

SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 11, 1909.

The court met pursuant to law.

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

Wilfred Clary Lane of Valdosta, Ga., William J. Henley of Chicago, Ill., William L. Reed of Chicago, Ill., William H. Hayden of Tacoma, Wash., Archibald King of Washington, D. C., Guthrie B. Plante of New York City, Levi Cooke of Washington, D. C., W. P. Bell of Everett, Wash., M. L. McKinley of Chicago, Ill., Eugene C. Brown of Washington, D. C., Nathan Heard of Boston, Mass., Marcus H. Burnstine of New York City, A. A. Richards of Muskogee, Okla., Chas. C. Hiltman, of Washington, D. C., Leon Brooks Leavitt of New York City, James M. Hunt of New York City, Avery Fayette Cushman of New York City, George Clinton, jr., of Buffalo, N. Y., Henry S. Drinker, jr., of Philadelphia, Pa., Howard H. Nieman of New York City, Gustavus Remak, jr., of Philadelphia, Pa., George O. Davis of Weatherford, Okla., Charles C. Lester of Saratoga Springs, N. Y., James G. Fitch of Socorro, N. Mex., William M. Chadbourne of New York City, Harry C. McCarty of Boston, Mass., Albert L. Moise of Philadelphia, Pa., Rufus W. Sprague, jr., of New York City, Daniel W. O'Donoghue of District of Columbia, Charles H. Dickey of Honolulu, Hawaii, C. K. Mount of Washington, D. C., R. Preston Shealey of Chevy Chase, Md., and Lyle A. Dickey of Honolulu, Hawaii, were admitted to practice.

The Chief Justice announced that the usual visit to the President of the United States would have to be omitted owing to his absence from the city, and the court would receive motions noticed for to-day that were ready for submission, and that the call of the docket would commence to-morrow, pursuant to the twenty-sixth rule.

No. 362. Interstate Commerce Commission, appellant, *v.* The Delaware, Lackawanna & Western Railroad Company. Motion to advance submitted by Mr. Solicitor-General Bowers for the appellant.

No. 570. The Interstate Commerce Commission, appellant, *v.* Northern Pacific Railway Company. Motion to advance submitted by Mr. Solicitor-General Bowers for the appellant.

No. 500. Samuel R. Colhoun, appellant, *v.* The United States. Suggestion of diminution of the record and motion for a writ of certiorari

submitted by Mr. George A. King for the appellant in support of the motion, and by Mr. Solicitor-General Bowers for the appellee in opposition thereto.

No. 530. Lawrence E. Sexton, as trustee, etc., appellant, *v.* Kessler & Company, Limited, et al. Motion to advance submitted by Mr. Jackson H. Ralston in behalf of counsel.

No. 465. David MacKenzie, plaintiff in error, *v.* Grace MacKenzie. Motion to dismiss submitted by Mr. L. S. Bacon, in behalf of Mr. Harris F. Williams, for the defendant in error in support of the motion, and by Mr. R. G. Dyrenforth for the plaintiff in error in opposition thereto.

No. 603. David Muskrat et al., etc., appellants, *v.* The United States; and

No. 604. William Brown et al., etc., appellants, *v.* The United States. Motion to advance submitted by Mr. W. H. Robeson for the appellants.

No. — Original. *Ex parte:* In the matter of J. W. Gruetter, petitioner. Motion for leave to file a petition for a writ of mandamus submitted by Mr. W. H. Robeson in behalf of counsel for the petitioner.

No. 600. The Adelbert College of the Western Reserve University, petitioner, *v.* The Wabash Railroad Company et al.; and

No. 601. Cyrus F. Pierson et al., petitioners, *v.* The Wabash Railroad Company et al. Petitions for writs of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. John C. F. Gardner, Mr. Lawrence Maxwell, and Mr. Murray Seasongood for the petitioners, and by Mr. John H. Doyle, Mr. Judson Harmon, Mr. John G. Milburn, and Mr. Rush Taggart for the respondents.

No. 8, Original. The United States of America, complainant, *v.* The People of the State of New York et al. Leave granted to file answer of certain defendants herein, on motion of Mr. James M. Hunt, for the defendants.

No. 585. The Cuba Railroad Company, petitioner, *v.* Walter E. Crosby. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit, submitted by Mr. Charles Henry Butler, in behalf of Mr. Howard Mansfield for the petitioner, and by Mr. Edwin L. Kalish, for the respondent.

No. 619. The American Trust Company of Boston, Mass., petitioner, *v.* W. & A. Fletcher Company. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. A. F. Cushman, Mr. William Arthur Sargent and Mr. Elmer P. Howe for the petitioner, and by Mr. Harrington Putnam and Mr. Edward S. Dodge for the respondent.

No. 609. Perth Amboy Dry Dock Company, appellant, *v.* Monmouth Steamboat Company. Advanced for submission under the thirty-second rule on motion of Mr. A. F. Cushman, for the appellant.

No. 610. Dudley O. Watson et al., etc., petitioners, *v.* Ernest G. Greenwood et al., etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Edgar J. Pershing, for the petitioner.

No 479. Bettis Majors and A. T. Ball, trustee, petitioners, *v.* H. C. Williamson. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Frederick S. Tyler, in behalf of Mr. E. D. Saunders, Mr. Joseph Hirsch, and Mr. Murray F. Smith, for the petitioners, and by Mr. George Anderson, for the respondent.

No. 596. Wm. G. Huey et al., petitioners, *v.* Arthur K. Brown, surviving receiver, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Samuel W. Pennypacker, for the petitioners, and by Mr. Malcolm Lloyd, jr., Mr. Reynolds D. Brown, and Mr. Charles H. Burr, for the respondent.

No. 7, Original. The State of North Carolina, complainant, *v.* The State of Tennessee. Leave granted to file answer and crossbill on motion of Mr. Charles T. Cates, jr., for the defendant.

No. 626. The Aetna Indemnity Company, petitioner, *v.* Farmers' National Bank of Boyertown. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Gustavus Remak, jr., and Mr. George M. Mackellar for the petitioner, and by Mr. S. H. Alleman for the respondent.

No. 616. The New York, New Haven & Hartford Railroad Company, claimant, etc., petitioner, *v.* The Steamship Calderon, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit, submitted by Mr. William Hitz in behalf of Mr. William S. Montgomery, for the petitioner, and by Mr. Harrington Putnam for the respondent.

No. 629. Fourth Street National Bank, petitioner, *v.* A. Merritt Taylor et al., trustees, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit, submitted by Mr. Henry S. Drinker, jr., and Mr. Samuel Dickson for the petitioners.

No. 615. Northwestern Mutual Life Insurance Company, petitioner, *v.* J. William McCue et al., etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. William H. White, jr., and Mr. William H. White, for the petitioner.

No. 608. John J Boland et al., petitioners, *v.* The Steam Vessel Oceanica, her engines, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. George Clinton, jr., and Mr. George Clinton for the petitioners, and by Mr. Thomas C. Burke for the respondent.

No. 621. The Mutual Life Insurance Company of New York, petitioner, *v.* Adolph C. Griesa et al., as executors and trustees, etc., et

al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Frederick De Courcy Faust in behalf of Mr. Thomas F. Doran and Mr. James McKeen for the petitioner.

No. 617. Edward Cardwell, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Arthur A. Birney, for the petitioner, and by Mr. Solicitor-General Bowers, for the respondent.

No. 514. Stuart Lindsley, appellant, *v.* Natural Carbonic Gas Company et al. Motion to advance submitted by Mr. Guthrie B. Plante, for the appellant.

No. 517. Hubb Construction Company, petitioner, *v.* Nathaniel W. Hobbs, trustee. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. Howard H. Nieman and Mr. Thomas G. Frost for the petitioner, and by Mr. Edwin G. Eastman for the respondent.

No. 627. The Delaware & Hudson Company, petitioners, *v.* The Albany & Susquehanna 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. James M. Beck and Mr. Charles M. Brown for the petitioner, and by Mr. George Wellwood Murray, Mr. E. Parmalee Prentice, and Mr. Charles P. Howland for the respondents.

No. 587. The City of Newburyport, petitioner, *v.* Citizens Savings Bank. Petition for writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. William R. Harr for the petitioner, and by Mr. Edward F. McClennen for the respondent.

No. 565. The United States Fidelity & Guaranty Company, appellant, *v.* M. J. Bray et al. Motions to dismiss or affirm submitted by Mr. L. T. Michener for the appellees, in support of the motion, and by Mr. B. M. Ambler for the appellant, in opposition thereto. Motion to advance submitted by Mr. L. T. Michener for the appellees.

Nos. 106 and 107. Abigail K. Campbell Parker, appellant, *v.* Abigail K. Campbell Parker et al., trustees, et al. Death of Abigail K. Campbell Parker suggested, and the Hawaiian Trust Company (Limited) and Muriel Campbell Shingle, executors of Abigail K. Campbell Parker, deceased, and Henrich Martens Von Holt, trustee, substituted as parties herein, on motion of Mr. A. B. Browne, for the appellant.

No. 469. Frederick J. Lowrey et al., trustees, etc., appellants, *v.* The Territory of Hawaii. Motion to advance submitted by Mr. A. B. Browne, in behalf of counsel.

No. 605. John Flannelly et al., petitioners, *v.* The Delaware & Hudson Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. A. B. Browne, in behalf of Mr. Frank W. Hackett, for the petitioners, and Mr. James H. Torrey for the respondent.

No. 618. E. E. Androvette, petitioner, *v.* The Steamship Baralong, her engines, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. William Hitz, in behalf of Mr. William S. Montgomery, for the petitioner, and by Mr. J. Parker Kirlin and Mr. John M. Woolsey for the respondent.

No. 625. The Hood Rubber Company, petitioner, *v.* The Atlantic Mutual Insurance Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit, submitted by Mr. Harrington Putnam, for the petitioner, and by Mr. John G. Milburn and Mr. Walter F. Taylor, for the respondent.

No. 6. Brown-Forman Company, plaintiff in error, *v.* Commonwealth of Kentucky. Passed temporarily, on motion of Mr. Levi Cooke, for the plaintiff in error.

No. 385. Theodore H. Price, appellant, *v.* William Henkel, U. S. Marshal, etc., et al. Reassigned for argument on Monday, December 13 next, after the cases heretofore assigned for that day, on motion of Mr. T. S. Fuller, for the appellant.

No. 366. Frederick A. Peckham, appellant, *v.* William Henkel, U. S. marshal, etc.; and

No. 367. Moses Haas, appellant, *v.* William Henkel, U. S. marshal, etc. Reassigned for argument on Monday, December 13 next, as one case, after the cases heretofore assigned for that day, on motion of Mr. Nash Rockwood for the appellants.

No. 505. El Paso & Northeastern Railroad Company, plaintiff in error, *v.* Enequina Gutierrez, administratrix, etc. Submitted pursuant to the 20th Rule by Mr. T. W. Gregory and Mr. W. C. Keegin for the plaintiff in error, and by Mr. F. G. Morris for the defendant in error.

No. 3. United States of America suing at the costs and for the benefit of Penn Iron Company, Limited, plaintiff in error, *v.* William R. Trigg Company and Virginia Trust Company. In error to the supreme court of appeals of the State of Virginia. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 10. The People of Porto Rico, appellants, *v.* The Roman Catholic Apostolic Church in Porto Rico. Appeal from the supreme court of Porto Rico. Dismissed, per stipulation.

No. 14. The Roman Catholic Apostolic Church in Porto Rico, appellant, *v.* The People of Porto Rico. Appeal from the supreme court of Porto Rico. Dismissed, per stipulation.

No. 78. W. B. Hadley, acting auditor of Porto Rico, appellant, *v.* H. H. Scoville, clerk et al. Appeal from the district court of the United States for Porto Rico. Dismissed with costs on motion of counsel for the appellant.

No. 82. Supreme Council of the Royal Arcanum, plaintiff in error, *v.* A. G. Brenizer. In error to the supreme court of the State of North Carolina. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 170. Julio O. Abril, as attorney in fact of Jose T. Silva, appellant, *v.* Modesto Cobiasn y Muniz. Appeal from the supreme court of Porto Rico. Dismissed with costs, on motion of counsel for the appellant.

No. 216. The Atchison, Topeka & Santa Fe Railway Company, plaintiff in error, *v.* Emma M. Sewell. In error to the supreme court of the State of Kansas. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 326. Ward Lumber Company, Incorporated, plaintiff in error, *v.* Henderson-White Manufacturing Company, Incorporated. In error to the supreme court of appeals of the State of Virginia. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 403. Harrison Crook, plaintiff in error, *v.* International Trust Company of Maryland. 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. 404. Harrison Crook, plaintiff in error, *v.* International Trust Company of Maryland. In error to the court of appeals of the District of Columbia. Dismissed with costs, on motion of counsel for the plaintiff in error.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 12, will be as follows: Nos. 251, 275, 120, 235, 236, 278, 292 (and 293), 312, 316 (and 317), 232 (and 233), 339, 289, 328, 351, 253, 220 and 382.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 12, 1909.

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

George F. Hickey of New York City, Frank Comerford of Chicago, Ill., Jones Fuller of Durham, N. C., William R. Perkins of New York City, Leonard C. Crouch of Syracuse, N. Y., Albert P. Fowler of Syracuse, N. Y., and William A. Glasgow, jr., of Philadelphia, Pa., were admitted to practice.

No. 607. Guaranty Trust Company of New York, appellant, *v.* Metropolitan Street Railway Company et al. Motion to advance submitted by Mr. Frederic D. McKenney in behalf of counsel for the appellant.

No. 496. The Louisville & Nashville Railroad Company, plaintiff in error, *v.* Erasmus L. Mottley et ux. Motion to advance submitted by Mr. Henry L. Stone for the plaintiff in error.

No. 620. Alfred L. Sweeney, petitioner, *v.* Edward B. Smith et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. William L. Royall and Mr. George Demming for the petitioner, and by Mr. William A. Glasgow, jr., for the respondent.

No. 316. The United States, appellant, *v.* The American Tobacco Company et al.; and

No. 317. The American Tobacco Company et al., appellants, *v.* The United States. Motion for leave to file a brief herein as *amicus curiæ* submitted by Mr. William L. Royall in that behalf.

No. 632. The Belt Railway Company of Chicago, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. William L. Reed and Mr. William J. Henley for the petitioner, and by Mr. Solicitor-General Bowers for the respondent.

No. 519. Frank H. Waskey et al., petitioners, *v.* Joseph Hammer et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Charles C. Heltman, Mr. Joseph C. Campbell, Mr. W. H. Metson and Mr. Charles F. Consaul for the petitioners.

No. 251. The Interstate Commerce Commission, appellant, *v.* A. B. Stickney and C. H. F. Smith, receivers, et al. Argument commenced

by Mr. Assistant to the Attorney-General Ellis for the appellant, continued by Mr. William D. McHugh and Mr. Walker D. Hines for the appellees, and concluded by Mr. S. H. Cowan for the appellant. Leave granted to counsel for appellant to file reply brief within five days.

No. 275. Southern Pacific Company and Oregon & California Railroad Company *v.* Interstate Commerce Commission. Argument commenced by Mr. Maxwell Everts for the Southern Pacific Company et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 13, will be as follows: Nos. 275, 120, 235, 236, 278, 292 (and 293), 312, 316 (and 317), 232 (and 233), 339, 289, 328, 351, 253, 220 and 382.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 13, 1909.

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

Henry F. Munn of Washington, D. C., was admitted to practice.

No. 316. The United States, appellant, *v.* The American Tobacco Company et al.; and

No. 317. American Tobacco Company et al., appellants, *v.* The United States. Reassigned for argument on Monday, December 13 next, after the cases already assigned for that day, on motion of Mr. Attorney-General Wickersham for the United States.

No. 275. Southern Pacific Company and Oregon & California Railroad Company *v.* Interstate Commerce Commission. Argument continued by Mr. Maxwell Evarts for the Southern Pacific Company et al., and continued by Mr. Assistant to the Attorney-General Ellis for the Interstate Commerce Commission, and concluded by Mr. Maxwell Evarts for the Southern Pacific Company et al.

No. 120. The United States, plaintiff in error, *v.* The Union Supply Company. Argument commenced by Mr. Solicitor-General Bowers for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 14, will be as follows: Nos. 120, 235, 236, 278, 292 (and 293), 312, 232 (and 233), 339, 289, 328, 351, 253, 220 and 382.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 14, 1909.

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

W. Irvine Cross of Baltimore, Md., Garrard B. Winston of Chicago, Ill., and Henry R. Gower of Washington, D. C., were admitted to practice.

No. 120. The United States, plaintiff in error, *v.* The Union Supply Company. Argument continued by Mr. Solicitor-General Bowers for the plaintiff in error, and concluded by Mr. Isaac R. Hitt, jr., for the defendant in error.

No. 235. The United States, plaintiff in error, *v.* Bob Celestine. Argued by Mr. Assistant Attorney-General Harr for the plaintiff in error. No counsel appeared for the defendant in error.

No. 236. The United States, plaintiff in error, *v.* John A. Corbett et al. Argued by Mr. Assistant Attorney-General Fowler for the plaintiff in error, and by Mr. T. J. Conner for the defendants in error.

No. 278. The United States, plaintiff in error, *v.* Simon J. Mescall. Argued by Mr. Assistant Attorney-General Fowler for the plaintiff in error, and submitted by Mr. George F. Hickey for the defendant in error.

Nos. 292 and 293. The United States, plaintiff in error, *v.* Tilden B. Stevenson et al. Argument commenced by Mr. Solicitor-General Bowers for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 15, will be as follows: Nos. 292 (and 293), 312, 232 (and 233), 339, 289, 328, 351, 253, 220 and 382.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 15, 1909.

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

Thomas S. Hawes of Bainbridge, Ga., and Andrew Miller of Bismarck, N. Dak., were admitted to practice.

Nos. 292 and 293. The United States, plaintiff in error, *v.* Tilden B. Stevenson et al. Argument concluded by Mr. Solicitor-General Bowers for the plaintiff in error, and submitted by Mr. Herbert Parker for the defendants in error.

No. 312. The United States, plaintiff in error, *v.* Harvey Sutton and Robert Miller. Submitted by Mr. Assistant Attorney-General Harr for the plaintiff in error. No counsel appeared for the defendants in error.

No. 232. The Interstate Commerce Commission, appellant, *v.* The Chicago & Alton Railroad Company; and

No. 233. The Interstate Commerce Commission, appellant, *v.* The Illinois Central Railroad Company. Argument commenced by Mr. Assistant to the Attorney-General Ellis for the appellant, continued by Mr. W. S. Kenyon for the Illinois Central Railroad Company, and by Mr. Garrard B. Winston for the Chicago & Alton Railroad Company, and concluded by Mr. Luther M. Walter for the appellant.

No. 339. The Baltimore & Ohio Railroad Company *v.* The Interstate Commerce Commission. Argument commenced by Mr. W. Irvine Cross for the Baltimore & Ohio Railroad Company, and continued by Mr. Assistant to the Attorney-General Ellis for the Interstate Commerce Commission.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 18, will be as follows: Nos. 339, 289, 328, 351, 253, 220, 382, 1, 2 and 7.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 18, 1909.

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

Challen B. Ellis of Cincinnati, Ohio, Arla E. Harrison of Greenville, Ohio, Charles F. Williams of Cincinnati, Ohio, William E. Lamb of Cedar Rapids, Iowa, Wm. J. Rohde of Manila, P. I., John J. Kirby of Brooklyn, N. Y., Roy C. McHenry of Binghamton, N. Y., Mazzini Slusser of Wheaton, Ill., and Oliver M. Harvey of Livingston, Mont., were admitted to practice.

No. 466. Central of Georgia Railway Company, plaintiff in error, *v.* John B. Gaston. Motion to advance granted, and cause assigned to be heard on Monday, January 3, 1910.

No. 457. American Wood Working Machinery Company et al., petitioners, *v.* The Union Trust Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 458. William F. Goessling, petitioner, *v.* Thomas B. Collier. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 464. Novelty Incandescent Lamp Company, petitioner, *v.* The Edison Electric Light Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 471. The Henry DuBois Sons Company, claimant, etc., petitioner, *v.* The Steam Tug Eugene F. Moran, Michael Moran, claimant, et al.; and

No. 472. The Henry DuBois Sons Company, claimant, etc., petitioner, *v.* The New York Central & Hudson River Railroad Company et al. Petition for writs of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 475. Pyman Steamship Company, Limited, petitioner, *v.* Mexican Central Railway Company, Limited. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 476. American Manufacturing Company, petitioner, *v.* The Steamship Wildenfels, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 477. Charles F. Harris, late owner of the Steam Tug De Veaux Powel, petitioner, *v.* The Ferryboat Lackawanna, etc., The Hoboken Ferry Company, claimant. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 9. Original. *Ex parte*: In the matter of J. W. Gruetter, petitioner. Motion for leave to file petition for a writ of mandamus granted, and rule to show cause awarded, returnable on Monday, October 25, next.

No. 316. The United States, appellant, *v.* The American Tobacco Company et al.; and

No. 317. The American Tobacco Company et al., appellants, *v.* The United States. Motion for leave to file brief herein as *amicus curiæ* denied.

No. 362. Interstate Commerce Commission, appellant, *v.* The Delaware, Lackawanna & Western Railroad Company. Motion to advance granted, and cause assigned for argument on Monday, February 21, 1910.

No. 465. David MacKenzie, plaintiff in error, *v.* Grace MacKenzie. In error to the supreme court of the State of Illinois. Dismissed for the want of jurisdiction.

No. 469. Frederick J. Lowrey et al., trustees, etc., appellants, *v.* The Territory of Hawaii. Motion to advance granted and cause assigned for argument on Monday, January 3, next, after the case heretofore assigned for that day.

No. 496. The Louisville & Nashville Railroad Company, plaintiff in error, *v.* Erasmus L. Mottley et ux. Motion to advance denied.

No. 514. Stuart Lindsley, appellant, *v.* Natural Carbonic Gas Company et al. Motion to advance denied without prejudice.

No. 530. Lawrence E. Sexton, as trustee, etc., appellant, *v.* Kessler & Company, Limited, et al. Motion to advance denied.

No. 565. The United States Fidelity & Guaranty Company, appellant, *v.* M. J. Bray et al. Motion to dismiss or affirm postponed to the hearing of the case on its merits. Motion to advance denied.

No. 570. The Interstate Commerce Commission, appellant, *v.* Northern Pacific Railway Company. Motion to advance granted and cause assigned for argument on Monday, February 21, 1910, after the case heretofore assigned for that day.

No. 603. David Muskrat et al., etc., appellants, *v.* The United States; and

No. 604. William Brown et al., etc., appellants, *v.* The United States. Motion to advance denied.

No. 500. Samuel R. Colhoun, appellant, *v.* The United States. Motion for a writ of certiorari granted without prejudice.

No. 519. Fred H. Waskey et al., petitioners, *v.* Joseph Hammer et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit granted.

No. 585. The Cuba Railroad Company, petitioner, *v.* Walter E. Crosby. Petition for writ of certiorari to the United States circuit court of appeals for the third circuit granted.

No. 605. John Flannelly and Mary Ellen Flannelly, petitioners, *v.* The Delaware & Hudson Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit granted.

No. 615. Northwestern Mutual Life Insurance Company, petitioner, *v.* J. W. McCue et al., infants, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit granted. (Mr. Justice Brewer took no part in the decision of this application.)

No. 629. Fourth Street National Bank, petitioner, *v.* A. Merritt Taylor et al., trustees, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit granted.

No. 632. The Belt Railway Company of Chicago, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit granted.

No. 479. Bettis Majors and A. T. Ball, trustee, petitioners, *v.* H. C. Williamson. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 517. Hubb Construction Company, petitioner, *v.* Nathaniel W. Hobbs, trustee. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 587. The City of Newburyport, petitioner, *v.* Citizens Savings Bank. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 596. Wm. G. Huey et al., petitioners, *v.* Arthur K. Brown, surviving receiver, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 600. The Adelbert College of the Western Reserve University et al., petitioners. *v.* The Wabash Railroad Company et al.; and

No. 601. Cyrus F. Pierson et al., petitioners, *v.* The Wabash Railroad Company et al. Petitions for writs of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 608. John J. Boland et al., petitioners, *v.* The Steam Vessel Oceanica, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 610. Dudley O. Watson et al., petitioners, *v.* Ernest H. Greenwood et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 616. The New York, New Haven & Hartford Railroad Company, claimant, etc., petitioner, *v.* The Steamship Calderon, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 617. Edward Cardwell, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 618. E. E. Androvette, petitioner, *v.* The Steamship Baralong, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 619. The American Trust Company of Boston, Mass., petitioner, *v.* W. & A. Fletcher Company. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 620. Alfred L. Sweeney, petitioner, *v.* Edward B. Smith et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 621. The Mutual Life Insurance Company of New York, petitioner, *v.* Adolph C. Griesa et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 625. The Hood Rubber Company, petitioner, *v.* The Atlantic Mutual Insurance Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 626. The Ætna Indemnity Company, petitioner, *v.* The Farmers National Bank of Boyertown. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 627. The Delaware & Hudson Company, petitioner, *v.* The Albany & Susquehanna Railroad Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 8 Original. The United States of America, complainant, *v.* The People of the State of New York et al. Leave granted to file stipulation extending time to plead, and time extended to and including the first Tuesday in November, 1909, on motion of Mr. Solicitor-General Bowers for the complainant.

No. 220. Komada & Company, petitioner, *v.* The United States. Re-assigned for argument on Monday, November 29 next, on motion of Mr. Solicitor-General Bowers for the respondent.

No. 643. The United States, petitioner, *v.* Authel H. Freeman et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Solicitor-General Bowers for the petitioner, and by Mr. Charles A. Moore for the respondents.

No. 397. Northern Pacific Railway Company, plaintiff in error, *v.* Fred Wass and Pauline Wass, his wife. Motion to advance submitted by Mr. Patrick B. Gorman for the defendants in error.

No. 630. John C. McClellan et al., petitioners, *v.* John E. Carland, U. S. district judge, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Melvin Grigsby for the petitioner.

No. 136. Rand-McNally & Company et al., plaintiffs in error, *v.* The Commonwealth of Kentucky, by H. C. Turner, county superintendent of schools, etc. Motion to dismiss or affirm submitted by Mr. Frederick S. Tyler and Mr. James C. Sims, for the defendant in error, in support of the motion, and by Mr. Amos C. Miller and Mr. William M. Beckner, for the plaintiff in error, in opposition thereto.

No. 553. The Northern Pacific Railway Company, plaintiff in error, *v.* The State of North Dakota ex rel. T. F. McCue, Attorney-General;

No. 554. Great Northern Railway Company, plaintiff in error, *v.* The State of North Dakota ex rel. T. F. McCue, Attorney-General; and

No. 555. Minneapolis, St. Paul & Sault Ste. Marie Railway Company, plaintiff in error, *v.* The State of North Dakota ex rel. T. F. McCue, Attorney-General. Motion to advance submitted by Mr. Andrew Miller, for the defendant in error.

No. 520. John A. Kuykendall, administrator, etc., petitioner, *v.* The Union Pacific Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit, submitted by Mr. D. W. Wood, for the petitioner.

No. 644. Thomas S. Nowell et al., petitioners, *v.* J. C. McBride, as receiver, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit, submitted by Mr. George M. Nowell, for the petitioners.

No. 646. Jacob Kerch et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. Conrad Reno and Mr. James E. Cotter for the petitioners, with leave to the Solicitor-General to file brief for the respondent within five days.

No. 407. Yellow Poplar Lumber Company, petitioner, *v.* S. F. Chapman. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. A. A. Hoehling, jr., in behalf of Mr. George S. Wright, for the petitioner.

No. 602. The Chicago, Burlington & Quincy Railway Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. William C. Prentiss, in behalf of Mr. Charles J. Greene and Mr. R. W. Breckenridge, for the petitioner, and by Mr. Solicitor-General Bowers, for the respondent.

No. 339. The Baltimore & Ohio Railroad Company *v.* The Interstate Commerce Commission. Argument continued by Mr. Assistant to the Attorney-General Ellis for the Interstate Commerce Commission, and concluded by Mr. Hugh L. Bond, jr., for the Baltimore & Ohio Railroad Company.

No. 289. The Baltimore & Ohio Railroad Company et al., plaintiffs in error, *v.* The United States ex rel. Pitcairn Coal Company et al. Argument commenced by Mr. Edgar H. Gans, for the plaintiffs in error, and continued by Mr. William A. Glasgow, jr., for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 19, will be as follows: Nos. 289, 328, 351, 253, 220, 282, 1, 2, 7, and 9 (and 121).

O

SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 19, 1909.

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

No. 10 Original. *Ex parte*: In the matter of The United States, petitioner. Leave granted to file petition for a writ of prohibition herein, on motion of Mr. Solicitor-General Bowers of counsel for the petitioner, and rule to show cause awarded, returnable November 1, next, and stay ordered until the further order of this court.

No. 289. The Baltimore & Ohio Railroad Company et al., plaintiffs in error, *v.* The United States ex rel. Pitcairn Coal Company et al. Argument continued by Mr. William A. Glasgow, jr., for the defendants in error, and concluded by Mr. Hugh L. Bond, jr., for the plaintiffs in error.

No. 328. Elizabeth M. McGilvra et al., appellants, *v.* E. W. Ross, as State Land Commissioner of State of Washington, et al. Argument commenced by Mr. Charles K. Jenner for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 20, will be as follows: Nos. 328, 351, 253, 382, 1, 2, 7, 9 (and 121), 11 and 17.

10354—09—7

O

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 20, 1909.

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

Edward Teare Taubman of Aberdeen, S. Dak., was admitted to practice.

No. 328. Elizabeth M. McGilvra et al., appellants, *v.* E. W. Ross, as State Land Commissioner of the State of Washington, et al. Argument continued by Mr. Charles K. Jenner for the appellants, and by Mr. John W. Roberts and Mr. W. P. Bell for the appellees, and concluded by Mr. O. C. McGilvra for the appellants.

No. 351. The Macon Grocery Company et al., appellants, *v.* Atlantic Coast Line Railroad Company et al. Argument commenced by Mr. William A. Wimbish for the appellants, and continued by Mr. Henry L. Stone for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 21, will be as follows: Nos. 351, 253, 382, 1, 2, 7, 9 (and 121), 11, 17 and 18.

10354—09—8

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 21, 1909.

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

Albert J. Lee of Ardmore, Okla., Walter L. Furbershaw of Washington, D. C., Wm. Rhodes Hervey of Los Angeles, Cal., William R. Brand of Chicago, Ill., and Robert Goeller of New York City, were admitted to practice.

No. 351. The Macon Grocery Company et al., appellants, *v.* The Atlantic Coast Line Railroad Company et al. Argument continued by Mr. Claudian B. Northrop for the appellees, and concluded by Mr. William A. Wimbish for the appellants.

No. 253. J. E. Fleming et al., appellants, *v.* Green McCurtain et al. Argument commenced by Mr. Frank Hagerman for the appellants, and continued by Mr. Solicitor-General Bowers for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 22, will be as follows: Nos. 253, 382, 1, 2, 7, 9 (and 121), 11, 17, 18 and 19.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 22, 1909.

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

Clarence Munson Bushnell of Buffalo, N. Y., and Antonio C. Gonzalez of New York City, were admitted to practice.

No. 17. The Irrigation Land & Improvement Company, appellant, *v.* Ethan Allen Hitchcock, Secretary of the Interior. Appeal from the court of appeals of the District of Columbia. Dismissed, on motion of Mr. George H. Patrick for the appellant.

No. 253. J. E. Fleming et al., appellants, *v.* Green McCurtain et al. Argument continued by Mr. Solicitor-General Bowers and Mr. Edward P. Hill for the appellees, and concluded by Mr. John G. Carlisle for the appellants.

No. 382. Pablo Yordi, appellant, *v.* Eugene Nolte, U. S. marshal, etc. Submitted by Mr. Waters Davis for the appellant, and by Mr. Assistant Attorney-General Russell for the appellee.

No. 1. Georgia L. Everett, plaintiff in error, *v.* Edward Everett. Argued by Mr. George Zabriskie for the defendant in error, and submitted by Mr. Frank H. Stewart for the plaintiff in error.

No. 2. Lathrop, Shea & Henwood Company, plaintiff in error, *v.* Interior Construction and Improvement Company. Argued by Mr. Clarence M. Bushnell for the plaintiff in error, and by Mr. C. Walter Clark for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 25, will be as follows: Nos. 7, 9 (and 121), 11, 18, 19, 1 Original, 20, 21, 22 and 23.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 25, 1909.

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

The Chief Justice said:

“It is with deep sorrow that I announce the passing of our eminent colleague and dear friend, Mr. Justice Peckham. He died at his summer home at Altamont only yesterday evening, at quarter past 8. The court will transact no business, but will adjourn until next Monday.”

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 1, will be as follows: Nos. 7, 9 (and 121), 11, 18, 19, 1 Original, 20, 21, 22 and 23.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 1, 1909.

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

Edwin T. Rice of New York City, James J. Britt of Asheville, N. C., Clayton W. Everett of Toledo, Ohio, Evans Browne of Washington, D. C., Francis X. Boden of Milwaukee, Wis., Dan M. Smith of Chicago, Ill., W. J. Pirtle of Council Grove, Kans., and Charles Thomas Payne of New York City, were admitted to practice.

No. 16. John F. Reavis, appellant, *v.* Jose Fianza et al. Appeal from the supreme court of the Philippine Islands. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 24. Sarah S. Fall, plaintiff in error, *v.* Elizabeth Bastin. In error to the supreme court of the State of Nebraska. Judgment affirmed with costs. Opinion by Mr. Justice McKenna. Separate opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Harlan and Mr. Justice Brewer.

The Chief Justice announced the following orders of the court:

No. 136. Rand-McNally & Company et al., plaintiffs in error, *v.* The Commonwealth of Kentucky, by H. C. Turner, County Superintendent of Schools of Barren County, Kentucky. In error to the court of appeals of the State of Kentucky. Per curiam: Judgment affirmed, with costs. *Chanute v. Trader*, 132 U. S., 210; *Wilson v. North Carolina*, 169 U. S., 586; *Central Land Company v. Laidley*, 159 U. S., 103; *Bacon v. Texas*, 163 U. S., 207; *Eustis v. Bolles*, 150 U. S., 361; *White v. Leovy*, 134 U. S., 91; *Electric Company v. Dow*, 166 U. S., 489; *Pierce v. Somerset Railway*, 171 U. S., 641; *Shepard v. Barron*, 194 U. S., 553; *Rand, McNally & Co. v. Commonwealth*, 106 S. W., 238; *Same v. Same*, 108 S. W., 892; *Commonwealth v. Ginn & Co.*, 111 Ky., 110.

No. 397. Northern Pacific Railway Company, plaintiff in error, *v.* Fred Wass et ux. Motion to advance granted, and cause assigned for argument with No. 195 as one case.

No. 407. Yellow Poplar Lumber Company, petitioner, *v.* S. F. Chapman. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied, and parts of petition and brief of petitioner stricken from the files on account of impertinent and improper matter.

No. 553. The Northern Pacific Railway Company, plaintiff in error, *v.* The State of North Dakota *ex rel.* T. F. McCue, Attorney-General;

No. 554. Great Northern Railway Company, plaintiff in error, *v.* The State of North Dakota *ex rel.* T. F. McCue, Attorney-General; and

No. 555. Minneapolis, St. Paul & Sault Ste. Marie Railway Company, plaintiff in error, *v.* The State of North Dakota *ex rel.* T. F. McCue, Attorney-General. Motion to advance granted, and cases assigned for argument on Monday, February 21, 1910, as one case, after the cases already assigned for that day.

No. 602. Chicago, Burlington & Quincy Railway Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit granted, and cause advanced to be heard with No. 277 as one case.

No. 630. John C. McClellan et al., petitioners, *v.* John E. Carland, U. S. district judge, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit granted.

No. 520. John A. Kuykendall, administrator, etc., petitioner, *v.* The Union Pacific Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 643. The United States, petitioner, *v.* Authel H. Freeman et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 644. Thomas S. Nowell et al., petitioners, *v.* J. C. McBride, as receiver, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 646. Jacob Kerrch et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 4, Original. The United States of America, complainant, *v.* Joseph F. Shipp et al. The motions on behalf of defendants Shipp, Gibson, Williams, Nolan, Padgett, and Mayse for leave to file petitions for rehearing herein are severally denied and said defendants are ruled to appear before the court for judgment on Monday, the 15th instant.

No. 8 Original. The United States of America, complainant, *v.* The People of the State of New York et al. Leave granted to file stipulation extending time to plead to the first Tuesday in December next, on motion of Mr. Solicitor-General Bowers for the complainant, and order entered accordingly.

No. 10, Original. *Ex parte:* In the matter of The United States, petitioner. Time in which to make return to rule extended to November 15th, on motion of Mr. Solicitor-General Bowers, for the petitioner.

No. 551. The United States, appellant, *v.* Oberlin M. Carter et al.; and

No. 552. Oberlin M. Carter, et al., appellants, *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Bowers for the United States.

No. 17. Irrigation, Land & Improvement Company, appellant, *v.* Ethan Allen Hitchcock, Secretary of the Interior. Mandate granted, on motion of Mr. George H. Patrick for the appellant.

No. 656. The California Development Company, petitioner, *v.* The New Liverpool Salt Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Maxwell Evarts and Mr. Eugene S. Ives, for the petitioner, with leave to counsel for respondent to file brief.

No. 634. Peter T. Coffield et al., petitioners, *v.* The Fletcher Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Richard J. McCarty for the petitioners, and by Mr. Edmund E. Wood for the respondent.

No. 648. Rosewell E. Messinger, petitioner, *v.* Peter Anderson. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit, submitted by Mr. Harry E. King and Mr. Oliver D. Snider for the petitioner, and by Mr. Rhea P. Cary for the respondent.

No. 401. Levi M. Strong, plaintiff in error, *v.* Adam Gassert. Motion to dismiss submitted by Mr. W. C. Keegin for the defendant in error, in support of the motion, and by Mr. M. S. Gunn for the plaintiff in error, in opposition thereto.

No. 469. Frederick J. Lowrey et al., trustees, etc., appellants, *v.* The Territory of Hawaii. Reassigned for argument on Monday, December 6th next, on motion of Mr. A. B. Browne, on behalf of counsel.

No. 642. The Tunis Lumber Company et al., petitioners, *v.* Cumberland Lumber Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Robert M. Hughes for the petitioners.

No. 635. Guaranty Trust Company of New York, petitioner, *v.* Metropolitan Street Railway Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. William Hitz, in behalf of Mr. Julien T. Davies, Mr. Brainard Tolles and Mr. John C. Spooner, for the petitioner, and by Mr. Arthur H. Masten, Mr. James Byrnes, Mr. Frank H. Platt, Mr. W. C. Fleming, Mr. William M. Coleman and Mr. William M. Chadbourne, for the respondent.

No. 636. Morton Trust Company, petitioner, *v.* Guaranty Trust Company of New York, et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Charles T. Payne and Mr. Bronson Winthrop for the petitioner, and by Mr. Arthur H. Masten, Mr. James Byrnes, Mr. Frank H. Platt, Mr. W. C. Fleming, Mr. William M. Coleman and Mr. William M. Chadbourne for the respondents.

No. 654. Metropolitan Securities Company, petitioner, *v.* William W. Ladd, as receiver, etc. Petition for a writ of certiorari to the

United States circuit court of appeals for the second circuit submitted by Mr. Richard Reid Rogers for the petitioner, and by Mr. Joseph H. Choate, Mr. Arthur H. Masten and Mr. Robert C. Beatty for the respondent.

No. 290. Morris F. Pfaelzer, plaintiff in error, *v.* Bach Fur Company of Illinois. Submitted pursuant to the thirty-second rule by Mr. A. S. Gilbert for the plaintiff in error, and by Mr. Benjamin N. Cordozo for the defendant in error.

No. 33. International Textbook Company, appellant, *v.* The City of Ottumwa. Appeal from the circuit court of the United States for the southern district of Iowa. Dismissed with costs, on motion of counsel for the appellant.

No. 83. Fairmont Coal Company et al., appellants, *v.* Merchants' Coal Company. Appeal from the United States circuit court of appeals for the fourth circuit. Dismissed with costs on motion of counsel for the appellants.

No. 84. Washington Gas Light Company et al., appellants and plaintiffs in error, *v.* Henry B. F. Macfarland et al., Commissioners of the District of Columbia. Appeal from and in error to the Court of Appeals of the District of Columbia. Dismissed with costs, on motion of counsel for the appellants and plaintiffs in error.

No. 304. Mary Halligan, as administratrix, etc., appellant, *v.* The Trinidad Shipping & Trading Company, limited, et al. Appeal from the District Court of the United States for the Southern District of New York. Dismissed per stipulation.

No. 502. R. G. Mullen, appellant, *v.* Fred Fornoff, captain, etc. Appeal from the district court for the first judicial district of the Territory of New Mexico. Dismissed with costs, on motion of counsel for appellant, and mandate granted.

No. 7. Mathilde von Ellert Sistare, plaintiff in error, *v.* Horace Randall Sistare. Death of Horace Randall Sistare suggested, and appearance of Julia L. Sistare, executrix of the will of Horace R. Sistare, as the party defendant in error in this cause, filed and entered, on motion of Mr. William J. Brennan, for the defendant in error.

No. 7. Mathilde von Ellert Sistare, plaintiff in error, *v.* Julia L. Sistare, executrix, etc. Argument commenced by Mr. Robert Goeller for the plaintiff in error, continued by Mr. William J. Brennan for the defendant in error, and concluded by Mr. Benjamin Slade for the plaintiff in error.

No. 9. Rumford Chemical Works, petitioner, *v.* Hygienic Chemical Company; and

No. 121. Hygienic Chemical Company of New York et al., petitioners, *v.* Rumford Chemical Works. Argument commenced by Mr. Philip Mauro for the Rumford Chemical Works, continued by Mr. Edwin T. Rice for the Hygienic Chemical Company of New York et al., and concluded by Mr. Philip Mauro for the Rumford Chemical Works.

No. 11. The State of Louisiana ex rel. Louis A. Hubert, receiver, plaintiff in error, *v.* The Mayor and Council of the City of New Orleans. Argument commenced by Mr. Charles Louque for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 2, will be as follows: Nos. 11, 18, 19, 1, Original, 20, 21, 22, 23, 359 (and 377), and 25.

O

SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 2, 1909.

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

G. Bowdoin Craighill of Washington, D. C., was admitted to practice.

No. 11. The State of Louisiana *ex rel.* Louis A. Hubert, receiver, plaintiff in error, *v.* The Mayor and Council of the City of New Orleans. Argument continued by Mr. Frank B. Thomas for the defendants in error, and concluded by Mr. J. D. Rouse for the plaintiff in error. Leave granted to counsel for defendants in error to file additional brief within five days.

No. 18. Virginia-Carolina Chemical Company, plaintiff in error, *v.* J. P. Kirven. Argument commenced by Mr. P. A. Willcox for the plaintiff in error, continued by Mr. Charles A. Douglas for the defendant in error, and concluded by Mr. Frederic D. McKenney for the plaintiff in error. Leave granted to counsel for plaintiff in error to file an additional brief on or before the 8th instant.

No. 19. Union Pacific Railroad Company, plaintiff in error, *v.* Morris Harris et al. Argued by Mr. Maxwell Evarts for the plaintiff in error, and submitted by Mr. T. F. Garver for the defendants in error.

No. 1 Original. The State of Maryland, complainant, *v.* The State of West Virginia. One hour additional time allowed each side in the argument of this case, on motion of Mr. Isaac Lobe Straus for the complainant. Argument commenced by Mr. Edward H. Sincell for the complainant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 3, will be as follows: Nos. 1 Original, 40, 21, 22, 23, 359 (and 377), 25, 26, 27 (and 28) and 29.

O

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 3, 1909.

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

William L. Rawls of Baltimore, Md., and John L. Seawell of Payette, Idaho, were admitted to practice.

No. 1 Original. The State of Maryland, complainant, *v.* The State of West Virginia. Argument continued by Mr. Edward H. Sincell for the complainant, and by Mr. George E. Price for the defendant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 4, will be as follows: Nos. 1 Original, 40, 21, 22, 23, 359 (and 377), 25, 26, 27 (and 28) and 29.

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 4, 1909.

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

Armwell L. Cooper of Kansas City, Mo., and Carroll Strickland Bucher of Muskogee, Okla., were admitted to practice.

No. 1 Original. The State of Maryland, complainant, *v.* The State of West Virginia. Argument concluded by Mr. Isaac Lobe Straus for the complainant.

No. 40 (substituted for No. 20). Clara E. Sylvester et al., plaintiffs in error, *v.* The State of Washington. Argument commenced by Mr. George Marvin Savage for the plaintiffs in error, and continued by Mr. W. P. Bell for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 5, will be as follows: Nos. 40, 21, 22, 23, 359 (and 377), 25, 26, 27 (and 28), 29 and 30.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 5, 1909.

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

Charles Burke Stafford of Chicago, Ill., was admitted to practice.

No. 30. Arturo M. Elias, appellant, *v.* Eduardo Ramirez. Submitted by Mr. A. C. Baker for the appellant, and by Mr. William Herring for the appellee.

No. 40 (substituted for No. 20). Clara E. Sylvester et al., plaintiffs in error, *v.* The State of Washington. Argument continued by Mr. W. P. Bell for the defendant in error, and concluded by Mr. George Marvin Savage for the plaintiffs in error.

No. 21. Matthew Sculley, plaintiff in error, *v.* Louise Squier et al. Argued by Mr. H. Winship Wheatley for the plaintiff in error, and submitted by Mr. James H. Forney for the defendants in error.

No. 22. Isaac H. Caliga, plaintiff in error, *v.* Inter Ocean Newspaper Company. Argument commenced by Mr. Otto R. Barnett for the plaintiff in error, continued by Mr. James J. Barbour for the defendant in error, and concluded by Mr. Otto R. Barnett for the plaintiff in error.

No. 23. Albert Marbles, appellant, *v.* E. P. Creecy, chief of police of the city of St. Louis, et al. Submitted by Mr. George D. Reynolds for the appellant. No counsel appeared for the appellees.

No. 359. Great Northern Railway Company, plaintiff in error, *v.* The State of Minnesota. Argument commenced by Mr. William R. Begg for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 8, will be as follows: Nos. 359, 377, 25, 26, 27 (and 28), 29, 31, 32, 34 and 35.



SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 8, 1909.

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

John Stansbury of Joliet, Ill., Jesse A. Fenner of Cleveland, Ohio, Clement L. Bouve of Washington, D. C., Jason Waterman of Bay City, Mich., J. Claude Bedford of Philadelphia, Pa., Charles Troup of Danville, Ill., Lincoln B. Smith of Washington, D. C., Julius C. Martin of Asheville, N. C., and F. A. Sondley of Asheville, N. C., were admitted to practice.

No. 306. Mrs. Frances E. Waterman, wife of Charles A. Crane, appellant, *v.* The Canal-Louisiana Bank & Trust Company, executor, etc., et al. Appeal from the circuit court of the United States for the eastern district of Louisiana. Decree reversed with costs and cause remanded for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice Day. Dissenting: Mr. Justice White.

No. 120. The United States, plaintiff in error, *v.* The Union Supply Company. In error to the district court of the United States for the district of New Jersey. Judgment reversed and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 253. J. E. Fleming et al., appellants, *v.* Green McCurtain et al. Appeal from the circuit court of the United States for the eastern district of Oklahoma. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 278. The United States, plaintiff in error, *v.* Simon J. Mescall. In error to the circuit court of the United States for the eastern district of New York. Judgment reversed and cause remanded for further proceedings. Opinion by Mr. Justice Brewer.

The Chief Justice announced the following orders of the court:

No. 551. The United States, appellant, *v.* Oberlin M. Carter et al.; and

No. 552. Oberlin M. Carter et al., appellants, *v.* The United States. Motion to advance granted and causes assigned to be heard as one case on Monday, January 10, 1910.

No. 648. Rosewell E. Messinger, petitioner, *v.* Peter Anderson. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit granted.

No. 634. Peter T. Coffield et al., petitioners, *v.* The Fletcher Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 642. The Tunis Lumber Company et al., petitioners, *v.* Cumberland Lumber Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 290. Morris F. Pfaelzer, plaintiff in error, *v.* Bach Fur Company of Illinois. In error to the circuit court of the United States for the southern district of New York. Per curiam: Writ of error dismissed for want of final judgment. *McLish v. Roff*, 141 U. S., 661.

No. 401. Levi M. Strong, plaintiff in error, *v.* Adam Gassert. In error to the supreme court of the State of Montana. Per curiam: Writ of error dismissed for want of jurisdiction. *McCorquodale v. State of Texas*, 211 U. S., 432; *Cockran Oil and Development Company v. Arnaudet*, 199 U. S., 182; *Arkansas Southern Railroad Company v. German National Bank*, 207 U. S., 270.

The Chief Justice also announced that the court will take a recess from Monday the 15th to Monday the 29th instant.

No. 54. James Rudolph Garfield, Secretary of the Interior, plaintiff in error, *v.* the United States of America ex rel. Belle Frost. Richard A. Ballinger, Secretary of the Interior, substituted as the party plaintiff in error herein, on motion of Mr. Solicitor-General Bowers for the plaintiff in error.

No. 580. North Carolina Mining Company, appellant, *v.* G. R. Westfeldt et al. Motion to dismiss or affirm, submitted by Mr. Alfred S. Barnard, Mr. J. C. Martin, and Mr. F. A. Sondley for the appellees, in support of the motion, and by Mr. Charles A. Moore, Mr. Joseph J. Hooker, Mr. James H. Merrimon and Mr. Hannis Taylor, for the appellant in opposition thereto.

No. 41. Illinois Central Railroad Company of the State of Illinois, plaintiff in error, *v.* Robert W. Sheegog, administrator of the estate of John E. Sheegog, deceased. Motion to add to the record herein the proceedings in the circuit court of the United States for the western district of Kentucky submitted by Mr. Victor H. Wallace in behalf of Mr. Blewett Lee; Mr. Edmund F. Trabue, Mr. John C. Doolin, and Mr. Attila Cox, jr., for the plaintiff in error in support of the motion.

No. 352. Jerome H. Remick & Company, plaintiff in error, *v.* Joseph W. Stern et al. Advanced, pursuant to the thirty-second rule, on motion of Mr. Jackson H. Ralston in behalf of counsel, and submitted by Mr. Moses H. Grossman for the plaintiff in error, and Mr. Julius Henry Cohen for the defendants in error.

No. 7 Original. The State of North Carolina, complainant, *v.* The State of Tennessee. Leave granted to file replication to answer and answer to cross bill, on motion of Mr. F. A. Sondley of counsel for the complainant.

No. 665. Dering Coal Company, petitioner, *v.* H. Ernest Hutton, administrator, etc. Petition for a writ of certiorari to the United

States circuit court of appeals for the seventh circuit submitted by Mr. Charles Troup for the petitioner. Leave granted to file brief for the respondent, on motion of Mr. Lincoln B. Smith, in that behalf.

No. 418. Captain John I. Martin et al., plaintiffs in error, *v.* A. J. West. Motion to dismiss or affirm submitted by Mr. W. C. Keegin for the defendant in error, in support of the motion, and by Mr. A. B. Browne, Mr. Alexander Britton and Mr. Evans Browne for the plaintiffs in error, in opposition thereto.

No. 431. Sarah J. Eddy, petitioner, *v.* The City and County of San Francisco. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Evans Browne, in behalf of Mr. Julius Kahn, for the petitioner, and by Mr. A. B. Browne for the respondent.

No. 659. H. C. Cook Company, plaintiff in error, *v.* Frank H. Beecher et al. Advanced, pursuant to the thirty-second rule, on motion of Mr. Walter F. Rogers for the plaintiff in error.

No. 607. Guaranty Trust Company of New York, appellant, *v.* Metropolitan Street Railway Company et al. Motion to dismiss submitted by Mr. W. M. Chadbourne, Mr. Arthur H. Masten, Mr. W. M. Coleman, Mr. Matthew C. Fleming, Mr. James Byrne and Mr. Frank H. Platt for the appellees, in support of the motion, with leave to counsel to file additional briefs within five days.

No. 6 Original. The People of the State of New York, complainants, *v.* The State of New Jersey et al. Leave granted to file replication herein, on motion of Mr. Maurice B. Dean for the complainant.

No. 34. Montezuma Canal Company, appellant, *v.* Smithville Canal Company et al. Submitted by Mr. John J. Hawkins for the appellant, and Mr. Walter Bennett for the appellees.

No. 359. Great Northern Railway Company, plaintiff in error, *v.* The State of Minnesota. Argument continued by Mr. William R. Begg for the plaintiff in error, by Mr. George W. Peterson and Mr. George T. Simpson for the defendant in error, and concluded by Mr. William R. Begg for the plaintiff in error.

No. 377. Chicago Great Western Railway Company, plaintiff in error, *v.* The State of Minnesota. Argued by Mr. George W. Peterson for the defendant in error, and submitted by Mr. Frank B. Kellogg, Mr. C. A. Severance and Mr. A. G. Brigg for the plaintiff in error.

No. 25. Robert M. Snyder, jr., et al., executors, etc., et al., plaintiffs in error, *v.* J. Rosenbaum. Argument commenced by Mr. Gardiner Lathrop for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 9, will be as follows: Nos. 25, 26, 27 (and 28), 29, 31, 32, 35, 36 and 37 (and 38).

SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 9, 1909.

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

Carl Meyer of Chicago, Ill., and James R. Ofield of Chicago, Ill., were admitted to practice.

No. 25. Robert N. Snyder, jr., et al., executors, etc., et al., plaintiffs in error, *v.* J. Rosenbaum. Argument continued by Mr. Gardiner Lathrop for the plaintiff in error, by Mr. C. J. Wrightsman and Mr. J. J. Darlington for the defendant in error, and concluded by Mr. Armwell L. Cooper for the plaintiffs in error.

No. 26. Old Nick Williams Company, petitioner, *v.* The United States. Argument commenced by Mr. Charles A. Moore for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 10, will be as follows: Nos. 26, 27 (and 28), 29, 31, 32, 35, 36, 37, 38 and 39.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 10, 1909.

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

No. 26. Old Nick Williams Company, petitioner, *v.* The United States. Argument continued by Mr. Charles A. Moore for the petitioner, and Mr. Assistant Attorney-General Fowler for the respondent, and concluded by Mr. Charles A. Moore for the petitioner.

No. 27. Demetrius M. Stewart, Moritz Kirchberger et al., petitioners, *v.* American Lava Company and Paul J. Kruesi; and

No. 28. Moritz Kirchberger, Benno von Schwarz et al., petitioners, *v.* American Lava Company and Paul J. Kruesi. Argument commenced by Mr. Louis C. Raeger for the petitioners, and continued by Mr. Charles Neave for the respondents.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 11, will be as follows: Nos. 27 (and 28), 29, 31, 32, 35, 36, 37, 38, 39 (and 238) and 20.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 11, 1909.

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

Robert E. Prince of Corsicana, Tex., and Richard Mays of Corsicana, Tex., were admitted to practice.

No. 31. William J. Corbett, plaintiff in error, *v.* Michael Craven. Death of William J. Corbett, the plaintiff in error herein, suggested, and the appearance of Thomas J. Kenny and John R. McVey, special administrators of the estate of William J. Corbett, deceased, as plaintiffs in error herein, filed and entered on motion of Mr. C. T. Callahan for the plaintiffs in error.

No. 44. Oswald C. Ludwig, as secretary of state of the State of Arkansas, appellant, *v.* The Chicago, Rock Island & Pacific Railway Company. Appeal from the circuit court of the United States for the eastern district of Arkansas. Dismissed per stipulation.

No. 27. Demetrius M. Steward et al., petitioners, *v.* The American Lava Company et al.; and

No. 28. Moritz Kirchberger et al., petitioners, *v.* The American Lava Company et al. Argument continued by Mr. Charles Neave for the respondents, and concluded by Mr. Louis C. Raegener for the petitioners.

No. 29. Solomon R. Wagg, appellant, *v.* Mary B. Herbert et al. Argued by Mr. A. J. Biddison for the appellant, and submitted by Mr. Watson E. Coleman for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 12, will be as follows: Nos. 31, 32, 35, 36, 37, 38, 39 (and 238), 20, 41, 42 and 43.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 12, 1909.

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

Celeb M. Sawyer of Anaconda, Mont., was admitted to practice.

No. 31. Thomas J. Kenney et al., special administrators, etc., plaintiffs in error, *v.* Michael Craven. Argument commenced by Mr. C. T. Callahan for the plaintiffs in error, continued by Mr. Charles G. Gardner for the defendant in error, and concluded by Mr. C. T. Callahan for the plaintiffs in error.

No. 32. Samuel Barker, jr., plaintiff in error, *v.* The Butte Consolidated Mining Company. Submitted by Mr. Lewis O. Evans for the plaintiff in error, and Mr. John J. McHatton for the defendant in error.

No. 35. John F. Haffner, appellant, *v.* Michael Dobrinski et al. Submitted by Mr. Watson E. Coleman, Mr. I. Q. H. Alward and Mr. D. W. Buckner for the appellant, and by Mr. C. C. Flansburg for the appellees.

No. 36. Mrs. Emma G. Mills and her husband, Harry Mills, plaintiffs in error, *v.* Mrs. M. E. V. Johnson and husband et al. Argument commenced by Mr. Frederic D. McKenney for the plaintiffs in error, continued by Mr. Richard Mays and Mr. Robert E. Prince for the defendants in error, and concluded by Mr. Frederic D. McKenney for the plaintiffs in error. Leave granted counsel to file additional briefs within two weeks.

No. 37. Marcelo Tiglao, plaintiff in error and appellant, *v.* The Insular Government of the Philippine Islands et al. Passed temporarily.

No. 38. The Missouri Pacific Railway Company, plaintiff in error, *v.* The State of Kansas ex rel. Carr W. Taylor, attorney, etc., et al. Passed temporarily.

Adjourned until Monday next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 15, 1909.

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

W. H. Smith of Hilo, Hawaii, J. Castle Ridgway of Hilo, Hawaii, John S. Dawson of Topeka, Kans., Evan B. Lewis of Philadelphia, Pa., Wm. R. Rummler of Chicago, Ill., E. Carroll Schaeffer of Reading, Pa., Wilbur L. Cummings of Seattle, Wash., William T. Beck of Spokane, Wash., and Royall Victor of New York City were admitted to practice.

No 4 Original. The United States of America, complainant, *v.* Joseph F. Shipp et al. Mr. Solicitor-General Bowers announced to the court that the defendants, Joseph F. Shipp, Jeremiah Gibson, Luther Williams, Nick Nolan, Henry Padgett and William Mayse, were present in court in response to the rule issued against them, and asked that sentence be pronounced. These defendants were then called to the bar by the clerk. The Chief Justice announced the judgment of the court as follows:

“You, Joseph F. Shipp, Jeremiah Gibson, Luther Williams, Nick Nolan, Henry Padgett and William Mayse, are before this court on an attachment for contempt.

“On return to a rule to show cause you have presented such evidence as you were advised and been fully heard orally and on printed briefs, and after thorough consideration you have been found guilty. You have also been permitted severally to present petitions for rehearing and move that leave be granted to file them, which after consideration have been denied.

“The grounds upon which the conclusion was reached are set forth in the opinion filed herein on Monday, May 24, 1909, and need not be repeated, nor need we dwell upon the destructive consequences of permitting the transaction complained of to pass into a precedent for unpunished contempt.

“It is considered by the court, and the judgment of the court is, that as punishment for the contempt you, Joseph F. Shipp, Luther Williams and Nick Nolan, and each of you, be imprisoned for the period of ninety days, and that you, Jeremiah Gibson, Henry Padgett and William Mayse, and each of you, be imprisoned for the period of sixty days, in the jail of the District of Columbia. The marshal of this court is charged with the execution of this judgment.”

No. 505. El Paso & Northeastern Railway Company, plaintiff in error, *v. Enedina Gutierrez, administratrix, etc.* In error to the supreme court of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 40. Clara E. Sylvester et al., plaintiffs in error, *v. The State of Washington.* In error to the supreme court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 328. Elizabeth M. McGilvra et al., appellants, *v. E. W. Ross, as State Land Commissioner of the State of Washington, et al.* Appeal from the United States circuit court of appeals for the ninth circuit. Decree reversed at the cost of the appellants, and cause remanded to the circuit court of the United States for the western district of Washington with directions to vacate the decree on the merits and to sustain the demurrer for want of jurisdiction, and on that ground to dismiss the suit. Opinion by Mr. Justice McKenna. Mr. Justice Holmes concurs in the result.

No. 23. Albert Marbles, appellant, *v. Edmund P. Creecy, chief of police of the city of St. Louis, et al.* Appeal from the circuit court of the United States for the eastern district of Missouri. Order affirmed with costs. Opinion by Mr. Justice Harlan.

The Chief Justice announced the following orders of the court:

No. 32. Samuel Barker, jr., plaintiff in error, *v. Butte Consolidated Mining Company.* In error to the supreme court of the State of Montana. Per curiam: Writ of error dismissed for want of jurisdiction. *Butte City Water Company v. Baker*, 196 U. S., 119; *Haire v. Rice*, 204 U. S., 291; *Sayward v. Denny*, 158 U. S., 180; *Moran v. Horsky*, 178 U. S., 205; *Beals v. Cone*, 188 U. S., 184; *Iowa v. Rude*, 187 U. S., 87; *Stewart v. Howser*, 203 U. S., 585; *Gatewood v. North Carolina*, 203 U. S., 531; *Bechtel v. Wilson*, 204 U. S., 36; *Iowa Central Railway Company v. Iowa*, 160 U. S., 389.

No. 352. Jerome H. Remick & Company, plaintiff in error, *v. Joseph W. Stern and Edward B. Marks.* In error to the circuit court of the United States for the southern district of New York. Per curiam: Writ of error dismissed for want of final judgment. *McLish v. Roff*, 141 U. S., 661; *Pfaelzer v. Bach Fur Company of Illinois*, November 8, 1909.

No. 580. North Carolina Mining Company, appellant, *v. G. R. Westfeldt et al.* Appeal from the United States circuit court of appeals for the fourth circuit. Per curiam: Appeal dismissed for want of jurisdiction. *Westfeldt v. Mining Company*, 166 Fed. Rep., 706; application for certiorari denied April 19, 1909, 214 U. S., 516; application for appeal denied May 13, 1909, by the circuit court of appeals; appeal granted June 12, 1909, by one of the circuit judges who had not sat as a member of the court of appeals on the hearing of the case or of the application for appeal; motion to set aside the order denied August 21, 1909; *Macfadden v. United States*, 213 U. S., 288; *Greeley v. Lowe*, 155 U. S., 58; *In re Winn*, 213 U. S., 458; *In re Moore*, 209 U. S., 490.

No. 607. Guaranty Trust Company of New York, appellant, *v.* Metropolitan Street Railway Company et al. Appeal from the circuit court of the United States for the southern district of New York. Per curiam: Appeal dismissed for want of jurisdiction. *Carey v. Houston & Texas Central Railway Co.*, 150 U. S., 170; *In re Lennon*, Id., 393; *Cornell v. Green*, 163 U. S., 75; *Empire State-Idaho Mining & Developing Co. v. Hanley*, 205 U. S., 225; *Goodrich v. Ferris*, 214 U. S., 71; *Farrell v. O'Brien*, 199 U. S., 89; *Louisville Trust Company v. Knott*, 191 U. S., 225; *United States v. Larkin*, 208 U. S., 333; *Atlantic Trust Company v. Chapman, Receiver*, Id., 360; *Bien v. Robinson, Receiver*, Id., 423; *Delmar Jockey Club v. Missouri*, 210 U. S., 324; and see *In re Metropolitan Railway Receivership*, 208 U. S., 90; *Guaranty Trust Co. v. Metropolitan Street Ry. Co.*, 166 Fed., 569; 168 Fed., 937; 170 Fed., 335; Id., 625; Id., 626; 171 Fed., 1014; Id., 1015; Id., 1019; *Morton Trust Co. v. Metropolitan Street Ry. Co.*, 170 Fed., 336; *Guaranty Trust Co. v. Second Ave. R. Co.*, 171 Fed., 1020; *Pennsylvania Steel Co. v. Metropolitan Street Railway Co.*, 170 Fed., 623.

No. 635. Guaranty Trust Co. of New York, petitioner, *v.* Metropolitan Street Railway Company et al.;

No. 636. Morton Trust Company, petitioner, *v.* Guaranty Trust Company of New York et al.; and

No. 654. Metropolitan Securities Company, petitioner, *v.* William W. Ladd, receiver, etc. Petitions for writs of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 656. The California Development Company, petitioner, *v.* The New Liverpool Salt Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 431. Sarah J. Eddy, petitioner, *v.* The City and County of San Francisco. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 665. Dering Coal Company, petitioner, *v.* H. Ernest Hutton, administrator, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 418. Captain John I. Martin et al., plaintiffs in error, *v.* A. J. West. Motion to dismiss or affirm postponed to the hearing of the case on its merits.

No. 41. Illinois Central Railroad Company of the State of Illinois, plaintiff in error, *v.* Robert W. Sheegog, administrator of the estate of John E. Sheegog, deceased. Motion to add to the record herein the proceedings in the circuit court of the United States for the western district of Kentucky denied.

No. 270. Silas Pickett, plaintiff in error, *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Bowers for the defendant in error.

No. 449. John Wynne, plaintiff in error, *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Bowers for the defendant in error.

No. 10 Original. Ex parte: In the matter of the United States, petitioner. Hearing on return to rule set for Monday, January 10, 1910, in connection with Nos. 551 and 552, on motion of Mr. Solicitor General Bowers for the petitioner.

Motion for leave to file answer of Oberlin M. Carter, answer of John B. Daish and suggestion that the petition herein has been prematurely filed submitted by Mr. John B. Daish in that behalf.

No. 662. Commercial Mica Company, petitioner, *v.* Mica Insulator Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Joseph R. Edson and Mr. William R. Rummler for the petitioner, and by Mr. William H. Kenyon for the respondent.

No. 670. Charles W. Morse, 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. Martin W. Littleton for the petitioner, with leave to Mr. Solicitor-General Bowers for the respondent to file brief within ten days.

No. 671. Liverpool and London and Globe Insurance Company, petitioner, *v.* George H. McFadden et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Charles Henry Butler in behalf of Mr. Frederick B. Campbell for the petitioner, and by Mr. John G. Johnson for the respondent.

No. 481. Helvetia Swiss Fire Insurance Company, plaintiff in error, *v.* Max J. Brandenstein et al., copartners, etc. Motion to dismiss submitted by Mr. Royall Victor and Mr. William V. Rowe for the defendants in error in support of the motion, and by Mr. Frederick B. Campbell for the plaintiffs in error in opposition thereto.

Adjourned until Monday, November 29, at 12 o'clock.

The day call for Monday, November 29, will be as follows: Nos. 39 (and 238), 220, 37, 38, 20, 41, 42 (and 43), 46, 47 and 48.

SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 29, 1909.

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

Asa L. Duncan of Missoula, Mont., Ralph W. Crockett of Lewiston, Me., Martin B. Koon of Minneapolis, Minn., Arthur J. McCabe of Topeka, Kans., Francis Fitch of New York City, Wm. Howell of Cleveland, Ohio, Lewis L. Delafield of New York City, Frank Stetson of Washington, D. C., John A. Kratz, jr., of Washington, D. C., James B. Horigan of Washington, D. C., Frederick M. Hudson of Miami, Fla., and Wm. R. Vance of Washington, D. C., were admitted to practice.

No. 292. The United States, plaintiff in error, *v.* Tilden B. Stevenson et al. In error to the district court of the United States for the district of Massachusetts. Judgment reversed and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Day.

No. 293. The United States, plaintiff in error, *v.* Tilden B. Stevenson et al. In error to the district court of the United States for the district of Massachusetts. Judgment reversed, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Day.

No. 22. Isaac H. Caliga, plaintiff in error, *v.* Inter Ocean Newspaper Company. In error to the United States circuit court of appeals for the seventh circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the northern district of Illinois. Opinion by Mr. Justice Day.

No. 11. The State of Louisiana *ex rel.* Louis A. Hubert, receiver, plaintiff in error, *v.* The Mayor and Council of the City of New Orleans. In error to the supreme court of the State of Louisiana. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Day.

No. 9. Rumford Chemical Works, petitioner, *v.* Higienic Chemical Company. 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 circuit court of the United States for the district of New Jersey. Opinion by Mr. Justice Holmes.

No. 121. Higienic Chemical Company of New York et al., petitioners, *v.* The Rumford Chemical Works. On writ of certiorari to the United States circuit court of appeals for the second circuit. Decree reversed with costs, and cause remanded to the circuit court of the United States for the southern district of New York for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 27. Demetrius M. Steward et al., petitioners, *v.* The American Lava Company et al.; and

No. 28. Moritz Kirchberger et al., petitioners, *v.* American Lava Company et al. On writs of certiorari to the United States circuit court of appeals for the sixth circuit. Decrees affirmed with costs and causes remanded to the circuit court of the United States for the eastern district of Tennessee. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice McKenna.

No. 21. Mathew Scully, plaintiff in error, *v.* Louise Squier et al. In error to the supreme court of the State of Idaho. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 243. E. W. Simmons, late master of the tug Helen, et al., etc., appellant, *v.* The Steamship Jefferson, etc. Appeal from the district court of the United States for the eastern district of Virginia. Decree reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice White.

No. 12. The Hanover National Bank of the City of New York, plaintiff in error, *v.* William F. Suddath, as Receiver, etc. In error to the United States circuit court of appeals for the second circuit. Judgment affirmed, with costs, and cause remanded to the circuit court of the United States for the southern district of New York. Opinion by Mr. Justice White.

No. 13. The Hanover National Bank of the City of New York, appellant, *v.* William F. Suddath, as receiver, etc. Appeal from the United States circuit court of appeals for the second circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the southern district of New York. Opinion by Mr. Justice White.

No. 31. Thomas J. Kenney et al., special administrators of William J. Corbett, deceased, plaintiffs in error, *v.* Michael Craven. In error to the superior court of the State of Massachusetts. Dismissed for the want of jurisdiction. Opinion by Mr. Justice White.

No. 251. The Interstate Commerce Commission, appellant, *v.* A. B. Stickney et al., receivers, et al. Appeal from the circuit court of the United States for the district of Minnesota. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 1. Georgia L. Everett, plaintiff in error, *v.* Edward Everett. In error to the supreme court of the State of New York. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Harlan.

The Chief Justice announced the following orders of the court:

No. 481. Helvetia-Swiss Fire Insurance Company, plaintiff in error, *v.* Max J. Brandenstein et al., etc. In error to the United States circuit court of appeals for the second circuit. Per curiam: Writ of error dismissed for want of jurisdiction. *Macfadden v. The United States*, 213 U. S., 288.

No. 10, Original. Ex parte: In the matter of The United States, petitioner. Consideration of motions and answers and suggestion submitted November 15, postponed to the hearing on the return to the rule January 10, 1910.

No. 270. Silas Pickett, plaintiff in error, *v.* The United States. Motion to advance granted, and cause assigned to be heard on Monday, January 3, 1910, after the case already assigned for that day.

No. 449. John Wynne, plaintiff in error, *v.* The United States. Motion to advance granted, and cause assigned to be heard on Monday, January 17, 1910.

No. 662. Commercial Mica Company, petitioner, *v.* Mica Insulator Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 671. Liverpool and London and Globe Insurance Company, petitioner, *v.* George H. McFadden et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 219. Alphose Dufaur et al., appellants, *v.* The United States. Appeal from the district court of the United States for the northern district of Illinois. Dismissed per stipulation, on motion of Mr. Solicitor-General Bowers, for the appellee.

No. 594. The Interstate Commerce Commission et al., appellants, *v.* The Delaware, Lackawanna & Western Railroad Company et al. Motion to advance submitted by Mr. Solicitor-General Bowers for the appellants.

No. 663. The Interstate Commerce Commission, appellant, *v.* The Chicago, Rock Island & Pacific Railway Company et al.; and

No. 664. Burnham, Hanna, Munger Dry Goods Company et al., appellants, *v.* The Chicago, Rock Island & Pacific Railway Company et al. Motion to advance submitted by Mr. Solicitor-General Bowers, for the appellant in No. 663.

No. 245. Beatriz de los Angeles, widow of Mr. Alos, appellant, *v.* Monserrate and Dominga Garcia Maytin et al. Motion to dismiss submitted by Mr. N. B. K. Pettingill, for the appellees, in support of the motion, and by Mr. Willis Sweet, for the appellant, in opposition thereto.

No. 682. Max Weber et al., petitioners, *v.* Grand Lodge of Kentucky, Free and Accepted Masons. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Edgar C. Blum and Mr. Louis J. Blum for the peti-

tioners, and by Mr. Charles H. Fisk and Mr. Alex. P. Humphrey for the respondent.

No. 666. Frank J. Prame, petitioner, *v.* Albert T. Ferrell. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Jesse A. Fenner for the petitioner, and by Mr. William Howell for the respondent.

No. 685. Samuel Gompers et al., petitioners, *v.* The Buck Stove & Range Company. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. Alton B. Parker, Mr. Jackson H. Ralston, Mr. F. L. Siddons, and Mr. W. E. Richardson for the petitioners.

No. 673. Nellie F. Keiper, administratrix, etc., petitioner, *v.* The Equitable Life Assurance Society of the United States. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. J. Claude Bedford for the petitioner, and by Mr. Thomas De Witt Cuyler for the respondent.

No. 318. Rat Portage Lumber Company, plaintiff in error, *v.* The State of Minnesota. Motion to advance submitted by Mr. Frederick S. Tyler, in behalf of counsel for the defendant in error, and objections thereto submitted by Mr. R. R. Briggs for the plaintiff in error.

No. 319. Lesure Lumber Company, plaintiff in error, *v.* The State of Minnesota. Motion to advance submitted by Mr. Frederick S. Tyler in behalf of counsel for the defendant in error, and objections thereto submitted by Mr. M. H. Stanford, counsel for the plaintiff in error.

No. 639. Henry D. Spencer et al., petitioners, *v.* Victor M. Watkins et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. A. B. Browne, in behalf of Mr. Newell H. Clapp, Mr. Edward F. Treadwell, and Mr. John S. Partridge, for the petitioners, and by Mr. Frank B. Kellogg and Mr. C. A. Severance for the respondents.

No. 85. The Kansas City Star Company, plaintiff in error, *v.* Henry S. Julian. Motion to dismiss or affirm submitted by Mr. John H. Atwood, Mr. O. H. Dean, and Mr. Ira Julian for the defendant in error, in support of the motion, and by Mr. Isaac N. Watson, Mr. Hannis Taylor, Mr. Wash. Adams, and Mr. Frank Hagerman for the plaintiff in error, in opposition thereto.

Nos. 42 and 43. The Board of County Commissioners of Santa Fe County et al., appellants, *v.* The Territory of New Mexico ex rel. Bird S. Coler and E. T. Chapman. Submitted by Mr. A. B. Renahan for the appellants, and by Mr. Charles A. Spiess for the appellees.

No. 47. The State of North Dakota ex rel. R. E. Flaherty, plaintiff in error, *v.* O. G. Hanson, Sheriff, etc. Submitted by Mr. Edward Engerud for the plaintiff in error. No counsel appeared for the defendant in error.

No. 39. Byron F. Babbitt, trustee in bankruptcy, etc., appellant, *v.* Howard Dutcher, secretary, etc., et al.; and

No. 238. Abram I. Elkus, petitioner. (In the matter of The Madison Steele Company, bankrupt.) Argument commenced by Mr. William B. Hornblower for the appellant in No. 39, continued by Mr. Henry W. Taft for the appellees in No. 39, and concluded by Mr. Abram I. Elkus for the petitioner in No. 238.

No. 220. Komada & Company, petitioner, *v.* The United States. Argument commenced by Mr. Thomas Fitch for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 30, will be as follows: Nos. 220, 37, 38, 20, 41, 46, 48, 49, 50 and 51.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 30, 1909.

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

M. A. Dempsey of Cape Girardeau, Mo., W. H. Kornegay of Vinita, Okla., Byron M. Coon of Estherville, Iowa, and John G. Miller of Paducah were admitted to practice.

No. 99. The Boston Chamber of Commerce et al., plaintiffs in error, *v.* The City of Boston. 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. Holmes Conrad in behalf of counsel.

No. 220. Komada & Company, petitioner, *v.* The United States. Argument continued by Mr. J. C. McReynolds for the respondent, and concluded by Mr. W. Wickham Smith for the petitioner.

No. 37. Marcelo Tiglao, plaintiff in error and appellant, *v.* The Insular Government of the Philippine Islands et al. Submitted by Mr. A. B. Browne, Mr. Alexander Britton, Mr. J. H. Blount and Mr. Evans Browne for the plaintiff in error and appellant, and by Mr. Solicitor-General Bowers and Mr. Paul Charlton for the defendants in error and appellees.

No. 38. The Missouri Pacific Railway Company, plaintiff in error, *v.* The State of Kansas ex rel. Carr W. Taylor, attorney, etc., et al. Argued by Mr. B. P. Waggener, for the plaintiff in error, and submitted by Mr. Frederick S. Jackson, for the defendants in error.

No. 20. Paul A. Weems, plaintiff in error, *v.* The United States. Argument commenced by Mr. A. S. Worthington, for the plaintiff in error, and continued by Mr. Assistant Attorney-General Fowler, for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 1, will be as follows: Nos. 20, 41, 46, 48, 49, 50, 51, 52, 53, and 54.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 1, 1909.

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

No. 187. The People of the State of New York *ex rel.* The Cooper Union for the Advancement of Science and Art, plaintiff in error, *v.* Frank Gass, Register of the County of New York. In error to the supreme court of the State of New York. Dismissed, *per stipulation.*

No. 20. Paul A. Weems, plaintiff in error, *v.* The United States. Argument continued by Mr. Assistant Attorney-General Fowler for the defendant in error, and concluded by Mr. A. S. Worthington for the defendant in error.

No. 41. Illinois Central Railroad Company of the State of Illinois, plaintiff in error, *v.* Robert W. Sheegog, administrator of the estate of John E. Sheegog, deceased. Argument commenced by Mr. Edmund F. Trabue for the plaintiff in error, continued by Mr. John G. Miller for the defendant in error, and by Mr. Edmund F. Trabue for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 2, will be as follows: Nos. 41, 46, 48, 49, 50, 51, 52, 53, 54 and 55.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 2, 1909.

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

A. B. Fleming of Fairmont, W. Va., and Homer W. Williams of Clarksburg, W. Va., were admitted to practice.

No. 55. Frank P. Plamondon, plaintiff in error, *v.* The State of Kansas. In error to the supreme court of the State of Kansas. Dismissed with costs, pursuant to the tenth rule.

No. 41. Illinois Central Railroad Company of the State of Illinois, plaintiff in error, *v.* Robert W. Sheegog, administrator of the estate of John E. Sheegog, deceased. Argument concluded by Mr. Edmund F. Trabue for the plaintiff in error. Leave granted to counsel for both sides to file additional briefs.

No. 46. The City of Minneapolis, appellant, *v.* The Minneapolis Street Railway Company. Argument commenced by Mr. William A. Lancaster for the appellant, and continued by Mr. M. B. Koon for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 3, will be as follows: Nos. 46, 48, 49, 50, 51, 52, 53, 54, 56 and 57 (and 301).

SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 3, 1909.

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

Thomas D. Hines of Jackson, Mo., Hugh McIndoe of Joplin, Mo., and J. Walter Drake of Detroit, Mich., were admitted to practice.

No. 46. The City of Minneapolis, appellant, *v.* The Minneapolis Street Railway Company. Argument continued by Mr. M. B. Koon for the appellee, and concluded by Mr. Wm. A. Lancaster for the appellant.

No. 48. The Mechanical Appliance Company, plaintiff in error, *v.* Benjamin T. Castleman. Argued by Mr. Lee W. Grant for the plaintiff in error, and submitted by Mr. Benjamin T. Castleman *pro se.*

No. 49. The Rio Grande Dam & Irrigation Company et al., appellants, *v.* The United States. Argument commenced by Mr. W. W. Bride for the appellants, continued by Mr. Solicitor-General Bowers for the appellee, and concluded by Mr. Frederick S. Tyler for the appellants.

No. 50. Barton W. Kuhn *v.* Fairmont Coal Company. Argument commenced by Mr. Homer T. Williams for Kuhn, and continued by Mr. Edward A. Brannon and Mr. Z. Taylor Vinson for Fairmont Coal Company.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 6, will be as follows: Nos. 50, 469, 51, 52, 53, 54, 56, 57 (and 301), 58 and 59.

SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 6, 1909.

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

Robert L. Colding of Savannah, Ga., Elmer P. Chamberlin of Bellefontaine, Ohio, Shirley Carter of Baltimore, Md., Richard N. Elliott of Connersville, Ind., Louis Samter Levy of New York City, Albert Francis Judd of Honolulu, Hawaii, Henry A. Wise of New York City, David F. Smith of Kalispell, Mont., and Patrick H. Loughran of Washington, D. C., were admitted to practice.

No. 25. Robert M. Snyder, jr., et al., executors, etc., et al., plaintiffs in error, *v.* J. Rosenbaum. In error to the supreme court of the Territory of Oklahoma. Judgment affirmed with costs and cause remanded to the supreme court of the State of Oklahoma. Opinion by Mr. Justice Holmes.

No. 2. Lathrop, Shea & Henwood Company, plaintiff in error, *v.* Interior Construction and Improvement Company. In error to the circuit court of the United States for the western district of New York. Order reversed with costs, and cause remanded with directions to grant the motion of the plaintiff to remand the cause to the supreme court of the State of New York, Opinion by Mr. Justice McKenna.

No. 18. Virginia-Carolina Chemical Company, plaintiff in error, *v.* J. P. Kirven. In error to the supreme court of the State of South Carolina. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 236. The United States, plaintiff in error, *v.* John A. Corbett et al. In error to the district court of the United States for the western district of Wisconsin. Judgment reversed, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice White. Dissenting in part: Mr. Justice McKenna and Mr. Justice Day.

No. 339. The Baltimore & Ohio Railroad Company *v.* The Interstate Commerce Commission. On a certificate from the circuit court

of the United States for the district of Maryland. Order set aside, and case remanded with directions to proceed in conformity with law. Opinion by Mr. Chief Justice Fuller.

No. 275. Southern Pacific Company and Oregon & California Railroad Company *v.* Interstate Commerce Commission. On a certificate of the judge of the circuit court of the United States for the northern district of California. Certificate dismissed, and case remanded with directions to proceed therein in conformity with law. Opinion by Mr. Chief Justice Fuller.

No. 382. Pablo Yordi, appellant, *v.* Eugene Nolte, United States marshal, etc. Appeal from the district court of the United States for the western district of Texas. Final order affirmed with costs. Opinion by Mr. Chief Justice Fuller.

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

No. 85. The Kansas City Star Company, plaintiff in error, *v.* Henry S. Julian. In error to the supreme court of the State of Missouri. Per curiam: Writ of error dismissed for want of jurisdiction. Sayward *v.* Denny, 158 U. S., 180; Mutual Life Insurance Company *v.* McGrew, 188 U. S., 291, 307, 308; State *v.* Bland, 186 Mo., 701; Oxley Stave Company *v.* Butler County, 166 U. S., 653; case below, 209 Mo., 35.

The attention of the State supreme court was not called to any federal question until in the petition for rehearing, and that was too late. Loeber *v.* Schroeder, 149 U. S., 580, 585, and cases.

The judgment rested on nonfederal grounds broad enough to sustain it. 209 Mo., 35; Cincinnati Street Railway Company *v.* Snell, 193 U. S., 30; Hammond Packing Company *v.* Arkansas, 212 U. S., 322.

No. 245. Beatriz de los Angeles, widow of Mr. Alos, appellant, *v.* Monserrate and Dominga Garcia Maytin et al. Advanced to be heard with No. 90, and consideration of the motion to dismiss postponed until the argument of these two cases.

No. 318. Rat Portage Lumber Company, plaintiff in error, *v.* The State of Minnesota; and

No. 319. The Lesure Lumber Company, plaintiff in error, *v.* The State of Minnesota. Motions to advance denied.

No. 594. The Interstate Commerce Commission et al., appellants, *v.* The Delaware, Lackawanna & Western Railroad Company et al. Motion to advance granted and cause assigned to be heard on Monday, February 21, 1910, after the cases already assigned for that day.

No. 663. The Interstate Commerce Commission, appellant, *v.* Chicago, Rock Island & Pacific Railway Company et al.; and

No. 664. Burnham, Hanna, Munger Dry Goods Company et al., appellants, *v.* Chicago, Rock Island & Pacific Railway Company et al. Motion to advance granted and cases assigned to be heard as one case on Monday, February 21, 1910, after the cases already assigned for that day.

No. 685. Samuel Gompers et al., petitioners, *v.* The Buck's Stove & Range Company. Petition for a writ of certiorari to the court of appeals of the District of Columbia granted.

No. 639. Henry D. Spencer et al., petitioners, *v.* Victor M. Watkins et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 666. Frank J. Prame, petitioner, *v.* Albert T. Ferrell. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 670. Charles W. Morse, 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. 673. Nellie F. Keiper, administratrix, etc., petitioner, *v.* The Equitable Life Assurance Society of the United States. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 682. Max Weber et al., petitioners, *v.* The Grand Lodge of Kentucky Free and Accepted Masons. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit.

No. 53. C. M. Pendleton, plaintiff in error, *v.* The United States. Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Solicitor-General Bowers, for the defendant in error.

No. 490. The United States, plaintiff in error, *v.* Pierre Grimaud et al.; and

No. 491. The United States, plaintiff in error, *v.* Antonio Inda. Motion to advance submitted by Mr. Solicitor-General Bowers for the plaintiff in error.

No. 581. The United States, plaintiff in error, *v.* William B. Hammers. Motion to advance submitted by Mr. Solicitor-General Bowers for the plaintiff in error.

No. 641. The Interstate Commerce Commission, appellant, *v.* The Chicago, Burlington & Quincy Railroad Company. Motion to advance submitted by Mr. Solicitor-General Bowers for the appellant.

No. 683. Jacksonville Towing & Wrecking Company et al., petitioners, *v.* The Steamship Bayamo, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the

fifth circuit submitted by Mr. James E. Padgett in behalf of Mr. H. Bisbee and Mr. George C. Bedell for the petitioners, and by Mr. Charles S. Haight for the respondent.

No. 416. G. Wash. Hunter, plaintiff in error, *v.* The State of South Carolina. Motion for a writ of certiorari upon suggestion of diminution of the record granted, the record submitted with the motion to stand as the return to the writ, on motion of Mr. J. Frazer Lyon for the defendant in error.

No. — Original. *Ex parte*: In the matter of Athanasi Nicola, petitioner. Motion for leave to file a petition for a writ of mandamus submitted by Mr. J. J. Darlington and Mr. James C. Jones for the petitioner.

No. 73. Lucino Almeida Chantango and Enrique Lete, plaintiffs in error, *v.* Eduardo Abaroa. Death of Eduardo Abaroa, the defendant in error herein, suggested, and order of publication granted, on motion of Mr. A. B. Browne for the plaintiffs in error.

No. 691. New Liverpool Salt Company, petitioner, *v.* California Development Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. A. B. Browne in behalf of Mr. E. J. McCutchen. Mr. Charles Page and Mr. Samuel Knight for the petitioner.

No. 66. John A. Brill and The J. G. Brill Company, appellants, *v.* The Washington Railway and Electric Company. Death of John A. Brill, one of the appellants herein, suggested, and appearance of Edward Brill, Amelia Brill Riddle and Frank Fisher, executors of the said John A. Brill, deceased, as parties appellants herein, filed and entered on motion of Mr. Melville Church for the appellants.

No. 430. Missouri, Kansas & Texas Railway Company of Texas, plaintiff in error, *v.* Harry C. Bailey. Motion to dismiss or affirm submitted by Mr. B. F. Looney. for the defendant in error, in support of the motion, and by Mr. James Hagerman and Mr. Joseph M. Bryson, for the plaintiff in error, in opposition thereto.

No. 50. Barton W. Kuhn *v.* Fairmont Coal Company. Argument continued by Mr. Z. Taylor Vinson for the Fairmont Coal Company, and concluded by Mr. Homer W. Williams for Kuhn.

No. 469. Frederick J. Lowrey et al., trustees, etc., appellants, *v.* The Territory of Hawaii. Argument commenced by Mr. David L. Withington for the appellants, and continued by Mr. C. R. Hemmaway for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 7, will be as follows: Nos. 469, 51, 52, 54, 56, 57 (and 301), 58 (and 59, 60, 61 and 62), 63, 64 and 66.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 7, 1909.

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

Henry Wayland Hill of Buffalo, N. Y., Philos S. Jones of Wilburton, Okla., James W. Jamison of Cedar Rapids, Iowa, Cyrus Kehr of Knoxville, Tenn., and Frank J. R. Mitchell of Chicago, Ill., were admitted to practice.

No. 469. Frederick J. Lowrey et al., trustees, etc., appellants, *v.* The Territory of Hawaii. Argument continued by Mr. C. R. Hemenway for the appellee, and concluded by Mr. David L. Withington for the appellants.

No. 51. Jennie L. Graves et al., petitioners, *v.* Anna P. Ashburn, executrix, etc., et al. Argued by Mr. Marion Erwin for the petitioners, and submitted by Mr. Alfred R. Kline for the respondents.

No. 52. Scott County Macadamized Road Company, plaintiff in error, *v.* The State of Missouri ex rel. T. D. Hines, prosecuting attorney of Cape Girardeau County. Argument commenced by Mr. Edward S. Robert for the plaintiff in error, and continued by Mr. M. A. Dempsey for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 8, will be as follows: Nos. 52, 54, 56, 57 (and 301), 58 (and 59, 60, 61 and 62), 63, 64, 66, 67 and 68.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 8, 1909.

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

William W. Crawford of Louisville, Ky., was admitted to practice.

No. 52. Scott County Macadamized Road Company, plaintiff in error, *v.* The State of Missouri ex rel. T. D. Hines, prosecuting attorney of Cape Girardeau County. Argument continued by Mr. M. A. Dempsey for the defendant in error, and concluded by Mr. T. D. Hines for the defendant in error.

No. 54. Richard A. Ballinger, Secretary of the Interior, plaintiff in error, *v.* The United States of America ex rel. Belle Frost. Argument commenced by Mr. Assistant Attorney-General Harr for the plaintiff in error, continued by Mr. Charles H. Merillat for the defendant in error, and concluded by Mr. Assistant Attorney-General Harr for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 9, will be as follows: Nos. 56, 57 (and 301), 58 (and 59, 60, 61 and 62), 63, 64, 66, 67, 68, 69 and 70.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 9, 1909.

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

Henry M. Butzel of Detroit, Mich., Edward N. Pagelsen of Detroit, Mich., Timothy T. Ansberry of Defiance, Ohio, Paul A. Sompayrac of New Orleans, La., Charles Neal Barney of Lynn, Mass., George S. Ramsey of Muskogee, Okla., Edgar A. de Meules of Muskogee, Okla., and Samuel H. Sibley of Union Point, Ga., were admitted to practice.

No. 56. William Woodside, plaintiff in error, *v.* Albert Vasey et al. Death of Albert Vasey, one of the defendants in error herein suggested, and appearance of H. S. Beckman, administrator of the said Albert Vasey, deceased, as a party defendant in error herein, filed and entered on motion of Mr. J. R. Smith in behalf of counsel for the defendants in error.

No. 56. William Woodside, plaintiff in error, *v.* H. S. Beckman, administrator, etc., et al. Argued by Mr. John R. Smith for the plaintiff in error, and by Mr. J. W. Jamison for the defendants in error.

No. 57. St. Louis, Kansas City & Colorado Railroad Company, appellant, *v.* The City of St. Louis and Wabash Railroad Company; and

No. 301. The St. Louis, Kansas City & Colorado Railroad Company, petitioner, *v.* Wabash Railroad Company and The City of St. Louis. Argument commenced by Mr. Frank Hagerman for the appellant and petitioner, continued by Mr. James L. Minnis for the appellees and respondents, and concluded by Mr. Frank Hagerman for the appellant and petitioner.

No. 58. Atlantic Coast Line Railroad Company, plaintiff in error, *v.* B. Mazursky;

No. 59. Southern Express Company, plaintiff in error, *v.* E. E. McTeer;

No. 60. Atlantic Coast Line Railroad Company, plaintiff in error, *v.* R. Keith Charles;

No. 61. Atlantic Coast Line Railroad Company, plaintiff in error,
v. A. von Lehe; and

No. 62. Atlantic Coast Line Railroad Company, plaintiff in error,
v. A. von Lehe. Argued by Mr. Frederic D. McKenney for the
plaintiffs in error. No counsel appeared for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 10, will be as follows: Nos. 63,
64, 66, 67, 68, 69, 70, 71, 72 and 74.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 10, 1909.

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

John W. Burton of Arcadia, Fla., H. S. Duell of Yonkers, N. Y., Albin W. Norblad of Astoria, Oreg., Charles Benner of New York City, Alexander J. Barron of Pittsburg, Pa., Lewis Fisher of Galveston, Tex., and Isaac M. Standifer of Houston, Tex., were admitted to practice.

No. 57. St. Louis, Kansas City & Colorado Railroad Company, appellant, *v.* The City of St. Louis and Wabash Railroad Company. Leave granted to file a supplemental brief for the appellees within five days, on motion of Mr. James L. Minnis for the appellees.

No. 72. A. Henley et al., plaintiffs in error, *v.* E. E. Myers, receiver of the Consolidated Barb Wire Company. Submitted by Mr. W. W. Nevison for the plaintiffs in error and by Mr. E. E. Myers *pro se.*

No. 63. Alberto Will, doing business under the name of Will & Co. et al., appellants, *v.* Joaquin Tornabells, doing business under the firm name of J. Tornabells & Co. et al. Submitted by Mr. N. B. K. Pettingill for the appellants. No brief filed for the appellees.

No. 64. The First National Bank of Estherville, Iowa, et al., plaintiffs in error, *v.* The City Council of Estherville, etc., et al. Argument commenced by Mr. Charles A. Clark for the plaintiffs in error, continued by Mr. Byron M. Coon for the defendants in error, and concluded by Mr. Charles A. Clark for the plaintiffs in error.

No. 66. Edward Brill et al., executors, etc., et al., appellants, *v.* The Washington Railway & Electric Company. Argument commenced by Mr. Francis Rawle for the appellant, and continued by Mr. H. S. Duell for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 13, will be as follows: Nos. 66, 448, 398, 444 (and 445, 446 and 447), 450 (and 451), 456, 366 (and 367), 385, 316 (and 317) and 67.

SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 13, 1909.

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

Lawrence E. Armstrong of Rawlins, Wyo., C. W. Campbell of Huntington, W. Va., Wm. Goodykoontz of Williamson, W. Va., W. A. Oldfield of Batesville, Ark., Luther Colfax Anderson of Welch, W. Va., Ulysses S. Bratton of Little Rock, Ark., E. B. Kinsworthy of Little Rock, Ark., W. Garland Streett of Lake Village, Ark., Jacob C. Gillison of Lake Village, Ark., Eldon A. Bolton of Lake Village, Ark., George L. Grant of Newport, Ark., and D. J. F. Strother of Welch, W. Va., were admitted to practice.

No. 235. The United States, plaintiff in error, *v.* Bob Celestine. In error to the circuit court of the United States for the western district of Washington. Judgment reversed, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brewer.

No. 49. The Rio Grande Dam & Irrigation Company et al., appellants, *v.* The United States. Appeal from the supreme court of the Territory of New Mexico. Decree affirmed. Opinion by Mr. Justice Harlan. (Mr. Justice McKenna took no part in the decision of this case.)

The Chief Justice announced that the court will take a recess from Monday, December 20, to Monday, January 3 next.

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

No. —, Original. *Ex parte*: In the matter of Athanasi Nicola, petitioner. Motion for leave to file petition for writ of mandamus granted, and rule to show cause awarded, returnable Monday, January 3, 1910.

No. 430. Missouri, Kansas & Texas Railway Company of Texas, plaintiff in error, *v.* Harry C. Bailey. Motion to dismiss or affirm postponed to the hearing of the case on its merits.

No. 490. The United States, plaintiff in error, *v.* Pierre Grimaud et al.; and

No. 491. The United States, plaintiff in error, *v.* Antonio Inda. Motion to advance granted, and cases assigned for argument on Monday, February 21, 1910, as one case, after the cases already assigned for that day.

No. 581. The United States, plaintiff in error, *v.* William B. Hammers. Motion to advance granted, and cause assigned for argument on Monday, February 21, 1910, after the cases already assigned for that day.

No. 641. The Interstate Commerce Commission, appellant, *v.* The Chicago, Burlington & Quincy Railroad Company et al. Motion to advance granted, and cause assigned for argument on Monday, February 21, 1910, after the cases already assigned for that day.

No. 683. Jacksonville Towing & Wrecking Company et al., petitioners, *v.* The Steamship Bayamo, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 691. New Liverpool Salt Company, petitioner, *v.* California Development Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 36. Mrs. Emma G. Mills and her husband, Harry Mills, plaintiffs in error, *v.* Mrs. M. E. V. Johnson and husband, L. A. Johnson, J. H. H. Burk et al. In error to the court of civil appeals for the fifth supreme judicial district of the State of Texas. Per curiam: Writ of error dismissed for want of jurisdiction. *Beale's Heirs v. Johnson*, 99 S. W., 1045; *Waters-Pierce Oil Co. v. Texas*, 212 U. S., 86; *Same v. Same*, Id., 112; *McCorquodale v. Texas*, 211 U. S., 432; *Cox v. Texas*, 202 U. S., 446; *Harding v. Illinois*, 196 U. S., 78; *Arbuckle v. Blackburn*, 191 U. S., 405.

No. 8, Original. The United States of America, complainant, *v.* The People of the State of New York et al. Leave granted to file stipulation to extend time to plead to January 10, 1910, on motion of Mr. Solicitor-General Bowers for the complainant, and time extended in accordance therewith.

No. 640. Henry L. Hertz, collector of internal revenue *v.* Gordon O. Woodman et al., executors, etc., et al. Motion to advance submitted by Mr. Solicitor-General Bowers for Hertz, collector.

No. 624. The Red "C" Oil Manufacturing Company, appellant, *v.* The Board of Agriculture of North Carolina et al. Motion to advance submitted by Mr. R. W. Winston for the appellant.

No. 605. John Flannelly et al., petitioners, *v.* The Delaware & Hudson Company. Motion to advance submitted by Mr. Frank W. Hackett for the petitioners.

No. 545. Louisville & Nashville Railroad Company, plaintiff in error, *v.* N. P. Scott. Motion to advance submitted by Mr. Alfred P. Thom in behalf of counsel for the plaintiff in error.

No. 316. The United States, appellant, *v.* The American Tobacco Company et al.; and

No. 317. The American Tobacco Company et al., appellants, *v.* The United States. Reassigned for argument on Monday, January 3, 1910, after the cases already assigned for that day.

No. 66. Edward Brill et al., executors, etc., appellants, *v.* The Washington Railway & Electric Company. Argument continued by Mr. H. S. Duell for the appellee, and concluded by Mr. Frederick P. Fish for the appellants.

No. 448. Charles Thomas, plaintiff in error, *v.* The State of Iowa. Argued by Mr. J. T. Mulvaney for the plaintiff in error, and by Mr. Charles W. Lyon for the defendant in error.

No. 398. William J. Moxley, a corporation, etc., *v.* Henry L. Hertz, collector of internal revenue, etc. Argument commenced by Mr. John Maynard Harlan for William J. Moxley.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 14, will be as follows: Nos. 398, 444 (and 445, 446 and 447), 450 (and 451), 456, 366 (and 367), 385 and 67.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 14, 1909.

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

No. 398. William J. Moxley, a corporation, etc., *v.* Henry L. Hertz, collector of internal revenue, etc. Argument continued by Mr. John Maynard Harlan for William J. Moxley, and by Mr. Solicitor-General Bowers for Henry L. Hertz, collector, and concluded by Mr. John Maynard Harlan for William J. Moxley.

No. 444. Henry C. King, plaintiff in error, *v.* The State of West Virginia et al. In error to the supreme court of appeals of the State of West Virginia. Dismissed with costs, pursuant to the tenth rule.

Nos. 445, 446 and 447. Henry C. King, plaintiff in error, *v.* The State of West Virginia et al. One hour additional time allowed each side in the argument of these cases, on motion of Mr. John F. Dillon, of counsel for certain defendants in error. Argument commenced by Mr. Hannis Taylor for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 15, will be as follows: Nos. 445 (and 446 and 447), 450 (and 451), 456, 366 (and 367), 385 and 67.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 15, 1909.

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

J. Spicer Leaming of Cape May City, N. J.; Wm. N. Reynolds, jr., of Wilkes-Barre, Pa.; Eugene W. Chafin of Chicago, Ill.; T. H. Spence of Milwaukee, Wis.; and James T. Pringle of Burlingame, Kans., were admitted to practice.

Nos. 445, 446 and 477. Henry C. King, plaintiff in error, *v.* The State of West Virginia et al. Argument continued by Mr. Hannis Taylor for the plaintiffs in error, by Mr. C. W. Campbell, Mr. John F. Dillon and Mr. Frank Cox for certain defendants in error, and by Mr. Maynard F. Stiles for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 16, will be as follows: Nos. 445 (and 446 and 447), 450 (and 451), 456, 366 (and 367), 385 and 67.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 16, 1909.

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

Peter Goelet Gerry of Newport, R. I., Thomas E. Robertson of Washington, D. C., Robert T. M. McCready of Pittsburg, Pa., George A. Crow of East St. Louis, Ill., Corbus P. Gardner of Chicago, Ill., and Charles W. Pierson of New York City were admitted to practice.

Nos. 445, 446 and 447. Henry C. King, plaintiff in error, *v.* The State of West Virginia et al. Argument concluded by Mr. Maynard F. Stiles for the plaintiff in error. Leave granted to counsel on both sides to file additional briefs within three days.

No. 366. Frederick A. Peckham, appellant, *v.* William Henkel, United States marshal, etc.;

No. 367. Moses Haas, appellant, *v.* William Henkel, United States marshal; and

No. 385. Theodore H. Price, appellant, *v.* William Henkel, United States marshal, etc., et al. Reassigned for argument on Monday, January 3, 1910, after the cases already assigned for that day.

No. 450. Southern Railway Company, plaintiff in error, *v.* Samuel E. Greene; and

No. 451. Louisville & Nashville Railroad Company, plaintiff in error, *v.* John B. Gaston. Argument commenced by Mr. Gregory L. Smith for the plaintiffs in error, and continued by Mr. Alexander M. Garber and Mr. Samuel D. Weakley for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 17, will be as follows: Nos. 450 (and 451), 456 and 67.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 17, 1909.

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

Robert E. Hollingsworth of Atlanta, Ga., was admitted to practice.

No. 450. Southern Railway Company, plaintiff in error, *v.* Samuel E. Greene; and

No. 451. Louisville & Nashville Railroad Company, plaintiff in error, *v.* John B. Gaston. Argument continued by Mr. Samuel D. Weakley for the defendants in error, and concluded by Mr. Alfred P. Thom for the plaintiffs in error.

No. 456. The Baltimore & Ohio Railroad Company, appellant, *v.* Interstate Commerce Commission. Argument commenced by Mr. Frederic D. McKenney for the appellant, and continued by Mr. Solicitor-General Bowers for the appellee.

Adjourned until Monday next at 12 o'clock.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 20, 1909.

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

George L. Nye of Denver, Colo., Charles Louis Neumiller of Stockton, Cal., Joe H. Jordan of San Francisco, Cal., T. W. Bickett of Raleigh, N. C., W. Boyd Evans of Columbia, S. C., Emery H. Sykes of New York City, J. Carlisle Sell of Washington, D. C., Fenimore Chatterton of Cheyenne, Wyo., Joseph H. Soliday of Boston, Mass., Charles A. Little of Hagerstown, Md., H. F. Wingert of Hagerstown, Md., Miller Wingert of Hagerstown, Md., Richard Y. Fitzgerald of Boston, Mass., and Percival H. Marshall of Washington, D. C., were admitted to practice.

No. 41. Illinois Central Railroad Company of the State of Illinois, plaintiff in error, *v.* Robert W. Sheegog, administrator of the estate of John E. Sheegog, deceased. In error to the court of appeals of the State of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Day and Mr. Justice Harlan.

No. 51. Jennie L. Graves et al., petitioners, *v.* Anna P. Ashburn, executrix, etc., et al. On writ of certiorari to the United States circuit court of appeals for the fifth circuit. Decree reversed with costs and cause remanded to the circuit court of the United States for the southern district of Georgia for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 52. Scott County Macadamized Road Company, plaintiff in error, *v.* The State of Missouri ex rel. T. D. Hines, prosecuting attorney of Cape Girardeau County. In error to the supreme court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

Nos. 42 and 43. The Board of County Commissioners of Santa Fe County et al., appellants, *v.* The Territory of New Mexico ex rel. Bird S. Coler et al. Appeals from the supreme court of the Territory of New Mexico. Decrees affirmed with costs. Opinion by Mr. Justice McKenna.

No. 312. The United States, plaintiff in error, *v. Harvey Sutton et al.* In error to the district court of the United States for the eastern district of Washington. Judgment reversed, and cause remanded for further proceedings in conformity with the opinion of the court. Opinion by Mr. Justice Brewer.

The Chief Justice announced the following orders of the court:

No. 545. Louisville & Nashville Railroad Company, plaintiff in error, *v. N. P. Scott.* Motion to advance denied.

No. 605. John Flannelly et al., petitioners, *v. The Delaware & Hudson Company.* Motion to advance denied.

No. 624. The Red "C" Oil Manufacturing Company, appellant, *v. The Board of Agriculture of North Carolina et al.* Motion to advance denied.

No. 640. Henry L. Hertz, collector, etc., *v. Gordon O. Woodman et al.* Motion to advance granted, and cause assigned to be heard on Monday, March 14, 1910.

No. 58. Atlantic Coast Line Railroad Company, plaintiff in error, *v. B. Mazursky;*

No. 59. Southern Express Company, plaintiff in error, *v. E. E. McTeer;*

No. 60. Atlantic Coast Line Railroad Company, plaintiff in error, *v. R. Keith Charles;*

No. 61. Atlantic Coast Line Railroad Company, plaintiff in error, *v. A. von Lehe;* and

No. 62. Atlantic Coast Line Railroad Company, plaintiff in error, *v. A. von Lehe.* The clerk is directed to notify the attorney-general of South Carolina of the pendency of these cases, and leave is granted that officer to file a brief as *amicus curiæ* herein in or before January 3, 1910, if he be so advised.

No. 448. Charles Thomas, plaintiff in error, *v. The State of Iowa.* In error to the supreme court of the State of Iowa. *Per curiam:* Writ of error dismissed for want of jurisdiction. No further opinion will be filed.

No. 693. W. S. Harlan et al., appellants, *v. T. F. McGourin, United States marshal, etc.;* and

No. 694. Robert Gallagher, appellant, *v. T. F. McGourin, United States marshal, etc.* Motion to advance submitted by Mr. Solicitor-General Bowers for the appellee.

No. —, Original. *Ex parte:* In the matter of The United States Consolidated Seeded Raisin Company, petitioner. Motion for leave to file petition for a writ of mandamus or certiorari submitted by Mr. John H. Miller for the petitioner.

No. 710. John R. Walsh, petitioner, *v. The United States.* Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. John S. Miller, Mr. Merritt Starr, and Mr. E. T. Ritsher for the petitioner, with leave

to Mr. Solicitor-General Bowers to file brief for the respondent within ten days and to counsel for the petitioner to file reply brief within five days thereafter.

No. 7, Original. The State of North Carolina, complainant, *v.* The State of Tennessee. Leave granted to file replication to answer to cross bill on motion of Mr. Charles T. Cates, jr., for the defendant.

No. 7, Original. The State of North Carolina, complainant, *v.* The State of Tennessee. Motion to set down case for trial and to fix the method of trial submitted by Mr. Theodore F. Davidson, Mr. T. W. Bickett, Mr. C. B. Mathews, and Mr. F. A. Sondley for the complainant, with leave to Mr. Charles T. Cates, jr., for the defendant, to file objections thereto, and to counsel for the complainant to file brief in support thereof.

No. 692. Solomon Brantley, plaintiff in error, *v.* The State of Georgia. Motion for leave to proceed in forma pauperis submitted by Mr. J. H. Blount in behalf of counsel for the plaintiff in error.

No. 709. Charles E. Davis, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. F. L. Siddons in behalf of Mr. J. H. Ralston and Mr. Joel Branham for the petitioner, and by Mr. Solicitor-General Bowers for the respondent.

No. 711. Peale, Peacock & Kerr of New York, petitioner, *v.* John M. Graham. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. Ezra R. Thayer for the petitioner, and by Mr. Robert M. Morse and Mr. William M. Richardson for the respondent.

No. 703. C. L. Van Sice, petitioner, *v.* The Ibex Mining Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Samuel Herrick in behalf of Mr. Edwin H. Park for the petitioner, and by Mr. Charles J. Hughes, jr., and Mr. Charles Cavender for the respondent.

No. 227. Atlantic Coast Line Railroad Company, plaintiff in error, *v.* W. C. Geraty. In error to the supreme court of the State of South Carolina. Dismissed with costs, on motion of Mr. Frederick D. McKenney of counsel for the plaintiff in error.

No. 25. Robert M. Snyder, jr., et al., executors, etc., et al., plaintiffs in error, *v.* J. Rosenbaum. Mandate stayed for thirty days, on motion of Mr. A. B. Browne in behalf of counsel for the plaintiffs in error.

No. 449. John Wynne, plaintiff in error, *v.* The United States. Re-assigned for argument on Monday, February 21, 1910, after the cases already assigned for that day, on motion of Mr. A. B. Browne in behalf of counsel for the plaintiff in error.

No. 698. Abraham Acord et al., petitioners, *v.* Western Pocahontas Corporation. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. A. B. Browne in behalf of Mr. Arthur English for the petitioners, and by Mr. J. Lewis Bumgardner for the respondent.

No. 713. Lewis P. Wingert, appellant, *v.* The First National Bank of Hagerstown et al. Motion to advance submitted by Mr. Blair Lee for the appellant.

No. 325. A. H. Huston, judge, etc., et al., plaintiffs in error, *v.* The State of Oklahoma ex rel. C. N. Haskell, governor. Motion to dismiss submitted by Mr. A. C. Cruce for the defendant in error, in support of the motion, and by Mr. Charles West and Mr. E. G. Spilman for the plaintiffs in error, in opposition thereto.

No. 609. Perth Amboy Dry Dock Company, appellant, *v.* Monmouth Steamboat Company. Submitted by Mr. James D. Dewell, jr., and Mr. Avery Fayette Cushman for the appellant, and by Mr. Charles R. Snyder for the appellee.

No. 456. The Baltimore & Ohio Railroad Company, appellant, *v.* Interstate Commerce Commission. Argument concluded by Mr. John G. Johnson for the appellant.

Adjourned until Monday, January 3, 1910, at 12 o'clock.

The day call for Monday, January 3, 1910, will be as follows: Nos. 466, 270, 316 (and 317), 366 (and 367), 385, 67, 68, 69, 70 and 71.

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 3, 1910.

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

The Chief Justice said:

"It gives me great pleasure to announce the appointment of Mr. Horace H. Lurton, of Tennessee, to a seat upon this Bench. Mr. Lurton is present and ready to take the oath. His commission will be read and recorded by the clerk, and the oath administered accordingly."

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

Robert J. Fox of New York City, Leander Stillwell of Erie, Kans., Lewis Minor Coleman of Chattanooga, Tenn., Wm. Allen Butler, jr., of New York City, Justin Morrill Chamberlin of Washington, D. C., Samuel W. Clark of Redfield, S. Dak., Philip W. Frey of Evansville, Ind., Frank Antonsanti of San Juan, P. R., George Mercer, jr., of New York City, and William S. Gregg of New York City were admitted to practice.

No. 46. The City of Minneapolis, appellant, *v.* The Minneapolis Street Railway Company. Appeal from the circuit court of the United States for the district of Minnesota. Decree modified and affirmed with costs. Opinion by Mr. Justice Day.

No. 48. The Mechanical Appliance Company, plaintiff in error, *v.* Benjamin T. Castleman. In error to the circuit court of the United States for the eastern district of Missouri. Judgment reversed with costs and cause remanded with directions to dismiss the case for want of jurisdiction. Opinion by Mr. Justice Day.

No. 37. Marcelo Tiglao, plaintiff in error and appellant, *v.* The Insular Government of the Philippine Islands et al. In error to and appeal from the supreme court of the Philippine Islands. Appeal dismissed. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 30. Arturo M. Elias, appellant, *v.* Eduardo Ramirez. Appeal from the supreme court of the Territory of Arizona. Decree reversed with costs, and cause remanded with directions to proceed in accordance with the opinion of this court. Opinion by Mr. Justice McKenna.

No. 220. Komada & Co., petitioner, *v.* The United States. On writ of certiorari to 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 northern district of California. Opinion by Mr. Justice Brewer.

No. 19. Union Pacific Railroad Company, plaintiff in error, *v.* Morris Harris et al. In error to the supreme court of the State of Kansas. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 50. Barton W. Kuhn *v.* Fairmont Coal Company. On a certificate from the United States circuit court of appeals for the fourth circuit. Question certified answered in the negative. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Holmes, Mr. Justice White and Mr. Justice McKenna.

No. 72. A. Henley et al., plaintiffs in error, *v.* E. E. Myers, receiver of the Consolidated Barb Wire Company. In error to the supreme court of the State of Kansas. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 64. First National Bank of Estherville, Iowa, et al., plaintiffs in error, *v.* City Council of Estherville, etc., et al. In error to the supreme court of the State of Iowa. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

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

No. — Original. *Ex parte*: In the matter of The United States Consolidated Seeded Raisin Company, petitioner. Motion for leave to file petition for a writ of mandamus or certiorari denied.

No. 7 Original. The State of North Carolina *v.* The State of Tennessee. Complainant is ruled to take and file depositions on its behalf within ninety days, and defendant is ruled to take its depositions on its behalf within ninety days of the conclusion of the taking of depositions for complainant.

No. 692. Solomon Brantley, plaintiff in error, *v.* The State of Georgia. Motion for leave to proceed herein *in forma pauperis* granted.

No. 693. W. S. Harlan et al., appellants, *v.* T. F. McGourin, United States marshal, etc.; and

No. 694. Robert Gallagher, appellant, *v.* T. F. McGourin, United States marshal, etc. Motion to advance granted, and cases assigned for argument on the first Tuesday of the next term (October 11, 1910), to be heard as one case.

No. 713. Lewis P. Wingert, appellant, *v.* First National Bank of Hagerstown et al. Motion to advance denied.

No. 698. Abraham Acord et al., petitioners, *v.* Western Pocohontas Corporation. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 703. C. L. Van Sice, petitioner, *v.* The Ibex Mining Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 709. Charles E. Davis, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 711. Peale, Peacock & Kerr of New York, petitioner, *v.* John M. Graham. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 325. A. H. Huston, judge, etc., et al., plaintiffs in error, *v.* The State of Oklahoma ex rel. C. N. Haskell, governor. In error to the supreme court of the State of Oklahoma. Per curiam: Writ of error dismissed for want of jurisdiction.

Haire *v.* Rice, 204 U. S., 291; Cockrane Oil Company *v.* Arnaudet, 199 U. S., 182; Giles *v.* Teasley, 193 U. S., 146; Luther *v.* Borden, 7 How., 1; Taylor *v.* Beckham, 178 U. S., 548; case below, 21 Oklahoma, 782.

No. 609. Perth Amboy Dry Dock Company, appellant, *v.* Monmouth Steamboat Company. Appeal from the district court of the United States for the district of New Jersey. Per curiam: Decree affirmed with costs.

No. 8 Original. The United States of America, complainant, *v.* The People of the State of New York et al. Leave granted to file answer herein on motion of Mr. Solicitor-General Bowers in behalf of counsel for the defendants.

No. 539. The United States, plaintiff in error, *v.* American Bonding Company of Baltimore. In error to the United States circuit court of appeals for the ninth circuit. Dismissed on motion of Mr. Solicitor-General Bowers for the plaintiff in error.

No. 540. The United States, plaintiff in error, *v.* Rudolph Axman. In error to the United States circuit court of appeals for the ninth circuit. Dismissed on motion of Mr. Solicitor-General Bowers for the plaintiff in error.

No. 725. Standard Oil Company et al., appellants, *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Bowers for the appellee.

No. 630. John C. McClellan et al., petitioners, *v.* John E. Carland, United States district judge, etc. Motion to advance submitted by Mr. Melvin Grigsby for the petitioner.

No. 717. The Steamship Folmina, etc., petitioner, *v.* Gustave A. Jahn et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. John Spalding Flannery in behalf of Mr. J. Parker Kirlin and Mr. John M. Woolsey for the petitioner, and by Mr. Frederick M. Brown for the respondents.

No. 316. The United States, appellant, *v.* The American Tobacco Company; and

No. 317. The American Tobacco Company et al., appellants, *v.* The United States. Motion for leave to file brief herein submitted

by Mr. W. Bourke Cockran in that behalf. Motion for leave to file brief herein submitted by Mr. Thomas Thacher in that behalf.

No. 9. Rumford Chemical Works, petitioner, *v.* Hygienic Chemical Company; and

No. 121. Hygienic Chemical Company of New York et al., petitioners, *v.* The Rumford Chemical Works. Motion for leave to reopen proofs in the circuit courts submitted by Mr. Reeve Lewis in behalf of Mr. Philip Mauro and Mr. C. A. L. Massie in support of the motion, and by Mr. Willard Parker Butler and Mr. Edwin T. Rice in opposition thereto.

No. 291. Pere Alfredo Luis Baglin et al., appellants, *v.* Cusenier Company. Petition for an additional writ of certiorari herein submitted by Mr. Reeve Lewis, in behalf of Mr. Philip Mauro and Mr. C. A. L. Massie for the appellants and petitioners, and by Mr. A. L. Pincoffs and Mr. Roger Foster for the appellees and respondents.

No. 282. Liverpool and London and Globe Insurance Company of New York, plaintiff in error, *v.* The Board of Assessors of the Parish of Orleans et al. Motion to advance submitted by Mr. Frederick S. Tyler in behalf of counsel.

No. 723. Orient Insurance Company et al., plaintiffs in error, *v.* The Board of Assessors for the Parish of Orleans et al. Motion to advance to be heard with No. 282, as one case, submitted by Mr. Frederick S. Tyler in behalf of counsel.

No. 195. Frederick Weyerhaeuser et al., appellants, *v.* Herbert H. Hoyt. Motion to advance, to be heard with No. 176, submitted by Mr. Evans Browne, in behalf of counsel.

No. 528. The Atchison, Topeka & Santa Fe Railway Company, plaintiff in error, *v.* Mitchell E. Pickens. In error to the court of civil appeals for the fourth supreme judicial district of the State of Texas. Dismissed with costs, on motion of Mr. Evans Browne, in behalf of counsel for the plaintiff in error.

No. 700. Northern Pacific Railway Company, plaintiff in error, *v.* Bessie Babcock, as administratrix, etc. Motion to advance submitted by Mr. Evans Browne in behalf of counsel.

No. 341. Central of Georgia Railway Company, appellant, *v.* William A. Wright, comptroller-general of Georgia et al. Appeal from the circuit court of the United States for the northern district of Georgia. Dismissed with costs, on motion of counsel for appellants.

No. 207. Missouri, Kansas & Texas Railway Company, plaintiff in error, *v.* J. B. Blachley. Motion to dismiss or affirm submitted by Mr. B. F. Looney, for the defendant in error, in support of the motion, and by Mr. James Hagerman and Mr. Joseph M. Bryson, for the plaintiff in error, in opposition thereto.

No. 466. Central of Georgia Railway Company, plaintiff in error, *v.* John B. Gaston. Submitted by Mr. Robert E. Steiner, Mr. Leon Weil, Mr. T. M. Cunningham, jr., Mr. A. R. Lawton and Mr. Horace

Stringfellow for the plaintiff in error, and by Mr. A. M. Garber and Mr. Samuel D. Weakley for the defendant in error.

No. 270. Silas Pickett, plaintiff in error, *v.* The United States. Submitted by Mr. Assistant Attorney-General Harr for the defendant in error. No counsel appeared for the plaintiff in error.

No. 316. The United States, appellant, *v.* The American Tobacco Company et al.; and

No. 317. The American Tobacco Company et al., appellants, *v.* The United States. Twelve hours allowed for the argument of these appeals, on motion of Mr. Attorney-General Wickersham, for the United States. Argument commenced by Mr. J. C. McReynolds for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 4, 1910, will be as follows: Nos. 316 (and 317), 366 (and 367), 385, 67, 68, 69, 70, 71, 74 and 75.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 4, 1910.

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

Winthrop E. Dwight of New York City, Origen S. Seymour of New York City, Fred Miller of Spokane, Wash., Harry K. Wolcott of Norfolk, Va., and Nathan Friedman of New York City, were admitted to practice.

No. 420. John Hobson Nelson, appellant, *v.* The City of Murfreesboro et al. Appeal from the circuit court of the United States for the middle district of Tennessee. Dismissed with costs, on motion of counsel for the appellant.

No. 316. The United States, appellant, *v.* The American Tobacco Company et al.; and

No. 317. The American Tobacco Company et al., appellants, *v.* The United States. Argument continued by Mr. J. C. McReynolds for the United States, and by Mr. De Lancey Nicoll for the American Tobacco Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 5, will be as follows: Nos. 316 (and 317), 366 (and 367), 385, 67, 68, 69, 70, 71, 74 and 75.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 5, 1910.

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

S. H. Dent, jr., of Montgomery, Ala., and Philip T. Colgrove of Hastings, Mich., were admitted to practice.

No. 395. Edward C. Osborne and Joseph J. Slocum, as trustees, etc., plaintiffs in error, *v.* Peter Froyseth. Submitted pursuant to the 20th Rule by Mr. A. B. Browne, Mr. Alexander Britton and Mr. Evans Browne for the plaintiffs in error, and by Mr. C. A. Fosnes for the defendant in error.

No. 316. The United States, appellant, *v.* The American Tobacco Company et al.; and

No. 317. The American Tobacco Company et al., appellants, *v.* The United States. Argument continued by Mr. John G. Johnson for the American Tobacco Company, by Mr. William B. Hornblower for the Imperial Tobacco Company, and by Mr. Sol. M. Stroock for United Cigar Stores Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 6, will be as follows: Nos. 316 (and 317), 366 (and 367), 385, 67, 68, 69, 70, 71, 74 and 75.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 6, 1910.

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

Robert B. Newcomb of Cleveland, Ohio, P. A. Vance Agnew of Kissimmee, Fla., David T. Marvel of Wilmington, Del., Cyrus G. Derr of Reading, Pa., J. P. Laffey of Deadwood, S. Dak., J. B. Stirling of Jackson, Miss., and C. H. E. Boardman of Marshalltown, Iowa, were admitted to practice.

No. 316. The United States, appellant, *v.* The American Tobacco Company et al.

No. 317. The American Tobacco Company et al., appellants, *v.* The United States. Argument concluded by Mr. Attorney-General Wickersham for the United States. Leave granted to counsel on both sides to file additional briefs.

No. 366. Frederick A. Peckham, appellant, *v.* William Henkel, U. S. marshal, etc.; and

No. 367. Moses Haas, appellant, *v.* William Henkel, U. S. marshal, etc. Argument commenced by Mr. Nash Rockwood for the appellants, and continued by Mr. Jesse C. Adkins for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 7, will be as follows: Nos. 366 (and 367), 385, 67, 68, 69, 70, 71, 74, 75 and 76.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 7, 1910.

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

W. D. Thomson of Atlanta, Ga., Leslie L. Brown of Winona, Minn., and John G. Skinner of Albert Lea, Minn., were admitted to practice.

No. 167. Edwin T. Mankin et al., copartners, etc., et al., plaintiffs in error, *v.* The United States for the use and benefit of Ludowici-Celadon Company et al. Submitted, pursuant to the twentieth rule, by Mr. C. V. Meredith, Mr. T. C. Catchings and Mr. O. W. Catchings for the plaintiffs in error, and by Mr. C. H. Alexander for the defendants in error.

No. 76. J. A. Hughes, plaintiff in error, *v.* The Collin County National Bank. In error to the circuit court of the United States for the district of Colorado.

Dismissed with costs, pursuant to the tenth rule.

No. 366. Frederick A. Peckham, appellant, *v.* William Henkel, United States marshal, etc.; and

No. 367. Moses Haas, appellant, *v.* William Henkel, United States marshal, etc. Argument continued by Mr. Jesse C. Adkins for the appellee, and concluded by Mr. Henry E. Davis for the appellant. Leave granted to both sides to file additional briefs within one week.

No. 385. Theodore H. Price, appellant. *v.* William Henkel, United States marshal, etc., et al. Argued by Mr. De Lancey Nicoll for the appellant, and by Mr. Assistant Attorney-General Fowler for the appellees.

No. 67. Mrs. Annie E. Penman, petitioner, *v.* St. Paul Fire and Marine Insurance Company. Argument commenced by Mr. A. J. Truitt for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 10, will be as follows: Nos. 67, 68, 69, 70, 71, 74, 75, 551 (and 552) and 77.

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 10, 1910.

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

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

May it please the court, I am requested by the members of the bar of this court to present for entry upon your records the resolutions recently adopted expressing their profound sorrow in the death of Mr. Justice Peckham and their sincere tribute to his high character and eminent service to the country. These resolutions are as follows:

Resolved, That the bar of the Supreme Court of the United States deeply deplore the death of Rufus W. Peckham, associate justice of the Supreme Court, and desire to place upon record an expression of the respect and esteem in which Justice Peckham was held and of regret for the loss which the court, the bar and the country have suffered in his untimely death.

“For twenty-four years he was an able and successful advocate at the bar of his native State of New York. For twelve years, by the election of his people, he was a member of the highest court of original jurisdiction and of the court of last resort of that State. For fourteen years he sat upon the bench of the Supreme Court of the United States. For a full half century he served the cause of justice without fear and without reproach. His learning and strong powers of reasoning preserved the standards of the law. His knowledge of affairs and the breadth and vigor of his sympathies with the life and men of his time saved his judgments from pedantry and made them effective instruments for the application of the old principles to new conditions. His published opinions constitute a substantial and valuable contribution to the development of American law. The virile and courageous independence of his strong character, its integrity and its purity, created and justified universal confidence in his judicial acts. The influence of his life and the effect of his work have contributed powerfully to promote that respect for law and for the courts of our country which underlies all of our institutions.

Resolved, That the Attorney-General be asked to present these resolutions to the court, with the request that they be entered upon

the records, and that the chairman of this meeting be directed to send to the family of the late Mr. Justice Peckham a copy of the resolutions and an expression of our sympathy for them in the loss which they have sustained."

These resolutions of the bar are intended, in some measure, to express not alone the sense of personal bereavement which is so deeply felt by the immediate friends and associates of Mr. Justice Peckham, but a just and fitting estimate of his life and labors as they are known and esteemed by his countrymen.

The extent of the contribution to the work of this court of a single member is as difficult of exact ascertainment as is his influence upon its judgments. Only as he speaks through the published opinions which he is directed to announce can the bar or the people know the extent or the character of his service. His devotion to the duties of his high place, his persuasive insistence upon the right as it is given him to see it, his painstaking industry, his aid in council, his personal characteristics—all these are attributes which intimate friends may know, and which may be revealed now and again in the convincing earnestness of some striking opinion, but which have their full, free play only among his colleagues on the bench.

Looking back with this light upon the services of Rufus Wheeler Peckham, it is not beyond the truth to say that in the period of his service on the bench no man contributed more than he to the learning and development of the law.

He came of a family of lawyers and judges. His father, his brother, his sons made this profession the work of their lives. Though the span of his own life was little beyond seventy years, more than half of it was devoted to the public administration of the law of his State or his country. Though the period of his service in this court was less than fifteen years, it is perhaps not too much to say that in no other period of our history has the jurisprudence of the country been more profoundly affected by the new conditions and the new problems that have arisen as incident to our national growth and development. It has been largely during these fifteen years that the graver questions involved in the effort of the National Government to cope with the great industrial problems arising out of our unexampled commercial expansion have found their way to this court. It has been wholly within these fifteen years that our relations with foreign possessions and the interpretation of our laws for the government of alien peoples have been here debated and determined.

In this work Mr. Justice Peckham did his full share. No one can examine, even cursorily, the deliverances of this court during the last decade and a half without being impressed by the tremendous volume of it which came from his hand and brain. In that time he wrote nearly four hundred opinions. They dealt with every aspect of the law. But more striking than the number is the fact that so many of them are to-day, and will ever remain, the leading and familiar cases upon the great questions with which they dealt. No tribute to the life and work of Mr. Justice Peckham could find a higher sanction

than the mere citation of his opinions in such cases as *Maxwell v. Dow*, *Hopkins v. United States*, the *Addyston Pipe* case, the *Trans-Missouri* and the *Joint Traffic Association* cases, *Montague v. Lowry*, *Lochner v. New York*, *Ex parte Young*, which reveal his great learning and industry.

But we can not garner up his work as men would bind the harvest of a season. It has enriched the whole field of our national jurisprudence, and for all time the yield will be the better for his labor.

If it please the court, I have the honor to move that the resolutions adopted by the bar be entered at large upon the records of this court.

The Chief Justice responded:

The resolutions and the remarks by which they are accompanied will be spread upon our records as deserved tributes to the memory of the brother who has so recently been taken from us. Whatsoever things are true and honest, just and of good report, these are the things which the record of the life of Mr. Justice Peckham displays. Its most striking characteristic is the single mindedness of his devotion to judicial duty. It may be said of him as it was of Mr. Justice Story that "in all his commerce with the world and in his intercourse with the circle of his friends the predominance of his judicial character was manifest." He discharged his judicial duties not as upon compulsion, but because he loved them. It ran in his blood, and he profoundly believed that justice was "the great interest of man on earth."

"As a man thinketh, so is he," and as this man was, so was his style, simple, forcible, and direct. He aimed to do substantial justice in an intelligible way, dealing in no strained inferences, nor muddling definite results by qualifying his qualifications.

His opinions from the first in volume 160 of our reports to the last in volume 214 are all lucid expositions of the matter in hand, and many of them of peculiar gravity and importance in the establishment of governing principles. He sought to avoid the curse denounced on the removal of landmarks while meriting the blessing accorded to their wise reenforcement. His death is a serious loss to the cause of jurisprudence, to this court, and to his country. I can not trust myself to speak of the loss to his brethren of this lovable and beloved comrade. We can not but be exceeding sorrowful as we recall the touch of the vanished hand and the sound of the voice that is still. "Let us alone," sang the *Lotus Eaters*, "what is it that will last?" We find the answer in the example of this distinguished, faithful, and thorough life which, "though the whole world turns to coal, then chiefly lives."

Mr. Elihu Root presented to the court the resolutions adopted at a meeting of the members of the bar of the State of New York in memory of Mr. Justice Peckham, and it was ordered that they be placed on file.

Samuel Scoville, jr., of Philadelphia, Pa., and Richard B. Montgomery of New Orleans, La., were admitted to practice.

No. 233. The Interstate Commerce Commission, appellant, *v.* The Illinois Central Railroad Company. Appeal from the circuit court of the United States for the northern district of Illinois. Decree reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice White. Dissenting: Mr. Justice Brewer.

No. 232. The Interstate Commerce Commission, appellant, *v.* The Chicago & Alton Railroad Company. Appeal from the circuit court of the United States for the northern district of Illinois. Decree reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice White. Dissenting: Mr. Justice Brewer.

No. 289. The Baltimore & Ohio Railroad Company et al., plaintiffs in error, *v.* The United States ex rel. Pitcairn Coal Company et al. In error to the United States circuit court of appeals for the fourth circuit. Judgments of the United States circuit court of appeals reversed with costs, and the cause remanded to the circuit court of the United States for the district of Maryland, with directions to set aside its judgment and enter judgment dismissing the petition. Opinion by Mr. Justice White. Dissenting: Mr. Justice Harlan and Mr. Justice Brewer.

No. 35. John F. Haffner, appellant, *v.* Michael Dobrinski and Henry Schultz. Appeal from the supreme court of the Territory of Oklahoma. Decree affirmed with costs, and cause remanded to the supreme court of the State of Oklahoma. Opinion by Mr. Chief Justice Fuller.

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

Order: There having been an associate justice of this court appointed since the commencement of this term,

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

For the first circuit, Oliver Wendell Holmes, associate justice.

For the second circuit, Horace H. Lurton, associate justice.

For the third circuit, William H. Moody, associate justice.

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

For the fifth circuit, Edward D. White, associate justice.

For the sixth circuit, John M. Harlan, associate justice.

For the seventh circuit, William R. Day, associate justice.

For the eighth circuit, David J. Brewer, associate justice.

For the ninth circuit, Joseph McKenna, associate justice.

Order: It is ordered by the court that section 7 of rule 24 be, and the same is hereby, amended so as to read as follows:

"For preparing the record or a transcript thereof for the printer, indexing the same, supervising the printing, and distributing the printed copies to the justices, the reporter, the law library, and the parties or their counsel, fifteen cents per folio; but when the necessary printed copies of the record, as printed for the use of the lower court, shall be furnished, the fee for supervising shall be five cents per folio.

"For every printed copy of any opinion of the court or any justice thereof, certified under seal, two dollars."

No. 9. Rumford Chemical Works, petitioner, *v.* Hygienic Chemical Company; and

No. 121. Hygienic Chemical Company of New York et al., petitioners, *v.* Rumford Chemical Works. Motion for leave to reopen proofs in the circuit courts denied.

No. 195. Frederick Weyerhaeuser et al., appellants, *v.* Herbert H. Hoyt. Motion to advance to be heard with No. 176, as one case, granted.

No. 207. Missouri, Kansas & Texas Railway Company, plaintiff in error, *v.* J. B. Blachley. Motion to dismiss or affirm postponed to the hearing of the case on its merits.

No. 282. Liverpool & London & Globe Insurance Company of New York, plaintiff in error, *v.* The Board of Assessors of the Parish of Orleans et al. Motion to advance denied.

No. 291. Pere Alfredo Luis Baglin et al., appellants and petitioners, *v.* Cusenier Company. Consideration of the petition for an additional writ of certiorari herein postponed to the hearing of the principal case.

No. 316. The United States, appellant, *v.* The American Tobacco Company et al.; and

No. 317. The American Tobacco Company et al., appellants, *v.* The United States. Motions of Mr. W. Bourke Cockran and Mr. Thomas Thacher and Mr. J. Parker Kirlin for leave to file briefs herein as amici curiæ granted, briefs to be filed instanter.

No. 630. John C. McClellan et al., petitioners, *v.* John E. Carland, United States district judge, etc. Motion to advance granted, and cause assigned to be heard on Monday, January 24.

No. 700. Northern Pacific Railway Company, plaintiff in error, *v.* Bessie Babcock, as administratrix, etc. Motion to advance granted, and cause assigned to be heard on the first Tuesday of the next term (October 11), after the case already assigned for that day.

No. 717. The Steamship *Folmina*, etc., petitioner, *v.* Gustave A. Jahn et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 723. Orient Insurance Company et al., plaintiffs in error, *v.* The Board of Assessors for the Parish of Orleans et al. Motion to advance to be heard with No. 282, as one case, granted.

No. 539. The United States, plaintiff in error, *v.* The American Bonding Company of Baltimore; and

No. 540. The United States, plaintiff in error, *v.* Rudolph Axman. Mandates granted on motion of Mr. Solicitor-General Bowers for the plaintiff in error.

No. 719. Westinghouse Electric & Manufacturing Company, petitioner, *v.* The Wagner Electric Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Paul Bakewell and Mr. Thomas B. Kerr for the petitioner.

No. 586. Harry Haynes, petitioner, *v.* The Baltimore & Ohio Railroad Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Charles Henry Butler in behalf of Mr. Orville S. Brumback for the petitioner, and by Mr. F. A. Durban for the respondent.

No. 701. Metropolitan Life Insurance Company, petitioner, *v.* Eliza A. Williamson. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. W. G. M. Thomas and Mr. Richard W. Walker for the petitioner.

No. 411. Victor Fraenkl et al., as Jaffe Bros. & Co., et al., appellants, *v.* Manuel Cerecedo et al., as Cerecedo Hermanos. Submitted pursuant to the twentieth rule by Mr. George H. Lamar and Mr. N. B. K. Pettingill for the appellants, with leave to counsel for the appellees to file brief on or before the 17th instant.

No. 408. Robert H. Todd, appellant, *v.* Higinio Romeu. Submitted pursuant to the twentieth rule by Mr. George H. Lamar in behalf of Mr. N. B. K. Pettingill for the appellant, with leave to counsel for the appellee to file brief on or before the 17th instant.

No. 206. K. K. Knapp, as trustee, etc., appellant, *v.* The Milwaukee Trust Co., trustee, etc., et al. Submitted pursuant to the twentieth rule by Mr. William Duff Haynie for the appellant, and by Mr. George P. Miller and Mr. Edward P. Vilas for the appellees.

No. 493. Grenada Lumber Company et al., plaintiffs in error, *v.* The State of Mississippi. Submitted pursuant to the twentieth rule by Mr. Edward Mayes and Mr. C. D. Joslyn for the plaintiffs in error, and by Mr. J. B. Stirling for the defendant in error.

No. 67. Mrs. Annie E. Penman, petitioner, *v.* St. Paul Fire & Marine Insurance Company. Argument continued by Mr. A. J. Truitt for the petitioner, and concluded by Mr. William D. Mitchell for the respondent.

No. 68. J. H. Friday et al., petitioners, *v.* Hall & Kaul Company. Argued by Mr. A. J. Barron for the petitioners, and by Mr. George L. Roberts for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 11, will be as follows: Nos. 69, 70, 71, 74, 75, 551 (and 552), 77, 79, 80 and 81.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 11, 1910.

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

No. 80. International Textbook Company, plaintiff in error, *v.* Carl Peterson. Passed temporarily, on motion of Mr. E. S. McCalmont in behalf of counsel.

No. 69. Guillermo Alvarez y Sanchez, appellant, *v.* The United States. Submitted by Mr. S. Mallet-Prevost for the appellant, and by Mr. Assistant Attorney-General John Q. Thompson and Mr. Franklin W. Collins for the appellee.

No. 70. William A. Wright, comptroller-general of the State of Georgia, et al., appellants, *v.* Georgia Railroad & Banking Company. Argument commenced by Mr. Samuel H. Sibley for the appellants, continued by Mr. Joseph B. Cumming and Mr. Joseph R. Lamar for the appellee, and concluded by Mr. John C. Hart for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 12, will be as follows: Nos. 71, 74, 75, 551 (and 552), 77, 79, 81, 86, 87 and 88.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 12, 1910.

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

Thomas S. Martin of Charlottesville, Va., Edward M. Watson of Honolulu, Hawaii, Sylvan Hayes Lauchheimer of Baltimore, Md., and Oscar Leser of Baltimore, Md., were admitted to practice.

No. 71. Daniel F. Blake, as trustee in bankruptcy, etc., appellant, *v.* William Openhym & Sons. Submitted by Mr. Edwin A. Krauthoff and Mr. Alexander New for the appellant, and by Mr. Benjamin Cardozo for the appellees.

No. 74. George E. Zartman, trustee in bankruptcy of Francis Bacon, plaintiff in error, *v.* The First National Bank of Waterloo, N. Y. Argued by Mr. George E. Zartman for the plaintiff in error, and by Mr. W. H. Sholes for the defendant in error.

No. 75. The Hannis Distilling Company, plaintiff in error, *v.* The Mayor and City Council of Baltimore. Argument commenced by Mr. Shirley Carter for the plaintiff in error, continued by Mr. Sylvan Hayes Lauchheimer and Mr. Edgar Allen Poe for the defendants in error, and concluded by Mr. Shirley Carter for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 13, will be as follows: 551 (and 522), 77, 79, 81, 86, 87, 89, 90 (and 245) and 91.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 13, 1910.

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

D. A. R. Crum of Cordele, Ga., Jesse H. Steinhart of San Francisco, Cal., Daniel Harmon of Charlottesville, Va., and Joseph A. Minturn of Indianapolis, Ind., were admitted to practice.

No. 90. Monserrate Garcia Maytin, Dominga Garcia Maytin et al., appellants, *v.* Ricardo Vela, Jose Quijano et al.; and

No. 245. Beatriz de los Angeles, widow of Mr. Alos, appellant, *v.* Monserrate and Dominga Garcia Maytin et al. Passed, to be restored to the call subject to the provisions of section 9, rule 26, on motion of Mr. George H. Lamar in behalf of counsel.

No. 551. The United States, appellant, *v.* Oberlin M. Carter et al.; and

No. 552. Oberlin M. Carter et al., appellants, *v.* The United States. One hour additional time granted to each side in the argument of these appeals, on motion of Mr. Marion Erwin for the United States. Argument commenced by Mr. Marion Erwin for the United States, and continued by Mr. Horace G. Stone and Mr. Joseph B. Foraker for Carter et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 14, will be as follows: Nos. 551 (and 552), 77, 79, 81, 86, 87, 88, 89, 91 and 92.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 14, 1910.

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

James Francis Peck of Berkeley, Cal., William L. Cunningham of Arkansas City, Kans., Frederick B. Wheeler of Pittsburg, Kans., Stephen H. Allen of Topeka, Kans., and Harry W. Hayward of New York City were admitted to practice.

No. 551. The United States, appellant, *v.* Oberlin M. Carter et al.; and

No. 552. Oberlin M. Carter et al., appellants, *v.* The United States. Argument continued by Mr. Joseph B. Foraker for Carter et al., and concluded by Mr. Marion Erwin for the United States.

No. 77. Lyda B. Conley, appellant, *v.* James R. Garfield, Secretary of the Interior, et al. Upon suggestion of resignation of James R. Garfield and appointment of Richard A. Ballinger as Secretary of the Interior, substitution of said Richard A. Ballinger, Secretary of the Interior, as a party appellee herein ordered on motion of Lyda B. Conley, the appellant. Argued by Lyda B. Conley, pro se, and submitted by Mr. Solicitor-General Bowers and Mr. Barton Corneau for the appellees.

No. 79. Cincinnati, New Orleans & Texas Pacific Railway Company, plaintiff in error, *v.* J. Slade and E. M. Pless, composing the firm of Pless & Slade. Argued by Mr. D. A. R. Crum for the plaintiff in error, and by Mr. Joseph T. Hill for the defendants in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 17, will be as follows: Nos. 81, 86, 87, 88, 89 (and 94), 91, 92, 93, 95 and 96.



SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 17, 1910.

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

Charles E. McNabb of Washington, D. C., John B. Sanborn of Madison, Wis., John J. McCurdy of Lincoln, Kans., Richard H. Hanna of Santa Fe, N. Mex., John G. White of Cleveland, Ohio, Frank H. Sullivan of St. Louis, Mo., Edwin L. Norris of Helena, Mont., and John M. Kirk of Butte, Mont., were admitted to practice.

No. 167. Edwin T. Mankin et al., copartners, etc., et al., plaintiffs in error, *v.* The United States for the use and benefit of Ludowici-Celadon Company et al. In error to the United States circuit court of appeals for the fifth district. Judgment affirmed with costs and cause remanded to the circuit court of the United States for the southern district of Mississippi. Opinion by Mr. Justice Day.

No. 66. Edward Brill et al., executors, etc., et al., appellants, *v.* The Washington Railway & Electric Company. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice McKenna.

No. 47. The State of North Dakota ex rel. R. E. Flaherty, plaintiff in error, *v.* O. G. Hanson, sheriff of the county of Grand Forks, State of North Dakota. In error to the supreme court of the State of North Dakota. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice White. Dissenting: Mr. Chief Justice Fuller, Mr. Justice McKenna and Mr. Justice Holmes.

No. 351. The Macon Grocery Company et al., appellants, *v.* Atlantic Coast Line Railroad Company et al. Appeal from 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 Georgia. Opinion by Mr. Justice White. Dissenting: Mr. Justice Harlan.

No. 4. The Western Union Telegraph Company, plaintiff in error, *v.* The State of Kansas on the relation of C. C. Coleman, attorney-general. In error to the supreme court of the State of Kansas. Judgment reversed with costs and cause remanded for such proceedings as may be consistent with the opinion of this court. Opinion by Mr.

Justice Harlan. Concurring opinion by Mr. Justice White. Dissenting: Mr. Justice Holmes, Mr. Chief Justice Fuller and Mr. Justice McKenna.

The Chief Justice announced the following orders of the court:

No. 725. Standard Oil Company et al., appellants, *v.* The United States. Motion to advance granted and cause assigned to be heard on Monday, March 14, after case already assigned for that day.

No. 719. Westinghouse Electric & Manufacturing Company, petitioner, *v.* The Wagner Electric Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit granted.

No. 586. Harry Haynes, petitioner, *v.* The Baltimore & Ohio Railroad Company. Petition for writ of certiorari to the United States circuit court of appeals for the sixth circuit denied. (Mr. Justice Lurton did not participate in the disposition of this application.)

No. 701. Metropolitan Life Insurance Company, petitioner, *v.* Eliza A. Williamson. Petition for writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 710. John R. Walsh, petitioner, *v.* The United States. Petition for writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 732. Fries-Breslin Company, petitioner, *v.* William Bergan et al. Petition for writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Frederic D. McKenney, in behalf of Mr. Roger Foster for the petitioner, and by Mr. Ira Jewell Williams and Mr. Frank R. Shattock for the respondents.

No. 658. Commercial Union Assurance Company (Limited) of London, England, petitioner *v.* The Richmond Coal Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Walter D. Davidge and Mr. T. C. Van Ness for the petitioner, and by Mr. Emery H. Sykes for the respondent. Leave granted to Mr. E. S. Pillsbury and Mr. William A. Maury to file brief herein as amici curiæ, on motion of Mr. John Spalding Flannery in that behalf.

No. 414. The Buck's Stove & Range Company, appellant, *v.* The American Federation of Labor et al.;

No. 685. Samuel Gompers et al., petitioners, *v.* The Buck's Stove & Range Company; and

No. 720. The American Federation of Labor et al., appellants, *v.* The Buck's Stove & Range Company. Motion to consolidate and advance submitted by Mr. J. J. Darlington for the Buck's Stove & Range Company.

No. 736. Thomas Franklin, plaintiff in error, *v.* The United States. Motion for admission of the plaintiff in error to bail pending the determination of the writ of error herein submitted by Mr. A. B. Duvall, in behalf of counsel for the plaintiff in error. Suggestion

that the consideration of motion for bail be postponed until the submission of a proposed motion to dismiss submitted by Mr. Solicitor-General Bowers for the defendant in error.

No. 81. Emilie Saxlehner, petitioner, *v.* Edward Wagner et al. Argument commenced by Mr. Antonio Knauth for the petitioner, continued by Mr. Walter F. Murray for the respondents, and concluded by Mr. John G. Johnson for the petitioner.

No. 86. Central Trust Company, appellant, *v.* Central Trust Company of Illinois et al. Argument commenced by Mr. W. H. Sears for the appellant, and continued by Mr. Max Pam for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 18, will be as follows: Nos. 86, 87, 88, 89 (and 94), 91, 92, 93, 95, 96 and 53.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 18, 1910.

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

James M. Shoup of Juneau, Alaska, Walter C. Shoup of Salmon City, Idaho, Edwin A. Snow of Boise, Idaho, John Henry Bailey, jr., of Salt Lake City, Utah, Anthony Deahl of Goshen, Ind., W. P. Guthrie of Twin Falls, Idaho, Cornelius J. Doyle of Greenfield, Ill., Frank A. Helmer of Chicago, Ill., A. R. Mitchell of Lake Charles, La., and C. H. Lingenfelter of Boise, Idaho, were admitted to practice.

No. 175. Cudahy Packing Company, plaintiff in error, *v.* The State of Minnesota. In error to the supreme court of the State of Minnesota. Dismissed per stipulation.

No. 86. Central Trust Company, appellant, *v.* Central Trust Company of Illinois et al. Resignation of Fred A. Busse, one of the appellees herein, as postmaster at the city of Chicago, Ill., suggested, and appearance of Daniel A. Campbell, his successor in office, as a party appellee herein, filed and entered on motion of Mr. Max Pam for the appellees. Argument continued by Mr. Max Pam for the appellees, and concluded by Mr. W. H. Sears for the appellant.

No. 87. Otis W. Kenyon, plaintiff in error, *v.* Albert P. Fowler, as receiver of the American Exchange National Bank of Syracuse. Argued by Mr. Dorr Raymond Cobb for the plaintiff in error, and by Mr. Leonard C. Crouch for the defendant in error.

No. 88. The Toxaway Hotel Company *v.* J. L. Smathers & Company et al. Submitted by Mr. Theodore F. Davidson, Mr. Louis M. Bourne, Mr. John M. Slaton and Mr. Benjamin Z. Phillips for the Toxaway Hotel Company, and by Mr. Julius C. Martin for J. L. Smathers & Company et al.

No. 89. Rickey Land & Cattle Company, petitioner, *v.* Miller & Lux; and

No. 94. Rickey Land & Cattle Company, petitioner, *v.* Henry Wood et al. Argument commenced by Mr. Charles C. Boynton for the petitioner, and continued by Mr. A. B. Browne for the respondents, and by Mr. James F. Peck for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 19, will be as follows: Nos. 89 (and 94), 91, 92, 93, 95, 96, 53, 97, 98 and 100.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 19, 1910.

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

Homer Hall of Trenton, Mo., John R. Hardin of Newark, N. J., Edmund Smith of Valdez, Alaska, A. T. Stovall of Okolona, Miss., Dan W. Simms of Lafayette, Ind., and Claude L. Allen of Boston, Mass., were admitted to practice.

No. 507. Woodward Carriage Company et al., appellants, *v.* Pitts Livery Company et al. Appeal from the district court of the United States for the western district of Texas. Dismissed with costs, on motion of counsel for appellants.

No. 89. Rickey Land & Cattle Company, petitioner, *v.* Miller & Lux; and

No. 94. Rickey Land & Cattle Company, petitioner, *v.* Henry Wood et al. Argument concluded by Mr. James F. Peck for the petitioners. Leave granted to counsel for respondents to file an additional brief on or before Friday next.

No. 91. The president, managers, and company of the Monongahela Bridge Company, plaintiffs in error, *v.* The United States. Argument commenced by Mr. D. T. Watson for the plaintiffs in error, continued by Mr. Solicitor-General Bowers for the defendant in error, and concluded by Mr. D. T. Watson for the plaintiffs in error.

No. 92. The William Cramp & Sons Ship and Engine Building Company, appellant, *v.* The United States. Argument commenced by Mr. James H. Hayden for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 20, will be as follows: Nos. 92, 93, 95, 96, 53, 97, 98, 100, 101 and 102.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 20, 1910.

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

Eugene G. Mason of Washington, D. C., George E. Chamberlain of Portland, Oreg., Ralph B. Wilkinson of Detroit, Mich., Leavitt J. Hunt of New York City, and W. Morgan Shuster of Washington, D. C., were admitted to practice.

No. 95. Robert Earl Kerfoot, plaintiff in error, *v.* The Farmers and Merchants' Bank et al. Suggestion of the death of J. A. Patton, curator, one of the defendants in error herein, and motion to continue the case submitted by Mr. Frederick S. Tyler in behalf of counsel for the defendants in error. Motion for the appointment of a guardian ad litem for Lester R. Kerfoot, minor, submitted by Mr. Homer Hall for the plaintiff in error.

No. 92. The William Cramp & Sons Ship and Engine Building Company, appellant, *v.* The United States. Argument continued by Mr. James H. Hayden for the appellant, and by Mr. Assistant Attorney-General John Q. Thompson and Mr. Franklin W. Collins for the appellee, and concluded by Mr. James H. Hayden for the appellant.

No. 93. N. Mayo Dyer, plaintiff in error, *v.* The City of Melrose. Argued by Mr. Chester M. Pratt for the plaintiff in error, and by Mr. Claude L. Allen for the defendant in error.

No. 96. The United States, plaintiff in error, *v.* K. P. Plowman. Argument commenced by Mr. Assistant Attorney-General Harr for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 21, will be as follows: Nos. 96, 53, 97, 98, 100, 101, 102, 103, 104 and 105.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 21, 1910.

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

Philip E. Elting of Macomb, Ill., Chas. Willner of Burlington, Iowa, Edwin Gerard Lancaster of Chicago, Ill., Charles W. Smith of Stockton, Kans., George E. Hurd of Glasgow, Mont., Daniel C. McDougal of Boise, Idaho, George B. Grigsby of Nome, Alaska, and Ray F. Britton of St. Louis, Mo., were admitted to practice.

No. 96. The United States, plaintiff in error, *v.* K. P. Plowman. Argument concluded by Mr. Assistant Attorney-General Harr for the plaintiff in error. No counsel appeared for the defendant in error.

No. 53. C. M. Pendleton, plaintiff in error, *v.* The United States. Argument commenced by Mr. James H. Blount for the plaintiff in error, continued by Mr. Assistant Attorney-General Russell for the defendant in error, and concluded by Mr. Henry E. Davis for the plaintiff in error.

No. 97. Maria Berger, plaintiff in error, *v.* Will Tracey et al. Submitted by Mr. Chester C. Cole for the plaintiff in error. No counsel appeared for the defendants in error.

No. 98. W. P. Harris, trustee, etc., plaintiff in error, *v.* The First National Bank of Mount Pleasant, Tex. Argued by Mr. W. L. Estes for the defendants in error, and submitted by Mr. Charles S. Todd for the plaintiff in error.

No. 100. Laurel Hill Cemetery, plaintiff in error, *v.* The City and County of San Francisco et al. Argument commenced by Mr. Thomas E. Haven for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 24, will be as follows: Nos. 100, 101, 102, 103, 104, 105, 630, 106 (and 107), 108 and 109.



SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 24, 1910.

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

Wade Millis of Detroit, Mich., Malcolm B. Nicholson of Council Grove, Kans., Anson W. Prescott of Salem, Oreg., L. F. H. Betts of New York City, Charles Harris Luscomb of New York City, Read Gordon Dilworth of New York City, Charles Cummings Collins of St. Louis, Mo., James W. Beller of Washington, D. C., Henry G. Thomas of Washington, D. C., Guy J. Ray of New Orleans, La., Harry P. Sneed of New Orleans, La., Clifford B. Allen of St. Louis, Mo., C. Louis Weeks of Minneapolis, Minn., Edmund B. King of Sandusky, Ohio, Eppa Hunton, jr., of Richmond, Va., and Thomas F. Gatts of Hannibal, Mo., were admitted to practice.

No. 469. Frederick J. Lowrey et al., trustees, etc., appellants, *v.* The Territory of Hawaii. Appeal from the supreme court of the Territory of Hawaii. Decree reversed with costs, and cause remanded with directions to enter judgment for appellants as prayed for. Opinion by Mr. Justice McKenna. (Mr. Justice Brewer took no part in the decision of this case.)

No. 29. Solomon R. Wagg, appellant, *v.* Mary B. Herbert et al. Appeal from the supreme court of the Territory of Oklahoma. Decree affirmed with costs, and caused remanded to the supreme court of the State of Oklahoma. Opinion by Mr. Justice Brewer.

No. 26. Old Nick Williams Company, petitioner, *v.* The United States. On writ of certiorari to the United States circuit court of appeals for the fourth circuit. Judgment affirmed, and cause remanded to the district court of the United States for the western district of North Carolina. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced that the court will take a recess from Monday, January 31, to Monday, February 21.

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

No. 414. Buck's Stove & Range Company, appellant, *v.* The American Federation of Labor et al.:

No. 685. Samuel Gompers et al., petitioners, *v.* The Buck's Stove & Range Company; and

No. 720. The American Federation of Labor et al., appellants, *v.* The Buck's Stove & Range Company. Motion to consolidate granted, and the cause assigned to be heard on the first Tuesday of the next term (October 11) after the cases already assigned for that day.

No. 658. Commercial Union Assurance Company (Limited), of London, England, petitioner, *v.* Richmond Coal Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 732. Fries-Breslin Company, petitioner, *v.* William Bergan et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 736. Thomas Franklin, plaintiff in error, *v.* The United States. Motion to admit plaintiff in error to bail pending the determination of the writ of error granted, and he will be admitted to bail upon giving bond in the penal sum of \$10,000, conditioned according to law and approved by the district judge for the southern district of New York.

No. 87. Otis W. Kenyon, plaintiff in error, *v.* Albert P. Fowler, as receiver of The American Exchange National Bank of Syracuse. In error to the United States circuit court of appeals for the second circuit. Per curiam: Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the northern district of New York. *Keyser v. Hitz*, 133 U. S., 138; *Finn v. Brown*, 142 U. S., 56; *Richmond v. Irons*, 121 U. S., 27; *Matteson v. Dent*, 176 U. S., 521. Opinion below, 155 Fed. Rep., 107.

No. 93. N. Mayo Dyer, plaintiff in error, *v.* The City of Melrose. In error to the superior court of the State of Massachusetts. Per curiam: Judgment affirmed with costs. *Hibernia Savings Society v. San Francisco*, 200 U. S., 310; *McIntosh v. Aubrey*, 185 U. S., 122; *Railroad Company v. Peniston*, 18 Wall., 5; case below, *Dyer v. Melrose*, 197 Mass., 99.

No. 97. Maria Berger, plaintiff in error, *v.* Will Tracy et al., trustees, etc. In error to the supreme court of the State of Iowa. Per curiam: Writ of error dismissed for the want of jurisdiction. *Castillo v. McConnico*, 168 U. S., 674. No federal question suggested prior to petition for writ of error. Case below, 135 Iowa, 597.

No. 338. The United States, plaintiff in error, *v.* Charles S. Sargent. In error to the United States circuit court of appeals for the eighth circuit. Dismissed, and mandate granted on motion of Mr. Solicitor-General Bowers for the plaintiff in error.

No. 597. The United States *v.* The Terminal Railroad Association of St. Louis et al. Motion to dismiss submitted by Mr. Solicitor-General Bowers for the United States.

No. 748. The United States, petitioner, *v.* J. R. Simon & Co. Petition for a writ of certiorari to the United States circuit court of

appeals for the second circuit submitted by Mr. Solicitor-General Bowers and Mr. Assistant Attorney-General Lloyd for the petitioner, and by Mr. Howard T. Walden, Mr. Henry J. Webster and Mr. W. Wickham Smith for the respondents.

No. 749. The United States, petitioner, *v.* Leopold Baruch. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Solicitor-General Bowers and Mr. Assistant Attorney-General Lloyd for the petitioner, and by Mr. Albert H. Washburn for the respondent.

No. 750. Fred Anderson, plaintiff in error, *v.* The United States. In error to the district court of the United States for the district of Minnesota. Docketed and dismissed on motion of Mr. Solicitor-General Bowers for the defendant in error, and mandate granted.

No. 598. Buck Stove & Range Company et al., plaintiffs in error, *v.* C. C. Vickers et al. Motion to dismiss or affirm submitted by Mr. P. P. Campbell, Mr. Stephen H. Allen and Mr. Robert Stone for the defendants in error, in support of the motion, and by Mr. Seneca N. Taylor for the plaintiffs in error, in opposition thereto.

No. 730. Henry G. Thomas, petitioner, *v.* Florence Hunt De Winter et al. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. Conrad H. Syme and Mr. J. W. Beller for the petitioner, and by Mr. P. H. Marshall for the respondent.

No. 747. Stella P. Flint, as general guardian, etc., appellant, *v.* Stone Tracy Company et al. Motion to advance submitted by Mr. Maxwell Evarts for the appellant.

No. 745. Virginia Passenger & Power Company et al., petitioners, *v.* Lane Brothers Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Eppa Hunton, jr., and Mr. Henry W. Anderson for the petitioners, and by Mr. Thomas S. Martin for the respondents.

No. 733. The Commissioners of Lincoln Park, petitioner, *v.* Westrumite Company of America. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Eugene G. Mason and Mr. William R. Rummel for the petitioner, and by Mr. Walter H. Chamberlin for the respondent.

Nos. 106 and 107. Hawaiian Trust Company (Limited) et al., executors, etc., appellants, *v.* Heinrich Martens von Holt et al., trustees. Death of Joseph O. Carter, trustee, one of the appellees herein, suggested, and the appearance of Albert N. Campbell, his successor in office, as a party appellee herein, filed and entered per stipulation of counsel, and on motion of Mr. A. B. Browne for the appellants.

No. 747. Stella P. Flint, as general guardian, etc., appellant, *v.* The Stone Tracy Company et al. Motion for leave to the United States to file brief and make oral argument herein submitted by Mr. Solicitor-General Bowers in that behalf.

No. —, Original. Ex parte: In the matter of Arthur Hewett and Tom A. Keating, petitioners. Motion for leave to file a petition for a writ of habeas corpus submitted by Mr. Thomas F. Gatts for the petitioners, with leave to Mr. Solicitor-General Bowers to file brief in opposition within three days.

No. 109. T. M. Stanclift et al., etc., appellants, *v.* Charlie Fox et al. Appeal from the United States circuit court of appeals for the eighth circuit. Dismissed with costs pursuant to the tenth rule.

No. 100. Laurel Hill Cemetery, plaintiff in error, *v.* City and County of San Francisco et al. Argument continued by Mr. Thomas E. Haven for the plaintiff in error, by Mr. Jesse H. Steinhart for the defendants in error, and concluded by Mr. Thomas E. Haven for the plaintiff in error.

No. 101. Lucher & Moore Lumber Company et al., petitioners, *v.* William H. Knight et al. Argument commenced by Mr. A. P. Pujó for the petitioners, continued by Mr. M. J. Cunningham for the respondents, and concluded by Mr. A. P. Pujó for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 25, will be as follows: Nos. 102, 103, 104, 105, 630, 106 (and 107), 108, 110, 111 and 112.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 25, 1910.

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

August C. Backus of Milwaukee, Wis., and Rudolph Marks of New York City, were admitted to practice.

No. 102. John H. Olmsted et al., plaintiffs in error, *v.* Daniel H. Olmsted et al. Argument commenced by Mr. Mortimer W. Byers for the plaintiffs in error, continued by Mr. Charles H. Luscomb and Mr. Reed G. Dilworth for the defendants in error, and concluded by Mr. Mortimer W. Byers for the plaintiffs in error.

No. 103. The J. J. McCaskill Company, appellant, *v.* The United States. Argument commenced by Mr. William W. Flournoy for the appellant, continued by Mr. Assistant Attorney-General Russell for the defendant in error, and concluded by Mr. William W. Flournoy for the appellant.

No. 104. J. W. Forbes et al., plaintiffs in error, *v.* The State Council of Virginia, Junior Order United American Mechanics of the State of Virginia. Argument commenced by Mr. C. V. Meredith for the plaintiffs in error. The court declined to hear further argument.

No. 105. Alfred Dozier, plaintiff in error, *v.* The State of Alabama. Submitted by Mr. A. D. Gash for the plaintiff in error, and by Mr. Alexander M. Garber for the defendant in error.

No. 630. John C. McClellan et al., petitioners, *v.* John E. Carland, United States district judge, etc. Argument commenced by Mr. Melvin Grigsby for the petitioners, and continued by Mr. Frederic D. McKenney for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 26, will be as follows: Nos. 630, 106 (and 107), 108, 110, 111, 112, 113, 114, 115 and 116 (and 117 and 118).



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 26, 1910.

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

W. Emmet Crosby of Kansas City, Mo., was admitted to practice.

No. 105. Alfred Dozier, plaintiff in error, *v.* The State of Alabama. Leave granted to plaintiff in error to file reply brief within fifteen days, on motion of Mr. A. D. Gash for the plaintiff in error.

No. 695. Rachel A. Richardson, claiming to be Rachel A. Brown, plaintiff in error, *v.* Mary S. Reeves et al. 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. 630. John C. McClellan et al., petitioners, *v.* John E. Carland, United States district judge, etc. Argument continued by Mr. Frederic D. McKenney for the respondent, and concluded by Melvin Grigsby for the petitioner. Leave granted to counsel for the respondent to file brief.

Nos. 106 and 107. Hawaiian Trust Company (Limited) et al., executors, etc., appellants, *v.* Heinrich Martens von Holt et al., trustees. Argued by Mr. A. B. Browne for the appellants, and by Mr. E. M. Watson for the appellees.

No. 108. William W. Withnell, appellant, *v.* William R. Bush Construction Company et al. Argued by Mr. Clifford B. Allen for the appellant, and submitted by Mr. Edward C. Kehr for the appellees.

No. 110. P. M. Childers, appellant, *v.* R. W. McClaughry, warden of the United States penitentiary at Leavenworth, Kans. Submitted by Mr. L. F. Parker and Mr. O. L. Rider for the appellant, and by Mr. Assistant Attorney-General Harr for the appellee.

No. 111. St. Louis Southwestern Railway Company, plaintiff in error, *v.* The State of Arkansas. Argument commenced by Mr. Roy F. Britton for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 27, will be as follows: Nos. 111, 112, 113, 114, 115, 116 (and 117 and 118), 119, 122, 123 and 124 (and 125).



SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 27, 1910.

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

John W. Davis of Greensburg, Kans., and Reuben R. Arnold of Atlanta, Ga., were admitted to practice.

No. 111. St. Louis Southwestern Railway Company, plaintiff in error, *v.* The State of Arkansas. Argument concluded by Mr. Roy F. Britton for the plaintiff in error, and submitted by Mr. H. L. Norwood for the defendant in error.

No. 112. The Board of Assessors of the Parish of Orleans et al., appellants, *v.* The New York Life Insurance Company. Three counsel allowed to be heard for appellants, on motion of Mr. H. Garland Dupre for the appellants. Argument commenced by Mr. George H. Terriberry for the appellants, continued by Mr. James H. McIntosh for the appellee, by Mr. H. Garland Dupre for the appellants, and concluded by Mr. Harry P. Sneed for the appellants. Leave granted counsel to file briefs on the question of jurisdiction within five days.

No. 113. The Citizens Central National Bank of New York, plaintiff in error, *v.* R. Ross Appleton, as receiver of the Cooper Exchange Bank. Argument commenced by Mr. John A. Garver for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 28, will be as follows: Nos. 113, 114, 115, 116 (and 117 and 118), 119, 122, 123, 124 (and 125), 126 and 127.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 28, 1910.

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

Jacob F. Wolters of Houston, Tex., and Brand Whitlock of Toledo, Ohio, were admitted to practice.

No. 113. The Citizens Central National Bank of New York, plaintiff in error, *v.* R. Ross Appleton, as receiver of the Cooper Exchange Bank. Argument continued by Mr. John A. Garver for the plaintiff in error, and by Mr. John W. Hutchinson, jr., and Mr. Julius M. Mayer for the defendant in error, and concluded by Mr. John A. Garber for the plaintiff in error.

No. 114. George B. Starkweather, appellant, *v.* Herbert W. P. Jenner et al. Argued by Mr. Richard P. Evans for the appellant, and by Mr. B. F. Leighton for the appellees.

No. 116. George F. Albright, plaintiff in error, *v.* Jesus Maria Sandoval;

No. 117. Jesus Maria Sandoval, plaintiff in error, *v.* George F. Albright; and

No. 118. George F. Albright, appellant, *v.* Jesus Maria Sandoval. Argued by Mr. Edward L. Medler for Albright, and submitted by Mr. Neill B. Field for Sandoval.

Adjourned until Monday next at 12 o'clock.



SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 31, 1910.

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

Charles E. Davis of Madison, Fla., F. P. Cone of Lake City, Fla., William Maynard Swan of Detroit, Mich., Cornelius P. McIntyre of Montgomery, Ala., Isadore Kallet of New York City. Frank W. Parker of Las Cruces, N. Mex., William H. Oppenheimer of St. Paul, Minn., Frederick Manley Ives of Boston, Mass., Robert J. Bulkley of Cleveland, Ohio, Leo Nelson Sharpe of Bay City, Mich., and Arthur E. H. Middleton of Washington, D. C., were admitted to practice.

No. 77. Lyda B. Conley, appellant, v. Richard A. Ballinger, Secretary of the Interior, et al. Appeal from the circuit court of the United States for the district of Kansas. Decree reversed, and cause remanded with directions to dismiss the bill without costs. Opinion by Mr. Justice Holmes.

Nos. 445, 446, and 447. Henry C. King, plaintiff in error, v. The State of West Virginia et al. In error to the supreme court of appeals of the State of West Virginia. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Holmes.

No. 79. Cincinnati, New Orleans & Texas Pacific Railway Company, plaintiff in error, v. J. Slade and E. M. Pless, composing the firm of Pless & Slade. In error to the court of appeals of the State of Georgia. Dismissed for the want of jurisdiction. Opinion by Mr. Justice White. (Announced by Mr. Justice McKenna.)

No. 5. The Pullman Company, plaintiff in error, v. The State of Kansas ex rel. C. C. Coleman, attorney-general of said State. In error to the supreme court of the State of Kansas. Judgment reversed with costs, and cause remanded for such further proceedings as may be consistent with the opinion of this court. Opinion by Mr. Justice Harlan. Concurring: Mr. Justice White. Dissenting: Mr. Justice Holmes, Mr. Chief Justice Fuller, and Mr. Justice McKenna.

The Chief Justice announced the following orders of the court:

No. 95. Robert Earl Kerfoot, plaintiff in error, v. The Farmers & Merchants' Bank et al. On suggestion of the death of J. A. Patton, curator, etc., and stipulation for appointment of guardian

ad litem for Lester R. Kerfoot, it is ordered that Thomas J. Beall be appointed guardian ad litem accordingly, and that the cause be revived in the name of and against the said defendant, Lester R. Kerfoot, by said Beall as guardian ad litem, and thereupon, upon the entry of appearance of said guardian ad litem, the case is continued until the next term.

No. 598. Buck Stove & Range Company et al., plaintiffs in error, *v.* C. C. Vickers et al. Motion to dismiss or affirm postponed to the hearing of the case on its merits.

No. 730. Henry G. Thomas, petitioner, *v.* Florence Hunt De Winter et al. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 733. The Commissioners of Lincoln Park, petitioner, *v.* Westrumite Company of America. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 745. Virginia Passenger & Power Company et al., petitioners, *v.* Lane Bros. Co. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 748. The United States, petitioner, *v.* J. R. Simon & Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 749. The United States, petitioner, *v.* Leopold Baruch. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 747. Stella P. Flint, as general guardian, etc., appellant, *v.* Stone Tracy Company et al. Leave granted to the United States to argue orally and file briefs herein and motion to advance granted, and cause assigned to be heard on Monday, March 14, after the cases already assigned for that day.

No. 89. Rickey Land & Cattle Company, petitioner, *v.* Miller & Lux; and

No. 94. Rickey Land & Cattle Company, petitioner, *v.* Henry Wood et al. Cases restored to the docket for reargument.

No. 597. The United States *v.* The Terminal Railroad Association of St. Louis et al. On a certificate from the circuit court of the United States for the eastern district of Missouri. Per curiam: Certificate dismissed on the authority of *Baltimore & Ohio Railroad Company v. Interstate Commerce Commission*, 215 U. S., 216.

No. 663. The Interstate Commerce Commission, appellant, *v.* Chicago, Rock Island & Pacific Railroad Company et al; and

No. 664. Burnham, Hanna, Munger Dry Goods Company et al., appellants, *v.* Chicago, Rock Island & Pacific Railway Company et al. Reassigned for argument on the first Tuesday of the next term (October 11) after the cases already assigned for that day on motion of Mr. Solicitor-General Bowers for the Interstate Commerce Commission.

No. 640. Henry L. Hertz, collector, etc., v. Gordon O. Woodman et al., as executors, etc. Reassigned for argument on Monday, April 4, on motion of Mr. Solicitor-General Bowers for Hertz, collector.

No. 763. The United States, petitioner, v. Haviland & Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit, submitted by Mr. Solicitor-General Bowers and Mr. Assistant Attorney-General Lloyd for the petitioner, and by Mr. B. A. Levett for the respondent.

No. 764. The United States, petitioner, v. E. J. Lavino & Company;

No. 765. The United States, petitioner, v. O. G. Hempstead & Company; and

No. 766. The United States, petitioner, v. J. W. Hampton, jr., & Company. Petition for writs of certiorari to the United States circuit court of appeals for the third circuit, submitted by Mr. Solicitor-General Bowers and Mr. Assistant Attorney-General Lloyd for the petitioner, with leave to counsel for respondents to file briefs on or before Friday next.

No. 751. Wyckoff Van Derhoef, appellant, v. The Coney Island & Brooklyn Railroad Company et al.; and

No. 752. Francis L. Hine, appellant, v. The Home Life Insurance Company et al. Advanced and assigned for argument on March 14, with No. 747, as one case, on motion of Mr. Charles W. Pierson for the appellants.

No. 753. Fred W. Smith, appellant, v. The Northern Trust Company et al.; and

No. 754. William W. Miner, appellant, v. The Corn Exchange National Bank of Chicago et al. Advanced and assigned for argument on March 14, with Nos. 747, 751 and 752, as one case, on motion of Mr. Edward O. Brown for the appellants.

No. 767. Lewis W. Jared, appellant, v. The American Multigraph Company et al. Advanced and assigned for argument on March 14, with Nos. 747, 751, 752, 753 and 754, as one case, on motion of Mr. A. F. Odlin for the appellant.

No. 757. Cedar Street Company, appellant, v. Park Realty Company. Advanced and assigned for argument on March 14, with Nos. 747, 751, 752, 753, 754 and 767, as one case, on motion of Mr. Frederic D. McKenney for the appellant.

No. 738. American Car & Foundry Company, petitioner, v. Seeger Refrigerator Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. C. A. Severance, Mr. Samuel R. Betts, and Mr. Paul Bakewell for the petitioner and by Mr. Edmund Wetmore and Mr. Oscar W. Jeffery for the respondent.

No. 739. Thomas Rhodus, plaintiff in error, v. Elbert N. Manning et al.;

No. 740. Edward T. Rhodus, plaintiff in error, v. Elbert N. Manning et al.;

No. 741. Birch F. Rhodus, plaintiff in error, v. Elbert N. Manning et al.; and

No. 742. Birch F. Rhodus et al., plaintiffs in error, v. Elbert N. Manning et al. Motion to consolidate these cases per stipulation of counsel granted, on motion of Mr. Benjamin C. Bachrach for the plaintiffs in error.

Adjourned until Monday, February 21, at 12 o'clock.

The day call for Monday, February 21, will be as follows: Nos. 362, 570, 553 (and 554 and 555), 594, 490 (and 491), 581, 641, 449, 115 and 119.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 21, 1910.

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

Max D. Josephson of New York City, N. Y., Ernest Knaebel of Denver, Colo., Thomas F. Sheridan of Chicago, Ill., Charles L. Atterbury of New York City, N. Y., George Coffing Warner of New York City, N. Y., Merritt Cramer Mechem of Socorro, N. Mex., William G. Cavett of Memphis, Tenn., Charles A. McCoy of Lake Charles, La., George W. Winstead of St. Louis, Mo., Albert H. Graves of Chicago, Ill., George S. Silzer of New Brunswick, N. J., William E. Purcell of Wahpeton, N. Dak., Le Roy B. C. Delaney of Oklahoma City, Okla., Rice Maxey of Sherman, Tex., Mark McMahon of Bonham, Tex., Frank F. Kleinfeld of Saginaw, Mich., William S. Hendry of Perry, Fla., Frank W. Grinnell of Boston, Mass., James C. Gentry of Meeker, Colo., Abram Bon of Boston, Mass., Fred S. Caldwell of Guthrie, Okla., and Harvy T. Andrews of New York City, were admitted to practice.

No. 70. William A. Wright, comptroller-general of the State of Georgia, et al., appellants, *v.* Georgia Railroad & Banking Company. Appeal from the circuit court of the United States for the Northern District of Georgia. Decree modified and affirmed, special order as to costs. Opinion by Mr. Justice Lurton.

No. 88. The Toxaway Hotel Company *v.* J. L. Smathers & Company et al. On a certificate from the United States circuit court of appeals for the fourth circuit. Question certified answered in the negative. Opinion by Mr. Justice Lurton.

No. 68. J. H. Friday et al., petitioners, *v.* Hall & Kaul Company. On writ of certiorari to the United States circuit court of appeals for the third circuit. Judgment of the United States circuit court of appeals reversed with costs, and judgment of the district court of the United States for the western district of Pennsylvania affirmed with costs and cause remanded to said district court. Opinion by Mr. Justice Lurton.

No. 270. Silas Pickett, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the western district of Oklahoma. Judgment affirmed. Opinion by Mr. Justice Lurton.

No. 367. Moses Haas, appellant, *v.* William Henkel, United States marshal, etc. Appeal from the circuit court of the United States for the southern district of New York. Final order affirmed with costs. Opinion by Mr. Justice Lurton. Mr. Justice Brewer and Mr. Justice McKenna concur in the judgment.

No. 366. Frederick A. Peckham, appellant, *v.* William Henkel, United States marshal, etc. Appeal from the circuit court of the United States for the southern district of New York. Final order affirmed with costs. Opinion by Mr. Justice Lurton. Mr. Justice Brewer and Mr. Justice McKenna concur in the judgment.

No. 385. Theodore H. Price, appellant, *v.* William Henkel, United States marshal, etc., et al. Appeal from the circuit court of the United States for the southern district of New York. Final order affirmed with costs. Opinion by Mr. Justice Lurton. Mr. Justice Brewer and Mr. Justice McKenna concur in the judgment.

No. 1. Original. The State of Maryland, complainant, *v.* The State of West Virginia. Order for the appointment of commissioners to fix the boundary line, etc., entered. Opinion by Mr. Justice Day.

No. 8. The Western Union Telegraph Company, appellant, *v.* P. R. Andrews et al. Appeal from the circuit court of the United States for the eastern district of Arkansas. Decree reversed with costs and cause remanded for further proceedings. Opinion by Mr. Justice Day.

No. 450. Southern Railway Company, plaintiff in error, *v.* Samuel E. Greene;

No. 451. Louisville & Nashville Railroad Company, plaintiff in error, *v.* John B. Gaston; and

No. 466. Central of Georgia Railway Company, plaintiff in error, *v.* John B. Gaston. In error to the supreme court of the State of Alabama. Judgments reversed with costs, and causes remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Day. Dissenting: Mr. Chief Justice Fuller, Mr. Justice McKenna and Mr. Justice Holmes.

No. 102. John H. Olmsted et al., plaintiffs in error, *v.* Daniel H. Olmsted et al. In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 104. J. W. Forbes et al., plaintiffs in error, *v.* The State Council of Virginia, Junior Order United American Mechanics of the State of Virginia. In error to the supreme court of appeals of the State of Virginia. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Day.

No. 98. W. P. Harris, trustee, plaintiff in error, *v.* The First National Bank of Mount Pleasant, Tex. In error to the district court of the United States for the eastern district of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 81. Emilie Saxlehner, petitioner, *v.* Edward Wagner et al. On a writ of certiorari to the United States circuit court of appeals

for the sixth circuit. Decree affirmed with costs and cause remanded to the circuit court of the United States for the southern district of Ohio. Opinion by Mr. Justice Holmes.

No. 96. The United States, plaintiff in error, *v.* K. P. Plowman. In error to the United States circuit court of appeals for the ninth circuit. Judgment reversed and cause remanded to the circuit court of the United States for the district of Idaho for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice McKenna.

No. 100. Laurel Hill Cemetery, plaintiff in error, *v.* The City and County of San Francisco et al. In error to the supreme court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Holmes. (Mr. Justice McKenna took no part in the decision of this case.)

Nos. 106 and 107. Hawaiian Trust Company, Limited, et al., executors, etc., appellants, *v.* Heinrich Martens von Holt et al., trustees. Appeals from the supreme court of the Territory of Hawaii. Decrees affirmed with costs. Opinion by Mr. Justice Holmes.

No. 398. William J. Moxley, a corporation, etc., *v.* Henry L. Hertz, collector of internal revenue, etc. On a certificate from the United States circuit court of appeals for the seventh circuit. First question answered in the affirmative. Opinion by Mr. Justice McKenna.

No. 71. Daniel F. Blake, as trustee in bankruptcy, etc., appellant, *v.* William Openhym & Son. Appeal from the United States circuit court of appeals for the eighth circuit. Dismissed for want of jurisdiction. Opinion by Mr. Justice McKenna.

No. 67. Mrs. Annie E. Penman, petitioner, *v.* St. Paul Fire & Marine Insurance Company. On writ of certiorari to the United States circuit court of appeals for the third circuit. Judgment affirmed with costs and cause remanded to the circuit court of the United States for the western district of Pennsylvania. Opinion by Mr. Justice McKenna.

No. 53. C. M. Pendleton, plaintiff in error, *v.* The United States. In error to the supreme court of the Philippine Islands. Judgment affirmed. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Harlan.

No. 116. George F. Albright, plaintiff in error, *v.* Jesus Maria Sandoval; and

No. 117. Jesus Maria Sandoval, plaintiff in error, *v.* George F. Albright. In error to the supreme court of the Territory of New Mexico. Judgment affirmed, each party to pay his own costs. Opinion by Mr. Justice McKenna.

No. 118. George F. Albright, appellant, *v.* Jesus Maria Sandoval. Appeal from the supreme court of the Territory of New Mexico. Dismissed for want of jurisdiction. Opinion by Mr. Justice McKenna.

No. 411. Victor Fraenkl and John H. Luis, as Jaffe Bros. & Company et al., appellants, *v.* Manuel Cerecedo et al., as Cerecedo Hermanos. Appeal from the district court of the United States for Porto Rico. Decree affirmed with costs. Opinion by Mr. Justice White.

No. 75. The Hannis Distilling Company, plaintiff in error, *v.* The Mayor and City Council of Baltimore. In error to the circuit court of the United States for the district of Maryland. Dismissed for the want of jurisdiction. Opinion by Mr. Justice White.

No. 38. The Missouri Pacific Railway Company, plaintiff in error, *v.* The State of Kansas ex rel. Carr W. Taylor, attorney for the board of railroad commissioners et al. In error to the supreme court of the State of Kansas. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 54. Richard A. Ballinger, Secretary of the Interior, plaintiff in error. *v.* The United States of America ex rel. Belle Frost. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 86. Central Trust Company, appellant, *v.* Central Trust Company of Illinois et al. Appeal from the United States circuit court of appeals for the seventh circuit. Decree affirmed with costs and cause remanded to the circuit court of the United States for the northern district of Illinois. Opinion by Mr. Justice Brewer.

No. 45. Oswald C. Ludwig, as secretary of state of the State of Arkansas, appellant, *v.* The Western Union Telegraph Company. Appeal from the circuit court of the United States for the eastern district of Arkansas. Decree affirmed with costs. Opinion by Mr. Justice Harlan. Dissenting: Mr. Chief Justice Fuller, Mr. Justice McKenna and Mr. Justice Holmes.

No. 359. Great Northern Railway Company, plaintiff in error, *v.* The State of Minnesota; and

No. 377. Chicago Great Western Railway Company, plaintiff in error, *v.* The State of Minnesota. In error to the supreme court of the State of Minnesota. Judgments affirmed with costs and interest. Opinions by Mr. Justice Harlan.

No. 91. The president, managers, and company of the Monongahela Bridge Company, plaintiffs in error, *v.* The United States. In error to the district court of the United States for the western district of Pennsylvania. Judgment affirmed. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Brewer.

No. 69. Guillermo Alvarez y Sanchez, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Harlan.

No. 113. The Citizens' Central National Bank of New York, plaintiff in error, *v.* R. Ross Appleton, as receiver of the Cooper Exchange Bank. In error to the supreme court of the State of New York. Judgment affirmed with costs and interest. Opinion by Mr. Justice Harlan.

No. 56. William Woodside, plaintiff in error, *v.* H. S. Beckham, administrator, etc., et al. In error to the circuit court of the United States for the northern district of Iowa. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 74. George E. Zartman, trustee in bankruptcy of Francis Bacon, plaintiff in error, *v.* The First National Bank of Waterloo, N. Y. In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 110. P. M. Childers, appellant, *v.* R. W. McClaughry, warden, etc. Appeal from the district court of the United States for the district of Kansas. Dismissed for want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 39. Byron F. Babbitt, trustee in bankruptcy, etc., appellant, *v.* Howard Dutcher, secretary, etc., et al. Appeal from the district court of the United States for the southern district of New York. Order reversed with costs and cause remanded for further proceedings in conformity with law. Opinion by Mr. Chief Justice Fuller.

No. 238. Abram I. Elkus, petitioner. (In the matter of The Madison Steele Company, bankrupt.) On a certificate from the United States circuit court of appeals for the second circuit. Questions certified answered in the affirmative. Opinion by Mr. Chief Justice Fuller.

No. 58. Atlantic Coast Line Railroad Company, plaintiff in error, *v.* B. Mazursky :

No. 59. Southern Express Company. plaintiff in error. *v.* E. E. McTeer ;

No. 60. Atlantic Coast Line Railroad Company, plaintiff in error, *v.* R. Keith Charles ;

No. 61. Atlantic Coast Line Railroad Company, plaintiff in error, *v.* A. von Lehe ; and

No. 62. Atlantic Coast Line Railroad Company, plaintiff in error, *v.* A. von Lehe. In error to the supreme court of the State of South Carolina. Judgments affirmed with costs. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced that the court would not be in session on Washington's Birthday.

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

No. 738. American Car & Foundry Company, petitioner, *v.* Seeger Refrigerator Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 763. The United States, petitioner, *v.* Haviland and Company. Petition for writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 764. The United States, petitioner, *v.* E. J. Lavino & Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 765. The United States, petitioner, *v.* O. G. Hempstead & Company. Petition for writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 766. The United States, petitioner, *v.* J. W. Hampton, jr., & Company. Petition for writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 803. Joaquin Gil, plaintiff in error, *v.* The United States. In error to the supreme court of the Philippine Islands. Docketed and dismissed and mandate granted, on motion of Mr. Solicitor-General Bowers, for the defendant in error.

No. 736. Thomas Franklin, plaintiff in error, *v.* The United States. Motion to dismiss or affirm submitted by Mr. Solicitor-General Bowers for the defendant in error, in support of the motion, and by Mr. Holmes Conrad for the plaintiff in error, in opposition thereto.

No. 663. The Interstate Commerce Commission, appellant, *v.* Chicago, Rock Island & Pacific Railway Company et al.; and

No. 664. Burnham, Hanna, Munger Dry Goods Company et al., appellants, *v.* Chicago, Rock Island & Pacific Railway Company et al. Reassigned for argument on Monday, April 4 next, after the case already assigned for that day, on motion of Mr. Solicitor-General Bowers for the Interstate Commerce Commission.

No. 581. The United States, plaintiff in error, *v.* William B. Hammers. Passed, on motion of Mr. Solicitor-General Bowers for the plaintiff in error.

No. 641. The Interstate Commerce Commission, appellant, *v.* Chicago, Burlington & Quincy Railroad Company. Advanced, to be heard with Nos. 663 and 664 on Monday, April 4 next, as one case.

No. 773. Chicago Railway Equipment Company, petitioner, *v.* Perry Side Bearing Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. F. N. Judson, Mr. George P. Fisher, jr., and Mr. Paul Bakewell for the petitioner, and by Mr. Thomas F. Sheridan and Mr. Clifton V. Edwards for the respondents.

No. 780. General Electric Company, petitioner, *v.* Richmond Street & Interurban Railway Company. Petition for writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. L. F. H. Betts for the petitioner, ←

No. 775. Joseph E. Gay, appellant, *v.* The Baltic Mining Company et al. Advanced and assigned for argument on Monday, March 14, with No. 747 and other cases as one case, on motion of Mr. Frederick J. Stimson for the appellant.

No. 648. Rosewell E. Messenger, petitioner, *v.* Peter Anderson. Motion to advance submitted by Mr. Rhea P. Cary for the respondent.

No. 568. Hudson Oil & Supply Company, appellant, *v.* Theodore B. Booraem, receiver, etc. Motion to advance submitted by Mr. De Lagnel Berier for the appellant. Suggestion of diminution of the

record and motion for writ of certiorari submitted by Mr. George S. Silzer for the appellee.

No. —, Original. *Ex parte*: In the matter of Henry A. Cleland, petitioner. Motion for leave to file a petition for a writ of mandamus submitted by Mr. Edwin Denby in behalf of counsel for the petitioner.

No. 772. Great Falls & Old Dominion Railroad Company, petitioner, *v.* Gertrude T. Hill. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. Wilton J. Lambert for the petitioner, and by Mr. John A. Kratz, jr., and Mr. A. E. L. Leckie for the respondent.

No. 783. The city of Chicago, petitioner, *v.* Erie & Western Transportation Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Samuel T. Fisher, in behalf of Mr. Charles E. Kremer and Mr. Edward J. Brundage, for the petitioner, and by Mr. Harvey D. Goulder, Mr. Frank S. Masten, Mr. S. H. Holding, Mr. C. W. Greenfield and Mr. Frederick M. Brown for the respondent.

No. —, Original. *Ex parte*: In the matter of The State of Oklahoma, by Charles N. Haskell, governor, petitioner. Motion for leave to file petition for a writ of prohibition submitted by Mr. Fred S. Caldwell and Mr. Joseph W. Bailey for the petitioner.

No. 139. Shevlin-Carpenter Company et al., plaintiffs in error, *v.* The State of Minnesota. Suggestion of diminution of the record and motion for a writ of certiorari submitted by Mr. Charles Henry Butler, in behalf of counsel for the plaintiffs in error, with leave to counsel for the defendant in error to file brief in opposition to the motion within five days.

No. 797. George W. Phillips, appellant, *v.* Fifty Associates et al. Advanced and assigned for argument on Monday, March 14, with No. 747 and other cases as one case, on motion of Mr. Barry Mohun for the appellant.

No. 743. Eugene M. Orgain, trustee, etc., petitioner, *v.* Julia Martin. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. C. B. Randell, in behalf of Mr. Charles K. Bell, for the petitioner.

No. 784. Percy H. Brundage, appellant, *v.* Broadway Realty Company et al.; and

No. 785. Paul Lacroix, appellant, *v.* Motor Taximeter Cab Company et al. Advanced and assigned for argument on Monday, March 14, with No. 747 and other cases as one case, on motion of Mr. Harvy T. Andrews for the appellant.

No. 796. Arthur Lyman et al., appellants, *v.* Interborough Rapid Transit Company et al. Advanced and assigned for argument on Monday, March 14, with No. 747 and other cases as one case, on motion of Mr. Richard Reid Rogers for the appellants.

No. 789. Will F. Woods, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. R. R. McMahon and Mr. Charles W. Ogdan for the petitioner, and by Mr. Solicitor-General Bowers for the respondent.

No. 383. James A. Shine et al., appellants, *v.* Fox Brothers Manufacturing Company. Motion to dismiss submitted by Mr. Frank S. Bright in behalf of Mr. Herbert R. Marlatt, and Mr. Frank H. Sullivan, for the appellee, in support of the motion, and by Mr. Shepard Barclay, Mr. Thomas T. Fauntleroy, and Mr. Cornelius H. Fauntleroy for the appellants in opposition thereto.

No. 760. Great Northern Railway Company, petitioner. *v.* Western Union Telegraph Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. A. B. Browne in behalf of Mr. William R. Begg and Mr. John G. Johnson for the petitioner, and by Mr. John F. Dillon and Mr. Rush Taggart for the respondent.

No. 769. Levi C. Weir et al., appellants, *v.* Amy J. Rountree. Motion to dismiss or affirm submitted by Mr. A. B. Browne in behalf of Mr. Eugene F. Ware, for the appellee in support of the motion, and by Mr. William C. Scarritt for the appellants in opposition thereto.

No. 178. William Skinner, appellant, *v.* Edmund Wright, as trustee, etc. Appeal from the United States circuit court of appeals for the second circuit. Dismissed per stipulation.

No. 362. Interstate Commerce Commission, appellant *v.* The Delaware, Lackawanna & Western Railway Company. Argument commenced by Mr. Solicitor-General Bowers for the appellant.

Adjourned until Wednesday at 12 o'clock.

The day call for Wednesday, February 23, will be as follows: Nos. 362, 570, 553 (and 554 and 555), 594, 490 (and 491), 449, 115, 119, 99 and 122.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, FEBRUARY 23, 1910.

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

Asa S. Keeler of Tunkhannock, Pa., Joseph Wood Piatt of Tunkhannock, Pa., Geo. G. Bingham of Salem, Oreg., and Herbert H. Gibbs of New York City, N. Y., were admitted to practice.

No. 362. The Interstate Commerce Commission, appellant, *v.* The Delaware, Lackawanna & Western Railway Company. Argument continued by Mr. Solicitor-General Bowers for the appellant, continued by Mr. William S. Jenney for the appellee, and concluded by Mr. Solicitor-General Bowers for the appellant.

No. 570. Interstate Commerce Commission, appellant, *v.* Northern Pacific Railway Company. Argument commenced by Mr. P. J. Farrell for the appellant, and continued by Mr. Charles W. Bunn for the appellee, and by Mr. Assistant Attorney-General Ellis for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, February 24, will be as follows: Nos. 570, 553 (and 554 and 555), 594, 490 (and 491), 449, 115, 119, 99, 122 and 123.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, FEBRUARY 24, 1910.

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

Albert Coulter Wells of Washington, D. C., Wm. Hinton Holloway of Washington, D. C., Michael J. Martin of Scranton, Pa., Henry A. Knapp of Scranton, Pa. and Julius C. Gunter of Denver, Colo., were admitted to practice.

No. 570. Interstate Commerce Commission, appellant, *v.* Northern Pacific Railway Company. Argument concluded by Mr. Assistant to the Attorney-General Ellis for the appellant.

No. 553. The Northern Pacific Railway Company, plaintiff in error, *v.* The State of North Dakota ex rel. T. F. McCue, attorney-general;

No. 554. Great Northern Railway Company, plaintiff in error, *v.* The State of North Dakota ex rel. T. F. McCue, attorney-general; and

No. 555. Minneapolis, St. Paul & Sault Ste. Marie Railway Company, plaintiff in error, *v.* The State of North Dakota ex rel. T. F. McCue, attorney-general. Argument commenced by Mr. Charles W. Bunn for the Northern Pacific Railway Company, and continued by Mr. Guy C. H. Corliss for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, February 25, will be as follows: Nos. 553 (and 554 and 555), 594, 490 (and 491), 449, 115, 119, 99, 122, 123, 124 and 125.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, FEBRUARY 25, 1910.

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

Robert Joseph Kennedy, of Baltimore, Md., was admitted to practice.

No. 553. The Northern Pacific Railway Company, plaintiff in error, *v.* The State of North Dakota ex rel. T. F. McCue, attorney-general;

No. 554. Great Northern Railway Company, plaintiff in error, *v.* The State of North Dakota ex rel. T. F. McCue, attorney-general; and

No. 555. Minneapolis, St. Paul & Sault Ste. Marie Railway Company, plaintiff in error, *v.* The State of North Dakota ex rel. T. F. McCue, attorney-general. Argument continued by Mr. Andrew Miller for the defendants in error, and concluded by Mr. Charles W. Bunn for the Northern Pacific Railway Company.

No. 594. The Interstate Commerce Commission et al., appellants, *v.* The Delaware, Lackawanna & Western Railroad Company et al. Argument commenced by Mr. Mazzini Susser for the American Forwarding Company et al., and continued by Mr. W. S. Jenney and Mr. Walker D. Hines for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, February 28, will be as follows: Nos. 594, 490 (and 491), 449, 115, 119, 99, 122, 124 (and 125) and 126.



SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 28, 1910.

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

Frederick R. Cornwall of St. Louis, Mo., Clarence R. Freeman of New York City, N. Y., Charles A. Enslow of Chicago, Ill., Jacinto Texidor of San Juan, P. R., E. A. Lane of San Francisco, Cal., R. P. Reese of Pensacola, Fla., Stephen T. Silden of New York City, N. Y., Nelson Zabriskie of New York City, N. Y., William H. Farnsworth of Sioux City, Iowa, Wilbur Owen of Sioux City, Iowa, Job E. Hedges of New York City, N. Y., Felix Frankfurter of New York City, N. Y., and John B. Stanchfield of New York City, N. Y., were admitted to practice.

No. 114. George B. Starkweather, appellant, *v.* Herbert W. T. Jenner et al. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Lurton.

No. 112. The Board of Assessors of the Parish of Orleans et al., appellants, *v.* New York Life Insurance Company. Appeal from the circuit court of the United States for the eastern district of Louisiana. Decree affirmed with costs. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Brewer.

No. 103. The J. J. McCaskill Company, appellant, *v.* The United States. Appeal from the United States circuit court of appeals for the fifth circuit. Decree affirmed and cause remanded to the circuit court of the United States for the northern district of Florida. Opinion by Mr. Justice McKenna.

No. 92. The William Cramp & Sons Ship and Engine Building Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment reversed and cause remanded with instructions to enter judgment for the claimant for the sum of \$49,792.66. Opinion by Mr. Justice Brewer.

The Chief Justice announced the following orders of the court:

No. 108. William W. Withnell, appellant, *v.* William R. Bush Construction Company et al. Appeal from the circuit court of the United States for the eastern district of Missouri. Decree affirmed with costs by a divided court.

No. —, Original. *Ex parte*: In the matter of the State of Oklahoma, by Charles N. Haskell, governor, petitioner. Motion for leave to file a petition for writ of prohibition granted, and rule entered thereon returnable April 4, 1910.

No. —, Original. *Ex parte*: In the matter of the State of Oklahoma, by Charles N. Haskell, governor, petitioner. Motion for leave to file a petition for writ of prohibition granted, and rule entered thereon returnable April 4, 1910.

No. —, Original. *Ex parte*: In the matter of Henry A. Cleland, petitioner. Motion for leave to file a petition for a writ of mandamus granted, and rule entered thereon returnable March 7, 1910.

No. 139. Shevlin-Carpenter Company et al., plaintiffs in error, *v.* The State of Minnesota. Writ of certiorari on suggestion of diminution of the record granted without prejudice, the papers accompanying the motion to stand as a return thereto.

No. 568. Hudson Oil & Supply Company, appellant, *v.* Theodore B. Booraem, receiver, etc. On suggestion of diminution of the record writ of certiorari granted and the record accompanying the application directed to be filed as a return to the writ, and the case advanced and taken as submitted on briefs already filed.

No. 568. Hudson Oil & Supply Company, appellant, *v.* Theodore B. Booraem, receiver, etc. Appeal from the district court of the United States for the district of New Jersey. Decree affirmed with costs.

No. 648. Rosewell E. Messinger, petitioner, *v.* Peter Anderson. Motion to advance denied.

No. 743. Eugene M. Orgain, trustee, etc., petitioner, *v.* Julia Martin. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 760. Great Northern Railway Company, petitioner, *v.* Western Union Telegraph Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 772. Great Falls & Old Dominion Railroad Company, petitioner, *v.* Gertrude T. Hill. Petition for writ of certiorari to the court of appeals of the District of Columbia denied.

No. 773. Chicago Railway Equipment Company, petitioner, *v.* The Perry Side Bearing Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 780. General Electric Company, petitioner, *v.* The Richmond Street & Interurban Railway Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 783. The City of Chicago, petitioner, *v.* Erie & Western Transportation Company. Petition for writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 789. Will F. Woods, petitioner, *v.* The United States. Petition for writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 769: Levi C. Weir et al., appellants, *v.* Amy J. Rountree. Appeal from the United States circuit court of appeals for the eighth circuit. *Per curiam*: Dismissed for the want of jurisdiction.

No. 202. Edward G. Lewis, plaintiff in error, *v.* The United States. Motion to dismiss or affirm submitted by Mr. Solicitor-General Bowers and Mr. Assistant Attorney-General Harr, for the defendant in error, in support of the motion, and by Mr. Shepard Barclay and Mr. Thomas T. Fauntleroy, for the plaintiff in error, in opposition thereto. Motion to advance submitted by Mr. Thomas T. Fauntleroy and Mr. Shepard Barclay, for the plaintiff in error, in support of the motion, and Mr. Solicitor-General Bowers and Mr. Assistant Attorney-General Harr, for the defendant in error, in opposition thereto.

No. 405. The United States *v.* Anton Hansen Haug. On a certificate from the United States circuit court of appeals for the ninth circuit. Certificate dismissed on motion of Mr. Solicitor-General Bowers for the United States.

No. 668. The David Kaufman & Sons Company, plaintiff in error, *v.* George L. Smith, collector, etc. Motion to dismiss or affirm submitted by Mr. Solicitor-General Bowers and Mr. Assistant Attorney-General Lloyd, for the defendant in error, in support of the motion, and by Mr. Frederick B. Campbell and Mr. George Whitefield Betts, jr., for the plaintiff in error, in opposition thereto.

No. —. Charles R. Heike, plaintiff in error, *v.* The United States. Motion to vacate allowance of writ of error, and supersedeas argued and submitted by Mr. Solicitor-General Bowers, for the defendant in error, and by Mr. George S. Graham and Mr. John B. Stanchfield, for the plaintiff in error, in opposition thereto, and leave granted to counsel to file printed opposition within one week.

No. 816. William F. Fluhrer et al., appellants, *v.* New York Life Insurance Company. Advanced to be heard with No. 747 and other cases, as one case, on March 14, on motion of Mr. Charles H. Williams for the appellants.

No. 800. Oscar Mitchell, appellant, *v.* Clark Iron Company et al. Advanced to be heard with No. 747 and other cases, as one case, on March 14, on motion of Mr. J. L. Washburn for the appellant.

No. 817. Helvetia-Swiss Fire Insurance Company, petitioner, *v.* Max J. Brandenstein et al., etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit sub-

mitted by Mr. James H. Hayden, in behalf of Mr. William J. Wallace and Mr. Frederick B. Campbell, for the petitioner, and by Mr. William V. Rowe and Mr. Royall Victor for the respondents.

No. 808. O. J. Lewis Mercantile Company, petitioner, *v.* Annie Klepner. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Herbert H. Gibbs for the petitioner, and by Mr. Edward A. Alexander for the respondent.

No. 692. Solomon Brantley, plaintiff in error, *v.* The State of Georgia. Motion to advance submitted by Mr. John C. Hart, for the defendant in error.

No. 818. In the matter of Bernard Stravran, petitioner. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Edwin P. Grovener, for the petitioner.

No. 212. Wilson R. Hunter, plaintiff in error, *v.* Mutual Reserve Life Insurance Company. Application for an order requiring the receivers of the defendant in error to become parties herein submitted by Mr. W. W. Dodge, in behalf of Mr. Paul Armitage, for the plaintiff in error. Leave granted to counsel for the defendant in error to file opposition within one week, on motion of Mr. Frederick S. Tyler, in behalf of counsel for the defendant in error.

No. 468. Aluminum Company of America, plaintiff in error, *v.* George H. Ramsey. Motion to dismiss or affirm submitted by Mr. Henry M. Armistead and Mr. T. M. Mehaffy, for the defendant in error, in support of the motion, and by Mr. Uriah M. Rose, Mr. Wilson E. Hemingway, Mr. George B. Rose, and Mr. J. F. Loughborough, for the plaintiff in error, in opposition thereto.

No. 726. John B. Mallers, plaintiff in error, *v.* The Commercial Loan & Trust Company. Motion to dismiss or affirm submitted by Mr. Horace G. Stone, for the defendant in error, in support of the motion. Motion to strike from the files the appearance of Horace G. Stone, and the motion to dismiss or affirm submitted by Mr. Charles B. Stafford, for the plaintiff in error, in support of the motions.

No. 594. The Interstate Commerce Commission et al., appellants, *v.* The Delaware, Lackawanna & Western Railroad Company et al. Argument continued by Mr. Walker D. Hines for the appellees, and concluded by Mr. Assistant to the Attorney-General Ellis for the appellants.

No. 490. The United States, plaintiff in error, *v.* Pierre Grimaud et al.; and

No. 491. The United States, plaintiff in error, *v.* Antonio Inda. Argued by Mr. Solicitor-General Bowers, for the plaintiffs in error. No counsel appeared for the defendants in error.

No. 449. John Wynne, plaintiff in error, *v.* The United States. Argument commenced by Mr. Henry E. Davis for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 1, will be as follows: Nos. 449, 115, 119, 99, 122, 123, 124 (and 125), 126, 90 (and 245) and 127.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 1, 1910.

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

John S. Mackay of Hackensack, N. J., Frank J. Smith of Caldwell, Idaho, George L. Beeler of Washington, D. C., E. E. Enterline of Sheridan, Wyo., W. H. H. Piatt of Kansas City, Mo., William Maclay Hall of Pittsburg, Pa., Ruffin G. Pleasant of New Orleans, La., and Purnell M. Milner of New Orleans, La., were admitted to practice.

Nos. 445, 446 and 447. Henry C. King, plaintiff in error, *v.* The State of West Virginia et al. Mandate stayed for thirty days, on motion of Mr. M. F. Stiles for the plaintiff in error.

No. 449. John Wynne, plaintiff in error, *v.* The United States. Argument continued by Mr. Henry E. Davis for the plaintiff in error, by Mr. Assistant Attorney-General Fowler for the defendant in error, and concluded by Mr. Henry E. Davis for the plaintiff in error.

No. 115. Edward B. Moore, Commissioner of Patents, plaintiff in error, *v.* The United States of America ex rel. The Newcomb Motor Company. Argument commenced by Mr. Melville Church for the plaintiff in error, and continued by Mr. Robert N. Kenyon for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 2, will be as follows: Nos. 115, 119, 99, 122, 123, 124 (and 125), 126, 90 (and 245), 127 and 128.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 2, 1910.

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

J. Henry Harris of New York City, N. Y., Edwin E. Vrooman of Washington, D. C., J. Blanc Monroe of New Orleans, La., Deller A. Clithers of Chicago, Ill., George C. Scott of Sioux City, Iowa, Thomas A. Cheshire of Des Moines, Iowa, and Richard J. Quigley of Brooklyn, N. Y., were admitted to practice.

No. 115. Edward B. Moore, Commissioner of Patents, plaintiff in error, *v.* The United States of America *ex rel.* The Newcomb Motor Company. Argument concluded by Mr. Frederick P. Fish for the plaintiff in error.

No. 119. The Southwestern Oil Company, plaintiff in error, *v.* The State of Texas. Argument commenced by Mr. George C. Greer for the plaintiff in error, continued by Mr. James D. Walthall for the defendant in error, and concluded by Mr. George C. Greer for the plaintiff in error.

No. 99. The Boston Chamber of Commerce *et al.*, plaintiffs in error, *v.* The City of Boston. Argument commenced by Mr. Charles A. Williams for the plaintiffs in error, and continued by Mr. Thomas M. Babson for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 3, will be as follows: Nos. 99, 122, 123, 124 (and 125), 126, 90 (and 245), 127, 128, 129 and 130.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 3, 1910.

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

No. 99. The Boston Chamber of Commerce et al., plaintiffs in error, *v.* The City of Boston. Argument continued by Mr. Thomas M. Babson for the defendant in error, and concluded by Mr. Charles S. Hamlin for the plaintiffs in error.

No. 122. Southern Railway Company et al., plaintiffs in error, *v.* W. M. Miller. Argument commenced by Mr. John J. Strickland for the plaintiffs in error, continued by Mr. Reuben R. Arnold for the defendant in error, and concluded by Mr. John J. Strickland for plaintiff in error.

No. 123. Charles A. Davis, executor, etc., plaintiff in error, *v.* The Cleveland, Cincinnati, Chicago & St. Louis Railway Company et al. Argument commenced by Mr. Wilbur Owen for the plaintiff in error, and continued by Mr. William Farnsworth for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 4, will be as follows: Nos. 123, 124 (and 125), 126, 90 (and 245), 127 (and 128), 129, 130, 131, 132 and 133.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 4, 1910.

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

George T. Hughes of Columbia, Tenn., Daniel B. Henderson of Washington, D. C., and Edward J. Henning of Milwaukee, Wis., were admitted to practice.

No. 131. Edward S. Thomas, as trustee in bankruptcy of Charles I. Lightstone, bankrupt, appellant, *v.* Solomon M. Sugarman. 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. John E. Laskey in behalf of counsel.

No. 123. Charles A. Davis, executor, etc., plaintiff in error, *v.* The Cleveland, Cincinnati, Chicago & St. Louis Railway Company et al. Argument continued by Mr. William H. Farnsworth for the defendants in error, and concluded by Mr. Wilbur Owen for the plaintiff in error.

Nos. 124 and 125. The Baltimore & Ohio Southwestern Railroad Company, plaintiff in error, *v.* The United States. Argument commenced by Mr. Edward Colston for the plaintiff in error, continued by Mr. Solicitor-General Bowers for the defendant in error, and concluded by Mr. Edward Colston for the plaintiff in error.

No. 126. The Unity Banking & Savings Company, appellant, *v.* Gilbert Bettman, trustee, etc., et al. Argument commenced by Mr. Constant Southworth for the appellant, and continued by Mr. Theodore Horstman for appellee Richard Fritz.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 7, will be as follows: Nos. 126, 90 (and 245), 127 (and 128), 129, 130, 132, 133, 134, 135 and 137.



SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 7, 1910.

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

J. Arthur Lynham of Washington, D. C., Grant G. Martin of Lincoln, Nebr., Eph A. Karelsen of New York City, N. Y., Chas. E. Rushmore of New York City, N. Y., Charles S. Jelley of Minneapolis, Minn., Lyndon A. Smith of Montevideo, Minn., Aaron Benjamin Kuercher of Ortonville, Minn., Thos. S. Meng of St. Louis, Mo., George H. Smith of Salt Lake City, Utah, Paul B. Moody of Detroit, Mich., Winfred T. Denison of New York City, N. Y., and James Piper of Baltimore, Md., were admitted to practice.

No. 206. K. K. Knapp, as trustee, etc., appellant, *v.* The Milwaukee Trust Company, trustee, etc., et al. Appeal from the United States circuit court of appeals for the seventh circuit. Decree affirmed with costs and cause remanded to the district court of the United States for the eastern district of Wisconsin. Opinion by Mr. Justice Day.

No. 362. Interstate Commerce Commission, appellant, *v.* The Delaware, Lackawanna & Western Railroad Company. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 570. The Interstate Commerce Commission, appellant, *v.* Northern Pacific Railway Company. Appeal from the circuit court of the United States for the district of Minnesota. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the court:

No. 468. Aluminum Company of America, plaintiff in error, *v.* George H. Ramsey. Motion to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 692. Solomon Brantley, plaintiff in error, *v.* The State of Georgia. Motion to advance granted, and cause assigned for argument on Monday, April 4, next, after the cases already assigned for that day.

No. 808. O. J. Lewis Mercantile Company, petitioner, *v.* Annie Klepner. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 817. Helvetia Swiss Fire Insurance Company, petitioner, *v.* Max J. Brandenstein et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 818. In the matter of Bernard Stavrahn, petitioner. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 115. Edward B. Moore, Commissioner of Patents, plaintiff in error, *v.* The United States of America ex rel. The Newcomb Motor Company. In error to the court of appeals of the District of Columbia. Per curiam: The writ of error is dismissed for want of jurisdiction. *Frasch v. Moore*, 211 U. S., 1; *Rousseau v. Browne*, 21 App. D. C., 73, 80; *Johnson v. Mueser*, 212 U. S., 284; *Atkins v. Moore*, 212 U. S., 285; *Gaines v. Knecht*, 212 U. S., 561; *Same v. Same*, 27 App. D. C., 530, 532; *Taylor v. Taft*, 203 U. S., 461; *United States v. Lynch*, 137 U. S., 280; *Baltimore & Potomac R. R. Co. v. Hopkins*, 130 U. S., 210, 226. The application for certiorari is also denied.

No. 383. James A. Shine et al., appellants, *v.* Fox Brothers Manufacturing Company. Appeal from the circuit court of the United States for the eastern district of Missouri. Per curiam: In the circumstances disclosed by this record we are of opinion that a direct appeal does not lie to this court from the decree of the circuit court, and the appeal is therefore dismissed.

No. 668. The David Kaufman & Sons Company, plaintiff in error, *v.* George L. Smith, collector of the port of Newark, N. J. In error to the circuit court of the United States for the district of New Jersey. Per curiam: Writ of error dismissed for the want of jurisdiction.

No. 366. Frederick A. Peckham, appellant, *v.* William Henkel, United States marshal, etc.; and

No. 367. Moses Haas, appellant, *v.* William Henkel, United States marshal, etc. Mandates granted, on motion of Mr. Solicitor-General Bowers for the appellee.

No. 819. Katherine Cary Cook et al., appellants, *v.* Boston Wharf Company et al. Advanced, to be heard with No. 747 and other cases as one case on March 14, on motion of Mr. Charles L. Frailey in behalf of counsel for the appellants.

No. 12, Original. Ex parte: In the matter of Henry A. Cleland, petitioner. Time in which to make return to the rule to show cause extended for ten days, on motion of Mr. De Forest Paine for the respondent.

No. 776. Russell B. Herriman, appellant, *v.* C. T. Elliott, United States marshal, etc.;

No. 777. Frank W. Brown, appellant, *v.* C. T. Elliott, United States marshal, etc., et al.; and

No. 778. E. C. Moore, appellant, *v.* C. T. Elliott, United States marshal, etc., et al. Motions to admit appellants to bail submitted by

Mr. Henry F. Woodard and Mr. A. A. Birney for the appellants, with leave to the Solicitor-General to file opposition on or before Friday next and to counsel for appellants to reply thereto.

No. 806. Sebald M. Hohl, petitioner, *v.* Norddeutscher Lloyd. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit, submitted by Mr. Lawrence Kneeland for the petitioner, and by Mr. Joseph Larocque for the respondent.

No. 810. Roland P. Conklin, petitioner, *v.* The Daimler 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. John C. Gittings, in behalf of Mr. Henry M. Earle for the petitioner.

No. 595. John A. Knott et al., etc., et al., appellants. *v.* Chicago, Burlington & Quincy Railroad Company; and

No. 611. Chicago, Burlington & Quincy Railroad Company, appellant, *v.* John A. Knott et al., etc., et al. Motion to advance submitted by Mr. Frederick S. Tyler, in behalf of Mr. Elliott W. Major, Mr. Frederick W. Lehmann and Mr. Sanford B. Ladd for Knott et al., in support of the motion, and by Mr. Frank Hagerman and Mr. O. M. Spencer for the railroad company, in opposition thereto.

No. 521. The United States, appellant, *v.* Charles E. Ellicott et al., etc. Motion to dismiss or affirm submitted by Mr. A. A. Hoehling, jr., Mr. Francis K. Carey and Mr. James Piper, for the appellees, in support of the motion, and by Mr. Solicitor-General Bowers and Mr. Barton Corneau, for the appellant, in opposition thereto. Motion to remand for additional findings of fact submitted by Mr. Solicitor-General Bowers and Mr. Barton Corneau, for the appellant, in support of the motion, and by Mr. A. A. Hoehling, jr., Mr. Francis K. Carey and Mr. James Piper, for the appellees, in opposition thereto.

No.—, Original. *Ex parte*: In the matter of Charles R. Heike, petitioner. Motion for leave to file a petition for a writ of mandamus submitted by Mr. George S. Graham for the petitioner, and by Mr. Solicitor-General Bowers in opposition thereto.

No. 134. Israel Alper, appellant, *v.* William Henkel, United States marshal for the southern district of New York. Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs, pursuant to the tenth rule.

No. 126. The Unity Banking & Savings Company, appellant, *v.* Gilbert Bettman, trustee, etc., et al. Argument continued by Mr. Theodore Horstman for the appellee Fritz, and concluded by Mr. Constant Southworth for the appellant.

No. 127. The Missouri Pacific Railway Company, plaintiff in error, *v.* The State of Nebraska; and

No. 128. The Missouri Pacific Railway Company, plaintiff in error, *v.* The State of Nebraska *ex rel.* The Farmers' Elevator Com-

pany. Three counsel allowed to be heard for the defendants in error, on motion of Mr. B. P. Waggener for the plaintiff in error. Argument commenced by Mr. B. P. Waggener for the plaintiff in error, continued by Mr. William P. Thompson for the defendant in error in No. 127, by Mr. R. C. James and Mr. Norris Brown for the defendant in error in No. 128, and concluded by Mr. B. P. Waggener for the plaintiff in error.

No. 129. J. W. Frelsen & Company, plaintiffs in error, *v.* A. W. Crandall, register of the state land office, et al. Three counsel allowed to be heard for the defendants in error, on motion of Mr. J. Blanc Monroe for the defendants in error. Argument commenced by Mr. P. M. Milner for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 8, will be as follows: Nos. 129, 90 (and 245), 130, 132, 133, 135, 137, 138, 139 and 140.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 8, 1910.

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

G. S. Arnold of New Haven, Conn., was admitted to practice.

No. 129. J. W. Frellsen & Company, plaintiffs in error, *v.* A. W. Crandall, register of the state land office, et al. Argument continued by Mr. P. M. Milner for the plaintiffs in error; by Mr. J. Blanc Monroe, Mr. R. G. Pleasant, and Mr. A. P. Pujo for the defendants in error; and concluded by Mr. P. M. Milner for the plaintiffs in error.

No. 90. Monserrate Garcia Maytin, Dominga Garcia Maytin, et al., appellants, *v.* Ricardo Vela, Jose Quijano, et al.; and

No. 245. Beatriz de los Angeles, widow of Mr. Alos, appellant, *v.* Monserrate and Dominga Garcia Maytin et al. Argument commenced by Mr. N. B. K. Pettingill for the appellants in No. 90 and appellees in No. 245.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 9, will be as follows: Nos. 90 (and 245), 130, 132, 133, 135, 137, 138, 139, 140 and 141.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 9, 1910.

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

Frank T. White, Elk River, Minn., was admitted to practice.

No. 90. Monserrate Garcia Maytin, Dominga Garcia Maytin, et al. appellants, *v.* Ricardo Vela, Jose Quijano, et al.; and

No. 245. Beatriz de los Angeles, widow of Mr. Alos, appellant, *v.* Monserrate and Dominga Garcia Maytin et al. Argument concluded by Mr. N. B. K. Pettingill for the appellants in No. 90 and appellees in No. 245, and submitted by Mr. Willis Sweet for the appellees in No. 90 and appellant in No. 245.

No. 130. Jennie Lee Williams et al., plaintiffs in error, *v.* The First National Bank of Pauls Valley. Argument commenced by Mr. W. O. Davis for the plaintiffs in error, continued by Mr. S. T. Bledsoe for the defendant in error, and concluded by Mr. W. O. Davis for the plaintiffs in error. Leave granted to counsel for the defendant in error to file an additional brief within two days.

No. 132. Gustav Holmgren, petitioner, *v.* The United States. Argued by Mr. Assistant Attorney-General Fowler for the respondent, and submitted by Mr. Marshall B. Woodworth for the petitioner, with leave to counsel for the petitioner to file an additional brief within ten days.

No. 133. The Chicago, St. Paul, Minneapolis & Omaha Railway Company, appellant, *v.* The United States. Argument commenced by Mr. Samuel A. Putman for the appellant, and continued by Mr. Assistant Attorney-General Thompson for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 10, will be as follows: Nos. 133, 135, 137, 138, 139, 140, 141, 142, 143 and 144.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 10, 1910.

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

No. 127. The Missouri Pacific Railway Company, plaintiff in error, *v.* The State of Nebraska; and

No. 128. The Missouri Pacific Railway Company, plaintiff in error, *v.* The State of Nebraska *ex rel.* The Farmers' Elevator Company. Leave granted to counsel for plaintiff in error to file an additional brief herein on or before Thursday next, on motion of Mr. Robert B. Brown in behalf of counsel.

No. 718. John Allen Heany et al., appellants, *v.* Edward B. Moore, Commissioner of Patents. Appeal from the court of appeals of the District of Columbia. Dismissed with costs, on motion of counsel for the appellants.

No. 144. P. R. Earling, receiver, etc., et al., plaintiffs in error, *v.* John Emigh et al. Passed on account of sickness of counsel, to be restored to the call under the provisions of section 9, rule 26.

No. 133. The Chicago, St. Paul, Minneapolis & Omaha Railway Company, appellant, *v.* The United States. Argument continued by Mr. Assistant Attorney-General John Q. Thompson for the appellee, and concluded by Mr. Samuel A. Putman for the appellant.

No. 135. The Citizens' National Bank et al., plaintiffs in error, *v.* The Commonwealth of Kentucky, for the use and benefit of Boyle County et al. Argument commenced by Mr. Robert T. Quisenberry for the plaintiffs in error, continued by Mr. John W. Yerkes for the defendants in error, and concluded by Mr. Robert T. Quisenberry for the plaintiffs in error.

No. 137. Los Angeles Farming & Milling Company, plaintiff in error, *v.* The City of Los Angeles. Argument commenced by Mr. R. M. Widney for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 11, will be as follows: Nos. 137, 138, 139, 140 (and 141), 142, 143, 145, 146, 147 and 148.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 11, 1910.

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

John L. Rupe of Richmond, Ind., Edward B. Pickett, jr. of Liberty, Tex., Charles G. Revelle of Jefferson City, Mo., James T. Blair of Jefferson City, Mo., and Arthur R. Thompson of Washington, D. C., were admitted to practice.

No. 71. Daniel F. Blake, as trustee in bankruptcy, etc., appellant, *v.* William Openhym & Sons. Mandate granted, on motion of Mr. Charles Henry Butler, in behalf of counsel.

No. 137. Los Angeles Farming & Milling Company, plaintiff in error, *v.* The City of Los Angeles. Argument continued by Mr. R. M. Widney for the plaintiff in error, and by Mr. William B. Mathews and Mr. John F. Dillon for the defendant in error, and concluded by Mr. R. M. Widney for the plaintiff in error.

No. 138. Al Williams, plaintiff in error, *v.* The State of Arkansas. Argued by Mr. George B. Rose for the plaintiff in error, and submitted by Mr. Hal L. Norwood and Mr. W. F. Kirby for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 14, will be as follows: Nos. 725 and 747 (and 751, 752, 753, 754, 757, 767, 775, 784, 785, 796, 797, 800, 816 and 819).



SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 14, 1910.

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

Horace B. Stanton of Boston, Mass., Henry S. Wardner of New York City, N. Y., Chauncey G. Parker of Newark, N. J., Thomas Parks Bradfield of Grand Rapids, Mich., Robert Lynn Cox of New York City, N. Y., Jack Beall of Waxahachie, Tex., Morris F. Frey of Washington, D. C., George S. Jones of Macon Ga., Verrenice Munger of Ansonia, Conn., James Lester Quackenbush of New York City, N. Y., John Edward Mullin of Kane, Pa., Devereux Milburn of New York City, N. Y., Douglas Campbell of Cherry Valley, N. Y., John G. Milburn, jr., of New York City, N. Y., and Thomas Leaming of Philadelphia, Pa., were admitted to practice.

No. 395. Edward C. Osborn and Joseph J. Slocum, as trustees, etc., plaintiffs in error, *v.* Peter Froyseth. In error to the supreme court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Justice Lurton. (Mr. Justice Brewer took no part in the decision of this case.)

No. 553. The Northern Pacific Railway Company, plaintiff in error, *v.* The State of North Dakota ex rel. T. F. McCue, attorney-general.

No. 554. Great Northern Railway Company, plaintiff in error, *v.* The State of North Dakota ex rel. T. F. McCue, attorney-general; and

No. 555. Minneapolis, St. Paul & Sault Ste. Marie Railway Company, plaintiff in error, *v.* The State of North Dakota ex rel. T. F. McCue, attorney-general. In error to the supreme court of the State of North Dakota. Judgments affirmed with costs without prejudice. Opinion by Mr. Justice Holmes.

No. 63. Alberto Will, doing business under the name of Will & Company, et al., appellants, *v.* Joaquin Tornabells, doing business under the firm name of J. Tornabells & Company et al. Appeal from the district court of the United States for Porto Rico. Decree affirmed with costs. Opinion by Mr. Justice White.

No. 736. Thomas Franklin, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the southern district of New York. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced that the court will take a recess from Monday, the 21st instant, to Monday, April 4 next.

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

No. 202. Edward G. Lewis, plaintiff in error, *v.* The United States. In error to the district court of the United States for the eastern district of Missouri. *Per curiam*: Writ of error dismissed for want of jurisdiction.

No. 726. John B. Mallers, plaintiff in error, *v.* Commercial Loan & Trust Company. In error to the supreme court of the State of Illinois. *Per curiam*: Writ of error dismissed for the want of jurisdiction.

No. —, Original. *Ex parte*: In the matter of Arthur Hewett and Tom A. Keating, petitioners. Motion for leave to file a petition for a writ of habeas corpus denied.

No. —, ———. Charles R. Heike, plaintiff in error, *v.* The United States. Motion to vacate allowance of writ of error and supersedas denied without prejudice to a motion to dismiss the writ.

No. —, Original. *Ex parte*: In the matter of Charles R. Heike, petitioner. Motion for leave to file a petition for a writ of mandamus granted, and the answer of the district judge of the United States for the district of Vermont, sitting in the circuit court for the southern district of New York, and of the circuit court to the petition for the writ taken as a return as to a rule entered on the petition. Rule made absolute thereupon, and order granted directing respondents to enter judgment for the United States upon the verdict, with leave to defendant to plead over.

No. 521. The United States, appellant, *v.* Charles E. Ellicott et al., etc. Motions to dismiss or affirm and to remand for additional findings of fact postponed to the hearing of the case on its merits.

No. 595. John A. Knott et al., etc., appellants, *v.* Chicago, Burlington & Quincy Railroad Company; and

No. 611. Chicago, Burlington & Quincy Railroad Company, appellant, *v.* John A. Knott et al., etc. Motion to advance granted, and cases assigned to be heard as one case on the first Tuesday of the next term (October 11), after the cases already assigned for that day.

No. 776. Russell B. Herriman, appellant, *v.* C. T. Elliott. United States marshal, etc.;

No. 777. Frank W. Brown, appellant, *v.* C. T. Elliott, United States marshal, etc.; and

No. 778. E. C. Moore, appellant, *v.* C. T. Elliott, United States marshal, etc. Motions to admit appellants to bail severally denied.

No. 806. Sebald M. Hohl, petitioner *v.* Norddeutscher Lloyd. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 810. Roland P. Conklin, petitioner, *v.* The Daimler Manufacturing Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 490. The United States, plaintiff in error, *v.* Pierre Grimaud et al.; and

No. 491. The United States, plaintiff in error, *v.* Antonio Inda. In error to the district court of the United States for the southern district of California. Judgments affirmed by a divided court.

Nos. 124 and 125. The Baltimore & Ohio Southwestern Railroad Company, plaintiff in error, *v.* The United States. In error to the United States circuit court of appeals for the sixth circuit. Judgments affirmed by a divided court, and causes remanded to the district court of the United States for the southern district of Ohio.

No. 824. D. L. Henderson, trustee, etc., petitioner, *v.* Sam Mayer. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. George S. Jones, in behalf of Mr. John R. L. Smith, for the petitioner.

No. 659. H. C. Cook Company, plaintiff in error, *v.* Frank H. Beecher et al. Submitted by Mr. Verrenice Munger, for the plaintiff in error. No brief filed for the defendants in error.

No. 150. Harry T. Herndon, prosecuting attorney of Clinton County, Mo., et al., appellants, *v.* The Chicago, Rock Island & Pacific Railway Company; and

No. 151. John E. Swanger, secretary of state of Missouri, appellant, *v.* The Atchison, Topeka & Santa Fe Railway Company. Appearance of Cornelius Roach, successor of John E. Swanger as secretary of state of the State of Missouri, as a party appellant in these cases, filed and entered on motion of Mr. Elliott W. Major for the appellants.

No. 161. Missouri, Kansas & Texas Railway Company, plaintiff in error, *v.* H. A. Hollan. Motions to dismiss or affirm and for damages submitted by Mr. C. B. Randell and Mr. Judson H. Wood for the defendant in error, in support of the motions, and by Mr. James Hagerman, Mr. Cecil H. Smith and Mr. J. M. Bryson for the plaintiff in error in opposition thereto.

No. 177. Missouri, Kansas & Texas Railway Company, plaintiff in error, *v.* Harry C. Wise. Motions to dismiss or affirm and for damages submitted by Mr. C. B. Randell and Mr. Judson H. Wood for the defendant in error in support of the motions, and by Mr. James Hagerman, Mr. Cecil H. Smith and Mr. J. M. Bryson for the plaintiff in error in opposition thereto.

No. 826. Frank H. Waskey, petitioner, *v.* J. J. Chambers. Petition for a writ of certiorari to the United States circuit court of appeals

for the ninth circuit submitted by Mr. Albert Fink, Mr. Joseph C. Campbell and Mr. W. H. Metson for the petitioners.

No. 781. The Coastwise Transportation Company, owner, etc., petitioner, *v.* the Steamship *Edda*, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. Edward C. Goodwin, in behalf of Mr. Edward E. Blodgett for the petitioner, and by Mr. Edward S. Dodge for the respondent.

No. 474. James H. Holt, plaintiff in error, *v.* The United States. Motion to advance submitted by Mr. John Lewis Smith for the plaintiff in error.

No. 807. Mrs. Lee Maner, petitioner, *v.* The Penn Mutual Life Insurance Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Jack Beall, Mr. William L. Crawford and Mr. M. L. Crawford for the petitioner, and by Mr. Maurice E. Locke for the respondent.

No. 724. Horace Chase, individually, etc., plaintiff in error, *v.* Leonard H. Phillips et al. Motion to dismiss or affirm submitted by Mr. Moorefield Storey and Mr. Ezra R. Thayer for the defendants in error in support of the motion, and by Mr. Frederic D. McKenney, Mr. Joseph H. Soliday and Mr. Richard Y. Fitzgerald for the plaintiff in error in opposition thereto.

No. 725. Standard Oil Company, appellants, *v.* The United States. Eleven hours and a half granted for the argument of this case, on motion of Mr. Attorney-General Wickersham for the appellee. Argument commenced by Mr. John G. Milburn for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 15, will be as follows: Nos. 725, 747 (and 751, 752, 753, 754, 757, 767, 775, 784, 785, 796, 797, 800, 816 and 819).



SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 15, 1910.

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

George A. Berry of Washington, D. C., James U. Sweeney of El Paso, Tex., Howard Van Sinderen of New York City, N. Y., Hugh A. Payne of New York City, N. Y., Jonathan B. Hayward of New York City, N. Y., Edward S. Brownson, jr., of New York City, N. Y., Chase Stewart of Springfield, Ohio, George R. E. Gilchrist of Wheeling, W. Va., and F. Zimmerman of Memphis, Tenn., were admitted to practice.

No. 725. Standard Oil Company et al., appellants, *v.* The United States. Argument continued by Mr. John G. Milburn for the appellants, by Mr. Frank B. Kellogg for the appellee, and by Mr. D. T. Watson for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 16, will be as follows: Nos. 725, 747 (and 751, 752, 753, 754, 757, 767, 775, 784, 785, 796, 797, 800, 816 and 819).



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 16, 1910.

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

John P. Gray of Wallace, Idaho, Elmer E. Todd of Seattle, Wash., Harris Livermore of Boston, Mass., E. G. Mills of Superior, Wis., Charles D. Drayton of Washington, D. C., R. E. Crawford of Austin, Tex., and Josiah Marvel of Wilmington, Del., were admitted to practice.

No. 725. Standard Oil Company et al., appellants, *v.* The United States. Argument continued by Mr. D. T. Watson for the appellants, and by Mr. Attorney-General Wickersham for the appellee, and concluded by Mr. John G. Johnson for the appellants. Leave granted to both sides to file additional briefs within ten days.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 17, will be as follows: Nos. 747 (and 751, 752, 753, 754, 757, 767, 775, 784, 785, 796, 797, 800, 816 and 819).



SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 17, 1910.

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

John A. Ehrhardt of Stanton, Nebr., Freeman Fithian Zimmerman of Rochester, N. Y., John J. Robira of Crowley, La., John M. Fenn of Houston, Tex., Edward W. Wheeler of Brunswick, Me., and Frank E. Guernsey of Dover, Me., were admitted to practice.

No. 3, Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Mr. Charles E. Littlefield, the commissioner appointed herein, presented his report, which was ordered to be filed, and the parties given thirty days in which to file exceptions thereto, if they are so advised.

No. 747. Stella P. Flint, as general guardian, etc., appellant, *v.* Stone Tracy Company et al.;

No. 751. Wyckoff Van Verhoef, appellant, *v.* The Coney Island & Brooklyn R. R. Company et al.;

No. 752. Francis L. Hine, appellant, *v.* Home Life Insurance Company et al.;

No. 753. Fred W. Smith, appellant, *v.* The Northern Trust Company et al.;

No. 754. William H. Miner, appellant, *v.* The Corn Exchange National Bank of Chicago et al.;

No. 757. Cedar Street Company, appellant, *v.* Park Realty Company;

No. 767. Lewis W. Jared, appellant, *v.* The American Multigraph Company et al.;

No. 775. Joseph E. Gay, appellant, *v.* The Baltic Mining Co. et al.;

No. 784. Percy H. Brundage, appellant, *v.* Broadway Realty Co. et al.;

No. 785. Paul Lacroix, appellant, *v.* Motor Taximeter Cab Co. et al.;

No. 796. Arthur Lyman et al., appellants, *v.* Interborough Rapid Transit Co. et al.;

No. 797. George W. Phillips, appellant, *v.* Fifty Associates et al.;

No. 800. Oscar Mitchell, appellant, *v.* Clark Iron Co. et al.;

No. 816. Wm. F. Fluhrer et al., appellants, *v.* New York Life Insurance Co.; and

No. 819. Katherine Cary Cook et al., appellants, *v.* Boston Wharf Co. et al. Eight hours granted for the argument of these cases. Argument commenced by Mr. Maxwell Evarts for the appellant in No. 747, continued by Mr. C. H. Williams for the appellants in No. 816, by Mr. Richard Reid Rogers for the appellants in No. 796, by Mr. Edward Osgood Brown for the appellants in Nos. 753 and 754, by Mr. J. B. Foraker for the appellant in No. 767, by Mr. R. V. Lindabury for the appellants in Nos. 751 and 752, and by Mr. Solicitor-General Bowers for the United States (by leave of court).

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 18, will be as follows: Nos. 747 (and 751, 752, 753, 754, 757, 767, 775, 784, 785, 796, 797, 800, 816 and 819).



SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 18, 1910.

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

Robert Foster Janes of New York City, N. Y., John Tyler Wheelwright of Boston, Mass., Thomas Lincoln Chadbourne, jr., of New York City, N. Y., Frederick Hoff of New York City, N. Y., and Edward R. Baird, jr., of Norfolk, Va., were admitted to practice.

No. 353. Edward Thompson Company, appellant, *v.* American Law Book Company. Appeal from the United States circuit court of appeals for the second circuit. Dismissed with costs, on motion of counsel for appellant.

No. 747. Stella P. Flint, as general guardian, etc., appellant, *v.* Stone Tracy Company et al.;

No. 751. Wyckoff Van Derhoef, appellant, *v.* The Coney Island & Brooklyn R. R. Company et al.;

No. 752. Francis L. Hine, appellant, *v.* Home Life Insurance Company et al.;

No. 753. Fred W. Smith, appellant. *v.* The Northern Trust Company et al.;

No. 754. William H. Miner, appellant, *v.* The Corn Exchange National Bank of Chicago et al.;

No. 757. Cedar Street Company, appellant, *v.* Park Realty Company;

No. 767. Lewis W. Jared, appellant. *v.* The American Multigraph Company et al.;

No. 775. Joseph E. Gay, appellant, *v.* The Baltic Mining Company et al.;

No. 784. Percy H. Brundage, appellant, *v.* Broadway Realty Company et al.;

No. 785. Paul Lacroix, appellant, *v.* Motor Taximeter Cab Company et al.;

No. 796. Arthur Lyman et al., appellants, *v.* Interborough Rapid Transit Company et al.;

No. 797. George W. Phillips, appellant, *v.* Fifty Associates et al.;

No. 800. Oscar Mitchell, appellant, *v.* Clark Iron Company et al.;

No. 816. Wm. F. Fluhrer et al., appellants, *v.* New York Life Insurance Company; and

No. 819. Katherine Cary Cook et al., appellants, *v.* Boston Wharf Company et al. Argument continued by Mr. Solicitor-General Bowers for the United States, by Mr. William D. Guthrie for the appellees in No. 752, and concluded by Mr. John G. Johnson for the appellants in Nos. 775 and 819. Leave granted to Mr. Julien T. Davies and to the Solicitor-General to file additional briefs herein.

Adjourned until Monday next at 12 o'clock.



SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 21, 1910.

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

John J. Schwartz of New York City, N. Y., Frederick M. Freeman of Manchester, Mich., Chester M. Dawes of Chicago, Ill., Emlen Hare Miller of New York City, N. Y., Johnston B. Campbell of Spokane, Wash., Walton Harrison of Bloomfield, N. J., James B. Malone of Springfield, Ohio, and B. B. Adams of Spokane, Wash., were admitted to practice.

No. 90. Monserrate Garcia Maytin, Dominga Garcia Maytin, et al., appellants, *v.* Ricardo Vela, Jose Quijano, et al. Appeal from the supreme court of Porto Rico. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 245. Beatriz de los Angeles, widow, etc., appellant, *v.* Monserrate and Dominga Garcia Maytin et al. Appeal from the supreme court of Porto Rico. Dismissed with costs. Opinion by Mr. Justice Holmes.

No. 130. Jennie Lee Williams, S. L. Williams and S. T. Williams, plaintiffs in error, *v.* The First National Bank of Pauls Valley. In error to the supreme court of the State of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Justice White.

The Chief Justice announced the following orders of the court:

No. 212. Wilson R. Hunter, plaintiff in error, *v.* Mutual Reserve Life Insurance Company. Application for an order requiring the receivers of defendant in error to become parties herein denied without prejudice to an application to the court appointing the receivers for leave to apply for the order desired.

No. 161. Missouri, Kansas & Texas Railway Company, plaintiff in error, *v.* H. A. Hollan. In error to the court of civil appeals for the fifth supreme judicial district of the State of Texas, and

No. 177. Missouri, Kansas & Texas Railway Company, plaintiff in error, *v.* Harry C. Wise. In error to the supreme court of the State of Texas. Dismissed for the want of jurisdiction.

No. 474. James H. Holt, plaintiff in error, *v.* The United States. Motion to advance granted, and cause assigned for argument on the first Tuesday of the next term (October 11) after the cases already assigned for that day.

No. 724. Horace Chase, individually, etc., plaintiff in error, *v.* Leonard H. Phillips et al. In error to the supreme judicial court of the State of Massachusetts. Dismissed for the want of jurisdiction.

No. 781. The Coastwise Transportation Company, owner, etc., petitioner, *v.* The steamship *Edda*, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 807. Mrs. Lee Maner, petitioner, *v.* The Penn Mutual Life Insurance Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 824. D. L. Henderson, trustee, etc., petitioner, *v.* Sam Mayer. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit granted.

No. 834. Cornell Steamboat Company, petitioner, *v.* Annie Van Fallon, as administratrix, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Amos Van Etten and Mr. J. Parker Kirlin for the petitioner, and by Mr. Nelson Zabriskie for the respondent.

No. 844. In re Charles A. Thatcher, plaintiff in error. In error to the supreme court of the State of Ohio. Docketed and dismissed on motion of Mr. O. E. Harrison in that behalf.

No. 462. Newman Baum, bankrupt, petitioner, *v.* James A. Comer, trustee, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Joe T. Robinson in behalf of Mr. J. W. Blackwood, and Mr. M. M. Cohn for the petitioner.

No. 706. Wm. T. Huguley, petitioner, *v.* Atlantic Coast Line Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Robert B. Brown in behalf of Mr. John M. Thurston, and Mr. Frederick T. Myers for the petitioner, and by Mr. John E. Hartridge for the respondents.

No. —, Original. Ex parte: In the matter of the Cudahy Packing Company, petitioner. Motion for leave to file a petition for a writ of mandamus submitted by Mr. A. B. Browne in behalf of Mr. Charles J. Greene and Mr. Ralph W. Breckenridge for the petitioner.

No. 473. American Land Company *v.* Louis Zeiss. Motion to advance or to dismiss the certificate herein submitted by Mr. A. B. Browne in behalf of Mr. Charles Page, Mr. E. J. McCutchen and Mr. Samuel Knight for the American Land Company. Leave granted to Mr. Garret W. McEnerney to file brief herein as amicus curiæ, on motion of Mr. George E. Hamilton in that behalf.

Nos. 124 and 125. The Baltimore & Ohio Southwestern Railroad Company, plaintiff in error, *v.* The United States. Motion to remand to the district court of the United States for the southern district of Ohio, with an order affirming the judgment of that court, submitted by Mr. Edward Colston for the plaintiff in error.

No. 727. Singer Manufacturing Company, appellant, *v.* Wirt Adams, state revenue agent, etc., et al. Motion to dismiss or affirm submitted by Mr. Edward Mayes, for the defendants in error, in support of the motion, and by Mr. C. H. Alexander, for the plaintiff in error, in opposition thereto.

Adjourned until Monday, April 4, at 12 o'clock.

The day call for Monday, April 4, will be as follows: Nos. 640, 663 (and 664 and 641), 692, 139, 140 (and 141), 142, 143, 145, 146 and 147.



SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 4, 1910.

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

Clarence B. Miller of Duluth, Minn., Victor H. Gran of Duluth, Minn., Conrad H. Christopherson of Luverne, Minn., William Preston Bynum of Greensboro, N. C., Frank D. Adams of Duluth, Minn., Herbert J. Campbell of Chicago, Ill., Abram M. Frumberg of St. Louis, Mo., Christian G. Dosland of Moorhead, Minn., T. Walter Fowler of District of Columbia, William A. Beasley of San Jose, Cal., Marshall A. Christy of Pittsburg, Pa., Jacob B. Klein of Bridgeport, Conn., Orville T. Smith of Guthrie, Okla., Percival D. Oviatt of Rochester, N. Y., Ferdinand Jelke, jr. of Cincinnati, Ohio, Hamilton McWhorter of Athens, Ga., Philip E. Tripp of Fall River, Mass., Hugh L. Dickson of San Bernardino, Cal., Garland S. Ferguson, jr., of Greensboro, N. C., Edward Lauterbach of New York City, Charles L. Craig of New York City, E. G. McAdams of Oklahoma City, Okla., and Lewis P. Shackelford of Juneau, Alaska, were admitted to practice.

No. 449. John Wynne, plaintiff in error, *v.* The United States. In error to the district court of the United States for the Territory of Hawaii. Judgment affirmed. Opinion by Mr. Justice Lurton.

No. 122. Southern Railway Company et al., plaintiffs in error, *v.* W. M. Miller. In error to the court of appeals of the State of Georgia. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 137. Los Angeles Farming & Milling Company, plaintiff in error, *v.* The City of Los Angeles. In error to the supreme court of the State of California. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Day.

No. 99. The Boston Chamber of Commerce et al., plaintiffs in error, *v.* The City of Boston. In error to the superior court of the State of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 127. The Missouri Pacific Railway Company, plaintiff in error, *v.* The State of Nebraska; and

No. 128. The Missouri Pacific Railway Company, plaintiff in error, *v.* The State of Nebraska ex rel. The Farmers' Elevator Com-

pany. In error to the Supreme Court of the State of Nebraska. Judgments reversed with costs and causes remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Harlan and Mr. Justice McKenna.

No. 123. Charles A. Davis, executor, etc., plaintiff in error, *v.* The Cleveland, Cincinnati, Chicago & St. Louis Railway Company et al. In error to the circuit court of the United States for the northern district of Iowa. Judgment reversed with costs and cause remanded with directions to proceed in accordance with the opinion of this court. Opinion by Mr. Justice McKenna. (Mr. Justice Holmes took no part in the decision of this case.)

No. 133. The Chicago, St. Paul, Minneapolis & Omaha Railway Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. 408. Robert H. Todd, appellant, *v.* Higinio Romeu. Appeal from the district court of the United States for Porto Rico. Decree affirmed with costs. Opinion by Mr. Justice White.

No. 111. St. Louis Southwestern Railway Company, plaintiff in error, *v.* The State of Arkansas. In error to the supreme court of the State of Arkansas. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice White. Dissenting: Mr. Chief Justice Fuller.

No. 119. The Southwestern Oil Company, plaintiff in error, *v.* The State of Texas. In error to the supreme court of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 15. International Textbook Company, plaintiff in error, *v.* Aaron T. Pigg. 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 Harlan. Dissenting: Mr. Chief Justice Fuller and Mr. Justice McKenna.

No. 126. The Unity Banking & Saving Company, appellant, *v.* Gilbert Bettman, trustee, etc., et al. Appeal from the United States circuit court of appeals for the sixth circuit. Decree affirmed with costs and cause remanded to the district court of the United States for the southern district of Ohio. Opinion by Mr. Justice Harlan.

No. 129. J. W. Frellsen & Co., plaintiffs in error, *v.* A. W. Crandall, register of the state land office, et al. In error to the supreme court of the State of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice Brewer: announced by Mr. Chief Justice Fuller.

No. 138. Al Williams, plaintiff in error, *v.* The State of Arkansas. In error to the supreme court of the State of Arkansas. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court:

No. 727. Singer Manufacturing Company, appellant, *v.* Wirt Adams, state revenue agent, et al. Appeal from the United States circuit court of appeals for the fifth circuit. *Per curiam*: Appeal dismissed for want of final judgment. *Schlosser v. Hemphill*. 198 U. S., 173; *Haseltine v. Central Bank of Springfield, Missouri* (No. 1), 183 U. S., 130.

No. 16, Original. *Ex parte*: In the matter of the Cudahy Packing Company, petitioner. Motion for leave to file a petition for writ of mandamus granted, and rule to show cause awarded, returnable Thursday, April 14, 1910.

Nos. 124 and 125. The Baltimore & Ohio Southwestern Railroad Company, plaintiff in error, *v.* The United States. Rehearing granted, and cases restored to the docket for reargument and assigned to be heard on the first Tuesday of the next term (October 11) after the cases already assigned for that day.

No. 473. American Land Company *v.* Louis Zeiss. Motion to advance granted, and cause assigned to be heard on the first Tuesday of the next term (October 11) after the cases already assigned for that day.

No. 826. Frank H. Waskey, petitioner, *v.* J. J. Chambers. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit granted.

No. 462. Newman Baum, bankrupt, petitioner, *v.* James A. Comer, trustee, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 706. William T. Huguley, petitioner, *v.* Atlantic Coast Line Railroad Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 834. Cornell Steamboat Company, petitioner, *v.* Annie V. Fallon, as administratrix, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

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. 855. George M. Nowell et al., petitioners, *v.* The International Trust Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Joseph B. Church and Mr. George M. Nowell, for the petitioner, with leave to Mr. Lewis P. Shackelford to file brief for the respondent within one week.

No. 841. S. Graeme Harrison, petitioner, *v.* The Philadelphia Contributionship for the Insurance of Houses from Fire. Petition for a

writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. R. Mason Lisle for the petitioner.

No. 244. David Munro Rogers et al., infants. etc., et al., plaintiffs in error, *v.* Clark Iron Company et al. Motion to dismiss submitted by Mr. John G. Williams, Mr. Joseph B. Cotton and Mr. William R. Begg, for the defendants in error, in support of the motion, and by Mr. John B. Richards, for the plaintiffs in error. in opposition thereto.

No. —, Original. *Ex parte:* In the matter of W. G. Coyle & Co., petitioners. Motion for leave to file a petition for a writ of mandamus submitted by Mr. W. A. Henderson, in behalf of Mr. Charles Louque, for the petitioner, and by Mr. Edwin T. Merrick and Mr. John D. Grace in opposition thereto.

No. 843. German Alliance Insurance Company, petitioner, *v.* Home Water Supply Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. John B. Daish, in behalf of Mr. Hartwell Cabell, for the petitioner.

No. 212. Wilson R. Hunter, plaintiff in error, *v.* The Mutual Reserve Life Insurance Company. Application for an order requiring the receivers of the defendant in error to become parties herein re-submitted by Mr. W. W. Dodge, in behalf of Mr. Paul Armitage for the plaintiff in error, and by Mr. William Beverley Winslow in opposition thereto.

No. 838. E. G. Coffin et al., etc., petitioners, *v.* Charles R. Flint. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. W. P. Bynum, Mr. R. C. Strudwick and Mr. E. J. Justice for the petitioners, and by Mr. J. H. Merrimon and Mr. J. Frank Snyder for the respondent.

No. 840. The Southern Paving & Construction Company, petitioner, *v.* The City of Greensboro. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. W. P. Bynum and Mr. Alfred S. Barnard for the petitioner, and by Mr. E. J. Justice for the respondent.

Nos. 13 and 14, Original. *Ex parte:* In the matter of The State of Oklahoma, petitioner. Leave granted to Mr. Joseph S. Graydon to file brief herein as *amicus curiæ*.

No. 14, Original. *Ex parte:* In the matter of The State of Oklahoma, petitioner. Leave granted to Mr. S. T. Bledsoe to file brief herein as *amicus curiæ*.

No. 640. Henry L. Hertz, collector, etc., *v.* Gordon O. Woodman et al., as executors, etc. Passed temporarily, on motion of Mr. Wade H. Ellis in behalf of counsel.

No. 12, Original. *Ex parte:* In the matter of Henry A. Cleland, petitioner. Argument commenced by Mr. C. D. Joslyn for the petitioner, continued by Mr. De Forest Paine for the respondent, and concluded by Mr. C. D. Joslyn for the petitioner.

Nos. 13 and 14, Original. Ex parte: In the matter of The State of Oklahoma, petitioner. Argument commenced by Mr. Fred S. Caldwell for the petitioner, and continued by Mr. S. T. Bledsoe for the respondent in No. 14.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 5, will be as follows: Nos. 663 (and 664 and 641), 692, 139, 140 (and 141), 142, 143, 145, 146, 147 and 6.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 5, 1910.

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

Eugene M. Berard of New York City, Samuel Howland Hoppin of New York City, Adelma H. Burd of New York City, and James W. Pope of Boston, Mass., were admitted to practice.

Nos. 223 and 224. The Eastern Kentucky Coal Lands Corporation, plaintiff in error, *v.* The Commonwealth of Kentucky. Motion to advance submitted by Mr. W. J. Hendrick for the plaintiff in error.

No. 1, Original. The State of Maryland, complainant, *v.* The State of West Virginia. Time for entry of decree and appointment of commissioners extended to May 1, 1910, per stipulation of counsel, on motion of Mr. J. H. Gaines in behalf of counsel.

No. 663. The Interstate Commerce Commission, appellant, *v.* The Chicago, Rock Island & Pacific Railway Company et al.; and

No. 664. Burnham, Hanna, Munger Dry Goods Company et al., appellants, *v.* The Chicago, Rock Island & Pacific Railway Company et al. Leave granted to file brief herein as *amicus curiæ*, on motion of Mr. Frederick Manley Ives in that behalf.

Nos. 13 and 14, Original. *Ex parte*: In the matter of The State of Oklahoma, petitioner. Argument concluded by Mr. Joseph W. Bailey for the petitioner.

No. 663. The Interstate Commerce Commission, appellant, *v.* The Chicago, Rock Island & Pacific Railway Company et al.;

No. 664. Burnham, Hanna, Munger Dry Goods Company et al., appellants, *v.* The Chicago, Rock Island & Pacific Railway Company et al.; and

No. 641. The Interstate Commerce Commission, appellant, *v.* The Chicago, Burlington & Quincy Railroad Company. One-half hour additional time allowed each side in the argument of these cases, and four counsel allowed to make oral argument for the appellees

and the appellants in No. 664, on motion of Mr. Wade H. Ellis in that behalf. Argument commenced by Mr. Wade H. Ellis for the Interstate Commerce Commission, and continued by Mr. John H. Atwood for the appellants in No. 664, and by Mr. William D. McHugh and Mr. C. C. H. Fyffe for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 6, will be as follows: Nos. 663 (and 664 and 641), 692, 139, 140 (and 141), 142, 143, 145, 146, 147 and 6.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 6, 1910.

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

James M. Graham of Springfield, Ill., and Edward S. Jouett of Winchester, Ky., were admitted to practice.

No. 663. The Interstate Commerce Commission, appellant, *v.* The Chicago, Rock Island & Pacific Railway Company et al.;

No. 664. Burnham, Hanna, Munger Dry Goods Company et al.; and

No. 641. The Interstate Commerce Commission, appellant, *v.* The Chicago, Burlington & Quincy Railroad Company. Argument continued by Mr. Samuel A. Lynde for the appellee in No. 641, by Mr. Luther M. Walter for the Interstate Commerce Commission, and concluded by Mr. John Lee Webster for the appellant in No. 664.

No. 692. Solomon Brantley, plaintiff in error, *v.* The State of Georgia. Argued by Mr. John Randolph Cooper for the plaintiff in error, and submitted by Mr. John C. Hart for the defendant in error.

No. 139. Shevlin-Carpenter Company et al., plaintiffs in error, *v.* The State of Minnesota. Argued by Mr. Frank B. Kellogg for the plaintiffs in error, and by Mr. George T. Simpson for the defendant in error.

No. 140. Southern Railway Company, petitioner, *v.* Mrs. Josephine King; and

No. 141. Southern Railway Company, petitioner, *v.* Inez King, by her next friend, Mrs. Josephine King. Argument commenced by Mr. J. J. Strickland for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 7, will be as follows: Nos. 140 (and 141), 142, 143, 145, 146, 147, 6, 131, 148 and 149.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 7, 1910.

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

George Th. Thomaides of Washington, D. C., Alfred Muller of Denver, Colo., and Ernest L. Averill of Wallingford, Conn., were admitted to practice.

No. 140. Southern Railway Company, petitioner, *v.* Mrs. Josephine King; and

No. 141. Southern Railway Company, petitioner, *v.* Inez King, by her next friend, Mrs. Josephine King. Argument continued by Mr. J. J. Strickland for the petitioner, by Mr. Reuben R. Arnold for the respondents, and concluded by Mr. J. J. Strickland for the petitioner.

No. 142. Robert L. Owen, plaintiff in error, *v.* Dudley & Michener. Argument commenced by Mr. W. H. Robeson for the plaintiff in error and continued by Mr. Charles Poe for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 8, will be as follows: Nos. 142, 143, 145, 146, 147, 6, 131, 148, 149 and 150.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 8, 1910.

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

Wells M. Cook of Chicago, Ill., Hunter C. Leake of New Orleans, La., David S. Wegg of Chicago, Ill., Adolph D. Weiner of Chicago, Ill., Herman J. Schulteis of Washington, D. C., and James W. Orr of Atchison, Kans., were admitted to practice.

No. 142. Robert L. Owen, plaintiff in error, *v.* Dudley & Michener. Argument continued by Mr. Charles Poe and Mr. Samuel A. Putman for the defendants in error, and concluded by Mr. W. H. Robeson for the defendants in error. Leave granted to counsel for plaintiff in error to file an additional brief.

No. 143. Joseph Wenar, appellant, *v.* William A. Jones, bishop of Porto Rico. Submitted by Mr. Paul Fuller and Mr. Howard Thayer Kingsbury for the appellees, with leave to counsel for the appellant to file a brief hereafter.

No. 145. William W. Stewart, appellant, *v.* Lewis A. Griffith, executor of Alfred W. Ball, deceased. Argument commenced by Mr. James E. Padgett for the appellant, and continued by Mr. Charles H. Merillat and Mr. George R. Gaither for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 11, will be as follows: Nos. 145, 146, 147, 6, 131, 148, 149, 150, 151 and 152.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 11, 1910.

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

William H. Stafford of Milwaukee, Wis., William G. Cooke of New York City, N. Y., Pauline Nelson Hartstone of Boston, Mass., Walter Hartstone of Boston, Mass., Eugene P. Locke of Dallas, Tex., James S. Morris of La Grange, Ky., Frank C. Nicodemus, jr., of New York City, N. Y., Lawrence T. Allen of Danville, Ill., George H. Calvert of Pittsburg, Pa., and Philip J. Doherty of Boston, Mass., were admitted to practice.

No. 630. John C. McClellan et al., petitioners, *v.* John E. Carland, United States district judge, etc. On writ of certiorari to the United States circuit court of appeals for the eighth circuit. Judgment reversed, costs in this court to be paid by petitioners, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Day.

No. 101. Lutchter & Moore Lumber Company et al., petitioners, *v.* William H. Knight et al. On writ of certiorari to the United States circuit court of appeals for the fifth circuit. Judgment of the United States circuit court of appeals reversed with costs and cause remanded to that court for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice White.

No. 57. St. Louis, Kansas City & Colorado Railroad Company, appellant, *v.* The City of St. Louis and Wabash Railroad Company. Appeal from the circuit court of the United States for the eastern district of Missouri. Dismissed with costs.

No. 301. The St. Louis, Kansas City & Colorado Railroad Company, petitioner, *v.* The Wabash Railroad Company and the city of St. Louis. Writ of certiorari granted, and decree of the circuit court of December 20, 1907, modified; costs to be taxed against the respondent. Opinion by Mr. Justice Brewer, announced by Mr. Chief Justice Fuller.

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

No. 244. David Munro Rogers et al., etc., plaintiffs in error, *v.* Clark Iron Company et al. In error to the supreme court of the State of Minnesota. Per curiam: Writ of error dismissed for want of jurisdiction. The case is reported below in 104 Minnesota, 198, where the facts are set forth at length. We hold that no federal

question was decided either in express terms or by necessary implication, and that the attempt to raise a federal question was made in this court for the first time, which was too late.

No. 692. Solomon Brantley, plaintiff in error, *v.* The State of Georgia. In error to the supreme court of the State of Georgia. Per curiam: Judgment affirmed.

No. —, Original. Ex parte: In the matter of W. G. Coyle & Co., petitioners. Motion for leave to file petition for a writ of mandamus denied.

No. 212. Wilson R. Hunter, plaintiff in error, *v.* Mutual Reserve Life Insurance Company. Application for an order requiring receivers of the defendant in error to become parties to this appeal granted.

Nos. 223 and 224. The Eastern Kentucky Coal Lands Corporation, plaintiff in error, *v.* The Commonwealth of Kentucky. Advanced to be heard as one case after No. 193, the time for argument being limited to one hour on each side.

No. 843. German Alliance Insurance Company, petitioner, *v.* Home Water Supply Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit granted.

No. 838. E. G. Coffin et al., etc., petitioners, *v.* Chas. R. Flint. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 840. The Southern Paving & Construction Company, petitioner, *v.* The City of Greensboro. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 841. S. Graeme Harrison, petitioner, *v.* The Philadelphia Contributionship for the Insurance of Houses from Loss by Fire. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 316. The United States, appellant, *v.* The American Tobacco Company et al.;

No. 317. The American Tobacco Company et al., appellants *v.* The United States; and

No. 725. Standard Oil Company et al., appellants, *v.* The United States. These cases are restored to the docket for reargument.

No. 849. Charles R. Heike, plaintiff in error, *v.* The United States. Motion to dismiss submitted by Mr. Solicitor-General Bowers, Mr. H. L. Stimson and Mr. Felix Frankfurter, for the defendant in error, in support of the motion, and by Mr. John B. Stanchfield, Mr. George S. Graham and Mr. John C. Spooner, for the plaintiff in error, in opposition thereto. Leave granted counsel for defendant in error to file reply brief within four days.

No. 802. Amory Eliot, appellant, *v.* James G. Freeman et al. Motion to advance submitted by Mr. Frank W. Grinnell for the appellant.

No. 869. Main Baptist Missionary Convention, appellant, *v.* Charles E. Cotting et al., trustees. Motion to advance submitted by Mr. Barry Mohun for the appellant.

No. 846. Lillian F. Slocum, executrix, etc., petitioner, *v.* New York Life Insurance Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Daniel B. Henderson for the petitioner.

No. 866. Illinois Central Railroad Company, petitioner, *v.* Mary O'Neill et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Frederick S. Tyler, in behalf of Mr. Hunter C. Leake, Mr. Gustave Lemle and Mr. Blewitt Lee, for the petitioner.

No. 861. Hubert Hopkins, petitioner, *v.* Heber C. Peters et al. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. L. Seward Bacon and Mr. F. R. Cornwall for the petitioner.

No. 9, Original. *Ex parte*: In the matter of J. W. Gruetter, petitioner. Submitted per stipulation by Mr. Arthur Crownover for the petitioner, and Mr. W. L. Granbery for the respondent.

No. 702. Cassius B. Thomas et al., plaintiffs in error, *v.* William C. Taylor. Motion to dismiss or affirm submitted by Mr. Edgar T. Brackett, for the defendant in error, in support of the motion, and by Mr. Nash Rockwood, for the plaintiffs in error, in opposition thereto.

No. 152. Thomes D. Wilcoxon, plaintiff in error, *v.* Mitchell H. Wilcoxon, Martha E. Lemon and Mary D. Proctor. In error to the supreme court of the State of Illinois. Dismissed with costs, pursuant to the tenth rule.

No. 145. William W. Stewart, appellant, *v.* Lewis A. Griffith, executor, etc. Argument continued by Mr. George R. Gaither for the appellee, and concluded by Mr. Henry E. Davis for the appellant.

No. 146. J. B. Curtin, appellant, *v.* H. C. Benson et al. Submitted by Mr. M. B. Woodworth for the appellant, and Mr. J. B. Curtin in propria persona, and by Mr. Assistant Attorney-General Harr for the appellees.

No. 147. The United States, plaintiff in error, *v.* Cora Welch et al. Argued by Mr. Assistant Attorney-General John Q. Thompson for the plaintiff in error, and by Mr. Edward S. Jouett for the defendant in error.

No. 6. Brown-Forman Company, plaintiff in error, *v.* The Commonwealth of Kentucky. Argument commenced by Mr. Levi Cooke for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 12, will be as follows: Nos. 6, 131, 148, 149, 150, 151, 153, 154, 155 and 156.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 12, 1910.

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

James Patrick Gilmore of Kansas City, Mo., Horace B. Walmsley of Ashland, Wis., Victor Theodore Pierrelee of Ashland, Wis., Walter Louis Gold of Milwaukee, Wis., and Hugh M. Alcorn of Suffield, Conn., were admitted to practice.

No. 144. P. R. Earling, receiver, etc., et al., plaintiffs in error, *v.* John Emigh et al. Appearance of George C. Rankin, successor of P. R. Earling as receiver of the Berlin National Bank, as a party plaintiff in error herein, filed and entered, on motion of Mr. Rufus S. Simmons for the plaintiffs in error.

No. 148. Rosa Wallach et al., plaintiffs in error, *v.* Henry B. F. Macfarland et al., Commissioners of the District of Columbia. Retirement of Henry B. F. Macfarland et al. suggested, and appearance of Cuno H. Rudolph, John A. Johnson and William V. Judson, Commissioners of the District of Columbia, as the parties defendant in error herein, filed and entered on motion of Mr. James Francis Smith for the defendants in error.

No. 157. Columbia Heights Realty Company, plaintiff in error, *v.* Henry B. F. Macfarland et al., Commissioners of the District of Columbia. Retirement of Henry B. F. Macfarland et al. suggested, and appearance of Cuno H. Rudolph, John A. Johnston and William V. Judson, Commissioners of the District of Columbia, as the parties defendant in error herein, filed and entered on motion of Mr. James Francis Smith for the defendants in error.

No. 156. Otis G. Freeman, plaintiff in error, *v.* The United States. Submitted by Mr. A. B. Browne, Mr. Alexander Britton and Mr. W. A. Kincaid for the plaintiff in error, and by Mr. Assistant Attorney-General Fowler for the defendant in error. Leave granted to counsel for the plaintiff in error to file reply brief on or before Friday next, on motion of Mr. Evans Browne in that behalf.

No. 6. Brown-Forman Company, plaintiff in error, *v.* Commonwealth of Kentucky. Argument continued by Mr. Levi Cooke for the plaintiff in error, by Mr. James S. Morris for the defendant in error, and concluded by Mr. Levi Cooke for the plaintiff in error.

No. 131. Edward S. Thomas, as trustee, etc., appellant, *v.* Solomon M. Sugeran. Argued by Mr. Abram I. Elkus for the appellant, and by Mr. John J. Crawford for the appellee.

No. 157. Columbia Heights Realty Company, plaintiff in error, *v.* Cuno H. Rudolph et al., Commissioners of the District of Columbia. Advanced to be heard with No. 148 as one case on motion of Mr. James Francis Smith for the defendants in error.

No. 148. Rosa Wallach et al., plaintiffs in error, *v.* Cuno H. Rudolph et al., Commissioners of the District of Columbia; and

No. 157. Columbia Heights Realty Company, plaintiff in error, *v.* Cuno H. Rudolph et al., Commissioners of the District of Columbia. Argument commenced by Mr. Samuel Maddox for the plaintiffs in error in No. 148.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 13, will be as follows: Nos. 148 (and 157), 149, 150, 151, 153, 154, 155, 144, 158 and 159.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 13, 1910.

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

G. M. Valentine of Benton Harbor, Mich., C. O. Strieby of Davis, W. Va., Herbert C. Lakin of New York City, N. Y., Joseph E. Messerschmidt of Madison, Wis., and Isador Bernard Dockweiler of Los Angeles, Cal., were admitted to practice.

No. 148. Rosa Wallach et al., plaintiffs in error, *v.* Cuno H. Rudolph et al., Commissioners of the District of Columbia; and

No. 157. Columbia Heights Realty Company, plaintiff in error, *v.* Cuno H. Rudolph et al., Commissioners of the District of Columbia. Argument continued by Mr. Arthur A. Birney for the plaintiff in error in No. 157, by Mr. James Francis Smith for the defendants in error, and concluded by Mr. Leo Simmons for the plaintiff in error in No. 157.

No. 149. Kidd, Dater & Price Company, plaintiff in error, *v.* Musselman Grocer Company. Argument commenced by Mr. G. M. Valentine for the plaintiff in error, and continued by Mr. Benn M. Corwin for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 14, will be as follows: Nos. 149, 150, 151, 153, 154, 155, 144, 158, 159 and 160.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 14, 1910.

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

William C. Rosenberg of New York City, N. Y., and Reno R. Billington of New York City, N. Y., were admitted to practice.

No. 154. Nollman & Co., appellants, *v.* Wentworth Lunco Company. Leave granted to file brief as amicus curiæ on or before Saturday next on motion of Mr. William C. Rosenberg in that behalf.

No. 149. Kidd, Dater & Price Company, plaintiff in error, *v.* Muselman Grocer Company. Argument continued by Mr. Benn M. Corwin and Mr. Swagar Sherley for the defendant in error, and concluded by Mr. G. M. Valentine for the plaintiff in error.

No. 150. Harry T. Herndon, prosecuting attorney of Clinton County, Mo., et al., appellants, *v.* The Chicago, Rock Island & Pacific Railway Company. Argument commenced by Mr. James T. Blair for the appellants, continued by Mr. M. A. Low for the appellee, and concluded by Mr. James T. Blair for the appellants.

No. 151. Cornelius Roach, secretary of state of the State of Missouri, appellant, *v.* The Atchison, Topeka & Santa Fe Railway Company. Argument commenced by Mr. James T. Blair for the appellant, and continued by Mr. James P. Gilmore for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 15, will be as follows: Nos. 151, 153, 154, 155, 144, 158, 159, 160, 162 and 163.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 15, 1910.

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

R. L. McLaurin of Vicksburg, Miss., and A. C. Lyon of Grinnell, Iowa, were admitted to practice.

The Chief Justice announced the following order of the court:

Order: It is ordered by the court that the bond presented by the marshal for the performance of his duties be filed and recorded.

No. 163. C. R. Smith, plaintiff in error, *v.* Armour Packing Company. In error to the United States circuit court of appeals for the eighth circuit. Dismissed with costs pursuant to the tenth rule.

No. 151. Cornelius Roach, secretary of state of the State of Missouri, appellant, *v.* The Atchison, Topeka & Santa Fe Railway Company. Argument continued by Mr. James P. Gilmore and Mr. Gardiner Lathrop for the appellee, and concluded by Mr. James P. Blair for the appellant.

No. 153. Mert H. Vought, impleaded with Michael J. Collins et al., plaintiff in error, *v.* The State of Wisconsin. Argument commenced by Mr. Horace B. Walmsley for the plaintiff in error. The court declined to hear further argument.

No. 154. Nollman & Co., appellants and petitioners, *v.* Wentworth Lunch Company. Argued by Mr. Maurice P. Davidson for the appellants and petitioners, and by Mr. Reno R. Billington for the appellee and respondent.

No. 155. Maria Margarita Volcey Souffront, widow of Fleurian, et al., plaintiffs in error, *v.* La Compagnie des Sucreries de Porto Rico and Erneste Maurice. Argued by Mr. Hannis Taylor for the plaintiffs in error, and by Mr. Charles Hartzell for the defendants in error. Leave granted to both sides to file additional briefs.

No. 144. George C. Rankin, receiver of the Berlin National Bank et al., plaintiffs in error, *v.* John Emigh and O. L. Atkins. Argument commenced by Mr. Rufus S. Simmons for the plaintiffs in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 18, will be as follows: Nos. 144, 158, 159, 160, 162, 164, 165, 166, 168 and 640.



SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 18, 1910.

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

Charles C. Suffren of Brooklyn, N. Y., A. E. Thompson of Oshkosh, Wis., D. S. Henderson of Aiken, S. C., Clarence S. Hebert of New Orleans, La., Tully Scott of Cripple Creek, Colo., Henry Leonard of Washington, D. C., Frank E. Dickerman of Boston, Mass., and John J. Freschi of New York City, N. Y., were admitted to practice.

No. 551. The United States, appellant, *v.* Oberlin M. Carter et al.; and

No. 552. Oberlin M. Carter et al., appellants, *v.* The United States. Appeals from the United States circuit court of appeals for the seventh circuit. Decree affirmed, and cause remanded to the circuit court of the United States for the northern district of Illinois. Opinion by Mr. Justice Lurton.

No. 10, Original. *Ex parte*: In the matter of the United States, petitioner. Petition for a writ of prohibition dismissed. Opinion by Mr. Justice Lurton.

The Chief Justice announced that the call of the docket will be suspended on Friday, April 29. The court will take a recess on Monday, May 2, until Monday, May 16, and will then take a recess until Tuesday, May 31, when it will adjourn for the term.

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

No. 490. The United States, plaintiff in error, *v.* Pierre Grimaud et al.; and

No. 491. The United States, plaintiff in error, *v.* Antonio Inda. Petition for rehearing granted, and cases restored to the docket.

No. 702. Cassius B. Thomas et al., plaintiffs in error, *v.* William C. Taylor. Consideration of the motion to dismiss or affirm postponed to the hearing on its merits.

No. 802. Amory Eliot, appellant, *v.* James G. Freeman et al. Motion to advance granted, and cause assigned to be heard on the first Tuesday of the next term (October 11) after the cases already assigned for that day.

No. 869. Maine Baptist Missionary Convention, appellant, *v.* Charles E. Cotting et al. Motion to advance granted, and cause assigned to be heard on the first Tuesday of the next term (October 11) after the cases already assigned for that day.

No. 846. Lillian F. Slocum, executrix, etc., petitioner, *v.* New York Life Insurance Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit granted.

No. 855. George M. Nowell et al., petitioners, *v.* The International Trust Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 861. Hubert Hopkins, petitioner, *v.* Heber C. Peters et al. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 866. Illinois Central Railroad Company, petitioner, *v.* Mary O'Neill et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 153. Mert H. Vought, impleaded with Michael J. Collins, Alexander McDonald, H. B. Templin and Peter Fishbach, plaintiff in error, *v.* The State of Wisconsin. In error to the supreme court of the State of Wisconsin. Per curiam: Writ of error dismissed for want of jurisdiction. The federal question attempted to be made is without merit.

No. 154. Nollman & Co., appellants and petitioners, *v.* Wentworth Lunch Company. Appeal from and writ of certiorari to the United States circuit court of appeals for the second circuit. Per curiam: Judgment affirmed on the authority of *Toxaway Hotel Company v. Smathers & Co.*, decided February 21, 1910 (216 U. S., —).

No. 878. The United States, petitioner, *v.* The Atchison, Topeka & Santa Fe Railway Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Solicitor-General Bowers, Mr. Edward A. Moseley and Mr. Philip J. Doherty for the petitioner.

No. 885. Secundino Mendezona, plaintiff in error, *v.* The United States. In error to the supreme court of the Philippine Islands. Docketed and dismissed, and mandate granted on motion of Mr. Solicitor-General Bowers for the defendant in error.

No. —, Original. Ex parte: In the matter of the Metropolitan Trust Company of the city of New York, petitioner. Motion for leave to file a petition for a writ of prohibition or mandamus submitted by Mr. Frank C. Nicodemus, jr., in behalf of Mr. Henry B. Closson for the petitioner.

No. 7, Original. The State of North Carolina, complainant, *v.* The State of Tennessee. Leave granted to file stipulation to extend time for taking testimony, and order entered in accordance with said stipulation on motion of Mr. Charles T. Cates, jr., for the defendant.

No. 530. Lawrence C. Sexton, as trustee, etc., appellant, *v.* Kessler & Co., Limited, et al. Motion of John Gorlow for leave to intervene

herein submitted by Mr. Henry Wollman in that behalf, and affidavits in opposition to said motion submitted by Mr. Jackson H. Ralston in behalf of Mr. John Larkin for the appellant.

No. 856. Frank D. Zell et al., petitioners, *v.* Norfolk & Southern Railway Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Thomas Leaming, Mr. John G. Johnson and Mr. Tazewell Taylor for the petitioners, and by Mr. Thomas L. Chadbourne, jr., Mr. Frederick Hoff and Mr. Edward R. Baird, jr., for the respondents.

No. 3, Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Motion to set cause for hearing argued by Mr. Samuel W. Williams, Mr. William A. Anderson and Mr. Holmes Conrad for the complainant in support of the motion, and by Mr. John C. Spooner for the defendant in opposition thereto. Motion for leave to take further testimony argued by Mr. John C. Spooner for the defendant in support of the motion, and by Mr. William A. Anderson and Mr. Holmes Conrad for the complainant in opposition thereto.

No. 884. The Atchison, Topeka & Santa Fe Railway Company, petitioner, *v.* Mark B. Hamble. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. A. B. Browne in behalf of Mr. Robert Dunlap, Mr. T. J. Norton, Mr. E. W. Camp and Mr. Gardiner Lathrop for the petitioner, and by Mr. Paul Sleman for the respondent.

No. 6. Brown-Forman Company, plaintiff in error, *v.* Commonwealth of Kentucky. Leave granted to file a supplemental brief for the plaintiff in error on motion of Mr. Levi Cooke for the plaintiff in error.

No. 144. George C. Rankin, receiver of the Berlin National Bank, and the Berlin National Bank, plaintiffs in error, *v.* John Emigh and O. L. Atkins. Argument continued by Mr. Rufus S. Simmons for the plaintiffs in error, by Mr. J. C. Thompson for the defendants in error, and concluded by Mr. Rufus S. Simmons for the plaintiffs in error.

No. 158. J. Alexander Chiles, plaintiff in error, *v.* Chesapeake & Ohio Railway Company. Argument commenced by Mr. J. Alexander Chiles, pro se, continued by Mr. John T. Shelby for the defendant in error, and concluded by Mr. J. Alexander Chiles, pro se.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 19, will be as follows: Nos. 159, 160, 162, 164, 165, 166, 168, 640, 169 and 171.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 19, 1910.

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

Clare A. Pickard of Jamestown, N. Y., Fred H. Hathhorn of Billings, Mont., William W. Hughes of Welch, W. Va., and E. G. Rahr of Milwaukee, Wis., were admitted to practice.

No. 146. *J. B. Curtin, appellant, v. H. C. Benson et al.* Submission set aside and case restored to the docket for oral argument.

No. 169. *Fernando Vasquez Morales et al., appellants, v. Juan Vicenty Ramos.* Appeal from the supreme court of Porto Rico. Dismissed with costs pursuant to the tenth rule.

No. 159. *The City of Omaha, petitioner, v. Omaha Water Company.* Argument commenced by Mr. John L. Webster for the petitioner, continued by Mr. R. S. Hall and Mr. Howard Mansfield for the respondent, and concluded by Mr. John L. Webster.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 20, will be as follows: Nos. 160, 162, 164, 165, 166, 168, 640, 171, 172 and 173.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 20, 1910.

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

Charles E. Lord of Milwaukee, Wis., and Joseph W. Cox of Washington, D. C., were admitted to practice.

No. 1, Original. The State of Maryland, complainant, *v.* The State of West Virginia. Forms of decree submitted by Mr. Isaac Lobe Straus for the complainant, and Mr. George E. Price for the defendant.

No. 160. Standard Oil Company of Kentucky, plaintiff in error, *v.* The State of Tennessee, upon the relation of Charles T. Cates, jr., attorney-general of the State of Tennessee. Argument commenced by Mr. John J. Vertrees for the plaintiff in error, continued by Mr. Charles T. Cates, jr., for the defendant in error, and concluded by Mr. John J. Vertrees for the plaintiff in error.

No. 162. Austin W. Lord and J. Monroe Hewlett, etc., appellants, *v.* The United States. Argued by Mr. Charles Fuller for the appellants, and by Mr. Assistant Attorney-General John Q. Thompson for the appellee.

No. 164. Pink Franklin, plaintiff in error, *v.* The State of South Carolina. Argument commenced by Mr. John Adams for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 21, will be as follows: Nos. 164, 165, 166, 168, 640, 171, 172, 173, 174 and 176 (and 195 and 397).

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 21, 1910.

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

Gustav J. Voss of New York City, N. Y., Creed M. Fulton of Washington, D. C., and M. Wallace Dixon of New York City, N. Y., were admitted to practice.

No. 164. Pink Franklin, plaintiff in error, *v.* The State of South Carolina. Argument continued by Mr. John Adams for the plaintiff in error, by Mr. J. Fraser Lyon and Mr. D. S. Henderson for the defendant in error, and by Mr. Jacob Moorer for the plaintiff in error.

No. 165. William Fay et ux., plaintiffs in error, *v.* Samuel A. Crozer et al., trustees, etc., et al. Three counsel allowed to be heard for the defendants in error on motion of Mr. J. F. Brown in that behalf. Argument commenced by Mr. George E. Price for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 22, will be as follows: Nos. 165, 166, 168, 640, 171, 172, 173, 174, 176 (and 195 and 397) and 179.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 22, 1910.

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

Elmer H. Adams of Chicago, Ill., and W. Gwynn Gardiner of Washington, D. C., were admitted to practice.

No. 165. William Fay et ux., plaintiffs in error, *v.* Samuel A. Crozer et al., trustees, etc., et al. Argument continued by Mr. George E. Price for the plaintiffs in error, and by Mr. J. F. Brown, Mr. W. W. Hughes and Mr. D. J. F. Strother for the defendants in error, and concluded by Mr. George E. Price for the plaintiff in error.

No. 166. H. G. Schultz et al., appellants, *v.* Edward B. Diehl and Daniel Grabill. Submitted by Mr. Charles W. Fulton for the appellants. No counsel appeared for the appellees.

No. 168. Standard Oil Company, plaintiff in error, *v.* Abraham Brown. Argument commenced by Mr. A. Leftwich Sinclair for the plaintiff in error, and continued by Mr. W. Gwynn Gardiner for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 25, will be as follows: Nos. 168, 640, 171, 172, 173, 174, 176 (and 195 and 397), 179, 180 and 181.



SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 25, 1910.

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

James M. Witherow of Moorhead, Minn., C. A. McGonagle of Munice, Ind., Harry S. Ridgely of Washington, D. C., Joseph H. Zumbalen of St. Louis, Mo., Clarence C. Fowler of Louisville, Ky., Grattan T. Stanford of Independence, Kans., and Hugo Kohlmann of New York City, N. Y., were admitted to practice.

No. 145. William W. Stewart, appellant, *v.* Lewis A. Griffith, executor of Alfred W. Ball, deceased. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Holmes. (Mr. Justice Harlan concurs in the result.)

No. 147. The United States, plaintiff in error, *v.* Cora Welch and David Welch, her husband, et al. In error to the circuit court of the United States for the eastern district of Kentucky. Judgment affirmed. Opinion by Mr. Justice Holmes. (Mr. Justice Harlan concurs in part.)

The Chief Justice announced the following orders of the court:

No. 143. Joseph Wenar, appellant, *v.* William A. Jones, bishop of Porto Rico. Appeal from the supreme court of Porto Rico. Per curiam: Appeal dismissed for want of jurisdiction. *Harrington v. Holler*, 111 U. S., 796, and cases cited.

No. 166. H. J. Schultz et al., appellants, *v.* Edgar B. Diehl and Daniel Grabill. Appeal from the circuit court of the United States for the district of Oregon. Per curiam: Decree reversed with costs and cause remanded to be proceeded in according to law. *Jellenik v. Huron Copper Mining Company*, 177 U. S., 1; 18 Stat., 470, C. 137, sec. 8; Code of Oregon, secs. 5064, 300, 301.

No. 17, Original. Ex parte: In the matter of Metropolitan Trust Company of the city of New York, petitioner. Motion for leave to file petition for a writ of mandamus granted, and rule to show cause awarded returnable May 2, next.

No. 3, Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Motion for leave to take further testimony

denied. Motion to set cause for hearing granted, and the cause assigned to be heard on the first Tuesday of the next term (October 11) at the head of the call for that day.

No. 530. Lawrence E. Sexton, as trustee, etc., appellant, *v.* Kessler & Co., limited, et al. Motion of John Gorlow for leave to intervene denied.

No. 878. The United States, petitioner, *v.* The Atchison, Topeka & Santa Fe Railway Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit granted.

No. 856. Frank D. Zell et al., petitioners, *v.* Norfolk & Southern Railway Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 884. The Atchison, Topeka & Santa Fe Railway Company, petitioner, *v.* Mark B. Hamble. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 820. The United States, plaintiff in error, *v.* Ansonia Brass & Copper Company et al.;

No. 330. The United States, plaintiff in error, *v.* George F. Lamson;

No. 556. The United States, plaintiff in error, *v.* James Durie;

No. 557. The United States, plaintiff in error, *v.* James Stott;

No. 604. William Brown et al., etc., appellants, *v.* The United States;

No. 714. The United States, plaintiff in error, *v.* Gustav E. Kissell et al.;

No. 786. The United States, plaintiff in error, *v.* O. A. Johnson;

No. 798. The United States, plaintiff in error, *v.* James T. Barber et al.;

No. 876. The United States, plaintiff in error, *v.* Henry Boeckmann; and

Nos. 888, 889 and 890. The United States, plaintiff in error, *v.* Frank H. Mason. Motions to advance submitted by Mr. Solicitor-General Bowers for the United States.

No. 696. The United States, plaintiff in error, *v.* Fritz Augustus Heinze. Motion to advance submitter by Mr. Solicitor-General Bowers for the plaintiff in error, with leave to counsel for the defendant in error to file brief in opposition within five days.

No. 873. Whitin Machine Works, petitioner, *v.* Lewis T. Houghton. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. W. A. Jenner and Mr. Edmund Wetmore for the petitioner, and by Mr. Louis W. Southgate and Mr. W. K. Richardson for the respondent.

No. 793. The United States, appellant, *v.* Société Anonyme des Anciens Etablissements Cail; and

No. 794. Société Anonyme des Anciens Etablissements Cail, appellant, *v.* The United States. Motion to remand for further findings submitted by Mr. Timothy D. Merwin and Mr. Philip Mauro in

support of the motion, and by Mr. Solicitor-General Bowers, Mr. Assistant Attorney-General John Q. Thompson, and Mr. Malcolm A. Coles in opposition thereto. Leave granted to Mr. Merwin to file reply brief within five days.

No. 483. S. Davies Warfield et al., receivers, etc., plaintiffs in error, *v.* John B. Gaston. In error to the supreme court of the State of Alabama. Judgment reversed with costs and cause remanded for further proceedings, per stipulation of counsel.

No. 168. Standard Oil Company, plaintiff in error, *v.* Abraham Brown. Argument continued by Mr. W. Gwynn Gardiner and Mr. Creed M. Fulton for the defendant in error, and concluded by Mr. J. J. Darlington for the plaintiff in error.

No. 640. Henry L. Hertz, collector, etc., *v.* Gordon O. Woodman et al., as executors, etc. Argument commenced by Mr. Solicitor-General Bowers for Hertz, collector.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 26, will be as follows: Nos. 640, 171, 172, 173, 174, 176 (and 195 and 397), 179, 180, 181 and 182.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 26, 1910.

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

Irene C. Buell of St. Paul, Minn., Cromwell Gibbons of Jacksonville, Fla., Charles A. Wilson of Providence, R. I., and Grant Foreman of Muskogee, Okla., were admitted to practice.

No. 501. Philip Brady et al., appellants, *v.* Bernard & Kittinger et al. Petition for writ of certiorari herein submitted by Mr. J. J. Vertrees in behalf of Mr. Hill McAlister for the appellant in support of the petition, and by Mr. Edwin C. Brandenburg, Mr. Clarence A. Brandenburg and Mr. F. Walter Brandenburg in opposition thereto.

No. 640. Henry L. Hertz, collector, etc., *v.* Gordon O. Woodman et al., as executors, etc. Argument continued by Mr. H. T. Newcomb for Woodman et al., and concluded by Mr. Solicitor-General Bowers for Hertz, collector.

No. 171. Clemente Javierre et al., etc., et al., appellants, *v.* Central Altagracia (Incorporated). Argued by Mr. Charles Hartzell for the appellants, and by Mr. Hugo Kohlman for the appellee.

No. 172. A. Guion Jennings, plaintiff in error, *v.* Philadelphia, Baltimore & Washington Railway Company. Submitted By Mr. Henry E. Davis and Mr. E. Hilton Jackson for the plaintiff in error, and by Mr. Frederic D. McKenney, Mr. J. Spalding Flannery and Mr. William Hitz for the defendant in error.

No. 173. The United States, appellant, *v.* The Chicago, Milwaukee & St. Paul Railway Company. Argument commenced by Mr. Barton Corneau for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 27, will be as follows: Nos. 173, 174, 176 (and 195 and 397), 179, 180, 181, 182, 183, 184 and 185.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 27, 1910.

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

William J. Cox of Madisonville, Ky., and Charles Ray Dean of Washington, D. C., were admitted to practice.

No. 185. Western Union Telegraph Company, plaintiff in error, *v.* Commercial Milling Company. Continued per stipulation.

No. 173. The United States, appellant, *v.* The Chicago, Milwaukee & St. Paul Railway Company. Argument continued by Mr. Barton Corneau for the appellant, by Mr. Charles E. Vroman for the appellee, and concluded by Mr. Barton Corneau for the appellant.

No. 174. James A. Watson, plaintiff in error, *v.* The State of Maryland. Argued by Mr. Charles G. Watson for the plaintiff in error, and submitted by Mr. Isaac Lobe Straus for the defendant in error.

No. 176. Charles D. Campbell, appellant, *v.* Frederick Weyerhaeuser and John Humbird;

No. 195. Frank Weyerhaeuser and John A. Humbird, appellants, *v.* Herbert H. Hoyt; and

No. 397. Northern Pacific Railway Company, plaintiff in error, *v.* Fred Wass and Pauline Wass, his wife. Argument commenced by Mr. Charles W. Bunn for Weyerhaeuser et al. and Northern Pacific Railway Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 28, will be as follows: Nos. 176 (and 195 and 397), 179, 180, 181, 182, 183, 184, 186, 188 and 189.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 28, 1910.

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

John J. Wood, jr., of Berlin, Wis., Louis B. Wehle of Louisville, Ky., Joseph W. Lewis of St. Louis, Mo., and Leon R. Jacobs of Brooklyn, N. Y., were admitted to practice.

No. 179. John Stoffela, appellant, *v.* M. J. Nugent. Death of M. J. Nugent, the appellee herein, suggested, and the appearance of Mary E. Nugent, executrix of said M. J. Nugent, deceased, as the party appellee herein filed and entered on motion of Mr. Frederick S. Tyler in behalf of counsel for the appellee.

No. 901. The New York Life Insurance Company, plaintiff in error, *v.* Fitz H. McMaster, as insurance commissioner, etc. In error to the supreme court of the State of South Carolina. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 176. Charles D. Campbell, appellant, *v.* Frederick Weyerhaeuser and John Humbird;

No. 195. Frank Weyerhaeuser and John A. Humbird, appellants, *v.* Herbert H. Hoyt; and

No. 397. Northern Pacific Railway Company, plaintiff in error, *v.* Fred Wass and Pauline Wass, his wife. Argument continued by Mr. P. B. Gorman for Wass et ux., by Mr. M. H. Stanford for Campbell and Hoyt, and concluded by Mr. Frank B. Kellogg for Weyerhaeuser et al. and Northern Pacific Railway Company.

No. 179. John Stoffela, appellant, *v.* Mary E. Nugent, executrix of M. J. Nugent, deceased. Argued by Mr. J. J. Darlington for the appellant, and submitted by Mr. Eugene S. Ives for the appellee.

No. 180. The Louisville & Nashville Railroad Company, plaintiff in error, *v.* Spencer Melton. Argument commenced by Mr. Benjamin D. Warfield for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 29, will be as follows: Nos. 180, 181, 182, 183, 184, 186, 188, 189, 190 and 191.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 29, 1910.

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

Frank H. Janiszkeski of Chicago, Ill., Charles M. Bush of Kansas City, Mo., John V. Brooke of Cando, N. Dak., J. B. Daniel of Piedmont, Mo., Horace Tillard Jones of Portland, Oreg., Irwin Kurtz of New York City, N. Y., and Bernard H. Sandler of New York City, N. Y., were admitted to practice.

No. 180. The Louisville & Nashville Railroad Company, plaintiff in error, *v.* Spencer Melton. Argument continued by Mr. Benjamin D. Warfield for the plaintiff in error, and by Mr. James W. Clay for the defendant in error, and concluded by Mr. Benjamin D. Warfield for the plaintiff in error.

No. 181. The United States, plaintiff in error, *v.* Lizzie Sewell et al. Argued by Mr. Assistant Attorney-General John Q. Thompson for the plaintiff in error, and by Mr. Edward S. Jouett for the defendants in error. Leave granted to counsel for plaintiffs in error to file an additional brief within five days.

No. 182. Hutchinson, Pierce & Co., appellant, *v.* Joseph Loewy. Argument commenced by Mr. Archibald Cox for the appellant, continued by Mr. L. L. Morrill and Mr. E. T. Fenwick for the appellee, and concluded by Mr. Archibald Cox for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call has been suspended for the term.



SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 2, 1910.

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

Frank Hall of Trenton, Mo., Austin Harveycutter of Washington, D. C., David D. Caldwell of Peoria, Ill., Michael O'Neill of Columbus, Ohio, Tompkins McIlvaine of New York City, N. Y., Lewis M. Isaacs of New York City, N. Y., Walter A. Ladd of Boston, Mass., David A. Reed of Pittsburg, Pa., and James O. Koontz of Hammond, Ind., were admitted to practice.

No. 135. The Citizens National Bank et al., plaintiffs in error, *v.* The Commonwealth of Kentucky for the use and benefit of Boyle County et al. In error to the court of appeals of the State of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice Lurton. Dissenting: Mr. Justice White.

No. 493. Grenada Lumber Company et al., plaintiffs in error, *v.* The State of Mississippi. In error to the supreme court of the State of Mississippi. Writ of error as to S. Bernheimer & Sons, P. T. Callicott, Tucker & Gabbert, Banks & Co., Alexander Lumber Company, Bailey & Crenshaw, Grenada Lumber Company, Stiles-Tull Lumber Company, Sessions & Roland, E. W. Pickens, Cohn Brothers, Shaw Hardware and Lumber Company, Knott & Ward, Love Wagon Company and Sumner Lumber Company, certain plaintiffs in error herein. Dismissed with costs on motion of counsel for said plaintiffs in error.

No. 493. Grenada Lumber Company et al., plaintiffs in error, *v.* The State of Mississippi. In error to the supreme court of the State of Mississippi. Judgment affirmed with costs. Opinion by Mr. Justice Lurton.

No. 849. Charles R. Heike, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the southern district of New York. Dismissed for want of jurisdiction. Opinion by Mr. Justice Day.

No. 160. Standard Oil Company of Kentucky, plaintiff in error, *v.* The State of Tennessee, upon the relation of Charles T. Cates, jr., attorney-general of the State of Tennessee. In error to the supreme court of the State of Tennessee. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 20. Paul A. Weems, plaintiff in error, *v.* The United States. In error to the supreme court of the Philippine Islands. Judgment reversed, and cause remanded with directions to dismiss the proceeding. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice White and Mr. Justice Holmes. (Mr. Justice Lurton took no part in the decision of this case.)

No. 162. Austin W. Lord and J. Monroe Hewlett, etc., appellants, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Harlan.

No. 165. William Fay and Eliza T. Fay, his wife, plaintiffs in error, *v.* Samuel A. Crozer et al. In error to the circuit court of the United States for the southern district of West Virginia. Per curiam: Dismissed for the want of jurisdiction.

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

No. 330. The United States, plaintiff in error, *v.* George F. Lamson;

No. 556. The United States, plaintiff in error, *v.* James Durie;

No. 557. The United States, plaintiff in error, *v.* James Stott;

No. 604. William Brown et al., etc., appellants, *v.* The United States;

No. 696. The United States, plaintiff in error, *v.* Fritz Augustus Heinze;

No. 714. The United States, plaintiff in error, *v.* Gustav E. Kissell et al.;

No. 786. The United States, plaintiff in error, *v.* O. A. Johnson;

No. 798. The United States, plaintiff in error, *v.* James T. Barber et al.;

No. 820. The United States, plaintiff in error, *v.* Ansonia Brass and Copper Company et al.;

No. 876. The United States, plaintiff in error, *v.* Henry Boeckmann; and

Nos. 888, 889 and 890. The United States, plaintiff in error, *v.* Frank H. Mason. Motions to advance granted, and cases assigned for argument on the first Tuesday of the next term (October 11) after the cases already assigned for that day, and oral argument is limited to one-half hour on each side.

No. 501. Philip Brady et al., appellants, *v.* Bernard & Kittinger et al. Appeal from the United States circuit court of appeals for the sixth circuit. Appeal dismissed for the want of jurisdiction, and petition for writ of certiorari denied.

No. 793. The United States, appellant, *v.* Société Anonyme des Anciens Etablissements Cail; and

No. 794. Société Anonyme des Anciens Etablissements Cail, appellant, *v.* The United States. Motion to remand for further findings postponed to the hearing on the merits.

No. 873. Whitin Machine Works, petitioner, *v.* Lewis T. Houghton. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 792. B. Altman & Co., plaintiff in error, *v.* The United States. Motion to dismiss or affirm submitted by Mr. Solicitor-General Bowers and Mr. Assistant Attorney-General Lloyd for the defendant in error in support of the motion, with leave to Mr. W. Wickham Smith, of counsel for the plaintiff in error, to file a brief in opposition within five days.

No. 849. Charles R. Heike, plaintiff in error, *v.* The United States. Mandate granted on motion of Mr. Solicitor-General Bowers for the defendant in error.

No. 887. Ray Vermont and Arthur Garrett, 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. B. C. Brown in behalf of Mr. Shepard Barclay, and Mr. Thomas T. Fauntleroy for the petitioner, with leave to the Solicitor-General to file brief in opposition within five days.

No. 868. J. Harvey Ladew et al., appellants, *v.* Tennessee Copper Company. Motion to advance submitted by Mr. Henry B. Closson for the appellants.

No. 902. O. M. Carter, petitioner, *v.* Charles A. Goss. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Leigh Robinson and Mr. F. Charles Hume for the petitioner, and by Mr. Maurice E. Locke, Mr. Eugene P. Locke, Mr. James H. McIntosh, Mr. John Charles Harris and Mr. Edward T. Harris for the respondent.

No. 123. Charles A. Davis, executor of the estate of Frank E. Jandt, deceased, plaintiff in error, *v.* Cleveland, Cincinnati, Chicago & St. Louis Railway Company et al. Mandate stayed until the 30th instant on motion of Mr. Frank L. Littleton for the defendant in error.

No. —, Original. Ex parte: In the matter of Charles W. Morse, petitioner. Motion for leave to file a petition for a writ of habeas corpus submitted by Mr. Martin W. Littleton for the petitioner.

Adjourned until Monday, May 16, at 12 o'clock.



SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 16, 1910.

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

Willis N. Mills of Detroit, Mich., Ambrose Gherini of San Francisco, Cal., Edward W. Dobson of Albuquerque, N. Mex., Edward S. Elliott of Charleston, W. Va., Edward A. Mann of Albuquerque, N. Mex., Robert C. Noleman of Los Angeles, Cal., Charles O. Bates of Tacoma, Wash., Frank Pierce of Seattle, Wash., A. C. Hart of Hackensack, N. J., Edmund C. Abbott of Santa Fe, N. Mex., James A. Devitt of Oskaloosa, Iowa, J. Francis H. Mothershead of Washington, D. C., Wilbur H. Powers of Boston, Mass., Adolph L. Weill of San Francisco, Cal., William L. McGuire of San Francisco, Cal., David S. Ewing of Fresno, Cal., Alan O. Clephane of Washington, D. C., Arthur H. Codington of Macon, Ga., Beverly C. Mosby of Spokane, Wash., W. W. McCredie of Vancouver, Wash., John Loomer Hall of Boston, Mass., Amos Hartley Sargent of Cedar Rapids, Iowa, William D. Turner of Boston, Mass., and Charles West of Guthrie, Okla., were admitted to practice.

No. 6. Brown-Forman Company, plaintiff in error, *v.* Commonwealth of Kentucky. In error to the court of appeals of the State of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice Lurton.

No. 157. Columbia Heights Realty Company, plaintiff in error, *v.* Cuno H. Rudolph et al., Commissioners of the District of Columbia. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Lurton.

No. 148. Rosa Wallach et al., plaintiffs in error, *v.* Cuno H. Rudolph et al., Commissioners of the District of Columbia. In error to the court of appeals of the District of Columbia. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Lurton.

No. 132. Gustav Holmgren, petitioner, *v.* The United States. On writ of certiorari to the United States circuit court of appeals for the ninth circuit. Judgment affirmed and cause remanded to the district court of the United States for the northern district of California. Opinion by Mr. Justice Day.

No. 156. Otis G. Freeman, plaintiff in error, *v.* The United States. In error to the supreme court of the Philippine Islands. Judgment affirmed. Opinion by Mr. Justice Day.

No. 140. Southern Railway Company, petitioner, *v.* Mrs. Josephine King; and

No. 141. Southern Railway Company, petitioner, *v.* Inez King, by her next friend, Mrs. Josephine King. On writs of certiorari to the United States circuit court of appeals for the fifth circuit. Judgments affirmed with costs and cause remanded to the circuit court of the United States for the northern district of Georgia. Opinion by Mr. Justice Day. Dissenting: Mr. Justice Holmes and Mr. Justice White.

No. 171. Clemente Javierre, Matias Gil, and Felix Ramos, co-partners, doing business under the firm name of Javierre & Gil, et al., appellants, *v.* Central Altagracia, Incorporated. Appeal from the district court of the United States for Porto Rico. Decree reversed with costs, and cause remanded for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 179. John Stoffela, appellant, *v.* Mary E. Nugent, executrix of M. J. Nugent, deceased. Appeal from the supreme court of the Territory of Arizona. Decree reversed with costs, and cause remanded with directions to enter a judgment affirming the judgment of the district court. Opinion by Mr. Justice Holmes.

No. 659. H. C. Cook Company, plaintiff in error, *v.* Frank H. Beecher et al. In error to the circuit court of the United States for the district of Connecticut. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 142. Robert L. Owen, plaintiff in error, *v.* William W. Dudley and Louis T. Michener, doing business under the firm name and style of Dudley & Michener. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 149. Kidd, Dater & Price Company, plaintiff in error, *v.* Musselman Grocer Company. In error to the supreme court of the State of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 155. Maria Margarita Volcey Souffront, widow of Fleurian, et al., plaintiffs in error, *v.* La Compagnie des Sucreries de Porto Rico and Erneste Maurice. In error to the district court of the United States for Porto Rico. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 182. Hutchinson, Pierce & Co., appellant, *v.* Joseph Loewy. Appeal from the United States circuit court of appeals for the second circuit. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

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

No. —, Original. *Ex parte:* In the matter of Charles W. Morse, petitioner. Motion for leave to file a petition for a writ of habeas corpus denied.

No. 792. B. Altman & Co., plaintiffs in error, *v.* The United States. Consideration of the motion to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 868. J. Harvey Ladew et al., etc., et al., appellants, *v.* Tennessee Copper Company. Motion to advance granted, and cause assigned for argument on the first Tuesday of the next term (October 11) after the cases already assigned for that day.

No. 887. Roy Vermont 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. 902. O. M. Carter, petitioner, *v.* Charles A. Goss. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 456. The Baltimore & Ohio Railroad Company, appellant, *v.* The Interstate Commerce Commission. Restored to the docket for reargument before a full bench.

No. 34. Montezuma Canal Company, appellant, *v.* Smithville Canal Company et al. Restored to the docket for oral argument.

No. 316. The United States, appellant, *v.* The American Tobacco Company et al.;

No. 317. The American Tobacco Company et al., appellants, *v.* The United States; and

No. 725. Standard Oil Company et al., appellants, *v.* The United States. Motion to advance presented by Mr. Attorney-General Wickersham for the United States, and cases assigned for reargument on Monday, November 14 next.

No. 837. American National Bank of Washington, plaintiff in error, *v.* Fannie N. Tappan. Advanced pursuant to the thirty-second rule, and submitted by Mr. Benjamin S. Minor and Mr. Horace B. Stanton for the plaintiff in error, and by Mr. Alexander Wolf for the defendant in error.

No. 6, Original. The People of the State of New York, complainants, *v.* The State of New Jersey et al. Petition of intervention herein by the United States dismissed without prejudice, per stipulation, on motion of Mr. Solicitor-General Bowers in that behalf.

No. 564. Alonzo Bailey, plaintiff in error, *v.* The State of Alabama. Motion to advance submitted by Mr. Solicitor Bowers in behalf of Mr. Edward S. Watts, and Mr. Fred S. Ball for the plaintiff in error. Leave granted to the Solicitor-General to be heard herein and to file a brief as *amicus curiæ*.

No. 651. The United States, plaintiff in error, *v.* Hugh E. Monson;

No. 652. The United States, plaintiff in error, *v.* Luigi Cafarelli; and

No. 653. The United States, plaintiff in error, *v.* William A. Duncan. Advanced and assigned for argument on the first Tuesday of the next term (October 11), as one case, after the cases already assigned for that day, and one-half hour allowed each side in the

argument, on motion of Mr. Solicitor-General Bowers for the plaintiffs in error.

No. 660. William Dreier, plaintiff in error, *v.* The United States; and

No. 661. William Dreier, appellant, *v.* William Henkel, United States marshal, etc. Motion to advance submitted by Mr. Solicitor-General Bowers for the defendant in error and appellee.

No. 761. Ong Chang Wing et al., plaintiffs in error, *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Bowers for the defendant in error.

No. 878. The United States, petitioner, *v.* The Atchison, Topeka & Santa Fe Railway Company. Motion to advance submitted by Mr. Solicitor-General Bowers for the petitioner.

No. 919. The United States of America, appellant, *v.* Lehigh Valley Railroad Company;

No. 920. The United States of America, appellant, *v.* Erie Railroad Company;

No. 921. The United States of America, appellant, *v.* The Central Railroad Company of New Jersey; and

No. 922. The United States of America, appellant, *v.* The Pennsylvania Railroad Company. Motion to advance submitted by Mr. Solicitor-General Bowers for the appellant.

No. 925. The United States, plaintiff in error, *v.* Press Publishing Company. Motion to advance submitted by Mr. Solicitor-General Bowers for the plaintiff in error.

No. 700. Northern Pacific Railway Company, plaintiff in error, *v.* Bessie Babcock, as administratrix, etc. Leave to file brief herein as amicus curiæ granted, on motion of Mr. Solicitor-General Bowers for the United States.

No. 441. Atlantic Coast Line Railroad Company, plaintiff in error, *v.* Riverside Mills. Motion to advance submitted by Mr. Solicitor-General Bowers, in behalf of Mr. Alexander Akerman, for the defendant in error. Motion for leave to be heard herein as amicus curiæ submitted by Mr. Solicitor-General Bowers for the United States.

No. 899. Hipolite Egg Company, claimant, etc., plaintiff in error and appellant, *v.* The United States. Motion to advance submitted by Mr. E. T. Fenwick for the plaintiff in error and appellant.

No. 953. New York, New Haven & Hartford Railroad Company, plaintiff in error, *v.* Mary Agnes Walsh, administratrix, etc.; and

No. 954. Mary Agnes Walsh, administratrix, etc., plaintiff in error, *v.* New York, New Haven & Hartford Railroad Company. Motion to advance to be heard with No. 700 submitted by Mr. John L. Hall for the railroad company.

No. 777. Frank W. Brown, appellant, *v.* C. T. Elliot, United States marshal, etc., et al. Motion to admit appellant to bail submitted by Mr. H. F. Woodard and Mr. A. A. Birney for the appellant, with

leave to the Solicitor-General to file brief in opposition within five days.

No. 929. Globe Asphalt Company, petitioner, *v.* Union Development and Construction Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. E. D. Brookshire and Mr. Joseph H. Call for the petitioner, and by Mr. William Grant and Mr. Harry H. Hall for the respondents.

No. 945. Pittsburgh Manufacturing Company, petitioner, *v.* The Ludlow Valve Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. James I. Kay for the petitioner, and by Mr. Samuel Untermeyer and Mr. Louis Marshall for the respondent.

No. 879. The Illinois Central Railroad Company, appellant, *v.* Robert W. Sheegog, administrator, etc. Motion to advance under the thirty-second rule and to dismiss or affirm submitted by Mr. John G. Miller for the appellee in support of the motion, and by Mr. Blewett Lee and Mr. Edmund F. Trabue for the appellant in opposition thereto.

No. 708. Edward A. Shedd et al., plaintiffs in error, *v.* The People of the State of Illinois ex rel. John J. Healy, state's attorney. Motion to dismiss or affirm submitted by Mr. James Hamilton Lewis for the defendant in error in support of the motion, and by Mr. Harry S. Mecartney for the plaintiffs in error in opposition thereto.

No. 821. Southern Pacific Terminal Company et al., appellants, *v.* The Interstate Commerce Commission; and

No. 822. E. H. Young, appellant, *v.* The Interstate Commerce Commission. Motion to advance submitted by Mr. Maxwell Evarts for the appellants.

No. 909. Southern Pacific Company et al., appellants, *v.* The Interstate Commerce Commission. Motion to advance submitted by Mr. Maxwell Evarts for the appellants.

No. 928. F. Morse Archer, substituted receiver, etc., petitioner, *v.* Fidelity Trust and Safe Deposit Company et al., executors, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. J. Arthur Lynham, Mr. Reynolds D. Brown, Mr. Malcolm Lloyd, jr., and Mr. Charles H. Burr for the petitioner, and by Mr. Ira Jewell Williams for the respondent.

No. 896. The United States ex rel. Annie Kelley, petitioner, *v.* J. M. Peters, sheriff of Champaign County, Ill. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. H. Winship Wheatley for the petitioner, and by Mr. William M. Ackton for the respondent.

No. 938. The General Fireproofing Company, petitioner, *v.* L. Wallace & Son; and

No. 939. The Title Guaranty and Surety Company, of Scranton, Pa., petitioner, *v. L. Wallace & Son*. Petition for writs of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Amos H. Sargent, Mr. F. H. Atwood and Mr. Frank Hagerman for the petitioners, and by Mr. John N. Hughes for the respondent.

No. 17, Original. *Ex parte*: In the matter of the Metropolitan Trust Company of the city of New York, petitioner. Submitted by Mr. Herbert Parsons, in behalf of Mr. Henry B. Closson and Mr. Tompkins McIlvaine, for the petitioner, and by Mr. J. Aspinwall Hodge for respondent.

No. 898. The Southern Pacific Company, petitioner, *v. Viscount De Valle Dacosta*, administrator, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. William D. Turner and Mr. Moses Williams for the petitioner.

No. —, Original. The State of Oklahoma, complainant, *v. The Atchison, Topeka & Santa Fe Railway Company*. Motion for leave to file bill of complaint herein submitted by Mr. Charles West for the complainant.

No. —, Original. The State of Oklahoma, complainant, *v. The Atchison, Topeka & Santa Fe Railroad Company et al.* Motion for leave to file bill of complaint herein submitted by Mr. Charles West for the complainant.

No. 739. Thomas Rhodus, plaintiff in error, *v. Elbert N. Manning et al.*;

No. 740. Edward T. Rhodus, plaintiff in error, *v. Elbert N. Manning et al.*;

No. 741. Birch F. Rhodus, plaintiff in error, *v. Elbert N. Manning et al.*; and

No. 742. Birch F. Rhodus et al., plaintiffs in error, *v. Elbert N. Manning et al.* Motion to dismiss or affirm submitted by Mr. Joseph Weissenbach, Mr. Charles R. Holden, and Mr. Samuel Alschuler for the defendants in error in support of the motion, and by Mr. Benjamin C. Bachrach and Mr. Joseph B. David for the plaintiffs in error in opposition thereto. Motion to grant oral argument on the above motion submitted by Mr. Joseph Weissenbach in behalf of counsel for the plaintiffs in error and denied.

No. 927. William W. Wilmerton, petitioner, *v. Frank Wilmerton et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. E. G. Mason, in behalf of Mr. James M. Spear, for the petitioner, and by Mr. S. S. Gregory for the respondents.

No. 930. Ransome Concrete Machinery Company, petitioner, *v. United Concrete Machinery Company*. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. E. G. Mason, in behalf of Mr. Charles L.

Sturtevant, for the petitioner, and by Mr. Stephen J. Cox for the respondent.

No. 883. William W. Bierce (Limited), plaintiff in error, *v.* William Waterhouse et al., executors, etc. Motion to advance submitted by Mr. Evans Browne in behalf of counsel for the defendants in error.

No. 940. The Lehigh Valley Transportation Company, claimant, etc., petitioner, *v.* Thomas Monk, jr., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. John Spalding Flannery, in behalf of Mr. Archibald G. Thacher, for the petitioner, and by Mr. Herbert Green, Mr. James J. Macklin and Mr. De Langel Berier for the respondents.

No. 950. The Western Assurance Company of Toronto, petitioner, *v.* The Tweedie Trading Company; and

No. 951. A. Foster Higgins et al., petitioners, *v.* The Tweedie Trading Company. Petition for writs of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. John Spalding Flannery, in behalf of Mr. Charles C. Burlingham and Mr. A. Leo Everett, for the petitioners, and by Mr. Frederick M. Brown for the respondent.

No. 924. United Surety Company of Baltimore, petitioner, *v.* Iowa Manufacturing Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. John Ridout, in behalf of Mr. Joseph H. Zumbalen, for the petitioner, and by Mr. Herbert R. Marlatt for the respondent.

No. 949. Ellis Bartholomew, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. R. Ross Perry, jr., in behalf of Mr. P. H. Kaiser, for the petitioner, with leave to the Solicitor-General to file brief for the respondent within five days.

No. 813. Morgan's Louisiana & Texas Railroad & Steamship Company et al., plaintiffs in error, *v.* Gus C. Street, jr. Motion to dismiss or affirm submitted by Mr. J. W. Parker for the defendant in error in support of the motion, and by Mr. Maxwell Evarts and Mr. H. M. Garwood for the plaintiffs in error in opposition thereto.

Adjourned until Tuesday, May 31, at 12 o'clock.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, MAY 31, 1910.

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

Carl Stover of Chicago, Ill., John M. Atkinson of Jefferson City, Mo., Chas. R. Pierce of Palo Alto, Cal., J. D. Hostetter of Bowling Green, Mo., Joseph M. Sanders of Bluefield, W. Va., Jessie E. Hutchison of Richland Center, Wis., Frank Reeves of Wenatchee, Wash., Allen Laws Oliver of Cape Girardeau, Mo., F. W. Houghton of Milwaukee, Wis., Edward Theodore Noble of Pittsburg, Pa., Ottum Suden of San Francisco, Cal., Jeremiah F. Sullivan of San Francisco, Cal., James P. Harrold of Chicago, Ill., Wade Hampton Cooper of Nashville, Tenn., Wm. C. Douglass of Raleigh, N. C., Eugene W. Roland of San Francisco, Cal., Warren I. Seymour of Pittsburg, Pa., Allen G. Fisher of Chadron, Nebr., William A. Blakeley of Pittsburg, Pa., George Gordon Battle of New York City, N. Y., Harry G. Gram of Springfield, Ohio, Julius Staab of Albuquerque, N. Mex., Robert H. Leitch of Pittsburg, Pa., Ernest A. Kelsey of New York City, N. Y., Robert Thompson Jaynes of Walhalla, S. C., William Burton Jaynes of Gainesville, Tex., Wm. Hawkins of New York City, N. Y., Matthew Gering of Plattsburgh, Nebr., and James H. Croxdale of Washington, D. C. were admitted to practice.

The Attorney-General addressed the court as follows:

May it please the court, at the request of the bar of this court I present the following resolutions adopted at a meeting held in this court room:

Resolved, That the bar of the Supreme Court of the United States deeply deplors the death of the late David J. Brewer, associate justice of the Supreme Court, and desires to place upon record an expression of the respect and esteem in which Justice Brewer was held and of regret for the loss which the court, the bar, and the country have suffered in his untimely death.

“His judicial career was one of exceptional length and of marked distinction and success. Elected judge of the district court of the first judicial district of the State of Kansas in 1864; three times elected a justice of the supreme court of the State of Kansas; appointed in 1884 judge of the circuit court of the United States for the

eight circuit; appointed a justice of the Supreme Court of the United States in December, 1889, it will be observed that for nearly fifty years he discharged the high and sacred duties of a judge. In this long service, in the vast number of opinions which he wrote, the infinite variety of legal principles considered and treated, the learning and wisdom displayed, the consecration and fidelity ever and always evidenced, will be found his only fitting eulogy. His remarkable grasp of the underlying principles upon which our whole structure of government rests, his unswerving fidelity to the fixed rules of order and stability so essential and so often sorely tested, his strong, positive, upright, fearless character, his power of sustained intellectual effort, place him easily among the great judges of his day and time. No one ever doubted his purity of life, his integrity of purpose, and all who read and consider his legal opinions pay homage to his profound intellect. Those who knew him are quick to testify to his tender and considerate nature, and those who must be content to find his character in his opinions scattered through many state, circuit, and Supreme Court decisions will never doubt his probity or his power as a jurist.

“Resolved, That the Attorney-General be asked to present these resolutions to the court with the request that they be entered upon the records and that the chairman of this meeting be directed to send to the family of the late Justice Brewer a copy of the resolutions and an expression of our sympathy for them in the loss which they have sustained.”

Justice Brewer's period of service in this court covered twenty years. These two decades brought before this court some of the most important and far-reaching questions which have ever been submitted for its decision, and in the solution of these great problems Justice Brewer took a leading part. In the reports of this period there are to be found 719 opinions written by Justice Brewer, in 157 of which he dissented from the conclusions of the majority of the court. The limits of this occasion will permit only a brief reference to a few decisions which illustrate the characteristics of his mind and the lucidity of his exposition.

One of the earliest of his recorded opinions was that in the case of the Church of the Holy Trinity *v.* United States (143 U. S., 457), where the court was called upon to decide whether or not the act prohibiting the importation of foreigners and aliens under contract to perform labor in the United States applied to an English Christian minister who had come to the United States pursuant to an agreement with a Protestant Episcopal Church in the city of New York. The opinion is of especial interest, not merely as a fine discriminating construction of the statute and the application of the principle that laws must receive a sensible construction, and that where a literal construction leads to an absurd conclusion the letter of the law must give way to the presumed intention of the legislature, but because of the enunciation of the principle that “no purpose of action against religion can be imputed to any legislation,

state or national, because this is a religious people." "If we examine the constitutions of the various States," said the learned justice, "we find in them a constant recognition of religious obligations. Every constitution of every one of the forty-four States contains language which either directly or by clear implication recognizes a profound reverence for religion and an assumption that its influence in all human affairs is essential to the well-being of the community."

* * * * *

"There is no dissonance in these declarations. There is a universal language pervading them all, having one meaning; they affirm and reaffirm that this is a religious nation. These are not individual sayings, declarations of private persons; they are organic utterances; they speak the voice of the entire people."

* * * * *

"In the face of all these, shall it be believed that a Congress of the United States intended to make it a misdemeanor for a church of this country to contract for the services of a Christian minister residing in another nation?"

In the case of *Kansas v. Colorado* (206 U. S., 46), perhaps one of the most important decisions in which Mr. Justice Brewer wrote the opinion of the court, he was called upon to deal with riparian rights and to determine whether or not one State has the right to the continuous flow of the waters of a river flowing to it through an adjoining State, or whether the latter State has the right to so appropriate its waters as to prevent such continuous flow; and whether the amount of the flow is subject to the superior authority and supervisory control of the United States.

In considering at the outset the foundations of the jurisdiction of this court over controversies between States, Justice Brewer laid down the proposition that the judicial power of a nation extends to all controversies justiciable in their nature, the parties to which or the property involved in which may be reached by judicial process, and when the judicial power of the United States was vested in the Supreme and other courts all the judicial power which the nation was capable of exercising was vested in those tribunals, and unless there be some limitations expressed in the Constitution it must be held to embrace all controversies of a justiciable nature arising within the territorial limits of the nation, no matter who may be the parties thereto. "These considerations," he said, "lead to the propositions that when a legislative power is claimed for the National Government the question is whether that power is one of those granted by the Constitution, either in terms or by necessary implication, whereas in respect to judicial functions the question is whether there be any limitations expressed in the Constitution on the general grant of national power."

One of the ablest opinions of Mr. Justice Brewer is that in the case of *In re Debs*, petitioner (158 U. S., 564), in which he expressed the unanimous views of the court in affirming that the relations of the

General Government to interstate commerce and the transportation of the mails are such as to authorize a direct interference to prevent an obstruction thereto, and that a court of equity has jurisdiction to issue an injunction in aid of the performance of such duty.

Perhaps in no other opinion of this court is there a better summary of the principles upon which rest the power of the Federal Government to maintain its sovereignty than those with which Justice Brewer concludes his opinion in this case:

“* * * We hold that the Government of the United States is one having jurisdiction over every foot of soil within its territory, and acting directly upon each citizen; that while it is a government of enumerated powers, it has within the limits of those powers all the attributes of sovereignty; that to it is committed power over interstate commerce and the transmission of the mail; that the powers thus conferred upon the National Government are not dormant, but have been assumed and put into practical exercise by the legislation of Congress; that in the exercise of those powers it is competent for the nation to remove all obstructions upon highways, natural or artificial, to the passage of interstate commerce or the carrying of the mail; that while it may be competent for the Government (through the executive branch and in the use of the entire executive power of the nation) to forcibly remove all such obstructions, it is equally within its competency to appeal to the civil courts for an inquiry and determination as to the existence and character of any alleged obstructions, and if such are found to exist or threaten to occur, to invoke the powers of those courts to remove or restrain such obstructions; that the jurisdiction of courts to interfere in such matters by injunction is one recognized from ancient times and by indubitable authority.”

Justice Brewer was always noted as a man of deep religious conviction. We have seen that one of the first questions which he was called upon to deal with after his elevation to the Supreme Court involved the relation between religion and the National Government. He was keenly interested in the position of woman in our modern society, and one of the latest of his decisions (*Muller v. State of Oregon*, 208 U. S., 412) involved the right of a State to regulate the working hours of women. After reviewing the laws of Oregon, he observed:

“It thus appears that, putting to one side the elective franchise, in the matter of personal and contractual rights they stand on the same plane as the other sex. Their rights in these respects can no more be infringed than the equal rights of their brothers.”

Yet he held, and in so doing voiced the unanimous opinion of this court—

“That woman’s physical structure and the performance of maternal functions place her at a disadvantage in the struggle for subsistence is obvious. This is especially true when the burdens of motherhood are upon her. Even when they are not, by abundant testimony of the medical fraternity, continuance for a long time

on her feet at work, repeating this from day to day, tends to injurious effects upon the body, and as healthy mothers are essential to vigorous offspring the physical well-being of woman becomes an object of public interest and care in order to preserve the strength and vigor of the race.

“Still, again, history discloses the fact that woman has always been dependent upon man. He established his control at the outset by superior physical strength, and this control in various forms, with diminishing intensity, has continued to the present. * * * Education was long denied her, and while now the doors of the schoolroom are opened and her opportunities for acquiring knowledge are great, yet even with that and the consequent increase of capacity for business affairs it is still true that in the struggle for subsistence she is not an equal competitor with her brother. Though limitations upon personal and contractual rights may be removed by legislation, there is that in her disposition and habits of life which will operate against a full assertion of those rights. She will still be where some legislation to protect her seems necessary to secure a real equality of right.”

Your honors know better than any but his immediate family the personal qualities which endeared Justice Brewer alike to his associates on the bench, to his friends, and to the bar.

Nothing better can be said of any man, however high his place or great his deeds, than that throughout his life he was not only esteemed, but beloved of all who knew him, and, indeed, that praise is greater in proportion as exalted station and high career tend to isolate from one's fellows. Justice Brewer everywhere and always won affection. It was so in his life at the university. His activities as a judge of his adopted State, Kansas, and then as judge of the United States for the largest circuit in the country, were made easier and more effective by the warm and lasting regard of his bar; and when advancement to this court widened his contact from the lawyers of the West to the lawyers and, indeed, to the people of the nation, he soon gained the love of his countrymen generally, and it remained with him to the end. Reasons need not be sought. They would not be difficult to find or to declare, but such continued and ever extending hold upon the hearts of men proves, without analysis, the worth and beauty of the personality that gains it.

Justice Brewer was a son of a Christian missionary, and the son's life, like the father's, was one of service. For six and forty years he served the people, hearing causes and judging “righteously between every man and his brother and the stranger that is with him.” And in the discharge of his great office he did ever obey the injunction laid upon the judges of Israel by their great lawgiver:

“Ye shall not respect persons in judgment; but ye shall hear the small as well as the great; ye shall not be afraid of the face of man, for the judgment is God's.” (a. 1 Deut.. 17.)

The Chief Justice responded as follows:

During the years of my occupancy of a seat upon this bench it has been my sad duty to accept for the court tributes of the bar in memory of the many members of this tribunal who have passed to their reward. As our brother Brewer joins the great procession, there pass before me the forms of Matthews and Miller, of Field and Bradley and Lamar and Blatchford, of Jackson and Gray and of Peckham, whose works follow them now that they rest from their labors. They were all men of marked ability, of untiring industry, and of intense devotion to duty, but they were not alike. They differed "as one star differs from another star in glory." Their names will remain illustrious in the annals of jurisprudence. And now we are called on to deplore the departure of one of the most lovable of them all.

He died suddenly, but not the unprepared death from which we pray to be delivered. When the unexpected intelligence was conveyed to me I could not but think of Mrs. Barbauld's poem on "Life," and seemed to hear our dear friend exclaim—

"Life! we've been long together,
Through pleasant and through cloudy weather;
'Tis hard to part when friends are dear;
Perhaps 'twill cost a sigh, a tear;
Then steal away, give little warning,
Choose thine own time;
Say not good night, but in some brighter clime
Bid me good morning."

The resolutions of our bar and the discriminating remarks of the Attorney-General adequately cover the magnificent judicial labors of Mr. Justice Brewer, but it is the ineffable sweetness of his disposition that chiefly impresses itself upon me and is indicated by the serenity of the verse I have quoted.

He was a truly eloquent man. The fountain of tears and the fountain of laughter ran close together and carried the hearer away upon the mingled current of their waters. And like Mr. Lincoln, he evidently found great comfort from the inevitable trials and tribulations of the world in the humorous anecdotes which brought the relief of merriment.

But I can not prolong these remarks. The resolutions and observations of the Attorney-General will be spread upon our records.

No. 159. The City of Omaha, petitioner, *v.* The Omaha Water Company. On writ of certiorari to 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 Lurton.

No. 640. Henry L. Hertz, collector, etc., *v.* Gordon O. Woodman et al., as executors, etc. On a certificate from the United States circuit court of appeals for the seventh circuit. Question certified answered in the negative. Opinion by Mr. Justice Lurton. Dissenting: Mr. Justice McKenna, Mr. Chief Justice Fuller and Mr. Justice Day.

No. 1. Original. The State of Maryland, complainant, *v.* The State of West Virginia. Decree entered as to boundary line, costs, etc. Opinion by Mr. Justice Day.

No. 150. Harry T. Herndon, prosecuting attorney of Clinton County, Mo., et al., appellants, *v.* The Chicago, Rock Island & Pacific Railway Company. Appeal from the circuit court of the United States for the western district of Missouri. Decree affirmed with costs. Opinion by Mr. Justice Day. (The Chief Justice concurs in the result.)

No. 151. Cornelius Roach, secretary of state of the State of Missouri, appellant, *v.* The Atchison, Topeka & Santa Fe Railway Company. Appeal from the circuit court of the United States for the western district of Missouri. Decree affirmed with costs. Opinion by Mr. Justice Day. (The Chief Justice concurs in the result.)

No. 164. Pink Franklin, plaintiff in error, *v.* The State of South Carolina. In error to the supreme court of the State of South Carolina. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 174. John A. Watson, plaintiff in error, *v.* The State of Maryland. In error to the court of appeals of the State of Maryland. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 12, Original. *Ex parte:* In the matter of Henry A. Cleland, petitioner. Rule discharged and petition for writ of mandamus denied. Opinion by Mr. Justice Holmes.

No. 105. Alfred Dozier, plaintiff in error, *v.* The State of Alabama. In error to the supreme court of the State of Alabama. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 131. Edward S. Thomas, as trustee in bankruptcy, etc., appellant, *v.* Solomon M. Sugarman. Appeal from the United States Circuit Court of Appeals for the second circuit. Decree reversed with costs and cause remanded to the district court of the United States for the southern district of New York for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 663. The Interstate Commerce Commission, appellant, *v.* The Chicago, Rock Island & Pacific Railway Company et al.; and

No. 664. Burnham, Hanna, Munger Dry Goods Company et al., appellants, *v.* The Chicago, Rock Island & Pacific Railway Company et al. Appeals 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 and all proceedings. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice White, Mr. Justice Holmes and Mr. Justice Lurton.

No. 641. The Interstate Commerce Commission, appellant, *v.* The Chicago, Burlington & Quincy Railroad Company. Appeal from the circuit court of the United States for the northern district of

Illinois. Decree reversed with costs and cause remanded with directions to set aside the injunction and dismiss the bill. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice White, Mr. Justice Holmes and Mr. Justice Lurton.

No. 139. Shevlin-Carpenter Company et al., plaintiffs in error, *v.* The State of Minnesota. In error to the supreme court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Justice McKenna. (Mr. Justice Harlan concurs in the result.)

No. 158. J. Alexander Chiles, plaintiff in error, *v.* Chesapeake & Ohio Railway Company. In error to the court of appeals of the State of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Harlan.

No. 168. Standard Oil Company, plaintiff in error, *v.* Abraham Brown. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 144. George C. Rankin, receiver, etc., et al., plaintiffs in error, *v.* John Emigh and O. L. Atkins. In error to the supreme court of the State of Wisconsin. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 180. The Louisville & Nashville Railroad Company, plaintiff in error, *v.* Spencer Melton. In error to the court of appeals of the State of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 7. Mathilde von Ellert Sistare, plaintiff in error, *v.* Julia L. Sistare, executrix of Horace Randall Sistare, deceased. In error to the supreme court of errors of the State of Connecticut. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice White.

No. 9, Original. Ex parte: In the matter of J. W. Gruetter, petitioner. Rule discharged and petition for writ of mandamus dismissed. Opinion by Mr. Chief Justice Fuller.

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

No. 181. The United States, plaintiff in error, *v.* Lizzie Sewell and George B. Wood Sewell. In error to the circuit court of the United States for the eastern district of Kentucky. Per curiam: The judgment is affirmed on the authority of *United States v. Cora Welch et al.*, decided April 25, 1910; but it is ordered that before the Government is required to pay for the land held to have been taken plaintiffs below shall furnish a survey definitely ascertaining the land by metes and bounds.

No. —, Original. State of Oklahoma, complainant, *v.* Atchison, Topeka & Santa Fe Railway Company. Motion for leave to file bill of complaint granted, and process ordered returnable on the first day of the next term.

No. —, Original. State of Oklahoma, complainant, *v.* Atchison, Topeka & Santa Fe Railway Company et al. Motion for leave to

file bill of complaint granted, and process ordered returnable on the first day of the next term.

No. 441. Atlantic Coast Line Railroad Company, plaintiff in error, *v.* Riverside Mills. Motion to advance granted, and cause assigned to be heard on the first Tuesday of the next term (October 11) after the cases already assigned for that day, one-half hour being allowed each side for oral argument. Leave granted to the United States to be heard herein as *amicus curiæ*.

No. 564. Alonzo Bailey, plaintiff in error, *v.* The State of Alabama. Motion to advance granted and cause assigned to be heard on the first Tuesday of the next term (October 11) after the cases already assigned for that day.

No. 660. William Dreier, plaintiff in error, *v.* The United States; and

No. 661. William Dreier, appellant, *v.* William Henkel, United States marshal, etc. Motion to advance granted and cases assigned to be heard as one case on the first Tuesday of the next term (October 11) after the cases already assigned for that day.

No. 708. Edward A. Shedd et al., plaintiffs in error, *v.* The People of the State of Illinois ex rel. John J. Healy, state's attorney. In error to the supreme court of the State of Illinois. Judgment affirmed with costs.

No. 739. Thomas Rhodus, plaintiff in error, *v.* Elbert N. Manning et al.;

No. 740. Edward T. Rhodus, plaintiff in error, *v.* Elbert N. Manning et al.;

No. 741. Birch F. Rhodus, plaintiff in error, *v.* Elbert N. Manning et al.; and

No. 742. Birch F. Rhodus et al., plaintiffs in error, *v.* Elbert N. Manning et al. In error to the supreme court of the State of Illinois. Judgments affirmed with costs.

No. 761. Ong Chang Wing et al., plaintiffs in error, *v.* The United States. Motion to advance granted and cause assigned to be heard on the first Tuesday of the next term (October 11) after the cases already assigned for that day.

No. 777. Frank W. Brown, appellant, *v.* C. T. Elliott, United States marshal, etc. Appellant Brown admitted to bail pending the determination of his appeal on his giving bond in the sum of \$5,000 conditioned according to law and approved by district or circuit judge of the United States for the northern district of California.

No. 813. Morgan's Louisiana & Texas Railroad & Steamship Company et al., plaintiffs in error, *v.* Gus C. Street, jr. In error to the court of civil appeals for the fourth supreme judicial district of the State of Texas. Judgment affirmed with costs.

No. 821. Southern Pacific Terminal Company et al., appellants, *v.* The Interstate Commerce Commission et al.; and

No. 822. E. H. Young, appellant, *v.* The Interstate Commerce Commission et al. Motion to advance granted and causes assigned to be heard on December 6, 1910, as one case.

No. 878. The United States, petitioner, *v.* The Atchison, Topeka & Santa Fe Railway Company. Motion to advance granted and cause assigned to be heard on December 6, 1910, after the case already assigned for that day.

No. 879. The Illinois Central Railroad Company, appellant, *v.* Robert W. Sheegog, administrator, etc. Appeal from the circuit court of the United States for the western district of Kentucky. Advanced as under the thirty-second rule and judgment affirmed with costs.

No. 883. William W. Bierce (Limited), plaintiff in error, *v.* William Waterhouse et al., executors, etc. Motion to advance granted and cause assigned to be heard December 6, 1910, after the cases already assigned for that day.

No. 899. Hipolite Egg Company, claimant, etc., plaintiff in error and appellant, *v.* The United States. Motion to advance granted and cause assigned to be heard on January 2, 1911.

No. 909. Southern Pacific Company et al., appellants, *v.* The Interstate Commerce Commission. Motion to advance granted and cause assigned to be heard December 6, 1910, after cases already assigned for that day.

No. 919. The United States of America, appellant, *v.* Lehigh Valley Railroad Company;

No. 920. The United States of America, appellant, *v.* Erie Railroad Company;

No. 921. The United States of America, appellant, *v.* The Central Railroad Company of New Jersey; and

No. 922. The United States of America, appellant, *v.* The Pennsylvania Railroad Company. Motion to advance granted and cases assigned to be heard as one case on January 2, 1911, after the case already assigned for that day.

No. 925. The United States, plaintiff in error, *v.* Press Publishing Company. Motion to advance granted and cause assigned to be heard on the first Tuesday of the next term (October 11) after the cases already assigned for that day, one-half hour being allowed each side for oral argument.

No. 953. New York, New Haven & Hartford Railroad Company, plaintiff in error, *v.* Mary Agnes Walsh, administratrix, etc.; and

No. 954. Mary Agnes Walsh, administratrix, etc., plaintiff in error, *v.* The New York, New Haven & Hartford Railroad Company. Motion to advance granted and cases assigned to be heard with No. 700 on the first Tuesday of the next term (October 11), one-half hour being allowed each side for oral argument.

No. 896. The United States ex rel. Annie Kelley, petitioner, *v.* J. M. Peters, sheriff, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 898. The Southern Pacific Company, petitioner, *v.* Viscount De Valle Da Costa, administrator, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 924. United Surety Company of Baltimore, petitioner, *v.* Iowa Manufacturing Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 927. William W. Wilmerton, petitioner, *v.* Frank Wilmerton et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 928. F. Morse Archer, substituted receiver, etc., petitioner, *v.* Fidelity Trust & Safe Deposit Company et al., executors, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 929. Globe Asphalt Company, petitioner, *v.* Union Construction & Development Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 930. Ransome Concrete Machinery Company, petitioner, *v.* United Concrete Machinery Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 938. The General Fireproofing Company, petitioner, *v.* L. Wallace & Son; and

No. 939. The Title Guaranty & Surety Company of Scranton, Pa., petitioner, *v.* L. Wallace & Son. Petition for writs of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 940. Lehigh Valley Transportation Company, claimant, etc., petitioner, *v.* Thomas Monk, jr., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 945. Pittsburgh Manufacturing Company, petitioner, *v.* Ludlow Valve Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 949. Ellis Bartholomew, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 950. The Western Assurance Company of Toronto, petitioner, *v.* The Tweedie Trading Company; and

No. 951. A. Foster Higgins et al., petitioners, *v.* The Tweedie Trading Company. Petition for writs of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 837. American National Bank of Washington, plaintiff in error, *v.* Fannie N. Tappan. In error to the circuit court of the United

States for the district of Massachusetts. Judgment affirmed with costs without opinion.

No. 747. Stella P. Flint, as general guardian, etc., appellant, *v.* Stone Tracy Company et al.;

No. 751. Wyckoff Van Derhoef, appellant, *v.* The Coney Island & Brooklyn Railroad Company et al.;

No. 752. Francis L. Hine, appellant, *v.* Home Life Insurance Company et al.;

No. 753. Fred W. Smith, appellant, *v.* The Northern Trust Company et al.;

No. 754. William H. Miner, appellant, *v.* The Corn Exchange National Bank of Chicago et al.;

No. 757. Cedar Street Company, appellant, *v.* Park Realty Company;

No. 767. Lewis W. Jared, appellant, *v.* The American Multigraph Company et al.;

No. 775. Joseph E. Gay, appellant, *v.* The Baltic Mining Company et al.;

No. 784. Percy H. Brundage, appellant, *v.* Broadway Realty Company et al.;

No. 785. Paul Lacroix, appellant, *v.* Motor Taximeter Cab Company et al.;

No. 796. Arthur Lyman et al., as trustees, etc., appellants, *v.* Interborough Rapid Transit Company et al.;

No. 797. George Wendell Phillips, appellant, *v.* Fifty Associates et al.;

No. 800. Oscar Mitchell, appellant, *v.* Clark Iron Company et al.;

No. 816. William F. Fluhrer et al., appellants, *v.* New York Life Insurance Company; and

No. 819. Katherine Cary Cook et al., etc., appellants, *v.* Boston Wharf Company et al. Restored to the docket for argument before a full bench.

Nos. 13 and 14, Original. *Ex parte*: In the matter of the State of Oklahoma, petitioner. Restored to the docket for argument before a full bench.

No. 17, Original. *Ex parte*: In the matter of Metropolitan Trust Company of the city of New York, petitioner. Assigned for oral argument at the head of the call for the first Tuesday of the next term (October 11).

Order: In pursuance of section 29 of the act of Congress approved August 5, 1909,

It is now here ordered by this court that the following table of fees to be charged in the United States court of customs appeals be, and the same is hereby, adopted and approved, viz:

The fees of the clerk of the court shall be six dollars in each case. No fee shall be exacted in cases on appeal to other federal courts and transferred to this court for final determination. There shall be paid for each certificate of admission of an attorney to practice

one dollar, and for making or copying any record or other paper and certifying the same fifteen cents per folio of one hundred words. An amount sufficient to cover the cost of printing the record shall be deposited with the clerk on his demand, provided that when an appeal is taken by the United States no payment of fees shall be required. In all other cases fees shall be paid in advance.

It is further ordered that the fees and costs to be allowed to the marshal shall be, and hereby are, fixed the same as those allowed to the marshal of the Supreme Court of the United States.

No. 354. Henry Melville Walker, appellant, *v.* Edward H. Harriman. Upon suggestion of the death of Edward H. Harriman, the appellee herein, order of publication granted, on motion of Mr. B. C. Chetwood, for the appellant.

No. 640. Henry L. Hertz, collector, etc., *v.* Gordon O. Woodman et al., as executors, etc. Leave granted to present petition for rehearing herein within thirty days, on motion of Mr. H. T. Newcomb for Woodman et al.

No. 916. Herbert S. Hadley et al., petitioners, *v.* Arthur C. Huidekoper. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Elliott W. Major for the petitioners.

No. 976. Annie Lapina, petitioner, *v.* William Williams, commissioner of immigration. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. I. Henry Harris for the petitioner.

No. 974. Lon D. Marrs, petitioner, *v.* Idella Emrick. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. C. B. Randell, in behalf of Mr. I. W. Stephens and Mr. George E. Miller, for the petitioner, and by Mr. C. K. Bell for the respondent.

No. 957. Bartlett Richards, petitioner, *v.* The United States;

No. 958. Will G. Comstock, petitioner, *v.* The United States;

No. 959. Charles C. Jameson, petitioner, *v.* The United States; and

No. 960. Acquilla Triplett, petitioner, *v.* The United States. Petition for writs of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. A. B. Browne, in behalf of Mr. Charles J. Hughes, jr., Mr. John W. Lacey and R. S. Hall, for the petitioners, and by Mr. Solicitor General Bowers for the respondent.

No. 244. David Munro Rogers et al., infants, etc., et al., plaintiffs in error, *v.* Clark Iron Company et al. Leave granted to present a petition for rehearing within thirty days, on motion of Mr. A. B. Browne, in behalf of counsel for the plaintiffs in error.

No. 887. Ray Vermont and Arthur Garret, petitioners, *v.* The United States. Motion for leave to present petition for rehearing herein presented by Mr. W. B. C. Brown, in behalf of counsel for the petitioners, and denied.

No. 663. The Interstate Commerce Commission, appellant, *v.* The Chicago, Rock Island & Pacific Railway Company et al.;

No. 664. Burnham, Hanna, Munger Dry Goods Company et al., appellants, *v.* Chicago, Rock Island & Pacific Railway Company et al.; and

No. 641. The Interstate Commerce Commission, appellant, *v.* The Chicago, Burlington & Quincy Railroad Company. Leave granted to present petitions for rehearing herein within thirty days, on motion of Mr. Walker D. Hines, for the railroad companies. Mandates to issue if petitions are not presented in time specified.

No. 171. Clemente Javierre et al., etc., et al., appellants, *v.* Central Atlagracia (Incorporated). Leave granted to present petition for rehearing herein within thirty days, on motion of Mr. George H. Lamar, in behalf of counsel for appellee.

No. —, Original. *Ex parte*: In the matter of the Eastern Cherokees, petitioners. Motion for leave to file petition for a writ of mandamus herein submitted by Mr. John B. Daish and Mr. Joseph D. Sullivan for the petitioners.

No. 975. Jacob Gold, petitioner, *v.* The Southside Trust Company, trustee, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Frederick S. Tyler, in behalf of Mr. Lowrie C. Barton, for the petitioner.

No. 967. Margaret Kopp et al., appellants, *v.* Maria Waters. Motion to dismiss submitted by Mr. John Rideout, in behalf of Mr. Irving Williamson, for the appellee, in support of the motion, and by Mr. Frank J. Hogan, in behalf of Mr. Wilton J. Lambert and Mr. Daniel W. Baker, for the appellants, in opposition thereto.

No. 629. Fourth Street National Bank, petitioner, *v.* A. Merritt Taylor et al., trustees, etc. On writ of certiorari to the United States circuit court of appeals for the third circuit. Dismissed with costs, on motion of counsel for the petitioner.

No. 910. Olive Ella Marilla Harding, plaintiff in error, *v.* Myrtle Gillett et al. In error to the supreme court of the State of Oklahoma. Dismissed with costs, on motion of counsel for the plaintiff in error.

Order: It is now here ordered by the court that all the cases on the docket not decided and all the other business of the term not disposed of be, and the same are hereby, continued until the next term.

Adjourned until the time and place appointed by law.