

SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 12, 1908.

The court met pursuant to law.

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

James A. Fowler of Knoxville, Tenn., Ethel M. Colford of Washington, D. C., Florence A. Colford of Washington, D. C., Charles R. Hemenway of Honolulu, Hawaii, William S. Montgomery of New York City, Amos Van Etten of Kingston, N. Y., Robert H. Thompson of Jackson, Miss., William J. Danford of Los Angeles, Cal., Webster Ballinger of Washington, D. C., Oscar A. Trippet of Los Angeles, Cal., John A. Van Arsdale of Buffalo, N. Y., James J. Barbour of Chicago, Ill., John Maxey Zane of Chicago, Ill., Theodore F. Horstman of Cincinnati, Ohio, Thomas B. Jones of New York City, John W. Brady of Austin, Tex., W. A. Kincaid of Manila, P. I., George H. Whipple of San Francisco, Cal., Charles W. Stapleton of New York City, Horace N. Hawkins of Denver, Colo., and William L. Houston of Washington, D. C., were admitted to practice.

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

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 13, will be as follows: Nos. 92, 209 (and 210), 198, 206, 248 (and 249 and 250), 270 (and 271, 272, 273, 274 and 275), 182, 238 (and 239 and 240), 286 (and 287, 288, 289, 290, 291 and 292) and 167.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 13, 1908.

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

Maurice B. Dean of New York City, Isaac Dunn of Denver, Colo., J. Frank Staley of Philadelphia, Pa., A. Leo Weil of Pittsburg, Pa., Maxcy L. John of Laurinburg, N. C., James A. Donnelly of New York City, Francis P. White of Washington, D. C., M. W. Acheson, jr., of Pittsburg, Pa., William James Breene of Oil City, Pa., Allen Caperton Braxton of Richmond, Va., William B. McIlvaine of Petersburg, Va., Henry Taylor, jr., of Richmond, Va., John S. Eggleston of Richmond, Va., Leslie R. Hewitt of Los Angeles, Cal., Chelsea J. Rockwood of Minneapolis, Minn., L. L. Morrill of Washington, D. C., Clyde B. Aitchison of Portland, Oreg., and Francis A. Campbell of Boston, Mass., were admitted to practice.

No. 5, Original. The United States of America, complainant, *v.* John F. Shipp et al. Dismissal as to certain defendants entered. Reports of commissioner appointed to take additional testimony filed and motion as to his compensation submitted, and motion to open, publish, and file testimony granted on motion of Mr. Solicitor-General Hoyt for the complainant.

No. 571. The United States, petitioner, *v.* Carl S. Chamberlin et al., executors, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Solicitor-General Hoyt for the petitioner.

No. 351. Green County, Kentucky, petitioner *v.* Mary Amis Quinlan, executrix, etc., and

No. 352. Green County, Kentucky, petitioner, *v.* John Thomas' executor et al. Motion to advance submitted by Mr. Alfred P. Thorn in behalf of counsel.

No. 467. Theodore R. Converse, receiver, etc., plaintiff in error, *v.* John A. Stewart. Motion to advance to be heard with Nos. 75 and 76 submitted by Mr. William G. Wilson for the plaintiff in error. Motions to dismiss or affirm submitted to Mr. Frederic S. McKenney in behalf of Mr. E. W. Sheldon in support of motions and by Mr. William G. Wilson in opposition thereto.

No. 542. Atlantic Trust and Deposit Company, petitioner, *v.* The Town of Laurenburg, N. C. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Floyd Hughes for the petitioner and by Mr. James E. Shepherd and Mr. Maxcy L. John for the respondent.

No. 449. Louis Knop et al., individually, etc., appellants, *v.* The Monongahela River Consolidated Coal and Coke Company. Motion to advance submitted by Mr. E. Howard McCaleb, jr., for the appellants.

No. 576. William Buckley, appellant, *v.* J. W. Tompkins, warden of the State Prison of the State of California at San Quentin, Cal. Appeal from the circuit court of the United States for the northern district of California. Docketed and dismissed and mandate granted on motion of Mr. Frederick S. Tyler for the appellee.

No. 464. H. Franklin Schlegel, committee, etc., petitioner, *v.* The Union Stock Yards Bank of Buffalo, N. Y., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit. Submitted by Mr. Guy E. Farquhar for the petitioner and by Mr. John A. Van Arsdale for the respondents.

No. 173. Home Telephone and Telegraph Company, appellant, *v.* The City of Los Angeles et al. Motion to advance to be heard after No. 182 submitted by Mr. Oscar A. Tuppet for the appellant.

No. 557. Rainy Lake River Boom Corporation, petitioner, *v.* Rainy River Lumber Company, Limited. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Samuel Herrick, Mr. Halvor Steenerson and Mr. Charles Loring for the petitioner, and by Mr. A. Y. Merrill for the respondent.

No. 455. W. A. Gaines & Co., petitioners, *v.* Max Kahn, administrator, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. J. L. Hopkins, Mr. John G. Carlisle and Mr. Daniel W. Lindsey for the petitioners, and by Mr. W. M. Hough and Mr. Jacob M. Kline for the respondent.

No. —. The People of the State of New York, complainant, *v.* The State of New Jersey et al. Leave granted to file bill of complaint herein and subpoena awarded returnable on the first Monday in January next on motion of Mr. Maurice B. Dean for the complainant.

No. 477. Diamond Rubber Company of New York, petitioner, *v.* Consolidated Rubber Tire Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Charles K. Offield for the petitioner and by Mr. C. W. Stapleton, Mr. T. W. Bakewell, and Mr. F. P. Fish for the respondents.

No. 547. Dr. Miles Medical Company, petitioner, *v.* John D. Park & Sons Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by

Mr. Frank F. Reed for the petitioners and mandate of lower court ordered stayed.

No. 445. Herman Bilik, appellant, *v.* Christopher Strassheim, sheriff of Cook County, Ill. Motion to dismiss or affirm and that mandate issue at once submitted by Mr. James J. Barbour and Mr. E. C. Lindley in support of motion and by Mr. S. S. Gregory in opposition thereto.

No. 541. James McCaulley, etc., petitioner, *v.* American Dredging Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit. Submitted by Mr. John F. Lewis for the petitioner and Mr. E. T. Pugh and Mr. E. S. Dodge for the respondents.

No. 509. Oceanic Steam Navigation Company (Limited), plaintiff in error, *v.* Nevada N. Stranahan;

No. 510. International Mercantile Marine Company, plaintiff in error, *v.* Nevada N. Stranahan, and

No. 511. International Mercantile Marine Company, plaintiff in error, *v.* Nevada N. Stranahan. Motion to advance submitted by Mr. J. W. Nichol in behalf of Mr. William G. Choate and Mr. Lucius H. Beers, for the plaintiffs, in error.

No. 572. Mayer Zeiger, petitioner, *v.* Pennsylvania Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit. Submitted by Mr. A. Leo Weil and Mr. A. S. Worthington for the petitioner, with leave to respondent to file brief within ten days.

No. 556. Henry P. Scott et al., petitioners, *v.* Queen Anne's Railroad Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Nicholas P. Bond and Mr. John G. Johnson for the petitioners and by Mr. John C. Rose and Mr. Edward P. Keech, jr., for the respondents.

No. 37. Louisville and Nashville Railroad Company, appellant, *v.* Erasmus L. Mottley et ux. Submitted pursuant to the 20th rule by Mr. Henry L. Stone for the appellant, and by Mr. Lewis McQuown for the appellees.

Nos. 22 and 23. Honolulu Rapid Transit and Land Company, plaintiff in error and appellant, *v.* James L. Holt, assessor, etc., and

No. 30. James L. Holt, assessor, etc., plaintiff in error, *v.* Inter-Island Steam Navigation Company. Charles T. Wilder substituted in the place of James L. Holt as a party in these cases on motion of Mr. Charles R. Hemenway for the assessor.

No. 412. Honolulu Rapid Transit and Land Company, appellant, *v.* The Territory of Hawaii, by Charles R. Hemenway, attorney-general. Motion to advance submitted by Mr. A. B. Browne for the appellant.

No. 544. The Noble State Bank, plaintiff in error, *v.* C. N. Haskell et al. Motion to advance submitted by Mr. A. B. Browne in behalf of counsel.

No. 518. Miller & Lux (Incorporated), appellant, *v.* East Side Canal and Irrigation Company. Advanced and submitted under the thirty-second rule on motion of Mr. A. B. Browne in behalf of Mr. Edward F. Treadwell for the appellant. Leave granted to counsel for appellee to file brief within three weeks on motion of Mr. Fred-eric D. McKenney in that behalf.

No. 517. E. W. Simomns, late master, etc., et al., appellants, *v.* The steamship *Jefferson*, etc. Motion to advance under thirty-second rule submitted by Mr. Harrington Putnam for the appellee.

No. 491. Ex-parte: Albert T. Patrick, complainant, appellant. Leave granted to file brief herein on behalf of the State of New York on motion of Mr. Robert C. Taylor in that behalf.

No. 548. John W. Auchincloss et al., petitioners *v.* Constantine & Pickering Steamship Company, owner, etc.;

No. 549. John W. Auchincloss et al., petitioners, *v.* Constantine & Pickering Steamship Company, owner, etc.; and

No. 550. John W. Auchincloss et al., petitioners, *v.* W. McLean et al., etc., owners, etc. Petition for writs of certiorari to the United States circuit court of appeals for the second circuit. Submitted by Mr. W. S. Montgomery and Mr. George H. Emerson for the petitioners and by Mr. J. Parker Kirlin for the respondents.

No. 555. Berry Brothers (Limited), petitioner, *v.* The Steamship St. Quentin, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit. Submitted by Mr. W. S. Montgomery and Mr. George H. Emerson for the petitioner and by Mr. J. Parker Kirlin and Mr. John M. Woolsey for the respondents.

No. 448. Lehigh Valley Railroad Company, appellant, *v.* Cornell Steamboat Company, complainant, etc. Motion to advance under the thirty-second rule submitted by Mr. W. S. Montgomery and Mr. George H. Emerson for the appellant. Motion to dismiss submitted by Mr. Amos Van Etten for the appellee, with leave to file a brief on the merits if the motion is denied.

No. 6, Original. States of Missouri, complainant, *v.* State of Kansas. Leave granted to file stipulation to open and publish testimony, to print record, and as to hearing, on motion of Mr. C. C. Calhoun, in behalf of counsel, and it is ordered that the testimony be opened and published and the matter of fixing day for hearing taken under advisement.

No. 1. C. F. Ainsworth et al., intervenors, appellants, *v.* John M. Evans et al. Appeal from the supreme court of the Territory of Arizona. Dismissed with costs on motion of counsel for the appellants.

No. 105. American Felt Company, plaintiff in error, *v.* Garrett W. Scollard, collector of taxes of Boston, Mass. In error to the supreme judicial court of the State of Massachusetts. Dismissed per stipulation.

No. 132. Michael Enders et al., plaintiffs in error, *v.* John Friday, as mayor of the city of Norfolk, Nebr., et al. In error to the supreme court of the State of Nebraska. Dismissed with costs on the authority of counsel for the plaintiffs in error.

No. 140. J. P. Looney, plaintiff in error, *v.* State of Missouri. In error to the supreme court of the State of Missouri. Dismissed with costs on the authority of counsel for the plaintiff in error.

No. 161. John F. Shorey, plaintiff in error, *v.* The State of Oregon. In error to the supreme court of the State of Oregon. Dismissed with costs on the authority of counsel for the plaintiff in error.

No. 256. The First National Bank of Lexington, plaintiff in error, *v.* S. W. Hagar, auditor of public accounts, et al., etc. In error to the court of appeals of the State of Kentucky. Dismissed with costs on the authority of counsel for the plaintiff in error.

No. 40. Georgia L. Everett, plaintiff in error, *v.* Edward Everett.

No. 151. The People of Porto Rico, appellants, *v.* The Roman Catholic Apostolic Church in Porto Rico; and

No. 166. The Roman Catholic Apostolic Church in Porto Rico, appellant, *v.* The People of Porto Rico. Continued per stipulation of counsel.

No. 209. MacAndrews and Forbes Company, plaintiff in error, *v.* The United States, and

No. 210. J. S. Young Company, 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 on the authority of counsel for the plaintiff in error.

No. 288. The United States, plaintiff in error, *v.* Charles N. Freeman et al.;

No. 289. The United States, plaintiff in error, *v.* Edgar M. Biggs et al.; and

No. 290. The United States, plaintiff in error, *v.* Alexander T. Sullenberger et al. Motion to reassign for argument on December 14 submitted by Mr. Attorney-General Bonaparte for the plaintiff in error in support of motion, and by Mr. Clyde C. Dawson for defendants in error in opposition thereto.

Nos. 57 and 69. The New York Central and Hudson River Railroad Company, plaintiff in error, *v.* The United States, and

No. 285. The United States, plaintiff in error, *v.* The New York Central and Hudson River Railroad Company. Reassigned for argument on Monday, December 14, on motion of Mr. Attorney-General Bonaparte for the United States.

No. 92. William Gordon Crawford, petitioner, *v.* The United States. Argument commenced by Mr. A. S. Worthington for the petitioner, and continued by Mr. Holmes Conrad and Mr. Attorney-General Bonaparte for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 14, will be as follows: Nos. 92, 198, 206, 248 (and 249 and 250), 270 (and 271, 272, 273, 274, and 275), 182, 238 (239 and 240), 286 (and 287, 288, 289, 290, 291, and 292), 167, and 13.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 14, 1908.

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

J. F. Loughborough of Little Rock, Ark., and Richard P. Whiteley of Hyattsville, Md., were admitted to practice.

No. 5, Original. The United States of America, complainant, *v.* J. F. Shipp et al. Order fixing compensation of commissioner and directing complainant to pay the same entered.

No. 363. Al Williams, plaintiff in error, *v.* The State of Arkansas. Motion to advance submitted by Mr. J. F. Loughborough for the plaintiff in error.

No. 92. William Gordon Crawford, petitioner, *v.* The United States. Argument continued by Mr. Attorney-General Bonaparte for the respondent, and concluded by Mr. A. S. Worthington for the petitioner.

No. 198. Laurel Oil and Gas Company, appellant, *v.* Robert W. Morrison et al. Argument commenced by Mr. George A. Murphey for the appellant, continued by Mr. W. J. Breene and Mr. John J. Shea for the appellees, and concluded by Mr. George A. Murphey for the appellant.

Adjourned until to-morrow at 12 o'clock:

The day call for Thursday, October 15, will be as follows: Nos. 206, 248 (249 and 250), 270 (and 271, 272, 273, 274 and 275), 182, 238 (and 239 and 240), 286 (and 287, 288, 289, 290, 291 and 292), 167, 13, 7, Original, and 7.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 15, 1908.

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

Stewart T. McConnell of Logansport, Ind., and Roscoe J. C. Dorsey of Washington, D. C., were admitted to practice.

No. 37. Louisville and Nashville Railroad Company, appellant, *v.* Erasmus L. Mottley, clerk. Leave granted to file brief herein on behalf of the Interstate Commerce Commission on motion of Mr. Attorney-General Bonaparte in that behalf.

No. 206. The People of the State of New York *ex rel.* August Silz, plaintiff in error, *v.* Henry Hesterberg, sheriff of the county of Kings, Argument commenced by Mr. John B. Coleman for the plaintiff in error, continued by Mr. James A. Donnelly for the defendant in error and concluded by Mr. Edward R. Finch for the plaintiff in error.

No. 248. James Rudolph Garfield, Secretary of the Interior, plaintiff in error, *v.* The United States of America *ex rel.* John E. Goldsby.

No. 249. James Rudolph Garfield, Secretary of the Interior, plaintiff in error, *v.* Ida Allison; and

No. 250. James Rudolph Garfield, Secretary of the Interior, plaintiff in error, *v.* George A. Allison. Argument commenced by Mr. Assistant Attorney-General Fowler for the plaintiff in error and continued by Mr. Charles H. Merillat for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 16, will be as follows: Nos. 248 (and 249 and 250), 270 (and 271, 272, 273, 274 and 275), 182, 238 (and 230 and 240), 286 (and 287, 288, 289, 290, 291 and 292), 167, 13, 7, Original, 7 and 22.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 16, 1908.

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

W. S. Whittinghill of Enid, Okla., Joseph L. Murphey of Los Angeles, Cal., and William H. White, jr., of Norfolk, Va., were admitted to practice.

No. 288. The United States, plaintiff in error, *v.* Charles H. Freeman et al.;

No. 289. The United States, plaintiff in error, *v.* Edgar M. Biggs et al.; and

No. 290. The United States, plaintiff in error, *v.* Alexander T. Sulzenberger et al.

Motion to reassign for argument on Monday, December 14, granted. Announced by Mr. Chief Justice Fuller.

No. 513. John F. Calder et al., plaintiffs in error, *v.* The People of the State of Michigan ex rel. George E. Ellis et al.

Temporary stay order granted on motion of Mr. Willard Kingsley, for the plaintiffs in error.

No. 248. James Rudolph Garfield, Secretary of the Interior, plaintiff in error, *v.* The United States of America ex rel. John E. Goldsby;

No. 249. James Rudolph Garfield, Secretary of the Interior, plaintiff in error, *v.* The United States of America ex rel. Ida Allison; and

No. 250. James Rudolph Garfield, Secretary of the Interior, plaintiff in error, *v.* The United States ex rel. George A. Allison. Argument continued by Mr. Charles H. Merillat for the defendants in error and concluded by Mr. Attorney-General Bonaparte for the plaintiff in error.

No. 270. Robert R. Prentis et al., appellants, *v.* Atlantic Coast Line R. R. Company;

No. 271. Robert R. Prentis et al., appellants, *v.* The Chesapeake & Ohio Railway Company;

No. 272. Robert R. Prentis et al., appellants, *v.* Chesapeake Western Railway;

No. 273. Robert R. Prentis et al., appellants, *v.* Louisville & Nashville R. R. Company;

No. 274. Robert R. Prentis et al., appellants, *v.* Norfolk & Western Railway Company; and.

No. 275. Robert R. Prentis et al., appellants, *v.* Southern Railway Company.

Three counsel allowed to argue for appellants and one hour additional time allowed each side, on motion of Mr. William A. Anderson for the appellants.

Argument commenced by Mr. William A. Anderson for the appellants and continued by Mr. John W. Daniel for the appellants.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 19, will be as follows: Nos. 270 (and 271, 272, 273, 274 and 275), 182, 238 (and 239 and 240), 286 (and 287, 291 and 292), 167, 13, 7, Original, 7, 22 and 23.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 19, 1908.

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

Addie Frances Hayden of Boston, Mass., J. Newton Baker of Washington, D. C., James D. Walthall of San Antonio, Tex., Hiram Glass of Texarkana, Tex., Hunt Chipley of New York City, Robert Voss Marye of New York City, Eugene H. Long of Pueblo, Colo., and James M. Edwards of Tyler, Tex., were admitted to practice.

No. 24. Lucinda Brandon, personally and as administratrix, etc., et al., plaintiffs in error, *v.* Newton L. Ard. In error to the supreme court of the State of Kansas. Judgment affirmed with costs. Opinion by Mr. Justice Harlan. (Mr. Justice Brewer took no part in the decision of this case.)

No. 14. Herman Frasch, appellant and plaintiff in error, *v.* Edward B. Moore, Commissioner of Patents. Appeal from and in error to court of appeals of the District of Columbia. Appeal and writ of error dismissed for the want of jurisdiction and petition for writ of certiorari denied. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice White and Mr. Justice McKenna. (Mr. Justice Moody took no part in the decision of this case.)

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

No. 257 of October term, 1907. Henry Clay Pierce, appellant, *v.* Edmund P. Creecy, as chief of police of the city of St. Louis. Application for leave to file petition for rehearing denied. Mandate to issue in due course.

No. 173. Home Telephone & Telegraph Co., appellant, *v.* The City of Los Angeles et al. Motion to advance to be heard after No. 182 granted.

No. 351. Breen County, Ky., petitioner, *v.* Mary Amis Quinlan, executrix, etc., and No. 352, Green County, Ky., petitioner, *v.* John Thomas, executor, et al. Motion to advance granted and causes assigned to be heard December 14 after the cases already assigned for that day.

No. 362. The United States, petitioner, *v.* John W. Dickenson. Motion to advance granted and cause assigned to be heard November 2.

No. 394. The United States, petitioner, *v.* Charles R. Evans et al. Motion to advance to be heard with No. 362 granted.

No. 412. Honolulu Rapid Transit and Land Company, appellant, *v.* Territory of Hawaii, by Charles R. Hemenway, attorney-general. Motion to advance granted and cause assigned to be heard November 2 after the cases already assigned for that day.

No. 449. Louis Knop et al., etc., appellants, *v.* The Monongahela River Consolidated Coal and Coke Company. Motion to advance granted, and cause assigned to be heard December 14, after the cases already assigned for that day.

No. 509. Oceanic Steam Navigation Company, Limited, plaintiff in error, *v.* Nevada N. Stranahan;

No. 510. International Mercantile Marine Company, plaintiff in error, *v.* Nevada N. Stranahan; and

No. 511. International Mercantile Marine Company, plaintiff in error, *v.* Nevada N. Stranahan. Motion to advance granted, and causes assigned to be heard as one case December 14, after the cases already assigned for that day.

No. 517. E. W. Simmons, late master of the tug Helen, et al., appellants, *v.* The Steamship Jefferson, etc. Motion to advance under the thirty-second rule, to be submitted on briefs, granted.

No. 331. The Citizens Central National Bank of New York, plaintiff in error, *v.* R. Ross Appleton, as receiver of the Cooper Exchange Bank. Motion to advance denied.

No. 363. Al Williams, plaintiff in error, *v.* The State of Arkansas. Motion to advance denied.

No. 403. Robert A. Graham, petitioner, *v.* The Oregon Railroad & Navigation Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 404. Charles Gring, petitioner, *v.* Chesapeake & Delaware Canal Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 411. Southern Railway Company, petitioner, *v.* Lemon Townsend. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 414. Richard B. Shepard, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 415. Eric P. Swenson et al., petitioners, *v.* John W. Cunningham et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 417. Walter S. Scott et al., petitioners, *v.* Augustus L. Abbott, trustee, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 418. The United States, petitioner, *v.* Isaac Stephenson et al., as executors and trustees, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 419. George F. Dunbar et al., petitioners, *v.* David H. Casca-den. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 420. Alabama National Bank of Birmingham et al., petitioners, *v.* Massasoit-Pocasset National Bank, of Fall River, Mass. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 455. W. A. Gains & Co., petitioner, *v.* Max Kahn, administrator, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 464. H. Franklin Schlegel, committee, etc., petitioner, *v.* The Union Stockyards Bank of Buffalo, N. Y., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 541. James McCaulley, etc., petitioner, *v.* American Dredging Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 542. Atlantic Trust and Deposit Company, a petitioner, *v.* The Town of Laurinburg, N. C. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 548. John W. Auchincloss et al., petitioners, *v.* Constantine & Pickering Steamship Company, owners, etc.;

No. 549. John W. Auchincloss et al., petitioners, *v.* Constantine & Pickering Steamship Company, owners, etc.; and

No. 550. John W. Auchincloss et al., petitioners, *v.* W. McLean et al., owners, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 555. Berry Bros., Limited, petitioner, *v.* The steamship St. Quentin, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 556. Henry P. Scott et al., petitioners, *v.* Queen Anne's Railroad Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 557. Rainy Lake River Boom Corporation, petitioner, *v.* Rainy River Lumber Company, Limited. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 477. Diamond Rubber Company of New York, petitioner, *v.* Consolidated Rubber Tire Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 547. Dr. Miles Medical Company, petitioner, *v.* John D. Park & Sons Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit granted.

No. 571. The United States, petitioner, *v.* Carl S. Chamberlin et al., executors, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit granted.

No. 448. Lehigh Valley Railroad Company, appellant, *v.* Cornell Steamboat Company, claimant, etc. Motion to advance under the thirty-second rule denied. Motion to dismiss postponed to the hearing of the case on its merits.

No. 467. Theodore R. Converse, receiver, etc., plaintiff in error, *v.* John A. Stewart. Motion to advance to be heard with Nos. 75 and 76 denied. Motion to dismiss or affirm postponed to the hearing of the case on its merits.

No. 445. Herman Bilik, appellant, *v.* Christopher Strassheim, sheriff of Cook County, Ill. Appeal from the circuit court of the United States for the northern district of Illinois dismissed for the want of jurisdiction. Mandate to issue at once.

No. 559. The United States of America ex rel. The Attorney-General of the United States, plaintiff in error, *v.* The Delaware and Hudson Company;

No. 560. The United States of America ex rel. The Attorney-General of the United States, plaintiff in error, *v.* Erie Railroad Company;

No. 561. The United States of America ex rel. The Attorney-General of the United States, plaintiff in error, *v.* The Central Railroad Company of New Jersey;

No. 562. The United States of America ex rel. The Attorney-General of the United States, plaintiff in error, *v.* The Delaware, Lackawanna and Western Railroad Company;

No. 563. The United States of America ex rel. The Attorney-General of the United States, plaintiff in error, *v.* The Pennsylvania Railroad Company;

No. 564. The United States of America ex rel. the Attorney-General of the United States, plaintiff in error, *v.* The Lehigh Valley Railroad Company.

No. 565. The United States of America, appellant, *v.* The Delaware and Hudson Company;

No. 566. The United States of America, appellant, *v.* Erie Railroad Company;

No. 567. The United States of America, appellant, *v.* The Central Railroad Company of New Jersey;

No. 568. The United States of America, appellant, *v.* The Delaware, Lackawanna and Western Railroad Company;

No. 569. The United States of America, appellant, *v.* The Pennsylvania Railroad Company; and

No. 570. The United States of America, appellant, *v.* The Lehigh Valley Railroad Company. Motion to advance submitted by Mr. Attorney-General Bonaparte for the plaintiff in error and appellant.

No. 328. P. M. Childers, appellant, *v.* R. W. McClaughry, warden of the U. S. Penitentiary at Leavenworth, Kans. Motion to advance submitted by Mr. John J. Hemphill, in behalf of counsel for the appellant.

No. 361. William Notley et al., plaintiffs in error, *v.* Cecil Brown et al., proponents of the will of Charles Notley, deceased. Motion to amend writ of error submitted by Mr. W. C. Sullivan in behalf of counsel for the plaintiffs in error.

No. 159. The St. Louis Southwestern Railway Company of Texas, plaintiff in error, *v.* The City of Tyler, Tex., et al. Motions to dismiss or affirm submitted by Mr. James M. Edwards, Mr. Horace Chilton, Mr. Cone Johnson and Mr. Ben B. Cain for the defendants in error in support of the motion, and by Mr. E. B. Perkins and Mr. N. W. Finley for the plaintiffs in error in opposition thereto.

No. 245. C. M. Pendleton, plaintiff in error, *v.* the United States. Motion for leave to proceed in forma pauperis and that the record be printed at public expense submitted by Mr. W. B. Burnett for the plaintiff in error.

No. 535. J. E. Fleming et al., appellants, *v.* Green McCurtain et al. Motion to advance submitted by Mr. Webster Ballinger for the appellants.

No. 17. The Mayor, etc., of the City of Knoxville, appellant, *v.* Knoxville Water Company. Leave granted to both sides to file additional briefs herein, on motion of Mr. W. L. Granbery, in behalf of counsel.

No. 336. George F. Albright, appellant, *v.* Jesus Maria Sandoval. Motion to dismiss submitted by Mr. Neill B. Field for the appellee in support of the motion and by Mr. Edward L. Medler for the appellant in opposition thereto.

No. 435. The Louisville and Nashville Railroad Company, plaintiff in error, *v.* Spencer Melton. Motion to dismiss or affirm submitted by Mr. J. F. Clay and Mr. James W. Clay for the defendant in error in support of the motion and by Mr. Benjamin D. Warfield and Mr. Henry L. Stone for the plaintiff in error in opposition thereto.

No. 270. Robert R. Prentis et al., etc., appellants, *v.* Atlantic Coast Line Railroad Company;

No. 271. Robert R. Prentis et al., etc., appellants, *v.* Chesapeake and Ohio Railway Company;

No. 272. Robert R. Prentis et al., etc., appellants, *v.* Chesapeake Western Railway Company;

No. 273. Robert R. Prentis et al., etc., appellants, *v.* Louisville and Nashville Railroad Company;

No. 274. Robert R. Prentis et al., etc., appellants, *v.* Norfolk and Western Railway Company; and

No. 275. Robert R. Prentis et al., etc., appellants, *v.* Southern Railway Company. Argument continued by Mr. John W. Daniel for the appellants, and by Mr. Alfred P. Thom for the appellees, and by Mr. A. C. Braxton for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 20, will be as follows: Nos. 270 (and 271, 272, 273, 274, and 275), 182, 173, 238 (and 239 and 240), 286 (and 287 and 291 and 292), 167, 13, 7, original, 7, 22, and 23.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 20, 1908.

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

William T. Jeter of Santa Cruz, Cal., Frank Blattner of Tacoma, Wash., and Walter Scott Penfield of Auburn, Ind., were admitted to practice.

No. 544. The Noble State Bank, plaintiff in error, *v.* C. N. Haskell et al. Motion to advance denied. Announced by Mr. Chief Justice Fuller.

No. 270. Robert R. Prentis et al., etc., appellants, *v.* Atlantic Coast Line Railroad Company;

No. 271. Robert R. Prentis et al., etc., appellants, *v.* Chesapeake and Ohio Railway Company;

No. 272. Robert R. Prentis et al., etc., appellants, *v.* Chesapeake Western Railway;

No. 273. Robert R. Prentis et al., etc., appellants, *v.* Louisville and Nashville Railroad Company;

No. 274. Robert R. Prentis et al., etc., appellants, *v.* Norfolk and Western Railway Company; and

No. 275. Robert R. Prentis et al., etc., appellants, *v.* Southern Railway Company. Argument concluded by Mr. A. C. Braxton for the appellants.

No. 182. Railroad Commission of Louisiana, appellant, *v.* Cumberland Telephone & Telegraph Company. Argument commenced by Mr. E. Howard McCaleb, jr., for the appellant, continued by Mr. W. L. Granbery for the appellee and by Mr. E. Howard McCaleb, jr., for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 21, will be as follows: Nos. 182, 173, 238 (and 239, 240), 286 (and 287, 288, 292), 167, 13, 7 Original, 7, 22 and 23.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 21, 1908.

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

No. 182. Railroad Commission of Louisiana, appellant, *v.* Cumberland Telephone & Telegraph Company. Argument concluded by Mr. E. Howard McCaleb, jr., for the appellant.

No. 173. Home Telegraph Company, appellant, *v.* The City of Los Angeles et al. Argument commenced by Mr. Oscar A. Trippet, for the appellant; continued by Mr. Leslie R. Hewitt, for the appellees, and concluded by Mr. Oscar A. Trippet for the appellant.

No. 238. The Chicago and Alton Railway Company, petitioner, *v.* The United States;

No. 239. John N. Faithorn, petitioner, *v.* The United States; and

No. 240. Fred A. Wann, petitioner, *v.* The United States. Argument commenced by Mr. Blackburn Esterline, for the petitioners, and continued by Mr. Solicitor-General Hoyt and by Mr. Attorney-General Bonaparte, for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 22, will be as follows: Nos. 238 (and 239, 240), 286 (and 287, 291, 292), 167, 13, 7 Original, 7, 22, 23, 27, and 30.

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 22, 1908.

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

George Findley Pollock of Boyds, Md., was admitted to practice.

No. 109. L. L. McCandless, plaintiff in error, *v.* James W. Pratt, Commissioner of Public Lands, etc. Advanced for argument after No. 47 on motion of Mr. Charles R. Hemenway for the defendant in error.

No. 18. Hunter M. Meriwether et al., plaintiffs in error, *v.* Annie B. Wood et al. In error to the supreme court of the State of Kansas. Dismissed with costs on motion of counsel for the plaintiffs in error.

No. 30. Chas. T. Wilder, tax assessor, etc., plaintiff in error, *v.* Inter-Island Steam Navigation Co., Limited. Submitted by Mr. Charles R. Hemenway and Mr. M. F. Prosser for the plaintiff in error and by Mr. A. Lewis, jr., for the defendant in error.

No. 238. The Chicago & Alton Railway Company, petitioner, *v.* The United States;

No. 239. John N. Faithorn, petitioner, *v.* The United States; and

No. 240. Fred A. Wann, petitioner, *v.* The United States. Argument continued by Mr. Attorney-General Bonaparte for the respondent and concluded by Mr. Ralph M. Shaw for the petitioners.

No. 286. The United States, plaintiff in error, *v.* F. W. Keitel et al.;

No. 287. The United States, plaintiff in error, *v.* Robert Forrester et al.;

No. 291. The United States, plaintiff in error, *v.* Chas. E. Herr and George C. Franklin; and

No. 292. The United States, plaintiff in error, *v.* Chas. E. Herr. Argument commenced by Mr. Solicitor-General Hoyt for the plaintiff in error and continued by Mr. Edwin H. Park for the defendants in error in No. 286.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 23, will be as follows: Nos. 286 (and 287, 291, 292), 167, 13, 7 original, 7, 22, 23, 27, 47 and 109.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 23, 1908.

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

Peyton Gordon of Gaithersburg, Md., and Samuel B. Huston of Portland, Oreg., were admitted to practice.

No. 362. The United States, petitioner, *v.* John W. Dickinson; and

No. 394. The United States, petitioner, *v.* Charles R. Evans et al. Reassigned for argument on Monday, December 14, after No. 509, etc., on motion of Mr. Solicitor-General Hoyt for the petitioners.

No. 109. L. L. McCandless, plaintiff in error, *v.* James W. Pratt, Commissioner of Public Lands, etc. Reassigned for argument on Monday, November 2, after No. 412, on motion of Mr. A. B. Browne for the plaintiff in error.

No. 286. The United States, plaintiff in error, *v.* F. W. Keitel et al.;

No. 287. The United States, plaintiff in error, *v.* Robert Forrester et al.;

No. 291. The United States, plaintiff in error, *v.* Charles E. Herr and George C. Franklin; and

No. 292. The United States, plaintiff in error, *v.* Charles E. Herr. Argument continued by Mr. F. N. Judson for the defendants in error in No. 286; by Mr. John M. Waldron for the defendants in error in No. 287; by Mr. B. W. Ritter for the defendants in error in No. 291; and by Mr. Solicitor-General Hoyt for the plaintiffs in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 26, will be as follows: Nos. 286 (and 287, 291, 292), 167, 13, 7 Original, 7, 22, 23, 27, 47 and 359 (and 360).

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SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 26, 1908.

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

Margaret Irving Hamilton of Des Moines, Iowa; Edward M. Ballard of Cincinnati, Ohio; William A. Davenport of Greenfield, Mass.; Geoffrey Goldsmith of Cincinnati, Ohio; Oliver B. Carter of Los Angeles, Cal.; Langden Moore of Washington, D. C.; Henry E. Cooper of Honolulu, Hawaii Territory, and Arthur P. Teele of Boston, Mass., were admitted to practice.

No. 393. Frederick M. Steele et al., appellants, *v.* William Culver et al. Appeal from the circuit court of the United States for the western district of Michigan. Dismissed with costs. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the court:

No. 159. The St. Louis Southwestern Railway Company of Texas, plaintiff in error, *v.* The City of Tyler, Tex., et al. In error to the supreme court of the State of Texas. Per curiam, writ of error dismissed for want of jurisdiction. *Eustis v. Bolles*, 150, U. S., 361; *Railway Company v. Fitzgerald*, 160, U. S., 556; *Moran v. Horsky*, 178, U. S., 205; *Johnson v. Risk*, 137, U. S., 300-307; *Chicago & Alton Railroad v. Wiggins Ferry Company*, 119, U. S., 615; *Egan v. Hart*, 165, U. S., 188.

No. 6, original. State of Missouri, complainant, *v.* State of Kansas. Assigned to be heard February 23, 1909.

No. 245. C. M. Pendleton, plaintiff in error, *v.* The United States. Motion for leave to proceed in forma pauperis granted.

No. 328. P. M. Childers, appellant, *v.* R. W. McClaughry, warden of the United States penitentiary at Leavenworth, Kans. Motion to advance for oral argument denied; cause may be submitted on printed briefs if counsel shall be so advised.

No. 336. George F. Albright, appellant, *v.* Jesus Maria Sandoval. Motion to dismiss postponed to the hearing of the case on its merits. Motion to consolidate with Nos. 334 and 335 postponed to the hearing on the merits, and Nos. 334 and 335 postponed, to be heard with No. 336.

No. 361. William Notley et al., plaintiffs in error, *v.* Cecil Brown et al., proponents of the will of Charles Notley, deceased. Motion to amend writ of error postponed to the hearing of the case on its merits.

No. 435. The Louisville & Nashville Railroad Company, plaintiff in error, *v.* Spencer Melton. Motion to dismiss or affirm postponed to the hearing of the case on its merits.

No. 535. J. E. Fleming et al., appellants, *v.* Green McCurtain et al. Motion to advance denied.

Nos. 559, 560, 561, 562, 563 and 564. The United States of America ex rel. the Attorney-General of the United States, plaintiff in error, *v.* The Delaware & Hudson Company et al.; and

Nos. 565, 566, 567, 568, 569 and 570. The United States of America, appellant, *v.* The Delaware & Hudson Company et al. Motion to advance granted, and causes assigned to be heard as one case, on Monday, January 4, 1909.

No. 572. Mayer Zeiger, petitioner, *v.* Pennsylvania Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 584. George D. Bryan, collector, etc., petitioner, *v.* Roxana S. Ker, executrix, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Solicitor-General Hoyt, for the petitioner, and by Mr. J. P. Kennedy Bryan and Mr. M. C. Butler, for the respondents.

Nos. 585, 586, 587, 588, and 589. Joaquin Celis, plaintiff in error, *v.* The United States. In error to the supreme court of the Philippine Islands; docketed and dismissed on motion of Mr. Solicitor-General Hoyt, for the defendant in error.

No. 529. The United States and the Cherokee Nation, appellants, *v.* John J. Hemphill, et al. Motion to dismiss or affirm submitted by Mr. John J. Hemphill for the appellees, in support of the motion, and by Mr. Assistant Attorney-General John Q. Thompson, Mr. George M. Anderson, and Mr. William W. Hastings, for the appellants in opposition thereto.

No. 552. Oscar W. Reid, plaintiff in error, *v.* The United States. Motion to advance submitted by Mr. Melville Church in behalf of counsel for the plaintiff in error.

No. 401. The Phoenix Construction Company, appellant, *v.* The Steamer *Poughkeepsie*, etc., et al. Advance under the thirty-second rule, and submitted by Mr. E. Crosby Kindleberger for the appellant, with leave to counsel for the appellees to file a brief within two weeks.

No. 512. Winnisimmet Company, petitioner, *v.* Mary L. Davenport et al. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit, submitted by Mr. Arthur P. Teele and Mr. Edward E. Blodgett for the petitioner, and by Mr. William A. Davenport for the respondents.

No. 546. George Westinghouse et al., petitioners, *v.* Philip Hein et al. Petition for a writ of certiorari to the United States circuit

court of appeals for the seventh circuit, submitted by Mr. George H. Howard in behalf of Mr. Thomas W. Bakewell, Mr. J. Snowden Bell and Mr. Charles P. Abbey for the petitioners, and by Mr. L. S. Bacon and Mr. Walter H. Chamberlin for the respondents.

No. 545. L. T. Johnston, petitioner, *v.* H. D. Sexton et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit, submitted by Mr. J. W. Nichol in behalf of Mr. Edward C. Kramer for the petitioner, and by Mr. Charles P. Wise for the respondent.

No. 537. Willard N. Jones et al., petitioners, *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. Samuel B. Huston and Mr. Martin L. Pipes for the petitioners and by Mr. Attorney-General Bonaparte and Mr. Solicitor-General Hoyt for the respondent.

No. 447. Clinton J. Hutchins, trustee, appellant, *v.* William W. Bierce, Ltd., a corporation. Advanced and assigned for argument on Monday, November 2, after the cases heretofore assigned for that day, on motion of Mr. A. B. Browne for the appellant.

No. 341. Charles A. Davis, executor, etc., plaintiff in error, *v.* Cleveland, Cincinnati, Chicago and St. Louis Railway Company et al. Motion to dismiss submitted by Mr. Frank L. Littleton for the defendants in error in support of the motion, and by Mr. Elbert H. Hubbard for the plaintiff in error in opposition thereto.

No. 286. The United States, plaintiff in error, *v.* F. W. Keitel et al.;

No. 287. The United States, plaintiff in error, *v.* Robert Forrester et al.;

No. 291. The United States, plaintiff in error, *v.* Charles E. Herr and George C. Franklin; and

No. 292. The United States, plaintiff in error, *v.* Charles E. Herr. Argument continued by Mr. Solicitor-General Hoyt and Mr. Attorney-General Bonaparte for the plaintiffs in error; by Mr. N. C. Miller for the defendant in error in No. 292, and concluded by Mr. Attorney-General Bonaparte for the plaintiff in error; leave granted to plaintiff in error to file an additional brief in three days and to defendant in error to reply thereto if so advised.

No. 167. The people of the State of New York ex rel. Abraham Kopel, plaintiff in error, *v.* Theodore A. Bingham, police commissioner of the city of New York; argued by Mr. Alfred R. Page for the plaintiff in error and by Mr. Robert C. Taylor for the defendant in error.

No. 13. Thomas H. Pickford et al., plaintiffs in error, *v.* Henry M. Talbott. Argument commenced by Mr. Henry E. Davis for the plaintiffs in error, and continued by Mr. Andrew Lipscomb for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 27, will be as follows: Nos. 13, 7 Original, 7, 22, 23, 27, 47, 359 (and 360), 315 (and 316 and 317), 396 (and 397 and 398).

SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 27, 1908.

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

No. 13. Thomas H. Pickford et al., plaintiffs in error, *v.* Henry M. Talbott. Argument continued by Mr. Andrew Lipscomb and Mr. John Ridout for the defendant in error and concluded by Mr. Henry E. Davis for the plaintiffs in error.

No. 7. E. J. Cotton et al., plaintiffs in error, *v.* The Territory of Hawaii, by C. S. Holloway, superintendent of public works. Argument commenced by Mr. Charles A. Keigwin for the plaintiffs in error, continued by Mr. Charles R. Hemenway for the defendant in error and concluded by Mr. Charles A. Keigwin for the plaintiffs in error.

No. 7 Original. State of Louisiana, complainant, *v.* James R. Garfield, Secretary of the Interior, et al. Argument on demurrer commenced by Mr. Solicitor-General Hoyt for the defendants in support of the demurrer.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 28, 1908, will be as follows: Nos. 7 Original, 22, 23, 27, 47, 359 (and 360), 315 (and 316 and 317), 396 (and 397 and 398), 405 (and 406, 407, 408 and 409).

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 28, 1908.

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

George E. Miller of Fort Worth, Tex., and Charles Markell, jr., of Baltimore, Md., were admitted to practice.

No. 7, Original. The State of Louisiana, complainant, *v.* James R. Garfield, Secretary of the Interior et al. Argument continued by Mr. Solicitor-General Hoyt for the defendants in support of the demurrer and by Mr. George H. Lamar and Mr. Harvey M. Friend for the complainant in opposition thereto, and concluded by Mr. Attorney-General Bonaparte for the defendants in support of the demurrer.

No. 22. Honolulu Rapid Transit & Land Company, plaintiff in error, *v.* Charles T. Wilder, assessor, etc.; and

No. 23. The Honolulu Rapid Transit & Land Company, appellant, *v.* Charles T. Wilder, assessor, etc. Argument commenced by Mr. David L. Withington for the plaintiff in error and appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 29, will be as follows: Nos. 22, 23, 27, 47, 359 (and 360), 315 (and 316 and 317), 396 (and 397 and 398), 405 (and 406, 407, 408 and 409).

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 29, 1908.

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

Joseph G. Dudley of Buffalo, N. Y., and Morris Hirschman of Baltimore, Md., were admitted to practice.

No. 22. Honolulu Rapid Transit & Land Company, plaintiff in error, *v.* Charles T. Wilder, assessor, etc.; and

No. 23. Honolulu Rapid Transit & Land Company, appellant, *v.* Charles T. Wilder, assessor, etc. Argument continued by Mr. David L. Withington for the plaintiff in error and appellant, and by Mr. Charles R. Hemenway for the defendant in error and appellee, and concluded by Mr. A. B. Browne for plaintiff in error and appellant.

No. 27. Morita Keizo, plaintiff in error, *v.* William Henry, high sheriff, etc. Argument commenced by Mr. Duane E. Fox for the plaintiff in error, continued by Mr. Charles R. Hemenway for the defendant in error, and concluded by Mr. Arthur S. Browne for the plaintiff in error.

No. 47. Hanna Fitchie et al., appellants, *v.* Cecil Brown et al., executors, etc. Argument commenced by Mr. A. B. Browne, for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 30, will be as follows: Nos. 47, 359 (and 360), 315 (and 316 and 317), 396 (and 397 and 398), 405 (and 406, 407, 408, and 409).

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 30, 1908.

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

Gino C. Speranza of New York City was admitted to practice.

No. 47. Hannah Fitchie et al., appellants, *v.* Cecil Brown et al., executors, etc. Argument continued by Mr. A. B. Browne for the appellants and Mr. Clarence H. Olson for Galbraith's executors, by Mr. John C. Gray for the Hawaiian Trust Company (Limited), and concluded by Mr. A. B. Browne for the appellants.

Nos. 359 and 360. The Waters-Pierce Oil Company, plaintiff in error, *v.* The State of Texas. Three counsel permitted to be heard for each side, and one hour additional time allowed each side in the argument of these cases on motion of Mr. G. W. Allen for the defendant in error. Argument commenced by Mr. Moorfield Storey for the plaintiff in error, and continued by Mr. G. W. Allen for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 2, will be as follows: Nos. 359 (and No. 360), 315 (and 316 and 317), 396 (and 397 and 398), 405 (and 406, 407, 408, and 409), 412, 109, 447, 3, 4, and 5.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 2, 1908.

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

Charles Welles Gross of Hartford, Conn., and Alfred S. Barnard of Asheville, N. C., were admitted to practice.

No. 206. The People of the State of New York *ex rel.* August Silz, plaintiff in error, *v.* Henry Hesterburg, sheriff of the county of Kings. In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Day.

The Chief Justice announced the following orders of the court:

No. 529. The United States and the Cherokee Nation, appellants, *v.* John J. Hemphill and Kenneth S. Murchison. Appeal from the Court of Claims. *Per curiam*: Appeal dismissed for want of jurisdiction. 34 Stats., c. 3504, p. 340; *Ex parte* Atocha, 17 Wall., 439; Rev. Stats., sec. 707.

No. 530. John J. Hemphill and Kenneth S. Murchison, appellants, *v.* The United States and The Cherokee Nation. Appeal from the Court of Claims. Appeal dismissed on motion of counsel for appellants.

No. 341. 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. Motion to dismiss postponed to the hearing of the case on its merits.

No. 552. Oscar W. Reid, plaintiff in error, *v.* The United States. Motion to advance granted and cause assigned to be heard on Monday, December 7, next.

No. 584. George D. Bryan, collector, etc., petitioner, *v.* Roxana S. Ker, executrix, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit granted.

No. 512. Winnisimmet Company, petitioner, *v.* Mary L. Davenport et al. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 537. Willard N. Jones et al., petitioners; *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 545. L. T. Johnston, petitioner, *v.* H. D. Sexton et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 546. George Westinghouse et al., petitioners, *v.* Philip Hein et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 187. Adolphus Coulson, plaintiff in error, *v.* The Government of the Canal Zone. Motion to dismiss or affirm submitted by Mr. Solicitor-General Hoyt for the defendant in error in support of the motion, and by Mr. Moorfield Storey and Mr. Franklin E. Brooks for the plaintiff in error in opposition thereto.

No. —, Original. *Ex parte* in the matter of Adolphus Coulson, petitioner. Motion for leave to file a petition for writs of *habeas corpus* and *certiorari*, submitted by Mr. Moorfield Storey for the petitioner, with leave to Mr. Solicitor-General Hoyt to file brief in opposition thereto if so advised.

No. 378. R. Flores Magon et al., appellants, *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Hoyt for the appellee.

No. 596. The Baltimore Refrigerating and Heating Company of Baltimore City, petitioner, *v.* Frank G. Wetzel et al., etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. George Whitelock and Mr. Robert H. Smith for the petitioner, and by Mr. W. Calvin Chesnut and Mr. Charles Markell, jr., for the respondents.

No. 590. Sarah O. Devou, petitioner, *v.* The City of Cincinnati. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Fred W. Keam for the petitioner and by Mr. Edward M. Ballard and Mr. Geoffrey Goldsmith for the respondent.

No. 4. The United States, appellant, *v.* The Mountain Copper Company, Limited. Passed for settlement on motion of Mr. Solicitor-General Hoyt for the appellant.

Nos. 359 and 360. The Waters-Pierce Oil Co., plaintiff in error, *v.* The State of Texas. Argument continued by Mr. G. W. Allen for the defendant in error, and by Mr. E. B. Perkins for the plaintiff in error, and by Mr. R. L. Batts and Mr. R. V. Davidson for the defendant in error, and Mr. H. S. Priest for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 3, will be as follows: Nos. 359 (and 360), 315 (and 316 and 317), 396 (and 397 and 398), 405 (and 406, 407, 408 and 409), 412, 109, 447, 3, 5 and 6.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 3, 1908.

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

Marshall Fulton of Oklahoma City, Okla., was admitted to practice.

No. 6. Marcellus Thomas, plaintiff in error, *v.* The State of Texas. Submitted by Mr. Noah Allen and Mr. Frederick S. Tyler for the plaintiff in error, and by Mr. Robert V. Davidson and Mr. James D. Walthall for the defendant in error.

Nos. 359 and 360. The Waters-Pierce Oil Company, plaintiff in error, *v.* The State of Texas. Argument concluded by Mr. H. S. Priest for the plaintiff in error.

No. 315. Edward H. Harriman, appellant, *v.* Interstate Commerce Commission;

No. 316. Otto H. Kahn, appellant, *v.* Interstate Commerce Commission, and

No. 317. The Interstate Commerce Commission, appellant, *v.* Edward H. Harriman. Three counsel allowed to argue for Harriman and Kahn and six hours' time allowed for the argument of these appeals, on motion of Mr. John C. Spooner of counsel for Harriman. Argument commenced by Mr. C. A. Severance for the Interstate Commerce Commission, continued by Mr. John G. Milburn for Harriman and by Mr. Walker D. Hines for Kahn.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 4, will be as follows: Nos. 315 (and 316 and 317), 396 (and 397 and 398), 405 (and 406, 407, 408, and 409), 412, 109, 447, 3, 5, 9, and 11.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 4, 1908.

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

William S. Jackson, of New York City, Charles F. Mathewson, of New York City, and Nathan Matthews, of Boston, Mass., were admitted to practice.

No. 398. William S. Jackson, as Attorney-General of the State of New York, appellant, *v.* Consolidated Gas Company. Leave granted to file brief herein as *amicus curiæ*, on motion of Mr. W. Bourke Cockran in that behalf.

No. 529. The United States and the Cherokee Nation, appellants, *v.* John J. Hemphill et al., and

No. 530. John J. Hemphill et al., appellants, *v.* The United States and the Cherokee Nation. Mandates granted on motion of Mr. John J. Hemphill for Hemphill et al.

No. 11. George A. Treadwell et al., appellants, *v.* George O. Marrs. Appeal from the Supreme Court of the Territory of Arizona. Dismissed with costs, pursuant to the tenth rule.

No. 315. Edward H. Harriman, appellant, *v.* The Interstate Commerce Commission;

No. 316. Otto H. Kahn, appellant, *v.* The Interstate Commerce Commission; and

No. 317. The Interstate Commerce Commission, appellant, *v.* Edward H. Harriman. Argument continued by Mr. Frank B. Kellogg for the Interstate Commerce Commission, and concluded by Mr. John C. Spooner for Harriman. Leave granted counsel for Harriman to file reply brief and to counsel for the Interstate Commerce Commission to file reply thereto within five days.

No. 396. William R. Willcox et al., constituting the Public Service Commission of the State of New York for the First District, appellants, *v.* Consolidated Gas Company of New York;

No. 397. The City of New York, appellant, *v.* Consolidated Gas Company of New York; and

No. 398. William S. Jackson, as Attorney-General of the State of New York, appellant, *v.* Consolidated Gas Company of New York. Three counsel allowed to argue for each side and six hours allowed

for the argument of these appeals, on motion of Mr. Alton B. Parker for the appellant in No. 397. Argument commenced by Mr. E. B. Whitney for the appellants in No. 396.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 5, will be as follows: Nos. 396 (397 and 398), 405 (and 406, 407, 408 and 409), 412, 109, 447, 3, 5, 9, 16 and 19.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 5, 1908.

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

Alonzo R. Weed, of Newton, Mass., was admitted to practice.

No. 396. William R. Willcox et al., constituting the Public Service Commission of the State of New York for the First District, appellants, *v.* Consolidated Gas Company of New York;

No. 397. The City of New York, appellant, *v.* Consolidated Gas Company of New York; and

No. 398. William S. Jackson, as Attorney-General of the State of New York, appellant, *v.* Consolidated Gas Company of New York. Argument continued by Mr. E. B. Whitney for the appellants in No. 396, by Mr. William S. Jackson for the appellant in No. 398, by Mr. James M. Beck and Mr. Charles F. Mathewson for the appellee.

Adjourned until to-morrow at 1½ o'clock.

The day call for Friday, November 6, will be as follows: Nos. 396 (and 397 and 398), 405 (and 406, 407, 408 and 409), 412, 109, 447, 3, 5, 9, 16 and 19.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 6, 1908.

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

Edward S. Watts of Montgomery, Ala., was admitted to practice.

No. 20. The Merchants National Bank of Baltimore, appellant, *v.* The United States. Passed on account of sickness of counsel, to be restored to the call pursuant to section 9 of Rule 26, on motion of Mr. Robert C. Hayden, for the appellant.

No. 396. William R. Willcox et al., constituting the public service commission of the State of New York for the first district, appellant, *v.* Consolidated Gas Company of New York.

No. 397. The City of New York, appellant, *v.* Consolidated Gas Company of New York; and

No. 398. William S. Jackson, as attorney-general of the State of New York, appellant, *v.* Consolidated Gas Company of New York. Argument continued by Mr. Charles F. Mathewson and Mr. John A. Garver for the appellee, and concluded by Mr. Alton B. Parker for the appellant in No. 397. Leave granted to file brief herein as *amicus curiæ*, on motion of Mr. Nathan Matthews in that behalf.

No. 412. Honolulu Rapid Transit & Land Company, appellant, *v.* The Territory of Hawaii, by Charles R. Hemenway, Attorney-General. Argued by Mr. D. L. Withington for the appellant and submitted by Mr. Charles R. Hemenway for the appellee.

No. 109. L. L. McCandless, plaintiff in error, *v.* James W. Pratt, Commissioner of Public Lands, etc. Argument commenced by Mr. A. B. Browne for the plaintiff in error.

Adjourned until Monday, next, at 12 o'clock.

The day call for Monday, November 9, will be as follows: Nos. 109, 447, 405 (and 406, 407, 408 and 409), 3, 5, 9, 16, 19, 21 and 26.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 9, 1908.

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

George A. Chritton of Chicago, Ill., Edward W. Knight of Charleston, W. Va., Edward J. Cantwell of Washington, D. C., and J. Louis Bumgardner of Bickley, W. Va., were admitted to practice.

No. 10. Albert C. Twining et al., plaintiffs in error, *v.* The State of New Jersey. In error to the Court of Errors and Appeals of the State of New Jersey. Judgment affirmed with costs. Opinion by Mr. Justice Moody. Dissenting: Mr. Justice Harlan.

No. 7, Origl. State of Louisiana, complainant, *v.* James R. Garfield, Secretary of the Interior, et al. Bill of complaint dismissed for the want of jurisdiction. Opinion by Mr. Justice Holmes.

No. 12. Berea College, plaintiff in error, *v.* the Commonwealth of Kentucky. In error to the court of appeals of the state of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice Brewer. (Mr. Justice Holmes and Mr. Justice Moody concur in the judgment.) Dissenting: Mr. Justice Harlan and Mr. Justice Day.

The Chief Justice announced the following orders of the court:

No. 15. Continental Wall Paper Company, petitioner, *v.* the Lewis Voight & Sons Company. The court will receive briefs from counsel, to be filed on or before November 23, on the question of the jurisdiction of the circuit court as affected or controlled by the allegations in the petition that the plaintiff is a corporation duly created, organized, and existing under the laws of Ohio and New York, and that the defendant is a corporation created, organized, and existing under the laws of Ohio.

No. 187. Adolphus Coulson, plaintiff in error, *v.* the Government of the Canal Zone. In error to the Supreme Court of the Canal Zone. Writ of error dismissed for want of jurisdiction.

No. — original. *Ex parte:* In the matter of Adolphus Coulson, petitioner. Motion for leave to file a petition for writs of habeas corpus and certiorari denied.

No. 378. R. Flores Magon et al., appellants, *v.* The United States. Motion to advance granted and cause assigned to be heard on Monday, January 4, 1909, after the cases already assigned for that day.

No. 590. Sarah O. Devou, petitioner, *v.* The City of Cincinnati. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 596. The Baltimore Refrigerating & Heating Company of Baltimore City, petitioner, *v.* Frank G. Wetzel et al., etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

The Chief Justice also announced that the court would take a recess from Monday, the 16th instant, to Monday, the 30th instant.

No. 4. The United States, appellant, *v.* The Mountain Copper Company, Limited. Appeal from the United States circuit court of appeals for the ninth circuit. Dismissed per stipulation on motion of Mr. Solicitor-General Hoyt for the appellant.

No.— Original. *Ex parte*: In the matter of Carl Hardrat, petitioner. Motion for leave to file a petition for a writ of habeas corpus submitted by Mr. Frederick S. Tyler in behalf of the petitioner.

No. 382. Walter Gresham, petitioner, *v.* Arabella D. Huntington et al., as executors, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Joseph W. Bailey in behalf of Mr. James B. Stubbs, Mr. T. D. Gresham and Mr. Walter Gresham for the petitioner, and by Mr. R. S. Lovett, Mr. Maxwell Evarts, and Mr. J. W. Terry for the respondents.

No. 491, *Ex parte* Albert T. Patrick, complainant, appellant. Motion to advance submitted by Mr. William L. MacDonald for the appellant. Motion to dismiss submitted by Mr. Robert C. Taylor, on behalf of the state of New York (and leave given him to file an additional brief within five days), and by Mr. William L. MacDonald in opposition thereto.

No. 606. The General Fireproofing Company, petitioner, *v.* the Expanded Metal Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. James K. Bakewell, Mr. Thomas W. Bakewell and Mr. George H. Christy for the petitioner.

No. —, Original. *Ex parte*: In the matter of the Chesapeake and Ohio Railway Company, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. J. Louis Bumgardner and Mr. F. B. Enslow in support of the motion and by Mr. Edward W. Knight in opposition thereto.

No. 263. Patrick Cox, appellant, *v.* Luman T. Hoy, United States Marshal for the Northern District of Illinois. Motion to advance submitted by Mr. William G. Johnson in behalf of Mr. William Dillon, for the appellant.

No. 581. Western Loan & Savings Company, plaintiff in error, *v.* Colorado Smelting & Mining Company. Advanced under the thirty-second rule on motion of Mr. H. Winship Wheatley in behalf of counsel for the plaintiff in error and submitted by Mr. John A. Shelton for the plaintiff in error.

No. 582. The Butler Brothers Shoe Company, petitioner, *v.* The United States Rubber Company. 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. Charles J. Hughes, jr., for the petitioner, with leave to counsel for respondent to file brief.

No. 412. Honolulu Rapid Transit & Land Company, appellant, *v.* The Territory of Hawaii, by Charles R. Hemenway, attorney-general. Leave granted to file an additional brief herein on motion of Mr. A. B. Brown for the appellant.

No. 109. L. L. McCandless, plaintiff in error, *v.* James W. Pratt, Commissioner of Public Lands, etc. Argument continued by Mr. A. B. Browne for the plaintiff in error, by Mr. Charles R. Hemenway and Mr. H. E. Cooper for the defendant in error, and concluded by Mr. A. B. Browne for the plaintiff in error.

No. 447. Clinton J. Hutchins, trustee, appellant, *v.* William W. Bierce, Limited, a corporation. Argument commenced by Mr. David L. Withington for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 10, will be as follows: Nos. 447, 405 (and 406, 407, 408 and 409), 3, 5, 9, 16, 19, 21, 26 and 28.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 10, 1908.

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

Sam J. Hunter of Fort Worth, Tex., was admitted to practice.

No. 447. Clinton J. Hutchins, trustee, appellant, *v.* William W. Bierce, Limited, a corporation. Argument continued by Mr. David L. Withington for the appellant, by Mr. Charles H. Aldrich for the appellee, and concluded by Mr. A. B. Browne for the appellant.

No. 405. American Express Company, appellant, *v.* The United States;

No. 406. National Express Company, appellant, *v.* The United States;

No. 407. The United States Express Company, appellant, *v.* The United States;

No. 408. Wells-Fargo & Company, appellant, *v.* The United States; and

No. 409. Adams Express Company, appellant, *v.* The United States. Argument commenced by Mr. Lawrence Maxwell, jr., for the appellants, and continued by Mr. Solicitor-General Hoyt and Mr. Attorney-General Bonaparte for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 11, will be as follows: Nos. 405 (and 406, 407, 408 and 409), 3, 5, 9, 16, 19, 21, 26, 28 and 29.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 11, 1908.

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

No. 378. R. Flores Magon et al., appellants, *v.* The United States. Motion to admit appellants to bail submitted by Mr. William E. Richardson in behalf of Mr. J. H. Ralston for the appellants, and by Mr. Solicitor General Hoyt for the appellee in opposition thereto.

No. 405. American Express Company, appellant, *v.* The United States;

No. 406. National Express Company, appellant, *v.* The United States;

No. 407. The United States Express Company, appellant, *v.* The United States;

No. 408. Wells-Fargo & Company, appellant, *v.* The United States; and

No. 409. Adams Express Company, appellant, *v.* The United States. Argument continued by Mr. Attorney-General Bonaparte for the appellee, and concluded by Mr. Lawrence Maxwell, jr., for the appellant.

Ordered that the injunctions awarded by the final decrees appealed from in these cases be, and the same are hereby, suspended pending the decision of these cases by this court, on motion of Mr. Lawrence Maxwell, jr., for the appellants.

No. 3. American Sugar Refining Company of New York, appellant, *v.* The United States. Argument commenced by Mr. John G. Johnson for the appellant, continued by Mr. James C. McReynolds for the appellee, and concluded by Mr. John G. Johnson for the appellant.

No. 5. Raphael Enriquez, administrator, etc., plaintiff in error, *v.* A. S. Watson & Co., Limited. Argued by Mr. A. B. Browne for the defendant in error, and submitted by Mr. J. H. Ralston, Mr. F. L. Siddons and Mr. William E. Richardson for the plaintiff in error.

No. 9. The Bowers Hydraulic Dredging Company, appellant, *v.* The United States. Argued by Mr. L. T. Michner for the appellant, and by Mr. Assistant Attorney-General John Q. Thompson for the appellee.

No. 16. The Missouri Pacific Railway Company, plaintiff in error, *v.* the Larrabee Flour Mills Co. Argument commenced by Mr. B. P. Waggener for the plaintiff in error.

Adjourned until to-morrow at 1½ o'clock.

The day call for Thursday, November 12, will be as follows: Nos. 16, 19, 21, 26, 28, 29, 31, 32, 33, 34.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 12, 1908.

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

Fred S. Ball of Montgomery, Ala., and Alexander M. Garber of Montgomery, Ala., were admitted to practice.

No. 538. Alonzo Bailey, plaintiff in error, *v.* The State of Alabama. Submitted pursuant to the twentieth rule by Mr. Fred S. Ball and Mr. Edward S. Watts for the plaintiff in error. and by Mr. Alexander M. Garber for the defendant in error. Leave granted to the Attorney-General of the United States to file a brief herein as *amicus curiæ* and counsel for defendant in error given ten days in which to file a reply brief.

No. 16. The Missouri Pacific Railway Company, plaintiff in error, *v.* The Larrabee Flour Mills Company. Argument continued by Mr. B. P. Waggener for the plaintiff in error, and by Mr. Joseph G. Waters and Mr. Charles Blood Smith for the defendant in error. and concluded by Mr. B. P. Waggener for the plaintiff in error.

No. 19. The American Surety Company of New York, plaintiff in error, *v.* The Akron Savings Bank Company et al. Argument commenced by Mr. Frederic D. McKenney for the plaintiff in error, continued by Mr. John C. Gittings for the defendant in error, and concluded by Mr. Frederic D. McKenney for the plaintiff in error.

No. 26. The Phoenix Bridge Co., appellant, *v.* The United States. Argument commenced by Mr. John Spalding Flannery for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 13, will be as follows: Nos. 26, 21, 28, 29, 31, 32, 33, 34, 35 and 26.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 13, 1908.

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

No. 26. The Phoenix Bridge Company, appellant, *v.* The United States. Argument continued by Mr. John Spalding Flannery for the appellant, and by Mr. Assistant Attorney-General John Q. Thompson for the appellee, and concluded by Mr. Frederic D. McKenney for the appellant.

No. 21. The Water, Light & Gas Company, appellant, *v.* The City of Hutchinson et al. Argument commenced by Mr. Howard S. Lewis for the appellant. The court declined to hear counsel for appellees.

No. 28. North American Cold Storage Company, appellant, *v.* The City of Chicago et al. Argued by Mr. L. A. Stebbins for the appellant, and by Mr. Emil C. Wetten for the appellees.

Adjourned until Monday next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 16, 1908.

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

Ray H. Beals of St. John, Kans., and Arthur R. Mackley of Jackson, Ohio, were admitted to practice.

No. 27. Morita Keizo, plaintiff in error, *v.* William Henry, high sheriff, etc. In error to the supreme court of the Territory of Hawaii. Judgment affirmed with costs. Opinion by Mr. Justice Moody.

No. 37. Louisville & Nashville R. R. Co., appellant, *v.* Erasmus L. Mottley et ux. Appeal from the circuit court of the United States for the western district of Kentucky. Decree reversed with costs, and cause remanded with directions to dismiss the suit for want of jurisdiction. Opinion by Mr. Justice Moody.

No. 22. Honolulu Rapid Transit & Land Co., plaintiff in error, *v.* Charles T. Wilder, assessor. In error to the supreme court of the Territory of Hawaii. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Holmes.

No. 23. The Honolulu Rapid Transit & Land Co., appellant, *v.* Charles T. Wilder, assessor. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 3 Original. State of Washington, complainant, *v.* State of Oregon. Decree in favor of the State of Oregon, the costs to be equally divided between the parties. Opinion by Mr. Justice Brewer.

The Chief Justice announced the following orders of the court:

No. — Original. *Ex parte*: In the matter of Carl Hardrat, petitioner. Motion for leave to file a petition for a writ of habeas corpus denied.

No. — Original. *Ex parte*: In the matter of the Chesapeake & Ohio Railway Company, petitioner. Motion for leave to file a petition for a writ of mandamus denied.

No. 263. Patrick Cox, appellant, *v.* Luman T. Hoy, United States marshal for the northern district of Illinois. Motion to advance denied.

No. 382. Walter Gresham, petitioner, *v.* Arabella D. Huntington et al., as executors, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 582. The Butler Bros. Shoe Company, petitioner, *v.* United States Rubber Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 606. The General Fireproofing Company, petitioner, *v.* The Expanded Metal Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit granted.

No. 378. R. Flores Magon et al., appellants, *v.* The United States. Motion to admit appellants to bail denied.

No. 491. Ex parte Albert T. Patrick, complainant, appellant. Appeal from the circuit court of the United States for the southern district of New York. Appeal dismissed for want of jurisdiction. Act of March 10, 1908, 35 Stat., ch. 76, p. 40; Herman Bilik *v.* Christopher Strassheim, sheriff of Cook County, Ill., decided October 19, 1908. Application for writ of habeas corpus denied.

No. 21. The Water, Light & Gas Company, appellant, *v.* The City of Hutchinson et al. Appeal from the circuit court of the United States for the district of Kansas. Affirmed with costs, on authority of *Water, Light & Gas Co. of Hutchinson v. The City of Hutchinson*, 207 U. S., 385.

No. 581. Western Loan & Savings Company, plaintiff in error, *v.* Colorado Smelting & Mining Company. In error to the circuit court of the United States for the district of Montana. Judgment reversed with costs, and cause remanded on authority of *Western Loan & Savings Co. v. The Butte & Boston Consolidated Mining Co.*, 210 U. S., 368.

No. 5. Rafael Enriquez, adm'r, etc., plaintiff in error, *v.* A. S. Watson & Co., Limited. In error to the supreme court of the Philippine Islands. Dismissed for the want of jurisdiction.

No. 426. Alexander D. Shaw et al., etc., appellants, *v.* The United States. Motion to dismiss or affirm submitted by Mr. Solicitor-General Hoyt for the appellee in support of the motion, and by Mr. Edward S. Hatch and Mr. Walter F. Welch for the appellants in opposition thereto.

No. 597. E. M. Delk, petitioner, *v.* St. Louis & Francisco Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Frederic D. McKenney and Mr. Luther M. Walter for the petitioner, and by Mr. W. F. Evans for the respondent. Leave granted to the Attorney-General of the United States to file a brief herein as *amicus curiæ*.

No. 618. Jose Maria Ubarri e Yramategui, appellant, *v.* Pablo Ubarri e Yramategui et al. Appeal from the district court of the United States for Porto Rico. Docketed and dismissed with costs, on motion of Mr. John Maynard Harlan for the appellees.

No. 488. Komado & Co., 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. W. Wickham Smith, Mr.

Thomas Fitch, Mr. J. J. Dunne and Mr. J. M. Thurston for the petitioner, and by Mr. Solicitor-General Hoyt and Mr. J. C. McReynolds for the respondent.

No. 619. Angelo Schneider, plaintiff in error, *v.* American Bridge Company of New York. In error to the court of appeals of the District of Columbia. Docketed and dismissed with costs, on motion of Mr. Reginald S. Huidekoper for the defendant in error.

No. 176. Sarah Z. Abrams, appellant, *v.* Elizabeth White et al. Motion to dismiss submitted by Mr. A. B. Browne, and Mr. Alexander Britton in support of the motion.

No. 139. Brown-Forman Company, plaintiff in error, *v.* Commonwealth of Kentucky. Continued per stipulation.

No. 462. M. E. Thornton et al., plaintiffs in error, *v.* The Mayor and Board of Aldermen of the City of Natchez et al. Motion to dismiss submitted by Mr. Robert H. Thompson for the defendants in error in support of the motion, and by Mr. Wade R. Young for the plaintiffs in error in opposition thereto.

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

The day call for Monday, November 30, will be as follows: Nos. 29, 31, 32, 33, 34, 35, 36, 38, 39 and 41.

SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 30, 1908.

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

Elijah N. Zoline of Chicago, Ill., John G. North of Riverside, Cal., Wm. J. Sandoz of Opelousas, La., Willard L. Sturdevant of St. Louis, Mo., M. L. Mott of Muskogee, Okla., F. Granville Munson of Washington, D. C., Alfred M. Erskiner of Los Angeles, Cal., Oliver C. Carpenter of New York, N. Y., Frank Carter of Asheville, N. C., Geo. B. Lester of New York City, J. Frazer Lyon of Columbia, S. C., Henry J. Webster of New York City, Daniel W. Rountree of Atlanta, Ga., Donald S. Matheson of Cheraw, S. C., Charles W. Starling of Dallas, Tex., Charles G. Watson of Cumberland, Md., and J. F. Woodson of El Paso, Tex., were admitted to practice.

173. Home Telephone & Telegraph Company, appellant, *v.* The City of Los Angeles et al. Appeal from the circuit court of the United States for the southern district of California. Decree affirmed with costs. Opinion by Mr. Justice Moody.

412. Honolulu Rapid Transit & Land Company, appellant, *v.* The Territory of Hawaii, by Charles R. Hemenway, Attorney-General. Appeal from the supreme court of the Territory of Hawaii. Decree reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Moody. Dissenting: Mr. Chief Justice Fuller.

30. Charles T. Wilder, tax assessor, etc., plaintiff in error, *v.* Inter-Island Steam Navigation Company, Limited. Judgment affirmed with costs. Opinion by Mr. Justice Day.

248. James Rudolph Garfield, Secretary of the Interior, plaintiff in error, *v.* The United States of America ex rel. John E. Goldsby;

249. James Rudolph Garfield, Secretary of the Interior, plaintiff in error, *v.* The United States of America ex rel. Ida Allison; and

250. James Rudolph Garfield, Secretary of the Interior, plaintiff in error, *v.* The United States ex rel. George A. Allison. In error to the court of appeals of the District of Columbia. Judgments affirmed with costs. Opinion by Mr. Justice Day.

No. 270. Robert R. Prentis et al., etc., appellants, *v.* Atlantic Coast Line Railroad Company;

No. 271. Robert R. Prentis et al., etc., appellants, *v.* The Chesapeake & Ohio Railway Company;

No. 272. Robert R. Prentis et al., etc., appellants, *v.* The Chesapeake Western Railway;

No. 273. Robert R. Prentis et al., etc., appellants, *v.* Louisville and Nashville Railroad Company;

No. 274. Robert R. Prentis, et al., etc., appellants, *v.* Norfolk & Western Railway Company; and

No. 275. Robert R. Prentis et al., etc., appellants, *v.* Southern Railway Company. Appeals from the circuit court of the United States for the eastern district of Virginia. Decrees reversed with costs, and causes remanded for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice Holmes. Separate opinions by Mr. Chief Justice Fuller and Mr. Justice Harlan concurring in the decrees. Dissenting: Mr. Justice Brewer.

No. 13. Thomas H. Pickford et al., plaintiffs in error, *v.* Henry M. Talbott. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 9. The Bowers Hydraulic Dredging Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice White.

No. 26. The Phoenix Bridge Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice White.

No. 7. E. J. Cotton et al., plaintiffs in error, *v.* The Territory of Hawaii by C. S. Holloway, superintendent of public works. In error to the supreme court of the Territory of Hawaii. Dismissed for the want of jurisdiction. Opinion by Mr. Justice White.

No. 3. American Sugar Refining Company of New York, appellant, *v.* The United States. Appeal from the circuit court of the United States for the southern district of New York. Dismissed for want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

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

No. 19. American Surety Company of New York, plaintiff in error, *v.* The Akron Savings Bank Company et al. In error to the supreme court of the State of Ohio. Per curiam: Judgment affirmed with costs without opinion.

No. 401. The Phoenix Construction Company, appellant, *v.* The Steamer Poughkeepsie, etc. Appeal from the district court of the United States for the southern district of New York. Per curiam: Decree affirmed with costs. Cleveland Terminal & Valley Railroad Company *v.* Cleveland Steamship Company, 208 U. S., 316; The Troy, 208 U. S., 321.

No. 176. Sarah Z. Abrams, appellant, *v.* Elizabeth White et al. Appeal from the circuit court of the United States for the district of Idaho. Per curiam: Appeal dismissed for want of jurisdiction. Kansas City & Northwestern Railroad Company *v.* Zimmerman, 210 U. S., 336.

No. 462. M. E. Thornton et al., plaintiffs in error, *v.* The Mayor and Board of Aldermen of the City of Natchez et al. In error to the supreme court of the State of Mississippi. Per curiam: Writ of error dismissed for want of jurisdiction. *Thornton v. Natchez*, 88 Miss., 1; *Thornton v. Natchez*, 129 Fed., 86, 87; *Thornton v. Natchez*, 197 U. S., 620; *Harrison v. Meyer*, 92 U. S., 117; *Moran v. Horsky*, 178 U. S., 205; *New Orleans Waterworks Company v. Louisiana Sugar Refining Company*, 125 U. S., 18; *St. Paul Gas Light Company v. St. Paul*, 181 U. S., 142, 148; *Beals v. Cone*, 188 U. S., 184; *Winona & St. Peter Railroad Company v. Plainview*, 143 U. S., 371, 390; *Hammond v. Johnston*, 142 U. S., 73.

No. 426. Alexander D. Shaw, et al., etc., appellants, *v.* The United States. Appeal from the circuit court of the United States for the southern district of New York. Per curiam: Appeal dismissed for the want of jurisdiction. *Shaw v. The United States*, 141 Fed. Rep., 469; 144 Fed. Rep., 329; 203 U. S., 591; *American Sugar Refining Company v. U. S.*, No. 3, of this term, decided to-day.

No. 488. Komada & Co., petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit granted.

No. 597. E. M. Delk, petitioner, *v.* St. Louis & San Francisco Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit granted.

No. 15. Continental Wall Paper Company, petitioner, *v.* The Lewis Voight & Sons Company. Motion for a writ of certiorari on suggestion of diminution of record granted, the papers printed on the motion to stand as a return to the writ.

No. 628. The United States, petitioner, *v.* The Standard Oil Company, a corporation organized and existing under the laws of Indiana. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Attorney-General Bonaparte, Mr. Solicitor-General Hoyt, Mr. Frank B. Kellogg, Mr. Edwin W. Sims, and Mr. James H. Wilkerson, for the petitioner, with leave to Mr. John S. Miller, counsel for the respondent, to file brief in opposition on or before December 21, next.

No. 257. W. E. Rakes, plaintiff in error, *v.* The United States. Motion to advance and motion to admit plaintiff in error to bail submitted by Mr. Waller R. Staples for the plaintiff in error, and by Mr. Solicitor-General Hoyt for the defendant in error in opposition to the motion to admit plaintiff in error to bail.

No. 627. Chicago, Burlington & Quincy Ry. Co., petitioner, *v.* Erastus W. Willard, administrator, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Henry M. Hoyt in behalf of Mr. Albert J. Hopkins for the petitioner, and by Mr. Arthur J. Eddy and Mr. E. C. Wetten for the respondent.

No. 625. W. J. Murray et al., etc., petitioners, *v.* The Wilson Distilling Company et al. Petition for a writ of certiorari to the

United States circuit court of appeals for the fourth circuit submitted by Mr. B. L. Abney and Mr. W. F. Stevenson for the petitioners, and by Mr. T. Moultrie Mordecai and Mr. Alfred S. Barnard for the respondents.

No. 631. St. Louis, Kansas City & Colorado Railroad Company, petitioner, *v.* The Wabash Railroad Company and The City of St. Louis. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Frank Hagerman, Mr. W. F. Evans and Mr. M. A. Low for the petitioner, and by Mr. Wells H. Blodgett and Mr. James L. Minnis for the respondents.

No. 253. St. Louis, Kansas City & Colorado Railroad Company, appellant, *v.* The City of St. Louis and Wabash Railroad Company. Motion to dismiss submitted by Mr. James L. Minnis and Mr. Wells H. Blodgett for the appellees in support of the motion, and by Mr. Frank Hagerman, Mr. W. F. Evans, and Mr. M. A. Low in opposition thereto, with leave to counsel for the appellant to file brief within two days.

No. 207. Demetrius M. Steward et al., petitioners, *v.* American Lava Company et al.; and

No. 208. Moritz Kirchberger et al., petitioners, *v.* American Lava Company et al. Death of George von Schwarz, one of the petitioners suggested, and appearance of R. H. Williams, administrator, etc., as a party petitioner herein, filed and entered on motion of Mr. D. E. Somes in behalf of counsel for the petitioners.

No. 632. John F. Klumpp et al., etc., petitioners, *v.* C. Wesley Thomas. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Henry J. Webster for the petitioners, and by Mr. Solicitor-General Hoyt for the respondent.

No. 605. W. J. Murray et al., etc., plaintiffs in error, *v.* The State of South Carolina ex rel. A. W. Ray, trustee. Motion to advance submitted by Mr. D. S. Matheson for the plaintiffs in error.

No. — Original. Ex parte: In the matter of Mary Dunn et al., petitioners. Motion for leave to file a petition for a writ of mandamus submitted by Mr. C. W. Starling for the petitioners.

No. 416. The Delaware & Hudson Company *v.* The Albany & Susquehanna Railroad Company et al. Motion to advance submitted by Mr. Frederic D. McKenney in behalf of Mr. George Wellwood Murray, Mr. E. Parmalee Prentice and Mr. Charles P. Howland in support of the motion, and by Mr. William S. Opdyke and Mr. J. M. Beck in opposition thereto.

No. 513. John F. Calder et al., plaintiffs in error, *v.* The People of the State of Michigan ex rel. George E. Ellis et al. Motion for a supersedeas submitted by Mr. Frederic D. McKenney in behalf of Mr. Willard Kingsley and Mr. John E. More for the plaintiffs in error in support of the motion, and by Mr. John E. Bird and Mr. Moses Taggart for the defendants in error in opposition thereto.

No. 521. Adam T. Siler et al., etc., *v.* The Louisville & Nashville Railroad Company;

No. 522. Adam T. Siler et al., etc., *v.* The Illinois Central Railroad Company;

No. 523. Adam T. Siler et al., etc., *v.* The Southern Railway Company in Kentucky; and

No. 524. Adam T. Siler et al., etc., *v.* The Cincinnati, New Orleans & Texas Pacific Railway Company. Motion to advance and to consolidate submitted by Mr. C. C. Calhoun, in behalf of Mr. James Breathitt and Mr. C. C. McChord, for the appellants in support of the motion, and by Mr. Henry L. Stone for the Louisville & Nashville Railroad Company in opposition to the motion to consolidate.

No. 428. John A. Watson, plaintiff in error, *v.* The State of Maryland. Motion to advance submitted by Mr. Charles G. Watson, for the plaintiff in error.

No. 5. Rafael Enriques, administrator, etc., plaintiff in error, *v.* A. S. Watson & Co. (Limited). Mandate granted on motion of Mr. A. B. Browne, for the defendant in error.

No. 141. The Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company, plaintiff in error, *v.* George W. Lightheiser;

No. 142. The Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company, plaintiff in error, *v.* Thomas Collins; and

No. 178. The Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company, plaintiff in error, *v.* William B. Ross. Motions to dismiss or affirm and for damages submitted by Mr. Stewart T. McConnell for the defendants in error in support of the motions, and by Mr. Allen Zollars for the plaintiff in error in opposition thereto.

No. 29. John McLean, plaintiff in error, *v.* The State of Arkansas. Argued by Mr. Daniel B. Holmes for the plaintiff in error, and submitted by Mr. James Brizzolara for the defendant in error.

No. 31. El Paso & Southwestern Railroad Company, plaintiff in error, *v.* H. D. Vizard. Argument commenced by Mr. J. F. Woodson for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 1, will be as follows: Nos. 31, 32, 33, 34, 35, 36, 38, 39, 41, and 42.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 1, 1908.

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

Sam Streetman of Houston, Tex., Harry Peyton of Washington, D. C., J. A. Gillett of Marfa, Tex., Harold Nathan of New York, N. Y., Frank E. Thompson of Honolulu, Hawaii, J. B. Sizer of Chattanooga, Tenn., and George M. Nowell of Boston, Mass., were admitted to practice.

No. 31. El Paso & Southwestern Railroad Company, plaintiff in error, *v.* H. D. Vizard. Argument continued by Mr. J. F. Woodson for the plaintiff in error, by Mr. W. H. Robeson for the defendant in error, and concluded by Mr. J. F. Woodson for the plaintiff in error.

No. 32. Alexander Miller, plaintiff in error, *v.* The New Orleans Acid & Fertilizer Company et al. Argued by Mr. E. B. Dubuisson for the plaintiff in error, and by Mr. William J. Sandoz for the defendant in error.

No. 33. Edward Murphy, 2d, plaintiff in error, *v.* John Hofman Company. Argument commenced by Mr. Herbert D. Bailey for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 2, will be as follows: Nos. 33, 34, 35, 36, 38, 39, 41, 42, 43 and 44.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 2, 1908.

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

Henry Fitts of Tuscaloosa, Ala., was admitted to practice.

No. 33. Edward Murphy, 2d, plaintiff in error, *v.* John Hofman Company. Argument continued by Mr. Herbert D. Bailey for the plaintiff in error and by Mr. John A. Barhite for the defendant in error, and concluded by Mr. Herbert D. Bailey for the plaintiff in error.

No. 35. Frederic L. Grant Shoe Company, bankrupt, plaintiff in error, *v.* W. M. Laird Company of Pittsburg, Pa. Argued by Mr. P. M. French for the plaintiff in error, and by Mr. Hiram R. Wood for the defendant in error.

No. 34. Juragua Iron Company, Limited, appellant, *v.* The United States. Argument commenced by Mr. Frederic D. McKenney for the appellant, and continued by Mr. Assistant Attorney-General John Q. Thompson for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 3, will be as follows: Nos. 34, 36, 38, 39, 41, 42, 43, 44, 45 and 46.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 3, 1908.

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

Isaac H. Mayer of Chicago, Ill., Hal C. Bangs of Chicago, Ill., Louis L. Waters of Syracuse, N. Y., and Ephraim J. Page of Syracuse, N. Y., were admitted to practice.

No. 46. Sheridan Kirk Contract Company, plaintiff in error, *v.* The United States. In error to the district court of the United States for the southern district of Ohio. Dismissed pursuant to the tenth rule.

No. 34. Juragua Iron Company, Limited, appellant, *v.* The United States. Argument continued by Mr. Assistant Attorney-General John Q. Thompson for the appellee, and concluded by Mr. John Spalding Flannery for the appellant.

No. 36. Lillian S. Butler, plaintiff in error, *v.* John D. Frazee. Argument commenced by Mr. John C. Gittings for the plaintiff in error, and concluded by Mr. Leonard J. Mather for the defendant in error.

No. 38. William McCorquodale, plaintiff in error, *v.* The State of Texas. Argued by Mr. Sam Streetman for the plaintiff in error, and submitted by Mr. Robert V. Davidson and Mr. Felix J. McCord for the defendant in error.

No. 39. E. J. Page et al., executors, etc., appellants, *v.* H. F. Rogers, trustee, etc. Argument commenced by Mr. Frank Spurlock for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 4, will be as follows: Nos. 39, 41, 42, 43, 44, 45, 48, 49, 50 and 51.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 4, 1908.

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

Charles F. Morse of Chicago, Ill., was admitted to practice.

No. 39. E. J. Page et al., executors, etc., appellants, *v.* H. F. Rogers, trustee, etc. Argument continued by Mr. Frank Spurlock for the appellants, and by Mr. J. B. Sizer for the appellees, and concluded by Mr. Frank Spurlock for the appellants.

No. 41. County of Presidio, Texas, petitioner, *v.* The Noel-Young Bond & Stock Company. Argued by Mr. T. J. Beall for the petitioners, and submitted by Mr. Millard Patterson for the respondents.

Adjourned until Monday, December 7, at 12 o'clock.

The day call for Monday, December 7, will be as follows: Nos. 42, 43, 44, 45, 48, 49, 50, 51, 52 and 552.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 7, 1908.

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

Ransom J. Powell of Minneapolis, Minn., John Bryce Baskin of Louisville, Ky., William J. Griffin of New York City, N. Y., John Lawson Hargrove of Washington, D. C., T. P. Gore of Lawton, Okla., T. O. Cassidy of Shawnee, Okla., Francis William Rawle of Philadelphia, Pa., and S. P. Jones of Marshall, Tex., were admitted to practice.

No. 8. Eva A. Ingersoll, administratrix etc., petitioner, *v.* Joseph A. Coram et al. On writ of certiorari to the United States circuit court of appeals for the first circuit. Decree of the United States circuit court of appeals reversed with costs, and the decree of the circuit court of the United States for the district of Massachusetts, modified as indicated in the opinion, and as so modified affirmed, and cause remanded to said circuit court. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Holmes and Mr. Justice Moody.

No. 28. North American Cold Storage Company, appellant, *v.* The City of Chicago et al. Appeal from the circuit court of the United States for the northern district of Illinois. Decree modified and affirmed with costs. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Brewer.

No. 47. Hannah Fitchie et al., appellants, *v.* Cecil Brown et al., executors, etc. Appeal from the supreme court of the Territory of Hawaii. Decree affirmed with costs. Opinion by Mr. Justice Peckham.

No. 518. Miller & Lux, Incorporated, appellant, *v.* East Side Canal & Irrigation Company. Appeal from the circuit court of the United States for the southern district of California. Decree affirmed with costs. Opinion by Mr. Justice Harlan.

The Chief Justice announced the following orders of the court:

No. 141. The Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company, plaintiff in error, *v.* George W. Lighthouse;

No. 142. The Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company, plaintiff in error, *v.* Thomas Collins; and

No. 178. The Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company, plaintiff in error, *v.* William R. Ross. In error to the supreme court of the State of Indiana. Per curiam: Writs of error

severally dismissed for want of jurisdiction. *Tullis v. Lake Erie & Western R. R. Co.*, 175 U. S., 348, and cases cited; *Pittsburgh, etc., Ry. Co. v. Lighthouse*, 168 Ind., 438; *Same v. Collins*, 168 Ind., 467; and *Same v. Ross*, 80 N. E., 845.

No. 10 Original. *Ex parte*: In the matter of *Mary Dunn et al.*, petitioners. Motion for leave to file petition for a writ of mandamus granted and rule entered thereon returnable December 21, 1908.

No. 253. *St. Louis, Kansas City & Colorado Railroad Company*, appellant, *v. The City of St. Louis and The Wabash Railroad Company*. Motion to dismiss postponed to the hearing on the merits.

No. 631. *St. Louis, Kansas City & Colorado Railroad Company*, petitioner, *v. The Wabash Railroad Company and the City of St. Louis*. Consideration of the petition for writ of certiorari herein postponed to be heard with No. 253.

No. 257. *W. E. Rakes*, plaintiff in error, *v. The United States*. Motion to advance granted and case set for January 4, at the head of the call for that day. Motion to admit plaintiff in error to bail denied.

No. 416. *The Delaware & Hudson Company v. The Albany & Susquehanna Railroad Company et al.* Motion to advance granted, and cause assigned to be heard on February 23 next, after the cases already assigned for that day.

No. 428. *John A. Watson*, plaintiff in error, *v. The State of Maryland*. Motion to advance denied.

No. 513. *John F. Calder et al.*, plaintiffs in error, *v. The People of the State of Michigan ex rel. George E. Ellis et al.* Motion for a supersedeas denied without prejudice to a renewal thereof on a change of status.

No. 521. *Adam T. Siler et al., etc.*, appellants, *v. Louisville & Nashville Railroad Company*;

No. 522. *Adam T. Siler et al., etc.*, appellants, *v. Illinois Central Railroad Company*;

No. 523. *Adam T. Siler et al., etc.*, appellants, *v. Southern Railway in Kentucky*; and

No. 524. *Adam T. Siler et al., etc.*, appellants, *v. Cincinnati, New Orleans & Texas Pacific Railway Company*. Motions to advance granted, and cases assigned to be heard as one case on February 23 next, after the cases already assigned for that day, and four hours time allowed for the argument on each side.

No. 625. *W. J. Murray et al., etc.*, petitioners, *v. Wilson Distilling Company et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit granted, and case advanced to be heard on February 23 next, after the cases already assigned for that day.

No. 605. *W. J. Murray et al., etc.*, plaintiffs in error, *v. The State of South Carolina ex rel. A. W. Ray*, trustee. Motion to advance granted and the case assigned to be heard with No. 625, on February 23, next.

No. 627. Chicago, Burlington & Quincy Railway Company, petitioner, *v.* Erastus W. Willard, administrator, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit granted.

No. 632. John F. Klumpp et al., etc., petitioners, *v.* C. Wesley Thomas. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 97. Mammoth Mining Company, plaintiff in error, *v.* Grand Central Mining Company, etc. Motion to dismiss or affirm submitted by Mr. George Southerland in behalf of Mr. William H. Dickson and Mr. Henry P. Henderson for the defendant in error in support of the motion, and by Mr. R. N. Baskin, Mr. Charles J. Hughes, jr., Mr. Everard Bierer, jr., Mr. A. B. Browne and Mr. Alexander Britton for the plaintiff in error in opposition thereto.

No. 593. Christ Nielson, plaintiff in error, *v.* The State of Oregon. Motion to advance submitted by Mr. Samuel H. Piles in behalf of counsel.

No. 45. Franklin B. Lord et al., plaintiffs in error, *v.* Martin H. Glynn, comptroller, etc. Death of Franklin B. Lord, one of the plaintiffs in error herein, suggested, and the appearance of Lucius H. Beers, Henry De Forest Baldwin and Franklin B. Lord, jr., executors, as parties plaintiffs in error herein, filed and entered on motion of Mr. Lucius H. Beers for the plaintiffs in error.

No. 66. Expanded Metal Company et al., petitioners, *v.* Eugene S. Bradford et al. Passed, to be restored to the call pursuant to section 9 of rule 26 on motion of Mr. Ernest Howard Hunter for the petitioners.

No. 454. George Clough, petitioner, *v.* Grand Trunk Western Railway Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Stanton C. Peelle in behalf of Mr. H. H. Hatch for the petitioner, and by Mr. Harrison Geer for the respondent.

No. — Original. *Ex parte:* In the matter of J. A. Jones, petitioner. Motion for leave to file a petition for a writ of mandamus submitted by Mr. S. P. Jones for the petitioner.

No. 221. E. E. Clevenger, trustee, etc., appellant, *v.* Allen Chaney;

No. 222. E. E. Clevenger, trustee, etc., appellant, *v.* James D. Lyle, and

No. 223. E. E. Clevenger, trustee, etc., appellant, *v.* Emily M. Nichols. Motion to dismiss or affirm submitted by Mr. A. H. Mitchell, for the appellees in support of the motion, and by Mr. E. E. Clevenger and Mr. Cook Danford, for the appellant in opposition thereto. Petition for writs of certiorari submitted by Mr. E. E. Clevenger and Mr. Cook Danford for the appellants in support of the petition, and by Mr. A. H. Mitchell for the appellees in opposition thereto.

No. 42. Timothy F. Paddell, plaintiff in error, *v.* The City of New York. Argument commenced by Mr. Everett V. Abbott for the

plaintiff in error, and concluded by Mr. David Rumsey for the defendant in error.

No. 43. Southern Realty Investment Company, plaintiff in error, *v.* Nancy Walker. Argument commenced by Mr. Alex. C. King for the plaintiff in error, and continued by Mr. Olin J. Wimberly for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 8, will be as follows: Nos. 43, 44, 45, 48, 49, 50, 51, 52, 552 and 53.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 8, 1908.

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

Charles F. Thayer of Norwich, Conn., Edwin W. Perkins of Philadelphia, Pa., George Black Roddy of New Bloomfield, Pa., Samuel T. Ansell of Washington, D. C., John F. Carey of Escanaba, Mich., and Alfred R. Kline of Moultrie, Ga., were admitted to practice.

No. 43. Southern Realty Investment Company, plaintiff in error, *v.* Nancy Walker. Argument continued by Mr. Olin J. Wimberly for the defendant in error, and concluded by Mr. Alex. C. King for the plaintiff in error.

No. 44. B. H. Hardaway et al., appellants, *v.* National Surety Company. Argument commenced by Mr. Temple Bodley for the appellants, continued by Mr. William W. Watts and Mr. Henry Fitts for the appellee, and concluded by Mr. John Brice Baskin for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 9, will be as follows: Nos. 45, 48, 49, 50, 51, 52, 552, 53, 55 and 56.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 9, 1908.

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

Oswald H. Reed of Lansing, Mich., Charles S. Rice of New Orleans, La., Percy Bell of Greenville, Miss., Charles Grilk of Davenport, Iowa, and William S. Cline of Newkirk, Okla., were admitted to practice.

No. 45. Lucius H. Beers et al., executors, etc., et al., plaintiffs in error, *v.* Martin H. Glynn, comptroller, etc. Argument commenced by Mr. Lucius H. Beers for the plaintiffs in error, continued by Mr. D. Cady Herrick for the defendant in error, and concluded by Mr. Lucius H. Beers for the plaintiffs in error.

No. 48. Joseph A. Lemieux, plaintiff in error, *v.* James M. Young, trustee. Argument commenced by Mr. John J. Phelan for the plaintiff in error, continued by Mr. Donald G. Perkins for the defendant in error, and concluded by Mr. Charles F. Thayer for the plaintiff in error.

No. 49. Toy Toy, appellant, *v.* C. B. Hopkins, U. S. marshal, etc. Argued by Mr. A. E. Crane for the appellant, and by Mr. Solicitor-General Hoyt for the appellee.

No. 50. Decatur Morgan et al., plaintiffs in error, *v.* Charles H. Adams et al. Argument commenced by Mr. E. Hilton Jackson for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 10, will be as follows: Nos. 50, 51, 52, 552, 53, 55, 56, 58, 59 and 60.

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 10, 1908.

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

Emanuel M. Beckerman of Chicago, Ill., Frank E. Elder of Washington, D. C., William S. Holmon of Bay City, Tex., Charles Lederer of Chicago, Ill., Thomas C. Ridgway of Los Angeles, Cal., Robert Hunter of Sioux City, Iowa, and W. L. Estes of Texarkana, Tex., were admitted to practice.

No. 50. Decatur Morgan et al., plaintiffs in error, *v.* Charles H. Adams et al. Argument continued by Mr. E. Hilton Jackson for the plaintiffs in error, by Mr. J. J. Darlington and Mr. S. Herbert Giesy for the defendants in error, and concluded by Mr. E. Hilton Jackson for the plaintiffs in error.

No. 51. Louisville & Nashville Railroad Co., plaintiff in error, *v.* Central Stockyards Company. Argument commenced by Mr. Helm Bruce for the plaintiff in error, and continued by Mr. Joseph C. Dodd for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 11, will be as follows: Nos. 51, 52, 552, 53, 55, 56, 58, 59, 60 and 61.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 11, 1908.

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

George O. Chenault of Moulton, Ala., Thomas C. Burke of Buffalo, N. Y., Theodore L. Herrmann of New York City, and Joseph R. Wilson of Philadelphia, Pa., were admitted to practice.

No. 61. John D. Spreckels et al., plaintiffs in error, *v.* Charles A. Brown. Submitted by Mr. Mason F. Prosser and Mr. Robbins B. Anderson for the plaintiffs in error, and by Mr. Charles A. Brown *pro se*.

No. 51. Louisville & Nashville Railroad Company, plaintiff in error, *v.* Central Stockyards Company. Argument continued by Mr. Joseph C. Dodd for the defendant in error, and concluded by Mr. Helm Bruce for the plaintiff in error.

No. 52. W. A. Gains & Co., plaintiff in error, *v.* C. A. Knecht & Son. Argument commenced by Mr. James L. Hopkins for the plaintiff in error, continued by Mr. Arthur E. Wallace for the defendant in error, and concluded by Mr. James L. Hopkins for the plaintiff in error.

No. 552. Oscar W. Reid, plaintiff in error, *v.* The United States. Leave granted to file brief of the Judge-Advocate-General of the army, as *amicus curiæ*, on motion of Mr. Solicitor-General Hoyt in that behalf. Argument commenced by Mr. Chase Mellen for the plaintiff in error, and continued by Mr. Solicitor-General Hoyt for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 14, will be as follows: Nos. 552, 53, 57 (and 69), 285, 288 (and 289 and 290), 351 (and 352), 449, 509 (and 510 and 511), 362 (and 394).

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SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 14, 1908.

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

Joseph T. Hill of Cordele, Ga., and William T. Dovell of Seattle, Wash., admitted to practice.

No. 315. Edward H. Harriman, appellant, *v.* The Interstate Commerce Commission;

No. 316. Otto H. Kahn, appellant, *v.* The Interstate Commerce Commission; and

No. 317. The Interstate Commerce Commission, appellant, *v.* Edward H. Harriman. Appeals from the circuit court of the United States for the southern district of New York. Order as to Harriman and Kahn reversed and as to the Interstate Commission affirmed; costs in this court to be paid by the Interstate Commerce Commission, and cause remanded with directions to dismiss the petition. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Day, Mr. Justice Harlan and Mr. Justice McKenna. (Mr. Justice Moody took no part in this decision.)

No. 447. Clinton J. Hutchins, trustee, appellant, *v.* William W. Bierce, Limited, a corporation. Appeal from the supreme court of the Territory of Hawaii. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Holmes.

No. 286. The United States, plaintiff in error, *v.* F. W. Keitel et al. In error to the district court of the United States for the district of Colorado. Judgment reversed, and cause remanded for further proceedings in conformity to the opinion of this court. Opinion by Mr. Justice White.

No. 292. The United States, plaintiff in error, *v.* Charles E. Herr. In error to the district court of the United States for the district of Colorado. Judgment affirmed. Opinion by Mr. Justice White.

No. 287. The United States, plaintiff in error, *v.* Robert Forrester et al. In error to the district court of the United States for the district of Colorado. Judgment reversed, and cause remanded for further proceedings in conformity to the opinion of this court. Opinion by Mr. Justice White.

No. 291. The United States, plaintiff in error, *v.* Charles E. Herr and George C. Franklin. In error to the district court of the United

States for the district of Colorado. Judgment reversed, and cause remanded for further proceedings in conformity to the opinion of this court. Opinion by Mr. Justice White.

The Chief Justice announced that the court will take a recess from Monday, December 21 instant, to Monday, January 4, 1909.

The Chief Justice also announced the following orders of the court:
No. 96. Mammoth Mining Company, plaintiff in error, *v.* Grand Central Mining Company, etc. Motion to dismiss or affirm postponed to the hearing on the merits.

No. 454. George Clough, petitioner, *v.* Grand Trunk Western Railway Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 593. Christ Nielsen, plaintiff in error, *v.* The State of Oregon, Motion to advance granted, and cause assigned to be heard Monday, January 18, 1909.

No. — Original. *Ex parte:* In the matter of J. A. Jones, petitioner. Motion for leave to file a petition for a writ of mandamus denied.

No. 52. W. A. Gaines & Company, plaintiff in error, *v.* C. A. Knecht & Son. In error to the court of appeals of the District of Columbia. *Per curiam:* Writ of error dismissed for want of jurisdiction. *Frasch v. Moore*, 211 U. S. 1: See act of February 20, 1905, for the registration of trade-marks, 33 Stat. 724, c. 592, sections 9, 16, 17, 18 et passim.

No. 221. E. E. Clevenger, trustee in bankruptcy, etc., appellant, *v.* Allen Chaney;

No. 222. E. E. Clevenger, trustee in bankruptcy, etc., appellant, *v.* James D. Lyle; and

No. 223. E. E. Clevenger, trustee in bankruptcy, etc., appellant, *v.* Emily M. Nichols. Appeals from the United States circuit court of appeals for the sixth circuit. *Per curiam:* Appeals dismissed for want of jurisdiction. Applications for certiorari denied. Chapman, trustee, etc., *v.* Bowen, 207 U. S. 89.

No. 444. John S. Hord, collector of internal revenue; etc., plaintiff in error, *v.* J. Casanovas. In error to the supreme court of the Philippine Islands. Dismissed with costs, on motion of Mr. Solicitor-General Hoyt for the plaintiff in error.

No. 612. Morris F. Pfaelzer, plaintiff in error, *v.* Bach Fur Company of Illinois. Motion to advance submitted by Mr. Henry M. Hoyt in behalf of counsel for the plaintiff in error.

No. 634. Chicago, St. Paul, Minneapolis & Omaha Railway Company et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. A. B. Browne in behalf of Mr. Thomas Wilson for the petitioners, and by Mr. Solicitor-General Hoyt and Mr. Assistant to the Attorney-General Ellis for the respondent.

No. 552. Oscar W. Reid, plaintiff in error, *v.* The United States. Argument continued by Mr. Solicitor-General Hoyt, for the defendant in error, and concluded by Mr. Chase Mellen, for the plaintiff in error.

No. 53. Albert H. Rusch, plaintiff in error, *v.* John Duncan Land & Mining Co. Argued by Mr. O. H. Reed for the plaintiff in error, and by Mr. J. F. Carey for the defendant in error.

Nos. 57 and 69. The New York Central & Hudson River Railroad Company, plaintiff in error, *v.* The United States. Argument commenced by Mr. Austen G. Fox, for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 15, will be as follows: Nos. 57 (and 69), 285, 288 (and 289 and 290), 351 (and 352), 449, 509 (and 510 and 511) and 362 (and 394).

O

SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 15, 1908.

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

Nos. 57 and 69. The New York Central & Hudson River Railroad Company, plaintiff in error, *v.* The United States. Argument continued by Mr. Austen G. Fox and Mr. John D. Lindsay for the plaintiff in error, and by Mr. Henry L. Stimson for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 16, will be as follows: Nos. 57 (and 69), 285, 288 (and 289 and 290), 351 (and 352), 449, 509 (and 510 and 511), 362 (and 394).

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 16, 1908.

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

William A. Robinson of Saginaw, Mich., Joseph O. Proctor, jr., of Boston, Mass., Arthur L. Brown of Birmingham, Ala., and Roger Sherman of Chicago, Ill., were admitted to practice.

No. 509. Oceanic Steam Navigation Company, Limited, plaintiff in error, *v.* Nevada N. Stranahan, and

Nos. 510 and 511. International Mercantile Marine Company, plaintiff in error, *v.* Nevada N. Stranahan. Reassigned for argument on Monday, January 11, 1909, on motion of Mr. William G. Choate for the plaintiffs in error.

Nos. 57 and 69. The New York Central & Hudson River Railroad Company, plaintiff in error, *v.* The United States. Argument continued by Mr. Henry L. Stimson for the defendant in error, and concluded by Mr. Austen G. Fox for the plaintiff in error.

No. 285. The United States, plaintiff in error, *v.* The New York Central & Hudson River Railroad Company. Argument commenced by Mr. Henry L. Stimson for the plaintiff in error, and concluded by Mr. Austen G. Fox for the plaintiff in error.

No. 288. The United States, plaintiff in error, *v.* Charles H. Freeman et al.;

No. 289. The United States, plaintiff in error, *v.* Edgar M. Biggs et al.; and

No. 290. The United States, plaintiff in error, *v.* Alexander T. Sullenberger et al. Argument commenced by Mr. Solicitor-General Hoyt for the plaintiff in error, and continued by Mr. Clyde C. Dawson for the defendants in error in Nos. 288 and 289.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 17, will be as follows: Nos. 288 (and 289 and 290), 351 (and 352), 449, and 362 (and 394).

SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 17, 1908.

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

Upshur Higginbotham of Charleston, W. Va., was admitted to practice.

No. 288. The United States, plaintiff in error, *v.* Charles H. Freeman et al.;

No. 289. The United States, plaintiff in error, *v.* Edgar M. Biggs et al.; and

No. 290. The United States, plaintiff in error, *v.* Alexander T. Sullenberger et al. Argument continued by Mr. Charles J. Hughes, jr., for the defendants in error in Nos. 288 and 289, by Mr. Attorney-General Bonaparte for the plaintiff in error, by Mr. Edmund F. Richardson for the defendant in error in No. 290, and concluded by Mr. Solicitor-General Hoyt for the plaintiff in error.

No. 351. Green County, Ky., petitioner, *v.* Mary Amiss Quinlan, administratrix, etc.; and

No. 352. Green County, Ky., petitioner, *v.* John Thomas', executor et al. Argument commenced by Mr. Ernest Macpherson for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 18, will be as follows: Nos. 351 (and 352), 449, and 362 (and 394).

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 18, 1908.

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

Isidor Ziegler of Omaha, Nebr., Harry A. Hegarty of Washington, D. C., Launcelot Packer of Washington, D. C., James H. Teller of Denver, Colo., John Bell Keeble of Nashville, Tenn., Henry W. Dunn of Boston, Mass., Edwin Denby of Detroit, Mich., and Byron S. Waite of Yonkers, N. Y., were admitted to practice.

No. 394. The United States, petitioner, *v.* Charles R. Evans and Harry J. O'Donnell. Submitted by Mr. Asa P. French in behalf of Mr. Solicitor-General Hoyt for the petitioner. No appearance for the respondents.

No. 351. Green County, Kentucky, petitioner, *v.* Mary Amiss Quinlan, executrix, etc.; and

No. 352. Green County, Kentucky, petitioner, *v.* John Thomas' Executor et al. Argument continued by Mr. Ernest Macpherson for the petitioner, and by Mr. George Du Relle and Mr. Edmund F. Trabue for the respondents, and concluded by Mr. Ernest Macpherson for the petitioner.

No. 449. Louis Knop et al., etc., appellants, *v.* The Monongahela River Consolidated Coal & Coke Company. Argued by Mr. E. Howard McCaleb, jr., for the appellants, and by Mr. Charles S. Rice for the appellee.

No. 362. The United States, petitioner, *v.* John W. Dickenson. Reassigned for argument on Monday, January 4, 1909, after the cases already assigned for that day.

Adjourned until Monday next at 12 o'clock.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 21, 1908.

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

W. L. Hall of Dallas, Tex., Walter H. Barney of Providence, R. I., Thomas Zanslaur Lee of Providence, R. I., William L. Day of Cleveland, Ohio, and Frederick W. Eaton of Concord, Mass., were admitted to practice.

No. 36. Lillian S. Butler, plaintiff in error, *v.* John D. Frazee. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Moody.

No. 42. Timothy F. Paddell, plaintiff in error, *v.* The City of New York. In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 538. Alonzo Bailey, plaintiff in error, *v.* the State of Alabama. In error to the supreme court of the State of Alabama. Judgment affirmed with costs. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Harlan and Mr. Justice Day.

No. 109. L. L. McCandless, plaintiff in error, *v.* James W. Pratt, Commissioner of Public Lands, etc. In error to the supreme court of the Territory of Hawaii. Dismissed with costs. Opinion by Mr. Justice McKenna.

No. 38. William McCorquodale, plaintiff in error, *v.* The State of Texas. In error to the court of criminal appeals of the State of Texas. Dismissed for the want of jurisdiction. Opinion by Mr. Justice McKenna.

The Chief Justice announced the following order of the court:

No. 612. Morris F. Pfaelzer, plaintiff in error, *v.* The Bach Fur Company of Illinois. Motion to advance granted as under the thirty-second rule, the case to be submitted on printed briefs.

No. 653. Joseph Keller, plaintiff in error, *v.* The United States; and

No. 654. Louis Ullman, plaintiff in error, *v.* The United States. Motion to advance submitted by Mr. Solicitor General Hoyt in behalf of counsel for the plaintiff in error.

No. 197. Mathew Scully, plaintiff in error, *v.* Louise Squier, John M. Fix and John Q. Moxley. Motion to dismiss submitted by Mr. E. F. Colladay, in behalf of Mr. James H. Forney, for the defendants in error, in support of the motion, and by Mr. H. Winship Wheatley, for the plaintiff in error, in opposition thereto.

No. 641. James F. Montgomery, managing owner, etc., et al., petitioners, *v.* C. W. Chatfield, master, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Frederick W. Eaton, Mr. E. E. Blodgett and Mr. R. G. Bickford for the petitioners, and by Mr. Robert M. Hughes and Mr. James D. Dewell, jr., for the respondents.

No. 137. Buenaventura Ubarri y Yramategui, plaintiff in error, *v.* Jacinto Lorenzo Lopez Laborde et al. Leave granted to withdraw the appearance for the plaintiff in error of Francis H. Dexter and Frederic D. McKenney, on motion of Mr. Frederic D. McKenney in that behalf.

No. 657. Burn Line, Limited, petitioner, *v.* United States and Australasia Steamship Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Frederic D. McKenney in behalf of Mr. J. Parkin Kirilin and Mr. Charles R. Hickox for the petitioner, and by Mr. Harrington Putnam for the respondent.

No. 650. Delaware Seamless Tube Company et al., petitioners, *v.* Shelby Steel Tube Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Charles K. Offield for the petitioner, and by Mr. Thomas W. Bakewell and Mr. L. A. Bacon for the respondent.

No. 68. Samuel B. Hartman, petitioner, *v.* John D. Park & Sons Company. On writ of certiorari to the United States circuit court of appeals for the sixth circuit. Dismissed with costs on motion of counsel for the petitioner.

Adjourned until Monday, January 4, 1909, at 12 o'clock.

The day call for Monday, January 4, 1909, will be as follows: Nos. 257, 559 (and 560, 561, 562, 563, 564, 565, 566, 567, 568, 569 and 570), 378, 362, 55, 56, 58, 59, 60 and 62.

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 4, 1909.

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

Chandler W. Riker of Newark, N. J., John P. Leahy of Boston, Mass., William T. Wooldridge of Pine Bluff, Ark., Andrew H. Culwell of Galveston, Tex., Theodore Edwin Macken of Baltimore, Md., Sheldon H. Tolles of Cleveland, Ohio, Edward G. Spilman of Guthrie, Okla., R. Walton Moore, of Fairfax, Va., John L. Barbour of Fairfax, Va., and Aubrey E. Strode of Amherst, Va., were admitted to practice.

No. 17. Mayor, etc., of the City of Knoxville, appellant, *v.* Knoxville Water Company. Appeal from the circuit court of the United States for the eastern district of Tennessee. Decree reversed with costs, and cause remanded with directions to dismiss the bill without prejudice. Opinion by Mr. Justice Moody.

No. 33. Edward Murphy, 2d, plaintiff in error, *v.* John Hofman Company. In error to the court of appeals of the State of New York. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Moody.

No. 39. E. J. Page et al., executors, etc., appellants, *v.* H. F. Rogers, trustee, etc. Appeal from the United States circuit court of appeals for the sixth circuit. Decree reversed with costs, and cause remanded to the district court of the United States for the eastern district of Tennessee to take proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Moody.

No. 351. Green County, Ky., petitioner *v.* Mary Amis Quinlan, executrix, etc. On writ of certiorari to the United States circuit court of appeals for the sixth circuit. Judgment modified and affirmed with costs, and cause remanded to the circuit court of the United States for the western district of Kentucky. Opinion by Mr. Justice Moody. Dissenting: Mr. Justice Harlan.

No. 352. Green County, Kentucky, petitioner, *v.* John Thomas' executor, et al. On writ of certiorari to the United States circuit court of appeals for the sixth circuit. Judgment affirmed with

costs, and cause remanded to the circuit court of the United States for the western district of Kentucky. Opinion by Mr. Justice Moody. Dissenting: Mr. Justice Harlan.

No. 29. John McLean, 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. Justice Day. Dissenting: Mr. Justice Brewer and Mr. Justice Peckham.

No. 44. B. H. Hardaway et al., appellants, *v.* National Surety Company. Appeal from the United States circuit court of appeals for the sixth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the western district of Kentucky. Opinion by Mr. Justice Day.

No. 552. Oscar W. Reid, plaintiff in error, *v.* The United States. In error to the district court of the United States for the southern district of New York. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Holmes.

No. 53. Albert H. Rusch, plaintiff in error, *v.* John Duncan Land & Mining Company. In error to the Supreme Court of the State of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 396. William R. Willcox et al., constituting the Public Service Commission of New York for the first district, appellants, *v.* Consolidated Gas Company of New York;

No. 397. The City of New York, appellant, *v.* The Consolidated Gas Company of New York; and

No. 398. William S. Jackson, as attorney-general of the State of New York, appellant, *v.* The Consolidated Gas Company of New York. Appeals from the circuit court of the United States for the southern district of New York. Decree reversed with costs, and cause remanded with directions to dismiss the bill without prejudice. Opinion by Mr. Justice Peckham.

No. 48. Joseph A. Lemieux, plaintiff in error, *v.* James M. Young, trustee. In error to the supreme court of errors of the State of Connecticut. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 32. Alexander Miller, plaintiff in error, *v.* The New Orleans Acid & Fertilizer Company et al. In error to the supreme court of the State of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 289. The United States, plaintiff in error, *v.* Edgar M. Biggs et al. In error to the district court of the United States for the district of Colorado. Judgment affirmed. Opinion by Mr. Justice White.

No. 288. The United States, plaintiff in error, *v.* Charles H. Freeman et al. In error to the district court of the United States for the district of Colorado. Judgment affirmed. Opinion by Mr. Justice White.

No. 290. The United States, plaintiff in error, *v.* Alexander T. Sullenberger et al. In error to the district court of the United States for the district of Colorado. Judgment affirmed. Opinion by Mr. Justice White.

No. 45. Lucius H. Beers et al., executors of Franklin B. Lord, deceased, et al., plaintiffs in error, *v.* Martin H. Glynn, comptroller, etc. In error to the surrogate court for the county of New York, State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 449. Louis Knop et al., individually, etc., appellants, *v.* The Monongahela River Consolidated Coal & Coke Company. Appeal from the circuit court of the United States for the eastern district of Louisiana. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brewer.

No. 31. El Paso & Southwestern Railroad Company, plaintiff in error, *v.* H. D. Vizard. In error to the United States circuit court of appeals for the fifth circuit. Judgment affirmed with cost, and cause remanded to the circuit court of the United States for the western district of Texas. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice White and Mr. Justice McKenna.

No. 43. Southern Realty Investment Company, plaintiff in error, *v.* Nancy Walker. In error to the circuit court of the United States for the southern district of Georgia. Judgment affirmed with costs. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Brewer.

No. 167. The People of the State of New York *ex rel.* Abraham Kopel, plaintiff in error, *v.* Theodore A. Bingham, Police Commissioner of the City of New York. In error to the supreme court of the State of New York. Order affirmed with costs. Opinion by Mr. Chief Justice Fuller.

The Chief Justice also announced the following orders of the court

No. 197. Mathew Scully, plaintiff in error, *v.* Louise Squier et al. Motion to dismiss postponed to the hearing of the case on its merits.

No. 628. The United States, petitioner, *v.* The Standard Oil Company, a corporation organized and existing under the laws of the State of Indiana. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 634. The Chicago, St. Paul, Minneapolis & Omaha Ry. Co. et al., petitioners, *v.* The United States. Petition for writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 641. John F. Montgomery, managing owner, etc., et al., petitioners, *v.* C. W. Chatfield, master, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 650. Delaware Seamless Tube Company et al., petitioners, *v.* Shelby Steel Tube Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 657. Burn Line, Ltd., petitioner, *v.* The United States and Australasia Steamship Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 653. Joseph Keller, plaintiff in error, *v.* The United States; and

No. 654. Louis Ullman, plaintiff in error, *v.* The United States. Motion to advance granted and causes assigned to be heard on Tuesday, February 23, after the cases already assigned for that day.

No. 238. The Chicago & Alton Railway Company, petitioner, *v.* The United States;

No. 239. John N. Faithorn, petitioner, *v.* The United States; and

No. 240. Fred A. Wann, petitioner, *v.* The United States. On writs of certiorari to the United States circuit court of appeals for the seventh circuit. Judgments affirmed by a divided court, and causes remanded to the district court of the United States for the northern district of Illinois.

No. 9 Original. The People of the State of New York, complainants, *v.* State of New Jersey et al. Motion for leave to intervene on the part of the United States submitted by Mr. Attorney-General Bonaparte and Mr. Hugh Gordon Miller in that behalf, and leave granted to Mr. Robert H. McCarter, of counsel for defendants, to file objection thereto within one week.

Nos. 559, 560, 561, 562, 563, and 564. The United States, ex rel. the Attorney General of the United States, plaintiff in error, *v.* The Delaware & Hudson Company et al., and

Nos. 565, 566, 567, 568, 569, and 570. The United States of America, appellant, *v.* The Delaware & Hudson Company et al. Reassigned for argument on Monday the 18th inst., after the case already set down for that day, on motion of Mr. Solicitor-General Hoyt for the plaintiff in error and appellant.

No. 583. Henry Schodde, petitioner, *v.* Twin Falls Land & Water Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. J. R. Webster for the petitioner, and by Mr. Edward B. Critchlow for the respondent.

No. 652. James Hamilton Lewis et al., petitioners, *v.* The Alton Water Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Holmes Conrad in behalf of Mr. James Hamilton Lewis and Mr. Elijah N. Zoline for the petitioners, and by Mr. John S. Runnels and Mr. William Burry for the respondent.

No. 613. Smithsonian Institution et al., plaintiffs in error, *v.* Gamaliel C. St. John, as executor and trustee, etc., et al. Motion to dismiss or affirm submitted by Mr. James W. Hawes, Mr. Henry Wollman, Mr. Virgil P. Kline, Mr. S. H. Tolles, Mr. William S. Jackson, Mr. Harold Nathan and Mr. Henry M. Earle, for the defendants in error, in support of the motion, and by Mr. Frank W. Hackett and Mr. Edmund Wetmore, for the plaintiffs in error, in opposition thereto.

No. 658. John N. Shackelford, petitioner, *v.* Elwood D. Fulton. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Frederick S. Tyler, in behalf of Mr. Robert G. Linn, for the petitioner.

No. 9 Original. The People of the State of New York, complainants, *v.* State of New Jersey et al. Leave granted to file answer herein, on motion of Mr. Robert H. McCarter for the defendants.

No. 79. Bessie E. Stepp et al., appellants, *v.* The Chicago, Rock Island and Pacific Railway Company. Appeal from the circuit court of the United States for the western district of Missouri. Dismissed per stipulation.

No. 251. Cumberland Telephone & Telegraph Company, appellant, *v.* City of Louisville, Kentucky. Appeal from the circuit court of the United States for the western district of Kentucky. Dismissed with costs on motion of counsel for appellant.

No. 296. H. V. Mercer et al., trustees in bankruptcy, etc., appellants, *v.* Andrew G. Dunlop, trustee in bankruptcy, etc. Appeal from the United States circuit court of appeals for the eighth circuit. Dismissed per stipulation.

No. 100. John R. Greenameyer, appellant, *v.* Isaac C. Coate. Submitted pursuant to the twentieth rule by Mr. John W. Adams for the appellant, and by Mr. William S. Cline for the appellee.

No. 378. R. Flores Magon et al., appellants, *v.* The United States. Appeal from the circuit court of the United States for the southern district of California. Dismissed pursuant to the tenth rule.

No. 630. The Clay Center Light & Power Company, plaintiff in error, *v.* The City of Clay Center et al. Motion to dismiss submitted by Mr. A. E. Crane, for the defendants in error. Objections to the consideration of the foregoing motion submitted by Mr. C. C. Coleman and Mr. Frank L. Williams for the plaintiff in error.

No. 257. W. E. Rakes, plaintiff in error, *v.* The United States. Argument commenced by Mr. Waller R. Staples for the plaintiff in error, and concluded by Mr. Assistant Attorney-General Fowler for the defendant in error.

No. 362. The United States, petitioner, *v.* John W. Dickinson. Argument commenced by Mr. Asa P. French for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 5, will be as follows: Nos. 362, 55, 56, 58, 59, 60, 62, 63, 64 and 65.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 5, 1909.

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

Benjamin H. Stites of Cincinnati, Ohio, Albert R. Moore of St. Paul, Minn., John Devereux of Guthrie, Okla., and Bertrand L. Pettigrew of New York City were admitted to practice.

No. 362. The United States, petitioner, *v.* John W. Dickinson. Argument continued by Mr. Asa P. French for the petitioner, by Mr. Henry W. Dunn for the respondent, and concluded by Mr. Attorney-General Bonaparte for the petitioner.

No. 55. Charles H. Moyer, plaintiff in error, *v.* James H. Peabody et al. Argument commenced by Mr. Edmund F. Richardson for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 6, will be as follows: Nos. 55, 56, 58, 59, 60, 62, 63, 64, 65 and 67.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 6, 1909.

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

Charles W. Thomas, jr., of Woodland, Cal., and Oscar Lawler of Los Angeles, Cal., were admitted to practice.

No. 55. Charles H. Moyer, plaintiff in error, *v.* James H. Peabody et al. Argument continued by Mr. Edmund F. Richardson for the plaintiff in error, and by Mr. Horace Phelps for the defendants in error, and concluded by Mr. Edmund F. Richardson for the plaintiff in error.

No. 56. The Texas & Pacific Railway Company, plaintiff in error, *v.* Jonas S. Bourman. Argument commenced by Mr. Charles Payne Fenner for the plaintiff in error, and continued by Mr. A. B. Browne for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 7, will be as follows: Nos. 56, 58, 59, 60, 62, 63, 64, 65, 67 and 70.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 7, 1909.

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

George A. Jeffers of Dallas, S. Dak., was admitted to practice.

No. 436. The United States, appellant, *v.* Edward E. Marvin. Submitted, pursuant to the twentieth rule, by Mr. Assistant Attorney-General John Q. Thompson and Mr. Philip M. Ashford for the appellant, and by Mr. C. C. Lancaster for the appellee.

No. 56. The Texas & Pacific Railway Company, plaintiff in error, *v.* Jonas S. Bourman. Argument continued by Mr. A. B. Browne for the defendant in error, and concluded by Mr. Charles Payne Fenner for the plaintiff in error.

No. 58. The Standard Oil Company, petitioner, *v.* Edward Anderson. Argument commenced by Mr. Charles W. Fuller for the petitioner, continued by Mr. Bertrand L. Pettigrew for the respondent, and concluded by Mr. Charles W. Fuller for the petitioner.

No. 59. Ontario Land Company, plaintiff in error, *v.* J. Yordy et ux. Argued by Mr. A. L. Agatin for the plaintiff in error, and Mr. B. S. Grosseup for the defendant in error.

No. 60. Priscilla Bradford, appellant, *v.* Robert E. Morrison. Argued by Mr. E. M. Sanford for the appellant, and submitted by Mr. R. E. Morrison pro se.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 8, will be as follows: Nos. 62, 63, 64, 65, 67, 70, 71, 72, 73 and 74.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 8, 1909.

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

Clarence A. Barnes of Mexico, Mo., was admitted to practice.

No. 62. Waters-Pierce Oil Company, plaintiff in error, *v.* Albert B. Deselms. Argument commenced by Mr. John W. Shartel for the plaintiff in error, continued by Mr. A. H. Huston and Mr. John Devereux for the defendant in error, and concluded by Mr. John W. Shartel for the plaintiff in error.

No. 63. The United States, plaintiff in error, *v.* Robert Powell. Submitted by Mr. Attorney-General Bonaparte and Mr. Assistant Attorney-General Fowler for the plaintiff in error. No counsel appeared for the defendant in error.

No. 64. Atchison, Topeka & Santa Fe Railway Company, plaintiff in error, *v.* George A. Sowers. Argued by Mr. Andrew H. Culwell for the plaintiff in error, and by Mr. Harry Peyton for the defendant in error.

Adjourned until Monday next, at 12 o'clock.

The day call for Monday, January 11, will be as follows: Nos. 65, 509 (and 510 and 511), 67, 70, 71, 72, 73, 74, 75 (and 76) and 77.

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 11, 1909.

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

Charles Marron Fickert, of San Francisco, Cal., and Vincent P. Donihee, of New York City, were admitted to practice.

No. 50. Decatur Morgan et al., plaintiffs in error, *v.* Charles H. Adams et al. In error to the court of appeals of the District of Columbia. Dismissed for want of jurisdiction. Opinion by Mr. Justice McKenna.

No. 16. The Missouri Pacific Railway Company, plaintiff in error, *v.* The Larabee Flour Mills Company. In error to the supreme court of the State of Kansas. Judgment affirmed with costs. Opinion by Mr. Justice Brewer. Mr. Justice Holmes concurs in the judgment. Dissenting: Mr. Justice Moody and Mr. Justice White.

No. 613. Smithsonian Institution et al., plaintiffs in error, *v.* Gamaliel C. St. John, as executor and trustee, etc., et al. Motion to dismiss or affirm postponed to the hearing of the case on its merits. Announced by Mr. Justice Harlan. (The Chief Justice did not participate in the decision of this motion.)

The Chief Justice announced the following orders of the court:

No. 583. Henry Schodde, petitioner, *v.* Twin Falls Land & Water Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit granted.

No. 652. James Hamilton Lewis et al., petitioners, *v.* The Alton Water Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 658. John N. Shackelford, petitioner, *v.* Elwood D. Fulton. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 630. The Clay Center Electric Light & Power Company, plaintiff in error *v.* City of Clay Center et al. In error to the supreme court of the State of Kansas. Per curiam: Writ of error dismissed for want of jurisdiction. *Oxley Stave Company v. Butler County*, 166 U. S., 648; *Capitol National Bank of Lincoln v. The First National Bank of Cadiz*, 172 U. S., 425; *Mutual Life Insurance Company v. McGrew*, 188 U. S., 291, 308; *White v. Bird*, 45 Kansas, 759.

No. 63. The United States, plaintiff in error, *v.* Robert Powell. In error to the circuit court of the United States for the northern district of Alabama. Per curiam: The judgment is affirmed on the authority of *Hodges v. The United States*, 203 U. S., 1. (Mr. Justice Moody did not sit.)

No. 167. The People of the State of New York ex rel. Abraham Kopel, plaintiff in error, *v.* Theodore A. Bingham, police commissioner of the city of New York. Mandate granted on motion of Mr. Henry M. Hoyt in behalf of counsel.

No. 626. William Hepner *v.* The United States. Advanced as under the thirty-second rule on motion of Mr. Assistant to the Attorney-General Ellis for the United States, and submitted by Mr. Assistant to the Attorney-General Ellis for the United States. No brief filed for Hepner.

No. 388. Columbia Heights Realty Company, plaintiff in error, *v.* Henry B. F. Macfarland et al., Commissioners of the District of Columbia. Motion to advance submitted by Mr. Leo Simmons for the plaintiff in error.

No. 146. The Western Union Telegraph Company, appellant, *v.* P. R. Andrews et al., and

No. 233. Oswald C. Ludwig, as secretary of state of the State of Arkansas, appellant, *v.* The Western Union Telegraph Company. Motions to advance to be heard with No. 118, submitted by Mr. Rush Taggart for the Western Union Telegraph Company.

No. 645. The Williamsburgh City Fire Insurance Company of Brooklyn, N. Y., petitioner, *v.* Leon Willard (doing business under the firm name of Leon Willard & Co.). Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Frederic D. McKenney, in behalf of Mr. T. C. Van Ness and Mr. Joseph H. Choate, for the petitioner, and by Mr. E. S. Pillsbury for the respondent, and leave granted to file brief in opposition to the petition in behalf of the Norwich Union Insurance Company policy holders on motion of Mr. J. F. Bowie in that behalf.

No. 668. William M. Brown, appellant, *v.* John F. Horr, U. S. Marshal, etc. Motion for supersedeas and to admit appellant to bail submitted by Mr. F. C. Bryan, for the appellant, in support of the motion, and by Mr. Solicitor-General Hoyt, for the appellee, in opposition thereto.

No. 659. George E. Babcock et al., petitioners, *v.* Anna M. DeMott 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. Milton Brown, for the petitioners.

No. 664. J. N. Bean et al., petitioners, *v.* W. A. Morris 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. T. J. Walsh for the petitioners, with leave to counsel for respondents to file brief within four days.

No. 9 Original. The People of the State of New York, complainant, *v.* State of New Jersey et al. Leave granted to file answer to brief in opposition to petition of intervention on or before Friday next, on motion of Mr. Solicitor-General Hoyt for the United States.

No. 10 Original. *Ex parte*: In the matter of Mary Dunn, etc., et al., petitioners. Argument commenced by Mr. C. W. Starling for the petitioners, continued by Mr. Rush Taggart for the respondent, and concluded by Mr. C. W. Starling for the petitioners.

No. 65. The Western Union Telegraph Company, plaintiff in error, *v.* Sid Wilson. Argued by Mr. Rush Taggart for the plaintiff in error, and submitted by Mr. James R. Caton for the defendant in error.

No. 509. Oceanic Steam Navigation Company, Limited, plaintiff in error, *v.* Nevada N. Stranahan;

Nos. 510 and 511. The International Mercantile Marine Company, plaintiff in error, *v.* Nevada N. Stranahan. Argument commenced by Mr. Lucius H. Beers for the plaintiff in error, and continued by Mr. Assistant to the Attorney-General Ellis for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 12, will be as follows: Nos. 509 (and 510 and 511), 67, 70, 71, 72, 73, 74, 75 (and 76), 77 and 78.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 12, 1909.

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

William Raimond Baird of New York City, N. Y., and Henry P. Brown of Philadelphia, Pa., were admitted to practice.

No. 509. Oceanic Steam Navigation Company, Limited, plaintiff in error, *v.* Nevada N. Stranahan, and

Nos. 510 and 511. The International Mercantile Marine Company, plaintiff in error, *v.* Nevada N. Stranahan. Argument continued by Mr. Assistant to the Attorney-General Ellis for the defendant in error, and concluded by Mr. William G. Choate for the plaintiffs in error.

No. 67. Albert L. Johnson, plaintiff in error, *v.* William Mueser. Argument commenced by Mr. Melville Church for the plaintiff in error, continued by Mr. Stephen J. Cox for the defendant in error, and concluded by Mr. Melville Church for the plaintiff in error.

No. 70. Sally J. McDaniel et al., appellants, *v.* George M. Traylor et al. Submitted by Mr. G. B. Webster for the appellants, and by Mr. N. W. Norton for the appellees.

No. 71. The Atchison, Topeka & Santa Fe Railway Company, plaintiff in error and appellant, *v.* Samuel Calhoun, by Anna Calhoun, his next friend. Argument commenced by Mr. Robert Dunlap for the plaintiff in error and appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 13, will be as follows: Nos. 71, 72, 73, 74, 75 (and 76), 77, 78, 80 (and 81), 82 and 83.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 13, 1909.

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

No. 71. The Atchison, Topeka & Santa Fe Railway Company, plaintiff in error and appellant, *v.* Samuel Calhoun, by Anna Calhoun, his next friend. Argument concluded by Mr. Robert Dunlap, for the plaintiff in error and appellant, and submitted by Mr. Selwin Douglas, for the defendant in error and appellee.

No. 72. Mateo Carino, plaintiff in error, *v.* the Insular Government of the Philippine Islands. Argument commenced by Mr. Frederick R. Coudert, for the plaintiff in error, continued by Mr. Solicitor-General Hoyt, for the defendant in error, and concluded by Mr. Howard Thayer Kingsbury, for the plaintiff in error.

No. 73. Leonardo Santos et al., plaintiffs in error, *v.* The Holy Roman Catholic and Apostolic Church et al. Submitted by Mr. Charles F. Consaul and Mr. George F. Pollock, for the plaintiffs in error. No counsel appeared for the defendants in error.

No. 74. The Equitable Life Assurance Society of the United States, petitioner, *v.* J. Willcox Brown. Argument commenced by Mr. William B. Hornblower for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 14, will be as follows: Nos. 74, 75 (and 76), 77, 78, 80 (and 81), 82, 83, 84, 85, and 86.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 14, 1909.

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

Frederick C. Handy of Washington, D. C., William S. Jenney of New York City, James E. Watson of Rushville, Ind., and James E. Piety of Terre Haute, Ind., were admitted to practice.

No. 85. Goon Shung, alias N. G. Shung, plaintiff in error, *v.* The United States. Submitted by Mr. Thomas J. Barry and Mr. Harry J. Jaquith for the plaintiff in error, and by Mr. Solicitor-General Hoyt for the defendant in error.

No. 74. The Equitable Life Assurance Society of the United States, petitioner, *v.* J. Willcox Brown. Argument continued by Mr. William B. Hornblower for the petitioner, by Mr. John R. DosPassos for the respondent, and concluded by Mr. William B. Hornblower for the petitioner.

No. 75. Theodore R. Converse, receiver, etc., plaintiff in error, *v.* Aetna National Bank; and

No. 76. Theodore R. Converse, receiver, etc., plaintiff in error, *v.* The First National Bank of Suffield. Argued by Mr. William Waldo Hyde for the plaintiff in error. No brief filed for defendants in error.

No. 77. Adams Express Company, plaintiff in error, *v.* A. R. Mullins. Argument commenced by Mr. Joseph S. Graydon for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 15, will be as follows: Nos. 77, 78, 80 (and 81), 82, 83, 84, 86, 87, 88 and 89.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 15, 1909.

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

Harry Cobb Kennedy of Philadelphia, Pa., Barton Walters of Circleville, Ohio, Glenn S. Noble of Chicago, Ill., O. A. Larrazola of Las Vegas, N. Mex., William Allen Garber of Spokane, Wash., and Fred W. Parks of Denver, Colo., were admitted to practice.

No. 110. Elinor Erica Strong and Husband, plaintiffs in error, *v.* Francisco Gutierrez Repide. Leave granted to file certain appeal papers herein, on motion of Mr. Henry E. Davis, for the plaintiffs in error.

No. 108. J. M. Ceballos & Company, appellant, *v.* The United States. Motion to remand case for further findings submitted by Mr. John J. Hemphill for the appellant in support of the motion, and by Mr. Assistant Attorney-General John Q. Thompson for the appellee in opposition thereto.

No. 77. American Express Company, plaintiff in error, *v.* A. R. Mullins. Argument concluded by Mr. Joseph S. Graydon for the plaintiff in error. No appearance for the defendant in error.

No. 78. Davidson Brothers Marble Company et al., plaintiffs in error, *v.* United States of America ex rel. Murray Gibson. Argued by Mr. E. M. Ashcraft for the plaintiffs in error, and submitted by Mr. Robert T. Devlin and Mr. Henry P. Brown for the defendant in error.

No. 80. Leeds & Catlin Company, petitioner, *v.* The Victor Talking Machine Company et al. Argument commenced by Mr. Louis Hicks for the petitioner, and continued by Mr. Horace Pettit for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 18, will be as follows: Nos. 80, 81, 593, 559 (and 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, and 570), 82, 83, 84, 86, 87 (and 88), and 89.

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 18, 1909.

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

Charles Gordon Edwards of Savannah, Ga., Paul Sleman of Washington, D. C., John C. Hawthorne of Jonesboro, Ark., John Gatling of Forrest City, Ark., James J. Bulger of Baxter Springs, Kans., Benjamin T. White of Omaha, Neb., James P. Briggs of Washington, D. C., Patrick M. Keating of Boston, Mass., Michael J. Jordan of Boston, Mass., Everett Warren of Scranton, Pa., James H. Torrey of Scranton Pa., Walter J. Trask of Los Angeles, Cal., and W. O. Morton of Los Angeles, Cal., were admitted to practice.

No. 359. *The Waters-Pierce Oil Company, plaintiff in error, v. The State of Texas.* In error to the court of civil appeals for the third supreme judicial district of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 360. *The Waters-Pierce Oil Company, plaintiff in error, v. The State of Texas.* In error to the court of civil appeals for the third supreme judicial district of the State of Texas. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Day.

No. 224. *Bradley W. Palmer and H. Clay Pierce, petitioners, v. The State of Texas and Robert J. Eckhardt, receiver of the Waters-Pierce Oil Company.* On writ of certiorari to the United States circuit court of appeals for the fifth circuit. Judgment modified as to costs of receivership and affirmed with costs, and cause remanded to the circuit court of the United States for the eastern district of Texas. Opinion by Mr. Justice Day.

No. 55. *Charles H. Moyer, plaintiff in error, v. James H. Peabody et al.* In error to the circuit court of the United States for the district of Colorado. Judgment affirmed with costs. Opinion by Mr. Justice Holmes. (Mr. Justice Moody took no part in the decision of this case.)

No. 41. *County of Presidio, Tex., petitioner, v. The Noel-Young Bond and Stock Company.* On certiorari to the United States circuit court of appeals for the fifth circuit. Judgment affirmed with costs and cause remanded to the circuit court of the United States for the northern district of Texas. Opinion by Mr. Justice Harlan. Dissenting, Mr. Chief Justice Fuller.

No. 257. *W. E. Rakes, plaintiff in error, v. The United States.* In error to the district court of the United States for the western district of Virginia. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice also announced the following orders of the court:
 No. 146. The Western Union Telegraph Company, appellant, *v.* P. R. Andrews et al.;

No. 233. Oswald C. Ludwig, as secretary of state of the State of Arkansas, appellant, *v.* The Western Union Telegraph Company; and

No. 388. Columbia Heights Realty Company, plaintiff in error, *v.* Henry B. F. Macfarland et al., Commissioners of the District of Columbia. Motions to advance denied.

No. 645. Williamsburgh City Fire Insurance Company of Brooklyn, N. Y., petitioner, *v.* Leon Willard, doing business under the firm name of Leon Willard & Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 659. George E. Babcock et al., petitioners, *v.* Anna M. DeMott et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 664. J. N. Bean et al., petitioners, *v.* W. A. Morris et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit granted.

No. 668. William M. Brown, appellant, *v.* John F. Horr, United States marshal, etc. Motion for supersedeas and to admit appellant to bail denied.

No. 108. J. M. Ceballos & Company, appellant, *v.* The United States. Motion for additional findings postponed to the hearing of the case on its merits.

No. 298. Sam Freshman, plaintiff in error, *v.* The United States. Motion to dismiss or affirm submitted by Mr. Solicitor-General Hoyt, for the defendant in error in support of the motion. No brief filed in opposition.

No. 310. The United States, plaintiff in error, *v.* K. P. Plowman. Motion to advance submitted by Mr. Solicitor-General Hoyt for the plaintiff in error.

No. 371. James Rudolph Garfield, Secretary of the Interior, plaintiff in error, *v.* The United States ex rel. Benjamin F. Vaughan, guardian, etc.;

No. 372. James Rudolph Garfield, Secretary of the Interior, plaintiff in error, *v.* The United States ex rel. Edward A. Vaughan;

No. 373. James Rudolph Garfield, Secretary of the Interior, plaintiff in error, *v.* The United States ex rel. Benjamin F. Vaughan; and

No. 374. James Rudolph Garfield, Secretary of the Interior, plaintiff in error, *v.* The United States ex rel. Ambrose L. Rice. In error to the court of appeals of the District of Columbia. Dismissed with costs on motion of Mr. Solicitor-General Hoyt for the plaintiff in error.

No. 533. The Interstate Commerce Commission, appellant, *v.* A. B. Stickney et al., receivers, et al. Motion to advance submitted by Mr. Solicitor-General Hoyt for the appellant.

No. 592. *Southern Pacific Company et al. v. Interstate Commerce Commission.* Motion to advance submitted by Mr. Solicitor-General Hoyt for the Interstate Commerce Commission.

No. 675. William Crozier, petitioner, *v. Fried Krupp Aktiengesellschaft.* Petition for a writ of certiorari to the court of appeals for the District of Columbia submitted by Mr. Solicitor-General Hoyt for the petitioner, and Mr. W. A. Jenner for the respondent.

No. 457. Ramon Valdes, plaintiff in error, *v. Ventura Munich;*

No. 473. Ramon Valdes, plaintiff in error, *v. O. M. Wood;* and

No. 474. Ramon Valdes, plaintiff in error, *v. Maria Venega Perianes.* Motions to dismiss or affirm submitted by Mr. Fritz von Briesen, in behalf of Mr. Willis Sweet, for the defendants in error in support of the motion, and by Mr. F. Kingsbury Curtis, Mr. John G. Carlisle and Mr. Henry A. Stickney, for the plaintiffs in error, in opposition thereto.

No. 241. George D. Collins, plaintiff in error, *v. Thomas F. O'Neil, sheriff, etc., et al.* Motion to amend writ of error and to advance submitted by Mr. R. Golden Donaldson in behalf of plaintiff in error.

No. 320. George D. Collins, appellant, *v. The Sheriff of the City and County of San Francisco et al.* Motion to advance submitted by Mr. R. Golden Donaldson in behalf of the appellant.

No. 683. Joseph N. Carpenter et al., petitioners, *v. David J. Winn.* Petition for a writ of error to the United States circuit court of appeals for the second circuit submitted by Mr. John R. Abney for the petitioner, and by Mr. John W. Boothby for the respondent.

No. 202. Spokane Valley Land & Water Company, plaintiff in error, *v. R. Madson and Anna C. Madson, his wife;* and

No. 231. Spokane Valley Land & Water Company, plaintiff in error, *v. R. Madson and Anna Madson.* Motions to dismiss submitted by Mr. S. C. Hyde for the defendants in error in support of the motions, and by Mr. Albert Allen for the plaintiff in error, in opposition thereto.

No. 80. Leeds & Catlin Company, petitioner, *v. Victor Talking Machine Co. et al.* Argument continued by Mr. Horace Pettit for the respondent, and concluded by Mr. Louis Hicks for the petitioner.

No. 81. Leeds & Catlin Company, petitioner, *v. Victor Talking Machine Company et al.* Argument commenced by Mr. Louis Hicks for the petitioner, continued by Mr. Horace Pettit for the respondent, and concluded by Mr. Louis Hicks for the petitioner.

No. 593. Christ Nielson, plaintiff in error, *v. The State of Oregon.* Argument commenced by Mr. E. C. McDonald for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 19, 1909, will be as follows: Nos. 593, 559 (and 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, and 570), 82, 83, 84, 86, 87 (and 88), 89, 90 and 91.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 19, 1909.

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

W. E. Haymond of Sutton, W. Va., Patrick J. McCarthy of Providence, R. I., William A. DeBord of Omaha, Neb., Clifton Maloney of Philadelphia, Pa., John F. Schrader of Rapid City, S. Dak., and Jackson E. Reynolds of New York City, N. Y., were admitted to practice.

No. 593. Christ Nielson, plaintiff in error, *v.* The State of Oregon. Argument continued by Mr. E. C. Macdonald for the plaintiff in error, by Mr. A. M. Crawford for the defendant in error, and concluded by Mr. E. C. Macdonald for the plaintiff in error.

Nos. 559, 560, 561, 562, 563 and 564. The United States of America *ex rel.* the Attorney-General of the United States, plaintiff in error, *v.* The Delaware & Hudson Company *et al.*; and

Nos. 565, 566, 567, 568, 569, and 570. The United States of America, appellant, *v.* The Delaware & Hudson Company *et al.* Three hours allowed each side in the argument, on motion of Mr. Attorney-General Bonaparte, for the plaintiffs in error and appellants, and three counsel permitted to be heard in behalf of the defendants in error and appellees, on motion of Mr. John G. Johnson, for the defendants in error and appellees.

Argument commenced by Mr. Solicitor-General Hoyt for the plaintiffs in error and appellants, and continued by Mr. Robert W. de Forest and Mr. John G. Johnson for the defendants in error and appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 20, will be as follows: Nos. 559 (and 560, 561, 562, 563, 564, 565, 566, 567, 568, 569 and 570), 82, 83, 84, 86, 87 (and 88), 89, 90, 91 and 93.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 20, 1909.

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

William Hayes Fuller of McAlester, Okla., was admitted to practice.

Nos. 559, 560, 561, 562, 563 and 564. The United States of America ex rel. the Attorney-General of the United States, plaintiff in error, *v.* The Delaware & Hudson Company et al.; and

Nos. 565, 566, 567, 568, 569 and 570. The United States of America, appellant, *v.* The Delaware & Hudson Company et al. Argument continued by Mr. John G. Johnson for the defendants in error and appellees, and by Mr. Walker D. Hines for the defendant in error and appellee in Nos. 559 and 565, and concluded by Mr. Attorney-General Bonaparte, for the plaintiff in error and appellant.

No. 82. Dennis W. Mullan, appellant, *v.* The United States. Argued by Mr. W. E. Richardson for the appellant, and by Mr. Assistant Attorney-General John Q. Thompson for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 21, will be as follows: Nos. 83, 84, 86, 87 (and 88), 89, 90, 91, 93, 94 and 95.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 21, 1909.

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

J. William Shea of Washington, D. C., Edwin M. Abbott of Philadelphia, Pa., Wm. T. A. Fitzgerald of Boston, Mass., and Arthur W. Dolan of Boston, Mass., were admitted to practice.

No. 94. Marcelo Leano et al., plaintiffs in error, *v.* The United States. In error to the supreme court of the Philippine Islands. Dismissed pursuant to tenth rule.

No. 83. Josefa Diana Martinez et al., appellants, *v.* La Asociacion de Senoras Damas del Santo Asilo de Ponce. Argument commenced by Mr. Fritz von Briesen for the appellants, continued by Mr. John W. Yerkes for the appellee, and concluded by Mr. Fritz von Briesen for the appellant.

No. 84. Gustave A. Jahn et al. *v.* The Steamship Folmina, etc. Argument commenced by Mr. Frederick M. Brown for Jahn et al., and continued by Mr. J. Parker Kirlin for the Folmina.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 22, will be as follows: Nos. 84, 86, 87 (and 88), 89, 90, 91, 93, 95, 96 and 97.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 22, 1909.

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

Richard C. James of Fall City, Nebr., Harry P. Cross of Providence, R. I., and Moses H. Grossman of New York City were admitted to practice.

No. 84. Gustave A. Jahn et al. *v.* The Steamship Folmina, etc. Argument continued by Mr. J. Parker Kirlin for the Folmina, and concluded by Mr. Frederick M. Brown for Jahn et al.

No. 86. E. C. Atkins & Company, appellant and plaintiff in error, *v.* Edward B. Moore, Commissioner of Patents. Argument commenced by Mr. Chester Bradford for the appellant and plaintiff in error, continued by Mr. Assistant Attorney-General Fowler for the appellee and defendant in error, and concluded by Mr. Chester Bradford for the appellant and plaintiff in error.

No. 87. The steam tug Eugene F. Moran, etc., *v.* The New York Central & Hudson River Railroad Company et al.; and

No. 88. The Henry DuBois Sons Company et al. *v.* The Steam Tug Charles E. Matthews et al. Argument commenced by Mr. James Emerson Carpenter for Henry DuBois Sons Company, continued by Mr. A. G. Thacher for the New York Central and Hudson River Railroad Company, by Mr. Harrington Putnam for the tug Eugene F. Moran, by Mr. W. S. Montgomery for the tug Charles E. Matthews, and by Mr. James Emerson Carpenter for the Henry DuBois Sons Company.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 25, will be as follows: Nos. 87 (and 88), 89, 90, 91, 93, 95, 96, 97, 98 and 99.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 25, 1909.

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

Myron L. Learned of Omaha, Nebr., Percy R. Wilson of Los Angeles, Cal., Chas. R. Carruth of New York City, Robert Lee Clinton of Butte, Mont., Robert Evans Davis of Gainesville, Fla., Joseph J. Russell of Charleston, Mo., Lindorf O. Whitnel of East St. Louis, Ill., Irvin G. Herman of Baltimore, Md., George W. Case, jr., of New York City, John Q. Dier of Denver, Colo., William S. Kenyon of Fort Dodge, Iowa, and John W. Dorsey of San Francisco, Cal., were admitted to practice.

No. 51. Louisville & Nashville Railroad Company, plaintiff in error, *v.* Central Stock Yards Company. In error to the court of appeals of the State of Kentucky. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of of this court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice McKenna, Mr. Justice Harlan and Mr. Justice Moody.

The Chief Justice announced that the court will take a recess from Monday, February 1, to Tuesday, February 23, next.

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

No. 626. William Hepner *v.* The United States.

Order of submission set aside and case restored to the docket for oral argument and assigned for February 23, after the cases already assigned for that day.

No. 241. George D. Collins, plaintiff in error, *v.* Thomas F. O'Neil, sheriff of the city and county of San Francisco, et al. Motion to amend writ of error granted.

No. 241. George D. Collins, plaintiff in error, *v.* Thomas F. O'Neil, sheriff of the city and county of San Francisco, et al.; and

No. 320. George D. Collins, appellant, *v.* The Sheriff of the City and County of San Francisco et al. Motions to advance granted, and cases assigned for argument on Monday, April 5 next, as one case.

No. 310. The United States, plaintiff in error, *v.* K. P. Plowman. Motion to advance denied.

No. 533. The Interstate Commerce Commission, appellant, *v.* A. B. Stickney et al., receivers, et al. Motion to advance granted, and

cause assigned for argument on the first Tuesday of the next term (October 12); but case will be taken on printed briefs on or before April 5, if counsel shall be so advised.

No. 592. Southern Pacific Company et al. *v.* Interstate Commerce Commission. Motion to advance granted, and cause assigned for argument on the first Tuesday of the next term (October 12), after the case heretofore assigned for that day; but the case will be taken on printed briefs on or before April 5, if counsel shall be so advised.

No. 675. William Crozier, petitioner, *v.* Fried Krupp Aktiengesellschaft. Petition for a writ of certiorari to the court of appeals of the District of Columbia granted.

No. 683. Joseph N. Carpenter et al., petitioners, *v.* David J. Winn. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 9 Original. The People of the State of New York, complainants, *v.* State of New Jersey et al. Leave to the United States to intervene herein granted, without prejudice.

No. 202. Spokane Valley Land & Water Company, plaintiff in error, *v.* R. Madson and Anna C. Madson, his wife; and

No. 231. Spokane Valley Land & Water Company, plaintiff in error, *v.* R. Madson and Anna Madson. In error to the supreme court of the State of Washington. Per curiam: Writs of error dismissed for want of jurisdiction. *Hardin v. Shedd*, 190 U. S., 508; *Mutual Life Insurance Co. v. McGrew*, 188 U. S., 291; *Hulbert v. City of Chicago*, 202 U. S., 275; *Spokane Valley Land & Water Co. v. Madson*, 40 Washington, 414; *Same v. Same*, 91 Pac. Rep., 1.

No. 298. Sam Freshman, plaintiff in error, *v.* The United States. In error to the district court of the United States for the northern district of Texas. Per curiam: Writ of error dismissed for want of jurisdiction. *Adams v. New York*, 192 U. S., 585; *Radford v. United States*, 129 Fed. Rep., 49; *McGregor v. United States*, 134 Fed. Rep., 187.

No. 85. Goon Shung, alias Ng Shung, plaintiff in error, *v.* The United States. In error to the district court of the United States for the district of Massachusetts. Per curiam: Judgment affirmed. Act of September 13, 1888, 25 Stat., 476, sec. 13; act of May 5, 1892, 27 Stat., 25, secs. 3, 6; act of March 3, 1893, 28 Stat., 7, sec. 1; treaty of 1904, 33 Stat., 2215; act of April 27, 1904, 33 Stat., 394; *United States v. Lee Yen Tai*, 185 U. S., 213; *Chin Bak Kan v. United States*, 186 U. S., 193; *Lip Hop Fong v. United States*, 209 U. S., 453; *Fong Yue Ting v. United States*, 149 U. S., 698.

No. 75. Theodore R. Converse, receiver, etc., plaintiff in error, *v.* Aetna National Bank; and

No. 76. Theodore R. Converse, receiver, etc., plaintiff in error, *v.* First National Bank of Suffield. In error to the supreme court of errors of the State of Connecticut. Per curiam: Judgments reversed with costs on the authority of *Bernheimer v. Converse*, 206 U. S., 516, and cases remanded for further proceedings in conformity to law.

No. 642. The United States, plaintiff in error, *v.* William R. Mason et al. Motion to advance submitted by Mr. Solicitor-General Hoyt for the plaintiff in error.

No. 698. James Rudolph Garfield, Secretary, etc., petitioner, *v.* The United States ex rel. Harvey Spalding;

No. 699. James Rudolph Garfield, Secretary, etc., petitioner, *v.* The United States ex rel. James H. Spalding; and

No. 700. James Rudolph Garfield, Secretary, etc., petitioner, *v.* The United States ex rel. Edwin W. Spalding. Petition for writs of certiorari to the court of appeals of the District of Columbia submitted by Mr. Solicitor-General Hoyt for the petitioner.

No. 694. Hugh R. Healy, petitioner, *v.* The Sun Company, owner, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Frederick M. Brown and Mr. William J. Wallace for the petitioner, and by Mr. J. Parker Kirlin for the respondent.

No. 544. The Noble State Bank, plaintiff in error, *v.* C. N. Haskell et al.;

No. 608. The State of Oklahoma ex rel. Charles West, attorney-general, etc., plaintiff in error, *v.* The Chicago, Rock Island & Pacific Railway Company; and

No. 669. A. H. Huston, judge, etc., et al., plaintiffs in error, *v.* The State of Oklahoma on the relation of C. N. Haskell, governor. Motions to advance submitted by Mr. E. G. Spilman in support of motions.

No. 501. The Interstate Commerce Commission, appellant, *v.* The Chicago & Alton Railroad Company; and

No. 502. The Interstate Commerce Commission, appellant, *v.* The Illinois Central Railroad Company. Motion to advance submitted by Mr. William S. Kenyon, for the appellees. Motion for leave to intervene on behalf of Horace Lowry et al., receivers of the Illinois Collieries Company, and to file a brief and make oral argument herein submitted by Mr. Frederic D. McKenney in behalf of counsel.

No. 684. Timothy McCarthy et al., petitioners, *v.* The Bunker Hill & Sullivan Mining & Concentrating Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Frederick S. Tyler, in behalf of Mr. W. T. Stoll and Mr. W. C. Jones, for the petitioners, and by Mr. C. W. Beale for the respondent.

No. 361. William Notley et al., plaintiffs in error, *v.* Cecil Brown et al. Motion to dismiss or affirm submitted by Mr. Alexander Britton, Mr. A. B. Browne and Mr. W. L. Stanley for the defendants in error in support of the motion, and by Mr. Robert M. Morse and Mr. William M. Richardson for the plaintiffs in error in opposition thereto.

No. ——. Original. Ex parte: In the matter of the Dowagiac Manufacturing Company, petitioner. Motion for leave to file a peti-

tion for a writ of mandamus submitted by Mr. L. P. Whitaker in behalf of counsel for the petitioner.

No. 679. J. A. Scriven Company, petitioner, *v.* Rice-Stix Dry Goods Company;

No. 680. J. A. Scriven Company, petitioner, *v.* Premium Manufacturing Company; and

No. 681. J. A. Scriven Company, petitioner, *v.* The Ferguson-McKinney Dry Goods Company. Petitions for writs of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Frederic D. McKenney in behalf of Mr. Arthur von Briesen for the petitioner, and by Mr. Montague Lyon and Mr. Frederick W. Lehmann for the respondents in Nos. 679 and 680, and by Mr. Samuel S. Watson for the respondent in No. 681.

No. 98. Lathrop Shea & Henwood Company, plaintiff in error, *v.* Interior Construction & Improvement Company. Passed on account of sickness of counsel, subject to the provisions of section 9, rule 26.

No. 87. The steam tug "Eugene F. Moran" *v.* The New York Central & Hudson River Railroad Company et al.; and

No. 88. The Henry DuBois Sons Company et al. *v.* The steam tug Charles E. Matthews et al. Argument continued by Mr. Frederick M. Brown for the New York Central and Hudson River Railroad Company, and concluded by Mr. James Emerson Carpenter for the Henry DuBois Sons Company.

No. 89. The Chesapeake & Ohio Railway Company et al., plaintiffs in error, *v.* Emma R. McCabe, administratrix, etc. Argument commenced by Mr. E. L. Worthington for the plaintiffs in error, continued by Mr. Allan D. Coe for the defendant in error, and concluded by Mr. E. L. Worthington for the plaintiffs in error.

No. 90. The United States, plaintiff in error, *v.* National Exchange Bank of Providence. Argument commenced by Mr. Theodore Francis Green for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 26, will be as follows: Nos. 90, 91, 93, 95, 96, 97, 99, 101, 102 and 103.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 26, 1909.

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

Charles E. Miller, of South Bend, Wash., was admitted to practice.

No. 90. The United States, plaintiff in error, *v.* National Exchange Bank of Providence. Argument concluded by Mr. Theodore Francis Green for the defendant in error, and submitted by Mr. Assistant Attorney-General Fowler for the plaintiff in error. Leave granted to counsel for the plaintiff in error to file an additional brief within ten days.

No. 91. Hugh Harten, plaintiff in error, *v.* Ernest Loffler. Argued by Mr. Lorenzo A. Bailey for the plaintiff in error, and submitted by Mr. Leon Tobriner for the defendant in error.

No. 93. Josiah Coder, trustee, etc., appellant, *v.* William Arts. Argued by Mr. Myron L. Learned for the appellant, and by Mr. George S. Wright for the appellee.

No. 95. J. E. Hurley et al., appellants, *v.* The Atchison, Topeka & Santa Fe Ry. Co. et al. Argument commenced by Mr. Frank Hagerman for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 27, will be as follows: Nos. 95, 96, 97, 99, 101, 102, 103, 104, 106 and 107.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 27, 1909.

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

George L. Barnes of Boston, Mass., was admitted to practice.

No. 106. The 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 et al. Continued, per stipulation.

No. 95. J. E. Hurley et al., appellants, *v.* The Atchison, Topeka & Santa Fe Railway Company et al. Argument continued by Mr. Frank Hagerman for the appellants, and by Mr. Robert Dunlap for the appellees, and concluded by Mr. Frank Hagerman for the appellant.

No. 96. John N. Bagley, plaintiff in error, *v.* General Fire Extinguisher Company. Argued by Mr. Henry B. Closson for the plaintiff in error, and by Mr. Peter D. Olney for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 28, will be as follows: Nos. 97, 99, 101, 102, 103, 104, 107, 108, 110 and 111.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 28, 1909.

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

John M. Cleary of Kansas City, Mo., Francis Hurtubis, jr., of
Boston, Mass., and S. K. Gillis of DeFuniak Springs, Fla., were
admitted to practice.

No. 97. Mammoth Mining Company, plaintiff in error, *v.* Grand
Central Mining Company. Argument commenced by Mr. Charles J.
Hughes, jr., for the plaintiff in error, continued by Mr. W. H. Dick-
son for the defendant in error, and concluded by Mr. Charles J.
Hughes, jr., for the plaintiff in error.

No. 99. D. G. Fritzlen et al., plaintiffs in error, *v.* The Boatmen's
Bank. Argument commenced by Mr. D. R. Hite, for the plaintiff in
error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 29, will be as follows: Nos. 99,
101, 102, 103, 104, 107, 108, 110, 111 and 112.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 29, 1909.

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

John C. Starr of Vinita, Okla., was admitted to practice.

No. 5 Original. The United States of America, complainant, *v.* J. F. Shipp et al. Assigned for argument on Monday, March 1 next, on motion of Mr. Solicitor-General Hoyt for the complainant.

No. 103. Maria Guiseppa Raffaelo Maiorana, plaintiff in error, *v.* The Baltimore & Ohio Railroad Company. Leave granted to Mr. George C. Bradshaw to make oral argument herein, *pro hac vice*, on motion of Mr. Benjamin S. Minor for the plaintiff in error.

No. 99. D. G. Fritzlen et al., plaintiffs in error, *v.* The Boatmen's Bank. Argument continued by Mr. D. R. Hite for the plaintiffs in error, by Mr. James S. Botsford for the defendant in error, and concluded by Mr. D. R. Hite for the plaintiffs in error.

No. 107 (substituted for No. 101). North Shore Boom & Driving Company, plaintiff in error, *v.* Nicomen Boom Company. Argument commenced by Mr. Charles E. Miller for the plaintiff in error, and continued by Mr. James G. Wilson for the defendant in error.

Adjourned until Monday next at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 1, 1909.

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

Ralph D. Brown of Crete, Nebr., Nelson H. Tunnicliff of New York City, Patrick B. Gorman of St. Cloud, Minn., John Pickrell of Richmond, Va., F. D. Gallup of Smethport, Pa., and Moses Weinman of New York City, were admitted to practice.

No. 58. Standard Oil Company, petitioner, *v.* Edward Anderson. On writ of certiorari to the United States circuit court of appeals for the second circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the southern district of New York. Opinion by Mr. Justice Moody.

No. 61. John D. Spreckels et al., plaintiffs in error, *v.* Charles A. Brown. In error to the supreme court of the territory of Hawaii. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 92. William Gordon Crawford, petitioner, *v.* The United States. On writ of certiorari to the court of appeals of the District of Columbia. Judgment reversed, and cause remanded with directions to reverse the judgment of the supreme court of the District of Columbia and remand the case to that court with directions to award a new trial. Opinion by Mr. Justice Peckham. (Mr. Justice Moody took no part in the decision of this case.)

No. 62. Waters-Pierce Oil Company, plaintiff in error, *v.* Albert B. Deselms. 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 White.

No. 59. Ontario Land Company, plaintiff in error, *v.* Jay Yordy et ux. In error to the supreme court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 15. Continental Wall Paper Company, petitioner, *v.* The Lewis Voight & Sons Company. On writ of certiorari to the United States circuit court of appeals for the sixth circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the southern district of Ohio. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Holmes, Mr. Justice Brewer, Mr. Justice Peckham and Mr. Justice White.

No. 436. The United States, appellant, *v.* Edwin E. Marvin. Appeal from the Court of Claims. Judgment affirmed. Opinion per curiam.

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

No. 457. Ramon Valdes, plaintiff in error, *v.* Ventura Munich;

No. 473. Ramon Valdes, plaintiff in error, *v.* O. M. Wood; and

No. 474. Ramon Valdes, plaintiff in error, *v.* Maria Venega Perianes. In error to the district court of the United States for Porto Rico. Per curiam: Writs of error dismissed for want of jurisdictional amounts. Act of April 12, 1900, c. 191, 31 Stat., 77, secs. 34, 35; act of March 2, 1901, c. 812, 31 Stat., 953, sec. 3; Royal Insurance Company *v.* Martin, 192 U. S., 149, 159; Ortega *v.* Lara, 202 U. S., 339; Perez *v.* Fernandez, 202 U. S., 80; Garrozi *v.* Dastas, 204 U. S., 64, 73.

No. —, Original. Ex parte: In the matter of the Dowagiac Manufacturing Company, petitioner. Motion for leave to file a petition for a writ of mandamus denied.

No. 361. William Notley et al., plaintiffs in error, *v.* Cecil Brown and Anthony Lidgate, proponents of the will of Charles Notley, deceased, et al. In error to the supreme court of the territory of Hawaii. Per curiam: Writ of error dismissed. Crawford *v.* Naller, 111 U. S., 796; Insurance Company *v.* Comstock, 16 Wall., 258. Notley *v.* Brown, 208 U. S., 429.

No. 501. The Interstate Commerce Commission, appellant, *v.* The Chicago & Alton Railroad Company; and

No. 502. The Interstate Commerce Commission, appellant, *v.* The Illinois Central Railroad Company. Motion to advance granted, and causes assigned to be heard on March 1, after the case already assigned for that day. Leave is granted to Lowry et al., receivers of the Illinois Collieries Company, to file a brief, but application to make oral argument is denied.

No. 544. The Noble State Bank, plaintiff in error, *v.* C. N. Haskell et al. Motion to advance denied. (See order of October 20, 1908.)

No. 669. A. H. Huston, Judge, etc., et al., plaintiffs in error, *v.* The State of Oklahoma, on the relation of C. N. Haskell, Governor. Motion to advance denied.

No. 608. The State of Oklahoma, ex rel. Charles West, Attorney-General, plaintiff in error, *v.* The Chicago, Rock Island & Pacific Railway Company. Motion to advance denied.

No. 642. The United States, plaintiff in error, *v.* William R. Mason et al. Motion to advance granted, and cause assigned to be heard March 1, after the cases already assigned for that day.

No. 679. J. A. Scriven Company, petitioner, *v.* Rice-Stix Dry Goods Company;

No. 680. J. A. Scriven Company, petitioner, *v.* The Premium Manufacturing Company; and

No. 681. J. A. Scriven Company, petitioner, *v.* Ferguson-McKinney Dry Goods Company. Petitions for writs of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 684. Timothy McCarthy et al., petitioners, *v.* The Bunker Hill & Sullivan Mining & Concentrating Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 694. Hugh R. Healy, petitioner, *v.* The Sun Company, owner, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 698. James Rudolph Garfield, Secretary, etc., petitioner, *v.* The United States, ex rel. Harvey Spalding;

No. 699. James Rudolph Garfield, Secretary, etc., petitioner, *v.* The United States, ex rel. James H. Spalding; and

No. 700. James Rudolph Garfield, Secretary, etc., petitioner, *v.* The United States, ex rel. Edwin W. Spalding. Petitions for writs of certiorari to the court of appeals of the District of Columbia denied.

No. 660. The United States, appellant, *v.* The American Tobacco Company et al.; and

No. 661. The American Tobacco Company et al., appellants, *v.* The United States. Motion to advance submitted by Mr. Attorney-General Bonaparte for the United States.

No. 338. The United States, plaintiff in error, *v.* The Union Supply Company;

No. 504. The United States, plaintiff in error, *v.* Bob Celestine;

No. 505. The United States, plaintiff in error, *v.* John A. Corbett et al.;

No. 598. The United States, plaintiff in error, *v.* Simon J. Mescall;

No. 615. The United States, plaintiff in error, *v.* Tilden B. Stevenson et al.;

No. 616. The United States, plaintiff in error, *v.* Tilden B. Stevenson et al.; and

No. 649. The United States, plaintiff in error, *v.* Harvey Sutton et al. Motion to advance submitted by Mr. Solicitor-General Hoyt for the United States.

No. 97. Mammoth Mining Company, plaintiff in error, *v.* Grand Central Mining Company, etc. Leave granted to counsel for plaintiff in error to file answer to reply brief of the defendant in error within five days, on motion of Mr. Everard Bierer, jr., for the plaintiff in error.

No. 613. Smithsonian Institution et al., plaintiffs in error, *v.* Gamaliel C. St. John, as Executor and Trustee, etc., et al. Motion to advance submitted by Mr. James W. Hawes for the defendant in error.

No. 107. North Shore Boom & Driving Company, plaintiff in error, *v.* Nicomen Boom Company. Argument continued by Mr. James G. Wilson for the defendant in error, and concluded by Mr. John M. Thurston for the plaintiff in error.

Adjourned until Tuesday, February 23, at 12 o'clock.

The day call for Tuesday, February 23, will be as follows: Nos. 6, Original, 416, 521 (522, 523 and 524), 625 (and 605), 653 (and 654), 626, 102, 103, 104 and 101.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, FEBRUARY 23, 1909.

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

Elliott W. Major of Jefferson City, Mo., Henry Mooney of New Orleans, La., Eugene L. Gaddess of Washington, D. C., Chas. C. Boynton of San Francisco, Cal., James S. Lehmaier of New York City, Frank J. Baker of Colorado Springs, Colo., Harry F. Lerch of Washington, D. C., Thomas J. Connor of Chippewa Falls, Wis., Robert H. Winn of Mount Sterling, Ky., Carl E. Whitney of New York City, N. Y., C. C. McChord of Louisville, Ky., Adam T. Siler of Williamsburg, Ky., Alfred Opdyke of New York City, N. Y., William H. Page of New York City, N. Y., William E. S. Griswold of New York City, N. Y., William R. Lawrence of Muskogee, Okla., Richard D. Currier of New York City, N. Y., Charles H. Leeds of Fairmont, W. Va., and Benjamin S. Catchings of New York City, N. Y., were admitted to practice.

No. 56. The Texas & Pacific Railway Company, plaintiff in error, *v.* Jonas S. Bourman. In error to the United States circuit court of appeals for the fifth circuit. Judgment reversed with costs and cause remanded to the circuit court of the United States for the eastern district of Louisiana, with directions to grant a new trial. Opinion by Mr. Justice Moody.

No. 71. The Atchison, Topeka & Santa Fe Railway Co., plaintiff in error and appellant, *v.* Samuel Calhoun, by Anna Calhoun, his next friend. In error to and appeal from the supreme court of the Territory of Oklahoma. Judgment reversed with costs, and cause remanded to the supreme court of the State of Oklahoma for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Moody.

No. 78. Davidson Bros. Marble Co. et al., plaintiffs in error, *v.* United States of America ex rel. Murray Gibson. In error to the circuit court of the United States for the northern district of California. Judgment reversed with costs and cause remanded with directions to dismiss the action for want of jurisdiction. Opinion by Mr. Justice Moody. Dissenting: Mr. Justice McKenna.

No. 83. Josefa Diana Martínez et al., appellants, *v.* La Asociación de Señoras Damas del Santos Asilo de Ponce. Appeal from the district court of the United States for Porto Rico. Decree reversed with costs,

and cause remanded with directions to dismiss the bill without prejudice for want of jurisdiction. Opinion by Mr. Justice Moody.

No. 57. The New York Central & Hudson River Railroad Company, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the southern district of New York. Judgment affirmed. Opinion by Mr. Justice Day. (Mr. Justice Moody took no part in the decision of this case.)

No. 69. The New York Central & Hudson River Railroad Company, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the southern district of New York. Judgment affirmed. Opinion by Mr. Justice Day. (Mr. Justice Moody took no part in the decision of this case.)

No. 285. The United States, plaintiff in error, *v.* The New York Central & Hudson River Railroad Company. In error to the circuit court of the United States for the southern district of New York. Judgment reversed, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Day. (Mr. Justice Moody took no part in the decision of this case.)

No. 82. Dennis W. Mullan, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Day.

No. 405. The American Express Company, appellant, *v.* The United States;

No. 406. National Express Company, appellant, *v.* The United States;

No. 407. United States Express Company, appellant, *v.* The United States;

No. 408. Wells-Fargo & Company, appellant, *v.* The United States; and

No. 409. Adams Express Company, appellant, *v.* The United States. Appeals from the circuit court of the United States for the northern district of Illinois. Decrees affirmed. Opinion by Mr. Justice Day.

No. 35. Frederick L. Grant Shoe Company, bankrupt, plaintiff in error, *v.* W. M. Laird Company, of Pittsburg, Pa. In error to the district court of the United States for the western district of New York. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 72. Mateo Carino, plaintiff in error, *v.* The Insular Government of the Philippine Islands. In error to the supreme court of the Philippine Islands. Judgment reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 73. Leonardo Santos et al., plaintiffs in error, *v.* The Holy Roman Catholic and Apostolic Church et al. In error to the supreme court of the Philippine Islands. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 87. The steam tug Eugene F. Moran, etc., *v.* The New York Central & Hudson River Railroad Company et al.; and

No. 88. *The Henry DuBois Sons Co. et al. v. The steam tug Charles E. Matthews et al.* On certificates from the United States circuit court of appeals for the second circuit. Question in the first case, No. 87, answered: "Equally." Question in the second case, No. 88, answered: "Equally, the offending vessel or vessels of the libellant bearing their proportion of the loss." Opinion by Mr. Justice Holmes.

No. 96. *John N. Bagley, plaintiff in error, v. General Fire Extinguisher Company.* In error to the United States circuit court of appeals for the second circuit. Dismissed for want of jurisdiction. Opinion by Mr. Justice Holmes.

No. 70. *Sallie J. McDaniel et al., appellants, v. George M. Traylor et al.* Appeal from the circuit court of the United States for the eastern district of Arkansas. Decree affirmed with costs. Opinion by Mr. Justice McKenna.

No. 100. *John R. Greenameyer, appellant, v. Isaac C. Coate.* 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. Justice McKenna.

No. 10 Original. *Ex parte: In the matter of Mary Dunn, etc., et al., petitioners.* Rule discharged and petition for writ of mandamus dismissed. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Harlan.

No. 60. *Priscilla Bradford, appellant, v. Robert E. Morrison.* Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs. Opinion by Mr. Justice Peckham.

No. 91. *Hugh Harten, plaintiff in error, v. Ernst Loffler.* In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Peckham.

No. 107. *North Shore Boom & Driving Company, plaintiff in error, v. Nicomen Boom Company.* In error to the supreme court of the State of Washington. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Peckham.

No. 182. *The Railroad Commission of Louisiana, appellant, v. Cumberland Telephone & Telegraph Company.* Appeal from the circuit court of the United States for the eastern district of Louisiana. Decree reversed with costs and cause remanded with directions to grant a new trial. Opinion by Mr. Justice Peckham. (Mr. Justice White, not having heard the argument, did not take part in the decision of this case.)

No. 84. *Gustave A. Jahn et al. v. Steamship Folmina, Wm. Van Eyken, claimant.* On a certificate from the United States circuit court of appeals for the second circuit. First question answered in the negative. Court declined to answer the second question. Opinion by Mr. Justice White.

No. 99. *D. G. Fritzlen et al., plaintiffs in error, v. The Boatmen's Bank.* In error to the supreme court of the State of Kansas. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 54. Hammond Packing Company, 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. Justice White. Dissenting: Mr. Chief Justice Fuller and Mr. Justice Peckham.

No. 77. American Express Company, plaintiff in error, *v.* A. T. Mullins. In error to the Kenton circuit court of the State of Kentucky. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Brewer.

No. 593. Christ Neilson, plaintiff in error, *v.* The State of Oregon. In error to the supreme court of the State of Oregon. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Brewer.

No. 34. Juragua Iron Co., Limited, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Harlan.

No. 613. Smithsonian Institution et al., plaintiffs in error, *v.* Gamaliel C. St. John, as executor, etc., et al. Motion to advance granted and cause assigned to be heard Monday, April 5th, after the cases already assigned for that day. Announced by Mr. Justice Harlan. (The Chief Justice took no part in the disposition of this motion.)

No. 67. Albert L. Johnson, plaintiff in error, *v.* William Mueser. In error to the court of appeals of the District of Columbia. Dismissed for the want of jurisdiction. Petition for a writ of certiorari denied. Opinion by Mr. Chief Justice Fuller.

No. 86. E. C. Atkins & Co., appellant and plaintiff in error, *v.* Edward B. Moore, Commissioner of Patents. Appeal from and in error to the court of appeals of the District of Columbia. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 6. Marcellus Thomas, plaintiff in error, *v.* The State of Texas. In error to the court of criminal appeals of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 198. Laurel Oil & Gas Company, appellant, *v.* Robert W. Morrison et al. In error to the United States circuit court of appeals for the eighth circuit. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 49. Toy Toy, appellant, *v.* C. B. Hopkins, U. S. marshal. Appeal from the circuit court of the United States for the western district of Washington. Final order affirmed with costs. Opinion by Mr. Chief Justice Fuller.

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

No. 93. Josiah Coder, trustee, etc., appellant, *v.* William Arts. It is ordered that certiorari issue to bring into the record the assignment of errors upon which the trustee appealed from the order and judgment of the district court to the circuit court of appeals. Also that counsel for Coder, trustee, be requested to file a brief within 15 days from this date upon the subject of the jurisdiction of this court and

the court of appeals to entertain this case by appeal or otherwise. Five days to reply if counsel shall be so advised.

No. 338. The United States, plaintiff in error, *v.* The Union Supply Company;

No. 504. The United States, plaintiff in error, *v.* Bob Celestine;

No. 505. The United States, plaintiff in error, *v.* John A. Corbett et al.;

No. 598. The United States, plaintiff in error, *v.* Simon J. Mescal;

No. 615. The United States, plaintiff in error, *v.* Tilden B. Stevenson et al.;

No. 616. The United States, plaintiff in error, *v.* Tilden B. Stevenson et al.; and

No. 649. The United States, plaintiff in error, *v.* Harvey Sutton et al. Motion to advance granted and cases set down to be heard on the first Tuesday of the next term as one case after the cases already assigned for that day.

No. 660. The United States, appellant, *v.* The American Tobacco Company et al.; and

No. 661. The American Tobacco Company et al., appellants, *v.* The United States. Motion to advance granted and causes assigned to be heard on the first Tuesday of the next term after the cases already set down for that day.

No. 730. The United States, petitioner, *v.* Daniel J. Remer 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 Hoyt for the petitioner.

No. 638. Mrs. Frances E. Waterman, wife, etc., appellant, *v.* The Canal-Louisiana Bank & Trust Company, executor, etc., et al. Advanced under the thirty-second rule on motion of Mr. E. Howard McCaleb, jr., for the appellant, and submitted by Mr. E. Howard McCaleb and Mr. E. Howard McCaleb, jr., for the appellant, and by Mr. Edgar H. Farrar, Mr. James McConnell, Mr. Charles E. Fenner, Mr. George C. Walsh, Mr. George H. Terriberly, Mr. H. Garland Du Pre, Mr. Walter Guion and Victor Leovy for the appellees.

No. 695. The Baltimore & Ohio Railroad Company *v.* The Interstate Commerce Commission. Motion to advance submitted by Mr. George E. Hamilton, for the Baltimore & Ohio Railroad Company.

No. 501. The Interstate Commerce Commission, appellant, *v.* The Chicago & Alton Railroad Company; and

No. 502. The Interstate Commerce Commission, appellant, *v.* The Illinois Central Railroad Company. Leave granted to the Pennsylvania Railroad Company to file brief herein on the side of the appellees on motion of Mr. Frederic D. McKenney in that behalf.

No. 233. Oswald C. Ludwig, as Secretary of State of the State of Arkansas, appellant, *v.* The Western Union Telegraph Company. Motion to advance to be heard with No. 146 submitted by Mr. W. C. Sullivan in behalf of counsel for the Western Union Telegraph Company.

No. 606. The General Fireproofing Company, petitioner, *v.* The Expanded Metal Company. Advanced to be heard with No. 66 as one case.

No. —. Original. *Ex parte*: In the matter of the Hudson Oil & Supply Company, petitioner. Motion for leave to file a petition for a writ of prohibition submitted by Mr. De Lagnel Berier for the petitioner.

No. —. Original. *Ex parte*: In the matter of Frank McWilliams, petitioner. Motion for leave to file a petition for a writ of prohibition submitted by Mr. Richard D. Currier for the petitioner.

No. —, Original. *Ex parte*: In the matter of Mary Hatch Riggs, adm'x, etc., petitioner. Motion for leave to file a petition for a writ of mandamus submitted by Mr. Benjamin S. Catchings for the petitioner.

No. 710. The Macon Grocery Company et al., appellants, *v.* The Atlantic Coast Line Railroad Company et al. Motion to advance submitted by Mr. Frank S. Bright in behalf of counsel for the appellants.

No. 672. Elizabeth M. McGilvra et al., appellants, *v.* E. W. Ross, as State Land Commissioner, et al. Motion to advance submitted by Mr. A. B. Browne, in behalf of counsel.

No. 116. The People of the State of New York on the relation of the New York Electric Lines Company, plaintiffs in error, *v.* William B. Ellison, Commissioner of Water Supply, Gas, and Electricity of the City of New York, et al. Passed temporarily on motion of Mr. Frederic D. McKenney, in behalf of counsel.

No. 720. Bernarr McFadden, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. John C. Gittings in behalf of Mr. Henry M. Earle for the petitioner, and by Mr. Solicitor-General Hoyt for the respondent.

No. 617. H. V. Mercer et al., trustees, etc., appellants, *v.* Monitor Drill Company. Appeal from the United States circuit court of appeals for the eighth circuit. Dismissed per stipulation.

No. 102. Edward Bonner et al., plaintiffs in error, *v.* Henry P. Gorman, administrator of Mary A. Cole, deceased, et al. Submitted by Mr. James P. Clarke for the plaintiffs in error, and by Mr. John Gatling for the defendants in error.

No. 6 Original. State of Missouri, complainant, *v.* State of Kansas. Argued by Mr. Hunter M. Meriwether and Mr. Elliott W. Major for the complainant. No brief filed for the defendant.

No. 416. The Delaware & Hudson Company *v.* The Albany & Susquehanna Railroad Company et al. Argument commenced by Mr. James M. Beck for the Delaware & Hudson Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, February 24, will be as follows: Nos. 416, 521 (and 522, 523 and 524), 625 (and 605), 653 (and 654), 626, 103, 104, 101, 108 and 110.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, FEBRUARY 24, 1909.

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

Frank Crawford of Omaha, Nebr., Thomas S. Buzbee of Little Rock, Ark., and Judson H. Wood of Sherman, Tex., were admitted to practice.

The Chief Justice announced the following orders of the court:

No. 501. The Interstate Commerce Commission, appellant, *v.* The Chicago & Alton Railroad Company; and

No. 502. The Interstate Commerce Commission, appellant, *v.* The Illinois Central Railroad Company. Reassigned for argument on Tuesday, October 12, next, after the cases already set down for that day.

No. 695. The Baltimore & Ohio Railroad Company *v.* The Interstate Commerce Commission; and

No. 611. The Baltimore & Ohio Railroad Company et al., plaintiffs in error, *v.* The United States ex rel. Pitcairn Coal Company et al. Motion to advance granted and cases assigned for argument on Tuesday, October 12th, next, in connection with Nos. 501 and 502.

No. 155. The Texas & Pacific Railway Company et al., plaintiffs in error, *v.* B. F. Allen. In error to the supreme court of the State of Texas. Dismissed with costs, on motion of Mr. W. L. Hall, for the plaintiffs in error.

No. 416. The Delaware & Hudson Company *v.* The Albany & Susquehanna Railroad Company et al. Argument continued by Mr. James M. Beck, for the Delaware & Hudson Company; by Mr. E. Parmalee Prentice, for the Albany & Susquehanna Railroad Company et al., and concluded by Mr. James M. Beck, for the Delaware & Hudson Company. Leave granted to both sides to file additional briefs.

No. 521. Adam T. Siler et al., as the Railroad Commission of Kentucky, appellants, *v.* The Louisville & Nashville Railroad Company;

No. 522. Adam T. Siler et al., as the Railroad Commission of Kentucky, appellants, *v.* Illinois Central Railroad Company;

No. 523. Adam T. Siler et al., as the Railroad Commission of Kentucky, appellants, *v.* Southern Railway Company in Kentucky; and

No. 524. Adam T. Siler et al., as the Railroad Commission of Kentucky, appellants, *v.* Cincinnati, New Orleans & Texas Pacific Railway Company. Argument commenced by Mr. C. C. McChord for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, February 25, will be as follows: Nos. 521 (and 522, 523 and 524), 625 (and 605), 653 (and 654), 626, 103, 104, 101, 108, 110 and 111.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, FEBRUARY 25, 1909.

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

No. 521. Adam T. Siler et al., as the Railroad Commission of Kentucky, appellants, *v.* Louisville & Nashville Railroad Company;

No. 522. Adam T. Siler et al., as the Railroad Commission of Kentucky, appellants, *v.* Illinois Central Railroad Company;

No. 523. Adam T. Siler et al., as the Railroad Commission of Kentucky, appellants, *v.* Southern Railway Company in Kentucky; and

No. 524. Adam T. Siler et al., as the Railroad Commission of Kentucky, appellants, *v.* Cincinnati, New Orleans & Texas Pacific Railway Company. Argument continued by Mr. C. C. McChord for the appellants, by Mr. Henry L. Stone for the Louisville & Nashville Railroad Company, by Mr. John Galvin for the Cincinnati, New Orleans & Texas Pacific Railway Company and by Mr. Robert H. Winn for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, February 26, will be as follows: Nos. 521 (and 522, 523 and 524), 625 (and 605), 653 (and 654), 626, 103, 104, 101, 108, 110 and 111.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, FEBRUARY 26, 1909.

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

Warren A. Haggott of Idaho Springs, Colo., Carlos Bee of San Antonio, Tex., and Richard Harvey Johnson of Boise, Idaho, were admitted to practice.

No. 119. Albert H. Rusch, plaintiff in error, *v.* The Escanaba Timber Land Company. In error to the supreme court of the State of Michigan. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 521. Adam T. Siler et al., as the Railroad Commission of Kentucky, appellants, *v.* Louisville & Nashville Railroad Company;

No. 522. Adam T. Siler et al., as the Railroad Commission of Kentucky, appellants, *v.* Illinois Central Railroad Company;

No. 523. Adam T. Siler et al., as the Railroad Commission of Kentucky, appellants, *v.* Southern Railway Company in Kentucky; and

No. 524. Adam T. Siler et al., as the Railroad Commission of Kentucky, appellants, *v.* Cincinnati, New Orleans & Texas Pacific Railway Company. Argument continued by Mr. Edmund F. Trabue for the Illinois Central Railroad Company, and concluded by Mr. C. C. McChord for the appellants.

No. 625. W. J. Murray et al., etc., petitioners, *v.* The Wilson Distilling Company et al.; and

No. 605. W. J. Murray et al., etc., plaintiffs in error, *v.* The State of South Carolina ex rel. A. W. Ray, trustee. One half hour additional time allowed each side and three counsel permitted to be heard for respondents and defendant in error, on motion of Mr. D. W. Rountree of counsel. Argument commenced by Mr. B. L. Abney for the petitioners, and continued by Mr. A. S. Barnard for the respondents, and by Mr. D. W. Rountree for the petitioners.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 1, will be as follows: Nos. 625 (and 605), 653 (and 654), 626, 5 Original, 642, 103, 104, 101, 108 and 110.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 1, 1909.

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

Moses H. Clift, of Chattanooga, Tenn., Otto N. Davies, of Minneapolis, Minn., George M. Hoffheimer, of Clarksburg, W. Va., Joseph G. Hedrick, of Washington, D. C., and Elmer L. Fulton, of Oklahoma City, Okla., were admitted to practice.

No. 64. Atchison, Topeka & Santa Fe Railway Company, plaintiff in error, *v.* George A. Sowers. In error to the court of civil appeals for the fourth supreme judicial district of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Day. Dissenting: Mr. Justice Holmes and Mr. Justice McKenna.

No. 65. The Western Union Telegraph Company, plaintiff in error, *v.* Sid Wilson. In error to the corporation court of the city of Radford, State of Virginia. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Brewer and Mr. Justice Moody.

No. 74. The Equitable Life Assurance Society of the United States, petitioner, *v.* J. Willcox Brown. On writ of certiorari to the United States circuit court of appeals for the second circuit. Decree of the United States circuit court of appeals reversed with costs, and decree of the circuit court of the United States for the southern district of New York affirmed with costs, and cause remanded to said circuit court. Opinion by Mr. Justice Peckham. (Mr. Justice Day, not having heard the argument, took no part in the decision of this case.)

The Chief Justice announced the following orders of the court:

No. — Original. *Ex parte*: In the matter of the Hudson Oil & Supply Company, petitioner. Motion for leave to file a petition for a writ of prohibition denied.

No. — Original. *Ex parte*: In the matter of Frank McWilliams, petitioner. Motion for leave to file a petition for a writ of prohibition denied.

No. — Original. *Ex parte*: In the matter of Mary Hatch Riggs, administratrix, etc., petitioner. Motion for leave to file a petition for a writ of mandamus granted, and rule to show cause awarded returnable on the 15th instant.

No. 233. Oswald C. Ludwig, as Secretary of State of the State of Arkansas, appellant, *v.* The Western Union Telegraph Company. Motion to advance to be heard with No. 146 as one case granted.

No. 672. Elizabeth M. McGilvra et al., appellants, *v.* E. W. Ross, as State Land Commissioner, et al. Motion to advance granted, and cause assigned for argument on the first Tuesday of the next term (October 12) after the cases already set down for that day.

No. 710. The Macon Grocery Company et al., appellants, *v.* Atlantic Coast Line Railroad Company et al. Motion to advance granted, and cause assigned for argument on the first Tuesday of the next term (October 12), after the cases already set down for that day.

No. 720. Bernarr McFadden, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 730. The United States, petitioner, *v.* Daniel J. Rimer et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit granted.

No. 731. Grand Trunk Western Railway Company, petitioner, *v.* John F. Devine, administrator, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. A. B. Browne in behalf of Mr. George W. Kretzinger for the petitioner, and by Mr. Edward Maher for the respondent.

No. 466. Duryea Power Company, bankrupt, etc., appellant, *v.* Herbert M. Sternbergh. Suggestion of diminution of the record and motion for a writ of certiorari submitted by Mr. F. W. Brandenburg, in behalf of counsel for the appellant.

No. 736. The Rubber Tire Wheel Company et al., petitioners, *v.* The Goodyear Tire & Rubber Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Clarence B. Byrnes, Mr. Frederick P. Fish, Mr. Thomas W. Bakewell, Mr. Border Bowman, and Mr. Charles W. Stapleton, for the petitioners, and by Mr. H. A. Toulmin, for the respondents.

No. 734. Dowagiac Manufacturing Company, petitioner, *v.* McSherry Manufacturing Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. L. P. Whitaker in behalf of Mr. Fred L. Chappell and Mr. Morison R. Waite, for the petitioner, and by Mr. E. E. Wood and Mr. Joseph Wilby, for the respondents.

No. 733. Lawrence Johnson & Company, petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit, submitted by Mr. Charles J. Hedrick, in behalf of Mr. Howard T. Walden and Mr. Henry J. Webster, for the petitioners, and by Mr. Solicitor-General Hoyt for the respondent.

No. 625. W. J. Murray et al., petitioners, *v.* Wilson Distilling Company et al.; and

No. 605. W. J. Murray et al., plaintiffs in error, *v.* The State of South Carolina ex rel. A. W. Ray, trustee. Argument continued by Mr. D. W. Rountree for the petitioners, by Mr. T. Moultrie Mordecai for the respondents, and concluded by Mr. W. F. Stevenson for the petitioners.

No. 653. Joseph Keller, plaintiff in error, *v.* The United States; and

No. 654. Louis Ullman, plaintiff in error, *v.* The United States. Argument commenced by Mr. Benjamin C. Bachrach for the plaintiffs in error, continued by Mr. Assistant Attorney-General Fowler for the defendant in error, and concluded by Mr. Benjamin C. Bachrach for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 2, will be as follows: Nos. 626, 5 Original, 642, 103, 104, 101, 108, 110, 111 and 20.

O

SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 2, 1909.

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

Douglas C. Conover of Seattle, Wash., William Wray of Seattle, Wash., William L. McArar of Petersburg, Mich., William C. Reid of Roswell, N. Mex., and James W. Murphy of Platteville, Wis., were admitted to practice.

No. 626. William Hepner *v.* The United States. Argued by Mr. Assistant to the Attorney-General Ellis for the United States, and submitted by Mr. S. P. McConnell for Hepner.

No. 5 Original. The United States of America, complainant, *v.* J. F. Shipp et al. Dismissed as to the defendant Frank Jones, on motion of Mr. Solicitor-General Hoyt for the complainant.

One hour additional time allowed each side in the argument and five counsel permitted to be heard for defendants, on motion of Mr. J. J. Lynch, for the defendants.

Argument commenced by Mr. Solicitor-General Hoyt, for the complainant, and continued by Mr. J. J. Lynch and Mr. G. W. Chamlee, for the defendants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 3, will be as follows: Nos. 5, Original, 642, 103, 104, 101, 108, 110, 111, 20 and 112.

O

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 3, 1909.

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

James L. Bunnell of Pittsburg, Pa., Ezra P. Prentice of New York City, N. Y., Obed Collee Doster of Enterprise, Ala., Bernard Titcher of New Orleans, La., George W. Boyer of Philadelphia, Pa., Abel Davis of Chicago, Ill., Lawrence Bond of Boston, Mass., Adrian Hight David of Lincoln, Nebr., and Benjamin Slade of New Haven, Conn., were admitted to practice.

No. 5 Original. The United States of America, complainant, *v.* J. F. Shipp et al. Argument continued by Mr. G. W. Chamlee, Mr. T. Pope Shepherd, Mr. Moses H. Clift and Mr. Robert B. Cook for the defendants, and concluded by Mr. Attorney-General Bonaparte for the complainant.

Adjourned until to-morrow at 11 o'clock.

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 4, 1909.

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

The Chief Justice announced that the court would take a recess for the purpose of attending the inauguration of the President of the United States.

The oath of office was administered to the Honorable William Howard Taft as President of the United States by the Chief Justice, and the court reconvened.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 5, will be as follows: Nos. 642, 103, 104, 101, 108, 110, 111, 20, 112 and 113.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 5, 1909.

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

Thomas R. Bateman of Boston, Mass., C. A. Stephens of Jasper, Fla., Cameron M. Kay of Palestine, Tex., George H. Allen of Portland, Me., Van A. Snider of Lancaster, Ohio, Nash Rockwood of Saratoga Springs, N. Y., Alfred Dudley Dennison of Johnstown, N. Y., Paul W. Linebarger of Chicago, Ill., Frank Wentworth Swett of Chicago, Ill., W. H. Utt of Chicago, Ill., Alfred O. Erickson of Chicago, Ill., George H. Bond of Syracuse, N. Y., John T. Morrison of Boise, Idaho, John Perry Wood of Pasadena, Cal., William H. Dellenback of Chicago, Ill., Philip J. Maguire of Chicago, Ill., James Edgar Brown of Chicago, Ill., Willard F. Williamson of San Francisco, Cal., George Vivian Smith of New York City, N. Y., Otis R. Parker of Fort Pierce, Fla., Joseph R. Burres of Chicago, Ill., Frederick B. Lathrop of San Francisco, Cal., B. M. Allen of Birmingham, Ala., Merton Fitzpatrick of Hillsdale, Mich., and F. Carter Pope of Washington, D. C., were admitted to practice.

No. 642. The United States, plaintiff in error, *v.* William R. Mason et al. Argument commenced by Mr. Assistant Attorney-General Fowler for the plaintiff in error, continued by Mr. John M. Waldron for the defendants in error, and concluded by Mr. Assistant Attorney-General Fowler for the plaintiff in error.

No. 103. Maria Guiseppa Raffaello Maiorano, plaintiff in error, *v.* The Baltimore & Ohio Railroad Company. Argument commenced by Mr. George C. Bradshaw (by special leave) for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 8, will be as follows: Nos. 103, 104, 101, 108, 110, 111, 20, 112, 113 and 114.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 8, 1909.

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

William H. Poorman of Helena, Mont., Charles I. Simms of Washington, D. C., John M. Thornburgh of Knoxville, Tenn., Frank E. Miles of Newport, Vt., Gilbert A. Davis of Windsor, Vt., Gilbert F. Davis of Windsor, Vt., and Theodore C. Lindsay, jr., of Dayton, Ohio, were admitted to practice.

No. 97. Mammoth Mining Company, plaintiff in error, *v.* Grand Central Mining Company, etc. In error to the supreme court of the State of Utah and to the district court of Juab County, State of Utah. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the court:

No. 3 Original. State of Washington, complainant, *v.* State of Oregon. Leave granted to file petition for rehearing, briefs thereon to be filed on both sides within forty days.

No. 466. Duryea Power Company, bankrupt, etc., appellant, *v.* Herbert M. Sternbergh. Motion for a writ of certiorari upon suggestion of diminution of the record granted without prejudice, the paper presented with the motion to stand as a return to the writ.

No. 731. Grand Trunk Western Railway Company, petitioner, *v.* John F. Devine, administrator, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 733. Lawrence Johnson & Co., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 734. Dowagiac Manufacturing Company, petitioner, *v.* McSherry Manufacturing Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 736. The Rubber Tire Wheel Company et al., petitioners, *v.* The Goodyear Tire & Rubber Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

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

No. 688. Patrick Lennox, petitioner, *v.* Allen-Lane Company et al.;

No. 689. Patrick Lennox, petitioner, *v.* Allen-Lane Company et al.;

No. 690. Patrick Lennox, petitioner, *v.* Melville L. Cobb et al.;

No. 691. Patrick Lennox, petitioner, *v.* Melville L. Cobb et al.;

No. 692. Patrick Lennox, petitioner, *v.* George S. Rosencrantz et al.; and

No. 693. Patrick Lennox, petitioner, *v.* George S. Rosencrantz et al. Petitions for writs of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. John P. Leahy, for the petitioner, and by Mr. William H. Dunbar and Mr. Frederick P. Fish, for the respondents.

No. 199, of October term, 1897. The Gila Bend Reservoir and Irrigation Company, appellant, *v.* W. H. Linn et al.; and

No. 226, of October term, 1905. Gila Bend Reservoir and Irrigation Company, appellant, *v.* The Gila Water Company. Motion for leave to file petitions for leave to file bills of review in the lower court submitted by Mr. William C. Prentiss, in behalf of counsel.

No. — Original. *Ex parte*: In the matter of Frank D. Winn, petitioner. Motion for leave to file a petition for a writ of mandamus submitted by Mr. John Spalding Flannery in behalf of counsel for the petitioner.

No. 103. Maria Guiseppa Raffaello Maiorano, plaintiff in error, *v.* The Baltimore & Ohio Railroad Company. Argument continued by Mr. George C. Bradshaw (by special leave) for the plaintiff in error, and concluded by Mr. Johns McCleave for the defendant in error.

No. 104. Southern Railway Company, plaintiff in error, *v.* St. Louis Hay & Grain Company. Argument commenced by Mr. C. B. Northrop for the plaintiff in error, and continued by Mr. P. J. Farrell and Mr. L. O. Whitnel for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 9, will be as follows: Nos. 104, 101, 108, 110, 111, 20, 112, 113, 114 and 115.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 9, 1909.

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

George S. Grimes of Minneapolis, Minn., and Percy N. H. Lombard of Old Orchard, Me., were admitted to practice.

No. 104. Southern Railway Company, plaintiff in error, *v.* St. Louis Hay & Grain Company. Argument continued by Mr. L. O. Whitnel for the defendant in error, and concluded by Mr. Edward C. Kramer for the plaintiff in error.

No. 101. Molyneaux L. Turner, appellant and plaintiff in error, *v.* The American Security & Trust Company et al. Argument commenced by Mr. Charles F. Carusi for the appellant and plaintiff in error, and continued by Mr. Stanton C. Pelle and Mr. William F. Mattingly for the appellees and defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 10, will be as follows: Nos. 101, 108, 110, 111, 20, 112, 113, 114, 115 and 117.

O

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 10, 1909.

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

George E. Kirk of Toledo, Ohio, Charles A. Snow of Boston, Mass., and Jules C. Rosenberger of Kansas City, Mo., were admitted to practice.

No. 101. Molyneaux L. Turner, appellant and plaintiff in error, *v.* American Security and Trust Company et al. Argument concluded by Mr. J. J. Darlington for the appellant and plaintiff in error.

No. 108. J. M. Ceballos & Company, appellants, *v.* The United States. Argument commenced by Mr. William V. Rowe for the appellant, continued by Mr. Assistant Attorney-General John Q. Thompson for the appellee, and concluded by Mr. John J. Hemphill for the appellants.

No. 110. Eleanor Erica Strong and Richard P. Strong, her husband, plaintiffs in error, *v.* Francisco Gutierrez Repide. Argument commenced by Mr. Henry E. Davis for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 11, will be as follows: Nos. 110, 111, 20, 112, 113, 114, 115, 117, 118 and 66 (and 606).

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 11, 1909.

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

Thomas B. Wilson of Bradford, Pa., William B. DePue of Vinita, Okla., William Henry Wilder of Gardner, Mass., and J. C. Brown of Lagrange, Tex., were admitted to practice.

No. 110. Eleanor Erica Strong and Richard P. Strong, her husband, plaintiffs in error, *v.* Francisco Gutierrez Repide. Argument continued by Mr. Henry E. Davis for the plaintiffs in error, by Mr. George E. Hamilton for the defendant in error, and concluded by Mr. Henry E. Davis for the plaintiffs in error.

No. 111. The United States *ex rel.* Emily E. Parish, executrix of Joseph W. Parish, deceased, plaintiff in error, *v.* George Bruce Cortelyou, Secretary of the United States Treasury. Resignation of George B. Cortelyou as Secretary of the Treasury suggested, and the appearance of Franklin MacVeagh, his successor in office, as the party defendant in error herein, filed and entered per stipulation of counsel and on motion of Mr. Holmes Conrad for the plaintiff in error.

No. 111. The United States *ex rel.* Emily E. Parish, executrix of Joseph W. Parish, deceased, plaintiff in error, *v.* Franklin MacVeagh, Secretary of the United States Treasury. Argument commenced by Mr. Holmes Conrad for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 12, will be as follows: Nos. 111, 20, 112, 113, 114, 115, 117, 118, 66 (and 606) and 120.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 12, 1909.

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

Ralph Edmunds of Idaho Falls, Idaho. and Charles B. Morrison of Chicago, Ill., were admitted to practice.

No. 111. The United States ex rel. Emily E. Parrish, executrix of Joseph W. Parrish, deceased, plaintiff in error, *v.* Franklin MacVeagh, Secretary of the United States Treasury. Argument continued by Mr. Holmes Conrad for the plaintiff in error, by Mr. Assistant Attorney-General Russell for the defendant in error, and concluded by Mr. Leigh Robinson for the plaintiff in error.

No. 20. The Merchants' National Bank of Baltimore, appellant, *v.* The United States. Argument commenced by Mr. R. E. Lee Marshall for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 15, will be as follows: Nos. 20, 112, 113, 114, 115, 117, 118, 66 (and 606), 120 and 121.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 15, 1909.

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

William Greenough of New York City, N. Y., A. Parker Smith of New York City, N. Y., John H. Foster of Evansville, Ind., William H. Holt of Louisville, Ky., Matthew J. Holt of Louisville, Ky., and Melvin G. Sperry of Clarksburg, W. Va., were admitted to practice.

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

No. — Original. *Ex parte*: In the matter of Frank D. Winn, petitioner. Motion for leave to file a petition for a writ of mandamus granted, and rule to show cause awarded, returnable on Monday, April 5, 1909.

No. 199, of October Term, 1897. The Gila Bend Reservoir & Irrigation Company, appellant, *v.* W. H. Linn et al.; and

No. 226, of October Term, 1905. Gila Bend Reservoir & Irrigation Company, appellant, *v.* The Gila Water Company. Motions for leave to file petitions for leave to file bills of review in the lower court denied.

No. 688. Patrick Lennox, petitioner, *v.* Allen-Lane Co. et al.;

No. 689. Patrick Lennox, petitioner, *v.* Allen-Lane Co. et al.;

No. 690. Patrick Lennox, petitioner, *v.* Melville L. Cobb et al.;

No. 691. Patrick Lennox, petitioner, *v.* Melville L. Cobb et al.;

No. 692. Patrick Lennox, petitioner, *v.* George S. Rosencrantz et al.; and

No. 693. Patrick Lennox, petitioner, *v.* George S. Rosencrantz et al. Petitions for writs of certiorari to the United States circuit court of appeals for the first circuit denied.

Mr. Justice Harlan also announced that the court will take a recess from Monday next, the 22d instant, until Monday, April 5.

No. 535. J. E. Fleming et al., appellants, *v.* Green McCurtain et al. Motion to advance submitted by Mr. Assistant to the Attorney-General Ellis in behalf of the Attorney-General of the United States.

No. 727. Frederick A. Peckham, appellant, *v.* Wm. Henkel, United States marshal, etc., et al.; and

No. 728. Moses Haas, appellant, *v.* Wm. Henkel, U. S. Marshal, etc., et al. Motions to advance submitted by Mr. Assistant to the

Attorney-General Ellis, for the appellees, in support of the motions, with leave to Mr. Nash Rockwood, for the appellants, to file brief in opposition to the motions on or before to-morrow.

No. — Original. The State of North Carolina, complainant, *v.* The State of Tennessee. Motion for leave to file a bill of complaint submitted by Mr. Theodore F. Davidson for the complainant.

No. 507. Abram I. Elkus, petitioner (in the matter of the Madson Steel Company, bankrupt). Motion to advance to be heard with No. 226 submitted by Mr. Charles Henry Butler in behalf of counsel.

No. 745. Frank J. Logan et al., appellants, *v.* Farmers' Deposit National Bank of Pittsburgh, Pa., et al.; and

No. 746. Rolling Mill Company of America et al., petitioners, *v.* Canton Roll & Machine Co. et al. Petitions for writs of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Frederick S. Tyler, in behalf of Mr. Hector M. Hitchings, for the petitioners, and by Mr. A. Leo Weil and Mr. B. M. Ambler for the respondents, with leave to counsel for the respondents to file an additional brief.

No. 686. American Banana Company, plaintiff in error, *v.* United Fruit Company. Motion to advance submitted by Mr. Everett P. Wheeler for the plaintiff in error in support of the motion, and by Mr. Moorfield Storey, Mr. Henry W. Taft and Mr. Walker B. Spencer for the defendant in error.

No. 738. Third National Bank of Cincinnati et al., petitioners, *v.* Zella Conaway, administratrix, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Melvin G. Sperry and Mr. George M. Hoffheimer for the petitioners, and by Mr. John Bassel for the respondent.

No. 20. The Merchants' National Bank of Baltimore, appellant, *v.* The United States. Argument continued by Mr. Philip M. Ashford and Mr. Assistant Attorney-General John Q. Thompson for the appellee, and concluded by Mr. James H. Hayden for the appellant.

No. 112. Sass & Crawford, plaintiffs in error, *v.* Minnie Thomas and Charley Thomas. Submitted by Mr. W. A. Ledbetter for the plaintiffs in error, and by Mr. A. C. Cruce and Mr. W. I. Cruce for the defendants in error.

No. 113. James S. Keerl, plaintiff in error, *v.* The State of Montana. Argued by Mr. Thomas J. Walsh, for the plaintiff in error, and by Mr. W. H. Poorman, for the defendants in error.

No. 114. Commercial Mutual Accident Company, plaintiff in error, *v.* Mary B. Davis. Argument commenced by Mr. Jule C. Rosenberger, for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 16, will be as follows: Nos. 114, 115, 117, 118, 66 (and 606), 120, 121, 122, 123 and 124.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 16, 1909.

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

James B. Rickard of Honokaa, Hawaii, Charles M. Kahn of Boise, Idaho, Fred S. Jackson of Topeka, Kans., and Clark Olds of Erie, Pa., were admitted to practice.

No. 125. The Pullman Company, plaintiff in error, *v.* The State of Kansas *ex rel.* C. C. Coleman, attorney-general of said State. Advanced, to be heard with No. 118 as one case, on motion of Mr. Charles Blood Smith for the plaintiff in error.

No. 122. The Edison Electric Company, appellant, *v.* The City of Pasadena *et al.* Appeal from the circuit court of the United States for the southern district of California. Dismissed with costs, on authority of counsel for appellant.

No. 114. Commercial Mutual Accident Company, plaintiff in error, *v.* Mary B. Davis. Argument continued by Mr. Jules C. Rosenberger for the plaintiff in error, by Mr. W. C. Scarritt for the defendant in error, and concluded by Mr. Jules C. Rosenberger for the plaintiff in error.

No. 115. Max Selliger, plaintiff in error, *v.* The Commonwealth of Kentucky, by George H. Alexander, revenue agent. Argument commenced by Mr. J. L. Dodd for the plaintiff in error, and continued by Mr. Matthew J. Holt for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 17, will be as follows: Nos. 115, 117, 118 (and 125), 66 (and 606), 120, 121, 123, 124, 126 and 127 (and 128, 129 and 130).

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 17, 1909.

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

No. 224. Bradley W. Palmer et al., petitioners, *v.* The State of Texas et al.;

No. 359. The Waters-Pierce Oil Company, plaintiff in error, *v.* The State of Texas; and

No. 360. The Waters-Pierce Oil Company, plaintiff in error, *v.* The State of Texas. Mandate stayed for two weeks from the 20th instant, on motion of Mr. A. B. Browne in behalf of counsel for the petitioners and plaintiff in error.

No. 127. Jose Elias Santiago and Ana Matilde Gonzalez, plaintiffs in error, *v.* Antonio Pons Noguerras et al., etc.;

No. 128. Jose Elias Santiago and Ana Matilde Gonzalez, plaintiffs in error, *v.* Gil Ramon Gonzalez y Rodriguez;

No. 129. Jose Elias Santiago and Ana Matilde Gonzalez, plaintiffs in error, *v.* Teodoro Moscoso et ux.; and

No. 130. Jose Elias Santiago and Ana Matilde Gonzalez, plaintiffs in error, *v.* Ana Semidey, widow of Antonio Costa, et al. Death of Jose Elias Santiago suggested, and appearance of Auristela Santiago et al., heirs of Jose Elias Santiago, deceased, as parties plaintiffs in error herein filed and entered, on motion of Mr. Frederic D. McKenney of counsel for the plaintiffs in error.

No. 126. W. A. Huff, individually and as trustee, etc., et al., appellants, *v.* William L. Bidwell et al. Appeal from the United States circuit court of appeals for the fifth circuit. Dismissed with costs, pursuant to the tenth rule.

No. 115. Max Selliger, plaintiff in error, *v.* The Commonwealth of Kentucky, by George H. Alexander, revenue agent. Argument continued by Mr. Matthew J. Holt for the defendant in error, and concluded by Mr. Alexander Pope Humphrey for the plaintiff in error.

No. 131. Boise Artesian Hot and Cold Water Company, Limited, appellant, *v.* Boise City. Argued by Mr. Richard H. Johnson for the appellant, and by Mr. William E. Borah and Mr. Charles M. Kahn for the appellee.

No. 118. The Western Union Telegraph Company, plaintiff in error, *v.* The State of Kansas, on the relation of C. C. Coleman, attorney-general; and

No. 125. The Pullman Company, plaintiff in error, *v.* The State of Kansas *ex rel.* C. C. Coleman, attorney-general of said State. One hour additional time allowed each side, and three counsel permitted to be heard for the plaintiffs in error in the argument of these cases on motion of Mr. Rush Taggart for the Western Union Telegraph Company. Argument commenced by Mr. Rush Taggart for the Western Union Telegraph Company, and continued by Mr. Henry D. Estabrook for the Western Union Telegraph Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 18, will be as follows: Nos. 118 (and 125), 66 (and 606), 120, 121, 123, 124, 127 (and 128, 129 and 130), 117, 133 and 134.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 18, 1909.

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

Irving L. Ernst of New York City, N. Y., and Benjamin F. Edsall of New York City, N. Y., were admitted to practice.

No. 134. Santa Rita Mining Company, plaintiff in error, *v.* James N. Upton. In error to the supreme court of the Territory of New Mexico. Dismissed with costs, pursuant to the tenth rule.

No. 118. The Western Union Telegraph Company, plaintiff in error, *v.* The State of Kansas, on the relation of C. C. Coleman, attorney-general; and

No. 125. The Pullman Company, plaintiff in error, *v.* The State of Kansas *ex rel.* C. C. Coleman, attorney-general of said State. Argument continued by Mr. Henry D. Estabrook for the Western Union Telegraph Company, and by Mr. Fred S. Jackson for the State of Kansas, and concluded by Mr. Frank B. Kellogg for the Pullman Company.

No. 66. Expanded Metal Company et al., petitioners, *v.* Eugene S. Bradford et al.; and

No. 606. The General Fireproofing Company, petitioner, *v.* The Expanded Metal Company. Argument commenced by Mr. Ernest Howard Hunter for the Expanded Metal Company et al.

Adjourned until to-morrow, at 12 o'clock.

The day call for Friday, March 19, will be as follows: Nos. 66 (and 606), 120, 121, 123, 124, 127 (and 128, 129 and 130), 117, 133, 135 and 136.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 19, 1909.

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

L. Sidney Carrere of New York City, N. Y., was admitted to practice.

No. 66. Expanded Metal Company et al., petitioners, *v.* Eugene S. Bradford et al.; and

No. 606. The General Fireproofing Company, petitioner, *v.* The Expanded Metal Company. Argument continued by Mr. Thomas W. Bakewell for The General Fireproofing Company et al., by Mr. Ernest Howard Hunter for The Expanded Metal Company et al., and concluded by Mr. Frederick P. Fish for The General Fireproofing Company et al.

No. 120. George G. Goodrich, appellant, *v.* John W. Ferris et al. Argument commenced by Mr. John G. Johnson, for the appellant, and continued by Mr. J. W. Dorsey, for the appellees.

Adjourned until Monday next, at 12 o'clock.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 22, 1909.

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

M. H. Thatcher of Louisville, Ky., R. M. McCarty of Dayton, Ohio, Eugene D. Scribner of Gloversville, N. Y., and Edwin A. Niess of Washington, D. C., were admitted to practice.

No. —. *Bernarr Macfadden v. The United States*. Ordered that the parties be allowed to file briefs on or before April 5th on the single question whether this court has jurisdiction to review the judgment of the circuit court of appeals on writ of error in this cause. Announced by Mr. Justice Moody.

No. 6 Original. *State of Missouri, complainant, v. State of Kansas*. Decree for defendant. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the court:

No. 13 Original. *The State of North Carolina, complainant, v. The State of Tennessee*. Motion for leave to file bill of complaint granted, and process awarded.

No. 507. *Abram I. Elkus, petitioner (In the matter of The Madson Steele Company, bankrupt)*. Motion to advance, to be heard with No. 226 as one case, granted.

No. 535. *J. E. Fleming et al., appellants, v. Green McCurtain et al.* Motion to advance granted and cause assigned for argument on Tuesday, October 12 next, after the cases already assigned for that day.

No. 686. *American Banana Company, plaintiff in error, v. United Fruit Company*. Motion to advance granted and cause assigned for argument on Monday, April 12 next.

No. 727. *Frederick A. Peckham, appellant, v. William Henkel, U. S. marshal, etc., et al.; and*

No. 728. *Moses Haas, appellant, v. William Henkel, U. S. marshal, etc., et al.* Motions to advance granted and cases assigned for argument on Tuesday, October 12th next, after the cases already assigned for that day.

No. 738. *Third National Bank of Cincinnati et al., petitioners, v. Zella Conaway, administratrix, etc., et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 745. Frank J. Logan et al., appellants, *v.* Farmers' Deposit National Bank of Pittsburgh, Pa., et al. Petition for a writ of certiorari herein denied.

No. 746. Rolling Mill Company of America et al., petitioners, *v.* Canton Roll & Machine Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 112. Sass & Crawford, plaintiffs in error, *v.* Minnie Thomas and Charley Thomas. In error to the United States circuit court of appeals for the eighth circuit. Per curiam: The writ of error is dismissed for want of jurisdiction, on authority of *Laurel Oil & Gas Company v. Robert W. Morrison et al.*, decided on February 23 last.

No. 488. Komada & Company, petitioner, *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Hoyt for the respondent.

No. 757. Sue Kirkpatrick et al., petitioners, *v.* The St. Louis & San Francisco Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Frederick S. Tyler, in behalf of Mr. W. L. Sturdevant, for the petitioners, and by Mr. W. F. Evans for the respondent.

No. 460. The Garfield Memorial Hospital, plaintiff in error, *v.* Henry B. F. Macfarland et al., Commissioners of the District of Columbia. In error to the court of appeals of the District of Columbia. Dismissed with costs on motion of Mr. James H. Hayden for the plaintiff in error.

No. 149. Rumford Chemical Works, petitioner, *v.* Hygienic Chemical Company. Continued per stipulation of counsel.

No. 725. The New York Central & Hudson River Railroad Company, plaintiff in error, *v.* Wm. Schradin, as administrator, etc. Motion to dismiss or affirm submitted by Mr. George Vivian Smith for the defendant in error in support of the motion, and by Mr. Charles C. Paulding and Mr. Thomas Emery for the plaintiff in error in opposition thereto.

No. 120. George G. Goodrich, appellant, *v.* John W. Ferris et al. Argument continued by Mr. Henry E. Davis for the appellees, and concluded by Mr. John G. Johnson for the appellant, with leave to counsel for both sides to file additional briefs within five days.

Adjourned until Monday, April 5, at 12 o'clock.

The day call for Monday, April 5, will be as follows: Nos. 241 (and 320), 613, 121, 123, 124, 127 (and 128, 129 and 130), 117, 133, 135 and 136.

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 5, 1909.

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

Guy A. Miller of Des Moines, Iowa, C. P. Dorr of Webster Springs, W. Va., Edward Gray of Dallas, Tex., Thomas J. Jerome of Salisbury, N. C., L. H. McGill of Bentonville, Ark., T. D. Savage of Norfolk, Va., Cay Coll Cuchi of San Juan, P. R., E. R. O'Malley of Buffalo, N. Y., Wm. H. Hawkins of San Juan, P. R., Burton Craige of Salisbury, N. C., Isaac M. Aron of New York City, N. Y., Frederick B. Campbell of New York City, Elmer E. Davis of Toledo, Ohio, Harry E. King of Toledo, Ohio, Cornelius D. Scully of Pittsburg, Pa., T. Kennedy Helm of Louisville, Ky., Jeremiah Evarts Tracy of New York City, N. Y. and John A. Bloomington of Chicago, Ill., were admitted to practice.

No. 101. Molyneaux L. Turner, appellant and plaintiff in error, *v.* American Security and Trust Company et al. Appeal from and in error to the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Moody. (Mr. Justice Harlan took no part in the decision of this case.)

No. 103. Maria Guiseppa Raffaella Maiorano, plaintiff in error, *v.* The Baltimore & Ohio Railroad Company. In error to the supreme court of the State of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice Moody.

No. 131. Boise Artesian Hot and Cold Water Company (Limited), appellant, *v.* Boise City. Appeal from the circuit court of the United States for the district of Idaho. Decree affirmed with costs. Opinion by Mr. Justice Moody.

No. 89. The Chesapeake & Ohio Railway Company et al., plaintiffs in error, *v.* Emma R. McCabe, administratrix of Peter McCabe, deceased. In error to the court of appeals of the State of Kentucky. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Day. Dissenting: Mr. Justice McKenna.

No. 93. Josiah Coder, trustee of the estate of Alexander Armstrong, bankrupt, appellant, *v.* William Arts. Appeal from the United States circuit court of appeals for the eighth circuit. Decree affirmed with costs and cause remanded to the district court of the United States for the southern district of Iowa. Opinion by Mr. Justice Day.

No. 114. Commercial Mutual Accident Company, plaintiff in error, *v.* Mary B. Davis. In error to the circuit court of the United States for the western district of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 115. Max Selliger, plaintiff in error, *v.* The Commonwealth of Kentucky, by George H. Alexander, revenue agent. In error to the court of appeals of the State of Kentucky. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 521. Adam T. Siler et al., appellants, *v.* The Louisville & Nashville Railroad Company;

No. 522. Adam T. Siler et al., appellants, *v.* Illinois Central Railroad Company;

No. 523. Adam T. Siler et al., appellants, *v.* Southern Railway Company in Kentucky; and

No. 524. Adam T. Siler et al., appellants, *v.* Cincinnati, New Orleans & Texas Pacific Railway Company. Appeals from the circuit court of the United States for the eastern district of Kentucky. Decrees affirmed with costs. Opinion by Mr. Justice Peckham.

No. 625. W. J. Murray et al., petitioners, *v.* Wilson Distilling Company et al. On writ of certiorari to the United States circuit court of appeals for the fourth circuit. Decrees reversed with costs, and cause remanded to the circuit court of the United States for the district of South Carolina with directions to dismiss the bills of complaint. Opinion by Mr. Justice White. (The Chief Justice took no part in the consideration or disposition of this case.)

No. 605. W. J. Murray et al., plaintiffs in error, *v.* The State of South Carolina, ex rel. A. W. Ray, trustee. In error to the supreme court of the State of South Carolina. Judgment affirmed with costs. Opinion by Mr. Justice White. (The Chief Justice took no part in the consideration or disposition of this case.)

No. 95. J. E. Hurley et al., appellants, *v.* The Atchison, Topeka & Sante Fe Railway Company et al. Appeal from the United States circuit court of appeals for the eighth circuit. Decree affirmed with costs and cause remanded to the district court of the United States for the district of Kansas. Opinion by Mr. Justice Brewer. (Mr. Justice Holmes concurs in the judgment.)

No. 113. James S. Keerl, plaintiff in error, *v.* The State of Montana. In error to the supreme court of the State of Montana. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 653. Joseph Keller, plaintiff in error, *v.* The United States; and

No. 654. Louis Ullman, plaintiff in error, *v.* The United States. In error to the district court of the United States for the northern district of Illinois. Judgments reversed and cases remanded, with directions to quash the indictment. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Holmes, Mr. Justice Harlan and Mr. Justice Moody.

No. 626. *William Hepner v. The United States*. On a certain certificate from the United States circuit court of appeals for the second circuit. Question certified answered in the affirmative. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Brewer.

No. 642. *The United States, plaintiff in error, v. William R. Mason and Joseph Vanderweide*. In error to the district court of the United States for the district of Colorado. Judgment affirmed. Opinion by Mr. Justice Harlan.

No. 102. *Edward Bonner and Edward L. Bonner, plaintiffs in error, v. Henry P. Gorman, administrator of the estate of Mary A. Cole, deceased, et al.* In error to the supreme court of the State of Arkansas. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 362. *The United States, petitioner, v. John W. Dickinson*. On writ of certiorari to the United States circuit court of appeals for the first circuit. Writ of certiorari dismissed. Opinion by Mr. Chief Justice Fuller. (Mr. Justice Moody took no part in the decision of this case.)

The Chief Justice announced that there would be no session of the court on Friday, the 9th instant.

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

No. 488. *Komada & Company, petitioner, v. The United States*. Motion to advance granted and cause assigned for argument on Tuesday, October 12 next, after the cases already assigned for that day.

No. 725. *New York Central & Hudson River Railroad Company, plaintiff in error, v. William Schradin, as administrator, etc.* Motion to dismiss postponed to the hearing of the cause on its merits.

No. 757. *Sue Kirkpatrick et al., etc., petitioners, v. St. Louis & San Francisco Railroad Company*. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

Mr. Attorney-General Wickersham presented Mr. Lloyd W. Bowers of Illinois as Solicitor-General of the United States, and it was ordered that his commission be recorded.

No. 772. *United States of America, petitioner, v. Daniel Garrigan*. Petition for a writ of certiorari to the United States circuit court of appeals submitted by Mr. John B. Daish in behalf of Mr. Alfred S. Austrian for the petitioner. Mr. Attorney-General Wickersham disclaimed any interest in the petition on the part of the United States, and leave was granted Mr. Daish to file suggestions in answer to such disclaimer.

No. 735. *The Mercantile Trust Company et al., appellants, v. The Texas & Pacific Railway Company et al.* Motion for leave to file brief as *amicus curiæ* and to make oral argument herein submitted by Mr. F. C. Zacharie in that behalf.

No. 788. *Eagle Oil Company et al., petitioners, v. The Vacuum Oil Company*. Petition for a writ of certiorari to the United States

circuit court of appeals for the third circuit, submitted by Mr. Cornelius D. Scully and Mr. Eugene Mackey for the petitioners, and by Mr. C. Schuyler Davis and Mr. Howard L. Osgood for the respondent.

No. —, Original. *Ex parte*: In the matter of Consolidated Rubber Tire Company, petitioner. Motion for leave to file petition for a writ of prohibition submitted by Mr. Charles W. Stapleton for the petitioner.

No. 702. Mark Jacobs, appellant, *v.* Joseph Beecham. Motion to dismiss or affirm submitted by Mr. Myer Cohen in behalf of Mr. Charles W. Gould for the appellee in support of the motion, and by Mr. Max J. Kohler for the appellant in opposition thereto.

No. 763. John B. Heckendorn, 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. Everit Brown and Mr. H. J. Cookinham for the petitioner, and by Mr. Solicitor-General Bowers for the respondent.

No. 714. Acme Harvester Company, plaintiff in error, *v.* Beekman Lumber Company. Motion to dismiss or affirm submitted by Mr. Hannis Taylor, for the defendant in error, in support of the motion, and by Mr. Edwin A. Krauthoff, and Mr. Alexander New, for the plaintiff in error, in opposition thereto.

No. 744. Fannie Finks et al., petitioners, *v.* Fred Fleming et al. petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit, submitted by Mr. Hannis Taylor in behalf of Mr. F. M. Etheridge and Mr. J. M. McCormick for the petitioners, and by Mr. M. E. Locke, Mr. J. W. Terry, Mr. M. M. Crane and Mr. Wm. J. McKie, for the respondents.

No. 753. Frank Yesbera, petitioner, *v.* The Hardesty Manufacturing Company, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Thomas H. Tracy and Mr. Almon Hall for the petitioner, and by Mr. Melville Church for the respondent.

No. 116. The People of the State of New York on the relation of The New York Electric Lines Co., plaintiffs in error, *v.* William B. Ellison, commissioner of water supply, gas, and electricity of the city of New York et al. In error to the supreme court of the State of New York. Dismissed with costs and mandate granted on motion of Mr. Frederic D. McKenney, in behalf of counsel for the plaintiff in error.

No. 200. Isaac H. Caliga, plaintiff in error, *v.* Inter-Ocean Newspaper Company. Motion for leave to file brief herein as *amicus curiæ* submitted by Mr. Frederic D. McKenney in that behalf.

No. 646. Maria Cruz de Godines et al., appellants, *v.* Francis H. Dexter. Appeal from the district court of the United States for Porto Rico. Dismissed with costs and mandate granted on motion of Mr. Frederic D. McKenney, in behalf of counsel.

No. 773. Corn Products Refining Company, petitioner, *v.* George F. Harding et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. John B. Daish in behalf of Mr. Levy Mayer for the petitioner, and by Mr. George F. Harding for the respondents.

No. 789. Corn Products Refining Company, petitioner, *v.* Robert King. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. John A. Bloomington for the petitioner, and by Mr. L. O. Whitnel for the respondent.

No. 764. The Wolf Brother & Co., petitioner, *v.* Hamilton-Brown Shoe Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Lawrence Maxwell and Mr. Simeon M. Johnson for the petitioner, and by Mr. Joseph R. Edson and Mr. Paul Bakewell for the respondent.

No. 771. The New York, New Haven & Hartford Railroad Company, petitioner, *v.* Walter Baker & Company, Limited. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Lawrence Maxwell in behalf of Mr. William Greenough for the petitioner, and by Mr. Eugene P. Carver and Mr. Horace L. Cheyney for the respondent.

No. 97. Mammoth Mining Company, plaintiff in error, *v.* Grand Central Mining Company, etc. Mandate stayed until 1st of May next, on motion of Mr. A. B. Browne for the plaintiff in error.

No. 12. Original. *Ex parte:* In the matter of Frank D. Winn, petitioner. Argued by Mr. Guy A. Miller for the petitioner, and by Mr. Nathaniel T. Guernsey for the respondent.

No. 241. George D. Collins, plaintiff in error, *v.* Thomas F. O'Neil, sheriff, etc., et al.; and

No. 320. George D. Collins, appellant, *v.* The Sheriff of the City and County of San Francisco et al. Argued by Mr. William Hoff Cook for the defendants in error and appellees, and submitted by Mr. George D. Collins pro se.

No. 613. Smithsonian Institution et al. *v.* Gamaliel C. St. John, as executor and trustee, etc., et al. Argument commenced by Mr. Frank W. Hackett for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 6, will be as follows: Nos. 613, 121, 123, 124, 127 (and 128, 129 and 130), 117, 133, 135, 136 and 137.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 6, 1909.

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

Andrew J. Volstead of Granite Falls, Minn., C. A. Fosnes of Montevideo, Minn., and McNeil V. Seymour of St. Paul, Minn., were admitted to practice.

No. 168. Western Union Telegraph Company, plaintiff in error, *v.* Samuel Chiles. Leave granted to Mr. W. D. Stoakley to file brief herein and argue case orally for defendant in error, on motion of Mr. William A. Jones in that behalf.

No. 613. Smithsonian Institution et al., plaintiffs in error, *v.* Gama-liel C. St. John, as executor and trustee, etc., et al. Leave granted to three counsel to be heard for defendants in error, on motion of Mr. James W. Hawes for the defendants in error. Argument continued by Mr. Frank W. Hackett for the plaintiffs in error, and by Mr. James W. Hawes, Mr. Virgil P. Kline and Mr. Harold Nathan for the defendants in error, and concluded by Mr. Edmund Wetmore for the plaintiffs in error.

No. 121. Henry Van Gieson, appellant, *v.* C. B. Maile. Submitted by Mr. Henry Van Gieson pro se. No brief filed for the appellee.

No. 123. The Sand Filtration Corporation of America, appellant, *v.* Samuel P. Cowardin et al. Argued by Mr. A. S. Worthington for the appellant, and by Mr. Reginald S. Huidekoper and Mr. Charles Cowles Tucker for the appellees.

No. 124. Mollie E. Dupree and William E. Dupree, petitioners, *v.* C. W. Mansur. Argument commenced by Mr. J. J. Darlington for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 7, will be as follows: Nos. 124, 127 (and 128, 129 and 130), 117, 133, 135, 136, 137, 143, 144 and 145.

O

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 7, 1909.

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

James H. Corbitt of Suffolk, Va., and Charles K. Beekman of New York City, N. Y., were admitted to practice.

No. 124. Mollie E. Dupree and William E. Dupree, petitioners, *v.* C. W. Mansur. Argument continued by Mr. J. J. Darlington for the petitioners, and by Mr. Hannis Taylor for the respondents, and concluded by Mr. J. J. Darlington for the petitioners.

No. 127. Auristela Santiago et al., heirs, etc., plaintiffs in error, *v.* Antonio Pons Noguerras et al., etc.;

No. 128. Auristela Santiago et al., heirs, etc., plaintiffs in error, *v.* Gil Ramon Gonzalez y Rodriguez;

No. 129. Auristela Santiago et al., heirs, etc., plaintiffs in error, *v.* Teodoro Moscoso and Alejandrina Mora y Fajardo, his wife; and

No. 130. Auristela Santiago et al., heirs, etc., plaintiffs in error, *v.* Ana Semidey, widow of Antonio Costa, et al. Submitted by Mr. Francis H. Dexter for the plaintiffs in error, and by Mr. Charles Hartzell for the defendants in error in Nos. 127, 128 and 129.

No. 117. The District of Columbia, plaintiff in error, *v.* Alice Brooke. Argued by Mr. F. H. Stephens for the plaintiff in error, and by Mr. John Ridout for the defendant in error.

No. 133. Boquillas Land and Cattle Company, appellant, *v.* J. N. Curtis et al. Argued by Mr. Eugene S. Ives for the appellant, and submitted by Mr. H. L. Pickett and Mr. Ben Goodrich for the appellees.

No. 135. The Order of Railroad Telegraphers, appellant, *v.* The Louisville & Nashville Railroad Company. Appeal from the circuit court of the United States for the western district of Kentucky. Dismissed with costs, pursuant to the sixteenth rule, on motion of Mr. T. Kennedy Helm for the appellee.

No. 136. Maria de las Nieves Cabrera and Magdalena de la Cruz, appellants, *v.* The American Colonial Bank. Submitted by Mr. Francis H. Dexter for the appellants, and by Mr. N. B. K. Pettingill for the appellee.

No. 137. Buenaventura Ubarri y Yramategui, plaintiff in error, *v.* Jacinto Lorenzo Lopez Laborde et al. Argument commenced by Mr. Walter D. Davidge for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 8, will be as follows: Nos. 137, 143, 144, 145, 146 (and 233), 147, 148, 150, 152 and 153.

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 8, 1909.

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

John C. Doolan of Louisville, Ky., Frank Cox of Morgantown, W. Va., and Wm. R. Lilly of Huntington, W. Va., were admitted to practice.

No. 145. Matilde von Ellert Sistare, plaintiff in error, *v.* Horace Randall Sistare. Continued per stipulation.

No. 147. Emeterio Alvarez, Potencia Mariano et al, plaintiffs in error, *v.* Severina Lerma Martinez de Almeda. In error to the supreme court of the Philippine Islands. Dismissed with costs, pursuant to the tenth rule.

No. 137. Buenaventura Ubarri e Yramategui, plaintiff in error, *v.* Jacinto Lorenzo Lopez Laborde et al. Argument continued by Mr. Willis Sweet and Mr. George H. Lamar for the defendants in error, by Mr. Clifford S. Walton for the plaintiff in error, and concluded by Mr. Walter D. Davidge for the plaintiff in error. Leave granted to counsel for plaintiff in error to file additional brief within five days, and to counsel for the defendants in error to reply thereto within five days thereafter.

No. 144. Adams Express Company, plaintiff in error, *v.* The Commonwealth of Kentucky. Argued by Mr. Lawrence Maxwell for the plaintiff in error. No brief filed for the defendant in error.

No. 143. Julian E. Woodwell, appellant, *v.* The United States. Argument commenced by Mr. William H. Robeson for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 12, will be as follows: Nos. 143, 686, 146 (and 233), 148, 150, 152, 153, 154, 156 and 157.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 12, 1909.

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

Helen K. Hoy of New York City, N. Y., Joseph J. Hooker of Hillsboro, N. C., Anthony J. Ernest of New York City, N. Y., James Herbert Blood of Denver, Colo., Waitstill Hastings Swenarton of Montclair, N. J., Caldwell Yeaman of Denver, Colo., Maurice Léon of New York City, N. Y., Hal L. Norwood of Little Rock, Ark., and William F. Kirby of Little Rock, Ark., were admitted to practice.

No. —. *Bernarr Macfadden v. The United States*. Petition for a writ of error denied. Opinion by Mr. Justice Moody.

The Chief Justice announced the following orders of the Court:

No. —. Original. *Ex parte* In the matter of The Consolidated Rubber Tire Company, petitioner. Motion for leave to file petition for a writ of prohibition denied.

No. 200. *Isaac H. Caliga, plaintiff in error, v. Inter-Ocean Newspaper Company*. Motion for leave to file brief as *amicus curiæ* granted.

No. 702. *Mark Jacobs, appellant, v. Joseph Beecham*. Motion to dismiss or affirm postponed to the hearing of the case on its merits.

No. 714. *Acme Harvester Company, plaintiff in error, v. Beekman Lumber Company*. Motion to dismiss or affirm postponed to the hearing of the case on its merits.

No. 735. *The Mercantile Trust Company et al., appellants, v. The Texas & Pacific Railway Company et al.* Motion for leave to file brief as *amicus curiæ* granted, but motion for leave to make oral argument denied.

No. 744. *Fannie Finks et al., petitioners, v. Fred Fleming et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 753. *Frank Yesbera, petitioner, v. The Hardesty Manufacturing Company, etc.* Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 763. *John B. Heckendorn, petitioner, v. The United States*. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 764. *The Wolf Brothers & Company, petitioner, v. Hamilton-Brown Shoe Company*. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 771. The New York, New Haven & Hartford Railroad Company, petitioner, *v.* Walter Baker & Company, Limited. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 772. United States of America, petitioner, *v.* Daniel Garrigan. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 773. Corn Products Refining Company, petitioner, *v.* George F. Harding et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 788. Eagle Oil Company et al., petitioners, *v.* Vacuum Oil Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 789. Corn Products Refining Company, petitioner, *v.* Robert King. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 796. The United States, petitioner, *v.* Bernard Citroen. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Solicitor-General Bowers for the petitioner, and by Mr. W. Wickham Smith and Mr. John K. Maxwell for the respondent. Leave granted to petitioner to file additional brief.

No. 755. Theodore H. Price, appellant, *v.* William Henkel, United States marshal, etc., et al. Motion to advance submitted by Mr. T. S. Fuller for the appellant.

No. 798. La Compagnie Générale Transatlantique, petitioner, *v.* Patrick Maguire. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Joseph P. Nolan for the petitioner.

No. 792. North Carolina Mining Company, petitioner, *v.* G. R. Westfeldt et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Charles A. Moore and Mr. James H. Merrimon for the petitioner and by Mr. Alfred S. Barnard for the respondent. Leave granted petitioner to file additional brief within three days.

No. 648. The Kansas City Southern Railway Company, plaintiff in error, *v.* Ollie M. Henrie, etc., et al. Motion to dismiss or affirm and for damages submitted by Mr. William H. Arnold for the defendants in error in support of the motion and by Mr. Samuel W. Moore Mr. James F. Reed and Mr. James B. McDonough for the plaintiff in error in opposition thereto.

No. 614. Pere Alfredo Luis Baglin, superior general, etc., appellant, *v.* Cusenier Company. Motion to dismiss submitted by Mr. A. L. Pincoffs and Mr. Roger Foster for the appellee in support of the motion, and by Mr. Philip Mauro and Mr. C. A. L. Massie for the appellant in opposition thereto. Cross motion submitted by Mr. Reeve Lewis in behalf of Mr. Philip Mauro and Mr. C. A. L. Massie in support of the cross motion, and by Mr. Roger Foster and Mr.

A. L. Pincoffs in opposition thereto. Petition for a writ of certiorari submitted by Mr. Reeve Lewis in behalf of Mr. Philip Mauro and Mr. C. A. L. Massie in support of the petition, and by Mr. Roger Foster and Mr. A. L. Pincoffs in opposition thereto. Cross petition for a writ of certiorari submitted by Mr. A. L. Pincoffs and Mr. Roger Foster in support of said cross petition.

No. 391. 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. Motion to dismiss or affirm submitted by Mr. Charles T. Cates, jr., for the defendant in error in support of the motion, and by Mr. John J. Vertrees for the plaintiff in error in opposition thereto.

No. 13 Original. The State of North Carolina, complainant, *v.* The State of Tennessee. Process waived and appearance for defendant filed and entered, and leave granted to answer by the first day of the next term, on motion of Mr. Charles T. Cates, jr., for the defendant.

No. 424. Clemente Javierre et al., etc., et al., appellants, *v.* Central Altagracia, Incorporated. Motion to dismiss or affirm submitted by Mr. George H. Lamar in behalf of Mr. N. B. K. Pettingill and Mr. F. L. Cornwell for the appellee in support of the motion, and by Mr. Charles Hartzell and Mr. M. Rodriguez Serra for the appellants in opposition thereto.

No. 215. Samuel Barker, jr., plaintiff in error, *v.* Butte Consolidated Mining Company. Motion to dismiss or affirm submitted by Mr. John J. McHatton for the defendant in error, in support of the motion, and by Mr. Lewis O. Evans for the plaintiff in error, in opposition thereto.

No. 768. Brown-Ketcham Iron Works, petitioner, *v.* Bank of Commerce and Trust Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Frederic D. McKenney, in behalf of Mr. Caruthers Ewing, for the petitioner, and by Mr. J. W. Canada for the respondent.

No. 143. Julian E. Woodwell, appellant, *v.* The United States. Argument continued by Mr. William H. Robeson for the appellant, by Mr. Assistant Attorney-General John Q. Thompson for the appellee, and concluded by Mr. William H. Robeson for the appellant.

No. 11 Original. *Ex parte*: In the matter of Mary Hatch Riggs, administratrix, etc., petitioner. Argued by Mr. Benjamin S. Catchings for the petitioner, and by Mr. Charles K. Beekman for the respondent.

No. 686. American Banana Company, plaintiff in error, *v.* United Fruit Company. Argument commenced by Mr. Everett P. Wheeler for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 13, will be as follows: Nos. 686, 146 (and 233), 148, 150, 152, 153, 154, 156, 157 and 158.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 13, 1909.

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

Thomas Scott Rollins of Asheville, N. C., Burton Edward Eames of Boston, Mass., John S. Biggs of Washington, D. C., and Otto Adolph Erdman of Denver, Colo., were admitted to practice.

No. 686. American Banana Company, plaintiff in error, *v.* United Fruit Company. Argument continued by Mr. Everett P. Wheeler for the plaintiff in error, by Mr. Henry W. Taft and Mr. Moorfield Storey for the defendant in error, and concluded by Mr. Everett P. Wheeler for the plaintiff in error.

No. 146. The Western Union Telegraph Company, appellant, *v.* P. R. Andrews et al.; and

No. 233. Oswald C. Ludwig, as secretary of state of the State of Arkansas, appellant, *v.* The Western Union Telegraph Company. Argument commenced by Mr. Rush Taggart for the appellant in No. 146 and appellee in No. 233, and continued by Mr. Hal L. Norwood for the appellee in No. 146 and appellant in No. 233.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 14, will be as follows: Nos. 146 (and 233), 148, 150, 152, 153, 154, 156, 157, 158 and 160.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 14, 1909.

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

William K. Payne of Auburn, N. Y., Thomas Jefferson Doherty of New York City, N. Y., William Sherman Jennings of Jacksonville, Fla., D. Frank Lloyd of New York City, N. Y., and Cecil Page of Chicago, Ill., were admitted to practice.

No. 160. Huachuca Water Company, appellant, *v.* The City of Tombstone. Appeal from the supreme court of the Territory of Arizona. Dismissed with costs, pursuant to the tenth rule.

No. 146. The Western Union Telegraph Company, appellant, *v.* P. R. Andrews et al.; and

No. 233. Oswald C. Ludwig, as secretary of state of the State of Arkansas, appellant, *v.* The Western Union Telegraph Company. Argument continued by Mr. William F. Kirby for the appellees in No. 146 and appellant in No. 233, and concluded by Mr. George B. Rose for the appellant in No. 146 and the appellee in No. 233.

No. 148. Miguel Tupino et al., plaintiffs in error, *v.* La Compañía General de Tabacos de Filipinas. Argument commenced by Mr. John C. Gittings for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 15, will be as follows: Nos. 148, 150, 152, 153, 154, 156, 157, 158, 162 and 163.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 15, 1909.

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

Howard Boyd of Woodside, Md., was admitted to practice.

No. 148. Miguel Tupino et al., plaintiffs in error, *v.* La Compañía General de Tabacos de Filipinas. Argument continued by Mr. A. B. Browne for the defendant in error, and concluded by Mr. John C. Gittings for the plaintiffs in error.

No. 150. Richard Bong, plaintiff in error, *v.* The Alfred S. Campbell Art Company. Argued by Mr. Max J. Kohler for the plaintiff in error, and submitted by Mr. George Ryall for the defendant in error.

No. 152. John Leech, plaintiff in error, *v.* The State of Louisiana. Submitted by Mr. George H. Terribery for the plaintiff in error, and by Mr. Walter Guion and Mr. J. R. Beckwith for the defendant in error.

No. 153. Francis C. Welch, trustee, plaintiff in error, *v.* George R. Swasey et al., as the board of appeals from the building commission of the city of Boston. Argument commenced by Mr. Burton Edward Eames for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 16, will be as follows: Nos. 153, 154, 156, 157, 158, 162, 163 (and 164), 165, 168 and 169.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 16, 1909.

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

Everett H. Hadley of Boston, Mass., was admitted to practice.

No. 153. Francis C. Welch, trustee, plaintiff in error, *v.* George R. Swasey et al., as the board of appeals from the building commission of the city of Boston. Argument continued by Mr. Burton Edward Eames for the plaintiff in error, by Mr. Thomas M. Babson for the defendant in error, and concluded by Mr. Burton Edward Eames for the plaintiff in error.

No. 154. Chicago, Burlington & Quincy Railway Company *v.* Edgar C. Williams. Argued by Mr. O. H. Dean for the Chicago, Burlington & Quincy Railway Company, and submitted by Mr. John H. Denison and Mr. William E. Fowler for Williams.

No. 156. The State of Louisiana, *ex rel.* Louis A. Hubert, receiver, plaintiff in error, *v.* The Mayor and City Council of the City of New Orleans. Submitted by Mr. Charles Louque, Mr. J. D. Rouse, and Mr. William Grant for the plaintiff in error, and by Mr. Frank B. Thomas for the defendants in error.

No. 157. George W. Thomas, plaintiff in error, *v.* South Side Elevated Railway Company. Argument commenced by Mr. George W. Thomas *pro se*, and continued by Mr. Cecil Page for the defendant in error.

Adjourned until Monday next, at 12 o'clock.

The day call for Monday, April 19, will be as follows: Nos. 157, 158, 162, 163 (and 164), 165, 168, 169, 170, 171 and 172.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 19, 1909.

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

Benjamin Tuska of New York City, Tom M. Mehaffy of Little Rock, Ark., Absolom Pierre Bachman of New York City, E. Lee Trinkle of Wytheville, Va., Henry M. Armistead of Little Rock, Ark., Barton Corneau of Chicago, Ill., Chas. F. Taylor of Louisville, Ky., Wm. H. Bailey of Des Moines, Iowa, Robert O. Brennan of Des Moines, Iowa, Howard J. Clark of Des Moines, Iowa, and Geo. E. Boren of Bristol, Tenn., were admitted to practice.

No. 121. Henry Van Gieson, appellant, *v.* C. B. Maile. Appeal from the supreme court of the Territory of Hawaii. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 133. Boquillas Land & Cattle Company, appellant, *v.* J. N. Curtis et al. Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 80. Leeds & Catlin Company, petitioner, *v.* Victor Talking Machine Company et al. On writ of certiorari to the United States circuit court of appeals for the second circuit. Decree affirmed with costs and cause remanded to the circuit court of the United States for the southern district of New York. Opinion by Mr. Justice McKenna.

No. 81. Leeds & Catlin Company, petitioner, *v.* Victor Talking Machine Company et al. On writ of certiorari to the United States circuit court of appeals for the second circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the southern district of New York. Opinion by Mr. Justice McKenna.

No. 394. The United States, petitioner, *v.* Charles R. Evans et al. On writ of certiorari to the court of appeals of the District of Columbia. Writ of certiorari quashed. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced that the call of the docket will be suspended for the term on Friday, April 30. On May 3 the court will take a recess until May 17, and a second recess from May 17 to May 31, when adjournment for the term will take place.

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

No. 215. Samuel Barker, jr., plaintiff in error, *v.* Butte Consolidated Mining Company;

No. 391. 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; and

No. 424. Clemente Javierre et al., etc., et al., appellants, *v.* Central Altagracia, Incorporated. Motions to dismiss or affirm postponed to the hearing of the cases on their merits.

No. 614. Pere Alfredo Luis Baglin, superior-general, etc., appellant, *v.* Cusenier Company. Petition and cross petition for a writ of certiorari herein granted.

No. 755. Theodore H. Price, appellant, *v.* William Henkel, U. S. marshal, etc., et al. Motion to advance granted and cause assigned for argument on the first Tuesday of the next term (October 12), immediately after Nos. 727 and 728.

No. 768. Brown-Ketcham Iron Works, petitioner, *v.* Bank of Commerce & Trust Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 792. North Carolina Mining Company, petitioner, *v.* G. R. Westfeldt et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 798. La Compagnie Generale Transatlantique, petitioner, *v.* Patrick Maguire. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 796. The United States, petitioner, *v.* Bernard Citroen. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 648. Kansas City Southern Railway Company, plaintiff in error, *v.* Ollie M. Henrie, etc., et al. In error to the supreme court of the State of Arkansas. Per curiam: Writ of error dismissed for want of jurisdiction. *G. C. & S. Ry. Co. v. Texas*, 204 U. S., 411; *Behn v. Campbell*, 205 U. S., 407; *Leathe v. Thomas*, 207 U. S., 93; *Stickney v. Kelsey*, 209 U. S., 419; *Waters-Pierce Oil Company v. Texas*, 212 U. S., 86.

No. 653. Joseph Keller, plaintiff in error, *v.* The United States; and

No. 654. Louis Ullman, plaintiff in error, *v.* The United States. Mandates granted on motion of Mr. Solicitor-General Bowers in behalf of counsel for the plaintiff in error.

No. 810. Claude W. Mason, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. G. A. Hanson for the petitioner, with leave to the Solicitor-General to file brief in opposition within ten days.

No. 813. W. S. Harlan et al., petitioners, *v.* The United States;

No. 814. Robert Gallagher et al., petitioners, *v.* The United States; and

No. 815. E. L. Vickers et al., petitioners, *v.* The United States. Petitions for writs of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. W. W. Flournoy and Mr. Jesse F. Stallings for the petitioners in Nos. 813 and 814, and by Mr. W. W. Flournoy for the petitioners in No. 815, with leave to the Solicitor-General to file a brief in opposition within ten days.

No. 812. O. J. Hill et al., petitioners, *v.* Geo. W. Walker, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Clayton E. Emig and George B. Webster for the petitioners.

No. 184. The Irrigation Land and Improvement Company, appellant, *v.* Ethan Allen Hitchcock, Secretary of the Interior. Continued per stipulation, on motion of Mr. George H. Patrick for the appellant.

No. 804. The Metropolitan Trust Company of the city of New York, petitioner, *v.* Central Trust Company of New York et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Carl Taylor and Mr. James Byrne, Mr. L. L. Lewis and Mr. R. B. Davis for the petitioner, and by Mr. Henry W. Anderson, Mr. Arthur H. Van Brunt, Mr. Hill Carter and Mr. John Pickrell for the respondents.

No. 809. H. Mueller Manufacturing Company, petitioner, *v.* Joseph H. Glauber. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Charles E. Pickard, Mr. A. H. Adams and Mr. J. L. Jackson for the petitioner, and by Mr. C. C. Linthicum and Mr. W. Clyde Jones for the respondent.

No. 180. Allen R. English and Honora English, his wife, appellants, *v.* The Territory of Arizona at the relation and to the use of John W. Bogan, treasurer, etc. Expiration of term of office of John W. Bogan suggested and appearance of Victor S. Griffith, his successor, as treasurer and ex officio tax collector of Pima County, Ariz., as the party appellee herein, filed and entered, on motion of Mr. William C. Prentiss in behalf of counsel for the appellee.

No. 785. Isidore Meyerson, petitioner, *v.* Harry Hart et al., etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. E. S. McCalmont, in behalf of Mr. George Ryall, for the petitioner, and by Mr. Benjamin N. Cardozo, for the respondents.

No. 516. Michael Donohoe, appellant, *v.* El Paso & Southwestern Railroad Company. Motion to dismiss or affirm submitted by Mr. A. B. Browne, Mr. Alexander Britton and Mr. E. E. Ellenwood for the appellee, in support of the motion.

No. 745. Frank J. Logan et al., appellants, *v.* Farmers' Deposit National Bank of Pittsburgh, Pa., et al. Motion to dismiss or affirm submitted by Mr. A. Leo Weil and Mr. B. M. Ambler for the appellees, in support of the motion, and by Mr. H. M. Hitchings for the appellants, in opposition thereto.

No. 157. George W. Thomas, plaintiff in error, *v.* South Side Elevated Railway Company. Argument continued by Mr. Cecil Page for the defendant in error, and concluded by Mr. George W. Thomas *pro se*.

No. 158. The Chesapeake & Ohio Railway Company, et al., plaintiffs in error, *v.* J. W. McDonald, administrator, etc. Argument commenced by Mr. E. L. Worthington for the plaintiffs in error, continued by Mr. Allan D. Cole for the defendant in error and concluded by Mr. E. L. Worthington for the plaintiffs in error.

No. 162. St. Paul, Minneapolis & Manitoba Railway Company et al., plaintiffs in error, *v.* The State of Minnesota, ex rel. City of Minneapolis. Argument commenced by Mr. Rome G. Brown for the plaintiffs in error, and continued by Mr. Albert E. Clarke and Mr. Frank Healy for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 20, will be as follows: Nos. 162, 163 (and 164), 165, 168, 169, 170, 171, 172, 174 and 175.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 20, 1909.

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

William L. Read of Des Moines, Iowa, James H. Maxey of Shawnee, Okla., John W. Manson of Pittsfield, Me., Clarence J. Roberts of Raton, N. Mex., Thomas D. Sporer of Jacksboro, Tex., John S. Williams of Guilford, Me., Freeman D. Dearth of Dexter, Me., Harry R. Coolidge of Pittsfield, Me., and Ernest S. Ellis of Kansas City, Mo., were admitted to practice.

No. 174. Kaimiola Nakookoo Gray, appellant, *v.* David Noholoa. Submitted by Mr. David L. Withington for the appellant, and by Mr. W. L. Stanley and Mr. Clarence H. Olson for the appellee.

No. 175. J. D. Compton, plaintiff in error, *v.* The State of Alabama. Submitted by Mr. John M. Chilton for the plaintiff in error, and by Mr. Alexander M. Garber for the defendant in error.

No. 162. St. Paul, Minneapolis and Manitoba Railway Company et al., plaintiffs in error, *v.* The State of Minnesota ex rel. City of Minneapolis. Argument continued by Mr. Frank Healy for the defendant in error, and concluded by Mr. Rome G. Brown for the plaintiffs in error.

No. 163. The Hanover National Bank of the City of New York, plaintiff in error, *v.* William F. Suddath, as receiver, etc.; and

No. 164. The Hanover National Bank of the City of New York, appellant, *v.* William F. Suddath, as receiver, etc. Argument commenced by Mr. Percy S. Dudley for the plaintiff in error and appellant, continued by Mr. Edward B. Whitney for the defendant in error and appellee, and concluded by Mr. Percy S. Dudley for the plaintiff in error and appellant.

No. 165. The Fidelity & Casualty Company of New York, plaintiff in error, *v.* The Southern Railway News Company. Argument commenced by Mr. William H. Field for the plaintiff in error. The court declined to hear further argument.

No. 168. Western Union Telegraph Company, plaintiff in error, *v.* Samuel Chiles. Argument commenced by Mr. Francis Raymond Stark for the plaintiff in error, continued by Mr. W. D. Stoakley for the defendant in error (by special leave), and concluded by Mr. Francis Raymond Stark for the plaintiff in error.

No. 169. John W. Manson et al., trustees, appellants, *v.* John S. Williams, trustee in bankruptcy of the estate of Hudson Clothing Company. Argument commenced by Mr. John W. Manson for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 21, will be as follows: Nos. 169, 170, 171, 172, 177, 179, 180, 181, 183 and 185.

O

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 21, 1909.

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

Alfred Lucking of Detroit, Mich., was admitted to practice.

No. 169. John W. Manson et al., trustees, appellants, *v.* John S. Williams, trustee in bankruptcy of the estate of Hudson Clothing Company. Argument continued by Mr. John W. Manson for the appellants, and by Mr. John W. Williams for the appellee, and concluded by Mr. John W. Manson for the appellants.

No. 170. International Text Book Company, plaintiff in error, *v.* Aaron T. Pigg. Argued by Mr. James M. Beck for the plaintiff in error. No appearance for the defendant in error.

No. 171. City of Des Moines, appellant, *v.* Des Moines City Railway Company. Three counsel allowed to argue for the appellant, on motion of Mr. William H. Baily for the appellant. Argument commenced by Mr. William H. Baily for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 22, will be as follows: Nos. 171, 172, 177, 179, 180, 181, 183, 185, 186 and 188.

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 22, 1909.

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

William Witthaft Bride of Washington, D. C., Frank J. Golden of San Francisco, Cal., Benjamin A. Levett of New York City, N. Y., William H. Phipps of Paulding, Ohio, J. Whiting, jr., of Canton, Ohio, and Chauncey L. Newcomer of Bryan, Ohio, were admitted to practice.

No. 186. The Louisville & Southern Indiana Traction Company, plaintiff in error, *v.* Zach T. Leaf. In error to the supreme court of the State of Indiana. Dismissed with costs, pursuant to the tenth rule.

No. 171. City of Des Moines, appellant, *v.* Des Moines City Railway Company. Argument continued by Mr. William H. Baily and Mr. W. H. Bremner for the appellant, and by Mr. N. T. Guernsey for the appellee, and concluded by Mr. Howard J. Clark for the appellant.

No. 172. Thad. A. Bryant, trustee in the matter of E. M. New & Co., bankrupts, appellants, *v.* Swofford Bros. Dry Goods Company. Argument commenced by Mr. William H. Arnold for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 23, will be as follows: Nos. 172, 177, 179, 180, 181, 183, 185, 188, 189 and 190.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 23, 1909.

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

Abraham A. Berman of New York City, N. Y., James E. Blackwood of Gadsden, Ala., Angus W. Kerr of Calumet, Mich., Rees Turpin of Kansas City, Mo., and Benner X. Smith of Salt Lake City, Utah, were admitted to practice.

No. 172. Thad. A. Bryant, trustee in the matter of E. M. Newton & Company, bankrupts, appellants, *v.* Swofford Bros. Dry Goods Company. Argument continued by Mr. William H. Arnold for the appellant, by Mr. Ernest S. Ellis for the appellee, and concluded by Mr. William H. Arnold for the appellant.

No. 177. The Texas & Pacific Railway Company et al., plaintiffs in error, *v.* Eastin & Knox et al. Argued by Mr. W. L. Hall and Mr. Rush Taggart for the plaintiffs in error, and by Mr. Thomas D. Sporer for the defendants in error.

No. 179. United States Fidelity & Guaranty Company, plaintiff in error, *v.* The United States. Argument commenced by Mr. J. Kemp Bartlett for the plaintiff in error.

Adjourned until Monday next, at 12 o'clock.

The day call for Monday, April 26, will be as follows: Nos. 179, 180, 181, 183, 185, 188, 189, 190, 191 and 192.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 26, 1909.

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

J. K. M. Norton of Alexandria, Va., Albert H. Lossow of Mankato, Minn., Willis V. Elliott of Denver, Colo., John W. Chapman of Tazewell, Va., John R. Beasley of Forrest City, Ark., Gerald Hughes of Denver, Colo., and T. A. Noftzger of Anthony, Kans., were admitted to practice.

No. 123. The Sand Filtration Corporation of America, appellant, *v.* Samuel P. Cowardin et al. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Day. Dissenting: Mr. Justice McKenna and Mr. Justice Moody.

No. 686. American Banana Company, plaintiff in error, *v.* United Fruit Company. In error to the United States circuit court of appeals for the second circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the southern district of New York. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the court:

No. 785. Isidore Meyerson, petitioner, *v.* Harry Hart et al., etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 804. The Metropolitan Trust Company of the City of New York, petitioner, *v.* Central Trust Company of New York et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 809. H. Mueller Manufacturing Company, petitioner, *v.* Joseph H. Glauber. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 812. O. J. Hill et al., petitioners, *v.* George W. Walker, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 154. Chicago, Burlington & Quincy Railway Company *v.* Edgar C. Williams. On a certificate from the United States circuit court of appeals for the eighth circuit. Per curiam: In the opinion of a majority of the court this certificate is essentially the same as that disposed of in Chicago, Burlington & Quincy Railway Company *v.*

Williams, 205 U. S. 444, and it is therefore dismissed on the authority of that decision. Dissenting: Mr. Justice Holmes, Mr. Justice White and Mr. Justice Moody.

No. 157. George W. Thomas, plaintiff in error, *v.* South Side Elevated Railway Company. In error to the supreme court of the State of Illinois. Per curiam: Writ of error dismissed for want of jurisdiction. Stevens, administrator, *v.* Nichols, 157 U. S., 370; Loeber *v.* Schroeder, 149 U. S., 580; Central Land Co. *v.* Laidley, 159 U. S., 103; Backus *v.* Fort Street Union Depot Co., 169 U. S., 557; Ballard *v.* Hunter, 204 U. S., 241; Tracy *v.* Ginzberg, 205 U. S., 180; Rusch *v.* John Duncan Land & Mining Co., 211 U. S., 526; reported below, 218 Ill., 571.

No. 162. St. Paul, Minneapolis & Manitoba Railway Company and Great Northern Railway Company, plaintiffs in error, *v.* The State of Minnesota ex rel. City of Minneapolis. In error to the supreme court of the State of Minnesota. Per curiam: Judgment affirmed on authority of Northern Pacific Railway Company *v.* State of Minnesota ex rel. Duluth, 208 U. S., 583.

No. 165. The Fidelity & Casualty Company of New York, plaintiff in error, *v.* The Southern Railway News Company. In error to the court of appeals of the State of Kentucky. Per curiam: Writ of error dismissed for want of jurisdiction. Central Land Company *v.* Laidley, 159 U. S., 103; Sayward *v.* Denny, 158 U. S., 180; Bacon *v.* Texas, 163 U. S., 207; Burt *v.* Smith, 203 U. S., 135; Barrington *v.* Missouri, 205 U. S., 485; Tracy *v.* Ginzberg, 205 U. S., 170; Thompson *v.* Kentucky, 209 U. S., 340.

No. 516. Michael Donohoe, appellant, *v.* El Paso and Southwestern Railroad Company. Appeal from the supreme court of the Territory of Arizona. Per curiam: Judgment affirmed. Roberts *v.* Northern Pacific Railroad, 158 U. S., 1; Northern Pacific Railroad Company *v.* Smith, 171 U. S., 260.

No. 745. Frank J. Logan et al., appellants, *v.* Farmers' Deposit National Bank of Pittsburgh, Pa., et al. Appeal from the United States circuit court of appeals for the fourth circuit. Per curiam: Appeal dismissed for want of jurisdiction on authority of Coder, trustee, *v.* Arts, decided April 5, 1909.

No. 794. Charles Nickell, petitioner, *v.* The United States. Petition for writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. H. H. Gilfry in behalf of Mr. Thomas O'Day and Mr. Martin L. Pipes for the petitioner, and by Mr. Solicitor-General Bowers for the respondent.

No. 800. Walter S. Eddy et al., petitioners, *v.* Caroline M. Eddy. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Watts S. Humphrey and Mr. Benton Hanchett for the petitioners, and by Mr. Alfred Lucking for the respondents.

No. — Original. Ex parte: In the matter of Isaac Heller, petitioner. Motion for leave to file a petition for a writ of mandamus

submitted by Mr. William E. Ambrose in behalf of Mr. Abraham A. Berman for the petitioner.

No. 801. J. A. Scriven Company, petitioner, *v.* M. M. Newcomer et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit. Submitted by Mr. George W. Case, jr., and Mr. Arthur von Briesen for the petitioner, and by Mr. T. S. Webb for the respondent.

No. 811. Pocahontas Coal & Coke Company, petitioner, *v.* Joseph S. Gillespie. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Joseph S. Clark and Mr. A. W. Reynolds for the petitioner, and by Mr. Holmes Conrad for the respondent.

No. 816. Frederick J. Lisman et al., petitioners, *v.* Milwaukee, Lake Shore & Western Railway Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. J. J. Darlington, Mr. Delos McCurdy and Mr. Clark Allen for the petitioners, and by Mr. Edward M. Hizer for the respondent.

No. 786. A. J. Fenn, petitioner, *v.* W. H. Louiselle, use, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Richard P. Whiteley, Mr. H. A. Herbert, Mr. Benjamin Micou and Mr. E. T. Davis for the petitioner, and by Mr. Frederick P. Myers for the respondent.

No. 818. Illinois Central Railroad Company, 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. Hugh B. Rowland in behalf of Mr. Edmund F. Trabue, Mr. John C. Doolan, Mr. Attila Cox, jr., and Mr. Blewett Lee for the petitioner, and by Mr. Solicitor-General Bowers for the respondent.

No. 806. The Snare & Triest Company, petitioner, *v.* Fannie Friedman, by her next friend, Samuel Friedman. 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. Hector M. Hitchings and Mr. William H. Carey for the petitioner.

No. 832. Adolph Kuffler, petitioner, *v.* Hinsdale, Smith & Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Frederick S. Tyler in behalf of Mr. Max J. Kohler for the petitioner, and by Mr. Benjamin Tuska for the respondents.

No. 808. William N. Camp, petitioner, *v.* Lake Drummond Canal & Water Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. T. D. Savage and Mr. J. H. Corbitt for the petitioner, and by Mr. Theodore S. Garnett for the respondent.

No. 204. Robert M. Snyder, jr., executors, etc., et al., plaintiffs in error, *v.* J. Rosenbaum. Continued per stipulation of counsel.

No. 595. Great Northern Railway Company, 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 on motion of counsel for plaintiff in error, and mandate granted.

No. 817. The Missouri, Kansas & Texas Railway Company of Texas et al., plaintiffs in error, *v.* S. M. Kennedy. Motion to dismiss or affirm submitted by Mr. C. A. Culberson for the defendant in error in support of the motion, and by Mr. James Hagerman for the plaintiffs in error in opposition thereto.

No. 189. Virginia-Carolina Chemical Company, plaintiff in error, *v.* J. P. Kirven. Continued per stipulation of counsel on motion of Mr. Frederic D. McKenney for the plaintiff in error.

No. 192. Union Pacific Railroad Company, plaintiff in error, *v.* Morris Harris, et al. Passed to be restored to the call subject to the provisions of section 9 of rule 26, on motion of Mr. L. E. Payson in behalf of counsel for the plaintiff in error.

No. 517. E. W. Simmons, late master of the tug Helen et al., appellants, *v.* The Steamship Jefferson, etc. Submitted pursuant to the thirty-second rule by Mr. D. Lawrence Groner for the appellants, and by Mr. Harrington Putnam for the appellee.

No. 179. United States Fidelity & Guaranty Company, plaintiff in error, *v.* The United States. Argument continued by Mr. Assistant Attorney-General Russell for the defendant in error, and concluded by Mr. J. Kemp Bartlett for the plaintiff in error.

No. 180. Allen R. English and Honora English, his wife, appellants, *v.* The Territory of Arizona at the relation and to the use of Victor S. Griffith, treasurer, etc. Submitted by Mr. A. C. Baker and Mr. M. A. Smith for the appellants, and by Mr. Samuel L. Kingan for the appellee.

No. 181. Weems Steamboat Company of Baltimore City, petitioner, *v.* People's Steamboat Company et al. Argument commenced by Mr. George Weems Williams for the petitioner, continued by Mr. William D. Carter for the respondent, and concluded by Mr. St. George R. Fitzhugh for the petitioner.

No. 183. John F. Reavis, appellant, *v.* Jose Fianza et al. Argument commenced by Mr. Frederic R. Coudert for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 27, will be as follows: Nos. 183, 185, 188, 190, 191, 193, 194, 195, 196 and 197.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 27, 1909.

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

Thos. A. Fahy of Philadelphia, Pa., John F. Voigt of Mattoon, Ill., Max L. Powell of Burlington, Vt., Harry C. Black of Wellsville, Mo., and Fred A. Baker of Marshall, Ill., were admitted to practice.

Nos. 574 & 575. Francisco Martinez et al., appellants, *v.* International Banking Corporation. Death of Francisco Martinez, one of the appellants herein, suggested, and appearance of Mariano Martinez, administrator of the estate of Francisco Martinez, deceased, as a party appellant herein, filed and entered on motion of Mr. Howard Thayer Kingsbury for the appellants.

No. 195. C. Elmer Smith et al., executors, etc., appellants, *v.* The King of Arizona Mining & Milling Company et al. In error to the supreme court of the Territory of Arizona. Dismissed with costs, pursuant to the tenth rule.

No. 196. W. O. Rogers, jr., et al., plaintiffs in error, *v.* Joseph T. Jones et al. Submitted by Mr. Frank Johnson for the plaintiffs in error, and by Mr. James H. Neville and Mr. Walter A. White for the defendants in error.

No. 183. John F. Reavis, appellant, *v.* Jose Fianza et al. Argument continued by Mr. Frederick R. Coudert for the appellant, and by Mr. Henry E. Davis for the appellees, and concluded by Mr. Howard Thayer Kingsbury for the appellant. Leave granted to counsel for appellant to file an additional brief on or before Friday next.

No. 188. Eugene C. Kreigh, petitioner, *v.* Westinghouse, Church, Kerr & Company. Argument commenced by Mr. James S. Botsford for the petitioner, and continued by Mr. Clifford Histed for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 28, will be as follows: Nos. 188, 185, 190, 191, 193, 194, 197, 199, 200 and 201.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 28, 1909.

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

Louis M. G. Baker of Knoxville, Tenn., and Thomas H. Matters of Omaha, Nebr., were admitted to practice.

No. 193. Paul A. Weems, plaintiff in error, *v.* The United States. Passed on motion of Mr. Assistant Attorney-General Fowler for the defendant in error.

No. 199. Candido Acosta, Antonio Acosta, and Anselmo Acosta, appellants, *v.* The People of Porto Rico. In error to the supreme court of Porto Rico. Dismissed with costs on motion of Mr. George H. Lamar in behalf of counsel for the appellants.

No. 188. Eugene C. Kreigh, petitioner, *v.* Westinghouse, Church, Kerr & Co. Argument continued by Mr. Clifford Histed for the respondent, and concluded by Mr. Rees Turpin for the petitioner.

No. 185. John B. Whitcomb, surviving partner, etc., et al., plaintiffs in error, *v.* John E. White and Roberta B. White. Argument commenced by Mr. Albert Allen for the plaintiffs in error, and continued by Mr. George H. Lamar for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 29, will be as follows: Nos. 185, 190, 191, 194, 197, 200, 201, 203, 205 and 207 (and 208).

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 29, 1909.

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

Robert Newton Holt of Chicago, Ill., and Sol M. Stroock of New York City, N. Y., were admitted to practice.

No. 718. Century Mercantile Company, plaintiff in error, *v.* John Hofman Company. In error to the court of appeals of the State of New York. Judgment reversed upon confession of error and request of defendant in error, and cause remanded to be proceeded in according to law and justice.

No. 205. Old Nick Williams Company, petitioner, *v.* The United States. Continued on motion of Mr. Assistant Attorney-General Fowler for the respondent.

No. 185. John B. Whitcomb, surviving partner, etc., et al., plaintiffs in error, *v.* John E. White and Roberta B. White. Argument continued by Mr. George H. Lamar for the defendants in error, and concluded by Mr. Albert Allen for the plaintiff in error.

No. 190. Joseph Wild & Company, appellants, *v.* The Provident Life & Trust Company, trustee, etc. Argued by Mr. Max L. Powell and Mr. Harris S. Sparhawk for the appellants, and by Mr. Arthur G. Dickson for the appellee.

No. 191. Elizabeth Peck, petitioner, *v.* The Tribune Company. Argument commenced by Mr. S. C. Irving for the petitioner, and continued by Mr. John Barton Payne for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 30, will be as follows: Nos. 191, 194, 197, 200, 201, 203, 207 (and 208), 211, 212 and 213.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 30, 1909.

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

William G. McKnight, of New York City, N. Y.; Albert S. Brandeis, of Louisville, Ky.; Robert Stone, of Topeka, Kans.; and John H. Price, of Cleveland, Ohio, were admitted to practice.

No. 211. Jacinto Miguel, plaintiff in error, *v.* The Territory of Hawaii. In error to the supreme court of the Territory of Hawaii. Dismissed with costs pursuant to the tenth rule.

No. 212. Solomon R. Wagg, appellant, *v.* Mary B. Herbert et al. Continued per stipulation.

No. 191. Elizabeth Peck, petitioner, *v.* The Tribune Company. Argument continued by Mr. John Barton Payne, for the respondent, and concluded by Mr. S. C. Irving, for the petitioner. Leave granted to the petitioner to file an additional brief within three days.

No. 194. Jacinto Lorenzo Lopez Laborde et al., plaintiffs in error, *v.* Pablo Ubarri and Modesta Ubarri. Argued by Mr. Willis Sweet and Mr. George H. Lamar, for the plaintiffs in error, and by Mr. John Maynard Harlan, for the defendants in error. Leave granted to counsel to file additional briefs within five days.

No. 203. Sarah S. Fall, plaintiff in error, *v.* Elizabeth Eastin. Submitted by Mr. R. W. Breckenridge and Mr. Charles J. Greene, for the plaintiff in error. No brief filed for the defendant in error.

Adjourned until Monday next, at 12 o'clock.

The day call has been suspended for the term.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 3, 1909.

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

J. Franklin Shields of Philadelphia, Pa., Leon Weil of Montgomery, Ala., Bowdoin S. Parker of Boston, Mass., Warren C. Philbrook of Waterville, Me., William A. Way of Pittsburg, Pa., Samuel D. Weakley of Birmingham, Ala., James E. Kelly of New York City, N. Y., and Albert M. Sturdevant of St. Louis, Mo., were admitted to practice.

No. 12 Original. *Ex parte*: In the matter of Frank D. Winn, petitioner. Petition for writ of mandamus granted. Opinion by Mr. Justice Moody.

No. 169. John W. Manson et al., trustees, appellants, *v.* John S. Williams, trustee in bankruptcy of the estate of Hudson Clothing Company. Appeal from the United States circuit court of appeals for the first circuit. Decree affirmed with costs, and cause remanded to the district court of the United States for the district of Maine. Opinion by Mr. Justice Holmes.

No. 416. The Delaware & Hudson Company *v.* The Albany & Susquehanna Railroad Company et al. On a certificate from the United States circuit court of appeals for the second circuit. Questions answered in the negative. Opinion by Mr. Justice McKenna.

No. 110. Eleanor Erica Strong and Richard P. Strong, her husband, plaintiffs in error and appellants, *v.* Francisco Gutierrez Repide. Judgment of the Supreme Court dismissing the complaint reversed, with costs, and cause remanded with directions to affirm the judgment of the court of first instance. Opinion by Mr. Justice Peckham.

No. 559. The U. S. A. *ex rel.* The Attorney-General of the United States, plaintiff in error, *v.* The Delaware & Hudson Company;

No. 560. The U. S. A. *ex rel.* The Attorney-General of the United States, plaintiff in error, *v.* Erie Railroad Company;

No. 561. The U. S. A. *ex rel.* The Attorney-General of the United States, plaintiff in error, *v.* The Central Railroad Company of New Jersey;

No. 562. The U. S. A. *ex rel.* The Attorney-General of the United States, plaintiff in error, *v.* Delaware, Lackawanna & Western Railroad Company;

No. 563. The U. S. A. ex rel. The Attorney-General of the United States, plaintiff in error, *v.* The Pennsylvania Railroad Company; and

No. 564. The U. S. A. ex rel. The Attorney-General of the United States, plaintiff in error, *v.* Lehigh Valley Railroad Company. In error to the circuit court of the United States for the eastern district of Pennsylvania; and

No. 565. The United States of America, appellant, *v.* The Delaware & Hudson Company;

No. 566. The United States of America, appellant, *v.* Erie Railroad Company;

No. 567. The United States of America, appellant, *v.* The Central Railroad Company of New Jersey;

No. 568. The United States of America, appellant, *v.* Delaware, Lackawanna & Western Railroad Company;

No. 569. The United States of America, appellant, *v.* The Pennsylvania Railroad Company; and

No. 570. The United States of America, appellant, *v.* Lehigh Valley Railroad Company. Appeals from the circuit court of the United States for the eastern district of Pennsylvania. Judgments and decrees reversed, and causes remanded with directions to proceed in conformity with the opinion of this court. Opinion by Mr. Justice White. Dissenting: Mr. Justice Harlan.

The Chief Justice announced the following orders of the court:

No. — Original. *Ex parte* in the matter of Isaac Heller, petitioner. Motion for leave to file a petition for a writ of mandamus denied.

No. 817. The Missouri, Kansas & Texas Railway Company of Texas et al., plaintiffs in error, *v.* S. M. Kennedy. In error to the court of civil appeals for the third supreme judicial district of the State of Texas. Dismissed for the want of jurisdiction.

No. 786. A. J. Fenn, petitioner, *v.* W. H. Louiselleuse, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 794. Charles Nickell, 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. 800. Walter S. Eddy et al., etc., petitioners, *v.* Caroline M. Eddy. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 801. J. A. Scriven Company, petitioner, *v.* M. M. Newcomer et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 806. The Snare & Triest Company, petitioner, *v.* Fannie Friedman, by her next friend, Samuel Friedman. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 808. William N. Camp, petitioner, *v.* Lake Drummond Canal & Water Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 810. Claude W. Mason, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 811. Pocahontas Coal & Coke Company, petitioner, *v.* Joseph S. Gillespie. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 813. W. S. Harlan et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 814. Robert Gallagher et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 815. E. L. Vickers et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 816. Frederick J. Lisman et al., petitioners, *v.* Milwaukee, Lake Shore & Western Railway Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 818. Illinois Central Railroad Company, 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. 832. Adolph Kuffler, petitioner, *v.* Hinsdale, Smith & Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 193. Paul A. Weems, plaintiff in error, *v.* The United States. Upon suggestion of diminution of the record writ of certiorari granted, on motion of Mr. Solicitor-General Bowers for the defendant in error.

No. 851. John C. Lynch, collector of internal revenue, petitioner, *v.* Union Trust Company of San Francisco et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Solicitor-General Bowers for the petitioner, and by Mr. H. T. Newcomb for the respondents. Leave granted to file a brief as *amicus curiæ*, on motion of Mr. Barry Mohun, in behalf of the Fidelity Trust Company.

No. 821. Lufkin Land & Lumber Company, petitioner, *v.* The Beaumont Timber Company, Limited. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. A. P. Pujó for the petitioner, with leave to file a brief within ten days.

No. 13 Original. The State of North Carolina, complainant, *v.* The State of Tennessee. Motion for leave to intervene submitted by Mr. W. A. Stone and Mr. J. Franklin Shields in behalf of Babcock Lumber & Land Company. Leave to file brief in opposition thereto within ten days granted, on motion of Mr. C. B. Matthews for the complainant.

No. 837. Central of Georgia Railway Company, petitioner, *v.* The Railroad Commission of Alabama et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Alexander R. Lawton, Mr. Henry C. Cunningham, Mr. T. M. Cunningham, jr., and Mr. Robert E. Steiner for the petitioner and by Mr. Alexander M. Garber and Mr. Samuel D. Weakley for the respondent.

No. 838. The Western Railway of Alabama, petitioner, *v.* The Railroad Commission of Alabama et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Alexander R. Lawton for Mr. Robert E. Steiner for the petitioner, and by Mr. Alexander M. Garber and Mr. Samuel D. Weakley for the respondent.

No. 841. South & North Railroad Company, petitioner, *v.* The Railroad Commission of Alabama et al.;

No. 842. Nashville, Chattanooga & St. Louis Railway Company, petitioner, *v.* The Railroad Commission of Alabama et al.; and

No. 843. Louisville & Nashville Railroad Company, petitioner, *v.* The Railroad Commission of Alabama et al. Petitions for writs of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Albert S. Brandeis, Mr. Gregory L. Smith, Mr. Henry L. Stone and Mr. George W. Jones for the petitioners, and by Mr. Alexander M. Garber and Mr. Samuel D. Weakley for the respondents with leave to counsel for respondents to file a reply brief within five days.

No. 528. Granite Bituminous Paving Company, appellant, *v.* John Landis et al. Advanced and submitted pursuant to the thirty-second rule by Mr. Albert M. Sturdevant and Mr. Willard L. Sturdevant for the appellant.

No. 269. Daniel F. Blake, as trustee in bankruptcy, etc., appellant, *v.* William Openhym & Sons. Motion to dismiss or affirm submitted by Mr. Thomas H. Clark in behalf of Mr. Benjamin N. Cardozo for the appellees in support of the motion, and by Mr. Alexander New and Mr. E. A. Krauthoff for the appellant in opposition thereto.

No. 850. West India Steamship Company, petitioner, *v.* Clyde Commercial Steamships, Limited, owner, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Oscar Luckett in behalf of Mr. Charles S. Haight for the petitioner, and by Mr. J. Parker Kirilin for the respondent.

No. 833. J. I. Case Plow Works et al., petitioners, *v.* Bryant & Bond Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Hannis Taylor, in behalf of Mr. F. M. Etheridge, and Mr. J. M. McCormick for the petitioners.

No. 849. Cornell Steamboat Company, owner, etc., petitioner, *v.* William K. Hammond et al. Petition for a writ of certiorari to the

United States circuit court of appeals for the second circuit submitted by Mr. Frederic D. McKenney, in behalf of Mr. J. Parker Kirlin, for the petitioner, with leave to counsel for the respondents to file brief on or before Wednesday next.

No. 416. The Delaware & Hudson Company *v.* The Albany & Susquehanna Railroad Company et al. Motion that mandate issue at once submitted by Mr. Frederic D. McKenney, in behalf of counsel for the Albany & Susquehanna Railroad Company et al., with leave to Mr. J. M. Beck, of counsel for the Delaware & Hudson Company, to file opposition thereto on or before the 17th instant.

No. 835. Yadkin River Power Company, plaintiff in error, *v.* The Whitney Company. Motion to dismiss or affirm submitted by Mr. Thomas Patterson, Mr. W. A. Way, Mr. Burton Craige and Mr. T. J. Jerome for the defendant in error in support of the motion, and by Mr. William A. Guthrie and Mr. Frederick M. Leonard, for the plaintiff in error in opposition thereto.

No. 845. Central Trust Company of New York, petitioner, *v.* The Railroad Commission of Alabama et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Alexander R. Lawton, in behalf of Mr. Adrian H. Joline, for the petitioner, and by Mr. Alexander M. Garber and Mr. Samuel D. Weakley for the respondents.

No. 347. The Texas & Pacific Railway Company et al., plaintiffs in error, *v.* W. H. Tucker, guardian, etc. In error to the court of civil appeals for the second supreme judicial district of the State of Texas. Judgment reversed with costs upon confession of error and request of defendant in error, and cause remanded to be proceeded in according to law and justice.

Adjourned until Monday, May 17th, at 12 o'clock.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 17, 1909.

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

Isaac Lobe Straus of Baltimore, Md., James Hull Sherman Bartholomew of Occidental, Cal., Jefferson Davis Stephens of Marianna, Fla., J. L. Jeffries of Norfolk, Va., Jefferson B. Browne of Key West, Fla., E. J. L'Engle of Jacksonville, Fla., F. H. Denman of New York City, Lucas P. Loving of Washington, D. C., Thomas E. Lannen of Chicago, Ill., Cyrus Cline of Angola, Ind., Alphonso C. Wood of Angola, Ind., Granville Hogan of St. Louis, Mo., J. Kent Rawley of Richmond, Va., Irving Katz of New York City, Martha Adele Mallory of New York City, Frank Herbert Swan of Providence, R. I., B. A. Judd of New York City, Agnes K. McNamara of Binghamton, N. Y., Henry A. Davis of Altoona, Pa., Andrew E. Hauter of Rockford, Ill., Charles Darwin Pennebaker of Washington, D. C., George S. Clay of New York City, and William G. Conley of Charleston, W. Va., were admitted to practice.

No. 158. The Chesapeake & Ohio Railway Company et al., plaintiffs in error, *v. J. W. McDonald*, administrator of Nancy J. Wilson, deceased. In error to the court of appeals of the State of Kentucky. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Day.

No. 124. Mollie E. Dupree and William E. Dupree, petitioners, *v. C. W. Mansur*. 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 western district of Texas for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 137. Buenaventura Ubarri y Yramategui, plaintiff in error, *v. Jacinto Lorenzo Lopez Laborde et al.* Appeal from the district court of the United States for Porto Rico. Judgment reversed with costs, and cause remanded with directions to set aside the verdict and for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 194. Jacinto Lorenzo Lopez Laborde et al., plaintiffs in error, *v. Pablo Ubarri and Modesta Ubarri*. In error to the district court of the United States for Porto Rico. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 152. John Leech, plaintiff in error, *v.* The State of Louisiana. In error to the supreme court of the State of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 171. City of Des Moines, appellant, *v.* Des Moines City Railway Company. Appeal from the circuit court of the United States for the southern district of Iowa. Decree reversed with costs and cause remanded with directions to dismiss the bill. Opinion by Mr. Justice Holmes.

No. 191. Elizabeth Peck, petitioner, *v.* The Tribune Company. On writ of certiorari to the United States circuit court of appeals for the seventh circuit. Judgment reversed with costs and cause remanded to the circuit court of the United States for the northern district of Illinois with directions to award a new trial. Opinion by Mr. Justice Holmes.

No. 111. The United States ex rel. Emily E. Parish, executrix of Joseph W. Parish, deceased, plaintiff in error, *v.* Franklin MacVeagh, Secretary of the United States Treasury. In error to the court of appeals of the District of Columbia. Judgment reversed with costs and case remanded with directions to reverse the judgment of the supreme court of the District of Columbia and direct that court to sustain the demurrer of relator to the return of respondent and enter judgment as prayed for in the petition of the relator. Opinion by Mr. Justice McKenna. (Mr. Justice Moody took no part in the decision of this case.)

117. The District of Columbia, plaintiff in error, *v.* Alice Brooke. In error to the court of appeals of the District of Columbia. Judgment reversed with costs and cause remanded with directions to reverse the judgment of the supreme court of the District of Columbia quashing the tax, and to dismiss the proceeding. Opinion by Mr. Justice McKenna. (Mr. Justice White did not hear the argument and took no part in the decision of this case.)

No. 177. The Texas and Pacific Railway Company and J. M. Tucker, plaintiffs in error, *v.* Eastin & Knox et al. In error to the supreme court of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Peckham and Mr. Justice Day.

No. 153. Francis C. Welch, trustee, plaintiff in error, *v.* George R. Swasey et al. as the board of appeal from the building commissioner of the city of Boston. In error to the supreme judicial court of the State of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice Peckham.

No. 174. Kaimiola Nakookoo Gray, appellant, *v.* David Noholoa. Appeal from the supreme court of the Territory of Hawaii. Decree affirmed with costs. Opinion by Mr. Justice Peckham.

No. 241. George D. Collins, plaintiff in error, *v.* Thomas F. O'Neil, sheriff of the city and county of San Francisco, State of California, et al. In error to the supreme court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Peckham.

No. 320. George D. Collins, appellant, *v.* The Sheriff of the City and County of San Francisco et al. Appeal from the circuit court of the United States for the northern district of California. Final order affirmed with costs. Opinion by Mr. Justice Peckham.

No. 143. Julian E. Woodwell, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice White.

No. 120. George G. Goodrich, appellant, *v.* John W. Ferris et al. Appeal from the circuit court of the United States for the northern district of California. Dismissed for the want of jurisdiction. Opinion by Mr. Justice White. (Mr. Justice McKenna took no part in the decision of this case.)

No. 108. J. M. Ceballos & Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment reversed and cause remanded with directions to enter a judgment in favor of the appellants for the sum of \$205,614.37. Opinion by Mr. Justice White.

No. 20. The Merchants' National Bank of Baltimore, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice White.

No. 11 Original. *Ex parte*: In the matter of Mary Hatch Riggs, administratrix, etc., petitioner. Rule discharged and petition for a writ of mandamus denied. Opinion by Mr. Justice Brewer.

No. 185. John B. Whitcomb, surviving partner, etc., et al., plaintiffs in error, *v.* John E. White and Roberta B. White. In error to the supreme court of the State of Idaho. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 613. Smithsonian Institution et al., plaintiffs in error, *v.* Gamaliel C. St. John, as executor and trustee, etc., et al. In error to the supreme court of the State of New York. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brewer. (The Chief Justice did not hear the argument and took no part in the decision of this case.)

No. 175. J. D. Compton, plaintiff in error, *v.* The State of Alabama. In error to the supreme court of the State of Alabama. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

The Chief Justice announced that the court would adjourn from to-day until Monday, the 24th instant.

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

Order: The reporter having represented that owing to the number of decisions at the present term it would be impracticable to put the reports in one volume, it is therefore now here ordered that he publish an additional volume in this year pursuant to section 681 of the Revised Statutes.

No. 15 Original. The State of North Carolina, complainant, *v.* The State of Tennessee. Motion of the Babcock Lumber and Land Company for leave to intervene herein denied, but leave is granted to file a brief as *amicus curiae*.

No. 269. Daniel F. Blake, as trustee in bankruptcy, etc., appellant, *v.* William Openhym & Sons. Motion to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 416. The Delaware & Hudson Company *v.* The Albany & Susquehanna Railroad Company et al. Motion that mandate issue at once granted.

No. 821. Lufkin Land & Lumber Company, petitioner, *v.* Beaumont Timber Company, Limited. Petition for a writ of certiorari to the United States court of appeals for the fifth circuit denied.

No. 833. J. I. Case Plow Works et al., petitioners, *v.* Bryant & Bond Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 837. Central of Georgia Railway Company, petitioner, *v.* The Railroad Commission of Alabama et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 838. The Western Railway of Alabama, petitioner, *v.* The Railroad Commission of Alabama et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 841. South and North Alabama Railroad Company, petitioner, *v.* The Railroad Commission of Alabama et al. Petition for a writ of certiorari to the United States court of appeals for the fifth circuit denied.

No. 842. Nashville, Chattanooga & St. Louis Railway, petitioner, *v.* The Railroad Commission of Alabama et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 843. Louisville & Nashville Railroad Company, petitioner, *v.* The Railroad Commission of Alabama et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 845. Central Trust Company of New York, petitioner, *v.* The Railroad Commission of Alabama et al. Petition for a writ of certiorari to the United States court of appeals for the fifth circuit denied.

No. 849. Cornell Steamboat Company, owner, etc., petitioner, *v.* William K. Hammond et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 850. West India Steamship Company, petitioner, *v.* The Clyde Commercial Steamships, Limited, owner, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 851. John C. Lynch, collector of internal revenue, petitioner, *v.* The Union Trust Company of San Francisco et al. Petition for a

writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 835. Yadkin River Power Company, plaintiff in error, *v.* The Whitney Company. In error to the supreme court of the State of North Carolina. Writ of error dismissed for the want of jurisdiction.

No. 528. Granite Bituminous Paving Company, appellant, *v.* John Landis et al. Appeal from the circuit court of the United States for the eastern district of Missouri. Per curiam: The circuit court properly held that it had no jurisdiction for want of the jurisdictional amount, and its decree dismissing the appeal is affirmed with costs.

No. 751. Pablo Yordi, appellant, *v.* Eugene Nolte, United States marshal, etc. Motion to advance submitted by Mr. Solicitor-General Bowers for the appellee.

No. 775. William J. Moxley, a corporation, etc., *v.* Henry L. Hertz, collector of internal revenue. Motion to advance submitted by Mr. Solicitor-General Bowers, for Hertz, collector.

No. 874. The Baltimore & Ohio Railroad Company, appellant, *v.* Interstate Commerce Commission. Motion to advance submitted by Mr. Solicitor-General Bowers for the appellee.

No. 875. The United States, petitioner, *v.* Rusch & 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 for the petitioner, and by Mr. Albert H. Washburn for the respondent.

No. 876. The United States, petitioner, *v.* Titus Blatter & 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 for the petitioner, and by Mr. Albert H. Washburn for the respondent.

No. 877. The United States, petitioner, *v.* W. B. Quaintance. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Solicitor-General Bowers for the petitioner, and by Mr. Albert H. Washburn for the respondent.

No. 882. W. Frank Kinney, collector, etc., petitioner, *v.* Samuel Morris Conant et al., executors, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. Solicitor-General Bowers for the petitioner, and by Mr. Walter F. Angell for the respondents.

No. 885. The United States, petitioner, *v.* Albert Eckstein. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Solicitor-General Bowers for the petitioner, and by Mr. Albert H. Washburn for the respondent.

No. 852. Tang Tun et al., petitioners, *v.* Harry Edsell, Chinese inspector, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. H. H.

Gilfrey, in behalf of Mr. James H. Kerr, for the petitioners, and by Mr. Solicitor-General Bowers for the respondent.

No. 857. Henry C. King, plaintiff in error, *v.* The State of West Virginia et al.;

No. 858. Henry C. King, plaintiff in error, *v.* The State of West Virginia et al.; and

No. 859. Henry C. King, plaintiff in error, *v.* The State of West Virginia et al. Motions to dismiss or affirm submitted by Mr. John F. Dillon, Mr. Harry Hubbard, Mr. Edward C. Lyon, Mr. Malcolm Jackson, and Mr. John A. Shepperd for the defendants in error, in support of the motions, and by Mr. Maynard F. Stiles and Mr. John C. Carlisle for the plaintiff in error in opposition thereto, with leave to Mr. Stiles to file an additional brief.

No. 1 Original. The State of Maryland, complainant, *v.* The State of West Virginia. Motion to set case for argument submitted by Mr. Isaac L. Straus for the complainant, and by Mr. W. G. Conley for the defendant.

Nos. 857, 858, 859, and 860. Henry C. King, plaintiff in error, *v.* The State of West Virginia et al. Motion to advance submitted by Mr. William G. Conley for the State of West Virginia, and by Mr. M. F. Stiles for King.

No. — Original. Ex parte: In the matter of Henry C. Pearson, petitioner. Motion for leave to file a petition for a writ of mandamus submitted by Mr. Charles F. Carusi for the petitioner.

No. 872. The New York Produce Exchange Bank, petitioner, *v.* Robert Paterson Houston et al., etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. B. W. Parker, in behalf of Mr. James E. Kelley, for the petitioner, and by Mr. J. Parker Kirlin and Mr. Charles R. Hickox for the respondents.

No. 853. A. D. Clarke et ux., petitioners, *v.* T. W. Harrison. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Frederick S. Tyler, in behalf of Mr. Charles A. Clark, for the petitioners, and by Mr. T. W. Harrison pro se.

No. 862. Charles Thomas, plaintiff in error, *v.* The State of Iowa. Motion to advance submitted by Mr. Frederick S. Tyler in behalf of counsel for the plaintiff in error.

No. — Original. Ex parte: In the matter of William J. Tobin, petitioner. Motion for leave to file a petition for a writ of mandamus submitted by Mr. Frederick S. Tyler, in behalf of Mr. Samuel A. Anderson, for the petitioner.

No. — Original. Ex parte: In the matter of Anton Kristianson, Motion for leave to file a petition for a writ of mandamus submitted by Mr. Frederick S. Tyler, in behalf of Mr. Samuel A. Anderson, for the petitioner.

No. 767. Tefft Weller & Company et al, appellants, *v.* Julian Munsuri. Motion to dismiss submitted by Mr. George H. Lamar and Mr. Willis Sweet, for the appellee, in support of the motion, and by Mr. Wm. H. Hawkins and Mr. William G. Johnson, for the appellants, in opposition thereto.

No. 886. A. H. Grigsby, petitioner, *v.* R. L. Russell et al., administrators, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. John A. Pitts for the petitioner.

No. 184. The Irrigation Land & Improvement Company, appellant, *v.* Ethan Allen Hitchcock, Secretary of the Interior. Motion to substitute R. A. Ballinger in the place of Ethan Allen Hitchcock as the party appellee in this cause submitted by Mr. George H. Patrick and Mr. George Turner for the appellant, in support of the motion, with leave to Mr. Solicitor-General Bowers to file brief in opposition to the motion within four days.

No. 861. The Colorado & Southern Railway Company, petitioner, *v.* J. J. Satterfield. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Frederic D. McKenney, in behalf of Mr. E. E. Whitted, for the petitioner, and by Mr. Cone Johnson and Mr. J. M. Edwards for the respondent.

No. 884. Charles W. Pinkney et al, etc., petitioners, *v.* The Church Coeprage Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Frederic D. McKenney, in behalf of Mr. Harrington Putnam, for the petitioner, and by Mr. J. Parker Kirlin and Mr. Charles R. Hickox for the respondents.

No. 866. Southern Railway Company, plaintiff in error, *v.* Samuel E. Greene; and

No. 867. Louisville & Nashville Railroad Company, plaintiff in error, *v.* John B. Gaston. Motions to advance submitted by Mr. C. B. Northrop in behalf of counsel.

No. 879. The Tweedie Trading Company, petitioner, *v.* William S. Walsh et al.; and

No. 880. The Tweedie Trading Company, petitioner, *v.* The Steamship Herm, etc. Petition for writs of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. George Hiram Mann for the petitioner, and by Mr. J. Parker Kirlin and Mr. Charles R. Hickox for the respondents.

No. 865. Leeds & Catlin Company, petitioner, *v.* The American Graphophone Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Louis Hicks for the petitioner, and by Mr. Philip Mauro and by Mr. C. A. L. Massie for the respondent.

No. 719. Great Northern Railway Company, plaintiff in error, *v.* The State of Minnesota. Motion to advance submitted by Mr. George W. Peterson for the defendant in error.

No. 743. Chicago Great Western Railway Company, plaintiff in error, *v.* The State of Minnesota. Motion to advance submitted by Mr. George W. Peterson for the defendant in error.

No. 868. City of Owosso, petitioner, *v.* Warren Brothers Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Henry N. Paul, jr., and Mr. Joseph C. Fraley for the petitioner, and by Mr. James M. Head and Mr. W. K. Richardson for the respondent.

No. 636. Mary Halligan, as administratrix, etc., appellant, *v.* The Trinidad Shipping & Trading Company. Motion to dismiss or affirm submitted by Mr. Charles R. Hickox and Mr. J. Parker Kirlin for the appellees in support of the motion, and by Mr. W. W. Gooch and Mr. Frederick C. Scofield for the appellant in opposition thereto. Motion to advance under the thirty-second rule submitted by Mr. Frederick C. Scofield for the appellant.

No. 889. The Steamship Miramar Company (Limited), petitioner, *v.* The Munson Steamship Line. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Charles R. Hickox and Mr. J. Parker Kirlin for the petitioner, and by Mr. Charles S. Haight for the respondent.

No. 887. Norfolk Cold Storage & Ice Company, petitioner, *v.* Norfolk & Western Railway Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. J. L. Jeffries and Mr. Floyd Hughes for the petitioner, and by Mr. Theodore W. Reath, Mr. Robert M. Hughes, and Mr. John H. Holt for the respondent.

No. 796. The United States, petitioner, *v.* Bernard Citroen. Motion to advance submitted by Mr. W. Wickham Smith for the respondent.

No. 609. Mary E. Cartwright, plaintiff in error, *v.* I. M. Holcomb, administrator, etc., et al. Motion to enter order of dismissal submitted by Mr. Joe T. Robinson for the defendants in error.

No. 890. The New York & Porto Rico Steamship Company, petitioner, *v.* Archibald H. Bull et al., owners of the steamship "Mae." Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Frederick M. Brown for the petitioner, and by Mr. J. Parker Kirlin and Charles R. Hickox for the respondent.

No. 433. The Town of Steamboat Springs et al., appellants, *v.* The Steamboat Springs Electric Company. Appeal from the circuit court of the United States for the district of Colorado. Dismissed with costs on motion of counsel for appellants.

Adjourned until Monday next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 24, 1909.

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

Joseph F. Rutherford of Boonville, Mo., Adam A. Boggs of Miami, Fla., and Joseph G. Kammerlohr of New York City were admitted to practice.

No. 127. Auristela Santiago et al., heirs of Jose Elias Santiago and Ana Matilde Gonzalez, plaintiffs in error, *v.* Antonio Pons Noguerras et al., as Pons & Company et al.;

No. 128. Auristela Santiago et al., heirs of Jose Elias Santiago and Ana Matilde Gonzalez, plaintiffs in error, *v.* Gil Ramon Gonzalez y Rodriguez;

No. 129. Auristela Santiago et al., heirs of Jose Elias Santiago and Ana Matilde Gonzalez, plaintiffs in error, *v.* Teodoro Moscoso and Alejandrina Mora y Fajardo, his wife; and

No. 130. Auristela Santiago et al., heirs of Jose Elias Santiago and Ana Matilde Gonzalez, plaintiffs in error, *v.* Ana Semidey, widow of Antonio Costa et al. In error to the district court of the United States for Porto Rico. Judgments affirmed with costs. Opinion by Mr. Justice Moody. (Announced by Mr. Justice Holmes.)

No. 148. Miguel Tupino et al., plaintiffs in error, *v.* La Compañía General de Tabacos de Filipinas. In error to the supreme court of the Philippine Islands. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Moody. (Announced by Mr. Justice Holmes.)

No. 168. Western Union Telegraph Company, plaintiff in error, *v.* Samuel Chiles. In error to the supreme court of appeals of the State of Virginia. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Moody. (Announced by Mr. Justice Holmes.)

No. 172. Thad A. Bryant, trustee in the matter of E. M. Newton & Company, bankrupt, appellant, *v.* Swofford Bros. Dry Goods Company. Appeal from the United States circuit court of appeals for the eighth circuit. Decree affirmed with costs, and cause remanded to the district court of the United States for the western district of Arkansas. Opinion by Mr. Justice Moody. (Announced by Mr. Justice Holmes.)

No. 190. Joseph Wild & Company, appellants, *v.* The Provident Life and Trust Company, trustee, etc. Appeal from the United

States circuit court of appeals for the third circuit. Decree reversed and cause remanded to the district court of the United States for the eastern district of Pennsylvania for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Moody. (Announced by Mr. Justice Holmes.)

No. 188. Eugene C. Kreigh, petitioner, *v.* Westinghouse, Church, Kerr & Company. On writ of certiorari to the United States circuit court of appeals for the eighth circuit. Judgment reversed with costs, and cause remanded to the circuit court of the United States for the district of Kansas with directions to grant a new trial. Opinion by Mr. Justice Day.

No. 136. Maria de las Nieves Cabrera and Magdalena de la Cruz, appellants, *v.* The American Colonial Bank. Appeal from the district court of the United States for Porto Rico. Decree affirmed with costs and interest. Opinion by Mr. Justice McKenna.

No. 150. Richard Bong, plaintiff in error, *v.* The Alfred S. Campbell Art Company. 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 McKenna.

No. 3 Original. State of Washington, complainant, *v.* State of Oregon. Petition for rehearing denied. Opinion by Mr. Justice Brewer.

No. 144. Adams Express Company, plaintiff in error, *v.* The Commonwealth of Kentucky. In error to the circuit court of Hart County, State of Kentucky. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the views expressed in the opinion of this court. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Harlan.

No. 196. W. O. Rogers, jr., et al., plaintiffs in error, *v.* Joseph T. Jones et al. In error to the supreme court of the State of Mississippi. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller. (Mr. Justice White took no part in the decision of this case.)

No. 5 Original. The United States of America, complainant, *v.* J. F. Shipp et al. Rule discharged as to defendants Galloway, Justice and Ward, and made absolute as to defendants Shipp, Gibson, Williams, Nolan, Padgett and Mayse, and attachments ordered to issue returnable June 1, 1909. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice Peckham, Mr. Justice White and Mr. Justice McKenna. (Mr. Justice Moody did not hear the argument and took no part in the disposition of this case.)

No. 2. Ed Johnson, appellant, *v.* The State of Tennessee. Appeal from the circuit court of the United States for the eastern district of Tennessee. Appeal abated by death of appellant and case dismissed.

The Chief Justice announced that in deference to the recognition of May 31 as a holiday the court will adjourn for the term on Tuesday, June 1, instead of Monday, May 31, as previously announced.

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

No. 179. United States Fidelity & Guaranty Company, plaintiff in error, *v.* The United States. In error to the United States circuit court of appeals for the ninth circuit. Judgment affirmed by an equally divided court and cause remanded to the circuit court of the United States for the district of Montana.

No. 638. Mrs. Frances E. Waterman, wife of Charles A. Crane, appellant, *v.* The Canal-Louisiana Bank & Trust Company, executors, etc., et al. In this cause counsel for the respective parties are requested to file briefs on or before the first day of the next term of this court upon the question whether Frederick Tilton Davis, averred in the bill to be a resident of the State of Alabama and outside of the jurisdiction of the court, is an indispensable party to the suit, and in his absence a dismissal of the cause required for want of jurisdiction in the court to proceed without him.

No. 1 Original. The State of Maryland, complainant, *v.* The State of West Virginia. Assigned for argument on Monday, October 25, 1909.

No. — Original. Ex parte: In the matter of Henry C. Pearson, petitioner. Motion for leave to file petition for a writ of mandamus denied.

No. — Original. Ex parte: In the matter of William J. Tobin, petitioner. Motion for leave to file petition for writ of mandamus denied.

No. — Original. Ex parte: In the matter of Anton Kristianson, petitioner. Motion for leave to file petition for writ of mandamus denied.

No. 184. The Irrigation, Land & Improvement Company, appellant, *v.* Ethan Allen Hitchcock, Secretary of the Interior. Motion to substitute Richard A. Ballinger in the place of Ethan Allen Hitchcock as the party appellee herein denied.

No. 609. Mary E. Cartwright, plaintiff in error, *v.* I. M. Holcomb, administrator, etc., et al. Motion to enter order of dismissal denied.

No. 636. Mary Halligan, as administratrix, etc., appellant, *v.* The Trinidad Shipping & Trading Company et al. Motions to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 719. Great Northern Railway Company, plaintiff in error, *v.* The State of Minnesota. Motion to advance granted, and cause assigned to be heard November 2, 1909.

No. 743. Chicago Great Western Railway Company, plaintiff in error, *v.* The State of Minnesota. Motion to advance granted, and cause assigned to be heard November 2, 1909, after the case already assigned for that day.

No. 751. Pablo Yordi, appellant, *v.* Eugene Nolte, United States marshal, etc. Motion to advance granted, and cause assigned to be heard on the first Tuesday of the next term (October 12), after the cases already assigned for that day.

No. 767. Tefft, Weller & Company, appellant, *v.* Julian Munsuri. Motion to dismiss postponed to the hearing of the cause on its merits.

No. 775. William J. Moxley, a corporation, etc., *v.* Henry L. Hertz, collector of internal revenue, etc. Motion to advance granted, and cause assigned to be heard Monday, December 13, 1909.

No. 796. The United States, petitioner, *v.* Bernard Citroen. Motion to advance denied.

Nos. 857, 858 and 859. Henry C. King, plaintiff in error, *v.* The State of West Virginia et al. Motions to dismiss or affirm postponed to the hearing of the cases on their merits.

Nos. 857, 858, 859 and 860. Henry C. King, plaintiff in error, *v.* The State of West Virginia et al. Motions to advance granted, and causes assigned to be heard as one case on Monday, December 13, 1909, after the case already assigned for that day.

No. 862. Charles Thomas, plaintiff in error, *v.* The State of Iowa. Motion to advance granted, and cause assigned to be heard on Monday, December 13, 1909, at the head of the call for that day.

No. 866. Southern Railway Company, plaintiff in error, *v.* Samuel E. Green; and

No. 867. Louisville & Nashville Railroad Company, plaintiff in error, *v.* John B. Gaston. Motions to advance granted, and causes assigned to be heard as one case on Monday, December 13, 1909, after the cases already assigned for that day.

No. 874. The Baltimore & Ohio Railroad Company, appellant, *v.* The Interstate Commerce Commission. Motion to advance granted, and cause assigned to be heard on Monday, December 13, 1909, after the cases already assigned for that day.

No. 852. Tang Tun et al., petitioners, *v.* Harry Edsell, Chinese inspector, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit granted.

No. 885. The United States, petitioner, *v.* Albert Eckstein. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 886. A. H. Grigsby, petitioner, *v.* R. L. Russell et al., administrators, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit granted.

No. 853. A. D. Clarke et ux., petitioners, *v.* T. W. Harrison. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 861. The Colorado & Southern Railway Company, petitioner, *v.* J. J. Satterfield. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 865. Leeds & Catlin Company, petitioner, *v.* American Graphophone Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 868. City of Owosso, petitioner, *v.* Warren Brothers Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 872. The New York Produce Exchange Bank, petitioner, *v.* Robert Paterson Houston et al., etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 875. The United States, petitioner, *v.* Rusch & Company;

No. 876. The United States, petitioner, *v.* Titus Blatter & Company; and

No. 877. The United States, petitioner, *v.* W. B. Quaintance. Petitions for writs of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 879. The Tweedie Trading Company, petitioner, *v.* William S. Walsh et al.; and

No. 880. The Tweedie Trading Company, petitioner, *v.* The Steamship Herm, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 882. W. Frank Kinney, collector, etc., petitioner, *v.* Samuel Morris Conant et al., executors, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 884. Charles W. Pinkney et al., etc., petitioners, *v.* The Church Cooperage Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 887. Norfolk Cold Storage & Ice Company, petitioner, *v.* Norfolk & Western Railway Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 889. The Steamship Miramar Company, Limited, petitioner, *v.* The Munson Steamship Line. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 890. The New York & Porto Rico Steamship Company, petitioner, *v.* Archibald H. Bull et al., owners, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 310. The United States, plaintiff in error, *v.* K. P. Plowman. Death of defendant in error suggested and order of publication granted, on motion of Mr. Solicitor-General Bowers for the plaintiff in error.

No. 896. The United States, petitioner, *v.* Berlinger Brown & Meyer. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Solicitor-General Bowers for the petitioner, and Mr. Joseph G. Kammelohr for the respondent.

No. 897. John R. Morris, 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. D. A. DeArmond in behalf of Mr. Thomas T. Fauntleroy and Mr. Shepard Barclay for the petitioner, with leave to Mr. Solicitor-General Bowers to file a brief on or before Friday next for the respondent.

No. 855. Clarence H. Venner et al., plaintiffs in error, *v.* The Denver Union Water Company et al. Death of Carlos S. Greely and James V. Dexter, two of the defendants in error herein, suggested and order of publication granted, on motion of Mr. Elijah N. Zoline, for the plaintiffs in error.

No. 13 Original. State of North Carolina, complainant, *v.* The State of Tennessee. Motion for leave to file an amended bill submitted by Mr. Louis M. Bourne, in behalf of Mr. T. W. Bickett. Mr. C. B. Matthews and Mr. Theodore F. Davidson for complainant in support of motion, and by Mr. Charles T. Cates, jr., for defendant in opposition thereto.

No. 452. The Moore Printing Typewriter Company et al., appellants. *v.* National Savings & Trust Company et al. Death of William C. Mains and Andrew Divine suggested and order of publication granted, on motion of Mr. George P. Montague for the appellants.

No. 864. F. S. Kretsinger, trustee, petitioner, *v.* John H. Brown, as executor, etc., et al. Petition for writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. E. C. Brandenburg in behalf of Mr. Henry T. Rogers for the petitioner, and by Mr. Henry A. Dubbs for the respondent.

Adjourned until Tuesday, June 1st at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, JUNE 1, 1909.

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

Harry Coope of Washington, D. C., Alfred B. Small of Lake City, Fla., Alex. St. Clair-Abrams of Jacksonville, Fla., Gibbs L. Baker of Washington, D. C., J. G. Lamson of Cedar Lake, Mich., James D. Armstrong of St. Paul, Minn., Marshall B. Woodworth of San Francisco, Cal., Edward J. Kent of Pittsburg, Pa., Harvey A. Miller of Pittsburg, Pa., James A. Gibson of Los Angeles, Cal., Charles Donnelly of St. Paul, Minn., Charles M. Foree of Shelbyville, Ky., Harry Helm of Stanford, Ky., and Henry E. Mattison of New York City, N. Y., were admitted to practice.

No. 5 Original. The United States of America, complainant, *v.* J. F. Shipp et al. The marshal of this court made return to the attachment heretofore issued herein by producing the bodies of the defendants Shipp, Gibson, Williams, Nolan, Padgett, and Mayse, who appeared in open court in their proper persons, and Solicitor-General Bowers moved the court for sentence upon said defendants. Mr. G. W. Chamlee, Mr. M. H. Clift, and Mr. Lewis Shepard, counsel for the defendants, moved for time to present petitions for rehearing; whereupon the court took a recess to consider the matter. Upon the reassembling of the court, the Chief Justice announced that the defendants would be given thirty days in which to prepare and present petitions for rehearing, the defendants to be released in the meantime on their own recognizance in the sum of \$1,000, to be given before the judge of the district court of the United States for the eastern district of Tennessee.

No. 66. Expanded Metal Company et al., petitioners, *v.* Eugene S. Bradford et al. On writ of certiorari to the United States circuit court of appeals for the third circuit. Decree reversed, with costs and cause remanded to the circuit court of the United States for the eastern district of Pennsylvania for further proceedings consistent with the opinion of this court. Opinion by Mr. Justice Day.

No. 606. The General Fireproofing Company, petitioner, *v.* The Expanded Metal Company. On writ of certiorari to the United

States circuit court of appeals for the sixth circuit. Decree affirmed, with costs and cause remanded to the circuit court of the United States for the northern district of Ohio for further proceedings consistent with the opinion of this court. Opinion by Mr. Justice Day.

No. 124. Mollie E. Dupree and William E. Dupree, petitioners, *v.* C. W. Mansur. On writ of certiorari to the United States circuit court of appeals for the fifth circuit. Decree modified by adding thereto the words, "Without prejudice to the question whether the bill can be maintained." Announced by Mr. Justice Holmes.

No. 180. Allen R. English et ux., appellants, *v.* The Territory of Arizona at the relation and to the use of Victor S. Griffith, treasurer, etc. Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs and interest. Opinion by Mr. Justice McKenna.

No. 181. Weems Steamboat Company, of Baltimore City, petitioner, *v.* People's Steamboat Company et al. On writ of certiorari to the United States circuit court of appeals for the fourth circuit. Decree reversed, with costs and cause remanded to the circuit court of the United States for the eastern district of Virginia, with directions to enter a decree for an injunction as prayed for in the complaint. Opinion by Mr. Justice Peckham.

No. 90. The United States, plaintiff in error, *v.* National Exchange Bank of Providence. In error to the United States circuit court of appeals for the first circuit. Judgment of the United States circuit court of appeals reversed and judgment of the circuit court of the United States for the district of Massachusetts affirmed, and cause remanded to said circuit court. Opinion by Mr. Justice White.

No. 509. Oceanic Steam Navigation Company, Limited, plaintiff in error, *v.* Nevada N. Stranahan;

No. 510. International Mercantile Marine Company, plaintiff in error, *v.* Nevada N. Stranahan; and

No. 511. International Mercantile Marine Company, plaintiff in error, *v.* Nevada N. Stranahan. In error to the circuit court of the United States for the southern district of New York. Judgments affirmed with costs. Opinion by Mr. Justice White.

No. 104. Southern Railway Company, plaintiff in error, *v.* St. Louis Hay and Grain Company. In error to the United States circuit court of appeals for the seventh circuit. Judgments of the United States circuit court of appeals and of the United States circuit court for the eastern district of Illinois reversed with costs and cause remanded to said circuit court with directions to send the matter back to the Interstate Commerce Commission for further investigation and report. Opinion by Mr. Justice Brewer.

The Chief Justice announced the adoption of rules for practice and procedure under section 25 of an act to amend and consolidate the acts respecting copyright, approved March 4, 1909, to go into effect July 1, 1909.

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

No. 13 Original. The State of North Carolina, complainant, *v.* The State of Tennessee. Motion for leave to file amended bill of complaint herein granted.

No. — Original. Ex parte in the matter of Anton Kristianson, petitioner. Motion for leave to file petition for a writ of mandamus denied.

No. 864. F. S. Kretsinger, trustee, petitioner, *v.* John H. Brown, as executor, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 896. The United States, petitioner, *v.* Berlinger, Brown & Meyer. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 897. Johnson R. Morris, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 156. The State of Louisiana ex. rel., Louis A. Hubert, receiver, plaintiff in error, *v.* The Mayor and Council of the City of New Orleans. Restored to the docket for oral argument.

No. — Original. The United States of America, complainant, *v.* The People of the State of New York and John E. Andrus, William Archer, and John J. Brown, as commissioners of the Bronx River Valley sewer. Motion for leave to file bill of complaint granted and process ordered on motion of Mr. Solicitor-General Bowers, for the complainant.

No. 535. J. E. Fleming et al., appellants, *v.* Green, McCurtain et al. Suggestion of the resignation of James Rudolph Garfield and the appointment of Richard A. Ballinger as his successor in the office of Secretary of the Interior and motion for the substitution of Richard A. Ballinger as Secretary of the Interior as a party appellee in this cause, submitted by Mr. Webster Ballinger, for the appellants, and motion granted.

No. 906. American Manufacturing Company, petitioner, *v.* The Steamship Wildenfels, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Charles Henry Butler, in behalf of Mr. Frederick M. Brown, for the petitioner, with leave to counsel for the respondent to file brief within two weeks.

No. 907. Charles F. Harris, late owner, etc., petitioner, *v.* The Ferryboat Lackawanna, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Charles Henry Butler, in behalf of Mr. Frederick M. Brown, for the petitioner, and by Mr. James J. Macklin and Mr. De Lagnel Berier, for the respondent.

No. 905. 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 submitted by Mr. Frederic D. McKenney, in behalf of Mr. J. Parker Kirlin, for the petitioner, with leave to counsel for the respondent to file brief within two weeks.

No. 892. Novelty Incandescent Lamp Company, petitioner, *v.* Edison Electric Light Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. A. Parker-Smith, for the petitioner, and by Mr. Richard N. Dyer and Mr. John Robert Taylor, for the respondent.

No. 881. 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 submitted by Mr. E. S. McCalmont and Mr. L. P. Loving, for the petitioner.

No. 878. American Woodworking Machinery Company et al., petitioners, *v.* Union Trust Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. George H. Lamar, in behalf of Mr. Charles A. Douglas and Mr. Gibbs L. Baker, for the petitioner.

No. 137. Buenaventura Ubarri y Yramategui, plaintiff in error, *v.* Jacinto Lorenzo Lopez Laborde et al. Motion for time to present a petition for rehearing. herein entered on motion of Mr. George H. Lamar, for the defendants in error.

No. 901. The Henry Du Bois Sons Company, etc., petitioner, *v.* The Steam Tug Eugene F. Moran, etc., et al.; and

No. 902. The Henry Du Bois Sons Company, 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 submitted by Mr. Henry E. Mattison, Mr. James Emerson Carpenter, and Mr. Samuel Park, for the petitioner.

No. 894. Central of Georgia Railway Company, plaintiff in error, *v.* John B. Gaston. Motion to advance submitted by Mr. C. B. Northrop, in behalf of counsel.

Order: It is now here ordered by the court that all the cases on the docket not decided and all the other business of the term not disposed of be, and the same are hereby, continued until the next term.

Adjourned to the time and place appointed by law.