and River Plate Steam Navigation Company, Limited, et al., petitioners, *v.* The Steamship Eagle Point, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 614. Chicago, Burlington and Quincy Railway Company, appellant, *v.* F. C. Babcock, treasurer, etc., et al. Motion to advance granted, and cause assigned for argument on Tuesday, October 9, after the cases already set down for that day.

No. 617. Grand Trunk Western Railway Company et al., petitioners, *v.* Chicago and Eastern Illinois Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. G. W. Kretzinger for the petitioners, with leave to counsel for the respondent to file brief within ten days.

Nos. 81 and 82. The People of the State of New York ex rel. The New York Central and Hudson River Railroad Company, plaintiffs in error, *v.* Nathan L. Miller, comptroller, etc.; and

Nos. 586, 587 and 588. The People of the State of New York ex rel. The New York Central and Hudson River Railroad Company, plaintiffs in error, *v.* Otto Kelsey, comptroller, etc. Assigned for argument on Monday, April 2 next, after the cases already set down for that day, on motion of Mr. A. B. Browne in behalf of counsel.

No. 610. Edwin S. Hartwell Lumber Company, etc., petitioner, *v.* The United States; and

No. 611. John Spry Lumber Company, petitioner, *v.* The United States. Petitions for writs of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. C. W. Needham in behalf of Mr. Jacob Newman, Mr. S. O. Levinson and Mr. B. V. Becker for the petitioners, with leave to counsel for respondents to file brief within three days.

No. 274. The City of Monterey, plaintiff in error, *v.* David Jacks. Motions to dismiss or affirm submitted by Mr. Frederic D. McKenney and Mr. John Garber in support of motions, and by Mr. Hamilton Gay Howard in opposition thereto.

No. 619. National Salt Company, petitioner, *v.* George S. Ingraham. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Maxwell Evarts and Mr. Henry B. Twombly for the petitioner, and by Mr. George S. Ingraham for the respondent.

No. 215. Harriet T. James, administratrix, etc., appellant, *v.* The United States. Passed, and assigned for argument on Monday, April 2

next, after No. 547, on motion of Mr. Assistant Attorney-General Van Orsdel for the appellee.

No. 206. Luther H. Soper, plaintiff in error, *v.* Lawrence Brothers Company. Argument continued by Mr. William Frye White for the plaintiff in error, and by Mr. Orville Dewey Baker for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 13, will be as follows: Nos. 206, 207, 208, 209, 210, 212, 213, 214, 216 and 218.

O

SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 13, 1906.

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

Norman P. Willard of Chicago, Ill., Charles H. Morgan of Altoona, Pa., and H. L. Pickett, of Tombstone, Ariz., were admitted to practice.

No. 206. Luther H. Soper, plaintiff in error, *v.* Lawrence Brothers Company. Argument continued by Mr. Orville Dewey Baker for the defendant in error, and concluded by Mr. William Frye White for the plaintiff in error.

No. 207. Robert Devine et al., appellants, *v.* The City of Los Angeles. Argument commenced by Mr. Cyrus F. McNutt for the appellants, continued by Mr. W. B. Mathews and Mr. J. R. Scott for the appellee, and concluded by Mr. Cyrus F. McNutt for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 14, will be as follows: Nos. 208, 209, 210, 212, 213, 214, 216, 218, 219 and 220.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 14, 1906.

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

James H. Vahey of Watertown, Mass., John B. Thompson of Washington, D. C., Arthur G. Dickson of Philadelphia, Pa., William Gordon Robertson of Roanoke, Va., John Dickey, jr., of Philadelphia, Pa., Jacob B. Ofner of Portland, Oreg., John W. Shine of Sault Ste. Marie, Mich., Judson W. Lyons of Augusta, Ga., H. G. Dickinson of Laredo, Tex., Arthur E. Wallace of Chicago, Ill., and Thomas Graham Crothers of San Francisco, Cal., were admitted to practice.

No. 208. York Manufacturing Company, appellant, *v.* Arthur Cassell et al. Argued by Mr. Constant Southworth for the appellant. No counsel appeared for the appellees.

No. 209. Maria Eustaquia Ortiz de Rodriguez, by her husband, appellant, *v.* Jose Antonio Vivoni et al. Argued by Mr. Fritz von Briesen for the appellant, and submitted by Mr. N. B. K. Pettingill for the appellees. Leave granted counsel for appellant to file an additional brief on or before Saturday next.

No. 210. Frederick St. John, plaintiff in error, *v.* The People of the State of New York. Argument commenced by Mr. William Brennan, jr., for the plaintiff in error, continued by Mr. Horace Maguire for the defendants in error, and concluded by Mr. William Brennan, jr., for the plaintiff in error.

No. 212. The Territory of New Mexico ex rel. E. J. McLean & Co., appellants, *v.* The Denver and Rio Grande Railroad Company. Argument commenced by Mr. W. B. Childers for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 15, will be as follows: Nos. 212, 213, 214, 216, 218, 219, 220 (and 530), 221, 224 and 225.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 15, 1906.

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

Thomas J. Davies of Montrose, Pa., Arthur L. Shipman of Hartford, Conn., and Louis J. Rosenberg of Detroit, Mich., were admitted to practice.

No. 224. Simon Burns et al., appellants, *v.* John W. Hayes et al. Appeal from the court of appeals of the District of Columbia. Dismissed with costs, pursuant to the tenth rule.

No. 212. The Territory of New Mexico ex rel. E. J. McLean & Co., appellants, *v.* The Denver and Rio Grande Railroad Company. Argument continued by Mr. W. B. Childers for the appellants, and by Mr. Charles A. Spiess and Mr. A. C. Campbell for the appellee, and concluded by Mr. W. B. Childers for the appellants.

No. 213. First National Bank of Baltimore, petitioner, *v.* William H. Staake, trustee, etc., et al.; and

No. 214. Henry K. McHarg et al., receivers, etc., et al., petitioners, *v.* William H. Staake, trustee, etc. Argument commenced by Mr. S. Hamilton Graves for the petitioners, and continued by Mr. Albert G. Dickson for the respondents.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 16, will be as follows: Nos. 213 (and 214), 216, 218, 219, 220 (and 530), 221, 225, 226, 227 and 228.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 16, 1906.

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

T. G. Norris of Prescott, Ariz., and O. M. Brockett of Des Moines, Iowa, were admitted to practice.

No. 213. First National Bank of Baltimore, petitioner, *v.* William H. Staake, trustee, etc., et al.; and

No. 214. Henry K. McHarg et al., receivers, etc., et al., petitioners, *v.* William H. Staake, trustee, etc. Argument continued by Mr. Arthur G. Dickson for the respondents, by Mr. William Gordon Robertson for the petitioners, by Mr. John Dickey, jr., and Mr. S. Griffin for the respondents, and concluded by Mr. Holmes Conrad for the petitioners.

No. 218. The People's National Bank of Charlottesville, Va., et al., appellants, *v.* James H. Saville et al. Argument commenced by Mr. D. W. Baker for the appellants, continued by Mr. John Ridout and Mr. Fulton Lewis for the appellees, and concluded by Mr. D. W. Baker for the appellants.

Adjourned until Monday next at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 19, 1906.

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

Charles L. Cohn of New York City, Herbert Wright of Washington, D. C., Richard Walden Hale of Boston, Mass., Marion T. Clinkscales of Washington, D. C., Joseph H. Stewart of Washington, D. C., Charles S. Shreve, jr., of Washington, D. C., John K. Maxwell of New York City, and Richard Lee Edwards of San Antonio, Tex., were admitted to practice.

No. 197. *St. Louis Dressed Beef and Provision Company v. Maryland Casualty Company*. On a certificate from the United States circuit court of appeals for the eighth circuit. First, second, fourth and fifth questions answered in the affirmative, third question answered in the negative, and sixth question, so far as it is warranted by the facts set forth, answered in the affirmative. Opinion by Mr. Justice Holmes.

No. 187. *A. Leschen & Sons Rope Company, appellant, v. Broderick & Bascom Rope Company*. Appeal from the United States circuit court of appeals for the eighth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the eastern district of Missouri. Opinion by Mr. Justice Brown.

No. 17, Original. *Ex parte*: In the matter of National Enameling and Stamping Company et al., petitioners; and

No. 18, Original. *Ex parte*: In the matter of Automatic Switch Company of Baltimore City. Petitions for writs of mandamus denied, and rules discharged. Opinions by Mr. Justice Brewer.

The Chief Justice announced that the original docket would be called on Monday, April 9 next.

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

No. 238. *William J. Gallagher, plaintiff in error, v. The People of the State of Illinois*. Time to print record extended to the first Tuesday of next term (October 9), and the case will be put on the calendar of that day after the cases already assigned.

No. 274. The City of Monterey, plaintiff in error, *v.* David Jacks. Motions to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 610. Edwin S. Hartwell Lumber Company, petitioner, *v.* The United States; and

No. 611. John Spry Lumber Company, petitioner, *v.* The United States. Petitions for writs of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 619. National Salt Company, petitioner, *v.* George S. Ingraham. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 218. The People's National Bank of Charlottesville, Va., et al., appellants, *v.* James H. Saville et al. Appeal from the court of appeals of the District of Columbia. Dismissed for the want of jurisdiction. *Paving Company v. Mulford*, 100 U. S., 147; *Gibson v. Shufeldt*, 122 U. S., 27; *Walter v. Northeastern Railroad Company*, 147 U. S., 370; *Chamberlin v. Browning*, 177 U. S., 605; *Hale v. Allinson*, 188 U. S., 56. Application for writ of certiorari denied.

No. 609. Fred C. Fisher et al., etc., plaintiffs in error, *v.* Col. David J. Baker et al. Motion to advance submitted by Mr. F. R. Coudert for the plaintiffs in error.

No. 616. The United States, petitioner, *v.* Ninety-nine Diamonds. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Assistant to the Attorney-General Purdy, Mr. Solicitor-General Hoyt and Mr. Assistant Attorney-General McReynolds for the petitioner, and by Mr. W. Wickham Smith and Mr. John K. Maxwell for the respondents.

No. 635. Walter H. Wren, plaintiff in error, *v.* Richard Riggs et al. In error to the circuit court of the United States for the western district of Texas. Docketed and dismissed with costs, on motion of Mr. C. A. Culberson for the defendants in error.

No. 624. Charles Henry Davis, trustee, petitioner, *v.* George W. Bramblet. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. D. W. Lindsey, Mr. Frank Chinn and Mr. Richard W. Hale for the petitioner, and by Mr. Helm Bruce for the respondent.

No. 447. East Central Eureka Mining Company et al., plaintiffs in error, *v.* Central Eureka Mining Company. Motion to dismiss submitted by Mr. John B. Thompson in behalf of Mr. Curtis H. Lindley and Mr. Henry Eickloff in support of motion, and by Mr. Philip G. Galpin in opposition thereto.

No. —, Original. *Ex parte*: In the matter of James Lincoln, petitioner. Motion for leave to file petition for a writ of habeas corpus submitted by Mr. John L. Kennedy for the petitioner.

No. 634. Ed. Johnson, appellant, *v.* The State of Tennessee. On motion of Mr. E. M. Hewlett, of counsel for the appellant, it is ordered by the court that an appeal from the circuit court of the United States for the eastern district of Tennessee be, and the same is hereby, allowed, and that all proceedings against the appellant be stayed, and the custody of the said appellant be retained, pending this appeal.

No. 628. William Nixon et al., petitioners, *v.* James H. Harris, warden, etc. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. A. W. Scott and Mr. M. T. Clinkscales for the petitioners.

No. 314. Charles K. Offield, plaintiff in error, *v.* The New York, New Haven and Hartford Railroad Company. Motions to dismiss or affirm submitted by Mr. Charles F. Wilson in behalf of Mr. George D. Watrous and Mr. Edward G. Buckland in support of motions, and by Mr. Edward H. Rogers and Mr. W. H. H. Miller in opposition thereto.

Adjourned until Monday, April 2, at 12 o'clock.

The day call for Monday, April 2, will be as follows: Nos. 370, 539, 553, 14, 16 (original), 547, 215, 81 (and 82, 586, 587 and 588), 179 and 69.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 2, 1906.

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

Louis Barcroft Runk of Philadelphia, Pa., Charles E. Marks of Salt Lake City, Utah, William H. Stead of Springfield, Ill., William P. Waggoner of Atchison, Kans., W. E. Thomas of Valdosta, Ga., William Knox Haynes of Chicago, Ill., W. P. Hackney of Winfield, Kans., James T. Connolly of Boston, Mass., John Louis Sheehan of Boston, Mass., Frederick Shepherd of Lincoln, Nebr., J. Thomas Heard of Washington, D. C., Henry Aaron Alexander of Atlanta, Ga., Hugh W. Ogden of Boston, Mass., Benjamin L. M. Tower of Boston, Mass., Edmund H. Talbot of Boston, Mass., Clarence T. Boyd of Nashville, Tenn., and Benjamin Z. Phillips of Atlanta, Ga., were admitted to practice.

No. 331. Henry A. Blair et al., receivers, etc., et al., appellants, *v.* The City of Chicago et al.;

No. 332. The North Chicago City Railway Company, appellant, *v.* Henry A. Blair et al., etc.;

No. 333. City of Chicago, appellant, *v.* John C. Fetzer et al., etc.;

No. 334. Henry A. Blair et al., etc., appellants, *v.* The City of Chicago et al.;

No. 335. The Chicago West Division Railway Company, appellant, *v.* Henry A. Blair et al., etc.; and

No. 336. City of Chicago, appellant, *v.* John C. Fetzer et al., etc. Opinion by Mr. Justice Day filed, and dissenting opinion by Mr. Justice McKenna filed.

No. 127. W. J. McCahan Sugar Refining Company, petitioner, *v.* The Steamship Wildcroft, etc. On writ of certiorari to the United States circuit court of appeals for the third circuit. Decree affirmed with costs, and cause remanded to the district court of the United States for the eastern district of Pennsylvania. Opinion by Mr. Justice Day. Mr. Justice Brown concurs in the result.

No. 185. The United States, appellant, *v.* James H. Wickersham, jr. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Day.

No. 206. Luther H. Soper, plaintiff in error, *v.* Lawrence Brothers Company. In error to the supreme judicial court of the State of Maine. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 209. Maria Eustaquia Ortiz de Rodriguez, etc., appellant, *v.* Jose Antonio Vivoni et al. Appeal from the district court of the United States for the district of Porto Rico. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 104. The United States, petitioner, *v.* R. F. Downing & Co. On writ of certiorari to the United States circuit court of appeals for the second circuit. Judgments reversed, and cause remanded to the circuit court of the United States for the southern district of New York, with directions to sustain the order of the board of appraisers. Opinion by Mr. Justice McKenna.

No. 204. Wilford P. Joy, plaintiff in error, *v.* The City of St. Louis et al. In error to the circuit court of the United States for the eastern district of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Peckham.

No. 208. York Manufacturing Company, appellant, *v.* Arthur Cassell et al. Appeal from the United States circuit court of appeals for the sixth circuit. Decree reversed with costs, and cause remanded to the district court of the United States for the southern district of Ohio with directions to enter a decree in conformity with the opinion of this court. Opinion by Mr. Justice Peckham.

No. 102. Agueda Benedicto De La Rama, appellant, *v.* Esteban De La Rama. Appeal from the supreme court of the Philippine Islands. Decree reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Brown. Mr. Justice White, Mr. Justice Peckham, Mr. Justice Holmes and Mr. Justice Day dissent on the question of jurisdiction.

No. 198. The Houston and Texas Central Railroad Company et al., plaintiffs in error, *v.* J. A. Mayes. In error to the court of civil appeals in and for the third supreme judicial district of the State of Texas. Judgment reversed with costs, and cause remanded for further proceedings. Opinion by Mr. Justice Brown. Dissenting: Mr. Chief Justice Fuller, Mr. Justice Harlan and Mr. Justice McKenna. (Mr. Justice White took no part in the considerations and decision of this case.)

No. 188. Ellis Keen, plaintiff in error, *v.* Sophronia K. Keen. In error to the supreme court of the State of Missouri. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brown.

No. 191. Henry F. Wyman et al., appellants, *v.* Sumner Wallace et al.;

No. 192. Peter Frenzer et al., appellants, *v.* Sumner Wallace et al.;

No. 193. Edgar M. Morsman, appellant, *v.* Sumner Wallace et al.;

No. 194. William S. Pappleton, appellant, *v.* Sumner Wallace et al. ;
and

No. 195. George W. McClellan, as executor, etc., et al., appellants, *v.* Sumner Wallace et al. Appeals from the United States circuit court of appeals for the eighth circuit. Decrees affirmed with costs, and causes remanded to the circuit court of the United States for the district of Nebraska. Opinion by Mr. Justice Brewer.

No. 397. The Michigan Central Railroad Company, appellant, *v.* Perry F. Powers, auditor-general of the State of Michigan. Appeal from the circuit court of the United States for the western district of Michigan. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

Nos. 462 to 487, inclusive. Detroit and Mackinac Railway Company et al., appellants, *v.* Perry F. Powers, auditor-general of the State of Michigan. Appeals from the circuit court of the United States for the western district of Michigan. Decrees affirmed with costs. Opinion by Mr. Justice Brewer.

No. 12, Original. The State of Wisconsin, complainant, *v.* Ethan Allen Hitchcock, Secretary of the Interior. Bill dismissed with costs. Opinion by Mr. Justice Harlan.

No. 211. Henrietta S. Christopher et al., plaintiffs in error, *v.* Joseph W. Norvell, receiver, etc. In error to the United States circuit court of appeals for the fifth circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the southern district of Florida. Opinion by Mr. Justice Harlan.

No. 199. Antonio Jose Amadeo, etc., plaintiffs in error, *v.* The Northern Assurance Company;

No. 200. Antonio Jose Amadeo, etc., plaintiffs in error, *v.* The Royal Insurance Company; and

No. 201. Federico Amadeo, etc., plaintiffs in error, *v.* The Royal Insurance Company. In error to the district court of the United States for the district of Porto Rico. Judgments reversed with costs, and causes remanded for further proceedings in conformity with law. Opinion by Mr. Chief Justice Fuller. (Mr. Justice White did not hear the argument or take part in the decision of these cases.)

No. 97. Frank Cole Brown, plaintiff in error, *v.* Charles Duncan Gurney;

No. 98. Josiah Appleton Small, plaintiff in error, *v.* Frank Cole Brown; and

No. 99. Frank Cole Brown, plaintiff in error, *v.* Josiah Appleton Small. In error to the supreme court of the State of Colorado. Judgments affirmed with costs. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court:

No. 21, Original. *Ex parte*: In the matter of James Lincoln, petitioner. Motion for leave to file petition for a writ of habeas corpus granted, and rule to show cause awarded returnable April 19.

No. 314. Charles K. Offield, plaintiff in error, *v.* The New York, New Haven and Hartford Railroad Company. Motions to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 447. East Central Eureka Mining Company et al., plaintiffs in error, *v.* Central Eureka Mining Company. Motion to dismiss postponed to the hearing of the cause on its merits.

No. 609. Fred C. Fisher et al., etc., plaintiffs in error, *v.* Col. David J. Baker et al. Motion to advance granted, and cause assigned for argument on Tuesday, October 9 next, after the cases already set down for that day.

No. 616. The United States, petitioner, *v.* Ninety-nine Diamonds. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 617. Grand Trunk Western Railway Company et al., petitioners, *v.* Chicago and Eastern Illinois Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 624. Charles Henry Davis, trustee, petitioner, *v.* George W. Bramblet. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 628. William Nixon et al., petitioners, *v.* James H. Harris, warden, etc. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 605. Hitchcock County, Nebr., petitioner, *v.* James B. Platt. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. J. L. Kennedy in behalf of Mr. E. R. Duffie for the petitioner, and by Mr. Jesse B. Strode for the respondent.

No. 654. Joseph H. Savage, petitioner, *v.* M. Adah Savage. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Leigh Robinson in behalf of Mr. Holmes Conrad for the petitioner, and by Mr. R. T. Barton for the respondent.

No. 646. C. C. Slaughter, petitioner, *v.* The Mallet Land and Cattle Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. C. A. Culberson for the petitioner, and by Mr. S. H. Cowan for the respondent.

No. 315. Granville Stuart, plaintiff in error, *v.* Samuel T. Hauser et al. Motion to extend time in which to designate parts of record to be printed submitted by Mr. George B. Colby for the plaintiff in error.

No. 19, Original. The State of Washington, complainant, *v.* The State, of Oregon. Leave granted to file replication, on motion of Mr. S. H. Piles in behalf of counsel for the complainant.

No. 661. The Ninth National Bank of New York, petitioner, *v.* Marcus A. Adler. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Nelson S. Spencer for the petitioner, with leave to counsel for respondent to file brief on or before Friday next.

No. 644. The New Amsterdam Casualty Company, petitioner, *v.* The East Tennessee Telephone Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. J. C. McReynolds and Mr. Clarence T. Boyd for the petitioner, and by Mr. W. L. Granbery and Mr. J. J. Vertress for the respondents.

No. 13, Original. The State of Georgia, complainant, *v.* The Tennessee Copper Company et al. Assigned for argument on Monday, April 23 next, on motion of Mr. John C. Hart for the complainant.

No. 655. W. K. Niver Coal Company, petitioner, *v.* Cheronea Steamship Company, Limited;

No. 656. W. K. Niver Coal Company, petitioner, *v.* Ursula Bright Steamship Company, Limited;

No. 657. W. K. Niver Coal Company, petitioner, *v.* New Ruperra Steamship Company, Limited; and

No. 658. W. K. Niver Coal Company, petitioner, *v.* Sir Alfred Lewis Jones. Petition for writs of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. B. L. M. Tower, Mr. John W. Griggs and Mr. Hugh W. Ogden for the petitioner, with leave to counsel for respondents to file brief on or before Friday next.

No. 371. Alabama and Vicksburg Railway Company et al., plaintiffs in error, *v.* The Railroad Commission of the State of Mississippi. Motion to advance submitted by Mr. Hannis Taylor for the defendant in error.

No. 630. Harry Dodd, trustee, etc., petitioner, *v.* A. Samel and S. Saul. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Benjamin Z. Phillips

and Mr. Alex. C. King for the petitioner, and by Mr. Victor Smith for the respondents.

No. 666. General Fire Extinguisher Company, petitioner, *v.* Joseph R. Lamar, trustee, et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. H. A. Alexander for the petitioner, and by Mr. W. K. Miller for the respondents.

No. 667. A. Klipstein & Co., petitioner, *v.* Peter G. Grant, trustee, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. H. A. Alexander for the petitioner, and by Mr. Benjamin Z. Phillips for the respondent.

No. 288. The Covington and Cincinnati Bridge Company, plaintiff in error, *v.* S. W. Hager, auditor, etc. Continued, per stipulation.

No. 301. Eliza L. Pope, plaintiff in error, *v.* Anna Clara Falk et al. In error to the supreme court of the State of Kansas. Dismissed with costs, on motion of counsel for plaintiff in error.

No. 369. Benjamin C. Choteau, plaintiff in error, *v.* William Klapmeyer. In error to the supreme court of the State of Kansas. Dismissed with costs, on motion of counsel for plaintiff in error.

No. 179. James Buck, trustee, etc., plaintiff in error, *v.* William E. Beach, treasurer, etc. Passed, to be restored to the call under the provisions of section 9, rule 26.

No. 370. Franklin McNeill et al., appellants, *v.* Southern Railway Company; and

No. 594. Southern Railway Company, appellant, *v.* Franklin McNeill et al. Leave granted to three counsel for McNeill et al. to make oral argument, on motion of Mr. R. H. Battle for McNeill et al. Argument commenced by Mr. R. H. Battle for McNeill et al., and continued by Mr. E. J. Justice for McNeill et al., and by Mr. C. B. Northrop and Mr. F. H. Busbee for the Southern Railway Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 3, will be as follows: Nos. 370 (and 594), 539, 553, 14, 16 (original), 547, 215, 81 (and 82, 586, 587 and 588), 69 and 216.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 3, 1906.

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

Herbert H. Blanchard of Springfield, Vt., was admitted to practice.

No. 494. E. L. Whitney, warden, etc., appellant, *v.* George Dick; and

No. 557. E. L. Whitney, warden, etc., petitioner, *v.* George Dick. Submitted by Mr. Solicitor-General Hoyt for the appellant and petitioner, and by Mr. F. E. Fogg for the appellee and respondent.

No. 370. Franklin McNeill et al., appellants, *v.* Southern Railway Company; and

No. 594. Southern Railway Company, appellant, *v.* Franklin McNeill et al. Argument continued by Mr. F. H. Busbee for the Southern Railway Company, and concluded by Mr. Robert D. Gilmer for McNeill et al.

No. 539. Joseph Ralph Burton, plaintiff in error, *v.* The United States. One hour additional time allowed to each side in the argument, and three counsel for the plaintiff in error granted leave to be heard, on motion of Mr. John F. Dillon for the plaintiff in error. Argument commenced by Mr. John F. Dillon for the plaintiff in error, and continued by Mr. Bailey P. Waggener for the plaintiff in error, and by Mr. Assistant Attorney-General Robb for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 4, will be as follows: Nos. 539, 553, 14, 16 (original), 547, 215, 81 (and 82 and 586, 587 and 588), 69, 216 and 219.

O

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 4, 1906.

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

John W. Williams of Pearisburg, Va., was admitted to practice.

No. 225. George C. Hazelton, appellant, *v.* Francis Miller. Death of Francis Miller suggested, and appearance of Margaret R. Sheckells et al., heirs and devisees, as the parties appellee herein, filed and entered, on motion of Mr. J. J. Darlington for the appellees.

No. 539. Joseph Ralph Burton, plaintiff in error, *v.* The United States. Argument continued by Mr. Assistant Attorney-General Robb for the defendant in error, and concluded by Mr. F. W. Lehmann for the plaintiff in error. Leave granted to counsel for defendant in error to file an additional brief within two days.

No. 553. Robert Sawyer et al., plaintiffs in error, *v.* The United States. Argument commenced by Mr. Corcoran Thom for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 5, will be as follows: Nos. 553, 14, 16 (original), 547, 215, 81 (and 82 and 586, 587 and 588), 69, 216, 219 and 220 (and 539).

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 5, 1906.

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

George B. Lynch of Adair, Iowa, and James F. Farraher of Yreka, Cal., were admitted to practice.

No. 553. Robert Sawyer et al., plaintiffs in error, *v.* The United States. Argument continued by Mr. Corcoran Thom for the plaintiffs in error, and by Mr. Solicitor-General Hoyt for the defendant in error, and concluded by Mr. Corcoran Thom for the plaintiffs in error.

No. 14. Reuben Hodges et al., plaintiffs in error, *v.* The United States. Reassigned for argument on Monday, April 23, at the head of the call.

No. 16, Original. The State of Oregon, complainant, *v.* Ethan A. Hitchcock, Secretary of the Interior, et al. Argument commenced by Mr. F. W. Clements for the defendants in support of the demurrer, and continued by Mr. Charles A. Keigwin for the complainant in opposition to the demurrer.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 6, will be as follows: Nos. 16 (original), 547, 215, 81 (and 82, 586, 587 and 588), 69, 216, 219, 220 (and 530), 221 and 225.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 6, 1906.

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

William S. Bennet of New York City, Charles S. Pierce of Milton, Mass., J. Van Vechten Olcott of New York City, Frederick M. Czaki of New York City, C. V. McAdamans of Williamsport, Ind., J. W. Woodrough of Omaha, Nebr., and Charles Koonce, jr., of Youngstown, Ohio, were admitted to practice.

No. 221. Robert Jackson, plaintiff in error, *v.* George E. Emmons et al. Continued, per stipulation.

No. 16, Original. The State of Oregon, complainant, *v.* Ethan A. Hitchcock, Secretary of the Interior, et al. Argument continued by Mr. Charles A. Keigwin for the complainant in opposition to the demurrer, and concluded by Mr. A. C. Campbell for the defendants in support of demurrer.

No. 547. J. G. Rawlins et al., plaintiffs in error, *v.* The State of Georgia. Argument commenced by Mr. J. R. Cooper for the plaintiff's in error. The court declined to hear further argument.

No. 215. Harriet T. James, administratrix, etc., appellant, *v.* The United States. Argument commenced by Mr. Morgan H. Beach for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 9, will be as follows: Nos. 215, 81 (and 82, 586, 587 and 588), 69, 216, 219, 220 (and 530), 225, 226, 227 and 228.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 9, 1906.

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

Charles Howard MacDonald of New York City, Robert H. Richards of Wilmington, Del., Alonzo Church of Newark, N. J., Frank M. Hall of Lincoln, Nebr., Peter J. Bacon of Washington, D. C., John C. Clark of New York City, Finis E. Riddle of Chickasha, Ind. T., Herbert L. Baker of Boston, Mass., and John F. Geeting of Chicago, Ill., were admitted to practice.

No. 183. *The City of Cleveland et al., appellants, v. The Cleveland Electric Railway Company.* Appeal from the circuit court of the United States for the northern district of Ohio. Decree affirmed with costs. Opinion by Mr. Justice McKenna.

No. 241. *The West Chicago Street Railroad Company, plaintiff in error, v. The People of the State of Illinois ex rel. The City of Chicago.* In error to the supreme court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Harlan. Mr. Justice Holmes specially concurring. Dissenting: Mr. Chief Justice Fuller, Mr. Justice Brewer, Mr. Justice White and Mr. Justice McKenna.

Mr. Justice Harlan also announced the following orders of the court:

No. 371. *Alabama and Vicksburg Railway Company et al., plaintiffs in error, v. The Railroad Commission of the State of Mississippi.* Motion to advance denied.

No. 605. *Hitchcock County, Nebraska, petitioner, v. James B. Platt.* Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 630. *Harry Dodd, trustee, etc., petitioner, v. A. Samel and S. Saul.* Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 644. *The New Amsterdam Casualty Company, petitioner, v. The East Tennessee Telephone Company et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 646. C. C. Slaughter, petitioner, *v.* The Mallet Land and Cattle Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 654. Joseph H. Savage, petitioner, *v.* M. Adah Savage. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 655. W. K. Niver Coal Company, petitioner, *v.* Cheronea Steamship Company, Limited;

No. 656. W. K. Niver Coal Company, petitioner, *v.* Ursula Bright Steamship Company, Limited;

No. 657. W. K. Niver Coal Company, petitioner, *v.* New Ruperra Steamship Company, Limited; and

No. 658. W. K. Niver Coal Company, petitioner, *v.* Sir Alfred Lewis Jones. Petitions for writs of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 666. General Fire Extinguisher Company, petitioner, *v.* Joseph R. Lamar, trustee, et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 667. A. Klipstein & Co., petitioner, *v.* Peter G. Grant, trustee, et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 73. The Otis Company, plaintiff in error, *v.* The Ludlow Manufacturing Company et al. Motion to amend judgment submitted by Mr. Henry M. Hoyt in behalf of Mr. B. B. Jones for the plaintiff in error in support of motion, and by Mr. William H. Brooks, Mr. James B. Carroll and Mr. Walter S. Robinson for defendant in error in opposition thereto.

No. 677. George H. Allen et al., petitioners, *v.* Nannie Field, executrix, et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. A. B. Browne in behalf of Mr. Levy Mayer, Mr. Alfred S. Austrian and Mr. Allan McCulloh for the petitioners, and by Mr. William Lindsay and Mr. J. Culbert Palmer for the respondents.

No. 669. Charles E. Cooper, trustee, etc., petitioner, *v.* Martin Burns et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. C. C. Flansburg for the petitioners, and by Mary Burns pro se.

No. 678. Edward Morris, petitioner, *v.* The Third National Bank of Springfield, Mass. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Frederick D. McKenney in behalf of Mr. Vinton Pike for the petitioner.

No. 662. George Westinghouse, jr., et al., petitioners, *v.* The New York Air Brake Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. George H. Christy and Mr. Samuel R. Betts for the petitioners, and by Mr. William A. Jenner and Mr. Charles Neave for the respondents.

No. 3, Original. The State of Maryland, complainant, *v.* The State of West Virginia. Leave granted to file stipulation as to taking testimony, on motion of Mr. W. S. Bryan, jr., for the complainant.

No. 570. The People of the State of Illinois ex rel. John McNichols, plaintiff in error, *v.* Thomas E. Barrett, sheriff, etc. Death of Thomas E. Barrett suggested, and appearance of James Pease, his successor in office as sheriff, filed and entered, on motion of Mr. John F. Geeting for the plaintiff in error. Motion to admit plaintiff in error to bail submitted by Mr. John F. Geeting for the plaintiff in error.

No. 671. The Consolidation Coal Company, petitioner, *v.* American Mail Steamship Company, claimant; and

No. 672. The Consolidation Coal Company, claimant, petitioner, *v.* American Mail Steamship Company. Petitions for writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. J. Walter Lord and Mr. E. S. Dodge for the petitioner, and by Mr. Wilhelmus Mynderse and Mr. E. E. Blodgett for the respondents.

No. 664. Clinton Stephens, jr., petitioner, *v.* Essex County Park Commission. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Andrew Wilson and Mr. Noel W. Barksdale for the petitioner, and by Mr. Alonzo Church and Mr. Robert H. McCarter for the respondent.

No. 663. Dennison Manufacturing Company, petitioner, *v.* Scharf Tag, Label and Box Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Archibald Cox for the petitioner.

No. 649. Hiram T. Chapman, plaintiff in error, *v.* Florence Elliott Chapman. Motion for the allowance of alimony and counsel fees submitted by Mr. J. W. Woodrough for the defendant in error, with leave to counsel for plaintiff in error to file brief in opposition within one week.

No. 674. A. M. Hastings, administrator, etc., petitioner, *v.* Southern Railway Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. J. Altheus Johnson and Mr. Joseph A. McCullough for the petitioner, and by Mr. George E. Hamilton and Mr. M. J. Colbert for the respondent.

No. —, Original. *Ex parte*: In the matter of George Moran, petitioner. Motion for leave to file petition for writs of habeas corpus and certiorari submitted by Mr. Finis E. Riddle for the petitioner.

No. 626. Thomas M. Patterson, plaintiff in error, *v.* The People of the State of Colorado *ex rel.* The Attorney-General of the State of Colorado. Motions to dismiss or affirm submitted by Mr. I. B. Melville and Mr. N. C. Miller in support of the motions, and by Mr. Henry M. Teller, Mr. Charles S. Thomas, Mr. Sterling B. Toney, Mr. Harvey Riddell and Mr. John A. Rush in opposition thereto.

No. 272. J. A. Axtell et al., plaintiffs in error, *v.* Cyrus Webber. Motion to dismiss submitted by Mr. Andrew C. Dunn in support of the motion, and by Mr. George E. Clarke in opposition thereto.

No. 215. Harriet T. James, administratrix, etc., appellant, *v.* The United States. Argument continued by Mr. Morgan H. Beach for the appellant, by Mr. Assistant Attorney-General Van Orsdel for the appellee, and concluded by Mr. Morgan H. Beach for the appellant.

Nos. 81 and 82. The People of the State of New York *ex rel.* The New York Central and Hudson River Railroad Company, plaintiff in error, *v.* Nathan L. Miller, comptroller, etc.; and

Nos. 586, 587 and 588. The People of the State of New York *ex rel.* The New York Central and Hudson River Railroad Company, plaintiff in error, *v.* Otto Kelsey, comptroller, etc. Argument commenced by Mr. Albert H. Harris for the plaintiff in error, continued by Mr. Julius M. Mayer for the defendants in error, and concluded by Mr. Albert H. Harris for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 10, will be as follows: Nos. 69, 216, 219, 220 (and 530), 225, 226, 227, 228, 230 and 231.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 10, 1906.

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

Addison A. Crane of Harrison, Idaho, G. Alnutt Manning of Baltimore, Md., Campbell M. Voorhees of Columbus, Ohio, Richard W. Nuzum of Spokane, Wash., Elijah F. Stone of St. Louis, Mo., and Frank H. Powers of San Francisco, Cal., were admitted to practice.

The Chief Justice announced that the court would adjourn on Thursday until Monday next.

No. 393. The Commonwealth of Kentucky, appellant, *v.* Caleb Powers. Mandate stayed for thirty days, on motion of Mr. J. H. Embry in behalf of counsel for appellee.

No. 69. The Skaneateles Paper Company et al., plaintiffs in error, *v.* The City of Syracuse. Argument commenced by Mr. Martin Conboy for the plaintiffs in error. The court declined to hear further argument.

No. 216. The Interstate Commerce Commission, appellant, *v.* The Lake Shore and Michigan Southern Railway Company et al. Three counsel allowed to argue for the appellees, on motion of Mr. George C. Greene for appellees. Argument commenced by Mr. L. A. Shaver for the appellant, and continued by Mr. George C. Greene and Mr. George W. Wall for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 11, will be as follows: Nos. 216, 219, 220 (and 530), 225, 226, 227, 228, 230, 231 and 232.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 11, 1906.

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

A. W. Brewster of St. Joseph, Mo., was admitted to practice.

No. 232. Thomas J. Breslin *v.* James G. Carroll. On a certificate from the United States circuit court of appeals for the third circuit. Stricken from the docket.

No. 216. The Interstate Commerce Commission, appellant, *v.* The Lake Shore and Michigan Southern Railway Company et al. Argument continued by Mr. Adelbert Moot for the appellees, and concluded by Mr. John G. Carlisle for the appellant. Leave granted to counsel for appellant to file an additional brief.

No. 219. J. N. Seale, plaintiff in error, *v.* The State of Georgia. Argument commenced by Mr. J. J. Strickland for the plaintiff in error. The court declined to hear further argument.

No. 220. John W. McDonald, receiver, etc., appellant, *v.* Chauncey Dewey et al., executors, etc.; and

No. 530. Chauncey Dewey et al., executors, etc., appellants, *v.* John W. McDonald, receiver, etc. Argument commenced by Mr. Frank M. Hall for McDonald, receiver, and continued by Mr. William B. McIlvaine for Dewey et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 12, will be as follows: Nos. 220 (and 530), 225, 226, 227, 228, 230, 231, 233, 234 and 235.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 12, 1906.

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

Malcolm Lloyd, jr., of Philadelphia, Pa., George E. Tebbetts of Boston, Mass., Benjamin Franklin Spellman of New York City and Frederick H. Clarke of New York City were admitted to practice.

No. 220. John W. McDonald, receiver, etc., appellant, *v.* Chauncey Dewey et al., executors, etc.; and

No. 530. Chauncey Dewey et al., executors, etc., appellants, *v.* John W. McDonald, receiver, etc. Argument continued by Mr. William B. McIlvaine for Dewey et al., and concluded by Mr. F. M. Hall for McDonald, receiver.

No. 225. George C. Hazelton, appellant, *v.* Margaret R. Sheckells et al., devisees, etc. Argument commenced by Mr. Heber J. May for the appellant, continued by Mr. J. J. Darlington for the appellees, and concluded by Mr. Heber J. May for the appellant.

No. 226. Gila Bend Reservoir and Irrigation Company, appellant, *v.* The Gila Water Company. Argument commenced by Mr. William C. Prentiss for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 16, will be as follows: Nos. 226, 227, 228, 230, 231, 233, 234, 235, 236 and 237.

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 16, 1906.

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

Sarah Herring Sorin of Tucson, Ariz., Mary L. Trescott of Wilkes-Barre, Pa., George D. Bisbee of Rumford Falls, Me., Frederick W. Brooks of New York City, Walter Bennett of Phoenix, Ariz., H. M. Wright of San Francisco, Cal., W. A. Clark of Virginia City, Mont., and Edward D. Duffield of South Orange, N. J., were admitted to practice.

No. 547. J. G. Rawlins et al., plaintiffs in error, *v.* The State of Georgia. In error to the supreme court of the State of Georgia. Judgment affirmed. Opinion by Mr. Justice Holmes.

No. 210. Frederick St. John, plaintiff in error, *v.* The People of the State of New York. In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 119. John W. Haddock, plaintiff in error, *v.* Harriet Haddock. In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice White. Dissenting: Mr. Justice Brown, Mr. Justice Harlan, and Mr. Justice Brewer. Separate dissenting opinion by Mr. Justice Holmes.

No. 394. Perry F. Powers, auditor-general, etc., appellant, *v.* The Detroit, Grand Haven and Milwaukee Railway Company. Appeal from the circuit court of the United States for the western district of Michigan. Decree affirmed with costs. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice White.

The Chief Justice announced the following orders of the court:

No. 22, Original. Ex parte: In the matter of George Moran, petitioner. Motion for leave to file petition for writs of habeas corpus and certiorari granted, and rule to show cause awarded, returnable in thirty days.

No. 315. Granville Stuart, plaintiff in error, *v.* Samuel T. Hauser et al. Motions denied, but plaintiff in error given thirty days in which to proceed under paragraph 9 of rule 10.

No. 73. The Otis Company, plaintiff in error, *v.* The Ludlow Manufacturing Company et al. Motion to amend judgment denied.

No. 272. J. A. Axtell et al., plaintiffs in error, *v.* Cyrus Webber. Motion to dismiss postponed to the hearing of the cause on its merits.

No. 570. The People of the State of Illinois ex rel. John McNichols, plaintiff in error, *v.* James Pease, sheriff, etc. Relator admitted to bail on giving bond running to Pease, sheriff, in the penal sum of \$1,000, conditioned according to law, and approved by a judge of the circuit or district courts of the United States for the northern district of Illinois.

No. 626. Thomas M. Patterson, plaintiff in error, *v.* The People of the State of Colorado ex rel. the attorney-general of the State of Colorado. Motions to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 649. Hiram T. Chapman, plaintiff in error, *v.* Florence Elliott Chapman. Motions for alimony, etc., denied.

No. 661. The Ninth National Bank of New York, petitioner, *v.* Marcus A. Adler. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 662. George Westinghouse, jr., et al., petitioners, *v.* The New York Air Brake Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 663. Dennison Manufacturing Company, petitioner, *v.* Scharf Tag, Label, and Box Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 664. Clinton Stephens, jr., petitioner, *v.* Essex County Park Commission. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 669. Charles E. Cooper, trustee, etc., petitioner, *v.* Martin Burns et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 671. The Consolidation Coal Company, petitioner, *v.* American Mail Steamship Company, claimant; and

No. 672. The Consolidation Coal Company, claimant, petitioner, *v.* American Mail Steamship Company. Petitions for writs of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 674. A. M. Hastings, administrator, petitioner, *v.* Southern Railway Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 677. George H. Allen et al., petitioners, *v.* Nannie Field, executrix, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 678. Edward Morris, petitioner, *v.* The Third National Bank of Springfield, Mass. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 69. The Skaneateles Paper Company et al., plaintiffs in error, *v.* The City of Syracuse. In error to the supreme court of the State of New York. Dismissed for the want of jurisdiction. Chicago, etc., Railway Company *v.* McGuire, 196 U. S. 128; Scudder *v.* Comptroller of New York, 175 U. S., 32; Eastern Building, etc., Association *v.* Welling, 181 U. S., 47.

No. 219. J. N. Seale, plaintiff in error, *v.* The State of Georgia. In error to the supreme court of the State of Georgia. Dismissed for the want of jurisdiction. Oxley Stave Company *v.* Butler County, 166 U. S., 648; Harding *v.* Illinois, 196 U. S., 78; Marvin *v.* Trout, 199 U. S., 212; Caro *v.* Davidson, 197 U. S., 197.

The Chief Justice also announced that the call of the docket will be suspended on the 27th instant; that the court will take a recess from the 30th instant to Monday, May 14, and that the court will adjourn for the term on Monday, May 28 next.

No. 168. Illinois Central Railroad Company, plaintiff in error, *v.* J. U. McKendree. Suggestion of lack of jurisdiction submitted by Mr. Solicitor-General Hoyt, Mr. Attorney-General Moody and Mr. Assistant Attorney-General McReynolds for the United States in support of the suggestion, and by Mr. J. M. Dickinson and Mr. Edmund F. Trabue for the plaintiff in error in opposition thereto.

No. 685. Francisco Dones, appellant, *v.* Jose Urrutea, warden, etc. Advanced and assigned for argument on Monday, May 14, on motion of Mr. Solicitor-General Hoyt for the appellee.

No. 653. John B. Ellison et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit, submitted by Mr. Edward S. Hatch for the petitioners, and by Mr. Solicitor-General Hoyt for the respondent.

No. 686. C. Schmitz, etc., petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit, submitted by Mr. Albert H. Washburn for the petitioner, and by Mr. Solicitor-General Hoyt for the respondent.

No. 597. David Kawanakoa et al., appellants, *v.* Ellen Albertina Polyblank, trustee, etc. Motion to vacate order docketing and dismissing the appeal and for leave to file the record and docket the case, submitted by Mr. William F. Mattingly and Mr. J. J. Darlington in support of motion, and by Mr. Addis B. Browne and Mr. Alexander Britton in opposition thereto.

No. 684. John Norgate, petitioner, *v.* The Denver and Rio Grande Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Edward T. Fenwick for the petitioner and by Mr. Henry A. Dubbs and Mr. J. F. Vaile for the respondent.

No. 673. S. W. Tyson et al., petitioners, *v.* Frank E. Creelman. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. W. L. Martin and Mr. W. A. Gunter for the petitioners, and by Mr. R. E. Steiner for the respondent.

No. 680. J. W. Farrier, petitioner, *v.* Equitable Life Assurance Society of the United States. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. W. L. Martin and Mr. W. A. Gunter for the petitioner, and by Mr. Howard Stringfellow and Mr. R. E. Steiner for the respondent.

No. 689. George A. Pettibone, appellant, *v.* Jasper C. Nichols;

No. 690. Charles H. Moyer, appellant, *v.* Jasper C. Nichols; and

No. 691. William D. Haywood, appellant, *v.* Jasper C. Nichols. Motion to advance submitted by Mr. Edmund F. Richardson for the appellants.

No. 688. Fields S. Pendleton, petitioner, *v.* Central Railroad of New Jersey. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. E. E. Blodgett for the petitioner, and by Mr. James J. Macklin, Mr. La Roy S. Gove and Mr. E. S. Dodge for the respondent.

No. —, Original. *Ex parte*: In the matter of Abraham C. Wisner, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. J. J. Darlington for the petitioner.

No. —, Original. *Ex parte*: In the matter of Abraham C. Wisner, petitioner. Motion for leave to file petition for a writ of prohibition submitted by Mr. J. J. Darlington for the petitioner.

No. 683. John B. Mayer et al., petitioners, *v.* Margaret H. Mandeville. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. A. B. Repetto for the petitioners and by Mr. Russell Duane for the respondent.

No. 1, Original. The State of New Jersey, complainant, *v.* The State of Delaware. Motion for further suspension of proceedings submitted by Mr. E. D. Duffield for the complainant.

No. 2, Original. The State of Iowa, complainant, *v.* The State of Illinois. Stipulation as to final decree submitted by Mr. J. F. Lacey for the complainant.

No. 3, Original. The State of Maryland, complainant, *v.* The State of West Virginia. Order as to testimony entered per stipulation on motion of Mr. Frederic D. McKenney in behalf of counsel.

No. 5, Original. The State of Missouri, complainant, *v.* The State of Nebraska. Final report of commissioners filed and order confirming same entered on motion of Mr. E. H. Hinshaw in behalf of counsel.

No. 6, Original. *Ex parte*: In the matter of Alfonso B. Bowers and Bowers California Dredging Company, petitioners. Dismissed on authority of counsel for the petitioners.

No. 7, Original. The State of Kansas, complainant, *v.* The State of Colorado et al. Time in which to file brief for the United States herein extended to September 1 next, on motion of Mr. Solicitor-General Hoyt for the United States. Time in which to file brief for Colorado Fuel and Iron Company, one of the defendants herein, extended two weeks, on motion of Mr. Frederic D. McKenney in behalf of counsel.

No. 8, Original. The State of South Dakota, complainant, *v.* The State of North Carolina et al. Ordered stricken from the docket.

No. 9, Original. The State of Washington, complainant, *v.* Northern Securities Company et al. Dismissed, per stipulation.

No. 10, Original. The United States, complainant, *v.* The State of Michigan. Continued per stipulation.

No. 21, Original. *Ex parte*: In the matter of James Lincoln, petitioner. Assigned for argument on Monday, the 23d instant.

No. 226. Gila Bend Reservoir and Irrigation Company, appellant, *v.* The Gila Water Company. Argument concluded by Mr. William C. Prentiss for the appellant, and submitted by Mr. C. F. Ainsworth for the appellee.

No. 227. The United States, appellant, *v.* The Milliken Imprinting Company. Argument commenced by Mr. Louis A. Pradt for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 17, will be as follows: Nos. 227, 282, 230, 231, 233, 234, 235, 236, 237 and 239.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 17, 1906.

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

Willis J. Spicer of Syracuse, N. Y., and Patrick J. Farrell of Newport, Vt., were admitted to practice.

No. 227. The United States, appellant, *v.* The Milliken Imprinting Company. Argument continued by Mr. Louis A. Pradt for the appellant, by Mr. Malcolm Lloyd, jr., and Mr. David Milliken for the appellee, and concluded by Mr. Louis A. Pradt for the appellant.

No. 228. The United States, petitioner, *v.* Emil Dieckerhoff et al. Argument commenced by Mr. Assistant Attorney-General McReynolds for the petitioner, continued by Mr. W. Wickham Smith for the respondent, and concluded by Mr. Assistant Attorney-General McReynolds for the petitioner.

No. 230. Antonio Ortega, plaintiff in error, *v.* Angela Lara. Argument commenced by Mr. George H. Lamar for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 18, will be as follows: Nos. 230, 231, 233, 234, 235, 236, 237, 239, 243 and 244.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 18, 1906.

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

Joseph William Howell of Macon, Mich., James P. Wilson of Youngstown, Ohio, James Kennedy of Youngstown, Ohio, and Ernest E. Wood of St. Louis, Mo., were admitted to practice.

No. 243. Mary Josephine Scannell et al., plaintiffs in error, *v.* Cote Blanche Company et al. In error to the supreme court of the State of Louisiana. Dismissed with costs, pursuant to the tenth rule.

No. 230. Antonio Ortega, plaintiff in error, *v.* Angela Lara. Argument continued by Mr. George H. Lamar for the plaintiff in error and by Mr. Frederic D. McKenney for the defendant in error, and concluded by Mr. George H. Lamar for the plaintiff in error. Leave granted to counsel for the plaintiff in error to file an additional brief within five days.

No. 231. The Drake & Stratton Company, Limited, plaintiff in error, *v.* John Manwaring. In error to the supreme court of the State of Minnesota. Dismissed, per stipulation.

No. 233. The Texas and Pacific Railway Company, plaintiff in error, *v.* Mugg & Dryden. Submitted by Mr. John F. Dillon, Mr. Winslow S. Pierce and Mr. David D. Duncan for the plaintiff in error. No counsel appeared for the defendants in error.

No. 234. Josiah Millard, appellant, *v.* Ellis H. Roberts, Treasurer, etc., et al. Argued by Mr. Josiah Millard pro se, and submitted by Mr. Wayne MacVeagh, Mr. Frederic D. McKenney, Mr. J. S. Flannery, Mr. George E. Hamilton, Mr. M. J. Colbert, Mr. Solicitor-General Hoyt and Mr. Edward H. Thomas for the appellees.

No. 235. Santa Fe Pacific Railroad Company, plaintiff in error, *v.* Laurete Holmes. Argument commenced by Mr. Gardiner Lathrop for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 19, will be as follows: Nos. 235, 236, 237, 239, 244, 245 (and 246), 247, 248, 249 and 253.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 19, 1906.

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

Frank Hendrick of New York City, N. J. Lafayette-Savay of San Francisco, Cal., Edwin W. Lawrence of Rutland, Vt., Frank McDonough of Denver, Colo., and W. H. Dickson of Salt Lake City, Utah, were admitted to practice.

No. 235. Santa Fe Pacific Railroad Company, plaintiff in error, *v.* Laurete Holmes. Argument continued by Mr. Gardiner Lathrop for the plaintiff in error, by Mr. W. H. Stilwell for the defendant in error, and concluded by Mr. Gardiner Lathrop for the plaintiff in error.

No. 236. Thomas O'Connor, plaintiff in error, *v.* The State of Texas. Argued by Mr. H. G. Dickinson for the plaintiff in error, and submitted by Mr. C. K. Bell for the defendant in error.

No. 237. Peter Pearson et al., petitioners, *v.* William Williams, United States Commissioner of Immigration, etc. Argument commenced by Mr. Eugene Treadwell for the petitioners, and continued by Mr. Assistant Attorney-General Robb for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 20, will be as follows: Nos. 237, 239, 244, 245 (and 246), 247, 248, 249, 253, 254 and 256.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 20, 1906.

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

George P. McCallum of Sault Ste. Marie, Mich., M. M. Riley of Ironwood, Mich., George P. Hoover of Washington, D. C., and George D. Lancaster of Chattanooga, Tenn., were admitted to practice.

No. 254. Oscar D. Halsell et al., appellants, *v.* William C. Renfrow et al. Submitted by Mr. J. H. Everest for the appellants, and by Mr. John W. Shartel and Mr. James R. Keaton for the appellees.

No. 237. Peter Pearson et al., petitioners, *v.* William Williams, United States Commissioner of Immigration, etc. Argument continued by Mr. Assistant Attorney-General Robb for the respondent, and concluded by Mr. Eugene Treadwell for the petitioners.

No. 239. The United States, petitioner, *v.* The Cornell Steamboat Company. Argument commenced by Mr. Assistant Attorney-General McReynolds for the petitioner, continued by Mr. R. D. Benedict for the respondent, and concluded by Mr. Assistant Attorney-General McReynolds for the petitioner.

No. 244. Allan L. McDermott, receiver, etc., plaintiff in error, *v.* Charles E. Severe by his next friend, William B. Severe. Argument commenced by Mr. George P. Hoover for the plaintiff in error, and continued by Mr. A. S. Worthington for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 23, will be as follows: Nos. 244, 14, 13 (original), 245 (and 246), 247, 248, 249, 253, 256 and 257.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 23, 1906.

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

Otis J. Carlton of Haverhill, Mass., Charles T. Hopkins of Atlanta, Ga., Ella Knowles Haskell of Butte, Mont., William E. Warland of New York City, Charles G. McRoberts of Washington, D. C., Walter R. Dortch of Gadsden, Ala., Louis H. Porter of New York City, William F. Riggs of Kansas City, Mo., Frank Burch of Centralia, Wash., and Henry V. Cunningham of Boston, Mass., were admitted to practice.

No. 1. Jose Antonio Fernandez y Perez, plaintiff in error, *v.* Jose Perez y Fernandez. In error to the district court of the United States for the district of Porto Rico. Judgment reversed with costs, and cause remanded with directions to dismiss the suit. Opinion by Mr. Justice Day. Dissenting: Mr. Justice White and Mr. Justice McKenna.

No. 225. George C. Hazelton, appellant, *v.* Margaret R. Sheckels et al., devisees, etc. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 16, Original. The State of Oregon, complainant, *v.* Ethan A. Hitchcock, Secretary of the Interior, et al. Demurrer sustained and bill dismissed with costs. Opinion by Mr. Justice Brewer.

The Chief Justice announced the following orders of the court:

No. 1, Original. The State of New Jersey, complainant, *v.* The State of Delaware. Further proceedings suspended until October 9 next.

No. 2, Original. The State of Iowa, complainant, *v.* The State of Illinois. Final decree entered per stipulation.

No. 11, Original. The State of Louisiana, complainant, *v.* The State of Mississippi. Final decree entered.

No. 23, Original. *Ex parte*: In the matter of Abraham C. Wisner, petitioner. Motion for leave to file petition for writ of mandamus granted and rule to show cause awarded, returnable May 14 next.

No. 24, Original. *Ex parte*: In the matter of Abraham C. Wisner, petitioner. Motion for leave to file petition for writ of prohibition granted and rule to show cause awarded, returnable May 14 next.

No. 597. David Kawananaoka et al., appellants, *v.* Ellen Albertina Polyblank, trustee, etc. Order docketing and dismissing vacated, and leave granted to file record and docket cause upon payment of costs.

No. 653. John B. Ellison et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 673. S. W. Tyson et al., petitioners, *v.* Frank E. Creelman. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 680. J. W. Farrier, petitioner, *v.* Equitable Life Assurance Society of the United States. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 683. John B. Mayer et al., petitioners, *v.* Margaret H. Mander-ville. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 684. John Norgate, petitioner, *v.* The Denver and Rio Grande Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 686. C. Schmitz, etc., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 688. Fields S. Pendleton, petitioner, *v.* Central Railroad of New Jersey. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 689. George A. Pettibone, appellant, *v.* Jasper C. Nichols;

No. 690. Charles H. Moyer, appellant, *v.* Jasper C. Nichols; and

No. 690. William D. Haywood, appellant, *v.* Jasper C. Nichols. Motion to advance granted, and cases assigned for hearing as one case on Tuesday, October 9 next, after the cases already set down for that day.

No. 702. The United States, petitioner, *v.* G. Falk & Bros. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Solicitor-General Hoyt for the petitioner, and by Mr. Edward S. Hatch and Mr. J. Stuart Thompkins for the respondents.

No. 589. The Cincinnati, Hamilton and Dayton Railway Company et al., appellants, *v.* The Interstate Commerce Commission. Time in which to designate parts of record to be printed extended thirty days from May 8 next, per stipulation, on motion of Mr. Solicitor-General Hoyt for the appellee.

No. 21, Original. *Ex parte*: In the matter of James Lincoln, petitioner. Submitted by Mr. Thomas L. Sloan and Mr. W. S. Summer for the petitioner, and by Mr. Solicitor-General Hoyt for the respondent.

No. 699. Carter, Webster Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of

appeals for the fourth circuit submitted by Mr. J. J. Hemphill in behalf of Mr. Edward S. Hatch for the petitioner, and by Mr. Solicitor-General Hoyt for the respondent.

No. 704. The Goat and Sheep Skin Import Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. J. J. Hemphill in behalf of Mr. Edward S. Hatch for the petitioner, and by Mr. Solicitor-General Hoyt for the respondent.

No. 675. Philadelphia and Reading Railway Company, lessee, etc., petitioner, *v.* Benjamin D. Welch, master, et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. John G. Lamb for the petitioner.

No. 710. William E. Barber, claimant, etc., petitioner, *v.* Bernard Guinan; and

No. 711. William E. Barber, claimant, etc., petitioner, *v.* Michael L. Kilfoyle. Petitions for writs of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. LaRoy S. Gove and Mr. James J. Macklin for the petitioners.

No. 269. The United States, appellant, *v.* The American Sugar Refining Company of New York. Motion for leave to counsel for certain interested parties to file briefs herein submitted by Mr. Charles Henry Butler in behalf of counsel.

No. 692. Alice E. Van Epps, as administratrix, etc., petitioner, *v.* The United Box Board and Paper Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Edwin H. Risley for the petitioner, and by Mr. Francis T. Chambers and Mr. John C. Pennie for the respondent.

No. 199. Antonio Jose Amadeo, etc., plaintiff in error, *v.* The Northern Assurance Company;

No. 200. Antonio Jose Amadeo, etc., plaintiff in error, *v.* The Royal Insurance Company; and

No. 201. Federico Amadeo, etc., plaintiff in error, *v.* The Royal Insurance Company. Mandates granted, on motion of Mr. Fritz von Briesen for the plaintiffs in error.

No. 698. Henry E. Frankenberg Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. F. W. Brooks for the petitioner, and by Mr. Solicitor-General Hoyt for the respondent.

No. 701. Amanda S. Whitfield et al., petitioners, *v.* Ætna Life Insurance Company of Hartford, Conn. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted

by Mr. W. F. Evans in behalf of Mr. Frank Hagerman, and Mr. H. S. Hadley for the petitioners.

No. 647. Bainbridge W. Burdick, appellant, *v.* William Dillon et al. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. Selden Bacon for the appellant in support of petition, and by Mr. H. V. Cunningham for the appellees in opposition thereto.

No. 679. Olin J. Garlock et al., petitioners, *v.* James Bennett Forsyth. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. W. W. Dodge in behalf of Mr. W. K. Richardson for the petitioners, and by Mr. Elmer P. Howe for the respondent.

No. 681. Semet-Solvay Company, petitioner, *v.* John F. Wilcox. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. S. H. Holding for the petitioner.

Nos. 705 and 706. Oxford and Coast Line Railroad Company, petitioner, *v.* Union Bank of Richmond, Va. Petitions for writs of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Thomas B. Womack for the petitioner.

No. 682. Charles Krelly, petitioner, *v.* The American Bark Kenilworth, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. J. H. Brinton for the petitioner.

No. 257. Georgetown and Tennallytown Railway Company of the District of Columbia, plaintiff in error, *v.* Elizabeth B. Smith, administratrix, etc. In error to the court of appeals of the District of Columbia. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 244. Allan L. McDermott, receiver, etc., plaintiff in error, *v.* Charles E. Severe by his next friend, William B. Severe. Argument continued by Mr. William Meyer Lewin and Mr. Charles L. Frailey for the defendant in error, and concluded by Mr. Charles A. Douglas for the plaintiff in error. Leave granted to counsel for the defendant in error to file an additional brief within five days, and to counsel for the plaintiff in error to file reply brief within three days thereafter.

No. 14. Reuben Hodges et al., plaintiffs in error, *v.* The United States. Argued by Mr. Attorney-General Moody for the defendant in error, and submitted by Mr. James P. Clarke for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 24, will be as follows: Nos. 13 (original), 245 (and 246), 247, 248, 249, 253, 256, 258, 261 and 262.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 24, 1906.

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

D. Cady Herrick of Albany, N. Y., and John B. Burg of Washington, D. C., were admitted to practice.

No. 261. Union Pacific Railroad Company, appellant, *v.* Robert O. Fink, treasurer, etc., et al.; and

No. 262. Chicago, Burlington and Quincy Railway Company, appellant, *v.* A. F. Carlson et al. Passed, to be heard with No. 614 as one case on October 9 next, per stipulation.

No. 13, Original. The State of Georgia, complainant, *v.* The Tennessee Copper Company et al. Argument commenced by Mr. Ligon Johnson for the complainant, continued by Mr. John H. Frantz for the defendant, the Tennessee Copper Company, by Mr. James G. Parks for the defendants, the Ducktown Sulphur, Copper and Iron Company, and concluded by Mr. John C. Hart for the complainant. Leave granted to counsel for the Tennessee Copper Company to file an additional brief within three days and to counsel for the complainant to file reply brief within three days thereafter.

No. 245. Thomas G. Bush et al., trustees, etc., plaintiffs in error, *v.* J. M. Elliott, jr.; and

No. 246. Thomas G. Bush et al., trustees, etc., plaintiffs in error, *v.* Elliott Car Company. Argument commenced by Mr. James H. Beal for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 25, will be as follows: Nos. 245 (and 246), 247, 248, 249, 253, 256, 258, 264, 266 and 267.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 25, 1906.

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

No. 245. Thomas G. Bush et al., trustees, etc., plaintiffs in error, *v.* J. M. Elliott, jr.; and

No. 246. Thomas G. Bush et al., trustees, etc., plaintiffs in error, *v.* Elliott Car Company. Argument continued by Mr. James H. Beal for the plaintiffs in error, by Mr. Amos E. Goodhue for the defendants in error, and concluded by Mr. George D. Lancaster for the plaintiffs in error.

No. 247. Joseph Naganab, appellant, *v.* Ethan Allen Hitchcock, Secretary of the Interior. Argued by Mr. Tracy L. Jeffords for the appellant, and by Mr. William C. Pollock for the appellee.

No. 248. Thomas H. Hulbert, plaintiff in error, *v.* The City of Chicago. Submitted by Mr. George W. Wilbur for the plaintiff in error, and by Mr. James Hamilton Lewis for the defendant in error.

No. 249. Tomas C. Gutierrez et al., appellants, *v.* The Territory of New Mexico ex rel. Thomas J. Curran et al. Submitted by Mr. W. B. Childers for the appellants, and by Mr. Frank W. Clancy for the appellees.

No. 253. Wishkah Boom Company, appellant, *v.* The United States. Argument commenced by Mr. Austin E. Griffiths for the appellant, continued by Mr. Assistant to the Attorney-General Purdy for the appellee, and by Mr. Austin E. Griffiths for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 26, will be as follows: Nos. 253, 256, 258, 264, 266 (and 267), 268, 269, 270, 272 and 274.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 26, 1906.

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

Albert Smith of Denver, Colo., and E. Hilton Jackson of Washington, D. C., were admitted to practice.

No. 269. The United States, appellant, *v.* The American Sugar Refining Company of New York. Leave granted to file briefs herein as *amicus curiæ*.

No. 264. Leonidas M. Lawson et al., petitioners, *v.* United States Mining Company. Continued, per stipulation.

No. 253. Wishkah Boom Company, appellant, *v.* The United States. Argument concluded by Mr. Austin E. Griffiths for the appellant. Leave granted to counsel for the appellee to file an additional brief.

No. 256. The Merchants' National Bank of Cincinnati, plaintiff in error, *v.* Theresa J. Wehrmann, executrix, etc., et al. Argument commenced by Mr. W. C. Herron for the plaintiff in error, continued by Mr. C. Bentley Matthews for the defendants in error, and concluded by Mr. W. C. Herron for the plaintiff in error.

No. 258. The New York Foundling Hospital, appellant, *v.* John C. Gatti. Argued by Mr. D. Cady Herrick for the appellant, and by Mr. Walter Bennett for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 27, will be as follows: Nos. 266 (and 267), 268, 269, 270, 272, 274, 275, 278, 281, and 283.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 27, 1906.

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

Zell Gaston of Birmingham, Ala., Reagan Houston of San Antonio, Tex., Pierre P. Ferry of Seattle, Wash., and Allan Sholars of Monroe, La., were admitted to practice.

No. 245. Thomas G. Bush et al., trustees, etc., plaintiffs in error, *v.* J. M. Elliott, jr.; and

No. 246. Thomas G. Bush et al., trustees, etc., plaintiffs in error, *v.* Elliott Car Company. Leave granted to file additional brief for defendants in error, on motion of Mr. A. E. Goodhue for the defendants in error.

No. 266. P. O. Cox et al., plaintiffs in error, *v.* The State of Texas; and

No. 267. P. O. Cox et al., plaintiffs in error, *v.* W. B. Thompson. Argued by Mr. J. C. McReynolds for the plaintiffs in error, and submitted by Mr. C. K. Bell for the defendants in error.

No. 268. Ayer & Lord Tie Company, plaintiff in error, *v.* The Commonwealth of Kentucky by Frank A. Lucas, revenue agent. Argued by Mr. C. E. Kremer for the plaintiff in error, and Mr. N. B. Hays for the defendant in error.

No. 652. Franklin Sugar Refining Company, appellant, *v.* The United States. Advanced to be heard with No. 269, on motion of Mr. John G. Johnson for the appellant.

No. 269. The United States, appellant, *v.* The American Sugar Refining Company; and

No. 652. Franklin Sugar Refining Company, appellant, *v.* The United States. Argument commenced by Mr. Solicitor-General Hoyt for the United States, continued by Mr. John G. Johnson for the sugar refining companies, and concluded by Mr. Solicitor-General Hoyt for the United States. Leave granted to counsel to file additional briefs within one week.

Adjourned until Monday next at 12 o'clock.

The day call has been suspended for the term.



SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 30, 1906.

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

Edgar P. Benjamin of Boston, Mass., James Trotter of Bessemer, Ala., James J. Mars of Sapulpa, Ind. T., Frederick H. Randall of Denver, Colo., James A. Allen of New York City, Charles H. Isbell of Akron, Ohio, Peter S. Maher of Boston, Mass., and Herbert Noble of New York City were admitted to practice.

No. 227. The United States, appellant, *v.* The Milliken Imprinting Company. Appeal from the Court of Claims. Judgment reversed, and cause remanded with directions to enter judgment for the United States. Opinion by Mr. Justice Holmes.

No. 553. Robert Sawyer and Arthur Adams, plaintiffs in error, *v.* The United States. In error to the circuit court of the United States for the eastern district of North Carolina. Judgment affirmed. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice White.

No. 213. First National Bank of Baltimore, petitioner, *v.* William H. Staake, trustee, etc., et al.; and

No. 214. Henry K. McHarg, et al., receivers, etc., et al., petitioners, *v.* William H. Staake, trustee, etc. On writs of certiorari to the United States circuit court of appeals for the fourth circuit. Judgments affirmed with costs, and cause remanded to the district court of the United States for the western district of Virginia. Opinion by Mr. Justice Brown. Dissenting: Mr. Justice Harlan, Mr. Justice White and Mr. Justice Peckham.

No. 494. E. L. Whitney, warden, etc., appellant, *v.* George Dick. Appeal from the United States circuit court of appeals for the ninth circuit. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brewer.

No. 557. E. L. Whitney, warden, etc., petitioner, *v.* George Dick. On writ of certiorari to the United States circuit court of appeals for the ninth circuit. Order reversed with costs, and cause remanded with directions to quash the writ of certiorari and dismiss the petition. Opinion by Mr. Justice Brewer.

No. 346. *The United States, appellant, v. The Cherokee Nation* ;

No. 347. *The Eastern Cherokees, appellant, v. The Cherokee Nation et al.*; and

No. 348. *The Cherokee Nation, appellant, v. The United States.* Appeals from the Court of Claims. Judgment modified and affirmed. Opinion by Mr. Chief Justice Fuller.

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

No. 647. *Bainbridge W. Burdick, appellant, v. William Dillon et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 675. *Philadelphia and Reading Railway Company, lessee, etc., petitioners, v. Benjamin D. Welch, master, etc., et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 679. *Olin J. Garlock et al., petitioners, v. James Bennett Forsyth.* Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 681. *Semet-Solvay Company, petitioner, v. John F. Wilcox.* Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 682. *Charles Krelly, petitioner, v. The American Bark Kenilworth, etc.* Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 692. *Alice E. Van Epps as administratrix, etc., petitioner, v. The United Box Board and Paper Company.* Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 699. *Carter, Webster Company, petitioner, v. The United States.* Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 701. *Amanda S. Whitfield et al., petitioners, v. Ætna Life Insurance Company of Hartford, Conn.* Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit granted.

No. 704. *The Goat and Sheep Skin Import Company, petitioner, v. The United States.* Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

Nos. 705 and 706. *Oxford and Coast Line Railroad Company, petitioner, v. Union Bank of Richmond, Va.* Petitions for writs of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 710. *William E. Barber, claimant, etc., petitioner, v. Bernard Guinan.* Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 711. William E. Barber, claimant, etc., petitioner, *v.* Michael F. Kilfoyle. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 698. Henry E. Frankenberg Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 702. The United States, petitioner, *v.* G. Falk & Bros. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

Order: It is ordered by the court that all petitions for writs of certiorari filed before May 12, 1906, be submitted on May 14 unless good cause to the contrary be shown.

No. 708. The United States, appellant, *v.* The William Cramp & Sons Ship and Engine Building Company; and

No. 709. The William Cramp & Sons Ship and Engine Building Company, appellant, *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Hoyt for the United States.

No. 511. Eau Claire National Bank, plaintiff in error, *v.* Ralph W. Jackman, trustee, etc. Suggestion of diminution of record and motion for a writ of certiorari submitted by Mr. J. J. Jenkins in behalf of counsel for plaintiff in error.

No. 716. Albert H. Brown et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. W. F. Riggs for the petitioners, and by Mr. Solicitor-General Hoyt for the respondent.

No. —, Original. The State of Kansas, complainant, *v.* The United States et al. Motion for leave to file bill of complaint submitted by Mr. C. C. Coleman for the complainant.

No. 728. The Cheniere Land and Lumber Company, petitioner, *v.* Sugar Brothers Company, Limited, et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Allan Sholars for the petitioner.

No. 725. Louis A. Cella et al., petitioners, *v.* James Brown et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Henry W. Bond and Mr. William C. Marshall for the petitioners.

No. 643. The Goodyear Shoe Machinery Company of Portland, Me., petitioner, *v.* Christian Dancel et al., administrators, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Edwards H. Childs and Mr. Louis D. Brandeis for the petitioner, and by Mr. Roger Foster and Mr. J. Philip Berg for the respondents.

No. 726. Mrs. Mary Jones, petitioner, *v.* The Southern Pacific Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. E. Howard McCaleb, jr., and Mr. E. Howard McCaleb for the petitioner.

No. 733. Western Assurance Company of Toronto, Canada, petitioner, *v.* Morgan City Improvement Company, Limited. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Lamar C. Quintero and Mr. Harry H. Hall for the petitioner.

No. 297. The Dakota, Wyoming and Missouri River Railroad Company et al., plaintiffs in error, *v.* Charles D. Crouch et al., trustees. Suggestion of diminution of the record and motion for a writ of certiorari submitted by Mr. Frederick C. Bryan for the plaintiffs in error.

No. 631. W. E. Trenchard et al., appellants, *v.* F. Kell et al., trustees. Motion to dismiss submitted by Mr. Robert M. Hughes and Mr. F. H. Busbee in support of motion, and by Mr. Herbert Noble and Mr. W. W. Fuller in opposition thereto.

No. 700. Metropolitan Life Insurance Company, petitioner, *v.* Camilla B. Talbot, administrator, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Maurice E. Locke for the petitioner.

No. 723. Charles M. Newton, receiver, etc., et al., petitioners, *v.* The Choctaw and Memphis Railroad Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. G. B. Rose, Mr. U. M. Rose, Mr. W. E. Hemingway and Mr. John McClure for the petitioners, and by Mr. W. F. Evans, Mr. J. M. Moore and Mr. M. A. Low for the respondents.

Adjourned until Monday, May 14, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 14, 1906.

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

P. P. Christensen of Salt Lake City, Utah, Capell L. Weems of St. Clairsville, Ohio, W. V. Walton of Woodsfield, Ohio, I. Q. H. Alward of Washington, D. C., Robert V. Davidson of Galveston, Tex., Frederick W. Zollman of St. Paul, Minn., Charles M. O'Neill of Sherburn, Minn., William Windsor of Hingham, Mass., William O. Cromwell of Enid, Okla., Lionel D. Hargis of Manila, P. I., Arthur G. Bush of Davenport, Iowa, Robert E. Wood of Shawnee, Okla., George H. Williams of St. Louis, Mo., Henry D. Williams of New York City, Charles M. Hough of New York City, and Henry L. Lorenz of Toledo, Ohio, were admitted to practice.

No. 228. The United States, petitioner, *v.* Emil Dieckerhoff et al. On writ of certiorari to the United States circuit court of appeals for the second circuit. Judgment of United States circuit court of appeals reversed and judgment of circuit court affirmed, and cause remanded to the circuit court of the United States for the southern district of New York. Opinion by Mr. Justice Day. (Mr. Justice Brewer took no part in the decision of this case.)

No. 237. Peter Pearson et al., petitioners, *v.* William Williams, United States commissioner of immigration at the port of New York. On writ of certiorari to the United States circuit court of appeals for the second circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the southern district of New York. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Harlan, Mr. Justice Brewer and Mr. Justice Peckham.

No. 254. Oscar D. Halsell et al., plaintiffs in error, *v.* William C. Renfrow et al. Appeal from the supreme court of the Territory of Oklahoma. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 256. The Merchants National Bank of Cincinnati, plaintiff in error, *v.* Theresa J. Wehrmann, executrix, etc., et al. In error to the supreme court of the State of Ohio. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the

opinion of this court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Harlan, Mr. Justice Brewer and Mr. Justice McKenna.

No. 226. Gila Bend Reservoir and Irrigation Company, appellant, *v.* The Gila Water Company. Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs. Opinion by Mr. Justice McKenna.

No. 248. Thomas H. Hulbert, plaintiff in error, *v.* The City of Chicago. In error to the supreme court of the State of Illinois. Dismissed for the want of jurisdiction. Opinion by Mr. Justice McKenna.

No. 178. Security Mutual Life Insurance Company, plaintiff in error, *v.* Henry R. Prewitt, insurance commissioner; and

No. 184. The Travelers' Insurance Company of Hartford, Conn., plaintiff in error, *v.* Henry R. Prewitt, insurance commissioner, etc. In error to the court of appeals of the State of Kentucky. Petitions for rehearing granted, judgments of dismissal set aside, and judgments affirmed with costs. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Day and Mr. Justice Harlan.

No. 233. The Texas and Pacific Railway Company, plaintiff in error, *v.* Mugg & Dryden, a partnership, etc. In error to the court of civil appeals for the second supreme judicial district of the State of Texas. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice White.

No. 196. Joseph J. Darlington and George W. Gray, executors, etc., appellants, *v.* Erle H. Turner et al. Appeal from the court of appeals of the District of Columbia. Decree reversed and case remanded with directions to reverse the decree of the supreme court of the District of Columbia and to remand the case to that court with directions to enter a decree in conformity with the opinion of this court. Costs in this court and in both courts below to be paid by complainants and before distribution of sum for which estate of Tracy is held accountable. Opinion by Mr. Justice White. (Mr. Justice Brown took no part in the decision of this case.)

No. 239. The United States, petitioner, *v.* The Cornell Steamboat Company. On writ of certiorari to the United States circuit court of appeals for the second circuit. Judgment affirmed and cause remanded to the district court of the United States for the southern district of New York. Opinion by Mr. Justice Brown. Dissenting: Mr. Chief Justice Fuller.

No. 21, Original. *Ex parte*: In the matter of James Lincoln, petitioner. Petition for a writ of habeas corpus denied. Opinion by Mr. Justice Brewer.

No. 207. Robert Devine et al., appellants, *v.* The City of Los Angeles. Appeal from the circuit court of the United States for the southern district of California. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

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

No. 253. Wishkah Boom Company, appellant, *v.* The United States. Appeal from the United States circuit court of appeals for the ninth circuit. Dismissed for the want of jurisdiction. *Haseltine v. Central Bank*, 183 U. S., 130; *Schlosser v. Hemphill*, 198 U. S., 173; *United States v. Krall*, 174 U. S., 385; *McLish v. Roff*, 141 U. S., 661; Act August 13, 1888, 25 Stat., 433, c. 866, sec. 1; *United States v. Sayward*, 160 U. S., 493, 498.

No. 511. Eau Claire National Bank, plaintiff in error, *v.* Ralph W. Jackman, trustee, etc. On suggestion of diminution of record writ of certiorari granted, the record presented with the motion to stand as a return to the writ.

No. 631. W. E. Trenchard et al., appellants, *v.* F. Kell et al. Appeal from the circuit court of the United States for the eastern district of North Carolina. Dismissed for the want of jurisdiction. *Maynard v. Hecht*, 151 U. S., 324; *Colvin v. Jacksonville*, 158 U. S., 456; *Chamberlain v. P. R. Rwy. Co.*, 118 Fed. R., 32.

No. 643. The Goodyear Shoe Machinery Company of Portland Me., petitioner, *v.* Christian Dancel et al., administrators, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 700. Metropolitan Life Insurance Company, petitioner, *v.* Camilla B. Talbott, administratrix, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 708. The United States, appellant, *v.* The William Cramp & Sons Ship and Engine Building Company; and

No. 709. The William Cramp & Sons Ship and Engine Building Company, appellant, *v.* The United States. Motions to advance denied without prejudice.

No. 716. Albert H. Brown et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 723. Charles M. Newton, receiver, etc., et al., petitioners, *v.* The Choctaw and Memphis Railroad Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 725. Louis A. Cella et al., petitioners, *v.* James Brown et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 726. Mrs. Mary Jones, petitioner, *v.* The Southern Pacific Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 728. The Cheniere Land and Lumber Company, petitioner, *v.* Sugar Brothers Company, Limited, et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 733. Western Assurance Company of Toronto, Canada, petitioner, *v.* Morgan City Improvement Company, Limited. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

Order: Ordered that the new bond of the marshal of this court be entered of record.

No. 10, Original. The United States, complainant, *v.* The State of Michigan. Leave granted to file stipulation as to compensation of commissioner, and order entered thereon, on motion of Mr. Solicitor-General Hoyt for the complainant.

No. 4, Original. The State of Missouri, complainant, *v.* The State of Illinois et al. Motion as to taxation of costs submitted by Mr. E. C. Lindley for the defendants, and leave granted to file briefs thereon within one week.

No. 11, Original. The State of Louisiana, complainant, *v.* The State of Mississippi. Motion to amend decree as to costs submitted by Mr. Hannis Taylor for the defendant in support of motion, and by Mr. John Dymond, jr., Mr. Walter Guion and Mr. F. C. Zacharie for the complainant in opposition thereto.

No. 593. The Chicago, Rock Island and Pacific Railway Company, plaintiff in error, *v.* D. Roy Mumford. Motion to set aside order granting supersedeas submitted by Mr. A. G. Bush and Mr. N. D. Ely for the defendant in error in support of motion, and by Mr. Robert Mather for the plaintiff in error in opposition thereto.

No. 448. The Eagle Ore Sampling Company, petitioner, *v.* Duncan Chisholm, trustee. Continued until October 9 next.

No. 346. The United States, appellant, *v.* The Cherokee Nation;

No. 347. The Eastern Cherokees, appellant, *v.* The Cherokee Nation et al., and

No. 348. The Cherokee Nation, appellant, *v.* The United States. Mandate granted, on motion of Mr. Robert L. Owen for the Eastern Cherokees.

No. 740. The Great Western Natural Gas and Oil Company et al., petitioners, *v.* Leo Oppenheimer, receiver, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Louis A. Pradt in behalf of Mr. W. H. Button for the petitioners, and by Mr. Abram I. Elkus for the respondent.

No. 750. Mary V. Cortelyou et al., administratrix, etc., et al., petitioners, *v.* Charles Eneu Johnson & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Samuel O. Edmonds and Mr. Edmund Wetmore for the petitioners, and by Mr. Francis T. Chambers for the respondents.

No. 514. Elbert R. Robinson, petitioner, *v.* The American Car and Foundry Company. Continued until October 9 next. Motion to amend record submitted by Mr. J. Gray Lucas for the petitioner.

No. 755. Marcus K. Bitterman et al., petitioners, *v.* Louisville and Nashville Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Louis Marshall, Mr. Henry L. Lazarus and Mr. Moritz Rosenthal for the petitioners, and by Mr. George Denegre and Mr. J. P. Blair for the respondent.

No. 727. Henry B. F. Macfarland et al., commissioners, etc., petitioners, *v.* Le Roy D. Walter et al. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. Edward H. Thomas for the petitioners.

No. 670. Samuel H. Leathe, plaintiff in error, *v.* Edward L. Thomas. Motion to dismiss submitted by Mr. Edward L. Thomas *pro se* in support of motion, and by Mr. James S. Harlan and Mr. John Maynard Harlan in opposition thereto.

No. 742. William A. Force, petitioner, *v.* Sawyer-Boss Manufacturing Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. W. E. Warland for the petitioner, and by Mr. H. A. West for the respondents.

Nos. 23 and 24, Original. *Ex parte*: In the matter of Abram C. Wisner, petitioner. Submitted on return to rule by Mr. J. J. Darlington, Mr. James C. Jones and Mr. H. S. Mecartney for the petitioner, and by Mr. John M. Moore, Mr. Edward C. Eliot and Mr. George H. Williams for the respondent.

No. 1. Jose Antonio Fernandez y Perez, plaintiff in error, *v.* Jose Perez y Fernandez. Motion for a writ of restitution submitted by Mr. William R. Harr in behalf of counsel for the plaintiff in error.

No. 753. Ironclad Manufacturing Company, petitioner, *v.* Orange County Milk Association; and

No. 754. Ironclad Manufacturing Company, petitioner, *v.* Dairymen's

Manufacturing Company. Petition for writs of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Andrew Foulds, jr., for the petitioner, and by Mr. Henry D. Williams and Mr. Richard L. Sweezy for the respondents.

No. 736. Henry P. Dodge et al., petitioners, *v.* The Woodville White Lime Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. William W. Dodge for the petitioners.

No. 113. Ann Francis, plaintiff in error, *v.* Peter J. Francis et al. Motion to vacate order of dismissal submitted by Mr. Nathaniel T. Crutchfield for the plaintiff in error.

No. 756. D. S. Osborne et al., trustees of Carrick Academy, plaintiffs in error, *v.* R. A. Clark et al. In error to the supreme court of the State of Tennessee. Docketed and dismissed with costs, on motion of Mr. Thomas H. Clark for the defendants in error.

No. 749. Erie Railroad Company, claimant, petitioner, *v.* The Pennsylvania Railroad Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Herbert Green for the petitioner, and by Mr. Henry Galbraith Ward and Mr. Charles S. Haight for the respondents.

No. 751. George Deslions et al., petitioners, *v.* La Compagnie Generale Transatlantique, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Robert D. Benedict, Mr. Joseph H. Choate and Mr. A. Gordon Murray for the petitioners, with leave to Mr. Edward K. Jones for the respondent to file statement within three days.

No. 511. Eau Claire National Bank, plaintiff in error, *v.* Ralph W. Jackman, trustee, etc. Motion to dismiss submitted by Mr. William P. Bartlett for the defendant in error in support of the motion, and by Mr. Burr W. Jones for the plaintiff in error in opposition thereto.

No. 685. Francisco Dones, appellant, *v.* Jose Urrutia, warden, etc. Submitted by Mr. Frederic D. McKenney for the appellant, and by Mr. Solicitor-General Hoyt for the appellee, with leave to counsel for appellant to file brief within one week.

No. 752. The Dene Steamshipping Company, Limited, petitioner, *v.* The Tweedie Trading Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Frederic D. McKenney in behalf of Mr. J. Parker Kirlin and Mr. Charles R. Hickox for the petitioner, and by Mr. Charles S. Haight for the respondent.

Adjourned until Monday, May 21, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 21, 1906.

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

Frank E. Hammond of Hamburg, Iowa, Allen Clare Malloy of Hutchinson, Kans., Rudolph L. Golze of Philadelphia, Pa., Frank H. Bassett of Binghamton, N. Y., Levi Davis of Alton, Ill., Carl A. Vogel of Chicago, Ill., Abraham L. Brick of South Bend, Ind., Anson S. Taylor of Washington, D. C., Charles H. Ennis of Washington, D. C., D. Laurence Groner of Norfolk, Va., Tazewell Taylor of Norfolk, Va., and Charles H. Burr of Philadelphia, Pa., were admitted to practice.

No. 133. *The Mayor and Aldermen of the City of Vicksburg, appellants, v. The Vicksburg Water Works Company.* Appeal from the circuit court of the United States for the southern district of Mississippi. Decree modified and affirmed with costs. Opinion by Mr. Justice Day. Dissenting: Mr. Justice Harlan.

No. 247. *Joseph Naganab, appellant, v. Ethan Allen Hitchcock, Secretary of the Interior.* Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Day.

No. 245. *Thomas G. Bush et al., trustees, etc., plaintiffs in error, v. J. M. Elliott, jr.; and*

No. 246. *Thomas G. Bush et al., trustees, etc., plaintiffs in error, v. Elliott Car Company.* In error to the circuit court of the United States for the northern district of Alabama. Judgments reversed with costs, and causes remanded for further proceedings in conformity to law. Opinion by Mr. Justice Day.

No. 266. *P. O. Cox et al., plaintiffs in error, v. The State of Texas; and*

No. 267. *P. O. Cox et al., plaintiffs in error, v. W. B. Thompson.* In error to the court of civil appeals for the third supreme judicial district of the State of Texas. Judgments affirmed with costs. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Harlan, Mr. Justice Brewer and Mr. Justice Brown.

No. 234. Josiah Millard, appellant, *v.* Ellis H. Roberts, Treasurer, etc., et al. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice McKenna.

No. 235. Santa Fe Pacific Railroad Company, plaintiff in error, *v.* Laurete Holmes. In error to the United States circuit court of appeals for the ninth circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the southern district of California. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Brewer.

No. 268. Ayer & Lord Tie Company, plaintiff in error, *v.* The Commonwealth of Kentucky by Frank A. Lucas, revenue agent. In error to the court of appeals of the State of Kentucky. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice White.

No. 215. Harriet T. James, administratrix of Charles P. James, deceased, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment reversed, and cause remanded with directions to enter a judgment for the petitioner. Opinion by Mr. Justice White.

No. 539. Joseph Ralph Burton, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the eastern district of Missouri. Judgment affirmed. Opinion by Mr. Justice Harlan. Mr. Justice McKenna specially concurring. Dissenting: Mr. Justice Brewer, Mr. Justice White and Mr. Justice Peckham.

No. 230. Antonio Ortega, plaintiff in error, *v.* Angela Lara. In error to the district court of the United States for the district of Porto Rico. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

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

No. 216. The Interstate Commerce Commission, appellant, *v.* The Lake Shore and Michigan Central Railway Company et al. Appeal from the circuit court of the United States for the northern district of Ohio. Decree affirmed with costs by a divided court. (Mr. Justice Holmes took no part in the consideration of this case.)

No. 13, Original. The State of Georgia, complainant, *v.* The Tennessee Copper Company et al. Leave granted to file additional affidavits on both sides by October 2 next.

No. 249. Tomas C. Gutierrez et al., appellants, *v.* The Territory of New Mexico ex rel. Thomas J. Curran et al. Appeal from the supreme court of the Territory of New Mexico. Dismissed for the want of jurisdiction on the authority of *Albright v. Sandoval*, 200 U. S., 9.

No. 25, Original. The State of Kansas, complainant, *v.* The United States et al. Motion for leave to file bill of complaint granted without prejudice, process to issue returnable on the first day of the next term.

No. 297. The Dakota, Wyoming and Missouri River Railroad Company et al., plaintiffs in error, *v.* Charles D. Crouch et al., trustees. Motion for writ of certiorari denied.

No. 1. Jose Antonio Fernandez y Perez, plaintiff in error, *v.* Jose Perez y Fernandez. Motion for writ of restitution denied, with liberty to apply to the district court.

No. 113. Ann Francis, plaintiff in error, *v.* Peter J. Francis et al. Motion to vacate order of dismissal granted.

No. 514. Elbert R. Robinson, petitioner, *v.* The American Car and Foundry Company. Motion to amend record denied.

No. 670. Samuel H. Leathe, plaintiff in error, *v.* Edward L. Thomas. Motion to dismiss or affirm postponed to the hearing of the case on its merits.

No. 727. Henry B. F. Macfarland et al., etc., petitioners, *v.* Le Roy D. Walter et al. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 736. Henry P. Dodge et al., petitioners, *v.* The Woodville White Lime Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 740. The Great Western Natural Gas and Oil Company et al., petitioners, *v.* Leo Oppenheimer, receiver, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 742. William A. Force, petitioner, *v.* Sawyer-Boss Manufacturing Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 749. Erie Railroad Company, claimant, etc., petitioner, *v.* The Pennsylvania Railroad Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 750. Mary V. Cortelyou et al., administrators, etc., et al., petitioners, *v.* Charles Eneu Johnson & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 751. George Deslions et al., petitioners, *v.* La Compagnie Generale Transatlantique, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 752. The Dene Steamshipping Company, Limited, petitioner, *v.* The Tweedie Trading Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 753. Ironclad Manufacturing Company, petitioner, *v.* Orange County Milk Association; and

No. 754. Ironclad Manufacturing Company, petitioner, *v.* Dairymen's Manufacturing Company. Petitions for writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 755. Marcus K. Bitterman et al., petitioners, *v.* Louisville and Nashville Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit granted.

No. 539. Joseph Ralph Burton, plaintiff in error, *v.* The United States. Leave granted to present petition for rehearing herein within sixty days, on motion of Mr. J. M. Thurston in behalf of counsel for the plaintiff in error.

No. 759. Frank D. Zell, plaintiff in error, *v.* The Judges of the Circuit Court of the United States for the Eastern District of Virginia. Motions to dismiss or affirm or to vacate the supersedeas and to suspend rule as to notice of motions submitted by Mr. D. Laurence Groner, Mr. Hampton L. Carson and Mr. Tazewell Taylor for the defendants in error in support of motions, with leave to counsel for the plaintiff in error to file brief in opposition within three days.

No. —. *Ex parte*: In the matter of James Hamilton Lewis, petitioner. Motion for leave to file petition for a writ of certiorari submitted by Mr. Holmes Conrad for the petitioner.

No. 761. Ozan Lumber Company, petitioner, *v.* Union County National Bank of Liberty, Ind. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Robert A. Howard in behalf of Mr. U. M. Rose and Mr. T. C. McRae for the petitioner, and by Mr. Morris M. Cohn for the respondent.

No. 606. William T. Waggoner et al., petitioners, *v.* The Bank of America et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Joseph R. Cooper in behalf of Mr. W. O. Davis for the petitioner, and by Mr. Ben M. Terrell for the respondent.

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

SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 28, 1906.

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

Walter Large of New York City, Harris L. Sparhawk of Philadelphia, Pa., Adolph Raphael of Chicago, Ill., Timothy S. Hogan of Wellston, Ohio, John R. Henio of Duluth, Minn., John J. McCarthy of Ponca, Nebr., Allison D. Gibbs of Manila, P. I., William H. Davies of St. Louis, Mo., Joshua Freeman Grozier of Denver, Colo., Charles W. Darrow of Glenwood Springs, Colo., Charles F. Potter of Denver, Colo., E. Finley Johnson of Manila, P. I., Baldy Vinson of Little Rock, Ark., W. Hall Harris of Baltimore, Md., J. Theo Rupli of Washington, D. C., Charles K. Carpenter of New York City, Thomas Allen, 3d, of New York City, Burton L. French of Moscow, Idaho, John Hurly of Washington, D. C., William W. Millan of Washington, D. C., Theodore C. Ayers of St. Clairsville, Ohio, John J. Thomas of Seward, Nebr., George G. Jennings of Woodsfield, Ohio, Charles Samuel Buchanan of Woodsfield, Ohio, John Pollock of St. Clairsville, Ohio, and William H. Cooke of Woodsfield, Ohio, were admitted to practice.

No. 244. Allan L. McDermott, receiver, etc., plaintiff in error, *v.* Charles E. Severe, by his next friend, William B. Severe. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 4, Original. The State of Missouri, complainant, *v.* The State of Illinois et al. Motion as to taxation of costs granted. Opinion by Mr. Justice Holmes.

Nos. 81 and 82. The People of the State of New York upon the relation of the New York Central and Hudson River Railroad Company, plaintiff in error, *v.* Nathan L. Miller, as comptroller of the State of New York. In error to the supreme court of the State of New York; and

Nos. 586, 587 and 588. The People of the State of New York upon

the relation of the New York Central and Hudson River Railroad Company, plaintiff in error, *v. Otto Kelsey*, comptroller of the State of New York. In error to the court of appeals of the State of New York. Judgments affirmed with costs. Opinion by Mr. Justice Holmes.

No. 269. The United States, appellant, *v. The American Sugar Refining Company of New York*. Appeal from the circuit court of the United States for the southern district of New York. Decree reversed, and cause remanded with directions to affirm the order of the Board of General Appraisers. Opinion by Mr. Justice McKenna.

No. 652. Franklin Sugar Refining Company, appellant, *v. The United States*. Appeal from the circuit court of the United States for the eastern district of Pennsylvania. Decree affirmed. Opinion by Mr. Justice McKenna.

No. 370. Franklin McNeill et al., appellants, *v. Southern Railway Company*; and

No. 594. Southern Railway Company, appellant, *v. Franklin McNeill et al.* Appeals from the circuit court of the United States for the eastern district of North Carolina. Decree modified and affirmed. Costs to be paid by McNeill et al. Opinion by Mr. Justice White.

No. 220. John W. McDonald, receiver, etc., appellant, *v. Chauncey Dewey et al.*, executors of Charles P. Dewey, deceased; and

No. 530. Chauncey Dewey et al., executors, etc., appellants, *v. John W. McDonald*, receiver, etc. Appeals from the United States circuit court of appeals for the seventh circuit. Decree affirmed in part and reversed in part, costs to be paid by Dewey et al., and cause remanded to the circuit court of the United States for the northern district of Illinois for further proceedings consistent with the opinion of this court. Opinion by Mr. Justice Brown. Dissenting: Mr. Justice White, Mr. Justice McKenna and Mr. Justice Day.

No. 236. Thomas O'Connor, plaintiff in error, *v. The State of Texas*. In error to the supreme court of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 14. Reuben Hodges et al., plaintiffs in error, *v. The United States*. In error to the district court of the United States for the eastern district of Arkansas. Judgment reversed, and cause remanded with directions to sustain the demurrer to the indictment. Opinion by Mr. Justice Brewer. Mr. Justice Brown concurs in the result. Dissenting: Mr. Justice Harlan and Mr. Justice Day.

No. 149 of October term, 1904. Frederic W. Lincoln et al., plaintiffs in error, *v. The United States*. In error to the district court of the United States for the southern district of New York; and

No. 466 of October term, 1904. Warner, Barnes & Company, Limited, appellant, *v.* The United States. Appeal from the Court of Claims. Ordered that judgments heretofore entered in these cases stand. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice White and Mr. Justice McKenna.

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

No. 685. Francisco Dones, appellant, *v.* Jose Urrutia, warden of the penitentiary of Porto Rico. Appeal from the supreme court of Porto Rico. Final order affirmed with costs. Act April 12, 1900, 31 Stat., 77, c. 191, secs. 33, 34, 35, 15; Ortega *v.* Lara, ante, p. —; Perez *v.* Fernandez, 202 U. S., 80; Porto Rican Laws and Code of Civil Procedure, 1904, pp. 103, 104, 110; Ex parte Ward, 173 U. S., 454; United States *v.* Bellingham Bay Boom Company, 176 U. S., 214.

No. 11, Original. The State of Louisiana, complainant, *v.* The State of Mississippi. Motion to amend decree as to costs denied.

No. —, Original. Ex parte: In the matter of James Hamilton Lewis, petitioner. Motion for leave to file a petition for a writ of certiorari denied. Jones *v.* Montague, 194 U. S., 147; Security Insurance Company *v.* Prewitt, 200 U. S., 446; Mills *v.* Green, 159 U. S., 651; Bessette *v.* W. B. Conkey Company, 194 U. S., 324.

No. 511. Eau Claire National Bank, plaintiff in error, *v.* Ralph W. Jackman, trustee, etc. Consideration of the motion to dismiss postponed until record is printed, or so much thereof as will enable the court to act understandingly without referring to the transcript.

No. 606. William T. Waggoner et al., petitioners, *v.* The Bank of America et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 761. Ozan Lumber Company, petitioner, *v.* Union County National Bank of Liberty, Ind. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit granted.

No. 756. D. S. Osborne et al., trustees, etc., plaintiffs in error, *v.* R. A. Clark et al. Order docketing and dismissing vacated and set aside.

No. 26, Original. The United States, plaintiff, *v.* John F. Shipp et al. Leave granted to file information for contempt and rule awarded returnable on the second Monday of the next term (October 15), on motion of Mr. Attorney-General Moody for the plaintiff.

No. 19, Original. State of Washington, complainant, *v.* State of Oregon. Leave granted to file answer to cross-bill, on motion of Mr. S. H. Piles for the complainant.

No. 767. Arthur Weinreb et al., petitioners, *v.* Joseph H. Fink. Petition for a writ of certiorari to the United States circuit court of

appeals for the second circuit submitted by Mr. F. M. Czaki for the petitioner, and by Mr. Adolph Bloch for the respondent.

No. 768. Francisco Rivera *alias* Pancheto, appellant, *v.* Jose Urrutia, warden, etc. Appeal from the supreme court of Porto Rico. Docketed and dismissed with costs, on motion of Mr. Solicitor-General Hoyt for the appellee.

No. 514. Elbert R. Robinson, petitioner, *v.* The American Car and Foundry Company. Motion to dispense with printed records submitted by Mr. J. Gray Lucas for the petitioner.

No. 226. Gila Bend Reservoir and Irrigation Company, appellant, *v.* The Gila Water Company. Motion for leave to present petition for a rehearing entered, and mandate stayed for fifteen days, on motion of Mr. Hugh T. Taggart in behalf of counsel for appellant.

No. 703. Hugh Wallace et al., plaintiffs in error, *v.* Mrs. Ella Adams, etc. Motion to advance submitted by Mr. L. T. Michener in behalf of counsel for the plaintiffs in error.

It is ordered that the following correspondence be spread upon the record:

SUPREME COURT OF THE UNITED STATES.

May 28, 1906.

DEAR BROTHER BROWN: We can not allow your active participation in the work of the court to terminate with the adjournment of to-day without the expression of our sincere regret.

You came here with high reputation, justly deserved by a distinguished career of many years as a district judge of the United States, to which you have added in the fruits of over fifteen years of eminent judicial labors in this place.

Of those who were on this bench when you took your seat, Bradley, and Lamar, and Blatchford, and Field, and Gray have passed on, and you have witnessed the coming and the going of Shiras and Jackson, one of whom happily survives.

In a certain sense, what shadows we are, and what shadows we pursue, but not in every sense; for what has been worthily accomplished will still live and the memory of the just judge will not perish.

We assure you that those of us who have been longest with you, as well as those of a briefer association, alike concur in that affectionate regard and that deep respect which your amiable disposition and the great assistance in the administration of justice which your experience, learning, and ability have enabled you to render have inspired.

We hope that the light which has come to pass at the evening-time of

a well spent life may long shine upon you, and that our fraternal intercourse may be continued for many years.

Very cordially, yours,

MELVILLE W. FULLER,
 JOHN M. HARLAN,
 DAVID J. BREWER,
 E. D. WHITE,
 R. W. PECKHAM,
 JOSEPH MCKENNA,
 OLIVER WENDELL HOLMES,
 WILLIAM R. DAY.

SUPREME COURT OF THE UNITED STATES,
 WASHINGTON, D. C., *May 28, 1906.*

MY DEAR BRETHREN: I thank you for your graceful and generous expressions of esteem. One of the most delightful experiences of my life has been the cultivation of the friendly companionships of the last fifteen years, which I would gladly continue, were it not that impaired eyesight and the inertia which comes with three score and ten admonish me that my duty to the country, to you, and to myself demands a relinquishment of the burden I have borne for thirty-one years, half of which have been spent in your company. While my resignation necessitates a severance of our official relations, I hope these relations may continue socially so long as our lives are spared to us.

I rejoice that I am leaving the court at a time when it has never stood higher in the estimation of the people, nor when more important cases have been, and still are being, presented for its consideration. The antagonisms, sometimes almost fierce, which were developed during the earliest decades of its history, and at one time threatened to impair its usefulness, are happily forgotten; and the now universal acquiescence in its decisions, though sometimes reached by a bare majority of its members, is a magnificent tribute to that respect for the law inherent in the Anglo-Saxon race, and contains within itself the strongest assurance of the stability of our institutions. The services rendered by the Supreme Court in this connection have been of incalculable value.

Again thanking you for your kindly interest in my welfare, I remain, with profound respect,

Most sincerely, yours,

HENRY B. BROWN.

Order: It is now here ordered by the court that all the cases on the docket not decided and all the other business of the term not disposed of be, and the same are hereby, continued until the next term.

Adjourned to the time and place appointed by law.