

# SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 10, 1910.

The court met pursuant to law.

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

Mr. Justice Harlan, Presiding Justice, said:

“Gentlemen of the Bar: Since the last term the Honorable Charles Evans Hughes has been appointed an associate justice of this court to fill the vacancy occasioned by the death of Mr. Justice Brewer. Mr. Hughes is present and prepared to take the required oath of office. The court extends a most cordial welcome to the new member. The clerk will read his commission and administer the oath.”

The clerk then read the commission and Mr. Hughes took the oath of office and was escorted by the marshal to his seat on the bench.

Mr. Justice Harlan continued:

“Gentlemen of the Bar: Since its last session this court has sustained a very great loss. The earthly career of the Chief Justice has been closed by death. This sad event occurred on the 4th day of July of the present year at his summer residence, after nearly twenty-three years of continuous and distinguished service on this bench. He met the final summons with that calmness of spirit and composure of mind that marked his whole life. From his early manhood he walked in the good way, uprightly before God and his fellow-men, and passed from this life into the life beyond the grave in the confident belief, I doubt not, that the Maker and Ruler of the Earth ordereth all things aright. This court, indeed the nation, will miss him, but the memory of his stainless life will ever remain with his countrymen as a priceless heritage.

“The regular call of the docket will be commenced to-morrow. No formal business will be transacted by the court to-day. All motions and applications noticed for to-day will then be heard.”

The Presiding Justice then announced that, out of respect for the late Chief Justice, the court would now adjourn until to-morrow at the usual hour.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 11, will be as follows: Nos. 12 Original, 3 Original, 378 (and 379), 383 (and 558 and 559), 190 (and 372 and 394), 326 (and 334), 231, 7 (and 8), 230, 448, 496, 129, 292, 293, 331, 380, 390, 433, 444, 458, 502, 510 (and 511 and 512), 495, 353 (and 354 and 355), 215, 300, 358 (and 359), 418, and 541.

O

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 11, 1910.

---

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

Chas. H. Moorman of Louisville, Ky., Chas. Irving Wright of San Francisco, Cal., Joseph F. Berry of New Haven, Conn., Edward Chambers Sperry of New York City, Furman Y. Smith of Alachua, Fla., Walter Hart Neal of Laurinburg, N. C., James J. Lamb of Davenport, Iowa, Charles T. Kemmerer of Davenport, Iowa, George H. Macdonald of Washington, D. C., Edward N. Hopewell of Washington, D. C., Stephen A. McIntire of New York City, James A. Wakefield of Pittsburgh, Pa., Wm. M. O. Dawson of Charleston, W. Va., Henry White of New York City, Charles O. Mass of New York City, Gordon G. Hyatt of Ducktown, Tenn., Charles W. Stockton of New York City, Wm. Church Osborn of New York City, William J. Grace of New York City, James Denis Mocquot of Paducah, Ky., William Francis Bradshaw, jr., of Paducah, Ky., M. L. Bell of Chicago, Ill., and Hugh M. Caldwell of Seattle, Wash., were admitted to practice.

Nos. 7 and 8. The Baltimore & Ohio Southwestern Railroad Company, plaintiff in error, *v.* The United States. Reassigned for argument on Tuesday, January 3, 1911, after cases heretofore assigned for that day, on motion of Mr. Attorney-General Wickersham for the defendant in error.

No. 118. The United States, appellant, *v.* The American Tobacco Company et al.; and

No. 119. The American Tobacco Company et al., appellants, *v.* The United States. Reassigned for argument on Tuesday, January 3, 1911, after cases heretofore assigned for that day, on motion of Mr. Attorney-General Wickersham, for the United States.

No. 129. The United States, plaintiff in error, *v.* George F. Lamson. In error to the circuit court of the United States for the district of Rhode Island. Dismissed, on motion of Mr. Attorney-General Wickersham, for the plaintiff in error.

No. 292. The United States, plaintiff in error, *v.* James Durie. In error to the district court of the United States for the eastern district of Pennsylvania. Dismissed, on motion of Mr. Attorney-General Wickersham, for the plaintiff in error.

No. 293. The United States, plaintiff in error, *v.* James Stott. In error to the district court of the United States for the eastern district of Pennsylvania. Dismissed, on motion of Mr. Attorney-General Wickersham, for the plaintiff in error.

No. 331. William Brown and Levi B. Gritts, etc., appellants, *v.* The United States. Reassigned to be heard with No. 60, on motion of Mr. Attorney-General Wickersham, for the appellee.

No. 353. The United States, plaintiff in error, *v.* Hugh E. Monson. In error to the district court of the United States for the district of Colorado. Dismissed, on motion of Mr. Attorney-General Wickersham, for the plaintiff in error.

No. 354. The United States, plaintiff in error, *v.* Luigi Cafarelli. In error to the district court of the United States for the district of Colorado. Dismissed, on motion of Mr. Attorney General Wickersham, for the plaintiff in error.

No. 355. The United States, plaintiff in error, *v.* William A. Duncan. In error to the district court of the United States for the district of Colorado. Dismissed, on motion of Mr. Attorney General Wickersham, for the plaintiff in error.

No. 383. Northern Pacific Railway Company, plaintiff in error, *v.* Bessie Babcock, as administratrix, etc.;

No. 558. New York, New Haven & Hartford Railroad Company, plaintiff in error, *v.* Mary Agnes Walsh, administratrix, etc.; and

No. 559. Mary Agnes Walsh, adm'x., etc., plaintiff in error, *v.* New York, New Haven & Hartford Railroad Company. Reassigned for argument on Monday, November 28 next, on motion of Mr. Attorney-General Wickersham in behalf of counsel.

No. 313. Edgar G. Mondou, plaintiff in error, *v.* The New York, New Haven & Hartford Railroad Company. Advanced, to be heard with Nos. 383, 558, and 559, on motion of Mr. Donald G. Perkins for the plaintiff in error. Leave granted to Mr. Attorney-General Wickersham to file brief herein as *amicus curiæ*.

No. 398. Standard Oil Company et al., appellants, *v.* The United States. Reassigned for argument on Tuesday, January 3, 1911, after cases already assigned for that day, on motion of Mr. Attorney-General Wickersham, for the appellee.

No. 433. The United States, plaintiff in error, *v.* O. A. Johnson. Reassigned for argument on Tuesday, January 3, 1911, after cases already assigned for that day, on motion of Mr. Attorney-General Wickersham, for the plaintiff in error.

No. 502. The United States, plaintiff in error, *v.* Henry Boeckman. In error to the circuit court of the United States for the eastern district of New York. Dismissed, on motion of Mr. Attorney-General Wickersham for the plaintiff in error.

No. 627. Ary E. Zonne, appellant, *v.* Minneapolis Syndicate et al. Advanced, to be heard after No. 448, on motion of Mr. Attorney-General Wickersham in behalf of counsel.

No. 448. Amory Eliot, appellant, *v.* James G. Freeman et al. Reassigned for argument after Nos. 407, etc., on motion of Mr. R. W. Hale, for the appellant.

No. 496. Maine Baptist Missionary Convention, appellant, *v.* Charles E. Cotting et al., etc. Reassigned for argument after Nos. 407, etc., on motion of Mr. Barry Mohun, for the appellant.

No. 407. Stella P. Flint, as General Guardian, etc., appellant, *v.* Stone Tracy Company et al., and other Corporation Tax cases. Assigned for argument on Tuesday, January 3, 1911, after cases already assigned for that day, on motion of Mr. Attorney-General Wickersham, for the United States.

No. 686. The United States of America, appellant, *v.* The Terminal Railroad Association of St. Louis et al. Motion that record on file in case No. 597 of October term, 1909, be taken as part of the record on the appeal herein granted, on motion of Mr. Attorney-General Wickersham for the appellant.

No. 3 Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Reassigned for argument on Monday, January 16, 1911, on motion of Mr. W. G. Conley for the defendant.

No. 578. Seaboard Air Line Railway, plaintiff in error, *v.* Ernest N. Duvall. Motion to dismiss or affirm submitted by Mr. William C. Douglas, for the defendant in error, in support of the motion, and by Mr. H. A. Herbert, Mr. Benjamin Micou, Mr. Richard P. Whitely and Mr. Walter Hart Neal, for the plaintiff in error, in opposition thereto, and leave granted counsel for defendant in error to file reply brief on or before Friday next.

No. 586. The State of Minnesota ex rel. Jalmer M. Larsen, plaintiff in error, *v.* Hugh R. Scott, as auditor of the county of Hennepin. Motion to advance submitted by Mr. Carl Strover for the plaintiff in error.

No. 599. Isaac A. Mansour, appellant, *v.* The United States. Motion to advance submitted by Mr. Walter S. Penfield, for the appellant.

No. 390. The United States, plaintiff in error, *v.* Gustav E. Kissell and Thomas B. Harned. Reassigned for argument on Thursday, November 10th, 1910, on motion of Mr. William C. Osborn, for the defendants in error.

No. 709. William D'Alton Mann et al., petitioners, *v.* Samuel Dempster. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit, submitted by Mr. Albert A.

Wray for the petitioners, and by Mr. Charles O. Maas and Mr. James A. Wakefield for the respondent.

No. — Original. *Ex parte*: In the matter of Patrick Lancer, petitioner. Motion for leave to file a petition for a writ of mandamus, submitted by Mr. Wilford H. Smith for the petitioner.

No. 378. W. S. Harlan et al., appellants, *v.* T. F. McGourin, United States Marshal, etc.; and

No. 379. Robert Gallagher, appellant, *v.* T. F. McGourin, United States marshal, etc. Motion to reassign for hearing before a full bench and for writs of certiorari herein presented by Mr. W. W. Flournoy, for the appellants, and opposed by Mr. Attorney-General Wickersham, for the appellee, and motions denied.

No. 286. Louisville & Nashville Railroad Company, plaintiff in error, *v.* N. P. Scott. Motion to advance to be heard with No. 215 submitted by Mr. C. H. Moorman for the plaintiff in error.

No. 190. The Buck's Stove & Range Company, appellant, *v.* The American Federation of Labor et al.;

No. 394. The American Federation of Labor et al., appellants, *v.* The Buck's Stove & Range Company; and

No. 372. Samuel Gompers et al., petitioners, *v.* The Buck's Stove & Range Company. Reassigned for argument on Monday, January 16, 1911, after the case already assigned for that day, on motion of Mr. Jackson H. Ralston for The American Federation of Labor et al.

No. 614. The Sac and Fox Indians of the Mississippi in Iowa, appellants, *v.* The Sac and Fox Indians of the Mississippi in Oklahoma and The United States. Motion to advance submitted by Mr. Barry Mohun for the appellee Indians.

No. 548. The United States, appellant, *v.* The Fidelity Trust Company, etc. Motion to dismiss or affirm submitted by Mr. Barry Mohun, Mr. A. R. Serven, and Mr. Paul Fuller, for the appellee, in support of the motion, and by Mr. Attorney-General Wickersham and Mr. Barton Corneau, for the appellant, in opposition thereto, with leave to counsel for appellee to file reply brief on or before Friday next.

No. 694. Thomas B. Stuart et al., petitioners, *v.* Union Pacific Railroad Company. Petition for writ of certiorari to the United States circuit court of appeals for the eighth circuit, submitted by Mr. Louis T. Michener, Mr. Thomas B. Stuart, and Mr. Joseph C. Helm, for the petitioners, and by Mr. Maxwell Evarts, Mr. N. H. Loomis, Mr. Clayton C. Dorsey, and William D. Hodges, for the respondent.

No. 699. Mary D. Grace, petitioner, *v.* Charles C. Burlingham et al. Petition for writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. William J. Grace, Mr. Frederic C. Scofield and Mr. Theodore E. Hancock for the peti-

tioner, and by Mr. Charles L. Stone, Mr. I. L. Ernst, and Mr. D. R. Cobb for the respondents.

No. 453. In the matter of the petition of H. H. Loving, trustee. Motion to advance submitted by Mr. William F. Bradshaw in behalf of counsel for Loving, trustee.

No. 500. George Peabody Wetmore, appellant, *v.* Tennessee Copper Company. Motion to dismiss submitted by Mr. John H. Frantz, Mr. Howard Cornick, and Mr. Martin Vogel, for the appellee, in support of the motions.

No. 561. Salvatore L. Rocca, plaintiff in error, *v.* George F. Thompson. Motion to advance submitted by Mr. Samuel T. Fisher in behalf of counsel for the plaintiff in error.

No. 698. Arthur P. Heinze, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit, submitted by Mr. John Mason Brown for the petitioner, with leave to the Attorney-General to file brief for respondent within one week.

No. 231. James H. Holt, plaintiff in error, *v.* The United States. Leave granted to file certified copy of rule of court below, on motion of Mr. Hugh M. Caldwell for the plaintiff in error.

No. 14 Original. State of Oklahoma, complainant, *v.* The Atchison, Topeka & Santa Fe Railway Company et al. Leave granted to file demurrer of the Chicago, Rock Island & Pacific Railroad Company, on motion of Mr. M. L. Bell in that behalf.

No. 158 of October term, 1909. J. Alexander Chiles, plaintiff in error, *v.* Chesapeake & Ohio Railway Company. Motion for leave to present a petition for rehearing herein submitted by Mr. J. Alexander Chiles, pro se.

No. 14 Original. The State of Oklahoma, complainant, *v.* The Atchison, Topeka & Santa Fe Railway Company et al. Leave granted to file demurrers of Wells, Fargo & Company, American Express Company, and Pacific Express Company, on motion of Mr. Charles W. Pierson in that behalf.

No. 597. R. J. House, plaintiff in error, *v.* Joel B. Mayes, marshal, etc., et al.; and

No. 598. Thomas J. Brodnax and Frank E. Essex, plaintiffs in error, *v.* The State of Missouri. Motion to advance submitted by Mr. Frank Hagerman, for the plaintiffs in error.

No. 326. John A. Knott et al., etc., et al., appellants, *v.* Chicago, Burlington & Quincy Railroad Company; and

No. 334. Chicago, Burlington & Quincy Railroad Company, appellant, *v.* John A. Knott et al., etc., et al. Motion to reassign for hearing before a full bench presented by Mr. Frank Hagerman for the

railroad company, and opposed by Mr. Elliott W. Major for Knott et al., and motion denied.

No. 595. The Baltimore & Ohio Railroad Company, petitioner, *v.* Edward Winters. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. George E. Hamilton and Mr. F. A. Durban for the petitioner.

No. 260. Stuart Lindsley, appellant, *v.* Natural Carbonic Gas Company et al. Motion to advance submitted by Mr. John Spaulding Flannery in behalf of counsel for the appellant.

No. 13 Original. The State of Oklahoma, complainant, *v.* The Atchison, Topeka & Santa Fe Railway Company; and

No. 14 Original. The State of Oklahoma, complainant, *v.* The Atchison, Topeka & Santa Fe Railway Company et al. Leave granted to file the demurrers of The Atchinson, Topeka & Santa Fe Railway Company et al., on motion of Mr. Evans Browne in behalf of counsel.

No. 671. The United States, plaintiff in error, *v.* Fritz Augustus Heinze. Advanced to be heard with No. 380, as one case, on motion of Mr. Evans Browne in behalf of counsel.

No. 632. The Rosario Mining & Milling Company, a corporation, petitioner, *v.* Charles W. Clark. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. W. C. Keegin, in behalf of Mr. John A. Goodrich for the petitioner, and by Mr. Walter M. Bickford for the respondent.

No. 14 Original. State of Oklahoma, complainant, *v.* The Atchison, Topeka & Santa Fe Railway Company et al. Leave granted to file demurrer of The St. Louis & San Francisco Railroad Company, on motion of Mr. C. C. Calhoun in that behalf.

No. 326. John A. Knott et al., etc., et al., appellants, *v.* The C. B. & Q. R. R. Company; and

No. 334. The C., B. & Q. R. R. Company, appellant, *v.* John A. Knott et al., etc., et al. Motion for leave to file a brief herein as amicus curiae granted, on motion of Mr. Jared Howe in that behalf.

No. 94. Box Elder Power and Light Company, plaintiff in error, *v.* Brigham City. Motion to dismiss or affirm submitted by Mr. William C. Prentiss in behalf of Mr. William H. King, and Mr. Edward B. Critchlow, for the defendant in error, in support of the motion, and by Mr. Charles C. Dey and Mr. Hiram E. Booth, for the plaintiff in error, in opposition thereto.

No. 722. Jane M. White et al., plaintiffs in error, *v.* The Connecticut General Life Insurance Company. In error to the court of appeals of the District of Columbia. Docketed and dismissed with costs, on motion of Mr. John Rideout for the defendant in error.



No. 445. Ashton C. Shallenberger, governor of the State of Nebraska, et al., appellants, *v.* The First National Bank of Holstein et al. Motion to advance to be heard with No. 71 submitted by Mr. John Lee Webster for the appellees.

No. 617. Assaria State Bank of Assaria et al., appellants, *v.* Joseph N. Dolley, as bank commissioner, etc., et al. Motion to advance to be heard with No. 71 submitted by Mr. John Lee Webster for the appellants.

No. 652. Abilene National Bank et al., petitioners, *v.* Joseph N. Dolley, bank commissioner, et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit, submitted by Mr. John Lee Webster, Mr. Chester I. Long, Mr. B. P. Waggener, and Mr. John W. Glead, for the petitioners, and by Mr. F. S. Jackson, for the respondent. Motion to advance to be heard with No. 71, in case the writ of certiorari is granted, submitted by Mr. John Lee Webster in that behalf.

No. 326. John A. Knott et al., etc., et al., appellants, *v.* C., B. & Q. R. R. Company; and

No. 334. C., B. & Q. R. R. Company, appellant, *v.* John A. Knott et al., etc., et al. Motion for leave to file brief as amicus curiæ herein granted, on motion of Mr. W. T. Thompson in that behalf.

No. 65. Ramon Valdes y Cobian, appellant, *v.* Lawrence H. Grahame, as commissioner of the interior of Porto Rico. Appeal from the district court of the United States for Porto Rico. Dismissed with costs, on motion of counsel for the appellant.

No. 97. Mary E. Cartwright, plaintiff in error, *v.* I. M. Holcomb, administrator of the estate of D. J. Spencer, deceased, et al. In error to the supreme court of the State of Oklahoma. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 137. Laurel Oil & Gas Company, appellant, *v.* Galbreath Oil & Gas Company. Appeal from the United States circuit court of appeals for the eighth circuit. Dismissed with costs, on motion of counsel for the appellant.

No. 144. The Jackson Lumber Company, appellant, *v.* Charles F. Turner, tax collector of Walton County, Florida, et al. Appeal from the United States circuit court of appeals for the fifth circuit. Dismissed with costs, on authority of counsel for the appellant.

No. 145. The Jackson Lumber Company, appellant, *v.* Charles F. Turner, tax collector of Walton County, Florida, et al. Appeal from the United States circuit court of appeals for the fifth circuit. Dismissed with costs, on authority of counsel for the appellant.

No. 176. Portland Railway, Light & Power Company et al., appellants, *v.* The City of Portland et al. Appeal from the circuit court

of the United States for the district of Oregon. Dismissed with costs, on motion of counsel for the appellants.

No. 198. Southern States Land & Timber Company, appellant, *v.* Albert W. Gilchrist, Governor of the State of Florida, et al. Appeal from the United States Circuit Court of Appeals for the Fifth Circuit. Dismissed, each party paying its and their own costs, per stipulation of counsel.

No. 199. Florida Land & Timber Company, appellant, *v.* Albert W. Gilchrist, governor of the State of Florida, et al. Appeal from the United States circuit court of appeals for the fifth circuit. Dismissed, each party paying its and their own costs, per stipulation of counsel.

No. 200. Consolidated Land Company, appellant, *v.* Albert W. Gilchrist, governor of the State of Florida, et al. Appeal from the United States circuit court of appeals for the fifth circuit. Dismissed, each party paying its and their own costs, per stipulation of counsel.

No. 201. Empire Land Company, appellant, *v.* Albert W. Gilchrist, governor of the State of Florida, et al. Appeal from the United States circuit court of appeals for the fifth circuit. Dismissed, each party paying its and their own costs, per stipulation of counsel.

No. 202. The Model Land Company, appellant, *v.* Albert W. Gilchrist, governor of the State of Florida, et al. Appeal from the United States circuit court of appeals for the fifth circuit. Dismissed, each party paying its and their own costs, per stipulation of counsel.

No. 203. The Florida East Coast Railway Company, appellant, *v.* Albert W. Gilchrist, governor of the State of Florida, et al. Appeal from the United States circuit court of appeals for the fifth circuit. Dismissed, each party paying its and their own costs, per stipulation of counsel.

No. 240. St. Benedict's Abbey, a corporation, plaintiff in error, *v.* Marion County, Oregon, et al. In error to the supreme court of the State of Oregon. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 518. Louisiana Navigation Company, Limited, plaintiff in error, *v.* Oyster Commission of Louisiana et al. Motion to dismiss or affirm submitted by Mr. Walter Guion, for the defendants in error, in support of the motion, and by Mr. J. C. Gilmore, for the plaintiff in error, in opposition thereto.

No. 567. Frank N. Hoffstot, appellant, *v.* Bernard A. Flood, a detective of police of the city of New York. Motion to dismiss or affirm or advance submitted by Mr. W. A. Blakeley, Mr. Charles S.

Whitman, Mr. Warren I. Seymour, Mr. George Gordon Battle, and Mr. H. Snowden Marshall, for the appellee, in support of the motions, and by Mr. Adrian H. Joline, Mr. John D. Lindsley, and Mr. Adrian H. Larkin, for the appellant, in opposition thereto.

No. 380. The United States, plaintiff in error, *v.* Fritz Augustus Heinze. Motion to pass submitted by Mr. Evans Brown, in behalf of counsel.

No. 12 Original. *Ex parte*: In the matter of The Metropolitan Trust Company of the City of New York, petitioner. Argued by Mr. Tompkins McIlvaine for the petitioner, and by Mr. J. Aspinwall Hodge for the respondent.

No. 378. W. S. Harlan et al., appellants, *v.* T. F. McGourin, United States marshal, etc.; and

No. 379. Robert Gallagher, appellant, *v.* T. F. McGourin, United States marshal, etc. Argument commenced by Mr. W. W. Flournoy for the appellants and continued by Mr. Assistant Attorney-General Harr for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 12, will be as follows: Nos. 378 (and 379), 326 (and 334), 231, 230, 380, 444, 458, 510 (and 511 and 512), 495, 215, 300, 358 (and 359), 418, and 541.

O

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 12, 1910.

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

Caroline Harriet Smith of Brooklyn, N. Y., was admitted to practice.

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

No. 586. The State of Minnesota *ex rel.* Jalmer M. Larsen, plaintiff in error, *v.* Hugh R. Scott as auditor of the county of Hennepin. Motion to advance denied.

No. 286. Louisville & Nashville Railroad Company, plaintiff in error, *v.* N. P. Scott. Motion to advance granted, and cause assigned to be heard with No. 215 as one case.

No. 724. Melville D. Hensey et al., appellants, *v.* Charles H. Merillat and Mason N. Richardson, trustees. Appeal from the court of appeals of the District of Columbia. Docketed and dismissed with costs, on motion of Mr. Mason N. Richardson for the appellee.

No. 378. W. S. Harlan et al., appellants, *v.* T. F. McGourin, United States marshal, etc.; and

No. 279. Robert Gallagher, appellant, *v.* T. F. McGourin, United States marshal, etc. Argument continued by Mr. Assistant Attorney-General Harr for the appellee, and concluded by Mr. William W. Flournoy for the appellants. Leave granted to counsel on both sides to file additional briefs on or before Friday next.

No. 326. John A. Knott et al., etc., et al., appellants, *v.* Chicago, Burlington & Quincy Railroad Company; and

No. 334. Chicago, Burlington & Quincy Railroad Company, appellant, *v.* John A. Knott et al., etc., et al. One hour additional time allowed each side in the argument and three counsel allowed to be heard for each side, on motion of Mr. Elliott W. Major of counsel for Knott et al. Argument commenced by Mr. Frank Hagerman for The Chicago, Burlington & Quincy Railroad Company, and continued by Mr. Sanford B. Ladd for Knott et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 13, will be as follows: Nos. 326 (and 334), 231, 230, 380, 444, 458, 510 (and 511 and 512), 495, 215, 300, 358 (and 359), 418 and 541.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 13, 1910.

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

Wm. J. Hand of Scranton, Pa., and Courtenay Crocker of Boston, Mass., were admitted to practice.

No. 380. The United States, plaintiff in error, *v.* Fritz Augustus Heinze. Reassigned for argument on Monday, October 31, 1910.

No. 326. John A. Knott et al., etc., et al., appellants, *v.* Chicago, Burlington & Quincy Railroad Company; and

No. 334. Chicago, Burlington & Quincy Railroad Company, appellants, *v.* John A. Knott et al. Argument continued by Mr. Sanford B. Ladd for Knott et al., by Mr. O. M. Spencer for the C., B. & Q. Railroad Company, by Mr. Elliott W. Major and Mr. F. W. Lehmann for Knott et al., and concluded by Mr. Frank Hagerman for the C., B. & Q. Railroad Company.

No. 231. James H. Holt, plaintiff in error, *v.* The United States. Argument commenced by Mr. Hugh M. Caldwell for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

Call for Friday, October 14, will be as follows: Nos. 231, 230, 444, 458, 510 (and 511 and 512), 495; 215 (and 286), 300, 358 (and 359), 418, and 541.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 14, 1910.

---

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

Martin Travieso, jr., of San Juan, P. R., was admitted to practice.

No. 231. James H. Holt, plaintiff in error, *v.* The United States. Argument continued by Mr. Hugh M. Caldwell for the plaintiff in error, by Mr. Assistant Attorney-General Fowler for the defendant in error, and concluded by Mr. Hugh M. Caldwell for the plaintiff in error.

No. 230. American Land Company *v.* Louis Zeiss. Argument commenced by Mr. C. Irving Wright for American Land Company.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 17, will be as follows: Nos. 230, 444, 458, 510 (and 511 and 512), 495, 215 (and 286), 300, 358 (and 359), 418, and 541.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 17, 1910.

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

Chas. W. Logan of Pineville, Ky., Anthony J. Rossi of New Orleans, La., George E. Shaw of Pittsburgh, Pa., Thos. Armstrong, jr., of Phoenix, Arizona, Samuel McClay of Pittsburgh, Pa., Fred W. Weitzel of Ludlow, Ky., Harold Harper of New York City, George L. Wilson of Boston, Mass., Edward H. Letchworth of Buffalo, N. Y., and F. B. Dawes of Clay Center, Kans., were admitted to practice.

No. 11. The United States, appellant, *v.* The Chicago, Milwaukee & St. Paul Railway Company. Appeal from the United States circuit court of appeals for the eighth circuit. Decree affirmed and cause remanded to the circuit court of the United States for the northern district of Iowa. Opinion by Mr. Justice Harlan.

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

No. 158, October term, 1909. J. Alexander Chiles, plaintiff in error, *v.* The Chesapeake & Ohio Railway Company. Motion for leave to present a petition for rehearing denied.

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

No. 15 Original. *Ex parte*: In the matter of the Eastern Cherokees, petitioners. Motion for leave to file petition for a writ of mandamus granted, and rule to show cause ordered returnable December 5 next.

No. 453. In the matter of the petition of H. H. Loving, trustee. Motion to advance denied.

No. 599. Isaac A. Mansour, appellant, *v.* The United States. Motion to advance denied.

No. 260. Stuart Lindsley, appellant, *v.* Natural Carbonic Gas Company et al. Motion to advance granted, and cause assigned for argument on Monday, November 28, after the cases already assigned for that day.

No. 561. Salvatore L. Rocca, plaintiff in error, *v.* George F. Thompson. Motion to advance granted, and cause assigned for argument on Monday, December 5 next, after the cases already assigned for that day.

No. 597. R. J. House, plaintiff in error, *v.* Joel B. Mayes, marshal, etc., et al.; and

No. 598. Thomas J. Brodnax et al., plaintiffs in error, *v.* The State of Missouri. Motion to advance granted, and causes assigned for argument on Monday, December 5th next, after the cases already assigned for that day.

No. 614. The Sac & Fox Indians of the Mississippi in Iowa, appellants, *v.* The Sac & Fox Indians of the Mississippi in Oklahoma and The United States. Motion to advance granted, and cause assigned for argument on Monday, December 5th next, after the cases already assigned for that day.

No. 562. Bartlett Richards, 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. 563. Will G. Comstock, 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. 564. Charles C. Jameson, 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. 565. Aquilla Triplett, 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. 579. Lon D. Marrs, petitioner, *v.* Idella Emrick. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 580. Jacob Gold, petitioner, *v.* The Southside Trust Company, trustee, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 595. The Baltimore and Ohio Railroad Company, petitioner, *v.* Edward Winters. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 632. The Rosario Mining and Milling Company, a corporation, petitioner, *v.* Charles W. Clark. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 699. Mary D. Grace, petitioner, *v.* Charles C. Burlingham et al., trustees. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 709. William D'Alton Mann et al., petitioners, *v.* Samuel Dempster. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.



No. 533. Herbert S. Hadley et al., petitioners, *v.* Arthur C. Huidekoper. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit granted.

No. 581. Annie Lapina, petitioner, *v.* William Williams, Commissioner of Immigration. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 694. Thomas B. Stuart et al., petitioners, *v.* Union Pacific Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit granted.

No. 94. Box Elder Power and Light Company, plaintiff in error, *v.* Brigham City. Motion to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 572. Margaret Kopp et al., appellants, *v.* Maria Waters. Motion to dismiss postponed to the hearing of the cause on its merits.

No. 518. Louisiana Navigation Company, Limited, plaintiff in error, *v.* Oyster Commission of Louisiana et al. Motion to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 578. Seaboard Air Line Railway Company, plaintiff in error, *v.* Ernest N. Duvall. Motion to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 548. The United States, appellant, *v.* The Fidelity Trust Company, etc. Motion to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 567. Frank N. Hoffstot, appellant, *v.* Bernard A. Flood, a detective of police of the city of New York. Appeal from the circuit court of the United States for the southern district of New York. Order affirmed with costs. No further opinion will be delivered. (Mr. Justice Hughes did not participate in the consideration or decision of this case.)

No. 735. The United States, petitioner, *v.* Tiffany & Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Attorney-General Wickersham for the petitioner and by Mr. Arthur M. King for the respondent, with leave to counsel on both sides to file additional briefs on or before Friday next.

No. 583. Walter J. Gregory, petitioner, *v.* The District of Columbia. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. A. S. Worthington for the petitioner, and by Mr. Edward H. Thomas and Mr. William Henry White for the respondent.

No. 588. William B. Kraft, petitioner, *v.* The District of Columbia. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. A. S. Worthington, in behalf of Mr.

Daniel W. Baker and Mr. Frank J. Hogan, for the petitioner, and by Mr. Edward H. Thomas and Mr. William Henry White for the respondent.

No. 703. Morris Engel, appellant, *v.* Edward R. O'Malley et al. Motion to advance submitted by Mr. Charles Dushkind for the appellant.

No. 719. The Wabash Railroad Company et al., petitioners, *v.* James Pollitz. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Lawrence Greer, Mr. Rush Taggart, and Mr. F. C. Nicodemus, jr., for the petitioners, and by Mr. Stephen M. Yeaman and Mr. J. Aspinwall Hodge for the respondent.

No. 710. Hattie L. Johnston, administratrix, etc., et al., petitioners, *v.* State Mutual Life Insurance Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. John G. Capers for the petitioner.

No. 697. The Maritime Insurance Company, Limited, petitioner, *v.* The M. S. Dollar Steamship Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. B. S. Minor, in behalf of Mr. William Denman, for the petitioner.

No. 661. United Steamship Company, claimant, etc., petitioner, *v.* Societe Nouvelle d'Armement. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Evans Browne, in behalf of Mr. Charles Page, Mr. Edward J. McCutchen, and Mr. Samuel Knight, for the petitioner, and by Mr. William Denman for the respondent.

No. 656. Seaboard Fire & Marine Insurance Company, plaintiff in error, *v.* Gustave Monteleone. Motion to dismiss or affirm submitted by Mr. Frederick S. Tyler, in behalf of Mr. Benjamin Rice Forman, for the defendant in error, in support of the motion, and by Mr. Edgar H. Farrar, for the plaintiff in error, in opposition thereto.

No. 604. The Merrimack River Savings Bank, appellant, *v.* The City of Clay Center, Kansas, et al. Advanced under the thirty-second rule and submitted by Mr. D. R. Hite for the appellant, and by Mr. F. B. Dawes and Mr. A. A. Godard for the appellees.

No. 688. William J. Pochin, appellant, *v.* The City and County of Denver, Colorado, et al. Advanced under the thirty-second rule and submitted by Mr. Harvey Riddell for the appellant and by Mr. George Q. Richmond and Mr. F. W. Sanborn for the appellees.

No. 653. J. W. Green et al., appellants, *v.* Harvey H. Atherton, Trustees, etc. Appeal from the United States circuit court of appeals for the seventh circuit. Dismissed with costs, on motion of counsel for appellants.

No. 665. Delaware River Ferry Company, Owner, etc., appellant, *v.* Jennie Amos. Appeal from the district court of the United States for the eastern district of Pennsylvania. Dismissed per stipulation.

No. 230. American Land Company *v.* Louis Zeiss. Argument continued by Mr. Otto tum Suden and Mr. Garret W. McEnerney for Zeiss, and concluded by Mr. C. Irving Wright for American Land Company.

No. 444. The United States, plaintiff in error, *v.* James T. Barber et al. Argument commenced by Mr. Assistant Attorney-General Fowler for the plaintiff in error, and continued by Mr. C. T. Bundy for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 18, will be as follows: Nos. 444, 458, 510 (and 511 and 512), 495, 215 (and 286), 300, 358 (and 359), 418, 541, and 1.

O

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 18, 1910.

---

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

No. 444. The United States, plaintiff in error, *v.* James T. Barber et al. Argument concluded by Mr. C. T. Bundy for the defendants in error. Leave granted to counsel for plaintiff in error to file an additional brief and for counsel for defendant in error to reply thereto on or before the 24th instant.

No. 458. The United States, plaintiff in error, *v.* Ansonia Brass & Copper Company et al. Argument commenced by Mr. L. L. Lewis for the plaintiff in error, continued by Mr. Eppa Hunton, jr., and Mr. R. G. Bickford for the defendants in error, and concluded by Mr. L. L. Lewis for the plaintiff in error. Leave granted to counsel on both sides to file additional briefs on or before the 22d instant.

Nos. 510, 511, and 512. The United States, plaintiff in error, *v.* Frank H. Mason. Argument commenced by Mr. Assistant Attorney-General Fowler for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 19, will be as follows: Nos. 510 (and 511 and 512), 495, 215 (and 286), 300, 358 (and 359), 418, 541, 1, 2, and 3.

O

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 19, 1910.

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

Charles M. Woodruff of Detroit, Mich., Jacob Mylburn Schoenfeld of New York City, William K. White of San Francisco, Cal., and Thomas Wesley Martin of Montgomery, Ala., were admitted to practice.

Nos. 510, 511, and 512. The United States, plaintiff in error, *v.* Frank H. Mason. Argument continued by Mr. Assistant Attorney General Fowler for the plaintiff in error, and concluded by Mr. Boyd B. Jones for the defendant in error.

No. 495. J. Harvey Ladew et al., individually and as trustees, etc., et al., appellants, *v.* Tennessee Copper Company. Argument commenced by Mr. Henry B. Closson for the appellants, continued by Mr. John H. Frantz for the appellee, and concluded by Mr. Henry B. Closson for the appellant.

No. 215. Atlantic Coast Line Railroad Company, plaintiff in error, *v.* Riverside Mills. On motion of Mr. Charles Henry Butler, leave was granted to Mr. John Maynard Harlan and Mr. L. W. McCandless to file brief herein as amici curiæ.

No. 215. Atlantic Coast Line Railroad Company, plaintiff in error, *v.* Riverside Mills; and

No. 286. Louisville & Nashville Railroad Company, plaintiff in error, *v.* N. P. Scott. Argument commenced by Mr. J. R. Lamar for the plaintiff in error in No. 215, and continued by Mr. Assistant to the Attorney-General Kenyon for the United States as amicus curiæ, and by Mr. C. H. Moorman for the plaintiff in error in No. 286.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 20, will be as follows: Nos. 215 (and 286), 300, 358 (and 359), 418, 541, 1, 2, 3, 4 (and 5), and 6.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 20, 1910.

---

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

Donald Barker, esq., of Los Angeles, Cal., T. Seddon Taliaferro, jr., of Rock Springs, Wyo., and Hector H. Scoville of San Juan, P. R., were admitted to practice.

No. 215. Atlantic Coast Line Railroad Company, plaintiff in error, *v.* Riverside Mills; and

No. 286. Louisville & Nashville Railroad Company, plaintiff in error, *v.* N. P. Scott. Argument concluded by Mr. C. H. Moorman for the plaintiff in error in No. 286.

No. 300. Alonzo Bailey, plaintiff in error, *v.* The State of Alabama. Argument commenced by Mr. Edward S. Watts for the plaintiff in error, continued by Mr. Thomas W. Martin and Mr. Alexander M. Garber for the defendant in error, and by Mr. Assistant Attorney-General Harr for the United States as *amicus curiæ*.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 21, will be as follows: Nos. 300, 358 (and 359), 418, 541, 1, 2, 3, 4 (and 5), 6, and 9.

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 21, 1910.

---

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

Samuel D. Matthews of New York City, William Liebermann of Brooklyn, N. Y., and Livingston W. Cleaveland of New Haven, Conn., were admitted to practice.

No. 84. Henry Schodde, petitioner, *v.* Twin Falls Land & Water Company. Death of Henry Schodde suggested, and appearance of Minnie Schodde, executrix of the last will and testament of Henry Schodde, deceased, as the party petitioner herein, filed and entered on motion of Mr. Joseph R. Webster for the petitioner.

No. 9. J. B. Curtain, appellant, *v.* H. C. Benson et al. Passed, to be restored to the call subject to the provisions of section 9, Rule 26, on motion of Mr. Assistant Attorney-General Harr for the appellees.

No. 300. Alonzo Bailey, plaintiff in error, *v.* The State of Alabama. Argument concluded by Mr. Assistant Attorney-General Harr for the United States, as *amicus curiæ*.

No. 358. William Dreier, plaintiff in error, *v.* The United States; and

No. 359. William Dreier, appellant, *v.* William Henkel, U. S. marshal, etc. Argument commenced by Mr. W. Wickham Smith for the plaintiff in error and appellant, continued by Mr. Assistant to the Attorney-General Kenyon for the defendant in error and appellee, and concluded by Mr. W. Wickham Smith for the plaintiff in error and appellant.

No. 418. Ong Chang Wing and Kwong Fock, plaintiffs in error, *v.* The United States. Argued by Mr. Charles F. Consaul for the plaintiffs in error, and by Mr. Edwin P. Grosvenor for the defendant in error.

No. 1. (Substituted for No. 541.) Montezuma Canal Company, appellant, *v.* Smithville Canal Company et al. Argument commenced by Mr. Thomas Armstrong, jr., for the appellant, and continued by Mr. Walter Bennett for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 24, will be as follows: Nos. 1, 541, 2, 3, 4 (and 5), 6, 13, 14, 15, and 16.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 24, 1910.

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

Harold J. Pack of Washington, D. C., was admitted to practice.

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

No. 604. The Merrimack River Savings Bank, appellant, *v.* The City of Clay Center, Kansas, et al. Appeal from the circuit court of the United States for the District of Kansas. Dismissed with costs. No further opinion will be delivered.

No. 688. William J. Pochin, appellant, *v.* The City and County of Denver, Colo., et al. Appeal from the circuit court of the United States for the district of Colorado. Decree affirmed with costs. No further opinion will be delivered.

No. 445. Ashton C. Shallenberger, Governor of the State of Nebraska, et al., appellants, *v.* The First State Bank of Holstein, Nebraska, et al.; and

No. 617. Assaria State Bank of Assaria et al., appellants, *v.* Joseph N. Dolley, as bank commissioner, etc., et al. Motions to advance granted and cases assigned for argument with the case of The Noble State Bank, plaintiff in error, *v.* C. N. Haskell et al., No. 71, as one case, when that case is reached.

No. 703. Morris Engel, appellant, *v.* Edward R. O'Malley et al. Motion to advance granted, and cause assigned for hearing on Monday, December 5 next, after the cases already assigned for that day.

No. 583. Walter J. Gregory, petitioner, *v.* The District of Columbia. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 588. William B. Kraft, petitioner, *v.* The District of Columbia. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 652. Abilene National Bank et al., petitioners, *v.* Joseph N. Dolley, bank commissioner, et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied, and motion to advance denied.



No. 661. United Steamship Company, claimant, etc., petitioner, *v.* Societe Nouvelle d'Armement. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 697. The Maritime Insurance Company, Limited, petitioner, *v.* The M. S. Dollar Steamship Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 710. Hattie L. Johnston, administratrix, etc., et al., petitioners, *v.* State Mutual Life Insurance Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 698. Arthur P. Heinze, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 656. Seaboard Fire & Marine Insurance Company, plaintiff in error, *v.* Gustave Monteleone. Motion to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 14. Winslow Hart Reaves, second lieutenant, etc., plaintiff in error, *v.* Frederick C. Ainsworth, major-general, etc., et al. Passed, to be restored to the call under the provisions of section 9, Rule 26, on motion of Mr. Attorney-General Wickersham for the defendants in error.

No. 172. The Colorado & Southern Railway Company, plaintiff in error, *v.* The United States. In error to the district court of the United States for the district of Colorado. Dismissed on authority of counsel for plaintiff in error, on motion of Mr. Attorney-General Wickersham for the defendant in error.

No. 330. David Muskrat and J. Henry Dick, etc., appellants, *v.* The United States. Motion to advance to be heard with Nos. 60 and 331 submitted by Mr. Attorney-General Wickersham for the United States.

No. 740. Julio Bustos, plaintiff in error, *v.* The United States. In error to the supreme court of the Philippine Islands. Docketed and dismissed and mandate granted on motion of Mr. Attorney-General Wickersham for the defendant in error.

No. 725. Charles West, Attorney-General, et al., petitioners, *v.* The Atchison, Topeka & Santa Fe Railway Company.

No. 726. Charles West, Attorney-General, et al., petitioners, *v.* Gulf, Colorado & Santa Fe Railway Company.

No. 727. Charles West, Attorney-General, et al., petitioners, *v.* Missouri, Kansas & Texas Railway Company.

No. 728. Charles West, Attorney-General, et al., petitioners, *v.* Midland Valley Railroad Company;

No. 729. Charles West, Attorney-General, et al., petitioners, *v.* The Kansas City Southern Railway Company;

No. 730. Charles West, Attorney-General, et al., petitioners, *v.* The Chicago, Rock Island & Pacific Railway Company; and

No. 731. Charles West, Attorney-General, et al., petitioners, *v.* St. Louis & San Francisco Railroad Company. Petition for writs of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. F. N. Judson and Mr. Charles West for the petitioners, and by Mr. Robert Dunlap and Mr. Frank Hagerman for the respondents.

No. 319. William Hendrix, plaintiff in error, *v.* The United States. Motion to advance submitted by Mr. Joseph W. Bailey in behalf of counsel for the plaintiff in error.

No. 739. James Dewar et al., etc., petitioners, *v.* J. Ludwig Mowinkel. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Charles R. Hickox and Mr. J. Parker Kirlin for the petitioners.

No. 1. Montezuma Canal Company, appellant, *v.* Smithville Canal Company. Argument concluded by Mr. Walter Bennett for the appellees.

No. 541. The United States, plaintiff in error, *v.* Press Publishing Company. Argument commenced by Mr. J. C. McReynolds for the plaintiff in error, continued by Mr. DeLancey Nicoll for the defendant in error, and concluded by Mr. J. C. McReynolds for the plaintiff in error.

No. 2. Lucino Almeida Chantango and Enrique Lete, plaintiffs in error, *v.* Eduardo Abaroa. Submitted by Mr. A. B. Browne, Mr. Alexander Britton, Mr. Evans Browne, and Mr. W. A. Kincaid for the plaintiffs in error. No brief filed for the defendant in error.

No. 3. International Textbook Company, plaintiff in error, *v.* Carl Peterson. Submitted by Mr. D. C. Harrington for the plaintiff in error. No appearance for the defendant in error.

No. 4. Rickey Land & Cattle Company, petitioner, *v.* Miller & Lux; and

No. 5. Rickey Land & Cattle Company, petitioner, *v.* Henry Wood et al. Reargument commenced by Mr. James F. Peck for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 25, will be as follows: Nos. 4 (and 5), 6, 13, 15, 16, 17, 18, 19, 20, and 21.

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 25, 1910.

---

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

George Hall of Trenton, Mo., and J. E. Horan of Everett, Wash., were admitted to practice.

No. 368. San Antonio & Aransas Pass Railway 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 with costs, on motion of counsel for the plaintiff in error.

No. 19. Cincinnati, Indianapolis & Western Railway Company, plaintiff in error, *v.* City of Connersville. Submitted by Mr. John B. Elam for the plaintiff in error, and by Mr. Richard N. Elliott and Mr. Charles F. Jones for the defendant in error.

No. 4. Rickey Land & Cattle Company, petitioner, *v.* Miller & Lux; and

No. 5. Rickey Land & Cattle Company, petitioner, *v.* Henry Wood et al. Reargument continued by Mr. James F. Peck for the petitioner, and concluded by Mr. E. F. Treadwell for the respondents.

No. 6. Robert Earl Kerfoot, plaintiff in error, *v.* The Farmers & Merchants Bank et al. Argument commenced by Mr. Homer Hall for the plaintiff in error, and continued by Mr. Thomas J. Beall for the defendants in error, and concluded by Mr. George Hall for the plaintiff in error.

No. 13. Robert A. Hooe and Arthur Herberts, appellants, *v.* The United States. Argument commenced by Mr. L. T. Michener for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 26, will be as follows: Nos. 13, 15, 16, 17, 18, 20, 21, 22, 47 (and 48), and 23.

O

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 26, 1910.

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

Eugene L. Graves of Muskogee, Okla., and Antonio M. Opisso of Manila, P. I., were admitted to practice.

No. 13. Robert A. Hooe and Arthur Herbert, appellants, *v.* The United States. Argument continued by Mr. L. T. Michener for the appellants, and by Mr. Assistant Attorney-General John Q. Thompson for the appellee, and concluded by Mr. L. T. Michener for the appellants.

No. 15. Western Union Telegraph Company, plaintiff in error, *v.* Commercial Milling Company. Argument commenced by Mr. Rush Taggart for the plaintiff in error, continued by Mr. Ralph B. Wilkinson for the defendant in error, and concluded by Mr. C. D. Joslyn for the plaintiff in error.

No. 16. Illinois Central Railroad Company, plaintiff in error, *v.* The Commonwealth of Kentucky. Argument commenced by Mr. Edmund F. Trabue for the plaintiff in error, and continued by Mr. T. L. Edelen for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 27, will be as follows: Nos. 16, 17, 18, 20, 21, 22, 47 (and 48), 23, 25, and 26.

O

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 27, 1910.

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

Calvin S. Mauk of Van Wert, Ohio, was admitted to practice.

No. 16. Illinois Central Railroad Company, plaintiff in error, *v.* The Commonwealth of Kentucky. Argument continued by Mr. T. L. Edelen for the defendant in error, and concluded by Mr. Blewett Lee for the plaintiff in error.

No. 17. Jessie E. Thompson, plaintiff in error, *v.* Charles N. Thompson. Argued by Mr. William M. Lewin for the plaintiff in error, and submitted by Mr. A. E. L. Leckie, Mr. Creed M. Fulton, Mr. Joseph W. Cox, and Mr. John A. Kratz, jr., for the defendant in error.

No. 18. Lehigh Valley Railroad Company, appellant, *v.* Cornell Steamboat Company, claimant, etc. Argued by Mr. W. S. Montgomery for the appellant, and by Mr. J. Parker Kirlin for the appellee.

No. 20. Ling Su Fan, plaintiff in error, *v.* The United States. Argued by Mr. J. M. Vaile for the plaintiff in error, and by Mr. Assistant Attorney-General Fowler for the defendant in error.

No. 21. The Moore Printing Typewriter Company et al., appellants, *v.* The National Savings & Trust Company et al. Argument commenced by Mr. Charles A. Keigwin for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 28, will be as follows: Nos. 21, 22, 47 (and 48), 23, 25, 26, 27, 28, 29, and 30.

O

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 28, 1910.

---

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

James Maynard, jr., of Knoxville, Tenn., John W. Clifton of Nashville, Tenn., James F. Fairleigh of Louisville, Ky., and Alexander Pope Humphrey, jr., of Louisville, Ky., were admitted to practice.

No. 21. The Moore Printing Typewriter Company et al., appellants, *v.* The National Savings & Trust Company et al. Argument continued by Mr. Charles A. Keigwin for the appellants, and by Mr. J. J. Darlington and Mr. J. J. Crawford for the appellees, and concluded by Mr. Charles A. Keigwin for the appellants.

No. 22. The Kentucky Union Company, plaintiff in error, *v.* The Commonwealth of Kentucky. Argument commenced by Mr. Louis B. Wehle for the plaintiff in error, and continued by Mr. J. W. M. Stewart and Mr. Z. T. Vinson for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 31, will be as follows: Nos. 22, 47 (and 48), 23, 25, 26, 27, 28, 29, 30, 380 (and 671).

# SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 31, 1910.

---

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

E. Beverly Slater of Toano, Va., J. T. McAllister of Hot Springs, Va., Arthur Lord of Boston, Mass., Herbert E. Holmes of Lewiston, Me., Frank Kimmel of Lafayette, Ind., Elmer E. Studley of Raton, N. Mex., Oliver A. Phelps of Washington, D. C., Ferdinand L. Barnett of Chicago, Ill., and Robert P. Willing of Jackson, Miss., were admitted to practice.

No. 10. A. Guion Jennings, plaintiff in error, *v.* Philadelphia, Baltimore & Washington Railway Company. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Lurton.

No. 231. James H. Holt, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the western district of Washington. Judgment affirmed. Opinion by Mr. Justice Holmes.

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

No. 319. William Hendrix, plaintiff in error, *v.* The United States. Motion to advance granted, and cause assigned for argument on Monday, November 28 next, after the cases already assigned for that day.

No. 330. David Muskrat et al., appellants, *v.* The United States. Motion to advance to be heard immediately after No. 60 and No. 331 granted.

No. 735. The United States, petitioner, *v.* Tiffany & Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 725. Charles West, attorney-general, et al., petitioners, *v.* The Atchison, Topeka & Santa Fe Railway Company;

No. 726. Charles West, attorney-general, et al., petitioners, *v.* Gulf, Colorado & Santa Fe Railway Company;

No. 727. Charles West, attorney-general, et al., petitioners, *v.* Missouri, Kansas & Texas Railway Company;

No. 728. Charles West, attorney-general, et al., petitioners, *v.* Midland Valley Railroad Company;

No. 729. Charles West, attorney-general, et al., petitioners, *v.* The Kansas City Southern Railway Company;

No. 730. Charles West, attorney-general, et al., petitioners, *v.* The Chicago, Rock Island & Pacific Railway Company; and

No. 731. Charles West, attorney-general, et al., petitioners, *v.* St. Louis & San Francisco Railroad Company. Petition for writs of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 739. James Dewar et al., petitioners, *v.* J. Ludwig Mowinckel. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 744. Stuart Wood, petitioner, *v.* Ballard Preston Browning et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. C. W. Campbell, Mr. William A. Glasgow, jr., and Mr. Malcolm Jackson for the petitioner.

No. 745. The Union Ferry Company of New York and Brooklyn, claimant, etc., petitioner, *v.* The New York, New Haven & Hartford Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. De Lagnel Berier and Mr. James J. Macklin for the petitioner, and by Mr. William Greenough for the respondent.

No. 553. Commercial State Bank & Trust Company, plaintiff in error, *v.* J. L. Bates, trustee. Motion to dismiss or affirm submitted by Mr. R. P. Willing and Mr. W. R. Harper for the defendant in error in support of the motion, and by Mr. Marcellus Green for the plaintiff in error in opposition thereto.

No. 741. Norfolk & Western Railway Company, plaintiff in error, *v.* D. E. Earnest. Motion to advance submitted by Mr. Harold J. Pack for the defendant in error in support of the motion, and by Mr. Theodore W. Reath for the plaintiff in error in opposition thereto.

No. 14, Original. The State of Oklahoma, complainant, *v.* The Atchison, Topeka & Santa Fe Railway Company et al. Leave granted to file demurrer of The Fort Smith & Western Railroad Company on motion of Mr. Evans Browne in behalf of counsel.

No. 746. D. W. Dinsmore, appellant, *v.* Stephen B. Wood, and Albert Sartain, agent of the State of Ohio. Appeal from the district court of the United States for the northern district of Illinois. Docketed and dismissed with costs and mandate granted, on motion of Mr. Karl T. Webber for the appellees.

No. 22. The Kentucky Union Company, plaintiff in error, *v.* The Commonwealth of Kentucky. Argument concluded by Mr. W. B. Dixon for the plaintiff in error. Leave granted to counsel for plaintiff in error to file an additional brief herein



Nos. 47 and 48. The Eastern Kentucky Coal Lands Corporation, plaintiff in error, *v.* The Commonwealth of Kentucky. Argument commenced by Mr. John G. Johnson for the plaintiff in error, continued by Mr. David W. Baird for the defendant in error, and concluded by Mr. William J. Hendrick for the plaintiff in error.

No. 23. Charles Richardson, plaintiff in error, *v.* H. V. McChesney, secretary of state of the Commonwealth of Kentucky, et al. Argument commenced by Mr. William H. Holt for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 1, will be as follows: Nos. 23, 25, 26, 27, 28, 29, 30, 380 (and 671), 31 (and 32), and 33.

O

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 1, 1910.

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

Thomas K. Leidy of Reading, Pa., and Benjamin F. Ninde of Chicago, Ill., were admitted to practice.

No. 33. Matthew Gage and Jane Gage, appellants, *v.* Riverside Trust Company, Limited, et al. Appeal from the circuit court of the United States for the southern district of California. Dismissed with costs, pursuant to the tenth rule.

No. 23. Charles Richardson, plaintiff in error, *v.* H. V. McChesney, secretary of state of the Commonwealth of Kentucky, et al. Argument concluded by Mr. William H. Holt for the plaintiff in error. No counsel appeared for the defendant in error.

No. 25. The United States of America to the use of Mattie McC. Hine et al., plaintiffs in error, *v.* Alexander Porter Morse et al., executors, etc. Argument commenced by Mr. William Hepburn Russell for the plaintiffs in error, continued by Mr. John Selden for the defendants in error, and concluded by Mr. William Hepburn Russell for the plaintiff in error.

No. 26. Charles Martel, plaintiff in error, *v.* The State of Maine. Argued by Mr. Herbert E. Holmes for the plaintiff in error, and by Mr. Warren C. Philbrook for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 2, will be as follows: Nos. 27, 28, 29, 30, 380 (and 671), 31 (and 32), 34, 35, 36, and 37:

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 2, 1910.

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

Albert D. Henriques, jr., of New Orleans, La., John C. Tomlinson of New York City, St. Clair Adams of New Orleans, La., A. A. Gunby of Monroe, La., Paul Hellinger of New York City, and Andrew Albright Leiser of Lewisburg, Pa., were admitted to practice.

No. 34. Missouri, Kansas & Texas Railway Company, plaintiff in error, *v.* J. B. Blachley. Submitted by Mr. James Hagerman and Mr. J. M. Bryson for the plaintiff in error, and by Mr. B. F. Looney for the defendant in error.

No. 27. International Textbook Company, plaintiff in error, *v.* Connell R. Lynch. Submitted by Mr. David C. Harrington for the plaintiff in error. No brief filed for the defendant in error.

No. 28. R. R. Richardson, appellant, *v.* Santiago Ainsa, administrator, etc. Argued by Mr. Joseph W. Lewis for the appellee, and submitted by Mr. S. L. Kingan for the appellant.

No. 29. Duryea Power Company, bankrupt, etc., appellant, *v.* Herbert N. Sternbergh. Argument commenced by Mr. E. C. Brandenburg for the appellant, continued by Mr. Cyrus G. Derr for the appellee, and concluded by Mr. E. C. Brandenburg for the appellant.

No. 30. Theodore R. Converse, receiver, etc., plaintiff in error, *v.* John A. Stewart. Argument commenced by Mr. William G. Wilson for the plaintiff in error, continued by Mr. E. W. Sheldon for the defendant in error, and concluded by Mr. William G. Wilson for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 3, will be as follows: Nos. 380 (and 671), 31 (and 32), 35, 36, 37, 38, 39, 40, 41, and 42.

O

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 3, 1910.

---

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

Henry Moore, jr., of Texarkana, Ark., and Robert Amos Waring, of Sacramento, Cal., were admitted to practice.

No. 40. William F. Cochran, jr., plaintiff in error, *v.* Edward D. Preston, inspector of public buildings, et al. In error to the court of appeals of the State of Maryland. Dismissed with costs, pursuant to the tenth rule.

Nos. 380 and 671. The United States, plaintiff in error, *v.* Fritz Augustus Heinze. Argument commenced by Mr. Assistant Attorney-General Fowler for the plaintiff in error, continued by Mr. John C. Tomlinson and Mr. A. B. Browne for the defendant in error, and concluded by Mr. Assistant Attorney-General Fowler for the plaintiff in error. Leave granted to counsel for the defendant in error to file an additional brief.

No. 31. The National Bank of Commerce of Seattle, appellant, *v.* R. E. Downie, trustee, etc., et al.; and

No. 32. The Seattle National Bank, appellant, *v.* R. E. Downie, trustee, etc., et al. Argued by Mr. J. E. Horan for the appellees, and submitted by Mr. George E. De Steiguer, Mr. Frederick Bausman and Mr. Daniel Kelleher for the appellants.

No. 35. Maria Roura and Juana Roura, plaintiffs in error, *v.* The Government of the Philippine Islands. Argued by Mr. Frederic R. Coudert for the plaintiffs in error, and Mr. Assistant Attorney-General Fowler for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 4, will be as follows: Nos. 36, 37, 38, 39, 41, 42, 43, 44, 45, and 46.

O

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 4, 1910.

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

Chas. M. Bryan of Memphis, Tenn., Walter C. Henderson of Medford, Mass., and Edward H. Rhoades, jr., of Toledo, Ohio, were admitted to practice.

No. 474. Powhatan Coal & Coke Company, appellant, *v.* Norfolk & Western Railway Company. Appeal from the United States circuit court of appeals for the fourth circuit. Dismissed with costs, on motion of counsel for appellant.

No. 44. Bernard Corrigan et al., plaintiffs in error, *v.* Kansas City et al. In error to the supreme court of the State of Missouri. Dismissed with costs, pursuant to the tenth rule.

No. 36. Diamond Rubber Company of New York, petitioner, *v.* Consolidated Rubber Tire Company et al. Argument commenced by Mr. C. K. Offield, for the petitioner, and continued by Mr. Frederick P. Fish, for the respondents. Whereupon, it was ordered by the court that the cause be passed for argument hereafter when the vacancies on the bench shall have been filled.

No. 37. Delia Moffitt et al., plaintiffs in error, *v.* M. J. Kelley, Treasurer, etc. Argued by Mr. Warren Olney for the plaintiffs in error, and by Mr. Robert A. Waring for the defendant in error.

No. 38. The Arkansas Southern Railway Company et al., plaintiffs in error, *v.* Louisiana & Arkansas Railway Company. Argued by Mr. A. A. Gunby for the plaintiffs in error, and by Mr. Henry Moore, jr., for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 7, will be as follows: Nos. 39, 41, 42, 43, 45, 46, 49, 50, 51, and 52.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 7, 1910.

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

Thomas Lee Moore of Roanoke, Va., William C. McFarland of Solomonville, Ariz., Edward Henry White of Chicago, Ill., John Hall Jones of New York City, John Jerome Rooney of New York City, C. W. O'Brien of Manila, P. I., A. Morris Tyson of Baltimore, Md., and George W. Field of Scarsdale, N. Y., were admitted to practice.

No. 6. Robert Earl Kerfoot, plaintiff in error, *v.* The Farmers' & Merchants' Bank et al. In error to the supreme court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Hughes.

No. 418. Ong Chang Wing and Kwong Fok, plaintiffs in error, *v.* The United States. In error to the supreme court of the Philippine Islands. Judgment affirmed. Opinion by Mr. Justice Day.

No. 4. Rickey Land & Cattle Company, petitioner, *v.* Miller & Lux; and

No. 5. Rickey Land & Cattle Company, petitioner, *v.* Henry Wood et al. On writs of certiorari to the United States circuit court of appeals for the ninth circuit. Decrees affirmed with costs, and causes remanded to the circuit court of the United States for the district of Nevada. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice White.

No. 18. Lehigh Valley Railroad Company, appellant, *v.* Cornell Steamboat Company, claimant, etc. Appeal from the district court of the United States for the southern district of New York. Decree reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

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

No. 3. International Textbook Company, plaintiff in error, *v.* Carl Peterson. In error to the supreme court of the State of Wisconsin; and

No. 27. International Textbook Company, plaintiff in error, *v.* Connell R. Lynch. In error to the supreme court of the State of Ver-

mont. Per curiam: Substantially the same question of federal law involved in these two cases arose under a Kansas statute in *International Textbook Co. v. Pigg*, 217 U. S., 91; and the federal right asserted in that case was sustained. There is no difference in principle between the two cases last named, and the *Pigg* case, although the federal question involved in them arises under the statutes, respectively, of other States—Wisconsin and Vermont. In view of the pleadings and the conceded facts in these cases the judgment in each of them must be reversed on the authority of the *Pigg* case, and the cases are severally remanded for such further proceedings as is required by and is not inconsistent with this opinion. *It is so ordered.*

No. 741. Norfolk & Western Railway Company, plaintiff in error, v. D. E. Earnest. Motion to advance denied.

No. 553. Commercial State Bank & Trust Company, plaintiff in error, v. J. L. Bates, trustee. Motion to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 744. Stuart Wood, petitioner, v. Ballard Preston Browning et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 745. The Union Ferry Company of New York and Brooklyn claimant, etc., petitioner, v. The New York, New Haven & Hartford Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

Mr. Justice Harlan also announced that the court would take a recess from Monday, the 14th instant, to Monday, the 28th instant.

No. 55. Russell P. Goodwin and Robert M. Fulton, plaintiffs in error, v. The Peoples United States Bank. In error to the circuit court of the United States for the eastern district of Missouri. Dismissed with costs, on motion of Mr. Attorney-General Wickersham for the plaintiffs in error.

No. 761. James D. Gill, collector, etc., petitioner, v. James W. Austin, executor, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. Attorney-General Wickersham for the petitioner, and by Mr. J. L. Thorndike for the respondent.

No. 762. 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. Attorney-General Wickersham for the petitioner, and by Mr. Walter F. Angell and Mr. Frank H. Swan for the respondents.

No. 763. James D. Gill, collector, etc., petitioner, v. J. Scott Parish, administrator, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr.

Attorney-General Wickersham for the petitioner, and by Mr. J. L. Thorndike for the respondent.

No. 764. Ferdinand Eidman, collector, etc., petitioner, *v.* Henry B. Shepard, executor, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Attorney-General Wickersham for the petitioner.

No. 765. Ferdinand Eidman, collector etc., petitioner, *v.* Albert Lewisohn et al., executors, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Attorney-General Wickersham for the petitioner, and by Mr. Edward Lauterbach for the respondents.

No. 766. Archie D. Sanders, collector, etc., petitioner, *v.* Lawrence D. Rumsey et al., executors, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Attorney-General Wickersham for the petitioner, and by Mr. Ansley Wilcox for the respondents.

No. 767. The United States, petitioner, *v.* Peter W. Rouss, executor, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Attorney-General Wickersham for the petitioner, and by Mr. John Jerome Rooney for the respondent.

No. 768. William McCoach, collector, etc., petitioner, *v.* Albertine Bamberger et al., executors, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Attorney-General Wickersham for the petitioner, and by Mr. William Y. C. Anderson for the respondents.

No. —, Original. *Ex parte:* In the matter of Walter J. Gregory, petitioner. Motion for leave to file a petition for a writ of habeas corpus and that petitioner be admitted to bail submitted by Mr. A. S. Worthington, Mr. Frank J. Hogan, and Mr. John Hall Jones for the petitioner. Leave granted to Mr. Edward H. Thomas to file brief in opposition to the petition within two days.

No. 749. Moore Brothers, petitioners, *v.* A. Dreher & Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. E. C. Brandenburg and Mr. F. Walter Brandenburg for the petitioners, and by Mr. James Trotter for the respondents.

No. 53. Verisimo Vasquez Vilas, plaintiff in error and appellant, *v.* The City of Manila; and

No. 54. Esperanza Otero Trigas et al., plaintiffs in error and appellants, *v.* The City of Manila. Motion to pass to be heard with the case of Ricardo Aguado, appellant, *v.* City of Manila, No. 207, as one case when that case is reached submitted by Mr. Paul Charlton for the city of Manila.



No. 51. Eagle Mining & Improvement Company, appellant, *v.* Mary R. Hamilton et al. Submitted by Mr. Samuel Parker for the appellant, and by Mr. James G. Fitch for the appellees.

No. 52. Eagle Mining & Improvement Company, plaintiff in error, *v.* Robert E. Lund. In error to the supreme court of the Territory of New Mexico. Dismissed with costs, pursuant to the tenth rule.

No. 39. Wilson R. Hunter, plaintiff in error, *v.* Mutual Reserve Life Insurance Company et al. Argument commenced by Mr. Paul Armitage for the plaintiff in error, continued by Mr. George W. Field and Mr. William Hepburn Russell for the defendants in error, and concluded by Mr. Paul Armitage for the plaintiff in error.

No. 41. The City of Columbus, appellant, *v.* Mercantile Trust & Deposit Company of Baltimore, trustee, et al. Argument commenced by Mr. William A. Wimbish for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 8, will be as follows: Nos. 41, 42, 43, 45, 46, 49, 50, 53, 54, and 56.

O

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 8, 1910.

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

Edward S Chastain of Nashville, Ga., was admitted to practice.

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

No. —, Original. Ex parte: In the matter of Walter J. Gregory, petitioner. Ordered that the petitioner be released from custody pending the hearing of this case, on giving bond in the sum of \$1,500 to be approved by the clerk of this court.

No. 260. Stuart Lindsley, appellant, *v.* Natural Carbonic Gas Company et al. Reassigned for argument on Monday, December 5 next, after the cases already assigned for that day, on motion of Mr. Henry E. Davis in behalf of counsel for the appellees.

No. 53. Verisimo Vasquez Vilas, plaintiff in error and appellant, *v.* The City of Manila; and

No. 54. Esperanza Otero Trigas et al., plaintiffs in error and appellants, *v.* The City of Manila. Motion to pass granted, and cases assigned to be heard with No. 207 as one case when that case is reached.

No. 41. The City of Columbus, appellant, *v.* Mercantile Trust & Deposit Company of Baltimore, trustee, et al. Argument continued by Mr. William A. Wimbish for the appellant and by Mr. Joseph Packard for the appellee, and concluded by Mr. T. T. Miller for the appellant.

No. 42. The City of Memphis et al., appellants, *v.* The Cumberland Telephone & Telegraph Company. Argument commenced by Mr. Charles M. Bryan for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 9, will be as follows: Nos. 42, 43, 45, 46, 49, 50, 56, 57, 58 and 59.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 9, 1910.

---

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

Thomas M. Stevens of Mobile, Ala., and Ganson Taggart of Grand Rapids, Mich., were admitted to practice.

No. 57. Viola La Barre, plaintiff in error, *v.* John F. Maroney. In error to the court of errors and appeals of the State of New Jersey. Dismissed with costs, pursuant to the tenth rule.

No. 42. The City of Memphis et al., appellants, *v.* The Cumberland Telephone & Telegraph Company. Argument continued by Mr. Charles M. Bryan for the appellants, and by Mr. William L. Granbery for the appellees, and concluded by Mr. Charles M. Bryan for the appellants.

No. 43. John B. Fisher et al., plaintiffs in error, *v.* The Mayor and Council of the City of New Orleans. Argument commenced by Mr. Charles Louque for the plaintiffs in error, and continued by Mr. St. Clair Adams for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 10, will be as follows: Nos. 43, 390, 45, 46, 49, 50, 56, 58, 59 and 60 (and 331).

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 10, 1910.

---

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

H. A. Ledbetter of Ardmore, Okla., was admitted to practice.

No. — Original. *Ex parte*: In the matter of Walter J. Gregory, petitioner. Leave granted to file an additional brief herein for the petitioner on or before to-morrow, on motion of Mr. A. S. Worthington for the petitioner.

No. 43. John B. Fisher et al., plaintiffs in error, *v.* The Mayor and Council of the City of New Orleans. Argument continued by Mr. St. Clair Adams for the defendants in error, and concluded by Mr. Charles Louque for the plaintiffs in error.

No. 390. The United States, plaintiff in error, *v.* Gustav E. Kissell and Thomas B. Harned. Four hours allowed for argument and leave granted to file brief on behalf of certain outside parties, on motion of Mr. Joseph H. Choate for the defendants in error. Argument commenced by Mr. Assistant Attorney-General Fowler for the plaintiff in error, and continued by Mr. William D. Guthrie for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 11, will be as follows: Nos. 390, 50, 46, 49, 45, 56, 58, 59, 60 (and 331) and 330.



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 11, 1910.

---

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

George Cosson of Audubon, Iowa, was admitted to practice.

No. 304. The Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company, plaintiff in error, *v.* The State of Indiana. Advanced to be heard with No. 50 as one case, with leave to counsel to file briefs, on motion of Mr. Lawrence Maxwell for the plaintiff in error.

No. 390. The United States, plaintiff in error, *v.* Gustav E. Kissell and Thomas B. Harned. Argument continued by Mr. Wm. D. Guthrie, Mr. Joseph H. Choate, and Mr. Leavitt J. Hunt for the defendants in error, and concluded by Mr. Assistant Attorney-General Fowler for the plaintiff in error. Leave granted to counsel for defendants in error to file an additional brief on or before Thursday next, the 17th instant.

No. 50. The Chicago, Rock Island & Pacific Railway Company, plaintiff in error, *v.* The State of Arkansas.

No. 304. The Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company, plaintiff in error, *v.* The State of Indiana. Argument commenced by Mr. Thomas S. Buzbee for the plaintiff in error in No. 50, and continued by Mr. W. L. Terry and Mr. Hal. L. Norwood for the defendant in error in No. 50, and concluded by Mr. Lawrence Maxwell for the plaintiff in error. Leave granted to counsel in No. 304 to file briefs within ten days.

Adjourned until Monday next at 12 o'clock.

O

# SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 14, 1910.

---

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

Joseph Ullman of New York City, P. H. Cullen of St. Louis, Mo., Walter Hazard of Georgetown, S. C., Arthur B. Schaffner of Chicago, Ill., William J. Ammen of Chicago, Ill., Wm. Chamberlain, of Cedar Rapids, Iowa, Bennett H. Perry of Henderson, N. C., Edward S. Duvall, jr., of Washington, D. C., and James H. Trewin of Cedar Rapids, Iowa, were admitted to practice.

No. 12, Original. *Ex parte*: In the matter of the Metropolitan Trust Company of the City of New York, petitioner. Rule made absolute, and writ of mandamus awarded. Opinion by Mr. Justice Hughes.

No. 20. Ling Su Fan, plaintiff in error, *v.* The United States. In error to the supreme court of the Philippine Islands. Judgment affirmed. Opinion by Mr. Justice Lurton.

No. 28. R. R. Richardson, appellant, *v.* Santiago Ainsa, administrator, etc. Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 29. Duryea Power Company, bankrupt, etc., appellant, *v.* Herbert N. Sternbergh. Appeal from the United States circuit court of appeals for the third circuit. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Holmes.

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

No. 26. Charles Martel, plaintiff in error, *v.* The State of Maine. In error to the supreme judicial court of the State of Maine.

*Per curiam*: Dismissed for the want of jurisdiction in this court.

No. 30. Theodore R. Converse, receiver, etc., plaintiff in error, *v.* John A. Stewart. In error to the supreme court of the State of New York. *Per curiam*: Writ of error dismissed for want of jurisdiction in this court. *Beupre v. Noyes*, 138 U. S., 397, 401; *Eustis v. Bolles*, 150 U. S., 361, 369, 370; *Rutland R. R. v. Central Vermont R. R.*, 159 U. S., 630; *Missouri Pacific Ry. Co. v. Fitzgerald*, 160 U. S., 556; *Bacon v. Texas*, 163 U. S., 207, 227.

No. —, Original. *Ex parte*: In the matter of, Walter J. Gregory, petitioner. Motion for leave to file petition for a writ of *habeas corpus* granted, and rule to show cause awarded returnable Monday, November 28 next.

No. 749. Moore Brothers, petitioners, *v.* A. Dreher & Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 719. The Wabash Railroad Company et al., petitioners, *v.* James Pollitz. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 761. James D. Gill, collector, etc., petitioner, *v.* James W. Austin, executor, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 762. 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. 763. James D. Gill, collector, etc., petitioner, *v.* J. Scott Parish, administrator, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 764. Ferdinand Eidman, collector, etc., petitioner, *v.* Henry B. Shepard, executor, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 765. Ferdinand Eidman, collector, etc., petitioner, *v.* Albert Lewisohn et al., executors, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 766. Archie D. Sanders, collector, etc., petitioner, *v.* Lawrence D. Rumsey et al., executors, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 767. The United States, petitioner, *v.* Peter W. Rouss, executor, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 768. William McCoach, collector, etc., petitioner, *v.* Albertine Bamberger et al., executors, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 383. Northern Pacific Railway Company, plaintiff in error, *v.* Bessie Babcock, as administratrix, etc.;

No. 558. New York, New Haven & Hartford Railroad Company, plaintiff in error, *v.* Mary Agnes Walsh, administratrix, etc.;

No. 559. Mary Agnes Walsh, administratrix, etc., plaintiff in error, *v.* New York, New Haven & Hartford Railroad Company; and

No. 313. Edgar G. Mondou, plaintiff in error, *v.* The New York, New Haven & Hartford Railroad Company. Reassigned for argu-

ment on Monday, January 16, 1911, after the cases already assigned for that day, on motion of Mr. Attorney-General Wickersham.

No. 778. O. P. Halligan, warden, et al., petitioner, *v.* Frank Wayne. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Attorney-General Wickersham for the petitioner, and by Mr. E. C. Brandenburg for the respondent.

No. 771. Zoe Agnes Semple et al., executors, etc., petitioners, *v.* Lewis Construction Company. Petition for writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Twyman O. Abbott for the petitioner.

No. 666. Western Union Telegraph Company, plaintiff in error, *v.* The State of Minnesota. Motion to advance submitted by Mr. George T. Simpson for the defendant in error.

No. 16, Original. The State of Minnesota, complainant, *v.* The State of Wisconsin. Leave to file bill of complaint herein granted, on motion of Mr. George T. Simpson for the complainant, and process ordered to issue.

No. 505. Supreme Ruling of the Fraternal Mystic Circle, plaintiff in error, *v.* Annie Snyder. Motion to dismiss or affirm submitted by Mr. J. B. Sizer and Mr. Robert Pritchard for the defendant in error in support of the motion, and by Mr. F. Zimmerman for the plaintiff in error in opposition thereto.

No. 520. Indian Protective Association, appellant, *v.* Hugh H. Gordon et al. Motion to dismiss or affirm submitted by Mr. Heber J. May for one of the appellees in support of the motion, and by Mr. Charles Poe, Mr. Daniel B. Henderson, Mr. Benjamin S. Minor, and Mr. Hugh B. Rowland for the appellant in opposition thereto.

No. 755. E. F. Swift et al., petitioners, *v.* Lester M. David. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. William T. S. Curtis for the petitioners, and by Mr. James A. Kerr for the respondent.

No. 747. P. A. Willcox, receiver, etc., petitioner, *v.* Leila A. Jones, Administratrix, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. John Spalding Flannery, in behalf of Mr. Henry E. Davis, for the petitioner, and by Mr. Walter Hazard for the respondent.

No. —. George Mengel, plaintiff in error, *v.* Blanche Mengel et al. Motion to reinstate or for leave to docket new case submitted by Mr. Benjamin I. Salinger for the plaintiff in error.

No. 714. John A. Ripper, 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. P. H. Cullen, Mr. Thomas T.



Fauntleroy, and Mr. Shepard Barclay for the petitioner, and by Mr. Attorney-General Wickersham and Mr. Assistant Attorney-General Harr for the respondent, with leave to counsel for the petitioner to file an additional brief.

No. 126. William M. Brown, appellant, *v.* John F. Horr, marshal of the United States, etc. Appeal from the district court of the United States for the southern district of Florida. Dismissed with costs, on motion of Mr. Frederick C. Bryan for the appellant.

No. 769. E. M. Herr et al., Receivers, etc., petitioners, *v.* The Tweedie Trading Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Charles C. Burlingham, in behalf of Mr. J. Parker Kirlin and Mr. Charles R. Hickox, for the petitioners and by Mr. Frederick M. Brown for the respondent.

Nos. 773 and 774. The J. M. Guffey Petroleum Company, petitioner, *v.* The Coastwise Transportation Company. Petition for writs of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Charles C. Burlingham, Mr. D. T. Watson, and Mr. James H. Beal for the petitioner, and by Mr. Edward E. Blodgett and Mr. J. Parker Kirlin for the respondent.

No. 371. Cedar Rapids Gas Light Company, plaintiff in error, *v.* The City of Cedar Rapids et al. Motions to advance and to dismiss or affirm submitted by Mr. J. W. Jamison and Mr. William Chamberlain for the defendants in error in support of the motions, and by Mr. James H. Trewin and Mr. John N. Hughes for the plaintiff in error in opposition thereto.

No. 748. Henry Friend et al., petitioners, *v.* James Talcott. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Arthur B. Schaffner, Mr. Jacob Newman, Mr. S. O. Levinson, and Mr. B. V. Becker for the petitioners, and by Mr. Horace Kent Tenney and Mr. Roger Sherman for the respondent.

Adjourned until Monday, November 28, at 12 o'clock.

The day call for Monday, November 28, will be as follows: Nos. 319, 46, 45, 56, 58, 60 (and 331), 330, 61, and 14.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 28, 1910.

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

J. T. Simpson of Glen Carlin, Va., L. Wallace Dempsey of Lockport, N. Y., J. E. Runcie of San Francisco, Cal., Paul W. Chase of Hillsdale, Mich., J. M. Thompson of Caldwell, Idaho, J. Blocker Thornton of Mobile, Ala., and Lon O. Hocker of St. Louis, Mo., were admitted to practice.

No. 51. Eagle Mining & Improvement Company, appellant, *v.* Mary R. Hamilton, et al. Appeal from the supreme court of the Territory of New Mexico. Decree affirmed with costs. Opinion by Mr. Justice Hughes.

Nos. 510, 511, and 512. The United States, plaintiff in error, *v.* Frank H. Mason. In error to the circuit court of the United States for the district of Massachusetts. Judgments affirmed. Opinion by Mr. Justice Hughes.

No. 2. Lucino Almeida Chantango and Enrique Lete, plaintiffs in error, *v.* Eduardo Abaroa. In error to the supreme court of the Philippine Islands. Judgment affirmed with costs. Opinion by Mr. Justice Lurton.

No. 25. The United States of America to the use of Mattie McC. Hine et al., plaintiffs in error, *v.* Alexander Porter Morse et al., executors, etc. In error to the court of appeals of the District of Columbia. Judgment reversed with costs and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Lurton.

No. 23. Charles Richardson, plaintiff in error, *v.* H. V. McChesney, Secretary of State of the Commonwealth of Kentucky, et al. In error to the court of appeals of the State of Kentucky. Dismissed with costs. Opinion by Mr. Justice Lurton.

No. 378. W. S. Harlan et al., appellants, *v.* T. F. McGourin, U. S. Marshal, etc.; and

No. 379. Robert Gallagher, appellant, *v.* T. F. McGourin, U. S. Marshal, etc. Appeals from the circuit court of the United States for the northern district of Florida. Final orders affirmed with costs. Opinion by Mr. Justice Day.

No. 458. The United States, plaintiff in error, *v.* The Ansonia Brass & Copper Company et al. In error to the supreme court of appeals of the State of Virginia. Judgment affirmed in part and reversed in part, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Day.

No. 38. Arkansas Southern Railway Company et al., plaintiffs in error, *v.* The Louisiana & Arkansas Railway Company. In error to the supreme court of the State of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 43. John B. Fisher et al., plaintiffs in error, *v.* The Mayor and Council of the City of New Orleans. In error to the supreme court of the State of Louisiana. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Holmes.

No. 15. Western Union Telegraph Company, plaintiff in error, *v.* Commercial Milling Company. In error to the supreme court of the State of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Holmes.

No. 21. The Moore Printing Typewriter Company et al., appellants, *v.* National Savings & Trust Company et al. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice McKenna.

No. 1. Montezuma Canal Company, appellant, *v.* Smithville Canal Company et al. Appeal from the supreme court of the Territory of Arizona. Decree reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice White.

No. 35. Maria Roura and Juana Roura, plaintiffs in error, *v.* The Government of the Philippine Islands. In error to the supreme court of the Philippine Islands. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 37. Delia Moffitt et al., plaintiffs in error, *v.* M. J. Kelley, treasurer, etc. In error to the supreme court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 495. J. Harvey Ladew et al., individually and as trustee, etc., et al., appellants, *v.* Tennessee Copper Company. Appeal from the circuit court of the United States for the eastern district of Tennessee. Decree affirmed with costs. Opinion by Mr. Justice Harlan.

No. 500. George Peabody Wetmore, appellant, *v.* Tennessee Copper Company. Appeal from the circuit court of the United States for the eastern district of Tennessee. Decree affirmed with costs. Opinion by Mr. Justice Harlan.

No. 13. Robert A. Hooe and Arthur Herbert, appellants, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Harlan.

No. 31. The National Bank of Commerce of Seattle, appellant, *v.* R. E. Downie, trustee, etc., et al.; and

No. 32. The Seattle National Bank, appellant, *v.* R. E. Downie, trustee, etc., et al. Appeals from the United States circuit court of appeals for the ninth circuit. Decrees affirmed with costs and causes remanded to the district court of the United States for the western district of Washington. Opinion by Mr. Justice Harlan.

No. 19. Cincinnati, Indianapolis & Western Railway Company, plaintiff in error, *v.* City of Connersville. In error to the supreme court of the State of Indiana. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

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

No. 34. Missouri, Kansas & Texas Railway Company, plaintiff in error, *v.* J. B. Blachley. In error to the court of civil appeals for the fifth supreme judicial district of the State of Texas. Per curiam: It is ordered that the writ of error be dismissed for want of jurisdiction, on authority of *Missouri, Kansas & Texas Railway Company v. Hollan*, 216 U. S., 615. No further opinion will be delivered in this case.

No. 666. Western Union Telegraph Company, plaintiff in error, *v.* The State of Minnesota. Motion to advance to the 16th day of October, 1911, denied without prejudice.

No. 371. Cedar Rapids Gas Light Company, plaintiff in error, *v.* The City of Cedar Rapids et al. Motion to dismiss or affirm postponed to the hearing of the cause on its merits. Motion to advance denied.

No. 505. Supreme Ruling of the Fraternal Mystic Circle, plaintiff in error, *v.* Annie Snyder. Motion to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 520. Indian Protective Association, appellant, *v.* Hugh H. Gordon and Benjamin Miller, Administrator. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs as to Benjamin Miller, administrator.

No. —. George Mengel, plaintiff in error, *v.* Blanche Mengel et al. Motion for leave to docket this case on the last writ of error granted.

No. 747. P. A. Willcox, Receiver, etc., petitioner, *v.* Leila A. Jones, Administratrix, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 755. E. F. Swift et al., petitioners, *v.* Lester M. David. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 769. E. M. Herr et al., Receivers, etc., petitioners, *v.* The Tweedie Trading Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 771. Zoe Agnes Semple et al., Executors, etc., petitioners, *v.* Lewis Construction Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

Nos. 773 and 774. The J. M. Guffey Petroleum Company, petitioner, *v.* The Coastwise Transportation Company. Petitions for writs of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 778. O. P. Halligan, Warden, etc., petitioner, *v.* Frank Wayne. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 748. Henry Friend et al., petitioners, *v.* James Talcott. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit granted.

No. 358. William Dreier, plaintiff in error, *v.* The United States; and

No. 359. William Dreier, appellant, *v.* William Henkel, U. S. Marshal, etc. Restored to the docket for reargument before a full bench.

Nos. 294, 295, 296, 297, and 298. The United States, plaintiff in error, *v.* The Pacific Mail Steamship Company. In error to the district court of the United States for the northern district of California. Dismissed, on motion of Mr. Attorney-General Wickersham for the plaintiff in error.

No. 759. Christopher C. Wilson, plaintiff in error, *v.* The United States; and

No. 760 and 788. Christopher C. Wilson, appellant, *v.* The United States. Motion to advance submitted by Mr. Attorney-General Wickersham for the United States.

No. 73. Mariano F. Sena, plaintiff in error, *v.* American Turquoise Company. Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. George W. Wickersham in behalf of counsel.

No. 17, Original. *Ex parte*: In the matter of Walter J. Gregory, petitioner. Leave granted to Mr. A. S. Worthington to withdraw his appearance herein for the petitioner, on motion of Mr. A. S. Worthington in that behalf.

No. 798. Frederick A. Hyde et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. A. S. Worthington for the petitioners, and by Mr. Attorney-General Wickersham for the respondent.

No. —, Original. *Ex parte*: In the matter of the Mallory Steamship Company, petitioner. Motion for leave to file a petition for a writ of prohibition submitted by Mr. Everett P. Wheeler for the petitioner, and by Mr. Frederick M. Brown for the respondent.

No. 797. Amanda C. Foster, petitioner, *v.* Luciana F. Boulo, executrix, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. J. Blocker Thornton and Mr. Frederick G. Bromberg for the petitioner, and by Mr. Harry Pillans for the respondent.

No. —, Original. *Ex parte*: In the matter of H. A. Bradford, petitioner. Motion for leave to file petition for writs of prohibition and mandamus submitted by Mr. George P. Hoover and Mr. William E. Borah for the petitioner.

No. —, Original. *Ex parte*: In the matter of Sobrinos de Ezquiaga, petitioner. Motion for leave to file a petition for a writ of prohibition or mandamus submitted by Mr. Frederic D. McKenney in behalf of Mr. Francis H. Dexter for the petitioner.

No. 260. Stuart Lindsley, appellant, *v.* Natural Carbonic Gas Company et al. Motion of New York Carbonic Acid Gas Company et al. for leave to file brief and to participate in the oral argument of this cause submitted by Mr. Frederic D. McKenney, in behalf of Mr. Edgar T. Brackett, in support of the motion.

No. 13, Original. The State of Oklahoma, complainant, *v.* The Atchison, Topeka & Santa Fe Railway Company. Request to assign case for argument submitted by Mr. A. B. Browne in behalf of counsel for the defendant.

No. 304. The Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company, plaintiff in error, *v.* The State of Indiana. Order advancing case set aside and cause restored to the docket, on motion of Mr. James Bingham for the defendant in error.

No. 207. Ricardo Aguado, appellant, *v.* The City of Manila. Motion to advance submitted by Mr. H. W. Van Dyke in behalf of counsel.

No. 63. The San Juan Light & Transit Company, plaintiff in error, *v.* Maria Pla. In error to the district court of the United States for Porto Rico. Dismissed per stipulation.

No. 525. Katchador M. Tarpenian, appellant, *v.* William Williams, United States Commissioner of Immigration, etc. Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs on motion of counsel for appellants.

Nos. 514 and 515. Doris Griffith, alias Doris Griffin, plaintiff in error, *v.* The State of Connecticut. Motion to dismiss or affirm submitted by Mr. Hugh M. Alcorn for the defendant in error in support of the motion, and by Mr. I. Henry Harris for the plaintiff in error in opposition thereto.

No. 8, Original. *Ex parte*: In the matter of Athanasi Nicola, petitioner; and

No. 11, Original. *Ex parte*: In the matter of the Cudahy Packing Company, petitioner. Argument commenced by Mr. Lon O. Hocker for the petitioner in No. 8, Original, continued by Mr. Tyson S.

Dines for the respondent in No. 8, Original, by Mr. Ralph W. Breckenridge for the petitioner in No. 11, Original, and concluded by Mr. Lon O. Hocker for the petitioner in No. 8, Original, and submitted by Mr. Constantine J. Smyth and Mr. Edward P. Smith for the respondent in No. 11, Original.

No. 319. William Hendrix, plaintiff in error, *v.* The United States. Argument commenced by Mr. J. G. Dudley for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 29, will be as follows: Nos. 319, 46, 49, 45, 56, 58, 59, 60 (and 331), 330 and 61.



# SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 29, 1910.

---

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

No. 360. Fred Light, appellant, *v.* The United States. Motion to advance submitted by Mr. Henry M. Teller, in behalf of counsel for the appellant.

No. 319. William Hendrix, plaintiff in error, *v.* The United States. Argument continued by Mr. J. G. Dudley for the plaintiff in error, by Mr. Assistant Attorney-General Fowler for the defendant in error, and concluded by Mr. J. G. Dudley for the plaintiff in error.

No. 46. Julian Herencia, plaintiff in error, *v.* Felix Guzman. Submitted by Mr. Willis Sweet for the plaintiff in error, and by Mr. Frederick L. Cornwell for the defendant in error.

No. 49. The Spokane & British Columbia Railway Company, plaintiff in error, *v.* The Washington & Great Northern Railway Company et al. Submitted by Mr. William T. Beck and Mr. W. C. Keegin for the plaintiff in error, and by Mr. Thomas R. Benton for the defendant in error.

No. 45. Margaret E. Taylor, in her own right, etc., appellant, *v.* Mary J. Leesnitzer et al. Passed, subject to the provisions of section 9, rule 26.

No. 56. German Alliance Insurance Company, plaintiff in error, *v.* Foster K. Hale, jr. Argued by Mr. Alex. C. King for the plaintiff in error, and submitted by Mr. Thomas M. Stevens for the defendant in error.

No. 58. John F. Calder et al., plaintiffs in error, *v.* The People of the State of Michigan ex rel. George E. Ellis et al. Argument commenced by Mr. Henry A. Forster for the plaintiffs in error, and continued by Mr. Ganson Taggart and Mr. Moses Taggart for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 30, will be as follows: Nos. 58, 59, 60 (and 331), 330, 61, 14, 62, 64, 66 and 67.



## SUPREME COURT OF THE UNITED STATES,

WEDNESDAY, NOVEMBER 30, 1910.

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

Henry A. Scandrett of Topeka, Kans., and A. G. Wolfenbarger of Lincoln, Nebr., were admitted to practice.

No. 60. Marchie Tiger, plaintiff in error, *v.* The Western Investment Company et al.; and

No. 331. William Brown and Levi B. Gritts, etc., appellants, *v.* The United States. Leave granted to file briefs as *amicus curiæ*, on motion of Mr. S. T. Bledsoe in that behalf.

No. 58. John F. Calder et al., plaintiffs in error, *v.* The People of the State of Michigan ex rel. George E. Ellis et al. Argument continued by Mr. Moses Taggart for the defendants in error, and concluded by Mr. Willard Kingsley for the plaintiffs in error.

No. 331. William Brown and Levi B. Gritts, etc., appellants, *v.* The United States. Leave granted to the attorney-general of Oklahoma to file a brief herein as *amicus curiæ* within four days, on motion of Mr. F. N. Judson in that behalf.

No. 59. The Mobile, Jackson & Kansas City Railroad Co., plaintiff in error, *v.* J. A. Turnipseed, administrator, etc. Submitted by Mr. J. N. Flowers for the plaintiff in error, and Mr. C. H. Alexander for the defendant in error.

No. 60. Marchie Tiger, plaintiff in error, *v.* The Western Investment Company et al.;

No. 330. David Muskrat and J. Henry Dick, etc., appellants, *v.* The United States; and

No. 331. William Brown and Levi B. Gritts, etc., appellants, *v.* The United States. Ordered that these cases be argued together, and that three and one-half hours be allowed each side for the argument. Argument commenced by Mr. W. L. Sturdevant for the plaintiff in error in No. 60, and continued by Mr. George S. Ramsey and Mr. S. T. Bledsoe for the defendants in error in No. 60.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 1, will be as follows: Nos. 60 (and 330 and 331), 61, 14, 62, 64, 66, 67, 68 (and 69), 70 and 71 (and 445 and 617).



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 1, 1910.

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

Arthur F. Mullen of O'Neill, Nebr., and I. L. Albert of Columbus, Nebr., were admitted to practice.

No. 504. The United States, petitioner, *v.* The Atchison, Topeka & Santa Fe Railway Company. Reassigned for argument with No. 222, as one case, on motion of Mr. Assistant to the Attorney-General Kenyon for the petitioner.

No. 60. Marchie Tiger, plaintiff in error, *v.* The Western Investment Company et al.;

No. 330. David Muskrat and J. Henry Dick, etc., appellants, *v.* The United States; and

No. 331. William Brown and Levi B. Gritts, etc., appellants, *v.* The United States. Argument continued by Mr. John J. Hemphill for the appellants in No. 331; by Mr. Daniel B. Henderson for the appellants in No. 330; by Mr. Wade H. Ellis for The United States; and by Mr. W. W. Hastings for the Cherokee Nation.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 2, will be as follows: Nos. 60 (and 330 and 331), 61, 14, 62, 64, 66, 67, 68 (and 69), 70 and 71 (and 445 and 617).

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 2, 1910.

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

Ernest Poindexter of Walla Walla, Wash., Howard C. Dickinson of New York City, Eustace Cullinan of San Francisco, Cal., Hiram W. Johnson of San Francisco, Cal., and Francis Martin of New York City were admitted to practice.

No. 60. Marchie Tiger, plaintiff in error, *v.* The Western Investment Company et al. Leave granted to counsel for the defendants in error to file a supplemental brief on or before Monday next, on motion of Mr. S. T. Bledsoe in that behalf.

No. 60. Marchie Tiger, plaintiff in error, *v.* The Western Investment Company et al.;

No. 330. David Muskrat and J. Henry Dick, etc., appellants, *v.* The United States; and

No. 331. William Brown and Levi B. Gritts, etc., appellants, *v.* The United States. Argument continued by Mr. W. W. Hastings for the Cherokee Nation, and concluded by Mr. W. H. Robeson for the appellants in Nos. 330 and 331.

No. 61. Mary R. Trimble et al., plaintiffs in error, *v.* Ida V. Klugh et al. Argued by Mr. William A. Gunter for the plaintiffs in error, and by Mr. F. Barron Grier for the defendants in error.

No. 14. Winslow Hart Reaves, second lieutenant, Artillery Corps, U. S. Army, plaintiff in error, *v.* Frederick C. Ainsworth, major-general, etc., et al. Argument commenced by Mr. Alexander S. Bacon for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 5, will be as follows: Nos. 14, 62, 64, 66, 67, 68 (and 69), 70, 71 (and 445 and 617), 459 (and 460) and 508.



# SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 5, 1910.

---

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

Charles B. Connolly of Philadelphia, Pa., Edmund F. Driggs of New York City, Frank L. Mulholland of Toledo, Ohio, David J. Kenefick of Buffalo, N. Y., Edwin W. Smith of Pittsburg, Pa., Edwin H. Cassels of Chicago, Ill., and Arthur D. Foster of Baltimore, Md., were admitted to practice.

No. 16. Illinois Central Railroad Company, 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 Hughes.

No. 380. The United States, plaintiff in error, *v.* Fritz Augustus Heinze. 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 law. Opinion by Mr. Justice McKenna.

No. 671. The United States, plaintiff in error, *v.* Fritz Augustus Heinze. 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 law. Opinion by Mr. Justice McKenna.

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

No. 207. Ricardo Aguado, appellant, *v.* city of Manila. Motion to advance granted, and case assigned for argument on Monday, January 23 next, with Nos. 53 and 54, as one case.

No. 360. Fred Light, appellant, *v.* The United States. Motion to advance granted, and cause assigned for argument on Monday, January 23 next, after the cases heretofore assigned for that day.

No. 759. Christopher C. Wilson, plaintiff in error, *v.* The United States; and

Nos. 760 and 788. Christopher C. Wilson, appellant, *v.* The United States. Motion to advance granted, and cases assigned to be heard after Nos. 358 and 359.

No. 13, Original. The State of Oklahoma, complainant, *v.* The Atchison, Topeka & Santa Fe Railway Company; and

No. 14, Original. The State of Oklahoma, complainant, *v.* The Atchison, Topeka & Santa Fe Railway Company et al. Assigned for argument on Monday, January 16 next, after the cases already assigned for that day.

No. 260. Stuart Lindsley, appellant, *v.* Natural Carbonic Gas Company et al. Petition of The New York Carbonic Acid Gas Company et al. for leave to file brief herein granted, but motion of petitioners to argue orally denied.

No. —, Original. *Ex parte*: In the matter of The Mallory Steamship Company, petitioner. Motion for leave to file petition for a writ of prohibition denied.

No. —, Original. *Ex parte*: In the matter of H. A. Bradford, petitioner. Motion for leave to file petition for writs of prohibition and mandamus denied.

No. —, Original. *Ex parte*: In the matter of Sobrinos de Ezquiaga, petitioner. Motion for leave to file petition for writ of prohibition or mandamus denied.

No. 714. John A. Ripper, 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. 797. Amanda C. Foster, petitioner, *v.* Luciano F. Boulo, executrix, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 798. Frederick A. Hyde et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia granted.

No. 8, Original. *Ex parte*: In the matter of Athanasi Nicola, petitioner. Petition for a writ of mandamus denied, rule discharged, and petition dismissed, on authority of Tobin, petitioner, 214 U. S., 507.

No. 11, Original. *Ex parte*: In the matter of The Cudahy Packing Company, petitioner. Petition for a writ of mandamus denied, rule discharged, and petition dismissed, on the authority of *In re Pennsylvania Company*, petitioner, etc., 137 U. S., 451.

No. 61. Mary R. Trimble et al., plaintiffs in error, *v.* Ida V. Klugh et al. In error to the circuit court of the United States for the district of South Carolina. Dismissed for the want of jurisdiction, on authority of *Empire State, Idaho Mining and Development Company v. Hanley*, 205 U. S., 225.

No. 93. Philadelphia & Reading Railway Company, plaintiff in error, *v.* The United States;

No. 127. Colorado & Northwestern Railroad Company, plaintiff in error, *v.* The United States; and

No. 187. Southern Railway Company, plaintiff in error, *v.* The United States. Motion to advance to be heard with No. 88 submitted by Mr. Attorney-General Wickersham for The United States.

No. 775. The Standard Oil Company of New York, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit, submitted by Mr. D. J. Kenefick and Mr. Martin Carey for the petitioner, and by Mr. Attorney-General Wickersham, Mr. Assistant to the Attorney-General Kenyon, Mr. S. Wallace Dempsey and Mr. Barton Corneau for the respondent.

No. 561. Salvatore L. Rocca, plaintiff in error, *v.* George F. Thompson. Reassigned for argument on October 10, 1911, on motion of Mr. Eustace Cullinan in behalf of counsel for the plaintiff in error.

No. 681. West Side Belt Railroad Company et al., plaintiffs in error, *v.* Pittsburgh Construction Company. Motion to dismiss or affirm submitted by Mr. Samuel McClay and Mr. Edwin W. Smith for the defendant in error in support of the motion, and by Mr. Thomas Patterson for the plaintiff in error in opposition thereto.

No. 772. The State of New Jersey, petitioner, *v.* Franklin Trust Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. Arthur Lord for the petitioner, and by Mr. William H. Dunbar for the respondent.

No. 810. Roland F. Quillin, claimant, etc., petitioner, *v.* Atlantic Mutual Insurance Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. H. L. Cheyney for the petitioner, and by Mr. Edmund L. Baylies for the respondent.

No. 782. National Surety Company, petitioner, *v.* Kansas City Hydraulic Press Brick Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Frank Hagerman for the petitioner, and by Mr. James S. Botsford for the respondent.

No. 125. Clarence H. Venner, plaintiff in error, *v.* The Chicago City Railway Company et al. Motions to dismiss or affirm submitted by Mr. John P. Wilson for the defendant in error in support of the motion, and by Mr. Elijah N. Zoline for the plaintiff in error in opposition thereto.

No. 14. Winslow Hart Reaves, second lieutenant, Artillery Corps, U. S. Army, plaintiff in error, *v.* Frederick C. Ainsworth, major-general, etc., et al. Argument concluded by Mr. Assistant Attorney-General Harr for the defendants in error.

No. 17, Original. Ex parte: In the matter of Walter J. Gregory, petitioner. Argued by Mr. John Hall Jones and Mr. W. Benton Crisp for the petitioner, and by Mr. Edward H. Thomas and Mr. William Henry White for the respondent.

No. 62. Chicago, Burlington & Quincy Railroad Company et al., plaintiffs in error, *v.* Charles L. McGuire. Argument commenced by Mr. John J. Herrick for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 6, will be as follows: Nos. 62, 64, 66, 67, 68 (and 69), 70, 71 (and 445 and 617), 459 (and 460), 508 and 527.

○

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 6, 1910.

---

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

Joseph T. Lafferty of Winfield, Kans., C. W. Durbrow of San Francisco, Cal., Elliott B. Davis of San Francisco, Cal., Sophus Dabelstein of Chicago, Ill., A. C. Mitchell of Lawrence, Kans., Ed. J. Fleming of Winfield, Kans., and L. Silo Gottlieb of Washington, D. C., were admitted to practice.

No. 62. Chicago, Burlington & Quincy Railroad Company et al., plaintiffs in error, *v.* Charles L. McGuire. Argument concluded by Mr. John J. Herrick for the plaintiffs in error, and submitted by Mr. A. J. Baker for the defendant in error. Leave granted to counsel for plaintiff in error to file reply brief on or before Saturday, the 10th instant.

No. 64. The Atlantic, Gulf & Pacific Company, appellant and plaintiff in error, *v.* The Government of the Philippine Islands. Argument commenced by Mr. James Russell Soley for the appellant and plaintiff in error, continued by Mr. Assistant Attorney-General Denison for the appellee and defendant in error, and concluded by Mr. James Russell Soley for the appellant and plaintiff in error.

No. 66. The United States, plaintiff in error, *v.* Lucinda Grizzard et al. Argued by Mr. Assistant Attorney-General John Q. Thompson for the plaintiff in error. No counsel appeared for the defendants in error.

No. 67. The Title Guaranty & Trust Company of Scranton, Pennsylvania, plaintiff in error, *v.* The Crane Company et al. Argument commenced by Mr. James B. Murphy for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 7, will be as follows: Nos. 67, 68 (and 69), 70, 71 (and 445 and 617), 459 (and 460), 508, 527, 597, 598, and 614.



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 7, 1910.

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

John F. Mueller of Buffalo, N. Y., Leon Lauterstein of New York City, John P. Ross of Macon, Ga., Carroll Wright of Des Moines, Iowa, James A. Cotner of Ardmore, Okla., and George Eigel of St. Louis, Mo., were admitted to practice.

No. 60. Marchie Tiger, plaintiff in error, *v.* The Western Investment Company;

No. 330. David Muskrat and J. Henry Dick, etc., appellants, *v.* The United States; and

No. 331. William Brown and Levi B. Gritts, etc., appellants, *v.* The United States. Leave granted to file supplemental brief for the United States, on motion of Mr. Wade H. Ellis in that behalf.

No. 604. The Merrimack River Savings Bank, appellant, *v.* The City of Clay Center, Kansas, et al. Petition of appellant for citation on certain appellees for contempt submitted by Mr. David W. Mulvane for the appellant.

No. 67. The Title Guaranty & Trust Company of Scranton, Pennsylvania, plaintiff in error, *v.* The Crane Company et al. Argument concluded by Mr. James B. Murphy for the plaintiff in error, and submitted by Mr. Ira Bronson for the defendant in error.

Nos. 68 and 69. Julio Aybar, appellant, *v.* The People of Porto Rico. Argument commenced by Mr. Jackson H. Ralston for the appellant, continued by Mr. Paul Charlton for the appellees, and concluded by Mr. Jackson H. Ralston for the appellant. Leave granted to counsel for appellees to file brief on or before the 12th instant.

No. 70. Dr. John Hopkins, plaintiff in error, *v.* The Clemson Agricultural College of South Carolina. Submitted by Mr. R. T. Jaynes and Mr. Joseph A. McCullough for the plaintiff in error, and by Mr. James P. Carey for the defendant in error.

No. 71. The Noble State Bank, plaintiff in error, *v.* C. N. Haskell et al. Argument commenced by Mr. C. B. Ames for the plaintiff in error, and continued by Mr. Charles West for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 8, will be as follows: Nos. 71, 459 (and 460), 508, 527, 597, 598, 614, 703, 260, and 72.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 8, 1910.

---

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

Cleophus W. McVickers of Woodward, Okla., and William A. Calderhead of Marysville, Kans., were admitted to practice.

Order: It is ordered by the court that the following correspondence be spread upon the minutes and journal of the court:

“SUPREME COURT OF THE UNITED STATES,

“*Washington, D. C., November 23, 1910.*

“DEAR BROTHER MOODY: We can not let you leave us without an expression of our deep regret. The too few years during which we sat together on the bench already had confirmed the prophecy of your arguments at the bar. They had proved that your unusual powers would be applied as faithfully and impartially to dispassionate decision as, when you were Attorney General, they had been devoted to an always lofty presentation of a side. We grieve that the country so soon should lose services that it ill can spare and we companionship in which affection was joined to respect. But you have left a sample of your work in the reports, and, we believe, have earned the great reward—that the wise and good of the future, as well of the present, will say it was well and nobly done.

“JOHN M. HARLAN.

“E. D. WHITE.

“JOSEPH MCKENNA.

“OLIVER WENDELL HOLMES.

“WILLIAM R. DAY.”

“We came to the bench of the Supreme Court after Brother Moody was compelled by sickness to lay aside active public work. But we have knowledge of his course of life, and of his judicial opinions, and concur most cordially in what is said in the above letter by those of his associates who served with him on the bench.

“HORACE H. LURTON.

“CHARLES E. HUGHES.”

“1525 EIGHTEENTH STREET NW.,

“*Washington, D. C., December 5, 1910.*

“MY DEAR BRETHREN: I can not let your letter go unanswered, but at this time I am unable fittingly to say more than that your words reach deep in my heart and mind and awaken there an intense gratitude to you all. With the expression of this and of my respect and affection for each individual member of the court, I must be content.

“Most sincerely, yours,

“WILLIAM H. MOODY.”

No. 71. The Noble State Bank, plaintiff in error, *v.* C. N. Haskell et al. Argument continued by Mr. Charles West for the defendants in error, and concluded by Mr. C. B. Ames for the plaintiff in error.

No. 445. Ashton C. Shallenberger, governor of the State of Nebraska, et al., appellants, *v.* The First State Bank of Holstein, Nebr., et al.; and

No. 617. Assaria State Bank of Assaria et al., appellants, *v.* Joseph N. Dolley, as bank commissioner, etc., et al. Argument commenced by Mr. I. L. Albert for the appellants in No. 445, and continued by Mr. Arthur F. Mullen for the appellants in No. 445, and Mr. John L. Webster for the appellees in No. 445 and appellants in No. 617, by Mr. Charles O. Wheedon for the appellants in No. 445, by Mr. F. S. Jackson and Mr. A. C. Mitchell for the appellees in No. 617, and concluded by Mr. Chester I. Long for the appellants in No. 617.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 9, will be as follows: Nos. 459 (and 460), 508, 527, 597, 598, 614, 703, 260, 72 and 74.

O

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 9, 1910.

---

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

Henry Bowden of Norfolk, Va., Albert Bettinger of Cincinnati, Ohio, S. L. Swarts of St. Louis, Mo., Thomas N. Hill of Beaumont, Tex., N. Vick Robbins of Vicksburg, Miss., and F. D. Madison of San Francisco, Cal., were admitted to practice.

No. 459. Southern Pacific Terminal Company et al., appellants, *v.* The Interstate Commerce Commission et al.; and

No. 460. E. H. Young, appellant, *v.* The Interstate Commerce Commission et al. Argument commenced by Mr. Maxwell Evarts for the appellants, continued by Mr. Wade H. Ellis and Mr. Luther M. Walter for the Interstate Commerce Commission, and concluded by Mr. F. C. Dillard for the appellants.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 12, will be as follows: Nos. 508, 527, 597, 598, 614, 703, 260, 72, 74, and 75.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 12, 1910.

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

James N. Sharp of Williamsburg, Ky., Walter H. Bond of New York City, Albin Leal Richards of Cambridge, Mass., William C. Day of Santa Barbara, Cal., Durant Church of Newark, N. J., and Edward A. Wright of New York City were admitted to practice.

No. 41. The City of Columbus, appellant, *v.* The Mercantile Trust & Deposit Company of Baltimore, trustee, et al. Appeal from the circuit court of the United States for the northern district of Georgia. Decree reversed with costs, and cause remanded with directions to dismiss the bill and grant the relief as prayed in the cross bill. Opinion by Mr. Justice Lurton.

No. 17. Jessie E. Thompson, plaintiff in error, *v.* Charles N. Thompson. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Day. Dissenting: Mr. Justice Harlan, Mr. Justice Holmes and Mr. Justice Hughes.

No. 42. The city of Memphis et al., appellants, *v.* The Cumberland Telephone & Telegraph Company. Appeal from the circuit court of the United States for the western district of Tennessee. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Day. Dissenting: Mr. Justice White, Mr. Justice McKenna and Mr. Justice Hughes.

No. 58. John F. Calder et al., plaintiffs in error, *v.* The People of the State of Michigan ex rel. George E. Ellis et al. In error to the supreme court of the State of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 390. The United States, plaintiff in error, *v.* Gustave E. Kissell and Thomas B. Harned. 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. Opinion by Mr. Justice Holmes.

No. 39. Wilson R. Hunter, plaintiff in error, *v.* Mutual Reserve Life Insurance Company et al. In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

Nos. 514 and 515. Doris Griffith, alias Doris Griffin, plaintiff in error, *v.* The State of Connecticut. In error to the supreme court of errors of the State of Connecticut. Judgments affirmed with costs. Opinions by Mr. Justice White.

---

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

No. 604. The Merrimack River Savings Bank, appellant, *v.* The City of Clay Center, Kansas, et al. Ordered that the mandate in this case be stayed until the further order of this court, and that a rule issue returnable January 3, 1911, against George W. Hanna, Stephen D. Tripp, W. D. Vincent, O. L. Slade, and George P. Randall to show cause why, upon the grounds and for the reasons stated in the petition of the Merrimack River Savings Bank, filed in this case December 7, 1910, an attachment should not issue against them respectively for contempt of this court and of its authority.

No. 93. Philadelphia & Reading Railway Company, plaintiff in error, *v.* The United States;

No. 127. Colorado & Northwestern Railroad Company, plaintiff in error, *v.* The United States; and

No. 187. Southern Railway Company, plaintiff in error, *v.* The United States. Motion to advance these three cases to be heard immediately after Nos. 88 and 329 granted.

No. 772. The State of New Jersey, petitioner, *v.* Franklin Trust Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 775. The Standard Oil Company of New York, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 782. National Surety Company, petitioner, *v.* Kansas City Hydraulic Press Brick Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 810. Roland F. Quillin, claimant, etc., petitioner, *v.* Atlantic Mutual Insurance Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 125. Clarence H. Venner, plaintiff in error, *v.* The Chicago City Railway Company et al. In error to the supreme court of the State of Illinois. Per curiam: As it does not appear from the record that this

court has jurisdiction in this case, the writ of error is dismissed for want of jurisdiction.

Nos. 68 and 69. Julio Aybar, appellant, *v.* The people of Porto Rico. Appeals from the supreme court of Porto Rico. As jurisdiction in this court does not appear from the records in these cases, the appeal in each case is dismissed for want of jurisdiction.

---

Mr. Justice Harlan also announced that the court will take a recess from Monday, the 19th instant, to Tuesday, January 3, 1911.

---

No. 586. The State of Minnesota *ex rel.* Jalmer M. Larsen, plaintiff in error, *v.* Hugh R. Scott as auditor of the county of Hennepin. Motion to dismiss submitted by Mr. John A. Kratz, jr., in behalf of Mr. Milton D. Purdy for the defendant in error in support of the motion, and by Mr. Carl Strover for the plaintiff in error in opposition thereto.

No. 657. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* W. G. Conley, Attorney General et al. Motion to dismiss or affirm submitted by Mr. William G. Conley for the defendants in error in support of the motion, and by Mr. F. B. Enslow, Mr. H. T. Wickham, and Mr. W. E. Chilton for the plaintiff in error in opposition thereto.

No. 5 Original. The People of the State of New York, complainants, *v.* State of New Jersey et al. Motion of the City of New York for leave to intervene submitted by Mr. William H. Jackson in support of the motion, and by Mr. Joseph Coult, Mr. Thomas H. McCarter, and Mr. Edmund Wilson for the defendants in opposition thereto.

No. 4 Original. *Ex parte:* In the matter of William W. Bierce, Limited, petitioner. Petition for a writ of mandamus dismissed, on motion of Mr. Frederic D. McKenney for the petitioner.

No. 88. E. M. Delk, petitioner, *v.* St. Louis & San Francisco Railroad Company. Leave granted to Mr. Frederic D. McKenney to withdraw his appearance herein for the petitioner, on motion of Mr. Frederic D. McKenney in that behalf.

No. 524. The First National Bank of Pittsburgh, Pennsylvania, appellant, *v.* Guarantee Title & Trust Company, Trustee, etc. Appeal from the United States circuit court of appeals for the third circuit. Dismissed with costs, per stipulation, and on motion of Mr. Frederic D. McKenney for the appellant.

No. 805. Pabst Brewing Company, petitioner, *v.* Charles Thorley. 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. A. S. Gilbert and Mr. J. M. Mayer for the petitioner, and by Mr. Harold Nathan for the respondent.

No. 816. Murray Corrington et al., petitioners, *v.* The Westinghouse Air Brake 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. William G. Choate for the petitioners, and by Mr. Thomas B. Kerr, Mr. J. Snowden Bell, and Mr. Edward A. Wright for the respondent.

No. 477. George Godfrey Moore et al., etc., petitioners, *v.* Security Trust & Life Insurance Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. John Q. Thompson in behalf of Mr. Robert Stone, Mr. D. R. Hite, and Mr. James A. Troutman for the petitioners.

No. 387. Samuel D. Gromer, treasurer of Porto Rico, appellant, *v.* Standard Dredging Company. Motion to advance submitted by Mr. Paul Charlton for the appellant.

No. — Original. *Ex parte:* In the matter of George F. Harding, petitioner. Motion for leave to file a petition for a writ of mandamus submitted by Mr. George F. Harding and Mr. William J. Ammen for the petitioner.

No. 508. William W. Bierce, limited, plaintiff in error, *v.* William Waterhouse et al., executors, etc. Argument commenced by Mr. Frederic D. McKenney for the plaintiff in error, continued by Mr. D. L. Withington for the defendants in error, and concluded by Mr. Frederic D. McKenney for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 13, will be as follows: Nos. 527, 597, 598, 614, 703, 260, 72, 74, 75, and 76.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 13, 1910.

---

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

Eugene B. Lawson of Nowata, Okla., Harold Gregory Donham of Boston, Mass., Joseph Scott of Los Angeles, Cal., Thomas O. Toland of Los Angeles, Cal., Sylvester C. Smith of Bakersfield, Cal., Hampson Gary, of Tyler, Tex., T. L. Camp of Dallas, Tex., and Jed C. Adams of Dallas, Tex., were admitted to practice.

No. 527. The Southern Pacific Company and Oregon & California Railroad Company, appellants, *v.* Interstate Commerce Commission. Argument commenced by Mr. Maxwell Evarts for the appellant, continued by Mr. Wade H. Ellis and Mr. Luther M. Walter for the appellee, and concluded by Mr. Maxwell Evarts for the appellants.

No. 597. R. J. House, plaintiff in error, *v.* Joel B. Mayes, marshal, etc., et al. Argument commenced by Mr. Frank Hagerman for the plaintiff in error and continued by Mr. Elliott W. Major for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 14, will be as follows: Nos. 597, 598, 614, 703, 260, 72, 74, 75, 76 and 77.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 14, 1910.

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

Philip S. Zieber of Reading, Pa., Thos. Jaeger Snyder of Reading, Pa., David P. Strickler of Colorado Springs, Colo., Henry C. Young of Malden, Mass., James M. Chilton of Louisville, Ky., Homer W. Batson of Louisville, Ky., William F. Connolly of Detroit, Mich., Edwin Henderson of Detroit, Mich., and P. J. M. Hally of Detroit, Mich., were admitted to practice.

No. 597. R. J. House, plaintiff in error, *v.* Joel B. Mayes, marshal, etc., et al. Argument continued by Mr. Elliott W. Major for the defendants in error, and concluded by Mr. James Hagerman for the plaintiff in error.

No. 598. Thomas J. Brodnax and Frank E. Essex, plaintiffs in error, *v.* The State of Missouri. Argument commenced by Mr. Frank Hagerman for the plaintiffs in error, continued by Mr. Elliott W. Major for the defendant in error, and concluded by Mr. Frank Hagerman for the plaintiffs in error.

No. 614. The Sac and Fox Indians of the Mississippi in Iowa, appellants, *v.* The Sac and Fox Indians of the Mississippi in Oklahoma and the United States. Argument commenced by Mr. Charles H. Merillat for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 15, will be as follows: Nos. 614, 703, 260, 72, 74, 75, 76, 77, 78, and 79 (and 80).

O

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 15, 1910.

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

James R. Speers of New York City, Chas. Robert Pollard of Arkansas City, Kansas, and Samuel Schwartzberg of New York City, were admitted to practice.

No. 78. The Government of His Majesty the King of Italy, through A. Rayboudi Massiglia, its Consul General at New York, appellant, *v.* Girolamo Asaro alias Vincenzo Fudera. Passed per stipulation of counsel, on motion of Mr. Federick W. McReynolds in behalf of counsel.

No. 614. The Sac and Fox Indians of the Mississippi in Iowa, appellants, *v.* The Sac and Fox Indians of the Mississippi in Oklahoma, and The United States. Argument continued by Mr. Charles H. Merillat for the appellants, by Mr. Barry Mohun for the appellee Indians, by Mr. Assistant Attorney General John Q. Thompson for The United States, and concluded by Mr. Charles H. Merillat for the appellants.

No. 703. Morris Engel, appellant, *v.* Edward R. O'Malley et al. Argument commenced by Mr. Charles Dushkind for the appellant, and continued by Mr. Louis Marshall for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 16, will be as follows: Nos. 703, 260, 72, 74, 75, 76, 77, 79 (and 80), 81 (and 87), and 83.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 16, 1910.

---

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

Edward G. Bradford, jr., of Wilmington, Del., William A. Bryans of Denver, Colo., Edward Sidney Rogers of Chicago, Ill., George B. Schley of Milwaukee, Wis., and Andrew Jordan Green of Fredericksburg, Va., were admitted to practice.

No. 703. Morris Engel, appellant, *v.* Edward R. O'Malley et al. Argument continued by Mr. Louis Marshall for the appellees, and concluded by Mr. Charles Dushkind for the appellant.

No. 260. Stuart Lindsley, appellant, *v.* Natural Carbonic Gas Company et al. Reassigned for argument on Tuesday, January 3, 1911, at the head of the call.

No. 72. Dr. Miles Medical Company, petitioner, *v.* John D. Park & Sons Company. Assigned for argument on Tuesday, January 3, 1911, after No. 260.

No. 74. Chicago, Indianapolis & Louisville Railway Company, appellant, *v.* The United States. Submitted by Mr. E. C. Field and Mr. H. R. Kurrie for the appellant, and by Mr. Attorney General Wickersham and Mr. Barton Corneau for the appellee.

No. 75. Fore River Shipbuilding Company, plaintiff in error, *v.* Selma T. Hagg. Submitted by Mr. John Lowell and Mr. John A. Lowell for the plaintiff in error, and by Mr. Asa P. French for the defendant in error.

No. 77. The United States, petitioner, *v.* Carl S. Chamberlin et al., executors, etc. Argued by Mr. Assistant Attorney General Denison for the petitioner, and by Mr. D. P. Strickler for the respondents.

Adjourned until Monday next at 12 o'clock.

O

# SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 19, 1910.

---

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

Otis B. Drake of Washington, D. C., James F. Campbell of Philadelphia, Pa., Dilworth P. Hibberd of Philadelphia, Pa., John S. Beard of Pensacola, Fla., Corry M. Stadden of Washington, D. C., Oscar F. Moreau of Manchester, N. H., Joseph C. Stone of Muskogee, Okla., Fred Leland Sale of Asheville, N. C., and Edgar H. Scott of Omaha, Nebr., were admitted to practice.

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

No. 1 Original. The State of Maryland, complainant, *v.* The State of West Virginia. Request of the commissioners that time for completing surveys and filing reports be extended to October 1, 1911, granted.

No. 12. Charles D. Campbell, appellant, *v.* Frederick Weyerhaeuser and John Humbird;

No. 24. Frederick Weyerhaeuser and John A. Humbird, appellants, *v.* Herbert H. Hoyt; and

No. 181. Northern Pacific Railway Company, plaintiff in error, *v.* Fred Wass and Pauline Wass, his wife. Cases restored to the docket and assigned for reargument on Monday, January 16, 1911, at the head of the call for that day.

No. 5 Original. The People of the State of New York, complainants, *v.* The State of New Jersey et al. Motion of the City of New York for leave to intervene herein denied.

No. 387. Samuel D. Gromer, treasurer of Porto Rico, appellant, *v.* Standard Dredging Company. Motion to advance granted and cause assigned for argument on Monday, February 20, 1911.

No. 586. The State of Minnesota ex rel. Jalmer M. Larsen, plaintiff in error, *v.* Hugh R. Scott, as auditor of the county of Hennepin. In error to the supreme court of the State of Minnesota. *Per curiam:* Dismissed with costs.

No. 657. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* W. G. Conley, Attorney General, et al. Motion to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 477. George Godfrey Moore et al., etc., petitioners, *v.* Security Trust & Life Insurance Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 805. Pabst Brewing Company, petitioner, *v.* Charles Thorley. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 816. Murray Corrington et al., petitioners, *v.* The Westinghouse Air Brake Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

---

Mr. Justice Harlan said:

“Gentlemen of the Bar: The President of the United States has appointed Mr. Justice White, of this court, Chief Justice of the United States, and the Senate has confirmed that appointment. His commission has been received and is in the hands of the clerk of the court, who will read and record the same. We extend to our Brother White a cordial welcome in his new position as the head of the court.”

The clerk then read the commission, and immediately thereafter the oath of office was administered by Mr. Justice Harlan, and Mr. Chief Justice White took the seat of the Chief Justice.

---

No. 46. Julian Herencia, plaintiff in error, *v.* Felix Guzman. In error to the district court of the United States for Porto Rico. Judgment affirmed with costs and interest. Opinion by Mr. Justice Hughes.

No. 59. Mobile, Jackson & Kansas City Railroad Company, plaintiff in error, *v.* J. A. Turnipseed, administrator, etc. In error to the supreme court of the State of Mississippi. Judgment affirmed with costs and interest. Opinion by Mr. Justice Lurton.

No. 64. The Atlantic, Gulf & Pacific Company, appellant and plaintiff in error, *v.* The Government of the Philippine Islands. Appeal from and in error to the supreme court of the Philippine Islands. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 67. The Title Guaranty & Trust Company, of Scranton, Pa., plaintiff in error, *v.* The Crane Company et al. In error to the United States circuit court of appeals for the ninth circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the western district of Washington. Opinion by Mr. Justice Holmes.

Mr. Attorney General Wickersham presented Mr. Frederick W. Lehmann, of Missouri, as Solicitor General of the United States, and it was ordered that his commission be recorded.

---

No. 408. The United States, appellant, *v.* Leopold Baruch. Motion to advance submitted by Mr. Attorney General Wickersham for the appellant.

No. 813. Frank A. McComber et al., appellants, *v.* Alva A. Nicholson et al. Application for supersedeas pending appeal, for leave to orally argue the same or to advance the cause, submitted by Mr. B. I. Salinger for the appellants in support of the motions and by Mr. George Cosson for the appellees in opposition to the application for a supersedeas.

No. 524. The First National Bank of Pittsburgh, Pa., appellant, *v.* Guarantee Title & Trust Company, Trustee, etc. Mandate granted, on motion of Mr. Frederic D. McKenney for the appellant.

No. 823. Lizzie M. Troxell, petitioner, *v.* The Delaware, Lackawanna & Western Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. George Demming for the petitioner, and by Mr. James F. Campbell for the respondent.

No. 826. C. H. Rexford, petitioner, *v.* The Brunswick-Balke-Clender Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Julius C. Martin for the petitioner.

No. 132. Albert S. Apsey, receiver of the First National Bank of Chelsea, plaintiff in error, *v.* George E. Kimball. Death of George E. Kimball, the defendant in error herein, suggested, and appearance of Sidney A. Wilbur, executor of the estate of George E. Kimball, deceased, as the party defendant in error herein, filed and entered on motion of Mr. Noel W. Barksdale for the defendant in error.

No. 548. The United States, appellant, *v.* The Fidelity Trust Company, etc. Motion to advance submitted by Mr. Barry Mohun for the appellee.

No. 497. Samuel Loeb, plaintiff in error, *v.* Henry Jennings, chief of police, etc. Motion to dismiss or affirm submitted by Mr. Frank S. Bright, in behalf of Mr. William A. Wimbish for the defendant in error in support of the motion, and by Mr. Thomas B. Felder for the plaintiff in error in opposition thereto.

Adjourned until Tuesday, January 3, 1911, at 12 o'clock.

The day call for Tuesday, January 3, will be as follows: Nos. 260, 72, 519, 536 (and 537 and 538 and 539), 7 (and 8), 118 (and 119), 398, 433, 407, etc., 448, 627 and 496.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 3, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter, and Mr. Justice Lamar.

C. E. Short of New York City, Lucius Lamar of Milledgeville, Ga., Albert J. Kenyon of New York City, Daniel W. Iddings of Dayton, Ohio, Bradford Butler of New York City, Berthald S. Horkheimer of New York City, Charles C. Annabel of Waverly N. Y., Frank L. Williams of Clay Center, Kansas, and Emmett M. Showalter of Fairmont, W. Va., were admitted to practice.

The Chief Justice said:

“It gives me pleasure to announce the appointment of Mr. Willis Van Devanter of Wyoming and Mr. Joseph Rucker Lamar of Georgia to fill the vacancies on this bench. The gentlemen are present and ready to take the oath. Their commissions will be read in the order named, and the oath administered accordingly.

The commissions were then read and the oaths administered by the clerk, and Mr. Justice Van Devanter and Mr. Justice Lamar took their seats on the bench.

No. 17 Original. *Ex parte*: In the matter of Walter J. Gregory, petitioner. Rule discharged and petition for writ of habeas corpus dismissed. Opinion by Mr. Justice Hughes.

No. 300. Alonzo Bailey, plaintiff in error, *v.* The State of Alabama. In error to the supreme court of the State of Alabama. Judgment reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Hughes. Dissenting: Mr. Justice Holmes and Mr. Justice Lurton.

No. 77. The United States, petitioner, *v.* Carl S. Chamberlin et al., executors, etc. On writ of certiorari to the United States circuit court of appeals for the eighth circuit. Judgment reversed, and cause remanded to the district court of the United States for the district of Colorado for further proceedings in conformity with the opinions of this court. Opinion by Mr. Justice Hughes.



No. 66. The United States, plaintiff in error, *v.* Lucinda Grizzard et al. In error to the circuit court of the United States for the eastern district of Kentucky. Judgment affirmed. Opinion by Mr. Justice Lurton.

No. 215. Atlantic Coast Line Railroad Company, plaintiff in error, *v.* Riverside Mills. In error to the circuit court of the United States for the southern district of Georgia. Judgment modified and affirmed with costs. Opinion by Mr. Justice Lurton.

No. 286. Louisville & Nashville Railroad Company, plaintiff in error, *v.* N. P. Scott. In error to the court of appeals of the State of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice Lurton.

No. 22. The Kentucky Union Company, plaintiff in error, *v.* The Commonwealth of Kentucky;

No. 47. The Eastern Kentucky Coal Lands Corporation, plaintiff in error, *v.* The Commonwealth of Kentucky; and

No. 48. The Eastern Kentucky Coal Lands Corporation, plaintiff in error, *v.* The Commonwealth of Kentucky. In error to the court of appeals of the State of Kentucky. Judgments affirmed with costs. Opinion by Mr. Justice Day.

No. 49. The Spokane & British Columbia Railway Company, plaintiff in error, *v.* The Washington & Great Northern Railway Company et al. In error to the supreme court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 75. Fore River Shipbuilding Company, plaintiff in error, *v.* Selma T. Hagg. In error to the circuit court of the United States for the district of Massachusetts. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Day.

No. 71. The Noble State Bank, plaintiff in error, *v.* C. N. Haskell et al. In error to the supreme court of the State of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 445. Ashton C. Shallenberger, governor of the State of Nebraska, et al., appellants, *v.* The First State Bank of Holstein, Nebraska, et al. Appeal from the circuit court of the United States for the district of Nebraska. Decree reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 617. Assaria State Bank, of Assaria, et al., appellants, *v.* Joseph N. Dolley, as bank commissioner, etc., et al. Appeal from the circuit court of the United States for the district of Kansas. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 703. Morris Engel, appellant, *v.* Edward R. O'Malley et al. Appeal from the circuit court of the United States for the southern

district of New York. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 319. William Hendrix, plaintiff in error, *v.* The United States. In error to the district court of the United States for the eastern district of Texas. Judgment affirmed. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Harlan.

No. 681. West Side Belt Railroad Company et al., plaintiffs in error, *v.* Pittsburgh Construction Company. In error to the supreme court of the State of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 230. American Land Company *v.* Louis Zeiss. On a certificate from the United States circuit court of appeals for the ninth circuit. Both questions certified answered in the negative. Opinion by Mr. Chief Justice White.

No. 444. The United States, plaintiff in error, *v.* James T. Barber et al. In error to the district court of the United States for the district of Idaho. Judgment reversed and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Chief Justice White.

No. 541. The United States, plaintiff in error, *v.* Press Publishing Company. In error in the circuit court of the United States for the southern district of New York. Judgment affirmed. Opinion by Mr. Chief Justice White.

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

No. 497. Samuel Loeb, plaintiff in error, *v.* Henry Jennings, chief of police of the city of Atlanta. In error to the supreme court of the State of Georgia. Per curiam: Judgment affirmed on the authority of *Waters-Pierce Oil Company v. State of Texas*, 212 U. S., 112, 118; *Goodrich v. Ferris*, 214 U. S., 79; *Griffith v. Connecticut*, 218 U. S., —. (Not yet reported.)

No. 408. The United States, petitioner, *v.* Leopold Baruch. Motion to advance granted, and cause assigned for argument on Tuesday, October 10, 1911, after the case heretofore assigned for that day.

No 548. The United States, appellant, *v.* The Fidelity Trust Company, etc. Motion to advance granted, and cause assigned for argument on Tuesday, October 10, 1911, after the cases heretofore assigned for that day.

No. 823. Lizzie M. Troxell, petitioner, *v.* The Delaware, Lackawanna & Western Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 826. C. H. Rexford, petitioner, *v.* The Brunswick-Balke-Clender Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit granted.

No. 813. Frank A. McComber et al., appellants, *v.* Alva A. Nicholson et al. Motions for supersedeas and for leave to argue same orally and to advance denied.

---

No. 222. The Baltimore & Ohio Railroad Company, appellant, *v.* The Interstate Commerce Commission. Motion to fix day for reargument submitted by Mr. Frederic D. McKenney for the appellant.

No. 833. The City of New Orleans et al., petitioners, *v.* The Wakefield Sheet Piling Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Frederick S. Tyler in behalf of Mr. Omer Villere, and Mr. Edgar H. Farrar for the petitioners.

No. 820. A. F. Millan, petitioner, *v.* Exchange Bank of Mannington. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit, submitted by Mr. John W. Davis for the petitioner and by Mr. E. M. Showalter for the respondent.

Nos. 9 and 10 original. *Ex parte*: In the matter of the State of Oklahoma, petitioner. Motion to fix day for reargument submitted by Mr. Joseph W. Bailey for the petitioner.

No. 260. Stuart Lindsley, appellant, *v.* Natural Carbonic Gas Company et al. Argument commenced by Mr. Guthrie B. Plante for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 4, 1911, will be as follows: Nos. 260, 72, 519, 536 (and 537 and 538 and 539), 7 (and 8), 118 (and 119), 398, 433, 407, etc., 448, 627 and 496.



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 4, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter, and Mr. Justice Lamar.

Graddy Cary of Louisville, Ky., James M. Hodgson of Deadwood, S. Dak., and James W. Cochrane of San Francisco, Cal., were admitted to practice.

No. 260. Stuart Lindsley, appellant, *v.* Natural Carbonic Gas Company et al. Argument continued by Mr. Edgar T. Brackett for the appellant, and by Mr. Nash Rockwood for the appellees, and concluded by Mr. Charles C. Lester for the appellees.

No. 72. Dr. Miles Medical Company, petitioner, *v.* John D. Park & Sons Company. Argument commenced by Mr. Frank F. Reed for the petitioner, and continued by Mr. Alton B. Parker for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 5, will be as follows: Nos. 72, 519, 536 (and 537 and 538 and 539), 7 (and 8), 118 (and 119), 398, 433, 407, etc., 448, 627, and 496.



# SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 5, 1911.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter, and Mr. Justice Lamar.

No. 72. Dr. Miles Medical Company, petitioner, *v.* John D. Park & Sons Company. Argument continued by Mr. Alton B. Parker for the respondent, and concluded by Mr. Frank F. Reed for the petitioner.

No. 519. Hipolite Egg Company, claimant, etc., plaintiff in error and appellant, *v.* The United States. Submitted by Mr. Thomas E. Lannen and Mr. Edward T. Fenwick for the plaintiff in error and appellant, and by Mr. Assistant Attorney General Fowler for the defendant in error and appellee.

No. 536. The United States of America, appellant, *v.* Lehigh Valley Railroad Company;

No. 537. The United States of America, appellant, *v.* Erie Railroad Company;

No. 538. The United States of America, appellant, *v.* The Central Railroad Co. of New Jersey; and

No. 539. The United States of America, appellant, *v.* The Pennsylvania Railroad Company. Argued by Mr. Wade H. Ellis for the appellant, and by Mr. John G. Johnson for the appellees. Leave granted counsel for appellant to file an additional brief within five days.

Nos. 7 and 8. The Baltimore & Ohio Southwestern Railroad Company, plaintiff in error, *v.* The United States. Reargument commenced by Mr. Edward Colston for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 6, will be as follows: Nos. 7 (and 8), 118 (and 119), 398, 433, 407, etc., 448, 627, and 496.



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 6, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter, and Mr. Justice Lamar.

George W. Hinckley of New York City and George S. Hornblower of New York City were admitted to practice.

No. 662. Lawrence E. Sexton, trustee, etc., appellant, *v.* Leopold Louis Dreyfus et al., as Louis Dreyfus & Company. Submitted pursuant to the twentieth rule by Mr. Wallace Macfarlane and Mr. George H. Gilman for the appellant, and by Mr. Frederic R. Coudert for the appellees.

No. 663. Lawrence E. Sexton, trustee, etc., appellant, *v.* Lloyds Bank, Limited. Submitted pursuant to the twentieth rule by Mr. Wallace Macfarlane and Mr. George H. Gilman for the appellant, and by Mr. Rufus W. Sprague, jr., for the appellee.

No. 711. T. L. Roughton, plaintiff in error, *v.* Harry L. Knight. Submitted pursuant to the twentieth rule by Mr. E. O. Miller, Mr. E. D. F. Brady, and Mr. W. P. Fennell for the plaintiff in error, and by Mr. S. D. Lockett and Mr. Charles R. Pierce for the defendant in error.

Nos. 7 and 8. The Baltimore & Ohio Southwestern Railroad Company, plaintiff in error, *v.* The United States. Reargument continued by Mr. Edward Colston for the plaintiff in error, by Mr. Assistant Attorney General Denison for the defendant in error, and concluded by Mr. Edward Colston for the plaintiff in error.

No. 118. The United States, appellant, *v.* The American Tobacco Company et al.; and

No. 119. The American Tobacco Company et al., appellants, *v.* The United States. Twelve hours allowed for the argument of these cases, on motion of Mr. Attorney General Wickersham for the United States. Reargument commenced by Mr. J. C. McReynolds for the United States.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 9, will be as follows: Nos. 118 (and 119), 398, 433, 407, etc., 448, 627, and 496.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 9, 1911.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter, and Mr. Justice Lamar.

Livingston B. Stedman of Seattle, Wash., Richard Inglis of Cleveland, Ohio, Howard H. Williams of New York City, Henry H. Rolapp of Ogden, Utah, Charles Paul Brown of New York City, Fred H. Dominick of Newberry, S. C., George Carroll Todd of New York City, Elmer E. Grinstead of Pawhuska, Okla., Clarence I. Spellman of Kansas City, Mo., Frederic R. Whippler of Washington, D. C., William F. McNally of New Richmond, Wis., John M. Nolan of New York City, and George W. Markham of St. Paul, Minn., were admitted to practice.

No. 14. Winslow Hart Reaves, second lieutenant, Artillery Corps, U. S. A., plaintiff in error, *v.* Frederick C. Ainsworth, major general, etc., et al. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 597. R. J. House, plaintiff in error, *v.* Joel B. Mayes, marshal, etc., et al. In error to the supreme court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Harlan. (Mr. Justice McKenna and Mr. Chief Justice White concur in the judgment.)

No. 598. Thomas J. Brodnax and Frank E. Essex, plaintiffs in error, *v.* The State of Missouri. In error to the supreme court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

---

The Chief Justice announced the following orders of the court:

Order. There having been a Chief Justice and three Associate Justices of this court appointed since the last allotment of the Chief Justice and Associate Justices among the circuits:

Therefore, in pursuance of section 606 of the Revised Statutes, it is now here ordered by the court that the following allotment of the Chief Justice and the Associate Justices among the circuits be, and the same is hereby, made, and that such allotment be entered of record, viz:

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

For the second circuit, Charles E. Hughes, Associate Justice.

For the third circuit, Horace H. Lurton, Associate Justice.

For the fourth circuit, Edward D. White, Chief Justice.

For the fifth circuit, Joseph R. Lamar, Associate Justice.

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

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

For the eighth circuit, Willis Van Devanter, Associate Justice.

For the ninth circuit, Joseph McKenna, Associate Justice.

Nos. 9 and 10 Original. *Ex parte*: In the matter of The State of Oklahoma, petitioner. Assigned for reargument on Monday, February 20, 1911, after the case heretofore assigned for that day.

No. 222. The Baltimore & Ohio Railroad Company, appellant, *v.* The Interstate Commerce Commission. Assigned for reargument on Monday, February 20, 1911, after the cases heretofore assigned for that day.

No. 820. A. F. Millan, petitioner, *v.* Exchange Bank of Mannington et al. Petition for writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 833. The City of New Orleans et al., petitioners, *v.* The Wakefield Sheet Piling Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

---

Mr. Attorney General Wickersham presented to the court the following resolutions:

*Resolved*, That the members of the bar of the Supreme Court desire to express their profound regret at the death of Melville Weston Fuller, eighth Chief Justice of the United States, and to record their high appreciation of his life and character and of his conspicuous and faithful service to his country.

Born in the State of Maine, he went to Chicago at the age of twenty-three, when that great city was in its infancy, and there entered upon his long and distinguished professional career, which culminated in his elevation to the most exalted judicial station in our Government.

He secured the advantages of an academic and classical education at Bowdoin College, and always retained the habits and tastes of the student and scholar.



He was a man of the most extensive and varied reading in the profession, in governmental and political discussion and in general literature.

He rapidly achieved a commanding position at the then exceptionally brilliant bar of the city of his adoption, and for thirty-two years carried on an extended and diversified practice in the courts of his State; nor did he infrequently appear before the great tribunal over which he afterwards, and for twenty-two years, presided with such marked ability and distinction.

He was a man of singular beauty and purity of character.

While he was at the bar no one harbored a suspicion that the exigency of forensic controversy, in which he was almost constantly engaged, could ever tempt him to aught that was unfair or unworthy of the highest ideals of a noble and honorable profession.

As Chief Justice it is enough to say that with conspicuous fidelity he fully and consistently maintained the best traditions of that high office. He took a deep interest in the efforts to secure peace between nations by international arbitration, and was appointed by our Government to membership in the permanent court established in 1899 by the First Peace Conference, and served in that capacity.

His character was marked by a gentle courtesy and consideration which constantly illuminated and attended upon the discharge of his important public duties, always marked his relations with the bar, and earned that popular confidence which goes out to him whom the people believe to be a merciful and considerate as well as a just and impartial judge.

All this he was; and, endowed by nature with talents not inferior to those of his predecessors, possessed of attainments, training, and experience adequate to the exacting requirements of his great office, he filled it at all times in such a manner as to command the admiration and respect of the bar and the grateful appreciation of his countrymen.

On the morning of July 4 last, at his beautiful summer home, on the soil of the State in which he was born, and to which he remained always deeply attached, his long, useful and honorable life ended; and when the sad announcement was made, we who had practiced in the great tribunal where he so long presided felt a deep sense of personal loss and personal bereavement that he had gone from us forever.

*Resolved also,* That the Attorney General be asked to present these resolutions to the court and to request that they be inscribed upon its permanent records.

And that the chairman of this meeting be requested to transmit a copy of the resolutions to the family of the late Chief Justice and an expression of our sincere sympathy with them in the great and irreparable loss which they have sustained.

The Attorney General then said:

“On the last day of the last term of this court Chief Justice Fuller, responding to resolutions of the bar and observations in commemoration of Mr. Justice Brewer, spoke sadly of the procession of his brethren who had passed before him to their reward. ‘They were all men of marked ability, of untiring industry, and of intense devotion to duty, but they were not alike. They differed “as one star differeth from another in glory.”’

“A few days later, and he too joined that procession, leaving but one survivor of that body of great judges—Miller, Field, Bradley, Harlan, Matthews, Gray, Blatchford, and Lamar—over which he was called to preside, when he succeeded Chief Justice Waite in October, 1888.

“‘The oldest members of this court,’ said Mr. Justice Miller in speaking of Chief Justice Waite, ‘know of no one who was better fitted to discharge the administrative duties of the office of its Chief Justice, or who ever did so with more acceptability to his associates and to the public at large.’ (126 U. S., Appx.)

“Mr. Waite’s successor was to fully earn a like encomium. He was peculiarly well fitted to the discharge of those duties. As the presiding officer and spokesman of the court, during his long incumbency, his gentle, dignified bearing and kindly, considerate manner won for him the sympathetic appreciation of the bar and the respect and affection of his associates.

“Campbell wrote of Lord Eldon, ‘Among his qualifications for the judgment seat must be reckoned his fine temper and delightful manners.’ \* \* \*

“These attributes in a judge are entirely consistent with the possession of a discriminating intellect, clear perceptions, and decisiveness of character. They tend to the preservation of that relation of cordial respect which must exist between bench and bar in order that the court may get from the bar the advantage of clear, temperate, candid statement, and the bar may feel assured of patient hearing and thorough comprehension by the court. The life of a justice of this court is one of unremitting toil. The creation of the circuit courts of appeals in 1891 afforded it but a temporary relief. Only by the most arduous labor has the court been able to keep measurably abreast of the business which the expanding exercise of Federal power has brought upon its dockets. The period of Chief Justice Fuller’s incumbency was one of unprecedented national growth. Even the twenty years following the Civil War did not give rise to the great number and variety of new questions which have been pressed upon the court since the year 1888.

“The attempts to solve by legislation economic questions resulting from our industrial growth, of which the income-tax law, the bankruptcy law of 1898, the acts concerning carriers in interstate commerce, the law against unlawful trusts and monopolies, the meat-inspection laws, the food and drugs act, the tea-inspection law and the oleomargarine laws, the Chinese-exclusion acts and the other immigration and naturalization laws are illustrative, have required this court to construe and apply with patient study and statesmanlike comprehension the principles of the Federal Constitution in the effort to preserve inviolate the dual nature of our governmental system, not hesitating to assert the paramountcy of the National Government over those subjects where the Constitution declares it to be supreme, nor check the usurpation by Federal authority of those powers which, not being expressly or by implication delegated to the General Government, are reserved ‘to the States respectively or to the people.’ The War with Spain made us a world power and brought to the decision of this court novel questions as to the relations of our Government to territory acquired by conquest or purchase. In dealing with all of these great questions Chief Justice Fuller played no inconsiderable rôle. During his twenty-two years of service he wrote eight hundred and twenty-nine opinions, of which but twenty-nine expressed the views of a minority of the court. He wrote the opinion of the court in the Behring Sea cases (*In re Cooper*, 143 U. S., 472); in the first case arising under the Sherman antitrust law (*U. S. v. Knight*, 156 U. S., 1), and in one of the latest, the so-called Danbury hatter’s case (*Loewe v. Lawlor*, 208 U. S., 274); in the income-tax cases (*Pollock v. Farmers Loan and Trust Co.*, 157 U. S., 429; 158 U. S., 601); in *Kansas v. Colorado* (185 U. S., 135); in the case arising under the first safety-appliance law (*Johnson v. Southern Pacific Co.*, 196 U. S., 1); and in the contempt proceedings against the sheriff of Chattanooga, Tenn., and his deputies (*U. S. v. Shipp*, 215 U. S., 580).

“He wrote dissenting opinions in *In re Neagle* (135 U. S., 1), the case in which it was held that petitioner, a deputy United States marshal, was justified in killing an assailant of a justice of this court whom he had been detailed to protect from violence; in the case of *Mormon Church v. United States* (136 U. S., 1), where he denied the power of Congress to enact the law of February 19, 1887, repealing the charter of the Mormon Church and directing legal proceedings to be taken to wind up its affairs and dispose of its property; in *The Chinese Exclusion case* (*Fong Yue Ting v. U. S.*, 149 U. S., 698), and in the case of *United States v. Wong Kim Ark* (169 U. S., 649), where the court held that a child of Chinese parents born in the United States became at birth a citizen of the United States; in *The Lottery case* (188 U. S., 321); in *The Insular cases* (*Dooley v. U. S.*, 183 U. S., 151); in *Hale v.*

Henkel (201 U. S., 43); and he concurred with Mr. Justice White in his dissent in *The Northern Securities* case (193 U. S., 197).

“It is difficult to select from the great volume of Chief Justice Fuller’s contributions to the work of this court those of his opinions which best illustrate the extent of his learning and the nature of his acumen without unduly extending these remarks.

“Chief Justice Fuller’s opinions are all characterized by a simple lucidity of statement and a directness of reasoning free from subtlety. His mind naturally tended to resist the broadening application of Federal control over subjects which until recent years had been left entirely to State regulation.

“‘In my opinion,’ he wrote, in the *Mormon Church* case (136 U. S., 1, 67), ‘Congress is restrained, not merely by the limitations expressed in the Constitution, but also by the absence of any grant of power, expressed or implied in that instrument. \* \* \* I regard it of vital consequence that absolute power should never be conceded as belonging under our system of government to any one of its departments. The legislative power of Congress is delegated and not inherent, and is, therefore, limited. I agree that the power to make needful rules and regulations for the Territories necessarily comprehends the power to suppress crime; and it is immaterial even though that crime assumes the form of a religious belief or creed. Congress has the power to extirpate polygamy in any of the Territories by the enactment of a criminal code directed to that end; but it is not authorized under the cover of that power to seize and confiscate the property of persons, individuals or corporations, without office found, because they have been guilty of criminal practices.

“The doctrine of *cy pres* is one of construction and not of administration. By it a fund devoted to a particular charity is applied to a cognate purpose, and if the purpose for which this property was accumulated was such as has been depicted it cannot be brought within the rule of application to a purpose as nearly as possible resembling that denounced. Nor is there here any counterpart in congressional power to the exercise of the royal prerogative in the disposition of a charity. If this property was accumulated for purposes declared illegal, that does not justify its arbitrary disposition by judicial legislation. In my judgment, its diversion under this act of Congress is in contravention of specific limitations in the Constitution, unauthorized, expressly or by implication, by any of its provisions, and in disregard of the fundamental principle that the legislative power of the United States as exercised by the agents of the people of this Republic is delegated and not inherent.’

“The Chief Justice wrote the opinions of the court in deciding a number of controversies between States of the Union (*Kansas v. Colorado*, 185 U. S., 125; *Virginia v. West Virginia*, 206 U. S., 290;

Louisiana *v.* Mississippi, 202 U. S., 1), and in the prize cases which resulted from the Spanish War (The Carlos F. Roses, 177 U. S., 655; The Pedro, 175 U. S., 354; The Benito Estenger, 176 U. S., 568; the Manila Prize Money, 188 U. S., 254; the Infanta Maria Theresa, 188 U. S., 283). In the case of Ponce *v.* Roman Catholic Church (210 U. S., 296), by an interesting historical review, he sustained the proposition that the Roman Catholic Church in Porto Rico was a juridical person, whose property was entitled to protection under the terms of the treaty between the United States and Spain.

“The Talmud compares the study of the law to a huge heap of dust that is to be cleared away. ‘The foolish man says, ‘It is impossible that I should be able to remove this immense heap. I will not attempt it.’ But the wise man says, ‘I will remove a little to-day, some more to-morrow, and more the day after, and thus in time I shall have removed it all.’” It was in this spirit that Chief Justice Fuller toiled during the years that he presided over this court. Much of the work of all courts is of but transitory importance, save in so far as it keeps ever burning the sacred lamp of justice to lighten the footsteps of men. But the labors of this tribunal are essential to the preservation of the liberties of a free people. In the largest proportion of causes submitted to its judgment every decision becomes a page of history, and may become part of a rampart against anarchy. To this court men look for the maintenance of those rights which our forefathers wrung from a reluctant monarch at Runnymede eight hundred years ago, which are now embodied in the Constitution of the United States, and which are as essential to the protection of the citizen against the tyranny of a hydra-headed tyrant of the future as they were against the monarchs of the past.

“The labors of the eighth Chief Justice are over, and his work in this court is submitted to the judgment of men. As he said of Justice Brewer, ‘He died suddenly, but not the unprepared death from which we pray to be delivered,’ and having finished his course in faith he doth now rest from his labors.”

The Chief Justice responded:

“MR. ATTORNEY GENERAL: The resolutions which you present are consoling, since they show how poignantly our brethren of the bar share with us the sorrow caused by the death of our cherished and venerated Chief Justice. When the shadow which the bereavement resulting from his loss casts upon the path of duty which lies before us is considered the resolutions are additionally consoling, since they strengthen our conviction that, whatever may be our infirmities, we may always rely upon the generous judgment of our brethren of the bar if only we bring to the discharge of our duties the singleness of

purpose which ever characterized the judicial labors of our late Chief Justice.

“Those labors find an enduring memorial in the reported decisions of the court rendered during the long period of his service. Their potency, whether in enforcing and protecting individual right or in perpetuating representative government by upholding our constitutional institutions, have passed beyond the influence of praise or blame. They have become the heritage of his countrymen, for whose good he labored with untiring devotion.

“The darkness of the valley of the shadow of death yet so obscures vision as to render it impossible for me to attempt now to fix the result of the labors of the Chief Justice or to define with accuracy the scope of the blessings to his countrymen and to mankind which have arisen from his work. I therefore do not attempt to supplement the brief statement on that subject which you, Mr. Attorney General, have so eloquently made. So, also, I shall forbear to comment upon the wide attainments of the late Chief Justice, his engaging literary fancy, his great familiarity with precedents, and his grasp of fundamental principles. I leave these special attributes, as well as the wider considerations which would be required to be taken into view in order to symmetrically analyze the judicial work of the late Chief Justice, not only because some other occasion would be more appropriate and some more masterful hand than mine be required to do justice to those subjects, but also because my purpose now is only briefly to refer to some of the more endearing and admirable personal traits of the Chief Justice which were manifested to those associated with him in judicial labor, and at the same time to mark the attributes from which those traits were derived and sustained.

“Briefly, those qualities were his untiring attention to his judicial duties and the dedication which he made to the efficient and wise performance of those duties of every intellectual and moral power which he possessed; his love of justice for justice’s sake; his kindness, his gentleness, associated, however, with a courage which gave him always the power to fearlessly do what he thought was right, without fear or favor. The source whence these endearing and noble qualities were derived was not far to seek. It was faith in the power of good over evil; faith in the capacity of his fellow men for self-government; faith in the wisdom of the fathers of our institutions; faith, unshaken faith, in the efficiency of the system of constitutional government which they established and its adequacy to protect the rights and liberties of the people. And, above all, there was an abounding faith in Divine Providence, the faith of a Christian, which dominated his being and welded all his faculties into an harmonious whole, causing his nature to be resonant with the melody of hope and charity, which made him what he was—a simple, kindly, generous, true, brave, and devoted

public servant, treading with unswerving step the path of duty, until the tender voice of the All-Wise and Merciful Father called him from labor to rest, from solicitude to peace, and to his exceeding and enduring reward.

“Mr. Attorney General, the resolutions of our brethren of the bar will be made a part of the records of the court. In making this order, the thought comes unbidden to the mind that if there be in the future by either the bench or the bar a failure to discharge duty because of the want of an honest effort to do so, the resolutions will become the test of our moral insufficiency and be a relentless instrument for our condemnation. But the shadow created by these misgivings is at once dispelled by our conviction that although the Chief Justice has gone before, yet doth he speak to us by his precept and example, which I can not refrain from thinking will be a beacon leading both bench and bar to a perfect dedication of all their powers to the complete discharge of their whole duty. Ah! In the luminosity afforded by that example and precept and with the benign vision given by that faith which is the proof of things unseen may the hope not be indulged in that the result of such a consecration to duty will enable us to behold a continued righteous administration of justice, a preservation of our constitutional government, the fructification of all the activities of our vast country for the benefit of the whole people, the abiding of tranquility and happiness in all the homes of all our land, and the continued enjoyment by all our countrymen of individual liberty restrained from license and safeguarded from oppression.

“The resolutions of the bar and the remarks of the Attorney General will be spread upon the minutes, and any other tributes that may be received will be placed upon the files.”

---

No. 846. The United States, appellant, *v.* The Reading Company et al. Motion to advance submitted by Mr. Solicitor General Lehmann for the appellant.

No. 835. Frank A. Horn 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. Webster Ballinger, in behalf of Mr. Frank Hagerman, Mr. Wash. Adams, and Mr. J. S. Botsford, for the petitioner, with leave to the Solicitor General to file an opposition within three days.

No. 824. De Witt C. Hillegass, 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. Wilton J. Lambert for the petitioner and by Mr. Assistant Attorney General Fowler for the respondent.

No. 848. William H. Gray, petitioner, *v.* Allen W. Field et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Frederick S. Tyler, in behalf of Mr. Horace G. Stone for the petitioner, and by Mr. S. S. Gregory, Mr. Jacob Newman, Mr. S. O. Levinson, Mr. B. V. Becker, and Mr. C. H. Poppenhusen for the respondent.

No. 246. The Louisville & Nashville Railroad Company, plaintiff in error, *v.* Erasmus L. Mottley et ux. Submitted pursuant to the 20th rule by Mr. Ben Carter in behalf of Mr. Henry L. Stone for the plaintiff in error, and by Mr. Louis McQuown for the defendant in error.

No. 845. La Compagnie Generale Transatlantique, owner, etc., petitioner, *v.* The Baltimore & Ohio Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. John M. Nolan, in behalf of Mr. Joseph P. Nolan, for the petitioner, and by Mr. Frederick M. Brown for the respondent.

No. 192. G. Wash Hunter, plaintiff in error, *v.* The State of South Carolina. Motion to dismiss or affirm submitted by Mr. J. Frazer Lyon for the defendant in error, in support of the motion, and by Mr. John G. Capers, Mr. Coleman L. Bleese, Mr. Joseph D. Wright, and Mr. William R. Andrews, for the plaintiff in error in opposition thereto.

No. 550. Edward J. Schurmeier et al., as executors, etc., petitioners, *v.* The Connecticut Mutual Life Insurance Company. Motion to dismiss petition for writ of certiorari herein for want of prosecution submitted by Mr. George W. Markham, Mr. James E. Markham, and Mr. John B. Sanborn for the respondent.

No. 118. The United States, appellant, *v.* The American Tobacco Company et al.; and

No. 119. The American Tobacco Company et al., appellants. *v.* The United States. Argument continued by Mr. J. C. McReynolds for The United States and by Mr. De Lancey Nicoll for The American Tobacco Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 10, will be as follows: Nos. 118 (and 119), 398, 433, 407, etc., 448, 627 and 496.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 10, 1911.  

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter, and Mr. Justice Lamar.

Ignacio Villamor of Manila, P. I., and Barry Miller of Dallas, Texas, were admitted to practice.

No. 118. The United States, appellant, *v.* The American Tobacco Company et al.; and

No. 119. The American Tobacco Company et al., appellants, *v.* The United States. Argument continued by Mr. DeLancey Nicoll and Mr. John G. Johnson for The American Tobacco Company, and by Mr. William B. Hornblower for The Imperial Tobacco Company.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 11, will be as follows: Nos. 118 (and 119), 398, 433, 407, etc., 448, 627 and 496.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 11, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter, and Mr. Justice Lamar.

George A. Clement of New York City, N. Y., William Willett, jr., of New York City, N. Y., Rafael Del Pau Fontela of Manila, P. I., O. C. Moore of Spokane, Wash., and Hiram P. White of Pawhuska, Okla., were admitted to practice.

No. 78. The Government of His Majesty the King of Italy, through A. Raybaudi Massiglia, its consul general at New York, appellant, *v.* Girolamo Asaro, alias Vincenzo Fudera. Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs, on motion of counsel for the appellant.

No. 118. The United States, appellant, *v.* The American Tobacco Company et al.; and

No. 119. The American Tobacco Company et al., appellants, *v.* The United States. Argument continued by Mr. William B. Hornblower for the Imperial Tobacco Company, by Mr. Junius Parker for the American Tobacco Company, by Mr. Sol M. Stroock for the United Cigar Stores, and by Mr. Attorney General Wickersham for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 12, will be as follows: Nos. 118 (and 119), 398, 433, 407, etc., 448, 627 and 496.

○

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 12, 1911.  

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Warren H. Small of New York, N. Y., Manuel L. Quezon of Tabayas, P. I., David Jetzinger of Chicago, Ill., Arthur A. Buck of Schenectady, N. Y., and Robert C. Cooley of Springfield, Mass., were admitted to practice.

No. 118. The United States, appellant, *v.* The American Tobacco Company et al.; and

No. 119. The American Tobacco Company et al., appellants, *v.* The United States. Argument concluded by Mr. Attorney General Wickersham for the United States.

No. 398. Standard Oil Company et al., appellants, *v.* The United States. Six hours allowed to each side in the argument of this case, on motion of Mr. Attorney General Wickersham for the appellee. Argument commenced by Mr. John G. Milburn for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 13, will be as follows: Nos. 398, 433, 407, etc., 448, 627 and 496.

O

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 13, 1911.  

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter, and Mr. Justice Lamar.

Paul J. Sherwood of Wilkes Barre, Pa., James Clarence Denton of Muskogee, Okla., Henry T. Ferris of St. Louis, Mo., Monroe Buckley of Philadelphia, Pa., William L. Dayton of Denver, Colorado, and C. W. Dustin of Dayton, Ohio, were admitted to practice.

No. 398. Standard Oil Company et al., appellants, *v.* The United States. Argument continued by Mr. John G. Milburn for the appellants, and by Mr. Frank B. Kellogg for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 16, will be as follows: Nos. 398, 433, 407, etc., 448, 627, 496, 12 (and 24 and 181), 3, Original, 190 (and 394 and 372), 383 (and 558, 559, and 313), 13, Original, and 14, Original.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 16, 1911.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

John Philip Hill of Baltimore, Md., Edward D. Robbins of New Haven, Conn., William Wallace Whitmore of Bloomington, Ill., George W. Burton of Peoria, Ill., and Harry F. Stambaugh of Pittsburg, Pa., were admitted to practice.

No. 508. William W. Bierce (Limited), plaintiff in error, *v.* William Waterhouse and Albert Waterhouse, executors, etc. In error to the supreme court of the Territory of Hawaii. Judgment reversed with costs, and cause remanded to said supreme court with directions to set aside both of its judgments and affirm the judgment of the trial court in favor of the plaintiff, William W. Bierce (Limited). Opinion by Mr. Justice Lurton.

Ne. 56. German Alliance Insurance Company, plaintiff in error, *v.* Foster K. Hale, jr. In error to the circuit court of the United States for the southern district of Alabama. Judgment affirmed with costs and interest. Opinion by Mr. Justice Harlan.

---

The Chief Justice announced the following orders of the court:

No. 192. G. Wash Hunter, plaintiff in error, *v.* The State of South Carolina. In error to the supreme court of the State of South Carolina. Per curiam: Writ of error dismissed for the want of jurisdiction. *Farrell v. O'Brien*, 199 U. S., 100; *Waters-Pierce Oil Co. v. State of Texas*, 212 U. S., 112; *King v. West Virginia*, 216 U. S., 92; *Griffith v. Connecticut*, 218 U. S., 563.

No. 846. The United States, appellant, *v.* The Reading Company et al. Motion to advance granted and cause assigned for argument on Tuesday, October 10, 1911, after the cases heretofore assigned for that day.

No. 824. DeWitt C. Hillegas, 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. 835. Frank Horn et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 845. La Compagnie Generale Transatlantique, owner, etc., petitioner, *v.* The Baltimore & Ohio Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 848. William H. Gray, petitioner, *v.* Allen W. Field et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied:

No. 550. Edward J. Schurmeier et al., as executors, etc., petitioners, *v.* The Connecticut Mutual Life Insurance Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit dismissed for the want of prosecution.

---

No. 36. Diamond Rubber Company of New York, petitioner, *v.* Consolidated Rubber Tire Company et al. Assigned for reargument on Monday, February 20, 1911, after the cases heretofore assigned for that day, on motion of Mr. Charles W. Stapleton for the respondents.

No. 433. The United States, plaintiff in error, *v.* O. A. Johnson. Reassigned for argument on Monday, February 20, 1911, after the cases heretofore assigned for that day, on motion of Mr. Assistant Attorney General Denison for the plaintiff in error.

No. 492. Southern Pacific Company, plaintiff in error, *v.* The Commonwealth of Kentucky ex rel. George H. Anderson et al., revenue agents. Motion to advance submitted by Mr. Maxwell Evarts in behalf of counsel for the defendants in error.

Nos. 843 and 844. Comptograph Company, petitioner, *v.* Burroughs Adding Machine Company. Petitions for writs of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. H. N. Low, in behalf of Mr. John W. Munday for the petitioner, and by Mr. Robert H. Parkinson for the respondent.

No. 398. Standard Oil Company et al., appellant, *v.* The United States. Argument continued by Mr. Frank B. Kellogg for the appellee, by Mr. D. T. Watson for the appellant, and by Mr. Attorney General Wickersham for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 17, will be as follows: Nos. 398, 407, etc., 448, 627, 496, 12 (and 24 and 181), 3 Original, 190 (and 394 and 372), 383 (and 558, 559, and 313), 13 Original, and 14 Original.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 17, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter, and Mr. Justice Lamar.

Jack J. Spalding of Atlanta, Ga., was admitted to practice.

No. 398. The Standard Oil Company et al., appellants, *v.* The United States. Argument continued by Mr. Attorney General Wickersham for the appellee, and concluded by Mr. John G. Johnson for the appellant.

No. 407. Stella P. Flint, as General Guardian, etc., appellant, *v.* Stone Tracy Company et al.;

No. 409. Wýckoff Van Derhoeft, appellant, *v.* The Coney Island & Brooklyn Railroad Company et al.;

No. 410. Francis L. Hine, appellant, *v.* Home Life Insurance Company et al.;

No. 411. Fred W. Smith, appellant, *v.* The Northern Trust Company et al.;

No. 412. William H. Miner, appellant, *v.* The Corn Exchange National Bank of Chicago et al.;

No. 415. Cedar Street Company, appellant, *v.* Park Realty Company;

No. 420. Lewis W. Jared, appellant, *v.* The American Multigraph Company et al.;

No. 425. Joseph E. Gay, appellant, *v.* The Baltic Mining Company et al.;

No. 431. Percy H. Brundage, appellant, *v.* Broadway Realty Company et al.;

No. 432. Paul Lacroix, appellant, *v.* The Motor Taximeter Cab Company et al.;

No. 442. Arthur Lyman et al., as Trustees, etc., appellants, *v.* Interborough Rapid Transit Company et al.;

No. 443. George Wendell Phillips, appellant, *v.* Fifty Associates et al.;

No. 446. Oscar Mitchell, appellant, *v.* Clark Iron Company et al.;

No. 456. William F. Fluhrer et al., appellants, *v.* The New York Life Insurance Company; and

No. 457. Catherine Cary Cook et al., etc., appellant, *v.* Boston Wharf Company et al. Three hours allowed to The United States, and five hours to the appellants in the argument of these cases, on motion of Mr. Solicitor General Lehmann for the United States. Re-argument commenced by Mr. Maxwell Evarts for the appellant in No. 407, and continued by Mr. Julien T. Davies for the appellant in No. 415.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 18, will be as follows: Nos. 407, etc., 448, and 496, 627, 12 (and 24 and 181), 3, Original, 190 (and 394 and 372), 383 (and 558, 559, and 313), 13, Original, and 14, Original.

O



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 18, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

James Grant Forbes of Boston, Mass., Arthur L. Knauf of Jamestown, N. D., and Ralph Norton of New York, N. Y., were admitted to practice.

No. 863. Heirs of Lopez et al., appellants, *v.* Rubert Hermanos. Appeal from the Supreme Court of Porto Rico. Docketed and dismissed with costs on motion of Mr. Frederick S. Tyler for the appellees.

No. 864. Maria del Encarnacion Prado, widow of Suro, appellant, *v.* The Succession of Alonzo del Rio, &c. Appeal from the Supreme Court of Porto Rico. Docketed and dismissed with costs on motion of Mr. Frederick S. Tyler for the appellee.

No. 407. Stella P. Flint, as general guardian, etc., appellant, *v.* Stone Tracy Company et al.;

No. 409. Wyckoff Van Derhoef, appellant, *v.* The Coney Island & Brooklyn Railroad Company et al.;

No. 410. Francis L. Hine, appellant, *v.* Home Life Insurance Company et al.;

No. 411. Fred W. Smith, appellant, *v.* The Northern Trust Company et al.;

No. 412. William H. Miner, appellant, *v.* The Corn Exchange National Bank of Chicago et al.;

No. 415. Cedar Street Company, appellant, *v.* Park Realty Company;

No. 420. Lewis W. Jared, appellant, *v.* The American Multigraph Company, et al.;

No. 425. Joseph E. Gay, appellant, *v.* The Baltic Mining Company et al.;

No. 431. Percy H. Brundage, appellant, *v.* Broadway Realty Company et al.;

No. 432. Paul Lacroix, appellant, *v.* The Motor Taximeter Cab Company et al.;

No. 442. Arthur Lyman et al., as trustees, etc., appellants, *v.* Interborough Rapid Transit Company et al.;

No. 443. George Wendell Phillips, appellant, *v.* Fifty Associates et al.;

No. 446. Oscar Mitchell, appellant, *v.* Clark Iron Company et al.;

No. 456. William F. Fluhrer et al., appellants, *v.* The New York Life Insurance Company; and

No. 457. Catherine Cary Cook et al., etc., appellants, *v.* Boston Wharf Company et al. Reargument continued by Mr. Julien T. Davies for the appellant in No. 415; by Mr. Frederic Jesup Stimson for the appellants in Nos. 425 and 457; by Mr. Richard Reid Rogers for the appellants in No. 442, and by Mr. Solicitor General Lehmann for the United States (by special leave), and by Mr. R. B. Lindabury for the appellants in Nos. 409 and 410.

Adjourned until to-morrow at twelve o'clock.

The day call for Thursday, January 19, will be as follows: Nos. 407, etc., 448 (and 496), 627, 12 (and 24 and 181), 3 Original, 190 (and 394 and 372), 383 (and 558, 559, and 313), 13 Original and 14 Original.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 19, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

John C. Brennan of Cambridge, Mass., Harry H. Rogers of Holdenville, Okla., L. Ert. Slack of Franklin, Ind., and William E. H. Searcy, jr., of Griffin, Ga., were admitted to practice.

No. 407. Stella P. Flint, as general guardian, etc., appellant, *v.* Stone Tracy Company et al.;

No. 409. Wyckoff Van Derhoef, appellant, *v.* The Coney Island & Brooklyn Railroad Company et al.;

No. 410. Francis L. Hine, appellant, *v.* Home Life Insurance Company et al.;

No. 411. Fred W. Smith, appellant, *v.* The Northern Trust Company et al.;

No. 412. William H. Miner, appellant, *v.* The Corn Exchange National Bank of Chicago et al.;

No. 415. Cedar Street Company, appellant, *v.* Park Realty Company;

No. 420. Lewis W. Jared, appellant, *v.* The American Multigraph Company et al.;

No. 425. Joseph E. Gay, appellant, *v.* The Baltic Mining Company et al.;

No. 431. Percy H. Brundage, appellant, *v.* Broadway Realty Company et al.;

No. 432. Paul Lacroix, appellant, *v.* The Motor Taximeter Cab Company et al.;

No. 442. Arthur Lyman et al., as trustees, etc., appellants, *v.* Interborough Rapid Transit Company et al.;

No. 443. George Wendell Phillips, appellant, *v.* Fifty Associates et al.;

No. 446. Oscar Mitchell, appellant, *v.* Clark Iron Company et al.;

No. 456. William F. Fluhrer et al., appellants, *v.* The New York Life Insurance Company; and

No. 457. Catherine Cary Cook et al., etc., appellants, *v.* Boston Wharf Company et al. Argument concluded by Mr. R. V. Lindabury for the appellants in Nos. 409 and 410.

No. 448. Amory Eliot, appellant, *v.* James G. Freeman et al.; and

No. 496. Maine Baptist Missionary Convention, appellant, *v.* Charles E. Cotting et al. Argument commenced by Mr. Moorfield Storey for the appellant in No. 448, continued by Mr. Burton E. Eames for the appellant in No. 496, by Mr. Solicitor General Lehmann for the United States, and concluded by Mr. Moorfield Storey for the appellant in No. 448.

No. 627. Ary E. Zonne, appellant, *v.* Minneapolis Syndicate et al. Submitted by Mr. John R. Van Derlip for the appellant, and by Mr. Solicitor General Lehmann for the United States.

No. 12. Charles D. Campbell, appellant, *v.* Frederick Weyerhaeuser et al.;

No. 24. Frederick Weyerhaeuser et al., appellants, *v.* Herbert H. Hoyt; and

No. 181. Northern Pacific Railway Company, plaintiff in error, *v.* Fred Wass et ux. Argument commenced by Mr. C. W. Bunn for Weyerhaeuser et al. and the Northern Pacific Railway Company, and continued by Mr. M. H. Stanford for Campbell and Hoyt.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 20, will be as follows: Nos. 12 (and 24 and 181), 3 Original, 190 (and 394 and 372), 383 (and 558, 559 and 313), 13 Original and 14 Original.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 20, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Jonathan N. Langham of Indiana, Pa., Edward A. Carmalt of Brookville, Pa., and Andrew T. Bierkan of New Haven, Conn., were admitted to practice.

No. 12. Charles D. Campbell, appellant, *v.* Frederick Weyerhaeuser et al.;

No. 24. Frederick Weyerhaeuser and John A. Humbird, appellants, *v.* Herbert H. Hoyt; and

No. 181. Northern Pacific Railway Company, plaintiff in error, *v.* Fred Wass and Pauline Wass, his wife. Argument continued by Mr. M. H. Stanford for Campbell and Hoyt, by Mr. P. B. Gorman for Wass et ux., and concluded by Mr. Frank B. Kellogg for Weyerhaeuser et al. and The Northern Pacific Railway Company.

No. 3 Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Sixteen hours allowed for the argument and three counsel allowed to be heard on each side, on motion of Mr. S. W. Williams for the complainant. Argument commenced by Mr. Holmes Conrad for the bondholders.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 23, will be as follows: Nos. 3 Original, 190 (and 394 and 372), 383 (and 558, 559, and 313), 13 Original, 14 Original, 207 (and 53 and 54) and 360.

O

## SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 23, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, <sup>Mr. Justice Day</sup> Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

John Rutherford of Richmond, Va., Walter Myers of Indianapolis, Ind., Burwell K. Marshall of Louisville, Ky., Alfred C. Coxe, jr., of New York City, Harry H. Myers of Little Rock, Ark., John T. Barnett of Denver, Colo., William E. Tou Velle of Celina, Ohio, Joseph J. Crites of Rolla, Mo., Margaret Richardson Knipe of Norristown, Pa., Irvin P. Knipe of Norristown, Pa., Joseph McLean of Rochester, N. Y., Patrick E. Kenney of Celina, Ohio, James T. Kirk of Tusculumbia, Ala., Henry A. Bradshaw of Florence, Ala., and Francis H. McGee of Trenton, N. J., were admitted to practice.

No. 330. David Muskrat and J. Henry Dick, etc., appellants, *v.* The United States; and

No. 331. William Brown and Levi B. Gritts, etc., appellants, *v.* The United States. Appeals from the Court of Claims. Judgments reversed and causes remanded with directions to dismiss the petitions for want of jurisdiction. Opinion by Mr. Justice Day.

No. 662. Lawrence E. Sexton, trustee, etc., appellant, *v.* Leopold Louis Dreyfus et al., as Louis Dreyfus & Company; and

No. 663. Lawrence E. Sexton, trustee, etc., appellant, *v.* Lloyds Bank (Limited). Appeals from the United States circuit court of appeals for the second circuit. Decrees reversed with costs and causes remanded to the district court of the United States for the southern district of New York for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the court:

No. 492. Southern Pacific Company, plaintiff in error, *v.* The Commonwealth of Kentucky ex rel. George H. Anderson et al., revenue agents. Motion to advance granted and cause assigned for argument on Tuesday, October 10th next, after the cases heretofore assigned for that day.

Nos. 843 and 844. Comptograph Company, petitioner, *v.* Burroughs Adding Machine Company. Petitions for writs of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 60. Marchie Tiger, plaintiff in error, *v.* The Western Investment Company et al. Restored to the docket for reargument, and assigned for Monday, February 20th, after the cases heretofore assigned for that day.

---

The Chief Justice also announced that the court will take a recess from Monday, January 30, to Monday, February 20 next.

---

No. 358. William Dreier, plaintiff in error, *v.* The United States; and  
 No. 359. William Dreier, appellant, *v.* William Henkel, United States marshal, etc. Assigned for hearing on Monday, February 20th next, after the cases heretofore assigned for that day, on motion of Mr. Solicitor General Lehmann for the defendant in error and appellee.

No. 759. Christopher C. Wilson, plaintiff in error, *v.* The United States;

No. 760. Christopher C. Wilson, appellant, *v.* The United States; and

No. 788. Christopher C. Wilson, appellant, *v.* The United States. Assigned for argument on Monday, February 20th next, after the cases heretofore assigned for that day, on motion of Mr. Solicitor General Lehmann for the defendant in error and appellee.

No. 241. The United States, plaintiff in error, *v.* Pierre Grimaud et al.; and

No. 242. The United States, plaintiff in error, *v.* Antonio Inda. Motion to fix day for reargument submitted by Mr. Solicitor General Lehmann for the plaintiff in error.

No. 839. Napoleon B. Smith et al., petitioners, *v.* Nellie Mae Moore. 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. R. Lee Word, Mr. William Wallace, and Mr. A. B. Browne for the petitioners, and by Mr. William Scallon, Mr. C. B. Nolan, and Mr. Thomas J. Walsh for the respondent.

No. 847. The State of New Jersey, petitioners, *v.* Arthur Lovell, trustee, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Francis H. McGee and Mr. Edmund Wilson for the petitioner.

No. 852. M. B. Shelton, as trustee, etc., petitioner, *v.* Charles H. Price. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Henry A. Bradshaw and Mr. Lawrence Cooper for the petitioner, by Mr. J. T. Kirk for the creditors, and by Mr. Richard W. Walker for the respondent.

No. 3 Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Argument continued by Mr. Holmes Conrad for the bondholders, by Mr. Charles E. Hogg for the defendant, and by Mr. Samuel W. Williams for the complainant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 24, will be as follows: Nos. 3 Original, 190 (and 394 and 372), 383 (and 558, 559, and 313), 13 Original, 14 Original, 207 (and 53 and 54), and 360.





## SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 24, 1911.  

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

No. 3 Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Argument continued by Mr. Samuel W. Williams and Mr. William A. Anderson for the complainant, and by Mr. George W. McClintic for the defendant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 25, will be as follows: Nos. 3 Original, 190 (and 394 and 372), 383 (and 558, 559 and 313), 13 Original, 14 Original, 207 (and 53 and 54) and 360.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 25, 1911.  

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

George Rublee of New York City, Estes George Baxter of Gainesville, Fla., John G. Park of Kansas City, Mo., and Herschel B. Fryberger of Duluth, Minn., were admitted to practice.

No. 3 Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Argument continued by Mr. George W. McClintic and Mr. John C. Spooner for the defendant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 26, will be as follows: Nos. 3 Original, 190 (and 394 and 372), 383 (and 558, 559 and 313), 13 Original, 14 Original, 207 (and 53 and 54) and 360.

O

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 26, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Roy M. Eilers of St. Louis, Mo., Clinton Hamlin Blake, jr., of New York, N. Y., John E. Raker of Alturas, Cal., and Jesse E. Wilson of Rensselaer, Ind., were admitted to practice.

No. 76. Choctaw, Oklahoma & Gulf Railroad Company, plaintiff in error, *v.* Mrs. Myra Burgess and W. N. Burgess. In error to the supreme court of the State of Oklahoma. Dismissed with costs per stipulation.

No. 3 Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Argument concluded by Mr. Randolph Harrison for the complainant. Leave granted counsel to file additional briefs within ten days.

No. 604. The Merrimack River Savings Bank, appellant, *v.* The City of Clay Center, Kansas, et al. Return to rule to show cause argued by Mr. F. B. Dawes for the respondents and by Mr. F. L. Williams for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 27, will be as follows: Nos. 190 (and 394 and 372), 383 (and 558, 559, and 313), 13 Original, 14 Original, 207 (and 53 and 54) and 360.

O

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 27, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Walter T. Stanton of Chicago, Ill., Walter Gordon Merritt of New York City, and Harvey K. Zollinger of Lansdale, Pa., were admitted to practice.

No. 93. Philadelphia & Reading Railway Company, plaintiff in error, *v.* The United States. In error to the district court of the United States for the eastern district of Pennsylvania. Dismissed, on motion of counsel for the plaintiff in error.

No. 247. Lewers & Cooke, Limited, appellant, *v.* Mary H. Atcherly. Assigned for argument on Monday, December 4th next, on motion of Mr. Edward M. Watson for the appellee.

No. 190. The Buck's Stove & Range Company, appellant, *v.* The American Federation of Labor et al.;

No. 394. The American Federation of Labor et al., appellants, *v.* The Buck's Stove & Range Co.; and

No. 372. Samuel Gompers et al., petitioners, *v.* The Buck's Stove & Range Company. Three hours allowed each side for the argument of these cases.

No. 190. The Buck's Stove & Range Company, appellant, *v.* The American Federation of Labor et al.; and

No. 394. The American Federation of Labor et al., appellants, *v.* The Buck's Stove & Range Company: Argument commenced by Mr. J. J. Darlington for The Buck's Stove & Range Company, and continued by Mr. J. H. Ralston for The American Federation of Labor et al., and by Mr. Daniel Davenport for The Buck's Stove & Range Company. The court declined to hear further argument.

No. 372. Samuel Gompers et al., petitioners, *v.* The Buck's Stove & Range Company. Argument commenced by Mr. Alton B. Parker for the petitioners.

Adjourned until Monday next at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 30, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Willard M. McEwen of Chicago, Ill., Edmund Bayly Seymour, jr., of Philadelphia, Pa., Harry H. Fisher of Greensburg, Pa., Roscoe Luke of Thomasville, Ga., R. B. H. Lyon of Washington, D. C., Jesse R. Long of Chicago, Ill., Clifford E. Hay of Sylvester, Ga., Woodhull Hay of New York, N. Y., Calvin T. Milans of Washington, D. C., Thomas W. Fitzsimons of Detroit, Mich., Louis W. Crofoot of Aberdeen, S. Dak., Robert Woods Sutton of Pittsburg, Pa., and O. P. Soule of St. Anthony, Idaho, were admitted to practice.

The Chief Justice announced the following orders of the court:

No. 383. Northern Pacific Railway Company, plaintiff in error, *v.* Bessie Babcock, as administratrix, etc.;

No. 558. New York, New Haven & Hartford Railroad Company, plaintiff in error, *v.* Mary Agnes Walsh, administratrix, etc.;

No. 559. Mary Agnes Walsh, administratrix, etc., plaintiff in error, *v.* New York, New Haven & Hartford Railroad Company; and

No. 313. Edgar G. Mondou, plaintiff in error, *v.* The New York, New Haven & Hartford Railroad Company;

No. 13 Original. The State of Oklahoma, complainant, *v.* The Atchison, Topeka & Santa Fe Railway Company;

No. 14 Original. The State of Oklahoma, complainant, *v.* The Atchison, Topeka & Santa Fe Railway Company et al.;

No. 207. Ricardo Aguado, appellant, *v.* The City of Manila;

No. 53. Verisimo Vasquez Vilas, plaintiff in error and appellant, *v.* The City of Manila, and

No. 54. Esperanzo Otero Trigas et al., plaintiffs in error and appellants, *v.* The City of Manila; and

No. 360. Fred Light, appellant, *v.* The United States. Reassigned for argument on Monday, February 20th next, at the head of the call for that day.

No. 241. The United States, plaintiff in error, *v.* Pierre Grimaud et al.; and

No. 242. The United States, plaintiff in error, *v.* Antonio Inda. Assigned for reargument on Monday, February 20th next, after the cases heretofore assigned for that day.

No. 839. Napoleon B. Smith et al., petitioners, *v.* Nellie Mae Moore. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 847. The State of New Jersey, petitioner, *v.* Arthur Lovell, trustee, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 852. M. B. Shelton, as trustee, etc., petitioner, *v.* Charles H. Price. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 70. Dr. John Hopkins, plaintiff in error, *v.* The Clemson Agricultural College of South Carolina. Restored to the docket for reargument.

---

No. 842. Edmund S. Nash 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 submitted by Mr. John C. Spooner and Mr. Samuel B. Adams for the petitioners, and by Mr. Attorney General Wickersham, Mr. Solicitor General Lehmann, Mr. Assistant to the Attorney General Kenyon, and Mr. Edwin P. Grosvenor for the respondent.

No. 777. Webster B. Lawrence, etc., appellant, *v.* The Southern Pacific Company et al. Motion to advance pursuant to the Thirty-second Rule submitted by Mr. Russell H. Landale in behalf of Mr. A. J. Dittenhoef, Mr. David Gerber, and Mr. H. Snowden Marshall for the appellant, and by Mr. Joel F. Vaile in behalf of Mr. Arthur H. Van Brunt for certain appellees, and by Mr. Woodhull Hay in behalf of Mr. Thompkins McIlvaine for The Metropolitan Trust Company, one of the appellees.

No. 216. Clarence H. Venner et al., plaintiffs in error, *v.* The Denver Union Water Company et al. Motion to dismiss or affirm submitted by Mr. Joel F. Vaile and Mr. Gerald Hughes for the defendants in error in support of the motion, and by Mr. E. N. Zoline and Mr. Caldwell Yeaman for the plaintiffs in error in opposition thereto.

No. 870. The Schmertz Wire Glass Company et al., petitioners, *v.* Highland Glass Company. Petition for writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. John W. Griggs, Mr. Arthur J. Baldwin, Mr. Thomas B. Kerr, and Mr. Drury W. Cooper for the petitioners, and by Mr. Charles Neave and Mr. William G. McKnight for the respondent.

No. 867. Whitney Elevator & Warehouse Company, petitioner, *v.* Belle N. Whitney. Petition for a writ of certiorari to the United

States circuit court of appeals for the second circuit submitted by Mr. J. J. Darlington in behalf of Mr. Joseph McLean for the petitioner, and by Mr. William G. Tracy for the respondent.

No. — Original. The State of Arkansas, complainant, *v.* The State of Tennessee. Motion for leave to file bill of complaint herein submitted by Mr. Alfred P. Thom in behalf of Mr. Hal L. Norwood and Mr. Caruthers Ewing for the complainant.

No. 784. The Fair, appellant, *v.* Kohler Die & Specialty Company. Motion to advance submitted by Mr. L. S. Bacon for the appellant.

No. 533. Herbert S. Hadley et al., petitioners, *v.* Arthur C. Huidekoper. Motion to advance submitted by Mr. Riegnald S. Huidekoper for the respondent.

No. 873. Frank L. Neall, as trustee, petitioner, *v.* Maryland Dredging & Contracting Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Philip Walker in behalf of Mr. William S. Montgomery for the petitioner, and by Mr. Frederick M. Brown for the respondents.

No. 877. The Empire Timber Company, petitioner, *v.* The Woodbine Timber Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Philip Walker for the petitioner.

No. 875. Dowagiac Manufacturing Company, petitioner, *v.* Minnesota Moline Plow Company et al.; and

No. 876. Dowagiac Manufacturing Company, petitioner, *v.* Ernest F. Smith et al. Petitions for writs of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Fred L. Chappell for the petitioner, and by Mr. Thomas A. Banning for the respondents.

No. 374. Catherine Schlemmer, etc., plaintiff in error, *v.* The Buffalo, Rochester & Pittsburgh Railway Company. Motion to advance submitted by Mr. Frederic D. McKenney for the plaintiff in error.

No. 508. William W. Bierce, Limited, plaintiff in error, *v.* William Waterhouse et al., executors, etc. Motion that mandate issue at once submitted by Mr. Frederic D. McKenney for the plaintiff in error in support of the motion, and by Mr. Evans Browne in behalf of counsel for the defendants in error in opposition thereto, and motion denied.

No. 874. E. G. Coffin et al., petitioners, *v.* Charles P. Flint. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Robert Woods Sutton and Mr. John M. Freeman for the petitioners, and by Mr. J. Frank Snyder in opposition thereto. Leave granted to counsel for the petitioners to file an additional brief on or before Friday next. Motion

to refuse to entertain petition submitted by Mr. J. Frank Snyder for the respondent.

No. 856. Sanitary Street Flushing Machine Company, petitioner, *v.* St. Louis Street Flushing Machine Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. James L. Hopkins for the petitioner.

No. 715. Chin Ying Don et al., appellants *v.* George B. Billings, U. S. Commissioner, etc. Motion for admission of Jem Yuen, one of the appellants, to bail, pending the determination of his appeal, submitted by Mr. Warren Ozro Kyle for the appellants, with leave to file brief for appellant on or before Friday next, and to the Attorney General to file a brief in opposition to the motion on or before Wednesday following.

No. 372. Samuel Gompers et al., petitioners, *v.* The Buck's Stove & Range Company. Argument continued by Mr. Alton B. Parker for the petitioners, by Mr. J. J. Darlington and Mr. Daniel Davenport for the respondent, and concluded by Mr. J. H. Ralston for the petitioners.

Adjourned until Monday, February 20, at 12 o'clock.

The day call for Monday, February 20, will be as follows: Nos. 383 (and 558, 559 and 313), 13 Original (and 14 Original), 207 (and 53 and 54), 360, 387, 9 Original (and 10 Original), 222 (and 504), 36, 433, 60, 358 (and 359), 759 (and 760 and 788) and 241 (and 242).



## SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 20, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

George H. Taylor, jr., of Mt. Vernon, N. Y., Robert H. Koehler of New York City, N. Y., Chauncey E. Blake of Madison, Wis., George F. Canfield of New York City, N. Y., J. F. Schaperkotter of New York City, N. Y., Thomas J. O'Hare of Chicago, Ill., Endicott P. Saltonstall of Boston, Mass., A. V. Cushman of Washington, D. C., Arthur E. Griffin of Seattle, Wash., Edwin Hale Abbott, jr., of Boston, Mass., Lewis W. Andrews of Los Angeles, Cal., Robert J. Boone of Muskogee, Okla., Thomas J. Mason of Baltimore, Md., A. D. Lipscomb of Beaumont, Texas, Chas. A. Conlon of New York City, N. Y., and Walter C. Stevens of New York City, N. Y., were admitted to practice.

No. 62. Chicago, Burlington & Quincy Railroad Company et al., plaintiffs in error, *v.* Charles L. McGuire. In error to the supreme court of the State of Iowa. Judgment affirmed with costs. Opinion by Mr. Justice Hughes.

No. 604. The Merrimack River Savings Bank, appellant, *v.* The City of Clay Center, Kansas, et al. Ordered that rule to show cause for contempt be discharged upon payment of costs of this proceeding by the respondents. Opinion by Mr. Justice Lurton.

No. 711. T. L. Roughton, plaintiff in error, *v.* Harry L. Knight. In error to the supreme court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Lurton.

No. 71. The Noble State Bank, plaintiff in error, *v.* C. N. Haskell et al. Amendments to opinion herein announced by Mr. Justice Holmes.

No. 459. Southern Pacific Terminal Company et al., appellants, *v.* The Interstate Commerce Commission et al.; and

No. 460. E. H. Young, appellant, *v.* The Interstate Commerce Commission et al. Appeals from the circuit court of the United States for

the southern district of Texas. Decree affirmed with costs. Opinion by Mr. Justice McKenna.

No. 246. The Louisville & Nashville Railroad Company, plaintiff in error, *v.* Erasmus L. Mottley et ux. In error to the court of appeals of the State of Kentucky. Judgment reversed with costs, and cause remanded for such further proceedings as may be deemed proper not inconsistent with the views expressed in the opinion of this court. Opinion by Mr. Justice Harlan.

No. 74. Chicago, Indianapolis & Louisville Railway Company, appellant, *v.* The United States. Appeal from the circuit court of the United States for the northern district of Illinois. Decree affirmed. Opinion by Mr. Justice Harlan.

No. 50. The Chicago, Rock Island & Pacific Railway 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 Harlan.

No. 24. Frederick Weyerhaeuser et al., appellants, *v.* Herbert H. Hoyt. Appeal from the United States circuit court of appeals for the eighth 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 Minnesota affirmed with costs, and cause remanded to said circuit court. Opinion by Mr. Chief Justice White. Dissenting: Mr. Justice Harlan and Mr. Justice Day.

No. 12. Charles D. Campbell, appellant, *v.* Frederick Weyerhaeuser et al. Appeal from the United States circuit court of appeals for the eighth circuit. Decree affirmed with costs and cause remanded to the circuit court of the United States for the district of Minnesota. Opinion by Mr. Chief Justice White. Dissenting: Mr. Justice Harlan and Mr. Justice Day.

No. 181. Northern Pacific Railway Company, plaintiff in error, *v.* Fred Wass and Pauline Wass, his wife. In error to the supreme court of the State of Minnesota. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Chief Justice White. Dissenting: Mr. Justice Harlan and Mr. Justice Day.

No. 527. The Southern Pacific Company and Oregon & California Railroad Company, appellants, *v.* Interstate Commerce Commission. Appeal from the Circuit Court of the United States for the Northern District of California. Decree reversed with costs, and cause remanded with directions to enter a decree declaring the order of the Interstate Commerce Commission to be void, and otherwise granting the relief prayed in the bill. Opinion by Mr. Chief Justice White.

No. — Original. *Ex parte*: In the matter of George F. Harding, petitioner. Motion for leave to file petition for a writ of mandamus denied. Opinion by Mr. Chief Justice White.

---

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

No. 715. Chin Ying Don et al., appellants, *v.* George B. Billings, U. S. Commissioner, etc. Motion for admission of Jem Yuen, one of the appellants, to bail denied.

No. — Original. The State of Arkansas, complainant, *v.* The State of Tennessee. Motion for leave to file bill of complaint herein granted and process awarded returnable October 9, 1911.

No. 374. Catherine Schlemmer, now Catherine Craig, plaintiff in error, *v.* The Buffalo, Rochester & Pittsburgh Railway Company. Motion to advance granted, and cause assigned for argument on Monday, April 3d next.

No. 533. Herbert S. Hadley et al., petitioners, *v.* Arthur C. Huidekoper. Motion to advance granted, and cause assigned for argument on Tuesday, October 10 next, after the cases already assigned for that day.

No. 777. Webster B. Lawrence, etc., appellant, *v.* The Southern Pacific Company et al. Motion to advance denied, but cause will be taken on submission on printed briefs if all parties are so advised.

No. 784. The Fair, appellant, *v.* Kohler Die & Specialty Company. Motion to advance denied.

No. 842. Edmund S. Nash 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 granted.

No. 875. Dowagiac Manufacturing Company, petitioner, *v.* Minnesota Moline Plow Company et al.; and

No. 876. Dowagiac Manufacturing Company, petitioner, *v.* Ernest F. Smith et al. Petition for writs of certiorari to the United States circuit court of appeals for the eighth circuit granted.

No. 856. Sanitary Street Flushing Machine Company, petitioner, *v.* St. Louis Street Flushing Machine Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 867. Whitney Elevator & Warehouse Company, petitioner, *v.* Belle N. Whitney. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 870. The Schmertz Wire Glass Company et al., petitioners, *v.* Highland Glass Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 873. Frank L. Neall, as trustee, petitioner, *v.* Maryland Dredging & Contracting Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 874. E. G. Coffin et al., petitioners, *v.* Charles P. Flint. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 877. The Empire Timber Company, petitioner, *v.* The Woodbine Timber Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 190. Buck's Stove & Range Company, appellant *v.* The American Federation of Labor et al.; and

No. 394. The American Federation of Labor et al., appellants, *v.* The Buck's Stove & Range Company. Appeals from the court of appeals of the District of Columbia. *Per curiam*: When these cases were reached for hearing and after the argument had materially progressed, it developed from statements made by counsel for both parties that the cases had become purely moot because of the settlement between the parties of every material controversy which the record presented. On the disclosure of this situation further argument was dispensed with; and for the reason which led to that action, that is, as we have said, that the controversies between the parties had become in all respects moot, the appeals must be dismissed. *Richardson v. McChesney*, 218 U. S., 487, 492, and cases cited. Appeals dismissed, without costs to either party.

No. 216. Clarence H. Venner et al., plaintiffs in error, *v.* The Denver Union Water Company et al. In error to the supreme court of the State of Colorado. *Per curiam*: Writ of error dismissed for want of jurisdiction. *Farrell v. O'Brien*, 199 U. S., 100; *Waters-Pierce Oil Co. v. State of Texas*, 212 U. S., 112; *King v. West Virginia*, 216 U. S., 92; *Griffith v. Connecticut*, 218 U. S., 563.

No. 217. Cross Lake Shooting & Fishing Club, plaintiff in error, *v.* The State of Louisiana. Motion to dismiss or affirm submitted by Mr. R. G. Pleasant, Mr. Walter Guion, and Mr. W. P. Hall for the defendant in error, in support of the motion, and by Mr. Edgar H. Farrar for the plaintiff in error, in opposition thereto.

No. 638. Christopher Strassheim, Sheriff, etc., appellant, *v.* Milton Daily. Suggestion of diminution and motion to amend record instantan submitted by Mr. Franz C. Kuhn for the appellant. Motion to advance submitted by Mr. Franz C. Kuhn for the appellant. Both motions opposed by Mr. Wm. S. Forrest for appellee.

No. 880. The Atlantic City Railroad Company, petitioner, *v.* Mary S. Clegg, administratrix, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted

by Mr. Wade H. Ellis, in behalf of Mr. C. L. Cole, for the petitioner, and by Mr. W. Holt Apgar for the respondent.

No. 815. Charles C. Burlingham et al., appellants, *v.* Charles M. Crouse. Motion to advance submitted by Mr. A. B. Cushman in behalf of counsel.

No. 903. Patrick K. Connolly, petitioner, *v.* Francis E. Bouck, 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. Hugh Butler for the petitioner.

No. 886. The American Manufacturing Company, petitioner, *v.* Valenti Zulkowski. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Thomas F. Magner for the petitioner, and by Mr. Charles Dushkind and Mr. A. J. Rose for the respondent.

No. 654. Robert Gilland, plaintiff in error, *v.* The United States. Motion to advance submitted by Mr. C. T. Milans in behalf of counsel.

No. 884. John J. Sesnon Company, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. George H. Lamar and Mr. William H. Gorham for the petitioner, and by Mr. Solicitor General Lehmann for the respondent.

No. 611. J. M. Hebert et al., appellants, *v.* W. J. Crawford, trustee, et al. Motion to advance submitted by Mr. A. D. Lipscomb for the appellants, with leave to file brief in support of motion on or before to-morrow.

No. 912. Justo Puente y Amsterdam et al., appellants, *v.* Felix Puente et al. Appeal from the supreme court of Porto Rico. Docketed and dismissed with costs, on motion of Mr. Frederic D. McKenney for the appellees.

No. 893. A. J. Preston, petitioner, *v.* Sturgis Milling Company;

No. 894. A. J. Preston, petitioner, *v.* Chicago, St. Louis & New Orleans Railroad Company; and

No. 895. A. J. Preston, petitioner, *v.* T. W. Calloway et al. Petitions for writs of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Helm Bruce and Mr. Kennedy Helm for the petitioner, and by Mr. James F. Fairleigh for the respondents in Nos. 893 and 895, and by Mr. Edmund F. Trabue for the respondent in No. 894.

No. 6 Original. The State of North Carolina, complainant, *v.* The State of Tennessee. Leave granted to file stipulations as to continuance and as to taking evidence, on motion of Mr. J. C. McReynolds in behalf of counsel, and orders entered in accordance therewith.

No. 879. John Hart, 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. Thomas W. Fitzsimons for the petitioner. Motion that petitioner be admitted to bail submitted by Mr. Thomas W. Fitzsimons for the petitioner. Leave granted to the Solicitor General to file opposition on or before Friday next.

No. 406. Alexander D. McKnight, plaintiff in error, *v.* Robert T. Hodge, sheriff, etc. Motion to advance to be heard with No. 156 submitted by Mr. Lawrence Maxwell for the plaintiff in error herein, in support of the motion, and by Mr. Elliott W. Major for the defendant in error in No. 156, in opposition thereto.

No. 529. W. H. Byles, plaintiff in error, *v.* The State of Arkansas. Motion to advance to be heard with No. 156 submitted by Mr. A. C. Lyon for the plaintiff in error herein, in support of the motion, and by Mr. Elliott W. Major for the defendant in error in No. 156, in opposition thereto.

No. 178. The Texas & Pacific Railway Company, plaintiff in error, *v.* Mrs. Mary A. Stevenson et al. In error to the United States circuit court of appeals for the fifth circuit. Dismissed per stipulation.

No. 222. The Baltimore & Ohio Railroad Company, appellant, *v.* Interstate Commerce Commission; and

No. 433. The United States, plaintiff in error, *v.* O. A. Johnson. Passed, on account of sickness of counsel, to be restored to the call under the provisions of section 9, Rule 26, on motion of Mr. Solicitor General Lehmann for The United States.

No. 15 Original. *Ex parte:* In the matter of The Eastern Cherokees, petitioner. Argued by Mr. John B. Daish for the petitioner, and by Mr. George M. Anderson for the respondent.

No. 383. Northern Pacific Railway Company, plaintiff in error, *v.* Bessie Babcock, as administratrix, etc.;

No. 558. New York, New Haven & Hartford Railroad Company, plaintiff in error, *v.* Mary Agnes Walsh, administratrix;

No. 559. Mary Agnes Walsh, administratrix, plaintiff in error, *v.* New York, New Haven & Hartford Railroad Company; and

No. 313. Edgar G. Mondou, plaintiff in error, *v.* The New York, New Haven & Hartford Railroad Company. Leave granted for three counsel to make oral argument for the railroad companies, on motion of Mr. C. W. Bunn, in that behalf. Argument commenced by Mr. C. W. Bunn for The Northern Pacific Railroad Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, February 21, will be as follows: Nos. 383 (and 558 and 559 and 313), 9 Original (and 10 Original), 13 Original (and 14 Original), 207 (and 53 and 54), 360, 387, 504, 36, 60, 358 (and 359), 759 (and 760 and 788), and 241 (and 242).

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, FEBRUARY 21, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Robert O. Harris of East Bridgewater, Mass., George D. Burrage of Brookline, Mass., George A. Bacon of Springfield, Mass., William S. Welch of Chicago, Ill., Leo J. Flynn of Dubuque, Iowa, Francis M. Costello of Boston, Mass., and J. H. Peterson of Boise, Idaho, were admitted to practice.

No. 383. Northern Pacific Railway Company, plaintiff in error, *v.* Bessie Babcock, as administratrix, etc.;

No. 558. New York, New Haven & Hartford Railroad Company, plaintiff in error, *v.* Mary Agnes Walsh, administratrix;

No. 559. Mary Agnes Walsh, administratrix, plaintiff in error, *v.* New York, New Haven & Hartford Railroad Company; and

No. 313. Edgar G. Mondou, plaintiff in error, *v.* The New York, New Haven & Hartford Railroad Company. Argument continued by Mr. C. W. Bunn for the Northern Pacific Railroad Company, by Mr. Samuel A. Anderson for Babcock as administratrix, etc., by Mr. John L. Hall for the New York, New Haven & Hartford Railroad Company, by Mr. Endicott P. Saltonstall for Walsh, administratrix, by Mr. Edward D. Robbins for the New York, New Haven & Hartford Railroad Company, and concluded by Mr. Donald G. Perkins for Mondou.

Adjourned until Thursday at 12 o'clock.

The day call for Thursday, February 23, will be as follows: Nos. 9 Original (and 10 Original), 13 Original (and 14 Original), 207 (and 53 and 54), 360, 387, 504, 36, 60, 358 (and 359), 759 (and 760 and 788), 241 (and 242).

O

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, FEBRUARY 23, 1911.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Bird McGuire of Pawnee, Okla., James W. Steen of Enid, Okla., and Isidor F. Greene of Brooklyn, N. Y., were admitted to practice.

Nos. 9 and 10 Original. Ex parte: In the matter of the State of Oklahoma, petitioner. Argument commenced by Mr. Fred S. Caldwell for the petitioner, continued by Mr. S. T. Bledsoe and by Mr. J. S. Graydon for the respondents, and concluded by Mr. Joseph W. Bailey for the petitioner.

No. 13 Original. The State of Oklahoma, complainant, *v.* The Atchison, Topeka & Santa Fe Railway Company. Argument commenced by Mr. Robert Dunlap for the defendant, in support of the demurrer.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, February 24, will be as follows: Nos. 13 Original, 14 Original, 207 (and 53 and 54), 360, 387, 504, 36, 60, 358 (and 359), 759 (and 760 and 788), and 241 (and 242).

○



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, FEBRUARY 24, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Politte Elvins of Elvins, Mo., and Charles O'Sullivan of New York City were admitted to practice.

No. 13 Original. The State of Oklahoma, complainant, *v.* The Atchison, Topeka & Santa Fe Railway Company. Argument continued by Mr. Robert Dunlap for the defendant in support of the demurrer, by Mr. Charles West for the complainant in opposition to the demurrer, and concluded by Mr. Robert Dunlap for the defendant in support of the demurrer.

No. 14 Original. The State of Oklahoma, complainant, *v.* The Atchison, Topeka & Santa Fe Railway Company et al. Argument commenced by Mr. Lawrence Maxwell for the defendants in support of the demurrer, continued by Mr. Charles West for the complainant in opposition to the demurrer, and concluded by Mr. S. T. Bledsoe for the defendants in support of the demurrer.

No. 207. Ricardo Aguado, appellant, *v.* City of Manila;

No. 53. Verisimo Vasquez Vilas, plaintiff in error and appellant, *v.* The City of Manila; and

No. 54. Esperanzo Otero Trigas et al., plaintiffs in error and appellants, *v.* The City of Manila. Argument commenced by Mr. Frederic R. Coudert for the plaintiffs in error and appellants, and continued by Mr. Paul Charlton for the defendant in error and appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, February 27, will be as follows: Nos. 207 (and 53 and 54), 360, 387, 504, 36, 60, 358 (and 359), 759 (and 760 and 788), and 241 (and 242).

## SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 27, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter, and Mr. Justice Lamar.

John L. Wilkie of New York City, N. Y., Charles I. Landis of Lancaster, Pa., Charles C. Buell of Chicago, Ill., Hamilton Douglas of Atlanta, Ga., John V. Bacot of Morristown, N. J., Hiram Ralph Burton of Washington, D. C., George B. Serenbetz of Lebanon, Tenn., James F. Williamson of Minneapolis, Minn., David King Hempstead of Wilmington, Ohio, Preston A. Shinn of Pawhuska, Okla., James M. Swift of Fall River, Mass., J. A. L. Wolfe of Sherman, Texas, Henry Ledyard of Detroit, Mich., Benjamin E. Page of Los Angeles, Cal., and Hewlette A. Hall of Newman, Ga., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 406. Alexander D. McKnight, plaintiff in error, *v.* Robert T. Hodge, sheriff, etc.: and

No. 529. W. H. Byles, plaintiff in error, *v.* The State of Arkansas. Motions to advance for hearing with case No. 156 denied, but leave granted counsel in these cases to file printed briefs in case No. 156 as amici curiae.

No. 611. J. M. Hebert et al., appellants, *v.* W. J. Crawford, trustee, et al. Motion to advance denied.

No. 638. Christopher Strassheim, sheriff, etc., appellant, *v.* Milton Daily. Motion to advance granted, and cause assigned for argument on Monday, April 3d, after the case heretofore assigned for that day.

No. 654. Robert Gilland, plaintiff in error, *v.* The United States. Motion to advance granted, and cause assigned for argument on Monday, April 3d, after the cases heretofore assigned for that day.

No. 815. Charles C. Burlingham et al., appellants, *v.* Charles M. Crouse. Motion to advance denied.

No. 879. John Hart, 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. 880. The Atlantic City Railroad Company, petitioner, *v.* Mary S. Clegg, administratrix. Petition for a writ of certiorari to the United States circuit court of appeals for third circuit denied.

No. 884. John J. Sesnon Company, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 886. The American Manufacturing Company, petitioner, *v.* Valenti Zulkowski. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 893. A. J. Preston, petitioner, *v.* Sturgis Milling Company;

No. 894. A. J. Preston, petitioner, *v.* The Chicago, St. Louis & New Orleans Railroad Company; and

No. 895. A. J. Preston, petitioner, *v.* T. W. Calloway et al. Petitions for writs of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 903. Patrick K. Connolly, petitioner, *v.* Francis E. Bouck, administrator, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 638. Christopher Strassheim, sheriff, etc., appellant, *v.* Milton Daily. Motion to amend record granted without prejudice.

No. 217. Cross Lake Shooting & Fishing Club, plaintiff in error, *v.* State of Louisiana. Motion to dismiss or affirm postponed to the hearing of the cause on its merits.

---

No. 352. The United States, plaintiff in error, *v.* Thomas Franklin. In error to the circuit court of the United States for the southern district of New York. Dismissed, on motion of Mr. Solicitor General Lehman for the plaintiff in error.

No. 878. Frances A. Becker, petitioner, *v.* Exchange Mutual Fire Insurance Company of Pennsylvania. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Edmund Bayly Seymour, jr., for the petitioner.

No. 916. Charles West, attorney general of the State of Oklahoma, appellant, *v.* The Kansas Natural Gas Company et al. Motion to advance submitted by Mr. Charles West for the appellant, in support of the motion, and by Mr. E. L. Scarritt, Mr. John J. Jones, and Mr. Eugene Mackey for the appellees, in opposition thereto.

No. 2 Original. The State of Georgia, complainant, *v.* The Tennessee Copper Company et al. Leave granted to file stipulation of counsel, on motion of Mr. H. A. Hall for the complainant.

No. 900. The Foster Hose Supporter Company, petitioner, *v.* Thomas P. Taylor. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. James J. Kennedy for the petitioner, and Mr. Morris W. Seymour for the respondent.

Nos. 850 and 851. The Michigan Trust Company, petitioner, *v.* Edward P. Ferry. Petitions for writs of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. E. B. Critchlow, Mr. Willard F. Keeney, and Mr. C. S. Thomas for the petitioner, and by Mr. Franklin S. Richards for the respondent.

No. 922. Charles F. Neureuther, petitioner, *v.* Mineral Point Zinc Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Thomas F. Sheridan for the petitioner, and by Mr. Edward Rector for the respondent.

No. 532. The Missouri, Kansas & Texas Railway Company, plaintiff in error, *v.* C. W. Richardson. Motion to dismiss or affirm submitted by Mr. Joseph W. Bailey and Mr. Rice Maxey, for the defendant in error, in support of the motion, and by Mr. Cecil H. Smith, Mr. Mr. James Hagerman, and Mr. Joseph M. Bryson for the plaintiff in error, in opposition thereto.

No. 892. Frank W. Fletcher et al., petitioners, *v.* Albert M. Brown. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit, submitted by Mr. Henry Ledyard and Mr. Henry M. Campbell for the petitioners and by Mr. Harrison Geer and Mr. Walter B. Grant for the respondent.

No. 640. The Vicksburg Water Works Company, plaintiff in error, *v.* Yazoo & Mississippi Valley Railroad Company. Motion to dismiss submitted by Mr. Victor H. Wallace, in behalf of Mr. Edward Mayes, and Mr. C. N. Burch, for the defendant in error, in support of the motion. Application for extension of time on motion to dismiss submitted by Mr. Frederick S. Tyler, in behalf of Mr. J. C. Bryson, for the plaintiff in error.

No. 883. Montana Mining Company, limited, petitioner, *v.* St. Louis Mining & Milling Company of Montana. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. A. B. Browne, Mr. Evans Browne, Mr. Alexander Britton, Mr. E. C. Day, and Mr. L. O. Evans for the petitioner, and by Mr. M. S. Gunn and Mr. T. J. Walsh for the respondent.

No. 926. M. G. Samuels, appellant, *v.* Charles A. Read, trustee in bankruptcy of A. Landsberger, bankrupt. Appeal from the United States circuit court of appeals for the fifth circuit. Docketed and dismissed with costs, on motion of Mr. E. C. Brandenburg for the appellee.

No. 207. Ricardo Aguado, appellant, *v.* City of Manila.

No. 53. Verisimo Vasquez Vilas, plaintiff in error and appellant, *v.* The City of Manila; and

No. 54. Esperanza Otero Trigas et al., plaintiffs in error and appellants, *v.* The City of Manila. Argument continued by Mr. Paul Charlton for the defendant in error and appellee, and concluded by Mr. Howard Thayer Kingsbury for the plaintiffs in error and appellants.

No. 360. Fred Light, appellant, *v.* The United States. Argument commenced by Mr. James H. Teller for the appellant, continued by Mr. Ernest Nabbel for the appellee and by Mr. James H. Teller for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, February 28, will be as follows: Nos. 360, 387, 504, 36, 60, 358 (and 359), 759 (and 760 and 788), 241 (and 242), 79 (and 80), and 81 (and 87).

○

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, FEBRUARY 28, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Charles D. Barnard, Esq., of Manchester, N. H., Albert D. Jones of Rochester, N. H., and Joseph Pool of New York City, N. Y., were admitted to practice.

No. 360. Fred Light, appellant, *v.* The United States. Argument continued by Mr. Ernest Knaebel (by special leave) for the appellee, and concluded by Mr. James H. Teller for the appellant.

No. 387. Samuel D. Gromer, Treasurer of Porto Rico, appellant, *v.* Standard Dredging Company. Submitted by Mr. Paul Charlton and Mr. Foster V. Brown for the appellant, and by Mr. Charles Hartzell and Mr. Manuel Rodriguez-Serra for the appellee.

No. 504. The United States, petitioner, *v.* The Atchison, Topeka & Santa Fe Railway Company. Argued by Mr. Assistant to the Attorney General Kenyon for the petitioner, and by Mr. Robert Dunlap for the respondent.

No. 36. Diamond Rubber Company of New York, petitioner, *v.* Consolidated Rubber Tire Company et al. Argument commenced by Mr. Charles K. Offield for the petitioner, and continued by Mr. Frederick P. Fish for the respondents.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 1, will be as follows: Nos. 36, 60, 358 (and 359), 759 (and 760 and 788), 241 (and 242), 79 (and 80), 81 (and 87), 83, 84 and 85.

O

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 1, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

W. B. Craig of Selma, Ala., Howard G. Cosgrove of Seattle, Wash., Paul A. Staley of Springfield, Ohio, Isaac L. Rice of New York City, N. Y., David Carll of New York City, N. Y., Joseph F. O'Connell of Boston, Mass., Herman D. Reeve of Des Moines, Iowa, William L. Stout of New York City, N. Y., and L. A. Williams of Washington, D. C., were admitted to practice.

No. 527. The Southern Pacific Company et al., appellants, *v.* Interstate Commerce Commission. Mandate granted, on motion of Mr. Maxwell Evarts for the appellants.

No. 147. Henry Melville Walker, appellant, *v.* Edward H. Harriman. Appearance of Mary W. Harriman, administratrix of Edward H. Harriman, deceased, filed and entered, on motion of Mr. Maxwell Evarts for the appellee.

No. 36. Diamond Rubber Company of New York, petitioner, *v.* Consolidated Rubber Tire Company et al. Argument continued by Mr. Frederick P. Fish for the respondents, and concluded by Mr. Charles K. Offield for the petitioner.

No. 60. Marchie Tiger, plaintiff in error, *v.* The Western Investment Company et al. Reargument commenced by Mr. W. L. Sturdevant for the plaintiff in error, and continued by Mr. George S. Ramsey for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 2, will be as follows: Nos. 60, 358 (and 359), 759 (and 760 and 788), 241 (and 242), 79 (and 780), 81 (and 87), 83, 84, 85 and 45.

O

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 2, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Royal C. Johnson of Highmore, S. Dak., Peter W. Dougherty of Dell Rapids, S. Dak., Owen W. Dynes of Chicago, Ill., and Owen L. Crumpacker of Valparaiso, Ind., were admitted to practice.

No. 60. *Marchie Tiger*, plaintiff in error, *v. The Western Investment Company et al.* Reargument continued by Mr. George S. Ramsey and Mr. S. T. Bledsoe for the defendants in error, and concluded by Mr. Wade H. Ellis for the United States.

No. 358. *William Dreier*, plaintiff in error, *v. The United States*; and

No. 359. *William Dreier*, appellant, *v. William Henkel*, United States marshal. Argued by Mr. W. Wickham Smith for the plaintiff in error and appellant, and submitted by Mr. Assistant to the Attorney General Kenyon for the defendant in error and appellee.

No. 759. *Christopher C. Wilson*, plaintiff in error, *v. The United States*; and

Nos. 760 and 788. *Christopher C. Wilson*, appellant, *v. The United States*. Argument commenced by Mr. John B. Stanchfield for the plaintiff in error and appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 3, will be as follows: Nos. 759 (and 760 and 788), 241 (and 242), 79 (and 80), 81 (and 87), 83, 84, 85, 45, 86, and 88 (and 329).

O



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 3, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Alfred A. Franch of Jersey City, N. J., Leonard Day of New York City, N. Y., Albert G. Greenwood of Palestine, Tex., Louie E. McKnight of Anadarko, Okla., and E. H. Madison of Dodge City, Kans., were admitted to practice.

No. 86. The City of Pond Creek et al., plaintiffs in error, *v.* C. N. Haskell, governor of the State of Oklahoma, et al. In error to the supreme court of the State of Oklahoma. Dismissed with costs, pursuant to the tenth rule.

No. 449. John M. Waterbury and Chauncey Marshall, plaintiffs in error, *v.* Phenix National Bank. In error to the supreme court of the State of New York. Dismissed per stipulation of counsel.

No. 759. Christopher C. Wilson, plaintiff in error, *v.* The United States; and

Nos. 760 and 788. Christopher C. Wilson, appellant, *v.* The United States. Argument continued by Mr. Solicitor General Lehmann for the defendant in error and appellee, and concluded by Mr. John B. Stanchfield for the plaintiff in error and appellant.

No. 241. The United States, plaintiff in error, *v.* Pierre Grimaud et al.; and

No. 242. The United States, plaintiff in error, *v.* Antonio Inda. Argued by Mr. Assistant Attorney General Fowler for the plaintiff in error, and by Mr. J. M. Hodgson for the defendant in error. Leave granted to counsel for the plaintiff in error to file an additional brief on or before Monday next.

Nos. 79 and 80. Mariano Martinez, administrator, etc., appellant, *v.* The International Banking Corporation. Argument commenced by Mr. Howard Thayer Kingsbury for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 6, will be as follows: Nos. 79 (and 80), 81 (and 87), 83, 84, 85, 45, 88 (and 329), 127 (and 187), 89 and 90.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 6, 1911.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

E. A. Walton of Salt Lake City, Utah, Lomax M. Smith of Birmingham, Ala., Edward C. Finney of Lawrence, Kans., Frank B. Jaqua of Portland, Ind., Kirtland I. Perky of Boise, Idaho, and Morton Sevier Hawkins of Indianapolis, Ind., were admitted to practice.

No. 3 Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Opinion delivered by Mr. Justice Holmes.

The Chief Justice announced the following orders of the court:

No. 532. The Missouri, Kansas & Texas Railway Company, plaintiff in error, *v.* C. W. Richardson. In error to the court of civil appeals for the fifth supreme judicial district of the State of Texas. Per curiam: Judgment affirmed with costs. Louisville & Nashville Railroad Company *v.* Melton, 218 U. S., 36; Mobile, Jackson & Kansas City Railroad Company *v.* Turnipseed, administrator, etc., 219 U. S., 35.

No. 640. The Vicksburg Water Works Company, plaintiff in error, *v.* Yazoo & Mississippi Valley Railroad Company. In error to the supreme court of the State of Mississippi. Per curiam: Dismissed for the want of jurisdiction. Great Western Telegraph Company *v.* Burnham, 162 U. S., 339; Slosser *v.* Hemphill, 198 U. S., 173.

No. 916. Charles West, attorney general of the State of Oklahoma, appellant, *v.* The Kansas Natural Gas Company et al. Motion to advance granted, and case assigned for argument on Monday, April 3d, next, after the cases heretofore assigned for that day.

Nos. 850 and 851. The Michigan Trust Company, petitioner, *v.* Edward P. Ferry. Petitions for writs of certiorari to the United States circuit court of appeals for the eighth circuit granted.

No. 878. Frances A. Becker, petitioner, *v.* Exchange Mutual Fire Insurance Company of Pennsylvania. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 883. Montana Mining Company, Limited, petitioner, *v.* St. Louis Mining & Milling Company of Montana, Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 892. Frank W. Fletcher et al., petitioners, *v.* Albert W. Brown. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 900. The Foster Hose Supporter Company, petitioner, *v.* Thomas P. Taylor. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 922. Charles F. Neureuther, petitioner, *v.* Mineral Point Zinc Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 85. George D. Bryan, collector, etc., petitioner, *v.* Roxana S. Ker, executrix, etc. Passed, on account of sickness of counsel, to be restored to the call under the provisions of section 9 of Rule 26, on motion of Mr. Solicitor General Lehmann for the petitioner.

No. 100. The Hannibal Bridge Company et al., plaintiffs in error, *v.* The United States, Passed, on account of sickness of counsel, to be restored to the call under the provisions of section 9 of Rule 26, on motion of Mr. Solicitor General Lehmann for the defendant in error.

No. 862. The Home for Destitute Children et al., appellants, *v.* The Peter Bent Brigham Hospital et al., trustees, etc. Motion to dismiss or affirm submitted by Mr. Frank W. Hackett, in behalf of Mr. J. L. Thorndike, for the appellees, in support of the motion, and by Mr. Charles A. Snow and Mr. Joseph H. Knight for the appellants in opposition thereto. Motion to strike out new evidence and portions of appellees' brief submitted by Mr. Charles A. Snow and Mr. Joseph H. Knight for the appellants in support of motion and by Mr. J. L. Thorndike for the appellees in opposition thereto.

No. 897. Malinda Tanner, petitioner, *v.* William H. Murphy et al.; and

No. 898. William H. Shea et al., petitioners, *v.* William H. Murphy et al. Petitions for writs of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Frank W. Hackett, in behalf of Mr. J. B. Middlecoff and Mr. R. Sleight, for the petitioners, and by Mr. M. H. Stamford for the respondents.

No. 264. Frank H. Waskey et al., petitioners, *v.* Joseph Hammer et al.; and

No. 464. Frank H. Waskey, petitioner, *v.* J. J. Chambers. Motions to dismiss the writs of certiorari herein submitted by Mr. George W. Rea, for the respondents, in support of the motions, and by Mr. W. H. Metson, Mr. Albert Fink, and Mr. Ira B. Orton for the petitioners, in opposition thereto.

No. 885. Carl Adamson, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. William C. Reid for the petitioner, and by Mr. Solicitor General Lehmann and Mr. Assistant Attorney General Harr for the respondent.

Nos. 79 and 80. Mariano Martinez, administrator, etc., appellant, *v.* The International Banking Corporation. Argument continued by Mr. Howard Thayer Kingsbury for the appellant, by Mr. Henry E. Davis for the appellee, and concluded by Mr. Frederic R. Coudert for the appellant.

Nos. 81 and 87. The Western Union Telegraph Company, plaintiff in error, *v.* Laurence J. Crovo et al., etc. Argument commenced by Mr. Francis Raymond Stark for the plaintiff in error, and continued by Mr. J. Kent Rawley for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 7, will be as follows: Nos. 81 (and 87), 83, 84, 45, 88 (and 329), 127 (and 187), 89, 90, 91, and 92 (and 397).



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 7, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Brandeis.

No. 92. Liverpool & London & Globe Insurance Company of New York, plaintiff in error, *v.* The Board of Assessors of the Parish of Orleans et al.; and

No. 397. Orient Insurance Company et al., plaintiffs in error, *v.* The Board of Assessors for the Parish of Orleans et al. Passed, on account of death of counsel, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. H. Garland Dupre for the defendants in error.

Nos. 81 and 87. The Western Union Telegraph Company, plaintiff in error, *v.* Laurence J. Crovo et al., etc. Argument continued by Mr. J. Kent Rawley for the defendants in error, and concluded by Mr. Francis Raymond Stark for the plaintiff in error.

No. 83. Ada Elmira Hirst Van Syckel et al., appellants, *v.* Juan Jose Arsuaga et al., partners as Sobrinos de Ezquiaga et al. Argument commenced by Mr. George H. Lamar for the appellants, continued by Mr. Charles F. Carusi for the appellees, and concluded by Mr. George H. Lamar for the appellants.

No. 84. Henry Schodde, petitioner, *v.* Twin Falls Land & Water Company. Argument commenced by Mr. Kirtland I. Perky for the petitioner, and continued by Mr. E. B. Critchlow for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 8, will be as follows: Nos. 84, 45, 88 (and 329), 127 (and 187), 89, 90, 91, 94, 95 and 96.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 8, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

W. A. Percy of Memphis, Tenn., Edward T. Miller of St. Louis, Mo., and Martin T. Baldwin of Glen Ridge, N. J., were admitted to practice.

No. 758. The United States of America, on the relation of Herman Knight, plaintiff in error, *v.* Richard A. Ballinger, Secretary of the Department of the Interior. Motion to dismiss or affirm submitted by Mr. Assistant Attorney General Fowler, in behalf of the Attorney General, the Solicitor General, and Mr. Assistant Attorney General Lawler, for the defendant in error, in support of the motion, and by Mr. Frederic D. McKenney, Mr. John Spalding Flannery, Mr. William Hitz, Mr. James W. Zeveryly, Mr. James M. Givens, and Mr. Edgar Smith for the plaintiff in error in opposition thereto.

No. 84. Henry Schodde, petitioner, *v.* Twin Falls Land & Water Company. Argument continued by Mr. E. B. Critchlow for the respondent, and concluded by Mr. Kirtland I. Perky for the petitioner.

No. 45. Margaret E. Taylor, in her own right, etc., appellant, *v.* Mary J. Leesnitzer et al. Argued by Mr. J. J. Darlington for the appellant, and by Mr. Edmund Burke for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 9, will be as follows: Nos. 88 (and 329), 127 (and 187), 89, 90, 91, 94, 95, 96, 98 and 99.

○

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 9, 1911.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Ralph B. Williamson of North Yakima, Wash., William P. Acker of Anniston, Ala., and Thomas H. Hogsett of Cleveland, Ohio, were admitted to practice.

No. 654. Robert Gilland, plaintiff in error, *v.* The United States. Reassigned for argument on October 10, 1911, after the cases heretofore assigned for that day, on motion of Mr. L. S. Bacon, in behalf of counsel.

No. 88. E. M. Delk, petitioner, *v.* St. Louis & San Francisco Railroad Company; and

No. 329. Chicago, Burlington & Quincy Railway Company, petitioner, *v.* The United States. Argument commenced by Mr. Luther M. Walter for the petitioner in No. 88, continued by Mr. Edward T. Miller for the respondent in No. 88, by Mr. W. A. Percy for the petitioner in No. 88, by Mr. Ralph W. Breckenridge for the petitioner in No. 329, by Mr. Assistant Attorney General Fowler for the respondent in No. 329, and concluded by Mr. Charles J. Greene for the petitioner in No. 329.

No. 127. Colorado & Northwestern Railroad Company, plaintiff in error, *v.* The United States; and

No. 187. Southern Railway Company, plaintiff in error, *v.* The United States. Argument commenced by Mr. Assistant Attorney General Fowler for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 10, will be as follows: Nos. 127 (and 187), 91, 90, 89, 94, 95, 96, 98, 99 and 101.



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 10, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

William R. Kennedy of Washington, D. C., and Louis H. Breuer of Rolla, Mo., were admitted to practice.

No. 887. Henry C. Ripley, appellant, *v.* The United States; and

No. 888. The United States, appellant, *v.* Henry C. Ripley. Submitted pursuant to the 20th rule by Mr. Assistant Attorney General John Q. Thompson and Mr. Philip M. Ashford for the United States, and by Mr. William H. Robeson, Mr. Benjamin Carter and Mr. F. Carter Pope for Ripley.

No. 127. Colorado & Northwestern Railroad Company, plaintiff in error, *v.* The United States; and

No. 187. Southern Railway Company, plaintiff in error, *v.* The United States. Argument concluded by Mr. Assistant Attorney General Fowler for the defendant in error, and submitted on brief by Mr. E. E. Whitted for the plaintiff in error in No. 127, and on the record by Mr. Alfred P. Thom for the plaintiff in error in No. 187.

No. 91. Jesse Nichols, plaintiff in error, *v.* The City of Cleveland. Argument commenced by Mr. Andrew Squire for the plaintiff in error, continued by Mr. Newton D. Baker for the defendant in error, and concluded by Mr. Andrew Squire for the plaintiff in error.

No. 90. Ira Perryman, by O. H. Perryman, his next friend, plaintiff in error, *v.* Thomas W. Coleman, jr., judge, etc. Submitted by Mr. John B. Knox for the plaintiff in error. No appearance for the defendant in error.

No. 89. Simeon Hallowell *v.* The United States. Argument commenced by Mr. Thomas L. Sloan for Hallowell, continued by Mr. Assistant Attorney General Harr for the United States, and concluded by Mr. Thomas L. Sloan for Hallowell.



No. 94. Box Elder Power & Light Company, plaintiff in error, *v.* Brigham City. Argued by Mr. E. A. Walton for the plaintiff in error, and submitted by Mr. E. B. Critchlow and Mr. William H. King for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 13, will be as follows: Nos. 95, 96, 98, 99, 101, 102, 103, 104, 105 and 106.

○

## SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 13, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Edward Barton, of Cincinnati, Ohio; N. C. Frenger, of Las Cruces, N. Mex.; J. H. Paxton, of Las Cruces, N. Mex.; John H. Burford, of Guthrie, Okla., and Myron G. Bronner, of Little Falls, N. Y., were admitted to practice.

No. 260. Stuart Lindsley, appellant, *v.* Natural Carbonic Gas Company et al. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 407. Stella P. Flint, as general guardian, etc., appellant, *v.* Stone Tracy Company et al. Appeal from the circuit court of the United States for the district of Vermont;

No. 409. Wyckoff Van Derhoef, appellant, *v.* The Coney Island & Brooklyn Railroad Company et al. Appeal from the circuit court of the United States for the southern district of New York;

No. 410. Francis L. Hine, appellant, *v.* Home Life Insurance Company et al. Appeal from the circuit court of the United States for the southern district of New York;

No. 411. Fred W. Smith, appellant, *v.* The Northern Trust Company et al. Appeal from the circuit court of the United States for the northern district of Illinois;

No. 412. William H. Miner, appellant, *v.* The Corn Exchange National Bank of Chicago et al. Appeal from the circuit court of the United States for the northern district of Illinois;

No. 415. Cedar Street Company, appellant, *v.* Park Realty Company. Appeal from the circuit court of the United States for the southern district of New York;

No. 420. Lewis W. Jared, appellant, *v.* The American Multigraph Company et al. Appeal from the circuit court of the United States for the northern district of Ohio;

No. 425. Joseph E. Gay, appellant, *v.* The Baltic Mining Company et al. Appeal from the circuit court of the United States for the district of Massachusetts;

No. 431. Percy H. Brundage, appellant, *v.* Broadway Realty Company et al. Appeal from the circuit court of the United States for the southern district of New York;

No. 432. Paul Lacroix, appellant, *v.* Motor Taximeter Cab Company et al. Appeal from the circuit court of the United States for the southern district of New York;

No. 442. Arthur Lyman et al., as trustees, etc., appellants, *v.* The Interborough Rapid Transit Company et al. Appeal from the circuit court of the United States for the southern district of New York;

No. 443. George Wendell Phillips, appellant, *v.* Fifty Associates et al. Appeal from the circuit court of the United States for the district of Massachusetts;

No. 446. Oscar Mitchell, appellant, *v.* Clark Iron Company et al. Appeal from the circuit court of the United States for the district of Minnesota;

No. 456. William F. Fluhrer et al., appellants, *v.* New York Life Insurance Company. Appeal from the circuit court of the United States for the southern district of New York; and

No. 457. Katherine Cary Cook et al., etc., appellants, *v.* Boston Wharf Company et al. Appeal from the circuit court of the United States for the district of Massachusetts. Decrees affirmed with costs. Opinion by Mr. Justice Day.

No. 448. Amory Eliot, appellant, *v.* James G. Freeman et al. Appeal from the circuit court of the United States for the district of Massachusetts; and

No. 496. Maine Baptist Missionary Convention, appellant, *v.* Charles E. Cotting et al., trustees, etc. Appeals from the circuit court of the United States for the district of Massachusetts. Decrees reversed with costs, and causes remanded with directions to overrule the demurrers and for further proceedings consistent with the opinion of this court. Opinion by Mr. Justice Day.

No. 627. Ary E. Zonne, appellant, *v.* The Minneapolis Syndicate et al. Appeal from the circuit court of the United States for the district of Minnesota. Decree reversed with costs, and cause remanded with directions to overrule the demurrer for further proceedings consistent with the opinion of this court. Opinion by Mr. Justice Day.

No. 504. The United States, petitioner, *v.* The Atchison, Topeka & Santa Fe Railway Company. On writ of certiorari to the United States circuit court of appeals for the seventh circuit. Judgment affirmed, and cause remanded to the district court of the United

States for the northern district of Illinois. Opinion by Mr. Justice Holmes.

No. 519. Hipolite Egg Company, claimant, etc., plaintiff in error and appellant, *v. The United States*. In error to and appeal from the district court of the United States for the southern district of Illinois. Decree affirmed. Opinion by Mr. Justice McKenna.

The Chief Justice announced the following orders of the court:

No. 83. Ada Elmira Hirst Van Syckel et al., appellants, *v. Juan Jose Arsuaga et al.*, partners as Sobrinos de Ezquiaga et al. Appeal from the district court of the United States for Porto Rico. *Per curiam*: Dismissed for want of jurisdiction. *St. Louis, Iron Mountain & S. R. R. Co. v. Express Co.*, 108 U. S., 24, 28; *Southern Ry. Co. v. Postal Telegraph Cable Co.*, 179 U. S., 641, 644; *Covington v. First Nat'l Bank*, 185 U. S., 270, 277; *Heike v. United States*, 217 U. S., 423, 429.

No. 90. Ira Perryman, by O. H. Perryman, his next friend, plaintiff in error, *v. Thomas W. Coleman, jr.*, Judge, etc. In error to the supreme court of the State of Alabama. *Per curiam*: Dismissed for want of jurisdiction. *Mutual Life Ins. Co. v. McGrew*, 188 U. S., 291, 308; *Farrell v. O'Brien*, 199 U. S., 100; *Kaufman v. Ferris*, 216 U. S., 610.

No. 91. Jesse Nichols, plaintiff in error, *v. The City of Cleveland*. In error to the supreme court of the State of Ohio. *Per curiam*: Dismissed for want of jurisdiction. *Great Western Telegraph Company v. Burnham*, 162 U. S., 339, 341; *Schlosser v. Hemphill*, 198 U. S., 173.

No. 94. Box Elder Power & Light Company, plaintiff in error, *v. Brigham City*. In error to the supreme court of the State of Utah. *Per curiam*: Dismissed for want of jurisdiction. *Mutual Life Ins. Co. v. McGrew*, 188 U. S., 291, 308; *Farrell v. O'Brien*, 199 U. S., 100; *Kaufman v. Ferris*, 216 U. S., 610.

No. 862. The Home for Destitute Children et al., appellants, *v. The Peter Bent Brigham Hospital et al.*, Trustees, etc. Appeal from the circuit court of the United States for the district of Massachusetts. *Per curiam*: Dismissed for want of jurisdiction. *Farrell v. O'Brien*, 199 U. S., 100; *Kaufman v. Ferris*, 216 U. S., 610.

No. 264. Frank H. Waskey et al., petitioners, *v. Joseph Hammers et al.*; and

No. 464. Frank H. Waskey, petitioner, *v. J. J. Chambers*. Motions to dismiss denied.

No. 758. The United States of America *ex rel. Herman Knight*, plaintiff in error, *v. Richard A. Ballinger*, Secretary of the Depart-

ment of the Interior. Motion to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 885. Carl Adamson, 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. 897. Malinda Tanner, petitioner, *v.* William H. Murphy et al.; and

No. 898. William H. Shea et al., petitioners, *v.* William H. Murphy et al. Petitions for writs of certiorari to the United States circuit court of appeals for the eighth circuit denied.

Order: It is ordered by the court that the provisions of Rule 31 of the rules of this court shall apply to all records to be printed as provided in the act of Congress entitled "An act to diminish the expense of proceedings on appeal and writ of error or of certiorari," approved February 13, 1911.

The Chief Justice also announced that the court will take a recess from Monday, March 20, to Monday, April 3.

No. 944. Leibel Pincusov Glucksman, appellant, *v.* William Henkel, U. S. marshal etc., et al. Motion to advance submitted by Mr. Charles Dushkind for the appellant.

No. 941. W. H. Coyle, plaintiff in error, *v.* Thomas P. Smith, secretary of state of the State of Oklahoma, et al. Motion to advance submitted by Mr. John H. Burford for the plaintiff in error.

No. 952. The Baker Transportation Company, petitioner, *v.* The Steam Tug "John E. Hughes," etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. De Lagnel Berier and Mr. James J. Macklin for the petitioner, and by Mr. James Emerson Carpenter and Mr. Samuel Park for the respondent.

No. 905. Louisville & Nashville Railroad Company, appellant, *v.* Adam T. Siler et al. Motion to advance submitted by Mr. Henry L. Stone for the appellant.

No. 596. Globe Printing Company of St. Louis, plaintiff in error, *v.* Samuel B. Cook. Motion to dismiss or affirm submitted by Mr. John H. Atwood for the defendant in error in support of the motion, and by Mr. Edward C. Crow and Mr. Hannis Taylor for the plaintiff in error in opposition thereto.

No. 102. Vicente Garcia Gavieres, plaintiff in error, *v.* The United States. Submitted by the plaintiff in error pro se, and by Mr. Assistant Attorney General Harr for the defendant in error.

No. 95. Rafael Enriquez, in his own name and as administrator, etc., et al., appellants, *v.* Francisco Saez Go-Tiongco et al. Argued by Mr.

Jackson H. Ralston for the appellants, and by Mr. A. B. Browne for the appellees.

No. 96. The State of Oklahoma on the relation of Charles West, Attorney General, etc., plaintiff in error, *v.* The Chicago, Rock Island & Pacific Railway Company. Argued by Mr. Charles West for the plaintiff in error, and by Mr. M. A. Low for the defendant in error.

No. 98. Theresa Arnett et al., appellants, *v.* D. M. Reade. Argument commenced by Mr. N. C. Frenger for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 14, will be as follows: Nos. 98, 99, 101, 103, 104, 105, 106, 107, 108 and 109.

O

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 14, 1911.



Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

William B. Kerkam, of Washington, D. C., Ralph Lane Scott, of New York City, and Philip P. Wells, of Washington, D. C., were admitted to practice.

No. 109. The Shawnee Sewerage & Drainage Company, appellant, *v.* Frank P. Stearns, as mayor of the city of Shawnee, et al. Submitted by Mr. B. B. Blakeney and Mr. James H. Maxey for the appellant, and by Mr. J. H. Everest for the appellees.

No. 98. Theresa Arnett et al., appellants, *v.* D. M. Reade. Argument continued by Mr. N. C. Frenger for the appellants, by Mr. J. H. Paxton for the appellee, and concluded by Mr. Clifford S. Walton for the appellants.

No. 99. Pere Alfredo Luis Baglin et al., appellants, *v.* The Cusenier Company. Argument commenced by Mr. Philip Mauro for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 15, will be as follows: Nos. 99, 101, 103, 104, 105, 106, 107, 108, 110 (and 111), and 112 (and 113).



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 15, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Walter H. Taylor of Norfolk, Va., Nathaniel T. Green of Norfolk, Va., William Leigh Williams of Norfolk, Va., George J. Stoneman of Globe, Ariz., Rufus E. Ragland of San Francisco, Cal., and Roscoe F. Walter of Blaine, Ky., were admitted to practice.

No. 70. Dr. John Hopkins, plaintiff in error, *v.* The Clemson Agricultural College of South Carolina. Resubmitted, per stipulation of counsel, by Mr. Joseph A. McCullough and Mr. R. T. Jaynes for the plaintiff in error, and by Mr. J. P. Carey for the defendant in error.

No. 99. Pere Alfredo Luis Baglin et al., appellants, *v.* Cusenier Company. Argument continued by Mr. Philip Mauro for the appellants, and by Mr. A. L. Pincoffs for the appellee, and concluded by Mr. Philip Mauro for the appellants. Leave granted to counsel for appellee to file an additional brief on or before the 20th instant.

No. 101. Hills & Company, Limited, *v.* Joseph Hoover et al. Argument commenced by Mr. Hector T. Fenton for Hills & Company, Limited, and continued by Mr. William A. Carr for Hoover et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 16, will be as follows: Nos. 101, 103, 104, 105, 106, 107, 108, 110 (and 111), 112 (and 113) and 114.





## SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 16, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

John F. Green of St. Louis, Mo., was admitted to practice.

No. 114. A. Sandoval and P. Sandoval, appellants, *v.* Epes Randolph. Continued per stipulation.

No. 101. Hills & Company, Limited, *v.* Joseph Hoover et al. Argument continued by Mr. William A. Carr for Hoover et al., and concluded by Mr. Benno Loewy for Hills & Company, Limited.

No. 103. J. W. Perry Company et al., plaintiffs in error, *v.* The City of Norfolk, Virginia; and

No. 104. William H. White, plaintiff in error, *v.* The City of Norfolk, Virginia. Argument commenced by Mr. Tazewell Taylor for the plaintiffs in error, continued by Mr. Nathaniel T. Green for the defendant in error, and concluded by Mr. Walter H. Taylor for the plaintiffs in error.

No. 106. Standard Paint Company, appellant, *v.* Trinidad Asphalt Manufacturing Company. Argued by Mr. John F. Green for the appellant, and submitted by Mr. William B. Homer for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 17, will be as follows: Nos. 105, 107, 108, 110 (and 111), 112 (and 113), 115, 116, 117, 120 (and 121) and 122.

O

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 17, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Victor Oscar Johnson of Shoshone, Idaho, was admitted to practice.

No. 105. Chicago, Burlington & Quincy Railway Company, petitioner, *v.* Erastus W. Willard, administrator, etc. Submitted by Mr. Albert J. Hopkins and Mr. Chester M. Dawes for the petitioner, and by Mr. Arthur J. Eddy and Mr. Emil C. Wetten for the respondent.

No. 107. Charles H. Merillat and Mason N. Richardson, trustees, appellants, *v.* Melville D. Hensey et al. Argument commenced by Mr. Charles H. Merillat for the appellants, continued by Mr. A. A. Birney for the appellees, and concluded by Mr. Mason N. Richardson for the appellants.

No. 108. The United States, plaintiff in error, *v.* John J. O'Brien, individually, etc., et al. Argued by Mr. Solicitor General Lehmann for the plaintiff in error, and by Mr. Frederick J. Swift and Mr. George A. King for the defendants in error.

No. 110. Jose Perez y Fernandez and Victor Ochoa, appellants, *v.* Jose Antonio Fernandez y Perez; and

No. 111. Perfecto Blanco y Blanco, appellant, *v.* Harry S. Hubbard, United States marshal for Porto Rico et al. Argued by Mr. Frederic D. McKenney for the appellants, and submitted by Mr. N. B. K. Pettingill and Mr. F. L. Cornwell for the appellees.

Adjourned until Monday next at 12 o'clock.



## SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 20, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Fenelon B. Brock of Washington, D. C., Charles E. Riordan of Washington, D. C., Robert S. Blair of New York City, J. Pembroke Thom of Baltimore, Md., Cleveland H. Baker of Carson City, Nevada, Walter Bruce Howe of New York City, Paca Oberlin of Washington, D. C., and Harold Remington of New York City, were admitted to practice.

Nos. 7 and 8. The Baltimore & Ohio Southwestern Railroad Company, plaintiff in error, *v.* The United States. It is ordered by the court that the judgments heretofore entered in these cases, to wit, on March 14, 1910, be, and the same are hereby, vacated and set aside.

Nos. 7 and 8. The Baltimore & Ohio Southwestern Railroad Company, plaintiff in error, *v.* The United States. In error to the United States circuit court of appeals for the sixth circuit. Judgments modified and affirmed, and causes remanded to the district court of the United States for the southern district of Ohio. Opinion by Mr. Justice Lamar.

No. 45. Margaret E. Taylor, in her own right, etc., appellant, *v.* Mary J. Leesnitzer et al. Appeal from the court of appeals of the District of Columbia. Decree reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 15 Original. *Ex parte:* In the matter of the Eastern Cherokees, petitioners. Rule discharged and petition for writ of mandamus denied. Opinion by Mr. Justice McKenna.

The Chief Justice announced the following orders of the court:

No. 905. Louisville & Nashville Railroad Company, appellant, *v.* Adam T. Siler et al. Motion to advance granted and cause assigned for argument on Tuesday, October 10, 1911, after the cases already assigned for that day.

No. 941. W. H. Coyle, plaintiff in error, *v.* Thomas P. Smith, secretary of state of the State of Oklahoma et al. Motion to advance granted and cause assigned for argument on Monday, April 3, next, after the cases already assigned for that day.

No. 944. Leibel Pincusov Glucksman, appellant, *v.* William Henkel, United States marshal, etc., et al. Motion to advance granted and cause assigned for argument on Monday, April 3, next, after the cases already assigned for that day.

No. 596. Globe Printing Company of St. Louis, plaintiff in error, *v.* Samuel B. Cook. In error to the supreme court of the State of Missouri. Per curiam: Dismissed for want of jurisdiction. Farrell *v.* O'Brien, 199 U. S., 100; Kaufman *v.* Ferris, 216 U. S., 610; Waters-Pierce Oil Co. *v.* Texas, 212 U. S., 112, 116, and cases cited; Kansas City Star Company *v.* Julian, 215 U. S., 589, 590, and cases cited in last paragraph.

No. 952. The Baker Transportation Company, petitioner, *v.* The Steam Tug "John A. Hughes," etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

---

No. 853. Erie Railroad Company, plaintiff in error, *v.* Blanche Russell, administratrix, etc. Motion to dismiss or affirm submitted by Mr. George A. Clement for the defendant in error in support of the motion, and by Mr. F. B. Jennings for the plaintiff in error in opposition thereto. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Walter B. Howe, in behalf of Mr. F. B. Jennings, in support of the petition, and by Mr. George A. Clement in opposition thereto.

No. 461. Northern Pacific Railway Company, plaintiff in error, *v.* Michael Golden. In error to the supreme court of the State of Montana. Dismissed with costs, on motion of Mr. Evans Browne for the plaintiff in error.

No. 428. E. C. Moore, appellant, *v.* C. T. Elliott, United States marshal, etc., et al. Appellant admitted to bail, on motion of Mr. Henry F. Woodard for the appellant, and consent of Mr. Solicitor General Lehmann for the appellees.

No. 929. Young How, sometimes known as Young Chau, appellant, *v.* Hart H. North, United States commissioner, etc. Motion to admit appellant to bail submitted by Mr. Henry F. Woodard, Mr. A. A. Birney, and Mr. Carroll Cook for the appellant in support of the motion, with leave to Mr. Solicitor General Lehmann to file brief in opposition on or before Friday next.

No. 326. John A. Knott et al., railroad and warehouse commissioners et al., appellants, *v.* Chicago, Burlington & Quincy Railroad Company; and

No. 334. Chicago, Burlington & Quincy Railroad Company, appellant, *v.* John A. Knott et al., railroad and warehouse commissioners et al. Motion to set aside submission and to reset cases submitted by Mr. Webster Ballinger, in behalf of Mr. O. M. Spencer and Mr. Frank Hagerman for the railroad company, in support of the motion, and by Mr. Frederick W. Lehmann, Mr. Sanford B. Ladd, Mr. Elliott W. Major, and Mr. John M. Atkinson for Knott et al. in opposition thereto.

No. 924. The Corporation of St. Anthony in New Bedford, petitioner, *v.* Michael J. Houlihan. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. James E. Cotter for the petitioner, and by Mr. Franklin T. Hammond for the respondent.

No. 314. The United States, plaintiff in error, *v.* William B. Hammers. Motion for leave to file brief as amici curiæ and for leave to make oral argument submitted by Mr. William C. Prentiss and by Mr. Oscar A. Trippet in that behalf.

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

The day call for Monday, April 3, will be as follows: Nos. 374, 638, 916, 941, 944, 112 (and 113), 115, 116, 117 and 120 (and 121).

# SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 3, 1911.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Joshua Reuben Clark, jr., of Washington, D. C., Calvin F. Smith of Easton, Pa., Asher Seip of Easton, Pa., J. Willard Paff of Easton, Pa., T. E. Barkworth of Jackson, Mich., Elihu Root, jr., of New York City, N. Y., James A. Reed of Kansas City, Mo., N. P. Bryan of Jacksonville, Fla., W. C. Dennis of Richmond, Ind., C. G. Hornor of Guthrie, Okla., J. Elder Peelor of Indiana, Pa., Clifford L. Hilton of Fergus Falls, Minn., Harry C. Fithian of Williamsport, Pa., Daniel Myron Greene of Washington, D. C., Gilbert Holland Stewart, jr., of Columbus, Ohio, T. A. Brown of Parkersburg, W. Va., R. R. Vermilion of Wichita, Kans., Willard P. Hall of Kansas City, Mo., and Fred Irland of Detroit, Mich., were admitted to practice.

No. 72. Dr. Miles Medical Company, petitioner, *v.* John D. Park & Sons 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 Eastern District of Kentucky. Opinion by Mr. Justice Hughes. Dissenting: Mr. Justice Holmes. Mr. Justice Lurton did not participate in the consideration and decision of this case.

No. 81. The Western Union Telegraph Company, plaintiff in error, *v.* Lawrence J. Crovo and Walter Crenshaw, trading as Crovo & Crenshaw. In error to the Law and Equity Court of the City of Richmond, State of Virginia. Judgment affirmed with costs. Opinion by Mr. Justice Lurton.

No. 87. The Western Union Telegraph Company, plaintiff in error, *v.* Lawrence J. Crovo and Walter Crenshaw, trading as Crovo & Crenshaw. In error to the Supreme Court of Appeals of the State of Virginia. Dismissed with costs. Opinion by Mr. Justice Lurton.

No. 53. Verisimo Vasquez Vilas, plaintiff in error and appellant, *v.* The City of Manila. In error to and appeal from the Supreme

Court of the Philippine Islands. Judgment reversed with costs, and cause remanded with directions to overrule the demurrer and for such other action as may be consistent with law and with the opinion of this court. Opinion by Mr. Justice Lurton.

No. 54. Esperanza Otero Trigas et al., plaintiffs in error and appellants, *v.* The City of Manila. In error to and appeal from the Supreme Court of the Philippine Islands. Judgment reversed with costs, and cause remanded with directions to overrule the demurrer and for such other action as may be consistent with law and with the opinion of this court. Opinion by Mr. Justice Lurton.

No. 207. Ricardo Aguado, appellant, *v.* The City of Manila. Appeal from the Supreme Court of the Philippine Islands. Decree reversed with costs, and cause remanded with directions to render judgment and such other relief as may seem in conformity with law. Opinion by Mr. Justice Lurton.

No. 101. Hills & Company, Limited, *v.* Joseph Hoover et al. On a certificate from the United States Circuit Court of Appeals for the Third Circuit. Questions certified answered in the affirmative. Opinion by Mr. Justice Day.

No. 102. Vicente Garcia Gavieres, plaintiff in error, *v.* The United States. In error to the Supreme Court of the Philippine Islands. Judgment affirmed. Opinion by Mr. Justice Day. Dissenting: Mr. Justice Harlan.

No. 95. Rafael Enriquez, in his own name and as administrator, etc., et al., appellants, *v.* Francisco Saez Go-Tiongeo et al. Appeal from the Supreme Court of the Philippine Islands. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 98. Theresa Arnett et al., appellants, *v.* D. M. Reade. Appeal from the Supreme Court of the Territory of New Mexico. Decree reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice McKenna.

No. 108. The United States, plaintiff in error, *v.* John J. O'Brien, individually, etc., et al. In error to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed, and cause remanded to the Circuit Court of the United States for the Southern District of New York. Opinion by Mr. Justice Holmes.

No. 13 Original. The State of Oklahoma, complainant, *v.* The Atchison, Topeka & Santa Fe Railway Company. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Harlan.

No. 14 Original. The State of Oklahoma, petitioner, *v.* The Atchison, Topeka & Santa Fe Railway Company et al. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Harlan.

No. 96. The State of Oklahoma, on the relation of Charles West, Attorney General, etc., plaintiff in error, *v.* The Chicago, Rock Island & Pacific Railway Company. In error to the Supreme Court of the State of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 536. The United States of America, appellant, *v.* Lehigh Valley Railroad Company. Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania. Decree reversed, and cause remanded with directions for further proceedings in conformity with the opinion of this court. Opinion by Mr. Chief Justice White.

No. 537. The United States of America, appellant, *v.* Erie Railroad Company. Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania. Decree affirmed. Opinion by Mr. Chief Justice White.

No. 538. The United States of America, appellant, *v.* The Central Railroad Company of New Jersey. Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania. Decree affirmed. Opinion by Mr. Chief Justice White.

No. 539. The United States of America, appellant, *v.* The Pennsylvania Railroad Company. Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania. Decree affirmed. Opinion by Mr. Chief Justice White.

Nos. 9 and 10 Original. *Ex parte*: In the matter of the State of Oklahoma, petitioner. Rules discharged, and petitions for writs of prohibition denied. Opinion by Mr. Chief Justice White.

Nos. 79 and 80. Mariano Martinez, administrator, etc., appellant, *v.* The International Banking Corporation. Appeals from the Supreme Court of the Philippine Islands. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice White.

No. 325. Interstate Commerce Commission et al., appellants, *v.* The Delaware, Lackawanna & Western Railroad Company et al. Appeal from the Circuit Court of the United States for the Southern District of New York. Decree reversed with costs, and cause remanded with directions to dismiss the bill. Opinion by Mr. Chief Justice White.

No. 110. Jose Perez y Fernandez and Victor Ochoa, appellants, *v.* Jose Antonio Fernandez y Perez. Appeal from the District Court of the United States for Porto Rico. Decree reversed with costs, and cause remanded with directions for further proceedings in conformity with the opinion of this court. Opinion by Mr. Chief Justice White.



No. 111. Perfecta Blanco y Blanco, appellant, *v.* Harry S. Hubbard, U. S. marshal for Porto Rico, et al. Appeal from the District Court of the United States for Porto Rico. Decree reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Chief Justice White.

---

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

No. 314. The United States, plaintiff in error, *v.* William B. Hammers. Motion for leave to file brief as *amici curiæ* granted. Motion for leave to make oral argument denied.

No. 326. John A. Knott et al., appellants, *v.* Chicago, Burlington & Quincy Railroad Company; and

No. 334. Chicago, Burlington & Quincy Railroad Company, appellant, *v.* John A. Knott et al., etc. Motion to set aside submission and reset cases denied.

No. 929. Yeung How, sometimes known as Yeung Chau, appellant, *v.* Hart H. North, United States commissioner, etc. Motion to admit appellant to bail denied.

No. 924. The Corporation of St. Anthony in New Bedford, petitioner, *v.* Michael J. Houlihan. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

---

No. 712. J. S. Mullen et al., appellants, *v.* The United States;

No. 713. Alfred F. Goat et al., appellants, *v.* The United States;

No. 781. The Deming Investment Company, appellant, *v.* The United States; and

No. 881. P. E. Heckman et al., appellants, *v.* The United States. Motion to advance submitted by Mr. Solicitor General Lehmann for the appellee.

No. 963. Henry A. Wise, plaintiff in error, *v.* Lawrence H. Mills et al.; and

No. 964. Henry A. Wise, individually, etc., appellant, *v.* William Henkel, United States marshal. Motion to advance submitted by Mr. Solicitor General Lehmann for the plaintiff in error and appellant.

No. 146. The United States ex rel. William H. Boyer, plaintiff in error, *v.* Edward B. Moore, Commissioner of Patents. In error to the Court of Appeals of the District of Columbia. Dismissed with costs per stipulation, on motion of Mr. Solicitor General Lehmann for the defendant in error.

No. 946. The Chesapeake & Ohio Railway Company, petitioner, *v.* Jean D. McKell, administratrix, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit, submitted by Mr. Judson Harmon, Mr. F. B. Enslow, and Mr. Edward Colston for the petitioner, and by Mr. John H. Holt, Mr. James F. Brown, and Mr. Murray Seasingood for the respondent.

No. 959. D. H. Hallock, 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. Frank Dale, Mr. A. G. C. Bierer, Mr. Earl W. Evans, and Mr. R. R. Vermilion for the petitioner, and by the Attorney General and Mr. Solicitor General Lehmann for the respondent.

No. 960. James H. Burton, petitioner, *v.* Curtis M. Jennings, sole surviving partner, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. George H. Taylor, jr., and Mr. Charles R. Carruth for the petitioner, and by Mr. Nelson Zabriskie for the respondent.

No. 979. Lucien B. Wilson, 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. T. A. Brown and Mr. James S. McCluer for the petitioner, and by Mr. Solicitor General Lehmann and Mr. Assistant Attorney General Harr for the respondent.

No. — Original. *Ex parte*: In the matter of Metropolitan Water Company of West Virginia, petitioner. Motion for leave to file a petition for a writ of mandamus submitted by Mr. Willard P. Hall and Mr. C. F. Hutchings for the petitioner.

No. 828. Harry L. Burgoyne, trustee, et al., appellants, *v.* Patrick E. McKillip et al. Motion to dismiss or affirm submitted by Mr. Francis A. Brogan for the appellees in support of the motion, and by Mr. C. C. Flansburg for the appellants in opposition thereto.

No. 966. Worth, Maison La Ferriere and Guillot & Cie., petitioners, *v.* Charles A. Chase, trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Samuel W. Cooper for the petitioners.

No. 657. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* W. G. Conley, Attorney General, et al. Motion to advance submitted by Mr. W. G. Conley for the defendants in error in support of the motion, and by Mr. F. B. Enslow, Mr. H. T. Wickham and Mr. W. E. Chilton for the plaintiff in error in opposition thereto.

No. — Original. *Ex parte*: In the matter of Howard B. Manington et al., petitioners. Motion for leave to file a petition for a writ of mandamus submitted by Mr. R. W. McCoy and Mr. Smith W. Bennett for the petitioners.

No. 828. Harry L. Burgoyne, trustee, etc., et al., appellants, *v.* Patrick E. McKillip et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Robert Ramsey, in behalf of Mr. C. C. Flansburg, for the petitioners, and by Mr. Francis A. Brogan for the respondent, with leave to counsel for the petitioner to file an additional brief within two days.

No. —. Guardian Assurance Company, Limited, of London, plaintiff in error, *v.* Domingo Quintana. Motion to docket and dismiss submitted by Mr. C. L. Bouve for the defendant in error.

No. 612. Edwin M. Keatley, receiver, etc., appellant, *v.* Carrie Rebecca Furey, executrix, etc., et al. Motion to dismiss submitted by Mr. Levy Mayer for the appellees, in support of the motion, and by Mr. F. W. Houghton and Mr. George B. Edgerton for the appellant, in opposition thereto.

No. 328. George Bird et al., individually and as trustees, etc., appellants, *v.* James M. Ashton et al. Motion to dismiss or affirm submitted by Mr. Frederic D. McKenney, Mr. W. H. Doolittle, Mr. J. M. Ashton, and Mr. W. P. Bell, for the appellees, in support of the motion, and by Mr. Benjamin S. Grosscup for the appellants, in opposition thereto.

No. 758. The United States of America, on the relation of Herman Knight, plaintiff in error, *v.* Richard A. Ballinger, Secretary of the Interior. Suggestion of resignation of Richard A. Ballinger and motion to substitute Walter L. Fisher as the party defendant in error herein granted on motion of Mr. Frederic D. McKenney for the plaintiff in error.

No. 156. J. C. Webber, plaintiff in error, *v.* The State of Missouri. In error to the Supreme Court of the State of Missouri. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 374. Catherine Schlemmer, now Catherine Craig, plaintiff in error, *v.* The Buffalo, Rochester & Pittsburgh Railway Company. Argued by Mr. Frederic D. McKenney for the plaintiff in error and by Mr. Marlin E. Olmsted for the defendant in error.

No. 638. Christopher Strassheim, sheriff, etc., appellant, *v.* Milton Daily. Argument commenced by Mr. Thomas E. Barkworth for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 4, will be as follows: Nos. 638, 916, 941, 944, 112 (and 113), 115, 116, 117, 120 (and 121), and 122.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 4, 1911.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Wilbur F. Denious of Denver, Colo., was admitted to practice.

No. 140. Dennis C. Shea, appellant, *v.* Henry B. F. Macfarland et al., Commissioners of the District of Columbia et al.; and

No. 141. Arthur Briscoe, appellant, *v.* Henry B. F. Macfarland et al., Commissioners of the District of Columbia et al. Suggestion of the retirement from office of Henry B. F. Macfarland, Henry L. West and J. J. Morrow as Commissioners of the District of Columbia, and appearance of Cuno H. Rudolph, John A. Johnston and William V. Judson as parties defendants herein, filed and entered on motion of Mr. Edward H. Thomas for the appellees.

No. 638. Christopher Strassheim, sheriff, etc., appellant, *v.* Milton Daily. Argument continued by Mr. Thomas E. Barkworth for the appellant, by Mr. William S. Forrest for the appellee, and concluded by Mr. Thomas E. Barkworth for the appellant.

No. 916. Charles West, attorney general of the State of Oklahoma, appellant, *v.* The Kansas Natural Gas Company et al. Argument commenced by Mr. C. B. Ames for the appellant, and continued by Mr. D. T. Watson for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 5, will be as follows: Nos. 916, 941, 944, 112 (and 113), 115, 116, 117, 120 (and 121), 122 and 123.

O

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 5, 1911.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

William J. Conlen of Philadelphia, Pa., Chauncey E. Richardson of Washington, D. C., Frederic M. P. Pearse of Newark, N. J., Robert J. Carey of Chicago, Ill., and Charles W. Stratton of St. Joseph, Mich., were admitted to practice.

No. 916. Charles West, attorney general of the State of Oklahoma, appellant, *v.* The Kansas Natural Gas Company et al. Argument continued by Mr. D. T. Watson and Mr. John G. Johnson for the appellees, and concluded by Mr. Charles West for the appellant.

No. 941. W. H. Coyle, plaintiff in error, *v.* Thomas P. Smith, secretary of state of the State of Oklahoma et al. Leave granted to three counsel on each side to be heard orally on motion of Mr. Frank Dale for the plaintiff in error. Argument commenced by Mr. Frank Dale for the plaintiff in error and continued by Mr. Charles West for the defendants in error and by Mr. C. G. Hornor for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 6, will be as follows: Nos. 941, 944, 112 (and 113), 115, 116, 117, 120 (and 121), 122, 123 and 314.

O

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 6, 1911.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Amos L. Taylor of Belmont, Mass., Irving J. Joseph of New York City, N. Y., John E. Eggers of St. Louis, Mo., and Hans v. Briesen of New York City, N. Y., were admitted to practice.

No. 941. W. H. Coyle, plaintiff in error, *v.* Thomas P. Smith, secretary of state of the State of Oklahoma, et al. Argument continued by Mr. C. G. Hornor for the plaintiff in error, by Mr. B. F. Burwell and Mr. Joseph W. Bailey for the defendants in error, and concluded by Mr. John H. Burford for the plaintiff in error.

No. 944. Leibel Pincusov Glucksman, appellant, *v.* William Henkel, United States marshal, etc., et al. Argument commenced by Mr. Charles Dushkind for the appellant and continued by Mr. Frederic R. Coudert for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 7, will be as follows: Nos. 944, 112 (and 113), 115, 116, 117, 120 (and 121), 122, 123, 314 and 433.



# SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 7, 1911.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

W. Vincent Robbins of Ponce, Porto Rico, Robert E. Bunker of Ann Arbor, Mich., James C. McLaughlin of Muskegon, Mich., Adam Dixon Warner of Los Angeles, Cal., and J. T. Norris of Cartersville, Ga., were admitted to practice.

No. 944. Leibel Pincusov Glucksman, appellant, *v.* William Henkel, United States marshal, etc., et al. Argument concluded by Mr. Charles Dushkind for the appellant.

No. 112. Joaquin Jover y Costas, appellant and plaintiff in error, *v.* The Insular Government of the Philippine Islands et al.; and

No. 113. The Insular Government of the Philippine Islands et al., appellants and plaintiffs in error, *v.* Joaquin Jover y Costas. Argued by Mr. A. B. Browne for Costas, and by Mr. Assistant Attorney General Fowler for the Insular Government et al.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 10, will be as follows: Nos. 115, 116, 117, 120 (and 121), 122, 123, 314, 433, 100 and 222.



## SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 10, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

A. N. Frost of Lawrence, Mass., George H. Warrington of Cincinnati, Ohio, Louis H. Valentine of Los Angeles, Cal., Edward Cornell of New York City, Barry Wright of Rome, Ga., Lambert E. Walther of St. Louis, Mo., Timothy J. Schofield of Chicago, Ill., Edward S. Avery of New York City, N. Y., and Thomas H. Gage of Worcester, Mass., were admitted to practice.

No. 36. Diamond Rubber Company of New York, petitioner, *v.* Consolidated Rubber Tire Company and Rubber Tire Wheel Company. 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. (Mr. Justice Day and Mr. Justice Lurton took no part in the decision of this case.)

No. 109. The Shawnee Sewerage & Drainage Company, appellant, *v.* Frank P. Stearns, as mayor of the city of Shawnee, et al. Appeal from the Circuit Court of the United States for the Western District of Oklahoma. Decree reversed at the cost of the appellant, and cause remanded with directions to sustain the demurrer for want of jurisdiction and on that ground dismiss the bill. Opinion by Mr. Justice McKenna.

No. 106. Standard Paint Company, appellant, *v.* Trinidad Asphalt Manufacturing Company. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Decree affirmed with costs, and cause remanded to the Circuit Court of the United States for the Eastern District of Missouri. Opinion by Mr. Justice McKenna. (Mr. Justice Hughes concurs in the result.)

No. 105. The Chicago, Burlington & Quincy Railway Company, petitioner, *v.* Erastus W. Willard, administrator, etc. On writ of certiorari to the United States Circuit Court of Appeals for the



Seventh Circuit. Judgment affirmed with costs, and cause remanded to the Circuit Court of the United States for the Northern District of Illinois. Opinion by Mr. Justice Harlan.

The Chief Justice announced the following orders of the court:

No. 326. John A. Knott et al., etc., appellants, *v.* Chicago, Burlington & Quincy Railroad Company; and

No. 334. Chicago, Burlington & Quincy Railroad Company, appellant, *v.* John A. Knott et al., etc. Restored to the docket for reargument.

No. 657. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* W. G. Conley, attorney general, et al. Motion to advance granted, and cause assigned for argument on Tuesday, October 10, next, after the cases already assigned for that day.

No. 712. J. S. Mullen et al., appellants, *v.* The United States;

No. 713. Alfred F. Goat et al., appellants, *v.* The United States;

No. 781. The Deming Investment Company, appellant, *v.* The United States; and

No. 881. P. E. Heckman, appellant, *v.* The United States. Motion to advance granted, and cases assigned for argument on Tuesday, October 10, next, after the cases already assigned for that day.

No. 963. Henry A. Wise, plaintiff in error, *v.* Lawrence H. Mills et al.; and

No. 964. Henry A. Wise, individually, etc., appellant, *v.* William Henkel, United States marshal, etc. Motion to advance granted, and cases assigned for argument on Monday, the 24th instant, one hour being allowed on each side for oral argument.

No. 946. The Chesapeake & Ohio Railway Company, petitioner, *v.* Jean D. McKell, administratrix, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 959. D. H. Hallock, 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. 960. James H. Burton, petitioner, *v.* Curtis M. Jennings, sole surviving partner, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 966. Worth, Maison La Ferriere and Guillot & Cie, petitioners, *v.* Charles A. Chase, trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 979. Lucien B. Wilson, 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. 612. Edwin M. Keatley, receiver, etc., appellant, *v.* Carrie Rebecca Furey, executrix, etc., et al. Motion to dismiss postponed to the hearing of the cause on its merits.

No. 328. George Bird et al., individually and as trustees, etc., appellants, *v.* James M. Ashton et al. Appeal from the Circuit Court of the United States for the Western District of Washington. Per curiam: Dismissed for want of jurisdiction. *McGilvra v. Ross*, 215 U. S., 70; *Shively v. Bowlby*, 152 U. S., 1; *Goodrich v. Ferris*, 214 U. S., 71, 81; *Farrell v. O'Brien*, 189 U. S., 89; *United States Fidelity & Co. v. United States*, 204 U. S., 516; and cases cited.

No. 19 Original. Ex parte: In the matter of The Metropolitan Water Company of West Virginia, petitioner. Motion for leave to file petition for a writ of mandamus granted, and rule to show cause awarded returnable on Monday, the 24th instant.

No. — Original. Ex parte: In the matter of Howard B. Manington et al., petitioners. Motion for leave to file petition for writ of mandamus denied. See Ex parte Harding, decided at this term.

---

The Chief Justice also announced that there will be no session of the court on Friday, the 14th instant.

---

No. 554. The Interstate Commerce Commission, appellant, *v.* Harry J. Diffenbaugh et al.;

No. 555. The Interstate Commerce Commission, appellant, *v.* F. H. Peavey & Company et al.; and

No. 556. Union Pacific Railroad Company, appellant, *v.* F. H. Peavey & Company et al. Motion to advance submitted by Mr. Solicitor General Lehmann for The Interstate Commerce Commission.

No. 802. The Interstate Commerce Commission, appellant, *v.* Union Pacific Railroad Company et al.;

No. 803. The Interstate Commerce Commission, appellant, *v.* Northern Pacific Railway Company et al.; and

No. 804. The Interstate Commerce Commission, appellant, *v.* Great Northern Railway Company et al. Motion to advance submitted by Mr. Solicitor General Lehmann for the appellant.

No. 976. The Eagle White Lead Company, petitioner, *v.* Albert Pflugh et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. W. H. Singleton and Mr. Charles E. Riordon for the petitioner, and

by Mr. Clifton B. Edwards and Mr. Robert Watson for the respondents.

No. 986. John H. Wikle, as trustee, etc., petitioner, *v.* Mrs. M. C. Jones et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. J. T. Norris for the petitioner.

No. 928. Chicago, St. Paul, Minneapolis & Omaha Railway Company, petitioner, *v.* Bud R. Latta. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Benjamin T. White and Mr. Carl C. Wright for the petitioner, and by Mr. H. C. Brome for the respondent.

No. 983. Metropolitan Water Company of West Virginia, petitioner, *v.* The Kaw Valley Drainage District of Wyandotte County, Kans., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. John W. Yerkes, in behalf of Mr. Willard P. Hall, Mr. C. F. Hutchings and Mr. O. L. Miller for the petitioner.

No. 919. Benjamin W. Hubbard, plaintiff in error, *v.* Worcester Art Museum. Motion to dismiss or affirm submitted by Mr. Thomas H. Gage, in behalf of Mr. John C. Gray and Mr. Roland Gray, for the defendant in error in support of the motion, and by Mr. Charles A. Snow and Mr. Joseph H. Knight for the plaintiff in error in opposition thereto.

No. 814. Thomas J. Lynch, executor, etc., petitioner, *v.* The Travelers Insurance Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. George W. Heselton for the petitioner, and by Mr. R. Ross Perry and Mr. R. Ross Perry, jr., for the respondent.

No. 5 Original. The People of the State of New York, complainants, *v.* State of New Jersey et al. Motion for the appointment of a commissioner and for an order fixing time for the taking of testimony submitted by Mr. Maurice B. Dean for the complainants in support of the motion, and by Mr. Edmund Wilson, Mr. Joseph Coult, and Mr. Robert H. McCarter for the defendants in opposition thereto.

No. 991. Egbert H. Gold, petitioner, *v.* William P. Cospers and Edward E. Gold; and

No. 992. Egbert H. Gold, petitioner, *v.* William P. Cospers. Petitions for writs of certiorari and writs of error to the Court of Appeals of the District of Columbia submitted by Mr. Otto Raymond Barnett for the petitioner, and by Mr. Charles Neave for respondents.

No. 115. American Lithographic Company, plaintiff in error, *v.* Emil Werekmeister. Argument commenced by Mr. William A.

Jenner for the plaintiff in error, continued by Mr. Antonio Knauth for the defendant in error, and concluded by Mr. William A. Jenner for the plaintiff in error.

No. 116. George R. Blinn, Receiver, etc., plaintiff in error, *v.* George Ella Nelson et al. Argued by Mr. Amos L. Taylor for the defendants in error, and submitted by Mr. George R. Blinn for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 11, will be as follows: Nos. 117, 120 (and 121), 122, 123, 314, 433, 100, 222, 73, 92 and 397.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 11, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Curtis J. Beedle of Holdrege, Nebr., Frank Wright Cottle of Cincinnati, Ohio, Albert S. Marley of Kansas City, Mo., William R. Thurmond of Kansas City, Mo., Abram C. Hatch of Heber City, Utah, and James L. Coleman of Chicago, Ill., were admitted to practice.

No. 117. Northern Pacific Railway Company et al., appellants, *v.* John Trodick. Argument commenced by Mr. Charles Donnelly for the appellants, continued by Mr. Thomas J. Walsh for the appellee, and concluded by Mr. Charles Donnelly for the appellant.

No. 120. Rat Portage Lumber Company, plaintiff in error, *v.* The State of Minnesota; and

No. 121. Lesure Lumber Company, plaintiff in error, *v.* The State of Minnesota. Argued by Mr. R. R. Briggs for the plaintiff in error in No. 120, and by Mr. George T. Simpson for the defendant in error, and submitted by Mr. M. H. Stanford for the plaintiff in error in No. 121.

No. 122. J. N. Bean et al., petitioners, *v.* W. A. Morris and T. N. Howell. Argument commenced by Mr. T. J. Walsh for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 12, will be as follows: Nos. 122, 123, 314, 433, 100, 222, 73, 92 (and 397), 124 and 128.

O

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 12, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Seth Mann of San Francisco, Cal., Harry T. Weeks of Long Island City, N. Y., and W. W. Allen of San Francisco, Cal., were admitted to practice.

No. 123. Sarah O. Devou, plaintiff in error, *v.* Cincinnati, Covington & Erlanger Railway Company. Death of Sarah O. Devou suggested, and appearance of William P. Devou, executor of the last will and testament of Sarah O. Devou, deceased, as the party plaintiff in error herein filed and entered on motion of Mr. Herbert Jackson for the plaintiff in error.

No. 122. J. N. Bean et al., petitioners, *v.* W. A. Morris and T. N. Howell. Leave granted to withdraw appearances of Andrew Wilson and Noel W. Barksdale as counsel for respondents on motion of Mr. Andrew Wilson in that behalf.

No. 122. J. N. Bean et al., petitioners, *v.* W. A. Morris and T. N. Howell. Argument continued by Mr. T. J. Walsh for the petitioners, by Mr. William M. Ellison for the respondent Howell, and concluded by Mr. Thomas J. Walsh for the petitioners.

No. 123. William P. Devou, executor of the last will and testament of Sarah O. Devou, plaintiff in error, *v.* Cincinnati, Covington & Erlanger Railway Company. Argument commenced by Mr. Herbert Jackson for the plaintiff in error. The court declined to hear further argument.

No. 314. The United States, plaintiff in error, *v.* William B. Hammers. Argument commenced by Mr. Ernest Knaebel for the plaintiff in error, and continued by Mr. L. H. Valentine for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 13, will be as follows: Nos. 314, 433, 100, 222, 73, 92 (and 397), 124, 128, 130 and 131.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 13, 1911.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Monte M. Lemann of New Orleans, La., William R. Wood of Cincinnati, Ohio, Edward C. Griesel of Muskogee, Okla., Ernest O. Hiler of Boston, Mass., Edward B. Palmer of Seattle, Wash., Charles L. Bartlett of Detroit, Mich., and Henry L. Fitzhugh of Fort Smith, Ark., were admitted to practice.

No. 314. The United States, plaintiff in error, *v.* William B. Hammers. Argument continued by Mr. L. H. Valentine for the defendant in error, and concluded by Mr. Ernest Knaebel for the plaintiff in error.

No. 433. The United States, plaintiff in error, *v.* O. A. Johnson. Argued by Mr. Solicitor General Lehmann for the plaintiff in error, and by Mr. James H. Harkless for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 17, will be as follows: Nos. 100, 222, 73, 92 (and 397), 124, 128, 130, 131, 132 (and 133) and 134.

○

## SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 17, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Sydney Stein of Chicago, Ill., Terence Jarley of New York City, N. Y., Paul E. Lesh of Washington, D. C., Stephen B. Davis, jr., of Las Vegas, N. Mex., John M. Wayde of Pittsburg, Kans., Rodelphus H. Gilmore of Denver, Colo., Emory A. Bryant of Washington, D. C., and Alvin L. Newmyer of Washington, D. C., were admitted to practice.

No. 103. *J. W. Perry Company et al., plaintiffs in error, v. The City of Norfolk, Virginia; and*

No. 104. *William H. White, plaintiff in error, v. The City of Norfolk, Virginia.* In error to the supreme court of appeals of the State of Virginia. Judgments affirmed with costs. Opinion by Mr. Justice Lamar.

The Chief Justice announced the following orders of the Court:

No. 828. *Harry L. Burgoyne, trustee, et al., appellants, v. Patrick E. McKillip et al.* Appeal from the United States circuit court of appeals for the eighth circuit. Per curiam: Dismissed for want of jurisdiction. *First National Bank v. Estherville*, 215 U. S., 341, 346; *Rogers v. Clark Iron Co.*, 217 U. S., 589. Petition for a writ of certiorari denied.

No. 123. *William P. Devou, executor of Sarah O. Devou, deceased, plaintiff in error, v. Cincinnati, Covington & Erlanger Railway Company.* In error to the court of appeals of the State of Kentucky. Per curiam: Dismissed for want of jurisdiction. *First National Bank v. Estherville*, 215 U. S., 341, 346; *Rogers v. Clark Iron Co.*, 217 U. S., 589; *Waters-Pierce Oil Co. v. Texas*, 212 U. S., 112, 116, 117, and cases cited; *Cincinnati, etc., Railway Co. v. Slade*, 216 U. S., 78, 83.

No. 919. *Benjamin W. Hubbard, plaintiff in error, v. Worcester Art Museum.* In error to the circuit court of the United States for the district of Massachusetts. Per curiam: Dismissed for want of jurisdiction. *First National Bank v. Estherville*, 215 U. S., 341, 346; *Rogers v. Clark Iron Co.*, 217 U. S., 589; *Waters-Pierce Oil Co. v.*



Texas, 212 U. S., 112, 116, 117, and cases cited; *Cincinnati, etc., Railway Co. v. Slade*, 216 U. S., 78, 83. See *Home for Destitute Children v. Peter Brent Brigham Hospital*, No. 862, decided at this term.

No. 120. *Rat Portage Lumber Company*, plaintiff in error, *v. The State of Minnesota*; and

No. 121. *Lesure Lumber Company*, plaintiff in error, *v. The State of Minnesota*. In error to the supreme court of the State of Minnesota. Per curiam: Dismissed for want of jurisdiction. *First National Bank v. Estherville*, 215 U. S. 341, 346; *Rogers v. Clark Iron Co.*, 217 U. S., 589; *Farrell v. O'Brien*, 199 U. S., 100; *Griffith v. Connecticut*, 218 U. S., 563, 571; *St. Paul Gas Light Co. v. St. Paul*, 181 U. S., 142, 151.

No. 554. *The Interstate Commerce Commission*, appellant, *v. Harry J. Diffenbaugh et al.*;

No. 555. *The Interstate Commerce Commission*, appellant, *v. F. H. Peavey & Company et al.*;

No. 556. *Union Pacific Railroad Company*, appellant, *v. F. H. Peavey & Co. et al.*;

No. 802. *The Interstate Commerce Commission*, appellant, *v. Union Pacific Railroad Co. et al.*;

No. 803. *The Interstate Commerce Commission*, appellant, *v. Northern Pacific Railway Company et al.*; and

No. 804. *The Interstate Commerce Commission*, appellant, *v. Great Northern Railway Company et al.* Motions to advance granted, and cases assigned for argument on Tuesday, October 10th, next, after the cases heretofore assigned for that day.

No. 928. *Chicago, St. Paul, Minneapolis & Omaha Railway Company*, petitioner, *v. Bud R. Latta*. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit granted.

No. 814. *Thomas J. Lynch, executor, etc.*, petitioner, *v. The Travelers Insurance Company*. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 976. *The Eagle White Lead Company*, petitioner, *v. Albert Pflugh et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 983. *Metropolitan Water Company of West Virginia*, petitioner, *v. The Kaw Valley Drainage District of Wyandotte County, Kans.*, et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 986. *John H. Wikle, as trustee, etc.*, petitioner, *v. Mrs. M. C. Jones et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 991. Egbert H. Gold, petitioner, *v.* William P. Cosper et al.; and

No. 992. Egbert H. Gold, petitioner, *v.* William P. Cosper. Petitions for writs of certiorari and writs of error to the court of appeals of the District of Columbia denied.

Order: The reporter having represented that, owing to the number of decisions at the present term, it would be impracticable to put the reports in one volume. It is therefore now here ordered that he publish an additional volume this year, pursuant to section 681 of the Revised Statutes.

---

No. 830. The United States, plaintiff in error, *v.* Fred A. Brooke et al., etc. In error to the district court of the United States for the southern district of New York. Dismissed per stipulation of counsel, on motion of Mr. Solicitor General Lehmann for the plaintiff in error.

No. 655. The United States, plaintiff in error, *v.* Herman F. Garbish;  
 No. 789. The United States, plaintiff in error, *v.* Conrad A. Plyler;  
 No. 819. The United States, plaintiff in error, *v.* John Morgan et al.; and

No. 821. The United States, plaintiff in error, *v.* The Baltimore & Ohio Southwestern Railroad Company. Motions to advance submitted by Mr. Solicitor General Lehmann for the plaintiff in error.

No. 970. The Boise Artesian Hot & Cold Water Company, Limited, petitioner, *v.* Boise City, Idaho. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. W. B. Heyburn and Mr. Richard H. Johnson for the petitioner, and by Mr. Oliver O. Haga for respondent.

No. 926. M. G. Samuels, appellant, *v.* Charles A. Read, trustee, etc. Motion to set aside the decree of dismissal herein and for leave to docket the cause submitted by Mr. Jackson H. Ralston, Mr. Isidor Rayner, and Mr. Leon Lauterstein for the appellant in support of the motion, and by Mr. B. Z. Phillips and Mr. John M. Slaton for the appellee in opposition thereto.

No. 173. The Kansas City Southern Railway Company, plaintiff in error, *v.* C. H. Albers Commission Company. Motion to dismiss or affirm submitted by Mr. Philip Pitt Campbell and Mr. John M. Wayde for the defendant in error in support of the motion, and by Mr. Samuel W. Moore for the plaintiff in error in opposition thereto.

No. 980. Mattie B. Duffer, petitioner, *v.* Herbert G. Seefeld. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Nathaniel Wilson, in behalf of Mr. Winchester Kelso, for the petitioner.

No. 995. Ina Law Robertson, 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. Frederick S. Tyler, in behalf of Mr. Edwin M. Ashcraft, for the petitioner, with leave to the Solicitor General to file a brief for the respondent on or before Friday next.

No. 996. W. T. Day, petitioner, *v.* Atlantic Coast Line Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Frederick S. Tyler and Mr. A. J. Montague for the petitioner.

No. 1003. May Virginia Miller, petitioner, *v.* The West Virginia Pulp & Paper Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. J. Kent Bartlett and Mr. Maynard F. Stiles for the petitioner, with leave to counsel for respondent to file motion to dismiss and brief in opposition to the petition within ten days.

No. 1001. Merritt & Chapman Derrick & Wrecking Company, petitioner, *v.* Cornell Steamboat Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. G. Philip Wardner and Mr. Eugene P. Carver for the petitioner, and by Mr. J. Parker Kirlin for the respondent.

No. 1005. John Stirlen, 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. Tracy L. Jeffords for the petitioner, and by Mr. Solicitor General Lehmann and Mr. Assistant Attorney General Harr for the respondent.

No. 977. Guaranty Trust Company of New York, petitioner, *v.* Chicago Railways Company et al.; and

No. 978. Julien T. Davies et al., petitioners, *v.* Chicago Railways Company et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Frederic D. McKenney, in behalf of Mr. John C. Spooner and Mr. John Barton Payne, for the petitioners, and by Mr. Henry S. Robbins, Mr. Martin W. Foss, and Mr. W. W. Gurley for the respondents.

No. 916. Charles West, attorney general of the State of Oklahoma, appellant, *v.* The Kansas Natural Gas Company et al. Leave granted to file an additional brief on behalf of the appellees, on motion of Mr. John G. Johnson for the appellees. Leave granted to file a reply brief on behalf of the appellant, on motion of Mr. Evans Browne, in behalf of counsel for the appellant.

No. 831. Texas & New Orleans Railroad Company et al., plaintiffs in error, *v.* Fannie Miller et al.; and

No. 832. Texas & New Orleans Railroad Company et al., plaintiffs in error, *v.* Felix Gross, et al. Motions to dismiss or affirm submitted by Mr. John W. Parker for the defendants in error in support of the

motions, and by Mr. Maxwell Evarts, Mr. H. M. Garwood, and Mr. A. L. Jackson for the plaintiff in error in opposition thereto.

No. 100. The Hannibal Bridge Company and The Wabash Railroad Company, plaintiffs in error, *v.* The United States. Leave granted to three counsel to be heard orally for the plaintiff in error. Argument commenced by Mr. Wells H. Blodgett for the plaintiffs in error, continued by Mr. R. Burnham Moffat for the plaintiffs in error, by Mr. Assistant Attorney General Harr for the defendant in error, and concluded by Mr. R. Burnham Moffat for the plaintiffs in error.

No. 222. The Baltimore & Ohio Railroad Company, appellant, *v.* The Interstate Commerce Commission. Argument commenced by Mr. Frederic D. McKenney for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 18, will be as follows: Nos. 222, 73 92 (and 397), 124, 128, 130, 131, 132 (and 133), 134, and 135.

O

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 18, 1911.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Charles McCamic of Wheeling, W. Va., David H. Butz of Washington, D. C., and Riley A. Blessing of Washington, D. C., were admitted to practice.

No. 153. The Western Union Telegraph Company, plaintiff in error, *v.* Abe Cohn. In error to the supreme court of appeals of the State of Virginia. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 157. The Western Union Telegraph Company, plaintiff in error, *v.* Abe Cohn. In error to the circuit court of the city of Richmond, State of Virginia. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 168. The Western Union Telegraph Company, plaintiff in error, *v.* George J. Tamer. In error to the circuit court of Wise County, State of Virginia. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 169. The Western Union Telegraph Company, plaintiff in error, *v.* George J. Tamer. In error to the supreme court of appeals of the State of Virginia. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 648. Belle Burdett et al., plaintiffs in error, *v.* Sudie M. Burdett et al. In error to the supreme court of the State of Oklahoma. Dismissed with costs on motion of counsel for the plaintiffs in error.

No. 222. The Baltimore & Ohio Railroad Company, appellant, *v.* Interstate Commerce Commission. Argument continued by Mr. Frederic D. McKenney for the appellant, and by Mr. Solicitor General Lehmann for the appellee, and concluded by Mr. John G. Johnson for the appellant.

No. 73. Mariano F. Sena, plaintiff in error, *v.* American Turquoise Company. Argued by Mr. Frank W. Clancy for the plaintiff in error, and by Mr. Matt G. Reynolds for the defendant in error.

No. 92. Liverpool & London & Globe Insurance Company of New York, plaintiff in error, *v.* The Board of Assessors of the Parish of Orleans et al.; and

No. 397. Orient Insurance Company et al., plaintiffs in error, *v.* The Board of Assessors for the Parish of Orleans et al. Leave granted to three counsel to be heard orally for the defendant in error, on motion of Mr. George H. Terribery in that behalf. Argument commenced by Mr. Monte M. Lemann for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 19, will be as follows: Nos. 92 (and 397), 124, 128, 130, 131, 132 (and 133), 134, 135, 136, and 138.

O

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 19, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Louis F. Dodd of New York City, N. Y., and Thomas E. O'Brien of New York City, N. Y., were admitted to practice.

No. 138. The Grand Trunk Western Railway Company, plaintiff in error, *v.* The Railroad Commission of Indiana et al. Submitted by Mr. Samuel Parker for the plaintiff in error, and by Mr. E. C. Field and Mr. H. R. Kurrie for the defendants in error.

No. 92. Liverpool & London & Globe Insurance Company of New York, plaintiff in error, *v.* The Board of Assessors of the Parish of Orleans et al.; and

No. 397. Orient Insurance Company et al., plaintiffs in error, *v.* The Board of Assessors for the Parish of Orleans et al. Argument continued by Mr. Monte M. Lemann for the plaintiffs in error, by Mr. Harry P. Sneed, Mr. George H. Terribery and Mr. H. Garland Dupre for the defendants in error, and concluded by Mr. Alexander C. King for the plaintiffs in error.

No. 124. Morris Canal & Banking Company et al., plaintiffs in error, *v.* David Baird et al. Continued.

No. 128. The Sperry & Hutchinson Company, plaintiff in error, *v.* Aida T. Rhodes. Argument commenced by Mr. John Hall Jones for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 20, will be as follows: Nos. 128, 130, 131, 132 (and 133), 134, 135, 136, 139, 140 (and 141) and 142.

O

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 20, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

William D. Riter of Salt Lake City, Utah, S. T. Corn of Ogden, Utah, Gordon Knox Bell of New York City, N. Y., Ralph C. Ely of Deming, N. Mex., Tristram Burges Johnson of New York City, N. Y., and B. W. B. Brown of New York City, N. Y., were admitted to practice.

No. 128. *The Sperry & Hutchinson Company, plaintiff in error, v. Aida T. Rhodes.* Argument continued by Mr. John Hall Jones for the plaintiff in error. The court declined to hear further argument.

No. 130. *William Crozier, petitioner, v. Fried. Krupp Aktiengesellschaft.* Argued by Mr. Stuart McNamara for the petitioner, and by Mr. William A. Jenner for the respondent.

No. 131. *Louis A. Dowdell, jr., and Wilson W. Harm, plaintiffs in error, v. The United States.* Argued by Mr. Charles F. Consaul for the plaintiffs in error, and by Mr. Assistant Attorney General Fowler for the defendant in error.

No. 132. *Albert S. Apsey, receiver, etc., plaintiff in error, v. George E. Kimball; and*

No. 133. *Albert S. Apsey, receiver, etc., plaintiff in error, v. Anna G. Whittemore.* Argued by Mr. George L. Wilson for the plaintiff in error, and by Mr. Wilbur H. Powers for the defendants in error.

No. 134. *Alexander E. Faber et al., etc., appellants, v. The United States.* Submitted by Mr. Edward S. Hatch for the appellants, and by Mr. Assistant Attorney General Lloyd and Mr. Charles E. McNabb for the appellee.

No. 135. *Joseph N. Carpenter et al., petitioners, v. David J. Winn.* Argument commenced by Mr. John R. Abney for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 21, will be as follows: Nos. 135, 136, 139, 140 (and 141), 142, 143, 147, 148, 149 and 150.



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 21, 1911.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Otis Beall Kent of Fort Worth, Tex., George R. Hill of Globe, Gila County, Ariz., George Frederick Hurd of Cedarhurst, Long Island, N. Y., Park Trammell of Tallahassee, Fla., and Samuel M. Wilson of Lexington, Ky., were admitted to practice.

No. 143. The Commonwealth of Pennsylvania ex rel. Buell N. Burlingame, plaintiff in error, *v.* A. L. Hare, sheriff, and the State of Illinois. In error to the superior court of the State of Pennsylvania. Dismissed with costs, pursuant to the tenth rule.

No. 135. Joseph N. Carpenter et al., petitioners, *v.* David J. Winn. Argument continued by Mr. John R. Abney for the petitioners, and concluded by Mr. John W. Boothby for the respondent.

No. 136. Montello Salt Company, plaintiff in error, *v.* The State of Utah. Argument commenced by Mr. S. T. Corn for the plaintiff in error, continued by Mr. William D. Riter for the defendant in error, and concluded by Mr. Jesse R. Barton for the plaintiff in error.

No. 139. Mark Jacobs, appellant, *v.* Joseph Beecham. Leave granted to Mr. C. W. Wickersham to make oral argument for the appellant on motion of Mr. George Frederick Hurd in that behalf. Argument commenced by Mr. George Frederick Hurd for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 24, will be as follows: Nos. 139, 963 (and 964), 140 (and 141), 142, 147, 148, 149, 150, 151 and 152.

O

## SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 24, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

John B. Brooks of Erie, Pa., James A. Toomey of the District of Columbia, Lewis W. Keplinger of Kansas City, Kans., George Lewis Canfield of Detroit, Mich., Daniel P. J. McKenna of Valley Falls, R. I., and Joseph P. Cotton, jr., of New York City, N. Y., were admitted to practice.

No. 614. The Sac and Fox Indians of the Mississippi in Iowa, appellants, *v.* The Sac and Fox Indians of the Mississippi in Oklahoma and The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Holmes. (Mr. Justice McKenna dissents in part.)

No. 887. Henry C. Ripley, appellant, *v.* The United States; and

No. 888. The United States, appellant, *v.* Henry C. Ripley. Appeals from the Court of Claims. Ordered that the record in this case be remanded for additional findings of fact. And it is further ordered that said record, with the additional findings of fact, be returned to this court with all convenient speed. Opinion by Mr. Chief Justice White.

The Chief Justice announced the following orders of the court:

No. 655. The United States, plaintiff in error, *v.* Herman F. Garbish;

No. 789. The United States, plaintiff in error, *v.* Conrad A. Plyler;

No. 819. The United States, plaintiff in error, *v.* John Morgan et al; and

No. 821. The United States, plaintiff in error, *v.* The Baltimore & Ohio Southwestern Railroad Company. Motions to advance granted, and cases assigned for argument on Tuesday, October 10th, next, after the cases already assigned for that day.

No. 970. The Boise Artesian Hot & Cold Water Company, Limited, petitioner *v.* Boise City, Idaho. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 977. Guaranty Trust Company of New York, petitioner, *v.* Chicago Railways Company et al.; and

No. 978. Julien T. Davies, et al., petitioners, *v.* Chicago Railways Company et al. Petition for writs of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 980. Mattie B. Duffer, petitioner, *v.* Herbert G. Seefeld. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 995. Ina Law Robertson, 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. 996. W. T. Day, petitioner, *v.* Atlantic Coast Line Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 1001. Merritt & Chapman Derrick & Wrecking Company, petitioner, *v.* Cornell Steamboat Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 1005. John Stirlen, 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. 173. The Kansas City Southern Railway Company, plaintiff in error, *v.* C. H. Albers Commission Company. Motion to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 926. M. G. Samuels, appellant, *v.* Charles A. Read, trustee, etc. Motion to set aside the order of dismissal and for leave to file the transcript of record and docket the case granted, on payment of costs.

No. 5 Original. The People of the State of New York, complainants, *v.* The State of New Jersey et al. Ordered that Mr. James D. Maher, of the District of Columbia, be appointed a commissioner to take and return the testimony in this cause, with the powers of a master in chancery, as provided in the rules of this court, and the time as to taking testimony fixed.

No. —. Guardian Assurance Company, Limited, of London, plaintiff in error, *v.* Domingo Quintana. Motion to docket and dismiss denied without prejudice to a renewal of same if case is not docketed within a reasonable time after the bill of exceptions is settled.

---

The Chief Justice also announced that the call of the docket will be suspended on Friday, the 28th instant, and that the court will take a recess on Monday, May 1, until Monday May 15, and will then take a recess until Monday, May 29, when it will adjourn for the term.

No. 427. Frank W. Brown, appellant, *v.* C. T. Elliott, United States marshal, etc., et al.; and

No. 428. E. C. Moore, appellant, *v.* C. T. Elliott, United States marshal, etc., et al. Motion to advance submitted by Mr. Solicitor General Lehmann for the appellees.

Nos. 733 and 734. Mike Beecham, plaintiff in error, *v.* The United States. Motion to advance submitted by Mr. Solicitor General Lehmann for the defendant in error.

No. 860. Morris Glickstein *v.* The United States. Motion to advance submitted by Mr. Solicitor General Lehmann for the United States.

No. 516. F. S. Bradley, trading as Bradley & Company, plaintiff in error, *v.* City of Richmond. Motion to dismiss or affirm submitted by Mr. H. R. Pollard for the defendant in error in support of the motion, and by Mr. I. Henry Harris for the plaintiff in error in opposition thereto.

No. 152. Ker & Company, plaintiff in error, *v.* Albert R. Couden. Leave granted to withdraw the appearance of Mr. William A. Maury as counsel for the plaintiff in error, on motion of Mr. Evans Browne in that behalf.

No. 1007. William V. Snyder et al., petitioners, *v.* American Pneumatic Service Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. James H. Griffin for the petitioners, and by Mr. M. B. Philipp for the respondents.

No. 1009. Charles West, attorney general of the State of Oklahoma, et al., petitioners, *v.* The Atchison, Topeka & Santa Fe Railway Company;

No. 1010. Charles West, attorney general of the State of Oklahoma, et al., petitioners, *v.* Gulf, Colorado & Santa Fe Railway Company;

No. 1011. Charles West, attorney general of the State of Oklahoma, et al., petitioners, *v.* The Missouri, Kansas & Texas Railway Company;

No. 1012. Charles West, attorney general of the State of Oklahoma, et al., petitioners, *v.* Midland Valley Railroad Company;

No. 1013. Charles West, attorney general of the State of Oklahoma, et al., petitioners, *v.* Kansas City Southern Railway Company;

No. 1014. Charles West, attorney general of the State of Oklahoma, et al., petitioners, *v.* The Chicago, Rock Island & Pacific Railway Company; and

No. 1015. Charles West, attorney general of the State of Oklahoma, et al., petitioners, *v.* St. Louis & San Francisco Railroad Company. Petition for writs of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. F. N. Judson and Mr. Charles West for the petitioners, and by Mr. Frank Hagerman for the respondents.

No. 1004. Fourteenth Street Savings Bank, petitioner, *v.* Sigmund Dernfeld. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. H. Winship Wheatley for the petitioner.

No. 999. William S. Ingraham, doing business as Illinois Fuel Company, petitioner, *v.* Commercial Lead Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. William B. Thompson and Mr. Ford W. Thompson for the petitioner.

No. 842. Edmund S. Nash et al., petitioners, *v.* The United States. Motion to advance submitted by Mr. Joseph P. Cotton, jr., for the petitioners.

No. 742. The Alabama & Georgia Manufacturing Company of the State of Alabama, petitioner, *v.* The West Point Manufacturing Company of the State 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. John M. Thurston and Mr. C. A. Mountjoy for the petitioner, and by Mr. Louis D. Brandeis and Mr. William H. Dunbar for the respondents.

No. 858. The Texas & Pacific Railway Company, plaintiff in error, *v.* Mrs. Mary E. Stewart et al. Motion to dismiss or affirm submitted by Mr. S. P. Jones for the defendants in error in support of the motion, and by Mr. William L. Hall for the plaintiff in error in opposition thereto.

No. 139. Mark Jacobs, appellant, *v.* Joseph Beecham. Argument continued by Mr. George Frederick Hurd and Mr. C. W. Wickersham for the appellant, by Mr. John L. Wilkie for the appellee, and concluded by Mr. George Frederick Hurd for the appellant.

No. 19 Original. *Ex parte:* In the matter of the Metropolitan Water Company of West Virginia, petitioner. Argued by Mr. Willard P. Hall for the petitioner, and by Mr. L. W. Keplinger for the respondent. Motion for leave to file answer of Kaw Valley Drainage District of Wyandotte County submitted by Mr. L. W. Keplinger for the respondent, and leave granted him to file a brief for the respondent.

No. 963. Henry A. Wise, plaintiff in error, *v.* Lawrence H. Mills et al.; and

No. 964. Henry A. Wise, individually, etc., appellant, *v.* William Henkel, United States marshal, etc. Argument commenced by Mr. Solicitor General Lehmann for the plaintiff in error and appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 25, will be as follows: Nos. 963 (and 964), 140 (and 141), 142, 147, 148, 149, 150, 151, 152 and 154.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 25, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Robert H. Talley of Richmond, Va., Martin H. Carmody of Grand Rapids, Mich., Robert Healy of Fort Dodge, Iowa, Joseph C. Pelletier of Boston, Mass., James A. Flaherty of Philadelphia, Pa., John H. Reddin of Denver, Colo., George F. Monaghan of Detroit, Mich., James Maher of Chicago, Ill., Clarence E. Martin of Martinsburg, W. Va., Henry Craig Jones of Chicago, Ill., Benjamin L. Rosenbloom of Wheeling, W. Va., William H. Gulliver of Portland, Me., and Harry Levor of New York City, N. Y., were admitted to practice.

No. 643. Union Pacific Railroad Company, plaintiff in error, *v.* The Updike Grain Company et al.;

No. 644. Union Pacific Railroad Company, plaintiff in error, *v.* The Updike Grain Company et al.;

No. 645. Union Pacific Railroad Company, plaintiff in error, *v.* Updike Grain Company; and

No. 646. Union Pacific Railroad Company, plaintiff in error, *v.* Updike Grain Company. Motion to advance submitted by Mr. Maxwell Evarts for the plaintiff in error.

No. 154. R. M. MacKenzie, trustee, etc., plaintiff in error, *v.* Lawrence C. Woods. In error to the supreme court of the State of Pennsylvania. Dismissed with costs, pursuant to the tenth rule.

No. 963. Henry A. Wise, plaintiff in error, *v.* Lawrence H. Mills et al.; and

No. 964. Henry A. Wise, individually, etc., appellant, *v.* William Henkel, United States marshal, etc. Argument continued by Mr. A. Leo Everett for the defendants in error and appellee, and concluded by Mr. Solicitor General Lehmann for the plaintiff in error and appellant.

No. 141. Arthur Briscoe, appellant, *v.* Cuno H. Rudolph et al., Commissioners of the District of Columbia et al. Argued by Mr. Samuel Maddox for the appellant, and Mr. E. H. Thomas for the appellees.

No. 142. David W. Lewis, plaintiff in error, *v.* L. Fleet Lockett et al. Submitted by Mr. John C. Gittings and Mr. J. M. Chamberlin for the plaintiff in error, and by Mr. Lorenzo A. Bailey and Mr. James A. Toomey for the defendants in error.

No. 147. Henry Melville Walker, appellant, *v.* Mary W. Harriman, executrix of Edward H. Harriman, deceased. Argued by Mr. B. C. Chetwood for the appellant, and by Mr. Maxwell Evarts for the appellee.

No. 148. Acme Harvester Company, plaintiff in error, *v.* Beekman Lumber Company. Argued by Mr. Hannis Taylor for the defendant in error, and submitted by Mr. Alexander New and Mr. E. A. Krauthoff for the plaintiff in error.

No. 149. Sargent & Lahr et al., plaintiffs in error, *v.* Herrick & Stevens et al. Argued by Mr. Robert Healy for the plaintiffs in error. No briefs filed for the defendants in error.

No. 150. Wesley C. Richardson et al., appellants, *v.* Judson Harmon, receiver, etc. Argument commenced by Mr. F. S. Masten for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 26, will be as follows: Nos. 150, 151, 152, 155, 158, 159, 160, 161, 162 and 163.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 26, 1911.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

H. J. Fegan of Washington, D. C., Oscar J. Seiler of Jamestown, N. Dak., Edmund P. Cottle of Buffalo, N. Y., Harry C. Sheridan of Frankfort, Ind., Leonidas E. Speer of Dayton, Ohio, Martin A. Morrison of Frankfort, Ind., Clark H. Hammond of Buffalo, N. Y., and Oscar Sutro of Piedmont, Cal., were admitted to practice.

No. 161. Jennie M. Tuttle, plaintiff in error, *v.* Iowa State Traveling Men's Association. Passed temporarily.

No. 163. Mason Williams, trustee, etc., appellant, *v.* The National Bank of Commerce of St. Louis, Mo. Appeal from the United States circuit court of appeals for the fifth circuit. Dismissed with costs, pursuant to the tenth rule.

No. 150. Wesley C. Richardson et al., appellants, *v.* Judson Harmon, receiver, etc. Argument continued by Mr. F. S. Masten for the appellants, and by Mr. George L. Canfield for the appellee, and concluded by Mr. Harvey D. Goulder for the appellants.

No. 151. The Provident Institution for Savings in the Town of Boston, plaintiff in error, *v.* Dana Malone, attorney general, etc. Argued by Mr. John C. Gray for the plaintiff in error, and by Mr. Dana Malone for the defendant in error.

No. 152. Ker & Company, plaintiff in error, *v.* Albert R. Couden. Passed temporarily.

No. 155. The New York Central & Hudson River Railroad Company, plaintiff in error, *v.* William Schradin, as administrator, etc. Argued by Mr. George Vivian Smith for the defendant in error, and submitted by Mr. Charles F. Brown, Mr. Charles C. Paulding, and Mr. Thomas Emery for the plaintiff in error.

No. 158. The United States, petitioner, *v.* Daniel J. Rimer et al. Argued by Mr. Solicitor General Lehmann for the petitioner. No counsel appeared for the respondents.



No. 159. Fifth Avenue Coach Company, plaintiff in error, *v.* The City of New York. Passed temporarily.

No. 160. The Mercantile Trust Company et al., appellants, *v.* The Texas & Pacific Railway Company et al. Continued per stipulation of counsel.

No. 162. Charles E. Appleby, as surviving trustee, etc., plaintiff in error, *v.* City of Buffalo. Argument commenced by Mr. O. O. Cottle for the plaintiff in error, and continued by Mr. Edmund P Cottle for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 27, will be as follows: Nos. 162, 152, 159, 161, 164, 165, 166, 167, 170 and 171.



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 27, 1911.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Harry Rubens of Chicago, Ill., Charles Forsyth Patterson of Pittsburg, Pa., John Lewis Evans of Philadelphia, Pa., and Marion Weston Cottle of New York City, N. Y., were admitted to practice.

No. 161. Jennie M. Tuttle, plaintiff in error, *v.* Iowa State Traveling Men's Association. In error to the supreme court of the State of Iowa. Dismissed with costs pursuant to the tenth rule.

No. 164. Joseph R. Moore and Louis Huhn, plaintiffs in error, *v.* The State of New Jersey. Continued per stipulation of counsel.

No. 166. James W. Finley, plaintiff in error, *v.* The People of the State of California. Continued.

No. 167. Cudahy Packing Company, plaintiff in error, *v.* C. E. Denton, secretary of state of the State of Kansas. Continued per stipulation of counsel.

No. 171. Charles Mauk, plaintiff in error, *v.* Chicago, Burlington & Quincy Railway Company. In error to the circuit court of the United States for the southern district of Iowa. Dismissed with costs pursuant to the tenth rule.

No. 162. Charles E. Appleby, as surviving trustee, etc., plaintiff in error, *v.* The City of Buffalo. Argument continued by Mr. Edmund P. Cottle for the plaintiff in error, by Mr. Clark H. Hammond for the defendant in error, and concluded by Mr. Edmund P. Cottle for the plaintiff in error.

No. 152. Ker & Company, plaintiff in error, *v.* Albert R. Couden. Argued by Mr. Oscar Sutro for the plaintiff in error, and by Mr. Solicitor General Lehmann for the defendant in error. Leave granted counsel for plaintiff in error to file additional brief on or before May 2, 1911.

No. 159. Fifth Avenue Coach Company, plaintiff in error, *v.* The City of New York. Argument commenced by Mr. William H. Page for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 28, will be as follows: Nos. 159, 165, 170, 173, 174, 175, 177 (and 179), 180, 182 (and 183) and 184.

○

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 28, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

William Hall Best of Boston, Mass., Louis J. Vorhaus of New York City, N. Y., Cyrus Crane of Kansas City, Mo., and Harry Crosby Camp of Knoxville, Tenn., were admitted to practice.

No. 141. Arthur Briscoe, appellant, *v.* Cuno H. Rudolph et al., Commissioners of the District of Columbia et al. Leave granted to file supplemental brief for the appellant on motion of Mr. Samuel Maddox for the appellant.

No. 170. Clarence D. Robinson, plaintiff in error, *v.* The Baltimore & Ohio Railroad Company. Submitted by Mr. Charles H. Leeds for the plaintiff in error, and by Mr. Hugh L. Bond, jr., and Mr. W. Irving Cross for the defendant in error, with leave to counsel for the plaintiff in error to file a reply brief within ten days.

No. 174. Isobel H. Lenman, appellant, *v.* Thomas R. Jones. Continued per stipulation of counsel.

No. 177. Julian Munsuri, plaintiff in error, *v.* J. H. Fricker, trustee; and

No. 179. Tefft, Weller & Company et al., appellants, *v.* Julian Munsuri. Continued per stipulation of counsel.

No. 184. Kalem Company, appellant, *v.* Harper Brothers et al. Continued per stipulation of counsel.

No. 159. Fifth Avenue Coach Company, plaintiff in error, *v.* The City of New York. Argument continued by Mr. William H. Page for the plaintiff in error, by Mr. Terence Farley for the defendant in error, and concluded by Mr. William H. Page for the plaintiff in error.

No. 165. In the matter of George Harris, bankrupt. Argued by Mr. Louis J. Vorhaus for Harris, and by Mr. Abram I. Elkus for the receiver in bankruptcy.

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 1, 1911.

---

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

Fred McKee of Washington, D. C., Paul F. Faison of Raleigh, N. C., George Patterson of Uniontown, Pa., and Roy L. Shaw of Blackwell, Okla., were admitted to practice.

No. 241. The United States, plaintiff in error, *v.* Pierre Grimaud et al.; and

No. 242. The United States, plaintiff in error, *v.* Antonio Inda. In error to the district court of the United States for the southern district of California. Judgments of affirmance by a divided court of March 14, 1910, vacated and set aside, and judgments reversed and causes remanded with directions to overrule the demurrers and for further proceedings in conformity to law. Opinion by Mr. Justice Lamar.

No. 360. Fred Light, appellant, *v.* The United States. Appeal from the circuit court of the United States for the district of Colorado. Decree affirmed. Opinion by Mr. Justice Lamar.

No. 73. Mariano F. Sena, plaintiff in error, *v.* American Turquoise Company. In error to the supreme court of the Territory of New Mexico. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 128. The Sperry & Hutchinson Company, plaintiff in error, *v.* Aida T. Rhodes. In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

---

The Chief Justice announced the following orders of the court:

No. 427. Frank W. Brown, appellant, *v.* C. T. Elliott, U. S. Marshal, etc., et al.;

No. 428. E. C. Moore, appellant, *v.* C. T. Elliott, U. S. Marshal, etc., et al.;

Nos. 733 and 734. Mike Beecham, plaintiff in error, *v. The United States*; and

No. 860. Morris Glickstein *v. The United States*. Motions to advance granted, and cases assigned for argument on Tuesday, October 10 next, after the cases already assigned for that day.

Nos. 643 and 644. Union Pacific Railroad Company, plaintiff in error, *v. The Updike Grain Company et al.*; and

Nos. 645 and 646. Union Pacific Railroad Company, plaintiff in error, *v. The Updike Grain Company*. Motion to advance granted, and cases assigned for argument on Tuesday, October 10 next, with cases Nos. 554, 555, and 556 as one case.

No. 842. Edmund S. Nash et al., petitioners, *v. The United States*. Motion to advance denied.

No. 742. The Alabama & Georgia Manufacturing Company of the State of Alabama, petitioner, *v. The West Point Manufacturing Company of the State of Alabama et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 1007. William V. Snyder et al., petitioners, *v. The American Pneumatic Service Company et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 1009. Charles West, Attorney General, etc., et al., petitioners, *v. The Atchison, Topeka & Santa Fe Railway Company et al.*;

No. 1010. Charles West, Attorney General, etc., et al., petitioners, *v. Gulf, Colorado & Santa Fe Railway Company et al.*;

No. 1011. Charles West, Attorney General, etc., et al., petitioners, *v. The Missouri, Kansas & Texas Railway Company*;

No. 1012. Charles West, Attorney General, etc., et al., petitioners, *v. Midland Valley Railroad Company*;

No. 1013. Charles West, Attorney General, etc., et al., petitioners, *v. Kansas City Southern Railway Company*;

No. 1014. Charles West, Attorney General, etc., et al., petitioners, *v. The Chicago, Rock Island & Pacific Railway Company*; and

No. 1015. Charles West, Attorney General, etc., et al., petitioners, *v. St. Louis & San Francisco Railroad Company*. Petition for writs of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 999. William S. Ingraham, etc., petitioner, *v. Commercial Lead Company et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 1003. Mary Virginia Miller, petitioner, *v. West Virginia Pulp & Paper Company et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 1004. Fourteenth Street Savings Bank, petitioner, *v.* Sigmund Dernfeld. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 516. F. S. Bradley, Trading as Bradley & Company, plaintiff in error, *v.* The City of Richmond. Motion to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 858. The Texas & Pacific Railway Company, plaintiff in error, *v.* Mrs. Mary E. Stewart et al. Motion to dismiss or affirm denied.

---

No. 670. The United States, plaintiff in error, *v.* The Baltimore & Ohio Railroad Company. Motion to advance submitted by Mr. Solicitor General Lehmann for the plaintiff in error.

No. 799. The United States, plaintiff in error, *v.* George F. Stever et al. Motion to advance submitted by Mr. Solicitor General Lehmann for the plaintiff in error.

No. 715. Chin Ying Don et al., appellants, *v.* George B. Billings, United States Commissioner, etc. Appeal from the district court of the United States for the district of Massachusetts. Dismissed with costs, on authority of counsel for the appellant, on motion of Mr. Solicitor General Lehmann for the appellee.

No. 942. Jessie B. Thomas, plaintiff in error, *v.* John R. Thomas. Motion to dismiss or affirm submitted by Mr. F. W. Lehmann in behalf of Mr. William J. Hughes, Mr. Horace Speed, Mr. W. T. Hutchings, and Mr. Preston C. West for the defendant in error in support of the motion, and by Mr. Frank Dale and Mr. A. G. C. Bierer for the plaintiff in error in opposition thereto.

No. 707. Justo Amsterdam et al., appellants, *v.* Felix Puente et al. Motion to dismiss or affirm submitted by Mr. Frederic D. McKenney, Mr. John Spalding Flannery and Mr. Myer Cohen for the appellees in support of the motion, and by Mr. N. B. K. Pettingill, Mr. H. P. Leake and Mr. W. V. Robbins for the appellants in opposition thereto, with leave to counsel for the appellee to file an additional brief.

No. 958. Charles S. Lester, petitioner, *v.* Edward G. Benedict, trustee, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Harold Remington for the petitioner, and by Mr. Daniel P. Hays for the respondent.

No. 899. The American Bank Protection Company, petitioner, *v.* Electric Protection Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Arthur P. Greeley and Mr. A. C. Paul for the petitioner, and by Mr. John E. Stryker for the respondent.

No. 807. United Railways Company of St. Louis et al., appellants, *v.* The City of St. Louis. Motion to dismiss submitted by Mr. Lambert E. Walther for the appellee in support of the motion, and by Mr. H. S. Priest for the appellants in opposition thereto.

No. 921. Bradford Kennedy Company et al., plaintiffs in error, *v.* Arthur C. Morbeck et al. In error to the supreme court of the State of Idaho. Dismissed per stipulation of counsel.

Adjourned until Monday, May 15, at 12 o'clock.

O



## SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 15, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

John J. Stamler of Elizabeth, N. J., George Frankenstein of Weehawken, N. J., Charles H. Sloan of Geneva, Nebr., James C. Agnew, town of Union, N. J., Harry H. McElroy of Tucumcari, N. Mex., Harvey Eugene Kelley of Denver, Colo., William P. Golden of San Francisco, Cal., Harold T. Clark of Cleveland, Ohio, John Rustgard of Juneau, Alaska, Edwin Allston Hill of Washington, D. C., Clayton J. Heermance of New York City, N. Y., Edward A. Douthitt of Honolulu, T. H., J. H. Langly of Pryor, Okla., Roger Sherman Gates Boutell of Washington, D. C., Frederick J. Stone of New York City, Walter C. English of Washington, D. C., W. B. Crawford of Kissisimee, Fla., John J. Cook of Milwaukee, Wis., John A. Hope of St. Louis, Mo., Henry Love Clarke of Chicago, Ill., John Y. Hewett of White Oaks, New Mex., Frederick E. Stivers of Kansas City, Mo., and Henry M. Johnson of Louisville, Ky., were admitted to practice.

No. 372. Samuel Gompers, John Mitchell and Frank Morrison, petitioners, *v.* The Buck's Stove & Range Company. On writ of certiorari 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 and remand the cause to that court with directions that the contempt proceedings instituted by the Buck's Stove & Range Company be dismissed, but without prejudice to the power and right of the supreme court of the District of Columbia to punish by a proper proceeding contempt, if any, committed against it. Opinion by Mr. Justice Lamar.

No. 831. Texas & New Orleans Railroad Company et al., plaintiffs in error, *v.* Fannie Miller et al. 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 Van Devanter.

No. 832. Texas & New Orleans Railroad Company et al., plaintiffs in error, *v.* Felix Gross et al. 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 Van Devanter.

No. 138. The Grand Trunk Western Railway Company, plaintiff in error, *v.* The Railroad Commission of Indiana et al. In error to the appellate court of the State of Indiana. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 149. Sargeant & Lahr et al., plaintiffs in error, *v.* Herrick & Stevens et al. In error to the supreme court of the State of Iowa. Judgment reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Van Devanter.

No. 759. Christopher C. Wilson, 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 Hughes. Dissenting: Mr. Justice McKenna.

No. 760. Christopher C. Wilson, appellant, *v.* The United States. Appeal from the circuit court of the United States for the southern district of New York. Final order affirmed. Opinion by Mr. Justice Hughes. Dissenting: Mr. Justice McKenna.

No. 788. Christopher C. Wilson, appellant, *v.* The United States. Appeal from the circuit court of the United States for the southern district of New York. Final order affirmed. Opinion by Mr. Justice Hughes. Dissenting: Mr. Justice McKenna.

No. 858. William Dreier, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the southern district of New York; and

No. 359. William Dreier, appellant, *v.* William Henkel, United States marshal, etc. Appeal from the circuit court of the United States for the southern district of New York. Judgment and final order affirmed. Opinion by Mr. Justice Hughes. (Mr. Justice McKenna concurs in the result upon the ground of waiver.)

No. 92. Liverpool & London & Globe Insurance Company of New York, plaintiff in error, *v.* The Board of Assessors of the Parish of Orleans et al. In error to the supreme court of the State of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice Hughes.

No. 397. Orient Insurance Company et al., plaintiffs in error, *v.* The Board of Assessors for the Parish of Orleans et al. In error to the supreme court of the State of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice Hughes.

No. 107. Charles H. Merillat and Mason N. Richardson, trustees, appellants, *v.* Melville D. Hensey et al. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Lurton.

No. 60. *Marchie Tiger, plaintiff in error, v. The Western Investment Company et al.* In error to the supreme court of the State of Oklahoma. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Day.

No. 89. *Simeon Hallowell v. The United States.* On a certificate from the United States circuit court of appeals for the eighth circuit. Question certified answered in the affirmative. Opinion by Mr. Justice Day.

No. 374. *Catherine Schlemmer, now Catherine Craig, plaintiff in error, v. The Buffalo, Rochester & Pittsburgh Railway Company.* In error to the supreme court of the State of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 131. *Louis A. Dowdell, Jr., and Wilson W. Harn, plaintiffs in error, v. The United States.* In error to the supreme court of the Philippine Islands. Judgment affirmed. Opinion by Mr. Justice Day. Dissenting: Mr. Justice Harlan.

No. 139. *Mark Jacobs, appellant, v. Joseph Beecham.* Appeal from the United States circuit court of appeals for the second circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the eastern district of New York. Opinion by Mr. Justice Holmes.

No. 165. In the matter of *George Harris, Bankrupt.* On a certificate from the United States circuit court of appeals for the second circuit. Question certified answered in the affirmative. Opinion by Mr. Justice Holmes.

No. 638. *Christopher Strassheim, Sheriff, etc., appellant, v. Milton Daily.* Appeal from the district court of the United States for the northern district of Illinois. Final order reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 916. *Charles West, attorney general of the State of Oklahoma, appellant, v. The Kansas Natural Gas Company et al.* Appeal from the circuit court of the United States for the eastern district of Oklahoma. Decree affirmed with costs. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Holmes, Mr. Justice Lurton and Mr. Justice Hughes.

No. 314. *The United States, plaintiff in error, v. William B. Hammers.* In error to the district court of the United States for the southern district of California. Judgment reversed, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice McKenna.

No. 100. *The Hannibal Bridge Company and The Wabash Railroad Company, plaintiffs in error, v. The United States.* In error to the

district court of the United States for the eastern district of Missouri. Judgment affirmed. Opinion by Mr. Justice Harlan.

No. 117. Northern Pacific Railway Company et al., appellants, *v.* John Trodick. Appeal from the United States circuit court of appeals for the ninth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the district of Montana. Opinion by Mr. Justice Harlan.

No. 329. The Chicago, Burlington & Quincy Railroad Company, petitioner, *v.* The United States. On writ of certiorari to the United States circuit court of appeals for the eighth circuit. Judgment affirmed, and cause remanded to the district court of the United States for the district of Nebraska. Opinion by Mr. Justice Harlan.

No. 88. E. M. Delk, petitioner, *v.* St. Louis & San Francisco Railroad Company. On writ of certiorari to the United States circuit court of appeals for the sixth circuit. Judgment of the circuit court of appeals reversed with costs, and judgment of the circuit court of the United States for the western district of Tennessee affirmed with costs, and cause remanded to said circuit court. Opinion by Mr. Justice Harlan. (Mr. Justice Lurton did not participate in the decision by this court in this case.)

No. 158. The United States, petitioner, *v.* Daniel J. Rimer et al. On writ of certiorari to the United States circuit court of appeals for the fourth circuit. Writ of certiorari dismissed. Opinion by Mr. Chief Justice White.

No. 963. Henry A. Wise, plaintiff in error, *v.* Lawrence H. Mills et al. In error to the circuit court of the United States for the southern district of New York. Dismissed for want of jurisdiction. Opinion by Mr. Chief Justice White.

No. 964. Henry A. Wise, individually and as United States attorney for the southern district of New York, appellant, *v.* William Henkel, United States marshal, etc. Appeal from the circuit court of the United States for the southern district of New York. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice White.

No. 19 Original. *Ex parte*: In the matter of the Metropolitan Water Company of West Virginia, petitioner. Petition for a writ of mandamus. Rule to show cause made absolute and writ of mandamus awarded. Opinion by Mr. Chief Justice White.

No. 398. Standard Oil Company et al., appellants, *v.* The United States. Appeal from the circuit court of the United States for the eastern district of Missouri. Decree modified and affirmed. Opinion by Mr. Chief Justice White. (Mr. Justice Harlan dissents from the opinion.)

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

No. 155. The New York Central & Hudson River Railroad Company, plaintiff in error, *v.* William Schradin, as administrator, etc. In error to the supreme court of the State of New York. Per curiam: Judgment affirmed with costs. Louisville & Nashville Railroad Company *v.* Melton, 218 U. S., 36.

No. 147. Henry Melville Walker, appellant, *v.* Mary W. Harriman, executrix of Edward H. Harriman, deceased. Appeal from the circuit court of the United States for the southern district of New York. Per curiam: Dismissed for the want of jurisdiction. Southern Railway Co. *v.* Postal Telegraph Cable Company, 179 U. S., 641.

No. 942. Jessie B. Thomas, plaintiff in error, *v.* John R. Thomas. In error to the supreme court of the State of Oklahoma. Dismissed for the want of jurisdiction.

No. 853. Erie Railroad Company, plaintiff in error, *v.* Blanche Russell, administratrix, etc. In error to the United States circuit court of appeals for the second circuit. Dismissed for the want of jurisdiction. Petition for writ of certiorari denied.

No. 807. United Railways Company of St. Louis et al., appellants, *v.* The City of St. Louis. Appeal from the circuit court of the United States for the eastern district of Missouri. Dismissed for the want of jurisdiction.

No. 899. The American Bank Protection Company, petitioner, *v.* Electric Protection Company. Petition for writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 958. Charles S. Lester, petitioner, *v.* Edward G. Benedict, trustee, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 670. The United States, plaintiff in error, *v.* The Baltimore & Ohio Railroad Company; and

No. 799. The United States, plaintiff in error, *v.* George F. Stever et al. Motions to advance granted, and cases assigned for argument on Tuesday, October 10 next, after the cases heretofore assigned for that day.

No. 707. Justo Armsterdam et al., appellants, *v.* Felix Puente et al. Motion to dismiss postponed to the hearing of the cause on its merits.

Order. It is now here ordered by this Court that the following table of fees to be charged in the United States Commerce Court be, and the same is hereby, adopted and approved, viz:

Clerk:

For docketing a case .....	\$5. 00
For entering any final decree or order or judgment.....	1. 00

## Clerk—Continued.

For a certified copy of any entry, record, or paper on file, for each folio of 100 words (no such fee, however, to be less than 50 cents).....	\$0. 10
For admission to the bar, including certificate, under seal..	1. 00
For a copy of any opinion of the court or judge, certified under seal.....	2. 00

## Marshal:

For service of any writ, subpoena, or order, for each party upon whom service is made.....	2. 00
---	-------

In case of the service of process by the marshal of a district outside of the city of Washington, in addition to the fees just prescribed, the marshal shall receive the same mileage as is by law allowed to marshals for serving process issued by the district court of the United States in the district where such service is performed.

It is further ordered that no fees shall be taxed against the United States or the Interstate Commerce Commission.

---

No. 686. The United States of America, appellant, *v.* The Terminal Railroad Association of St. Louis et al. Motion to advance submitted by Mr. Attorney General Wickersham for the appellant.

No. 615. The United States of America, plaintiff in error, *v.* St. Louis National Stock Yards;

No. 990. The United States, plaintiff in error, *v.* P. H. Barnes et al.;

No. 1033. The United States, plaintiff in error, *v.* James A. Patten et al.;

No. 1043. The United States, plaintiff in error, *v.* Charles F. Munday et al.;

No. 684. Gabriel Diaz, plaintiff in error, *v.* The United States;

No. 798. Frederick A. Hyde et al., petitioners, *v.* The United States;

No. 822. Thomas A. Fields, appellant, *v.* George F. White, United States marshal, etc.;

No. 927. C. A. Tilles, appellant, *v.* E. F. Regenhardt, United States marshal, etc., et al.;

No. 936. S. D. Harper, plaintiff in error, *v.* Grant Victor, United States marshal, etc. Motions to advance submitted by Mr. Solicitor General Lehmann for the United States.

No. 1051. The United States, petitioner, *v.* Wong You et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Solicitor General Lehmann and Mr. Assistant Attorney General Harr for the petitioner.

No. 1048. Marx & Rawolle, petitioners, *v.* The United States. Petition for a writ of certiorari to the United States court of customs appeals submitted by Mr. Benjamin A. Levett for the petitioners, and

by Mr. Solicitor General Lehmann and Mr. Assistant Attorney General Lloyd for the respondent.

No. 953. William Jenkins et al., petitioners, *v.* Charles Dillingham, receiver, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Frederick S. Tyler, in behalf of Mr. W. D. Gordon and Mr. John L. Little for the petitioners.

No. 1029. J. W. Baley, United States marshal, etc., petitioner, *v.* Richard J. Woolley et al. 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. Theodore F. Davidson and Mr. Louis M. Bourne for the petitioner.

No. 1045. Edward A. Kauehmsted, petitioner, *v.* Farben fabriken, of Elberfeld Company. Petition for a writ of certiorari to the United States court of appeals for the seventh circuit submitted by Mr. Frederick S. Tyler, in behalf of Mr. John G. Elliott, for the petitioner, and by Mr. Livingstone Gifford and Mr. Anthony Gref for the respondent.

No. 1054. George T. Simpson et al., appellants, *v.* David C. Shepard;

No. 1055. George T. Simpson et al., appellants, *v.* Emma B. Kennedy et al., executors, etc., et al.; and

No. 1056. George T. Simpson et al., appellants, *v.* William Shillaber. Motion to advance submitted by Mr. Edward T. Young for the appellants.

No. 1020. Title Guaranty & Trust Company et al., petitioners, *v.* John G. Ward, United States collector, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Morris F. Frey and Mr. H. T. Newcomb for the petitioners, with leave to the Solicitor General to file brief on or before Friday next.

No. 1042. The British & Foreign Marine Insurance Company, Limited, petitioner, *v.* Maldonada & Company, Incorporated. 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. Archibald G. Thacher, for the petitioner.

No. 1053. Caldwell Lead Company, petitioner, *v.* Francis J. Torrence et al. Petition for a writ of certiorari to the circuit court of the United States for the eastern district of Pennsylvania submitted by Mr. A. Parker Smith for the petitioner.

No. 1049. Matthias Radin et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Harry Levor for the petitioners, and by Mr. Solicitor General Lehmann for the respondent.

No. 1052. Stanley Francis, petitioner, *v.* J. Hector McNeil, trustee, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Charles L. Frailey for the petitioner.

No. — Original. *Ex parte*: In the matter of the Merchants Stock & Grain Company, et al., petitioners. Motion for leave to file petition for a writ of mandamus submitted by Mr. Charles L. Frailey, in behalf of Mr. H. S. Priest and Mr. Chester H. Krum for the petitioner.

No. 1025. Frances E. Waterman, wife of Charles A. Crane, petitioner, *v.* The Canal-Louisiana Bank & Trust Company, executor, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. E. Howard McCaleb for the petitioner.

No. 1022. Fred G. Austin, as trustee, etc., petitioner, *v.* The New York Stock Exchange et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. H. Ralph Burton, in behalf of Mr. Henry M. Campbell, Mr. Frederick Geller, and Mr. Henry Ledyard for the petitioner, and by Mr. Walter F. Taylor and Mr. K. R. Babbitt for the respondents.

No. 1039. The American Disappearing Bed Company, petitioner, *v.* Edward Arnaelsteen. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Melville Church for the petitioner.

No. 193. Hannah S. Crane et al., appellants, *v.* The United States. Suggestion of death of Hannah S. Crane, one of the appellants herein, and appearance of Mary N. Hussey, administratrix, etc., filed and entered, and suggestion of death of James T. Boyd, one of the appellants herein, and the appearance of Richard H. Glassford, his executor, as a party appellant herein, filed and entered on motion of Mr. Archibald King for the appellants.

No. 250. Samuel R. Colhoun, appellant, *v.* The United States. Appeal from the Court of Claims. Dismissed on motion of Mr. Archibald King for the appellant.

No. 268. Lawrence G. Boggs, appellant, *v.* The United States. Appeal from the Court of Claims. Dismissed on motion of Mr. Archibald King for the appellant.

No. 1040. Norman Marshall, petitioner, *v.* The Bryant Electric Company. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. John A. Kratz, jr., in behalf of Mr. William R. Sears, for the petitioner, and by Mr. Charles Howson and Mr. Hubert Howson for the respondent.

No. 907. The Pullman Company, plaintiff in error, *v.* Ellsworth C. Irvine, receiver, etc. Motion to dismiss or affirm submitted by Mr.



Fred C. Rector, Mr. Gilbert H. Stewart, sr., Mr. Gilbert H. Stewart, jr., and Mr. T. E. Powell for the defendant in error, in support of the motion, and by Mr. Andrew Squire, Mr. W. B. Sanders, Mr. Harold T. Clark, and Mr. F. B. Daniels for the plaintiff in error in opposition thereto.

No. 933. Monett Electric Light, Power & Ice Company, appellant, *v.* The City of Monett, Missouri. Motion for an injunction *pendente lite* submitted by Mr. Frank S. Bright, in behalf of Mr. Joseph M. Hill and Mr. James Brizzolara, for the appellant.

No. 521. The Philadelphia, Baltimore & Washington Railroad Company, plaintiff in error, *v.* Lillian Tucker, administratrix, etc. Motion to dismiss or affirm submitted by Mr. Alvin L. Newmyer and Mr. Levi H. David for the defendant in error in support of the motion, and by Mr. Frederic D. McKenney, Mr. J. S. Flannery, and Mr. William Hitz for the plaintiff in error in opposition thereto.

No. 887. Henry C. Ripley, appellant, *v.* The United States; and

No. 888. The United States, appellant, *v.* Henry C. Ripley. Leave granted to file additional briefs herein within three days, on motion of Mr. William H. Robeson for Mr. Ripley.

No. 205. Missouri, Kansas & Texas Railway Company of Texas, plaintiff in error, *v.* Harry C. Bailey. Supplemental motion to dismiss or affirm submitted by Mr. Joseph W. Bailey, Mr. J. A. L. Wolfe, Mr. Rice Maxey, and Mr. B. F. Looney for the defendant in error in support of the motion, and by Mr. James Hagerman, Mr. Joseph M. Bryson, Mr. Cecil H. Smith, and Mr. Alex. S. Coke for the plaintiff in error in opposition thereto.

No. 753. The Oregon Railroad & Navigation Company, appellant, *v.* Thomas K. Campbell et al. Motion to advance submitted by Mr. George E. Chamberlain, in behalf of counsel.

No. 1050. The Cincinnati Equipment Company, petitioner, *v.* Joseph E. Degnan, receiver, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Jackson H. Ralston and Mr. Alexander L. Smith for the petitioner.

No. 1021. A. K. Atkinson, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Robert T. Hough and Mr. J. R. Saussy for the petitioner, and by Mr. Solicitor General Lehmann for the respondent.

No. 170. Clarence D. Robinson, plaintiff in error, *v.* The Baltimore & Ohio Railroad Company. Leave to file reply brief on behalf of the defendant in error granted, on motion of Mr. Harry Gower for the defendant in error. Leave granted to the plaintiff in error to

file reply brief within three days, on motion of Mr. Charles H. Leeds for the plaintiff in error.

No. 910. Thomas H. Pickford et al., appellants, *v.* Henry M. Talbott. Motion to advance submitted by Mr. John Ridout for the appellee.

No. 305. The State of Missouri ex rel. the Equitable Life Assurance Society of the United States, plaintiff in error, *v.* William D. Vandiver, superintendent of insurance, etc.;

No. 306. The State of Missouri ex rel. Metropolitan Life Insurance Company, plaintiff in error, *v.* William D. Vandiver, superintendent of insurance, etc.; and

No. 307. The State of Missouri ex rel. the Prudential Insurance Company of America, plaintiff in error, *v.* William D. Vandiver, superintendent of insurance, etc. In error to the Supreme Court of the State of Missouri. Dismissed by stipulation of counsel.

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

O

## SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 29, 1911.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter and Mr. Justice Lamar.

John T. Evans of Chicago, Ill., George T. Weitzel of St. Louis, Mo., S. F. Prouty of Des Moines, Iowa, Dix W. Noel of New York City, Shepard R. Evans of St. Louis, Mo., Louis J. Behan of Chicago, Ill., William A. Hager of Milwaukee, Wis., Gustavus J. Tatge of Chicago, Ill., James B. Murrin of Carbondale, Pa., William J. O'Sullivan of New York City, William A. McQuaid of New York City, C. Matheson of Gainesville, Fla., H. L. Stevens of Warsaw, N. C., Hugo Mock of New York City, Harry R. Berlinicke of New York City, Robert Fletcher Rogers of New York City, J. Archibald Moriarty of the District of Columbia, W. A. Coombe of the District of Columbia, Thomas M. Honan of Indianapolis, Ind., J. Lee D. Claggett of Hyattsville, Md., Clair W. Fairbank of New York City, Julian Laughlin of St. Louis, Mo., George Julian Shaffer of Pittsburg, Pa., Joseph H. Stolper of Krebs, Okla., Alexander S. Skelton of Hartwell, Ga., William Lee Hughes of New Orleans, La., Edwin E. Roberts of Carson City, Nev., Alfred Adams Wheat of New York City, Clayton B. Blakey of Louisville, Ky., Charles A. Murphy of Houston, Tex., Sloss D. Baxter of Nashville, Tenn., Charles C. Cavanah of Boise, Idaho, William T. Chantland of Fort Dodge, Iowa, George Drenford Dyrenforth of Baltimore, Md., Malcolm D. Jones of Macon, Ga., Jesse C. Harris of Macon, Ga., Scott Ferris of Lawton, Okla., Charles J. Sumner of Delavan, Wis., Douglas A. Preston of Cheyenne Wyo., A. O. Stanley of Henderson, Ky., and William R. Ballard of Washington, D. C., were admitted to practice.

No. 1018. The Lewis Bluepoint Oyster Cultivation Company, plaintiff in error, *v.* J. Marvin Briggs. Motion to advance submitted by Mr. Solicitor General Lehmann.

No. 1062. The United States, plaintiff in error, *v.* Harvey C. Miller et al.; and

No. 1063. The United States, plaintiff in error, *v.* Harvey C. Miller et al. Motion to advance submitted by Mr. Solicitor General Lehmann for the plaintiff in error.

No. 1076. Frank C. Marrin, 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. Jackson H. Ralston, Mr. F. L. Siddons, and Mr. William E. Richardson for the petitioner, with leave to the Solicitor General to file brief hereafter.

No. 1075. Johnson Educator Food Company, petitioner, *v.* Sylvanus Smith & Company, Incorporated. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Henry Calver and Mr. William A. Macleod for the petitioner.

No. 100. The Hannibal Bridge Company et al., plaintiffs in error, *v.* the United States. Motion for leave to present a petition for rehearing and that mandate be stayed, submitted by Mr. Frederic D. McKenney, in behalf of counsel for the plaintiffs in error.

No. 374. Catherine Schlemmer, now Catherine Craig, plaintiff in error, *v.* The Buffalo, Rochester & Pittsburgh Railway Company. Motion for leave to present petition for rehearing and that mandate be stayed submitted by Mr. Frederic D. McKenney for the plaintiff in error.

No. 916. Charles West, attorney general of the State of Oklahoma, appellant, *v.* The Kansas Natural Gas Company et al. Motion to modify decree submitted by Mr. A. B. Browne, in behalf of Mr. Charles West and Mr. C. B. Ames, for the appellant in support of the motion, and by Mr. John G. Johnson and Mr. D. T. Watson for the appellees in opposition thereto.

No. 161. Jennie M. Tuttle, plaintiff in error, *v.* Iowa State Traveling Men's Association. Motion to set aside judgment of dismissal submitted by Mr. S. F. Prouty in behalf of Mr. Alfred H. McVey for the plaintiff in error in support of the motion, and by Mr. Albert B. Cummins for the defendant in error in opposition thereto.

No. 882. Quincy, Omaha & Kansas City Railroad Company, plaintiff in error, *v.* Ora T. Shohoney. Motion to dismiss or affirm submitted by Mr. I. N. Watson for the defendant in error in support of the motion.

No. 1058. Hoy Moy, petitioner, *v.* Hart H. North, commissioner, etc., et al.; and

No. 1059. Hoo Choy, petitioner, *v.* Hart H. North, commissioner, etc., et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Corry M. Stadden for the petitioners, with leave to the Solicitor General to file brief for the respondent within one week.

No. — Original. The State of Wyoming, complainant, *v.* The State of Colorado et al. Motion for leave to file bill of complaint submitted by Mr. Douglas A. Preston for the complainant.

No. 909. Atlantic Coast Line Railroad Company, plaintiff in error, *v.* The State of Georgia. Motion to advance submitted by Mr. A. O. Bacon in behalf of counsel.

No. 1006. George W. Curitan, plaintiff in error, *v.* The State of Georgia; and

No. 1030. George W. Cureton, plaintiff in error, *v.* The State of Georgia. Motions to advance submitted by Mr. A. O. Bacon in behalf of counsel.

No. 915. The Richmond, Fredericksburg & Potomac Railroad Company, plaintiff in error, *v.* The Commonwealth of Virginia. Motion to dismiss or affirm, submitted by Mr. Samuel W. Williams for the defendant in error in support of the motion, and by Mr. Alex. P. Humphrey, Mr. A. Caperton Braxton and Mr. John S. Eggleston for the plaintiff in error in opposition thereto.

No. 840. Charles T. Preston, plaintiff in error, *v.* The City of Chicago. Motion to advance submitted by Mr. Allen B. Chilcoat for the plaintiff in error.

No. 1089. James N. Alsop, petitioner, *v.* John Conway 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. Jolly for the petitioner, with leave to counsel for respondents to file brief hereafter.

No. 1077. John I. McDuffee, trustee et al., petitioners, *v.* Hestonville, Mantua & Fairmont Passenger Railway Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit, submitted by Mr. Thomas F. Sheridan, Mr. Clifton V. Edwards, and Mr. Joseph C. Fraley for the petitioners, and by Mr. Frederick P. Fish and Mr. Charles Neave for the respondents.

No. 1060. Charles D. Henderson, 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. Arthur R. Thompson in behalf of Mr. J. F. Campbell for the petitioner, and by Mr. Frederic D. McKenney, Mr. J. S. Flannery, and Mr. William Hitz for the respondent.

No. 1084. Edward Enders, petitioner, *v.* The United States; and

No. 1085. Henry Hinn, petitioner, *v.* The United States. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit, submitted by Mr. John G. Evans and Mr. Frank R. Reid for the petitioners, with leave to the Solicitor General to file brief for the respondent within two weeks.

No. 1065. Jesse Watson, as trustee, etc., petitioner, *v.* The European American Bank. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit, submitted by Mr. Clayton J. Heermance for the petitioner, and by Mr. Philip Ashton Rollins for the respondent.

No. 241. The United States, plaintiff in error, *v.* Pierre Grimaud et al.;

No. 242. The United States, plaintiff in error, *v.* Antonio Inda; and

No. 360. Fred Light, appellant, *v.* The United States. Motion for leave to present petition for rehearing as *amicus curiæ* submitted by Mr. Charles R. Pierce, and motion denied.

No. 1074. The Aetna Life Insurance Company, petitioner, *v.* John T. Moore, administrator, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. George F. Jones for the petitioner, and by Mr. Minter Wimberly, Mr. Jesse Harris, Mr. Alexander Akerman and Mr. Charles Ackerman for the respondent.

No. 757. Omaha Electric Light & Power Company, appellant, *v.* The City of Omaha et al. Motion to dismiss or affirm submitted by Mr. Charles H. Sloan, in behalf of Mr. Frank Crawford, for the appellees in support of the motion, and by Mr. Westel W. Morsman and Mr. E. H. Scott for the appellant in opposition thereto.

No. 708. John L. James, bankrupt, appellant, *v.* Stone & Company, creditors, et al. Petition for a writ of certiorari herein submitted by Mr. H. L. Stevens and Mr. Samuel A. Anderson for the appellant in support of the petition.

No. 1088. The Rubber Tire Wheel Company et al., petitioners, *v.* The Goodyear Tire & Rubber Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Lawrence Maxwell, Mr. Frederick P. Fish and Mr. Charles W. Stapleton for the petitioners, with leave to counsel for respondent to file brief hereafter.

---

No. 70. Dr. John Hopkins, plaintiff in error, *v.* The Clemson Agricultural College of South Carolina. In error to the Supreme Court of the State of South Carolina. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Lamar. Dissenting: Mr. Justice Harlan.

No. 134. Alexander E. Faber et al., etc., appellants, *v.* The United States. Appeal from the Circuit Court of the United States for the Southern District of New York. Decree reversed in part and af-

firmed in part and cause remanded for further proceedings. Opinion by Mr. Justice Lamar.

No. 151. The Provident Institution for Savings in the town of Boston, plaintiff in error, *v.* Dana Malone, Attorney General, etc. In error to the Supreme Judicial Court of the State of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice Lamar.

No. 112. Joaquin Jover y Costas, appellant and plaintiff in error, *v.* The Insular Government of the Philippine Islands et al.; and

No. 113. The Insular Government of the Philippine Islands et al., appellants and plaintiffs in error, *v.* Joaquin Jover y Costas. Appeals from and in error to the Supreme Court of the Philippine Islands. Appeals dismissed. Judgment reversed with costs, and cause remanded with directions to reverse the judgment of the Court of Land Reservation, and remand the cause to that court with a direction to allow registration of the entire tract, as prayed in the petition. Opinion by Mr. Justice Van Devanter.

No. 222. The Baltimore & Ohio Railroad Company, appellant, *v.* Interstate Commerce Commission. Appeal from the Circuit Court of the United States for the District of Maryland. Decree affirmed with costs. Opinion by Mr. Justice Hughes.

No. 99. Pierre Alfredo Luis Baglin et al., appellants, *v.* Cusenier Company. Appeal from and on writ and cross writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Petition for writ of certiorari in contempt proceeding granted and decree reversed with costs and cause remanded with directions to enter a decree in favor of the complainant, amending the decree entered in the Circuit Court in accordance with the opinion of this court; and the order in the contempt proceeding is affirmed without prejudice to any future application. Opinion by Mr. Justice Hughes.

No. 115. American Lithographic Company, plaintiff in error, *v.* Emil Werckmeister. 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 Hughes.

No. 141. Arthur Briscoe, appellant, *v.* Cuno H. Rudolph et al., Commissioners of the District of Columbia et al. Appeal from the Court of Appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Lurton.

No. 140. Dennis C. Shea, appellant, *v.* Cuno H. Rudolph et al., Commissioners of the District of Columbia et al. Appeal from the Court of Appeals of the District of Columbia. Decree affirmed with costs, per stipulation to abide decision in No. 141.

No. 142. David W. Lewis, plaintiff in error, *v. L. Fleet Lockett and Margaret Estelle Jones*. In error to the Court of Appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Lurton.

No. 135. Joseph N. Carpenter et al., petitioners, *v. David J. Winn*. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment of the United States Circuit Court of Appeals and of the Circuit Court of the United States for the Southern District of New York reversed with costs, and cause remanded to said Circuit Court for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Lurton. Dissenting, Mr. Justice Hughes.

No. 941. W. H. Coyle, plaintiff in error, *v. Thomas P. Smith*, secretary of state of the State of Oklahoma, et al. In error to the Supreme Court of the State of Oklahoma. Judgment affirmed, with costs. Opinion by Mr. Justice Lurton. Dissenting: Mr. Justice McKenna and Mr. Justice Holmes.

No. 132. Albert S. Apsey, receiver of the First National Bank of Chelsea, plaintiff in error, *v. Sydney A. Wilbur*, executor of George E. Kimball, deceased. In error to the United States Circuit Court of Appeals for the First Circuit. Judgment affirmed, with costs, and cause remanded to the Circuit Court of the United States for the District of Massachusetts. Opinion by Mr. Justice Day.

No. 133. Albert S. Apsey, receiver of the First National Bank of Chelsea, plaintiff in error, *v. Anna G. Whittemore*. In error to the Superior Court of the State of Massachusetts. Judgment affirmed, with costs. Opinion by Mr. Justice Day.

No. 162. Charles E. Appleby, as surviving trustee, etc., plaintiff in error, *v. The City of Buffalo*. In error to the Supreme Court of the State of New York. Judgment affirmed, with costs. Opinion by Mr. Justice Day.

No. 122. J. N. Bean et al., petitioners, *v. W. A. Morris and T. N. Howell*. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree affirmed, with costs, and cause remanded to the Circuit Court of the United States for the District of Montana. Opinion by Mr. Justice Holmes.

No. 433. The United States, plaintiff in error, *v. O. A. Johnson*. In error to the District Court of the United States for the Western District of Missouri. Judgment affirmed. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Hughes, Mr. Justice Harlan, and Mr. Justice Day.

No. 944. Lebel Pincusov Glucksman, appellant, *v. William Henkel*, United States marshal, etc., et al. Appeal from the Circuit Court



of the United States for the Southern District of New York. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 136. Montello Salt Company, plaintiff in error, *v.* The State of Utah. In error to the Supreme Court of the State of Utah. Judgment reversed, with costs, and cause remanded for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Harlan.

No. 159. Fifth Avenue Coach Company, 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 McKenna.

No. 118. The United States, appellant, *v.* The American Tobacco Company et al.; and

No. 119. The American Tobacco Company et al., appellants, *v.* The United States. Appeals from the Circuit Court of the United States for the Southern District of New York. Decree reversed and cause remanded with directions to enter a decree in conformity with the opinion of this court, and to take such further steps as may be necessary to fully carry out the directions given. Opinion by Mr. Chief Justice White. Dissenting: Mr. Justice Harlan.

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

No. 615. The United States of America, plaintiff in error, *v.* St. Louis National Stock Yards;

No. 684. Gabriel Diaz, plaintiff in error, *v.* The United States;

No. 686. The United States of America, appellant, *v.* The Terminal Railroad Association of St. Louis et al.;

No. 753. The Oregon Railroad & Navigation Company, appellant, *v.* Thomas K. Campbell et al.;

No. 798. Frederick A. Hyde et al., petitioners, *v.* The United States;

No. 927. C. A. Tilles, appellant, *v.* E. F. Regenhardt, United States marshal, etc., et al.;

No. 990. The United States, plaintiff in error, *v.* B. H. Barnes et al.;

No. 1033. The United States, plaintiff in error, *v.* James A. Pat-ten et al.;

No. 1043. The United States, plaintiff in error, *v.* Charles F. Munday et al.;

No. 1054. George T. Simpson et al., appellants, *v.* David C. Shepard;

No. 1055. George T. Simpson et al., appellants, *v.* Emma B. Kennedy et al., executors, etc., et al.; and

No. 1056. George T. Simpson et al., appellants, *v.* William Shillaber. Motions to advance granted, and case assigned for Tuesday, October 10 next, after the cases heretofore assigned for that day.

No. 822. Thomas A. Fields, appellant, *v.* George F. White, United States marshal, etc.;

No. 910. Thomas H. Pickford et al., appellants, *v.* Henry M. Talbott; and

No. 936. S. D. Harper, plaintiff in error, *v.* Grant Victor, United States marshal, etc. Motions to advance denied.

No. 1051. The United States, petitioner, *v.* Wong You et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 1052. Stanley Francis, petitioner, *v.* J. Hector McNeal, trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 953. William Jenkins et al., petitioners, *v.* Charles Dillingham, receiver, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1020. Title Guarantee & Trust Company et al., petitioners, *v.* John G. Ward, as United States collector, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1021. A. K. Atkinson, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1022. Fred G. Austin, as trustee, etc., petitioner, *v.* The New York Stock Exchange et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1025. Frances E. Waterman, wife of Charles A. Crane, petitioner, *v.* The Canal-Louisiana Bank & Trust Company, executor, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1029. Joseph W. Baley, United States marshal, etc., petitioner, *v.* Richard J. Woolley et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 1039. The American Disappearing Bed Company, petitioner, *v.* Edward Arnaelsteen. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1040. Norman Marshall, petitioner, *v.* The Bryant Electric Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 1042. The British & Foreign Marine Insurance Company, Limited, petitioner, *v.* Maldonado & Company, Incorporated. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1045. Edward A. Kuehmsted, petitioner, *v.* Farbenfabriken of Elberfeld Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1048. Marks & Rawolle, petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Court of Customs Appeals denied.

No. 1049. Matthias Radin et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1050. The Cincinnati Equipment Company, petitioner, *v.* Joseph P. Degnan, receiver, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1053. Colwell Lead Company, petitioner, *v.* Francis J. Torrance. Petition for a writ of certiorari to the Circuit Court of the United States for the Eastern District of Pennsylvania denied.

No. 907. The Pullman Company, plaintiff in error, *v.* Ellsworth C. Irvine, receiver, etc. Motion to dismiss or affirm postponed to the hearing of the cause on its merits.

No. —, Original. *Ex parte*: In the matter of the Merchants' Stock & Grain Company et al., petitioners. Motion for leave to file petition for a writ of mandamus granted, and rule to show cause awarded returnable on Tuesday, October 10, next.

No. 933. Monett Electric Light, Power & Ice Company, appellant, *v.* The City of Monett, Missouri. Motion for an injunction *pendente lite* denied.

No. 205. Missouri, Kansas & Texas Railway Company of Texas, plaintiff in error *v.* Harry C. Bailey. In error to the Court of Civil Appeals for the Fifth Supreme Judicial District of the State of Texas. *Per curiam*: The judgment is affirmed with costs. *Mo. Pac. Ry. Co. v. Mackey*, 127 U. S. 205; *Minneapolis Ry. Co. v. Herrick*, 127 U. S. 210; *Chicago, &c. R. R. v. Pontius*, 157 U. S. 209; *Tullis v. Lake Erie & W. Ry.*, 175 U. S. 348; *El Paso & N. E. Ry. v. Gutierrez*, 215 U. S. 87; *Chicago, B. & Quincy R. R. Co. v. McGuire*, 219 U. S. 549, 564.

No. 521. The Philadelphia, Baltimore & Washington Railroad Company, plaintiff in error, *v.* Lillian Tucker, administratrix of the estate of Sydney R. Tucker, deceased. In error to the Court of Appeals of the District of Columbia. *Per curiam*: The judgment is affirmed with costs. *El Paso & N. E. Ry. v. Gutierrez*, 215 U. S. 87; *Chicago, B. & Quincy R. R. Co. v. McGuire*, 219 U. S. 549.

No. 100. The Hannibal Bridge Company et al., plaintiffs in error, *v.* The United States. Motion for leave to present a petition for a rehearing and that mandate be stayed denied.

No. 374. Catherine Schlemmer, now Catherine Craig, plaintiff in error, *v.* The Buffalo, Rochester & Pittsburgh Railway Company. Motion for leave to present a petition for rehearing and that mandate be stayed denied.

No. 161. Jennie M. Tuttle, plaintiff in error, *v.* Iowa State Traveling Men's Association. Motion to set aside judgment of dismissal and reinstate cause on the docket granted, provided the necessary deposit to print the transcript of record is made within 30 days.

No. 20, Original. The State of Wyoming, complainant, *v.* The State of Colorado et al. Motion for leave to file bill of complaint granted, and process ordered to issue returnable on October 9 next.

No. 916. Charles West, attorney general of the State of Oklahoma, appellant, *v.* The Kansas Natural Gas Company et al. Decree affirmed, subject to the opinion heretofore delivered, either party to be at liberty to apply to the court below for a modification of the same in so far as they may deem such modification required to secure conformity to the decision of this court.

No. 118. The United States, appellant, *v.* The American Tobacco Company et al.; and

No. 119. The American Tobacco Company et al., appellants, *v.* The United States. Leave to present petition for rehearing and to stay the issuance of the mandate for 30 days granted on motion of Mr. William R. Perkins for the American Tobacco Company et al.

No. 430. John A. Benson, appellant, *v.* L. J. Dolan, sheriff, etc. Appeal from the Circuit Court of the United States for the Northern District of California. Dismissed on motion of Mr. Solicitor General Lehmann in behalf of counsel for the appellant, the cause having abated by reason of the death of appellant.

No. 795. David H. Edington, trustee, etc., appellant, *v.* Frances D. Masson et al. Appeal from the United States Circuit Court of Appeals for the Fifth Circuit. Dismissed with costs, on motion of counsel for the appellant.

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 unto the time and place appointed by law.